

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
May 16, 2016**

A meeting of the Indian Hill Village Council was held on May 16, 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. Jeff Bradfield, 520 Gardenway, Englewood, KY 41017
- Ms. Kayla Bradfield, 520 Gardenway, Englewood, KY 41017
- Mr. Reed Bradfield, 520 Gardenway, Englewood, KY 41017
- Ms. Ronda Bradfield, 520 Gardenway, Englewood, KY 41017
- Ms. Karen Jolley, 6194 Mapleridge Drive, Taylor Mill, KY 41015
- Ms. Marijane Klug, 1067 Ebenezer Road, 45233
- Ms. Jackie Lanter, 637 Pineknot Drive, 45238
- Mr. Tom Lanter, 637 Pineknot Drive, 45238
- Ms. Amy Linneman, 147 Laura Lane, 45233
- Mr. Jeff Linneman, 147 Laura Lane, 45233
- Ms. Colleen Whalen, 10745 Carolina Pines Dr., Harrison, OH 45030
- Mr. Jim Whalen, 10745 Carolina Pines Dr., Harrison, OH 45030

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

MINUTES: The minutes of the regular meeting of April 18, 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.

CITIZEN PARTICIPATION: Mayor Feigelson swore-in Cody Meyer as a patrol officer with the Indian Hill Rangers. Mayor Feigelson presided over the ceremonial promotion of Lieutenant Steve Makin to the rank of Assistant Chief/Captain of Investigations and over the official promotion of Officer Frank Cogliano to Lieutenant. Mayor Feigelson said that one of the real “gems” of the Village of Indian Hill is the police department, affectionately known as the “Indian Hill Rangers”. He said that they are such a great group of guys and it is such an honor to be able to bring them up through the ranks. Council and the citizens in the community couldn’t be happier or more proud of the Indian Hill Rangers. We benefit from the hard work of Chief Schlie all the way down the ranks.

FINANCE COMMITTEE REPORT: Council member Kuenning directed Council’s attention to a memo titled, “*Finance Committee*”. He reported that the Finance committee met on May 6, 2016 to review several items in advance of the Council meeting.

Council member Kuenning reported the following financial report:

- **Income Tax Receipts:** In April, the Village received \$9,300,000 in income tax receipts which is considered a record amount of receipts and is approximately \$1,600,000 more than received in April 2015. Year-to-date cash receipts were 93.4% of budget. Total income tax receipts are projected to be over budget for the year and will approximate \$12,300,000 assuming that receipts for the rest of the year track as collections in prior years.
- **Operating Disbursements:** Total operating disbursements for April were \$750,870 which was \$92,000 less than April 2015. This difference is due primarily to the timing of workers' compensation invoice payments.
- **CIRF:** Disbursements for April totaled \$165,290. This cost includes landslide repairs, curb replacement within the street resurfacing program, and purchase of patrol vehicles and a dump bed.
- **Water Works Receipts:** Water usage receipts for April were \$116,541 which was approximately \$13,000 more than April 2015 receipts.
- **Water Works Disbursements:** Total April operating disbursements of \$736,709 are \$580,000 more than April 2015. This is due to the timing difference on the payment of the MSD invoice. This year the payment was in April and last year the payment was in March.
- **Cash and Investments:** Total month end cash and investments were \$37,925,583 compared to \$30,228,480 in March 2016 and very comparable to the \$37,632,074 balance at the end of April 2015.
- **Rowe Funds:** The market value as of April 30, 2016 was \$3,112,374 which was slightly under the March balance. The unrecognized gain was \$579,136. Total monthly net realized capital gains equated to \$9,271 with an additional \$6,499 in stock dividends. Monthly operating expenses totaled \$11,014.
- **Green Areas Funds:** The market value as of April 30, 2016 was \$2,199,710. The unrecognized gain was \$914,512. The total monthly earnings equated to \$89 with monthly expenses totaling \$320.

The financial statements for April 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 at the Finance committee he asked staff to research electronic filing for Village income tax. Staff will perform a Center for Local Government survey to determine which municipalities provide the service as well as define the pros and cons with its application. In addition, staff will research the fees associated with the process.

Council member Kuenning reported that the Finance committee entered into Executive Session for the purpose of discussing property acquisition and/or sale of property, including real, personal, tangible and intangible.

LAW COMMITTEE REPORT: Council member Armstrong directed Council's attention to a memo titled, "*Law Committee*". He reported that the Law committee met on May 4, 2016 to review several items in advance of the Council meeting.

