

The November 30, 2011 regular meeting of the Delhi Township Board of Trustees was called to order at 6:00 p.m. by President Albert C. Duebber. Trustees Michael D. Davis and Jerome F. Luebbers, Fiscal Officer Cheryl A. Sieve, Administrator Gerard G. Schroeder and Law Director David C. Lane were also present.

### Open the Meeting:

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- The meeting began with invocation led by Steve Jesse with Vitas Hospice and former Senior Pastor of New Hope Community Church followed by the Pledge of Allegiance.
- Those mentioned during prayer included Detective Byron Hunt concerning a prosperous retirement, Trustee Elect Marijane Klug as she assumes her new leadership role, Park employees Rick Schultz and Trustee Al Duebber concerning their upcoming surgeries and Officer Rich Schmalz for the exemplary life saving measures he performed on a heart attack victim.
- The Board received certification that the rules adopted pursuant to Section 121.22 of the Ohio Revised Code had been complied with for the meeting.

### Motions for Consideration:

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#### **Motion 2011-148**

Trustee Luebbers moved and Trustee Davis seconded to approve the minutes of the regular meeting of November 9<sup>th</sup> and dispense with the reading. Trustees Duebber, Davis and Luebbers voted YES. Motion carried.

#### **Motion 2011-149**

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

#### **Motion 2011-150**

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

#### **Motion 2011-151**

Trustee Luebbers moved and Trustee Davis seconded proclaiming Sunday, December 4, 2011 as R.C. Witterstaetter Family Day in Delhi Township. Trustee Duebber, Davis and Luebbers voted YES. Motion carried.

#### **Motion 2011-152**

Trustee Luebbers moved and Trustee Davis seconded to not request a hearing on the advisability of issuing a liquor permit to Speedway LLC dba Speedway #5409 at 5695 Rapid Run Road. Trustees Duebber, Davis and Luebbers voted YES. Motion carried.

#### **Motion 2011-153**

Trustee Luebbers moved and Trustee Davis seconded to not request a hearing on the advisability of issuing a liquor permit to Speedway LLC dba Speedway #5268 and Beer Cave at 595 Anderson Ferry Road. Trustees Duebber, Davis and Luebbers voted YES. Motion carried.

#### **Motion 2011-154**

Trustee Luebbers moved and Trustee Davis seconded to approve the promotion of Nicholas Conklin from Part Time Firefighter to Part Time Firefighter/Paramedic. Trustees Duebber, Davis and Luebbers voted YES. Motion carried.

#### **Trustees' Correspondence:**

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- Trustee Duebber commented on a recommendation he would like the new Board to consider concerning the consolidation of Service Workers in Public Works and Parks.
- Trustee Duebber reported that the Board will conduct a performance evaluation on Administrator Schroeder before the end of the year.

#### **Report from the Fiscal Officer:**

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- Thank you letter from Bob Hendon with the Lion's Club of Western Hills to Sandy Monahan referencing the rental of the Senior Center for the Pancake Breakfast to benefit the Anderson Ferry Food Pantry.

#### **Presentations:**

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##### *Life Saving Ribbon –*

Chief Howarth presented Officer Rich Schmalz with his third Life Saving Ribbon for the exemplary life saving measures administered to Gene Routt during a dispatch on September 26. Rich's family including his wife Jennifer and three children R.J., Ava and Owen and his mother and father were present.

Rich being the first on the scene to a life squad dispatch at the residents home at 934 Fashion arrived to find Mr. Routt collapsed on the couch with labored breathing. He determined through the use of a portable defibrillator that Mr. Routt had experienced a heart attack, administered one shock and continued CPR until medics Joe Stoffalano and David Benkin arrived and assisted with his care and transport to Good Samaritan Hospital. Also present were Gene Routt, his wife Mary and daughter Stephanie. Mr. Routt stated his eternal gratitude to the individuals who administered his care.

