

The August 25, 2021 regular meeting of the Delhi Township Board of Trustees was called to order at 6:00 p.m. by Chair Rosanne K. Stertz in the Board Room of the Township Administration Building, 934 Neeb Road. Trustee Cheryl A. Sieve, Trustee Michael D. Davis, Fiscal Officer James J. Luebbe, Administrator Jack Cameron, and Law Director Bryan E. Pacheco were also present.

OPEN THE MEETING:

- The Board received certification that the rules, adopted pursuant to Section 121.22 of the Ohio Revised Code, were complied with for the meeting.
- The meeting began with the Pledge of Allegiance, followed by a moment of silence:
 - In recognition of the 20th Anniversary of 9/11: We remember the lives lost that day, those who lost a loved one or experienced injury, illness or disease related to the aftermath of the attack; may they never be forgotten.
 - We also remember the life of David George Swenson who passed on August 9th. Dave was a dedicated Delhesian and was lively and articulate when he attended meetings to address certain topics. He served in the Korean War, and ran a local restaurant with his wife Betty for many years. Dave is survived by his sister Marguerite Judge and many nieces and nephews. May he rest in peace.

APPROVAL OF MINUTES: (Regular meeting on 8/11/2021)

Motion to approve the minutes from the Board of Trustees regular meeting held on August 11, 2021 was moved by Trustee Sieve and seconded by Trustee Davis. Trustees Sieve, Davis and Stertz voted YES. Motion carried.

APPROVAL OF OVERTIME: (Pay Period ending 8/10/21)

Motion to approve payment of overtime for pay period ending August 10, 2021, was moved by Trustee Sieve and seconded by Trustee Davis. Trustees Sieve, Davis and Stertz voted YES. Motion carried.

APPROVAL OF BILLS:

Motion to approve bills for payment was moved by Trustee Sieve and seconded by Trustee Davis. Trustees Sieve, Davis and Stertz voted YES. Motion carried.

REPORT FROM THE FISCAL OFFICER: James J. Luebbe

1. **Significant Transactions:**
2. **Disbursements:** check cut to Adleta for \$180,000 for the 2021 Road Contract,
3. payments to the school districts for TIF money distribution: \$1,158,000 million to Oak Hills Local School District; \$50,000 to the Cincinnati Public School District, and \$62,000 to Great Oaks; \$304,000 recorded for August 19 Payroll.
4. **Receipts:** \$516,000, which is the balance of our Real Estate taxes for the 2nd half of the year; \$76,000 in Permissive Motor Vehicle License Tax / Motor Vehicle Tax, Gasoline Tax, and Local Government Fund tax distribution.
5. **Audit 2019 / 2020** – the audit is complete and can be found on the Township's website.

TRUSTEES' CORRESPONDENCE:

- Trustee Sieve referenced the receipt of a letter from Mr. John Shill asking questions about the consideration of installing a Safe Haven Baby Box at the Fire Department; questions to be addressed later in the meeting.
- Trustee Davis added that he was pleased to see Mr. Shill reach out to them with his questions.
- With regard to some comments made on social media concerning development, Trustee Davis reminded everyone that the Township has no control over the sale and development of commercial properties on Delhi Pike. With regard to the Delhi Mixed Use Project, he stated that the Township's strategy to purchase and develop the property would allow us to create something great and unique that would enhance the future of Delhi and suggest future development at adjacent properties. He

said he is looking forward to seeing a lot of movement and change in the business district over the next 3 or 4 years and the residents should be too.

FIRE DEPARTMENT: Assistant Chief Jesse Moore & Captain Matt Bishop

1. Resolution 2021-146

Trustee Sieve introduced and moved the adoption of a resolution authorizing the Township Administrator to execute a Lease and Service Agreement with Safe Haven Baby Boxes, Inc. for the installation of a newborn safety incubator at Station 33 Fire House, declaring an emergency and dispensing with the second reading. Trustee Davis seconded.

• **Discussion**

Captain Bishop reported on the history of the organization and founder who bought it to the United States from Africa. He named some of the locations where boxes have been installed over the past two years with a big concentration in Indiana.

