

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
March 21, 2011**

A meeting of the Indian Hill Village Council was held on March 21, 2011 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.	Mark E. Tullis, Vice Mayor
Mr.	Joseph Beech, III, Council member
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.	Michael W. Burns, City Manager
Mr.	Donald L. Crain, City Solicitor
Mr.	Paul C. Riordan, Clerk/Comptroller

Visitors present: Mr. Rob Dowdy, Community Press

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

MINUTES: The Minutes of the regular meeting of February 28, 2011 had previously been distributed to each Council member. Council member Feigelson made a motion to accept the minutes which was seconded by Council member Tullis and was approved as corrected, 7-0.

FINANCE COMMITTEE REPORT: Council member Tullis directed Council's attention to a memo titled, "*Finance Committee Meeting*" dated March 18, 2011. He reported that the Finance committee met on that date to consider several issues in advance of the Council meeting.

Council member Tullis reported that Mr. Don Siekmann was introduced to the Finance committee as a new resident member of the Audit committee, replacing Mr. Bob Stautberg. Mr. Siekmann has a long and distinguished résumé including, being a partner with Arthur Anderson and being involved in many charities. He will be a welcomed member of the Audit committee.

Council member Tullis reported that the Audit committee met with the auditors from Plattenberg and Associates this morning for the pre-audit meeting. The members of the Audit committee are: Mayor Ottenjohn, Council member Feigelson, Council member Tullis, Mr. Don Siekmann, Mr. George Gibson, and Mr. Mike Sewell.

Council member Tullis presented the Financial Report for February. He explained that \$24,000 of income tax receipts were received in February, bringing the year-to-date total to \$1,213,000. Estate tax receipts of \$25,000 were received in February and it is known that an additional \$230,000 will be received in March. Currently, known estate tax receipts to be received this year are approximately \$1,100,000.

Council member Tullis explained that other income, which is budgeted to total \$1,128,000 for the year, includes \$400,000 from the State of Ohio government. The new budget for the State of

Ohio includes a cut in the monies distributed by the State to local municipalities. It is expected that this reduction will be 50%: 25% being cut in 2012 and the other 25% being cut in 2013. Therefore, the monies received from the State of Ohio from the Government Fund would be cut from \$400,000 down to \$200,000 in future years.

Council member Tullis reviewed the disbursements for the month. The Police department expenditures include \$53,000 in termination pay for one retired employee. Snow removal expenditures year-to-date total \$158,000, versus the budget of \$202,000. The current inventory of salt is approximately 1000 tons. The cost to purchase an additional 1200 tons of salt is projected to be \$72,000. Currently, \$9,400 remains in the 2011 budget to purchase additional salt.

Council member Tullis reported that the total shortfall for the month was \$492,000, which is to be expected this time of year, and is attributed to the low tax revenues.

Council member Tullis also reported that there were no transactions in the CIRF and in the Bond Funds.

The Water Works receipts of \$191,000 for February continue to trend upward principally due to the timing of the Water Works receipts. The Water Works disbursements included the disbursement for the sewer reimbursement in the amount of \$471,000. The sewer reimbursement payment was made in March last year. The total shortfall for the month in the Water Works fund was \$233,000, which is expected due to the quarterly payment of the sewer reimbursement.

Council member Tullis reported that the total of cash and investments at the end of February is \$15,126,000, which is down from the beginning of the month's balance of \$15,802,000. It is expected that there would be a decrease, especially due to the payment of the sewer reimbursement of \$471,000.

Council member Tullis reported that the market value of the Rowe Arboretum Funds increased to \$2,141,072. The Rowe Arboretum Fund also recorded a gain on the sale of investments during the month of \$34,562.

Council member Tullis reported that the market value of the Green Areas and Recreational Fund increased to \$1,139,000 from the beginning of the month's balance of \$1,099,000.

The Financial statement for February 2011 had been previously been distributed to each Council member. There being no exceptions noted, the Financial statement was accepted as issued.

