

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
February 22, 2016**

A meeting of the Indian Hill Village Council was held on February 22, 2016 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:

- Mr. Brad Bird, 6525 Drake Road, 45243
- Mr. Brian Dearborn, 6525 Drake Road, 45243
- Mr. Joe DiPietrantonio, 7512 Rolling Meadows Drive, 45069
- Mr. Michael D. Dressell, 6525 Drake Road, 45243
- Ms. Denise Driehaus, State Representative (District 31)
- Mr. James E. Dunigan, 6525 Drake Road, 45243
- Mr. Keith Lang, 6525 Drake Road, 45243
- Mr. Dean Ramsey, 6525 Drake Road, 45243
- Mr. Andy Ringer, 8195 Keller Road, 45243
- Mr. Ben Ringer, 5967 Bayberry Drive, 45242
- Mr. Ed Shannon, 6525 Drake Road, 45243
- Ms. Kari Zenni, 6525 Drake Road, 45243

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

SPECIAL MEETING MINUTES: The minutes of the Special meeting of January 20, 2016 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.

MINUTES: The minutes of the regular meeting of January 25, 2016 had previously been distributed to each Council member. Council member Cowan made a motion to accept the minutes, which was seconded by Council member Thayer and was approved, 7-0.

CITIZEN PARTICIPATION: Mayor Feigelson swore-in Patrolman Michael Lang.

FINANCE COMMITTEE REPORT: Council member Kuenning directed Council's attention to a memo titled, "*Finance Committee*". He reported that the Finance committee met on February 12, 2016 to review several items in advance of the Council meeting.

Council member Kuenning reported that the Finance committee met with the investment advisors from Bahl & Gaynor which provided the committee its annual update on the Rowe Arboretum investments. The current annualized income for the portfolio is 3.4% yield, compared to

3.1% the same time last year. Since its inception in 1992, the accounts' performance has had an 8.86% annualized return rate net of fees. In 2016, it is estimated that the account will yield approximately \$97,000 in income. The Village received \$100,000 in income in 2015. The advisors emphasized that the portfolio, as directed, only includes stocks that pay dividends and have greater than a 2% yield. The investment objectives of maximizing current income coupled with minimizing downside capital risk continues to be sound and is recommended to be continued. Future income growth is projected to be around 6%. Currently, there are 40 stocks in the portfolio. Council member Kuenning said that the Finance committee members were satisfied with the meeting and agrees with the investment strategy that Bahl & Gaynor continues to recommend and that the fund is producing the desired outcome for the Rowe investments.

Council member Kuenning reported that the investment advisors from Bartlett provided the Finance committee with its annual update on the investments for the General Fund, Water Works Fund and inactive funds. Due to the restrictions placed on public investments per the Ohio Revised Code, the portfolio consists only of treasury notes, agency notes, municipal bonds, certificate of deposits and money market funds. Moreover, current bond maturities are limited to five years or less per investment objectives. Since its inception in 2004, the account's performance had a 2.17% annualized return rate. Interest earned in 2015 was approximately \$123,000, a yield of 0.67%. The portfolio's highest percentage of investments are one to three year terms which the advisors recommend to maintain. 2016 interest income is projected to be around \$142,000 or 1%.

Council member Kuenning directed Council's attention to the January 2016 financial statements which were included in the Council packet. He reported the following financial report.

- a. **Income Tax Receipts:** The Village received \$537,072 which is about \$452,000 less than received in January 2015. This is due to a one-time payment of over \$400,000 received in 2015. Year-to-date cash receipts are approximately 5% of budget. It is too early to make estimates for the total receipts for the year. There will be a better indication of total receipts for the year in April, when the majority of the income tax receipts are received.
- b. **Real Estate Tax:** The Village received \$75,000 in January 2016 which is \$25,000 more than received in January 2015.
- c. **Operating Disbursements:** Total January operating disbursements were \$917,199, which was \$58,000 more than January 2015. This difference was due to timing of various payments.
- d. **CIRF:** Disbursements for the month totaled \$5,885. The disbursement includes payment of real estate taxes. The Village pays real estate tax on donated parcels. The Village files for exemptions and receives refunds at a later date but the taxes have to be paid ahead of time.
- e. **Water Works Receipts:** Water usage receipts for January 2016 were \$180,564 which was approximately \$9,000 more than received in January 2015.
- f. **Water Works Disbursements:** Total January operating disbursements of \$148,369 were slightly less than January 2015.

