

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
JUNE 16, 2008**

A meeting of the Indian Hill Village Council was held on June 16, at 7:30 p.m. The meeting was held in the Council Chamber of the Village Administration Building.

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.	Joe Scholler, Frost Brown Todd Solicitor

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

MINUTES: The Minutes of the regular meeting of May 19, 2008 had previously been distributed to each Council member. Mayor Rixey declared the minutes accepted with changes as issued.

FINANCE COMMITTEE REPORT: Council member Tullis reported that the Finance committee met on June 12 to discuss several topics in advance of the meeting. The first item considered was the financial statements for May, 2008. He reported that year to date to income tax receipts are \$7,703,000 which leaves a remaining balance to be received for the year of \$522,000. He explained that staff believed that the remaining balance will be collected over the rest of the year. He also said Inheritance tax receipts collected and to be received amount to \$527,000 which results in a remaining balance of \$1,526,000 to be received to equal budget.

Council member Tullis pointed out in the statement of receipts and disbursements for the Water Works that the expenditures include a bond principal and interest payment of \$375,000 and a sewer reimbursement of \$355,000. This brings the excess of disbursements over receipts to \$644,000 for the month. He reported in the statement for the Water Works Capital Reserve Fund that \$182,895 was expended for the water softener replacement project which is expected to be completed around August 1.

Council member Tullis also reported that the total fund balances and investments are approximately \$22,000,000 at the end of May, 2008.

Council member Tullis reported that the investment policy for the funds held in Fifth Third Investments and Star Ohio were reviewed by the Finance Committee. He reported that the investments are collateralized in excess of 100% by government backed securities

The Financial Statements for May, 2008 had previously been distributed to each Council member. There being no exceptions noted, the financial statement was accepted as issued.

PUBLIC HEARING “TAX BUDGET” Council member Tullis opened a public hearing for the 2009 Tax Budget. He directed council’s attention to a statement included in the council packet entitled “Summary of Estimated Revenues and Expenses, 2009 Tax Budget.” He explained that this is a preliminary budget which has to be prepared each year and submitted to Hamilton County.

Council member Tullis reported that 2009 total operating fund revenue is projected to be \$13,524,000 and total operating expenses are projected to be \$11,299,000. This leaves an excess of receipts over disbursements for 2009 of \$2,225,000 with \$2,476,000 being transferred to CIRF.

Council member Tullis pointed out that the income tax budget was prepared with the following key assumptions:

- Inheritance tax receipts budget remains at \$2,000,000 for 2009
- Real estate tax receipts for 2009 are the same as the estimated receipts for 2008
- \$3,000,000 would be held in the income tax fund at the end of 2008
- The income tax rate would remain the same at .4% and no increase in taxable income is projected for 2009.

Council member Tullis also explained that at the end of 2008, the CIRF would have a balance of \$4,659,000 and it is projected that the balance at the end of 2009 would be \$5,521,000. Therefore, there should be sufficient funds in the CIRF to fund the Administration building expansion. He said that if the village received another \$1,000,000 in inheritance taxes by the end of the year, the finances should be in pretty good shape to start the building expansion.

Council member Tullis moved that the 2009 Tax Budget be approved by Council and be submitted to the Hamilton County Budget Commission. The motion was seconded by Council member Ottenjohn and was passed by unanimous voice vote.

There being no further comments, Council member Tullis declared the public hearing on the 2009 tax budget closed.

Council member Tullis said that the Finance Committee also reviewed a draft of revised subdivision review fees and noted that these fees have not been adjusted since 1989. He said that Mr. Kipp prepared the revised fees, which are based on the actual manpower costs that the Village incurs in connection with development reviews. The proposed increase amounts to approximately 20%. The committee felt that the increased fees were warranted, but that increasing them at the same time a new subdivision, Ambleside Estates, is under review, would not be fair to them. City Manager Burns agreed and suggested that the increase be postponed until August, and that any new developments, which are presented to staff during the interim period, be advised that the fees will be increased with a September 1, 2008 effective date.

Council member Tullis also reported that the committee reviewed and suggested changes to the Rowe Arboretum Investment Policy and accepted the changes as submitted. They recommend passage of a resolution to amend the prior investment policy.

“A RESOLUTION AMENDING RESOLUTION NO. 19-00 ESTABLISHING THE INVESTMENT POLICY AND GUIDELINES FOR THE ROWE ARBORETUM FUND AND THE GREEN AREAS ADVISORY FUND” was presented and read.

