

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
August 25, 2008**

A meeting of the Indian Hill Village Council was held on August 25, 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.	Susan K. Holzapfel, 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: Don Crain

Visitors present:

Mark Whitman	6580 Drywood Lane (45243)
Michael Whitman	6580 Drywood Lane (45243)
Bradford Mckee	7825 Annesdale Dr. (45243)

MINUTES: The Minutes of the regular meeting of June 16, 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 directed Council's attention to a memo entitled "Finance Committee Meeting Report" dated August 22, 2008. He reported that the Finance committee met on August 21 to review and discuss several matters in advance of the Council meeting.

Council member Tullis reported that the first item reviewed was the financial statements for June and July. He reported that the income tax collected year to date amounts to \$7,819,000 which means an additional \$406,000 would have to be collected by the end of the year to meet the forecasted amount. He said that staff believes that the final income tax receipts should approximate the forecast. He explained that his concern is for the income tax receipts for 2009 considering the state of the economy.

Council member Tullis also reported that the total inheritance tax receipts which are known to be received and receivable, amount to \$930,000. This is approximately half of the projected inheritance tax revenues for the year.

Council member Tullis also said that the expenditures for the months of June and July were normal for this time of year. He also reported that the Statement of Cash and Investments and Fund Balances reflects total assets and fund balances of \$21,048,000. He directed Council's attention to the investments shown on this statement which show that Star Ohio has \$10,179,000

of the total investments.

Council member Tullis explained that staff was slightly concerned that one third of Star Ohio investments are Fannie Mae and Freddy Mac Bonds. He said staff believed it would be prudent to reallocate these investments to US Bank under the management of Bartlett and have the monies invested into other types of US Government securities. Therefore, \$6,250,000 was transferred from Star Ohio to US Bank under Bartlett's management. The Finance committee agreed with this transfer.

Council member Tullis directed Council's attention to the summary included in the Council packet that listed the government securities purchased by Bartlett for the Village of Indian Hill. These investments are all government bonds and they are laddered to come due over the next six months, in order to fund Cash Disbursements.

Council member Tullis directed Council's attention to the Rowe Arboretum Fund Financial statement. He highlighted that the market value of \$2,061,000 on July 31 is approximately \$150,000 below the amount at the beginning of the year. This is a result of the current downturn in the stock market. However, the current dividend yield is still about \$95,000 for the year.

Council member Tullis also reported that the Market Value of the Green Areas and Recreational Fund was approximately \$1,056,000, which is approximately \$125,000 less than it was at the beginning of the year. These investments are in the Vanguard Index Fund, which is a stock index fund.

“AN ORDINANCE AMENDING ORDINANCE 01-08 AND MAKING APPROPRIATIONS FOR THE EXPENSES OF THE VILLAGE OF INIDAN HILL FOR THE FISCAL YEAR 2008, AND DECLARING AN EMERGENCY” was presented and read.

Council member Tullis explained that it is in the best interest for the Village of Indian Hill to appropriate funds for the following purposes:

- Purchasing fuel for Village departments and paying sales tax for Gun Club sales
- Purchasing road salt and increasing snow removal wages
- Appropriating funds for construction manager
- Geothermal wells for the Administration building remodeling
- Painting of the Blome Road bridge
- Appropriating funds for the construction of a chemical feed building
- Appropriating funds for fuel, electric and sewer reimbursements for Indian Hill Water Works
- Appropriate funds for the loss on sale of investments for the Rowe Arboretum fund

This ordinance increases appropriations so that no fund expenditures are in excess of appropriation totals.

Council member Tullis explained that of the \$131,000 increase in the General Fund Appropriations, \$64,000 is for purchases of salt. It is determined that by purchasing salt this year, the Village could save approximately \$20,000 because of increasing prices. The increase in appropriations also covers \$46,000 in increase in fuel costs. He explained that \$300,000 of the additional appropriations for the Capital Improvement Reserve fund is to fund the additional costs for the Administration building remodeling.

