

**MINUTES OF MEETING  
INDIAN HILL VILLAGE COUNCIL  
March 15, 2010**

A meeting of the Indian Hill Village Council was held on March 15 , 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, Solicitor
Mr.	Paul C. Riordan, Clerk/Comptroller

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

**MINUTES:** The Minutes of the regular meeting of February 22, 2010 had been previously distributed to each Council member. Mayor Ottenjohn declared the minutes accepted as corrected.

**FINANCE COMMITTEE REPORT:** Council member Tullis directed Council's attention to a memo titled "Finance Committee Meeting Report" dated March 10, 2010. He reported that the Finance Committee met on that date to review and discuss several topics in advance of the Council meeting.

Council member Tullis reported that the Village received \$25,287 of Income Tax receipts in the month of February bringing the year to date total to \$798,000, which is 23% below the \$1,042,000 received year to date 2009. He said that the Village had budgeted a 15% reduction in Income Tax receipts; however, it is a little too early to be real concerned about the total receipts. The Village should have a real good idea about the total Income Tax receipts by the time of the next Council meeting. He also reported that known Estate Tax revenues are projected at \$526,000 which is approximately 25% of the budget for 2010. He reported that disbursements exceeded receipts for the month by \$252,000. This shortfall is normal for this time of the year.

Council member Tullis reported that the snow expenditure totaled \$13,576 for the month. Year to date at the time of the Council meeting, the total expenditures for snow removal has used up approximately the entire budget of \$195,000.

Council member Tullis also reported that water receipts totaled \$133,000 for the month of February. This is down from the \$160,000 received in February of 2009 and is continuing the trend for a number of months. This reduced revenue is a result of the wet weather in 2009. He also reported that the Water Works receipts exceeded disbursements for the month by \$152,000. He also explained that the sewer reimbursement, which is made quarterly, was not made until March. He

also reported that \$339,000 was spent on the Water Works project leaving a balance of \$3,517,000 in the 2009 Water Works Bonds.

Council member Tullis reported that total Cash and Investments equals \$17,888,000 at the end of February vs. the beginning of the month balance of \$18,484,000. He explained that the February shortfall in the General Operating funds in the amount of \$252,000 added to the shortfall in January brings the total shortfall year to date to \$279,368. This reduces the operating fund balances to \$6,223,000. He also explained that the total shortfall including a \$2,000,000 transfer to CIRF budgeted for 2010 totals \$3,149,000. This would reduce the Operating Fund balances by the end of the year to \$3,352,000. He said that Capital Expenditures are being held until it is known how much will be received in Income Tax receipts.

Council member Feigelson asked City Manager Burns if it would be better to let funds such as the Rowe Arboretum and Camp Jim B. fund themselves and the Village would make up any shortfall at year end if funds are available.

City Manager Burns said he would have to review the Camp Jim B. agreement, however, he did not think there was much flexibility in funding the operations. He said, however, there is a lot of flexibility in the Rowe Arboretum fund agreement. City Manager Burns said that he would put together some plans for these funds as part of his contingency plans if the Income Tax receipts are short in April.

Mayor Ottenjohn said that it may be necessary to have an extended Finance Committee meeting to consider the options if the Income Tax comes in short. He said other Council members could attend the meeting if they so choose.

Council member Tullis also reported that the market value of investments of the Green Areas and Recreational Fund increased \$30,000 from the beginning of the month to \$934,000 at February 28. In addition, the investments of the Rowe Arboretum Fund increased \$42,000 at the beginning of the month to \$1,840,000 at the end of February. He pointed out to Council that the subsidy from the General Fund to the Rowe Arboretum Fund in February was \$7,300. The budgeted amount for the year to be transferred is \$55,740.

The Financial Statement for February 28, 2010 had previously been distributed to each Council member. There being no exceptions noted, the Financial Statement was accepted as issued.

Council member Tullis reported that the main focus of the Finance Committee meeting was on the investment review of the Green Areas fund and the Rowe Arboretum fund. He reported that Mrs. Mary Ida Compton was in attendance to discuss the Bahl & Gaynor investment performance of the Rowe Arboretum fund. Mrs. Compton has been consulting for the Village on these funds for approximately the last 10 years. Also in attendance were Mr. David Skidmore and Greg Rowe representing the Rowe Arboretum fund. He said that Mrs. Compton reviewed her reports. The Green Areas funds were invested in the Vanguard index fund which mirrors the Russell 3000. There is not much management needed for this fund and the fees are minimal; it returned 28% last year vs. the S&P 500 which returned 23%. He said it was the consensus of the Finance Committee to leave these funds invested as is.

