

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

A meeting of the Indian Hill Village Council was held on August 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.	Scott Gully, 6525 Drake Road
Col.	Chuck Schlie, 6525 Drake Road

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

MINUTES: The minutes of the regular meeting of June 13, 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 Thayer and was approved, 7-0.

SPECIAL MEETING MINUTES: The minutes of the Special meeting of July 25, 2016 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, 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 August 15, 2016 to review several items in advance of the Council meeting.

Council member Kuenning explained that there are two sets of financial statements: one for June 2016 and one for July 2016 included in the Council packet. He said that his discussion would focus on the July 2016 statements. Council member Kuenning gave the following financial report.

- Income tax receipts for 2016 are still projected to be approximately \$12,300,000 which is considerably over the budget for the year.
- Expenditures were in line in terms of budget and almost the same as last year's expenditures. Notes to the financial statements explained that there were three pay periods in July 2015 and only two pay periods in July 2016.

- There was not much activity in the CIRF. Most of the expenditures have yet to be expended especially the major street repairs which will be expended in the next several months.
- Both the revenues and expenditures in the Water Works fund are tracking to budget and according to the prior year. The Metropolitan Sewer District (MSD) is billing slower this year, which is noted in the financial statements.
- The only disbursement of note in the Water Works Capital Reserve Fund was the \$81,000 expended for the treatment plant improvements.
- Cash and investments totaled \$35,122,590 which is down from the June 30, 2016 balance as a result of the normal monthly operations.
- There is nothing unusual to report in the Statement of Long Term Debt.
- The market values of the Rowe Arboretum and Green Areas funds both increased in July 2016 and expenditures are tracking to budget.

Council member Kuenning reported that Ms. Minneci and Mr. Gully presented to the Finance committee a very preliminary overview of the 2017 budget. Discussions centered on significant requests that are under consideration, particularly with the capital improvement fund. The budget timeline includes line item budget meetings with department heads and Mr. Riordan in August which lead to the committee line item budget meetings in September. Staff continually will be working on adjustments and changes over the next several months leading up to the budget approval in December.

Council member Kuenning reported that the Finance committee discussed the Audit committee's recommendation to remain with the State Auditor's office for the 2016 audit that begins in 2017. Currently, the Village has the opportunity to go out to bid with private firms for its annual audit process. However, the last two years with the state auditors have gone well with veteran staff and its historical knowledge of the Village's finances. Consequently, the Finance committee agreed with the Audit Committee's recommendation. The Committee will have the opportunity to perform the same review at the completion of next year's audit.

Council member Kuenning reported that the Finance committee entered into Executive Session to prepare for, conduct, or review negotiations or bargaining sessions with public employees concerning terms and conditions of employment, including compensation.

Mayor Feigelson said that he would like to recognize and thank the Village volunteers on the Audit Committee which are Mr. Don Siekmann, Mr. Mike Sewell and Mr. George Gibson. He said that they have been on the Audit committee for many years and they give good insight to the process.

The financial statements for June and July 2016 had previously been distributed to each Council member. There being no exceptions noted, the financial statements were accepted as issued.

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

Council member Armstrong reported that Mr. Crain presented to the Law committee the June/July legal activity report. The report included updates on real estate questions, Mayor's Court and labor contract administration.

Council member Armstrong reported that the Law committee discussed commencing discussions with Village residents regarding potential conservation efforts.

Council member Armstrong reported that staff and Mr. Crain provided an overview of HB523 which is the medical marijuana legislation that allows for the cultivating, selling and purchasing of marijuana for medical purposes. It will go into effect in September. This Village Code of Ordinances does not allow for business zoning of any type; therefore, the selling of marijuana within the Village will not be allowed. With regard to the cultivation of marijuana, the Department of Commerce currently is working on the rules for those who wish to grow it. However, one rule that already has been established is that anyone who wishes to grow it must apply for a permit through the Department of Commerce. He said that staff and Mr. Crain will keep the Law committee up-to-date on the State's research. Currently, it is anticipated to take up to two years for the rules to be defined.