Upon motion by Council member Tullis, seconded by Council member Mc Lean, the resolution was passed by unanimous voice vote. Mayor Rixey declared Resolution No. 19-08 adopted.

Council member Tullis reported that the Finance Committee briefly reviewed the minutes of the post-audit committee meeting. He reported that the audit came in very clean, with no adjustments. He said there are presently three (3) members on the Audit committee and they are considering adding a fourth, however, he said that his gut feeling is that it is not necessary.

Council member Tullis also reported that City Manager Burns and Mrs. Weber provided the committee with an overview of their proposed health care insurance plans to be offered to employees for the new plan year. It was noted that the proposal recommends a switch from a two tier rate system to a four tier rate system for the new plan year, plus a number of other changes. The Health Insurance renewal cost came in at an increase of 9.9%. With the changes suggested and recommended by staff, the increase has been held to 7.5% which is 2 ½% more than the 5% in the budget.

Council member Tullis said that the Finance committee members expressed the opinion that the staff proposal for health care insurance renewal represents the best solution for the new plan year.

Council member Tullis also reported that the Finance committee reviewed an ordinance that amends Ordinance No. 12-99 regarding the provision of “Free Water” to certain public and semi-public users. Staff would like to include the new Camp Livingston restrooms, the Kugler Mill soccer fields, and Grand Valley to the list of free water accounts. He reported that the Finance committee accepts this recommendation and approves the passage of the ordinance.

“AN ORDINANCE AMENDING ORDINANCE NO. 12-99 PROVIDING FOR THE PROVISION OF MUNICIPAL SERVICES TO MUNICIPAL DEPARTMENTS AND PROPERTIES OWNED AND OPERATED BY THE CITY OF THE VILLAGE OF INDIAN HILL, AND FOR CERTAIN OTHER PUBLIC USES.” Was presented and read for the first reading.

Council member Tullis also reported that the Finance committee had a brief discussion on amending employee work schedules in response to the increasing high fuel costs. However, they felt there were no pressing issues to do this and therefore, the committee members expressed their opinion that offering an alternative schedule might be premature at this point in time.

LAW COMMITTEE REPORT: Council member Rabenold directed council’s attention to a memo entitled “Law Committee Meeting Report” dated June 10, 2008. He explained that the

Law committee met on that day to review and discuss several topics in advance of the council meeting.

Council member Rabenold reported that the Law Committee shared the opinion that it was unnecessary to review the language for the Zoning Text Amendment ordinance at the meeting. He said that the committee recommends a second reading at the council meeting.

“AN ORDINANCE AMENDING THE DFEFINITIONS CONTAINED IN SECTION THREE (3) OF THE INDIAN HILL ZONING ORDINANCE RELATED TO COLUMNS, EARTHEN BERMS, FENCES, GATES, AND WALLS AND AMENDING SECTION 59.8 ENTRYWAYS TO PROPERTY OF THE VILLAGE OF INDIAN HILL ZONING ORDINANCE” was presented and read for the second reading.

Council member Rabenold also reported that the Law Committee briefly discussed the status of the agreement with the construction manager, however, the committee did not have time to review the contract because it was being reviewed by our attorney.

Council member Ottenjohn asked Council member Rabenold if it would be possible for him to obtain a copy of the agreement for his review.

Council member Rabenold also reported that City Manager Burns distributed to the Law Committee a copy of the lawsuit filed by the Village’s attorneys with regard to the water tower liner. However, there was no discussion on this matter.

Council member Rabenold also reported that City Manager Burns distributed copies of the current and proposed payout schedule for code citations. The revisions were suggested by staff following a comparative study of the payout schedules for neighboring communities. City Manager Burns asked the committee members to review the proposed change and provide any feedback they have to him before the Council meeting. City Manager Burns reported to council that there were no other changes proposed.

Council member Rabenold also reported that the Law committee was provided by City Manager Burns an update on the status of the ExteNet distributed antenna system project. City Manager Burns advised the committee that ExteNet claims to have a second wireless provider ready to go on the system in Fiscal Year 2009, but they have not submitted any written confirmation of this commitment. Given the current status, City Manager Burns suggested to the committee that council simply delay any further action on the agreement until September to see what, if anything, ExteNet comes back with before the September council meeting. The committee was in agreement with this short term strategy, but asked City Manager Burns to contact one or two communities who also have agreements with ExteNet to ascertain the status of any installations.

