

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
August 24, 2015**

A meeting of the Indian Hill Village Council was held on August 24, 2015 at 6:30 p.m. The meeting was held in the Council Chamber of the Village Administration building.

Officials present:

Mr.	Keith M. Rabenold, Mayor
Mr.	Daniel J. Feigelson, Vice-Mayor
Mrs.	Molly R. Barber, Council member
Mrs.	Melissa S. Cowan, Council member
Mr.	Mark D. Kuenning, Council member
Mrs.	Laura S. Raines, Council member
Mr.	Abbot A. Thayer, Council member
Ms.	Dina C. Minneci, City Manager
Mr.	Donald L. Crain, City Solicitor
Mr.	Paul C. Riordan, Clerk/Comptroller

Visitors present:

Mr.	Tom Kanis, 6053 Sebright Court, 45230
Mr.	Don McGraw, 8380 Shawnee Run Road

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

MINUTES: The minutes of the regular meeting of June 15, 2015 had previously been distributed to each Council member. Council member Barber made a motion to accept the minutes, which was seconded by Council member Kuenning and was approved as corrected, 7-0.

COMMUNITY PARTICIPATION: Council member Kuenning expressed his appreciation to Mr. Thomas Kanis for his services as Indian Hill Shooting Range Manager. He said that Mr. Kanis came at a time when the Shooting Club needed a change in leadership and Mr. Kanis provided it and he has had extensive achievements at the Shooting Club over his 22 years. The following Resolution was read by Council member Kuenning.

RESOLUTION NO. 10-15

**A RESOLUTION OF APPRECIATION TO THOMAS W. KANIS FOR
HIS SERVICE TO THE CITY OF THE VILLAGE OF INDIAN HILL,
OHIO**

WHEREAS, Thomas W. Kanis began his employment with the City of the Village of Indian Hill on January 1, 1993, and is retiring from his position on July 1, 2015 after more than 22 years of public service; and

WHEREAS, Thomas W. Kanis was hired as the Indian Hill Shooting Club Range Supervisor due to his outstanding shooting knowledge and expertise. Upon graduation from Xavier University in 1970, Mr. Kanis was commissioned an Army Lieutenant, transferred to Ft. Still Oklahoma and performed an admirable and courageous tour of duty in Vietnam with the First Field Force; and

WHEREAS, Thomas W. Kanis, upon his return from Vietnam, was given charge of the Basic Training Marksmanship Instructor Group at Ft. Knox. Mr. Kanis continued his career in training, instruction and readiness management up to 1996 when he retired as a Lieutenant Colonel. Mr. Kanis holds a Bronze Star Medal in addition to over twenty (20) other military decorations; and

WHEREAS, Thomas W. Kanis, during his tenure with the Village, has had the responsibility of managing the overall operations of the Indian Hill Shooting Club. Such responsibilities included maintaining the Rifle and Pistol Range as well as the Skeet and Trap facilities. Mr. Kanis also worked with the Advisory Board to engage the membership with heightened communications, produced all administrative reporting, oversaw a part-time staff, taught training/safety classes and created and maintained a strong safety program; and

WHEREAS, Thomas W. Kanis has provided a high level of service to the members of the Indian Hill Shooting Club. During Mr. Kanis's tenure, club membership grew from 65 members to over 600 members. Facility upgrades that occurred include two skeet fields, a five-point stand, a new shooter practice range, a Rifle and Pistol building, and a heating system for the rifle firing line; and

WHEREAS, Thomas W. Kanis has produced a safety record that is beyond comparison. Since his tenure began, not one person has been injured in any firearms incident. This unblemished history is something for which the Village and the Indian Hill Shooting Club expresses its true appreciation and admiration; and

WHEREAS, Thomas W. Kanis is retiring from the City of the Village of Indian Hill, and it is appropriate to recognize his valued service to the City of the Village of Indian Hill.