Council member Tullis explained that in 2007 Council decided that the Rowe Arboretum fund should become self sufficient, therefore, it was decided to invest in dividend paying stocks to fund the Rowe Arboretum and reduce the dependency on the Village subsidies. He explained that dividends received totaled \$80,000 in 2007, \$89,000 in 2008, and \$79,000 in 2009. The investment managers are projecting that the dividend income should be approximately the same in 2010 as it was in 2009. He said that the Finance Committee felt that the managers of the Rowe Arboretum funds have done a good job protecting against reduction in the dividend income. He explained that Greg Rowe was questioning if the Village should be invested more in bonds than in all equities. He felt that Bahl & Gaynor were not doing their job. The Rowe Arboretum fund returned 16.2%, vs. the S&P 26.5%, and the Russell 3000 28%. In this context it appears they had a bad year. However, considering the down year of 2008 the fund is down less than the S & P 500 He said he believes it is critical to protect the funds in a down market; however, you will not get the big increase for this protection.

Council member Tullis said that he thought that by the end of the meeting, Mr. Rowe felt much better about the management of the funds after hearing the fund manager's analysis.

Mayor Ottenjohn pointed out that Bahl & Gaynor's results for the Rowe Arboretum fund exceeded the S&P 500 for the last three years, last five years, and was slightly under for a seven year period, and they over performed for the ten year period. He said they have a very good track record and he believes the Village is doing the right thing with the funds. Also, he believes this may be the worst time to diversify into bonds, and that the Village has most of its other assets in bond like instruments.

Council member Tullis said that he believes there should be a meeting to review the strategy for the Rowe Arboretum Funds.

A discussion then ensued on the merits of being invested in stocks vs. bonds and the correct strategy for the investment of the Rowe Arboretum funds.

Council member Tullis said that in fairness to Mr. Rowe and the committee that Council should offer to have a meeting to discuss the investment strategy for the Rowe Arboretum and then decide if it is necessary to talk to Bahl & Gaynor or other investment managers.

City Manager Burns recommended that before such a meeting be held that everybody meet and review the history of this fund.

City Manager Burns said that he would set up a meeting to review the history of the funds.

Council member Tullis also reported that there would be a pre audit meeting on March 16. He said that the audit has already started for the year 2009.

**LAW COMMITTEE REPORT:** Council member Rabenold reported that the Law Committee did not meet in the month of March 2010. He did explain that the ordinance to adopt the recent Ohio Revised Code changes to child restraint and lighted headlight regulations into the Village's Code of Ordinances and revising two other penalty sections would be read for the third reading at the Council meeting.

**“AN ORDINANCE AMENDING SECTION 72.63, 72.64, 74.03 AND 74.34 OF THE INDIAN HILL CODE OF ORDINANCES TO REFLECT RECENT CHANGES TO THE OHIO REVISED CODE PROVISIONS REGULATING CHILD RESTRAINT SYSTEMS, LIGHTED HEADLIGHTS REGULATIONS, AND TO INCREASE FINES APPLICABLE TO SEAT BELT AND RESTRAINT USE VIOLATIONS”** was presented and read for the third reading.

Upon motion by Council member Rabenold, seconded by Council member Feigelson, the ordinance was passed by unanimous voice vote. Mayor Ottenjohn declared Ordinance No. 02-10 enacted.

**GROUNDS COMMITTEE REPORT:** Council member McLean directed Council’s attention to a memo titled “Grounds Committee Meeting”, dated March 3, 2010. She reported that the Grounds Committee met on that date to review and discuss several topics in advance of the Council meeting.

Council member McLean reported that Mr. Kipp provided the committee with a project status report, a copy of which was included with the minutes. She highlighted that the final punch list for the Indian Hill Rangers/Administration building improvements are being completed. Outdoor work will be completed when weather permits.

Council member McLean also reported that Mr. McQueen provided the committee with an oral Grand Valley report focusing mainly on continuing issues involving dogs. She explained that the committee referred this issue to the Grand Valley Advisory Committee for review at their next meeting.

