

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
November 16, 2015**

A meeting of the Indian Hill Village Council was held on November 16, 2015 at 6:30 p.m. The meeting was held in the Council Chamber of the Village Administration building.

Officials present:

- Mr. Keith M. Rabenold, Mayor
- Mr. Daniel J. Feigelson, Vice-Mayor
- Mrs. Molly R. Barber, Council member
- Mrs. Melissa S. Cowan, Council member
- Mr. Mark D. Kuenning, Council member
- Mrs. Laura S. Raines, 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:

- Mr. John Armstrong, 4630 Drake Road
- Mr. Andrew Head, 9225 Old Indian Hill Road
- Mrs. Georgia D. Lippold, 9150 Old Indian Hill Road
- Mr. Gerald H. Lippold, 9150 Old Indian Hill Road
- Mr. Don McGraw, 8380 Shawnee Run Road
- Mr. Scott Phillips, Frost Brown Todd
- Mr. Mark G. Stenger, Heartwood Builders
- Barrett P. Tullis, Keating, Muething & Klekamp, 1 East 4th Street, 45202

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

MINUTES: The minutes of the regular meeting of October 19, 2015 had previously been distributed to each Council member. Council member Thayer made a motion to accept the minutes, which was seconded by Council member Barber and was approved as issued, 7-0.

PUBLIC HEARING: Mayor Rabenold said that the meeting would move into the continuation of the Planning Commission case 15-006 – Old Indian Hill Road Appeal. He explained that the public hearing on this matter had been opened and closed at the October 19, 2015 Council meeting. Mayor Rabenold said that it is Council’s understanding that a compromise had been reached. The Village Solicitor, Don Crain swore in those in attendance who would be providing testimony or evidence. Mayor Rabenold asked Mr. Tullis to provide details of the agreement.

Mr. Tullis said that he had numerous conversations with the named appellants and asked them how to resolve this matter in a way to reach the satisfaction of everyone involved. He explained that they offered to improve landscaping for the residence. He directed Council’s attention to copies of the landscaping drawings which had been previously distributed to Council members. Mr. Tullis said that the appellants were in agreement with the revised landscaping and would no longer pursue the appeal. Mayor Rabenold asked Mr. Head if he was in agreement with the plan. Mr. Head said that he represented the appellants and was in agreement.

Mayor Rabenold said that he appreciated both sides coming together as it had been a very difficult process for all involved. In his view, speaking on behalf of Council, and based on what was presented, it seems that it is a reasonable plan and this should be an end to the issue. Mayor Rabenold made a motion to uphold the Planning Commission decision on case 15-006 application by Shawn and Tammy Hill for the property located at 9176 Old Indian Hill Road to allow the house to be constructed at the 117’ setback and to amend the decision of the Planning Commission to make the approval contingent

on the installation of the attached landscaping plan and require the ongoing maintenance and replacement of trees as a condition necessary for approval. The motion was seconded by Council member Feigelson and was approved unanimously 7-0 by roll call vote.

FINANCE COMMITTEE REPORT: Council member Kuenning directed Council's attention to a memo titled, "*Finance Committee*". He reported that the Finance committee met on November 6, 2015 to consider several issues in advance of the Council meeting.

Council member Kuenning also directed Council's attention to the October 2015 financial statements which were included in the Council packet. He reported the following financial report.