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

Council member Armstrong reported that Mr. Crain provided an update on a recent Supreme Court decision surrounding e-mail correspondence amongst elected officials. The Court found that a school district board had violated the Open Meetings law by conducting discussions through e-mail. The Court's decision found that the Open Meetings law does not mandate that a meeting occur face-to-face. The Law committee and Mr. Crain discussed that a majority of the public body should not be on the resulting chain of e-mails in any discussion about public business. In other words, if an informational e-mail is distributed to all elected officials of any public board, the individual members should not "reply-to-all" if they wish to respond.

Council member Armstrong said that the Law committee recommends a second reading of an Ordinance which allows the Village's current Code of Ordinances to be updated with Ordinance changes that have taken place up through December 31, 2015.

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO was presented and read for the second reading.

Council member Armstrong reported that Mr. West presented to the Law committee the final drafts of land transfers for two pieces of property associated with the fire station construction. The Bright parcel and the Drake Park parcel are adjacent to the current fire house. The transfers of these two parcels will help provide more area for the fire station's new building layout and were taken into consideration with the Planning Commission's decision to issue variances relating to setback and lot coverages. The lease agreements and deeds have been reviewed and agreed to by staff and attorneys for both the Village and the fire district. Council member Armstrong said that the Law committee recommends approval of an emergency Ordinance allowing the City Manager to convey the Bright and Drake Park property to the Madeira and Indian Hill Joint Fire District.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONVEY THE BRIGHT AND DRAKE PARK PROPERTIES TO THE MADEIRA AND INDIAN HILL JOINT FIRE DISTRICT (MIHJFD) IN EXCHANGE FOR AN EASMENT AGREEMENT, IN SUBSTANTIALLY THE SAME FORMAT, AS ATTACHED, AND DECLARING AN EMERGENCY was presented and read.

Upon motion by Council member Armstrong, seconded by Council member Cowan, the rules were suspended by unanimous roll call vote. Upon motion by Council member Armstrong, seconded by Council member Kuenning, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **02-16** enacted.

Council member Armstrong reported that the Law committee entered into Executive Session for the purpose of discussing property acquisition and/or sale of property, including real, personal, tangible, intangible and personnel negotiations.

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 May 10, 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. All baseball dugout benches have been inspected and repaired. In addition, the Public Works department has been removing blacktop at Grand Valley in preparation for the new driveway approach.

Council member Cowan reported that Mr. West provided the project management report, a copy of which is included in the Council packet. Mr. West gave a construction update on the Grand Valley entrance enhancement project and the annual fishing tournament that took place on April 30, 2016.

Council member Cowan reported that Mr. West presented the Buildings and Grounds committee with a request from Ohio Department of Natural Resources (ODNR) to provide an access to the Little Miami River on property that the Village leases on Fletcher Road. There are a number of concerns with the request. They include: 1) trespassing onto our adjacent nature preserve property, 2) liability associated with such trespassing and 3) cost to secure our property as the lease agreement requires that the Village police the property in the lease area. Fletcher Road is very private in nature and the installation of a parking facility will place a burden on the need to constantly monitor and police the property 24/7. The Buildings and Grounds committee agreed with the concerns, and it was decided that the Village will not allow ODNR's request. However, staff will work with them to find an alternative solution.

Council member Cowan reported that Mr. West discussed a request from Duke Energy for an easement on green areas along State Route 50 to assist with pole relocations. She said that Mr. West will be acquiring more information and documentation on this request. Upon receipt, it will be presented to the Green Areas Advisory committee for its review and recommendation to Council.

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 May 10, 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. Staff has begun the annual routine mowing program throughout the Village. Storm water pipe has been installed and drainage improved at the entrance of the Kennels on Spooky Hollow Road in preparation for next month's Green Areas Advisory committee meeting.

Council member Barber reported that Mr. Adkins provided the Public Works committee with the project management report, a copy of which is included in the Council packet. The Weil Road pier wall project is almost completed. Weather permitting, Weil Road is expected to be open on May 13th. Subsequent to the Public Works committee meeting, a new opening date of May 17, 2016 was expected due to recent heavy rains.

Council member Barber reported that the road resurfacing program bids were opened on April 28, 2016. The Village received two bids with the lowest and best being from John R. Juergensen Company with a price of \$917,660, including three alternate bids. The original estimate was \$927,000. She said that Public Works anticipates starting the program after the school year ends and finalizing it before July 4th which is a little earlier than in prior years.

Council member Barber reported that four of the sixteen candidates for the City Engineer/Project Manager position had second interviews. A top candidate has emerged and staff will be finalizing the job offer process over the next two weeks. It is anticipated the new person would begin by the middle to end of June.

