

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
October 23, 2017**

A meeting of the Indian Hill Village Council was held on October 23, 2017 at 6:30 p.m. The meeting was held in the Council Chamber of the Village Administration building.

Officials present:

Mr.	Daniel J. Feigelson, Mayor
Mr.	Mark D. Kuenning, Vice-Mayor
Mr.	John B. Armstrong, Council member
Mrs.	Molly R. Barber, Council member
Mrs.	Melissa S. Cowan, Council member
Mr.	Donald C. McGraw, 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

Visitors present Mrs. Monique Sewell, 7775 Surreyhill Lane

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

MINUTES: The minutes of the regular meeting of September 25, 2017 had previously been distributed to each Council member. Council member Kuenning made a motion to accept the minutes, which was seconded by Council member Barber and was approved, 7-0.

FINANCE COMMITTEE REPORT: Council member Kuenning directed Council’s attention to a memo titled, “*Finance Committee*”. He reported that the Finance committee met on October 13, 2017 to review several items in advance of the Council meeting.

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

Council member Kuenning gave the following financial report:

- **Income Tax Receipts:** The Village income tax receipts are on target and are projected to total \$11,700,000 for the year-end of December 31, 2017. The income tax receipts will be over budget for the year.
- **Operating Disbursements:** Operating disbursements are inline. It is estimated that expenditures will be \$400,000 under budget for the year.
- **CIRF:** The majority of the expenditures in October were for road resurfacing. It is forecasted that another \$1,000,000 will be expended over the rest of the year for a total of \$2,885,000 for the year.
- **Water Works Receipts:** Water Works receipts were strong and it is projected that total receipts will be approximately \$2,700,000 for the year.
- **Water Works Disbursements:** Total operating disbursements are expected to be slightly under budget. Receipts over disbursements are projected to be \$100,000 for the year.
- **Water Works CRF:** Expenditures are on track, however, it is expected to have total expenditures of approximately \$1,800,000 for the year. All the budgeted expenditures for the generator will not be spent this year and will be carried over as an encumbrance into 2018.

- **Cash and Investments:** There was nothing unusual on this statement: the changes are merely related to normal operations for the month and the change in the Firehouse Construction Fund.
- **Rowe Funds and Green Areas Funds:** Both funds had increases for the month of approximately 2% in value. Disbursements for both funds are within budget.

The financial statements for September 2017 had previously been distributed to each Council member. There being no exceptions noted, the financial statements were accepted as issued.

Council member Kuenning reported that Mrs. Chaney provided the Finance committee with an overview of the internship/work study program that will be commencing in 2018. The intent of the program is to provide educational opportunities for local students interested in the fields of public sector engineering/project management as well as develop a network of potential future employees who are familiar with Indian Hill. Mrs. Chaney presented background on internship and work study programs available from four local colleges. The University of Cincinnati's program met the majority of the Village's needs and allows the Village's program to have a starting point to fund one semester of training. Applicants will apply through the University of Cincinnati; however, Village staff will control the entire interview and hiring process. Mrs. Chaney expects the application process to begin in the winter of 2018 with the chosen candidate beginning work during the summer/fall semester of 2018.

Council member Kuenning reported that Ms. Minneci presented to the Finance committee an overview of the Village's General Reserve Fund through Miami Valley Risk Management Association (MVRMA), its risk management pool. The fund accumulates when the Village receives refunds after loss claim years have been closed out at a lower rate than anticipated. The Finance committee discussed a reasonable amount to be maintained in this fund to assist with deductible payments and unexpected premium increases. The remainder will be transferred to the Village's General Fund.

Council member Kuenning reported that staff provided the Finance committee with an updated preliminary 2018 Budget Overage (Shortfall) Summary Statement. The following are highlights:

- a) The 2017 year-end forecast for operating and capital indicates a \$154,129 shortfall when expenditures are compared to revenues. This compares to the \$1,800,000 shortfall that was originally budgeted. This is a combination of approximately \$800,000 more in income tax revenues than anticipated and expenditures totaling \$600,000 less than originally budgeted.
- b) The 2018 budget indicates a shortfall of \$1,200,000. This includes inclusion of infrastructure projects and equipment that have been deferred beyond their multi-year life cycles. It also includes an estimated 5% increase in risk management costs, 1.7% in Workers Compensation and 6% increase in health insurance. The 2018 income tax revenues are based on a 2% anticipated increase in the tax base from 2017.

Council member Kuenning reported the Finance committee discussed 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), possible operating deficits and cash flow needs due to the main source of revenue, income tax, being delayed until April of each year. After considerations of the factors, an appropriate level of Village reserves can be determined. He said that after an in depth discussion, the Finance

committee felt the current 0.55% income tax rate should be maintained through 2018 to ensure strong projected reserves for future budget years and to maintain a stable CIRF ten-year plan.