Council member Tullis also explained that it is necessary to appropriate \$74,000 for the Bond Construction fund; otherwise, the Village will run into certain technical legal issues under the Bond agreement.

Council member Tullis also reported that the Rowe Arboretum Fund Appropriations have to be increased to cover the loss on sales of investments, even though no cash is expensed

Upon motion by Council member Tullis, seconded by Council member McLean, the rules were suspended by unanimous roll call vote. Upon motion by Council member Tullis, seconded by Council member Ottenjohn, the ordinance was passed by unanimous roll call vote. Mayor Rixey declared Ordinance No. 12-08 enacted.

“A RESOLUTION AUTHORIZING THE MANAGER TO ENTER INTO A CONTRACT WITH THE HAMILTON COUNTY GENERAL HEALTH DISTRICT FOR PUBLIC HEALTH SERVICES DURING 2009” was presented and read.

The amount of this agreement is \$39,662 which is 2.5% higher than last year. The Finance committee felt that this was acceptable.

Upon motion by Council member Tullis, seconded by Council member Holzapfel, the resolution was passed by unanimous voice vote. Mayor Rixey declared Resolution No. 11-08 adopted.

LAW COMMITTEE REPORT: Council member Rabenold directed council’s attention to a memo entitled “Law Committee Meeting Report” dated August 19, 2008. He reported that the Law committee met on this date to review and discuss several topics in advance of the Council meeting.

Council member Rabenold reported that the first item considered was the zoning text amendment ordinance which is set for a third reading and passage at the Council meeting. He explained that the Law committee recommends passage of the ordinance.

“AN ORDINANCE AMENDING THE DEFINITIONS CONTAINED IN SECTION 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.

Upon motion by Council member Rabenold, seconded by Council member Beech, the ordinance was passed by unanimous roll call vote. Mayor Rixey declared Ordinance No.13-08 enacted.

The second item considered by the Law committee was an update provided by City Manager Burns on the status of the ExteNet distributed antenna system project.

City Manager Burns explained to council that he checked four references for ExteNet since the Law Committee meeting and he found one that said that they did a pretty good job when they were Clearlinks. One said that they did not know why they were used for a reference because ExteNet never built the system. City Manager Burns said that he is not feeling good about ExteNet at this stage.

City Manager Burns said that he will discuss with the Law committee a different provider other than ExteNet. City Manager Burns also said that ExteNet has missed their performance requirements under the agreement.

City Manager Burns said that he and Mr. Crain will draft a letter of termination with ExteNet.

Council member Rabenold also said that the Law committee reviewed information related to a final settlement on the Walton Creek encroachment matter. City Manager Burns explained to Council that a final agreement has not yet been received from the counsel for the property owner.

Council member Rabenold also reported that the Law Committee reviewed an email complaint about loud music emanating from a residence off Cunningham Road. The complainant wants the Village to consider more stringent noise regulations in order to eliminate the loud music and preserve their privacy. City Manager Burns noted to the committee that there have been several complaints of this nature about the offending property during the last year, but the property owner has generally complied with the Rangers request for the sound of the music to be lowered and shut off by 11 p.m. City Manager Burns is of the opinion that the adoption of a regulation that would greatly curtail or eliminate the occasional music would adversely impact many private parties at residences in the Village. He feels that the Rangers can manage this issue on a case by case basis without additional legislative limitations. Council member Rabenold said that the committee agreed with this perspective, and City Manager Burns would advise the complainant.

Council member Rabenold also reported that the Law Committee reviewed the names of several potential replacement Planning Commission candidates and asked City Manager Burns to contact the candidates in order of preference to see whether any would be willing to serve. Subsequent to the meeting, City Manager Burns confirmed that Abbot Thayer indicated he would be willing to serve on the Commission. City Manager Burns also prepared a resolution of appreciation to Mr. Reynolds for his service on the Planning Commission.

