

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
MARCH 30, 2009**

A meeting of the Indian Hill Village Council was held on March 30, 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
 Mr. Joseph Beech, III, Council member
 Mrs. Lindsay B. McLean, Council member
 Mr. Keith M. Rabenold, Council member
 Mr. Mark E. Tullis, Council member
 Mr. Michael W. Burns, City Manager
 Mr. Paul C. Riordan, Clerk/Comptroller
 Mr. Donald L. Crain, Solicitor

Officials absent: Mrs. Susan K. Holzapfel, Council member

Visitors present: Mr. Rob Dowdy, Community Press, 394 Wards Corner

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

MINUTES: The Minutes of the regular meeting of February 23, 2009, had previously been distributed to each Council member. Mayor Rixey declared the minutes accepted as corrected.

FINANCE COMMITTEE REPORT: Council member Tullis directed Council's attention to a memo entitled "Finance Committee Meeting Report" dated March 26, 2009. He reported that the Finance Committee met on that date to review and discuss several topics in advance of the Council meeting.

Council member Tullis reviewed the statement of receipts and disbursements for February, 2009. He reported that the income tax receipts were \$28,634, which compares to the \$44,543 collected in February of 2008. He said that we should have a good idea of the total income tax receipts by the next Council meeting. He pointed out that even though no inheritance tax receipts were received in February, there was a large receipt in March which brings the total known receipts to \$1,185,000 which is considerably ahead of the amount received at this time last year.

Council member Tullis also reviewed several operating fund disbursement accounts which had variances, highlighting that \$39,000 was paid out during the month for severance pay for one employee and was charged to the recycling account. He explained that total disbursements exceeded receipts by \$475,000, which is to be expected for this time of year and when there are no inheritance tax receipts for the month.

Council member Tullis also reported that the Village received \$283,000 from FEMA for the expenses of the clean up from the September storm. He also reviewed the CIRF statement, highlighting that \$173,000 had been spent in February for the Ranger/Administration building remodeling. He reviewed the Statement of Receipts and Disbursements for the Water Works Fund. He highlighted that there was an expenditure for \$29,075 for severance pay for one employee in the month of February. The total disbursements exceeded receipts for the month by \$274,000

Council member Tullis also reviewed the Water Works Capital Reserve Fund, noting that \$67,964 was expended for meter changeovers during the month. This project should be completed by the end of the year.

Council member Tullis also reviewed the Cash and Investments Statement, highlighting that the total cash & investments decreased from \$17,874,000 at the end of January to \$16,766,000 at the end of February. He explained that this is to be expected at this time of year when receipts are low. He also highlighted that the Income Tax Fund has a balance of \$7,550,000 at the end of February.

Council member Tullis also reviewed the Rowe Arboretum Fund Financial Statement and reported that the value of the fund was \$1,369,000 at the end of February, which is down 24% from the end of 2008 when the fund value was \$1,650,000. He also stated that the value of the fund at the end of 2007 was \$2,200,000. This negative trend has continued in 2009. He reported that Mrs. Nadine Weber contacted Mr. John Schmitz of Ball and Gaynor concerning the account. Mr. Schmitz said that the return on investments is still projected to be approximately \$78,000, which compares favorably with the budgeted amount of \$81,000.

Council member Tullis reported that there will be a meeting in April with Mrs. Mary Ida Compton to review the performance of the Rowe Arboretum Funds. Her report has been received but has not been reviewed at this time.

Council member Tullis also reviewed the Green Areas and Recreational Fund. He reported that the market value of the Vanguard Investments was \$613,000 at the end of February. The balance at the end of December 2007 was \$1,200,000 therefore the current market value is approximately half of what it was at the end of 2007.

The financial statement for February had previously been distributed to each Council member. There being no exceptions noted, the financial statement was accepted as issued.

Council member Tullis also reported that the Finance Committee reviewed three emergency ordinances related to the upcoming bond issuance. One ordinance provides for the issuance of \$4 million in Water Works improvement financing. The second ordinance provides for \$2 million in financing for the Administration/Ranger building improvements, and the third provides for the consolidation financing into one bond issuance. He explained that RFQ's for the bond issuance had been sent to five (5) underwriters. Three were selected to present presentations to the Finance committee members, the Village finance staff, and the City

Manager. RBC Capital Markets Corporation was selected as the underwriter for the issuance after analysis and input from all Village attendees at the presentations. He explained that staff was comfortable with RBC because they have successfully issued bonds for the Village on numerous previous occasions and also they suggested that the bonds be split into 20 year terms for the Water Works and 10 year terms for the Ranger building. Splitting the bond issue into different terms will make it easier for the Village to obtain triple A rating which will lower the interest rate.

