

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
April 25, 2011**

A meeting of the Indian Hill Village Council was held on April 25, 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 March 21, 2011 had previously been distributed to each Council member. Council member Tullis made a motion to accept the minutes which was seconded by Council member Rabenold 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 April 19, 2011. He reported that the Finance committee met on April 15, 2011 to review several items in advance of the Council meeting.

Council member Tullis reported that income tax receipts thru April 19, 2011 totaled \$5,539,000, which exceeds the \$4,741,000 received through approximately the same time last year. He stated that this is the first time in three years that receipts are ahead of the previous year's receipts and they are also above budget for the current year. The income tax receipts are projected to be 16% higher than budgeted for the current year. He explained that staff made a projection for the total income tax receipts for the year using the same amounts received for May through December 2011, and it appears that the total receipts will be \$5,800,000 to \$5,900,000. At this time of year, the total for the year is speculative because of the unknown amount to be received for the rest of the year.

Council member Tullis informed Council that it is important to be cautious and the budget still requires close monitoring. Staff continues to review the budget by line item and adjustments may have to be made.

Council member Tullis directed Council's attention to the Financial Statement included in the packet. Council member Tullis explained that even though there were no estate tax receipts received in March, it is known that the Village will receive at least \$1,500,000 in 2011. He said we should achieve the \$2,000,000 budgeted for estate taxes in 2011.

Council member Tullis reported that disbursements exceeded receipts by \$798,429 which is expected this time of year because income tax receipts are low until they are collected in April.

Council member Tullis reported that the Water Works receipts continue strong with \$174,229 received in March, which is slightly down from \$180,853 received the same time last year. Total receipts exceeded disbursements by \$242,517 for March.

Council member Tullis explained that the \$239,000 remaining in the 2009 Water Works Bonds Fund would be used to fund the work on the underground tank repairs.

Council member Tullis reported that the cash and investments as of March 31, 2011 totaled \$14,623,000 which is down from the February 28, 2011 balance of \$15,126,000. He highlighted that the income tax fund has a balance of \$5,645,000 and it will increase with the April income tax receipts.

Council member Tullis reported that the Rowe Arboretum Fund investments showed a slight increase to \$2,157,000 and it has an unrecognized gain of \$410,000. The Green Areas and Recreational Fund investments also showed a slight increase to \$1,139,000 and it has an unrecognized gain of \$307,000.

Council member Tullis reported that City Manager Burns and Mrs. Weber met with Mr. John Schmitz of Bahl & Gaynor and reviewed the Rowe Arboretum investments. He explained that several years ago the Village made the decision to invest the Rowe Arboretum Fund so it would be self-sustaining and would not require subsidies from the Village. The Finance committee believes that Bahl & Gaynor has been very successful in managing the fund, and that in 2010, the fund was up about 16% and generated over \$78,000 of income for the Rowe Arboretum. The Finance committee felt that it was not necessary to meet with Mr. Schmitz at this time because of the success of the fund. Rowe Arboretum committee is pleased with the results.

Mayor Ottenjohn asked if the investments are ever "marked" to market. Mr. Riordan explained that the marked to market adjustment is made at the end of the year on the audited financial statements but not on the monthly Village statements which are maintained on the cash basis and require the investments to be carried at cost.

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

Council member Tullis reported that Staff has prepared an estimate of the reduction in revenues from the State resulting from the local government fund changes to the Executive State budget which takes effect August 2011. The Village will lose approximately \$21,000 in 2011 and \$100,000 in 2012, which is a 25% reduction from 2010 receipts. The Village will lose an additional 25% through June 2013. It is uncertain if a reduction will continue after June 2013, therefore an estimate of the reduction was not made. These revenues represent funds transferred from the State of Ohio to Hamilton County and then on to the Village of Indian Hill.

Council member Tullis stated that even though income tax receipts are ahead of last year, it is not time to "celebrate". Staff continues to review the budget items and adjustments may have to be made.

