

**MINUTES OF MEETING  
INDIAN HILL VILLAGE COUNCIL  
February 26, 2018**

A meeting of the Indian Hill Village Council was held on February 26, 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.    Stephen H. Krehbiel, Council member  
  Mr.    Donald C. McGraw, Council member  
  Mrs.   Monique A. Sewell, Council member  
  Mr.    Abbot A. Thayer, Council member

Officials absent:                   Mr.    John B. Armstrong, Council member  
  
  Ms.    Dina C. Minneci, City Manager  
  Mr.    Donald L. Crain, City Solicitor  
  Mr.    Paul C. Riordan, Clerk/Comptroller

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

**MINUTES:** The minutes of the regular meeting of January 29, 2018 had previously been distributed to each Council member. Council member Thayer made a motion to accept the minutes, which was seconded by Council member Cowan and was approved as issued 6-0.

**FINANCE COMMITTEE REPORT:** Council member Sewell directed Council's attention to a memo titled, "*Finance Committee*". She reported that the Finance committee met on February 16, 2018 to review several items in advance of the Council meeting.

Council member Sewell reported that the investment advisors from Bartlett provided the Finance committee its annual update on the investments for the General Fund, Water Works Fund and inactive funds. Due to the restrictions placed on public investments per the Ohio Revised Code, the portfolio consists only of treasury notes, agency notes, municipal bonds, certificates of deposits and money market funds. Moreover, maturities are limited to five years or less per investment objectives. Since its inception in 2004, the account's performance has had a 1.8% annualized rate of return. Interest earned in 2017 was approximately \$181,816. The portfolio primarily consists of investments with maturities between 1-3 years to account for volatility. 2018 accrued and received interest income is projected to be approximately \$194,244. The Bartlett advisors, with the recommendation of the Finance committee, agreed to keep with the current investment strategy of having approximately 20-22% of the portfolio invested in the 3-5 year maturity range.

Council member Sewell reported that the investment advisors from Bahl & Gaynor provided the Finance committee its annual update on the Rowe Arboretum investments. For the period 1-31-17 to 1-31-18, the account's performance has had a 24.7% annualized return rate net of fees. The Village received \$103,822 in income in 2017, and it is estimated that the account will yield approximately \$104,511 in 2018. The advisors emphasized that the portfolio, as directed, only includes stocks that pay dividends and have greater than a 2% yield. In addition, no stocks will ever be more than 5% of the entire portfolio. The top ten stocks equate to 39.9% of the

portfolio. The investment objectives of maximizing current income coupled with minimizing downside capital risk continues to be sound. Currently, there are 44 stocks in the portfolio. The Bahl & Gaynor advisors recommended maintaining the same investment strategy in 2018. However, if a capital infusion occurs in the Rowe Arboretum Fund due to the upcoming capital campaign, it was recommended that the Finance committee reevaluate the strategy based on the level of infusion.

The Finance committee continued its discussion from last month about analyzing current and alternative investment strategies and entities. The Bahl & Gaynor advisors presented its research on comparing its current strategy with what occurred in a particular bond fund over the past ten years. The comparisons highlighted the differences in both market values and income received of what actually occurred within the managed Rowe Arboretum Fund and what could have occurred in an unmanaged bond market. The Finance committee discussed the pros and cons of ensuring the same, and even higher, income and market value growth from past years without having to pay management fees. In light of the upcoming capital campaign, the Finance committee indicated it would continue reviewing various strategies and alternative management options.

Council member Sewell directed Council's attention to the January financial statements, which were included in the Council packet.