- a. **Income Tax Receipts:** The Village received \$371,522 which is \$44,700 less than received in October 2014. More importantly, year-to-date cash receipts equal \$10,100,000. At this time of year, the receipts for 2014 income tax have been collected so income tax receipts for the remainder of the year will be taxes prepaid for 2015 income. Total income tax receipts are estimated to be \$ 11,200,000 for 2015.
- b. **Real Estate Tax:** The Village received no real estate tax which leaves the year-to-date total at \$760,417 and it is estimated that the total for the year will be \$805,000.
- c. **Operating Disbursements:** There were a number of timing issues effecting the expenditures. As a whole, expenditures are doing well in relationship to budget. Total expenditures for 2015 are estimated to be \$10,800,000. This will put the Village under budget by approximately \$100,000 on expenditures. Council member Kuenning explained that a shortfall of \$870,000 was budgeted for the year, however, it appears that the Village will be in the positive.
- d. **CIRF:** Disbursements for the month totaled \$32,060. There are still monies to be spent for the landslide contingencies which will be slightly over budget which will be offset by the underage on the street resurfacing projects. CIRF expenditures should be very close to the \$1,900,000 budget for the year.
- e. **Water Works Receipts:** Water usage receipts for October were \$283,000 which is approximately \$40,000 less than October 2014 receipts. This is due to timing of payments received. Year-to-date receipts totaled \$1,780,000 which is approximately \$18,000 more than 2014 year-to-date and 74% of the budget. Total receipts for the year are estimated to be slightly ahead of budget.
- f. **Water Works Disbursements:** Total October operating disbursements of \$130,827 was less than October 2014 by \$23,000 due to the timing of the softening salt purchase. Total expenditures for the year are estimated to be \$4,462,000 which is approximately \$150,000 less than budget.
- g. **Water Works CIRF:** Total October expenditures were \$34,160. The expenditures for the year are estimated to be \$805,000 which is less than the budget of \$989,000.
- h. **Cash and Investments:** Total month-end cash and investments were \$33,576,529 compared to \$33,744,071 in September 2015 and \$25,608,332 at October 31, 2014. There is nothing unusual in the cash and investments for the month.
- i. **Long Term Debt:** Payments of \$438,923 on the bond issues are planned for November.
- j. **Rowe Funds:** The market value as of October 31st was \$3,096,362 which is an increase of 7.31% over the September value. The unrecognized gain was \$553,609. Total monthly income equated to \$9,307 with monthly expenses totaling \$6,900.
- k. **Green Areas Funds:** The market value as of October 31st was \$2,212,185. The unrecognized gain was \$931,120. Total monthly earnings were \$8,393 with monthly expenses totaling \$5,207. The value of the investments increased 7.86% for the month.

The financial statements for October 2015 had previously been distributed to each Council member. There being no exceptions noted, the financial statements were accepted as issued.

Council member Kuenning opened the public hearing on the 2016 budget. He introduced Mr. Scott Gully, Finance Director, who was available to answer any questions about the details of the budget. Council member Kuenning directed Council's attention to the 2016 Annual Budget package which had been previously distributed to each Council member. He explained that the Village has a very good process for preparing the budget which starts in early summer with department heads meeting with Ms. Minneci and Mr. Gully and starting from the bottom up and deciphering what is necessary to continue to provide the high level of services which need to be provided to our residents. The process continues on through the fall to the approval of the budget in December.

Council member Kuenning directed Council's attention to the schedule included in the packet titled, "*2015 Budget Overage/(Shortfall) Summary Statement – Operating and CIRF Funds*". He explained that expenditures are forecasted to increase 2.99% over 2015 year-end estimates. The single largest item is in the area of CIRF expenditures which is a 32% increase, \$614,000. This increase includes major infrastructure improvements that were delayed during the economic downturn and budget stabilization years. A significant portion of this increase is due to much needed additions to the road resurfacing, culvert and landslide repair programs. Council member Kuenning said that the Finance committee recommended that the income tax rate be maintained at .575%. This rate will continue to be evaluated each year which will include reviewing receipts and disbursements as well as reserves. The trend of the ending fund balances is projected to decrease due to some large capital expenditures which is part of the reason for the recommendation to maintain the current tax rate.

Council member Kuenning directed attention to the statement included in the budget packet titled, "*Water Works Overage / (Shortfall) Summary Statement*". The statement shows that the total expenditures for 2015 will be slightly under budget. Operating expenditures for 2016 are budgeted to increase 7.4% over the 2015 year-end forecast. The majority of this increase is due to specific accounts having to be budgeted at the fullest level as they are associated with unpredictable variables such as weather and unanticipated repairs. The Capital Reserve Fund reflects a significant increase primarily due to the one-time addition of an \$801,000 water main replacement project on Blome Road. The ending fund balances for the Water Works and CRF are projected to be \$3,700,000 at the end of 2015 and it is projected that the balances will decline to less than \$1,000,000 at the end of 2019, therefore, the operations will be reviewed on a year-to-year basis as to how the reserves are tracking for the Water Works fund.

Council member Kuenning directed Council's attention to the Capital Improvement Reserve Fund 10-Year Capital Plan Statement. He explained that what drives the CIRF fund is a 10-year project projection. One year's expenditure requirements are not pushed off to another year and Council looks at the large picture which is a sound practice. This same analysis projection is made on the Water Works financial statements.

