

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
December 14, 2009**

A meeting of the Indian Hill Village Council was held on December 14, 2009 at 7:30 p.m. The meeting was held in the Village Fire Department Training Room.

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:

- Eppa Rixey IV
- Susan Holzapfel
- Rob Dowdy, Indian Hill Journal

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

MINUTES: The Minutes of the regular meeting of November 16, 2009 and the minutes of the organizational meeting of the Village Council held on December 4, 2009, had both been previously distributed to each Council member. Mayor Ottenjohn declared the minutes accepted as corrected.

CITIZEN PARTICIPATION: Mayor Ottenjohn presented a resolution of appreciation to Susan Holzapfel for her service to the Village of Indian Hill. Susan Holzapfel has served as a member of Council from December 2003 to December 2009 and it is appropriate to recognize her valued service to Indian Hill.

Mayor Ottenjohn also presented a resolution of appreciation to Eppa Rixey IV for his service to the Village of Indian Hill. Eppa Rixey IV has served as the Mayor of Indian Hill from December 2007 to December 2009 and he has served as a member of Council from December 2001 to December 2009 and it is appropriate to recognize his valued service to Indian Hill.

Both of these resolutions were passed at the December 4, 2009 organizational meeting of the Village Council.

FINANCE COMMITTEE REPORT: Council member Tullis directed Council's attention to a memo entitled "Finance Committee Meeting Report" dated December 10, 2009. He explained that the Finance Committee met on December 10 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 \$29,000 of Income Tax receipts were received in the month of September. He explained that it is still expected that the total Income Tax receipts will be approximately \$1 million under budget for the year. He also reported that no Inheritance Tax receipts were received in the month of November, however, it is expected that \$600,000 of Inheritance Tax receipts will be received in December. He explained that the Auditor's office is somewhat slow in distributing the Inheritance Tax receipts, however, they have assured the Village that they will make the distribution before the end of the year. He explained that the total Inheritance Tax receipts for the year are estimated to be approximately \$3,100,000 which will result in a budget overage of \$1,100,000 for the year.

Council member Tullis also reviewed the expenditure variances which were noted in the Financial Statements. He highlighted that a transfer of \$760,000 was made from the General Fund to the CIRF Fund in November in order to keep the CIRF Fund from going negative.

Council member Tullis also reviewed the Capital Improvement & Replacement Fund. He highlighted that \$222,000 was expended from the fund for principle and interest on the 2009 bonds related to the Ranger/Administration building remodeling. \$52,000 was also disbursed for the month for the building remodeling and a payment of \$446,000 was recorded as a disbursement for payments of principle and interest on the 2005 bonds.

Council member Tullis also highlighted that \$760,000 had been transferred into the CIRF Fund, leaving a Fund balance of zero at the end of the month.

Council member Tullis directed Council's attention to the Statement of Receipts and Disbursements of the Water Works. He explained that the Water Works receipts were \$303,000 for the month of November which is below the \$355,000 received in November of last year. He said that the reduction in receipts is due to the wet weather experienced during the summer months. Total receipts for the year are expected to be approximately \$200,000 less than budget.

Council member Tullis also explained that disbursements included a charge for \$425,000 for the sewer reimbursement and a \$284,000 charge for principle and interest on the 2009 Water Works bonds. Disbursements were \$373,000 in excess of receipts for the month of November for the Water Works.

Council member Tullis also reported that \$99,000 was disbursed in the Water Works Capital Reserve Fund toward the principle and interest on the 2005 construction bonds.

Council member Tullis also explained that in 2010, a separate schedule will be included with the financial packet detailing the outstanding debt issues. This change will be made in the first quarter of 2010.

Council member Tullis also highlighted that the Village funds total \$19,281,000 which is down approximately \$2,000,000 from the October balance of \$21,298,000. He summarized that approximately \$1,000,000 of the reduction was for the payment of the principle and interest on the bonds while the other \$1,000,000 was from the excess of disbursements over receipts for the different funds.

