

**MINUTES OF MEETING
INDIAN HILL VILLAGE COUNCIL
December 20, 2010**

A meeting of the Indian Hill Village Council was held on December 20, 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, City Solicitor
Mr.	Paul C. Riordan, Clerk/Comptroller

Visitors present:

Mr.	Rob Dowdy, Community Press
Mr.	William Sloneker, 8625 Indian Hill Road
Mr.	Mark Whitman, 6580 Druwood Lane
Mr.	Ben Whitman, 6580 Druwood Lane

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

MINUTES: The Minutes of the regular meeting of November 22, 2010 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 by unanimous voice vote.

FINANCE COMMITTEE REPORT: Council member Tullis directed Council's attention to a memo titled, "*Finance Committee Meeting*" dated December 13, 2010. He reported that the Finance Committee met on December 13, 2010 to review several issues in advance of the Council meeting.

Council member Tullis also directed Council's attention to the financial statements included in the Council packet. He reported that income tax receipts of \$28,348 were received in November bringing the year-to-date total to \$5,298,000. He explained the total income tax receipts include \$226,000 of pre-payments for 2011. Deducting the pre-payments from the total results in net income tax receipts for the year of approximately \$5,100,000 which is a reduction from 2009 of approximately 19% - 20% versus the budgeted reduction of 15%.

Council member Tullis reported that \$675,000 of estate taxes were received in November. He explained that another \$1,500,000 in estate tax receipts is expected in December bringing the year-to-date total to approximately \$3,600,000. He said it is also known that an additional \$800,000 of estate taxes will be received in the first quarter of 2011.

Council member Tullis reviewed the other incomes and expenditures in the Statement of Receipts and Disbursements and explained that the variances were primarily the result of timing differences. He reported that the excess of receipts over disbursements for the month was \$200,097.

Council member Tullis reported that payments on the 2005 bonds and 2009 bonds for principal and interest totaling \$661,000 were charged to the Capital Improvement Reserve Fund in November leaving a balance in the fund of \$961,695.

Council member Tullis reported that the Water Works water receipts continue to trend higher than 2009 with receipts of \$456,000 received in November 2010. The increase in water receipts is primarily due to the dry weather during 2010.

Council member Tullis reported that the Other Expenditure Account included in the Water Works Financial Statement includes a disbursement of \$284,000 for November 2009. Approximately \$276,000 of this expenditure was for bond principal and interest. This year the bond principal and interest payment has been charged to the Water Works Capital Fund. Payments for the 2005 and 2009 bonds for principal and interest totaling \$314,000 were charged to the Water Works Capital Fund in November leaving a balance in the fund of \$144,457.

The Water Works receipts exceeded disbursements by \$96,000 for November which compares to the shortfall of \$373,000 for November 2009. The difference is primarily due to the bond principal and interest payment included in the 2009 expenditures.

Council member Tullis reported that project expenses of \$295,000 for the Water Works improvements were charged to the Water Works Bond Fund in November 2010 leaving a fund balance of \$624,000.

Council member Tullis reported that the Income Tax Fund balance at the end of November increased to \$6,696,000 and the total operating fund balances increased to \$6,985,000. The increase in the total operating fund balance was primarily due to the large receipt of estate taxes received in November.

Council member Tullis reported that cash and investments equaled \$14,715,000 on November 30, 2010 which was down from \$15,689,000 at the end of October.

Council member Tullis also reviewed the bond summary sheet, which reflected the payments on the 2005 and 2009 bonds. The payments for the month totaled \$975,644 for principal and interest (\$661,402 from the CIRF and \$314,242 from the CRF).

Council member Tullis reported that the market value of the investments for the Rowe Arboretum Fund declined to \$2,006,000 from the beginning of the month balance of \$2,055,000. He said that the dividend and interest income is tracking to budget and should be nearly on budget by the end of the year.

