

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
FEBRUARY 23, 2009**

A meeting of the Indian Hill Village Council was held on February 23, 2009 at 7:30 p.m. The meeting was held in the Village Fire Department Training Room.

Officials present:

Mr.	Eppa Rixey IV, Mayor
Mr.	David T. Ottenjohn, Vice Mayor
Mrs.	Susan K. Holzapfel, Council member
Mr.	Joseph Beech, III, Council member
Mrs.	Lindsay B. McLean, Council member
Mr.	Keith M. Rabenold, Council member
Mr.	Michael W. Burns, City Manager
Mr.	Paul C. Riordan, Clerk/Comptroller
Mr.	Donald L. Crain, Solicitor

Officials absent:

Mr.	Mark E. Tullis, Council member
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Visitors present:

Daniel Harder, Boy Scout Troop 243,	6598, Stoneham Place
Sue Harder	
Will Muller, Troop 243	7725, Annesdale Dr.
Jack Muller, Troop 243	
Don Muller	

MINUTES: The Minutes of the regular meeting of January 26, 2009, had previously been distributed to each Council member. Mayor Rixey declared the minutes accepted as corrected.

FINANCE COMMITTEE REPORT: Mr. Riordan directed Council's attention to a memo entitled "Finance Committee Meeting Report" dated February 19, 2009. He reported that the Finance Committee met on that date to review and discuss several topics in advance of the Council meeting.

Mr. Riordan reviewed the Statement of Receipts and Disbursements for January, 2009. He reported that the income tax receipts were \$130,000 for the month which compares to \$216,000 for January of 2008. He said he thought it was a little too early to determine if this would be the trend for the rest of the year. He also highlighted that \$737,000 of inheritance taxes were received for the month as an advance against the total known receipts of \$1,080,000. He reported that the expenditures were in line with budget and several small variances were caused by the timing of expenditures.

Mr. Riordan also pointed out that a new line had been added to the statement entitled "Transfer to CIRF" which shows a budgeted transfer of \$4,000,000 for the year 2009. He also reviewed the CIRF Fund statement and the Water Works statement and explained that there were no significant variations from budget in these statements. He reported that the total of Cash and

Investments and Fund Balances at the end of January 31, 2009 was \$17,874,000 which is approximately \$200,000 higher than the balance at the end of 2008; which is reflective of the excess of receipts over disbursements for the month. He also pointed out that the market values for the investments in the Rowe Arboretum Fund and the Green Areas Fund were significantly below the market values at December 31, 2007 which reflects the effects of the negative economy.

The Financial Statement for January, 2009 had previously been distributed to each Council member. There being no exceptions noted the Financial statement was accepted as issued.

City Manager Burns reported that the Finance Committee reviewed copies of a memo and a request for proposals related to the upcoming bond issuance. This information was sent to various underwriters and responses are due on February 26. Staff is anticipating that it will take another 10 days to review the proposals and prepare recommendations to the Finance committee and Council regarding the selection of an underwriter.

City Manager Burns also reported that the Finance committee discussed general concerns regarding the impact of a down economy on the public retirement systems and he said that this subject would be discussed in executive session.

LAW COMMITTEE REPORT: Council member Rabenold directed Council's attention to a memo entitled "Law Committee Meeting Report" dated February 17, 2009. He reported that the committee met on that day to review and discuss several topics in advance of the Council meeting.

Council member Rabenold reported that City Manager Burns provided the committee with an update on the Martin Marietta hearing process in Anderson Township. Opponent testimony is now being considered by the ATBZA. Opponent experts testified at the February 5th, hearing, and again on February 18th. It is anticipated that the expert testimony will wrap up on March 5th and the ATBZA will consider opponent testimony from interested citizens on March 18th. It is anticipated that the hearings will continue until probably some time in April.

Council member Rabenold also reported that City Manager Burns reported to the Law committee that Mr. Phillips submitted a letter to the ATBZA, expressing concerns regarding the renewal of a permit for Evans gravel pit operations in Anderson Township. This matter was continued until August 2009.

