

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
December 12, 2016**

A meeting of the Indian Hill Village Council was held on December 12, 2016 at 6:30 p.m. The meeting was held in the Council Chamber of the Village Administration building.

Officials present:

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| 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 |
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| Ms. | Dina C. Minneci, City Manager |
| Mr. | Donald L. Crain, City Solicitor |
| Mr. | Paul C. Riordan, Clerk/Comptroller |

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

MINUTES: The minutes of the regular meeting of November 14, 2016 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, 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 December 5, 2016 to review several items in advance of the Council meeting.

Council member Kuenning also directed Council's attention to the November 2016 financial statements which were included in the Council packet. He explained that there was not much out of the ordinary in the November statements compared to the October statements. He highlighted that the November 2016 financial statement included three pay periods versus November 2015 statement which included two pay periods.

The financial statements for November 2016 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 the Finance committee reviewed the 2017 Appropriation Ordinance which highlights total expenditures for each fund. There have been only minimal changes made to the budgeted expenditures since the November 14th Public Hearing. The biggest change was an increase in projected income tax refunds for 2016 year-end and 2017. The Finance committee also reviewed the purchase orders from 2016 that will carry over into 2017. He said that after discussion, the Finance committee recommends emergency passage of the 2017 Appropriation Ordinance.

Council member Kuenning reported that the Finance committee reviewed three Ordinances related to salary and hourly pay ranges for 2016-2017 for the Police Department, the Public Works and Water Works departments and the non-contract employees. These Ordinances define the minimum and maximum pay ranges for all positions within the Village in addition to vacation,

longevity, sick time and other benefits. Any contractual obligations are also included in the Ordinances. He said that the Finance committee recommends emergency passage of all three Ordinances.

Upon motion by Council member Kuenning, seconded by Council member Thayer, the rules were suspended by unanimous roll call vote for the 2017 Appropriation Ordinance and the three pay Ordinances. .

Council member Kuenning read the following Ordinances:

AN ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENSES OF THE CITY OF THE VILLAGE OF INDIAN HILL FOR THE FISCAL YEAR 2017 AND DECLARING AN EMERGENCY was presented and read.

Upon motion by Council member Kuenning, seconded by Council member Cowan, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **07-16** enacted.

AN ORDINANCE FIXING THE COMPENSATION OF THE POLICE DEPARTMENT OF THE CITY OF THE VILLAGE OF INDIAN HILL, REPEALING ORDINANCE NO. 10-15 AND DECLARING AN EMERGENCY was presented and read.

Upon motion by Council member Kuenning, seconded by Council member Barber, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **09-16** enacted.

AN ORDINANCE FIXING THE COMPENSATION OF EMPLOYEES OF THE PUBLIC WORKS/WATER WORKS DEPARTMENTS OF THE CITY OF THE VILLAGE OF INDIAN HILL, REPEALING ORDINANCE NO. 11-15 AND DECLARING AN EMERGENCY was presented and read.

Upon motion by Council member Kuenning, seconded by Council member Thayer, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **08-16** enacted.

AN ORDINANCE FIXING THE COMPENSATION OF PERMANENT EMPLOYEES OF THE CITY OF THE VILLAGE OF INDIAN HILL, NOT COVERED BY ORDINANCES 08-16, AND 09-16 REPEALING ORDINANCE NO. 12-15, AND DECLARING AN EMERGENCY was presented and read.

Upon motion by Council member Kuenning, seconded by Council member Cowan, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **10-16** enacted.

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 2016 AND 2017, AND DECLARING AN EMERGENCY was presented and read.

Upon motion by Council member Kuenning, seconded by Council member Cowan, the rules were suspended by unanimous roll call vote. Upon motion by Council member Kuenning, seconded by Council member Barber, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **11-16** enacted.

Mayor Feigelson said that he supports the Ordinance and thinks that staff did a great job and the Finance committee with Mr. Kuenning as chair, did a great job evaluating both Village reserves and Village needs for the next several years, and therefore he supports this Ordinance.

