

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
August 28, 2017**

A meeting of the Indian Hill Village Council was held on August 28, 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
Mr.	John B. Armstrong, Council member
Mrs.	Molly R. Barber, 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:

Mrs.	Melissa S. Cowan, Council member
Mr.	Abbot A. Thayer, Council member

Visitors present *See attached list*

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

PUBLIC HEARING:

Mayor Feigelson announced that the City Council will now hold the public hearing for the two appeals received from the decision of the Planning Commission for Case #17-005, for the application of Mike Wentz, agent for Eric and Allison Kahn, for the property located at 6175 Park Road. The appeals were filed on behalf of Kathryn Ann Weichert Kranbuhl and Doug and Beth Brendamour.

Mayor Feigelson reviewed the appeal hearing procedures and performed a group swearing in for all those in attendance that wished to speak.

Tim Burke representing Eric and Allison Kahn provided the applicant's presentation of the request to construct a new single family residence on the subject property. Mr. Burke introduced Architect Mike Wentz, property owner Allison Kahn and expert witness Greg Dale, all of which provided testimony. Mike Roberts and Fran Barrett cross-examined all three.

Mike Roberts representing appellant's Doug and Beth Brendamour presented their appeal. Mr. Roberts introduced Doug and Beth Brendamour, both of which provided testimony. Mr. Burke cross examined Mr. and Mrs. Brendamour.

Fran Barrett representing appellant Kathryn Ann Weichert Kranbuhl presented their appeal. Mr. Barrett introduced Ms. Kranbuhl and expert witness Lee Nordloh. Mr. Burke cross examined Ms. Kranbuhl and Mr. Nordloh.

Mr. Burke presented a final closing statement.
Mr. Roberts presented a final closing statement.
Mr. Barrett presented a final closing statement.

Mayor Feigelson asked if anyone in the audience would like to provide public comments. Andy Head, 9225 Old Indian Hill Road, provided comments.

Council member Kuenning made a motion to close the public hearing. Council member Barber seconded the motion and upon roll call, all council members were in favor of closing the public hearing.

Mayor Feigelson suggested that due to the large amount of information presented, Council should continue the hearing. After a brief discussion on the available dates and times for the continuance, Council member Kuenning made a motion for a continuance on Tuesday, September 12, 2017 at 7:30 PM. Council member Barber seconded the motion and upon roll call, all council members were in favor of the continuance.

(A complete transcript will be provided and attached hereto as part of the permanent record)

MINUTES: The minutes of the regular meeting of June 19, 2017 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, 5-0.

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 18, 2017 to review several items in advance of the Council meeting.

Council member Kuenning also directed Council's attention to the July 2017 financial statements, which were included in the Council packet.

Council member Kuenning gave the following financial report:

- **Income Tax Receipts:** Year-to-date tax receipts equated to \$9,680,000 which is 88% of budget. It is estimated that income tax receipts will exceed budget by approximately \$800,000 for the year.
- **Operating Disbursements:** Operating disbursements were in line with budget and variances were due mainly to timing issues which were explained in the financial statements.
- **Water Works Receipts:** Water usage receipts for July were \$248,000 which was approximately \$60,000 more than July 2016 receipts.
- **Water Works Disbursements:** Total July operating disbursements of \$769,000 were \$78,000 less than July 2016. This is due mainly to timing of payments related to the Madeira surcharge reimbursement.
- **Cash and Investments:** Total month-end cash and investments were \$32,301,583 compared to \$33,442,916 in June 2017 and \$35,122,590 in July 2016. Month-to-month and year-to-year changes are due to normal operations and the funding of the construction of the new Madeira and Indian Hill fire houses through the Firehouse Construction Fund.
- **Rowe Funds:** The market value as of July 31st was \$3,529,658. The unrecognized gain was \$977,432. Total monthly operating receipts, including dividends, were \$6,484 with monthly operating expenses totaling \$67,558 and investment sales net gains equating to \$12,252
- **Green Areas Funds:** The market value as of July 31st was \$2,562,115. The unrecognized gain was \$1,297,152. Total monthly earnings equated to \$118 with monthly expenses totaling \$1,841.

