

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
NOVEMBER 17, 2008**

A meeting of the Indian Hill Village Council was held on November 17, 2008 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.	Donald L. Crain, Solicitor

Mayor Rixey swore in Officer Ray Manning to the Indian Hill Police Department.

MINUTES: The Minutes of the regular meeting of October 20, 2008 had previously been distributed to each Council member. There being no exceptions noted, Mayor Rixey declared the minutes accepted as issued.

FINANCE COMMITTEE REPORT: Council member Tullis directed Council's attention to a memo entitled "Finance Committee Meeting Report" dated November 13, 2008. 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 directed Council's attention to the October 31, 2008 Financial Statement and highlighted that the income tax receipts of \$329,000 for the month of October were ahead of projections, however, tax refunds in the amount of \$89,000 were also greater than normal. He also highlighted that inheritance tax receipts of \$326,000 were received for the month, bringing the total year to date inheritance tax receipts to \$1,103,000.

Council member Tullis also reported that the expenditures include overtime cost of \$39,744 for brush removal resulting from the storm damage. He also highlighted that the total cash and investments are \$19,044,000, which is slightly down from the previous month.

Council member Tullis also directed Council's attention to the Financial Statements for the Green Areas and Recreational fund and the Rowe Arboretum Funds. He highlighted that the market value of the investments were below cost at the end of October 2008 as a result of the current economy. He also reported that the investment manager still believes that the investment income for the Rowe Arboretum should equal \$90,000-\$95,000 for the year.

There being no exceptions noted, the Financial Statements were accepted as issued.

PUBLIC HEARING ON 2009 BUDGET APPROPRIATIONS: Mayor Rixey declared the meeting opened for the public hearing on the 2009 Budget Appropriations.

Council member Tullis also reported that Mrs. Weber presented the 2009 budget information to the Finance committee. There were only a few minor changes made since September. The main change was due to a reduction in the Fire Department budget request. Council member Tullis said that City Manager Burns was able to get Chief Ashbrock's original request, which reflected a 10% increase, reduced to an increase of 4.85%. Of this amount, 4% is for pay increases, and \$100,000 of the increase was for an increase in Workers Compensation expenditures. With the changes made to the fire budget, the 2009 General Fund budget was reduced to 3.11% increase over the 2008 budget. The budget includes a 3.5 % pay increase and \$50,000 for fuel increases.

Council member Tullis said that City Manager Burns and his staff are to be commended for holding the budget increase to only 3.11%

Council member Tullis also pointed out that the forecast for 2009 reflects a transfer of \$4,000,000 from the Income Tax fund to the CIRF to fund the majority of the cost of the Ranger/Administration renovation. He also said that the Income tax fund would be reduced to only the balance of the prepaid income taxes which are forecasted at \$550,000. This will bring the Income Tax fund balance back to a normal position. He also pointed out that the Village would be approximately \$1,000,000 short in 2010 assuming that all of the expenditures budgeted are made in 2009 and revenues are as planned. The CIRF fund, therefore, would be \$1,000,000 short of the normal \$2,000,000 balance. He said it would be necessary to make a decision later in 2009 on the final funding for the Ranger/Administration building.

Council member Ottenjohn pointed out that the budget reflects a 10% decrease in budgeted income tax revenues for 2009.

There being no further comments or questions from Council, Mayor Rixey declared the public hearing closed.

Council member Tullis also reported that City Manager Burns advised the Finance committee of a recent request of the Historical Society for financial assistance related to the exterior lighting of the schoolhouse. This was first requested for a \$5,000 line item in the Village budget. He said that the Finance committee requested City Manager Burns to determine from the Historical Society exactly what they needed and based on this a decision would be made to possibly include it in the budget at a lesser amount.

City Manager Burns reported to Council that he did contact the representative of the Indian Hill Historical Society and they will provide him with the details of their request. He described it as a combination of security and up-lighting for the facility.

Council member Tullis said that the Finance committee was joined by various employee representatives for a discussion about the proposed 2009 Wage & Benefit package recommended

by City Manager Burns. He said it was very pleasant to hear the employees describe how they enjoy working for the Village, and how they thought the 3.5% pay increase was very fair. He said it is a credit to City Manager Burns and his staff that the morale of the employees is high, and that you could sense from the meeting that the atmosphere and culture created for employees working in the Village is very good.

