

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
April 23, 2018**

A meeting of the Indian Hill Village Council was held on April 23, 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
 Mr. Abbot A. Thayer, Council member

Official on Phone: Mrs. Monique A. Sewell, Council member

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

Visitors present: Mr. Scott Phillips, Frost Brown Todd Attorneys
 Mr. Jon West, 6525 Drake Road

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

MINUTES: The minutes of the regular meeting of March 26, 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 6-0.

EXECUTIVE SESSION: Council member Thayer moved that Council enter into Executive Session to discuss pending litigation with legal counsel. The motion was seconded by Council member Armstrong and approved by roll call vote 6-0 with Council member Sewell abstaining. Council entered into Executive Session. Council returned from Executive Session.

FINANCE COMMITTEE REPORT: Council member Sewell directed Council's attention to a memo titled, "*Finance Committee*". She reported that the Finance committee met on April 13, 2018 to review several items in advance of the Council meeting.

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

- a. **Income Tax Receipts:** The Village received \$350,747 which was approximately \$87,000 more than received in March 2017.
- b. **Operating Disbursements:** Operating expenditures equate to \$824,574 which was equal to March 2017. This is due to timing of payments.
- c. **CIRF:** Disbursements totaled \$19,313. This relates to the street resurfacing program.

- d. **Water Works Receipts:** Water usage receipts were \$129,806 which was approximately \$54,000 less than March 2017 receipts.
- e. **Water Works Disbursements:** Total operating disbursements of \$403,228 was approximately \$382,000 less than March 2017. This is due to the timing of the payment to MSD for sewer reimbursements.
- f. **Water Works CIRF:** Total expenditures equate to \$185,236. This relates to the generator repair project.
- g. **Cash and Investments:** Total month end cash and investments were \$29,699,966 compared to \$30,171,493 in February 2018 and \$28,664,905 in March 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 receipts due to tax law changes late in 2017.
- h. **Rowe Funds:** The market value of investments as of March 31st was \$3,693,455. The unrecognized gain was \$1,065,097. Total monthly operating receipts, including dividends, were \$16,405 with monthly operating expenses totaling \$23,373 and investment sale net gains of \$2,733.
- i. **Green Areas Funds:** The market value of investments as of March 31st was \$2,733,404. The unrecognized gain was \$1,412,397. Total monthly earnings equate to \$9,521 with monthly expenses totaling \$780.

Council member Sewell reported that staff and Mr. Krehbiel provided an overview of their discussions on increasing the Village's digital presence throughout the community. A concept under review has been the creation of a Village App for mobile phones. This App can be used as another avenue to communicate with residents about Village services and events and attract more attention to the Village's website from those who perform many daily functions on their phones. The construction of the App would begin with basic concepts such as access to the Village calendar, ability to request services (e.g. brush pick-up, dead animal removal), event notifications, park information, and Council/Village staff contacts. The Village also is planning on upgrading its website in 2019. The Finance committee discussed coordination of the App's development with the website upgrade, financial implications, how to market the App upon its completion, on-going maintenance and sustainability. The Finance committee felt the App was a viable first step in increasing the Village's digital presence and hoped the App's creation would promote feedback from the residents as to what other concepts may be useful to them. After such discussions, the Finance committee authorized staff to spend no more than \$15,000 on the development of a Village App. Staff will provide updates as the project progresses.

Council member Sewell reported that the Finance committee continued its discussion from February about analyzing current and alternative investment strategies and entities for Rowe Arboretum. The Finance committee indicated it would like to evaluate the sustainability of having the funds invested 100% in equities. The Finance committee also indicated it would like to evaluate the philosophies of other fiduciary managers to ensure the Village's future financial planning is cognizant of overall total return as it relates to annual income and broker fees. The Finance committee asked staff to create a Request for Proposals (RFP) for the fiduciary management of the Rowe Arboretum Fund. These proposals and subsequent interviews can be utilized to determine if and how the current investment strategy's direction should be changed.

Council member Sewell reported that staff provided an update on the Rowe Arboretum capital campaign. Staff has met with development specialists to determine the best course of action for the Village and has reviewed the benefits and processes of creating a 501(c)3. Marketing material is being created and will be presented at upcoming meetings for review.

Council member Sewell reported that staff informed the Finance committee that the Hamilton County Administrator is recommending a 0.5% increase in the County sales tax. If this proposal is approved by the County Commissioners, it will lead to amendments to current Village legislation that relates to the cost of items sold.