Council member Tullis reported the market value for the investments of the Green Areas and Recreational Fund increased to \$1,013,000 from the beginning of the month balance of \$1,007,000. There were no transactions in the fund for the month.

The financial statement for November 2010 had previously been distributed to each Council member. There being no exceptions noted, the financial statement was accepted as issued.

Mr. William Sloneker asked if the cost per resident had been calculated. Council member Tullis replied that he would explain the cost analysis at a later point in the financial report. Mr.

Sloneker said he had requested the breakdown of departmental expenses by resident for the year. Council member Tullis told him that the analysis has not been prepared; however, it will be prepared in the next month. Council member Tullis explained that it is a very busy time for the Finance Director and he hopes to have some of the information by the end of January. Mayor Ottenjohn explained to Mr. Sloneker that the Village has provided him with the cost per resident; however, it may not have been broken down as Mr. Sloneker would like to have it. Mr. Sloneker said he also would like a head count per resident to measure the staffing levels. Mr. Sloneker said he has seen the cost per capita go up 50%; however, he has not seen any increase in services.

Mayor Ottenjohn explained to Mr. Sloneker that Council understands what he is asking for though it has not been determined how best to provide information.. He said the Village is working through the request and there will be an answer by the next Council meeting of what form this information should take and if it will address Mr. Sloneker's concerns. Mr. Sloneker said it is a dereliction of duty not to have this information. Council member Tullis told Mr. Sloneker that he understood what he was requesting and he will be given some information and he can assemble it how he likes. Council member Tullis said that Council would be willing to look at his analysis.

Council member Tullis explained that the three pay ordinances included in the Council packet contained across the board pay increases for all employees of 2% except for the City Manager who requested no increase. He said that pay increases had been considered for a number of months and that you could argue both ways - either for a pay increase or against it. After looking at it for several months and with consultation with the City Manager, the Finance Committee agreed to recommend a pay increase of 2% for all employees. One reason for the recommendation is that there was no pay increase for 2010. In addition, the employees actually had a reduction in pay because of the reduction in the amount the Village paid into the employee's Health Savings Account. In addition, there was a reduction in the number of personnel, which resulted in a net decrease in salaries for 2011. In the General Operating Fund, the pay increase approximates \$120,000 and in the Water Works Fund the increase is approximately \$35,000. The increase in wages total \$155,000 while the decrease in salaries for cuts in personnel equals \$195,000. He said the way he viewed it is that the increase in salaries represents only approximately 1% of the total operating, CIRF, and Water Works budgets totaling \$16,000,000. The cuts in personnel reduce the total salaries by more than 1% for the year. Council member Tullis said that looking at the salary increase over the last two years reflects an approximate .5% increase in the budget spread over each of the past two years. He said the City Manager and the Finance Committee believe that the raise should be given to the employees especially since the employees have had a tough year with the constant threat of furloughs and the additional workload they have incurred because of personnel cuts. Council member Tullis said the Village was able to forgo the furloughs because of the cuts made in expenditures as well as additional estate taxes received at the end of the year. He also stated that the Village is in good financial shape and that a raise is warranted.

Mayor Ottenjohn explained that because of the reduction in staff, the Village is asking the employees to do more and that they will continue to be asked to do more. He said no one on Council will be encouraging the City Manager to bring on more employees. He said asking them to do more work warrants an increase. Mayor Ottenjohn asked Council if they had any thoughts on the 2% increase and there was none.

Council member Tullis moved that Council move into emergency session for the three pay ordinances. The motion was seconded by Council member Feigelson and was carried by unanimous roll call vote.

Council member Tullis explained that the ordinances provide a wage spread from high to low for each position. He also explained that the ordinances refer to the 2008 ordinances because an ordinance was not passed in 2009 due to the fact that no pay increases were given in 2009.

“AN ORDINANCE FIXING THE COMPENSATION OF THE POLICE DEPARTMENT OF THE VILLAGE OF INDIAN HILL, REPEALING ORDINANCE NO. 17-08 AND DECLARING AN EMERGENCY” was presented and read.