Trustee Sieve presented some questions that were submitted to the Board by Mr. Schill:

- *Who is the agency offering the grant?* Discount Tires Foundation.
- *What is the total cost?* The cost to add the incubator box and the monitor alarm was addressed.
 - Trustee Stertz thought the outstanding question was the unknown of any future expenses, and communicated her understanding that the language in the contract was updated to address that.
 - Mr. Cameron stated that the program coordinator confirmed that the language was written in the event of future updates to the safe haven laws, not to put future responsibilities on the Township.
- *The possibility of legal action?*
Law Director Pacheco stated the statute provides immunity to the operating agency; in addition, the Township carries general liability insurance to protect itself against any claims. He confirmed that he does not consider the operation of the Safe Haven Baby Box to present any greater risk compared to any other service provided by a Township department. He added that the 5-year contract also has a 60-day notice to cancel giving the opportunity to back out of the contract if special retrofitting of the building at a significant cost would be necessary.
- *Will the box have video monitoring?*
Captain Bishop confirmed that the identity of the person dropping off the baby is protected, so any security cameras in the vicinity would have to be removed.
 - Mr. Pacheco added the Township would be required to install a 24-hour alarm monitoring system that would alert the department when a baby is put in the box; if the monitor would fail, the box would be locked and a sign posted that it was out of service.
- *The cost to modify the building?* Several estimates have been received by the office and reviewed.
- *What treatment is required of the medical worker?* Captain Bishop confirmed that the medical worker would perform a medical evaluation and then transport to Children's Hospital.
- *What if the child is over 30 days old?* Mr. Pacheco confirmed that the safe haven law would not apply in this case and the medical worker would perform standard medical check.
- *Maintenance checks for the box to be in service?* Captain Bishop confirmed that safety / alarm checks would be performed on a daily and annual basis to ensure that the box is operational from the outside and inside.
- *What is the location?* The box would be installed at the Neeb Road Fire Station.

In response to a question from Trustee Davis what if neglect or abuse would be recognized, Mr. Pacheco stated that the Township would be obligated to investigate as they would any other criminal act.

In response to Trustee Stertz' question do we want to table or proceed, Trustee Sieve expressed her desire to table the resolution to provide an opportunity for additional questions.

- **Motion to Table the Adoption of a Resolution**

A Motion to table the adoption of Resolution 2021-146 to allow for continued discussion moving to the September 8, 2021 meeting was moved by Trustee Sieve and seconded by Trustee Davis. Trustees Sieve, Davis and Stertz voted YES. Motion carried.

2. Department Update (data from the month of July):

Community Risk Reduction:

- Inspections: slight increase due to multifamily building inspections this month.
- Cares Consultations: increase. Staff training on fall risk assessments. Encourages a proactive approach to prevention.
- Major Incidents: slight increase over last year.
- Other services in line with previous years.
- Transports: 198 patients
- Average response time: consistent under 5 minutes

3. Additional Comments:

- Trustee Sieve referenced a conversation she had with Social Worker Honnert regarding fall prevention.
- Assistant Chief Moore added that the department will be forming a partnership with students enrolled in the Physical Therapy Program at Mount St. Joseph University to work with the C.A.R.E.S. patients.

PARKS & RECREATION: Assistant Administrator Greg DeLong

1. Department Update:

Mr. DeLong reported on the following items:

- Thanked everyone who supported this year's concerts in the park.
- The last Farmers' Market will be this Saturday.
- Delhi Park Playground project – still delayed, waiting on the turf to be delivered.
- Delhi Park - Soccer season is underway.
- Delhi Park - Softball league is underway.
- Planning of events for next year.
- Harvest Hootenanny – on Saturday, October 16th at Storywoods Park.
- Park employment opportunities – accepting applications for Parks Service Worker and PT Service Worker.

At the request of Trustee Davis, Mr. DeLong will research the cost of expanding the summer concerts in 2022 to every Thursday throughout the summer months.

Trustee Sieve stated that she received great feedback on the Madcap Puppet shows.

Trustee Stertz added that the COVID-19 pandemic really delayed the scheduling of park concerts, programs and events, and also hindered us from soliciting sponsorships. She said she is looking forward to seeing the department's programming schedule for next year.

POLICE DEPARTMENT: Chief Jim Howarth

1. Resolution 2021-147

Trustee Sieve introduced and moved the adoption of a resolution updating and replacing the Police Social Worker to Police Community Advocate job description to Article 12, Position Descriptions, of the Delhi Township amended and restated Summary of Policies dated January 1, 2014, updating staffing levels and pay rates, and dispensing with the second reading. Trustee Davis seconded.

Chief Howarth reported that there is no change in the job description, just the title. He confirmed that the department is in receipt of employment applications and they are very excited to bring the right person on board.