- g. **Water Works CRF:** Total January expenditures were \$510. This represented the commencement of the high service pump replacement.
- h. **Cash and Investments:** Total month-end cash and investments were \$30,878,873 compared to \$31,342,333 in December 2015 and \$23,872,423 at January 31, 2015. The decrease from December 2015 is primarily due to normal operations and payments made from the Madeira fire station fund.
- i. **Long Term Debt:** The current principal balance is \$3,435,000 and it will be paid down to a balance of \$3,055,000 by December 31, 2016.
- j. **Rowe Funds:** The market value as of December 31, 2015 was \$2,939,946. The unrecognized gain was \$423,262. Total monthly income equated to \$3,665 (including loss on sale of investments) with monthly expenses totaling \$13,099.
- k. **Green Areas Funds:** The market value as of January 31, 2016 was \$2,080,521. The unrecognized gain was \$797,921. Total monthly earnings equated to \$9,785 with monthly expenses totaling \$280.

The financial statements for January 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 a Resolution to appoint three members to the Board of Review dedicated for income tax. He explained that Mr. Gully has been working with an accountant for a former Village resident regarding the taxability of bonus income. A final determination was made that the income is taxable to the Village; however, the accountant would like to exercise the Ohio Revised Code defined right of having the Board of Review hear his case. Council member Kuenning explained that the Board of Review for income tax cases has only met once in the last seventeen years. He said that per the Village Ordinance, the Board of Review must be approved by Council and:

- 1. Have three members – one is assigned as chairperson
- 2. Chairperson may be an employee of the Village but cannot be the Finance Director
- 3. Two other people may not be employees, elected officials or contractors with the Village within five years of being appointed by Council
- 4. Board members' term are 2 year and coincide with the current Council term (e.g. anyone assigned to the Board now will have their term end on November 30, 2017 with the current Council)

Council member Kuenning said that staff is recommending the appointment of Mr. Paul Riordan, Mr. John Kruse and Mr. Michael Sewell to the Board. Mr. Riordan and Mr. Kruse have served previously, and Mr. Sewell currently resides on the Village's Audit committee. Council member Kuenning said that the Finance committee discussed the case and they recommend the appointments.

A RESOLUTION APPROVING THE REAPPOINTMENT OF MR. JOHN KRUSE AND MR. PAUL RIORDAN AND THE

APPOINTMENT OF MR. MICHAEL SEWELL TO THE BOARD OF REVIEW 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 **07-16** adopted.

Council member Kuenning reported that the Finance committee reviewed a Resolution to assess maintenance costs onto property taxes for property located at 7450 Drake Road. The property currently is vacant and in bankruptcy. There has been no maintenance of it for a few years which has resulted in several safety concerns. He said that Mr. West worked with the financial institution and property owners to address the concerns, but to no avail. These safety concerns resulted in the Village, upon proper notice, declaring the property a public nuisance and the structure insecure in 2015. The Village took on the costs and resources to upgrade the property, rid it of dead trees and clear out noxious weeds. In order for the Village to recoup the \$10,400 in costs, the property must be assessed and costs added to property taxes. Council member Kuenning said that this Resolution will be presented for recommendation under the Law committee report.

Council member Kuenning reported that the Finance committee convened into Executive Session during the Finance committee meeting to discuss property acquisition and/or sale of property, including real, personal, tangible and intangible property.

LAW COMMITTEE REPORT: Council member Armstrong directed Council's attention to a memo titled, "*Law Committee*". He explained that the Law committee met on February 11, 2016 to review several items in advance of the Council meeting.

Council member Armstrong reported that Mr. Crain presented the January/February legal activity report to the Law committee. The report included updates on real estate questions, zoning compliance, environmental regulations and land transfer contracts.

Council member Armstrong reported that Ms. Zenni presented a packet that she had created to assist in explaining the origination, collection and disbursement of Mayor's Court fees. The packet included a diagram which highlighted the legislative authorities which dictate how court costs and fines are distributed amongst various Village and State of Ohio accounts. In addition, Ms. Zenni showed how current Village fines and cost compare to other communities that have Mayor's Court. Council member Armstrong said that Law committee also discussed payment plan opportunities and how they are processed. He said that Mr. Crain emphasized to the Law committee that Mayor's Court fines exist to enforce laws and that they are not used as a revenue enhancer.

Council member Armstrong reported that Ms. Minneci presented a Resolution to assess maintenance costs onto property taxes for property located at 7450 Drake Road. The reasoning for this Resolution was presented previously in the Council meeting by Council member Kuenning. Council member Armstrong said that the Law committee recommends passage of the Resolution.

A RESOLUTION ASSESSING THE COSTS TO THE PROPERTY TAX DUPLICATE FOR THE NUISANCE ABATEMENT AND SECURANCE OF THE PROPERTY LOCATED AT 7450 DRAKE ROAD, PARCEL 6290-221-0034 was presented and read.

Upon motion by Council member Armstrong, seconded by Council member Cowan, the Resolution was passed by unanimous voice vote. Mayor Feigelson declared Resolution **08-16** adopted.