Council member Kuenning reported that the Finance committee discussed and agreed to recommend a Resolution requesting advance tax payments from the County Auditor. This Resolution allows the Village to receive estimated real estate tax in advance of the semi-annual payments. This Resolution is done on an annual basis to ensure the County auditor forwards any tax distributions due the Village in a timely manner.

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE ADVANCE PAYMENTS OF TAXES was presented and read.

Upon motion by Council member Kuenning, seconded by Council member Thayer, the Resolution was passed by unanimous voice vote. Mayor Feigelson declared Resolution **18-16** adopted.

Council member Kuenning reported that the Finance committee reviewed a Resolution to accept the Madeira and Indian Hill Joint Fire District appropriations for 2017. This is a Resolution required by the joint fire district contract. It is passed by both Madeira and Indian Hill to approve the fire district's current year budget and permit monthly disbursements to the joint fire district based on a 50/50 contribution from both cities. For 2017, both Indian Hill and Madeira will pay \$1,642,225, which is net of income received from interest and Fire Company contributions. This expense may be reduced by EMS billing credits received during 2017. He said that the Finance committee recommends passage of the Resolution.

A RESOLUTION ACCEPTING THE 2017 APPROPRIATIONS FOR THE MADEIRA AND INDIAN HILL JOINT FIRE DISTRICT was presented and read.

Upon motion by Council member Kuenning, seconded by Council member McGraw, the Resolution was passed by unanimous voice vote. Mayor Feigelson declared Resolution **19-16** adopted.

Council member Kuenning reported that Mr. Gully followed-up on a suggestion from the Audit committee to evaluate the Village's ability to change pension systems. He said that in

researching the Ohio Revised Code, Mr. Gully found that it is mandated by state law that all Ohio governmental jurisdictions, except for the City of Cincinnati, must belong to the state pension fund.

LAW COMMITTEE REPORT: Council member Armstrong directed Council's attention to a memo titled, "*Law Committee*". He reported that the Law committee met on December 1, 2016 to review several items in advance of the Council meeting.

Council member Armstrong reported that Mr. Crain presented the October/November legal activity report. The report included updates on Green Area transactions, truck traffic research, Green Area encroachments and Mayor's Court and labor contract administration.

Council member Armstrong reported that the Law committee reviewed the concept of specifying time requirements for citizen participation at open meetings. After discussion, the Law committee did not feel that there was an immediate need to formulate a policy. He said that Mr. Crain indicated that he would provide examples of policies from other jurisdictions for review in the future, if needed.

Council member Armstrong reported that as a follow-up from last month's discussion on helicopters, staff presented the Solicitor's legal opinion on helicopter regulations. With regard to regulating the use of helicopters, the opinion validates previous discussions – local government does not have authority to regulate air travel, flight patterns or noise from such air travel, which does include helicopters.

Council member Armstrong reported that with regard to regulating zoning and establishing setback requirements, the Solicitor has opined that the Village could establish "reasonable land use restrictions". However, any new regulations could not be so restrictive that they would prohibit any helicopter owner from locating their helipad within the Village. It was further discussed that any "reasonable land use" regulations that the Village would consider establishing would only allow the helipad location to be in the larger lot zoning districts (e.g. 5 acre zones or larger). He said that the Law committee, along with the Solicitor's recommendation, determined that the location of the current helicopters within the Village already exceeds any regulations that the Village would look to consider to meet the "reasonable land use restriction" standards. He said that although helicopter concerns have been very minimal, the Village will continue to monitor any complaints that are received by communicating with the resident immediately as well as contacting the FAA if it appears as if any of its regulations have been violated. He said that the Law committee will keep in contact with other jurisdictions who have experience with this issue to see if they make any land use changes regarding helicopters.

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 December 6, 2016 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 is included in the Council packet. Work had been performed at the Bonnell House and Little Red Schoolhouse. In addition, fallen trees were removed from Given Road, Indian Hill Road and Kugler Mill Road along with honeysuckle being removed at Grand Valley.