GROUNDS COMMITTEE REPORT: Council member McLean directed council’s attention to a memorandum entitled “Grounds Committee Meeting Report”, dated June 11, 2008. She reported that the Grounds Committee met on that date to review and discuss several topics in advance of the Council meeting.

Council member McLean reported that Mr. McQueen provided a Grand Valley activity report, a copy of which was attached to the meeting minutes.

Council member McLean also reported that Mr. Kipp provided a project status report, a copy of which is also attached to the meeting minutes. She highlighted that Cole + Russell Architects for the Indian Hill Rangers/Administration Building improvements are working on the final plan phase scheduled to be completed by September 3, 2008.

Council member McLean also reported that the Village is working on a contract with Dugan & Meyers Construction Co. to provide "value engineering" and detailed cost estimates during the final plan stage.

Council member McLean reported that KZF Design, Inc. has completed the plans for the pedestrian bridge and Bentley Koepke Landscape Architects are working on the plans for work in conjunction with the grading and seeding on the west portion of the preserve facility. Construction work will be bid in July 2008 and completed in early October 2008. Estimated cost of design, construction and miscellaneous work is \$350,000.

Council member McLean explained that the Village will also be renovating the existing metal storage building. She also reported that a Grand Valley Committee meeting was held June 9.

Council member McLean also reported that Village staff is working with Design Point Architects, in preparing a 16 x 32' Range Controller Shelter at the Indian Hill Gun Club. Construction and miscellaneous work is expected to cost \$60,000.

Council member McLean directed council's attention to the summary of Grand Valley project updates, dated June 2008. This summary listed completed projects and proposed projects.

Council member McLean reported that Mr. Davis provided a departmental activity report for the building and grounds committee. A copy of the report was attached to the meeting minutes. She said that the report summarized annual work on buildings & grounds, green areas, park maintenance, and recreational fields.

Mr. Davis also advised that a large maple tree at the Bonnell house was in bad shape and he planned to have it removed before it became a safety hazard. The committee expressed no objection to the removal.

Council member McLean also reported that City Manager Burns advised the grounds committee that he has been talking with the Recreation commissioner, Jack Alley, about making sure the appointments of all the Recreation Commission members are up to date, and approved by Council. City Manager Burns hoped to have a resolution for Council action, but for a number of reasons there are a few details to work out with the Recreation Commission. City Manager Burns thinks now that a September action will be appropriate. The committee agreed with the delay to September.

Council member Ottenjohn expressed to council that he would like to see additional parking added to the Camp Dennison fields. He is making the request because of safety concerns for the people who are attending the fields and are parking on St. Rt. 126; this presents a safety hazard.

City Manager Burns said that there have been several unusual scheduling issues on several weekends for the fields.

Council member Rabenold said this issue has been considered by the Recreation Commission and they are trying to make sure that the games scheduled at the fields take this into consideration.

Council member Ottenjohn suggested permeable concrete pavers could be installed for parking overflow situations.

Mayor Rixey said that he thinks this issue is very worth while to review again.

City Manager Burns said that staff would look into this matter.

WATER WORKS REPORT: City Manager Burns directed council's attention to a memo entitled "Water Works Committee Meeting Report" dated June 11, 2008. He reported that the Water Works committee met on June 11 to review and discuss several topics in advance of the council meeting.

City Manager Burns reported that Mr. Davis provided a Water Works departmental activity report; a copy of which was attached to the minutes.

City Manager Burns highlighted that the softener replacement project is on schedule and progressing nicely. Tentative start-up for the new softeners is scheduled for Tuesday June 17.

City Manager Burns also reported that the generator was removed and shipped out on May 23. He said that right now there is no firm price for the repair, but he expects to hear from the manufacturer soon. Turn around time could be as soon as early July.

City Manager Burns reported that the largest part of the meeting was discussions with Mrs. Coffey and Messers. Grafe and Faxon who were in attendance representing Integrys. They presented information regarding the gas endorsement program savings to date and a timeline and informational sheet on who is responsible for starting up an opt-out program, which could begin as early as March of 2009. The committee also reviewed an ordinance intended to submit the opt-out to the electorate at the November 2008 general election. After discussion, the Water Works committee agreed that it would be appropriate to submit the authorization for such a program to the citizens.