Council member Tullis also directed Council's attention to the report entitled "Wage and Benefit Discussion" which was also included in the packet. He pointed out that he believed City Manager Burns was very consistent in his responses to the questions of the employees regarding wage & benefits. He highlighted the second bullet item in the report which states that the City Manager is expressing an interest in initiating a fitness based co-payment plan related to health insurance premiums beginning sometime in late 2009 or early 2010. Such a plan would also provide for higher co-payments for smokers.

"AN ORDINANCE AMENDING ORDINANCE 11-08 AND MAKING APPROPRIATIONS FOR THE EXPENSES OF THE VILLAGE OF INDIAN HILL FOR THE FISCAL YEAR 2008 AND DECLARING AN EMERGENCY" was presented and read.

Whereas Village Council has determined that it is in the best interest of the Village of Indian Hill to appropriate funds for the loss on sale of investments for the Rowe Arboretum Fund. The Ohio Revised Code prohibits fund expenditures in excess of appropriations totals. Therefore, the appropriation totals for the Rowe Arboretum Fund will be increased from \$260,783 to \$410,783.

City Manager Burns explained that under fund accounting a loss on the sale of stock has to be recorded as an expenditure. City Manager Burns explained that the loss is due to both the decrease in value of the stocks resulting from the current economic situation and because the Finance committee requested that the investment manager earn a return of \$90,000 to \$95,000 per year to cover the operations of the Rowe Arboretum funds. This required stocks to be sold at a loss and reinvested.

Mr. Riordan explained that both the investments of the Rowe Arboretum and the fund balance would be reduced by equal amounts for the loss on the investments. He also said that under fund accounting, you always have to appropriate expenditures and losses but you never appropriate revenues. This appropriation is a non cash expenditure

Upon motion by Council member Tullis, seconded by Council member Ottenjohn, the rules were suspended by unanimous roll call vote. Upon motion by Council member Tullis, seconded by Council member Holzapfel, the ordinance was passed by unanimous roll call vote. Mayor Rixey declared Ordinance No. 14-08 enacted.

LAW COMMITTEE REPORT: Council member Rabenold directed Council's attention to a memo entitled "Law Committee Meeting Report" dated November 12, 2008. He reported that the Law committee met on November 11, 2008 to review and discuss several topics in advance of the Council meeting.

He reported that City Manager Burns distributed copies of a draft ordinance amending Sections 112.99 and 135.11 of the Code of Ordinances. The §112.99 amendment provides for a fourth degree misdemeanor for persons convicted of failing to comply with the certification and application requirements contained in §112.02 of the code. This change allows the police to require a bond from offenders in order to secure their appearance in court. Violations of other sections of Chapter 112 will remain minor misdemeanors.

The amendments to §135.11 are suggested for the purposes of clarification and to make the language consistent with the Ohio Revised Code provisions regarding underage persons with alcohol offenses. The amended language replaces the current section in its entirety.

Council member Rabenold said that City Manager Burns also suggested that the ordinance be passed on an emergency basis, mainly because the code update is underway, and he would like it included in the update rather than wait another 2-3 years for it to be included in a future update.

“AN ORDINANCE AMENDING SECTION 112.99 PENALTY FOR SOLICITING WITHOUT A PERMIT AND SECTION 135.11 SELLING AND SERVING ALCOHOL TO MINORS OF THE INDIAN HILL CODE OF ORDINANCES AND DECLARING AN EMERGENCY” was presented and read.

Upon motion by Mayor Rixey, seconded by Council member Holzapfel, the rules were suspended by unanimous roll call vote. Upon motion by Council member Rabenold, seconded by Council member Beech the ordinance passed by unanimous roll call vote. Mayor Rixey declared Ordinance 15-08 enacted.

Council member Rabenold also reported that City Manager Burns provided the committee an update on the Martin Marietta hearing process in Anderson Township. The October 15, and November 6, 2008 hearings each lasted approximately 5 hours, and the applicant's presentation of expert witnesses was still not completed when the ATBZA continued the case until November 19, 2008. There will be an additional hearing on December 4th. He said that City Manager Burns anticipates that at least two more hearing dates will be necessary to get through all the proponent and opponent testimony. An update has been posted on the Village web page and is also in the November Bulletin.

