

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
November 20, 2017**

A meeting of the Indian Hill Village Council was held on November 20, 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 See Attached

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

MINUTES: The minutes of the regular meeting of October 23, 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.

CITIZEN PARTICIPATION: Presentation of the Rowe Arboretum Master Plan and Collections Policy

Ms. Karen McCoy and Mr. Tom Voyten of MKSK Consultants presented the Stanley M. and Dorothy Snowden Rowe Arboretum Master Plan and Collections Policy. They explained that the Master Plan included a review of the facilities and the Arboretum areas and also included a study of the plant materials and develops a collection and maintenance manual and policy. Copies of the Master Plan document were distributed to all Council members. They explained that the purpose of operations and collections policies were to: 1) to provide principles for the proper development care and use of the plant collections at Rowe Arboretum including acquisition, accessioning, maintenance and deaccessioning; 2) provide a basis for the growth of collections that continue to provide historical and educational value as well as limit the scope of living collections to those that promote these concepts; 3) lay a foundation for the objectives and standards for collections management, collections identification and tracking and direct maintenance activities. The handout included: 1) an analysis of existing conditions and site analysis diagrams; 2) site plan diagrams; 3) collections policy and horticultural operations; 4) administration of collections policy; 5) cost of implementation.

They explained that the implementation of the master plan was forecasted over a 50 year period at a cost \$1,300,000. They also calculated the maintenance over the same time period and it was approximately \$1,300,000.

Mr. Jon West explained to Council that the investment advisory firm, Bahl and Gaynor, was requested to look at the current endowment fund and see how the master plan could be implemented over the next 20 years. All these expenditures over a 20 year period was \$5,977,545. Bahl and Gaynor was asked to develop a scenario to determine how much would be needed so that the beginning fund balance of \$3,629,000 would be the same balance at the end of year 2037 and still be able to implement the master plan. The required amount needed from a capital campaign one year out would be \$2,900,000. This forecast assumes a 2.9% dividend yield, a 6% income growth, \$0 price appreciation and a flat market. Bahl and Gaynor was also asked if the Village would not do a capital raising how long would it take to burn off the Arboretum fund investments balance. The forecast shows that the fund would run out of money in January 2034. Mr. West said that after the scenarios were presented to the Grounds committee they requested that another scenario be forecasted after removing the meeting/education building and septic upgrades. After this adjustment was made, the required funding would be \$2,741,000.

Mayor Feigelson thanked Karen McCoy, Tom Voyten and Mr. West for their presentation. He said that this master plan is exactly what was needed. This is the start of the project and no decisions will be made right now. It is one of the goals to look at what is required and look at the long term budget and then with the help of the Grounds committee start prioritizing for options for a sustainable future for the Arboretum.

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 13, 2017 to review several items in advance of the Council meeting.

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

Council member Kuenning gave the following financial report:

- a. **Income Tax Receipts:** The Village received \$400,606 of income tax receipts in October. The projected receipts for the year are \$11,600,000 which is significantly better than budget.
- b. **Operating Disbursements:** Operating expenditures for October totaled \$939,906. Disbursements for the year are tracking under budget and it is forecasted that the total disbursements for the year will be \$11,400,000 which is \$400,000 under budget for the year.
- c. **CIRF:** There was nothing unusual to report for October. It is expected that the fund will end the year with a balance of \$2,500,000.
- d. **Water Works Receipts:** Water Works receipts are expected to be over budget for the year with a total of \$2,700,000.
- e. **Water Works Disbursements:** Total operating disbursements for the year are expected to be slightly under budget. The shortfall for the year is projected to be \$785,000 versus the budget shortfall of \$1,276,079.
- f. **Water Works CRF:** There was not much activity in the fund for October. It is expected that an additional \$1,900,000 will be spent over the remainder of the year.

- g. **Cash and Investments:** Total month end cash and investments were \$30,446,250 compared to \$30,707,692 in September 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. The Firehouse Construction Fund should be completely expended by this calendar year.
- h. **Rowe Funds and Green Areas Funds:** There was growth for both funds of approximately 2% for October. Receipts and disbursements for both funds are within budget.

The financial statements for October 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 the Finance committee continued its discussions from last month regarding the determination of the income tax rate for the upcoming year. He said that 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. He said that however, the Finance committee emphasized the income tax rate is reviewed annually and can be reduced or increased each year based on revised fund balance projections.

Council member Kuenning said that the Finance committee recommends a first reading of the Ordinance establishing Chapter 93 of the Village's Code of Ordinances to reflect a 0.55% income tax rate for Tax Years 2017 and 2018.