Council member Cowan reported that Mr. West provided the Buildings and Grounds committee with the Project Management report, a copy of which is included in the Council packet. She explained that drainage improvements were completed along the main drive and boat barn at Grand Valley while the Ranger Station construction is awaiting drywall. Staff is awaiting permits from Hamilton County to begin working at the Shooting Club building's external support for the second story porch. In addition, Daniel and Irene Randolph had donated two trees at Grand Valley while Council member Cowan donated two trees at Rowe Arboretum. In recognition of Bud and Suzanne Rogers, the Bridle Trail Fund has received \$4,000 in donations. Council member Cowan said that she and her husband donated two trees for Rowe Arboretum.

Council member Cowan reported that Mr. Dick Steuerwald, Shooting Range Manager, provided an overview of the Shooting Club's memberships, programs and construction process. Currently, the Shooting Club has 617 members with 54% being non-residents and 46% being residents. The waiting list has been reduced from 163 to 104 over the last 1.5 years with 100% membership dues in compliance. She said that the Buildings and Grounds committee requested that periodic updates of the membership breakdown be provided to them for review.

Council member Cowan reported that Mr. Steuerwald also highlighted the youth training programs that have been created in 2016 as well as the change in hours to allow for more time on the pistol and rifle range to accommodate the membership's higher usage in this area.

Council member Cowan reported that Mrs. Wade-Dorman provided the Buildings and Grounds with an overview of the environmental study that was performed at the Shooting Range during wellhead inspections this year. The report validated the non-existence of contaminants within the Village water system. It also highlighted the Village's due diligence in certain areas of well monitoring and proactive applications to protect the aquifer and the Little Miami from lead contamination. The report also provided suggestions to help strengthen the proactive measures such as: 1) the addition of more monitoring wells, 2.) soil replacement/stabilization along the berms, 3.) reclamation, and 4.) establishing an environmental stewardship committee which reviews the plan annually and updates it every five years. The Village will look to incorporate these measures beginning in 2017.

Council member Cowan reported that Mr. Adkins provided the Buildings and Grounds committee data related to Livingston Lodge rentals. She said that the Buildings and Grounds committee will continue discussions on this information at next month's 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 December 6, 2016 to review several items in advance of the Council meeting.

Council member Barber reported that Mr. Adkins provided the departmental activity report, a copy of which is included in the Council packet. She explained that staff continues to trim honeysuckle, clear right-of-way trees and limbs and repair blacktop throughout the Village. The Public Works department also repaired guardrail on Camargo Road.

Council member Barber reported that Mr. Adkins gave the Public Works committee an update on the recent testing process for the Service Maintenance position that is occurring due to upcoming retirements and the filling of two vacancies within the department. After interviewing twenty-six

candidates who scored 80% or higher on the written test, scores were tallied and an eligibility list of twenty-four candidates has been posted. Second interviews will begin over the next couple weeks with the anticipation of one position in Water Works and one position in the Parks division being filled by the end of January.

Council member Barber reported that Mrs. Wade-Dorman presented the project management report, a copy of which is included in the Council packet. She said that engineers have completed the evaluation and survey work for the failed floor in the Shawnee Run culvert. Due to location and amount of existing cover, the engineers recommend that the Village monitor the culvert over the next couple of months while awaiting grant funding over the next few months to assist with repairs in 2017.

Council member Barber said that Mrs. Wade-Dorman also discussed the Demar Road pier wall project. Wall #1 has been completed with Wall # 2 being about 50% completed and Wall #3 being installed. After the project is completed, temporary paving will be installed to allow Demar to be reopened prior to final paving in the spring.

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 December 6, 2016 to review several items in advance of the Council meeting.

Mayor Feigelson reported that Mr. Adkins provided the departmental activity management report, a copy of which is included in the Council packet. He said that Mr. Adkins highlighted that staff repaired two water main breaks and installed five water taps. Waterline inspections continued at Blome Road, Buckingham Road and Cincinnati Country Day.