**NOW, THEREFORE, BE IT RESOLVED BY THE
COUNCIL OF THE CITY OF THE VILLAGE OF
INDIAN HILL, OHIO:**

Section 1. That there be spread upon the records of the City of the Village of Indian Hill this resolution of special thanks and sincere appreciation to Thomas W. Kanis for his respected and valuable service as the Shooting Club Range Supervisor for over twenty-two (22) years of service from January 1, 1993 to July 1, 2015 to the City of the Village of Indian Hill and to wish him the very best on this major and meaningful life milestone decision.

Section 2. That a copy of this resolution be presented to Thomas W. Kanis in recognition of the extraordinary contribution of time, effort, knowledge, skills and dedication that he provided to the City of the Village of Indian Hill and its Shooting Club members and to wish Thomas many happy and healthy years in his retirement.

Upon motion by Council member Kuenning, seconded by Council member Thayer, the Resolution was passed by unanimous voice vote. Mayor Rabenold declared resolution number **10-15** adopted.

Mr. Kanis said that he appreciated everything and that he has had a lot of fun in his service to the Village. He is confident that the Shooting Club is in good hands and he thanked Council members for the opportunity.

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 14, 2015 to review several issues in advance of the Council meeting.

Council member Kuenning also directed Council's attention to the June and July 2015 financial statements which were included in the Council packet. He explained that he would primarily review the July financial statements. He reported the following financial report.

Income Tax Receipts: The Village received \$65,165 which is approximately \$6,000 more than received in July 2014. Total receipts for the year were \$9,452,616 which is \$871,653 more than last year and 94% of budget. Total income tax receipts for the year are projected to be approximately \$1,000,000 to \$1,300,000 greater than the budget for the year.

Real Estate Tax: The Village received \$130,000 which brings the year-to-date total to \$640,234. Upon receipt of the second half settlement, staff will be able to compare actual real estate receipts to reimbursements paid back to the County for estate tax readjustments from previous years.

Operating Disbursements: July operating disbursements equate to \$1,076,224 which is about \$107,472 more than July 2014. This difference is due to a timing difference in various payments and Grand Valley repairs which are explained in the notes to the financial statements.

CIRF: July disbursements totaled \$77,432 due to a replacement of a park trailer and a Ranger Tahoe. There will be some additional cost to be incurred for landslides against the *Landslide Contingency* which will be over budget; however, the accounts will be fine because the expenditures will be less than the total for the accounts.

Water Works Receipts: Water usage receipts for July were \$183,891 which is approximately \$39,500 less than July 2014 receipts. This is due to an extremely wet summer. Year-to-date receipts equate to \$1,087,985 and are approximately \$4,000 more than 2014 year-to-date and 45% of budget.

Water Works Disbursements: Total July operating disbursements of \$193,269 were over July 2014 by \$26,000 due to generator repairs and plant maintenance.

Water Works CIRF: July expenditures equated to \$42,800 due to water main engineering and treatment plant improvements.

Cash and Investments: Total month-end cash and investments were \$35,812,307 compared to \$36,570,357 in June 2015 and \$27,611,823 in July 2014. This is due to the inclusion of the fire house donation investments which have begun to decline as construction has commenced in Madeira.

Rowe Funds: The market value as of July 31, 2015 was \$3,156,737. The unrecognized gain was \$595,804. Total monthly income equated to \$70,816 with monthly expenses totaling \$9,886.

Green Areas Funds: The market value as of July 31, 2015 was \$2,249,954. The unrecognized gain was \$968,741. Total monthly earnings equated to \$7,750 with monthly expenses totaling \$5,950.

The financial statements for June 2015 and July 2015 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 staff presented to the Finance committee the 2016 budget. The list included proposed culvert repairs, landslide maintenance, road resurfacing, personnel transitions and restructuring of Blome Road. Many of the infrastructure items being considered are those projects that have been deferred during the years where budgets were cut to absolute minimum to account for the economic downturn and the uncertainty associated with estate tax losses. 2016 budget recommendations will be presented to Council members at their respective committee meetings next month. The Finance committee meeting, which has been moved to Friday, September 18, 2015 will review not only those accounts associated with the Finance committee but also the overall budget summary.

