

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
October 22, 2018**

A meeting of the Indian Hill Village Council was held on October 22, 2018 at 6:30 p.m. The meeting was held in the Council Chamber of the Village Administration building.

Officials present:

- Mr. Mark D. Kuenning, Mayor
- Mrs. Melissa S. Cowan, Vice-Mayor
- Mr. John B. Armstrong, Council member
- Mr. Stephen H. Krehbiel, Council member
- Mr. Donald C. McGraw, Council member
- Mrs. Monique A. Sewell, Council member
- Mr. Abbot A. Thayer, Council member

- Ms. Dina C. Minneci, City Manager
- Mr. Donald L. Crain, City Solicitor
- Mr. Paul C. Riordan, Clerk/Comptroller
- Mr. Jon West, Assistant City Manager

Visitors Present:

- Mrs. Jessica Chaney, 6525 Drake Road
- Mr. Dan Feigelson, 5025 Miami Road
- Mr. Thomas Marley, 7925 Brill Road
- Mr. Scott D. Phillips, Frost Brown Todd

PLEDGE OF ALLEGIANCE: Council opened the meeting with the Pledge of Allegiance.

MINUTES: The minutes of the regular meeting of September 24, 2018 had previously been distributed to each Council member. Council member Thayer made a motion to accept the minutes, which was seconded by Council member Cowan and was approved, 7-0.

LAW COMMITTEE REPORT: Council member Armstrong directed Council's attention to a memo titled, "*Law Committee*". He reported that the Law committee met on October 11, 2018 to review several items in advance of the Council meeting.

Council member Armstrong reported that Mr. Scott Phillips reported a legal update on Mayor's Court case involving a home on Brill Road. The legal update included a timeline/process on assessing Mayor's Court fines onto the property tax duplicate. Since March, the home has been non-compliant with several zoning code violations. The homeowner has made little effort to secure the unstable structure or remove the water that has filled the basement since March. These zoning violations have been a reoccurring problem over the past twenty years. The current zoning violations are becoming a safety concern for not only the homeowner, but the nearby residents as well. To ensure the homeowners and neighbor's safety, a Resolution to declare the home insecure and a nuisance was reviewed by the Law committee. After in depth discussions concerning the long history associated with this property and the lack of significant effort made to resolve the issues over several months, the Law committee recommends passage of the Resolution.

**A RESOLUTION TO DECLARE THAT THE OWNER'S
MAINTENANCE OF 7925 BRILL ROAD, PARCEL 529-0125-0061,
HAS BEEN NEGLECTED AND CONSTITUTES A PUBLIC
NUISANCE PER SECTION 94 OF THE INDIAN HILL CODE OF**

ORDINANCES AND THE OHIO REVISED CODE AND DECLARING THE STRUCTURE INSECURE. THE CITY OF THE VILLAGE OF INDIAN HILL COUNCIL ORDERS THE OWNERS TO ABATE THE NUISANCE WITHIN SEVEN DAYS; AND IF SUCH NUISANCE IS NOT ABATED WITHIN SEVEN DAYS, COUNCIL AUTHORIZES THE CITY MANAGER TO SECURE THE STRUCTURE AND/OR CONTRACT THE SECURANCE OF THE STRUCTURE AND ASSESS THE COST TO THE PROERTY TAX DUPLICATE was presented and read.

Assistant City Manager, Jon West, explained to Council why this action has to be taken. He explained that there is a need to secure the property. The front door is open, there is approximately 6' of water in the basement, and there is mold in the house. It is a matter of public safety for the fire fighters and a health hazard. The property has been condemned by the health department, the water to the house has been turned off and there are no operable bathrooms. There is no heat and the septic system has not been upgraded. Mr. Marley continues to spend a lot of time at the house but not actually living there. Mr. Marley has not made any significant progress in abating the safety and health issues. Mr. West said that based on all these reasons the City requests that Council has the Village declare the house a nuisance and that securance of the property is not unreasonable.

