

The July 11, 2018 regular meeting of the Delhi Township Board of Trustees was called to order by President Rose K. Stertz. Trustee Cheryl A. Sieve, Trustee Michael D. Davis, Fiscal Officer James J. Luebbe, Administrator Jack Cameron and Law Director David C. Lane 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 the Pledge of Allegiance, followed by a moment of silence in honor of all veterans and first responders. The Board appreciates and thanks them for their dedication and service.

APPROVAL OF MINUTES:

Motion 2018-131 (June 27, 2018)

Trustee Sieve moved and Trustee Davis seconded to approve the minutes from the Board of Trustees meeting held on June 27, 2018 and dispense with the reading. Trustees Stertz, Sieve and Davis voted YES. Motion carried.

APPROVAL OF BILLS:

Motion 2018-132

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

APPROVAL OF PAYMENT OF OVERTIME: (Period ending July 3, 2018)

Motion 2018-133

Trustee Sieve moved and Trustee Davis seconded to approve the payment of overtime for pay periods ending July 3, 2018. Trustees Stertz, Sieve and Davis voted YES. Motion carried.

REPORT FROM THE FISCAL OFFICER: James Luebbe

1. Resolution 2018-115 – Approve Purchase Orders

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 Davis seconded.

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

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

2. Resolution 2018-116 – Supplemental Appropriation

Trustee Sieve introduced and moved the adoption of a resolution budgeting revenues, amending appropriations for expenses and dispensing with the second reading. Trustee Davis seconded.

Administrator Cameron reported that the appropriation adjusts the revenue amount of \$62,000 that we will be receiving for the stage, and establishes the expense account for spending. He commented that when we applied for the grant with the Ohio Department of Natural Resources we were not aware that it was going to be a reimbursement. When the project is completed we will submit the bills for payment.

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

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

3. Significant Transactions – Cash Receipts: Mr. Luebbe referenced a transaction on June 29th in the amount of \$2,320,000 for the advanced payment of Real Estate taxes from the Hamilton County Auditor, and on July 5th we received \$76,000 for a BWC refund. Disbursements: June 28th Payroll transaction in the amount of \$350,000 which was a little higher than usual due to Comp, Longevity and Sick payouts.

TRUSTEES' CORRESPONDENCE: N/A

PUBLIC HEARING: Nuisance Appeal to Resolution 2018-101

Trustee Stertz opened the public hearing and introduced details of the case filed by Paul Schoenecker of 369 Don Lane.

Motion 2018-134 – Motion to Open

Trustee Sieve moved and Trustee Davis seconded to approve the opening of the public hearing regarding Nuisance Appeal to Resolution 2018-101. Trustees Stertz, Sieve and Davis voted YES. Motion carried.

Trustee Stertz administered the oath to Mr. Schoenecker who will be providing testimony.

Zoning Inspector Tony Roach presented the facts and findings related to the case:

The anonymous complaint was received in the office on May 20th alleging that the property contained a dangerous structure, debris and excessive vegetation and the complaint was registered in the code enforcement program on May 21, 2018. The initial property inspection on May 23rd observed excessive vegetation in all yards and a fallen tree in the rear yard – a written Informal Order was issued concerning excessive vegetation & debris for the fallen tree

on May 23, 2018 having a May 31, 2018 deadline. The second inspection on June 4, 2018 observed the yard had been mowed but the fallen tree remained.

Resolution 2018-101 adopted by the Board on June 13, 2018 declared the subject property a nuisance, finding debris consisting of a fallen tree in the rear yard. A written Formal Order was issued concerning debris (fallen tree) by certified mail on June 21, 2018 having a 7 day deadline from the date of receipt to file an appeal, and the order letter was claimed by the property owner on June 22, 2018. The written appeal regarding the Resolution declaring the subject property a nuisance was submitted on June 26, 2018 which put the Formal Order on hold pending the outcome of the appeal.

Mr. Roach informed the Board that he was aware that the Community Risk Reduction Team was involved and that they had a conversation with Mr. Schoenecker about the tree being a health and safety issue, and that he was not aware if they came up with any resources to remove the tree.