Council member Kuenning reported that he and Ms. Minneci gave the Finance committee a legislative update. The technical amendments requested by Indian Hill to HB 64 officially were passed by the General Assembly and signed off by the Governor. However, an addition was made to HB 64 which now allows all pass through business income to be separated out from the Ohio AGI beginning with the 2015 tax year (2016 collection year). This separation could significantly decrease the income tax

base used by the Village when determining income tax receipts. Consequently, staff is working with Frost Brown Todd to review this change and how the Village can utilize its current Ordinance provisions related to adding back such income into the Village's tax base. In addition, staff is working with Frost Brown Todd to ensure the Village's current tax Ordinance meets all the administrative mandates (e.g. website information distribution, establishment of penalty/interest rates) set forth with the passage of HB 5.

Council member Kuenning reported that he also gave the Finance committee an update on the following pending legislation:

- HB281 – new deduction of qualified higher education expenses paid by the college student up to a maximum \$10,000 per year
- SB 6 – increase in deduction allowed for contributions to 529 plans from a maximum of \$2,000 to \$10,000
- SB 198 – disallows municipalities from taxing non-residents. He explained that SB 198 has very little chance of passage.

Council member Kuenning reported that staff gave an overview to the Finance committee of its discussions with the State Treasurer's Office regarding the Ohio Checkbook Initiative. Mr. Gully will be attending an SSI (Village software) conference in September. At that time, he will become more versed on the process of transferring the check writing data to the State of Ohio in order to ensure accurate information is provided on the State's website, private information is not distributed (e.g. income tax refunds) and the full extent of resources needed. After Mr. Gully meets with SSI, the Finance department will begin working with the Treasurer's office to initiate the transfer process.

LAW COMMITTEE REPORT: Council member Raines directed Council's attention to a memo titled, "*Law Committee*". She reported that the Law committee met on August 13, 2015 to review several items in advance of the Council meeting.

Council member Raines reported that Mr. Habel and staff presented an overview of the septic regulations that were revised by the Ohio Department of Health (ODH) on January 1, 2015. The new regulations establish uniform standards across the state and implement a stepwise approach to dealing with failing systems.

In response to the new ODH regulations, the Hamilton County Health District passed legislation in February 2015 which defined how the County would interpret the new regulations. The County's interpretations are of particular interest to the Village as they relate to the definition of bedroom, soil determination, subdivision review and system evaluations for tear downs and additions.

The Village has three options to consider with regard to the new regulations: 1) maintain the current contract with the Hamilton County Health District; 2) re-establish the Village's own health district; or 3) establish a standalone septic program and contract with another public health agency for other mandatory public health services.

The Law committee asked staff to further review costs of each option, determine if there is interest from neighboring communities to create a joint septic inspection program and provide statistics on how many Village residents are affected by the changes in state regulations and the county's interpretations of such changes. Staff will distribute this information at next month's meeting for Law committee's review.

Council member Raines reported that Mr. Crain presented the June/July legal activity report which centered on updates on Green Area transactions, real estate questions, contract review, environmental regulations and a Planning Commission case.

Council member Raines reported that Mr. Crain provided the Law committee with research related to dog and cat legislation and how the Village's Ordinances in this area compares with the State of Ohio. Although the Ohio Revised Code gives the Village the authority to create dog control Ordinances that are not otherwise in conflict with state law, Mr. Crain's recommendation was to not alter the Village's current legislation at this time but rather cite the more egregious situations to Hamilton County Municipal Court. She said that Law committee members will review his research and have discussion, if needed at future meetings.

Council member Raines reported that staff reviewed the land donation process for the construction of the Indian Hill fire station. Originally, the Village had agreed in the Tri-Party agreement to donate the parcel located adjacent to the current Indian Hill fire station to the Fire District to provide more area for construction. Due to concerns associated with zoning regulations, the Village also is contemplating transferring the Drake Park parcel to the Fire District. Staff will work with Mr. Crain and Fire District representatives to create transfer and lease agreements for Law committee's review.