He talked about the position and how the individual will connect residents who may be in need of some assistance with resources; not responding to emergency as the first contract, but as a follow up with individuals who are referred by the police officers.

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

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

2. Retirement Recommendation

A Motion to Accept the voluntary retirement of Assistant Custodian Karen R. Hepp effective August 31, 2021 was moved by Trustee Sieve and seconded by Trustee Davis. Trustees Sieve, Davis and Stertz voted YES. Motion carried.

3. Department Update:

- Calls for Service: consistent with other months.
- Criminal Reports: increase (violent crimes, auto accidents). Up 73 from 58 this time last year.
- Other items are status quo compared to last year at this time.
- 2021 Top Crimes Reported – Larceny & Theft & Fraud offenses at the top of the list.

PUBLIC WORKS DEPARTMENT: Assistant Director Jon Gelhausen

1. Resolution 2021-148

Trustee Sieve introduced and moved the adoption of a resolution authorizing application for a grant from the Hamilton County Engineer's Office for 20% license tax funds to assist with the cost of the 2021 Street Rehabilitation and Repair Project expenses, authorizing the Director of Public Works to execute any required documents in connection with the grant application, declaring an emergency and dispensing with the second reading. Trustee Davis seconded.

Mr. Gelhausen reported that this is an annual grant request from Hamilton County of which the Township is awarded roughly \$18,000 for the street rehabilitation project.

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

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

2. Resolution 2021-149

Trustee Sieve introduced and moved the adoption of a resolution imposing parking restrictions on Greenside Drive, directing the placement of signs, posting and publication in accordance with R.C. 505.17, and dispensing with the second reading. Trustee Davis seconded.

Mr. Gelhausen confirmed this is standard procedure for the installation of parking signage on new township streets.

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

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

3. Resolution 2021-150

Trustee Sieve introduced and moved the adoption of a resolution imposing parking restrictions on Hickorytree Court, directing the placement of signs, posting and publication in accordance with R.C. 505.17, and dispensing with the second reading. Trustee Davis seconded.

Mr. Gelhausen confirmed this is standard procedure for the installation of parking signage on new township streets.

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

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

4. Department Report:

- Riverwatch / Greenwell Road project update – the contractor Jurgensen will next be working on adjusting 90 manholes. He mentioned a problem with labor shortages causing some delay.
- Rapid Run Road FEMA MSD Flooding Project – 24 houses total: 6 have declined, 12 have closed, and six offers are out, contingent on whether or not they can find new homes.
- In-house crew – working on storm sewer inlets, asphalt pavement repairs, and helping with mowing.
- Fleet maintenance – at 31 repairs (9 services, restocking inventory for the winter season) trying to get parts in.
- Duke Energy Infrastructure project – two locations:
 - Palisades includes the replacement of 200 ft. of pipe in the ground. On schedule to finish the end of September.
 - Bandana includes 225' of pipe. On schedule to complete end of October.
- Salt Dome – working on pricing for salt.

ADMINISTRATION:

1. Self-Insurance Presentation – Township Employee Health Coverage – presented by Human Resources Director Melanie Hermes

Per the Ohio Revised Code, Mrs. Hermes reported on details of the annual review process for health care benefits - requirement to discuss in an open meeting 1 week prior to the approval by the Board of the supporting agreements. Highlights:

- Components of medical self-insurance: employer, insurance broker (Horan), Third Party Administrator (Key Benefits Administrators), Medical Reimbursement and Stop Loss Carrier (American Fidelity).
- 2021 Renewal – engaged with Horan to review the medical plan and make recommendations for the October 1st 2021 renewal. Recommendation is to stay self-funded with KBA Elite Health / and American Fidelity as the Stop Loss Carrier.
- Includes a 4% reduction overall.
- Stop Loss – aggregate stop loss amount set at \$50,000.
- Monthly premium decrease of 1.5% - laser removed.
- Review of the individual monthly rates, enrollment and overall annual expenses.
- Marathon Health MyClinic – services include advanced primary care, medical management, lab & pharmacy, and integrated wellness.
- Wellness Program – August 2021 – June 2022 – participants earn points toward premium reductions.
- Next steps – pass resolutions to enter into contracts with Key Benefits Administrators as the TPA, American Fidelity as the Stop Loss Carrier, and the vision provider.
- Conduct open enrollment!