Mayor Kuenning explained to Council that this has been an ongoing problem of Mayor's Court. The violations continue and the condition of the property is in very, very bad shape. From a health standpoint, it is very unhealthy. As a result of the condemnation order which is not something the county would do frivolously, the property continues to be in noncompliance and as a result it should be secured for protection of the public. Mayor Kuenning asked Mr. Marley if he would like to add anything on his behalf. Mr. Marley said that he had been working on it a whole lot. He has reported it to the insurance company and they have not paid anything and he has incurred approximately \$200,000 in expenses. The expenses are for living expenses and other expenses. He also said that the basement was dry. Mayor Kuenning asked Mr. West if this is correct and Mr. West replied that he visually inspected the basement through the basement windows today and there is over 5' of water in the basement.

Mr. Marley said that he has lived in the house for 34 years and that he would like to continue living in the house.

Mayor Kuenning said to Mr. Marley that it has been seven months since he was notified of the water problem in his home and the Court has been very patient with him to give him an opportunity to fix the problems and we have not seen where you have fixed the problems. The Court and Council need more than good intentions. He said that all residents have obligations to maintain their home in compliance with the law and that Mr. Marley has a problem with that. Because of the water and mold in the house it is a safety hazard so therefore this motion recommends that the property be secured so that it does not present anymore safety and health hazard than it already is to the public. Absence of compliance with the law, action has to be taken. These are actions we have to take because we have a duty to our citizens to uphold the law and we take this responsibility very seriously. Unfortunately, we are at the point where we

believe that this action is necessary tonight. This action does not prevent you from taking actions to fix the problem. Mr. Marley said that he thought he understood Mayor Kuenning's statements.

Upon motion by Council member Armstrong, seconded by Council member Thayer, the Resolution was passed by unanimous voice vote. Mayor Kuenning declared Resolution **13-18** adopted.

Council member Armstrong reported that Mr. Crain and staff presented the September legal activity report. The report included updates on Green Area donations, review of easement plats, review of Emery property development, review of Planning Commission appeal and Mayor's Court.

Council member Armstrong reported that Mr. West provided the Law committee with a summary on the new FCC ruling that supersedes some of the local control that was provided in Ohio HB 478, and how the ruling may affect Council's recently adopted small cell Ordinance. The FCC has imposed a "shot clock" for issuing permits of 60 days if there is an existing support structure in place or 90 days for the construction of a new support structure. Due to a low number of applicants, staff can effectively review and approve permits in 60 or 90 days. The FCC also restricts the permit fee cost that can be charged by a local community. The Village only charges \$50 per site clearance release / right-of-way permit; consequently, that regulation is not of concern for the Village. Also, the FCC ruling will prohibit local regulations that require all small cell support equipment from being buried. The Village is not requiring all of the support equipment to be buried; therefore, the FCC ruling will not have an impact on the Villages' recently adopted Ordinance.

Council member Armstrong reported that with the Village's contract for solicitor services coming due on October 31, 2018, staff worked with Frost Brown Todd on a transition plan and revised contract for legislative approval. A new contract includes updated provisions relating to payment of the retainer and extra services. In addition, the contract defines Mr. Scott Phillips as the Village Solicitor with Mr. Crain listed as an expert advisor. Council member Armstrong said that the Law committee recommends passage of a Resolution accepting the new contract.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COMPENSATION AGREEMENT WITH SCOTT D. PHILLIPS, ESQ. AND FROST BROWN TODD, LLC FOR LEGAL SERVICES RELATED TO THE POSITION OF CITY SOLICITOR
was presented and read.

Upon motion by Council member Armstrong, seconded by Council member Thayer, the Resolution was passed by unanimous voice vote 6-0 with Council member Cowan abstaining. Mayor Kuenning declared Resolution **14-18** adopted.

Council member Armstrong reported that the Law committee took time to commend Mr. Crain for his twenty-years of dedicated and committed service to the Village. His in-depth knowledge on municipal matters, diplomatic manner and highly regarded professionalism have been significant contributors to the Village's respected standing amongst governmental entities.