The financial statements for July 2017 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 preliminary overview of the 2018 budget. He explained that the 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 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 Kuenning reported that the Finance committee discussed the Audit Committee's recommendation to increase the capitalization level for equipment expenditures from \$1,000 to \$5,000. He said that all Finance committee members were in agreement to change this level, effective with the Village's 2017 audit.

Council member Kuenning reported that staff provided an update on newly introduced SB 176. This bill would prohibit municipal corporations from levying an income tax on non-residents' compensation of personal services or on net profits from a sole proprietorship owned by a non-resident. As Indian Hill currently does not tax non-residents who work within the Village, the bill would not affect Indian Hill's tax base. However, it highlights a continued state effort to change how municipalities tax on income and have state policy take precedent over home rule.

Council member Kuenning reported that staff provided the Finance committee with an update on the Firehouse Construction Fund through July 31, 2017. Currently, the fund contains \$727,879. This amount will be used toward punch-out items, change orders and retainage costs that are still needed to be paid.

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, 2017 to review several items in advance of the Council meeting.

Council member Armstrong reported that Mr. Crain presented the June/July/August 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 interpretation, draft Ordinance review, Planning Commission case review, non-conforming lot questions and Mayor's Court.

Council member Armstrong reported that Mr. West provided a Resolution approved by the Planning Commission at their August 15, 2017 meeting with a recommendation to Council to consider several text amendments to the Zoning Ordinance: The amendments include: 1) prohibiting cultivators, processors, or retail dispensaries for medical marijuana land uses as permitted in H.B. 523; 2) establishing greater setbacks for accessory structures based on their building height; and 3) setting forth additional review criteria for Special Exceptions and Variances to include a review of the "consistency of the character of the immediate surrounding area, including the use of building materials and features of the structure(s)", and to require Site Clearance Release permits be reviewed and approved in accordance with the plans presented and approved by the Planning Commission. The text amendment is required to go through the Ordinance amendment process and will require three readings. There are legal notice requirements for a text amendment that will place the first reading on the September 25th Council meeting agenda.

Council member Armstrong reported that Ms. Minneci and Mrs. Chaney reviewed the tuition reimbursement policy that will be implemented for the upcoming 2018 budget preparation.

Council member Armstrong reported that the Law committee discussed a resident's request for the implementation of an Ordinance that does not allow clothes to be hung outside. This has only been requested by one resident. He said that Mr. West has contacted the neighbor and asked him to remove the clothes or place them in the backyard. The neighbor indicated he would comply with that request. The Law committee wished for the neighbors involved in this request to communicate this concern and any other concerns with each other and work toward amicable solutions on their own.

Council member Armstrong reported that the Law committee reviewed the "*Restraint of Unrestricted Dog*" Ordinance. He said that the Law committee discussed concerns from residents on how such legislation could impact responsible dog owners. As it will be difficult to actively enforce on a daily basis, the Village will not be able to take a proactive approach. However, the intent of such legislation is to give the Rangers a tool to utilize when violations occur and are disrupting other park visitors. However, residents' concerns were taken and will be passed on to the Rangers if the Ordinance passes at Council. He said that the Law committee recommended a third and final reading of the Restraint of Unrestricted Dog 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 the third reading.

Upon motion by Council member Armstrong, seconded by Council member Barber, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **07-17** enacted.

BUILDINGS & GROUNDS COMMITTEE REPORT: Ms. Minneci, in Council member Cowan's absence, directed Council's attention to a memo titled, "*Buildings and Grounds Committee*". She reported that the Buildings and Grounds committee met on August 22, 2017 to review several items in advance of the Council meeting.

