

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

**May 14, 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, Mayor Drew Hastings, Law Director Fred Beery and Auditor Gary Lewis. Council President Lee Koogler was absent.

**ROLL CALL**

Adam Wilkin, Brandon Leeth, Wendy Culbreath, Ann Morris, Mary Stanforth Claudia Klein and Justin Harsha were present.

Justin Harsha asked for a motion to excuse the absence. Claudia Klein moved, seconded by Brandon Leeth. All yeas, the absence was excused.

Justin Harsha led the Council in prayer and Mayor Drew Hastings led them in the Pledge of Allegiance.

**MINUTES**

There were two corrections to be made to the minutes from the April 9, 2018 Regular Council Meeting Minutes. Clerk Collins was directed to make the changes. The Regular Council Meeting Minutes from April 9, 2018 and the minutes from the Public meeting held on April 9, 2018 were approved with the changes being made to the April 9, 2018 Regular Council Minutes.

**MONTHLY REPORTS**

There were no questions about the April 2018 monthly reports and Justin Harsha 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**

None

**COMMUNICATIONS**

None

**CITIZENS' COMMENTS**

Mr. Tom Eichinger, Chair of the City of Hillsboro Planning Commission requested that Council look at and to address possible changes to Chapter 90 and Chapter 93 of the City of Hillsboro Ordinances. He expressed that they were out dated and needed to be looked at. President Pro Tem, Justin Harsha stated that he would place the issue into Committee at that point in the Meeting.

## **COMMUNICATIONS FROM THE MAYOR (Drew Hastings, Mayor)**

Mayor Hastings stated the CIC is still very interested in tackling blight throughout the City of Hillsboro and an agreement between that the CIC, the City of Hillsboro and possibly the Revolving Loan Committee could get that done and it would establish rules for clean-up. He also took time to commend the Good News Gathering Church on the Hillsboro Not As Usual project which was a neighborhood cleanup that impacted the Johnson Street area of Hillsboro. "They made a big difference and I appreciate them." He went on to give an update for the Court proceedings that were taking place of the Dallas Music Store that is located on the corner of Beech Street. There was a court hearing on April 30, 2018, a final pre-trial scheduled for July 31, 2018 and a possible trial scheduled for August 24, 2018. He said "This is going really slowly and we have been working on this for a while. It is just now, after years of working on it, just three months away from us possibly having an answer on the property." The hope is that the property will go into receivership and then the City could tear down the blight. He then said that he had been in communication with Adam Wilkin and Justin Harsha in regards to the Skate Park. The three of them had agreed that "to just do a skate park and nothing else, would not have the desired effect, so a Sports Complex was agreed on. So in essence we will have a new park." The area was already a park, but \$190,000 is needed for just infrastructure. "Once we get a cost estimate, Council will direct the Auditor for a Bond in the amount and it should really be cut and dry." He mentioned that Stantec would be helping, as they now have a new division that works solely on Skate Parks. Mr. Hastings went on to state that recently there was a hearing on the Jean Head Trust. In his opinion "it is an uphill battle that we will ever actually see those funds." Mr. Hastings also said that Betsy Bryant, a Reserve Police Officer and Dispatcher with the Hillsboro Police Department would soon be sworn in and promoted to a Police Officer. He finished his report by requesting that an executive session take place at some point in the evening to discuss "Contractual Matters"

President Pro-Tem, Justin Harsha, explained that the executive session would take place after all legislation on the agenda had been addressed.

There were no questions in regards to this report.

## **SAFETY AND SERVICE DIRECTOR'S REPORT**

Mr. McKenzie read his report aloud and it was as follows:

Good evening Council, we have quite a few projects starting, many of which we will try and do in-house to reduce the costs associated. We currently have a sewer rehab project on E. Main St. that was set back a few weeks for the relocation of a gas line. The construction crews will be returning to normal schedule starting this Wednesday. In that same area, we received a Community Development and Block Grant in conjunction with the County Commissioner's for the placement of storm drain, curb and gutter, and sidewalk to relieve those citizens who have dealt with drainage issues for many years. The awarding of that project will be Wednesday at the Commissioner's office. Governor Trimble will be closed for the placement of a City clock that was a private donation and

for the demolition of the Armitrout building. I would like to thank the County Commissioner's for their input and the great working relationship to move forward with the fountain being donated by Bob & Anne Bagshaw and other contributors. As always, we are looking for ways to fund projects without putting the burden on the citizens or having another loan. The property that Council approved a few months ago to sell to PAS will close soon for \$50,000. We would like a portion of that to fund the Colony parking area and the rest to be earmarked for the Railroad Street Skate Park. This brings to light other properties the City owns around town that could be sources of revenue if we were to sell them. A few examples being: the municipal parking lot near the Hillsboro Police Department, US Route 50 rest area east of town, and 3 lots at the corner of Railroad Street and McDowell Street. If this could be placed in the proper committee, it would be appreciated. Thank you for your time.