Council member Armstrong reported that the Law committee entered into Executive Session to prepare for, conduct, or review negotiations or bargaining sessions with public employees concerning terms and conditions of employment, including compensation.

Council member Armstrong reported that prior to the meeting, Ms. Minneci had distributed a draft two year renewal agreement with Frost Brown Todd for review as the current contract expires August 31, 2016. He said that after discussion, the Law committee recommends passing a Resolution which authorizes the City Manager to execute a new two-year agreement with Frost Brown Todd.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COMPENSATION AGREEMENT WITH DONALD L. CRAIN AND FROST BROWN TODD, LLC FOR LEGAL SERVICES RELATED TO THE POSITION OF CITY SOLICITOR
was presented and read.

Upon motion by Council member Armstrong, seconded by Council member Thayer, the Resolution was passed by 6-0 with Council member Cowan abstaining. Mayor Feigelson declared Resolution number **13-16** adopted.

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 August 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 highlighted that fallen trees, honeysuckle removal, routine facility maintenance and mowing make up a significant portion of the work over the summer.

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. The Grand Valley Ranger Station's building pad preparation was completed and construction is expected to begin over the next two weeks, weather permitting. The Village would like to express its appreciation to DER Construction for the time and equipment it has donated to the project.

Council member Cowan reported that Public Works began enhancements to Grand Valley's entrance which included landscaping and paving. Also, a Grand Valley fish study was performed to monitor fish population and a report will be issued shortly.

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 August 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 highlighted that significant tree clearing was performed along the right-of-ways on several roads. In addition, drainage areas were improved on Kugler Mill Road and Whitegate Lane in addition to storm water pipe repairs on Drake and Hopewell Roads.

Council member Barber reported that Mrs. Dorman provided the project management report, a copy of which is included in the Council packet. The Camargo Road pier wall project was completed. It included 36 pier walls, 72 plugs, asphalt repairs and installation of 240 linear feet of guardrail. The road resurfacing program is scheduled to be done by the end of this week with striping to follow. Council member Barber said that they have done a very good job on this project and Mayor Feigelson also said that it looked great.

Council member Barber reported that Mrs. Dorman indicated that staff is preparing for a September bid process for three landslides along Demar Road. Upon commencement of the project, it is anticipated to take one month to complete.

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 August 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 reported that there were 19 water main breaks over the last two months, which is a total of 43 year-to-date. The department also performed an inspection of the shooting range with the Source Water Protection consultant. Mayor Feigelson reported that the Water Works committee discussed having staff research the resources needed to compile a comprehensive groundwater and soils study for the shooting range and the surrounding areas.

Mayor Feigelson reported that Mrs. Dorman provided the Water Works and Deregulation committee with the Project Management report, a copy of which was included in the Council packet. He reported that the final punch list items associated with the water treatment plant floor improvements are almost completed. Bids were received for the high service pump project. There was only one bidder, DER Development Company, which bid \$360,000. The project will begin in September; however, the lead-time on the manufacturing of the pump itself will take approximately six months.

Mayor Feigelson reported that the Blome Road water main project has a bid opening in July. Eight bidders submitted for the project, with GM Pipeline coming in the best and lowest at \$778,411.50. The project preparation began in August with saw cuts and materials strung along the side of Blome Road. The project is scheduled to be completed within 120 days, with a possibility of it being sooner depending on weather.

Mayor Feigelson reported that Mr. Adkins provided an overview of House Bill 512. The house bill centers on increasing lead and copper sampling from every 3 years to every year. In addition, the bill addresses a shorter time requirement on notification to customers concerning lead readings at specific levels.

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

Council member McGraw reported that Chief Ashbrock provided the June and July Fire/EMS report, a copy of which was included in the Council packet. He said that unfortunately the department had to handle a fatal fire in Madeira. The source was determined to be from a combination of an oxygen tank and cigarettes. The last fatal fire occurrence within the Fire District was in 1977.

