

The January 25, 2017 regular meeting of the Delhi Township Board of Trustees was called to order by the Board President Rose K. Stertz. Trustee Cheryl A. Sieve, Trustee William F. Oswald, Fiscal Officer James J. Luebbe, Law Director David C. Lane and Interim Administrator Gregory J. DeLong were present.

Open the Meeting:

- 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.
- The meeting began with a moment of silence dedicated to David Upchurch, retired administrator with the Oak Hills Local School District and for the family members who mourn their loss; which was followed by the Pledge of Allegiance.

President Stertz announced that Jim Howarth would be serving in the capacity of the Interim Administrator who is absent.

Motions for Consideration:

Motion 2017-019

Trustee Sieve moved and Trustee Oswald seconded to approve the minutes of the Special Board of Trustees meeting held on January 4, 2017 and dispense with the reading. Trustees Sieve, Oswald and Stertz voted YES. Motion carried.

Motion 2017-020

Trustee Sieve moved and Trustee Oswald seconded to approve the minutes of the Special Board of Trustees meeting held on January 5, 2017 and dispense with the reading. Trustees Sieve, Oswald and Stertz voted YES. Motion carried.

Motion 2017-021

Trustee Sieve moved and Trustee Oswald seconded to approve the minutes of the Board of Trustees meeting held on January 11, 2017. Trustees Sieve, Oswald and Stertz voted YES. Motion carried.

Motion 2017-022

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

Motion 2017-023

Trustee Sieve moved and Trustee Oswald seconded to approve the payment of overtime for pay period ending January 17, 2017. Trustees Sieve, Oswald and Stertz voted YES. Motion carried.

Motion 2017-024

Trustee Sieve moved and Trustee Oswald seconded to authorize the Police Chief to execute the contract, addendum, and notice of commencement with Sullivan Custom Builders LLC, for public improvements to be completed at Police Headquarters named the Delhi Township

Headquarters Entry Renovation Project. Trustees Sieve, Oswald and Stertz voted YES. Motion carried.

Motion 2017-025

Trustee Sieve moved and Trustee Oswald seconded to approve a proclamation and declaring January 26, 2017 as “Bayley Assisted Living Memory Support Facility Dedication Day” in Delhi Township. Trustees Sieve, Oswald and Stertz voted YES. Motion carried.

Trustee Stertz announced that the Community Development Manager Greg DeLong will be attending the dedication ceremony and will read the proclamation on the board’s behalf as they will be in Columbus at a conference.

Motion 2017-026

Trustee Sieve moved and Trustee Oswald seconded to accept the voluntary resignation of Peter Feichtner III from the Finance Advisory Board (FAB), effective January 10, 2017. Trustees Sieve, Oswald and Stertz voted YES. Motion carried.

Motion 2017-027

Trustee Sieve moved and Trustee Oswald seconded to award a “Certificate of Appreciation” to Peter Feichtner III for his years of service on the Financial Advisory Board (FAB). Trustees Sieve, Oswald and Stertz voted YES. Motion carried.

Mr. Feichtner thanked the trustees, both present and past, for having the confidence in him throughout the duration of his tenure. He also thanked the following individuals: Police Chief Jim Howarth, Police Lieutenant Jeff Braun, Parks & Recreation Department Manager Josh Torbeck and Public Works Director Ron Ripperger, for allowing him to assist them with their budget reviews. He referenced the excellent cooperation and reports provided by everyone. While he has announced his retirement with FAB, as a citizen he said he would continue to attend trustee meetings to stay informed.

The trustees thanked Mr. Feichtner for his dedication and years of service.

Presentations:

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1. *2016 Christmas Parade Winners: Travis Curd, President of the Delhi Business Association* – Mr. Travis Curd, the president of the DBA and chairman of the 26th parade, thanked all of the businesses, community groups and Delhi Township elected officials and departments for their participation.

He acknowledged businessmen Russ Brose and Bob Schaeffer for providing certificates for the winners and Remke Market, the largest parade sponsor, for contributing \$50 gift cards. He introduced the parade winners:

1. Best Band: Western Hills High School Marching Band
2. Best Walking Unit: Revere Dance Studio
3. Best Christmas Theme: Delhi Historical Society
4. Best Car: Riverview Delhi Kiwanis

5. Most Unique Entry: Syrian Shrine Mini Racers
6. Best Sound: Mount St. Joseph University Steel Drums
7. Best Scout Troop: C.O. Harrison Cub Scout Pack 300

Trustee Stertz thanked all of the participants for another successful parade.

2. *Door to Door Solicitation: Dave Lane, Delhi Township Law Director –*

Mr. Lane referenced receipt of a letter from a law firm out of Texas representing a business that operates by way of door to door sales claiming that our transient vendor regulations were unconstitutional and that it violates their clients First Amendment rights. In addition, the law firm shared a 25 page brief that they filed with another law suit threatening that we should bring our resolution into what they believe to be constitutional limits allowing solicitation during daylight hours (our current resolution establishes hours between 9am – 6pm all year round).

He reported that Liberty Township received a letter from the same law firm representing the same client about 6 months ago, their trustees chose to ignore it and they were sued in Federal Court. Subsequently, they agreed with the rational of the request and changed their regulations to allow solicitation during daylight hours.

He referenced Anderson Township who also had a resolution for many years and repealed it just a few years ago at their law director's recommendation that it was unconstitutional and unenforceable.

He recommended an amendment to our current resolution allowing solicitation during daylight hours between May 1 – September 30 from 9:00 a.m. - 9:00 p.m., and from October 1 – April 30 from 9:00 a.m. – 6:00 p.m. He felt that the time adjustment would be considered as acceptable with regard to their request.

