

**MINUTES OF MEETING  
INDIAN HILL VILLAGE COUNCIL  
June 15, 2015**

A meeting of the Indian Hill Village Council was held on June 15, 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

Officials absent:

- 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:

- Ms. Alyssa G. Heim 11 S. Broadway St. Suite 301, Lebanon, OH 45036  
(Congressman S. Chabot's office)
- Mr. Paul Krehbiel, 7709 Chumani Lane
- Mr. Don McGraw, 8380 Shawnee Run Road

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

**SPECIAL MEETING MINUTES:** The minutes of the special meeting of April 27, 2015 had previously been distributed to each Council member. Council member Kuenning made a motion to accept the minutes, which was seconded by Council member Cowan and was approved 6-0.

**SPECIAL MEETING MINUTES:** The minutes of the special meeting of April 27, 2015 (Community Forum) had previously been distributed to each Council member. Council member Barber made a motion to accept the minutes, which was seconded by Council member Feigelson and was approved 6-0.

**MINUTES:** The minutes of the regular meeting of May 18, 2015 had previously been distributed to each Council member. Council member Kuenning made a motion to accept the minutes, which was seconded by Council member Cowan and was approved as corrected, 6-0.

**COMMUNITY PARTICIPATION:** Mr. Paul Krehbiel, 7709 Chumani introduced himself to Council and explained that he was there to hear more about the Indian Hill Water Works rate increase. He said he interested as a resident and a professional engineer.

**FINANCE COMMITTEE REPORT:** Council member Kuenning directed Council's attention to a memo titled, "*Finance Committee*". He reported that the Finance committee met on June 8, 2015 to review several issues in advance of the Council meeting.

Council member Kuenning directed Council's attention to the May 2015 financial statements which were included in the Council packet. He reported the following financial report.

**Income Tax Receipts:** The Village received \$123,180 which is approximately \$31,000 less than received in May 2014. Total receipts for the year are \$857,620 more than last year and

92% of budget. Total income tax receipts for the year are projected to be approximately \$11,000,000 which would be above budget by approximately \$1,000,000.

**Real Estate Tax:** The Village received \$48,000 which brings the year-to-date total to \$430,000.

**Operating Disbursements:** May operating expenditures totaled \$808,000 which is about \$155,000 more than May 2014. This difference is due to a timing difference in payments of insurance premiums in 2014 and an engine rebuild invoice for \$25,000 in 2015.

**CIRF:** May expenditures totaled \$28,326 due to a bond interest payment and purchase of a collection truck dump bed.

**Water Works Receipts:** Water usage receipts for May were \$174,058 which is approximately \$54,000 more than May 2014 receipts. This is due to a timing delay in invoice submittal as April's receipts came in May. Year-to-date receipts totaled \$585,688 and are approximately \$20,000 below budget.

**Water Works Disbursements:** Total May operating disbursements of \$743,026 were over May 2014 by \$42,000 due to well maintenance. Water Works expenditures year-to-date total \$1,904,000 which are on target against budget.

**Water Works CIRF:** May expenditures totaled \$52,784 due to a bond interest payment.

**Cash and Investments:** Total month-end cash and investments were \$36,820,501 compared to \$28,450,836 at the end of May 2014 and down slightly from the balance of \$37,632,000 at the end of April 2015. The decrease from April 2015 was due to normal operations for this time of year.

Council member Kuenning explained that operating funds balances decreased approximately \$2,000,000 as a result of funds being transferred to two new accounts set-up for retirement funds. Council member Kuenning directed Council's attention to two new funds set-up in the financial statements. The General Retirement fund has a balance of \$1,536,000 and the Water Works retirement fund has a balance of \$200,000. The set-up of these funds had been previously approved.

Council member Kuenning explained that investments were transferred from the Fifth-Third investments to the Fifth-Third Securities account to earn additional monies on the fire house funds.

**Long-Term Debt Schedule:** An interest payment made in May is reflected on the statement in the amount of \$63,923.

**Rowe Funds:** The market value as of May 30, 2015 was \$3,198,835. The unrecognized gain was \$718,334. Total monthly income equated to \$5,879 with monthly expenses totaling \$9,915.

**Green Areas Funds:** The market value as of May 30, 2015 was \$2,261,436 which is a 1.59% increase from the April balance. The unrecognized gain was \$1,279,344. Total monthly earnings equated to \$23 with monthly expenses totaling \$86. The Green Areas investments are invested in a Vanguard Index fund.

Council member Kuenning asked Council if there were any questions regarding the May 2015 financial statements. Council member Feigelson replied that he would like to point out for the benefit of the audience that the 2015 Water Works budget projects a loss of \$264,000. This is a recognition of the fact that the Village cannot do much to control the revenue side of the Water Works; therefore, the projected shortfall results in discussions on Water Works adjustments.