City Manager Burns explained to council that an opt-out program gives Integrys more buying power vs. an opt-in program

**“AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY
TO EFFECT A NATURAL GAS AGGREGATION PROGRAM**

WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE HAMILTON COUNTY BOARD OF ELECTION TO SUBMIT A BALLOT QUESTION TO THE ELECTORS AND DECLARING AN EMERGENCY” was presented and read

Upon motion by Council member Tullis, seconded by Council member Beech, the rules were suspended by unanimous roll call vote. 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. 11-08 enacted.

PUBLIC WORKS REPORT: Mayor Rixey directed council’s attention to a memo entitled “Public Works Committee Meeting Report”, dated June 12, 2008. He reported that the Public Works committee met on that day to review and discuss several topics in advance of the Council meeting.

Mayor Rixey said that Mr. Kipp provided a project status report and reported that the Blome Road bridge painting will be pushed back from this summer to September 2008. The work will require the closing of Blome Road to thru traffic. The work will take approximately 4 weeks at an estimated cost of \$80,000.

Mayor Rixey also reported that the estimated cost for the 2008 road resurfacing project is expected to be approximately \$560,000.

City Manager Burns advised council that the cost should increase by as much as 15% to 20% as a result of the increase in oil prices.

Mayor Rixey also reported that five (5) bridge decks will be resurfaced with the help of the Hamilton County Municipal Road Fund (MRF), estimated cost is \$55,000.

Mayor Rixey also reported that HPA Development Group has submitted a Concept Plan for an 11 lot subdivision along Blome and Keller Roads known as the Ambleside Estate Sub Division, known as the (Schott property). An independent traffic study indicates there will be no negative impact on the existing roadways.

Mayor Rixey reported that KZF Design, Inc. has submitted a preliminary roundabout design for review comments for the Drake Road/Shawnee Run Road roundabout. The preliminary plan is being reviewed by the different utility companies for their comments.

Mayor Rixey also reported that Mr. Davis provided a departmental activity report which summarizes the activities of the department. He did highlight that the Village suffered significant damage as the result of the June 4 storm, the estimated cost associated with the storm damage totaled \$7,130.

Mayor Rixey also reported that Mr. Davis and Mr. Kipp advised that a large culvert located in Camargo Road near the intersection with Kugler Mill Road has deteriorated causing sink holes in the roadway and has created an unsafe condition for motorists. They have prepared a cost estimate for repairing the culvert by inserting a slightly smaller culvert and grouting it in

place. The estimated cost is \$112,000. Staff feels that it is imperative to complete this repair as soon as possible, and they asked the committee to introduce a motion for Council authorization to waive the normal bidding process and direct the City Manager to secure a minimum of three competitive bids for the completion of the work. The committee was in agreement with this recommendation.

Mayor Rixey made a motion that City Manager Burns be approved to secure a minimum of three competitive bids for the completion of the culvert repair. The motion was seconded by Council member McLean and was carried by unanimous voice vote. The funds for the repair are scheduled to be charged to the landslide contingent account.

Mayor Rixey reported that City Manager Burns advised the Public Works committee that he recently received a letter from Fran Barrett, representing the Greenacres Foundation and Nippert Trust, expressing concerns about a safety issue and erosion problems related to the large culvert under State Route 126. These concerns were first addressed by Mr. Barrett to ODOT, but then referred from ODOT to the Village. City Manager Burns discussed the jurisdictional issues with ODOT representatives, and they subsequently agreed to address the safety concern by installing a safety rail or fence on the top of the culvert headwalls. The erosion issue will be examined by ODOT to determine if remedial action is necessary.

SAFETY COMMITTEE REPORT: Council member Beech directed council's attention to a memo entitled "Safety Committee Meeting Report" dated June 10, 2008. He reported that the Safety Committee met on that date to review and discuss several topics in advance of the Council meeting.

Council member Beech said that Chief Ashbrock provided the normal Fire and EMS activity reports which is attached to the meeting minutes. He noted that the department was extremely busy with storm related runs last Wednesday.

Council member Beech also reported that Chief Ashbrock distributed to the committee members, copies of several spreadsheets related to a current proposal to increase Basic Life Support (BLS) EMS run charges from \$300 to \$400 per run, and add a per mile surcharge for all runs which is based on the distance to a specific hospital.

