

The October 28, 2009 regular meeting of the Delhi Township Board of Trustees was called to order at 6:00 p.m. by President Michael D. Davis. Trustees Albert C. Duebber, Jerome F. Luebbers, Fiscal Officer Kenneth J. Ryan and Administrator Gerard G. Schroeder were present.

Open the Meeting:

- The meeting began with a moment of silence which was then followed by 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 2009-149

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

Motion 2009-150

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

Motion 2009-151

Trustee Luebbers moved and Trustee Duebber seconded to approve the transfer of Donna Johnson from Snack Bar Manager to Lodge Custodian. Trustees Davis, Duebber and Luebbers voted YES. Motion carried.

Motion 2009-152

Trustee Luebbers moved and Trustee Duebber seconded to cancel the Delhi Township Board of Trustees' meeting originally scheduled for Veterans' Day, Wednesday, November 11th. Trustees Davis, Duebber and Luebbers voted YES. Motion carried.

Trustees' Correspondence:

- Trustee Duebber received correspondence from Steve Hausfeld regarding his interest in serving on the Financial Advisory Board. He urged the Board to consider filling the vacancy before their next meeting on November 25, 2009.

Presentations:

- None

Report from the Financial Advisory Board:

- Joe Jones reported that they were currently reviewing the quarterly and annual budgets with the department heads.

In response to Trustee Duebber's question how is the board managing since the resignation of Ed Casey Mr. Jones reported that Mr. Casey's schedule has limited his participation. He commented that they have made some temporary adjustments but they are anxious to find his replacement soon so they can go back to scheduling permanent department assignments.

Department Reports:

- None

Reading of the Resolutions:

Resolution 2009-169

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 Luebbers seconded.

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

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

Resolution 2009-170

Trustee Luebbers 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, 2009 and ending April, 2010 following the adoption of the resolution and dispensing with the second reading. Trustee Duebber seconded.

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

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

Resolution 2009-171

Trustee Duebber introduced and moved the adoption of a resolution establishing just equitable service charges during the six month period from November, 2008 through April, 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 Luebbers seconded.

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

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

Resolution 2009-172

Trustee Duebber introduced and moved the adoption of a resolution authorizing a State-Local Grant Agreement Pre-Disaster Mitigation Grant Program (CFDA 97.047) PDMC-PJ-05-OH-2009-003/EMC-2009-PC-0008 for fiscal year 2009 in connection with the Rapid Run Road Acquisition of Property Project – Phase 1 Project; designating Robert W. Bass as Project Manager; budgeting anticipated revenues and dispensing with the second reading. Trustee Luebbers seconded.

Mr. Bass reported that the \$994,550 grant combined with \$332,000 contribution by MSD, would allow for the buyout of nine homes on Rapid Run Road.

In response to Trustee Luebbers' question was this the first time the Township worked to acquire a grant for the acquisition of property on a flood plain Mr. Bass reported that a grant was obtained in 2001 for the Glenroy Schroer project.

In response to Trustee Luebbers' question are the residents obligated to accept the offer Mr. Bass responded that it is a 100% voluntary project; however, if the residents turn down the offer they will no longer receive assistance from the federal government in the event of future flood damage. He reported that an equitable value is placed on the properties based on comparables minus the flood damage that was experienced. He stated that if the property owner was not happy with the determination he could hire an independent appraiser and a comparison would be made in order to come up with a logical value, if the property owner was still not satisfied, he could pull out of the deal. He reported that after the properties are purchased, the homes will be demolished and raised and the land would remain as green space (MSD would make a determination as to if a retaining basin would be required).

Mr. Bass responded that the Township would apply for the next phase of the project involving the buyout of the next 13 houses and the federal government would look at a cost benefit ratio in order to determine if the third application would be viable.

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

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

Resolution 2009-173

Trustee Duebber introduced and moved the adoption of a resolution authorizing a cooperative agreement with McDonald's USA, LLC (McDonald's) in connection with the Delhi Road Thoroughfare Improvement Project (DRTIP), authorizing the execution of the agreement by the Board President, authorizing Hamilton County to execute an agreement with the consultant following satisfaction of the contingency to the Joint Design Agreement and dispensing with the second reading. Trustee Davis seconded.