Council member Raines reported that the Law committee recommends a third and final reading to consider an Ordinance amending Chapter 91 by adding Section 91.06 entitled, "*Voiding of Animal Fecal Matter*" and adding a penalty section to the existing Section 91.99. This will allow for penalties up to \$250 or \$500 if two violations occur within 30 days. The Ordinance would go into effect on September 1, 2015 after passage.

AN ORDINANCE AMENDING CHAPTER 91 OF THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO CODE OF ORDINANCES BY ADDING SECTION 91.06 "VOIDING OF ANIMAL FECAL MATTER" AND ADDING A NEW PENALTY SECTION TO EXISTING SECTION 91.99 was presented and read for the third reading.

Upon motion by Council member Raines, seconded by Council member Thayer, the Ordinance was passed by unanimous roll call vote. Mayor Rabenold declared Ordinance **04-15** enacted.

Council member Raines reported that Mr. West provided an overview of a recommended Ordinance change to the Village's required fire hydrant distances. The Ordinance states that fire hydrants should be installed 500 feet from a principal building. However, current fire codes, water works standards and accepted procedures are based on a 400 foot distance. This change is to ensure the written code coincides with what is being implemented. Council member Raines said that the Law committee recommended a first reading to consider amending Code of Ordinance Chapters 51, 92 and 150.

AN ORDINANCE AMENDING CHAPTERS 51, 92 AND 150 OF THE CODE OF ORDINANCES BY AMENDING THE FIRE SERVICE AND WATER WORKS REGULATIONS TO MEET THE CITY OF THE VILLAGE OF INDIAN HILL STANDARDS FOR FIRE PROTECTION was presented and read for the first reading.

BUILDINGS & GROUNDS COMMITTEE REPORT: Mayor Rabenold directed Council's attention to a memo titled, "*Buildings and Grounds Committee*". He reported that the Buildings and Grounds committee met on August 18, 2015 to review several issues in advance of the Council meeting.

Mayor Rabenold reported that Messrs. Adkins and Kipp provided the Buildings and Grounds committee with departmental activity and project management reports, copies of which were attached to the meeting minutes. He explained that Mr. Adkins highlighted the improvements made to Stephan Field fencing, the Administration building's back entrance and outdoor lighting at the Little Red School House. He said that amazing progress had been made on the Administration building's back entrance. He said that Mr. Kipp gave an update on the purchase of an additional Veterans Memorial bench. This addition makes three total benches which will be engraved to recognize the Memorial's founders and will be dedicated at this year's Veterans Day event.

Mayor Rabenold reported that Mr. Kipp indicated that he and Mr. West met with a local architect to discuss the design of the Grand Valley Preserve Rangers' Administration building. All fill dirt for the construction has been delivered. Construction will begin soon with completion expected by the end of the year.

Mayor Rabenold reported that staff discussed a resident's request to have a local conservationist and preservationist be provided a Grand Valley pass.

Mayor Rabenold reported that the Buildings and Grounds committee reviewed the Ordinance regarding the "Voiding of Fecal Matter" which had previously been passed in the Council meeting.

PUBLIC WORKS COMMITTEE REPORT: Council member Barber directed Council's attention to a memo titled, "*Public Works Committee*". She explained that the Public Works committee met on August 18, 2015 to review several items in advance of the Council meeting.

Council member Barber reported that Messrs. Adkins and Kipp provided the Public Works committee with departmental activity and project management reports, copies of which were attached to the meeting minutes.

Council member Barber reported that Mr. Adkins and Mr. Kipp provided the Departmental Activity and Project Management reports copies of which were attached to the meeting minutes. Mr. Adkins highlighted several infrastructure repairs and replacements, including guardrail throughout the Village. In addition, the Village's first round of salt for the upcoming snow season has been received. 1,100 tons were delivered thus far, making the salt barn about 2/3 full. This year's salt price bid came in at \$63/ton compared to last snow season's \$120+/ton.

Council member Barber reported that Mr. Kipp gave an overview of the 2015 road resurfacing program. All asphalt and striping is completed with the Reclamite application on Shawnee Run Road being finalized by the end of the week. Where the entire program was expected to run approximately \$36,000 over budget, the actual price is looking now to come in under the original budget of \$707,000.