“A RESOLUTION APPOINTING ABBOT A. THAYER A MEMBER OF THE PLANNING COMMISSION” was presented and read.

This resolution appoints Abbot A. Thayer to a position on the Planning Commission to fill the unexpired eight (8) year term effective September 1, 2008.

Upon motion by Council member Rabenold, seconded by Council member McLain, the resolution was passed by unanimous voice vote. Mayor Rixey declared Resolution No. 12-08 adopted.

“A RESOLUTION OF APPRECIATION TO CHARLES E. REYNOLDS FOR HIS SERVICE TO THE VILLAGE OF INDIAN HILL PLANNING COMMISSION” was presented and read.

Whereas Charles E. Reynolds served as Council representative to the Indian Hill Planning Commission from December 1993 to December 1997; He was appointed as an Indian Hill Planning Commission member upon his retirement from Village Council and served in that capacity from January 1999 until September 2008.

Whereas Charles E. Reynolds has retired from service on the Indian Hill Planning Commission and it is appropriate to recognize his valued service to Indian Hill; Now, therefore, be it resolved by the Council of the Village of Indian Hill, State of Ohio that there be spread upon the records of Indian Hill this resolution of special thanks and sincere appreciation to Charles E. Reynolds for his good and valuable service as a member of the Indian Hill Planning Commission for almost 14 years, including service from December, 1993 to December, 1997 and from January, 1999 to September, 2008.

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

Council member Rabenold reported that the Law Committee briefly discussed the status of the Martin Marietta deep mine application in nearby Anderson Township. There will be additional discussion at the next Law committee meeting.

City Manager Burns explained to Council that he talked to a representative at Martin Marietta and requested that Village representatives be allowed to view the Indianapolis operation. They were very reluctant to grant permission, however they said they would call him back. City Manager Burns also said that he received one phone call from a resident thanking him for sending out the letter on this subject.

Council member Ottenjohn said that he believes Council should take an official position on this subject in the near future. City Manager Burns said that he agrees and he should have a copy of the application which can be reviewed at the next meeting.

GROUNDS COMMITTEE REPORT: Council member McLean directed Council's attention to a memorandum entitled "Grounds Committee Meeting Report", dated August 20, 2008. She reported that the 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 is included in the council packet. She highlighted on the report that there is a need for clarification on two Grand Valley regulations:

1. The committee agreed that any youth 16 years or less needs to have an adult in close proximity to them. The adults do not need to be in the boat but they need to be in an adjacent boat, near or on the shore observing the youths.
2. The committee agreed that any child 12 years or under needs to have a life jacket on when in a boat.

Council member McLean also reported that the Grand Valley boat storage structure will be extended by 16 ft. at a cost of approximately \$25,000. Also, construction work will be bid in late August for construction completion by late October, 2008 for the pedestrian bridge and site grading/seeding at Grand Valley. The estimated cost for design construction and miscellaneous work is \$350,000.

Council member McLean also reported that the Village received approval on August 13, 2008 from the Hamilton County Zoning Board of Appeals for a "Conditional Use" permit from Columbia Township for a proposed 16' x 32' Range Control Shelter at the Indian Hill Gun Club. The Village will now submit plans to the Hamilton County Building Department for a building permit.

Construction work will be bid in late August and completed by late September 2008. The estimated cost is \$60,000.

Council member McLean also reported that Cole + Russell Architects are working on the final plan phase for the Indian Hill Rangers/Administration building improvements.

Council member McLean also reported that the Village has contracted Dugan & Meyers Construction Co. to provide "value engineering" and detailed cost estimates during the final plan stage. Construction is scheduled to commence in January 2009.

Council member McLean reported that the Public Works department assisted with the installation of the Steele memorial at Clippinger Field.