Trustee Luebbers reported that his initial objection to the DRTIP was concerning the fact that the Township was contributing \$250,000 for county road repairs.

He commented that when the discussion began concerning a new park entrance and a joint agreement with McDonald's, he objected because McDonald's would benefit largely from a public subsidy. He stated that their \$45,000 contribution would provide them with a brand new entrance into their restaurant (consisting of the conversion of Township owned property to a public roadway), general maintenance of the roadway provided by the Township and a traffic light on Delhi Road which would allow for easy ingress/egress. He stated that McDonald's would also have an advantage over their competitors as they would have exclusive access to all park users. He stated that he attempted to negotiate with McDonald's asking them to consider increasing their contribution to the project to which they declined.

Trustee Duebber advised that his first contact with McDonald's concerning a possibility of entering into a collaborative agreement took place several years ago. He commented that the discussion focused on a review of the final report of the Delhi Business Task Force and the UC Studio Group recommendations involving enhancements to the Delhi Park entrance. He commented that the meeting included an offer by McDonald's to donate a parcel located in the back of the restaurant which was proven to be unnecessary at a later date as summarized in the engineering study. He stated that the agreement, which would modify the park entrance to a dedicated street and allow for the installation of a traffic light, would benefit the park, McDonald's and Paran Properties by correcting the safety issues that exist. He stated that McDonald's voluntarily offered to pay \$45,000 (one-half of the cost of the traffic light) directly to the Township to offset the Township's financial obligation to the project and that his only disappointment in the process was related to the delay in the execution of the agreement on their part which was quickly resolved.

He stated that the projects involving the Delhi Park entrance and the construction of the new McDonald's restaurant should progress pretty rapidly after the first of the year. He reported that the passage of this resolution completed the agreement with McDonald's and finalized Resolution 2009-070, a resolution authorizing joint agreement with the Board of County Commissioners of Hamilton County, Ohio for the design of the Delhi Road Thoroughfare Improvements which was passed with a unanimous vote by the Board in May of this year.

Trustee Davis commented that he was thrilled to have a plan in place that would ultimately support the businesses and provide better services to the residents - a total of \$3.7 million coming into the township in the upcoming year (\$2 million investment by McDonald's for a new facility and a \$1.7 million in grant dollars designated for the DRTIP). He stated that the Financial Advisory Board would have liked to have spent more time on their review of the plan.

Citizens' Comments:

Kevin Rhodes, Gwendolyn Ridge, stated that he was opposed to the McDonald's agreement. He referenced two previous public statements that were made including the Financial Advisory Board stating that they were opposed to the project and the Fiscal Officer's statement that the project was a misuse of Township funds.

In response to Mr. Rhodes' question has any other business offered to support the project Trustee Davis stated that the Delhi Business Association is supporting the effort and encouraging the businesses to get involved.

Joe Jones, Financial Advisory Board member, advised that their review of the DRTIP which was presented to them back in December 2008 did not include sufficient information for them to make a true assessment. He stated that they have not been asked to conduct another review.

Mary Brigham, Board of Trustee candidate, is thrilled to have a plan in place that will benefit the future of Delhi Township. She supports the development of a task force that would involve the community and the businesses. She can't give an opinion on the McDonald's agreement because she has not reviewed it.

Terri Doherty, Board of Trustee candidate, commented that he was leery about the McDonald's agreement from the beginning but the more he learned about it the less apprehensive he became.

Mary Jane Klug, Board of Trustee candidate, supports the McDonald's agreement and feels that it is a perfect opportunity to partner with them in the future on park activities and programs.

Trustee Davis commented that McDonald's has an interest in park youth initiatives in the future but they are not willing to make a commitment beyond the agreement at this time.

Marty Shultes, Northside Bank & Trust branch manager and resident, supports the DRTIP. As a board member of the Delhi Business Association, she stated that the DBA supports the agreement and encourages the businesses to get involved and contribute to the vision.