A reception will be held in his honor on November 30, 2018 at the Little Red Schoolhouse from 3:00 p.m. – 5:00 p.m. Invitations will be delivered in early November.

FINANCE COMMITTEE REPORT: Council member Sewell directed Council’s attention to a memo titled, “*Finance Committee*”. She reported that the Finance committee met on October 12, 2018 to review several issues in advance of the Council meeting.

Council member Sewell also directed Council’s attention to the September financial statements, which were included in the Council packet.

Council member Sewell presented the following finance report:

- a. **Income Tax Receipts:** The Village received \$252,594, which was \$23,000 less than received in September 2017. Year-to-date cash receipts are 93% of budget.
- b. **Operating Disbursements:** Operating expenditures equated to \$852,533 which was \$19,000 less than September 2017. This is due to timing of payments.
- c. **CIRF:** Disbursements totaled \$55,148. This relates to culvert replacement and mower replacement.
- d. **Water Works Receipts:** Water usage receipts were \$202,492 which was approximately \$19,000 less than September 2017 receipts.
- e. **Water Works Disbursements:** Total operating disbursements of \$451,144 was approximately \$328,000 more than September 2017. This is due to timing of sewer reimbursement payment and change in Metropolitan Sewer District’s (MSD) billing process from quarterly to monthly.
- f. **Water Works CIRF:** Total expenditures equate to \$42,715. This relates to the water main replacement on Kroger Farm/Fox Hollow and engineering for Algonquin water main.
- g. **Long Term Debt:** The next principal and interest payments will be made in November.
- h. **Cash and Investments:** Total month end cash and investments were \$30,453,684 compared to \$30,948,621 in August 2018 and \$30,707,692 in August 2017. Month-to-month and year-to-year changes are due to normal operations and the funding of the construction of the new Joint Fire District firehouses through the Firehouse Construction Fund in 2017.
- i. **Rowe Funds:** The market value as of September 30th was \$3,894,241. The unrecognized gain was \$1,242,718. Total monthly operating receipts, including dividends, were \$15,605 with monthly operating expenses totaling \$14,063 and investment sale net gain of \$12,691.
- j. **Green Areas Funds:** The market value as of September 30th was \$2,961,867. The unrecognized gain was \$1,642,529 Total monthly earnings equate to \$248 with monthly expenses totaling \$3,722. This represents payment for labor associated with green area responsibilities and contractual services.

The financial statements for September 2018 had previously been distributed to each Council member. There being no exceptions noted, the financial statements were accepted as issued.

Council member Sewell reported that the Finance committee reviewed a summary of the Request for Proposal (RFP) process for the Rowe Arboretum Fund's fiduciary services. Nine proposals were received and five companies were interviewed. Four of the five companies were included on a comparison chart highlighting the following elements: 1) Fees, 2) Company Overview; 3) Other Clients; 4) Investment Approach; 5) Capital Campaign and 6) Cons. After a very in-depth discussion regarding the interview panel, staff and Council member's views and perspectives, she said that the Finance committee had a consensus on the following recommendation for future fiduciary services for Rowe Arboretum:

- a. 70% of Rowe Arboretum Fund's current market value will remain with Bahl and Gaynor under the current strategy of investing in high-quality, dividend paying US stocks.
- b. 30% of Rowe Arboretum Fund current market value will be transferred to Bartlett to be invested in short/medium term debt securities/funds.
- c. The transfer will take place after discussions with both firms on fee structure, timing on the liquidation of assets, and the completion of professional services contracts.
- d. All new funds raised from the upcoming Rowe Capital Campaign will be invested in debt securities in the new Bartlett account. As the campaign progresses, the Village will re-evaluate its investment strategy and asset allocation along with the 10-year Rowe Master Plan to ensure long-term financial viability of the fund.

Council member Sewell reported that the Finance committee reviewed a comprehensive summary of the Public Works' 2018 year-end and 2019 budget salaries as they are distributed throughout different departments.