There were no questions in regards to this report.

Mr. Harsha, President Pro-Tem placed the matter into the Finance Committee, as well as the Zoning and Annexation Committee.

Later on in the meeting, Mel requested that mowing contracts for the City parks be placed into committee. Justin Harsha then placed the issue into the Finance Committee.

#### **AUDITOR'S REPORT (Gary Lewis, Auditor)**

Mr. Lewis explained that the council members were given the Year to Date Fund Report and the Year to Date Bank report that shows the City has a balance of \$\$7,181,419.78.

**MOTION** Adam Wilkin moved, seconded by Mary Stanforth, to accept the Auditor's reports. Vote: all yeas. Council accepted the reports as submitted.

Lewis then went over the legislation he had submitted for the Council members to consider this evening.

There were no questions of Mr. Lewis.

#### **PLANNING COMMISSION (Mayor Hastings)**

Mayor Hastings read the Planning Commission report aloud and it was as follows: The Planning Commission met at 5:30 pm on April 6, 2018 in the basement meeting room at the County Administration Building. The following members were present-Tom Eichinger, Chair; Charlie Guarino, Vice Chair; Rob Holt; Mel McKenzie, Safety & Service Director; Joe Mahan, and Ruth Robbins. Mayor Hastings was unable to attend. The Commission discussed the format of the Master Plan/Comprehensive Plan. The general consensus was to create a plan that was detailed but one that included a summary. The plan would cover a span of 5-10 years. Some of the discussion regarding the plan included the possibility of new highways, annexation, encouraging people to come to Hillsboro, monopolizing on the traffic to Rocky Fork Lake, bike trails and destination

shopping. The Commission also reviewed the comments made at the public hearing for the zoning code amendment and discussed the need for taking animal issues out of the zoning code and updating the animal section of the City Code. The issue arose regarding the length of vacancy allowed for non-conforming use property before it reverts to the use dictated by the zoning district. This was in regard to veterinarian office which must be owned by a veterinarian. The concern is that it could take longer to sell the property than the time allowed for it to remain vacant before losing its non-conforming use status. The Commission will review this again at a later date. The next regular meeting of the Planning Commission is scheduled for Monday, May 21 at the County Administration Building located at 119 Governor Foraker Place. The Commission welcomes public attendance.

There were no questions in regards to this report.

## **STANDING COMMITTEE REPORTS**

### **FINANCE COMMITTEE (Justin Harsha, Chair)**

Mr. Harsha read his report aloud and it is as follows:

A Finance meeting was called to discuss ordinance on non-union employees. All Committee members were present and Safety and Service Director Mel McKenzie. One of the main changes of the Ordinance is the effective date was pushed back to January 1, 2019 because of budget issues. There was one position title changed (utility Office Clerk) and two positions added (Administrative Assistant/Grant Writer), (CBO/Code Enforcement Officer). Also discussed were issues about top out pay for current employees and having a merit based structure to handle it. Sec. (E) on Loyal Employee Raises could have a 25 and a 30 year added. Finance committee will be meeting again to iron out the final details. Ann Morris moved to adjourn @5:58, Seconded by Mary Stanforth.

There were no questions in regards to this report.

### **PROPERTY MAINTENANCE AND RESTORATION (Ann Morris, Chair)**

Mrs. Morris read her report aloud and it is as follows:

The Property Maintenance and Restoration Committee met on Monday May 7th, along with the Community Enhancement Committee at 5:30 in the conference room at the city building. All members of both committees were present: Justin Harsha, Adam Wilkin, Claudia Klein, Mary Stanforth and Ann Morris. Also present were safety service director Mel Mackenzie, Chad Abbott, and Avery Applegate. The topic for the meeting was renovation of the colony property. Avery was asked to draw up a preliminary sketch option for the facade of the new area. It was an open air design made from iron and featured the wording "Colony" in the front, reminiscent of the old Colony Theatre. The inside of the pocket park would have pavers throughout, and a poured sidewalk along one side to allow people who have parked in the back, easy access to High street. In the pocket park itself, will be large planters with ornamental trees, table and seating, and 4 light posts. Also planned is a small pergola that would house the original ticket booth

from the colony. The back parking lot will be blacktopped and possibly have a small fence separating the park area from the parking area. The next step we are taking is to have these plans professionally drawn by an architect and see what's needed for ground work, and what we can do structurally. Justin motioned the meeting be adjourned and that was seconded by Adam. The committees will be meeting again in June to continue progress.