Council member Tullis reported that City Manager Burns advised the Finance committee that he and Finance Director, Nadine Weber, have continued to meet with other members of the Center for Local Government health insurance pool to strategize on ways to limit a projected significant increase in the cost of the pool. The cost of the pool is projected to increase by \$2,500,000. The Village comprises approximately 10% of the pool, therefore, the projected increase for the Village is \$250,000. Several program changes will be implemented on May 1, 2011 to help reduce the high claims experience going forward. One key change, which will be implemented, is to require that working spouses of employees utilize their employer's health insurance plan for their primary coverage.

City Manager Burns explained to Council that Senate Bill 5 has a co-pay provision which would require all employees to pay at least 15% of their health insurance premiums.

Council member Tullis explained that it may be as late as November 2012 before it would be mandated by the State that employees pay a percentage of their health insurance premiums.

LAW COMMITTEE REPORT: Council member Rabenold directed Council's attention to a memo titled, "*Law Committee Meeting*" dated March 16, 2011. He reported that the Law committee met on March 14, 2011 to discuss several items in advance of the Council meeting.

Council member Rabenold reported that the Law committee received an update on the status of the Schlotman lawsuit in Executive session.

Council member Rabenold reported that the Law committee reviewed a request by Mr. Sloneker for the Village Solicitor to issue an opinion on whether residents who have septic systems should be advised by the Village that they could have "latent defects" on their properties if their systems are found to be in need of replacement after they have sold the property. Council member Rabenold explained that the Law committee agreed with Mr. Burns and Village Solicitor Crain that this sort of notice was unnecessary and inappropriate.

Council member Rabenold reported that the Law committee reviewed Senate Bill 5 which had been discussed previously in this Council meeting.

Council member Rabenold reported that subsequent to the Law committee meeting, Mr. Burns forwarded the members a notice he received from the Ohio Division of Liquor Control advising that the Village could object to the renewal of any permits prior to the June 1, 2011 renewal. The three current permit holders are Camargo Club, Greenacres, and Peterloon. Mr. Burns explained to the Law committee that the Village has never objected to the renewals and there are no histories of problems with any of the permit holders.

Council member Beech moved that no objection be transmitted to the Ohio Division of Liquor Control. A motion was seconded by Mayor Ottenjohn and was carried by unanimous voice vote.

GROUNDS COMMITTEE AND PUBLIC WORKS COMMITTEE REPORT: Council member McLean directed Council's attention to a memo titled, "*Joint Grounds and Public Works Committee Meeting*" dated March 17, 2011. She reported that the Grounds and Public Works committees had met jointly on March 17, 2011 to review several items in advance of the Council meeting.

She reported that the Village has received positive comments regarding the shields that have been placed on several of the existing lights in the Administration/Ranger building parking lot to prevent light intrusion on to residential properties to the west of the Administration/Ranger building. New lights will be installed in April. The planned revisions will cost well less than \$4,000, which is considerably under the budget of \$14,000.

Council member McLean also reported that restoration has started on the Administration sign on the side of this building. She also explained that roofing contractors have been contacted to check The Little Red Schoolhouse and the Phinney House for roof leaks.

Council member McLean reported that the bids for the Veterans Memorial project have been received and a contract has been awarded to Jeffrey Allen Corp. The plaza area may have to be extended by one row in order to accommodate the number of pavers purchased by donors.

Mayor Ottenjohn said that he thought the additional row of pavers would be helpful and give additional space which would allow for any future enhancements.

City Manager Burns reported to Council that as of this morning, \$138,000 of donations have been received. He further added that Fifth-Third Bank has indicated that they will contribute \$5,000, bringing the total to \$143,000.

Council member McLean explained that the dedication for the Veterans Memorial will take place on July 4, 2011 and the dedication has been planned in detail. The ceremony will last approximately 30 minutes and will include a flyover by a B-25 airplane and possibly a second plane. She said it is planned to have a live band for the dedication instead of recorded music for the different armed services.