Chief Howarth reported that since the defibrillators have been carried in the cruisers a total of eight officers have been presented a total of thirteen ribbons, five of which received one and three of which received multiple ribbons.

Trustee Duebber congratulated Rich on his prestigious award.

## Financial Advisory Board:

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Pete Ruehlmann reported that their October meeting involved individual meetings with the members, their perspective department head and the Administrator, at which time they conducted a line-by-line item review of the proposed 2012 department budgets. In November, they sat in on the formal budget hearings with the Board of Trustees and Fiscal Officer.

Mr. Ruehlmann's term expires at the end of the year and he has declined an offer to serve a second term. Trustee Duebber thanked Mr. Ruehlmann for his service.

## Outstanding Issues:

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*Financial Advisory Board replacement* – Administrator Schroeder stated that the three open positions after the first of the year were held by Rose Stertz, Pete Ruehlmann, Marijane Klug.

Trustee Duebber reported that four applicants were being considered at this time; however, with his term expiring he recommended postponing the appointments until after the first of the year after the new Board would be in place.

Trustees Luebbers and Davis agreed to hold off the appointments until after the first of the year.

## Department Reports:

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1. *Floral Paradise Gardens Restroom* – A total of three bids were submitted for the project. Mrs. Monahan reported that following a review of the bids, Law Director Dave Lane identified deficiencies within the request for proposals. He suggested rejecting the bids in order to allow time to work directly with the architect on revising the RFP.

In response to Trustee Luebbers' question concerning the deficiencies Mr. Lane responded that the process was in accordance with code requirement, however, the plans and specifications were legally faulty because they did not include specific component information such as electrical hookups, plumbing hookups, fixtures and lighting. He explained that the deficiency was brought to their attention by a contractor who did not submit a proposal because the RFP did not include enough information. The deficiency became apparent when comparing the material costs included within the bids – specifications should never be left up to the contractor to decide on.

In response to Trustee Luebbers' question concerning the time frame involving the modification Mr. Lane commented that the modification to the RFP would involve contacting the architect for more detailed plan specifications. He would hope to repeat the RFP process during late December, open the bids in January and have the building ready for use in late spring.

Trustee Davis agreed that it was important to move forward with the modification to the RFP in order to provide a clear understanding of the detailed plan specifications.

Mrs. Monahan stated that the process has been a learning experience for the department.

Trustee Duebber stated that the purpose for going out for bids was to allow businesses located within the community a chance to bid on the project.

### **Motion 2011-155**

Trustee Duebber moved and Trustee Luebbers seconded rejecting all bids received for the Floral Paradise Gardens restroom project and directing the Parks and Recreation Director to notify all contractors that all bids were rejected and a revised RFP will be distributed. Trustees Duebber, Davis and Luebbers voted YES. Motion carried.

2. *Announcement of Retirement of Police Detective Byron Hunt* – Chief Howarth reported that Byron was born and raised in Delhi and joined the department in 1987 and in 1993 was assigned to the Investigations Division. Byron thanked the citizens and the Board of Trustees for giving him the opportunity to support the community over the years as a valued component of the Delhi Police Department.

Chief Howarth reported that the Investigations Division has lost manpower over the years in order to keep officers on the road. He hopes to be able to fill the position with a new hire who would be assigned road duty through the FTO program while a current member would be promoted to Investigations.

## **Reading of the Resolutions:**

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### **Resolution 2011-194**

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

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

### **Resolution 2011-195**

Trustee Luebbers introduced and moved the adoption of a resolution appointing two (2) members to the Volunteer Fire Fighters' Dependents Fund Board and dispensing with the second reading. Trustee Davis seconded.

The individuals are Robert Sanker and Terry Baker both retired members of the Delhi Fire Department.