City Manager Burns explained to Council that RBC Capital has recommended refinancing on previous bond issues which saved the Village approximately \$1,000,000. He also said that everything is on tract to complete the issuance in May.

Council member Ottenjohn explained to Council that there was a small premium of \$14,000 to pay for the services of RBC however, all members on the Finance committee felt that this was money well spent.

Upon motion by Council member Tullis, seconded by Mayor Rixey, the rules were suspended by unanimous roll call vote for the following three ordinances.

“AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,000,000 OF BONDS BY THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO FOR THE PURPOSE OF IMPROVING THE CITY’S WATERWORKS SYSTEM, AND DECLARING AN EMERGENCY” was presented and read.

Upon motion by Council member Tullis, seconded by Council member Beech, the ordinance was passed by unanimous roll call vote. Mayor Rixey declared Ordinance No. 07-09 enacted.

“AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$2,000,000 OF BONDS BY THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO FOR THE PURPOSE OF EXPANDING THE CITY’S ADMINISTRATION BUILDING, AND DECLARING AN EMERGENCY” was presented and read.

Upon motion by Council member Tullis, seconded by Council member Rabenold, the ordinance was passed by unanimous roll call vote. Mayor Rixey declared Ordinance No. 08-09 enacted.

“AN ORDINANCE CONSOLIDATING TWO BOND ISSUES OF THE CITY OF THE VILLAGE OF INDIAN HILL AND DECLARING AN EMERGENCY” was presented and read.

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

Council member Tullis also reported that City Manager Burns had advised the Finance committee that other committees will be presenting project and equipment authorizing resolutions. These are related to a number of planned expenditures but the actual bidding will be delayed until after April in order to gauge the impacts of actual income tax revenues.

LAW COMMITTEE REPORT: Council member Rabenold directed Council's attention to a memo entitled "Law Committee Meeting Report" dated March 24, 2009. He reported that the Law committee met on March 17, to review and discuss several topics in advance of the Council meeting.

Council member Rabenold explained that Messrs. Burns and Phillips provided the Law committee with an update on the Martin Marietta hearing process in Anderson Township. Opponent testimony continues to be considered by the ATBZA. Expert testimony will probably continue until mid April. Martin Marietta will then present rebuttal testimony. It is anticipated that public comment sessions will begin in May, and the overall hearing process will continue until late spring or early summer.

Council member Rabenold also reported that Mr. Couch provided the Law Committee with information regarding a recently discovered Green Area encroachment involving property located on Beech Street in the Plainville area of Columbia Township. It is apparent that a garage was built on the Green Area parcel sometime early in this decade. The property owner has asked whether the Village would entertain the idea of a property swap. Staff is of the opinion that such a proposal will not work because the garage is actually constructed within the corporate limits of the Village and it cannot meet setback requirements specified under the Zoning Ordinance. There was a general discussion in executive session regarding how to proceed with rectifying this issue. Staff will contact the neighbor and work out the resolution for the eventual review and approval of Council.

Council member Ottenjohn said that this is the second issue of a similar nature received by the Village in the last several years. Therefore, he asked if staff could review the borders of the Village.

Council member Rabenold explained that this had been done back in 2001 in cooperation with the Green Areas Committee.

City Manager Burns explained that it is very difficult to just look at the property and determine if there is an issue.

Council member Ottenjohn then asked if the Village staff could review construction since 2001 to see if there are any property line issues.

Council member Rabenold also reported that City Manager Burns provided the committee with a confidential brief update on two other litigation/mediation/arbitration matters involving the water tower and Public Works building.

Council member Rabenold reported that the Law Committee reviewed copies of draft Mayor's Court Rules which were generated using examples from several other communities. These rules are now in a form that can be accepted by Council and implemented for use in Mayor's Court. The Law Committee recommends passage of the resolution establishing the rules and providing that the Mayor may amend the rules as necessary in the future.

“A RESOLUTION ESTABLISHING INDIAN HILL MAYOR’S COURT RULES AND AUTHORIZING THE MAYOR TO UPDATE SAID RULES” were presented and read.

Upon motion by Council member Rabenold, seconded by Council member Tullis, the resolution was passed by unanimous voice vote. Mayor Rixey declared Resolution No 07-09 adopted.

Council member Rabenold also reported that Mayor Rixey advised the Law Committee that he has been in contact with a family on Old Hickory that would like to conduct an archeological study on a small cemetery located on their property. He was concerned if there were any laws governing such a situation. Mr. Crain told the committee that he did not think so, however, he would complete research on the subject and report back at a later meeting.