Upon motion by Council member Tullis, seconded by Council member Beech the ordinance was carried by unanimous roll call vote. Mayor Ottenjohn declared Ordinance number **07-10** enacted.

“AN ORDINANCE FIXING THE COMPENSATION OF THE EMPLOYEES OF THE PUBLIC WORKS AND WATER WORKS DEPARTMENTS OF THE VILLAGE OF INDIAN HILL, REPEALING ORDINANCE NO. 18-08 AND DECLARING AN EMERGENCY” was presented and read.

Upon motion by Council member Tullis, seconded by Council member Beech the ordinance was passed by unanimous roll call vote. Mayor Ottenjohn declared Ordinance number **08-10** enacted.

“AN ORDINANCE FIXING THE COMPENSATION OF THE PERMANENT EMPLOYEES OF THE VILLAGE OF INDIAN HILL NOT COVERED BY ORDINANCES 07-10 AND 08-10, REPEALING ORDINANCE NO. 19-08 AND DECLARING AN EMERGENCY” was presented and read.

Upon motion by Council member Tullis, seconded by Council member Beech the ordinance was passed by unanimous roll call vote. Mayor Ottenjohn declared Ordinance number **09-10** enacted.

Council member Tullis reported that the planned \$726,000 transfer from the Water Works Fund to the CIRF would not be handled by emergency session and will be handled in the normal way with three readings starting in January 2011.

Council member Tullis directed Council's attention to the 2011 budget summaries included in the Council packet. He explained that they are the same statements which were reviewed and discussed at the last Council meeting except for several changes. He explained that the appropriation ordinance pulls the numbers from these budget summaries in the form required by the state. He explained that the Water Works budget was increased by approximately \$3,000 for step pay increase for the Water Works Superintendent. The Water Works Fund balance was also changed by \$125,000.

Council member Tullis reported that the estimate of the 2010 operating funds revenues and expenditures had been changed since the last Council meeting. He explained that the estate tax had been increased to \$3,476,000 but it is now known that the amount will be closer to \$3,600,000. The

total revenues projected for 2010 is now expected to be around \$11,000,000 and the total expenditures are projected to be \$10,224,000. The expenditures in the CIRF fund are projected to total \$1,462,000. A shortfall for the year of \$750,000 is projected. He said it is important to note that because of the reductions in expenditures made during the year and the increase in estate taxes, the shortfall was only \$750,000 versus the budgeted amount of \$3,600,000.

Council member Tullis explained that the budget for 2011 reflects a shortfall of \$1,921,000. This includes \$726,000 of tap-in fees on the revenue side. He explained that the ending fund balances projected for 2011 would total \$6,840,000 assuming that the Village had a shortfall of \$1,921,000 for the year. The income tax receipts are projected flat for 2011 at \$5,000,000.

Council member Tullis explained that the projection for 2012 reflects a shortfall of \$3,412,000 which reduces the fund balances to \$3,428,000 at the end of 2012. He said that the 2013 projections show that the Village would be in some financial trouble and that either revenues would have to increase or a tax increase would be considered. Mayor Ottenjohn pointed out that there could also be a reduction in spending.

Council member Tullis explained the Water Works Fund balances would be a healthy \$2,659,000 at the end of 2011 even with the transfer of \$726,000 from the CRF to the CIRF for the tap-in fees. He also said that the Water Works remains in very good financial condition through 2012 and 2013.

Council member Tullis directed Council's attention to the 2011 Summary of Operating Expenditures Statement included in the Council packet. He explained that the total net operating expenditures budget for 2011 is a decrease of 3.07% from the budget for 2010. The CIRF reflects a budget to budget reduction of 42.32% or approximately \$1,041,000. The total 2011 Operating Fund and CRF expenditures reflect a net decrease budget to budget of \$1,375,000 or 10.32%.

