

**MINUTES OF MEETING  
INDIAN HILL VILLAGE COUNCIL  
November 16, 2009**

A meeting of the Indian Hill Village Council was held on November 16, 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
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.	Donald L. Crain, Solicitor
Mr.	Paul C. Riordan, Clerk/Comptroller

Visitors present:

Dan Feigelson	5025 Miami Road
Rob Dowdy	Indian Hill Journal
Buffie Rixie	

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

**MINUTES:** The Minutes of the regular meeting of October 19, 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 a memo entitled "Finance Committee Meeting Report" dated November 12, 2009. He explained that the Finance committee met on November 12 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 packet. He highlighted that \$232,000 of income tax receipts were received in the month of October which is slightly less than the amount received last year. It is still expected that the total Income Tax receipts will be \$900,000 under budget for the year. He also reported that \$125,000 of Inheritance Tax receipts were received in October and an additional \$383,000 has been received in November. The total Inheritance Tax revenue for the year is projected to be \$2,900,000 which is \$900,000 over budget.

Council member Tullis also reviewed the expenditure variances which were primarily due to there being two pay periods in the month of October this year vs. three pay periods in the month of October last year. There was also a transfer of \$184,000 from the General fund to the

CIRF fund in October in order to keep the CIRF fund from going negative. He explained that disbursements exceed receipts by \$424,000, which is typical for this time of year.

Council member Tullis directed Council's attention to the Statement of Receipts and Disbursements for the Water Works. He explained that the Water Works receipts were \$255,000 for the month of October which is considerably less than the \$394,000 received in October last year. He said that the reduction in receipts is due to the wet weather experienced during the summer months.

Council member Tullis also highlighted that the Village funds total, \$21,298,000 at the end of October. He also explained that payments will be made in the month of November in the amount of \$495,000 on the 2005 construction bonds and \$425,000 on the 2009 Water Works/Administration building bonds.

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 the investments was down slightly from the balances at September 30. The activities in the funds were normal for the month.

The Financial statement for October 2009 had previously been distributed to each Council member. There being no exceptions noted the Financial statement was accepted as issued.

**PUBLIC HEARING:** Mayor Rixey opened the public hearing on the 2010 budget. Council member Tullis explained that the Finance Committee reviewed the final 2010 budget. He noted that there were no changes in the budget since the October meeting. The General Fund budget represents a 5.91% reduction from the 2009 budget, and it is based on an anticipated 15% reduction in Income Tax revenues due to the continued poor state of the economy. He explained that the Income Tax receipts for 2010 are estimated to be \$5.4 million which is down \$1million from the estimated receipts for 2009. He said that City Manager Burns and staff did a good job cutting expenditures by over \$1million in 2009, which conserved cash going into 2010.

Council member Tullis also highlighted that the Village funds totaled \$21,298,000 at the end of October.

Mayor Rixey explained that the budget for 2010 is up from the estimated expenditures for 2009 because it was necessary to put back in to the 2010 appropriations some of the budgeted expenditures that had been taken out in 2009.

Council member Tullis explained that every line item in the budget is scrutinized very closely and everyone involved in putting the budget together has done a very good job, especially during these economic times.

Council member Tullis reported that the Finance Committee also was provided, by City Manager Burns, a verbal report on wage and benefit discussions with the various departments. City Manager Burns had requested that individual meetings be arranged with Council member

representatives to discuss the current wage and benefit packages. Messrs Rixey, Ottenjohn, and Tullis will represent Council in the meetings.

Council member Tullis also reported that City Manager Burns advised the Finance committee that the costs associated with publishing the Village Bulletin has continued to rise and one cause has been the increased number and size of the personal advertisements. City Manager Burns suggested that a fee be charged for the ads to partially fund the publication and encourage the elimination of some redundant or unnecessary ads. The Finance committee was acceptable to this idea. City Manager Burns will develop an ad fee schedule for implementation beginning January 1<sup>st</sup>.