The financial statements for March 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 Armstrong directed Council's attention to a memo titled, "*Law Committee*". He reported that the Law committee met on April 12, 2018 to review several items in advance of the Council meeting.

Council member Armstrong reported that Mr. Crain presented the March/April legal activity report. The report included updates on the receipt of a favorable arbitration decision, bridle trail/green area legislation, review of inspection and nuisance issues, review of right-of-way and Mayor's Court.

Council member Armstrong reported that Mr. West discussed a nuisance abatement issue. Neighbors have expressed concern about 6775 North Clippinger due to a number of dead trees on the property that could fall and land on nearby homes. Council member Armstrong reported that Mr. West reviewed the property, identified that the trees were dead from emerald ash borer damage and determined such trees could cause significant damage if fallen. This home had been the subject of similar concerns a year ago; however, efforts were made by Mr. West to contact the owner to have the trees taken down. The owner stated the home was in foreclosure and was purchased through a third party at an auction. Consequently, they have no responsibility for it. However, the sale must be approved by a judge before the deed can be transferred to the new owner. This could take several weeks. Council member Armstrong explained that due to the extreme safety concerns of the trees, a Notice of Public Nuisance was posted which allowed fourteen days to clean up the property. If cleanup is not completed, Council may pass a Resolution to have the property declared a nuisance. This legislative action allows the Village to contract out the work of taking down the trees and assessing the property taxes.

Council member Armstrong reported that the Law committee recommends a Resolution to declare the property a nuisance if clean up does not occur within the established fourteen days.

A RESOLUTION TO DECLARE THAT THE OWNER'S MAINTENANCE 6775 N. CLIPPINGER DRIVE, PARCEL 529-0111-0018, HAS BEEN NEGLECTED AND CONSTITUTES A PUBLIC NUISANCE PER SECTION 94 OF THE INDIAN HILL CODE OF ORDINANCES AND THE OHIO REVISED CODE AND DECLARING THE STRUCTURE INSECURE. THE CITY OF THE

VILLAGE OF INDIAN HILL COUNCIL ORDERS THE OWNERS TO ABATE THE NUISANCE WITHIN SEVEN DAYS; AND IF SUCH NUISANCE IS NOT ABATED WITHIN SEVEN DAYS, COUNCIL AUTHORIZES THE CITY MANAGER TO ABATE THE NUISANCE AND/OR CONTRACT THE ABATEMENT AND ASSESS THE COST TO THE PROPERTY TAX DUPLICATE was presented and read.

Upon motion by Council member Armstrong, seconded by Council member Thayer, the Resolution was passed by voice vote 6-0 with Council member Sewell abstaining. Mayor Kuenning declared Resolution **04-18** adopted.

Council member Armstrong reported that staff provided the Law committee with an update on its research on legislation for those who trespass on green areas and bridle trails. Council member Armstrong reported that after discussions with Mr. Kevin Tierney, Village Prosecutor and Mr. Crain, it was determined that the Village's current trespassing legislation is adequate to cite those who are on green areas and bridle trails illegally. He further explained, to ensure proper notice is provided, Mr. Tierney and Mr. Crain recommended that documented warnings be given out to first time violators. In addition, Chief Schlie is working to change the information provided on bridle trail passes to highlight that it is not permitted to walk or use motorized/non-motorized vehicles on green areas and bridle trails.

Council member Armstrong reported that the Law committee recommends a third and final reading of the following Ordinances: 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.

AN ORDINANCE AMENDING PERSONNEL RULES OF THE MANAGER OF INDIAN HILL was presented and read for a third reading.

Upon motion by Council member Armstrong, seconded by Council member Thayer, the Ordinance was passed by a roll call vote of 6-0 with Council member Sewell abstaining. Mayor Kuenning declared Ordinance **01-18** enacted.

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 a third reading.

Upon motion by Council member Armstrong, seconded by Council member Thayer, the Ordinance was passed by a roll call vote of 6-0 with Council member Sewell abstaining. Mayor Kuenning declared Ordinance **02-18** enacted.

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 a third reading.

Upon motion by Council member Armstrong, seconded by Council member Thayer, the Ordinance was passed by a roll call vote of 6-0 with Council member Sewell abstaining. Mayor Kuenning declared Ordinance **03-18** enacted.

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 April 17, 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 and placed gravel on the lower Gun Club driveway. Staff also poured concrete bench pads for park benches and prepared lacrosse and baseball fields for upcoming seasons.

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.