Mayor Rixey explained to Council that one member of the family he was in contact with is working on their Doctorate thesis and would like to write it about the cemetery.

City Manager Burns said that it appears that the study would be done very respectfully. He also said that there was no question that the cemetery was on private property.

Council member Ottenjohn asked if there was a similar situation in Ohio as an example, and he wanted to make sure it is done respectfully.

City Manager Burns said it appears that they are going to be very respectful with the remains.

GROUNDS COMMITTEE REPORT: Council member McLean directed Council's attention to a memo entitled “Grounds Committee Meeting Report”, dated March 24, 2009. She reported that the Grounds committee met on March 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 the Grand Valley meeting is scheduled for Thursday, April 16 at 6:30 P.M. at the Grand Valley Preserve.

Council member McLean also reported that Mr. Kipp provided a report on the status of the various building and grounds related projects. She highlighted the following for the Indian Hill Rangers/Administration building improvements.

- Due to weather conditions during February, the basement concrete wall and foundation work is approximately two weeks behind schedule.
- Construction of the concrete footings for the north section of the building has been completed. It is on schedule but undercutting of the slab-on-grade area had to be performed due to undesirable soil conditions. The cost of undercutting, including the replacing and compacting with granular material, was \$23,000.
- The block masonry work on the exterior walls for the north section of the building is moving along rapidly.
- The roof trusses for the north end of the building are due on site March 30, and scheduled to start being erected on March 31.

Council member McLean also reported that the old metal storage building construction up-grade has been completed for the Grand Valley boat barn and alterations. She reported also that the Water Works Chemical Feed Building is scheduled for completion in August, 2009.

Council member McLean reported that Mr. Chadwell presented a report on February and early March 2009 departmental activities, a copy of which was attached to the minutes. She explained that these were the regular activities for the department for this time of year.

Council member McLean also reported that City Manager Burns advised the Grounds Committee that the leases for the use of the Bonnell House and the Red Schoolhouse by the Indian Hill Historical Society expires the end of March and he has discussed renewing the leases for additional 20 year terms with the Indian Hill Historical Society representatives. He suggested that an ordinance authorizing the renewal is in order. He also suggested that this ordinance could take its regular course including three readings before passage. The committee was acceptable to this recommendation.

City Manager Burns explained to Council that Council member Beech had recommended several changes be made to the leases and they will be incorporated for the second reading.

Council member Ottenjohn explained to Council that he had a concern with the twenty year term and the lease did not appear to cover utilities and operating expenses. He said the Village had been very generous with the Indian Hill Historical Society and he thought the term was very long, especially at \$1.00 a year in rent. Therefore, he was recommending that the term be reduced to ten (10) years. He said he believes that the lease should also be very clear on who is responsible for utilities and maintenance expenses.

City Manager Burns explained that the Indian Hill Historical Society is responsible for utilities and operating expenses, however, the Village does supplement the cost of these expenses.

City Manager Burns said that he had made this twenty year term just a renewal of previous terms, and prior to the original lease, the Indian Hill Historical Society had undergone expensive repairs to the property.

Council member Ottenjohn said that it makes sense that you would give them a favorable rate over a long term after they had spent a substantial amount of money on the property, however, that term has expired. He said that he would support extending that favorable rate, however, twenty years is a very long time, given that they are not willing to make any financial commitment on their end.

City Manager Burns said that he understood this and he will talk to the Indian Hill Historical Society representatives. He felt that they would accept a ten year term.

City Manager Burns recommended a first reading of the Ordinance. He will then redraft it including a ten year term and address the utility and maintenance expenses and then bring it back to the Grounds committee, Law committee, and Finance committee for their review.

Mayor Rixey said that he believed that a ten year term would be appropriate and it gives time to address any issues on a timely basis.

Council member McLean read the following ordinance with the conditions that it be changed to include a ten year term, address operating and maintenance expenses, and be brought back to the Grounds committee, Law committee, and Finance committee.

“AN ORDINANCE AUTHORIZING THE MANAGER TO ENTER INTO LEASES LEASING THE LITTLE RED SCHOOLHOUSE AND BUCKINGHAM LODGE TO THE INDIAN HILL HISTORICAL MUSEUM ASSOCIATION” was presented and read for the first reading.

Council member McLean also reported that Mr. Couch had advised the Grounds committee concerning a recently discovered Green Area encroachment involving property located on Beech Street in the Plainville area of Columbia Township. She said that this was the property that was discussed previously in the Council meeting.