Police Chief Jim Howarth reported that he agreed with the law director's recommendation. He referenced the section of the resolution requiring businesses to register with the Police Department so they will be able to continue to track who will be going door to door.

Mr. Lane stated that as a local government we are restricted to infringe upon constitutional rights; while the residents are not, they can put up a "No Solicitation" signs in their yards.

He asked the board for their opinion and permission to move forward with resolution for the next meeting.

In response to Trustee Sieve's question with regard to a business registering with the Police Department, Chief Howarth confirmed that the business would receive a permit to present to the homeowner showing proof of registration.

Trustee Sieve thanked Mr. Lane for the recommendation and for looking out for the Township with regard to this matter.

In response to Trustee Oswald's question regarding the law firm's requested wording "sunup to sundown" vs. our law director's recommendation, Mr. Lane responded that the "sunup to sundown" verbiage was the suggested wording in the correspondence, however his opinion was that it would be a lot harder to enforce.

Trustee Oswald raised his concerns regarding an attorney who would find a loophole in the timeframe that we communicate and would proceed to file a constitutional violation with statutory attorney's fees, which is why he would prefer to use the "sunup to sundown" verbiage.

In response to Trustee Sieve's question regarding Liberty Township, Mr. Lane responded that they went with defined hours.

In response to Trustee Stertz' question regarding his recommendation, Mr. Lane responded that it would satisfy this request. He commented that if the Township would receive any further requests they would be reviewed on a case by case basis and further revisions to the resolution would be considered. He stated that as long as we would make an attempt to comply with future requests we should not get sued.

Mr. Lane referenced compliance with the request, which stipulates a response within 30 days, would require the board to take action at their next meeting. He agreed with Trustee Oswald that the law firm would move to sue if we did nothing.

After deliberation, Trustee Oswald proposed moving forward with Mr. Lane's recommended modification to the resolution understanding the need to review any further requests.

Trustees Stertz and Sieve concurred.

Trustees' Correspondence:

- The trustees congratulated Pete Feichtner on his service on the Financial Advisory Board.
- The trustees congratulated all of the Delhi Parade winners.
- Trustee Stertz referenced an ongoing problem with the Community Recycling Program located at the Senior Center on Neeb Road with regard to non-residents dropping off items that are not recyclable. She reported that while the township is not required to offer community recycling, they have decided to continue to offer it as an additional service in good faith that it would be treated in a respectful manner. In an effort to keep up with the amount of recycling that is dropped off, the township has contracted with Rumpke for 3 collection times a week in addition to personnel compacting the dumpsters twice a week to keep up with the demand. She reminded everyone that the program is available to residents for recycling of materials referencing a list of recyclable items posted on the dumpsters.

- With regard to the Community Recycling Program, Trustee Sieve commented that because this service is offered as a privilege and there continues to be misuse, cameras have been installed to monitor usage. She stated that violators would be warned.

Report from the Fiscal Officer:

Fiscal Officer Luebbe reported on significant transactions since the last meeting:

1. Tax advancement of \$46,000.00 from the Hamilton County Auditor's office.
2. Investment option with Huntington Bank regarding a transfer of \$1 million from savings to an investment in commercial paper that would earn up to 1% with a 9 month maturity date (current savings account earns about ½%).
3. \$500,000.00 investment with a 6 month maturity date going from one investment account into another.

Public Hearings: n/a

Reports from Departments: n/a

Reading of the Resolutions:

Resolution 2017-004

Trustee Sieve 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 Oswald seconded.

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

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

Resolution 2017-005

Trustee Sieve introduced and moved the adoption of a resolution certifying violation abatement expenses at 5284 Serenade Drive to the County Auditor for assessment and dispensing with the second reading. Trustee Oswald seconded.

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

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

Resolution 2017-006

Trustee Sieve introduced and moved the adoption of a resolution certifying violation abatement expenses at 5472 Rapid Run Road to the County Auditor for assessment and dispensing with the second reading. Trustee Oswald seconded.

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

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

Resolution 2017-007

Trustee Sieve introduced and moved the adoption of a resolution accepting and authorizing the Interim Administrator to execute necessary documents to accept change orders with Turner Construction related to the new Greenwell Avenue Fire Station project and dispensing with the second reading. Trustee Oswald seconded.

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

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

Resolution 2017-008

Trustee Sieve introduced and moved the adoption of a resolution entering into an employment agreement with John A. Cameron III, as Township Administrator and dispensing with the second reading. Trustee Oswald seconded.

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

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

Citizen Comments: n/a

Announcement of Community Events:

1. Delhi Historical Society program: Fading Arts of Cincinnati at 7:00 p.m. on Monday, February 13, 2017 at the Delhi Park Lodge.
2. Delhi Branch Library program: Fun with Foam – Create Your Own Doorknob Hanger, on Tuesday, February 21, 2017 at 7:00 p.m.
3. Delhi Township Fire Department 12th Annual Bowling Party & Benefit on Sunday, March 5, 2017.

Retire to Executive Session:

Motion 2017-028

Trustee Sieve moved and Trustee Oswald seconded to retire to executive session to consider the employment and compensation of public employees. Trustees Stertz, Sieve and Oswald voted YES. Motion carried.

Trustee Stertz reported that the board will conduct their next meeting at 6:00 p.m. on Wednesday, February 8, 2017.

Return to the Public Meeting:

Motion 2016-029

Trustee Sieve moved and Trustee Oswald seconded to conclude executive session and return to the public meeting. Trustees Stertz, Sieve and Oswald voted YES. Motion carried.

Adjourn Meeting:

There being no further business to come before the Board, Trustee Sieve moved and Trustee Oswald seconded to adjourn. Trustees Stertz, Sieve and Oswald 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.

James J. Luebbe, Fiscal Officer