

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
August 27, 2018**

A meeting of the Indian Hill Village Council was held on August 27, 2018 at 6:30 p.m. The meeting was held in the Council Chamber of the Village Administration building.

Officials present: Mr. Mark D. Kuenning, Mayor
 Mrs. Melissa S. Cowan, Vice-Mayor
 Mr. John B. Armstrong, Council member
 Mr. Stephen H. Krehbiel, Council member
 Mr. Donald C. McGraw, Council member
 Mrs. Monique A. Sewell, Council member

Official on Phone: Mr. Abbot A. Thayer, Council member

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

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

MINUTES: The minutes of the regular meeting of June 18, 2018 had previously been distributed to each Council member. Council member Cowan made a motion to accept the minutes, which was seconded by Council member McGraw and was approved, as corrected 6-0 with Council member Thayer abstaining.

FINANCE COMMITTEE REPORT: Council member Sewell directed Council's attention to a memo titled, "*Finance Committee*". She reported that the Finance committee met on August 18, 2018 to review several items in advance of the Council meeting.

Council member Sewell also directed Council's attention to the July financial statements, which were included in the Council packet. Council member Sewell provided the following July financial report.

Council member Sewell explained that there were no unusual items to report in the July financial statements. She said that Council is watching closely the income tax receipts which are projected to be lower this fiscal year because of the \$2,000,000 in pre-payments made in the prior year.

The financial statements for June 2018 and July 2018 had previously been distributed to each Council member. There being no exceptions noted, the financial statements were accepted as issued.

Council member Sewell reported that Mr. Gully presented to the Finance committee a sewer charge monthly breakdown and cash flow analysis to further explain the additional

appropriation that will have to take place at the end of the year within the Water Works Fund to account for MSD's change from quarterly to monthly billing. This billing change has caused fourteen months of invoices to be paid within twelve months.

Council member Sewell reported that Mr. Gully gave an update on the Request for Proposal (RFP) process for Rowe Arboretum Fund's fiduciary services. Eight proposals have been received. Council has asked for an advertisement to be placed in the upcoming September 5th Bulletin in an attempt to garner more attention. The RFP had a deadline for final decision by October 1st. She said that staff will begin reviewing the RFP's received thus far to determine the ones which will be submitted to the interview group.

Council member Sewell reported that the Finance committee was presented with an update on utilizing a private accounting firm to work on the Village's 2018 audit in 2019. She said that although the Village had placed a request to the State to be included into the State's bidding process for private accounting firms, the deadline for next year has already passed. Consequently, the State of Ohio Auditor's Office will perform the 2018 audit next year.

Council member Sewell reported that Ms. Minneci provided the Finance committee with information on an Admissions Tax passed by the City of Madeira Council. The 3% tax will be added to all golf membership fees only within the City of Madeira. It will begin on April 1, 2019.

Council member Sewell reported that the Village's internship program will begin next month with a University of Cincinnati Urban Planning student working with Mr. West and Mrs. Kathy Wade-Dorman on planning and zoning projects.

Council member Sewell reported that Ms. Minneci and Mr. Gully presented a very preliminary overview of the 2019 budget. Discussions centered on significant requests that are under consideration, particularly with the capital improvement fund. She said that the budget timeline includes line item budget meetings with department heads and Mr. Riordan in August which lead to the Council 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 Sewell reported that the budget discussions also included the Madeira & Indian Hill Joint Fire District's presentation to the Public Safety committee regarding a request for a \$430,000 increase in its 2019 budget to accommodate the hiring of three additional full time firefighter/paramedics. This increase would be split 50/50 with Madeira and Indian Hill. She said that this will be covered later in this Council meeting in the Public Safety committee's report.

Mayor Kuenning said that the income tax receipts are very strong and are currently 90% on budget. He said that it is still projected that the total income tax receipts will be far above the budget for the year.

Mayor Kuenning explained that the tax imposed by the City of Madeira is not being considered by the Village of Indian Hill.

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 16, 2018 to review several items in advance of the Council meeting.