WATER WORKS REPORT: City Manager Burns directed Council’s attention to a memo entitled “Water Works Committee Meeting Report” dated March 24, 2009. He reported that the Water Works committee met on March 18, 2009 to review and discuss several topics in advance of the Council meeting.

City Manager Burns reported that Mr. Kipp believes that the Chemical Feed building project is ahead of schedule and should be completed in the late June, early July time frame.

City Manager Burns reported that Mr. Adkins provided a departmental activity report for February a copy of which was attached to the minutes.

City Manager Burns highlighted that the Water Works requested qualifications from engineering firms for the purpose of entering into a three year agreement with three firms for future improvement projects. A review committee made up of both Public Works and Water Works supervisors was established for the evaluation process. On March 13, the evaluations for

the Water Works engineering RFQ were completed. The top three consultants chosen were: Burgess & Niple, Stantec, and Henderson & Bodwell.

The next steps in this process are to draw up a scope of services for the Phase I Water Distribution Infrastructure Improvements and request quotes from each one of the selected firms.

City Manager Burns also reported to Council that on March 6 a retirement luncheon was held at the Water Works to honor Mike Wainscott's retirement.

City Manager Burns reported that Mr. Adkins reviewed the need for several resolutions authorizing the bidding for certain Water Works supplies. The Water Works committee determined that the only item needed to be authorized at this time was the supply of cold water meters. The committee recommended the passage of a resolution authorizing the Manager to advertise for bids for cold water meters.

“A RESOLUTION AUTHORIZING MANAGER TO ADVERTISE FOR BIDS FOR COLD WATER METERS FOR THE WATER WORKS DEPARTMENT OF THE VILLAGE OF INDIAN HILL”

was presented and read.

Upon motion by Council member Tullis, seconded by Council member McLean, the resolution was passed by unanimous voice vote. Mayor Rixey declared Resolution No. 08-09 adopted.

City Manager Burns reported that the Water Works committee reviewed copies of a Natural Gas Aggregation Program Plan of Operation and Governance which was prepared by Integrys Energy Services. The plan was the subject of two very lightly attended public hearings on March 16, 2009. Two people attended the hearings. The hearings did not include any testimony in opposition to the plan operation and governance.

City Manager Burns said that he prepared a resolution accepting the Plan of Operation and Governance. Once adopted, the plan would be filed with the Public Utilities Commission of Ohio as part of the certification process. It is still anticipated that the Opt-out program would begin December 1, 2009.

City Manager Burns reported that the Water Works committee agreed to recommend passage of the resolution, adopting the plan of operation and governance. He also said that Mr. Crain had reviewed the contract.

“A RESOLUTION ACCEPTING A NATURAL GAS AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE IN CONNECTION WITH AN OPT-OUT NATURAL GAS AGGREGATION PROGRAM” was presented and read.

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

City Manager Burns also reported that he had received a call from a resident asking that the Village explore the option of negotiating a price from one company for the supply of propane to homes using propane heating systems. The resident indicated that a community where he has a winter home does this, and the residents enjoy a substantial savings over individual supplier prices. City Manager Burns said that he will examine this option for further review.

PUBLIC WORKS REPORT: Mayor Rixey directed Council's attention to a memo entitled "Public Works Committee Meeting Report" dated March 24, 2009. He reported that the Public Works committee met on March 24, to review and discuss several topics in advance of the Council meeting.

Mayor Rixey reported that Mr. Kipp provided a project status report, a copy of which was attached to the minutes. He highlighted that in February a fire hydrant blew off of the existing water main on Loveland-Madeira Road, just north of Kugler Mill Road. A 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. Field survey information has been received and staff is in the process of determining the extent of the repairs and/or anticipated cost associated with the work.

Mayor Rixey also highlighted the 2009 Road Resurfacing Project list which included two alternate programs. He also reported that Parks and Recreation bid as a special project for Stephan Park Walking Path is \$16,000.

Mayor Rixey reported that Mr. Davis provided the Public Works committee with a departmental activity report for February, a copy of which was attached to the minutes. He explained that these were the normal Public Works activities for this time of year.

Mayor Rixey also reported the following promotions:

- Marty Chadwell has been appointed to the position of Assistant Superintendent with the Public Works Department. Marty has been with the Village for almost 29 years and has been a supervisor for twelve, and has served in the position of "Street Foreman" for the past eight years.
- David Yeager has been promoted to the position of "Foreman" with the Public Works Department. David finished 1st overall during the competitive exam process and was appointed to the position effective March 20. David has been with the Village for eight years and has served in the position of "Crew Leader" for the last four.