Council member Tullis reported that the Finance committee also reviewed the on going list of roads which may be added to the repaving list. This topic will be discussed further by Mayor Ottenjohn.

LAW COMMITTEE REPORT: Council member Rabenold directed Council's attention to a memo titled, "Law Committee Meeting Report", dated April 18, 2011. He reported that the Law committee met on April 14, 2011 to review several items in advance of the Council meeting.

Council member Rabenold reported that the Martin Marietta case is waiting for the Judge's ruling on an appeal of the Magistrate's decisions. He said the Schlotman lawsuit is also in the early information gathering phase.

Council member Rabenold reported that Mr. Burns advised the Law committee that Senate Bill 5 was signed by the Governor on March 31, 2011. It is anticipated that the public unions will seek to obtain the necessary petitions to place the bill on the November ballot.

Council member Rabenold reported that the Law committee reviewed copies of the March meeting agenda and summary notes for the state septic system advisory committee meeting. This committee is still in the early stages of their work on drafting new statewide rules for home sewage disposal systems. There were no items of concern to the Village discussed at the March meeting. Mr. Burns also advised the Law committee that Health Commissioner Ingram has named his selection to the local appeals board which will hear appeals from property owners affected by any ruling by the General Health District. The person appointed was Mr. John Phillips who is a local environmental law attorney who lives in Anderson Township and has an office in Montgomery. Mr. Phillips was also past president of the Hamilton County Board of Health.

Council member Rabenold also reported that Mr. Burns is planning to proceed with an update of the codified ordinances as soon as Council adjourns for the summer recess.

JOINT GROUNDS & PUBLIC WORKS COMMITTEES REPORT: Council member McLean directed Council's attention to a memo titled, "Joint Grounds and Public Works Committee meeting" dated April 21, 2011. She reported that the Grounds and Public Works committees met jointly on April 21, 2011 to discuss a number of items in advance of the Council meeting.

Council member McLean reported that Mr. McQueen provided the Grounds committee with a report on the Grand Valley activities. The committee specifically discussed two items on the report related to a concern about problems with dog fighting and a request from a Winter Club representative to allow a "Winter Club Day" at Grand Valley for non-resident members.

The committee felt that it was appropriate for staff to deal with the dog fighting incident informally at this time. The joint committee was split in their views on whether to allow a "Winter Club Day" event at Grand Valley. The majority felt that the Village should permit it this year and see how it goes before continuing the event in future years.

Council member McLean reported that Mr. Kipp provided a Grounds Committee Report related to project management. The Administration/Ranger building parking lot lighting will be installed in May.

She also reported that Mr. Adkins provided a Departmental Activity Report. Most of the work is typical for this time of the year.

Council member McLean reported that the donations for the Veterans Memorial Project total \$157,000 so all of the related sub-projects will be completed along with the basic Memorial project. The committee will meet on April 27, 2011 at 4:00 p.m. to finalize dedication program details and conduct a groundbreaking at 5:00 p.m. There is an additional proposal to incorporate a skydiving team delivering the flag for the dedication on July 4, 2011. This will be reviewed at the upcoming committee meeting. It was also noted that the Indian Hill High School Band has committed to participate in the parade and dedication.

Council member McLean reported that the Grounds committee is considering an upcoming date to meet with the Bridle Trail subcommittee of the GAAC. She said it has been determined that it would be best to schedule this meeting in September because the current members of the Bridle Trail committee will be rotating off the GAAC in June.

Council member McLean reported that the annual Water Quality Study Report would be presented to the Green Areas Advisory Committee on May 4, 2011. Council members are invited to attend the 5:30 p.m. meeting.

PUBLIC WORKS COMMITTEE REPORT: Mayor Ottenjohn reported that all of the members of the Public Works committee were present at the joint Grounds and Public Works committee meeting held on April 21, 2011.

Mayor Ottenjohn reported that Mr. Kipp provided the committee with a project status report. He reported that staff is still working on the Hamilton County Storm Water District Report. The Remington Road/Loveland-Madeira Road intersection project is starting up and traffic delays are expected.