Council member Armstrong reported that Mr. Crain and staff presented the July/August legal activity report. The report included updates on the green area donations, review of inspection and nuisance issues, review of BWC claim, review of Planning Commission appeal and Mayor's Court.

Council member Armstrong reported that staff provided the Law committee with an update on its research of other health districts outside of Hamilton County to ensure the Village is receiving the most efficient, effective service for its septic inspections. Conversations that have occurred with Clermont and Butler County health departments convey the same concerns – insufficient staff, space, and resources to oversee the Village's 1,300 septic systems in addition to the tens of thousands of systems within their own counties. He said that most recently, staff talked with Warren County. Warren County expressed the same concerns about staffing levels and how the addition of a significant number of systems would be quite difficult. Warren County also warned about how the logistics of this type of program would be difficult to effectively and efficiently implement septic inspections outside of its jurisdiction in addition to coordinating the associated plumbing services and building permits with Hamilton County. He said that staff emphasized how the Village remains a liaison for the residents who have questions or concerns about the services provided by Hamilton County Health District. Residents simply can contact Mr. West and he will assist them in talking with septic inspectors, designers and health district officials. Although there are systems which are in need of upgrades, maintenance or repairs, the Village can assist the residents in researching with Hamilton County whether there are other alternatives to their septic issues to alleviate costs. At this time, the Law committee recommended maintaining the current septic inspection process but continue to monitor the customer service and response time of Hamilton County.

Council member Armstrong reported that Ms. Minneci presented a proposal and transition plan for consideration for the expiring solicitor contract with Frost Brown Todd, LLC.

Council member Armstrong reported that in subsequent conversations with Frost Brown Todd representatives after the Law committee meeting, it was agreed to by Ms. Minneci and Mr. Crain that the current contract expiration term would be extended while the proposal and transition plans are being evaluated. He said that Ms. Minneci is requesting Council to consider a Resolution to extend the current Frost Brown Todd contract from August 31, 2018 to October 31, 2018. Council member Armstrong said that the Law committee recommends passage of the Resolution.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXTEND THE ENGAGEMENT TERM OF THE CURRENT
COMPENSATION AGREEMENT WITH 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 McGraw, the Resolution was passed by voice vote 5-0 with Council members Cowan and Thayer abstaining. Mayor Kuenning declared Resolution number **06-18** adopted.

Council member Armstrong reported that Mr. West provided the Law committee with an update and recommendation of an Ordinance which satisfies the requirements of House Bill 478 – regulation of mini cell facilities. Governor Kasich signed legislation that limits a municipality’s involvement in the cell tower’s construction and installation. This bill became effective on August 1, 2018. He said that Mr. West presented an Ordinance recommending revising the Code of Ordinance Section 52 which highlights HB 478 mandates as well as the Village’s own clarifications on items such as design requirements, height specifications, pole types and pole locations. House Bill 478 only deals with regulating mini cellphone facilities within the public right-of-ways. Council member Armstrong explained that subsequent to the Law committee meeting, additional discussions took place for clarification which led to the Law committee to recommend a first reading.

AN ORDINANCE AMENDING CHAPTER 52 OF THE CODE OF ORDINANCES TO ADD REGULATIONS FOR SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES PER HOUSE BILL 478, AND DECLARING AN EMERGENCY was presented and read for the first reading.

Mayor Kuenning explained that this law gives municipalities more control over the cell towers. He also said that there are no applications for cell towers in the Village of Indian Hill at this time. He said that in addition, it only affects poles in the right-of-way and not poles on Village property.

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 21, 2018 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. She reported that staff performed routine maintenance, repaired irrigation system at Administration building, cleared fallen trees, made repairs at Little Red Schoolhouse and Bonnell House and installed playground mulch at Camp Dennison.

Council member Cowan reported that Mr. West presented the project management report for Grand Valley and Green Areas, a copy of which is included in the Council packet. She said that covered porches were added to the Grand Valley Ranger Station to keep out rain. Also, a one acre green area donation on Eagle Ridge is acquiring an appraisal prior to completing the gift.