Council member Cowan reported that Mrs. Wade-Dorman provided the Buildings and Grounds committee updates on the *Reforest the Hill* program. A "Thank You" article was included in the April Bulletin for those who donated toward the 2017 program. The 2018 program will begin with the order form being placed in the May Bulletin with follow-up articles in June and September.

Council member Cowan reported that staff distributed a draft Parks Master Plan for the Buildings and Grounds committee members to review. The plan included a summary for each Village park. The summaries highlighted the following:

- a) Annual maintenance
- b) Recommended capital projects for future budget consideration
- c) Completed projects that occurred over the last 4 years

Council member Cowan said that this plan will be finalized and presented to the Buildings and Grounds committee for approval in the upcoming months. It will then be utilized during the annual budget process to prioritize park projects.

Council member Cowan reported that staff provided the Buildings and Grounds committee with an update on the Rowe Arboretum capital campaign.

Council member Cowan reported that staff wanted to recognize Mr. Jason Donovan for having the Rowe Arboretum be awarded international accreditation through the ArbNet program as a level II accredited arboreta. Rowe Arboretum will now have an ArbNet accreditation in the Morton Arboretum Accredited Arboreta Register. Morton Arboretum/ArbNet created its Arboretum Accreditation Program to establish and share a widely recognized set of industry standards for the purpose of unifying the arboretum community. No other international program of accreditation exists that is specific to arboreta. To achieve the accreditation, Mr. Donovan had to show proof of Rowe's planning, governance, number of species, staff and volunteers, education and public programming, tree science and research and conservation. ArbNet has a total of four levels of accreditation and Rowe is not far off from the next level. Council member Cowan congratulated Mr. Jason Donovan for this honor.

Council member Cowan reported that staff provided an update to the Buildings and Grounds committee 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, distance and resources to oversee the Village's 1,300 septic systems in addition to the tens of thousands of systems within their own counties. She said that staff will be scheduling discussions with Warren County in the upcoming weeks.

Council member Cowan reported that staff provided the Buildings and Grounds committee with an update on its research on legislation for those who trespass on green areas and bridle trails as previously reported by Council member Armstrong.

Mayor Kuenning said he would also like to congratulate Mr. Jason Donovan. He has been a blessing for the Rowe Arboretum and has helped to increase the Rowe Arboretum visibility and for being instrumental in executing the Rowe Arboretum Master Plan.

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 April 17, 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. Thus far, the 2017-2018 snow season has included 20 snow events which resulted in 18 inches of snow, the application of 2,130 tons of salt and 16,309 gallons of brine. Of the \$50,000 budgeted for snow removal salaries, \$36,000 has been utilized thus far. He said that staff also installed pothole patches throughout the Village.

Council member Krehbiel reported that Mrs. Wade-Dorman presented the project management report, a copy of which is included in the Council packet. The stream restoration project on Weil Road is awaiting a response from the Ohio Public Works Commission (OPWC) regarding approval of a \$133,586 grant to assist with funding the \$300,000 project. Construction is expected to begin in July. The Blome Road culvert is awaiting approval of a \$140,000 grant to

assist with the \$475,000 project and has a deadline of April 27, 2018 for its Request for Proposal (RFP). The 2018 Street Resurfacing Program has been advertised with the bid opening occurring in April.

Council member Krehbiel reported that Mrs. Wade-Dorman provided an update on the Shawnee Run Road emergency landslide project. He said that the Village is awaiting an emergency declaration by the President to assist in acquiring grant funding (City Manager Minneci reported to Council that this declaration has been made by the President). The project's engineering will be administered by the Village while the construction will be administered by the State of Ohio.

Council member Krehbiel reported that Mrs. Wade-Dorman gave an overview of the Village-wide pier wall/landslide study. Approximately 45 pier walls will be inspected along with areas that have seen erosion and have gabion baskets. The goal of the study is to assist in prioritizing the sites to determine the timing and extent of repairs needed and to include in the Village's capital improvement plan.

Council member Krehbiel reported that staff provided an update on a Duke Energy program which will work toward having electrical lines underground in areas where power outages are extensive. The program is called "Targeted Underground Program". There are fifteen locations throughout the Village that Duke has identified for work in 2018. These locations were based on a ten year analysis of smaller areas throughout the State where power outages have been frequent and long term. Duke will be placing the electrical wires on the utility poles underground; however, any lines associated with Cincinnati Bell must be moved by them. Consequently, the utility poles may still remain as this project progresses depending on Cincinnati Bell's willingness to move their lines. Duke has indicated they will be needing easements from some residents, and that they will work to restore property to its original condition after work is completed. Letters will be sent to affected residents as well as door hangers placed on their front doors to communicate Duke's intentions and provide contact information.

