

The October 29, 2008 regular meeting of the Delhi Township Board of Trustees was called to order at 6:00 p.m. by President Jerome F. Luebbers. Trustee Albert C. Duebber, Michael D. Davis, Fiscal Officer Kenneth J. Ryan, Administrator Gerard G. Schroeder and Law Director Dave C. Lane were present.

Open the Meeting:

- The meeting began with the Pledge of Allegiance to the Flag.
- The Board received certification from the Fiscal Officer that the rules adopted pursuant to Section 121.22 of the Ohio Revised Code had been complied with for the meeting.

Motions for Consideration:

Motion 2008-132

Trustee Davis moved and Trustee Luebbers seconded to approve the minutes of the meetings of October 8 and the special meeting of October 22 and dispense with the reading. Trustees Luebbers and Davis voted YES. Trustee Duebber did not vote. Motion carried.

Motion 2008-133

Trustee Duebber moved and Trustee Davis seconded to approve bills for payment. Trustees Luebbers, Duebber and Davis voted YES. Motion carried.

Motion 2008-134

Trustee Duebber moved and Trustee Davis seconded to approve payment of overtime. Trustees Luebbers, Duebber and Davis voted YES. Motion carried.

Motion 2008-135

Trustee Duebber moved and Trustee Davis seconded to establish the hours of operation for Delhi Park (5125 Foley Road) effective November 1, 2008, to be adjusted seasonally and posted by the Parks and Recreation Director, as follows:

November 1 through March 31 – 6:00 A.M. until Dusk
April 1 through October 31 – 6:00 A.M. until 10:00 P.M.

Trustee Davis advised that he would like the Skate Park to close at 5:30 p.m.

Inauguration:

Chief Howarth introduced the promoted Police Lieutenants including Jeffrey Braun, D.J. Haussler and Joseph Macaluso. Trustee Luebbers led the swearing in of the Police Lieutenants.

Chief Howarth introduced the promoted Police Sergeants including Joseph Middendorf, Robert Schwaeble and James Wergers. Trustee Luebbers led the swearing in of the Police Sergeants.

Trustees' Correspondence:

- Trustee Luebbers received correspondence from Ron Kruse regarding future park projects and maintenance issues.

Report from the Financial Advisory Board:

Joe Jones reported that their agenda for November included quarterly department reviews, budget hearings and recommendations and review of the 2009 budget. He commented that the terms of three of the members expire on December 31st.

Presentations:

1. **Community Development Block Grant Hearing #2**– Mr. Bass opened the 2nd and final hearing for discussion. He submitted a project for street improvements on St. Dominic and Valance. The hearing closed with no other suggestions.
2. **Report on Concerts in the Park** – Kevin Kappa reported that the 2008 Concert Series was a huge success. He commented that they were excited about starting to plan for the 2009 season. He asked about future plans for the park that would involve changes to the existing pavilion/concert location. He stated that they were looking for a more appropriate permanent location that would accommodate the bands as well as the audience. He reported that they plan to double sponsorship in 2009 and add a couple of big names to the ticket; they considered moving the concerts to the weekend and would like to add a family movie night.

Trustee Luebbers advised that any improvements to the park would be up for discussion at the budget Hearing on November 13. He suggested that they stay in contact with the park director, Sandy Monahan, regarding their suggestions and needs for 2009.

The Delhi Civic Association meets on the first Thursday of every month at 7:30 p.m. at the Delhi Park Lodge. The public is invited and encouraged to attend.

3. **Victory View Sidewalk Variance Request** – Mr. Stahlheber reported that the Board heard the request from the applicant at the meeting on September 24 involving a variance so as not to construct a sidewalk across the frontage of the development on Foley Road including some length along the west side of Mitchell Way, at the conclusion of the meeting, the Board took the request under advisement in order to consider the proposal and investigate reasons and justification for the variance.

In response to Trustee Duebber's question regarding the location of the sidewalk where it terminates abruptly on the far west side of Mitchell Way Mr. Stahlheber advised that the sidewalk terminates at the property line of the first lot.

In response to Trustee Davis' question regarding an alternative to the sidewalk Mr. Stahlheber reported that the alternative suggested at the meeting on September 24 involved the installation of a handicapped ramp (crosswalk) at the location where the sidewalk terminates on the west side to connect pedestrians to the sidewalk on the east side of the street and Foley Road.