City Manager Burns said that he and Scott Philips will both be attending the meetings in November and December.

GROUNDS COMMITTEE REPORT: Council member McLean directed Council's attention to a memorandum entitled "Grounds Committee Meeting Report", dated November 13, 2008. She reported that the Grounds committee met at the Public Works on November 12, to review and discuss several topics in advance of the Council meeting.

Council member McLean highlighted that bids were received for the Grand Valley boat storage additions and alterations project at approximately \$5,000 less than the engineers estimate. She also reported the pedestrian bridge and site grading along the lake and west side of the preserve is going out for bid.

Council member McLean reported that the bids were received for the Shooting Range Control Shed project. The lowest bid was \$20,000 under the engineer's estimate of \$58,750.

Council member McLean also said that the plans for the Indian Hill Rangers/Administration building improvements are currently out for bids by the contractors for each of the various construction packages. All bids are due December 2, 2008.

City Manager Burns stated that he would include a report on the attendance at Grand Valley in future Council packets.

WATER WORKS REPORT: Council member Holzapfel directed Council's attention to a memo entitled "Water Works Committee Meeting Report" dated November 12, 2008. She reported that the Water Works committee met on two separate occasions to review and discuss several topics in advance of the Council meeting.

Council member Holzapfel reported that City Manager Burns advised the committee that he and Mr. Adkins had met with Greater Cincinnati Water Works representatives on October 22, 2008 to discuss the concept of either relying more heavily on GCWW for peak demand water supply, or for the total supply of water, as an alternative to building the (\$550,000) chemical feed building and/or considering other components of the long term master plan at this time.

The discussion with GCWW confirmed that all of the previously identified Scenario 1 system improvements would need to be completed regardless of whether the water supply was provided by GCWW or IHWW. There would be no savings realized by opting for a GCWW partial or total supply option. She said that it was also determined that, while the Village could avoid building the chemical building if the Village opted to switch over to full supply, by GCWW, and abandon our existing treatment plant, it would be necessary to make several other expensive capital improvements to the connections with GCWW in order to make the connection work properly. One option would be to install a pump station at the bottom of Indian Hill Road near Madisonville, and pump water from GCWW into the IHWW system. The ballpark cost estimate for this installation would be \$500,000-\$700,000. Another option would be to connect the IHWW system to a future GCWW storage tower to be located in Sycamore Township, near Kemper Road. This would require the installation of upsized supply mains through the center of Madeira. There was no estimate provided for this alternative, but it would certainly be higher than the previously described Madisonville option. It would, however, also represent a more reliable long term solution than the Madisonville alternative.

Council member Holzapfel said City Manager Burns expressed his opinion to the Water Works committee, that given the costs associated with the GCWW alternatives, the Village would be better served for the foreseeable future to complete the Scenario 1 system

improvements, build the chemical feed building, and remain separate from the GCWW system except for occasional emergency supply.

Council member Holzapfel said that the committee was in agreement with this recommendation.

Council member Holzapfel also highlighted several items reported by Mr. Adkins in his October activities report. She explained that Dan Volz Mechanical Services has recently completed the gas conversion of the electric dehumidification system. DVMS also replaced the electric heaters in the softener room with gas heaters. These two improvements are steps being taken to reduce energy costs. The Water Works has also been working on upgrading the control panels on two of the softeners that have been in operation since 1987.

Council member Holzapfel reported that on October 31, a pre-construction meeting was held with Arcadis and other engineering firms. During this meeting the notice of award for each contract was signed and each contractor was encouraged to move forward with scheduling while the contracts are being signed. In preparation for the new chemical feed building, the old garage is being cleaned out and it will be demolished.

PUBLIC WORKS REPORT: Mayor Rixey directed Council's attention to a memo entitled "Public Works Committee Meeting Report" dated November 13, 2008. He reported that the Public Works committee met on November 12 to review and discuss several topics in advance of the Council meeting. He reported that Mr. Sullivan provided a summary report of the October departmental activities, a copy of which is attached to the minutes for Council's review. Mayor Rixey did highlight that the total cost year to date for the removal of storm damage is \$132,756. The total cost will approximate \$200,000 and it is hoped that the Village will receive a refund from FEMA for approximately 75% of this cost.

