

**MINUTES OF MEETING  
INDIAN HILL VILLAGE COUNCIL  
April 20, 2020**

A meeting of the Indian Hill Village Council was held on April 20, 2020 at 6:30 p.m. The meeting was held via remote Webinar access to respect social distancing as required as a result of the Coronavirus pandemic.

Officials present:

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| Mrs. | Melissa S. Cowan, Mayor                 |
| Mr.  | Donald C. McGraw, Vice-Mayor            |
| Mr.  | Richard J. Hidy, Council member         |
| Mrs. | Elizabeth C. Isphording, Council member |
| Mr.  | Stephen H. Krehbiel, Council member     |
| Mr.  | Shayne O Manning, Council member        |
| Mrs. | Monique A. Sewell, Council member       |
|      |   |
| Ms.  | Dina C. Minneci, City Manager           |
| Mr.  | Scott D. Phillips, City Solicitor       |
| Mr.  | Paul C. Riordan, Clerk/Comptroller      |

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

**MINUTES:** There were no minutes from March because the Council meeting was cancelled to respect social distancing required as a result of the Coronavirus pandemic.

The minutes of the regular meeting of February 24, 2020 had previously been distributed to each Council member. Council member McGraw made a motion to accept the minutes, which was seconded by Council member Hidy and was approved 7-0.

**FINANCE COMMITTEE REPORT:** Council member Sewell directed Council's attention to a memo titled, "*Finance Committee*". She reported that the Finance and Water Works committees met for a combined meeting on April 14, 2020 by remote Webinar access to discuss several items in advance of the Council meeting.

Council member Sewell reported that staff presented information regarding the annual water rate analysis to the Water Works and Finance committees for evaluation purpose. The dialogue was a continuation from February's Water Works committee meeting. She directed Council to refer to the Water Works and Deregulation committee report for a summary of the discussions.

Council member Sewell also directed Council's attention to the March 2020 financial statements which were included in the Council packet. Council member Sewell provided the following financial highlights in her financial report:

- a. **Income Tax Receipts:** The Village received \$451,469, which was approximately \$41,000 more than received in March 2019. Year-to-date cash receipts are 6.5% of budget. Due to COVID-19 which caused the deadline for income taxes to be extended from April 15, 2020 to July 15,

2020, tax receipts over the next three months are expected to be sporadic until July 15<sup>th</sup>.

- b. **Water Works CIRF:** Disbursements totaled \$175,274. This is associated with the finalizing of the brine tank replacements which was carried over from 2019.
- c. **Cash and Investments:** Total month-end cash and investments were \$26,442,153 compared to \$27,06,296 in February 2020 and \$25,740,503 in March 2019. Month-to-month and year-to-year changes are due to normal operations.
- d. **Rowe Funds:** The market value as of March 31<sup>st</sup> was \$3,516,900 which was a 15% decrease since 12-31-19. This is in conjunction with the overall stock market decline associated with COVID-19. The unrecognized gain was \$528,849. Total monthly operating receipts, including dividends, were \$16,618 with monthly operating expenses totaling \$15,408 and investment sale net loss of \$64,606.
- e. **Green Areas Funds:** The market value as of March 31<sup>st</sup> was \$2,689,577 which was a 17% decrease since 12-31-19. This is in conjunction with the overall stock market decline associated with COVID-19. The unrecognized gain was \$1,300,551. Total monthly earnings equated to \$10,049 with monthly expenses totaling \$0.

The financial statements for March 2020 had previously been distributed to each Council member. There being no exceptions noted, the financial statements were accepted as issued.

Council member Sewell reported that Mr. Gully provided the Finance committee with assurance that the Village holds enough cash reserves to assist with the delay in income tax receipts over the next 3.5 months due to COVID-19. It should be noted that operating funds are invested mostly in bonds due to Ohio Revised Code restrictions placed on local governments.