In response to Trustee Duebber's question could they extend the sidewalk and install the crosswalk up to and in front of the driveway of the last house Mr. Stahlheber responded that could be suggested as an option. He commented that having the crosswalk at the current location could present a safety concern because it is located on the curve in the road.

Mr. West, 575 Mitchell Way Court, thanked the trustees for the letter notification concerning the variance request. He commented that he did not have a problem with the variance request as long as the developer came up with an alternative option and that he was happy with the current landscape design. He identified a safety issue concerning cars parked along the bend in the road as you come down the hill. He reported that the developer did not install a row of trees along the south side of the property as was indicated in the landscape plan and a gap in the sidewalk on the east side of the street at the manhole.

Mr. Stahlheber advised that the settlement with the developer included a certain number of trees within various locations. He commented that the final Landscape Plan would have been included in the recorded subdivision plat. He stated that the Township would not get involved in a dispute between the developer and the property owners.

In response to Trustee Luebbers' question why the need for a Home Owners Association Mr. West responded that it covered expenses associated with the maintenance of the entrance wall, lighting, street lights, landscaping and snow removal.

Trustee Luebbers instructed Mr. Stahlheber to communicate with Hamilton County Regional Planning Commission in order to clarify the information included on the record plat.

There was no opposition present at the meeting.

The Trustees agreed that the current landscape design was aesthetically pleasing and the sidewalk on the west side would be adequate for pedestrian traffic conditioned upon the installation of a crosswalk to provide safe access to the east side of the street and access onto Foley Road. Because the exact location of the sidewalk was undetermined as was the requirement concerning traffic markings and signage, the Trustees opted to close the hearing and resume discussion at the meeting on November 12.

Mr. Stahlheber advised that the variance also included the sidewalk across the frontage on Foley Road.

Department Reports:

1. **Jiffy Lube** – Chief Zoz received confirmation that the building had been condemned by the Hamilton County Building Commissioner and orders issued to apply for a demolition permit no later than November 7th and to have the property raised and reclaimed no later than November 21, 2008. He stated that failure to comply with the order would result in the matter being filed with the Hamilton County Municipal Court which could result in fines of up to \$1,000 per day.
2. **Wind Storm Damage Assessment** – Chief Zoz reported that an assessment by the Delhi Cert Team estimated a total loss of \$997,250. He commented that the CERT Team did a rapid assessment on every street within the township, damages were rated and the loss calculated based on the property values obtained from the Auditor's website.
3. **Wind Storm FEMA declarations** - Mr. Bass reported that a meeting concerning the process of applying for the reimbursement of funds related to the clean-up effort following the storm is scheduled on November 10th. He stated that the total assessment of damages totaling \$70,000 should be reimbursed 100% by the Federal Government through FEMA.
4. **Martini Road Property Updates** – Mr. Stahlheber reported that a follow up inspection confirmed that the nuisance violations concerning 877 Martini have been adequately resolved, the Health Department closed the issue related to the interior of the property while they continue to monitor the progress related to damages to the roof and the Buildings Department will be issuing an order concerning the structural integrity of the deck.

Mr. Rinear, 882 Martini, reported that the debris had been moved to other locations on the property, the property next door and in the woods located behind the properties.

Mr. Stahlheber reported that the violations concerning excessive debris at 869 Martini had been resolved. He commented that the inspection found the tree limbs cut into fire wood and stacked in various locations. He stated that the property owner intended to return to clean up the minimal amount of remaining leaves and twigs. He commented that he would return tomorrow to perform a follow up inspection in order to determine the location of the debris as reported by Mr. Rinear.

5. **Park Issues** – Trustee Luebbers received correspondence from Ron Kruse regarding the following park issues: maintenance of the bridges at Story Woods, paving of Trail B, the need for additional parking at Delhi Park and the development of a Master Plan.

Mrs. Monahan reported that the bridges at Story Woods were on the schedule for maintenance in 2009 and the trails were resurfaced with crushed lime stone in 2008. She commented that the need for additional parking at Delhi Park was an ongoing issue which they plan to address with the acquisition of the Clearview property. She stated that the approval of the 2009 project list would take place after the Budget Hearing on November 13 as priority would be given to clearing the Clearview property and the ongoing maintenance of current park properties. She stated that the Hamilton County Park District and the Ohio Department of Wildlife are willing to work with her concerning the development of a Master Plan.