Council member McLean said that it will be necessary to purchase or rent a quality sound system for the dedication. This sound system could also be used for the Memorial Day service at Armstrong Chapel. Mayor Ottenjohn explained in clarification, that it is not a Village function but a function of Armstrong Church. He said we would normally offer the use of the equipment to the Church at no charge.

Council member Feigelson said that he noted that the railroad tracks at Camargo Road are in bad shape and asked who is responsible for repairing them. City Manager Burns explained that it is the responsibility of the Indiana and Ohio Railroad and he would contact them regarding this situation. Council member Feigelson requested that they also tear down the wires which are dangling next to the railroad tracks.

Council member Feigelson also asked that if the tar and chipping to be done at Grand Valley was in the budget. City Manager Burns replied that it is in the budget.

GROUNDS COMMITTEE AND PUBLIC WORKS COMMITTEE REPORT: Mayor Ottenjohn directed Council's attention to a memo titled, "*Joint Grounds and Public Works Committee Meeting*" dated March 17, 2011. He reported that the Public Works committee met jointly with the Grounds committee on that date to review several items in advance of the Council meeting.

Mayor Ottenjohn reported that Mr. Kipp presented a Project Management update to the committee. The intersection of Loveland-Madeira Road and Remington Road (State Route 126/Glendale-Milford Road) will be under major construction throughout the next ten months. Full scale construction work was scheduled to start around the first of March, but not much progress has taken place to date. The construction work is anticipated to continue through the middle of November 2011.

Mayor Ottenjohn reported that new stream designation signs have been installed on several roads in the Village. The signs are of the small type.

Mayor Ottenjohn reported that the roads will be resurfaced on existing roadway for Drake Road (Shawnee Run Road to Graves Road), Graves Road (Drake Road to Miami Road), Pamlico

(Graves Road to South Terminus), and the intersections of Shawnee Run/North Given Road, Shawnee Run Road/Drake Road and Drake Road/Indian Hill Road at an estimated cost of \$220,000. Bids for the road projects should be received in April. City Manager Burns said that after the income tax receipts are known in April, it will be determined if the resurfacing can be expanded to include all of Drake Road, south of Shawnee Run Road.

Mayor Ottenjohn reported that Mr. Adkins also provided the Public Works committee with a Departmental Activity Report which covered typical work for this time of year. He explained that the Village will have to purchase additional salt in the amounts ranging from 1200 tons to 2000 tons. The cost would range from \$70,000 to \$120,000. This additional cost would have to be appropriated later in the year.

Mayor Ottenjohn explained that Village staff is still trying to work out details with Hamilton County on the storm water drainage agreement. It is hopeful that this arrangement will be finalized by the April Public Works committee meeting. The cost for this would be modest, several thousand dollars.

Mayor Ottenjohn reported that Milford has applied for a super fund site because of contamination of their water wells. He said that the Village has known for some time that Milford has volatile organic compounds in their water well. He said that the good news for the Village is that the Village is up stream from both the aquifer and the river; therefore, the contaminants have not entered Village wells. In addition, the Indian Hill wells are constantly monitored.

WATER WORKS REPORT: Council member Feigelson directed Council's attention to a memo titled, "*Water Works Committee Meeting*" dated March 17, 2011. He reported that the committee met on that date to review several items in advance of the Council meeting.

Council member Feigelson reported that all six water storage facilities will be examined by a dive team some time this spring to determine if there are any problems with structural integrity. It is expected that the divers will confirm known problems at the water tower and at least one of the three underground storage tanks located near the tower. The divers will also check the two clear wells at the water plant while they are in the Village.

Council member Feigelson also reported that Mr. Adkins provided a Departmental Activity report, a copy of which is attached to the Water Works committee meeting minutes. He highlighted that the department has started the Fire Hydrant Flushing Program.