AN ORDINANCE AMENDING CHAPTER 93 OF THE CODE OF ORDINANCES BY ADOPTING THE CURRENT DEFINITION OF ADJUSTED GROSS INCOME IN SECTION 5747.01 OF THE OHIO REVISED CODE, AND BY SETTING THE RATE OF 0.55% PROVIDED IN SECTION 93A-03 FOR THE TAX YEARS 2017 AND 2018 was presented and read for the first reading.

Council member Kuenning reported that Ms. Minneci provided an update on the Firehouse Construction Fund as the Indian Hill station's completion draws near. As punch out items are finalized over the next month, the Village anticipates the Firehouse Construction Fund to be closed out by the end of 2017 as the remaining \$123,821 in funds will be used to pay for the remaining retainage, final project management fees and surplus distribution to the Fire District per the 2015 Tri-Party agreement.

Council member Kuenning said that he requested that Council move into a public hearing for the purpose of discussing the Village's 2018 annual budget. Mayor Feigelson opened the public hearing for the discussion on the Village's 2018 annual budget. Council member Kuenning explained that in addition to the 81 page budget an 8 page summary budget has been prepared this year and has been distributed to each Council member.

Council member Kuenning directed Council's attention to the Summary Budget. He said that the first part of the summary explains the budget process which starts six months before the approval of the budget. The process starts in June with the staff going through the budget line by

line, top down and bottom up to determine the budget. It is a very thorough process which will continue through December when the Appropriation Ordinance is approved by Council.

Council member Kuenning explained that the income tax revenues are budgeted for a 4% increase for 2018 for total receipts of \$11,800,000. These receipts are the lion's share of the revenues which are received during the year.

Council member Kuenning explained that the Village's operating budget of \$12,343,000 reflects a 7.8% increase, \$888,500 over the 2017 estimated year-end expenditures. Significant highlights include: a \$285,000 culvert replacement project under the state highway fund which will be offset by \$125,000 grant. He said that the total of the six large expenditures total 5.9% of the increase for the year. He said that 2018 Capital Improvement Reserve Fund expenditures equates to \$3,100,000 and reflects a \$484,000 or 18.7% increase from 2017 year-end estimates. A large portion of the expenditures are for culvert/landslide repairs which are needed to maintain the Villages' infrastructure. Culvert/landslide repairs are the largest percentage increase for the year.

Council member Kuenning explained that the 2018 Water Works operating expenditure budget equates to \$2,300,000 (net sewer reimbursements to the Metropolitan Sewer District) and is a 6.8% increase (\$149,000) over the 2017 year-end forecast. He said that the reasons for the overage are explained in the budget report that had been distributed.

Council member Kuenning opened up the Public Hearing for questions. He pointed out the Mr. Scott Gully, the Finance Director, was there to help answer questions, and the handout and total budget package are included on the Village website. Mayor Feigelson explained that preparing the budget is one of the most important things done by the Village Council. Council has the goal to do everything in a fiscally responsible manner and provide the services that are required by the residents. He said that Council appreciates all the work that City Manager Minneci and her staff, especially Mr. Scott Gully, puts into preparing the budget because it is very difficult and time-consuming.

Council member Kuenning said that he also thanked City Manager Minneci and Mr. Scott Gully for all their efforts to put the budget together. He truly believes that the process provides value; everything has a purpose in the budget.

There being no further questions or comments Council member Kuenning declared the public hearing on the 2018 budget closed.

LAW COMMITTEE REPORT: Council member Armstrong directed Council's attention to a memo titled, "*Law Committee*". He reported that the Law committee met on November 9, 2017 to review several items in advance of the Council meeting.

Council member Armstrong reported that Mr. Crain presented the October/November legal activity report to the Law committee. The report included updates on Green Area transactions, arbitration process, septic system inspection inquiries, Planning Commission appeal case review and Mayor's Court.

Council member Armstrong reported that the Law committee recommended asking Mr. Rick Wiggers to renew his term on Planning Commission, which expires on December 31, 2017. Mr. Wiggers has accepted this position.

Council member Armstrong reported that the Law committee recommended asking Mr. Eric Holzapfel to renew his term on the Personnel Advisory & Appeals Board, which expires December 31, 2017.

Council member Armstrong reported that the Law committee recommends that it is appropriate to have a second reading of the Ordinance centering on right-of-way dedication for a portion of Indian Hill Road located in Nichol's Subdivision.

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 a second reading.

Council member Armstrong reported that the Law committee recommends a third and final reading of the Ordinance centering on changing the name of Remington Road to Old Remington Road.