Council member Barber reported that Mr. Kipp and Mr. Adkins gave an update regarding the anticipated use of the landslide contingency account. In the June meeting, Walton Creek and Camargo Road landslide repairs were recommended. However, due to the amount of intense rain that has fallen over the past couple months, Weil Road has become a much higher priority due to its accelerated deterioration. The estimate for this three-phased pier wall project is \$311,000 which is \$111,000 above the budget. However, staff will be able to utilize savings in other capital projects and purchases to help offset this overage.

Council member Barber reported that Mr. Kipp and Mr. Adkins provided an overview of anticipated landslide and culvert projects that are being evaluated in the 2016 budget process as well as the ten-year capital plan. The projects are prioritized based on safety, deterioration levels, and costs. In

addition, the road resurfacing program is evaluated in coordination with these significant projects in order to ensure roads are not resurfaced prior to an infrastructure repair being performed.

Council member Barber reported that staff provided an overview of an upcoming civil service testing process. Due to a pending retirement in the Public Works Department and the replacement of a Service Maintenance position that has gone unfilled since 2008, a civil service test will take place in September to assist with acquiring qualified applicants.

Council member Barber reported that subsequent to the Public Works committee meeting, staff e-mailed the Public Works committee asking for a recommendation allowing the City Manager to submit an application to the Ohio Public Works Commission for funding opportunities related to the 2016 Blome Road project. This Resolution is required as part of the grant process. Council member Barber stated that the Public Works committee recommended the passage of the Resolution.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM AND TO EXECUTIVE CONTRACTS AS REQUIRED was presented and read.

Upon motion by Council member Barber, seconded by Council member Kuenning, the Resolution was passed by unanimous voice vote. Mayor Rabenold declared Resolution number **11-15** adopted.

WATER WORKS REPORT: Council member Cowan directed Council's attention to a memo titled, "*Water Works and Deregulation Committee*". She reported that the Water Works and Deregulation committee met on August 18 2015 to review several items in advance of the Council meeting.

Council member Cowan reported that Messrs. Adkins and Kipp provided the Water Works committee with departmental activity and project management reports, copies of which were attached to the meeting minutes. She explained that Mr. Adkins highlighted that a total of 56 water mains have been replaced this year. This amounts to almost the same number of repairs through this same time last year.

Council member Cowan reported that staff provided an update on the most recent Duke Energy price increases. All electric bills are divided into two sections – the generation charges and the distribution/delivery charges. The generation charges are included in the Village's aggregation program. Duke has increased those charges by 9% over the summer due to the Electric Security Plan that Duke is required to submit every three years to PUCO. For those residents in the Village's aggregation program, the 9% increase will not affect their invoices. She explained that Duke also increased the distribution/delivery charges by 12% over the summer. This increase will affect all residents whether they are in the aggregation program or not. This 12% increase is due to Duke's new investment in deteriorating systems and their ability to recover lost revenues resulting from the implementation of energy efficiency programs.

Council member Cowan reported that the September 2, 2015 Bulletin will include an article explaining these latest Duke Energy increases.

SAFETY COMMITTEE REPORT: Council member Feigelson directed Council's attention to a memo titled, "*Safety Committee*". He reported that the Safety committee met on August 13, 2015 to review several items in advance of the Council meeting.

Council member Feigelson reported that Chief Ashbrock presented the Fire/EMS report for June and July, copies of which were attached to the Safety committee meeting minutes. Council member Feigelson explained that Chief Ashbrock indicated that EMS runs still remain higher than this time last year. All calls are running out of the Indian Hill station while the Madeira station is being built. Council member Feigelson explained that the average response time has increased slightly to approximately 6 minutes which is the first time this has happened. The response time is still good but it is a little higher.

Council member Feigelson explained that Chief Ashbrock provided an update on the progress of the construction at the Madeira station. Chief Ashbrock showed pictures to the Safety committee of the wall that has been completed between the fire station site and the neighboring home. The Safety committee also discussed preparing for an upcoming meeting with the Chief, MSA representatives and Indian Hill staff regarding the design of the Indian Hill building. This meeting has been scheduled but has not occurred yet.

