

**HILLSBORO CITY COUNCIL MEETING
Hillsboro Municipal Court – 130 Homestead Drive**

February 12, 2018

At 7:00 p.m., Justin Harsha, Council President Pro-Tem called the Hillsboro City Council meeting to order. The following were present for the meeting: Heather Collins, Clerk. Council President Koogler, Mayor Drew Hastings, Mel McKenzie, Safety and Service Director and Gary Lewis, Auditor were absent.

ROLL CALL

Adam Wilkin, Brandon Leeth, Wendy Culbreath, Ann Morris, Claudia Klein, Mary Stanforth and Justin Harsha (acting as President Pro-tem) were present.

Brandon Leeth made a motion to excuse the absences of the Council President, Mayor, Safety and Service Director and the Auditor. Mary Stanforth seconded the motion. All yeas, the absences were excused.

Justin Harsha led the council in prayer and Brandon Leeth led the Pledge of Allegiance.

MINUTES

There were no additions or corrections to the meeting minutes from the November 06, 2017-Special Council Meeting; November 13, 2017-Regular Council Meeting; December 11, 2017-Regular Council Meeting and the minutes were approved as written. The January 8, 2018- Regular Council Meeting minutes will be available to Council members at the March 12, 2018 meeting, as they were not given to council members in enough time to look them over.

MONTHLY REPORTS

There were no questions about the January 2018 monthly reports and the clerk read the reports by title only: Auditor, Income Tax Bureau, Police, Public Utilities (includes Street Department, Water and Sewer Maintenance, Water Meter Department), Water Office (includes Water/Sewer Sales) Wastewater Treatment, and Water Treatment.

PUBLIC REQUESTS

Highland District Hospital sent a representative, Dion Fender with Abbott Image Solutions to request a variance to relocate a couple of signs on the property and to install some new signs to make the property easier to maneuver. Justin Harsha expressed that the Property Maintenance and Restoration Committee just met on the request and that it will be addressed when we hear the committees report.

COMMUNICATIONS No communications.

CITIZENS' COMMENTS No comments.

COMMUNICATIONS FROM THE MAYOR (Drew Hastings, Mayor)

Debbie Sansone gave a report for the Mayor, as he was at the Lincoln Day Dinner. The report was as follows.

Debbie expressed the Mayor's apologies for being absent prior to reading his report. "There is nothing major to report this evening, but everything is progressing as it should. The HEDC, or the CIC met to discuss the North High Property (the old Water Plant) and listed the property with Wilson Real Estate for \$80,000. The Administration is working on a solution for the long neglected records issue. And that is his report for tonight."

Brandon Leeth asked Debbie if the records issue had to do with retention, and she expressed that it was actually a storage issue. She stated that we needed a secure place to store them and a place where each department can access their own records separately and something that is maybe caged.

SAFETY AND SERVICE DIRECTOR'S REPORT

Debbie also read Mel McKenzie's report and it was as follows.

"Good evening Council. My apologies for not being able to make the February meeting unfortunately my kids are walking petri dishes of viruses and as much as I tried not to catch anything they had, it wasn't possible. January has been a month for planning for the New Year and for the different projects to come. As I hope most of you have seen, one of the walls from the Colony space has been completed and I would like to commend Greg Jones, Owner of Cornerstone Masonry for the excellent job done. Work is ongoing and should be finished within a couple of weeks, weather permitting. The winter has played havoc on our water system within the City and I have been working with our grant writer to apply for funds to help replace some of our worst and oldest water mains. Hopefully we will be awarded grants or low interest loans to help with the much needed area. Much appreciation and thanks to Shawn Adkins and his group of men in the Public Works and Streets Department for working long and tireless hours during repair processes and also keeping our streets clear when the weather is at its worst. I would like to thank the Street and Safety Committee and Community Enhancement Committee for their time and interest during my presentation for the sidewalk replacement and repair program. Thank you, Mr. Wilkin for a well-run and informative public meeting. If any members of Council have any questions or needs, please feel free to contact me anytime. Thank You."

There were no questions in regards to the report.