Council member Armstrong reported that Colonel Schlie and Ms. Minneci presented an Ordinance which would allow the position of Assistant Chief – Captain of Investigations to be changed from a non-exempt position to an exempt position. With the upcoming retirement of Assistant Chief – Captain of Patrol, Tim Oliverio, it was highlighted how his position was not under civil service, but that the Assistant Chief – Captain of Investigations was classified as civil service. He said that Colonel Schlie and Ms. Minneci believe the two positions carry the same administrative, supervisory and managerial functions – except one oversees investigations within the department while the other position oversees patrol officers. Consequently, Colonel Schlie and Ms. Minneci do not feel it necessary or advantageous to have two positions with the same authorities to be classified differently. Therefore staff is recommending to change the Assistant Chief – Captain of Investigations to a non-civil service position. The potential change has been discussed with the Lieutenants who are eligible to apply for Mr. Dressell’s position when it is vacated. None of them had any objections. Although not mandatory, staff will continue to include interviews in the Captain of Investigations’ promotional process. Council member Armstrong said that after discussion, the Law committee recommends to Council the passage of the Ordinance on an emergency basis in order to meet the timeline of the upcoming promotional process.

AN ORDINANCE DESIGNATING THE POSITION OF ASSISTANT CHIEF – CAPTAIN OF INVESTIGATIONS OF THE POLICE DEPARTMENT IN THE NON-CLASSIFIED SERVICE AND TO EXEMPT FROM PROVISIONS OF THE MERIT SYSTEM ORDINANCE OF 1970, AND DECLARING AN EMERGENCY was presented and read.

Upon motion by Council member Armstrong, seconded by Council member Kuenning, the rules were suspended by unanimous roll call vote. Upon motion by Council member Armstrong, seconded by Council member Thayer, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **01-16** enacted.

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 February 16, 2016 to review several items in advance of the Council meeting.

Council member Cowan 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. She said that he highlighted the maintenance performed throughout the buildings and parks.

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 said that he highlighted that five new pavers have been placed at the Veterans Memorial and that he gave an update on the Ranger building construction at Grand Valley.

Council member Cowan reported that Ms. Minneci highlighted that two generous donations have been received over the last month. Mr. Dave Couch donated \$100 for tree planting to the Green Areas Maintenance Fund while the Indian Hill Women's Club donated \$50 to the Veterans Memorial on behalf of Mr. Don McGraw's presentation to their group.

Council member Cowan explained that per a question from last month's meeting, Ms. Minneci provided the following bridle trail pass breakdown as of January 2016:

- Resident passes = 78
- Non-resident passes = 89
- Total = 167

Council member Cowan reported that the Buildings and Grounds committee convened into Executive Session to discuss property acquisition and/or sale of property, including real, personal, tangible and intangible property.

PUBLIC WORKS COMMITTEE REPORT: Council member Barber directed Council's attention to a memo titled, "*Public Works Committee*". She explained that the Public Works committee met on February 16, 2016 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 explained that Mr. Adkins highlighted the statistics for 11 snow occurrences. With the recent occurrence on February 14th, snow accumulation for the 2015-2016 season had reached approximately 15 inches. This compares to approximately 30 inches at this time last year. She said that Mr. Adkins also announced that the department has finished the Christmas tree pick-up program for the year.

Council member Barber reported that Mr. Adkins provided information on the upcoming Weil Road pier wall project. Mr. Adkins is meeting with the contractors this week to determine the March commencement date. The road will have to be shut down for approximately 90 days. Communications about this major road repair have already occurred with neighboring communities, schools and safety departments. In addition, articles also will appear in the next two issues of the *Indian Hill Bulletin* and e-mail blasts will be sent closer to the date. Signage also will be placed at the site two weeks prior to the start of construction.

Council member Barber reported that Mr. Adkins gave an update about recycling fees from Rumpke. Due to the construction of the new recycling plant in St. Bernard a few years ago, Rumpke had indicated it would eliminate the disposal fee that the Village had been paying for many years. The cost for this fee at the time it was eliminated was about \$6,000 - \$8,000 a year depending on the amount of tonnage delivered. The Village delivers, on average, 850 tons of recycling per year to the Rumpke site. Council member Barber said that however, Rumpke unexpectedly communicated only three weeks ago that it will be re-establishing the disposal fee beginning in March. Moreover, the fee will increase to approximately \$17,000 - \$20,000. Per Rumpke, the increase is due to lower recycling production than anticipated. If recycling production increases, the fee may possibly be reduced or eliminated again in the future. She said that staff will monitor this unanticipated expenditure over the next few months to determine if an additional appropriation will be needed.

Council member Cowan asked if garbage fee disposal costs are more than recycling fee costs. Ms. Minneci said that she would check into this and get back to Council with the answer.