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 DISTRICTS'S SYCAMORE CREEK WASTEWATER TREATMENT PLANT was presented and read for the third reading.

Upon motion by Council member Armstrong, seconded by Council member Thayer, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **09-17** enacted.

Council member Armstrong reported that the Law committee recommends a third and final reading of the Ordinance centering on approving Planning Commission's text amendments associated with marijuana cultivation and accessory structures.

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 EXPECTATIONS 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 third reading.

Upon motion by Council member Armstrong, seconded by Council member Cowan, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **10-17** enacted.

Council member Armstrong reported that the Law committee entered into Executive Session to discuss pending legal matters.

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 November 14, 2017 to review several items in advance of the Council meeting.

Council member Cowan reported that Mr. Adkins presented the departmental activity report and Mr. West presented the project management report for Grand Valley. She explained that Mr. and Mrs. Mark Kuenning graciously donated two aluminum kayaks to Grand Valley for all visitors to enjoy. She said that donations also were received from the Village Garden Club of Indian Hill in the form of three maple trees adjacent to the Grand Valley Ranger Station. The Public Works Department is completing a boat shelter that will protect the Village kayaks and boats from the seasonal elements.

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 is working with an engineering firm on obtaining a cost proposal for soils testing.

Council member Cowan reported that Mrs. Wade-Dorman indicated that donations continue to come in for the "Reforest the Hill" Program. All donations at this point will be put toward next year's program. Trees have been delivered and will be planted over the next month.

Council member Cowan reported that the Rowe Arboretum Advisory committee members as well as Karen McCoy and Tom Voyten with MKSK presented the Rowe Arboretum master plan and collections policy which had been reviewed at the first part of the Council meeting.

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 14, 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. She said that 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 drainage ways on Blome and Demar Roads in addition to blacktop failures on Arboretum Drive and Indian Hill Road.

Council member Barber reported that Mrs. Wade-Dorman presented the project management report, a copy of which was included in the Council packet. She explained that Shawnee Run Road drainage tunnel improvements have been completed and came in approximately several thousand dollars under budget. Camargo Road pier wall repairs will begin on November 20th with a road closure between Given and Kugler Mill Roads for approximately 45 days. In addition, curb work on Indian Hill Road began last week. The Village culvert study has begun with letters being sent informing residents if work is being completed adjacent to their property. The study is expected to be completed at the end of November/beginning of December.

Council member Barber reported that the Village received information from Hamilton County that the Remington Road culvert replacement project is in the Top 5 Projects ranked to receive the Ohio Public Works Commission grant which is 50% of the construction costs. In addition, grant applications are being submitted for the Blome Road/Spooky Hollow culvert project in 2018 as well as the Weil Road stream restoration.

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 November 14, 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. He explained that staff repaired two water main breaks which totaled 52 for the year. This total is about average for the year. The department completed the tying in of the new high service pump at the water plant. It will be tested over the next couple of weeks to ensure efficiency. Mr. Frank Bell, Chief Plant Operator, updated the contingency plan for the water treatment plant.

Mayor Feigelson reported that Mrs. Wade-Dorman presented the project management report, a copy of which was included in the Council packet. Work is scheduled to begin later this year on Wells 3-8 for the water plant power distribution improvements. The project completion date is expected to be mid-June 2018. In addition, the Shillito water main replacement design work is 60% completed. Staff will begin scheduling meetings with affected residents to discuss easements.

Mayor Feigelson reported that Ms. Minneci provided an update on the gas aggregation program. The Village's contract with Constellation expires on November 30, 2017. Staff is recommending a Resolution to authorize the City Manager to enter into a renewed contract with Constellation for gas aggregation brokerage services for only one year. He said that staff will be evaluating other options in 2018 prior to the next gas aggregation renewal. Mayor Feigelson said that the Water Works and Deregulation Committee agrees with the recommendation and recommends passage of a Resolution at this Council meeting.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROGRAM AGREEMENT IN SUBSTANTIAL FORMAT WITH CONSTELLATION LLC FOR SUPPLYING NATURAL GAS TO PARTICIPANTS IN THE CITY OF THE

**VILLAGE OF INDIAN HILL, OHIO GOVERNMENTAL
AGGREGATION PROGRAM** 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 **11-17** adopted.

Mayor Feigelson reported that the Water Works and Deregulation Committee recommends a second reading of the Ordinance centering on changing various operational procedures for Water Works services.

**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 second reading.

Mayor Feigelson reported that the Water Works and Deregulation Committee recommends a second reading of the Ordinance centering on changing the charges and fees to be charged by the Water Works Department.

