

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
August 24, 2009**

A meeting of the Indian Hill Village Council was held on August 24, 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. Susan K. Holzapfel, Council member
 Mr. Keith M. Rabenold, Council member
 Mr. Mark E. Tullis, Council member
 Mr. Michael W. Burns, City Manager
 Mr. Don Crain, Solicitor
 Mr. Paul C. Riordan, Clerk/Comptroller

Officials absent: Mrs. Lindsay B. McLean, Council member

Visitors present: Rob Dowdy, Indian Hill Journal
 Dan Feigelson 5025 Miami Road
 Doug Feigelson 5025 Miami Road

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

MINUTES: The Minutes of the regular meeting of June 15, 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 the June 2009 and the July 2009 Financial Statements and a memo entitled "Finance Committee Meeting Report" dated August 21, 2009, which had previously been distributed to each Council member. He explained that the Finance Committee met on August 20 to review and discuss several topics in advance of the Council meeting.

Council member Tullis reviewed the June and July Financial Statements concurrently. He said that the income tax revenue projected for the year totals \$6.2 million which will be approximately \$1.1 million below budget. The total expected inheritance tax receipts from known estates filed for the year is projected to be \$2.4 million for the year which would be an overage of \$400,000 vs. budget.

Council member Tullis also reviewed the notes to the financial statements which explain variances from budgets which were typically caused by timing differences in expenditures this year vs. last year.

Council member Tullis also directed Council's attention to the "Capital Improvement Reserve Fund. He highlighted that in June, \$67,000 was expended for real estate taxes which was an unexpected expenditure resulting from a change in the collection policy of Hamilton County. This amount will be refunded from Hamilton County either later in the year or early next year. He also highlighted that \$665,000 had been expended on the Administration/Ranger building remodeling.

Council member Tullis also explained that the expenditures on the Ranger/Administration building would not be charged to the CIRF Fund starting in July when the expenditures would be charged to the 2009 Administration Building Bond Fund.

The financial packets for both June and July included summaries of the 2009 Water Works Bond Funds and the 2009 Administration Building Bond Fund. The statement for July showed that disbursements totaling \$455,000 had been charged to the building construction bond fund for the Administration/Ranger building remodeling. This fund has a balance of \$1,538,000 at the end of July.

Council member Tullis also pointed out that the Water Works revenues in the Water Works fund were down slightly from the prior year as a result of the wetter weather and less water being used. He also pointed out that the other receipts for June included a \$60,000 settlement/reimbursement from UCL and Sherman Williams for the failed Water Tower liner. Council member Tullis also reviewed the notes to the WaterWorks fund financial statements which explained variances in expenditures.

Council member Tullis highlighted in the Statement of Cash & Investments and Fund Balances that the substantial increase in fund balance is primarily caused by the \$6,000,000 bond proceeds received in June.

Council member Tullis also reviewed the Green Areas and Recreational Fund financial statements and the Rowe Arboretum financial statements for both June and July. There were no significant transactions in either fund during the month and both funds had significantly increased in market value over the last several months. He also explained that the dividends and interest earnings in the Rowe Arboretum Fund are on track to meet the goal of approximately \$80,000 for the year.

There being no exceptions noted, the financial statements were accepted as issued.

Council member Tullis also reported that the Finance Committee reviewed copies of a draft resolution authorizing the Mayor to seek requests for proposals and enter into a 5 year agreement for the completion of annual audits thru the end of 2013. A new audit agreement is needed because the 5 year agreement with Clark, Schaefer and Hackett has expired. Mayor Rixey said that by Ohio law, agreement cannot be made with Clark, Schaefer, and Hackett to continue on as auditors.

Council member Tullis said that the Finance Committee recommends passage of the resolution.

“A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A THREE PARTY CONTRACT WITH THE AUDITOR OF STATE AND THE INDEPENDENT PUBLIC ACCOUNTANTS SELECTED FROM THE REQUEST FOR PROPOSAL FOR THE PURPOSE OF AUDITING THE FINANCIAL RECORDS OF THE VILLAGE OF INDIAN HILL”
was presented and read.

