

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
June 19, 2017**

A meeting of the Indian Hill Village Council was held on June 19, 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
 Mrs. Molly R. Barber, Council member
 Mrs. Melissa S. Cowan, Council member
 Mr. Donald C. McGraw, Council member

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

Officials absent: Mr. John B. Armstrong, Council member
 Mr. Abbot A. Thayer, Council member

Visitors present Mr. Jim Barber, 7700 Chumani Lane
 Mrs. Beth Brendamour, 6105 Park Road
 Mr. Doug Brendamour, 6105 Park Road
 Mr. Jeffrey Hayes, 8440 Blome Road
 Dr. Ann Weichert Kranbuhl, 9425 Holly Hill

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

MINUTES: The minutes of the regular meeting of May 22, 2017 had previously been distributed to each Council member. Council member Barber made a motion to accept the minutes, which was seconded by Council member Cowan and was approved, 5-0.

CITIZEN PARTICIPATION: Mr. Jeffrey Hayes, 8440 Blome Road addressed Council on his concerns with Ordinances 94.10 and 94.11. Mr. Hayes explained that on Memorial Day his neighbor operated wood chippers and other machinery on her property which he considers in violation of the Ordinance regulating landscaping residents' property. He explained that the machinery was making excessive noise which negatively affected his Memorial Day party. He complained to the Indian Hill Rangers and they said that she was within her right to do the yardwork. He expressed to Council that he did not consider this normal yardwork and he requested that Council address this issue. Mayor Feigelson said that he understood Mr. Hayes' complaint and this matter would be turned over to the Law committee for further review and a recommendation.

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

Council member Kuenning directed Council's attention to the May 2017 financial statements, which were included in the Council packet. He explained that the finances for May

2017 were unremarkable and variances were explained in the financial statements, therefore, he said he would not go through the statements in detail. He asked Council members for any questions, there being no questions, the financial statements were accepted as issued.

Council member Kuenning reported that Ms. Minneci and Mr. Gully provided an overview of the health insurance renewal for August 1, 2017 through July 31, 2018 to the Finance committee. The Village is included in the Center for Local Government Benefits Plan Health Insurance pool. It is one of 15 government entities who pool resources to provide effective health care coverage for its employees while also being conscious of the overall budget. The pool is self-insured and includes approximately 650 employees. Due to healthcare trends, it is anticipated the pool will see a 6% increase in premium costs beginning August 1st. However, the pool wishes to utilize some of its reserves in order to help alleviate the cost to employees and municipalities. By using approximately \$250,000 of the pool's reserves, the 6% premium increase will be reduced to 3%.

Council member Kuenning explained that Mrs. Chaney and Mr. Gully evaluated the health care plans available to employees and compared them to others provided by the pool. Due to changes associated with the Affordable Care Act, the current two plans offered by the Village became significantly close in benefit. In order to provide more options for the employees, to provide more differential amongst options, and to increase opportunity for Village savings, staff recommended offering four separate plans for the 2017-2018 season. However, beginning August 1, 2018, one of the plans will be dropped as employees in this plan will have had time to review other plan options to determine which is best for their situation. The addition of the two other plans does not add to Village costs as they are significantly less expensive than the two current plans. This is the third year in a row, the pool's insurance claims are below estimate. As of May 31st, the pool has used only 65% of its projected claims (compared to 73% in 2016) with two months left in the plan year. Currently, the pool's reserve is \$2,300,000. Last year at this time the pool's reserve balance was \$1,600,000.

Council member Kuenning reported that the Finance committee also reviewed the 2018 Tentative Tax Budget. He said that the Finance committee recommends a public hearing on the 2018 Tentative Tax Budget to be held at this Council meeting. After the hearing, the Finance committee recommends a Resolution adopting the Tax Budget of the City of the Village of Indian Hill for the fiscal year 2018 beginning January 1, 2018 and submitting the same to the County Auditor.

Council member Kuenning directed Council's attention to the copy of the 2018 Tax budget which was included in the Council packet. He explained that the 2018 budget reflects total estimated revenues of \$13,200,000 against estimated operating expenses of \$12,100,000 and capital/retirement reserve expenditures of \$2,300,000. Total ending balance for all 2018 funds is estimated at \$17,400,000. He noted that the tax budget represents a starting point for the preparation of the more encompassing 2018 budget. The formal, detailed budget review process begins in July and continues through to the adoption of an appropriation Ordinance in December.

Mayor Feigelson opened the Public Hearing on the 2018 tax budget. There were no questions or comments on the 2018 tax budget, therefore the public hearing was closed.

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF THE VILLAGE OF INDIAN HILL FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2018 AND SUBMITTING SAME TO THE COUNTY AUDITOR 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 **05-17** adopted.