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 May 10, 2016 to consider 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 that there have been a total of eighteen water main breaks so far in 2016. The Water Works department also distributed the 2015 Annual Water Quality report to all residents.

Mayor Feigelson reported that Mr. Adkins provided the Water Works and Deregulation committee with the Project Management report, a copy of which was included in the Council packet. He said that electrical upgrades for the switchboard installation will begin May 18, 2016. The installation will take about ten hours; however, contingency plans will be in place if water demands are high for that day.

Mayor Feigelson reported that the Water Works committee recommends a third and final reading to consider a 5% water rate increase beginning July 1, 2016 and July 1, 2017. A summary of the water rate analysis discussions is included in the February 2016 and March 2016 Water Works committee reports.

AN ORDINANCE CHANGING THE RATES TO BE CHARGED FOR WATER SUPPLIED TO CUSTOMERS BY AMENDING SECTION 51.55 RATES OF THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO CODE OF ORDINANCES was presented and read for the third reading.

Upon motion by Mayor Feigelson, seconded by Council member Barber, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **03-16** enacted.

Mayor Feigelson said that the Water Works committee recommends a second reading of an Ordinance which will grant an easement to Duke Energy for overhead electric facilities which serve water well numbers 10 and 11 at Craig Lane south of Riverside Drive.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT IN ORDER TO ALLOW DUKE ENERGY OHIO, INC., TO SUPPLY AND MAINTAIN OVERHEAD ELECTRIC FACILITIES TO WATER WELL NUMBERS 10 AND 11 OF THE CITY OF THE VILLAGE OF INDIAN HILL WATER WORKS 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 May 4, 2016 to review several items in advance of the Council meeting.

Council member McGraw reported that Chief Ashbrock presented to the Safety committee the April Fire/EMS report, a copy of which was included in the Council packet. He explained that Chief Ashbrock highlighted that EMS runs remain lower for the year. He also provided an update on the district's assistance with downed trees that occurred due to recent rain storms.

Council member McGraw reported that Chief Ashbrock provided an update on the fire station construction. At this time, it is anticipated that the Madeira station, weather permitting, will be completed by June 16, 2016. Bids for the Indian Hill station were received on May 6, 2016. Currently, the project manager is analyzing and comparing the bids to specifications before they can be considered a valid representation of the costs. At this time, construction on the Indian Hill building is anticipated to begin after the 4th of July.

Council member McGraw reported that Colonel Schlie presented the Rangers' Activity Report for April, a copy of which was included in the Council packet.

Council member McGraw reported that Colonel Schlie presented to the Safety committee an Ordinance from the City of Chagrin Falls which restricts bicyclists to riding only in a single file line. Due to the many safety concerns that have arisen from bicyclists riding more than 2 people abreast, staff feels a similar Ordinance needs to be considered in the Village. With the Village having many hills and curves that create a variety of blind spots, instituting a single file requirement can greatly assist in reducing exposure to accidents and injuries. He said that staff will continue to review other municipalities with similar legislation and provide a recommendation for legislation that best suits the Village at an upcoming meeting.

PLANNING COMMISSION REPORT: Council member Thayer directed Council's attention to a memo titled, "*Planning Commission*". He reported that the Planning Commission met on April 19, 2016 to consider several items.

Council member Thayer reported that Sue Mills who resides at 7765 Graves Road requested approval of a variance and expansion of a non-conforming house. The request was approved.

Council member Thayer reported that the Planning Commission will meet on May 17, 2016 to consider two cases which are included in the Council packet.

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

- The 2016 Fourth of July Grand Marshal will be the Indian Hill Rangers. She said that over the past year they have solved several significant criminal cases (Florida "Slap Money Gang" and the Chesley case).

Upcoming events:

- May 22, 2016 – New Resident Reception – Little Red Schoolhouse – 4:00-6:00 pm. This event is done in collaboration with the Indian Hill Historical Society.
- May 30, 2016 – Village Administrative offices closed for Memorial Day
- May 30, 2016 Memorial Day Celebration at Armstrong Chapel at 10:30 am.

- July 4, 2016 – Fourth of July parade, festival and fireworks.

Ms. Minneci requested an Executive Session for the purpose of the appointment, promotion or compensation of a public employee.

Mayor Feigelson made a motion that Council enter into Executive Session for the purpose of the appointment, promotion or compensation of a public employee. The motion was seconded by Council member Cowan and was passed by unanimously 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