

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
May 20, 2019**

A meeting of the Indian Hill Village Council was held on May 20, 2019 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
- Mr. John B. Armstrong, Council member
- 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:

- Mrs. Melissa S. Cowan, Vice-Mayor

- Mr. Jonathan D. West, Assistant City Manager
- Mr. Scott D. Phillips, City Solicitor
- Mr. Paul C. Riordan, Clerk/Comptroller

Visitor's Present:

- Ms. Elle Allison
- Mrs. Michelle Allison
- Ms. Olivia Allison
- Mr. Dan Feigelson, 5025 Miami Road
- Mrs. Barb Hauck, 4325 Drake Road
- Mr. Steve Makin, 6525 Drake Road

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

MINUTES: The minutes of the regular meeting of April 22, 2019 had previously been distributed to each Council member. Council member Thayer made a motion to accept the minutes, which was seconded by Council member McGraw and was approved as corrected, 6-0.

CITIZEN PARTICIPATION: Mayor Kuenning swore-in Lonny Allison as our newest Ranger and Council welcomed him to the Village of Indian Hill.

Mrs. Barb Hauck and former Mayor, Dan Feigelson, appeared before Council and reviewed the history of the Historical Society and its relationship with the Village of Indian Hill. Mrs. Hauck explained that the Schoolhouse was saved and preserved specifically for the purpose of establishing a historical society in the community. She explained that the Historical Society publishes historical information including the book, From Camargo to Indian Hill and it also preserved the Bonnell House. The Historical Society was also responsible for the Stephan Field Monument. They host the New Residents' Party and hold the annual Christmas Party at the Little Red Schoolhouse. Mrs. Hauck explained that the Historical Society has numerous files going back many years which are used periodically by individuals to trace their family history and residences of their ancestors

Mr. Feigelson explained that the Historical Society is one of the "crowns" in the jewel of the Village along with the Gun Club, Parks and the Rowe Arboretum. This makes the Village unique. He said that the Historical Society works as a partnership relationship with the Village.

Mayor Kuenning said that he and Council fully understand how closely-woven the Historical Society is into the Village of Indian Hill. He said that everyone he talks to believes that the Historical

Society is the most active historical society they have ever encountered and that Council wants this relationship to absolutely continue.

Mayor Kuenning explained that the Village is in the process of renewing the lease with the Historical Society (which includes the Bonnell House as well as the Little Red Schoolhouse). He said Council wants this close relationship with the Historical Society to continue. He explained that there is an issue in the Charter which prohibits the Village entering into lease agreements greater than 5 years. This limitation was not known until just recently. This limitation in the Charter will be addressed in a Charter review. Changing it is something that cannot be done at this moment.

Mayor Kuenning said that the funding sources have changed for the Village and therefore Council has to be very mindful of how it is using residents' resources. The Village has been attempting to rely less on Village resources for certain organizations.

Mr. Feigelson said that he has explained the issue of funding with the Historical Society and they realize that the renewal will be at a higher rate and he hopes that an agreement can be made that will work for both parties.

Mayor Kuenning said that the lease will be extended for a short period of time to give Council adequate time for discussion and review.

Mr. Feigelson said that the Historical Society's financial statements have been shared with the Village and if there are any questions to let them know; they would be glad to answer them.

Mayor Kuenning asked Mrs. Hauck and Mr. Feigelson to let the Board know that Council supports the Historical Society and knows how important they are to the Village.

FINANCE COMMITTEE REPORT: Council member Sewell directed Council's attention to a memo titled, "*Finance Committee*". She explained that the Finance committee met on May 10, 2019 to review several items in advance of the Council meeting.

Council member Sewell reported that at the request of the Law committee, the Finance committee discussed the timing and process for performing a Request for Proposal (RFP) for solicitor services with the current solicitor contract coming due in October. After considering the discussions from the Law committee and presenting their own thoughts and ideas, the Finance committee recommended to begin the RFP process in early 2020. In addition, the Finance committee asked to review, at next month's meeting, previous year solicitor costs associated with retainer and extra services.