Council member Beech pointed out that on the spreadsheet entitled "BLS Run" included with the packet, shows an incremental bottom line cost of \$243.26 per run. None of the overhead costs for Administration and facilities was included in this cost. He said that it would be safe to say that the fully loaded cost would be well in excess of the \$400.00 charge per run.

Council member Beech also pointed out that on the enclosed schedule entitled "Projected Revenue Mileage" shows that projected revenue from Madeira at \$11.00 per mile run would have been \$18,175. and for Indian Hill runs \$10,925. He also said that our provider is recommending that these charges be made. Madeira has already indicated their support for both the BLS and mileage charges.

Council member Beech made a motion that council indicate its support for the increase of the charge for BLS, EMS runs to increase from \$300.00 to \$400.00 and the adoption of a mileage charge of \$11.00 per mile; effective as soon as the provider can put it in place.

Council member Beech pointed out that there is no charge to the Village residents; if their insurance does not pay, the resident will not be charged. The motion was seconded by Council member Tullis and the motion was passed by unanimous voice vote.

Council member Beech reported that City Manager Burns thanked Chief Ashbrock for the Fire District's cooperation in scheduling CPR training sessions for Village employees. The committee members asked whether the department did any group training for residents. Chief Ashbrock said that they did but in a limited fashion, with little or no advertisement. After discussion, Chief Ashbrock indicated that the department would provide more public information on the availability of such training.

Council member Beech reported that Chief Schlie provided a policy activity report for the month of May, which is attached to the minutes. He said that there was nothing particular to report. He also reported that the graduation ceremonies went well at both schools and there were no complaints received in connection with the second round of private fireworks on June 6. Code Red was used to notify residents of the second fireworks show.

Council member Beech also reported that Chief Schlie said that there have been quite a few soliciting complaints over the last few weeks. He especially noted that one recent complaint involves a magazine subscription scam where the residents are pressured to buy subscriptions which are then rarely fulfilled. The committee asked that Council members be updated on the procedures for residents posting their property for "Non Soliciting" and/or "No Trespassing."

Council member Beech also reported that City manager Burns advised the committee that the open house on the building addition plans was not well attended, but the two (2) residents who did attend indicated that they liked the plans as presently proposed.

Council member Beech also reported that Mayor Rixey informed the committee that he received a number of calls from residents after the June 4 storm who complained about the fact that Village crews are unable to clear trees from blocked roadways until Duke Energy responds to clear any downed electric lines. He said that Mayor Rixey wondered if the Village might be able to make arrangements with an electrician to determine whether the wires were dead, and the trees could be removed by the Village in a more expeditious fashion. Since this meeting, City Manager Burns spoke with Duke Energy following the meeting and they stated that OSHA regulations would not permit the Village to engage a private contractor to complete this task.

Council member Beech also reported that City Manager Burns advised the committee that Chief Ashbrock and Ranger Captain John Cresie have been looking at dates for doing a session with Council on the Emergency operations Plan. They have identified August as a good month to schedule such a session.

PLANNING COMMISSION REPORT: Council member Ottenjohn directed council's attention to a memo entitled "Planning Commission Report", dated May 20, 2008. He reported that the commission met on that date.

The commission was presented with a preview of the Preliminary Plan for the proposed Ranger/Administration Building Improvement Project. No formal action was taken.

He said that at the next meeting, June 24, there are two items on the agenda.

The first item to be considered will be a formal review of the Ranger/Administration Building improvement Project as provided under the continuing jurisdiction of the Planning Commission over a special exception use.

The second item to be considered will be the conceptual plan review of the Ambleside Estates Subdivision (A proposed 10-11 lot subdivision of the former Schott property)

CITY MANAGER'S REPORT: City Manager Burns, reported the following in his City Manager's report. He requested Council members to notify Joyce if they are going to participate in the July 4 parade.

City Manager Burns said that he received the building cost estimates from the construction manager and they are very close to what he expected which includes the architectural fees and the furniture at a total cost of approximately \$5,000,000.

City Manager Burns said that he will schedule a Safety committee meeting to include all council members within the next two weeks so there can be a discussion before the summer and the program can proceed. He said he would like feedback from Council on the cost, etc. before the project is moved forward.

Mayor Rixey moved that Council move to executive session to discuss a matter of litigation. The motion was seconded by council member Ottenjohn and was carried by unanimous roll call vote. Council moved to executive session. Council returned from 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