Mayor Rixey also reported that the Public Works committee reviewed copies of a capital project resolution and noted that the actual completion of all of the work envisioned in the resolution, except the Water Works projects, is dependent upon April tax revenues. The resolution outlines the work contemplated under the road resurfacing program, Phase I Water

Works system improvements, and special capital improvement projects. The Public Works committee recommends passage of the resolution.

“A RESOLUTION AUTHORIZING THE MANAGER TO EMPLOY AN ENGINEER TO PREPARE PLANS AND SPECIFICATIONS FOR STREET REHABILITATION, WATER WORKS IMPROVEMENT PROJECTS AND OTHER SPECIAL CAPITAL IMPROVEMENT PROJECTS, ADVERTISE FOR BIDS, AND AWARD CONTRACTS FOR THE CONSTRUCTION OF SAID WORK.” was presented and read.

Upon motion by Mayor Rixey, seconded by Council member Ottenjohn, the resolution was passed by unanimous voice vote. Mayor Rixey declared Resolution No. 10-09 adopted.

SAFETY COMMITTEE REPORT: Council member Beech directed Council’s attention to a memo entitled “Safety Committee Meeting Report” dated March 24, 2009. He reported that the Safety committee met on March 24, to review and discuss several topics in advance of the Council meeting.

Council member Beech reported that Chief Ashbrock provided an activity report for February. He said there was nothing particular to report. A copy of the report was attached to the minutes.

Council member Beech reported that Colonel Schlie provided a police department activity report for February, a copy of which was attached to the minutes. He said there was nothing particular to report.

Council member Beech also said that there was an article in the morning Cincinnati Enquirer which included some of the statistics in the annual report which had also been distributed to council members. He pointed out that the Village had 1,505 police alarms in 2008 and only one was a real incident, the rest were false alarms. He said that Glendale and Wyoming had similar statistics.

City Manager Burns said that he believes that the Enquirer got the data from State reports.

Mr. Crain said that the police see this as an opportunity to go out and inspect property and give advice. They see it as a service opportunity as opposed to a burden.

Council member Beech reported that the Safety committee reviewed a resolution authorizing the preparation of a bid for the supply of a new 4X4 SUV for the Rangers. The actual advertising will depend upon April tax revenues

“A RESOLUTION AUTHORIZING THE MANAGER TO ADVERTISE FOR AND ACCEPT BIDS FOR THE SUPPLY OF ONE

(1) 2009 FULL SIZE 4X4 SUV TYPE VEHICLE FOR USE BY THE INDIAN HILL RANGERS” was presented and read.

Upon motion by Council member Beech, seconded by Mayor Rixey, the resolution was passed by unanimous voice vote. Mayor Rixey declared Resolution No. 11-09 adopted

PLANNING COMMISSION REPORT: Council member Ottenjohn directed Council’s attention to a memo entitled “Planning Commission Report” dated March 17, 2009. He reported that the Planning Commission met on that date to consider two items:

Council member Ottenjohn reported that the Hannibal Development Company requested a twenty-four month extension to the approved Preliminary Plat for Phase 2A of the Twin Fences at Peterloon Subdivision. He said that the Commission approved this request and the decision was in accordance to Section 6.2.4 (f) of the Indian Hill Subdivision Ordinance, which authorizes the Commission to approve such extensions, but not more that a total of forty-eight (48) months. This will be the last extension for this project.

Council member Ottenjohn reported that the Mr. Dale Kroeger at 6510 Adams Avenue had requested a variance to permit the conversion of an existing attached single car garage into living space. The existing dwelling is non-conforming and encroaches into the front, rear, and side yards. He reported that the Commission approved the variance request based on an exceptional practical difficulty, due to the non-conforming lot and existing house. He said that the Commission found that the project would be restricted to the existing footprint of the house and garage, did not worsen the existing non-conforming conditions, or create a non-conforming condition, and meets the standards for variance approval.

City Manager Burns said that Council would have to consider an appeal of a Planning Commission decision immediately preceding the April 20, 2009 Council meeting.

CTY MANAGER’S REPORT: City Manager Burns, in his Manager’s report, reported that there will be a Grand Valley planning meeting held at 6:30 P.M. on April 16 at the Grand Valley Preserve.

City Manager Burns also reported that the Village will participate in an open house for realtors on April 19. The open house will be held at the Phinney House and Village staff will be attending from 1:00 P.M. to 4:00 P.M. The purpose of the meeting will be to explain Village services and to help the realtors sell property in the Village.

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