Council member Sewell reported that the Finance committee was updated on the hiring of a new Information Technology Manager due to the upcoming retirement of Mike Aaron. Mr. Dan Almer began on April 6<sup>th</sup> in a social distancing training mode. He came from West Chester Township where he worked in the IT department for over 18 years in various capacities. Mr. Almer will be shadowing Mike until his retirement on June 30, 2020.

Council member Sewell reported that the Finance committee reviewed a draft Resolution to authorize the Village to adopt the alternative formula method of apportioning the Local Government Fund. Every eight years, all local governments within Hamilton County and throughout the state are asked to accept the revisions made to the local governmental fund formula. These funds are distributed from the state to the county which, in turn, distributes the funds on an annual basis to the various Hamilton County jurisdictions. The Village receives approximately \$178,000 from these funds. The changes to the formula are minor and do not affect the average amount of funds that the Village has received in the past. Council member Sewell said that after discussion, the Finance committee recommends passage of the Resolution.

**A RESOLUTION AUTHORIZING THE ADOPTION OF AN ALTERNATIVE METHOD OF APPORTIONING THE LOCAL GOVERNMENT FUND** was presented and read.

Upon motion by Council member Sewell, seconded by Council member McGraw, the Resolution was passed by unanimous voice vote 7-0. Mayor Cowan declared Resolution **06-20** adopted.

**LAW COMMITTEE REPORT:** Council member Hidy directed Council's attention to a memo titled, "*Law Committee*". He reported that the Law committee met on April 9, 2020 by remote Webinar access to discuss several items in advance of the Council meeting.

Council member Hidy reported that the Law committee noted that due to COVID-19, the Primary Election date of March 17<sup>th</sup> has been extended to April 28<sup>th</sup> with absentee ballot voting only. The election includes Issue 1, the Village's recommendations for Charter changes.

Council member Hidy reported that Ms. Minneci discussed the continued research of using a Magistrate for Mayors Court. Last month, Colonel Schlie and others met via phone conference with Rick Gibson, Hamilton County Assistant Prosecuting Attorney. Rick is currently the Magistrate for the cities of Amberley Village, Montgomery and Mariemont. He came highly recommended by all three cities as well as Colonel Schlie and others. Mr. Gibson was very agreeable to working with the Village and understood and respected the Village's perspective on Mayors Court. His schedule allows for maintaining the current time of Mondays at 6:00 p.m.

Council member Hidy reported that the Law committee agreed with the staff's recommendation to pursue a contract with Mr. Gibson in order to have him ready to begin once Mayors Court becomes active again. He said that after the meeting, Ms. Minneci provided a copy of the contract to all of Council to review as this will be a new direction the Village is pursuing to ensure all questions and concerns are addressed. Moreover, it was decided that all former Mayors will be contacted.

Council member Hidy reported that the Law committee reviewed a memo and a draft Resolution for issuing a State of Emergency within the Village due to the COVID-19 situation. With state of emergencies being passed by the federal government, the State of Ohio and Hamilton County, the Village would fall under the provisions defined in each of those declarations, including reimbursements from the Federal Emergency Management Agency (FEMA) for expenditures associated with COVID-19. However, due to the pandemic affecting every jurisdiction throughout the country, the process to receive these funds may be more competitive and FEMA could utilize various reasons to deny funding. By passing the declaration, this ensures the Village has accomplished that requirement and would better ensure that the Village will receive future COVID-19 funding to which it may be entitled. Council member Hidy said that after discussion, the Law committee recommends to Council a Resolution to declare a State of Emergency within the Village. He said that this is the first time that the Village has ever declared an emergency. He explained that after the Law committee met, a provision was added to define a timeframe for when the State of Emergency would end.

**A RESOLUTION DECLARING A STATE OF EMERGENCY IN THE CITY OF THE VILLAGE OF INDIAN HILL (INDIAN HILL”) DUE TO THE CORONAVIRUS (“COVID-19”) PANDEMIC** was presented and read.