- a) **Income Tax Receipts:** The Village received \$1,945,688 which is approximately \$700,000 more than received in January 2017. This significant increase is due to the end of the year changes made to the income tax code at the federal level which made it more advantageous for individuals to make prepayments on their 2017 tax returns due in 2018. Payments were sent on the last days of 2017, but were not received and deposited until 2018.
- b) **Operating Disbursements:** Operating disbursements equated to \$1,121,959 which is \$179,000 more than January 2017. This is due to timing of payments and a higher than usual solicitor invoice due to pending litigation.
- c) **CIRF:** Disbursements totaled \$50,212. A majority of the cost was for culvert repairs.
- d) **Water Works Receipts:** Water usage receipts were \$265,453 which is approximately \$3,000 less than January 2017 receipts.
- e) **Water Works Disbursements:** Total operating disbursements of \$166,442 is approximately \$14,000 less than January 2017. This is due to the timing of payments.
- f) **Water Works CRF:** Total disbursements equated to \$60,940. This represents costs associated with generator repairs.
- g) **Cash and Investments:** Total month-end cash and investments were \$31,094,026 compared to \$29,399,095 in December 2017 and \$29,158,626 in January 2017. Month to month and year to year changes are due to normal operations, the funding of the construction of the new joint fire district firehouses through the Firehouse Construction Fund in 2017, and the increase in income tax due to tax law changes late in 2017.
- h) **Rowe Funds:** The market value as of January 31<sup>st</sup> was \$3,949,440. The unrecognized gain was \$1,318,498. Total monthly operating receipts, including dividends, were \$8,777 with monthly operating expenses totaling \$12,560 and investment sale net gains of \$22,191.

- i) **Green Areas Funds:** The market value as of January 31<sup>st</sup> was \$2,866,638. The unrecognized gain was \$1,555,425. Total monthly earnings equate to \$211 with monthly expenses totaling \$0

The financial statements for January 2018 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 Thayer, in Council member Armstrong's absence, directed Council's attention to a memo titled, "*Law Committee*". He reported that the Law committee met on February 15, 2018 to review several items in advance of the Council meeting.

Council member Thayer reported that the Law committee entered into Executive Session to discuss pending legal matters.

Council member Thayer reported that Ms. Minneci presented the January/February legal activity report. The report included updates on bridle trail/green area legislation, green area land swap research, septic system inspection inquiries, Planning Commission appeal case review and Mayor's Court.

Council member Thayer reported that Ms. Minneci presented an update on the green area swap request that was discussed in December which is located on Sanderson Place. The request was presented in January to the Green Areas Committee (GAAC) with residents from 7310 and 7320 Sanderson Place providing input. The GAAC committee agreed to table its decision until further legal questions were answered and to provide time for a possible private purchase of property that is adjacent to the subject green area swap. At its February meeting, the GAAC reviewed the legal research and thoroughly discussed the request and its concerns. The GAAC provided a recommendation to the Law committee as follows:

- a) To not approve the requested land swap and have the parcel ownership remain as is
- b) Allow the wall to remain as is
- c) Have the Village prepare an easement agreement that requires the property owner at 7310 Sanderson Place to be responsible for all maintenance and liability of the wall
- d) Have the green area stop being maintained and allow it to go back to its natural state

The Law committee thoroughly discussed this recommendation from the GAAC and agreed with it. The Law committee directed staff to work with the owner of 7310 Sanderson Place to create an easement agreement for review and to have the owner account for legal costs associated with the process.

Council member Thayer reported that Mr. West reviewed a summary prepared by the Ohio Municipal League that outlines the Authority and Restrictions under Proposed ORC 4939 (HB478) regarding Small Cell Facilities and Wireless Support Structures in the Public Right-of-Way. The memo outlined the authority and restrictions assigned to municipalities under the newly proposed language and provisions related to the adoption and implementation of design guidelines.

Council member Thayer reported that Mr. West stated that the bill language would allow the Village to adopt written design guidelines with objective, technologically feasible criteria that reasonably match the aesthetics and character of the area regarding: 1) the location of any ground-mounted small cell; 2) the location of a small cell facility on a wireless support structure; 3) the appearance and concealment of small cell facilities, including criteria relating to materials used for arranging, screening or landscaping and 4) the design and appearance of a wireless support structure including height up to 40' maximum. The Bill was passed by the House on February 14, 2018. Mr. West will provide updates as it makes its way through the legislative process.