AUDITOR'S REPORT (Gary Lewis, Auditor)

Justin Harsha, President Pro-Tem gave the Auditor's report and it was as follows.

"Good evening all members of Council. You should have copies of the cities Year to Date Bank report and the Year to Date Fund report. They show that the city has a balance

of \$6,523,384.65 in our various accounts. I would like to ask for a motion from the floor to approval of this reports as they have been submitted.”

MOTION Mr. Leeth moved, seconded by Ms. Klein, to accept the Auditor’s reports. There was no further discussion. Vote: all yeas. Council accepted the report.

Justin Harsha went on to read the rest of Auditor Lewis’ report stating that there were a couple of pieces of legislation requested from the Auditor’s office for consideration this evening. The first is explained in detail, for the benefit of the new council members, it is requesting an increase of appropriations in the Tax Increment Fund for the reconstruction of the intersection at Harry Sauner Road and North High Street. The other resolution deals with unclaimed funds, this type of resolution typically occurs every other year or so when we have several outstanding checks that go unclaimed. Passage of this resolution would clean up a minor Audit Citation.

PLANNING COMMISSION (Mayor Hastings)

Debbie stated that there was not a Planning Commission report as she was unable to attend the January meeting. She explained that there was a recording of the meeting and when she is able to prepare the minutes she will forward them to council members. The Planning Commission will meet next Tuesday, and not next Monday. The meeting will be at 5:30pm at the Fire House Conference Room. Debbie mentioned that Tom Eichinger, Planning Commission Chair would like as many people as possible to show up to that because the Zoning Code Amendment is in its final stages and the Planning Commission would like to make a recommendation to council after the meeting coming up.

STANDING COMMITTEE REPORTS

FINANCE COMMITTEE (Justin Harsha, Chair) *No report*

PROPERTY MAINTENANCE AND RESTORATION (Ann Morris, Chair)

The property maintenance and restoration committee met on Feb. 12, 2018.

We called the meeting to order at 6:30 and all committee members were present. Justin Harsha, Adam Wilkin and myself.

The Hospital was requesting variances for several additional signs to allow for easier maneuverability throughout the area. Hospital visitors will be able to find their way around and get to the locations needed more efficiently with the new signage.

After discussion it was determined that the new signage was helpful and full council will be brought with this recommendation of approval. Justin moved to approve and Adam seconded the motion. All we're in favor of this variance to full council.

The meeting concluded at 6:44.

Motion was made to adjourn by Justin Harsha, and seconded by Adam Wilkin, and all were in favor.

MOTION Adam Wilkin moved, seconded by Wendy Culbreath , to approve the sign variance for Highland District Hospital. Vote: all yeas. Council approved the variance.

CIVIL SERVICE AND EMPLOYEE RELATIONS COMMITTEE (Mary Stanforth, Chair) No report.

STREET AND SAFETY COMMITTEE (Adam Wilkin, Chair)

Adam read the following report aloud.

“On February 7th, 2018 at 6:00pm, we held a joint Committee meeting with the Street and Safety Committee and the Community Enhancement Committee. Mrs. Morris, Mrs. Stanforth, Mrs. Culbreath, myself, Mr. McKenzie, and Mr. Shawn Adkins were all present. Mr. Leeth and Mrs. Klein were absent due to illness.

I began with a brief explanation of why we were meeting, which was Sidewalk Tax Assessments. Safety Service Director, Mr. McKenzie and I had met before on a couple of occasions to discuss past assessments as well as how we would like to assess sidewalk installation, replacement and/or repair going forward. The main theme being to follow what the law requires, be informative to the public, and to also expedite the process.

With that in mind, I called upon Mr. McKenzie to explain to everyone the ideas we had shared in our meetings. Mr. McKenzie spoke in detail about a program that would streamline the process by which sidewalks would be replaced, installed, or repaired, and assessed through elimination of permitting costs and requirements. He was able to provide the committee a summary of the program as well as photos and written examples of requirements for sidewalks to be in compliance. The program also included a step by step procedure of how problem sidewalks would be identified, the process by which the owners would be notified, cost and assessment options for the property owners, as well as an example cost analysis for a sample length of sidewalk. There were various questions and comments from the 3 citizens that showed up as well the other committee members. Mr. McKenzie took note of the concerns and was able to satisfy all inquiries. I made a motion to bring the assessment program before full council. Mrs. Morris seconded the motion. All present were in favor.