Council member Rabenold also reported that the Law committee reviewed an application for the renewal of agricultural district designation for property located at 7777 Given Road and owned by Ken Grob. He also received an application from Bonnie Mitsui. Copies of these applications were previously distributed to the Council members.

Council member Rabenold explained that the agricultural district designation affords several additional protections to the property owners. First the district designation provides protection from nuisance complaints which may be generated by a legitimate farm operation.

Second, it protects the property owner from being assessed for public infrastructure improvements such as the extension of water mains and sewer mains. Finally the designation provides for certain legal defenses from the Ohio Attorney General's Office. The renewals are for five year periods. He explained that the Village could reject the application for several reasons. One, if the designation affected services provided by the Village; and secondly, if it would negatively impact the growth of the municipality, and thirdly, it could be rejected if it negatively impacted the health and safety of the municipality.

Council member Rabenold reported that the Law committee indicated a willingness to propose motions to renew the designations.

Council member Ottenjohn moved that the applications be approved for Ken Grob and for Turner Farm. The motion was seconded by Council member Holzapel and was carried by unanimous voice vote. Mayor Rixey declared the motion passed.

Council member Rabenold also reported that City Manager Burns advised the committee that staff has had some recent conversations with 5/3rd Bank officials regarding the abandoned residential building project located at 7340 Indian Hill Road. The Village is trying to get the bank to move on the sale of the property and/or to take responsibility for maintaining the property until it is sold or developed. City Manager Burns explained to Council that the bank was starting to move on this issue.

Council member Rabenold reported that the Law committee also reviewed copies of Mayor Court rules received from several other communities. He reported that Mayor Rixey recently attended court training, and it was suggested that all communities adopt similar rules. Staff is drafting rules which are more specific to the needs of the Indian Hill Court operation, and the Law committee will review them at the next meeting.

GROUNDS COMMITTEE REPORT: Council member McLean directed Council's attention to a memo entitled "Grounds Committee Meeting Report", dated February 18, 2009. She reported that the Grounds committee met on February 18, to review and discuss several topics in advance of the Council meeting.

Council member McLean reported that Mr. McQueen provided a report on Grand Valley activities, a copy of which was attached to the minutes. She highlighted that Staff is in the process of setting dates for this year's events at Grand Valley, which will be placed on the web page and in the Bulletin.

Council member McLean reported that Mr. Kipp provided a report on the status of the various building and grounds related projects, a copy of which is attached to the minutes.

Council member McLean highlighted that the demolition of the existing garage and west wing of the Administration/Ranger building, including the complete interior demolition of the existing Police Department area was completed. Also, the underpinning for both Phase 1 and Phase 2 basement areas has been completed. Due to the weather conditions during January, the basement footings and concrete wall foundation work was delayed and is approximately one

week behind schedule, however, construction of the concrete footings for the north section of the building has been completed and is approximately one week ahead of schedule. She also reported that there are several change orders under consideration for the Ranger/Administration building project, these include the addition of the fire suppression pump and pit at an estimated cost of \$45,000; five replacement windows in the renovation portion of the Ranger's offices at an estimated cost of \$12,000; the supply and installation of the dispatch consol at an estimated cost of \$25,000 and the access cards and security cameras and system controller at a yet to be determined cost. The building construction budget includes \$150,000 in contingency funding, and there are still 10 months of work to complete. Staff is working hard to keep any other change orders to a minimum.

Council member Ottenjohn expressed that the contractors have to be informed that the Village does not expect any more change orders. City Manager Burns said that they have been so notified.

Council member McLean also reported that the Water Works chemical feed building construction project is underway and is expected to be completed in August of 2009.

Council member McLean reported that Mr. Davis presented a report on building and grounds departmental activities for January, a copy of which was attached to the minutes. She explained that the report covered the normal seasonal maintenance work. She did highlight that work has started on plans for the Kelly Sullivan memorial.

Council member McLean explained that work is being done to clean up the tree damage on the bridle trails from the September storm.