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

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

#### **Resolution 2011-196**

Trustee Luebbers introduced and moved the adoption of a resolution entering into agreement with Board of County Commissioners, Hamilton County, Ohio ("County") and the Board of Education of the Oak Hills Local School District ("Oak Hills") to share equitably in the rental expenses for a rubber tire loader at Delhi's salt storage dome, authorizing the Director of Public Works to execute the agreement and to rent the equipment and dispensing with the second reading. Trustee Davis seconded.

Administrator Schroeder reported that in the past, Delhi and the County have used a backhoe to load rock salt into their trucks to prepare for the treatment of roadways in the winter and that it will be more cost effective to rent the loader vs. keeping up the maintenance cost associated with the backhoe.

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

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

#### **Resolution 2011-197**

Trustee Luebbers introduced and moved the adoption of a resolution entering into snow removal agreement with the Board of Education of the Oak Hills School District for the purpose of providing labor, equipment and material required for salting and snow removal for 2012, authorizing and directing the Township Administrator to execute such agreements and dispensing with the second reading. Trustee Davis seconded.

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

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

#### **Resolution 2011-198**

Trustee Luebbers introduced and moved the adoption of a resolution employing Lane, Felix & Raisbeck, Co., L.P.A. as legal counsel and appointing David C. Lane Law Director pursuant to R.C. 504.15 and dispensing with the second reading. Trustee Davis seconded.

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

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

**Resolution 2011-199**

Trustee Luebbers introduced and moved the adoption of a resolution entering into contract for legal services with Frost Brown Todd pursuant to R.C. 504.15, and R.C. 309.09 and dispensing with the second reading. Trustee Davis seconded.

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

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

**Resolution 2011-200**

Trustee Luebbers introduced and moved the adoption of a resolution budgeting anticipated revenues, amending appropriations for expenses, authorizing transfers from one appropriation item to another, authorizing transfers from one fund to another and dispensing with the second reading. Trustee Davis seconded.

The resolution approves the transfer of funds for the Inheritance Tax and auction proceeds of \$6,694 for two unmarked Police vehicles and \$608 for one piece of equipment used by Public Works.

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

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

**Resolution 2011-201**

Trustee Luebbers introduced and moved the adoption of a resolution authorizing and directing the Fiscal Officer to execute necessary documents from time to time in order for the Township to continue receiving Medicare payments for EMS details and dispensing with the second reading. Trustee Davis seconded.

Administrator Schroeder advised that the current purpose was to update the Fiscal Officer information before the deadline and the time to time wording would allow for changes to take place in the future.

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

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

**Resolution 2011-202**

Trustee Luebbers introduced and moved the adoption of a resolution authorizing the reuse and renaming of various funds within the Township fund accounting system necessary to document revenue and expenses relating to certain one-time projects and dispensing with the second reading. Trustee Davis seconded.

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

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

**Resolution 2011-203**

Trustee Luebbers introduced and moved the adoption of a resolution authorizing a contract with the Hamilton County Regional Planning Commission for professional and technical zoning services pursuant to R.C. 519.16, authorizing and directing the Township Administrator to execute the contract and dispensing with the second reading. Trustee Davis seconded.

Mr. Stahlheber reported that the contract was a statutory requirement that will allow for the review and recommendation of all zone changes as well as a contingency in the event additional services would be needed.

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

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

**Resolution 2011-204**

Trustee Luebbers introduced and moved the adoption of a resolution certifying violation abatement expenses at 753 Lullaby Court to the County Auditor for assessment and dispensing with the second reading. Trustee Davis seconded.

Trustee Duebber reported that the cost associated with the abatement was \$1,121.

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

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

**Resolution 2011-205**

Trustee Luebbers introduced and moved the adoption of a resolution certifying violation abatement expenses at the southwest intersection of Pedretti and Foley (540-0040-0610) to the County Auditor for assessment and dispensing with the second reading. Trustee Davis seconded.

Trustee Duebber stated that the cost associated with the abatement was \$1,030.59.