Council member Kuenning opened the public hearing up to public comments and questions. Council member Feigelson said he would like to thank Mr. Gully, Mr. Riordan and Ms. Minneci for the great job they have done once again on the budget. It is a lot of work to put this all together and make it all add up. He said that they have done a great job and he thanked them. Council member Kuenning said that he agreed with Council member Feigelson's comments. He said that the Finance committee works very closely with these folks and the amount of work they put into it is phenomenal and it certainly is appreciated.

There being no further questions or comments the public hearing on the 2016 budget was closed.

Council member Kuenning explained that the Finance committee recommended a second reading on revisions to the Village's Income Tax Ordinance in order to assure compliance with HB 5 and HB 64 changes as well as mandated passage by December 31, 2015.

AN ORDINANCE TO AMEND CHAPTER 93 OF THE CODIFIED ORDINANCES OF THE CITY OF THE VILLAGE OF INDIAN HILL REGARDING MUNICIPAL INCOME TAX was presented and read for a second reading.

Council member Kuenning reported that the Finance committee reviewed a preliminary benchmarking analysis prepared by Ms. Minneci which compared salary ranges for commonplace positions within governmental entities in Southwest Ohio. For several months, Ms. Minneci has been working with the Center for Local Government subcommittee which is creating a more thorough, effective and efficient benchmarking process for areas specifically in Southwest Ohio and other comparable cities throughout the state. The benchmarking project will continue into 2016 as the subcommittee becomes more refined.

LAW COMMITTEE REPORT: Council member Raines directed Council's attention to a memo titled, "*Law Committee*". She explained that the Law committee met on November 5, 2015 to review several items in advance of the Council meeting.

Council member Raines reported that Mr. Crain presented the October/November legal activity report. The report included updates on Green Area transactions, real estate questions, contract review, environmental regulations, Income Tax Ordinance review and Planning Commission.

Council member Raines reported that the Law committee reviewed a draft of the Organizational meeting agenda that is planned for December 1, 2015. This meeting is required in order to swear in all those who were elected to Council on November 3rd. After revisions are complete, the agenda will be sent to all Council members and publically announced.

BUILDINGS & GROUNDS COMMITTEE REPORT: Mayor Rabenold directed Council's attention to a memo titled, "*Buildings and Grounds Committee*". He explained that the Buildings and Grounds committee met on November 10, 2015 to review several items in advance of the Council meeting.

Mayor Rabenold reported that Mr. Adkins provided the Buildings and Grounds committee with the departmental activity report, a copy of which is included in the Council packet. Mayor Rabenold reported that Mr. Adkins updated the Buildings and Grounds committee on the Radio Range Phase 2 project in which over 3,500 bulbs were planted by 10-15 Indian Hill Garden Club volunteers and staff. He said that the Village greatly appreciates the time and resources the Indian Hill Garden Club has provided in the beautification of Radio Range Park over these last two years.

Mayor Rabenold reported that Mr. Kipp provided the Buildings and Grounds committee with the Project Management report, a copy of which is included in the Council packet. Mayor Rabenold reported that a new bench was installed at Grand Valley near the north lake dog access area. In addition, Mr. Kipp provided a layout of the wildflower plantings that were installed which were donated by Mrs. Georgia Wainscott.

Mayor Rabenold reported that the Buildings and Grounds committee reviewed a Resolution presented by Ms. Minneci to amend the Indian Hill Shooting Club fees. He explained that the Buildings and Grounds committee agreed with the recommendation on the passage of the Resolution.

A RESOLUTION REVISING FEES SET FOR THE INDIAN HILL SHOOTING CLUB was presented and read.

Upon motion by Mayor Rabenold, seconded by Council member Thayer, the Resolution was passed by unanimous voice vote. Mayor Rabenold declared Resolution **16-15** adopted.

Mayor Rabenold reported that the Buildings and Grounds committee reviewed a request by the Veterans committee that a tree be placed at the Veterans Memorial in honor of the late Mr. Link Pavey. Staff is working with the Pavey family to determine the appropriate placement with planting occurring in spring 2016. Mayor Rabenold said that the Buildings and Grounds committee agreed with this request.

Mayor Rabenold explained that due to a member moving out of the Village, a vacancy exists on the Green Areas Advisory committee. He said that he recommends that Mr. Jeff Graham fill the vacancy. Mr. Graham is a lifelong Indian Hill resident who lives on Miami Road. He owns a reading enrichment company and is eager to provide his volunteer services to the preservation of green space within the Village. Mr. Graham will begin his term in December.

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 November 10, 2015 to review several items in advance of the Council meeting.