Council member Sewell reported that Council entered into Executive Session for the purpose of discussing property sale and/or acquisition and preparing for, conducting or reviewing negotiations with public employees.

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

Council member Sewell presented the following financial report:

- a. **Income Tax Receipts:** The Village received \$10,701,240 which was approximately \$4,600,000 more than received in April 2018. This significant difference is due to federal tax law changes related to tax payment deductibility in December 2017. Year-to-date cash receipts are 93.3% of budget.
- b. **Operating Disbursements:** Operating expenditures equated to \$874,208 which was approximately \$138,000 less than April 2018. This is due to timing of payments and a temporary vacancy in the Police department.
- c. **CIRF:** Disbursements totaled \$49,199. This relates to culvert replacement and landslides.
- d. **Water Works Receipts:** Water usage receipts were \$171,456 which was approximately \$15,000 less than April 2018 receipts.
- e. **Water Works Disbursements:** Total operating disbursements were \$179,115, which was approximately \$313,000 less than April 2018. This is due to a change in Metropolitan Sewer District's (MSD) billing process in 2018.
- f. **Water Works CIRF:** Total expenditures equated to \$7,724. This relates to the brine tank project.
- g. **Long Term Debt:** There was no activity. The next semi-annual interest payment for the 2009 Water Works bond will be made in May.
- h. **Cash and Investments:** Total month-end cash and investments were \$35,847,542 compared to \$25,740,503 in March 2019 and \$34,713,035 in April 2018. Month-to-month and year-to-year changes are due to routine operations and changes in the federal tax laws in December 2017.
- i. **Rowe Funds:** The market value as of April 30th was \$3,980,059. The unrecognized gain was \$994,059. Total monthly operating receipts, including dividends, were \$2,996 with monthly operating expenses totaling \$11,304 and investment sale net gain of \$5,750.
- j. **Green Areas Funds:** The market value as of April 30th was \$3,009,050. The unrecognized gain was \$1,655,747. Total monthly earnings equate to \$328 with monthly expenses totaling \$4,473.

The financial statements for April 2019 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 May 9, 2019 to review several items in advance of the Council meeting.

Council member Armstrong reported that the Law committee members discussed the timing and process for performing a Request for Proposal (RFP) for solicitor services with the current solicitor contract coming due in October. The last RFP process took place in 2014. After a thorough discussion, it was recommended to add this discussion to the Finance committee agenda to obtain that committee's thoughts and ideas.

Council member Armstrong reported that the Law committee convened into Executive Session for the purpose of discussing the April legal activity report that includes discussions on property sale and/or acquisition and preparing for, conducting, or reviewing negotiations with public employees.

Council member Armstrong reported that the Law committee reviewed the Ordinance for approval of the plat of Shawnee Brook Farm subdivision and accepting the dedication of Given Road. He said that the Law committee recommends a third reading and passage of the Ordinance.

AN ORDINANCE APPROVING THE PLAT OF SHAWNEE BROOK FARM SUBDIVISION RECORDED IN PLAT BOOK 281, PAGE 67 OF THE HAMILTON COUNTY, OHIO RECORDERS OFFICE, AND ACCEPTING THE DEDICATION OF GIVEN ROAD, PARCEL ID NO. 529-0030-0047 was presented and read for a third reading.

Upon motion by Council member Armstrong, seconded by Council member Thayer, the Ordinance was passed by roll call vote 6-0. Mayor Kuenning declared Ordinance **05-19** enacted.

Council member Armstrong reported that due to continued discussions between the Village and the Indian Hill Historical Society, the Law committee agreed to recommend a Resolution for an additional contract extension of the agreement between parties from May 31, 2019 to August 31, 2019 to provide more time in working through different options.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE LEASE AGREEMENT WITH THE INDIAN HILL HISTORICAL MUSEUM ASSOCIATION FOR THE LITTLE RED SCHOOLHOUSE AND BUCKINGHAM LODGE was presented and read.