The financial statements for May 2015 had previously been distributed to each Council member. There being no exceptions noted, the financial statements were accepted as issued.

**PUBLIC HEARING ON 2016 TAX BUDGET:** Council member Kuenning opened the public hearing on the 2016 tentative tax budget. Council member Kuenning presented and read the following Resolution.

**A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF THE VILLAGE OF INDIAN HILL FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016 AND SUBMITTING SAME TO THE COUNTY AUDITOR** was presented and read.

Council member Kuenning reported that the Finance committee reviewed copies of the 2016 tentative tax budget. He reported that the tax budget includes income tax receipts in the amount of \$11,000,000 estimated for 2015 and also projected for 2016. He explained that the proposed budget reflects total estimated revenues of \$12,900,000 against estimated operating expenses of \$11,100,000 and capital/retirement liability reserve expenditures of \$2,500,000. Total ending balance for all 2015 funds is estimated at \$14,000,000. He noted that the tax budget represents a basic starting point for the preparation of the detailed 2016 budget. The formal budget review process begins in August and continues through to the adoption of an appropriation Ordinance in December. The tax budget is a required filing with Hamilton County to be certain that municipalities are not spending beyond their means. The Village of Indian Hill is blessed to have significant reserves so this is not a concern for the Village.

Mayor Rabenold called for questions and comments on the 2016 tentative tax budget. There were no comments or questions on the 2016 tax budget.

Upon motion by Council member Kuenning, seconded by Council member Cowan, the Resolution was passed by unanimous voice vote. Mayor Rabenold declared Resolution number **09-15** adopted. The public hearing was closed.

Council member Kuenning reported that the Finance committee reviewed the health insurance renewal for August 1, 2015 through July 31, 2016. He explained that due to a significant decrease in claims this current plan year, no administrative increases from the broker, and a much higher and viable reserve level, there will be no premium increases for the upcoming plan year. For the second year in a row, insurance claims are well below estimated. As of May 31, 2015, the pool has used only 68% of its projected claims with two months left in the plan year. Currently, the pool's reserve is at \$1,000,000. Last year, the insurance brokers anticipated it would take three years to bring the pool to its expected reserve level of \$1,356,000. With such a favorable claim year, that goal will be reached within two years. Staff will re-evaluate budget conscious options on employee benefits as they relate too HSA contributions and dental insurance coverage. Council member Kuenning said that this is very good news because it was several years ago this plan was in a deficit position.

Council member Kuenning reported that he gave the Finance committee a legislative update. He said that the Senate has passed their version of a substitute of HB64. It does not appear that any changes have been made to the amendments related to the implementation of the Village's income tax base. It has a number of changes from the House version of the tax bill. Specifically, the Senate version includes a small business tax break which will eliminate taxes on the first \$250,000 of business income while setting a flat 3% rate for companies with higher earnings. After the Senate

passes their version of HB64, a Conference committee will be convened, possibly this week, to reconcile the differences between the House and Senate versions. Council member Kuenning explained that the Finance committee and staff will monitor this bill to determine if any changes effect the Village's income tax.

Council member Kuenning explained that he distributed copies of a US Supreme Court case to the Finance committee which centers on Maryland's state and county income tax system. He explained that the county portion of their state income tax does not allow for a credit paid to other states while their state income tax portion does allow for a credit paid to counties. The Supreme Court rejected this taxing method and issued a ruling that defined the process as discriminatory and in violation of the Commerce Clause. States and Municipalities are reviewing this court case to see how it effects their income tax collections.

Council member Kuenning reported that staff provided an update on the creation of a part-time Receptionist position within the Finance and Administration departments. This position assists in fulfilling duties assigned to a full time position that was not filled upon retirement several years ago. In addition, it will assist in alleviating some clerical workload of the Administrative Assistants who have taken on income tax collection responsibilities after the retirement of the Village Tax Commissioner.

**LAW COMMITTEE REPORT:** Council member Raines directed Council's attention to a memo titled, "*Law Committee*". She reported that the Law committee met on June 4, 2015 to review several items in advance of the Council meeting.

Council member Raines reported that Mr. Crain presented the May/June legal activity report which centered on the review of a pending Green Areas donation, foreclosure property, license agreements, land conveyance, creation of a standardized professional services contract, arbitration update and environmental research.

Council member Raines reported that the Law committee asked for a second reading to consider an Ordinance amending Chapter 91 by adding 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.

