

**MINUTES OF MEETING  
INDIAN HILL VILLAGE COUNCIL  
January 25, 2010**

A meeting of the Indian Hill Village Council was held on January 25, 2010 at 7:00 p.m. The meeting was held in the Council Chamber of the Village Administration building.

Officials present:

Mr.	David T. Ottenjohn, Mayor
Mr.	Joseph Beech, III, Vice Mayor
Mr.	Daniel J. Feigelson, Council member
Mrs.	Lindsay B. McLean, Council member
Mr.	Keith M. Rabenold, Council member
Mrs.	Laura S. Raines, Council member
Mr.	Mark E. Tullis, Council member
Mr.	Michael W. Burns, City Manager
Mr.	Donald L. Crain, Solicitor
Mr.	Paul C. Riordan, Clerk/Comptroller

Visitors present:

Andrew Luby	7585 Quail Hollow Dr.
Ellen Luby	7585 Quail Hollow Dr.
Rob Dowdy,	Indian Hill Journal
Eppa Rixey	

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

**MINUTES:** The Minutes of the regular meeting of December 14, 2009 had been previously distributed to each Council member. Mayor Ottenjohn declared the minutes accepted as corrected.

**FINANCE COMMITTEE REPORT:** Council member Tullis directed Council's attention to a memo entitled "Finance Committee Meeting Report" dated January 21, 2010. He explained that the Finance Committee met on January 21 to review and discuss several topics in advance of the Council meeting.

Council member Tullis also directed Council's attention to the Financial Statements included in the Council packets. He highlighted that \$374,000 of Income Tax receipts were received in the month of December. He said that there is some concern with this amount when compared to the \$682,000 received in December of 2008. The total pre-payments collected this year, is \$625,000 compared to \$880,000 collected in 2008. He said it gives concern for the amount that will be received in April.

Council member Tullis pointed out that the total Income Tax receipts for the year are \$6,275,000 after deducting pre-payments. This leaves a shortfall from budget of \$1,125,000 which is very close to the amount which has been forecasted for the last several months.

Council member Tullis also reported that \$704,000 of Inheritance Tax was received in December and there is an additional \$240,000 which will be received in the first quarter of 2010. The total Inheritance Tax receipts for the year are \$3,233,000 which is \$1,233,000 over the budget. The Income Tax receipts were 23.3% down from the receipts in 2008. The shortfall in the Income Tax of \$1,025,000 was offset by the overage in the Inheritance Tax of \$1,233,000 so that the net of the two taxes was an increase of \$207,000 over budget.

Council member Tullis also highlighted that the other income listed under receipts was detailed on the second page in the Financial Statement.

Council member Tullis reported that the total disbursements for the year were \$10,364,000 which is \$1,018,000 under budget. He complimented City Manager Burns and staff for making cuts in the budget to offset the reduction of the shortfall in the Income Tax receipts.

The Financial Statements also reflect that \$2.5 million was transferred to the CIRF Fund in December for a total transfer for the year of \$3,479,000. These funds were used primarily for the Administration remodeling project. In addition, \$1,612,000 of beginning Income Tax fund reserves were used during the year. He also said that unless the economy improves, the Income Tax Fund will be reduced over the next several years to approximately zero. The Income Tax Fund has a balance of \$5,059,000.

Council member Tullis also reviewed the CIRF Fund which shows disbursements of \$3,741,000 for the year and a year end fund balance of \$2,394,000. \$2,500,000 of the expenditures were for the Administration/Ranger remodeling addition. It is anticipated that several hundred thousand dollars additional will be spent in 2010 to finish the project. The Fund Balance was increased several hundred thousand dollars to cover the bond payments due in 2010; therefore the total exceeds the normal amount of \$2,000,000.