Mrs. Morris motioned to adjourn. I seconded the motion. All were in favor. Meeting adjourned at 7:15 PM.”

There were no questions in regards to the report.

UTILITIES COMMITTEE (Brandon Leeth, Chair) *No report.*

Mr. Leeth expressed that he would be holding a meeting very soon to discuss a possible loan for a water line project.

ZONING AND ANNEXATION COMMITTEE (Wendy Culbreath, Chair) *No report.*

COMMUNITY ENHANCEMENT (Claudia Klein, Chair) *No report.*

UNFINISHED BUSINESS *No unfinished business.*

PASSAGE OF ORDINANCES AND RESOLUTIONS (THIRD READING)

- **Resolution No. 17-49** A resolution to join the Paint Creek Joint EMS/Fire District.

Justin Harsha, President Pro-tem explained that there should be a third reading on the resolution to join the Paint Creek Fire District, but he placed the issue into the Finance Committee. He expressed that this would give some of the new council members time to review that. After the committee has looked at the issue, the Resolution could be brought back to a third reading.

SECOND READING OF ORDINANCES AND RESOLUTIONS *None*

FIRST READING OF ORDINANCES & RESOLUTIONS

- **Ordinance No. 18-01** An Ordinance approving the Solid Waste Management Plan and declaring an Emergency.

Council Members had conversation in regards to what the Solid Waste Management Program was and heard explanation from Debbie Sansone and Law Director Beery.

MOTION Mary Stanforth moved, seconded by Adam Wilkin to suspend the three reading rule. Vote: All yeas. Council approved to suspend the three reading rule.

MOTION Claudia Klein moved, seconded by Ann Morris to declare an emergency and approve the ordinance. Vote: All yeas. Council approved and adopted the Ordinance as an emergency.

- **Ordinance No. 18-02** An Ordinance to amend the City of Hillsboro Income Tax Code to adopt Sections 718.80 through 718.95 of the Ohio Revised Code and declaring an Emergency.

Fred Beery, Law Director explained that the Legislature passed a bunch of major revisions in 2015. The revisions were made to Chapter 718, which is

the Revised Code Sections on our ability to assess Municipal Income Tax. “We had to jump through a bunch of hoops and adopt a bunch of legislation by January 31, 2017 in order to even be able to assess the income tax. We did all that, then just last year, they adopted new sections to Chapter 718 which is .80 through .95. Those sections create an ability of any of tax payers to elect to have the State tax person to receive their tax and handle their return, just like State income tax. They use our forms, they use our procedures but only because we have adopted this major revision which says that we will use the standard returns and follow these certain procedures. We saw this coming and the City of Hillsboro joined a lawsuit, together with other villages (Leesburg is in on it), it has been filed and we are asking for an injunction against the State because they are interfering with our rights of local self-government, under Article 18 Section 3 of the Ohio Constitution. They put a particular provision in there that said: If you don’t do this, the State can withhold your local government taxes and not give you anything until you comply. Well that led out legal team to say: Ok people adopt it this way and that is the reason why you have the particular Ordinance that you have in front of you. It is drafted by our legal-council, who is handling our Class Action suit on behalf of all the municipalities and then I went through the Revised Code, Chapter 718 and I redrafted our entire Tax Code for the City so it would match what the Revised Code says. This is conditionally approved by you, if you adopt it as written. You are approving it conditionally on the State actually having the legal authority to, I guess stick its nose in our business until the courts rule that they have no business doing that. Then, it will become null in void and we would go back to our old law. If they say yes, they have every right to do it, then we have it in place and we will not suffer any loss of our income tax. It was supposed to be passed by January 31st, although we are not going to be in any trouble, they wouldn’t have time to catch up with us. So if you would adopt it now, that would be keeping with our legal advice as well as giving everyone the same set rules to play by.”