Council member Tullis reported that the Water Works maintenance and operation expenditures are projected to increase 4.52% or \$171,000 in the 2011 budget versus the 2010 budget. However, he explained that the sewer charges which are mandated by the Cincinnati Sewer District are scheduled to increase \$186,000. Without the sewer charge increase, the actual expenses of the Water Works would have decreased slightly.

Council member Tullis explained that Water Works CRF expenditures are down .98% or \$5,900. The total Operating Fund and CRF expenditures reflect a net increase of 3.77% or \$165,000 budget to budget with most of the increase being a result of the increase in the sewer charges which is a pass through to the water users.

Mayor Ottenjohn explained that the total operating expenditures in 2007 were \$10,124,000 and in 2011 \$10,393,000, so basically the expenditures are flat.

“THE ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENSE OF THE VILLAGE OF INDIAN HILL FOR THE FISCAL YEAR 2011, AND DECLARING AN EMERGENCY” was presented and read.

Mayor Ottenjohn explained that the ordinance does agree with the financial statements reviewed by Council member Tullis but they are set-up slightly different because of transfers.

Upon motion by Council member Tullis, seconded by Council member Raines, 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 number **01-11** enacted.

“AN ORDINANCE AMENDING CHAPTER 93 OF 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 2010 AND 2011 AND DECLARING AN EMERGENCY” was presented and read.

Council member Tullis explained that Council has struggled for six months for ways to keep the income tax low. He believes that this endeavor has been successful and is attributed to the excellent work of Mr. Burns and his staff. Reducing the expenses for the year has enabled the Village to maintain the .4% tax rate.

City Manager Burns explained that the ordinance includes a reference to 2011 so the residents can plan their taxes during the year. He explained that it has been the practice of Council to set it both retrospectively and prospectively for the upcoming year.

Mayor Ottenjohn stated that he prefers that the tax rate be shown as .4% as it is stated in the ordinance and Council can change it if so desired next year. Mayor Ottenjohn requested a vote for retaining the reference to 2011 in the proposed ordinance. Council voted 4-3 to retain the reference to 2011 in the ordinance.

Upon motion by Council member Tullis, seconded by Council member Beech, 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 number **10-10** enacted.

“A RESOLUTION AUTHORIZING THE ADVANCE PAYMENT OF COUNTY FUNDS was presented and read.

Upon motion by Council member Tullis, seconded by Council member Beech, the Resolution was passed by unanimous voice vote. Mayor Ottenjohn declared Resolution number **18-10** enacted.

Council member Tullis reported that the Indian Hill Historical Society recently replaced a HVAC condenser unit at Buckingham Lodge and they have requested financial assistance on the replacement. The request is for \$3,000 to cover the cost of the compressor. Council member Tullis said he believes the Historical Society is a very good organization that benefits the Village. The Village owns Buckingham Lodge and would be responsible for taking care of the facility if the Historical Society was not using it. He said the lease states that the Village would take care of repairs on the outside of the building and felt that the Village should reimburse the \$3,000. It will not affect the Village budget for 2010 because the Historical Society has done a good job of controlling their expenses and have used only approximately \$11,000 of the \$14,000 subsidy allotted to them. Council member Tullis said the Finance Committee agreed to reimburse the Historical Society \$3,000 towards the replacement of the HVAC.

Mayor Ottenjohn said he agreed with the \$3,000 reimbursement; however he requested the Law Committee to review and clean-up the lease to prevent such issues in the future.

Council member Tullis reported that the Finance Committee reviewed a billing problem related to the Veterans Memorial project. He explained that Mr. Bentley presented a cost estimate in June 2010 of \$12,500 for his design services but he is now seeking an additional \$5,925 in compensation for some of the conceptual work. The Veterans Memorial Committee understood that this work was to be provided pro-bono. After reviewing the supporting information Council member Tullis said the Finance Committee recommends that the original estimate of \$12,500 as presented on June 28, 2010 should be honored and the additional billing should not be accepted. Council agreed with the recommendation.