WATER WORKS REPORT: Council member Holzapfel directed council's attention to a memo entitled "Water Works Committee Meeting Report" dated August 23, 2008. She reported that the Water Works committee met on August 20 to review and discuss several matters in advance of the council meeting.

Council member Holzapfel reported that Mr. Davis provided an activity report for the Water Works Department, a copy of which is included in the Council packet. She highlighted

that to date there has been a total of 707 new meters installed, bringing the project to 72% of completion. However, the total allotment of \$162,000 has been exhausted and the committee would like to recommend that \$50,000 in surplus currently available in the Water Works CRF be made available to purchase additional units this year. The current contract is set to expire next year and it is anticipated that a substantial increase in material cost will occur so this would allow them to continue the program and realize a savings as well.

Council member Holzapfel also reported that the generator has been repaired and is back in service on an emergency basis. Total cost for the repair was \$44,415. The Village will continue to work with consultant Jeff Jones to ensure the protection settings are adequate and to make a final determination as to the cause of the earlier failures. It is anticipated that Mr. Jones will have a report to the Village in the very near future. Village IT Director, Mike Aaron, worked very closely both Mr. Jones and Caterpillar to bring the project together and deserves a lion's share of the credit for its successful completion.

Council member Holzapfel also reported that the Softener Replacement project reached final completion on August 15, 2008. The project was awarded to Winnelco based on their low bid in the amount of \$279,700. Change orders in the amount of \$5,300 were added for additional floor repairs, bringing the total contract to \$285,000. The original budgeted amount with engineering was \$317,200. Final cost for the project amounted to \$317,564.

Council member Holzapfel reported that Burgess and Niple engineers have reported a problem with a potentially closed valve, which has yet to be identified in the area of Drake and Indian Hill Roads. Water Works personnel will be working this week to determine if this is truly the issue, or if an inherent problem with the main in that area exists. Until an answer is found, the engineers are reluctant to calibrate and run the model to identify improvements to our water system. However, preliminary reports based on both past and current data indicates that improvements that would have the most significant impact would include the installation of a 16" main on Drake Road from Shawnee Run to Graves Road. In addition, the replacement of an existing 12" main with a 16" main on Shawnee Run from Given to Drake and a 16" main on Graves Road from Drake to Miami.. We expect to have a final report and cost estimate for the above mentioned improvements by the first week of September.

City Manager Burns explained to Council that in the latest analysis the valve is not closed, but it is believed that the high pressure area is not working properly with the tower.

Council member Holzapfel also reported that the committee is requesting approval to move forward with the chemical feed building, which was tabled due to higher than expected bid prices. The recommendation is to re-bid the project this year utilizing the \$411,000 remaining in the 2005 bond construction fund and paying the remaining \$214,000 out of the Water Works CRF under the 2009 budget. The total cost of the project would amount to \$625,000 and would take approximately (eight) 8 months to complete.

Council member Holzapfel also reported that Mr. Davis requested permission to utilize \$50,000 in funds previously ear marked for an additional connection to Cincinnati Water Works for the purchase of additional meters to be used under the meter replacement program. The

connection project has been delayed while the master plan update is completed. The department would like to purchase the meters in advance of an anticipated price increase. The Water Works committee accepted this recommendation.

“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 second reading.

PUBLIC WORKS REPORT: Mayor Rixey directed council’s attention to a memo entitled “Public Works Committee Meeting Report” dated August 22, 2008. He reported that the committee met on August 21 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 is included in the Council packet. He highlighted that the Blome Road truss bridge will be painted in September, the bridge will be closed for approximately four (4) weeks. The cost is \$90,000.

Mayor Rixey also reported that a contract was awarded on July 18 to NeCamp Construction Company in the amount of \$89,780 for the emergency repair of an existing 80 foot long culvert. A new 7 foot diameter pipe was pushed thru the existing concrete box/steel arch structure and new reinforced concrete headwalls were installed. The work was completed on August 18.