**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
second reading

SAFETY COMMITTEE REPORT: Council member McGraw directed Council's attention to a memo titled, "*Safety Committee*". He reported that the Safety committee met on November 9, 2017 to review several items in advance of the Council meeting.

Council member McGraw reported that Chief Ashbrock provided the October Fire/EMS report to the Safety committee after the meeting, a copy of which was included in the Council packet. The EMS run total of 873 is equal to the same time last year. Fire runs included a brush fire in Madeira.

Council member McGraw reported that Chief Ashbrock provided an update on staffing. The District is extending an offer for full-time employment to one of seven candidates interviewed. However, maintaining a sufficient number of scheduled hours by part-time staff remains difficult due to their commitments to other stations and internal regulations. Chief Ashbrock discussed various methods the District is taking to assist with these issues such as re-evaluating internal employment policies, evaluating pay and establishing more streamlined hiring processes.

Council member McGraw reported that Chief Ashbrock continues to prepare financial forecasts for the Safety Committee and Madeira officials to review 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. The Safety committee asked to continue reviewing the daily staffing levels during the monthly Safety committee meetings.

Council member McGraw reported that Ms. Minneci provided an update on the Firehouse Construction Fund as the Indian Hill station's completion draws near. As punch out items are finalized over the next month, the Village anticipates the Firehouse Construction Fund to be closed out by the end of 2017 as the remaining \$123,821 in funds will be used to pay for the remaining retainage, final project management fees and surplus distribution to the Fire District per the 2015 Tri-Party agreement.

Council member McGraw reported that Colonel Schlie presented the Rangers report, a copy of which was included in the Council packet. He reported that over the past month, many cases have involved theft, general information and dog incidents. He said that Colonel Schlie indicated that Muchmore Road, during one rainy evening, had eight auto accidents. The Rangers are meeting with the Joint Fire District to review active shooter procedures in addition to completing Taser training by the end of the year.

Council member McGraw reported that Colonel Schlie indicated that Lt. Ed Shannon has been accepted into the FBI Academy for spring 2018.

Council member McGraw reported that Colonel Schlie provided an update on the Deer Management Program. From February 2017 to now, a total of 75 deer have been harvested in addition to 15 coyotes. Currently, there are 226 hunters in the program.

PLANNING COMMISSION REPORT: Council member Thayer directed Council's attention to a memo titled, "*Planning Commission*". He reported that the Planning Commission met on November 21, 2017.

Council member Thayer reported that the Commission reviewed case #17-012: Kevin James and Anita Hopkins are requesting variances for the expansion of a non-conforming home on a non-conforming lot for the construction of an addition to the existing home. The applicant is requesting variances to the front yard setback and the required setback between a principal structure and an accessory structure. The property is located at 7595 Shawnee Run Road.

Council member Thayer explained that other business included a discussion on Subdivision Ordinance, Section 13.2.2 Lot Abutment.

CITY MANAGER'S REPORT: Ms. Minneci reported the following:

- Administrative offices will be closed on November 23-24, 2017 in observance of Thanksgiving.

- She thanks the Department Heads for their stewardship of taxpayer's money and scrutinizing every dollar included in the budget. She also thanked Council for their extensive work on the budget. This is the final meeting for Mayor Feigelson and Council member Barber. Ms. Minneci said that she thanks them for their years of service, their wonderful commitment and professionalism and she wanted to personally thank the Mayor and Mrs. Barber for all their contributions and services over the years. She said that their commitment makes Indian Hill the special place that it is. She said that everyone truly appreciates the long hours and evenings and weekends the Council members put into their positions. They also show true professionalism and desire to truly give back to the community.

Council member Kuenning expressed his appreciation on their dedication over these many years. He said that the Village is so much better off because of your service. On behalf of Council and himself he thanks Mayor Feigelson and Council member Barber for their services.

Mayor Feigelson said that it has been an incredible honor and privilege for him to be on Council. It has been an incredible honor working with Council members, citizens and undoubtedly the best staff of public service anywhere led by Dina Minneci. Residents have high ideals for the staff in Indian Hill and they meet and exceed those expectations. He said that staff makes Council's job easy and he hopes they remember him when he leaves.

Ms. Minneci reported that Council will have their Organizational Meeting on December 1, 2017 at 7:30 a.m.

Mayor Feigelson moved that Council move into Executive Session for purpose of the appointment, promotion or compensation of a public employee and to discuss pending legal matters. The motion was seconded by Council member Thayer 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 Feigelson declared the meeting adjourned.

Respectfully submitted,

Daniel J. Feigelson, Mayor

ATTEST:

Paul C. Riordan, Clerk