Council member Kuenning reported that staff provided the Finance committee with an update on the state budget bill that is due for approval on June 30, 2017. In April, the House eliminated the centralized collection of business returns. However, the Senate's version of the bill provides an "opt-in" opportunity for business returns to be collected by Ohio Business Gateway. This "opt-in" process would be a five year commitment with tax collections being disbursed back to the municipality on a monthly basis, minus a 1% administrative fee.

LAW COMMITTEE REPORT: Ms. Minneci, in Council member Armstrong's absence, directed Council's attention to a memo titled, "*Law Committee*". She reported that the Law committee met in a joint session with the Public Safety committee on June 8, 2017 to review several items in advance of the Council meeting.

City Manager Minneci gave the following Law report:

The Law committee heard a follow-up presentation about the Village's hunting program from Colonel Chuck Schlie. This will be presented in the Safety Committee report.

Ms. Minneci reported that she presented, in Mr. Crain's absence, the May/June legal activity report to the Law committee, a copy of which was included in the Council packet. The report included updates on Green Area transactions, labor contract interpretations, draft Ordinance review, Planning Commission case review, non-conforming lot questions and Mayor's Court.

Ms. Minneci reported that the Law committee discussed the legalized marijuana legislation that was passed by the Ohio General Assembly. She said that the Law committee recommends passing a moratorium on the cultivation processing and dispensing of medical marijuana within the City of the Village of Indian Hill, Ohio.

AN ORDINANCE IMPOSING A TWELVE MONTH MORATORIUM ON THE CULTIVATION, PROCESSING AND DISPENSING OF MEDICAL MARIJUANA WITHIN THE CITY OF THE VILLAGE OF INDIAN HILL AND DECLARING AN EMERGENCY was presented and read.

Upon motion by Mayor Feigelson, seconded by Council member Kuenning, the rules were suspended by unanimous roll call vote. Upon motion by Mayor Feigelson, seconded by Council member Cowan, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **03-17** enacted.

Ms. Minneci said that the Law committee recommended a second reading of the following Ordinance.

AN ORDINANCE AMENDING CHAPTER 91 OF THE CODE OF ORDINANCES BY ADDING SECTION 91.07 “RESTRAINT OF UNRESTRICTED DOG” AND ADDING A NEW PENALTY SECTION TO EXISTING SECTION 91.99 was presented and read for a second reading.

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 June 13, 2017 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 was included in the Council packet. She highlighted that the Public Works department removed debris from the Bonnell House, assisted the Indian Hill High School seniors with its *Reforest the Hill* senior project behind Indian Hill Church and prepared Radio Range Park for the Green Areas Advisory meeting.

Council member Cowan reported that Mr. West presented the Grand Valley report. Attendance slightly decreased from 2,078 to 2,002 between April and May. In addition, two canoes, kayaks and life jackets were purchased to replace deteriorating equipment.

Council member Cowan reported that Mrs. Wade-Dorman presented the Project Management report, a copy of which was included in the Council packet. Mrs. Wade-Dorman indicated that construction on the Shooting Range has been completed with final inspection approval being presented on May 31st.

Council member Cowan said that in addition, Mrs. Wade-Dorman gave an update on the *Reforest the Hill* Program. The last Bulletin included the program’s order form for residents to purchase trees. In addition, Indian Hill and Cincinnati Country Day senior projects centered on this program were highly regarded during their presentations. She said that Mrs. Wade-Dorman was a significant contributor to their efforts and that already two sizeable gifts have been received.

Council member Cowan reported that Ms. Minneci provided the Buildings and Grounds committee with an update on the Recreation Program Coordinator transition due to Mr. Jack Alley’s retirement on June 5, 2017. One individual has been interviewed thus far with four more applications being evaluated. It is anticipated the new person would start the middle to end of July. Council member Cowan said that the Buildings and Grounds committee also discussed the role of Village Council as it relates to the Recreation Commission. The Buildings and Grounds committee requested staff to evaluate the original intent of the Recreation Commission Ordinance, and if that intent is being met. In addition, the Buildings and Grounds committee asked staff to evaluate a self-sustaining model for the Commission to match the expectations of other Village amenities while also evaluating the financial impact of maintenance and capital items that relate specifically to the Commission’s activities.

Mayor Feigelson said that Mr. Alley raised the Recreation Program to a new level. He said that Council thanks him for his outstanding contribution to the Recreation Program.

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 June 13, 2017 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 began right-of-way mowing throughout the Village and cleared trees on Brillwood Lane, Drake Road, Indian Hill Heights Drive and Indian Hill Road. The Public Works department also improved drainage ways on Indian Hill Road, Kugler Mill Road and Park Road.