Upon motion by Council member Tullis, seconded by Council member Ottenjohn the resolution was passed by unanimous voice vote. Mayor Rixey declared Resolution No. 13-09 adopted.

Council member Tullis also reported that City Manager Burns distributed an email and a PowerPoint presentation at the meeting describing features of the Center for Local Government Benefits pool (GCLBP) healthcare self insured pool, including information on the stop loss coverage. The GCLBP covers the first \$75,000 in claims per participant, and then the next \$425,000 is covered by the parent OME-RESA Trust Pool. Any claims in excess of \$500,000 are covered by a Sun Life Stop Loss insurance policy. All the stop loss coverage is computed into the monthly premiums and would be a factor for consideration during annual renewals. The committee members felt that this explained the stop loss situation, but they asked staff to examine how any claims that might come in after the Village might leave the pool would be handled. For instance is there an extended reporting period? Staff will report back with this information at the next committee meeting.

Council member Tullis reported that City Manager Burns advised the Finance Committee that staff has been approached by Mr. Dick Lindner regarding a service offered by Northwestern Mutual related to healthcare insurance plans and broker representation. The company is interested in working with the Village on healthcare insurance coverage and examining ways to reduce premiums by encouraging employees to either use spousal coverage or seek coverage under available federal programs, if applicable. The company presented information that indicated they have saved money for other private and public sector employers. The proposal offers two options for engaging Northwestern Mutual, and both require that the Village replace our existing broker with northwestern Mutual. City Manager Burns noted that the Village is locked into the CLGBP for the next three years, and our current broker is the exclusive broker for the pool. He also pointed out that the Village already focuses a lot of energy on encouraging employees to opt out of our program if a spousal program is more to their benefit. He expressed concerns about how the recent Congressional discussions on alternative health plans might affect any employee interest in opting for current federal programs. With this in mind, he indicated his preference for delaying any discussions with northwestern Mutual until next spring, and then only considering some arrangement that does not include exclusive broker designation. The Finance committee agreed with this preference. City Manager Burns will advise the Northwestern Mutual representatives.

Council member Tullis also reported that City Manager Burns discussed the Council furniture options with the committee members. City Manager indicated that he would like to

include the purchase of approximately \$16,000 in furniture in the 2009 budget, and then fund the remaining \$10,000 in the 2010 budget. The committee was acceptable to this recommendation.

Council member Tullis also reported that City Manager Burns described the corrosion problems that the Village is experiencing with the above ground fuel tanks at Public Works and his recommendation that the tanks be replaced via a \$20,500 emergency expenditure from the CIRF. The subject was also reviewed by the Public Works committee. The Finance committee concurred with the plan to replace the tanks on an emergency basis.

Council member Tullis made a request that the City Manager be authorized to expend \$20,500 to replace the fuel tanks at the Public Works. The motion was seconded by Council member Ottenjohn and was approved by unanimous voice vote.

Council member Tullis also reported that the committee reviewed the 2010 budget review schedule and noted that the Village committees will be meeting individually during the week of September 7. The Finance committee will then review the Administration budget requests and receive the summary budget information for all departments.

LAW COMMITTEE REPORT: Council member Rabenold directed Council's attention to a memo entitled "Law Committee Meeting Report" dated August 21, 2009. He reported that the Law committee met on August 14 to review and discuss several topics in advance of the Council meeting.

Council member Rabenold explained that Mr. Phillips provided the committee with an update on the Martin Marietta hearing process in Anderson Township. Rebuttal testimony by Martin Marietta expert witnesses continues to be considered by the ATBZA. This testimony is expected to continue through the August 19, 2009 hearing. It now appears that a decision on the applications will not be rendered until September or October of this year.