Upon motion by Council member Hidy, seconded by Council member McGraw, the Resolution was passed by voice vote 7-0. Mayor Cowan declared Resolution **07-20** adopted.

Council member Hidy reported that the Law committee discussed a third and final reading for the Ordinance to accept the right-of-way dedication along Demar Road as part of the plat of DDB Towhee Woods subdivision.

**AN ORDINANCE APPROVING THE PLAT OF DDB TOWHEE WOODS SUBDIVISION RECORDED IN PLAT BOOK 475, PAGES 85 AND 86 OF THE HAMILTON COUNTY OHIO RECORDERS OFFICE, AND ACCEPTING THE DEDICATION OF DEMAR ROAD, PARCEL ID NO. 529-0152-0091** was presented and read for the third reading.

Upon motion by Council member Hidy, seconded by Council member McGraw the Ordinance was passed by roll call vote 7-0. Mayor Cowan declared Ordinance **04-20** enacted.

Council member Hidy reported that the Law committee reviewed a third and final reading on the Ordinance to repeal specific sections of the Code of Ordinances as they relate to police retirement age.

**AN ORDINANCE REPEALING §34.40 AND §34.41 OF THE CITY OF THE VILLAGE OF INDIAN HILL CODIFIED ORDINANCES** was presented and read for the third reading.

Upon motion by Council member Hidy, seconded by Council member McGraw the Ordinance was passed by roll call vote 7-0. Mayor Cowan declared Ordinance **05-20** enacted.

Council member Hidy reported that the Law committee reviewed a third and final reading on the Ordinance to repeal the Personnel Rules of the Manager and the Rules of the Personnel Advisory committee and to combine them under one Ordinance entitled Civil Service Rules and Regulations. Council member Hidy said that the Law committee recommends a third and final reading of the Ordinance.

**AN ORDINANCE REPEALING THE PERSONNEL RULES OF THE MANAGER AND THE RULES OF THE PERSONNEL ADVISORY AND APPEALS BOARD AND TO AMEND CHAPTER 35 TO INCORPORATE AND APPROVE THE CIVIL SERVICE RULES AND REGULATIONS OF THE CITY OF THE VILLAGE OF INDIAN HILL** was presented and read for the third reading.

Upon motion by Council member Hidy, seconded by Council member McGraw the Ordinance was passed by roll call vote 7-0. Mayor Cowan declared Ordinance **06-20** enacted.

Council member Hidy said that the Law committee entered into Executive Session for the purpose of discussing the March legal activity report that included discussions on pending litigation and property acquisition.

**BUILDINGS & GROUNDS COMMITTEE REPORT:** Mayor Cowan directed Council's attention to a memo titled, "*Buildings and Grounds Committee*". She reported that the Buildings and Grounds committee met on April 14, 2020 by remote Webinar access to discuss several items in advance of the Council meeting.

Mayor Cowan reported the following in the Buildings and Grounds report:

Mayor Cowan reported that Mr. Adkins presented the departmental activity report, a copy of which is included in the Council packet. The following are highlights from the past month: 1) repaired shooting berms and removed tree debris at Shooting Club; 2) installed directional signs at all parks for COVID-19 regulations; 3) removed fallen tree on Redbirdhollow Trail and 4) painted the lacrosse and soccer fields.

Mayor Cowan reported that Mr. West and Mrs. Wade-Dorman distributed the project management report, a copy of which is included in the Council packet. Mr. West highlighted that Grand Valley attendance has tripled over last year due to the COVID-19 situation. Staff is issuing about 10-20 passes per day. Additional personnel will be working on the weekends and at certain times during the week to assist with the heavier attended times. Staff has had to deal with visitors utilizing the pass for more than two guest, unauthorized pass holders, entering in unauthorized areas, parking illegally outside and within the park and visitors bringing camping equipment.

Mayor Cowan reported that Mr. West indicated that Big Fish Farm performed fish harvesting in March at Grand Valley. The Village awaits the production numbers and payout information. Per the agreement, the Village will receive 20% of the wholesale market value. Mr. West also indicated that three information kiosks have been constructed at Grand Valley over the past month.