Mayor Ottenjohn reported that Mr. Adkins provided a Departmental Activity Report which covers typical work for this time of the year. Mayor Ottenjohn stated that it appears we are finished with snow events for the year and advised Council that later in the year it will be necessary to purchase approximately \$70,000 - \$80,000 of salt to replenish the supply. He also said that there is approximately \$24,000 left in the budget for overtime and it is not likely to be necessary to appropriate additional funds later in the year. However, it may be necessary to appropriate additional funds if gasoline prices continue to rise.

Mayor Ottenjohn reported that the committee reviewed the road resurfacing projects which consists of Drake Road (Shawnee Run Road to Graves Road), Graves Road (Drake Road to Miami Road), Pamlico Lane (Graves Road to South Terminus), including the intersections of Shawnee Run Road/North Given Road, Shawnee Run Road/Drake Road, and Drake Road/Indian Hill Road. The resurfacing work will take place in July, and the estimated cost is \$215,000. He said that staff is recommending that due to income tax receipts being over budget, the additional road resurfacing be performed. Drake Road will be resurfaced in two stages: \$100,000 will cover the road from Graves Road to Indian Hill Road and an additional \$100,000 for south Drake Road. The south Drake Road work will not be done until it is known that the home being built along that stretch of road is complete so that trucks do not damage the newly resurfaced road.

Mayor Ottenjohn said that spending \$200,000 additional on road projects, with the current circumstances, would leave \$700,000 over the total budget so this seems to be a reasonable use of funds.

City Manager Burns explained that road contractors are very eager for business, however, the cost of asphalt continues to increase and therefore it is difficult to determine how the actual cost will compare to the budgeted cost.

Mayor Ottenjohn indicated that an appropriation ordinance will need to be approved later this year once the final costs are identified. Mayor Ottenjohn asked if there were any objections to Mr. Burns proceeding with doing the additional road work. There were no concerns, therefore Mayor Ottenjohn asked Mr. Burns to proceed.

Mayor Ottenjohn reported that the committee reviewed an ordinance amending Ordinance 11-10 which approved the plat of Twin Fences Subdivision because the ordinance inadvertently excluded a 100 foot section of Stirrup Cup Drive as being dedicated. The amended ordinance corrects that omission and eliminates the possibility of the Village having to pay taxes on the undedicated portion of Stirrup Cup Drive. He said that the committee recommends emergency passage of the ordinance.

ORDINANCE AMENDING ORDINANCE NO. 11-10 APPROVING THE PLAT OF TWIN FENCES AT PETERLOON FARM SUBDIVISION (PHASE 1) AND ACCEPTING DEDICATION OF THAT PORTION OF STIRRUP CUP DRIVE WHICH IS SITUATED IN THE SUBDIVISION, AND DECLARING AN EMERGENCY was presented and read.

Upon motion by Mayor Ottenjohn, seconded by Council member Tullis, the rules were suspended by unanimous roll call vote. Upon motion by Mayor Ottenjohn, seconded by Council member Rabenold, the ordinance was passed by unanimous roll call vote. Mayor Ottenjohn declared Ordinance **05-11** enacted.

Mayor Ottenjohn reported that ODOT has agreed not to require the Village to pay an additional \$18,000 in inspection fees related to a 2005-2006 landslide correction project on Remington Road. City Manager Burns said that ODOT determined that by the Village agreeing to close the road, which allowed ODOT to work more efficiently, they were able to save \$200,000. This fact made it easier to forego the \$18,000.

Mayor Ottenjohn reported that there had been several complaints about tree trimming by Duke Electric contract crews which is an ongoing issue. He said that staff is routinely put in a position of trying to mediate between property owners and the tree trimmers. Staff also tries to facilitate the full removal of trees that are going to be trimmed so substantially that they just become stumps sticking up to wires. There seems to be no easy solution to this issue. The Village just has to work through it.