SAFETY COMMITTEE REPORT: Council member Beech directed Council's attention to a memo titled, "*Safety Committee Meeting*" dated December 14, 2010. He reported that the Safety Committee met on that date to review several issues in advance of the Council meeting.

Council member Beech reported that Chief Ashbrock provided an EMS and Fire Activity Report for November. He explained that EMS runs are tracking at a record pace for the third year in a row. The fire district is continuing to examine run data to determine why this upward trend in runs is continuing but they generally feel that nursing home runs are the main cause of the increase.

Council member Beech reported that Colonel Schlie provided a Ranger's Activity Report, a copy of which is attached to the Safety Committee meeting minutes.

Council member Beech reported that Colonel Schlie distributed copies of the state code on school zone speeding enforcement. Colonel Schlie explained to the Safety Committee that there had been a suggestion that it might be less confusing to residents if there was a single school zone time throughout the Village. He explained that broadening the flasher time periods in order to accommodate the entire range of schools start and end times would result in more citations and represent an inconvenience to motorists. The time would have to cover 6:50 a.m. to approximately 9:00 a.m. for the three school zones. Council member Beech said that the Safety Committee's recommendation is to keep the flasher settings as they are currently set. Council member Beech also said that Colonel Schlie assured the Committee that there are no citations given unless the flashers are flashing at both ends of the school zone.

Council member Beech also reported that Colonel Schlie informed the Committee that the number of deer taken during the hunting season so far is way down from previous years.

Mr. William Sloneker said his understanding is that the Rangers set a deadline such as the end of September for applications to be filed by the hunters and at that time of year filing applications is not on their mind.

City Manager Burns expressed to Mr. Sloneker that he should take his complaint to Colonel Schlie. Council member Beech said he would put this issue on the agenda for the Safety Committee for 2011. Mayor Ottenjohn also told Mr. Sloneker that he should take his issue to the Colonel Schlie and the issue would be included in the Safety Committee agenda for 2011.

“A RESOLUTION ACCEPTING THE 2011 APPROPRIATION FOR THE MADEIRA & 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 number **19-10** adopted.

LAW COMMITTEE REPORT: Council member Rabenold directed Council’s attention to a memo titled, “*Law Committee Meeting*” dated December 13, 2010. He reported that the Committee met on December 8th to review several issues in advance of the Council meeting. He explained that all members were present including Mr. Burns, Mr. Couch, and Mr. Crain. He also said that Mr. William Sloneker joined the meeting for the second and third discussion items which were requests made by Mr. Sloneker.

Council member Rabenold reported that the Committee heard a status report from Mr. Robert Malloy on the Martin Marietta litigation in Executive Session.

Council member Rabenold reported that the Law Committee discussed a request by Mr. William Sloneker to print a copy of a recent e-mail he wrote concerning septic systems in the next edition of the Village Bulletin. Council member Rabenold said that Mr. Burns advised the Committee that staff had no objections to printing the e-mail but he was concerned about how to best convey that the Village did not agree with some of the statements made in the e-mail. Legal council is of the opinion that the article should be accompanied by a disclaimer and the Committee reviewed suggested format for the disclaimer. Council member Rabenold said that the Committee suggested several changes to the disclaimer and asked Mr. Burns to insert the disclaimer in advance of the printed e-mail.

Mr. Sloneker asked Council if there is a rule of law that the Village has to print verbatim a request of communication by a resident. He said the Village can wave their liability by publishing a disclaimer. Their position is not to argue the veracity of the printed letter. City Solicitor Crain explained that the letter is being published as requested and a disclaimer by the Village will be included in the Village Bulletin. Mr. Crain also said that Mr. Sloneker’s understanding of this issue is correct but it would be published with certain exceptions such as making completely false statements.