Council member Sewell reported that the Finance committee reviewed a summary of the significant changes to the overall 2019 budget since last month's budget meetings with Council committees. The most significant changes include the addition of \$450,000 in 2019 for emergency landslide and culvert repair projects. These projects, located on Long Street, Loveland-Madeira and Muchmore, were accelerated due to the safety concerns caused by excessive rains and fallen trees over the last several months.

Council member Sewell reported that the Finance committee reviewed an updated preliminary 2019 Budget Overage (Shortfall) Summary Statement. She said that the following are highlights:

- a. The 2018 year end forecast for operating and capital indicates a \$1.5 million shortfall when expenditures are compared to revenues. This compares to the \$3.0 million shortfall that was originally budgeted. This positive result is a combination of receiving approximately \$1 million more in anticipated income tax revenues, \$569,265 in revenues received through project grants and expenditures remaining almost the same as budgeted. Total 2018 ending fund balances equate to \$17,812,971 which is \$1.5 million more than originally budgeted.
- b. The 2019 Budget highlights a 9% increase for operating and capital compared to 2018 and anticipates a shortfall of \$1.87 million of expenditures over revenues.

This budget includes the three major culvert and landslide projects listed in Note #4. It also includes the following significant differences: 1) \$214,000 increase in the Fire Department due to replacing three part timers with three full timers (this is 50% of the total \$428,000 requested as Madeira pays the other 50%); 2) \$300,000 for Remington Road culvert repair which is paid for with non-General Fund revenues; and 3) \$100,000 for the addition of a second detective position within the Police Department.

The 2019 income tax revenues are based on a 2% anticipated increase in the tax base from 2018. Total 2019 ending fund balances is projected at \$15,943,296.

Council member Sewell reported that the Finance committee reviewed the Village Reserves Policy and Income Tax Analysis. As it does every year, the Finance committee discussed various factors that must be taken into consideration when determining the income tax rate for the upcoming year. Such factors include appropriate reserve levels for future known and estimated liabilities (including the Village's requirement to account for the actuarial liability associated with the state pension funds), capital replacement for declining infrastructure and cash flow needs due to the main source of revenue, income tax, being delayed until April of each year. After consideration of these factors, an appropriate level of Village reserves can be determined. It is this appropriate amount of reserves that assist in determining the Finance committee's recommendation on whether to decrease the current tax rate of 0.55% or maintain it for the upcoming year. She said that the Finance committee indicated it would evaluate the analysis and continue its discussion at the November Finance committee meeting.

BUILDINGS & GROUNDS COMMITTEE REPORT: Council member Cowan directed Council's attention to a memo titled, "*Buildings and Grounds Committee*". She reported that the Buildings and Grounds committee met on October 16, 2018 to review several items in advance of the Council meeting.

Council member Cowan reported that Mr. Adkins presented the departmental activity report, a copy of the report is included in the Council packet. She explained that staff installed a new water main pit at Livingston Lodge to assist with understanding usage for future design of a mandated new septic system. Clippinger Fields were prepared for the Hunters Trails that took place in early October. A Valley Forge Elm tree was planted at Drake Park to honor the outgoing Green Areas Chairperson, Tre Sheldon. She said that it will be dedicated to him at the November 7, 2018 Green Areas Advisory committee meeting. She said that staff also placed bleachers on new concrete pads at Livingston Lodge in addition to repairing tennis nets at Stephan Field.

Council member Cowan reported that Mr. West and Mrs. Wade-Dorman distributed the project management report, a copy of the report is included in the Council packet. She reported that Mr. West highlighted the work being done at Grand Valley to upgrade nine trail locations as a result of drainage issues. In addition, a new wildflower bed is being placed adjacent to the boat shelter.

Council member Cowan reported that Mr. West indicated that soil samples have been completed at the Bonnell House and Little Red Schoolhouse to understand the impact on the design and location of upgraded septic systems at each location.

Council member Cowan reported that Mrs. Wade-Dorman provided an update on the 2018 *Reforest the Hill* program. The program ended with 28 donations that resulted in 95 trees. Any additional contributions will be in the 2019 program. Of the 95 trees, 52 have been ordered and will be placed in the green areas along Meadow Grove Lane, Rheinstrom Park and Weil Road. In addition, ten trees were ordered to honor Mrs. Helen Black and will be placed at the Helen Black Nature trail on Drake Road. The remaining trees will be ordered and planted in spring 2019.