MOTION Claudia Klein moved, seconded by Brandon Leeth to suspend the three reading rule. Vote: All yeas. Council approved to suspend the three reading rule.

MOTION Brandon Leeth moved, seconded by Wendy Culbreath to declare an emergency and approve the ordinance. Vote: All yeas. Council approved and adopted the Ordinance as an emergency.

- **Ordinance No. 18-03** An Ordinance to repeal all previous Ordinances regarding the compensation for Non-Union City Employees, to establish the schedule of authorized Non-Union City Employees and to establish the compensation for Non-Union City Employees and to declare an emergency.

Justin Harsha asked if everyone had a chance to look at this one. He said this one came up quickly. Ann Morris said that she would like an explanation

about the Ordinance. Justin Harsha stated that he felt this should not be passed as an emergency, but rather just do a first reading so this could have further discussion. A few council members spoke up and agreed with what Justin had said. Brandon Leeth said he would like to know why this Ordinance is being brought to Council. Debbie Sansone said “For one the Job Descriptions were in the actual Ordinance, which they should not be in the legislation. So the actual descriptions were removed from the ordinance. There were some changes.” Justin Harsha stated that he recalled a conversation with Shawn Adkins in regards to the high turn-over rate of employees. “Shawn said that he needed a schedule in place about pay raises and things of that nature. So I assume that is where this is coming.” Debbie Sansone said “Partly. Removing the job descriptions from the legislation and there was also a portion in there about step raises and splitting the range of the pay into, I believe, into quarters and each year a person would get that quarter of the difference from the low to the high and that would be their step raise.” Brandon Leeth asked where the numbers came from. “have you looked at the surrounding areas, by proper classifications, for example the Superintendent of the Water Plant.” Sansone said “Actually the ranges have not changed except for a couple of positions. Leeth asked what positions those were. As Debbie Sansone was looking, Ann Morris asked if “this meant that this happened within one year, or is this talking about topping out over four years.” Debbie expressed that she didn’t have a copy of the Ordinance, because she “assumed it would just go into Committee.” Harsha stated that the Ordinance was presented to Council to declare an Emergency and “we will just put this into Finance Committee and we will have time to talk about it.”

Fred Beery, Law Director said the Ordinance should be looked at by the Finance Committee, jointly with the Employee Relations Committee.

Justin Harsh, President Pro-tem placed the Ordinance in the Finance Committee and the Civil Service and Employee Relations Committee

- **Resolution No. 18-05** A Resolution to increase appropriations in the Tax Increment Fund.

MOTION Ann Morris moved, seconded by Mary Stanforth to approve the resolution. Vote: All yeas. Council approved and adopted the resolution.

- **Resolution No. 18-06** A Resolution to Increase Transfers.

MOTION Brandon Leeth moved, seconded by Mary Stanforth to approve the resolution. Vote: All yeas. Council approved and adopted the resolution.

- **Resolution No. 18-07** A Resolution naming the City of Hillsboro Appointment to the District 15 Public Works Integrating Committee.

Justin Harsha said that he understood that this Resolution should have been presented as an Emergency due to a time constraint. Heather Collins, Clerk said that “it should be.” Brandon Leeth requested more detail from Debbie Sansone. Debbie said “This is, the OVRDC is having a meeting, I believe, Wednesday. This should have probably should have been in January’s council, naming Mel as the District 15 Rep for Public Works Integrating Committee which is part of the Ohio Public Works Commission. They rate the projects each year. I don’t know if you have heard of the Caucus they have every year. They get together and then they rate the projects to see who will get the Public Works funding. Typically the Safety and Service Director is the representative from the City, but since I wasn’t here to get this into council last year, I ask that you suspend the three reading rule so they have official notification that he is the representative for the Wednesday meeting. I know that is very quick to ask, but they just need a Resolution to make it official.