Council member Cowan reported that Mrs. Wade-Dorman indicated to the Buildings and Grounds committee that the 2018 “*Reforest the Hill*” program received a donation of ten dogwoods in honor of Mrs. Helen Black. In addition, a resident’s offer to match tree purchases from Council or staff has increased to four donations.

Council member Cowan reported that Mrs. Wade-Dorman presented an updated Parks Master Plan which highlights projects and maintenance items for each of the Village Parks. The plan will be included in the ten-year capital improvement plan. Council member Cowan said that Mrs. Wade-Dorman did a great job putting this all together.

Council member Cowan reported that staff reviewed the Village’s agreement with the Indian Hill Historical Society. The agreement expires on March 31, 2019 but staff had met with members of the Historical Society to discuss possible changes. The Buildings and Grounds committee assessed the length of the contract, the Society’s desire to upgrade landscaping at the Bonnell House and capital projects that will need to be completed over the next several years. Staff will continue its talks with the Historical Society during the 2019 budget process to determine their expectations and work toward collaborative efforts for the future projects.

Council member Cowan reported that staff attended a meeting regarding the Bridle Trail Master Plan updates where the bridle trail assessments received feedback from project stakeholders.

Council member Cowan reported that Mrs. Chaney provided an overview of the Recreation Commission’s insurance coverage. Due to the Recreation Commission’s 501(c)(3) status, the separate financial accounting and reporting and the independent nature of the scheduling of games and setting fees, MVRMA has determined there are certain aspects of the Recreation Commission that do not fall under the Village’s risk management policy. Consequently, at this time, the Recreation Commission has purchased a policy to obtain coverage on the uncovered items.

Council member Cowan explained that Mrs. Chaney explained the following options:

- a) Continue to have Recreation Commission remain a 501(c) (3) with its dependent accounting and purchase its own insurance policy every year. The Village would continue to find collaborative efforts on projects/equipment that the Village purchases specifically for Recreation Commission.
- b) The Village requests approval from MVRMA to amend the coverage documents.
- c) The Village creates the Recreation Commission as a complete arm of the Village, similar to the Shooting Club. Consequently, everything would be run through the Village – finances, setting of fees, board assignments, etc. The Commission would dissolve its 501(c) (3) but would have to remain self-sufficient within its newly created Recreation Commission Fund.

Over the next few months, staff and Council will work in collaboration with the Recreation Commission to determine the best course of action.

Council member Cowan reported that staff provided an overview of current candidates for the Green Areas Advisory Committee. The Mayor will be sending appointment letters to Dr. Eileen Alexander and Mr. Shayne Manning. One more position remains to be filled.

PUBLIC WORKS COMMITTEE REPORT: Council member Krehbiel directed Council's attention to a memo titled, "*Public Works Committee*". He reported that the Public Works committee met on August 21, 2018 to review several issues in advance of the Council meeting.

Council member Krehbiel reported that Mr. Adkins presented the Departmental Activity report, a copy of which is included in the Council packet. He said that staff continues its efforts clearing honeysuckle on the main thoroughfares. In addition, staff cleared trees from the right-of-ways, performed drainage improvements due to heavy rains and repaired blacktop failures on Calderwood Lane and Given Road.

Council member Krehbiel said that due to the extensive new additions to the street resurfacing program, such as the increased number of roads being repaired, concrete curb replacement, catch basin installation and cross-over pipes replacement, the program will extend beyond the normal 2-3 week timeframe for completion. For example, prior to getting resurfaced, Blome Road had five catch basins installed to improve the road's durability and longevity.

Council member Krehbiel reported that Mrs. Wade-Dorman presented the project management report, a copy of which is included in the Council packet. He said that the Camargo and Kugler Mill pier wall project had been completed.

Council member Krehbiel reported that the Spooky Hollow/Blome Road culvert repair project has been advertised with bid opening scheduled for September 6, 2018.

Council member Krehbiel reported that the Village has learned that the Shawnee Run Road landslide project requires an easement from an adjacent property owner on Shawnee Run Road. Because of the need for additional right-of-way easements and state/federal requirements for environmental review, staff has approved a change order to increase the project estimate. However, this project will be reimbursed 80% through FHWA grant funding.