Council member Barber reported that Mr. Adkins provided the Public Works committee with the departmental activity report, a copy of which is included in the Council packet. She said that Mr. Adkins highlighted the locations of tree clearing in the right-of-way as well as locations of blacktop repairs. He also highlighted that approximately 1,400 feet of curb repair is being performed on South Clippinger Drive. He indicated that the Public Works department is preparing for winter with the installation of tailgate spreaders and repairs to salt trucks.

Council member Barber reported that Mr. Kipp provided the Public Works committee with the project management report, a copy of which is included in the Council packet. She explained that Mr. Kipp discussed the Weil Road landslide repairs. She said that this is a very complicated project and the project has been divided into 4 sections. Three of the sections will be bid in early December with an alternate bid being added for the fourth section. Revised 2015 year-end estimates in the 2016 budget will show that the Village will enter into a contract this year to perform three sections of the project in March 2016 with the fourth section being done under separate contract at a later date after evaluation of the alternative bid.

Council member Barber reported that staff received primary information regarding its Ohio Public Works Commission (OPWC) and Municipal Road Fund (MRF) grant submittals for Blome Road restructuring. At this time, it does not appear the Village will be receiving grant funding to support this project. Staff will be providing other options on how to proceed with Blome Road at next month's committee meetings.

WATER WORKS REPORT: Council member Cowan directed Council's attention to a memo titled, "*Water Works and Deregulation Committee*". She explained that the Water Works and Deregulation committee met on November 10, 2015 to review several items in advance of the Council meeting.

Council member Cowan reported that Mr. Adkins provided the Water Works and Deregulation committee with the departmental activity report, a copy of which was included in the Council packet. There was no Project Management report. She explained that Mr. Adkins highlighted the continued replacement of

the water meters throughout the Village, commencement of backflow testing in Village facilities, and response to numerous service calls.

Council member Cowan reported that the Water Works and Deregulation committee reviewed an update on the on the water plant improvement projects that were budgeted for 2015. The original projects included an upgrade to the HVAC system, repairs to the slab floors and a replacement of the transformer. The HVAC work has been completed and the slab work will be done by the end of this year. In preparing for the transformer bidding process, the original estimate provided when the 2015 budget was being prepared increased by an amount that would not fit within the current appropriations.

Council member Cowan said that staff recommended the transformer project be divided into two phases. The first phase would be to replace the switch gears associated with the transformer. This would be bid and under contract by the end of 2015. In 2016, the second phase of the transformer project will be reevaluated to determine a more accommodating cost estimate which, in turn, will be included in the 2017 budget. The second phase will work in collaboration with the generator replacement that is anticipated for 2017. This adjustment to the original budget will reduce the 2015 year end estimate for the water improvement projects line item from \$461,000 to \$312,000.

Council member Cowan reported that staff provided the Water Works and Deregulation committee with an update on personnel changes. She said that due to a recent retirement in Public Works, a vacant position was available and a transfer opportunity was posted. Evan Williams, who currently works in Water Works, has submitted a request to transfer to Public Works. This leaves a position in Water Works that will be filled with a candidate from the recent Service Maintenance civil test that took place in September. A candidate was chosen from the top three on the civil service list. The candidate currently is working through the pre-employment requirements. If successful, he will begin in December, which will correspond to Evan's transfer.

Council member Cowan reported that prior to the Water Works and Deregulation committee meeting, staff provided the Water Works and Deregulation committee with a presentation that Metropolitan Sewer District (MSD) had done in October regarding its history, its current financial situation and its future projection on sewer rates. This was simply an informational discussion, but the Water Works and Deregulation committee highlighted the MSD's forecast of significant sewer rate increases through 2037 which will directly affect all Hamilton County residents, including Indian Hill, who utilize sewer. She said that the Water Works and Deregulation committees and staff will continue to monitor MSD's actions as the Village also evaluates its water rates in future years.

Council member Cowan reported that Ms. Minneci provided the Water Works and Deregulation committee with an update on the gas aggregation program. The Village's contract with Constellation (formerly Integrys) will be expiring. Staff is recommending a Resolution to authorize the City Manager to enter into a renewed contract with Constellation for brokerage services to continue with the gas aggregation program. Council member Cowan said that the Water Works and Deregulation committee agreed with staff's recommendation and recommended passage of the Resolution.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROGRAM AGREEMENT IN SUBSTANTIAL FORMAT WITH CONSTELLATION LLC FOR SUPPLYING NATIONAL GAS TO PARTICIPANTS IN THE CITY OF THE VILLAGE OF INDIAN HILL GOVERNMENTAL AGGREGATION PROGRAM was presented and read.