Adam Wilkin asked Debbie how often they have the meetings. She said that “the Integrating Committee meets two or three times prior to the Caucus and they review all of the projects that are submitted. They can be from villages, cities around the county and they have a point system. They rate the necessity of each project and whichever ones are rated the highest, they recommend to the County Caucus. I don’t know of all counties that are in that district but that is where they decide which projects are funded.”

Brandon Leeth said that it was a really good idea that someone from Hillsboro be on that Committee. Debbie said that it is a requirement that someone from Hillsboro be on the Committee.

MOTION Ann Morris moved, seconded by Adam Wilkin to suspend the three reading rule. Vote: All yeas. Council approved to suspend the three reading rule.

MOTION Mary Stanforth moved, seconded by Claudia Klein to declare an emergency and to approve the Resolution. Vote: All yeas. Council approved and adopted the Resolution as an emergency.

- **Resolution No. 18-08** A Resolution to enter into an agreement with the Highland County Commissioners to provide legal counsel to indigent person’s charged with serious offenses and loss of liberty offenses in the Municipal Court.

Justin Harsha, President Pro-tem said “I understand that this is just a continuation of standard procedure so this would need the suspension of the three reading rule. Is there any discussion or debate on this?”

No discussion was needed.

MOTION Ann Morris moved, seconded by Claudia Klein to suspend the three reading rule. Vote: All yeas. Council approved to suspend the three reading rule.

MOTION Claudia Klein moved, seconded by Mary Stanforth to declare an emergency and to approve the Resolution. Vote: All yeas. Council approved and adopted the Resolution as an emergency.

- **Resolution No. 18-09** A Resolution to authorize the Mayor of the City of Hillsboro to enter into an agreement with the State of Ohio, Ohio Development Services Agency (ODSA), For the Administration to the City's Economic Development Revolving Loan Fund in Association with Community Development Block Grant Funds.

Justin Harsha, President Pro-tem looked to Debbie Sansone for explanation and apologized that they kept calling on her. She said it was ok and said that "like the Indigent Council Resolution, this is necessary every three years for us to continue our Revolving Loan Fund Program. The State requires that we have an agreement with them and the agreement is the same every three years."

MOTION Ann Morris moved, seconded by Wendy Culbreath to suspend the three reading rule. Vote: All yeas. Council approved to suspend the three reading rule.

MOTION Ann Morris moved, seconded by Brandon Leeth to declare an emergency and to approve the Resolution. Vote: All yeas. Council approved and adopted the Resolution as an emergency.

- **Resolution No. 18-10** A Final Resolution where the City of Hillsboro enters into agreement with the Ohio Department of Transportation in the matter of widening Harry Sauner Road.

Brandon Leeth read aloud a portion of the Resolution where it says that the "City agrees to bear One Hundred percent of the entire costs of the improvement less the amount federal aid funds, including Toll Revenue Credit." "Do we even have a plan as far as how we will pay for this?" Debbie Sansone said "Yes, the TIF resolution the Auditor had was to increase appropriations to help pay for our portion. It will come out of the TIF fund. This was actually agreed upon in pre-legislation, probably 15 months ago. This is just the final resolution and the City portion is \$165,254.86. I do ask that you suspend the three reading rule, as the deadline for this to go to ODOT, for them to put out their bids is Thursday. Like I said this was started in 2015." Fred Beery stated that

council “approved in December for me to sue to get the last two parcels of property for this and we did. Now, this is the payoff.”

MOTION Brandon Leeth moved, seconded by Adam Wilkin to suspend the three reading rule. Vote: All yeas. Council approved to suspend the three reading rule.

MOTION Ann Morris moved, seconded by Adam Wilkin to declare an emergency and to approve the Resolution. Vote: All yeas. Council approved and adopted the Resolution as an emergency.

NEW BUSINESS *None*

ADJOURN

MOTION Adam Wilkin moved, seconded by Brandon Leeth, to adjourn. Council adjourned at 7:56 p.m.

The next scheduled meeting of the Hillsboro City Council is Monday, March 12, 2018 at 7:00 p.m. in the Hillsboro Municipal Court. .

Justin Harsha, President Pro-tem

Heather Collins, Clerk