Council member Krehbiel reported that the North Branch Sycamore Creek Restoration project contract has been signed by the Village and the Ohio Public Works Commission (OPWC). A conservation easement is required along the restored section of the creek. The project is scheduled to be advertised over the next month with project commencement on October 1st.

Council member Krehbiel reported that staff met with Hamilton County Engineer's Office and Barge Design Solutions to discuss water main alignment and overall design. Hamilton County had not provided an approximate date of commencement.

Council member Krehbiel reported that the landslide study received four bids with Terracon winning the bid. The project will include looking at all existing pier walls and

specifically evaluating ten areas with active slides. The study will prioritize the areas to determine immediate replacement/repair needs and a ten-year mitigation plan.

Council member Krehbiel reported that the Remington Road culvert replacement project's field study has been completed. Staff will be applying for Ohio Public Works Commission (OPWC) funding in September. This application requires a Resolution authorizing the City to submit the application, which staff recommended to the Committee to present to Council. He said that Public Works committee recommends passage of the following Resolution.

A RESOLUTION AUTHORIZING THE CITY OF THE VILLAGE OF INDIAN HILL TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED
was presented and read.

Upon motion by Council member Krehbiel, seconded by Council member Cowan, the Resolution was passed by unanimous voice vote 6-0 with Council member Thayer abstaining. Mayor Kuenning declared Resolution number **07-18** adopted.

Mayor Kuenning said he would like to thank Mrs. Wade-Dorman and staff for getting ahead on the parks planning and the master Landslide program. Mrs. Wade-Dorman has done a marvelous job.

WATER WORKS REPORT: Mayor Kuenning directed Council's attention to a memo titled, "*Water Works and Deregulation Committee*". He reported that the Water Works committee met on August 21, 2018 to review several items in advance of the Council meeting.

Mayor Kuenning reported that Mr. Adkins presented the departmental activity report, a copy of which is included in the Council packet. He said that staff repaired four main breaks totaling 36 for this year and installed two new water taps in Madeira. The Plant Operators responded to 290 customer service calls. Staff performed water main inspections for Fox Hollow and Kroger Farm Road and began lead and copper sampling. Thus far, approximately 36 residents have returned samples for testing.

Mayor Kuenning reported that Mrs. Wade-Dorman distributed the project management report, a copy of which is included in the Council packet. The water treatment plant power distribution improvements will be completed after repairs are done to the programmable logic controller.

Mayor Kuenning reported that Kroger Farm Road water main replacement is complete with final restoration efforts in progress.

Mayor Kuenning reported that Moody's of Dayton completed the monitoring well installation at the Shooting Range. Staff has pulled water samples from the new well with results being received in 3-4 weeks. An Environmental Stewardship Committee is scheduled for September 26th to review the results.

Mayor Kuenning reported that Mr. Don Marshall of Eagle Energy, the Village's electrical aggregation broker, provided an overview of the Village's electrical aggregation program. He said that since 2003, residents have capitalized on over \$6,000,000 in savings on their electrical bills. However, significant changes in the world of electric supply have taken place which adds more risk to the viability of aggregation programs for certain residents.

In the past two years, Duke has sold its generation assets and now buys electricity directly from the wholesale market. This has resulted in a lower price-to-compare rate for Duke. In addition, wholesale generation costs have increased as a result of federal mandates on the use of renewable sources such as wind and solar as well as greater dependence on natural gas. Duke also has increased its winter rate discount that applies to all kilowatt-hours over 1,000 during the winter months. While savings are guaranteed during the summer months, residents that need to be conscious about the benefit of the aggregation program are those who use a significant amount of electricity during the months of October through May.