City Manager Minneci reported that Mr. West provided a brief overview of the Rowe Arboretum Master Plan and Collections Policy process thus far. She said that he reviewed several concept plan options for improving the visitor entrance, current and proposed path network, parking, separation of office and work/storage area from the visitor, and the concept of creating a meeting/classroom space. She said that Mr. West stated that preliminary costs for each option have not been presented at this point. However, they will be available at the next Rowe Arboretum Steering Committee Work Session on August 31st. The purpose of the presentation was to gather feedback from the Grounds Committee on the different options so the Committee could move forward with a recommended preferred option in the Final Plan. She said that the Grounds committee provided the following comments/feedback:

1. Minimize the impact to the current limited green space when considering building/parking improvements.

2. The Arboretum needs to enhance the collections and garden areas due to the limited land area.
3. The cost of any capital improvements must be balanced with the current endowment's need to find resources for future sustainability when it comes to routine maintenance and operations.
4. It was agreed that the Village is not envisioning an "event center", but rather a place where groups such as garden clubs and plant societies could hold educational seminars and trainings in a comfortable environment.
5. Create more comprehensive pathways throughout the Arboretum that highlight interesting plant specimens.
6. A public open house is highly recommended to gather feedback prior to any recommendations being finalized.

City Manager Minneci reported that Mr. Adkins presented the departmental activity report, a copy of which was included in the Council packet. The Public Works Department replaced ceiling tiles at Livingston Lodge, cleared a fallen tree on Fox Hollow, cleared and maintained green area on Weil Road, and prepared Stephen Field for the 4th of July. In addition, staff made significant improvements to Whitacre and Rheinstrom Parks as well as performed routine field maintenance.

City Manager Minneci reported that Mr. West presented the Grand Valley Report, a copy of which was included in the Council packet. Attendance remained steady at 2,366 in July. Staff installed rip rap along the north side of the main lake to assist with protecting the shoreline. Mr. Greg Munafo, part-time Ranger at Grand Valley, constructed a new rack to hold life jackets. Base repair and paving took place up to the vehicle bridge and drainage improvements were performed along the main road.

City Manager Minneci reported that Mrs. Wade-Dorman presented the Project Management Report, a copy of which was included in the Council packet. Mrs. Wade-Dorman indicated to the Buildings and Grounds committee that the Environmental Stewardship Committee for the Shooting Club has been created and will have its first meeting on September 18, 2017. The role of the Committee is to review the Environmental Stewardship Plan, review the existing best management practices, and prioritize such practices for future implementation. In addition, Mrs. Wade-Dorman gave an update on the *Reforest the Hill* Program. Thus far, ten sponsors have provided \$6,600 in donations to the program's first year. The deadline for the donations is September 15th with tree planting expected to occur in October.

City Manager Minneci reported that staff recommended combining the Green Areas Advisory Committee (GAAC) meeting on October 5th with the Grand Valley Advisory Committee meeting. The GAAC's October meeting usually occurs at Grand Valley in order to honor the outgoing Chairperson with a tree planting. The combination of the committees will allow the honoring to also include Mr. and Mrs. Bucher and Mr. Dale Roe for their significant contributions to the Grand Valley Ranger building.

City Manager Minneci reported that staff provided the quarterly update on Shooting Club members. Currently, there are 590 members with 313 being non-residents (53%) and 277 being residents (47%)

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 22, 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. She explained that staff completed a significant amount of tree clearing in the right of ways along Demar, Drake, Given, Indian Hill, Loveland-Madeira, Shawnee Run and Spooky Hollow Roads. Drainage was improved along Demar and Keller Roads and Noel Lane. In addition, a drywall stacked wall was repaired on Indian Ridge and guardrails were repaired in several locations throughout the Village.

Council member Barber reported that Mrs. Wade-Dorman provided an update on Weil Road, which included a historical summary of all maintenance that has occurred in this area. The gabion baskets installed in 2012 and the first of two pier walls installed in 2016 have done well in preventing the road from significant and dangerous sinkage. However, the rain events the Village has experienced over the years have had a large impact on the bank stabilization along the road. The rain events have increased the scour at the confluence of the two streams. Consequently, staff is pursuing a third stage of maintenance in the form of a street restoration plan. Engineering is expected this year with the project being budgeted for and commencing in 2018.

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 project received four bids with the lowest and best coming in at \$278,770 from Howell Contractors. This amount is approximately \$41,000 less than budget. Work is expected to begin within the next weeks. A one month road closure is expected. An invoice has been submitted to Hamilton County for the \$166,000 Municipal Road Fund grant that Mrs. Wade-Dorman was able to acquire to assist with project funding.