Council member Kuenning reported that Ms. Minneci presented the Finance committee information on a statewide legal effort to challenge the most recent amendments made to Ohio Revised Code 718 (local income tax).

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 18, 2017 to review several items in advance of the Council meeting.

Council member Armstrong reported that Mr. Crain presented the September/October legal activity report. The report included updates on Green Area transactions, arbitration preparation, Planning Commission appeal case review and Mayor's Court.

Council member Armstrong reported that Mr. and Ms. Minneci provided an update on the septic inspection transition with Hamilton County. Through September, 899 of the 1,323 septic systems have been inspected. In addition, there have been 494 re-inspections. Questions have arisen as to whether septic system installation costs are higher within Hamilton County compared to other surrounding counties. Cost information was provided to the Law committee on 22 septic systems that were installed over the past two years in the Village. The systems cost ranged from \$32,500 - \$65,000. However, many factors contribute to a system's cost. Such factors include, but are not limited to, lot size, topography, site obstacles, soil conditions, electrical needs, number of bedrooms and system type preferred. In addition, cost may vary by the designer and contractor chosen by the resident. Consequently, it is recommended that residents obtain at least three bids before selecting contractors.

Council member Armstrong reported that Ms. Minneci presented the Law committee with information on HB267. This bill proposes to make changes to governmental immunity, specifically with respect to the immunity of accidents occurring while a law enforcement, fire or emergency vehicle is responding to an emergency.

Council member Armstrong reported that Mr. West presented to the Law committee an Ordinance for the right-of-way dedication of a portion of Indian Hill Road right-of-way for Nichol's Subdivision. The plat was recorded in 1987; however, it was recently discovered during the transfer of the property that the Village had not passed an Ordinance to accept the right-of-way dedication along Indian Hill Road. After discussion regarding the subdivision, the Law committee recommends a first reading of the Ordinance.

**AN ORDINANCE APPROVING THE RIGHT OF WAY DEDICATION
PLAT OF NICHOL'S SUBDIVISION AND ACCEPTING THE
DEDICATION OF INDIAN HILL ROAD RIGHT OF WAY** was
presented and read for the first reading.

Council member Armstrong reported that the Law committee discussed that a second reading of the Ordinance centered on changing the name of Remington Road to Old Remington Road should be read at this Council meeting.

AN ORDINANCE CHANGING THE NAME OF REMINGTON ROAD TO OLD REMINGTON ROAD BETWEEN LOVELAND-MADEIRA ROAD AND THE VILLAGE CORPORATION LIMITS ADJACENT TO THE METROPOLITAN SEWER DISTRICT'S SYCAMORE CREEK WASTEWATER TREATMENT PLANT was presented and read for the second reading.

Council member Armstrong reported that the Law committee discussed that a second reading of the Ordinance centered on approving Planning Commission's text amendments on marijuana cultivation and accessory structures. He said that the Law committee recommends a second reading.

AN ORDINANCE AMENDING CHAPTER 155 OF THE ZONING ORDINANCE OF THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO CODE OF ORDINANCES TO BAN MARIJUANA LAND USES, AMEND ACCESSORY STRUCTURE SETBACKS AND ENFORCEMENT, SETTING FORTH ADDITIONAL REVIEW CRITERIA FOR SPECIAL EXCEPTIONS AND VARIANCES, AND TO REQUIRE SITE CLEARANCE RELEASE PERMITS BE REVIEWED AND APPROVED IN ACCORDANCE WITH THE PLANS PRESENTED AND APPROVED BY THE PLANNING COMMISSION was presented and read for the second reading.

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 17, 2017 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 which was included in the Council packet. She explained that a Black Gum Tupelo tree was planted at Grand Valley in honor of outgoing Green Areas Advisory Committee Chairperson, Wendy McAdams.

Council member Cowan reported that Mr. West presented the project management report for Grand Valley. The Village Garden Club of Indian Hill graciously donated \$900 toward tree plantings near the new Ranger Station. Mr. West also provided the Buildings and Grounds committee with updates on the Rowe Arboretum Master Plan and green area donations.

Council member Cowan reported that Mrs. Wade-Dorman provided to the Buildings and Grounds committee updates on the Environmental Stewardship committee for the Shooting Range. Staff will be developing an environmental plan that will include adding two more water monitoring wells and evaluating three best management practices recommendations from last year's study. She explained that Mrs. Wade-Dorman also updated the Buildings and Grounds committee on the Reforest the Hill program. Over \$16,600 has been received thus far for the replacement of trees for this year's program. Ms. Minneci reported to Council that another \$2,500 has been collected.