Council member Thayer reported that Mr. West presented concerns brought up by residents located at the south end of Drake Road where the public right-of-way ends south of Summerhouse Lane. He said that Mr. West discussed the right-of-way limits, vehicles turning around on private property, considerations for constructing a cul-de-sac or T-turnaround, the need for improving signage and obstructions located within the right-of-way. Staff will provide updates as more information is received.

Council member Thayer reported that Mrs. Chaney provided an update from last month's discussion regarding the changes to the Village's Merit System which defines the principles and procedures for the Village's civil service. As required, a meeting of the Personnel Advisory & Appeals Board met to review the recommended changes discussed at the Law committee meeting in January. After additional insight and grammatical changes, the Board agreed with the recommended changes. Consequently staff recommends a first reading: 1) to amend the personnel rules Ordinance; 2) to amend the police department's health and medical examinations Ordinance and 3) to amend the Ordinance pertaining to positions exempt from the merit system.

Council member Thayer reported that the Law committee agreed to the recommendations and he is presenting the Ordinance for the first reading at this Council meeting.

**AN ORDINANCE AMENDING THE PERSONNEL RULES OF THE VILLAGE OF INDIAN HILL** was presented and read for the first reading.

**AN ORDINANCE AMENDING THE POLICE DEPARTMENT'S HEALTH STANDARDS AND MEDICAL EXAMINATIONS OF CHAPTER 34, SECTION 34.25 THROUGH 34.30 OF THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO CODIFIED ORDINANCES** was presented and read for the first reading.

**AN ORDINANCE AMENDING § 35.51 OF THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO CODIFIED ORDINANCES BY AMENDING THE POSITIONS EXEMPT FROM THE PROVISIONS OF THE MERIT SYSTEM ORDINANCE OF 1970 AND AMENDING § 35.52 BY AMENDING THE CITY MANAGER'S APPOINTMENT AUTHORITY FOR THE DIRECTOR OF PERSONNEL** was presented and read for the first reading.

Mayor Kuenning asked Ms. Minneci to give Mrs. Chaney thanks from Council for all the work she has done on these changes to the Village's merit system. He said that Council really appreciated it.

**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 February 20, 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 said that staff performed routine maintenance and removed honeysuckle at the Shooting Range, Camp Dennison, Mrs. Black's dedication trail and the Point to Point fields. The department also installed new outdoor lights at the Little Red Schoolhouse, completed plumbing repairs through various facilities and painted lacrosse fields.

Council member Cowan reported that Mr. West presented the project management report for Grand Valley, a copy of which is included in the Council packet. She reported that Mr. West indicated that both dive team and ice rescue training took place in January. In addition, the boat shelter is almost complete.

Council member Cowan reported that Mrs. Wade-Dorman provided the Buildings and Grounds committee updates on the *Reforest the Hill* program. Staff has ordered tree tags for the 2017 trees and has completed the new 2018 *Reforest the Hill* donation form which will be distributed to the residents through the Bulletin and website over the next couple of months. She said that with regard to the environmental oversight, quotes have been received to install the monitoring well near the Ranger Shooting Range and to complete soil testing for metals during the drilling process.

Council member Cowan reported that Village staff updated the Buildings and Grounds committee on the Bridle Trail Master Plan. Approximately two years ago, the equestrian community approached the Village to perform a Bridle Trail Master Plan to evaluate all the 150 lane miles of trail throughout the Village for maintenance, replacement and possible closure needs. A plan of this magnitude has never been performed. She said that the Village was willing to participate in the process; however, funding would need to come from other sources besides the General Fund. Ms. Middendorff also created a Stakeholders committee to help receive input from various members of the equestrian community. After many discussions on contract pricing and language, required Village waivers and the responsible parties for the contract, Ms. Middendorff has indicated they are ready to begin the process of walking and evaluating the trails in March. She said that staff will ensure residents are aware that the process is occurring and will assist in sending out surveys to those with bridle trail passes. She said that Ms. Middendorff generously is funding the Bridal Trail Master Plan through her private donation.