Mr. Schoenecker reported that he contacted the Zoning Department to get a better understanding of the violation concerning excessive vegetation. He informed the Board that he had gotten behind on the grass because the company that was doing it for him was not available, and that he recently hired Chris Davis to cut it every other week. Reference the tree, he reported that it has been dead for fifteen years and that two years ago it came down during a storm in the winter. He stated that he has had several conversations with Mr. DeLong, and met with Bonnie Honnert and Brian Sunderhaus with the Community Risk Reduction Team when they stopped by his house on Friday. He informed the Board that Mr. Sunderhaus told him that he did not consider the tree to be a safety or health concern because of its location, and that he agreed.

Mr. Roach confirmed that he was not present on Friday during the visit with Mr. Sunderhaus and Ms. Honnert, and that Mr. Schoenecker's testimony was accurate. Having not received the executed formal order back, he confirmed that the next step in the nuisance abatement process would be to proceed with the legal notice, post it on the front door and move forward with the nuisance abatement procedures. Other than that he informed the Board that they could also rescind their decision or extend Mr. Schoenecker's deadline out to help him get the situation resolved.

In response to Trustee Stertz' question regarding the location of the tree being located on Mr. Schoenecker's neighbor's property, Mr. Schoenecker informed the Board that the tree is on his property and that he owns two parcels: property address 369 is the parcel his house is on and property address 373 is the parcel where the tree is located. He stated that the tree is currently hung up in another tree located on his property. He added that he did get an opinion if the tree was hanging over into his neighbor's property and was told that there is a section of the tree about twelve feet up that is. He informed the Board that he would be willing to remove the section of the tree that is leaning over his neighbor's property. He stated that he would like to

address the concern regarding the tree being a health and safety hazard because he does not think it is.

In response to Trustee Stertz' question if the tree would continue to fall would there be any risk of it hitting his neighbor's property, Mr. Schoenecker stated that if the tree would continue to fall it would take down two other seventy foot trees. He did not think it would fall into his neighbor's yard.

With regard to Trustee Davis' question regarding Mr. Schoenecker's comment that he would be willing to remove a portion of the tree but not all of it, Mr. Schoenecker informed the Board that the tree is very large and it would be a big expense for him to remove it. His preference would be to remove the limbs that are hanging over into his neighbor's property because it would be more affordable.

In response to Trustee Davis' question have you gotten any quotes to remove the tree, Mr. Schoenecker responded that he had a conversation with Chris Davis about removing the limb that is hanging into his neighbor's yard but did not receive a quote.

In response to Trustee Davis' question if Mr. Schoenecker would remove the limb would it fulfill his obligation with regard to the nuisance violation, Mr. Roach confirmed that the rest of the tree remaining would still be considered a violation.

Trustee Davis reminded Mr. Schoenecker that the complaint was submitted to the Township and that they had to proceed with it through the nuisance abatement process. He thanked him for sharing his testimony and for his cooperation moving forward.

Discussion took place regarding the Township's nuisance regulations, how it applies to dead trees that have fallen, the appeal process and options for Mr. Schoenecker.

Mr. Schoenecker asked the Board if they would consider an extension of 60 – 90 days. He informed them that he understands that the tree has to come down and will make contact with Chris Davis to schedule the tree removal.

In response to Trustee Stertz' question regarding a reasonable extended timeframe for Mr. Schoenecker to remove the tree, Mr. Roach responded that they typically work within a 10 – 14 day timeframe with the option to extend it, if there would be an open line of communication and more time would be required.

Motion 2018-135 – Motion to Close

Trustee Sieve moved and Trustee Davis seconded to approve the closing of the public hearing regarding Nuisance Appeal to Resolution 2018-101. Trustees Stertz, Sieve and Davis voted YES. Motion carried.

Motion 2018-136

Trustee Sieve moved and Trustee Davis seconded to deny the appeal of Mr. Paul Schoenecker regarding Resolution 2018-101 and to allow work to be completed by July 25, 2018. Trustees Stertz, Sieve and Davis voted YES. Motion carried.

Mr. Schoenecker stated that he will be in contact with Mr. Roach with his plans to move forward with the tree removal.

ADMINISTRATION:

1. Resolution 2018-117

Trustee Sieve introduced and moved the adoption of a resolution authorizing state and local government lease purchase agreement with De Lage Landen Public Finance LLC for Township wide network switch replacements together with related service maintenance terms with Cisco Meraki, authorizing the Township Administrator to execute necessary documents, 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 Stertz, Sieve and Davis voted YES.