Council member Barber reported that the Village's 2017 road resurfacing program was completed. Overall, fifteen streets and two parks were paved, including Shawnee Run Road and Indian Hill Road.

Council member Barber reported that the Request for Proposal (RFP) for the Village-wide culvert study is being finalized. Two structures within the study qualify for Ohio Department of Transportation's (ODOT) Municipal Bridge Inspection Services program. This bridge inspection service is free to the Village. In order to participate, staff recommended to the Public Works committee an Ordinance allowing the City Manager to enter into an agreement with ODOT for such services. After discussion, Council member Barber said that the Public Works committee recommended emergency legislation in order to capitalize on these free services during the culvert study.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT BETWEEN THE CITY OF THE VILLAGE OF INDIAN HILL AND THE OHIO DEPARTMENT OF TRANSPORTATION RELATIVE TO THE BRIDGE INSPECTION PROGRAM SERVICES, AND DECLARING AN EMERGENCY was presented and read.

Upon motion by Council member Barber, seconded by Council member Kuenning, the rules were suspended by unanimous roll call vote. Upon motion by Council member Barber, seconded by Council member McGraw, the Ordinance was passed by unanimous roll call vote. Mayor Feigelson declared Ordinance **08-17** enacted.

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 22, 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. He reported that eighteen water main breaks were repaired which brings the total for the year to forty-four. In addition, three new taps were installed. The lead and copper sampling was completed with thirty-five samples being collected from water customers. No lead was detected in the process. Mr. Adkins will be placing an article in the Bulletin updating the residents on the sampling's success.

Mayor Feigelson reported that Mrs. Wade-Dorman presented the Project Management report, a copy of which was included in the Council packet. The pump has been delivered while awaiting delivery of special fittings. Once installed, the plant will need to be shut down for approximately twelve hours. This shutdown is best to occur when water demands are low; consequently, it will occur during the fall. Currently, the water distribution system is producing 3-3.6 million gallons per day.

Mayor Feigelson reported that bid openings for the power distribution system are due August 31st. Surveying has begun on Shillito Lane for the engineering associated with the water main replacement in 2019. This water main services eight property owners and will require easements from these owners.

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, 2017 to review several items in advance of the Council meeting.

Council member McGraw reported that Chief Ashbrock provided the July Fire/EMS report to the Safety committee after the meeting, a copy of which was included in the Council packet.

Council member McGraw reported that Chief Ashbrock indicated that the Open House for the new Indian Hill fire station on the 4th of July was a huge success. The new fire station is fully operational with all personnel, equipment and vehicles moved into the facility.

Council member McGraw reported that Colonel Schlie presented the June/July Ranger report, a copy of which was included in the Council packet. He explained that a significant number of the cases involved theft, ID theft, general information and fraud incidents. The Rangers have identified a suspect in several car break-ins that occurred at Camargo Club, Indian Hill Swim Club and Cincinnati Country Day. The suspect currently is in jail on other theft charges.

Council member McGraw reported that staff provided the Safety committee with an update of the Firehouse Construction Fund through July 31, 2017. Currently, the fund contains \$727,879. The fund

balance will be used toward punch out items, change orders, and retainage costs that are still needing to be paid.

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 on August 15, 2017. She reported that the Planning Commission reviewed and recommended to Council a proposed text amendment to the Zoning Ordinance to prohibit medical marijuana land uses including cultivators, processors, or retail dispensaries per H.B. 523, to require an accessory structure to be setback from the side and rear property lines "the greater of the minimum required or equal to the height of the building", setting forth additional review criteria for Special Exceptions and Variances to include a review of the "consistency of the character of the immediate surrounding area, including the use of building materials and features of the structure(s)", and to require that Site Clearance Release permits be reviewed and approved in accordance with the plans presented and approved by the Planning Commission.

CITY MANAGER'S REPORT: Ms. Minneci reported that the Administrative offices will be closed in observance of Labor Day Monday, September 4, 2017.

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