Council member Rabenold reported that the Law Committee discussed a request by Mr. Sloneker for the Village to join together with other area communities in providing input on the draft state-wide septic system rules being formulated by the Ohio Department of Health. He said that it is Mr. Sloneker’s opinion that the Village can limit the heavy-handed rules currently being used by Hamilton County by ensuring the new state-wide rules are more similar to those currently used by Clermont County and other customer-friendly health districts. He said that Mr. Sloneker specifically identified Terrace Park as a community that is interested in joining together to influence the rules development process. Council member Rabenold said that the Law Committee agreed that Mr. Burns should discuss Terrace Park’s interest with Mayor Gohman. Council member Rabenold said that this issue will be revisited at future committee meetings. He also said that Mr. Tom Tepe, a real estate attorney, will be working with Mayor Gohman on this issue.

Council member Rabenold reported that the Law Committee went into Executive Session to discuss a renewal contract with the City Manager. After the discussion the Committee returned to

public session and decided to recommend passage of a resolution authorizing the Mayor to execute a three year employment agreement with the City Manager including an option to extend up to two additional years.

“A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MICHAEL W. BURNS, CITY MANAGER OF INDIAN HILL”, was presented and read

Mayor Ottenjohn said that he feels that the Village is very lucky to have Michael Burns. He has done a fabulous job helping the Village through several very difficult years and always with a very positive attitude. He said that he appreciates all of Mr. Burns' efforts. He feels very strongly about this and believes this contract is the right thing to do for the Village. He said he did not think there was anyone else in Cincinnati that could do this job better than Mr. Burns. Council member Rabenold also said he believes that Mr. Burns does a very good job for the residents.

Upon motion by Mayor Ottenjohn, seconded by Council member Tullis, the resolution was passed by unanimous voice vote. Mayor Ottenjohn declared resolution number **20-10** adopted.

GROUND'S COMMITTEE REPORT: Council member McLean directed Council's attention to a memo titled, "*Grounds Committee Meeting*" dated December 15, 2010. She reported that the Grounds Committee met on that date to review several issues in advance of the Council Meeting.

Council member McLean reported that Mr. McQueen provided a Grand Valley Activity Report, a copy of which is attached to the Grounds Committee meeting minutes. She reported that there are three eagles at the Preserve. She also said that the small lakes have iced up and Grand Valley staff will carry an emergency rescue bag on the ATV at all times. She also reported that Mr. McQueen will meet with Chief Ashbrock on ice rescue equipment.

Council member McLean reported that Mr. Kipp provided a Project Management Report, a copy of which is attached to the Grounds Committee meeting minutes. She said that Mr. Kipp reported there was a walk through review for the one year warranty period of Phase II of the new building. A few minor items were noted and contractors will be notified by the Construction Manager to rectify the irregularities.

Council member McLean reported that the Committee reviewed the parking lot lighting issue. She said now that there has been snow, we will be able to move forward in early 2011 in determining which light fixtures will best serve all parties concerned. Mayor Ottenjohn explained to Council that all Council members have viewed the lights and had made their recommendations. Mr. Burns said that this issue will go back to the Planning Commission.

Council member McLean reported that the Grounds Committee also agreed that the fee for Mr. Bentley for the work on the Veterans Memorial should be kept to the original amount proposed. Council member McLean reported that the Public Works personnel have constructed a mockup out of straw bales of the proposed Memorial located at the Bird Sanctuary for review by the different Committees.

Council member McLean reported that the Committee is still working on a plan and a cost for the feasibility of providing a bike trail/path from the center of the Village to a location close to the Little Miami Scenic Bike Trail. The study is being conducted in-house and will consider access

from existing facilities, the use of existing infrastructure, walking/bike paths, future new trails, as well as path composition, design, and safety standards. The study should be ready in early 2011.

WATER WORKS REPORT: Council member Feigelson directed council's attention to a memo titled, "*Water Works Committee Meeting*" dated December 15, 2010. He explained that the Water Works Committee met on that date to review several issues in advance of the Council Meeting.