Council member Cowan reported that the Buildings and Grounds committee recommended changes to the 2019 budget since last month's meeting. Significant changes include the addition of \$10,000, per the request of the Historical Society, to assist with landscaping Bonnell House, and removing \$26,000 for Stephan Field repairs determined after consultation with the Recreation Coordinator.

PUBLIC WORKS COMMITTEE REPORT: Council member Krehbiel directed Council's attention to a memo titled, "*Public Works Committee*". He reported that the Public Works committee met on October 16, 2018 to review several issues in advance of the Council meeting.

Council member Krehbiel reported that Mr. Adkins presented the departmental activity report, a copy of which is included in the Council packet. Council member Krehbiel explained that staff cleared trees from the right-of-way on several streets. Drainage improvements were performed on Camargo Road and Taft Place in addition to several storm water catch basins and pipe separation repairs throughout the Village. He said that staff also began preparing for the upcoming snow season by trimming back trees on snow routes and installing snow equipment on the trucks.

Council member Krehbiel reported that the Public Works committee reviewed the project management report, a copy of which is included in the Council packet. He said that the street resurfacing has been completed, except for Grand Valley. Striping will be occurring throughout the month. Bids were received for the Weil Road Stream restoration project. Stream Restoration Specialist's bid of \$280,365 was the lowest and best bid and construction will begin this year upon receipt of the notice to proceed.

Council member Krehbiel reported that the second set of bids were received for the Spooky Hollow and Blome Road Culvert repair project. Rack and Ballauer Excavating's bid of \$450,038 was the lowest and best bid. Equipment will be ordered in 2018 with the project commencing in 2019. An Ohio Public Works Commission grant was submitted for the Remington Road culvert repair that will take place in 2019. The Village is expected to receive information on its grant application by the end of the year.

Council member Krehbiel reported that the Shawnee Run Road project continues to work through the ODOT process. He said that this month it was decided to modify the design drawing to extend the culvert an additional twenty feet while reducing the height of the headwall. This reduced the engineer's estimate by \$50,000. Stage 2 drawings were being updated and the project will begin early 2019. Terracon continues to work on the landslide and retaining wall assessment.

Council member Krehbiel reported that staff reviewed the three additional projects that are highly recommended to be added to the 2019 budget as a result of extreme safety concerns that

quickly developed due to excessive rains and major tree loss along the roads. The projects are anticipated to add \$450,000 to the CIRF budget and include: 1) Muchmore Road landslide; 2) Loveland-Madeira Road landslide; and 3) Long Street landslide.

WATER WORKS REPORT: Mayor Kuenning directed Council's attention to a memo titled, "*Water Works and Deregulation Committee*". He reported that the Water Works committee met on October 16, 2018 to review several items in advance of the Council meeting.

Mayor Kuenning reported that Mr. Adkins presented the departmental activity report, a copy of which is included in the Council packet. He reported that staff repaired six main breaks totaling 45 for this year and performed fire hydrant inspections. The Plant Operators responded to 202 customer service calls. Staff also performed water main inspections for the Camargo Road project in Madeira and on Camargo Club Drive. The lead and copper sampling has been completed with fifty samples being received from residents. All the samples resulted in positive results.

Mayor Kuenning reported that Mrs. Wade-Dorman presented the project management report, a copy of which was included in the Council packet. He reported that the water treatment plant power distribution improvements will be complete after repairs are done to the programmable logic controller. Preliminary drawings have been submitted for review for the Algonquin Drive water main replacement project that will take place in 2020.

Mayor Kuenning reported that Mrs. Wade-Dorman and Mr. Adkins hosted a neighborhood project meeting for Shillito Lane property owners. The meeting provided explanation on the need for easements from each owner and the timeline for the water main replacement that will take place in 2019. Six of the eight acquisition agreements have been received thus far.