Council member Rabenold also reported that City Manager Burns distributed copies of the revised lease agreement with the Ohio Department of Natural Resources for the lease of the Miamiville Scenic Areas adjacent to Grand Valley Preserve. The most recent revisions incorporate all of the language suggested by Mr. Crain, including a provision that the Village can opt out of the agreement with 180 days notice to ODNR. The authorizing ordinance and agreement will be presented for Council approval under the Grounds committee report.

Council member Rabenold also reported that City Manager Burns advised Council that he has worked out some minor language issues involving the easement agreement with the property owner who has been encroaching on a Green Areas tract adjacent to her property on Beech Street in Columbia Township. The insurance requirements have now been satisfied, and the agreement is now in her hands for signature. Once she signs he will execute the agreement on behalf of the Village. The Law committee was acceptable to the minor language change. A final version of the easement is attached to the Law committee meeting report.

GROUND'S COMMITTEE REPORT: City Manager Burns directed Council's attention to a memo entitled "Grounds Committee Meeting Report", dated August 21, 2009. He

reported that the Grounds committee met on August 19 to review and discuss several topics in advance of the Council meeting.

City Manager Burns reported that Mr. McQueen provided a Grand Valley activity report, a copy of which was attached to the minutes. He highlighted that the Village will not allow surf board riding with a paddle on the lake.

City Manager Burns also reported that Mr. Kipp provided a Project Management Update, a copy of which was attached to the committee meeting minutes. He explained that the Council members had viewed the renovated facilities prior to the council meeting. City Manager Burns said that the remodeling should be completed by the end of the year.

Mr. Kipp also reported in his report that the chemical feed building tanks, pumps, and other related components have been completed (except for minor "final items").

City Manager Burns reported that Mr. Davis provided the Grounds committee with a departmental activity report, a copy of which was attached to the minutes. He highlighted that the department has been very active during the summer months.

City Manager Burns also reported that at the Grounds committee meeting he had distributed copies of the revised lease agreement with the Ohio Department of Natural Resources for the lease of the Miami Valley Scenic Areas adjacent to Grand Valley Preserve. The Grounds committee concurred with the acceptance of the lease and recommends emergency passage of an ordinance authorizing City Manager to sign the agreement with ODNR.

"AN ORDINANCE AUTHORIZING THE MANAGER TO ENTER INTO A LEASE AGREEMENT LEASING THE MIAMIVILLE SCENIC RIVER AREAS FROM THE STATE OF OHIO, DEPARTMENT OF NATURAL RESOURCES 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 Tullis the ordinance was passed by unanimous roll call vote. Mayor Rixey declared Ordinance No. 14-09 enacted.

City Manager Burns also reported that he has worked out some minor language issues involving the easement agreement with a property owner who has been encroaching on a Green Areas tract adjacent to her property on Beech Street in Columbia Township. He said that once she signs, he will execute the agreement on behalf of the Village. The Law committee was also acceptable to the minor language change.

City Manager Burns said that he also provided the Grounds committee members with some Council furniture information and asked for input on the types and styles of chairs and the proposed Council table. The members agreed on several selections, and City Manager Burns will arrange for some sample chairs to be delivered for further review. He said that the Committee members also reviewed the 2010 budget schedule.

WATER WORKS REPORT: Council member Holzapfel directed Council's attention to a memo entitled "Water Works Committee Meeting Report" dated August 21, 2009. She reported that the Water Works committee met on August 19, 2009 to review and discuss several topics in advance of the Council meeting.

Council member Holzapfel reported that Mr. Kipp provided a brief report on the Chemical Feed Building completion as part of the Grounds committee report.

Council member Holzapfel explained that Messrs. Davis and Adkins provided a report on departmental activity and the water main replacement project, a copy of which was attached to the committee meeting minutes.

Council member Holzapfel also highlighted that the Village standby water service agreement with Greater Cincinnati Water Works (GCWW) is coming to an end this year. To secure a new water service agreement with GCWW a meeting was held to review a draft copy and revise a long term service agreement. This new agreement would extend the retail water service with GCWW up to December 31, 2047.