Trustee Luebbers stated that he is opposed to the McDonald's agreement because they were not willing to negotiate and increase their contribution to the project. He also has concerns about the increased traffic being a safety issue at the new park/McDonald's entrance. He is not opposed to the DRTIP.

Trustee Davis stated that McDonald's is making a \$2,045,000 investment into Delhi Township. He commented that they were building a new facility with or without this agreement and have made a commitment to the project by delaying construction of their facility until the agreement was finalized.

Trustee Duebber advised that the primary goal of the DRTIP was to create a safe and aesthetically pleasing access in and out of the park – McDonald's gaining an entrance into their restaurant off of the new roadway was a byproduct. He commented that in order for the new access road to be effective, McDonald's voluntarily gave up a critical ingress/egress for their restaurant in exchange for a way that we have yielded for safe access by way of Delhi Park Drive. He stated that on March 23rd 2009 the board of directors of the Delhi Business Association committed to funding an aesthetic portion of the project at the new entrance of Delhi Park. He felt that the request that was made by Trustee Luebbers to McDonald's to increase their contribution by \$150,000 was unreasonable. He is satisfied with McDonald's offer and looks forward to partnering with

them on future park endeavors as they have stated their interest in doing so throughout the process.

Trustee Davis advised that he supports a plan that will bring \$3.7 million into the business district. He commented that three attempts were made to negotiate with McDonald's on their contribution amount of \$45,000 and they were not willing to change their offer. He is willing to accept their offer and wait to see what develops in the future.

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

Trustees Davis and Duebber voted YES and Trustee Luebbers voted NO during roll call to adopt the resolution. Resolution adopted.

Resolution 2009-174

Trustee Luebbers introduced and moved the adoption of a resolution approving Change Order No. 1 to the contract with Prus Construction Company for the Delhi Township Rehabilitation and Repair Project 2009-A (Mt. Alverno Estates Improvement Portion 2009-AC) and dispensing with the second reading. Trustee Duebber seconded.

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

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

Resolution 2009-175

Trustee Duebber introduced and moved the adoption of a resolution certifying violation abatement expenses at 5415 Gwendolyn Ridge to the County Auditor for assessment and dispensing with the second reading. Trustee Luebbers seconded.

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

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

Citizens' Comments:

- Dave Swenson, 863 Neeb Road, spoke on behalf of the Library and the importance of supporting and maintaining our public library system. He encouraged everyone to vote YES on Issue 7 on November 3rd in support of the Cincinnati and Hamilton County public libraries.
- Trustee Luebbers reported that a recent meeting of the Hamilton County Commissioners included a discussion on the formation of a special committee to study county government reform with the purpose of going to the voters as early as 2010.

Report from the Fiscal Officer:

- The regularly scheduled meeting of the Financial Advisory Board on November 12 has been cancelled.

Announcement of Community Events:

1. *Veterans Day Ceremony* - Sunday, November 8th at 1:00 p.m. at Delhi Township Veterans Memorial Park, 934 Neeb Road.
2. *Veterans Day Buffet* – Wednesday, November 11th at 5:30 p.m. at the Bayley Place Community Wellness Center. Call 513-921-7375 for additional information.
3. *Reducing Income Taxes and Eliminating Estate Taxes seminar* – Thursday, November 12th at 5:15 p.m. at Bayley Place Community Wellness Center. For additional information, call or email Molly O'Connor at 513-347-4040 or molly.oconnor@srcharitycinti.org.
4. *Western Wildlife Corridor* – Sister's Hill Preserve on Saturday, November 21st from 9:00 a.m. – noon. Contact Tim Sisson at 513-922-2104 or tsisson@fuse.net for more information.
5. *Tax Incentive Review Council* – Monday, November 23rd at 5:15 p.m. at the Township Administration building.
6. *Western Wildlife Corridor* – Sister's Hill Hike and More on Sunday, November 29th at 1:00 p.m. Contact Bruce Cortwright at 451-5549 for information.

Adjournment:

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