Mayor Cowan reported that the annual plant sale at Rowe Arboretum was canceled due to COVID-19; however, many of the plants have been sold by other means. Mr. West also indicated that due to COVID-19 and its effects on Rowe's current investments, staff will hold off on approximately \$22,000 worth of projects anticipated for this year.

Mayor Cowan reported that this year's "*Reforest the Hill*" program has started off strong with a \$15,000 donation from the Indian Hill Garden Club. The Club chose the green area at the intersection of Indian Hill Road and Plainville to have their trees planted. The program began advertising in the Indian Hill Bulletin and Village website/App.

Mayor Cowan reported that a service agreement has been finalized to begin the study of the Redbirdhollow landslide issues. Field work is expected to begin in May; however, COVID-19 regulations at that time may require a delay.

Mayor Cowan reported that Ms. Minneci provided the Buildings and Grounds committee with an update on the Recreation Commission activities as they relate to COVID-19. After conferring with all sports chairpersons and the respective leagues, all sports except lacrosse and select soccer will be provided full refunds as the seasons will be ending. Lacrosse and select soccer are awaiting an update on COVID-19 regulations to see if they can have an extended/shortened season. Due to COVID-19, there will be savings as the coach's dinner and Easter Egg Hunt were canceled. Most uniforms and equipment purchased for the spring seasons will be utilized next year. At this point, refunds equate to approximately \$76,000.

Mayor Cowan reported that Mr. West presented a request from the Indian Hill Historical Society to cut down two trees in front of the Little Red Schoolhouse in order to get more sunlight on the tent area in the lawn to help the grass grow better. Jason Donovan has indicated both trees have minor to major decline. With the removal of the trees, the Historical Society will be required to plant replacements. Mr. West will work with the Historical Society on where the replacements will be placed.

Mayor Cowan reported that Ms. Minneci discussed correspondence between HOA in Montgomery that received Indian Hill water and is requesting Grand Valley passes. However, due to the nature of its single meter set-up and it being considered a commercial facility, Village rules do not allow for passes to be provided.

**PUBLIC WORKS COMMITTEE REPORT:** Council member Krehbiel directed Council's attention to a memo titled, "*Public Works Committee*". He reported that the Public Works committee met on April 14, 2020 by remote Webinar access to review several items in advance of the Council meeting.

Council member Krehbiel presented the following report:

- Mr. Adkins presented the departmental activity report, a copy of which is included in the Council packet. Staff cleared trees from the right-of-way in several locations. Staff also performed cold patching, repaired guardrail on Shawnee Run Road and repaired damage to road berms.
- Mr. Adkins gave an assessment of the storm damage from April 10, 2020. The Storm was determined to be a tornado. Approximately 275,000-300,000 people in the area were without power. For four days, Public Works, the Joint Fire District and the Rangers were in constant communication with Duke Energy officials to coordinate the restoration of power with the removal of massively-sized downed trees and the cleanup of debris throughout the Village. There were over a dozen electric poles broken in half, two barns on Given Road property were destroyed and a tree fell onto the roof of a house on Blome Road.