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

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

#### **Resolution 2011-206**

Trustee Luebbers introduced and moved the adoption of a resolution declaring nuisance for accumulated debris at 5418 Cannas Drive, and dispensing with the second reading. Trustee Davis seconded.

Mr. Roach reported that the complaint was received November 15, informal orders were sent to the property owner resulted in no compliance and upon inspection today confirmed that the violation persists.

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

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

#### **Resolution 2011-207**

Trustee Luebbers introduced and moved the adoption of a resolution declaring nuisance for accumulated debris at 481 Pedretti Road, and dispensing with the second reading. Trustee Davis seconded.

Mr. Roach reported that the complaint was received on November 15, informal orders were sent to the property owner which resulted in no compliance and upon inspection today confirmed that the violation persists. He reported that the debris was located in the rear of the property and cannot be seen from the road.

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

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

#### **Resolution 2011-208**

Trustee Luebbers introduced and moved the adoption of a resolution declaring nuisance for accumulated debris at 475 Pedretti Road and dispensing with the second reading. Trustee Davis seconded.

Mr. Roach reported that the complaint was received on November 15, informal orders were sent to the property owner which resulted in no compliance and upon inspection today confirmed that the violation persists. He reported the rental property was currently occupied by a tenant.

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

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

### **Resolution 2011-209**

Trustee Luebbers introduced and moved the adoption of a resolution declaring nuisance for excessive vegetation and accumulated debris at 471 Pedretti Road, and dispensing with the second reading. Trustee Davis seconded.

Mr. Roach reported that the complaint was received on November 15, informal orders were sent to the property owner which resulted in no compliance and upon inspection today confirmed that the violation persists.

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

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

### **Citizens' comments:**

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1. Ron Kruse addressed the Board about maintenance concerns at Five Points Park referencing the deterioration of the Gazebo and at Story Woods referencing a broken restroom door and a problem concerning limited ingress at AutoZone on Delhi Pike.
  - Administrator Schroeder reported that a representative of the County Engineer's office who worked on the Delhi Pike construction project met with the businesses prior to the start of the project in order to address any concerns. He was aware that contact was made with the national chain, not with the local business owner and that the original design included ingress/egress only coming off of the access road. The westbound ingress was added at a later date. He reported that a similar situation occurred at another business while the project was underway and because of the timing, they were able to make adjustments and corrections to the original plan design.

- Trustee Davis agreed that the ingress problem has caused a tremendous burden to the business owner and that it required immediate attention.
  - Trustee Duebber recommended contacting JMA and the County about the problem to see if and how it could be rectified.
2. Pat Kenny addressed the Board about several incidents that were discussed at a public meeting involving Trustee Luebbers, the Fire Department and the Parks Department. He asked for an explanation as to the outcome of these incidents.
- Trustee Duebber confirmed that a complaint that was lodged by a member of the Fire Department, being confidential in nature, was addressed in private and the complaint was withdrawn.  
The incident that occurred at Floral Paradise Gardens was considered by the majority of the Board to be an event conducted by the Parks Department. It was determined that some form of campaigning was conducted at the event and to discontinue the investigation.  
He apologized to Mr. Kenny for not responding to his questions sooner.
  - Trustee Davis confirmed that the complaint that he received from a resident referencing the incident at Floral Paradise Gardens was somewhat vague, the resident was made aware that more detailed information was needed and because no additional information was submitted, the complaint was considered closed. He would consider reopening the investigation if the resident submitted more detailed information.  
He commented on the handling of the complaint involving Mr. Luebbers and a member of the Fire Department although he was not in on the details of the conversation was pleased that both parties were able to find closure. He looks forward to putting the differences behind them and to a fresh start in 2012.
3. Steve Schott, president of the Delhi Business Association, expressed his condolences on behalf of his family and the DBA to Cheryl Sieve concerning the loss of her mother. He reported on details of the parade scheduled to take place on Saturday, December 3<sup>rd</sup> at 9:30 a.m. He thanked their main sponsor Delhi Remke/Bigg's and the following volunteers including Al Duebber who will be serving as Grand Marshall and Mike Davis who will be announcing.  
He commented that AutoZone was not a member of the Association, had they been, they would have represented them with regard to the ingress problem.
4. Kevin Rhodes congratulated Byron Hunt on his retirement. He addressed the Board about the delayed response time involving a life squad run to his neighbors address. He asked about the staffing levels and number of runs that occurred around the time of the life squad run to his neighbors.
- Chief Zoz reported that operating at a full staffing of 13 would put five fire personnel at Greenwell, five at Neeb Road and three at Rapid Run, in which case a life squad runs out of each station.  
The current staffing level of 11 puts three fire personnel at Rapid Run and three at Greenwell, including Fire and EMS service, and five at Neeb Road.