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 October 30. He said that it is also projected that the dividend income on the Rowe Arboretum Fund would be down only several thousand dollars from the previous year.

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

“AN ORDINANCE AMENDING CHAPTER 93 OF THE CODE OF ORDINANCES BY ADOPTING THE CURRENT DEFINITION OF ADJUSTED GROSS INCOME IN SECTION 5747.01 OF THE OHIO REVISED CODE, AND BY SETTING THE RATE OF 0.4% PROVIDED IN SECTION 93-03A FOR THE TAX YEARS 2009 AND 2010 AND DECLARING AN EMERGENCY” was presented and read.

Council member Tullis explained that this is the standard Council action required each year.

Upon motion by Council member Tullis, seconded by Council member Rabenold the rules were suspended by unanimous roll call vote. Upon motion by Council member Tullis, seconded by Council member Beech, the ordinance was passed by unanimous roll call vote. Mayor Ottenjohn declared Ordinance No. 18-09 enacted.

“AN ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENSES OF THE VILLAGE OF INDIAN HILL FOR THE FISCAL YEAR 2010, AND DECLARING AN EMERGENCY” was presented and read.

Council member Tullis explained that this ordinance covers the appropriations budget which was reviewed during the public hearing at the November Council meeting. He noted that several changes had been made since that meeting, with the major change being the \$25,000 reduction in the fire budget. He said that the budgeted appropriations for 2010 reflect a reduction of 6.13% from the budget for 2009.

Upon motion by council member Tullis, second by Council member McLean the rules were suspended by unanimous roll call vote. Upon motion by Council member Tullis, seconded

by Council member Beech the ordinance was passed by unanimous roll call vote. Mayor Ottenjohn declared Ordinance No. 01-10 enacted.

Council member Tullis also explained that the Finance Committee will meet with Village staff to develop a supplemental report which makes it easier to understand interfund transfers. He said that staff does an excellent job of maintaining the records and the reporting; however, it is difficult to understand with the transfers between funds.

“A RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE ADVANCE PAYMENTS OF TAXES” was presented and read.

Council member Tullis explained that this is a standard December resolution which is needed to insure that any payments are forwarded to the Village in a timely manner.

Upon motion by Council member Tullis, seconded by Councilmember Rabenold, the resolution was passed by unanimous voice vote. Mayor Ottenjohn declared Resolution No. 22-09 adopted.

“A RESOLUTION DESIGNATING FIFTH THIRD BANK AS THE VILLAGE OF INDIAN HILL PUBLIC DEPOSITORY” was presented and read.

Council member Tullis explained that staff has reviewed the depository proposals submitted by three area banks and determined that the proposal from Fifth Third Bank represents the best proposal. The Fifth Third Bank has guaranteed the fees contained in the proposal for two years with a provision that the designation may be extended to a maximum of five years if associated fees are deemed acceptable for the additional time period.

Upon motion by Council member Tullis, seconded by Council member Feigelson the resolution was passed by unanimous voice vote. Mayor Ottenjohn declared Resolution No. 23-09 adopted.

Council member Tullis also reported that a small committee comprised of Council member Ottenjohn, Mayor Eppa Rixey, City Manager Burns, and Council member Tullis met with representatives from each Village department and reviewed the compensation and benefits. He said that each meeting went very well and they all understood how tight the finances are in the Village. He said that the wage and benefits are in the top five for all departments vs. the other communities surveyed. Some of the departments are in the top category. He also said that they told the employees that they would revisit the compensation benefits issue in April if the finances should change.

Mayor Ottenjohn expressed to Council member Tullis that he and all the Council members appreciate the work that Council member Tullis has done leading the Finance Committee.