**LAW COMMITTEE REPORT:** Council member Rabenold directed Council's attention to a memo entitled "Law Committee Meeting Report" dated November 12, 2009. He explained that the Law committee met on November 11, 2009 to review and discuss several topics in advance of the Council meeting.

Council member Rabenold explained that the Law committee reviewed a proposed contract with the Hamilton County Commissioners for the supply of water to unincorporated areas currently supplied by the Village Water Works. After review, the committee asked City manager Burns to discuss amending the language in two sections of the contract. This matter will come back to the committee after City Manager Burns completes discussions with Hamilton County representatives.

Council member Rabenold explained that the Law Committee also reviewed two pending expirations on Village Commissions, one involving the Personnel Board of Appeals and the other involving the Planning Commission. The committee members expressed no objections to City Manager Burns asking the two members if they wanted to serve another term.

City Manager Burns reported to the Council that both Mr. Glover and Mr. Wiggers both said they would like to serve another term.

Council member Rabenold reported that the Law Committee reviewed two proposed codified ordinance revisions which are intended to mirror recent changes to state laws regarding headlight and child restraint regulations. Changing the Village code to mirror the state laws would enable the Rangers to cite violators to Mayor's court as opposed to sending the violation downtown. The committee had no objections to the proposed changes so an ordinance will be prepared for consideration at the December Council meeting.

**GROUNDS COMMITTEE REPORT:** Council member McLean directed Council's attention to a memo entitled "Grounds Committee Meeting Report", dated November 11, 2009. She explained that the Grounds committee met on November 11, 2009 to review and discuss several topics in advance of the Council meeting.

Council member McLean explained that no Grand Valley report was submitted by Mr. McQueen due to the Veteran's Day holiday. She reported that Mr. Kipp provided a project status report. a copy of which was included with the Grounds committee meeting minutes. She

highlighted that the Indian Hill Ranger's/Administration building improvements are slightly behind schedule. Final completion with occupancy permit is scheduled in late December 2009. She also reported that Mr. Davis provided a Departmental activity report, a copy of which was attached to the Grounds committee meeting minutes. She explained that these were routine activities for this time of year.

Council member McLean also reported that the Grounds committee reviewed the request by Mr. Pavey for a Veterans memorial for the Village. She said that the Grounds committee will form a sub committee to evaluate this project. The committee members felt that Mr. Pavey would be an excellent first member of the committee and they suggested that Mr. Pavey be asked to recruit another veteran as a member of the committee and then the Council would select two to three additional members. Mrs. Holzapfel and Mrs. McLean both volunteered to be members of the committee.

Council member McLean also reported that the Grounds committee reviewed a resolution confirming the current Recreation Commission members. This resolution includes the names of three individuals who will begin their respective 3-year term of office December 1, 2009. The confirmation simply acknowledges who the members are for liability coverage purposes.

The members of the Recreation Commission are: Richard P. Bethel, John Blazic, Tom Bolser, Terry Dammeyer, Theresa Denoyer, Kerry Durban, Chris Eaton, Mark Feitlinger, Bruce Ferguson, Brian Folke, Greg Goold, Moira Grainger, Doug Howe, Jim Kohl, Kim Lewis, John McClure, Matt McKee, Tim McKay, John Meegan, Leigh Anne Meurer, ken miller, Steve Misali, Mike Nazarro, Todd Neumann, Tom Powers, Keith Rabenold, Dan Robinett, Pete Robinson, Anne Stokley, Traci Zins.

**“A RESOLUTION CONFIRMING THE CURRENT MEMBERSHIP OF THE INDIAN HILL RECREATION COMMISSION,** was presented and read.

Upon motion by Council member McLean, seconded by Council member Holzapfel, the resolution was passed by unanimous voice vote. Mayor Rixey declared Resolution No. 18-09 adopted.

**WATER WORKS REPORT:** Council member Holzapfel directed Council's attention to a memo entitled "Water Works Committee Meeting Report" dated November 11, 2009. She reported that the Water Works committee met on November 11, to review and discuss several items in advance of the Council meeting.