Mayor Ottenjohn reported that Forest Creek Homeowners are requesting that the subdivision be accepted for dedication prior to the completion of 75% of the homes. He said that staff does not recommend early dedication because the road will be subject to additional construction for at least

the next year. The committee has agreed with staff and feels that an early acceptance was not appropriate at this time. No action needs to be taken on this item.

WATER WORKS REPORT: Council member Feigelson directed Council's attention to a memo titled, "Water Works Committee meeting" dated April 19, 2011. He explained that the Water Works committee met on April 21, 2011 to review several issues in advance of the Council meeting.

Council member Feigelson reported that Mr. Adkins provided a Departmental Activity Report. He reported that a hydrant was moved further from the corner of Camargo and Given Roads because it has been damaged by vehicles several times.

Council member Feigelson also reported that a radiator in the water tower generator was repaired internally by a Village employee, saving contract costs.

Council member Feigelson reported that the committee reviewed the Water Works Capital Replacement Fund Program for 2011. He explained that a large portion of the budget is allocated to debt service on outstanding bonds. \$225,000 has been allocated to the repair of underground storage facilities at the water tower site, and this amount will be funded by remaining bond funds. The actual extent of the repairs will be determined by a dive that is to take place in late May. He reported that the five year CRF program will be extended to a 10 year program as part of the 2012 budget process.

Council member Feigelson explained that there is a sewer expansion petition process underway in Camp Dennison which could affect the availability of sewers to Village facilities and a limited number of Village residences in the future. A concept plan of the expansion was distributed to the committee members. Mr. Burns is attending a meeting in Camp Dennison on April 28, 2011 to get additional details on the petition process and feasibility for the proposed expansion. He said this would bring municipal sewers to Camp Dennison.

Council member Feigelson reported that Mr. Burns attended a meeting with Symmes Township and Loveland Symmes Fire District Officials to discuss their request for the Village to assist in water system improvements in Camp Dennison. City Manager Burns told Council that he did not offer to assist with any funds for their budget, but the Village would assist in the construction inspection if the project goes forward.

SAFETY COMMITTEE REPORT: Council member Beech directed Council's attention to a memo titled, "Safety Committee Meeting" dated April 19, 2011. He reported that the Safety committee met on April 14, 2011 to review several items in advance of the Council meeting.

Council member Beech reported that Chief Ashbrock provided a Fire and EMS Activity Report for March 2011. He noted that EMS activity continues to set new records every month. He said that the majority of runs come from Madeira, and they are doing an additional analysis to determine exactly where the increase is coming from.

Council member Beech reported that fire activity remains very low. He also noted that the department is very busy with the spring hydrant flushing program. A copy of Chief Ashbrock's report is attached to the Safety Committee Meeting notes.

Council member Beech reported that Colonel Schlie provided a normal Police Activity Report for March and offered several comments on specific cases of interest. A copy of this report is also attached to the Safety Committee Meeting notes.

Council member Beech also reported that the Safety committee discussed a recent speed limit complaint involving the section of Graves Road between Miami and Drake Roads. The speed limit is 35 mph, and a number of residents have indicated that they believe it should be lowered to 25 mph. Accident data does not indicate any sort of obvious accident concerns, but residents have mainly complained about near accidents. The committee felt the road conditions exacerbated the concerns. City Manager Burns suggested that the Rangers conduct a speeding study to determine the number of violations and the typical speed of vehicles using the road. Staff will review this information with the committee in May. The committee members were in agreement with this course of action.

PLANNING COMMISSION REPORT: Council member Raines reported that there was no Planning Commission meeting in April and therefore there was no report.

CITY MANAGER'S REPORT: City Manager Burns reported in his "City Manager's Report" that Thursday, May 5, 2011 is "National Day of Prayer", and it will be held at the Stephan Field Bicentennial Memorial at 7:30 a.m. Mayor Ottenjohn will be the Master of Ceremonies.

City Manager Burns stated that starting the middle of next week he will be on vacation for 11 days, and Mr. David Couch will be acting City Manager. Mr. Burns said he will be unreachable while on vacation.

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