WATER WORKS REPORT: Mayor Feigelson directed Council's attention to a memo titled, "*Water Works and Deregulation Committee*". He reported that the Water Works and Deregulation committee met on February 16, 2016 to review several items in advance of the Council meeting.

Mayor Feigelson 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. He said that Mr. Adkins highlighted the repair of one water main and replacement of radio read meters. It is anticipated that 250-300 radio reads will be replaced in 2016. Repairs to the water facility's slab floor will begin next month.

Mayor Feigelson reported that staff provided the Water Works committee with information for the annual review of the Village's water rate. The following information was distributed for discussion purposes:

- a) A ten year cash flow analysis which included anticipated operating and capital expenditures through 2025
- b) A ten year capital plan which included water main replacements, vehicle purchases and facility needs such as brine tanks and generators
- c) The debt schedule for current Village bonds
- d) A 75 year water main replacement schedule

Mayor Feigelson reported that the Water Works committee discussed various philosophies, with the use of a water rate calculator, on how to achieve appropriate operating fund ending balances each year. He said that the goal is to have sufficient funds that allow for effective and efficient water distribution operations while also having the ability to replace aging infrastructure. The water rate was increased by 5% in July 2015. He said that this was the first water rate increase for Village residents since May 2008.

Mayor Feigelson reported that the Water Works committee asked staff to provide additional information which compares the current rates and historical rate changes of other water distribution communities. Also, he said that the Water Works committee would like to share information and continue discussions with the Finance Committee next month to determine if there is a justifiable need for a water rate increase this year.

SAFETY COMMITTEE REPORT: Council member McGraw directed Council's attention to a memo titled, "*Safety Committee*". He reported that the Safety committee met on February 11, 2016 to review several items in advance of the Council meeting.

Council member McGraw reported that Chief Ashbrock presented the January Fire/EMS report, a copy of which was included in the Council packet. He reported that Chief Ashbrock highlighted that EMS runs are higher during the first month of the year compared to last year. There were 97 total runs in January 2016 compared to 83 in January 2015.

Council member McGraw reported that Chief Ashbrock highlighted that the department performed its ice rescue training at the Stepping Stones Center lake.

Council member McGraw reported that Colonel Schlie presented the Rangers' Activity Report for January, a copy of which was included in the Council packet. He said that Chief Schlie reported that about 15 coyotes have been dropped since the beginning of the year. The most popular sites for the coyotes are Redbirdhollow, Buckingham, Kugler Mill and Cunningham. Chief Schlie said that a pack also has been detected behind the police administration offices.

Council member McGraw explained that with the promotion of Lt. Watts, Michael Lang was hired on February 6th. Mr. Lang has been with Norwood Police Department for thirteen years. Officer Lang was sworn in at tonight's Council meeting.

Council member McGraw reported as a follow-up from last month's meeting, Mr. Aaron provided an update on the decrease in false alarms that has occurred due to the new alarm monitoring system.

Council member McGraw reported that staff provided an update on Hamilton County's quest to find new revenue sources to assist in the operations and capital needs of the Hamilton County 911 Communications Center. The most recent idea was a utility fee being added to telephone, wireless and internet phone services. However, this concept was denied by the Hamilton County Commissioners one day prior to the Public Safety Committee meeting. Staff will keep the Committee updated as the County pursues other concepts.

PLANNING COMMISSION REPORT: Council member Thayer directed Council's attention to a memo titled, "*Planning Commission*". He reported that the Planning Commission met on February 16, 2016 to review several issues.

Council member Thayer reported that a special exception request by the Cincinnati Country Day School at 6905 Given Road was conditionally approved under the continuing jurisdiction of the Planning Commission. The request was for the construction of an outdoor amphitheater located in the lawn between the school and the north driveway.

Council member Thayer reported that a special exception request by the Cincinnati Country Day School at 6905 Given Road was conditionally approved under the continuing jurisdiction of the Planning Commission. The approval was for Phase One of the Leonard Athletic Center (LAC) renovation, which includes a number of improvements and modifications.

Council member Thayer reported that the Planning Commission conditionally approved a request by Amy and Dan Quible for the selection of a front lot line per Section 37.21 of the Zoning Ordinance, for an existing non-conforming home located at 4388 Miami Road. The approval allows the north lot line to be the front lot line.

CITY MANAGER'S REPORT: Ms. Minneci reported that the New Residents' event will be Sunday, May 22, 2016. The event will be held at the Little Red Schoolhouse from 4:00 p.m. – 6:00 p.m.

Ms. Minneci requested an Executive Session to discuss property acquisition and/or sale of property, including real, personal, tangible and intangible property.

Council member Kuenning moved that Council enter into Executive Session for the purpose of discussing property acquisition and/or sale of property, including real, personal, tangible and intangible property. The motion was seconded by Council member Thayer and was passed by unanimously roll call vote. Council moved 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