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 Mrs. Wade-Dorman indicated that the Shawnee Run Road drainage tunnel was officially awarded an MRF grant in the amount of \$166,000. The project is expected to begin in July and end in August. Road closures will be necessary to complete the project in a timely and efficient manner. In order to receive the MRF funds, the Public Works committee is recommending at this June Council meeting an emergency Ordinance which authorizes an agreement between Hamilton County and the Village.

**AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN
THE CITY OF THE VILLAGE OF INDIAN HILL AND THE
BOARD OF HAMILTON COUNTY COMMISSIONERS
RELATIVE TO THE IMPROVEMENT OF SHAWNEE RUN AND
DECLARING AN EMERGENCY** presented and read.

Upon motion by Council member Barber, seconded by Council member Cowan, the rules were suspended by unanimous roll call vote. Upon motion by Council member Barber, seconded by Council member Cowan, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **04-17** enacted.

Council member Barber reported that two bids for the 2017 Road Resurfacing program were received. John R. Jurgenson provided a bid in an amount of \$1,133,050 which is slightly under budget. The program is to begin after July 4th. She said that staff continues to monitor the Weil Road pier walls. Staff is waiting on an estimated cost to restore the stream with a natural channel design. Soil borings were performed on Camargo Road in preparation for the pier wall installation.

Council member Barber reported that Duke submitted for a right-of-way permit to install new gas mains along Indian Hill Road from Drake Road to Willow Hills Lane, including service extended down Stonebarn Road, Ivyfarm Road, Voorhees Drive and Willow Hills Lane. The gas main will also extend down Old Indian Hill Road from Indian Hill Road back to Indian Hill Road near Terrace Park with service to Red Fox Lane. More than 100 property owners will benefit from the ability to have natural gas service to their homes. Construction is scheduled to begin

after July 4th and will go through the end of the year. The gas mains will be placed in the right-of-way and will be installed using directional drilling.

Council member Barber reported that staff met with Metropolitan Sewer District (MSD) to better understand the process for residents to request a sewer assessment petition to have sanitary sewer mains extended to serve properties that are near existing sewer lines. The process takes 4-5 years from when a resident requests a sewer assessment petition until construction is completed. The assessment is a maximum of \$12,000 to have the sanitary sewer main extended to their property that can be assessed to their property taxes over a period of 20 years. Homeowners are responsible for making the private sewer connection from the home to the sewer main which may cost \$8,000 or more. If there are any residents interested in learning more about the petition process, they should contact Mrs. Wade-Dorman.

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

Mayor Feigelson reported that Mr. Adkins presented the departmental activity report, a copy of which was included in the Council packet. Eight water main breaks were repaired which brings the total for the year to twenty-six. In addition, three new taps were installed in Madeira for a future development and the lead and copper sampling program began.

Mayor Feigelson reported that Mrs. Wade-Dorman presented the Project Management report, a copy of which was included in the Council packet. The installation of the high service pump has been moved to end of June/beginning of July to accommodate the resizing of a pump impeller. Three companies submitted bids for designing the Shillito water main replacement. FTC&H won the bid with a cost of \$38,650 which was \$6,350 under budget.

Mayor Feigelson reported that Ms. Minneci provided an update on the external aggregation program. Currently, the Village electrical aggregation rate that runs through the end of September is \$0.0576/kWh. This rate began in October 2014. The current supplier (IGS) is offering a blended rate of \$0.0534/kWh (7.3% decrease from current rate). This rate would begin in August rather than October and would go through May 2020. It would still be indicative until all legislation passed and contracts are signed by all seven members of the consortium, but Eagle Energy appeared very confident the \$0.0534/kWh will be honored. As always, the Village will offer a green power option that would be \$0.0554/kWh or +0.02 of the rate. If the Village were to go out to bid, it would need a \$0.0531/kWh (starts in October) in order to get same savings if started with \$0.0534/kWh in August.

Mayor Feigelson reported that other benchmarks to use as comparison include: Colerain, Green, Miami Townships – \$0.0539/kWh; City of Cincinnati – \$0.0536/kWh; Norwood – \$0.539/kWh. After discussion, the Water Works and Deregulation committee agreed with pursuing the blended rate of \$0.0534/kWh beginning in August. The Water Works and Deregulation committee recommends a Resolution authorizing the City Manager to enter into an electrical aggregation agreement with a supplier for no more than \$0.058/kWh.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROGRAM AGREEMENT WITH AN ELECTRIC GENERATION SUPPLIER FOR SUPPLYING ELECTRICITY TO PARTICIPANTS IN THE CITY OF THE VILLAGE OF INDIAN HILL 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 number **06-17** adopted.