Council member Cowan reported that staff provided the Buildings and Grounds committee with an update on a green area swap request that was considered by the Green Areas Advisory

committee and the Law committee. She directed Council to the February 15, 2018 Law committee report for details.

Council member Cowan reported that staff provided the Buildings and Grounds committee with an update on the Indian Hill Garden Club's request to install a boardwalk over the vernal pool at Radio Range Park. This is the third phase of a three phase project that they have donated over the last two years. John & Helene Bentley, as representatives of the Indian Hill Garden Club, will be acquiring quotes to determine costs and have indicated a generous offer to donate up to \$4,000 to the project. She said that staff will provide more information after bids are received,

**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 February 20, 2018 to review several items 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 thus far, the 2017-2018 snow season has included 15 snow events which resulted in 12.15 inches of snow, 1,968 tons of salt and 16,309 gallons of brine being used. He said that staff also continued to work on clearing honeysuckle throughout the Village as well as clearing trees out of the right-of-way. He said that staff repaired guardrail on Walton Creek Road.

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 final drawings for the Kugler Mill and Camargo Road pier wall were received and bids for the project will be advertised at the end of this month. Work continues on preparing the Village-wide pier wall/retaining wall study.

Council member Krehbiel reported that Mrs. Wade-Dorman submitted a grant application for Municipal Road Funds (MRF) to assist with the Blome Road culvert replacements. He said that the Village is anticipating that grants will be awarded in March/April. Mrs. Wade-Dorman also is preparing a grant application for Clean Ohio funds for the North Branch Sycamore Creek restoration along Weil Road.

Council member Krehbiel reported that Mrs. Wade-Dorman provided an overview of the culvert study performed in 2017. The study focused on all culverts 30 inches and higher. This equated to 68 culverts being inspected in addition to four bridges. Overall, the study indicated a capital improvement cost of \$3,400,000 for replacement and repairs over a ten year period. \$2,400,000 of the capital plan was centered on bridge replacement and repairs, which leaves \$929,000 associated with various culvert replacements, repairs and maintenance. He said that these projects will be placed into the Village's ten-year capital improvement plan during the upcoming budget season.

Council member Krehbiel reported that technically, Hamilton County is financially responsible for all bridge repairs and replacements. He said that however, due to economic constraints, the County looks to the local jurisdictions to assist with construction to alleviate the need to shut the bridges down while it awaits appropriate funding. Currently, the Keller Road

Bridge is being engineered with an anticipated construction date within the next one to two years. The Blome Road Bridge also has been targeted for significant repairs within the next five years. He said that more discussion will take place with Council to determine the course of action for its repairs.

Council member Krehbiel reported that subsequent to the meeting, staff provided the Public Works committee a draft Resolution authorizing the Village to prepare and submit an application for Clean Ohio Funds to receive financial assistance for the North Branch Sycamore Creek stream restoration project that is included in the 2018 budget.

**A RESOLUTION AUTHORIZING THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE CLEAN OHIO CONSERVATION FUNDS, TO SHOW SUPPORT FOR THE NORTH BRANCH SYCAMORE CREEK STREAM RESTORATION AND RIPARIAN ENHANCEMENT PROJECT AND TO EXECUTVE CONTRACTS AS REQUIRED** was presented and read.

Upon motion by Council member Krehbiel, seconded by Council member McGraw, the Resolution was passed by unanimous voice vote. Mayor Kuenning declared Resolution **03-18** adopted.

**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 February 20, 2018 to review several issues in advance of the Council meeting.

Mayor Kuenning reported that Mr. Adkins presented the departmental activity management report, a copy of which was included in the Council packet. He said that staff repaired seven water main breaks and replaced a fire hydrant on South Timberlane. The department also installed a water tap on Michigan Avenue and installed lights in the pipe chase softeners 7-12.