Mayor Feigelson reported that Mrs. Wade-Dorman provided the project management report, a copy of which is included in the Council packet. He said that the engineering continues on the high service pump while the pump itself will take approximately four to six months to be delivered. Blome Road water main replacement has been completed. Ditching, concrete channels and retaining wall projects will take place in 2017 to round out the overall reconstruction process of the entire road prior to its being resurfaced in 2018.

Mayor Feigelson reported that Ms. Minneci presented a Resolution which recommends approving a revised natural gas aggregation program plan of operation and governance. The recommended modified plan will replace the plan from 2009 when the gas aggregation program began in the Village. The original plan of operation has changed over the last seven years and is required to be implemented in order to continue with the aggregation program. The new plan of operation states that the community will comply with all of the PUCO rules to establish and operate the Village's program. Mayor Feigelson explained that the old plan contained five pricing options where the new plan provides for either fixed or variable (which would apply to the current Flex Down Pricing offer). The new plan also says the supply charges will be fully and prominently disclosed in consumer enrollment materials. He said that after discussion, the Public Works committee agrees to recommend a Resolution which approves the modified plan of operation and governance for the natural gas aggregation program.

**A RESOLUTION ADOPTING A MODIFIED PLAN OF OPERATION
AND GOVERNANCE FOR NATURAL GAS GOVERNMENTAL**

**AGGREGATION PROGRAM, IN SUBSTANTIALLY THE SAME
FORMAT** 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 **20-16** 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 December 1, 2016 to review several items in advance of the Council meeting.

Council member McGraw said that due to it being the first of the month, Chief Ashbrock presented the November Fire/EMS reports after the meeting, copies of which are included in the Council packet. He said that Chief Ashbrock indicated that total EMS runs for the year will be less than 2015.

Council member McGraw reported that Chief Ashbrock gave an update on the Indian Hill firehouse construction. Staff will work with the Chief and the project manager on matching the brick layout with the administration building as well as the firehouse lighting to ensure it meets standards that work within the Village. The contractors continue to capitalize on the good weather and remain ahead of schedule.

Council member McGraw reported that Colonel Schlie presented the November Ranger report, a copy of which is included in the Council packet. He said that ID thefts and general information cases were significant issues during the month.

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 15, 2016.

Council member Thayer reported that the Planning Commission approved a variance request and authorization to expand a non-conforming home on a non-conforming lot by Jared and Bridget Davis at 7727 Shawnee Run Road. The variance request was to construct an addition to the rear of the existing non-conforming home.

CITY MANAGER'S REPORT: Ms. Minneci included the following in her Manager's report.

- She directed Council's attention to the 2017 Committee calendar which was included in the Council packet. She explained that there is also a Commission calendar included in the Council packet. She said that it would have been too difficult to include both calendars in one sheet. Mayor Feigelson thanked Ms. Minneci for all of the work she put into the calendars and he requested that Council members review the calendars and let everyone know as soon as they can of any required changes so they can be incorporated.
- Ms. Minneci reported that the Village offices will be closed on December 23 (for Christmas Eve) and December 26 (for Christmas). Also, the Village offices will be closed on January 2 for New Year' Day.
- Ms. Minneci directed Council back to the Council committee calendar and explained that the first Mayor's Court has to be changed to 3:00 pm Friday, January 13 from Monday, January 9.

- Ms. Minneci requested a date in January to review the Village goals and for a date for the Community Forum which is usually held in April. Council agreed that the goal setting meeting will be held at 7:30 am on January 10 and the Community Forum will be held on Wednesday, April 26 at 7:00 pm.
- Mayor Feigelson and Ms. Minneci will circulate the agenda and notes from the previous Community Forum to all the Council members prior to the April 26 event.
- Ms. Minneci congratulated Mr. Paul Riordan who is in his 35th year of service to the Village. Mayor Feigelson said that on behalf of the citizens of Indian Hill, they thank Mr. Riordan for his 35 years of service.
- Ms. Minneci directed Council's attention to a press release being included in the Council packet which explains the Village of Indian Hill's reduction in the income tax rate. This press release will be given to the reporter for publication. She also explained that there will be a notice in the Village Bulletin and there will be a notice included with the tax forms that are sent out later in the year.

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