Council member Cowan reported that Mr. Donovan presented a concept about the Rowe Arboretum Advisory Committee establishing a 501(c) (3) to assist with a future capital campaign for maintaining the longevity of the Rowe Arboretum Fund. Although individuals are allowed to

capitalize on tax deductions for contributions to the Village, corporations are not. Consequently, a 501 (c) (3) would provide a means for corporations to donate to the Fund's sustainability. In addition, becoming a non-profit also would allow utilization of the Kroger Plus card and Amazon as other avenues for donations. The Buildings and Grounds committee discussed 501(c) (3) requirements such as having active board members and accounting capabilities. The Buildings and Grounds committee also discussed reviewing guidelines on how the 501(c) (3) would coordinate with the Village when it comes to maintenance, capital plans and resources associated with Rowe Arboretum. The Buildings and Grounds committee agreed with continuing to research the concept as the Rowe Arboretum Master Plan is finalized in 2017 and a capital campaign plan begins to be established in 2018.

PUBLIC WORKS COMMITTEE REPORT: Council member Barber directed Council's attention to a memo titled, "*Public Works Committee*". She reported that the Public Works committee met on October 17, 2017 to review several items in advance of the Council meeting.

Council member Barber reported that Mr. Adkins presented to the Public Works committee the departmental activity report, a copy of which was included in the Council packet. Staff continues to work on right-of-way mowing, clearing trees in the right-of-way and trimming honeysuckle throughout the Village. Staff also repaired blacktop on Blome, Kugler Mill and Remington Roads and repaired guardrails on Camargo and Kugler Mill Roads.

Council member Barber reported that Mrs. Wade-Dorman presented the project management report, a copy of which was included in the Council packet. Shawnee Run Road drainage tunnel improvements began on October 2nd. The voids under the culvert have been filled and the concrete floor slab was poured. Work should be finished within the thirty day timeframe provided. Bids for Camargo Road pier walls were received from five qualified contractors with the lowest bid coming in at \$98,871 compared to the \$170,000 engineer's estimate. Bids ranged from \$98,871 to \$318,360. In addition, Indian Hill Road culvert work and curb work on Loveland-Madeira Road are expected to begin in late October. The Village culvert study received bids from three qualified engineering firms. Final pricing is still being determined. Grant applications have been submitted for Blome, Spooky Hollow and Remington Roads while an application for Weil Road is in progress.

Council member Barber reported that other items that staff is reviewing includes: 1) removing old utility poles by Duke that have been replaced; 2) a cleaner road closer option at Old Remington Road, 3) pavement maintenance, including crack sealing and Reclamite application and 4) installation of gas mains by Duke which will begin next week, beginning at Indian Hill Road.

WATER WORKS REPORT: Mayor Feigelson directed Council's attention to a memo titled, "*Water Works and Deregulation Committee*". He reported that the Water Works committee met on October 17, 2017 to review several issues in advance of the Council meeting.

Mayor Feigelson reported that Mr. Adkins presented the departmental activity management report, a copy of which was included in the Council packet. Staff repaired four water main breaks which totaled 50 for the year. In addition, waterline inspections and a hydrant replacement occurred in Madeira. Mr. Frank Bell, Chief Plant Operator, met with Ohio EPA to review the sanitary survey for the water treatment plant.

Mayor Feigelson reported that Mrs. Wade-Dorman provided the project management report, a copy of which was included in the Council packet. All the equipment for the high service pump

installation has been received. The contractor and staff will coordinate the best time for the temporary water plant shutdown needed during installation. A pre-construction meeting was held on the generator improvement. Approximately one-third of the project will occur in 2017 with the rest taking place in 2018. In addition, the Shillito Water Main replacement design work is 30% completed.

Mayor Feigelson reported that continuing the discussion from last month, Mr. Gully presented a draft Ordinance which added language that would give the Finance Director/Tax Commissioner the ability to certify delinquent water invoice balances to the county auditor directly. This allows the Village to certify the delinquent balances in a timelier manner, reducing delinquent balances sooner and ensuring proper payment of delinquent balances in case of property transfers. In addition, he said that Mr. Gully stated that Sections 1 and 2 will add a \$25.00 fee to water accounts once scheduled for shutoff. The shutoff fee for delinquent accounts is not meant to be a revenue generator. It is meant to cover costs associated with water disconnections in terms of postage, fuel and staff time. Currently, the Water Works department charges a \$25.00 fee to restore water service, which will not be changed. The change will essentially create a \$25.00 fee for each trip needed throughout the shutoff and restoration of services. Mr. Gully stated to the Water Works committee that if the customer is scheduled for shutoff, the fee will be assessed. If the customer pays the outstanding balance and shutoff fee before the service is disconnected, the water will not be disconnected and the customer will not be charged the additional \$25.00 to restore their water service. In addition he said that Mr. Gully and Mr. Adkins presented an amendment to the Ordinance associated with new water service connection. These costs have not been adjusted since 2014, and it is necessary to review and update these cost periodically to ensure that the Water Works department is adequately covering the costs of purchasing and maintaining the parts needed for new service connections.