Reading of the Resolutions:

Resolution 2008-156

Trustee Duebber introduced and moved the adoption of a resolution approving purchase order obligations incurred on behalf of the Township by the Township Administrator, authorizing payment of certain purchase order obligations and dispensing with the second reading. Trustee Davis seconded.

Trustee Duebber moved and Trustee Davis seconded to dispense with the second reading. Trustees Luebbers, Duebber and Davis voted YES.

Trustees Luebbers, Duebber and Davis voted YES at roll call to adopt the resolution. Resolution adopted.

Resolution 2008-157

Trustee Duebber introduced and moved the adoption of a resolution amending staffing levels and pay rates and dispensing with the second reading. Trustee Davis seconded.

Trustee Duebber moved and Trustee Davis seconded to dispense with the second reading. Trustees Luebbers, Duebber and Davis voted YES.

Trustees Luebbers, Duebber and Davis voted YES at roll call to adopt the resolution. Resolution adopted.

Resolution 2008-158

Trustee Duebber introduced and moved the adoption of a resolution declaring an imminent emergency per R.C. 505.82 which threatens life or property thereby authorizing the board to remove snow and ice from undedicated township roads during a six month period beginning November 1, 2008 and ending April 30, 2009 following the adoption of the resolution and dispensing with the second reading. Trustee Davis seconded.

Mr. Bass reported that the resolution declared the snow emergency while Resolution 2008-159 established the service charges that will allow us to bill the developer to re-coop our cost.

Trustee Duebber moved and Trustee Davis seconded to dispense with the second reading. Trustees Luebbers, Duebber and Davis voted YES.

Trustees Luebbers, Duebber and Davis voted YES at roll call to adopt the resolution. Resolution adopted.

Resolution 2008-159

Trustee Duebber introduced and moved the adoption of a resolution establishing just and equitable service charges during the six month period from November 1, 2008 through April 30, 2009 in connection with the removal of snow and ice from undedicated township roads and directing notice to the owner and certification of the charges to the county auditor in accordance with R.C. 505.82 and dispensing with the second reading. Trustee Davis seconded.

Trustee Duebber moved and Trustee Davis seconded to dispense with the second reading. Trustees Luebbers, Duebber and Davis voted YES.

Trustees Luebbers, Duebber and Davis voted YES at roll call to adopt the resolution. Resolution adopted.

Resolution 2008-160

Trustee Duebber introduced and moved the adoption of a resolution authorizing transfer from one appropriation item to another pursuant to R.C. 5705.40, and dispensing with the second reading. Trustee Davis seconded.

Trustee Duebber moved and Trustee Davis seconded to dispense with the second reading. Trustees Luebbers, Duebber and Davis voted YES.

Trustees Luebbers, Duebber and Davis voted YES at roll call to adopt the resolution. Resolution adopted.

Resolution 2008-161

Trustee Duebber introduced and moved the adoption of a resolution budgeting and amending revenues, making appropriations for expenses in various funds and dispensing with the second reading. Trustee Davis seconded.

Trustee Duebber moved and Trustee Davis seconded to dispense with the second reading. Trustees Luebbers, Duebber and Davis voted YES.

Trustees Luebbers, Duebber and Davis voted YES at roll call to adopt the resolution. Resolution adopted.

Resolution 2008-162

Trustee Duebber introduced and moved the adoption of a resolution authorizing submission of project request to the Hamilton County Community Development program for fiscal year 2009, 2010 and 2011 to assist in the cost of certain street improvements, authorizing the Director of Public Works to execute any required documents in connection with the request and dispensing with the second reading. Trustee Davis seconded.

Trustee Duebber moved and Trustee Davis seconded to dispense with the second reading. Trustees Luebbers, Duebber and Davis voted YES.

Trustees Luebbers, Duebber and Davis voted YES at roll call to adopt the resolution. Resolution adopted.

Resolution 2008-163

Trustee Duebber introduced and moved the adoption of a resolution certifying violation abatement expenses at 5409 Plover Lane to the County Auditor for assessment and dispensing with the second reading. Trustee Davis seconded.

Trustee Duebber moved and Trustee Davis seconded to dispense with the second reading. Trustees Luebbers, Duebber and Davis voted YES.

Trustees Luebbers, Duebber and Davis voted YES at roll call to adopt the resolution.
Resolution adopted.

Resolution 2008-164

Trustee Davis introduced and moved the adoption of a resolution declaring nuisance for excessive vegetation at 448 Morrvue Drive and dispensing with the second reading.
Trustee Duebber seconded.