Council member McLean also reported that Mr. Couch provided the committee a recommendation from the Green Areas Advisory committee to allow Mrs. Bonnie Mitsui to hay and graze sheep on the Green Areas field located in the rear of the Green Areas tract between Bill Grob's farm and Mrs. Gottschalk's property off Given Road. The GAC recommended that the Village work out an agreement, similar to the agreement with the Green Acres Foundation for hay in the field across from the Red Schoolhouse. The committee felt such an agreement could be accommodated but they preferred to hold off on a recommendation until after Staff and Mayor Rixey have an opportunity to advise Mr. Grob of the proposed arrangements.

Council member McLean reported that the committee reviewed the summer program ordinance and asked the committee to recommend passage. The program dates are June 15 through July 31 and the pay rates have been adjusted to reflect a 3.5% increase. She explained that the committee recommends emergency passage of the ordinance.

“AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF A PLAYGROUND DIRECTOR AND AN ACTIVITIES SUPERVISOR; AUTHORIZING THE ISSUANCE OF CERTAIN PERMITS AND ESTABLISHING RATES THEREFORE; AND AUTHORIZING THE MANAGER TO ENTER INTO A CONTRACT WITH THE CAMARGO RACQUET CLUB FOR THE PROVISION OF

SUMMER TENNIS LESSONS AND DECLARING AN EMERGENCY” was presented and read.

Upon motion by Council member McLean, seconded by Mayor Rixey, the rules were suspended by unanimous roll call vote. Upon motion by Council member McLean, seconded by Mayor Rixey, the ordinance was passed by unanimous roll call vote. Mayor Rixey declared Ordinance No. 05-09 enacted.

City Manager Burns said that this ordinance would be covered in the year end ordinances starting at the end of 2009.

Council member McLean reported that the committee recommends passage of a resolution authorizing the bidding of the July 4th fireworks display.

“A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR THE PROVISION OF A JULY 4 FIREWORKS DISPLAY FOR THE VILLAGE OF INDIAN HILL was presented and read.

Upon motion by Council member McLean, seconded by Council member Ottenjohn, the resolution was passed by unanimous voice vote. Mayor Rixey declared Resolution No. 04-09 adopted.

WATER WORKS REPORT: Council member Holzapfel directed Council’s attention to a memo entitled “Water Works Committee Meeting Report” dated February 18, 2009. She reported that the Water Works committee met on February 18, 2009 to review and discuss several topics in advance of the Council meeting.

Council member Holzapfel reported that Mr. Davis presented a report on January departmental activities, a copy of which was attached to the minutes. She highlighted that the chief plant operator, Frank Bell, met with officials from the EPA on source water protection. This included an inspection of the Public Works/Water Works grounds to insure that no contaminants or potential hazards to the underground aquifer were present. She said that Staff is awaiting a report from the EPA related to any improvements that may be needed. She also highlighted that an advertisement has been placed requesting qualifications from engineering firms for the purpose of entering into a three year agreement with three (3) firms for future improvement projects. The deadline to submit is Wednesday, February 25. She said that the goal is to both save time and create a competitive environment when selecting a firm for project design. A review committee made up of both Public Works and Water Works supervisory has been established for the evaluation process. It is anticipated that the completion of the selections process will be by the end of March.

Council member Holzapfel also highlighted that Mike Wainscott, a long time Water Works employee, retired effective January 29. A luncheon in his honor is scheduled for March 6, to be held at the Water Works facility beginning at 11:30 A.M. The vacancy created by

Mike's retirement has been filled by Ron Freson of the Public Works Department effective February 14.

Council member Holzapfel also reported that the Water Works committee reviewed a draft time table for the opt-out natural gas aggregation program and a draft resolution and agreement with Integrys to consult with the Village on the operational plan and PUCO certification. She said there are no direct costs to the Village for this consultation. She also reviewed the time table, past and future for the opt-out program. She explained that at tonight's Council meeting it is being requested that Council authorize the City Manager to engage Integrys to serve as consultants for gas aggregation hearing processes in certification with PUCO. On March 16, there will be a public hearing on the program and the opt-out provisions. On March 30, Council will pass a resolution adopting a plan of operation. On April 1 the plan will be filed with PUCO for certification and in November, 2009, the opt-in plan will be replaced with the opt-out plan. She said that the Water Works committee recommends passage of the resolution.