He commented that he did not have the data available at the meeting to be able to provide specific information about the staffing levels and number of runs which occurred that day but would be happy to research it and provide him with the information at a later time.

- Trustee Duebber reported that Chief Zoz included in his 2012 budget an additional \$100,000 to support a full staffing level of 13.
5. Steve Howe stated his displeasure with the Township concerning what he considered to be an unanswered public records request.
- Trustee Duebber stated that there was some confusion related to the records that were requested vs. records that were actually available. He was of the understanding that follow up with Mr. Howe had occurred.
  - Administrator Schroeder reported that he met with Mr. Howe and talked about the details of his request vs. department records that were available. He did not recall receiving the outstanding data that was requested of Mr. Howe to be able to satisfy the request.
  - In response to Mr. Howe's question concerning Medic 33 being shut down 20% of the time Trustee Duebber responded that Chief Zoz has managed his budget as approved by the Board year after year based on levy dollars which were approved by the voters in 2005 at which time did not include sufficient funding to support a full staffing level of 13. In order to be able to extend the life of the levy beyond its normal life expectancy vs. going back to the voters earlier with a more extensive levy request, Chief Zoz had to operate his department with essentially the same budget as approved by the Board year after year. In order to support a full staffing level 24/7, the Board would have to approve his proposed budget which includes an additional \$100,000 to return staffing to 13.
  - Trustee Davis directed Mr. Howe to work with Mr. Schroeder on obtaining the records that were outstanding or resubmitting the information in writing if he felt that answers to his questions were not being addressed.
  - Trustee Duebber commented that it was unfortunate that the Fire Department continues to receive accusations that are proven to be unsubstantiated and hopes to reach a resolution that is acceptable to everyone.

### Announcement of Community Events:

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- Delhi Civic Association meeting on Thursday, December 1<sup>st</sup> at the Delhi Park Lodge. Guest speakers include Missy Holiday, from LifeCenter Organ Donor Network, and John Luken, registered nurse with University Hospital.
- Delhi Business Association Christmas Parade will take place on Saturday, December 3<sup>rd</sup> at 9:30 a.m.
- Event sponsored by the Delhi Community Emergency Response Team including pictures with Santa in front of a fire truck on Saturday, December 3<sup>rd</sup> at 10:00 a.m.
- Delhi Historical Society 15<sup>th</sup> Annual Delhi Holiday Gala at the College of Mount St. Joseph on Saturday, December 3<sup>rd</sup> beginning at 6:00 p.m.
- Kids, Cops and Firefighters event will take place on Saturday, December 10<sup>th</sup>.

- The Delhi Township Veterans are putting together Christmas baskets for military families that are in need. To adopt a family, contact Bob Burke at 922-8229 or Joe Jones at 251-3515 before December 16<sup>th</sup>.

Adjourn meeting:

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

\_\_\_\_\_, Fiscal Officer

Approved: \_\_\_\_\_, President

\_\_\_\_\_, 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.

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Cheryl A. Sieve, Fiscal Officer