Council member Holzapfel also highlighted that over the last six months staff has been meeting with Symmes Township, Loveland Symmes Fire Department, and Hamilton County to discuss fire flows in Camp Dennison. After hearing some of the concerns from the group, Symmes Township was permitted to use the Villages 2008 water model to help determine if any system improvements were needed in the area. The Water Works subsequently received a letter requesting consideration to share in the cost of a \$126,000 water system improvement in Camp Dennison. Symmes Township believes that they can secure a grant for \$50,000 and would like the Village to split the remaining \$76,000 with them. After assessing the data collected from the water model, it was discovered that Camp Dennison currently does not have any fire hydrants under the Indian Hill Water Works minimum standard of 500 gallons per minute. It was also noted that any system improvements are the responsibility of either Hamilton County or Symmes Township, not the Village of Indian Hill. Staff sent a response to Symmes Township advising them that the Village will not assume any financial responsibility for the proposed improvements.

Council member Holzapfel reported that City Manager Burns distributed to each Committee member a draft copy of a renewal contract with Greater Cincinnati Water Works for the supply of emergency standby water. Mr. Crain has suggested several minor changes to the agreement, and the Law committee will also review it next month. She reported that City Manager Burns commented on a recent Indian Hill Journal article indicating that Symmes Township wanted the Water Works to fund a portion of the costs associated with improving water mains in Camp Dennison. The Township Administrator also sent a letter to Mr. Davis on this subject. City Manager Burns indicated that other communities utilizing Indian Hill water are required to fund any capital improvements at 100%. Mr. Davis is replying to the Symmes Township request indicating that the Village supports the improvements, but the financial burden will fall on the Township. She reported that the committee also reviewed the 2010 review schedule.

PUBLIC WORKS REPORT: Mayor Rixey directed Council's attention to a memo entitled "Public Works Committee Meeting Report" dated August 21, 2009. He reported that the Public Works committee met on August 18, 2009, to review and discuss several topics in advance of the Council meeting.

Mayor Rixey reported that Mr. Davis provided a report describing some of the activities that the department was focused on during the summer months. A copy of the report was attached to the committee meeting minutes. The report reflects typical departmental work for the summer months.

Mayor Rixey also reported that Mr. Kipp provided a project activity report that primarily focused on the projects that were not completed in 2009 and have also been deferred for 2010. A copy of this report was attached to the committee minutes.

Mayor Rixey also reported that the committee reviewed the situation with corrosion on the above ground fuel storage tanks which had previously been discussed in the Council meeting. He said that the committee was agreeable with the plan of expending \$20,500 to replace the tanks.

Mayor Rixey also reported that the committee reviewed the 2010 budget review schedule.

SAFETY COMMITTEE REPORT: Council member Beech directed Council's attention to a memo entitled "Safety Committee Meeting Report" dated August 21 2009. He reported that the Safety committee met on August 18, 2009 to review and discuss several topics in advance of the Council meeting.

Council member Beech reported that Chief Ashbrock provided a normal activity report for Fire and EMS for the month of July. A copy of the report was attached to the Safety committee meeting minutes.

Council member Beech also reported that City Manager Burns provided the committee with an update on preliminary discussions with Madeira on the renewal of the joint Fire District Agreement. City Manager Burns will be working with Chief Ashbrock and Madeira City Manager Tom Moeller to finalize a renewal agreement over the next couple of months. Chief Ashbrock distributed to the committee members copies of EMS reimbursement payments to both cities for the preceding 12 month period. A copy of the schedules was attached to the meeting minutes.

Council member Beech highlighted that the reimbursements for Madeira of \$127,000 are considerably higher than the reimbursements of \$51,000 for the Village. This is reflective of the fact that there are many more EMS runs in Madeira than in Indian Hill.