LAW COMMITTEE REPORT: Council member Rabenold directed Council's attention to a memo entitled "Law Committee Meeting Agenda" dated December 10, 2009. He reported that the Law Committee met on December 10, 2009 to review and discuss several topics in advance of the Council meeting.

Council member Rabenold reported that City Manager Burns provided the committee with a brief update on legal issues. The only ongoing matter is the Martin Marietta limestone mine and nothing has changed regarding this case. The Anderson Twp. BZA decision is expected in early 2010.

Council member Rabenold also reported that Mr. Couch and Ms. Nunn (FBT) provided an overview of the process the Village follows when working with prospective Green Areas donors. Twenty acres in gifts were either completed or in process for completion before the end of 2009. It was a very good year for contributions for the Green Areas.

Council member Rabenold also reported that the committee reviewed a draft water supply agreement with Hamilton County for serving Camp Dennison and other unincorporated areas. The agreement has been discussed with Hamilton County officials and it is expected that it will be ready for Council action in January.

Council member Rabenold said that the Law Committee reviewed a draft resolution appointing George Glover to the Personnel Advisory and Appeals Board. The members agreed to recommend passage of the resolution.

"A RESOLUTION APPROVING THE REAPPOINTMENT OF GEORGE GLOVER TO THE VILLAGE OF INDIAN HILL PERSONNEL ADVISORY AND APPEALS BOARD" was presented and read.

Upon motion by Council member Rabenold, seconded by Council member Tullis the resolution was passed by unanimous voice vote. Mayor Ottenjohn declared Resolution No. 24-09 , adopted.

Council member Rabenold also reported that the Law Committee reviewed a draft resolution reappointing Richard C. Wiggers to the Indian Hill Planning Commission. The members recommend passage of this resolution.

"A RESOLUTION APPROVING THE REAPPOINTMENT OF RICHARD C. WIGGERS TO THE INDIAN HILL PLANNING COMMISSION" was presented and read.

Upon motion by Council member Rabenold, seconded by Council member Raines, the resolution was passed by unanimous voice vote. Mayor Ottenjohn declared Resolution No. 25-09 adopted.

Council member Rabenold also reported that the Law Committee reviewed legislation related to two proposed codified ordinance revisions, which are intended to mirror recent changes to state laws regarding headlight and child restraint regulations. Legislation for consideration will be presented in January.

Council member Rabenold reported that the Law Committee reviewed alternate ways to express Council's appreciation for Louise Nippert's recent pledge of \$85 million to performing arts organizations. The committee has determined that a letter from Mayor Ottenjohn and written on behalf of Council would be appropriate.

Council member Rabenold also reported that City Manager Burns advised the committee that the foreclosure action on the abandoned property on Indian Hill Road and Indian Run had been delayed for another six weeks. There is a potential that the parties involved in this dispute could settle it. He said that Council member Beech recommended that the City Manager contact the presiding judge to express Council's concern and to expedite the decision if at all possible.

Mayor Ottenjohn explained to Council that he had recently received two complaints from residents regarding this property and he would like to see this cleaned up as soon as possible.

GROUNDS COMMITTEE REPORT: Council member McLean directed Council's attention to a memo entitled "Grounds Committee Meeting Report", dated December 9, 2009. She reported that the Grounds Committee met on December 9, 2009 to review various items in advance of the Council meeting.

Council member McLean reported that Mr. McQueen provided a Grand Valley report, a copy of which was attached to the Grounds Committee meeting report. She highlighted that the gate access box and master control box at the Grand Valley was vandalized. Two men were arrested. She expressed her thanks to the Village Rangers and to Mr. Queen for their actions in this arrest.

Council member McLean also reported that Mr. Kipp reviewed a project status report focusing mainly on the Rangers/Administration building progress which is nearing completion. A copy of the report was attached to the Grounds Committee meeting report. She highlighted that the site work is about complete. The asphalt base for the driveway and parking area is in but may have to wait until spring to place the final asphalt surface course. The overall project is slightly behind schedule but final completion (occupancy permit) is still scheduled for late December(24th) 2009.