AN ORDINANCE CHANGING THE CHARGES AND FEES TO BE CHARGED BY THE WATER WORKS DEPARTMENT OF THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO FOR NEW WATER SERVICE CONNECTIONS FOR CUSTOMERS, AMENDING SECTION 51.37 SERVICE BRANCH REGULATIONS OF THE CODE OF ORDINANCES was presented and read for a first reading.

AN ORDINANCE AMENDING CHAPTER 51 OF THE CODE OF ORDINANCES, CHANGING VARIOUS OPERATIONAL PROCEDURES AND RELATED FEES AND CHARGES FOR SERVICES PROVIDED BY THE WATER WORKS DEPARTMENT was presented and read for a first reading.

Mayor Feigelson reported that Ms. Minneci presented a Resolution to renew the Village's electrical aggregation program rates associated with its own facilities. For the water plant, the Village's rate will reduce from \$0.0549 to \$0.0519. All other Village facilities' rate will reduce from \$0.0569 to \$0.0545.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROGRAM AGREEMENT WITH AN ELECTRIC GENERATION SUPPLIER THROUGH A GOVERNMENTAL AGGREGATION PROGRAM FOR SUPPLYING ELECTRICITY FOR THE FACILITIES OPERATED AND

**MAINTAINED BY THE CITY OF THE VILLAGE OF INDIAN HILL,
OHIO** was presented and read.

Upon motion by Mayor Feigelson, seconded by Council member Kuenning, the Resolution was passed by unanimous voice vote. Mayor Feigelson declared Resolution **10-17** adopted.

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, 2017 to review several items in advance of the Council meeting.

Council member McGraw reported that Chief Ashbrock presented the EMS report, the Fire report was distributed after the meeting, both copies of which were included in the Council packet. He reported that the department responded to two auto accidents the prior weekend as well as structure fires in Deer Park which were mutual aid runs.

Council member McGraw reported that the Safety committee and Chief Ashbrock held an in-depth discussion regarding the distribution of staffing at the Madeira and Indian Hill stations and changes that should occur to ensure efficiency and effectiveness on all emergency runs within the entire district. Chief Ashbrock spoke of the difficulties in maintaining a sufficient number of part-time emergency responders. Part-timers are crucial in sustaining recommended levels of staffing. This is an issue that a significant number of fire departments are dealing with throughout the state. Currently, the Fire District is in the process of interviewing eight candidates for one full time position. In addition, applications for two Captain's positions are due by the end of this month.

Council member McGraw reported that Chief Ashbrock, at the request of the Safety committee, will prepare financial forecasts for the Safety committee and Madeira officials to review and discuss in future budget preparations. These forecasts will include the possibility of more full time Firefighter/Paramedic positions to fulfill Madeira and Indian Hill's staffing expectations. Additionally, the Safety committee will begin reviewing the daily staffing levels during the monthly meeting.

Council member McGraw reported that Colonel Schlie presented the Rangers report, a copy of which was included in the Council packet. Over the past month, many cases have involved theft, general information and driving under suspension. The Rangers are working with the schools on scheduling programs for the students.

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 18, 2017. He explained that the Planning Commission reviewed and discussed Section 13.2.2 Lot Abutment per a request from residents Eric and Susan Holzapfel. The discussion focused on the number of rear lots that may be located behind a lot that fronts on a public or private street and the means of access for ingress and egress from the rear lot. No action was taken; however, the Planning Commission will continue the discussion at the November 21st meeting.

CITY MANAGER'S REPORT: Ms. Minneci reported that the Administrative offices will be closed on November 10, 2017 in observance of Veterans Day. The following day, Saturday, November 11, 2017 will be the Veterans Day service held at the Veterans Memorial next to the bird sanctuary. Mayor Feigelson, Council member McGraw and former Council member Lindsay McLean will be

speaking at the service. Council member McGraw explained that this is the 100th anniversary of WWI and he hopes to be able to bring in some WWI memorabilia for the ceremony.

Ms. Minneci reported that there will be a Public Hearing on the 2018 Appropriation Budget on November 20, 2017.

Mayor Feigelson said that all Council members should have received the evaluation paperwork for the City Manager. He reminded everyone to turn in their evaluations to Council member McGraw by November 3, 2017. Evaluations will be collated and then reviewed at the next Council meeting.

Mayor Feigelson reminded everyone that Election Day is coming up on November 7 and encourages all residents to vote and wished all Council members good luck.

There being no further business to come before Council, Mayor Feigelson declared the meeting adjourned.

Respectfully submitted,

Daniel J. Feigelson, Mayor

ATTEST:

Paul C. Riordan, Clerk