"A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INTEGRYS ENERGY SERVICES FOR CONSULTING SERVICES IN CONNECTION WITH AN OPT-OUT NATURAL GAS AGGREGATION PROGRAM" was presented and read.

Council member Holzapfel moved the resolution on the condition that it include an amendment stating that the liability period would be increased from 180 days to one year. The motion was seconded by Council member Beech and was carried by unanimous voice vote. Mayor Rixey declared Resolution No. 05-09 adopted.

PUBLIC WORKS REPORT: Mayor Rixey directed Council's attention to a memo entitled "Public Works Committee Meeting Report" dated February 19, 2009. He reported that the Public Works committee met on this day, to review and discuss several topics in advance of the Council meeting.

Mayor Rixey reported that Mrs. Irvine attended the meeting, and expressed her viewpoint, which is shared by most of the members of the Indian Hill Mother's Club that the existing walking path system in the Village needs to be improved to promote pedestrian safety and better link community facilities to various neighborhoods. She promoted the idea of constructing a separate hike/bike path, including a berm between the road pavement and the path pavement, along the main routes connecting neighborhood areas with all schools and the swim club.

Mayor Rixey said that City Manager Burns advised the Public Works committee that he agrees that traffic conditions and other safety concerns present obstacles to pedestrians and cyclists who use the roads and existing roadside paths. However, he pointed out that replacing this system with the plan envisioned by the Mother's Club would not be an easy or economical solution. While many residents would support the concept of a bike path along the side of major roads, most would also not want the path to involve the removal of 20-25 feet of their front yard. Many of the property deeds for private property along the main roads run to the center line of the

road, and this presents an acquisition problem to assemble the necessary right-of-way to actually build a separate walk/bike path. The cost of building such a path system would be approximately \$3 million, and this does not include land acquisition costs. He said that City Manager Burns made a good suggestion, that the Village might be able to address some of the areas of concern incrementally; as an example, City Manager Burns suggested that a property on Miami might be willing to grant an easement for access to the swim club, and pedestrians could then avoid the Miami & Shawnee Run intersection. City Manager Burns also told the committee that a consultant could be hired, or the Village could hire a co-op student or ask a UC design class to examine some creative solutions. There is no money in the 2009 budget to complete this work this year, and the recent goal setting process did not identify a need for this type of project. The Village could consider such a planning endeavor in future years. Mrs. Irvine indicated that the Mother's Club recognizes that this is not an issue that can be resolved in the near term, but they hoped that the Village would consider improvements over the coming years.

Mayor Rixey reported that Mr. Kipp provided a project status report. He reported that the costs associated with Filing/Review Fees for Lot Splits, Minor Subdivisions and Major Subdivisions in accordance with Section 5.7 ~ Filing Fee and 5.8 ~ Review Expenses of the Subdivision Ordinance need to be up-dated. This includes the field and office review of the storm drainage and calculations, natural Resource protection requirements, and Construction Plans for acceptance by the Planning Commission. The Public Works committee recommends passage of the new Fee Schedule.

“A RESOLUTION SETTING A NEW FEE SCHEDULE FOR FILING SUBDIVISION CONCEPT PLANS AND FOR COSTS OF SUBDIVISION REVIEWS” was presented and read.

Upon motion by Mayor Rixey, seconded by Council member Holzapfel, the resolution was passed by unanimous voice vote. Mayor Rixey declared Resolution No. 06-09 adopted.

Mayor Rixey reported that the Public Works committee also reviewed the Final Plat for Ambleside Estates subdivision, including the dedication of the roadway right-of-ways to the Village of Indian Hill, which was approved by the Planning Commission on December 16, 2008. The plat is currently at the Hamilton County Recorder's office for recording in accordance with Section 6.4.4 ~ Recording of Final Plat and it requires acceptance by Council by ordinance

“AN ORDINANCE APPROVING THE PLAT OF AMBLESIDE ESTATES SUBDIVISION AND ACCEPTING THE DEDICATION OF THE PORTIONS OF BLOME ROAD AND KELLER ROAD THAT ARE LOCATED IN AMBLESIDE ESTATES SUBDIVISION AND DECLARING AN EMERGENCY” was presented and read.