Council member McLean also reported that Mr. Davis reviewed a monthly activity report for Building and Grounds. She said that these were typical activities for this time of year.

Council member McLean also reported that the Village has received a recent complaint from Dr. Turner regarding the Administration site lighting. She said that the Village would consider custom made shields to minimize the view of the lights closest to his property and the Village will consider lower wattage bulb/ballast for the lights. Additional landscaping will be considered to buffer the view. The goal is to make Dr. Turner happy with the situation.

City Manager Burns said that he recently met with Dr. Turner and Dr. Turner now understands that there are minimum lighting requirements that have to be met.

Council member McLean also reported that the committee reviewed a report on the 2009 Green Areas gifts that have been completed or are in process.

Council member McLean also reported that the committee reviewed the Veterans Memorial project. She said that Mr. Pavey will chair the committee and he has suggested that the committee be supplemented with veterans representing the different service branches. Mr. Pavey will contact several residents to gauge their interest in serving on the committee, and a committee will be organized for early in the new year. She said there are concerns about funding this project, however, this will be one of the priorities of the committee to handle. She said possibly there is private funding that could be made towards this project.

Council member McLean also said that the committee agrees that beginning in January the Water Works Committee will meet at 7:30 a.m. on the Wednesday immediately preceding the monthly Council meeting and the Grounds Committee will follow at 8:00 a.m.

WATER WORKS REPORT: Council member Feigelson directed Council's attention to a memo entitled "Water Works Committee Meeting Report" dated December 9, 2009. He explained that the Water Works Committee met on that date to review various items in advance of the Council meeting.

Council member Feigelson reported that Mr. Kipp distributed a project status report. The report focused mainly on the Water Works Main Improvement Project which is scheduled to start shortly after the first of January and continue until at least mid-year. The bids on this project came in at approximately \$1.1 million under the engineer's estimate, which means that Water Works will be able to fund some of the Phase 2 projects with the bonds originally intended to cover only Phase 1 projects.

Council member Feigelson also reported that Mr. Davis summarized a monthly Water Works activity report, a copy of which was attached to the Water Works Committee meeting report.

Council member Feigelson also highlighted that Zinc Orthophosphate costs for 2010 will be approximately \$30,000 under the cost for 2009. The cost of softening salt will be approximately \$2,500 higher in 2010 over 2009.

Council member Feigelson also reported that City Manager Burns advised the committee that staff met with Hamilton County representatives regarding the water supply agreement for the unincorporated areas. The discussions went well and the County is reviewing several changes to the contract suggested by staff. The contract should be completed for the January meeting.

PUBLIC WORKS REPORT: Mayor Ottenjohn directed Council's attention to a memo entitled "Public Works Committee Meeting Report" dated December 8, 2009. He

explained that the committee met on that date to review and discuss various items in advance of the Council meeting.

Mayor Ottenjohn reported that Mr. Kipp reviewed a project status report which had been previously reported on by Council member Feigelson.

Mayor Ottenjohn also reported that Mr. Davis distributed a monthly activity report, a copy of which was attached to the Public Works meeting report. He highlighted that:

- Blacktop repairs on Shadyglen and Drake Roads used 7 tons of blacktop
- Repaired sink hole on Indian Hill road
- All snow route drivers attended a snow and ice control seminar sponsored by MVRMA and ODOT

He also explained that brush pick ups now go through Irvine Recovery. This will save the Village approximately \$50,000 per year. The Village will spend approximately \$5,000 for mulch so that the Village comes out significantly ahead on this arrangement.

SAFETY COMMITTEE REPORT: Council member Beech directed Council's attention to a memo entitled "Safety Committee Meeting Report" dated December 10, 2009. He explained that the Safety Committee met on that date to review several issues in advance for the Council meeting.