Council member Tullis highlighted in the Water Works Statement of Receipts and disbursements that the sale of water receipts continue to be low. Receipts were only \$183,000 for the month. The total receipts year to date is \$4,342,000. The receipts were down \$178,000 from budget which was expected because of the wet weather conditions in 2009. He also highlighted that total disbursements for the year are \$3,897,000 which is \$308,000 under budget. The reduction in expenditures was made during the year to off set the shortfall in revenue. A total of \$520,000 was transferred to the Water Works Capital Reserve Fund to cover Capital expenditures. This fund has a balance at the end of the year of \$545,000. The normal balance at year end for this fund is \$400,000; however, it was increased \$145,000 this year to cover the bond payments for 2010.

Council member Tullis reported that the Village funds total \$19,230,000. He explained that deducting balances for the 2009 Water Works Bond Fund and the 2009 Administration Building Bond Fund for a total of \$4,200,000, results in a Fund balance closer to \$15,000,000.

Council member Tullis also explained that the Finance Committee members would be meeting with City Manager Burns, Paul Riordan, and Nadine Weber to try to simplify the Financial Statements for everyone's benefit.

Council member Tullis also highlighted that the total income of the Village residents for 2009 was \$1,523,000,000 vs. \$1,986,000,000 for 2008. This reflects a reduction of 23.3%.

Council member Tullis also pointed out in the Green Areas and Recreational Fund Statements and the Rowe Arboretum Fund Statements that the market value of investments increased from November, 2009. He also pointed out that the unrecognized gain on investments is now shown on both statements. He also explained that several years ago a decision was made to fund the operation of the Rowe Arboretum through stock dividends and other investment income. He highlighted that the total stock dividends received in 2009 was \$73,000 which was down from the budget of \$81,000. He said that based on the economic conditions for the year that this return was fairly successful for the year.

Council member Tullis also directed the Council member's attention to the Summary of Capital Improvement Reserve Fund Receipts and Disbursement Statements included in the packet. These summaries detail every receipt and disbursement in the CIRF since its inception in 1941. The net of the Receipts and Disbursements is the fund balance of \$2,394,000.

Council member Tullis also reported that the Finance Committee will be meeting with staff, a representative of Bahl & Gaynor and Mrs. Mary Ida Compton to review the results of the investments for the Rowe Arboretum.

The Financial Statement of December, 2009 had previously been distributed to each Council member. There being no exceptions noted, the Financial Statement was accepted as issued.

**LAW COMMITTEE REPORT:** Council member Rabenold directed Council's attention to a memo entitled "Law Committee Meeting Report" dated January 20, 2010. He reported that the Law Committee met on January 13, to review and discuss several topics in advance of the Council meeting.

Council member Rabenold reported that the Law Committee reviewed the Martin Marietta case. He said that arguments were taking place today and discussions will follow for the next several days. A final decision may not be made until March.

Council member Rabenold also reported that the Law Committee discussed a continuing phone and email dialogue between Mayor Ottenjohn, City Manager Burns and a resident, Mr. Sloneker, concerning Mr. Sloneker's septic system and his dissatisfaction with how the matter has been handled by the Village and the County Health Department.

Council member Rabenold also reported that the Law Committee reviewed copies of a proposed ordinance intended to adopt recent Ohio Revised Code changes to child restraint and

lighted headlight regulations into the Village's Code of Ordinances. Two penalty sections of the code were found to be inconsistent with the current payout schedule, and this will be changed to correct the inconsistency. The Law Committee recommends a first reading of the ordinance.

**“AN ORDINANCE AMENDING SECTION 72.63, 72.64, 74.03 AND 74.34 OF THE INDIAN HILL CODE OF ORDINANCES TO REFLECT RECENT CHANGES TO THE OHIO REVISED CODE PROVISIONS REGULATING CHILD RESTRAINT SYSTEMS, LIGHTED HEADLIGHTS REGULATIONS, AND TO INCREASE FINES APPLICABLE TO SEAT BELT AND RESTRAINT USE VIOLATIONS”** was presented and read for the first reading.