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

Mr. Cameron informed the Board that Mrs. Dignan was able to secure ongoing replacement upgrades within the terms of the end of life policy in the maintenance agreement. He reported that we will get all of the switches replaced, pay it over a 3 year period with no interest, and establish a replacement cycle. He stated that the resolution is the finance piece recommended by Mr. Lane.

Mrs. Dignan confirmed that as long as we are on this maintenance agreement and if maintenance issues occur with the switches or they meet end of life they will replace them at no cost.

In response to Trustee Stertz' question regarding the number of switches that are being replaced being fewer than originally anticipated, Mrs. Dignan confirmed that they realized that the number would be lower after consolidating our current switches with 24 ports, understanding that the some of the newer switches would have 48 ports.

In response to Trustee Sieve's question regarding the original 2018 budget request of \$26,800 for the switch replacement compared to the revised cost, Mr. Cameron reported that it will cost \$49,334 to replace all 16 switches which will be paid over a three year period with no interest. He referenced the original 2018 budget request of \$26,800 to only replace 4 switches. He commented that the 2018 cost is lower than anticipated, and the cost over the next three budget years is substantially lower than originally anticipated.

In response to Trustee Sieve's question regarding the life of the switches, Mrs. Dignan reported that the end of life policy guarantees the replacement of any switch that would fail or any switch that they would no longer support.

In response to Fiscal Officer Luebbe's question regarding the maintenance agreement, Mrs. Dignan responded that the agreement covers five years of maintenance even though we are paying on it for three years.

2. Motion 2018-137

Trustee Sieve moved and Trustee Davis seconded to approve the letter of support for the Western Hills Viaduct rehabilitation grant request. Trustees Stertz, Sieve and Davis voted YES. Motion carried.

PARKS AND RECREATION: Director Josh Torbeck

1. Resolution 2018-118

Trustee Sieve introduced and moved the adoption of a resolution authorizing an agreement with Fourgotten Paws Animal Rescue at Delhi Park on Sunday, October 7, 2018, authorizing the Park Director to execute the agreement and dispensing with the second reading. Trustee Davis seconded.

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

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

Mr. Torbeck reported that this will be our third year working within the same agreement with Fourgotten Paws.

2. Resolution 2018-119

Trustee Sieve introduced and moved the adoption of a resolution authorizing an agreement with Pure Barre, Cincinnati West at Delhi Park on Saturday, July 21, 2018, authorizing the Park Director to execute the agreement and dispensing with the second reading. Trustee Davis seconded.

Mr. Torbeck reported that this is the second year they will be hosting the free yoga in the park. He commented that participants will have to register with the Parks Department or with Pure Barr directly.

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

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

FIRE DEPARTMENT:

1. Resolution 2018-120

Trustee Sieve introduced and moved the adoption of a resolution of necessity to levy an additional tax in excess of the ten-mill limitation for the purpose of Fire Protection and Emergency Medical Services (R.C. §5705.03, 5705.19, 5705.191 and 5705.25). Trustee Davis seconded.

Mr. Cameron reported that the County Auditor will certify the estimated property tax revenue to be produced from a 3.25, 3.35 and 3.45 millage, per resolutions 2018-120, 121 and 122.

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

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

2. Resolution 2018-121

Trustee Sieve introduced and moved the adoption of a resolution of necessity to levy an additional tax in excess of the ten-mill limitation for the purpose of Fire Protection and Emergency Medical Services (R.C. §5705.03, 5705.19, 5705.191 and 5705.25). Trustee Davis seconded.

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

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

3. Resolution 2018-122

Trustee Sieve introduced and moved the adoption of a resolution of necessity to levy an additional tax in excess of the ten-mill limitation for the purpose of Fire Protection and Emergency Medical Services (R.C. §5705.03, 5705.19, 5705.191 and 5705.25). Trustee Davis seconded.

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

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

3. Motion 2018-138 – Hiring Recommendation

Trustee Sieve moved and Trustee Davis seconded to approve the hiring of Matthew J. Metzner as Part-Time Firefighter / Paramedic in the Fire Department at the rate per the collective bargaining agreement with the Delhi Firefighters Association and successful completion of the pre-employment physical, drug testing, and background check effective on July 12, 2018. Trustees Stertz, Sieve and Davis voted YES. Motion carried.