Council member Feigelson reported that Mr. Kipp provided a Project Management Report, a copy of which is attached to Water Works Committee meeting minutes.

Council member Feigelson reported that the Phase I Water Distribution Infrastructure Improvement Project has been completed. Phase II-A of the Water Distribution Infrastructure Improvement Project is very near completion and will be completed when weather permits. The project is under budget and staff is still working on a plan to spend the rest of the money.

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 explained that the Water Works cannibalizes old hydrants for parts to fix other hydrants.

Council member Feigelson reported that Mr. Burns advised the Water Works Committee that he has discussed the contract extension with Madeira and they will work out the language for a one year contract extension and will present a resolution authorizing the same after the respective January Council meetings.

Council member Feigelson reported the Committee reviewed the appropriation ordinance which includes a transfer of \$726,000 from the Water Works CRF to the CIRF. This subject has been discussed earlier in the meeting. An ordinance will follow in January to properly authorize the transfer of the debt.

PUBLIC WORKS COMMITTEE REPORT: Mayor Ottenjohn directed Council's attention to a memo titled, "*Public Works Committee Meeting*" dated December 14, 2010. He explained that the Public Works Committee met on that date to review several issues in advance of the Council meeting.

He reported that Mr. Kipp provided a Project Management report, a copy which is attached to the Public Works Committee meeting minutes. Mayor Ottenjohn reported that there is a pre-construction meeting for the Remington and Road project set for January 6, 2011. He said the proposed work is outside of the Village of Indian Hill; however, he wanted Council to be aware that the intersection at Remington Road will be under construction which will cause significant problems over different periods of time. He said everyone will be informed as this program progresses.

Mayor Ottenjohn also reported that Mr. Adkins provided a Departmental Activity Report. He said that the department has had to deal with several snow and ice responses very early in the season. A copy of the report is attached to the Public Works Committee meeting minutes.

Mayor Ottenjohn also reported that the Public Works Committee reviewed the request made by Mr. Burns at the November Council meeting for the Committee to recommend passage of the emergency ordinance accepting Phase I of Twin Fences subdivision for public dedication. This

acceptance is being recommended even though the percentage of lots developed, 67%, falls below the 75% threshold in the subdivision ordinance. Mayor Ottenjohn said that Village staff is recommending acceptance because the current economic conditions has slowed the pace of development and the residents of the subdivision would be better served through the dedication.

Mayor Ottenjohn said the Public Works Committee agreed with the rationale and recommends passage of the ordinance. Mayor Ottenjohn also explained that the cost to service this area would be minimal. Council member Raines said she could not vote for this ordinance. She said as a member of the Planning Commission when other similar issues come before them they will also have this as a precedent. She questioned, when would the line ever be drawn for this issue.

“AN ORDINANCE APPROVING THE PLAT OF TWIN FENCES AT PETERLOON FARM SUBDIVISION (PHASE I) AND ACCEPTING THE DEDICATION OF LARKING DRIVE, BEAUFORT HUNT LANE, AND REMINGTON ROAD, AND DECLARING AN EMERGENCY” was presented and read for the second reading.

Upon motion by Council member Ottenjohn, seconded by Council member Rabenold the rules were suspended by unanimous roll call vote. Upon motion by Mayor Ottenjohn, seconded by Council member Rabenold the ordinance was passed by roll call vote of 6-1. Mayor Ottenjohn declared Ordinance **11-10** enacted.

PLANNING COMMISSION REPORT: Council member Raines stated that the Planning Commission would be meeting on December 21, 2010. She said there is no report for this Council meeting.

CITY MANAGER’S REPORT: City Manager Burns explained that for the last four years Council has considered continuing the Cincinnati Bell Wireless appeal for the tower that the Planning Commission denied. In 2005 the tower was to be located at Armstrong Church. This issue is not on the agenda because it has been resolved.

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