Upon motion by Council member Armstrong, seconded by Council member Thayer, the Resolution was passed by voice vote 6-0. Mayor Kuenning declared Resolution number **08-19** adopted.

BUILDINGS & GROUNDS COMMITTEE REPORT: Council member Sewell 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 May 7, 2019 to review several items in advance of the Council meeting.

Council member Sewell reported that Mr. Adkins presented to the Buildings and Grounds committee the departmental activity report, a copy of the report is included in the Council packet. She said that staff installed a new hot water heater at Livingston Lodge, painted an office area in the Administration building and removed fallen trees from various locations. In addition, staff maintained and fertilized all park fields, painted all soccer and lacrosse fields and planted two Dogwood trees at Rheinstrom Park.

Council member Sewell reported that Mr. West and Mrs. Wade-Dorman distributed to the Buildings and Grounds committee members the project management report, a copy of the report is included in the Council packet. Council member Sewell highlighted that at Grand Valley, Big Fish Farms sampled the growth rate of the paddlefish and are planning a late fall or spring harvest. The Village has an agreement to receive 20% of the revenues from the fish sold at markets.

Council member Sewell reported that the Rowe Arboretum's Annual Plant Sale was held on April 26th for members and April 27th for the general public and it was very successful with 30%-40% of the membership attending.

Council member Sewell reported that the "*Reforest the Hill*" donations have started strong in 2019 with nine donations coming in for fourteen trees totaling \$3,670.

Council member Sewell reported that staff provided an update on the Rowe Arboretum Campaign. She said that staff and the Rowe Advisory committee members have spoken with various residents who have shown significant interest in the Rowe Arboretum over the years in order to obtain advice and direction. After these discussions, staff and the Advisory committee will evaluate alternative methods of executing the campaign. In addition, staff and the Advisory committee are meeting with Bill Hopple, the retiring Director of the Cincinnati Nature Center, to obtain his advice and ideas. She said that staff also presented the Advisory committee's thoughts on assigning term limits to Board members and creating a subcommittee of the Green Areas.

Council member Sewell reported that the Buildings and Grounds committee convened into Executive Session for the purpose of discussing property sale and/or acquisition.

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 May 7, 2019 to review several items in advance of the Council meeting.

Council member Krehbiel reported that Mr. Adkins presented to the Public Works committee the departmental activity report, a copy of which is included in the Council packet. Council member Krehbiel reported that staff trimmed honeysuckle and cleared trees from the right-of-way in several locations. Staff also repaired storm water pipe separations on Old Indian Hill Road and repaired blacktop failures on Indian Heights Drive and Spooky Hollow Road.

Council member Krehbiel reported that Mrs. Wade-Dorman distributed to the Public Works committee members the project management report, a copy of which is included in the Council packet. Council member Krehbiel presented the following summary of upcoming infrastructure projects:

- a. **Blome Road/Spooky Hollow Culvert:** All backfill restoration, roadway sub-grade compaction and guardrail installation have been completed. The road was opened on Friday, May 10, 2019
- b. **Remington Road (SR 126) Culvert Replacement:** The Village is still waiting to receive the OPWC Project Agreement as construction cannot start until it has been signed. Staff has acquired the needed temporary and permanent easements from Greenacres. Construction is anticipated to begin in July and last 6-8 weeks.
- c. **Shawnee Run Road Landslide:** Staff sent a letter to all adjacent property owners as well as those east of the project providing project details and timeline. ODOT will submit for advertised bidding in July with construction commencing in October.
- d. **Various landslide projects (Muchmore, Hopewell, Loveland-Madeira, Demar Roads):** The Hopewell landslide received two bids with the lowest being \$59,365 (\$79,000 engineer estimate), and is expected to begin in the next month. The anticipated Loveland-Madeira landslides will have to be rebid due to no bids received by April 24th. Bid preparation continues for Demar and Muchmore projects.
- e. **Keller Road Bridge:** Hamilton County will begin in late June/early July and will require an approximate 10 week road closure. It will be advertised for bids upon the County's signature on the agreement.
- f. **Bike Path Bridge (over Shawnee Run Road):** ODOT has contacted staff to schedule a five day closure of Shawnee Run Road at State Route 126 to complete concrete repairs on the bridge. ODOT has agreed to coordinate this work when Shawnee Run is closed for landslide repairs.