Council member Rabenold also reported that the Law Committee discussed the status of the abandoned house on Indian Hill Road and asked Mr. Crain to again confer with Scott Phillips to see whether there was any reason that the Village could not send a letter of concern to the judge handling the foreclosure hearing. He said that City Manager Burns is also in receipt of a report on the condition of the property from a building inspector and City Manager Burns is simultaneously preparing a letter to the controlling bank expressing the Village concern about the building and the site. City Manager Burns informed Council that this memo should go out either Tuesday or Wednesday of this week.

**GROUNDS COMMITTEE REPORT:** Council member McLean directed Council's attention to a memo entitled "Grounds Committee Meeting Report", dated January 20, 2010. She reported that the Grounds Committee met on that date to review various items in advance of the Council meeting.

Council member McLean reported that Mr. McQueen provided a Grand Valley report especially focusing on recent life safety issues involving visitors going out on the ice. Mr. McQueen reported several instances when visitors ventured out on very thin ice to retrieve their dogs after the dogs fell through the ice. In one case, the dog owner was several hundred feet out on the ice, and there was no way that the Grand Valley staff could have rescued her if she fell through the ice. In another instance, a cross-country skier was discovered traversing the thin ice on the lake. He noted that visitors just don't realize how the thickness of the ice varies across the lake because of the springs under the water.

Mr. McQueen told the committee that he has taken the precaution of posting signs advising that dogs must be on leashes during ice conditions because the main problem is visitors going out on the ice to retrieve a dog that has fallen through. He has some rescue equipment at the preserve, but he is going to work with the Madeira and Indian Hill Joint Fire District and Loveland Symmes Fire Department to get some additional training and advice on how to handle a situation where a visitor falls through the ice. An article on safety will be placed in the Village Bulletin.

Mayor Ottenjohn requested that an explanation of the danger caused by the spring should be placed at Grand Valley so that residents understand what causes the dangerous situation.

Council member McLean also reported that Mr. Kipp provided the Grounds Committee with a project status report mainly focusing on the completion of the building project. The Village received a temporary certificate of occupancy permit on January 7, 2010 for phase 2 of the project. A few final revisions/corrections/additions need to be completed for the final occupancy permit. These will be completed in the next few weeks. The final certificate of occupancy will include both Phase 1 and Phase 2.

Council member McLean reported that Mr. Chadwell provided a report on departmental activities which centered around typical maintenance projects for this time of year.

Council member McLean also reported that the committee reviewed a resolution accepting 2009 Green Areas gifts. The total for the year was 10.72 acres, which represents a good year for gifts.

**“A RESOLUTION AUTHORIZING THE MANAGER TO ACCEPT 2009 GREEN AREA GIFTS”** was presented and read.

Upon motion by Council member McLean, seconded by Council member Rabenold, the resolution was passed by unanimous voice vote. Mayor Ottenjohn declared Resolution No. 01-10 adopted.

Council member McLean also reported that the committee reviewed concerns about community information signs that have been left up past the date of the event and littering in the Graves Road area of Indian Hill Acres subdivision. She said that City Manager Burns will have Public Works remove any updated signs and he will mention the problem in his remarks at the upcoming Dialogue group meeting.

Council member McLean reported that the litter vacuum is currently out of service for repairs and, while the Village staff is ever vigilant for littering violators, there exists a major disregard for littering laws in the area.

**WATER WORKS REPORT:** Council member Feigelson directed Council’s attention to a memo entitled “Water Works Committee Meeting Report” dated January 20, 2010. He explained that the Water Works Committee met on that date to review various topics in advance of the Council meeting.

Council member Feigelson reported that Mr. Kipp provided the committee with a project management report focusing on the water main replacement project. There were some problems with the alignment on the connection with the Miami Road main, and this will require the installation of an additional valve. He anticipated that the connection would be made today, and the remaining work on Graves will be completed during January and February.

Council member Feigelson also reported that Mr. Adkins provided a departmental activity report. He reported that there were fewer main breaks this year because of the wetter weather.