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 April 17, 2018 to review several items 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 four main breaks totaling 25 for this year. One fire hydrant was replaced. The Plant Operators responded to 198 customer service calls. He said that such calls usually relate to low water pressure, sampling requests, OUPS markings and meter failures.

Mayor Kuenning reported that Mr. Adkins reviewed the 2017 Water Quality Report with the Water Works committee. He said that the report has been mailed to all Village residents.

Mayor Kuenning reported that Mrs. Wade-Dorman presented the project management report, a copy of which was included in the Council packet. He said that Mr. Adkins gave a

demonstration on the switching out of two separate switch gears during the water treatment plant power distribution improvement project.

Mayor Kuenning said that Kroger Farm water main replacement is scheduled to begin construction in early May and a Request for Proposal (RFP) has been sent out for the Algonquin water main replacement.

Mayor Kuenning reported that staff reviewed the Ordinance increasing the water rate by 8%. He said that the Water Works committee recommends a second reading of the Ordinance increasing the water rate by 8% beginning July 1, 2018.

AN ORDINANCE CHANGING THE RATES TO BE CHARGED FOR WATER SUPPLIED TO CUSTOMERS BY AMENDING SECTION 51.55 RATES OF THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO CODE OF ORDINANCES was presented and read for the second reading.

SAFETY COMMITTEE REPORT: Council member McGraw directed Council's attention to a memo titled, "*Safety Committee*". He reported that the Safety committee met on April 12, 2018 to review several items in advance of the Council meeting.

Council member McGraw reported that Chief Ashbrock presented the Fire/EMS reports, copies of which were included in the Council packet. He said that the Chief highlighted that paramedic runs are 40 more than this time last year with no particular reason. Chief Ashbrock provided statistics on emergency runs to the local assisted living and nursing homes. Yearly runs can be anywhere from 125 to 460. The new Traditions facility that is being constructed on Camargo Road is projected to have 100-125 runs annually. Chief Ashbrock gave an overview of an appliance electrical fire on Foxgate Lane. It was confined only to the kitchen.

Council member McGraw reported that Chief Ashbrock provided follow-up on the personnel discussions from last month. He indicated that the Joint Fire District Board continues to evaluate a new civil service structure that allows for lateral entry to assist in expanding the applicant pool due to the decline in candidates and the scheduling issues associated with maintaining a viable part-time pool. It is expected that a proposal will be discussed at the May Board meeting. The district also is looking at ways to incentivize part-timers into taking more hours.

Council member McGraw said that Chief Ashbrock also discussed how they are utilizing and evaluating local paramedic/EMT schools such as Great Oaks, Cincinnati State and Sinclair Community College in hopes of increasing recruitment and understanding the needs of those interested in entering the field of emergency services.

Council member McGraw reported that Colonel Schlie presented the Rangers report, a copy of which was included in the Council packet. He said that the report was unremarkable. He said that Colonel Schlie also discussed a restructured school program that increases police presence at all the schools within the Village. He said that Chief Schlie also mentioned two dog

bite incidents that occurred over the past month as well as an increase in turkey and coyote sightings.

Council member McGraw reported that Lt. Ed Shannon has been approved to attend the FBI Academy in June.

PLANNING COMMISSION REPORT: Council member Thayer reported that the Planning Commission did not meet in April due to a lack of agenda items.

CITY MANAGER'S REPORT: Ms. Minneci reported the following events in her Management report:

- Grand Valley Annual Fishing Tournament April 28, 2018 from 7:00 a.m. until 12 noon.
- New Residents' Party April 29, 2108 from 4:00 p.m. until 6:00 p.m. at the Little Red Schoolhouse.
- Rowe Arboretum Annual Plant Sale April 28-29, 2018 from 10:00 a.m. until 2:00 p.m. at the Rowe Arboretum.
- Indian Hill Annual Water Quality Report will be presented at the Green Area Advisory Committee Meeting on May 2, 2018 at 5:30 p.m.
- National Day of Prayer May 3, 2018 at 7:30 a.m. hosted by the City of Madeira at McDonald Commons Park.

Ms. Minneci reported that Ms. Middendorff has been spearheading the Bridle Trail Master Plan and she has graciously offered to fund the Bridal Trail Master Plan through her private donations. Council is welcome to come to the presentation at Green Acres facility on May 10, 2018.

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