Mr. Stahlheber reported that the property had been monitored since the initial complaint which was received in the Spring.

Trustee Duebber moved and Trustee Davis seconded to dispense with the second reading.
Trustees Luebbers, Duebber and Davis voted YES.

Trustees Luebbers, Duebber and Davis voted YES at roll call to adopt the resolution.
Resolution adopted.

Resolution 2008-165

Trustee Duebber introduced and moved the adoption of a resolution declaring nuisance for excessive vegetation at 5262 Delhi Pike and dispensing with the second reading. Trustee Davis seconded.

Mr. Stahlheber advised that the property is the empty lot located next to Frisch's. The lot has been monitored since the complaint was received late June.

Trustee Duebber moved and Trustee Davis seconded to dispense with the second reading.
Trustees Luebbers, Duebber and Davis voted YES.

Trustees Luebbers, Duebber and Davis voted YES at roll call to adopt the resolution.
Resolution adopted.

Announcement of Community Events:

1. *Delhi Civic Association Yard of the Week* - the 2008 Yard of the Week program concluded with the presentation of two honorable mention awards: Week #13 - Ed Bemmerer, 5631 Victory Drive; Week #14 - Bev Lanter, 6377 Simon Drive; Honorable Mention #1 - Buzz and Toni Weikel, 279 Kinsman Court, their son, Tom, does all the yard work from a wheel chair; Honorable Mention #2 - Bret and Debbie Bishoff, 5055 Grosse Pointe Drive.
2. *Hamilton County Engineer* - cautions the traveling public to watch for increased deer activity along county roadways. October and November of each year see a dramatic increase in the number of crashes involving deer.
3. *Community Coat Drive* - sponsored by the Wives and Women of Delhi Firefighters - drop off your donations of new or gently used coats to any Delhi Township Fire Station or Rapid Run Middle School before October 31, 2008. Coats will be cleaned and donated to families in need.
4. *Halloween* - Friday, October 31, 2008 from 6:00 pm until 8:00 pm.

5. *Tax Incentive Review Council* – Wednesday, November 12th at 5:30 p.m. at the Delhi Township Administration building.
6. *Financial Advisory Board* – The November 13, 2008 meeting has been cancelled.
7. *Ramp for Hannah Walker* – A ramp was recently constructed at the home of Hannah Walker by various members of the Delhi Township Fire Department on their off time. The Riverview-Delhi Kiwanis Club, Delhi Skirt Game Committee, and the Delhi Fire Fighter Association donated money to fund purchase of supplies and Home Depot provided a large discount on all materials.
8. Happy 48th Anniversary to Jack & Carole Ryan.

Citizen Comments:

- Henry Armstrong, 5343 Pembina Drive, addressed the Board about a complaint concerning a utility pole in front of his house. He commented that he contacted Duke Energy and reported that the wood was rotten and breaking off in pieces. He stated that they came out and installed a new pole, cut off a portion of the old pole and left what was remaining in the ground.

Executive Session:

Motion 2008-136

Trustee Duebber moved and Trustee Davis seconded to review the investigation of a complaint against public employees, the terms and conditions of employment of public employees, review negotiations with public employees and discuss the purchase of property for public purposes. Trustees Luebbers, Duebber and Davis voted YES. Motion carried.

Return to Executive Session:

Motion 2008-137

Trustee Duebber moved and Trustee Davis seconded to conclude the Executive Session and return to the public meeting. Trustees Luebbers, Duebber and Davis voted YES. Motion carried.

Motions for Consideration:

Motion 2008-138

Trustee Duebber moved and Trustee Davis seconded to approve the transfer of the Concession Stand Manager, Donna Johnson, to the position of Assistant Custodian in the Parks and Recreation Department. Trustees Luebbers, Duebber and Davis voted YES. Motion carried.

Adjournment:

There being no further business to come before the Board on motion of Trustee Duebber seconded by Trustee Davis the meeting was adjourned. Trustees Luebbers, Duebber and Davis voted YES. Motion carried.

_____, Kenneth J. Ryan, Fiscal Officer

Approved: _____, President of Board

_____, Vice President

_____, Trustee

I hereby certify that the amounts needed to meet the above obligations have been lawfully appropriated and are in the treasury or the process of collection free from any and all obligations.

Kenneth J. Ryan, Fiscal Officer