Council member Holzapfel reported that Mr. Kipp provided a project report, a copy of which was included with the Water Works committee minutes. She explained that an advertisement for bids for the water distribution infrastructure improvements project will run in the Cincinnati Enquirer on Monday, November 9 and Monday November 16, 2009. Sealed bids will be received at the Water Works department until 10:00 a.m. Eastern Standard time, Tuesday, November 24, 2009. This project will consist of the furnishing and installing of various size water mains, including other appurtenances and related miscellaneous work. The total base bid

covers 18,300 plus or minus linear feet of water main pipe and the alternative bid includes 7,000 plus or minus linear feet of water main pipe. The estimated cost of the base bid is \$3,227,341 and the alternative bid is \$810,968 for a total bid of \$4,038,309. Estimated construction time is 180 calendar days.

Council member Holzapfel reported that some road detours, traffic delays and the closing of Graves Road (in sections) will be required. The road closures will move based on the contractor's progress. However, homeowners will be directly notified as changes to closure locations become necessary. Another area that will be affected during construction is the walking path on Shawnee Run Road between Given and Drake Roads. Shawnee Run and Drake Roads will be maintained with one lane of traffic during construction. It is not anticipated that any pipe will be laid until after the holidays.

Council member Holzapfel also reported that advertisements are out for the supply of Zinc Orthophosphate and softening salt. Both items saw a significant increase in pricing for 2009 and the hope is that market prices have moderated such that there will be a downturn in pricing with a new contract. The bid openings are set for November 24 with current contracts due to expire December 1.

Council member Holzapfel also reported that the Water Works committee reviewed the ordinance authorizing the Greater Cincinnati Water Works agreement, which is due for final reading and emergency passage at the Council meeting. She said the committee recommends the emergency passage of this ordinance.

**“AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE CITY OF CINCINNATI FOR THE SUPPLY OF RETAIL WATER SERVICE TO CERTAIN AREAS OF INDIAN HILL, AND WHOLESALE WATER SERVICE AND EMERGENCY OR STANDBY WATER SERVICE TO THE ENTIRE INDIAN HILL SERVICE AREA AND DECLARING AN EMERGENCY”** was presented and read for the third reading.

Upon motion by Council member Holzapfel, seconded by Council member McLain, the rules were suspended by unanimous roll call vote. Upon motion by Council member Holzapfel, seconded by Council member McLean the ordinance was passed by unanimous roll call vote. Mayor Rixey declared Ordinance number 17-09 enacted.

**PUBLIC WORKS REPORT:** Mayor Rixey directed Council's attention to a memo entitled "Public Works Committee Meeting Report" dated November 12, 2009. He reported that the committee met on November 10 to review and discuss various items in advance of the Council meeting.

He reported that Mr. Kipp distributed a project status report, a copy of which was included with the Public Works meeting minutes. He explained that these activities were normal for this time of year. He highlighted that both fuel tanks have been completed and the tanks are operational as of November 9. The work was performed by Lykin's Oil Company at a

cost of \$20,650. He also explained that the Village is in the process of purchasing two new trucks. The state contract price has been extended until the end of the year or until they run out of available units. In addition, any unit ordered after January 1 will be approximately 10% higher in cost due to new emission standards. The Village will move ahead and place the order for two units scheduled for replacement in the 2010 budget. The trucks would not arrive, and the Village would not be invoiced until 2010, but it would save approximately \$14,000 by ordering now.

City Manager Burns pointed out to Council that the trucks would include the state of the art emissions control equipment.

Mayor Rixey also explained that the Public Works department provides snow removal services for approximately 13 private streets and common driveways. The Village Cost Containment committee has recommended that the current billing rate for each of the 13 locations be reviewed due to the fact that man power and material cost have grown significantly since the issue was last addressed. The last increase for this service was in 2003 while the cost to the Village to provide this service has since increased by approximately 66%.

Mayor Rixey directed Council's attention to a summary of the current billing cost, actual cost, and private contract cost for the snow removal. He said that the committee was in agreement that the billing be increased to cover the Village cost. He said that there were no additional changes to the proposed Public Works budget for 2010. He said the Public Works committee recommended passage of the resolution to purchase the two trucks previously discussed.