- g. **Blome Road Bridge:** Hamilton County completed repairs on the recently damaged deck. Upon the completion of the preliminary survey, staff will hold a pre-design meeting with the County and its engineers. Project remains planned for 2020.
- h. **2019 Street Resurfacing Program:** This program includes full depth asphalt repair, grinding concrete curb replacement, pavement markings and culvert repairs. A pre-construction meeting was held to schedule curb replacement in the North and South Clippinger areas. A review of the areas to determine full depth base repair is needed prior to milling and overlaying.
- i. **Spooky Hollow Gutter Replacement:** This project was included in the Road Resurfacing budget. Adleta Construction removed an existing asphalt gutter at the end of April. The crews began forming and pouring the new concrete curb sections this month.

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 May 7, 2019 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. Staff repaired two main breaks totaling 23 for the year. Staff completed the private fire hydrant flushing in coordination with the Joint Fire District and repaired fire hydrants. Plant Operators responded to 302 service calls while also performing maintenance on the fluoride pump.

Mayor Kuenning reported that Mrs. Wade-Dorman distributed the project management report, a copy of which is included in the Council packet. He summarized the report as follows:

- a. **Shillito water main replacement:** Staff has been working with the homeowners to finalize restoration requirements for which they agreed to provide the funding. The project is replacing a 6" main with an 8" main. Construction started in early May and will last approximately 4 months.
- b. **Water treatment plant brine storage tank replacement:** A meeting with the engineer produced final design drawings and comments. It is set for bid advertisement in May. Construction commencement is anticipated to begin late summer/early fall as production of the storage tanks takes approximately three months.

Mayor Kuenning reported that the Water Works committee recommends a third and final reading of the Ordinance increasing the water rate by 15%. It is necessary to pass by an emergency Ordinance in order to accommodate the July 1, 2019 start date.

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, AND DECLARING AN EMERGENCY was presented and read for a third reading.

Upon motion by Mayor Kuenning, seconded by Council member Armstrong, the rules were suspended by unanimous vote 6-0.

Upon motion by Mayor Kuenning, seconded by Council member Thayer, the Ordinance was passed by unanimous vote 6-0. Mayor Kuenning declared Ordinance **06-19** enacted.

SAFETY COMMITTEE REPORT: Council member McGraw directed Council's attention to a memo titled, "*Safety Committee*". He reported that the Safety committee met on May 9, 2019 to review several items in advance of the Council meeting.

Council member McGraw reported that Chief Ashbrock provided the Fire/EMS report, a copy of which is included in the Council packet. EMS runs were normal for April but year-to-date is about 50 less than last year at this time. Chief Ashbrock also provided an update on the recent fire on Blome Road caused by floors being refinished.

Council member McGraw reported that that the Fire District is looking to fill a fourth part-time position this year. A contingent offer has been made for the vacant full time position. The candidate is a lateral entry position and comes from the Goshen Fire Department. Chief Ashbrock also highlighted that there have been no days in 2019 with less than five people on staff. Chief Ashbrock said that the District will be evaluating the hiring of another three full time positions in 2020 to offset an entire shift of part-time employees. Currently, the District has 15 part-time employees, with only eleven of them active.

Council member McGraw reported that Colonel Schlie presented the Rangers report to the Safety committee. Over the past month, cases have involved general information, ID theft, juvenile cases and driving under suspension. One particular scenario that residents should be aware of is individuals signing up under a false name for the USPS notification program. Once the person signs up under a resident's name, they are able to receive notification of mail that is coming to their home which, in turn, leads to credit cards that are sent to the home being created under the resident's name without their knowledge.