There were no questions of the report.

**CIVIL SERVICE AND EMPLOYEE RELATIONS COMMITTEE (Mary Stanforth, Chair)**

No Meeting.

**STREET AND SAFETY COMMITTEE (Adam Wilkin, Chair)**

No Meeting.

**UTILITIES COMMITTEE (Brandon Leeth, Chair)**

No Meeting. Brandon did mention that he had been talking to the Water Treatment Plant on new technology that would help with getting chlorine out the water.

**ZONING AND ANNEXATION COMMITTEE (Wendy Culbreath, Chair)**

Mrs. Culbreath read her committee report aloud and it is as follows:

The Zoning and Annexation Committee met Thursday, 7:00 pm. We discussed revisions to the proposed Zoning Code. Attendees included Committee chair Wendy Culbreath, Committee members Claudia Klein and Justin Harsha, Planning Commission Chair, Tom Eichinger, councilwomen Ann Morris and Mary Stanforth, SSD Mel McKenzie, David Wright, and Creed Culbreath. The Committee Chair called Tom Eichinger for an update of recent planning-commission changes discussed in response to the April 9th Public Hearing. The Public Hearing hosted numerous citizens objecting to the proposed Zoning Code regarding the maximum number of pets citizens could own. Citizens decisively objected to limiting the number of pets citizens could own. In response, the Committee removed sections of the Code restricting animal ownership. Council member Wendy Culbreath advised Mr. Eichinger to raise the issue at the next council meeting. There was also an issue discussed regarding the length of time a non-conforming building (that was grandfathered) had to be brought up to code. Citizen Reid Sharp expressed concern that if his business had to be sold, it would probably be sold to another veterinarian, which may require more than 180 days to locate another vet willing move to Hillsboro. He asked for an extension of more than 180 days. Tom Eichinger proposed increasing time to 365 days. The committee agreed. Council member Claudia Klein raised issues concerning ambiguity in the Zoning Code language as to antennas and cell phone towers. She inquired whether the language applied to commercial entities and residents. Amateur radio operators had expressed concern to several council members. Eichinger confirmed it applied only to commercial. Klein asked that the code reflect this by adding the word "commercial" to the section heading. The committee agreed. Council Member Wendy Culbreath requested two words in the Code be changed to allow variances only in instances when citizens experienced "extreme hardship." Culbreath proposed "extreme

hardship” be changed to something less intimidating. Mel McKenzie suggested “justifiable reason” replace “extreme hardship.” The Committee agreed and asked Tom Eichinger to make the propose changes. Finally, the committee chair raised an issue of concern previously raised by a citizen. The citizen was concerned with a section of the proposed code that states “anything not written in the code is prohibited.” Mr. Eichinger replied: “That sentence is NOT going to stricken.” Eichinger explained that deleting the sentence in question would allow “anything in the future.” The Committee did not vote on the issue. A brief discussion occurred about how best to encourage more citizen involvement in the legislative process. The committee agreed that a better effort should be made to be transparent and to encourage citizen participation. The Chair then asked if anything else needed to be addressed. Nothing more was raised. Committee member Justin Harsha moved to adjourn. Claudia Klein seconded. The motion carried unanimously.

There were no questions for Ms. Culbreath.

Ms. Culbreath spoke up and asked to be on record stating that she did not agree with the section of the proposed Zoning Code that states if something is not stated within the code (as a conforming use) that it is automatically a violation. She expressed that she felt it should be “stricken from the code because it makes citizens have to come hat and hand to the Planning Commission for anything that is not in the code. Like Mother may I, or majesty may I, so to me it just kind of steps on freedom and I do not agree with that.” Tom Eichinger, Planning Commission Chair stood from the citizen’s area of the meeting, and requested that he be able to address Ms. Culbreath’s comment. Justin Harsha, President Pro-Tem expressed that the Citizens Comment portion of the meeting had already taken place, but he noticed that the Mayor seemed to want to say something and he allowed Mr. Hastings to do so. Mr. Hastings then stated that he “strongly disagreed” with Ms. Culbreath’s statement saying that “we are a nation of laws...and it is not that daunting to come and ask for something.” He also pointed out that as a private citizen, he came to Council many times to ask for something.