**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 a second reading.

Council member Raines reported that staff provided the Law committee with an update on options available to the Village's septic inspection process based on recent state changes which places septic program regulations under the State of Ohio and not Hamilton County. She said that staff is working with Mr. Crain and his colleagues to finalize recommendations for Council consideration.

Council member Raines reported that the Law committee reviewed an Ordinance change recommendation that will be forthcoming. It centers on fire hydrant distance requirements. Such an Ordinance change will coordinate with state fire regulations.

**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 June 9, 2015 to review several items 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. Mr. Adkins highlighted the installation of play turf at playgrounds areas in Camp Dennison Park, Livingston Field and Stephan Field. He explained that Mr. Kipp gave an update on the erosion protection project that will take place along the south shore of the main lake at the Grand Valley Preserve.

Mayor Rabenold reported that staff provided the Buildings and Ground committee with an overview of the tree clearing that has occurred at the FAA Towers on Indian Hill Road. Such clearing was due to Planning commission requirements for Voorhees Vineyard development. In addition, FAA representatives began some removal on their property due to safety concerns. The Village is working with the developers to replace the mounds and trees; however, it will not happen until September when the timing is much better to plant.

Mayor Rabenold reported that Ms. Minneci gave an update to the Building and Grounds committee on the application process for the Range Supervisor opening caused by Tom Kanis's retirement July 1, 2015. The Village received five applications. After an interview process with the subcommittee, Mr. Dick Steuerwald, and Indian Hill resident, was offered the position. He began work today and this will allow him to shadow Mr. Kanis until his retirement. Village staff is looking forward to working with Mr. Steuerwald. He brings strong managerial, administrative and gun safety skills in addition to enthusiasm.

Mayor Rabenold reported that staff met with Helene and John Bentley to review the second phase of the Radio Range project. The second phase includes the creation of a vernal pool and trails in the back of the Park. Wildflowers also will be planted around the shelter. The project will take place in early October with the Indian Hill Garden Club members once again volunteering their time to assist the Public Works staff in planting the flowers. The Village wishes to express its gratitude to the Indian Hill Garden Club for providing the funding and resources to accomplish these park improvements.

Mayor Rabenold reported that the Village received a \$100 donation for the Bridle Trail fund.

**PUBLIC WORKS COMMITTEE REPORT:** Council member Barber directed Council's attention to a memo titled, "*Public Works Committee*". She reported that the Public Works committee met on June 9, 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. She explained that Mr. Adkins highlighted the continuation of honeysuckle removal in addition to improving drainage areas on Cunningham, Given, Indian Hill, Keller and Kugler Mill Roads.

Council member Barber reported that Mr. Kipp gave an overview of the 2015 road resurfacing program bid process. Two organizations submitted bids – John R. Jurgensen and Barrett Paving. Jurgensen's bid came in the lowest in the amount of \$629,037.80. In addition, bids were received for the Black Mat application. The lowest bid came from Strawser Construction in the

amount of \$39,895.04. Combining these two bids with the \$75,000 assigned for curb repair and crack sealing, the entire program came in at \$743,932.84. Council member Barber explained that the total amount exceeds the 2015 budgeted amount of \$707,000 by \$36,932. This overage will be offset by vehicle purchases which will come in approximately \$40,000 under budget. Two significant reasons for the overage are: 1) grinding pricing came in over \$10,000 more than in past years due to increased unit pricing; and 2) an alternative bid was added to include Reclamite which has not been used in the past. This bid equated to about \$14,250. She said that staff feels Reclamite will be very beneficial in extending the life of the road resurfacing. It is a rejuvenator that is applied to the new asphalt which reflects ultraviolet rays, decreases cracking and reduces water from getting into the surface. The road resurfacing program will begin June 8<sup>th</sup> and run through August 8<sup>th</sup>. Due to 4<sup>th</sup> of July activities, Shawnee Run Road work will not begin until after July 4<sup>th</sup>.

Council member Barber reported that Messrs. Adkins and Kipp provided the Public Works committee with recommendations to utilize the landslide contingency this year. Due to increasing deteriorating conditions, staff recommended to make repairs to Walton Creek Road and Camargo Road. Pictures were presented to the Public Works committee to highlight the current conditions. A gabion wall will be installed at Walton Creek while a new pier wall and two pier wall extensions will be installed on Camargo. Both projects are estimated to cost approximately \$150,000. The Public Works committee agreed with the recommendations.

Council member Barber reported that staff provided an overview of the tree clearing that has occurred at the FAA Towers on Indian Hill Road which was mentioned by Mayor Rabenold in his Buildings and Grounds committee report.

**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 committee met on June 9, 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 the cleaning and repair of Well 7 has been completed at a cost of approximately \$3,500.