Council member Feigelson also reported that City Manager Burns hosted a meeting between Duke Energy representatives and Camargo Club Drive residents in connection with the possible undergrounding of electric on Camargo Club Drive. Duke has now indicated that they are willing to fund the full cost of undergrounding because of access issues and continuing tree trimming costs associated with maintaining the above-ground installation. The project should begin in early 2011.

Council member Feigelson also reported that since the water main project came in substantially below budget, Mr. Adkins was asked to start planning for which other water system improvements he would like to complete with the rest of the bond funding. Mr. Adkins wants to wait until the water main project is nearly complete to finalize the items that will be included in the next phase. He hopes to include some repairs and restoration at the tower site, which would include repairing some underground storage tank leaks and replacing the tower liner.

Mayor Ottenjohn asked City Manager Burns to address the issue with Cincinnati Bell/Duke concerning Cincinnati Bell's plan to continue to use the existing pole lines for the Camargo Club project.

**PUBLIC WORKS REPORT:** Mayor Ottenjohn directed Council's attention to a memo entitled "Public Works Committee Meeting Report" dated January 20, 2010. He explained that the committee met on January 19 to review and discuss several topics in advance of the Council meeting.

Mayor Ottenjohn reported that Mr. Kipp provided a project status report which has been previously covered in the Council meeting. He reported that Mr. Chadwell provided a departmental activity report which also included a snow and ice control summary. He highlighted in the report that the Village cleaned the brine tank and made brine. This brine will be used on the roads and the Village is doing everything it can to reduce cost and be efficient. He also reported that the Village hauled Christmas trees to Grand Valley and the Village has ordered 1,000 tons of salt which is currently being delivered. Since the last meeting, he said there have been 11 snow events.

Mayor Ottenjohn reported that City Manager Burns advised the committee that it is necessary to advertise for a snow plow and dump bed for one new cab and chassis ordered under the state contract, and also for one packer body for another cab and chassis ordered under the state contract. The committee reviewed the resolution and is acceptable to this course of action.

**"A RESOLUTION AUTHORIZING THE MANAGER TO ADVERTISE FOR AND ACCEPT BIDS FOR THE SUPPLY AND INSTALATION OF ONE NEW SNOW PLOW, ONE NEW DUMP BED, AND ONE 2010 25 CUBIC YARD REAR LOAD PACKER BODY FOR THE PUBLIC WORKS DEPARTMENT"** was presented and read.

Upon motion by Mayor Ottenjohn, seconded by Council member Tullis, the resolution was passed by unanimous voice vote. Mayor Ottenjohn declared Resolution No. 02-10 adopted.

**“A RESOLUTION OF APPRECIATION TO JOHN W. DAVIS FOR HIS SERVICE TO THE VILLAGE OF INDIAN HILL”** was presented and read.

**WHEREAS,** John W. Davis has been a valued employee of the Indian Hill Public Works Department, beginning his career as a Seasonal Worker on August 1, 1978; and

**WHEREAS,** John W. Davis was hired as a permanent Public Works Service Worker on January 2, 1979, and he gained experience in all aspects of the departmental operations during his early tenure with the Village; and

**WHEREAS,** John W. Davis was promoted to Public Works Foreman on January 2, 1997 and given the responsibility of supervising the Village’s Waste & Recycling Collection Division where he is credited with initiating several innovative programs, implementing numerous cost saving measures, and garnering multiple regional recycling program awards; and

**WHEREAS,** John W. Davis continued to develop as a manager and was promoted to the position of Assistant Public Works Superintendent on July 12, 1997 and took on the additional assignments of the Village’s Worker’s Compensation case manager and helped prepare the Village’s Transitional Work Program; and

**WHEREAS,** John W. Davis assumed the additional position of Water Works Superintendent on January 1, 2007 and expanded his already vast range of experience by learning the municipal water business and supervising an additional department; and

**WHEREAS,** John W. Davis was promoted to the newly combined position of Public Works/Water Works Superintendent on July 3, 2007 and enthusiastically took on the task of developing better working relationships between the two departments; and

**WHEREAS,** John W. Davis is retiring from the Indian Hill Public Works and Water Works Departments and will be pursuing other endeavors, 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, OHIO:**

Section 1. That there be spread upon the records of Indian Hill this resolution of special thanks and sincere appreciation to John W. Davis for his good and valuable service as a professional Service Worker, Foreman, Assistant Superintendent, and Combined Public Works and Water Works Superintendent for nearly thirty-two years from August 1, 1978 to January 29, 2010.