Mayor Rixey also reported that the Blome Road Bridge painting is completed.

SAFETY COMMITTEE REPORT: Council member Beech directed Council's attention to a memo entitled "Safety Committee Meeting Report" dated November 12, 2008. He reported that the Safety committee met on November 11, 2008 to review and discuss several topics in advance of the Council meeting. He reported that Colonel Schlie provided the committee with an activity report for the month of October, a copy of which is attached to the minutes. Council member Beech reported that Colonel Schlie reported that the new Police Officer, Ray Manning, started with the department on Monday.

Council member Beech advised that the Hamilton County Sheriff's office is slated to lose 200 officers countywide to budget cutbacks. The cutback could require the Rangers to respond to mutual aid calls in support of Symmes and Sycamore townships.

Council member Beech reported that Chief Ashbrock provided the committee with the revised 2009 budget for the Fire District. The new budget proposal reflects a 4.85% increase over 2008 budget, and the increase can be tracked to a 4% pay increase for fire personnel and a \$100,000 increase in Worker's Compensation costs.

Council member Beech reported that Chief Ashbrock provided the Fire & EMS activity report for October, a copy of which is included with the minutes. Council member Beech said there is nothing particular to note in the report except that the EMS runs continue to be up and the year 2008 is trending toward being one of the busiest years on record.

Council member Beech reported that City Manager Burns provided the committee with an update on the Ranger/Administration building project which is still on track for the receipt of bids in early December and the start of work in January.

Council member Beech reported that the Safety committee generally discussed a recent complaint about train horns from a Drake Road property owner. He said that City Manager Burns advised the committee that there have been previous discussions about Quiet Zones and/or "Wayside Horns" but the costs were quite high (\$100,000-\$300,000 per crossing). Council member Beech said the committee felt it would be too expensive to have quiet zones because they would require having gates at five crossing locations, two of which would have to be paid for by the City of Madeira. He explained that the Wayside Horns would also be expensive but the committee felt that the use of them should be explored for a better cost estimate. Also, the matter will be discussed with Madeira to see if there is any possibility of them going along with funding the two crossings which they control.

PLANNING COMMISSION REPORT: Council member Ottenjohn directed Council's attention to a Memo entitled "Planning Commission Report," dated November 17, 2008. He reported that the Planning Commission met on October 21 to consider the following items:

The first item considered was Mr. & Mrs. William Bartl at 4745 Hilltop Lane, request for a variance approval to construct a garage within the minimum setback requirements.

Council member Ottenjohn said that the Bartl's existing garage was severely damaged by a fallen tree during the storm. He said the Commission approved the variance based on an undo hardship created by the non-conforming location of the house and the storm which damaged the existing garage. He said the Commission also found that the request did not worsen the existing non-conforming condition. He said the applicant shall also have the property surveyed with site stakes at the limit of where the proposed garage is to be built.

The second item considered by the Planning Commission was the request from the Village of Indian Hill for final approval for the Ranger/Administration building project. He said the Commission approved the final plan for the project that included geothermal heating/cooling, landscape plan, and changes to the location of the emergency generator and transformer.

He said that the Planning Commission meeting for tomorrow has been cancelled because there are no variances requested. He said this is the most unusual year that he has experienced on the Planning Commission, it is very quiet.

CTY MANAGER'S REPORT: City Manager Burns reported in his Manager's report, that the next Council meeting will be held at the Fire Department because of the work being done on the Ranger/Administration building.

City Manager Burns also noted that he provided the Council members with a memo on his evaluation and he said that he appreciates all the time they put on the evaluation.

Council member Tullis said that he and Council member Ottenjohn would summarize the evaluations and they will be discussed with City Manager Burns at the December Council meeting.

City Manager Burns also reported that there was a final adjudication of the Marley case prior to Council this evening and Mr. Marley was fined \$4,000 but \$2,000 of the fine was stayed on the basis that he does not come back to court on this issue. City Manager Burns said that Mr. Marley completed all the work and says he spent approximately \$30,000.

City Manager Burns also said that the State Bill to require the Village to use Magistrates for court could be passed fairly soon and this would require the Village of Indian Hill to use Magistrates starting early 2009.

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