Council member Beech reported that Colonel Schlie distributed copies of his activity report for the month of November which was a typical report for the month, with nothing particular to note. A copy of the report was attached to the Safety Committee meeting report.

Council member Beech reported that Chief Ashbrock distributed copies of the November Fire and EMS activity reports. He noted that EMS activities continue to be headed for a record high. He said that Chief Ashbrock attributes some of the extra activity to the nursing homes and dialysis unit in Madeira. A copy of the report was attached to the Safety Committee meeting report. He also reported that the fire runs were down in 2009 vs. 2008 because of fewer false alarms resulting principally from fewer storms during the year.

Council member Beech also reported that the Safety Committee reviewed the proposed renewal of the 5-year, three way contract with Madeira and the Joint Fire District. The Fire Board approved the contract on November 9th, and Madeira approved it on November 30, including a change from a ten year term to a five year term due to concerns about a limitation in their charter language. He said the Safety Committee recommends a second and third reading and passage on emergency basis at this Council meeting.

**“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.

Upon motion by Council member Beech, seconded by Council member Tullis, the rules were suspended by unanimous roll call vote. Upon motion by Council member Beech, seconded by Council member McLean, the ordinance was passed by unanimous roll call vote. Mayor Ottenjohn declared Ordinance No. 19-09 enacted.

Council member Beech also reported that a resolution accepting the 2010 Fire District appropriation is required each year under the contract. The total appropriation is \$3,013,058 and the Indian Hill share is \$1,506,529. This breaks down to a monthly payment of \$125,544, but this amount is then adjusted by any EMS receipts each month. He reported that the Safety Committee recommends passage of the resolution.

**“A RESOLUTION ACCEPTING THE 2010 APPROPRIATIONS
FOR THE MADEIRA AND INDIAN HILL JOINT FIRE DISTRICT**
was presented and read.

Upon motion by Council member Beech, seconded by Council member Tullis the resolution was passed by unanimous voice vote. Mayor Ottenjohn declared Resolution No. 26-09 adopted.

PLANNING COMMISSION REPORT: City Manager Burns directed Council’s attention to a report entitled Planning Commission Report, dated December 14, 2009.

City Manager Burns explained that the Planning Commission met on November 17, 2009 to consider two items:

1. Approve minutes for the June 16, 2009, June 30, 2009 and August 18, 2009 Planning Commission meetings.
2. Approve Findings of Fact for a variance request by Steven Waxler at 8200 Indian Hill Road. This was for a fence on their property next to the Armstrong Church.

Council member Raines directed Council’s attention to a copy of the Planning Commission agenda for December 15, 2009 which was included in the Council packet. She explained that the agenda includes:

1. The approval of the minutes for the November 17, 2009 Planning Commission meeting.
2. A review of a request for a variance to add a second floor addition to Mr. & Ms. David Ahlert’s residence at 5000 Graves Road.
3. The Commission also reviewed a request from Cincinnati Bell Wireless, LLC for approval to extend the existing special exception permitting three existing personal

wireless micro-cells located inside the right-of-way along Miami Road. The request to extend the special exception is for a period of twenty-four (24) months.

CITY MANAGER'S REPORT: City Manager Burns in his Manager's report said that he would send out an email to Council members to select a date for the New Residents party. He reminded everyone that the timing had been moved in recent years to late March, early April in order to have better weather. He said he would include the number of new residents in his email and Council can decide if they would like to not hold the party this year.

City Manager Burns also said that there would be an open house for the Rangers/Administration building at approximately the same time of year and therefore it could be substituted possibly for the New Residents party.

Mayor Ottenjohn explained that City Manager Burns would be sending out a notice to the Village residents letting them know the date and timing for the open house.

Council member Beech made a motion that Council move to executive session to discuss a personnel issue. The motion was seconded by Council member Tullis 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,

David T. Ottenjohn, Mayor

ATTEST:

Paul C. Riordan, Clerk