Mayor Kuenning reported that Mrs. Wade-Dorman presented the project management report, a copy of which was included in the Council packet. The work on the generator pad mount transformer is schedule to begin the week of February 20<sup>th</sup>. The switchgear is scheduled to ship in April. Kroger Farm water main replacement is scheduled to go out to bid on March 2<sup>nd</sup>. The request for proposals for the Algonquin water main replacement engineering will be sent out at the end of February.

Mayor Kuenning reported that staff indicated that two members of the Water Works division, Mr. Ken Allen and Mr. Ken Irwin, will be retiring in March and May, respectively. These upcoming retirements will create opportunities for transfers with the Public Works division as well as create the need for a civil service test. He said that Mr. Allen and Mr. Irwin have been with the Village for over twenty years and have been consummate professionals who have

demonstrated a strong work ethic and dedication to high quality service. Their talents will be missed, but we wish them the best as they embark on a new chapter.

Mayor Kuenning reported that staff provided the Water Works committee information for the annual review of the Village's water rates which included a ten year cash flow analysis that represents anticipated operating and capital expenditures through 2027. The water revenues in the forecast are based on a ten year historical average. He said that the Water Works committee reviewed benchmarking material which showed Indian Hill's current rate being in the bottom third of water distribution systems located throughout Ohio and Kentucky. Anticipated rate increases in 2018 for local jurisdictions also were reviewed. He said that the Water Works committee discussed various philosophies, with the use of a water rate calculator, on how to achieve appropriate operating fund ending balances each year. The goal is to have sufficient funds that allow for effective and efficient water distribution operations while also having the ability to replace aging infrastructure. The water rate was increased by 5% in 2015, 2016 and 2017 after eight years without an increase.

Mayor Kuenning said that the Water Works committee would like to share information and continue discussions in a combined meeting with the Finance committee to determine what an appropriate increase, if any, is necessary to ensure the fund's viability. A combined meeting of the Finance and Water Works committees will be scheduled for Tuesday, March 20<sup>th</sup>.

**SAFETY COMMITTEE REPORT:** Council member McGraw directed Council's attention to a memo titled, "*Safety Committee*". He reported that the Safety committee met on February 15, 2018 to review several items in advance of the Council meeting.

Council member McGraw reported that representatives from the City of Madeira included Council members Scott Gehring, Chris Hilberg, Matt Luther, City Manager Tom Moeller and Assistant City Manager Lori Thompson. Ms. Minneci, Mr. West, Colonel Schlie, Scott Gully and Jessica Chaney were the Village staff members in attendance. Chief Ashbrock and Captain Smith were the Joint Fire District staff members in attendance.

Council member McGraw reported that Chief Ashbrock and Colonel Schlie distributed the Fire/EMS and Ranger reports, respectively, prior to the meeting, copies of which were included in the Council packet. He said that no discussion took place.

Council member McGraw reported that the Safety committee entered into Executive Session for the purpose of matters related to public employees, officials, licenses or regulated individuals.

**PLANNING COMMISSION REPORT:** Council member Thayer directed Council's attention to a memo titled, "*Planning Commission*". He reported that the Planning Commission met on February 20, 2018 to consider several items.

Council member Thayer reported that the Planning Commission approved case #17-012 which was a request for variance for the expansion of a non-confirming home on a non-confirming lot and to construct front portico additions. He said that the application was submitted by Kevin James and Anita Hopkins for the property located at 7595 Shawnee Run Road.

Council member Thayer reported that the Planning Commission approved case #18-003 which was a request for a Resource Protection Area swap from Maureen Corl. The subject property is located at 5 Creekside Drive, Lot 13 of Forest Creek Subdivision.

**CITY MANAGER'S REPORT:** Ms. Minneci reported that the New Residents' Event will be held on April 29<sup>th</sup> at 4:00 p.m. at the Little Red Schoolhouse. She said that invitations will be mailed out in March.

Council member Thayer requested an Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee, official, licensee or regulated individual. The motion was seconded by Council member Cowan 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 Kuenning declared the meeting adjourned.

Respectfully submitted,

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Mark D. Kuenning, Mayor

ATTEST:

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Paul C. Riordan, Clerk