SAFETY COMMITTEE REPORT: Council member McGraw directed Council's attention to a memo titled, "*Safety Committee*". He reported that the Safety committee met with the Law committee on June 8, 2017 to review several items in advance of the Council meeting.

Council member McGraw reported that Chief Ashbrock presented the May Fire/EMS reports, copies of which were included in the Council packet. He said that Chief Ashbrock discussed the Open House for the new Indian Hill fire station that will occur during the Village's 4th of July activities. The Chief indicated the temporary certificate of occupancy is expected on June 19th. Community comments about the fire station have been very complimentary and positive.

Council member McGraw reported that Colonel Schlie presented the May Ranger report prior to the meeting, a copy of which was included in the Council packet. A significant number of the cases involved theft, burglary, general information and fraud incidents.

Council member McGraw reported that Colonel Schlie presented a follow-up on the hunting program review from the combined April Public Safety/law committee. He said that after taking into consideration all the information, concerns and questions that have been addressed by Council members over the last two months, the following are the recommended policy changes to the hunting program:

- a. When greenspace becomes available that is suitable for hunting, it will be kept in reserve for Indian Hill residents only. If a resident wishes to apply for a hunting permit for the first time, this reserved greenspace will be made available to that resident. If more than one resident applies for a hunting permit for the first time, the residents will share this reserved greenspace until another greenspace becomes available. This will allow the Hunting Program overseer to evaluate the hunters before moving them into an assigned areas. The waiting list concept will be eliminated. Overall, priority will be given to Indian Hill residents for the assignment of greenspace to the best of staff's ability.
- b. The juvenile program within the Hunting Program will be eliminated on all property – both private and public.
- c. All hunters will be required to acquire at least \$1 million insurance coverage for the ability to hunt in the program. Hunters must contact their insurance providers to understand if their current policies cover such activity or if additional coverage will be

- needed. The hunters will be required to provide proof of such insurance coverage in order to complete their application.
- d. Hunters assigned to greenspace will harvest one deer within a two-year period based on the deer population status during that timeframe. Failure to do so may result in loss of privileges and denial of future applications.
 - e. Have staff change the name of the Hunting Program to incorporate its true intent – to maintain the her in a safe and effective manner without perception of a recreational opportunity for hunters (ex: Deer Maintenance Program).

Council member McGraw said that such changes will be implemented beginning with the 2017-2018 season and will be distributed to all current applicants prior to the application process beginning in July/August. Such changes also will be incorporated into the Hunting Permit Application.

City Manager Minneci requested that the August Safety committee meeting be moved from August 17, 2017 to August 16, 2017. .

PLANNING COMMISSION REPORT: City Manager Minneci in Council member Thayer's absence directed Council's attention to a memo titled, "*Planning Commission*". She reported that the Planning Commission met in a special meeting on May 23, 2017. The Planning Commission approved case #17-005: The Village of Indian Hill Planning Commission continued the hearing on a request that was tabled at the March 21st and April 18th meetings from Mike Wentz, on behalf of owners Eric and Allison Kahn, to build a new single family residence on a non-conforming lot of record per Section 81 Lot of Record of the Zoning Ordinance. The subject property is located at 6175 Park Road and the applicant proposed Park Road as the front lot line. Prior to the May 23rd meeting, the applicant submitted an alternate site plan with Holly Hill as the front line. The Planning Commission acknowledged that the platting of Holly Hill Road in 1977 and the vacation of the ingress/egress easement by prior property owner in 2003 changed the front lot line from Park Road to Holly Hill. The Planning Commission also approved the alternative site plan submitted by the applicant with Holly Hill as the front lot line.

City Manager Minneci reported that the Planning Commission will be meeting on June 20, 2017 to review following cases:

- **Case #17-009:** Rob Busch, Drawing Department on behalf of owners, Steve and Sarah Steinman are requesting variance approval and authorization to expand a non-conforming home on a non-conforming lot. The applicant is requesting variances to the front and side yard setback due to the entire house sitting in front of the required minimum front building setback. The subject property is located at 8905 Shawnee Run Road
- **Case #17-010:** Michael Rosing is requesting Planning Commission authorization to build a new single family residence on a non-conforming lot of record per Section 81 of the Zoning Ordinance. The subject property is a vacant lot located at 5650 Pamlico Lane, Lot 1 Wiechers Subdivision.
- **Case #17-011:** Hensley Custom Homes is requesting Planning Commission approval for a resource protection area swap on Lot 37 of Twin Fences at Peterloon Farm, Phase 2A.

CITY MANAGER'S REPORT: Ms. Minneci reported that on July 4th

- The 4th of July parade will be held and fireworks will be presented later in the evening.
- There will be an Open House for the new Fire Station. Drake Road will be closed so that residents will be able to walk back and forth between the park and the firehouse.
- Administrative offices will be closed.

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