SAFETY COMMITTEE REPORT: Council member McGraw directed Council's attention to a memo titled, "*Safety Committee*". He reported that the Safety committee met on October 11, 2018 to review several items in advance of the Council meeting.

Council member McGraw reported that the Fire/EMS report was distributed after the meeting. He said that Chief Ashbrock indicated that EMS runs are still more than last year; however, September's 79 runs were the lowest total of the year. A copy of the report is included in the Council packet.

Council member McGraw reported that Chief Ashbrock provided an update on the hiring process to replace three part-time firefighters with three full time firefighters as well as replace a newly opened full time position. The most recent process included four candidates with two being eligible to continue in the process. At this time, two contingent offers have been made and are awaiting results. In addition, a new part-time paramedic has been added to the roster.

Council member McGraw reported that Colonel Schlie presented the Rangers report, a copy of the report is included in the Council packet. He said that over the past month, many cases have involved theft, general information, failure to appear in Mayor's Court, fraud and domestic disputes. He reported that Colonel Schlie also highlighted that Lt. Ed Shannon graduated from the FBI Academy.

Council member McGraw reported that staff presented a Resolution to adopt the Hamilton County Mitigation Plan. He explained that this plan represents collaborative, county-wide processes and procedures to be followed during times of natural disasters and/or extreme emergencies which can affect many areas of the county at one time. This plan is reviewed by all governmental entities in the county every five years. The County asks for all entities to approve the plan in order to be eligible for federal resources to assist in recovering from such drastic events. Council member McGraw said that the Safety committee recommends passage of the Resolution.

A RESOLUTION TO ADOPT THE HAMILTON COUNTY MULTI-HAZARD MITIGATION PLAN was presented and read.

Upon motion by Council member McGraw, seconded by Council member Thayer, the Resolution was passed by unanimous voice vote. Mayor Kuenning declared Resolution number **15-18** adopted.

PLANNING COMMISSION REPORT: Council member Thayer directed Council's attention to a memo titled, "*Planning Commission*". He reported that the Planning Commission met on October 16, 2018 to review Case # 18-013.

Council member Thayer reported that this was a Special Exception request by the Indian Hill Exempted Village School District which was tabled until the November 20, 2018 Planning Commission meeting. The request is to construct the following improvements within the athletic facilities:

1. Construction of a new athletic complex entry gateway improvements and ticket booth;
2. Construction of a new Braves plaza gathering area;
3. Construction of a new two-story, 9,000 square foot, multi-purpose support building for concessions, public restrooms, locker/meeting rooms, and locker/team rooms; and
4. Construction of a new single story, 15,000 square foot indoor field house/training center.

Council member Thayer explained that the School District operates under the continuing jurisdiction of the Planning Commission as an approved Special Exception. The applicant is also requesting variance approval to reduce the required side yard setback for the new 15,000 square foot fieldhouse and to increase the non-conforming lot coverage. The subject property is located at 6865 Drake Road.

CITY MANAGER'S REPORT: Ms. Minneci reported the Veterans Day Observation will be held on November 11, 2018 at 11:00 a.m. at the Veterans Memorial.

Ms. Minneci also reported that the Public Hearing on 2019 budget will be held at the next Council meeting, November 19, 2018. A copy of the budget will be included on the Village website and a notice of the hearing will be placed in the newspapers.

Ms. Minneci reported that there will be a reception for Mr. Don Crain at the Little Red Schoolhouse on November 30, 2018 from 3:00 p.m. – 5:00 p.m. Notices will be sent out.

Ms. Minneci reported that there will be Active Shooter training held possibility after the January 28, 2019 planning meeting.

Mayor Kuenning made a motion that Council enter into Executive Session to discuss the appointment, promotion or compensation of a public employee. The motion was seconded by Council member Thayer and was passed by unanimous roll call vote.

Council returned from Executive Session, there being no further business to come before Council, Mayor Kuenning declared the meeting adjourned.

Respectfully submitted,

Mark D. Kuenning, Mayor

ATTEST:

Paul C. Riordan, Clerk