Mayor Rixey also reported that HPA Development Group has submitted the Preliminary plan for a 10 lot subdivision along Blome and Keller Roads (known as the Ambelside Estate subdivision) property. Driveways will be accessed from said streets. No dedicated streets and/or new roads will be required to be constructed.

Mayor Rixey reported that Mr. Davis advised the committee that he would like to refill the salt storage facility in advance of an anticipated price increase. He said that this has already been discussed.

Mayor Rixey also reported that Mr. Davis provided a departmental activity report, a copy of which is attached to the minutes.

Mayor Rixey reported that the road resurfacing projects are complete at a budget cost of \$560,000. He reported that five (5) bridge decks were resurfaced at a cost of \$50,000. The cost is in the 2008 budget.

Mayor Rixey said that there was nothing unusual to report in the activities report. He said that recent storms have cost the Village an additional \$14,480 for maintenance and repair.

SAFETY COMMITTEE REPORT: Council member Beech directed council's attention to a memo entitled "Safety Committee Meeting Report" dated August 19, 2008.

Council member Beech explained that the Safety Committee met twice since the last Council meeting; once was on June 24th. The only topic of discussion was the review of the Administration/Rangers building construction plans. Council member Beech said that the committee thoroughly reviewed the subject and heard City Manager Burns' recommendation to move to detailed plans. He said after a full discussion and a review the committee decided to move forward with a more detailed review of funding sources. He said that they also reviewed the potential of using geothermal HVAC systems.

Council member Beech reported that the Safety committee also met on August 19 to review and discuss several topics in advance of the Council meeting. He reported that Chief Ashbrock provided Fire and EMS activity reports for July, copies of which are attached to the Safety Committee minutes. Council member Beech said there was nothing unusual to report.

Council member Beech also reported that Chief Ashbrock distributed a copy of a report to the committee that he wrote in response to two (2) Enquirer articles regarding county-wide fire department responses. Chief Ashbrock asked the committee members and the City Manager to review the report and advise whether it might be appropriate to include in a future Village Bulletin. Council member Beech said that they did find the article very helpful in explaining why sometimes response times are below certain standards. He explained that sometimes the mutual aid service will arrive at the scene before the Madeira/Indian Hill Fire department arrives; however, this is not reported, therefore, the times are better than are shown. He said that when you take everything into account, it looks like everything is well aligned. He said that the committee felt that since no residents had raised any questions on this issue, that it wouldn't be necessary to issue this report.

Council member Beech also reported that Chief Schlie provided a police report for the month of July, a copy of which is included with the Safety Committee minutes. Council member Beech said that there was nothing unusual to report in the activity report.

Council member Beech also advised that Patrol Officer Miller resigned to return to employment with Madeira, and Colonel Schlie is completing background investigations on the next three candidates on the current eligibility list.

Council member Beech reported that City Manager Burns gave the committee an update on the plans for the new building addition which includes geothermal HVAC. The start date has been revised to January 1, 2009 in order to avoid construction delays which are typical during the holidays. He said that City Manager Burns also reminded the committee that the emergency planning, training, and indoctrination session will be held from 3-5 p.m. on August 25, 2008.

PLANNING COMMISSION REPORT: Council member Ottenjohn directed council's attention to a memo entitled "Planning Commission Report", dated August 19, 2008. He reported that the Planning Commission met on that date to consider the following item.

A request from the HPA Development Group for approval of the Preliminary Plan for Ambleside Estate Subdivision.

Council member Ottenjohn said that the Planning Commission's findings were as follows:

The preliminary plan for Ambleside Estates Subdivision was granted a conditional approval from the Planning Commission with three conditions which are included in the memo. He said that final approval will most likely be made in a month or so. He also said that access will be off of either Blome or Keller Roads to the lots on the property.

CITY MANAGER'S REPORT: City Manager Burns said that he did not have anything to report at this time

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