**“A RESOLUTION AUTHORIZING THE MANAGER TO PLACE AN ORDER FOR ONE (1) 2010 CAB AND CHASSIS FOR A GARBAGE PACKER AND ONE (1) 2010 CAB AND CHASSIS FOR A DUMP TRUCK THROUGH THE STATE PURCHASING PROGRAM OR AN EQUALLY COMPETITIVE ALTERNATIVE SUPPLIER”** was presented and read.

Upon motion by Mayor Rixey, seconded by Council member Ottenjohn, the resolution passed by unanimous voice vote. Mayor Rixey declared Resolution No. 19-09 adopted.

**SAFETY COMMITTEE REPORT:** Council member Beech directed Council's attention to a memo entitled “Safety Committee Meeting Report” dated November 12, 2009. He reported that the committee met on November 10 to review several items in preparation for the Council meeting.

Council member Beech reported that Chief Ashbrock distributed copies of the September and October Fire and EMS activity reports. The EMS activities continue to be headed for a record high. Chief Ashbrock attributed some of the extra activity to the nursing homes and dialysis unit in Madeira. Chief Ashbrock also noted to the committee that EMS billing revenues have been higher than anticipated in recent months. A copy of the report from Chief Ashbrock was included with the minutes of the Safety committee meeting.

Council member Beech also noted that Chief Ashbrock indicated that H1N1 inoculations have been completed at Madeira schools and CCDS, but Indian Hill schools have not yet been vaccinated for the flu. The participation rates have generally been around 60%. He anticipated that Indian Hill schools will receive the vaccine within the next week to 10 days.

City Manager Burns said the inoculations will be received by Indian Hill schools on this coming Wednesday.

Council member Beech reported that Colonel Schlie distributed copies of his activity report for the month of October, a copy of which was included with the Safety Committee minutes. The activities were normal activities for the department. He also reported that no changes have been made to the proposed Safety budget for 2010.

Council member Beech reported that the committee had reviewed copies of the proposed renewal 10-year, three way contract with Madeira and the Joint Fire District. He explained that the Joint Fire District is a separate legal entity owned by both Madeira and Indian Hill. He said that the split of the cost has been 50/50 between the two cities and this was some matter of discussion by the cities and it was decided to keep the split in this proportion. He reported that the Safety committee was in unanimous agreement to present the ordinance authorizing the agreement for a first reading at the Council meeting, with passage in December.

**“AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A THREE PARTY CONTRACT FOR THE FURNISHING OF FIRE PROTECTION AND LIFE SQUAD AMBULANCE SERVICES WITH THE CITY OF MADEIRA AND THE MADEIRA AND INDIAN HILL JOINT FIRE DISTRICT, AND DECLARING AN EMERGENCY”** was presented and read for the first reading.

Council member Beech also reported that the State of Ohio has adopted new language related to headlight and child restraint regulations, and the Rangers have recommended that the Village ordinances be amended to mirror as closely as possible the state statutes. He said that City Manager Burns will prepare an ordinance for consideration in December. The committee was acceptable to this recommendation. The Law committee will also review the proposed changes.

**PLANNING COMMISSION REPORT:** Vice Mayor Ottenjohn reported that the Planning Commission did not meet this past month and therefore there was no report. He said that the Planning Commission will meet on November 17, mainly to approve minutes from the June and August meetings.

**CTY MANAGER’S REPORT:**

City Manager Burns in his report said that an organizational meeting is set for December 4 at 7:30 a.m. in the Fire Department meeting hall. He also said that a goals and executive

session will be held again this year, however, because of the budget constraints an outside consultant will not be used. He requested that the Council members consider some dates for the meeting in early 2010.

Mayor Rixey said that he personally thanks Council for allowing him to serve for the last eight years. He said it has been a pleasure to work with them and with Mike and the Village staff.

The Council members thanked Mayor Rixey for all of his work and contribution to the Village.

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

Respectfully submitted,

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Eppa Rixey IV, Mayor

ATTEST:

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Paul C. Riordan, Clerk