Council member McGraw reported that the second annual hockey tournament was another success and brought in approximately \$40,000-\$44,000 to help benefit a Hamilton County patrolman's child suffering from a brain tumor.

Council member McGraw reported that one of two open patrolman positions has been filled by Mr. Lonny Allison who began on May 6th. He formerly was with the Hamilton County Sheriff's Office. The second position is looking to be offered to a candidate after background checks are finalized within the next two weeks.

Council member McGraw reported that six current patrolmen applied for the permanent detective position. Testing will take place over the next month.

Council member McGraw reported that the Safety committee convened into Executive Session for the purpose of preparing for, conducting, or reviewing negotiations with public employees.

Council member McGraw said that after discussions by the Safety committee throughout the negotiation process, the Safety committee agrees to recommend approval of a Resolution authorizing the City Manager to enter into a renewed collective bargaining contract with the Ohio Patrolmen's Benevolent Association (OPBA) based on a tentative agreement signed by the Village Solicitor, management and OPBA Representatives.

Mayor Kuenning said that staff, especially Mrs. Chaney, did a great job putting all the information in an analysis for this agreement.

A RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER AND POLICE CHIEF TO ENTER INTO A RENEWED COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (OPBA) was presented and read.

Upon motion by Council member McGraw, seconded by Council member Thayer, the Resolution was passed by voice vote 6-0. Mayor Kuenning declared Resolution number **09-19** adopted.

Council member McGraw explained that due to the renewed contract with OPBA, the Safety committee recommends a revised Police Department Personnel Ordinance to accommodate the newly established wages. The Safety committee recommends emergency passage of the Ordinance in order for it to become effective on June 1, 2019 which is the expiration of the current contract.

AN ORDINANCE FIXING THE COMPENSATION OF THE POLICE DEPARTMENT OF THE CITY OF THE VILLAGE OF INDIAN HILL, REPEALING ORDINANCE NO. 11-18, AND DECLARING AN EMERGENCY was presented and read.

Upon motion by Council member McGraw, seconded by Council member Armstrong, the rules were suspended for the following Ordinance by unanimous roll call vote.

Upon motion by Council member McGraw, seconded by Council member Armstrong, the Ordinance was passed by unanimous roll call vote. Mayor Kuenning declared Ordinance **07-19** enacted.

PLANNING COMMISSION REPORT: Council member Thayer reported that the Planning Commission would meet on May 21, 2019 to consider two items:

1. Case # 19-005 – Linda and Tony Shipley are requesting variances and authorization for the expansion of a non-conforming home to construct a front portico addition and a roof extension to the rear of the home. The applicant is requesting variances to the front and rear yard setbacks. The property is located at 7755 Surreyhill Lane.
2. Case # 19-006 – Greenacres Foundation is requesting Special Exception approval to construct a new single family home for the Equine Director, who manages the equine program, horses and stables located at 8400 Blome Road. Greenacres Foundation operates under the continuing jurisdiction of the Planning Commission as an approved special exception.

CITY MANAGER'S REPORT: Ms. Minneci presented the following:

- a. May 27, 2019 – Village administrative offices closed for Memorial Day
- b. May 27, 2019 – Memorial Day ceremony at Armstrong Chapel at 10:30 a.m.
- c. July 4, 2019 – Fourth of July Parade, Festival and Fireworks
- d. August 26, 2019 – Strategic Planning/Preliminary Council goals discussion during regular Council meeting – 6:30 p.m.

- e. September 5, 2019 – Community Forum/Coyote Presentation – Livingston Lodge – 6:00 p.m.
- f. December 2, 2019 – Council Organizational Meeting – 7:30 a.m.

Council member Thayer made a motion to enter into Executive Session for purpose of discussing property sale and/or acquisition. The motion was seconded by Council member McGraw and was passed by roll call vote 6-0. 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,

Mark D. Kuenning, Mayor

ATTEST:

Paul C. Riordan, Clerk