Council member Feigelson reported that the Water Works committee recommends two ordinances for a third reading and passage. The first ordinance expresses the Village official intent to reimburse the Capital Improvement Reserve Fund (CIRF) \$726,000 from the Water Works funds to transfer the liability for water system improvements paid for from the CIRF in 1984. It also provides that any future payments of tap-in fees will be credited to Water Works Capital Replacement Fund rather than CIRF. The 2011 appropriation ordinance provides for this reimbursement but the declaration of intent is technically necessary for auditing purposes.

AN ORDINANCE DECLARING THE OFFICIAL INTENT OF THE CITY OF THE VILLAGE OF INDIAN HILL FOR THE WATER WORKS OPERATING AND MAINTENANCE FUND TO REIMBURSE THE CAPITAL IMPROVEMENT RESERVE FUND MONIES USED TO IMPROVE THE WATER SUPPLY TO THE

NORTHERN AREA OF THE VILLAGE OF INDIAN HILL was presented and read for the third reading.

Upon motion by Council member Feigelson, seconded by Council member McLean, the ordinance was passed by unanimous role call vote. Mayor Ottenjohn declared Ordinance number **03-11** enacted.

Council member Feigelson stated that the second ordinance recommended for passage by the Water Works committee sets the tap-in fee schedule for the benefiting parcels affected by the 1984 water works improvements. He further explained that Council typically passes an ordinance setting the fee schedule annually based on the current interest rate the Village is earning on Certificates of Deposits. The ordinance sets a 2011 interest rate of .2%. The Water Works committee agreed to support this ordinance for the third reading and passage. It is anticipated that this ordinance and the previous ordinance will take their regular course and become effective on June 1, 2011.

AN ORDINANCE AMENDING SECTION 51.26 OF THE CODE OF ORDINANCES BY DELETING ATTACHMENT "A" THERETO AND SUBSTITUTING A NEW ATTACHMENT "A" was presented and read for the third reading.

Upon motion by Council member Feigelson, seconded by Council member Rabenold, the ordinance was passed by unanimous role call vote. Mayor Ottenjohn declared Ordinance number **04-11** enacted.

Council member Feigelson reported that Water Works committee also discussed the Milford water well issue, which had been previously discussed in the Council meeting.

SAFETY COMMITTEE REPORT: Council member Beech directed Council's attention to a memo titled, "*Safety Committee Meeting*" dated March 16, 2011. He explained that the Safety committee met on March 14, 2011 to discuss several items in advance of the Council meeting.

Council member Beech reported that Chief Ashbrock provided the committee with an EMS Activity Report for February 2011. He reported that EMS runs total 190 year-to-date in February versus 149 for the same period last year for an increase of 27%. It is not known if this increase in activity will continue.

Council member Beech also reported that Robert Gehring has been named board president and Ellaine Herschede vice-president for the new board term. The incoming new board member will be Katy Fink from Madeira.

Council member Beech reported that Colonel Schlie provided the Safety committee with a Police Activity Report for January, a copy of which is attached to the Safety committee meeting minutes.

He explained that Colonel Schlie also reported that the police will be present for the Indian Hill Tea Party meeting.

Council member Beech reported that Colonel Schlie also provided a Deer Culling Report for the recently completed hunting season. The number culled was lower than in previous years. Hunters have reported fewer deer sightings throughout the season. He noted that there were 18

related deer crashes in the Village this past year versus 28 in the prior year. He also mentioned that overall the hunting season was a safe year with one hunter injured from a fall while hunting on private property. This is the first report of an injury since the program's inception.

Council member Beech reported that the annual reports for the police and the fire departments were distributed to the Safety committee meeting members during the meeting.

PLANNING COMMISSION REPORT: Council member Raines reported that there was no March 15, 2011 Planning Commission meeting; therefore, there is no report.

CITY MANAGER'S REPORT: City Manager Burns reminded Council to send in their Ohio Ethics filings otherwise they would be fined on a daily basis by the State. Mayor Ottenjohn requested that Council members e-mail City Manager Burns to let him know that they have filed their Ohio Ethics forms.

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