- The Public Works committee was informed of a dump truck that turned over onto and totaled four Public Works employees' personal vehicles that were parked at Livingston Lodge. No one was in the cars.
- Mr. Adkins gave an assessment of the COVID-19 situation within the department. PPE gear and sanitizing resources are sufficient at this point. Employees have been spread out to separate buildings within the Village to assist with social distancing. The Collections division put out a request to residents for all cans to be placed outside of the garage the night before pick-up in order to avoid having to enter garages and utilize keypads.
- Mrs. Wade-Dorman distributed the project management report, a copy of which is included in the Council packet. It included summaries for upcoming infrastructure projects:
  - **Keller Road Bridge** – The contractor temporarily closed the road on April 13<sup>th</sup> for approximately two weeks to complete surface course paving, striping and final restoration.
  - **Shawnee Run Road Bike Path** – ODOT closed the intersection of Shawnee Run Road and SR 126 on April 13<sup>th</sup> for five days to complete repair work on the overpass bridge.
  - **Blome Road Bridge** – The project may be delayed due to SCIP funding not being able to be released until a state capital budget is passed which most likely will postponed indefinitely due to COVID-19.
  - **Given Road Bridge** – Contactor has completed preliminary design drawings. Letters have been mailed to adjacent property owners requesting temporary right-of-way easements. These are needed to complete repairs to the bridge and headwalls.
  - **Hopewell & South Given Cabion Walls Replacement** – Staff is reviewing design proposals.
  - **Remington Road (SR 126) Pier Wall Extension and Draining Improvements** – Design work is being performed in 2020 with construction anticipated in 2021.
  - **Street Resurfacing** – Three bids were received for the 2020 program with Jergensen Company bidding the lowest at \$1,066,527. The program will begin with curb replacement on Loveland-Madeira Road.

**WATER WORKS REPORT:** Council member Isphording directed Council's attention to a memo titled, "*Water Works and Deregulation Committee*". She reported that the Water Works and Finance committees met for a combined meeting on April 14, 2020 via remote webinar access to review several items in advance of the Council meeting.

Council member Isphording presented the following Water Works report:

- The Water Works departmental activity and project management reports were distributed to the Water Works committee, a copy of which is included in the Council packet.
- Staff reviewed the information from February's Water Works committee. Information included water rate benchmarking which showed that Indian Hill ranks in the middle of all other water distribution communities throughout Ohio, Indiana and Kentucky, even with

the increases over the last five years. In addition, other local communities have routinely had annual water rate adjustments where Indian Hill did not implement any during the 2009-2014 timeframe.

- The Water Works and Finance committees also reviewed the budgetary effects of implementing different water rate increases to determine what is needed to efficiently run the Water Works department while evaluating how any potential increase financially impacts various types of water customers – from minimum to high usage. The Committee’s discussed how water distribution regulations have increased over the years due to incidents in other states and how those regulations affect future budgets. The Committee’s also discussed the work being done on restructuring the contract with the City of Madeira for water distribution services as Madeira chose to remain with Indian Hill after its Cincinnati Water Works analysis performed last year. After a very thorough discussion, the Water Works and Finance committee members agreed that a rate increase is necessary to ensure sufficient means of replacing significantly old infrastructure, to maintain the integrity of the ten-year capital plan, abide by stricter EPA mandates, and to ensure safe and effective water distribution. The Committee’s also wanted to be sensitive to the extreme financial strains that COVID-19 has placed on all water customers as well as the national economy. The Water Works and Finance committee members recommends for Council’s consideration, a 10% increase in the water rate beginning July 1, 2020. This recommendation includes an understanding that annual rate reviews will continue to be performed as a way to evaluate actual revenues and expenditures due to weather’s unpredictability at time of budgeting.

**AN ORDINANCE CHANGING THE RATES TO BE CHARGED FOR WATER SUPPLIED TO CUSTOMERS BY AMENDING SECTION 51.55 RATES OF THE CITY OF THE VILLAGE OF INDIAN HILL, OHIO CODE OF ORDINANCES** was presented and read for a first reading.

Council member Isphording thanked staff and Council members for all of the work they put into preparing the Water Works analysis.

**SAFETY COMMITTEE REPORT:** Council member McGraw directed Council’s attention to a memo titled, “*Safety Committee*”. He reported that the Safety committee met on April 9, 2020 via remote webinar access to review several items in advance of the Council meeting.