Council member Feigelson reported that Colonel Schlie presented the Rangers' Activity report for June and July, copies of which are attached to the Safety committee meeting minutes. He said that Chief Schlie said that there have been arrests made in connection with a few burglaries. In addition, Chief Schlie provided an overview of the use of body cameras.

Council member Feigelson reported that Ms. Minneci and Colonel Schlie have attended a few meetings held by the 9-1-1- Preservation Task Force. The topic revolves around the Center's need for additional funding to sustain current operations and prepare for major equipment upgrading over the next several years. A significant change to the funding mechanism includes assessing an \$86.00 parcel fee to all parcel owners which will directly affect Village residents. The County has not determined whether green area parcels and/or government, school and hospital parcels will be exempted from the proposed fee. This fee is being considered to offset the need to increase the current detail fee (\$18.30/dispatch/vehicle) imposed on those who use the Hamilton County Communications Center.

Council member Feigelson said that due to the Village being an Associate PSAP, the Rangers do not receive many calls from the Communications Center. However, the Fire District utilizes the Center on a much more frequent basis. The Village pays for those fees through its 50/50 arrangement with Madeira.

This parcel fee can be instituted by the County Commissioners without a vote which in turn, means any future increases can occur without voter approval. To date, the County Commissioners have made no final decisions. He said that staff will continue to monitor the issue as more detailed information becomes available. Council member Feigelson said that the Village is considering combining all the Green Areas' parcels into one parcel. He explained that it is still in the conversation stage.

PLANNING COMMISSION REPORT: Council member Thayer directed Council's attention to a memo titled, "*Planning Commission*". He reported that the Planning Commission met on both July 21, 2015 and August 18, 2015.

Council member Thayer reported that the Commission reviewed a request to build a new residence at the minimum 100' front setback in lieu of the required average setback established by the existing homes at 9150 and 9180 Old Indian Hill Road per Section 83 of the Zoning Ordinance for the property located at 9176 Old Indian Hill Road. This request was tabled at the July 21, 2015 meeting.

Council member Thayer reported that the Commission reviewed a request to build a new residence at the minimum 100' front setback in lieu of the required average setback established by the existing homes at 8800 and 8860 Old Indian Hill Road per Section 83 of the Zoning Ordinance for the property located at 8820 Old Indian Hill Road. This request was tabled at the July 21, 2015 meeting.

Council member Thayer reported that at the July 21, 2015 the Commission approved a request to construct a new residence on a non-conforming lot of record at 5650 Pamlico Lane.

Council member Thayer reported that at the August 18, 2015 meeting, the Commission approved the request by Shawn and Tammy Hill at 9176 Old Indian Hill Road for the construction of a new residence with a 117' front setback in lieu of the average setback established by the existing homes at 9150 and 9180 Old Indian Hill Road per Section 83 of the Zoning Ordinance.

Council member Thayer reported that the Commission tabled a variance request by Geoff and Shellie Leder at 7755 Surreyhill Lane for the construction of an addition to the rear of the home and garage addition to the front of the home. The applicant is requesting a variance to the rear yard and front yard setbacks.

Council member Thayer reported that the Commission conditionally approved a special exception request by Greenacres Foundation at 8400 Blome Road under the continuing jurisdiction of the Planning Commission. The approval will allow for the remodel and addition to the Kennel apartment building for garden education classes, offices, restrooms and kitchen.

Council member Thayer reported that the Commission conditionally approved a special exception request by Cincinnati Country Day School at 6905 Given Road under the continuing jurisdiction of the Planning Commission. The approval will allow for the construction of a new Early Childhood Center on the north side of the campus.

CITY MANAGER'S REPORT: Ms. Minneci reported that the Administrative offices would be closed on September 7, 2015 in observance of Labor Day.

There being no further business to come before Council, Mayor Rabenold declared the meeting adjourned.

Respectfully submitted,

Keith M. Rabenold, Mayor

ATTEST:

Paul C. Riordan, Clerk