Section 2. That a copy of this resolution be given to John W. Davis in recognition of his fine contribution of time, effort, and expertise given in the interest of the Village of Indian Hill and its residents.

Upon motion by Mayor Ottenjohn, seconded by Council member Tullis, the resolution was passed by unanimous voice vote. Mayor Ottenjohn declared Resolution No. 03-10 adopted.

**SAFETY COMMITTEE REPORT:** Council member Beech directed Council's attention to a memo entitled "Safety Committee Meeting Report" dated January 20, 2010. 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 reported that Chief Ashbrock provided a Fire and EMS activity report for December. He especially noted that 2009 was another record year for EMS activity. A copy of the report was attached to the minutes. Fire runs were down and fire damage was down significantly.

Council member Beech also reported that Chief Ashbrock also commented on a recent Enquirer article related to the countywide 800 MHz radio system. Chief Ashbrock was of the opinion that the newer system is substantially less problematic for fire departments than the old low band radio system. There are some limited problems with coverage and talk-over, but these can generally be managed through training. Madeira and Indian Hill Fire department employees have been properly trained and there have not been any problems in this area.

Council member Beech reported that Colonel Schlie provided a Ranger activity report for the last 5 weeks and there was nothing particular to note. He also reported that hunters have reported taking 263 deer through this point in the hunting season. They have also taken 7 coyotes and another 20+ coyotes have been eradicated on private property.

Council member Beech also reported that Colonel Schlie also commented to the committee on overtime and compensatory time in the department. Colonel Schlie noted that overtime was down in 2009 compared to 2008 mainly due to a decrease in presidential visits and a freeze on non-mandatory training. City Manager Burns advised the committee that an annual average overtime budget now is less than \$50,000, approximately half of this is for the overtime and the other half is for compensatory time. He said that the Village is doing a great job keeping the expense to a minimum. He explained that in a lot of cases nothing can be done about the cost because the Rangers are sent down to the County Court House for trials starting at 9:00 am and they have to wait there until their case is called which can be much later in the day.

City Manager Burns explained to Council that the City of Cincinnati police employees can build up comp time year after year so that over a period of time they have years of comp time earned. The Village policy is that there is a cap on comp time up to a maximum of 60 hours, after this they lose it. Therefore, the Village does not have the same problem that the City of Cincinnati has regarding compensatory time.

**PLANNING COMMISSION REPORT:** Council member Raines directed Council's attention to a report entitled Planning Commission Report, dated January 19, 2010. She explained that the committee met on that date to consider one issue.

Council member Raines explained that the Stepping Stones Center at 5650 Given Road requested a variance approval to construct a two story addition on a cottage house that is located

in a non-conforming location. The Commission approved the variance due to the required front yard setback.

**CITY MANAGER'S REPORT:**

City Manager Burns reported the following in his Manager's report, the goal setting session date has been determined and he will send out a memo to Council notifying them of the date and time.

The open houses for the building renovation are planned for April 18 and April 25. He said the open house on April 25 would also be used for a New Residents party.

City Manager Burns also reminded Council that this Friday a party will be held for Mr. John Davis' retirement.

Mayor Ottenjohn moved that Council move to executive session to consider a personnel issue and a litigation case. The motion was seconded by Council member Beech and was carried by unanimous roll call vote. Council entered into executive session.

Council returned from executive session.

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

Respectfully submitted,

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David T. Ottenjohn, Mayor

ATTEST:

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Paul C. Riordan, Clerk