2. Delhi Mixed Use Project Update:

- Mr. Cameron reported on the following details:
 - Executed the MOU with the apartment operator.
 - Next steps involve entering into a lease with NorthPoint for the financial piece.
 - Working through the contract with the construction manager.
 - Site plan has been finalized.
 - Working on the final version of the floorplan.

- Description of the main building - the recreation center, including a fitness center component and 8 lane competitive swimming pool; office space for Township Administration, Community Development, and Parks & Recreation; Cultural Community Center component = gathering space with several different sized rooms available for rent; and four pre-K/Kindergarten classrooms for Oak Hills students.
- Outdoor Esplanade (outdoor space for special programs and events).

3. Additional Comments:

- Reminder why the Township purchased the property to better control the uses and designs, considered to be a catalyst that will encourage similar business development around it.
- With regard to comments made on social media about two car washes going in on Delhi Pike, he reminded everyone that Township Zoning is based on uses, the Township's inability to control the sale or development of other adjacent properties, and the removal of the storage facility use in the Zoning Resolution to prevent another storage facility from operating in the business district.
- Description of the arrangement and quality of the market rate apartments (3 floors with 4 units per floor on separate breezeways), and the target age group 55 and older.
- Trustee Davis reminded everyone that the new development, that will move Administration to the new location, will create new office space for the Police Department.
- The plan for the new development site, and desire to create something that will be a catalyst for new development in the business district, is based on the vision established in the Plan the Pike Strategic Redevelopment Plan written for the community in 2015, and reflects resident opinions from more recent public input sessions held in 2019 and again in 2020.
- Walkability and ease of access to the new site located in the center of the business district.

COMMUNITY DEVELOPMENT DEPARTMENT: Department Director Greg DeLong

1. Resolution 2021-151

Trustee Sieve introduced and moved the adoption of a resolution declaring nuisance for excessive vegetation at 266 Jupiter Drive, declaring an emergency and dispensing with the second reading. Trustee Davis seconded.

Mr. DeLong reported on the properties that are in violation: 2 are owner-occupied, 2 are rental properties, 2 are repeat offenders and 2 are first time offenders.

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

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

2. Resolution 2021-152

Trustee Sieve introduced and moved the adoption of a resolution declaring nuisance for excessive vegetation at 694 Libbejo Drive, declaring an emergency and dispensing with the second reading. Trustee Davis seconded.

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

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

3. Resolution 2021-153

Trustee Sieve introduced and moved the adoption of a resolution for excessive vegetation at 3912 Delhi Pike, declaring an emergency and dispensing with the second reading. Trustee Davis seconded.

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

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

4. Resolution 2021-154

Trustee Sieve introduced and moved the adoption of a resolution declaring nuisance for accumulated debris at 5313 Delhill Drive, declaring an emergency and dispensing with the second reading. Trustee Davis seconded.

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

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

5. Department Report:

Mr. DeLong reported on the following items:

- Number of properties with registered complaints: 857. Up this year over last year.
- Zoning Certificates: 215. Up from last year.
- Valuation of Approved Certificates: a little over \$13,000,000.

Projects / Other Items:

- Blue Roo Car Wash on Delhi Pike.
- Christ Hospital – working on their new office location in The Shoppe’s of Delhi on Delhi Pike.
- LaRosa’s on Delhi Pike – moving right along.
- James Luebbe, CPA – wrapping up the construction project on Ebenezer Road.
- Garden Grove – four buildings are up.
- Greenside Estates – 10 lots remaining out of 31. Received another Zoning Certificate for new build.
- Clean Sweep Car Wash – the old Central Hardware building is being staged for demolition.
- Install of Trash Receptacles on Delhi Pike – plans for 10 new trash receptacles to be installed on Delhi Pike.
- Grant writing – working on a grant for \$300,000 to assist with projects.
- Applications currently being accepted for the Inspector position.

PUBLIC COMMENT:

Adam Chalasinski, 495 Pedretti Avenue, addressed the board about a noise complaint and the consideration to adopt a noise ordinance. He referenced the City of Cincinnati’s noise ordinance of which sets quiet hours between the hours of 11:00 p.m. – 7:00 a.m. and limits the use of commercial apparatus and equipment within 500’ of residential properties.

He identified his complaint concerning excessive noise related to Republic Waste Company emptying large commercial dumpsters at several commercial properties adjacent to his home. He confirmed that he lives at the corner of Pedretti and Fehr Road near the Roadhouse, Delhi Quick Shop and The Dog Haus.