Council member McGraw reported that Chief Ashbrock provided an update on the fire station construction. Over the past several weeks, Fire District personnel, equipment and supplies have moved from the Indian Hill fire station to Madeira's new station. Ribbon cutting and open houses occurred to celebrate the completion of Madeira's new station. Currently, the Indian Hill station has been demolished. The Fire District is working to schedule a groundbreaking for the week of September 19, 2016.

Council member McGraw reported that Colonel Schlie presented the Rangers' Activity Report for June and July, a copy of which was included in the Council packet. He explained that Colonel Schlie provided background on the investigatory work that led to the arrest of individuals involved in stealing highly-valued jewelry over the past few months.

Council member McGraw reported that Mr. West presented the Safety committee with two separate requests to have the Village create a New Quiet Zone for the railroad crossings in the Village. A quiet zone includes the installation of gates and safety barriers at each railroad crossing which would reduce the need for the train engineer to blow the horns prior to each un-gated railroad crossing. The creation of a quiet zone must be at least ½ mile in length along the railroad tracks. There are approximately seven at-grade railroad crossings spanning approximately 1.5 miles that would need to be studied in order to create an effective quiet zone. The railroad gates would have to be installed at each of the seven crossings and may range in cost from \$200,000 to \$1,000,000 for each crossing for a total cost of \$1,400,000 up to \$7,000,000. The Safety committee discussed the concern with the cost, the potential change to traffic patterns in order to create effective safety barriers, the flashing lights and bells that would come with gates, the requirement to use the railroad's contractors for review of safety studies as well as installation of gates, and the concern that the study would have to include multiple communities to create an effective quiet zone. Council member McGraw said that the Safety committee determined it would take no further action on this issue.

Council member McGraw reported that Colonel Schlie presented information on possible bicycle regulations due to pending legislation at the statehouse which would require a three foot buffer between bicyclists and vehicles on the road. He said that the Safety committee indicated it would like to address the concerns and issues that have arisen with bicycle safety after such legislation has been passed.

Council member McGraw reported that Colonel Schlie provided the Safety committee with a request from a resident to evaluate the Village and Ohio legislation concerning dog owners and their responsibility to maintain control over their pets. The discussion led to questions that need further legal evaluation and discussion. He said that staff will work with the Village solicitor in obtaining additional information while also evaluating ways to obtain community input.

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

Council member Thayer reported that the Planning Commission reviewed a request from Cincinnati Country Day School and it was conditionally approved under the continuing jurisdiction of the Planning Commission. The approval was for the construction of the Leonard Athletic Center (LAC) Phase 2 improvements and the final documentation for the CCDS north campus site improvements.

Council member Thayer reported that the Planning Commission met on August 16, 2016. He reported that the Planning Commission conditionally approved a special exception request by the Turner Farm, Inc. The approval is to utilize the entire 200 plus acre Turner Farm property and designated buildings for places of "Public Assembly", allowing participants to engage in programs and activities in furtherance of the mission of Turner Farm.

Council member Thayer reported that the Planning Commission approved a variance request by John and Mary Chadwick. The variance request was for the conversion of the existing

carport into a completely enclosed garage on a non-conforming home located on a non-conforming lot.

Council member Barber asked if the Turner Farm approval included a liquor license. City Manager Minneci said that she would check into this and report back to Council.

CITY MANAGER'S REPORT: Ms. Minneci reported that the Administrative offices will be closed on September 5, 2016 in recognition of Labor Day.

Ms. Minneci requested an Executive Session to prepare for, conduct, or review negotiations or bargaining sessions with public employees concerning terms and conditions of employment, including compensation.

Council member Thayer made a motion that Council enter into Executive Session to prepare for, conduct, or review negotiations or bargaining sessions with public employees concerning terms and conditions of employment, including compensation. The motion was seconded by Council member Kuenning 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