Upon motion by Council member Cowan, seconded by Council member Thayer, the Resolution was passed by unanimous voice vote. Mayor Rabenold declared Resolution **17-15** adopted.

Council member Cowan reported that Residents in the program should have received an opt-out letter from Constellation earlier in the month. If they wish to stay in the Village's program, residents should do nothing with the letter. Constellation anticipates a final flex down rate over the next month. A flex down rate means that if gas prices go lower than the locked in rate (which already is lower than Duke's rate), residents will be able to capitalize on the lower rate for that particular month.

SAFETY COMMITTEE REPORT: Council member Feigelson directed Council's attention to a memo titled, "*Safety Committee*". He reported that the Safety committee met on November 5, 2015 to review several items in advance of the Council meeting.

Council member Feigelson reported that Chief Ashbrock presented the October Fire/EMS report, a copy of which is included in the Council packet. Total EMS runs equaled 925 through October 2015 compared to 893 through October 2014. There were two fire runs associated with discarded fireplace ashes – one in Indian Hill and one in Madeira.

Council member Feigelson reported that Chief Ashbrock highlighted the long lay locations that are situated throughout Indian Hill. Chief Ashbrock showed the Safety committee an example of the red sign which highlights these locations. These are areas where a hydrant is located more than 1,000 feet from a residence and additional hose must be added to ensure proper and efficient water flow.

Council member Feigelson reported that Colonel Schlie presented the Rangers' Activity Report for October, a copy of which is included in the Council packet. Council member Feigelson reported that Colonel Schlie indicated that the Village, in collaboration with other police departments, were able to obtain nine indictments against individuals involved in a rash of burglaries in the Cincinnati area. Four of the nine indictments were associated with Indian Hill burglaries. Council member Feigelson said that the Rangers continue to do a superb job.

PLANNING COMMISSION REPORT: Council member Thayer directed Council's attention to a memo titled, "*Planning Commission Meeting Actions*". He reported that the Planning Commission met on October 20, 2015 to review several issues.

Council member Thayer reported that a variance request by Jeffrey Betts at 6420 Miami Road was tabled for the construction of a detached garage to the rear of the home on a non-conforming lot. The applicant is requesting a variance to the side yard setback and allowable impermeable surface.

Council member Thayer reported that the Planning Commission granted the approval of the Final Plat for Phase 2A Twin Fences at Peterloon Subdivision. The final plan calls for 21.62 acres to be subdivided into seven building lots. Phase 2A will be served by a dedicated public road that is designed to align with the existing Stirrup Cup Drive and extend approximately 1,220'.

Council member Thayer reported that a special exception request by Cincinnati Country Day School at 6905 Given Road was approved under the continuing jurisdiction of the Planning Commission. The approval will allow for the placement of special event banners that would be affixed to three existing light poles.

CITY MANAGER'S REPORT: Ms. Minneci reported that the Administrative offices will be closed on November 26 and 27, 2015 in observance of Thanksgiving.

Ms. Minneci said that since this is the last Council meeting for two of the members she wanted to pass along her sincere appreciation to Mayor Rabenold and Council member Raines for all of their guidance and knowledge that they provided. It has been an extreme honor to work with both members of

Council. Mayor Rabenold said that he would miss working with everyone and that they are a great group and everyone does everything by consensus which is the way it should work.

Ms. Minneci reminded Council members that there will be an Organizational meeting on Tuesday, December 1st at 7:30 am in Council Chambers.

Ms. Minneci requested an Executive Session for purpose of the appointment, promotion, or compensation of a public employee and to discuss property acquisition and/or sale of property, including real, personal, tangible and intangible. She also invited Mr. Don McGraw and Mr. John Armstrong, new members of Council to attend the first part of the meeting which is the property acquisition portion.

Council member Thayer moved that Council move to Executive Session for purpose of the appointment, promotion, or compensation of a public employee and to discuss property acquisition and/or sale of property, including real, personal, tangible and intangible. The motion was seconded by Council member Kuenning and was passed by unanimous roll call vote. Council entered into Executive Session.

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

Respectfully submitted,

Keith M. Rabenold, Mayor

ATTEST:

Paul C. Riordan, Clerk