Council member Beech also reported that Chief Ashbrock advised the committee that the replacement aerial truck has been received by the Fire District. There are still some discussions going on with Madeira on whether they will pass a resolution accepting the financing plan or just

letting it proceed without Council action. Since the truck is in and the financing in place, it does not appear necessary to pass such a resolution at this time. Chief Ashbrock also distributed copies of the district's capital equipment replacement schedule for review by the Safety committee, a copy of which was attached to the Safety committee meeting report.

Council member Beech reported that Colonel Schlie provided an activity report for the Rangers and focused on several key activities for the past month. A copy of the report was attached to the Safety committee meeting report minutes.

Council member Beech also reported that City Manager Burns provided an update on the building project for the committees review. The Police side should be occupied during the week of August 31. The full project is scheduled to be completed by December 15.

Council member Beech reported that the committee reviewed the budget review schedule for 2010.

PLANNING COMMISSION REPORT: Vice Mayor Ottenjohn directed Council's attention to a report entitled Planning Commission Report dated June 30, 2009.

Vice Mayor Ottenjohn reported that the Planning Commission met on June 16 to consider the request from Armstrong Chapel United Methodist Church at 5125 Drake Road to the Planning Commission for approval to permit the construction of a building addition to the existing church with site improvements. Armstrong Church operates as an approved special exception under the continuing jurisdiction of the Planning Commission.

Vice Mayor Ottenjohn reported that the Planning Commission decided to continue the hearing in an effort to give the adjacent property owners and church officials more time to address the neighbors concerns.

Vice Mayor Ottenjohn explained that the continuation of the June 16 meeting was held on June 30, 2009. The commission heard testimony from both the Armstrong Church and adjacent property owners. After hearing lengthy testimony from both sides the commission approved the special exception request with a preamble and conditions.

Vice Mayor Ottenjohn highlighted that it is the opinion of the current Indian Hill Planning Commission that the acceptance of their plan maximizes the utilization of the site and that future Indian Hill Planning Commissions should take the position into consideration in any future requests to be submitted by Armstrong Church. The conditions are detailed in the Planning Commission report.

Council member Ottenjohn also directed Council's attention to a report entitled "Planning Commission Report" dated August 18, 2009.

Council member Ottenjohn reported that the Planning Commission met on August 18 to consider a request from Mr. Steven Waxler at 8200 Indian Hill Road to the Planning Commission for consideration for a variance to install a wooden board fence that exceeds the 4ft height limit and is less than the 40% open construction requirement. He reported that Mr. Waxler has requested approval to construct a 6ft. high wooden privacy fence extending 330ft along his

east property line. The fence would be an extension of Mr. Waxler's neighbor's property privacy fence that is also located along the east property line. Mr. Waxler stated to the Planning Commission that the proposed fence would shield his property from the church parking lot and noise which can be disruptive at times to their home. It was also mentioned that the proposed fence would screen the sweeping of headlights, the church playground, parking lot, dumpster, and reduce litter from the church onto their property.

Vice Mayor Ottenjohn reported that the Planning Commission found that this is an unusual situation where a residential property is adjacent to a place of worship, creating an exceptional practical difficulty, adding an uncustomary amount of traffic and noise that a normal residence would not have. The Commission also noted the future increase in size and activities of the church may also support the need for the fence. Furthermore, the legal non-conforming lot area of the Armstrong Church also contributed the need for privacy.

Vice Mayor Ottenjohn reported that Commission approved the variance with the condition that the proposed fence does not encroach into the one hundred foot (100') required front yard setback.

CTY MANAGER'S REPORT: City Manager Burns reported in his Manager's report that Village staff will be moving to temporary quarters in the Ranger's part of the building during the construction on the Administration part of the building. An article will be placed in the Bulletin explaining to the residents on how to contact Village personnel. The temporary office situation will last approximately 5 to 6 months

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

Respectfully submitted,

Eppa Rixey IV, Mayor

ATTEST:

Michael W. Burns, Pro-Tem Clerk