Mayor Kuenning explained that due to new insight, staff will work to bring awareness to the residents who utilize more than 1,800 kWh/month to contact Eagle Energy about the best options for their account. Residents may withdrawal from the Village's program and switch to another provider. However, the Village will continue to caution residents to become familiar with another vendor's program thoroughly before making the switch. Many vendors may provide lower introductory rates; however, once the introductory period expires, rates might increase significantly higher than the Village's aggregation rate. The Village's current aggregation rate of \$0.0527 is among the lowest in the Duke territory. In addition, other vendors may have fees and penalties with canceling prior to a contract end date. There are no fees or penalties associated with the Village's program.

Mayor Kuenning reported that Ms. Minneci indicated to the Water Works committee that the Village's contract with Constellation for gas aggregation is coming due on November 30, 2018. After reviewing the Village's gas aggregation program rates over the past 1 ½ years, Ms. Minneci indicated that staff will be comparing the Village's current rates and savings to other local programs to ensure it is obtaining the best overall generation supply rate for residents.

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 16, 2018 to review several items in advance of the Council meeting. He said that in addition the following City of Madeira represents were present: Mayor Theis, Council members Hilberg and Gehring, City Manager Tom Moeller and Assistant City Manager Lori Thompson.

Council member McGraw reported that the Fire/EMS and Rangers monthly reports were distributed prior to the meeting, copies of which were included in the Council packet.

Council member McGraw reported that the purpose of the meeting was to review the proposed 2019 Joint Fire District Budget and the inclusion of three additional full-time personnel to improve staffing levels. He said that Chief Ashbrock presented the following information:

- The present full-time and part-time staffing levels averages 6.1 personnel per shift.
- There have been limited times when only four personnel are scheduled due to scheduled time off for full-time personnel and the lack of part-time personnel being available to fill those positions. When only four are on staff, two are stationed in Indian Hill and two are stationed in Madeira.
- Ideally, Chief Ashbrock would like to have eight personnel at all times, four at each station. He stated this cannot be achieved with the present staffing configuration of fifteen full-time and approximately thirteen part-time.
- The “pool” of part-time personnel is dwindling due to fewer people entering the firefighter/paramedic workforce market and other departments in the region hiring more full-time staff because they have similar scheduling problems.
- Data was presented that shows how much the part-time coverage hours have decreased over the years due to the unavailability of qualified part-time personnel.
- The proposed total cost for the addition of three full-time personnel plus other related costs results in a net increase to the 2019 Budget of \$430,000.

Council member McGraw explained that Chief Ashbrock stated that the \$430,000 total figure includes the 3% salary increase for next year’s contract and other personnel related expenses in explanation of why this differs from the \$386,000 figure presented in previous reports.

Council member McGraw reported that Chief Ashbrock stated at the meeting that the Fire District Board is nearing completion of amendments to the hiring process to allow for lateral transfers from other community fire departments. This allows for a larger pool of candidates as well as a more expedited hiring process. He also stated that he is recommending, due to several good candidates being available, that both communities consider allowing the hiring of the three new full-time positions in the fourth quarter of 2018. There will be no net effect increase to the 2018 Budget as there are funds available from the lack of part-time personnel being scheduled to offset the increase in personnel costs for the new full-time personnel.

Council member McGraw explained that both Indian Hill and Madeira indicated they will take the proposal back to their respective Finance committees and Councils as a whole for further discussion. Mayor Kuenning said that it was a very good meeting with Madeira. He said that the problem with staffing must be solved and the instances with having only 4 staff at a time at a fire facility must be eliminated.

PLANNING COMMISSION REPORT: Council member Thayer reported that a Planning Commission meeting was not held in June or July, therefore, he had nothing to report.

CITY MANAGER’S REPORT: Ms. Minneci reported that Administrative offices will be closed on Labor Day, September 3, 2018.

Mayor Kuenning made a motion that Council move into Executive Session for the purpose of discussing pending litigation. The motion was seconded by Council member McGraw and was carried by unanimous voice vote 6-0 with Council member Thayer abstaining.

Council returned from Executive Session, there being no further business to come before Council, Mayor Kuenning declared the meeting adjourned.

Respectfully submitted,

Mark D. Kuenning, Mayor

ATTEST:

Paul C. Riordan, Clerk