### **COMMUNITY ENHANCEMENT (Claudia Klein, Chair)**

Ann Morris, Chair of the Property Maintenance and Restoration Committee read the minutes from this meeting. Ms. Klein did ask that the Business District topic be removed from her Committee and be placed back in if it became pertinent again. The Clerk was directed to remove that issue from the Committee agenda.

### **UNFINISHED BUSINESS**

### **PASSAGE OF ORDINANCES AND RESOLUTIONS (THIRD READING)**

- **Ordinance No. 2018-05** An Ordinance to amend Section 51.36 if the City Code to provide for modification of the minimum usage charge for water usage.

**MOTION** Ann Morris moved, seconded by Claudia Klein to approve and

adopt the legislation. All yeas. Council approved and adopted the Ordinance.

- **Resolution No. 18-15** A Resolution authorizing the Safety and Service Director to apply for, accept and enter into a cooperative agreement for construction of Catwalk project between the City of Hillsboro and the Ohio Water Development Authority.

**MOTION** Mary Stanforth moved, seconded by Brandon Leeth to approve and adopt the legislation. All yeas. Council approved and adopted the Resolution.

## **SECOND READING OF ORDINANCES AND RESOLUTIONS**

- **Ordinance No. 2018-06** An Ordinance to adopt a comprehensive revision to the City Zoning Code.

No Motions were made. The Ordinance will have a third reading at the next regularly scheduled Council Meeting.

## **FIRST READING OF ORDINANCES & RESOLUTIONS**

- **Resolution No. 18-23** A resolution authorizing the drawing of warrant of a warrant.

**MOTION** Brandon Leeth moved, seconded by Ann Morris to approve and adopt the legislation. All yeas. Council approved and adopted the Resolution.

- **Resolution No. 18-24** A Resolution authorizing the Safety and Service Director of the City of Hillsboro to prepare and submit an application for the FY18 Community Block Allocation Grant Program.

**MOTION** Brandon Leeth moved, seconded by Claudia Klein to approve and adopt the legislation. All yeas. Council approved and adopted the Resolution.

- **Resolution No. 18-25** A Resolution authorizing the Safety and Service Director of the City of Hillsboro to prepare and submit an application for the FY18 Community Development Neighborhood Revitalization Program (NRP).

**MOTION** Claudia Klein moved, seconded by Wendy Culbreath to approve and adopt the legislation. All yeas. Council approved and adopted the Resolution.

- **Resolution No. 18-26** A Resolution authorizing the City of Hillsboro to

prepare and submit an application to participate in the Ohio Department of Transportation alternatives program and to execute contracts as required.

**MOTION** Mary Stanforth moved, seconded by Claudia Klein to approve and adopt the legislation. All yeas. Council approved and adopted the Resolution.

- **Resolution No. 18-27** A resolution authorizing the Safety and Service Director of the City of Hillsboro to prepare and submit an application for the State of Ohio NatureWorks grant program.

**MOTION** Adam Wilkin moved, seconded by Claudia Klein to approve and adopt the legislation. All yeas. Council approved and adopted the Resolution.

- **Resolution No. 18-28** A resolution authorizing the Safety and Service Director of the City of Hillsboro to prepare and submit an application for the FY18 Community Development Critical Infrastructure Program (CIP).

**MOTION** Ann Morris moved, seconded by Wendy Culbreath to approve and adopt the legislation. All yeas. Council approved and adopted the Resolution.

#### **NEW BUSINESS** *None*

A Motion was made by Brandon Leeth, seconded by Claudia Klein to move into Executive Session, at the request of the Mayor. At 7:54 pm. Council Members; Fred Beery, Law Director; Mayor Drew Hastings and Safety Service Director Mel McKenzie commenced into an Executive Session to discuss “Contractual Matters”. They returned from Executive Session at 8:26 pm.

There was no discussion, nor action taken after the return into the Regular Council Meeting.

#### **ADJOURN**

**MOTION** Claudia Klein moved, seconded by Brandon Leeth, to adjourn. Council adjourned at 8:27 p.m.

The next scheduled meeting of the Hillsboro City Council is Monday, June 11, 2018 at 7:00 p.m. in the Hillsboro Municipal Court. .

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Justin Harsha, President Pro-Tem

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Heather Collins, Clerk