Council member Cowan explained that the Water Works committee recommends a third and final reading to consider a 5% water rate increase. This recommended increase is based on the need to replace, over the next ten years, several water mains and other significant distribution infrastructure that have been extended beyond their normal life expectancy. Water users have benefitted from no water rate increases over the last seven years. However, repairs and maintenance to over-extended infrastructure are now becoming ineffective and inefficient. If passed, the rate increase will begin on July 1, 2015. Council member Cowan explained that there has not been a water works rate increase since 2008. She explained that any increases in resident's water bills has been the result of rate increases by the Metropolitan Sewer District which are necessary to repair their infrastructure.

**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 third reading.

Mr. Krehbiel asked how much the 5% rate increase would provide in additional revenues over the next 10 years. Council member Cowan explained that this would be a 5% rate increase this year and that there would be additional increases in later years. She explained that staff is developing a list of planned projects. They will determine which projects will be done each year and they will be re-evaluated on an annual basis. She explained that financial modeling had been done to determine the rate increase.

Upon motion by Council member Cowan, seconded by Council member Kuenning, the Ordinance was passed by unanimous roll call vote. Mayor Rabenold declared Ordinance **03-15** enacted.

**SAFETY COMMITTEE REPORT:** Council member Feigelson directed Council's attention to a memo titled, "*Safety Committee*". He explained that the Safety committee met on June 4, 2015 to review several items in advance of the Council meeting.

Council member Feigelson reported that Chief Ashbrock presented the Fire/EMS report for May, a copy of which is attached to the Safety committee meeting minutes.

Council member Feigelson reported that over Memorial Day weekend, the Madeira fire station was vacated and consolidated with the Indian Hill station. All fire districts surrounding the area are aware of the move and are prepared for increased mutual aid, if needed. Currently, demolition of the Madeira station is scheduled for the week of June 22, 2015.

Council member Feigelson indicated that a Madeira resident has volunteered her communications skills to be a spokesperson for the fire district during the construction of both fire stations.

Council member Feigelson reported that Colonel Schlie presented the Rangers' Activity Report for May, a copy of which is attached to the Safety committee meeting minutes. He explained that Chief Schlie indicated that there were no issues with after prom, graduation or graduation parties over these past two weeks.

Council member Feigelson reported that Ms. Minneci and Colonel Schlie attended a meeting hosted by the Hamilton County Communications Center. The topics revolved around the Center's need for additional funding to sustain current operations and prepare for major equipment upgrading over the next several years. Many options were considered, including county-wide parcel assessments, changing detail fees and changing 9-1-1 fees paid by local jurisdictions. Council member Feigelson explained that Ms. Minneci and Colonel Schlie will provide follow-up to the Safety committee as the County disseminates information.

**PLANNING COMMISSION REPORT:** In the absence of Council member Thayer, City Manager Minneci directed Council's attention to a memo titled, "*Planning Commission*". She reported that the Planning Commission met on May 19, 2015.

City Manager Minneci reported that the Planning Commission granted the approval of the final plat for "Birdhaven" subdivision located at 8959 Hopewell Road, east of Weil Road and west of Humphrey Road (and Village Corp. Line). The Concept Plan calls for 32.06 acres to be subdivided into six building lots served by a dedicated public road. The plan includes the donation of 2 parcels containing 10.81 acres of Green Area gifts.

City Manager Minneci also explained that next week there would be an E-Mail Blast notifying the residents. She said that there would be some road closures to install water mains in the Birdhaven subdivision area. She said that there would be no June meeting due to lack of agenda items. Council member Cowan said that she wanted to express her gratitude for land donations.

**CITY MANAGER'S REPORT:** Ms. Minneci reported that the Administrative offices would be closed on Friday, July 3<sup>rd</sup> for the July 4<sup>th</sup> holiday which falls on a Saturday.

Ms. Minneci reported that there will be a July 4<sup>th</sup> parade and fireworks. The fireworks will begin approximately at 9:45 pm at Stephen Field where they were held last year. Ms. Minneci "guaranteed" great weather for the 4<sup>th</sup> of July.

Ms. Minneci requested an Executive Session to discuss property acquisition and/or sale of property, including real, personal, tangible and intangible property.

Council member Feigelson moved that Council move into Executive Session for the purpose of discussing sale of property, including real, personal, tangible and intangible property. The motion was seconded by Council member Kuenning and was passed by unanimously roll call vote.

Council returned from Executive Session, there being no further business to come before Council, Mayor Rabenold declared the meeting adjourned.

Respectfully submitted,

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Keith M. Rabenold, Mayor

ATTEST:

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Paul C. Riordan, Clerk