Council member McGraw provided the following report:

- Chief Oughterson and Chief Schlie provided an update on the severe storm that came through the Village the previous night. This storm later became classified as a tornado by the National Weather Service. The storm took out the electricity of approximately 275,000-300,000 people. There were a significant number of downed trees, broken telephone poles and downed/broken electric wires with several road closures throughout the Village. Extreme damage occurred to barns on Given Road and a home on Blome Road. Continual coordination with the Public Works, Rangers and Duke representatives

occurred throughout the following weekend. Kugler Mill Road was the last road to be opened on Sunday evening.

- Chief Oughterson gave an assessment of COVID-19. Currently, the department is not seeing a big uptick in runs. He feels they have a good handle on PPE although the acquisition of it is competitive on a national scale. As everyone is aware, there are not enough COVID-19 tests available and those that are tested have an average ten-day turnaround for the results. The department is made aware through Hamilton County dispatch of the locations within the fire district of COVID-19 positive people.
- Chief Oughterson distributed the March Fire/EMS activity report, a copy of which is included in the Council packet. Chief Oughterson discussed the demolition of the former Fire Chief's home adjacent to the firehouse and that three new full-time hires started over the past month.
- Chief Oughterson and Colonel Schlie gave an update on the fatality that had occurred on Indian Hill Road.
- Colonel Schlie distributed the March Rangers report, a copy of which is included in the Council packet. He provided an assessment of COVID-19. He felt their PPE was adequate as of right now; however, they are always on the search for sanitizing resources. Social distancing and constant sanitizing continue with all interactions. Colonel Schlie announced that Diane Slagle, a dispatcher with the Village for many years, will be retiring in two weeks. The search process began for her replacement.

**PLANNING COMMISSION REPORT:** Council member Manning reported that the Planning Commission met on February 20, 2020. He reported that the Planning Commission conditionally approved a request for variance approval to the front and rear yard setbacks to permit construction of a mudroom to connect the existing garage to the home and a covered porch addition for the property at 9400 Given Road, Elliot House.

Council member Manning reported that the March 24, 2020 Planning Commission meeting was cancelled due to the COVID-19. He said that both applicants agreed to continue the cases to a future meeting date.

Council member Manning reported that the April 21, 2020 Planning Commission meeting will be held as a conference call. He said that the two variance request cases will be postponed so that the interested parties can meet in person after the COVID-19 situation. He said that the case 20-008, which is for final plat for Drake Road subdivision located at 5680 Drake Road, will be considered. The proposal will split the existing 11.3-acre parcel into three separate residential building lots served by a private drive.

**CITY MANAGER'S REPORT:** Ms. Minneci presented the following in her City Manager's report:

- a. National Day of Prayer observance for May 7, 2020 has been cancelled due to the COVID-19 situation
- b. Armstrong Chapel Memorial Day observance scheduled for May 25, 2020 has not been decided if this observance will be postponed. Ms. Minneci referred Council to the

Chapel's website for review closer to the event. She said that Mayor Cowan will give a speech at this observance.

- c. July 4<sup>th</sup> parade/festival/fireworks – Ms. Minneci said that it has been agreed that a decision to postpone or cancel the events will be made closer to the event day. She said that other cities are doing the same thing except for Blue Ash, which is planning on holding their celebration on July 4<sup>th</sup>. She also explained that Madeira will hold their fireworks in October.
- d. Ms. Minneci commends the Village staff and department heads for everything they are doing during the COVID-19 situation, while also dealing with a fatality and the tornado. No one has backed down from any of the challenges. She said that the Village has dedicated, passionate people serving the Village.

Mayor Cowan said that on behalf of Council, she requested Ms. Minneci to let staff know that Council is very appreciative of their dedication and how flexible they are keeping up with everything to keep the Village a wonderful place to live.

Council member McGraw made a motion to go into Executive Session for purpose of discussing property sale and/or acquisition. The motion was seconded by Council member Hidy and was passed by roll call vote 7-0. Council entered into Executive Session. Council returned from Executive Session

There being no further business to come before Council, Mayor Cowan declared the meeting adjourned.

Respectfully submitted,

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Melissa S. Cowan, Mayor

ATTEST:

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Paul C. Riordan, Clerk