Council member McLean also reported that Mr. Chadwell provided a departmental activity report; the activities were normal for this time of year.

Council member McLean explained that the committee also reviewed a request from the Recreation Commission for improvements to fund play area improvements at Camp Dennison Park and Camp Livingston Park. The Recreation commission would like to refurbish the play apparatus at Camp Dennison and add a play set at Camp Livingston. The latter project will also involve the removal of a large dead tree to provide for the safe installation of the play equipment. The Commission will spend between \$17,500 and \$20,000 on the projects. No Village funds will be used on the projects, except the manpower costs involved in removing the tree at Camp Livingston. She said the committee was acceptable to this proposal.

Council member Rabenold informed Council that the project is already under way.

Council member McLean also reported that there was a discussion at the Grounds Committee meeting regarding some interest in establishing a cross-country course for the High School at Grand Valley. There are mixed feelings as to whether this sort of activity complies with the mission statement for the preserve. She said that this topic will be referred to the Grand Valley Advisory Committee for review.

Council member McLean also reported that the committee reviewed the 2010 Project Resolution and she noted that there were three Grounds related projects included in the authorization. These include the Stephan Park Walking Trail, an updated lighting system, and two Grand Valley environmentally friendly restrooms. She said this resolution will be presented under the Public Works report.

Council member McLean also reported that the Grounds Committee reviewed the 2010 Summer Program ordinance. The program is scheduled to start June 14 and end on July 30. The salaries provided in the ordinance reflect no pay increases for 2010. The committee recommends passage on an emergency basis.

**“AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF A PLAYGROUND DIRECTOR AND AN ACTIVITIES SUPERVISOR; AUTHORIZING THE ISSUANCE OF CERTAIN PERMITS AND ESTABLISHING RATES THEREFORE; AND, AUTHORIZING THE MANAGER TO ENTER INTO A CONTRACT WITH THE CAMARGO RACQUET CLUB FOR THE PROVISION OF SUMMER TENNIS LESSONS AND DECLARING AN EMERGENCY”** was presented and read.

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

City Manager Burns explained that the program lasts for seven weeks during the summer and allows parents to drop off their children at Stephan Field and the children can participate in activities. It is one position which is split by two individuals. The original program started years ago. It was for a ten week period and it has been cut to seven weeks. City Manager Burns said the cost of the program is approximately \$5,000. The program has been in existence for 30 to 40 years, He said there are some days when only one or two children will be in attendance. It is not a strong program. He said it is his intention to watch the attendance very closely this year with the thought that it may be cut next year.

Council member Feigelson said that when they are considering the 2010 budget that even though this may be a worthwhile project, it may not be as important as street repair.

After some discussion, it was decided that Council member Rabenold would bring this program to the Recreation Commission for further discussion and then the ordinance will be considered at the next Council meeting. No vote was held for the ordinance.

Council member McLean also reported that the committee reviewed the July 4th fireworks resolution. She advised that the committee recommends passage of the resolution.

**“A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR THE PROVISION OF A JULY 4th FIREWORKS DISPLAY FOR THE VILLAGE OF INDIAN HILL”** was presented and read.

City Manager Burns said that the bid will include a provision that it can be withdrawn.

Upon motion by Council member McLean, seconded by Council member Feigelson, the resolution was passed by unanimous voice vote. Mayor Ottenjohn declared Resolution No. 05-10 adopted.

Council member McLean also reported that there will be a joint Public Works/Water Works, Grounds meeting on April 21 at 7:30 a.m. in the cafeteria at the PW/WW.

**WATER WORKS REPORT:** Council member Feigelson directed Council's attention to a memo titled "Water Works Committee Meeting" dated March 3, 2010. He explained that the committee met on that date to review and discuss several topics in advance of the Council meeting.

Council member Feigelson reported that Mr. Kipp provided a project status report, a copy of which was included with the minutes of the Water Works committee meeting minutes. He explained that the water distribution infrastructure improvements are proceeding on schedule along Graves Road with no interruptions to the residents. He also reported that \$465,108 has been expended on this project to date.

Council member Feigelson also reported that Mr. Adkins provided a departmental activity report which covered normal activities for the department. He also said that they discussed some of the possible add on projects under the current bond funded improvement program, however it is too early to make a determination on this issue.