Assistant Fire Chief Jesse Moore reported that Matthew is one of our part time staff and he will be filling one of our full time positions. He commented that they did have another person who they were interested in hiring but that he called yesterday and withdrew his application.

PUBLIC WORKS: No Agenda Items.

POLICE DEPARTMENT: No Agenda Items.

COMMUNITY DEVELOPMENT: No Agenda Items.

CITIZEN COMMENT:

Mike Fantetti, 4491 Cloverhill Terrace, addressed the Board about a blighted vacant property next door at 4497 Cloverhill in the Delshire Subdivision. Mr. Fantetti reported that the property, which has been vacant for ten years, has become a health and safety issue due to raccoons gaining access through soffits and broken windows. He added that the grass is currently a foot high in the front yard and that the back yard looks like a jungle. He expressed his concern about kids playing in the neighborhood, and with school getting ready to go back into session, they will be walking past the property on their way to and from school.

Mr. Roach reported that in years past the property owner moved out to an assisted living facility, since then the house has been vacant and it has been declared a nuisance for debris and excessive vegetation. He commented that the rear yard consists of mature vegetation and large trees which does not meet the definition of excessive vegetation, while the current condition of the front yard does. He stated that he will register the complaint with the department and move forward with the inspection, and will refer the unfettered access to the house to the Fire Department for review.

Trustee Stertz assured Mr. Fantetti that the Zoning Inspector will confirm any violations and communicate the results with him.

Mr. Fantetti asked Mr. Roach if he would consider taking a look at the back yard again. He added that the Police Department has also been called to the address on several occasions for drug use activity, and that needles can be found under the shade tree.

Trustee Sieve instructed Mr. Roach to exchange contact information with Mr. Fantetti so he will be able to gain access to his property for the inspection.

Sgt. Murphy reported that he was not aware of any open incident reports on the address. He exchanged contact information with Mr. Fannett and instructed him to contact the department when drug activity is observed.

Mr. Roach reported that if he found evidence of animal infestation during the inspection he would involve the Health Department.

Trustee Sieve referred to the address as qualifying for the Hamilton County Port Authority.

Trustee Stertz thanked Mr. Fantetti for his report. She informed him that his complaint has been heard and will be recorded and registered with the Zoning and Police Departments and that he will be contacted with updates.

In response to Trustee Sieve's request to provide an update on how to report a violation, Mr. Roach stated that residents can submit anonymous complaints through the website's Action Line or they can contact the office by phone at 513-922-2705 or email zoning@delhi.oh.us.

In response to Mr. Schoenecker's question regarding Motion 2018-137, the approval of the letter of support for Western Hills Viaduct rehabilitation grant request, replacement cost of \$385,000,000.00, Trustee Sieve informed him that Delhi Township is part of a coalition of local government entities who view the viaduct to be a major artery for the West Side, having met on a regular basis to discuss additional grant opportunities, drafted a letter of support for additional funding.

ANNOUNCEMENT OF COMMUNITY EVENTS:

1. Free Friday Fishing at Clearview Lake, open now through September 28th, from 7:00 a.m. until dusk.
2. Concert in Delhi Park featuring "Saffire Express" on Thursday, July 12, 2018 at 7:00 p.m.
3. The DTFD Community Risk Reduction Program: Conversation on Advance Directives, on Tuesday, July 17, 2018 at 7:30 p.m. at Delhi Fire Headquarters.
4. Delhi Farmer's Market at Clearview Lake, open every other Saturday (next date July 21st) from 9:00 a.m. until 12:00 p.m.
5. DTFD Community Risk Reduction Program: Delhi Widows Social Luncheon at Delhi Fire Headquarters from 12:00 noon until 1:30 p.m.
6. Riverview-Delhi Kiwanis Club 29th annual Rollin' on the River Charity Car Show on Sunday, July 22, 2018 from 8:00 a.m. until 3:00 p.m. at Fernbank Park.

Trustee Stertz referenced their next regular meeting on Wednesday, July 25th at 6:00 p.m.

ADJOURN MEETING:

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

_____, 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