Discussion

The Board led a discussion about the complaint submitted by Mr. Chalasinski and options to address it, with input from the Township’s Administrator, Law Director and Police Chief.

Mr. Cameron informed the Board of recent communication with Mr. Chalasinski. He added that the nuisance, of which could be classified as a disturbance of the peace, was turned over to the Police Department so they could investigate. His opinion regarding adopting a resolution to address the control of noise in the community that it would not be the best option.

In response to Trustee Davis’ question concerning the direct cause of the noise, Mr. Chalasinski confirmed that the excessive noise occurs every Tuesday morning during trash pickup between the hours of 4:00 a.m. and 6:00 a.m., including emptying large commercial dumpsters at the adjacent businesses.

Law Director Bryan Pacheco stated his preference for enforcement because State law allows to charge a violation as witnessed by a Police Officer as a disorderly conduct, or, disturbance of the peace. He added that the Township only has authority to regulate noise in residential zoned districts, not commercial. With regard to adopting a noise ordinance, his opinion was that they are not of great value and come with problems related to the noise level readings produced by the equipment being inaccurate. He added that the Ohio Revised Code section does allow the Township to regulate engine noise as well.

With regard to the inability to regulate noise in an industrial/commercial zone, Trustee Davis suggested the option to reach out to the owner of the waste removal company about their hours of operation.

Mr. Cameron thanked Mr. Chalasinski for coming to the meeting to communicate his concerns, and informed him that the Township would do its best to work with the trash removal company on a resolution.

Chief Howarth confirmed that he has been in communication with Mr. Chalasinski and will have an officer assigned to the location on Tuesday mornings to witness the disturbance. He added, based on previous experiences with these types of noise complaints, that contacting the trash removal company directly to suggest a delay in the time of the trash pickup between 6:30 p.m. – 7:00 p.m., is the best approach.

Mr. Pacheco added that the resident also has the option to hire an attorney to represent him in a civil case.

ANNOUNCEMENT OF COMMUNITY EVENTS:

1. The last Farmers' Market will be at Clearview Lake this Saturday.
2. Fishing is available for residents on Fridays at designated areas at the lake from May through September.
3. Delhi Historical Society program, "The Betrayal of Pearl Bryan," will be presented on Monday, September 13th at the Delhi Park Lodge at 7:00 p.m.
4. Delhi Branch Library Outdoor Storytime on Tuesday and Wednesday mornings at 10:15 & 11:00 a.m.
5. Delhi Branch Library Adult Book Club, "Behold the Dreamers," on Wednesday, September 15th at 7pm.
6. Delhi Branch Library Homeschool Book Club, "The Smartest Kid in the Universe," on Wednesday, September 22nd at 1:00 p.m.
7. Madcap Puppets presents, "Sleepy Hollow," on Thursday, October 7, 2021 at Delhi Park at 6:00 p.m.
8. Delhi Parks presents, "Harvest Hootenanny Fall Festival," at Storywood Parks on Saturday, October 16th from 10:00 a.m. – 4:00 p.m.

EXECUTIVE SESSION:

A Motion to retire to Executive Session to consider the promotion of public employees and to consider the purchase of property for public purposes, was moved by Trustee Sieve and seconded by Trustee Davis. Trustees Davis, Sieve and Stertz voted YES. Motion carried.

Trustee Stertz confirmed that the Board's next regular meeting will be on Wednesday, September 8th at 6:00 p.m.

RETURN TO PUBLIC MEETING:

A Motion to conclude Executive Session and return to the public meeting was moved by Trustee Sieve and seconded by Trustee Davis. Trustees Davis, Sieve and Stertz voted YES. Motion carried.

ADDITIONAL BUSINESS TO CONSIDER:

A Motion to Promote Sgt. Richard J. Schmalz III to Lieutenant in the Police Department effective August 25, 2021 at a salary of \$98,000 per year, and upon successful completion of a six-month probationary period will be at a salary of \$102,000 per year effective February 25, 2022, was moved by Trustee Sieve and seconded by Trustee Davis. Trustees Sieve, Davis and Stertz voted YES. Motion carried.

ADJOURN MEETING:

With no further business to come before the Board, a motion to adjourn was moved by Trustee Sieve and seconded by Trustee Davis. Trustees Sieve, Davis and Stertz voted YES. Motion carried.

Approved: _____, Fiscal Officer
_____, Chair
_____, Trustee
_____, 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.

James J. Luebbe, Fiscal Officer