**PUBLIC WORKS REPORT:** Mayor Ottenjohn directed Council's attention to a memo entitled "Public Works Committee Meeting" dated March 3, 2010. He explained that the Public Works Committee met on March 2 to review and discuss several topics in advance of the Council meeting. Mayor Ottenjohn reported that Mr. Kipp provided a project status report, which had previously been reported on in the meeting.

Mayor Ottenjohn explained that Mr. Chadwell provided a departmental activity report which also included a snow and ice control summary since the Village has had a number of significant snow events since the last meeting. Mayor Ottenjohn highlighted that 499 tons of salt have been used and 317 hours of overtime have been extended in addition to 160 hours of regular time. He said there is approximately 2,600 tons salt in the salt dome, and 1,000 gallons of calcium chloride was delivered on February 18.

Mayor Ottenjohn also said that the committee reviewed the resolution authorizing the bidding of 2010 capital projects.

Mayor Ottenjohn said that City Manager Burns advised the Public Works Committee that he will delay the bidding process for road improvements until after the tax revenues are received in April and if revenues fall below expectation it may be necessary to defer the capital program for another year. He explained that even after the bids are received, that the decision could be made not to move forward with these projects depending on the Income Tax receipts.

**"A RESOLUTION AUTHORIZING THE MANAGER TO EMPLOY AN ENGINEER TO PREPARE PLANS AND SPECIFICATIONS FOR THE**

**STREET REHABILITATION AND OTHER SPECIAL CAPITAL IMPROVEMENT PROJECTS, ADVERTISE FOR BIDS, AND AWARD CONTRACTS FOR THE CONSTRUCTION OF SAID WORK”** was presented and read.

Upon motion by Mayor Ottenjohn, seconded by Council member McLean, the resolution was passed by unanimous voice vote. Mayor Ottenjohn declared resolution No. 6-10 adopted.

**SAFETY COMMITTEE REPORT:** Council member Beech directed Council’s attention to a memo entitled “Safety Committee Meeting” dated March 3, 2010. He explained that the committee met on March 2 to review and discuss several topics in advance of the Council meeting.

Council member Beech reported that Colonel Schlie provided a summary report on Ranger activities for the past 2 weeks and a more detailed verbal report on the February 19 drug raid involving a home on Old Indian Hill Road. He explained that the Ranger activity report included normal activities with nothing particular to report.

Council member Beech also said that Chief Ashbrock advised the committee that the monthly Fire and EMS reports were not yet compiled for the February meeting. Council member Beech said that he has received the report and that there is nothing particular to highlight.

Council member Beech reported that Chief Ashbrock also provided a report on mutual aid received and given by the departments for the last two calendar years. Chief Ashbrock noted that the department has been less dependent on mutual aid since the manpower levels were adjusted for 2009. All area departments are allowed mutual aid to meet minimum staffing requirements to any emergency responses.

Council member Beech also explained that City Manager Burns provided the committee with an update on the ongoing union contract negotiations with the patrol officers.

Mayor Ottenjohn asked that the mutual aid reports be tallied in the future.

**PLANNING COMMISSION REPORT:**

Council member Raines reported that the Planning Commission had not met since the last Council meeting and therefore there was no report.

**CITY MANAGER’S REPORT:**

City Manager Burns in his report said that the Village staff is reviewing the lighting situation in the Village Administration/Ranger facilities.

City Manager Burns also requested an executive session to discuss a real estate matter.

Mayor Ottenjohn directed Council’s attention to the summary of the 2010 Council’s goals list and he asked if they were acceptable to them.

Council member Raines asked if the survey results from the recent survey conducted by the Rangers should be included. She also said that there should be some communication back to the residents that their input is being considered.

City Manager Burns said that he will bring this issue to the next meeting of the Safety Committee and asked Colonel Schlie to prepare a presentation on the survey and their actions, and then he would develop a communication for the residents.

Council member Feigelson requested that number 6 on the list be swapped with number 4. This swap was considered agreeable.

Mayor Ottenjohn moved for the approval of the 2010 Council goals list. The motion was seconded by Council member Tullis and was carried by unanimous voice vote.

Council member Rabenold made a motion that Council move to executive session to consider a real estate transaction and a collective bargaining issue. The motion was seconded by Council member Feigelson 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,

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David T. Ottenjohn, Mayor

ATTEST:

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Paul C. Riordan, Clerk