Upon motion by Mayor Rixey, seconded by Council member Ottenjohn the rules were suspended by unanimous roll call vote. Upon motion by Mayor Rixey, seconded by Council member Holzapfel, the ordinance was passed by unanimous roll call vote. Mayor Rixey declared Ordinance No. 06-09 enacted.

Mayor Rixey also reported that on Wednesday, February 11, 2009 a fire hydrant blew off of the water main on the east side of Loveland-Madeira Road, just north of Kugler Mill Road. An approximate 100' long landslide occurred between the existing creek and the top of the bank (parallel to the water main.)

While the slide area needs to be addressed, it is not felt that it is an emergency situation. The Village Staff is obtaining survey information to determine the extent of repair and/or potential cost associated with the work.

Mayor Rixey also reported that the Public Works committee reviewed the Shawnee Run Road and Drake Road Roundabout issue. He said that the engineering report and the preliminary engineering (50%) design has been completed by KZF Design, Inc. and has been submitted for review and comment.

Mayor Rixey reported that the Highway Capacity Manual does not contain specific LOS calculations for roundabouts. He said that KZF was requested to give the Village their best professional opinion on what the LOS rating would be ("in lieu of" the V/C ratio) for the four legs of the intersection as a roundabout. Their answer was LOS "B". He said that this is a substantial change which shows that the best solution for the intersection is a roundabout.

SAFETY COMMITTEE REPORT: Council member Beech directed Council's attention to a memo entitled "Safety Committee Meeting Report" dated February 17, 2009. He explained that the Safety committee met on this day, to review and discuss several topics in advance of the Council meeting.

Council member Beech reported that Chief Ashbrock provided a January 2009 activity report for both EMS and fire activities. He noted that in 2008, a record was set for EMS runs in Madeira and it appears that the runs for January 2009 are considerably above the runs for January of 2008. Fire activity was quite light for the month.

Council member Beech reported that there was a discussion on mutual aid. He said that for the month of January there were a lot more incoming runs on the fire and outgoing runs for EMS. He remarked that over the year it tends to balance out.

Council member Beech reported that Colonel Schlie provided the normal monthly police activity report for January.

Council member Beech also reported that City Manager Burns provided the committee with the update on the building construction schedule which has been discussed previously in the Council meeting.

PLANNING COMMISSION REPORT: Council member Ottenjohn directed Council's attention to a memo entitled "Planning Commission Report" dated February 17, 2009. He reported that the Planning Commission did not meet during February as a result of having no business items for consideration. The Commission is next scheduled to meet on March 17, 2009. A copy of the preliminary agenda is attached to the memo.

Council member Ottenjohn also reported that the decision of the Planning Commission's affirmation of the Administrative decision permitting the continued operation of the Rosenthal Dance studio on Indian Hill Road has been appealed by Dr. & Mrs. Zandvakilli. Information on this appeal will be distributed to each Council member. The tentative schedule for the appeal is April 20, 2009.

CTY MANAGER'S REPORT: City Manager Burns, in his Manager's report, reported that he is distributing to each Council member the copies of the Planning Commission records, as it relates to the appeal described by Council member Ottenjohn.

City Manager Burns requested that the appeal of Dr. Zandvakilli be set for April 20

Mayor Rixey moved that the appeal from Dr. Zandvakilli be set for the Council meeting on April 20, 2009. The motion was seconded by Council member Beech and was carried by unanimous voice vote.

City Manager Burns reported that the e-mail system went down because the server quit working. The email should be up by tomorrow

City Manager Burns requested that Council enter into executive session to discuss a personnel matter.

Mayor Rixey moved that Council move to executive session for the purpose of discussing a personnel matter. The motion was seconded by Council member McLean and was carried by unanimous roll call vote. Council moved to executive session.

Council returned from the executive session. There being no further business to come before Council, Mayor Rixey declared the meeting adjourned.

Respectfully submitted,

Eppa Rixey IV, Mayor

ATTEST:

Paul C. Riordan, Clerk