

**LIBERTY TOWNSHIP TRUSTEE  
RECORD OF PROCEEDINGS  
June 1, 2009**

**RECEPTION AND SWEARING IN CEREMONY AT 6:30 PM**

The Trustees of Liberty Township called the meeting to order at 6:30 pm. In attendance were Tim Jensen and family, Peter Canfield and family, Trustees Robert Mann, Peggy Guzzo, Curt Sybert, Township Administrator David Anderson, Fiscal Officer Mark Gerber, Chief Bernans and family, and several firemen. This meeting was to swear in new firefighter Peter Canfield and to swear in Tim Jensen as Liberty Township's new fire chief. The meeting ended at 7:15 pm for a brief reception.

**REGULAR MEETING PROCEEDINGS SUMMARY:**

The audio recording, resolutions passed, and any attachments constitutes an accurate record of the Liberty Township Trustee Proceedings at the above dated meeting as determined by the Fiscal Officer. The following summary is provided as an overview of the meeting and a road map to the audio record. Copies of this record are available by request at the Township Government Office, 10104 Brewster Lane, Suite 125, Powell, Ohio.

The Trustees of Liberty Township met in regular session Monday, June 1, 2009, at 7:45 p.m. at the Liberty Township Hall at 7761 Liberty Road, Powell, Ohio. Board Members present were Robert Mann, Peggy Guzzo, and Curt Sybert. Also present were Township Administrator, David Anderson, and Fiscal Officer Mark Gerber. Others in attendance are listed on the attached sign-in sheet.

Chairperson Robert Mann called the meeting to order with the Pledge of Allegiance.

**RESOLUTION: 09-0601-01: Approving "Then and Now" PO's**

Ms. Guzzo moved to adopt Resolution #09-0601-01 Approving "Then and Now" PO's. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**RESOLUTION 09-0601-02: Approving Bills – EFT's and warrants**

Ms. Guzzo moved to adopt Resolution #09-0601-02 Approving Bills – EFT's and warrants. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**RESOLUTION 09-0601-03: Approve and Adopt CHIPRA of 2009**

Mr. Sybert moved to adopt Resolution #09-0601-03 Approve and Adopt CHIPRA of 2009. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**CITIZEN COMMENT: None**

**Presentation on Shamrock Golf Course**

Attorney Dave Fisher and Mr. Romanelli were present to conduct this presentation. Mr. Fisher spoke in regard to the background on Shamrock Golf Course. We have met with the Community Oversight Foundation and the HOA for Big Bear Farms. The golf course is in deteriorating condition. That course was not doing well before the current situation with golf courses in central Ohio for a variety of reasons including the size, layout of the course, and its quality of golf play. It has struggled for a number of years.

Mr. Fisher stated he was proud to represent Mr. Romanelli as he is a very reputable businessman and does well to work with HOA's and government offices to come to terms that are best for those around. We are here to try and work together to have a benefit and attribute for the Township.

When Mr. Romanelli originally started working with the current golf course owners, it was their belief that 30 plus acres of this property was to be restricted as green space as an attribute of Wedgewood. When he first started working on this he told his designers to plan to have that level of open space retained but move it around so that there are good open space corridors for everyone around the area. They created a very wide buffer around the entire property with two large park areas. There are also several bike paths throughout the development with the ability to connect into the adjoining neighborhoods. There are 122 single family lots and 55 gated patio lots for a total lot count of 177. The density of this project is 1.57 roof tops with just under 36 acres of green space.

Trustee Mann asked what would be the anticipated price ranges of the homes.

Mr. Fisher stated that the patio homes would be \$300,000 to \$400,000 and the gated homes would be \$500,000 to \$700,000.

Trustee Guzzo stated that there is no doubt that Mr. Romanelli does good projects. The dilemma she have is that we can't produce green space and it is hard to acquire green space. We were very fortunate as a couple of years ago someone donated green space to us. There is plenty of land to be developed in Liberty Township. She would love to see this plan but not at this site. It is supposed to stay green space for 99 years and we have 95 years left. She would like to hold out for that. Have you looked at doing this project without the single family homes and maintaining the golf course?

Mr. Romanelli stated that he doesn't think it is feasible with the debt it already has then it would need to be restructured and there really isn't enough land.

Mr. Fisher stated that Mr. Romanelli owns two golf courses in central Ohio. The golf course business in central Ohio is not thriving right now.

Trustee Mann asked, "What would be the anticipated build out time for something like this if it were approved?"

Mr. Romanelli stated most likely 10 years but 5-10 years depending on the economy.

Mr. Gerber stated that there are significant tax revenues in this for the Township or the City of Powell.

Trustee Sybert stated it is inappropriate for us to hypothecate on what Powell's going to do. What is the viability of the course going forward?

Mr. Fisher stated the golf courses are in terrible shape in central Ohio even the brand new ones. Shamrock is the low end of the public courses. We have brought this idea before you on your request. What would you like to see us do now? We will talk with the HOA's.

Mr. Mann stated we would like the residents to talk among themselves and their associates and let our board know by coming to meetings in the near future of what their feelings are about preserving the green space verses this proposed project.

Tony Krystofik, 10211 Braemar Dr., gave a timeline of events on how this got started and ended up with the deed restriction not getting filed. Why not file the deed restriction? It would be doing something that was already assumed to be done.

Trustee Guzzo stated that we as a government have the ultimate say because we control zoning. The deed restrictions are a civil thing of buyer beware. Regardless of that deed restriction being filed or not we still control the zoning. The problem we have is that original deed restriction is between the developer and the owner of the property. She would support sending it to the prosecutor's office if he thought he had the ability to make the deed restriction be filed. She would completely support that.

Tony Krystofik, 10211 Braemar Dr., stated that the only reason he brought it up this way is because he thinks it is the first item of business in this entire discussion. All of the other items are secondary. The deed restriction was supposed to be filed and call it an administrative thing. Liberty Township approved it through the Zoning Commission and the Trustees. Everyone knew it was there including the current owners of the golf course.

Trustee Mann stated that Tony had an excellent point on the deed restriction. That deed restriction was part of the bargain for agreement with the original developer as a condition for getting the golf course. Due to events that transpired long before any of us were trustees that restriction was never recorded and it should have been. That is what the owner back then said they were going to do. The only way we could get the deed restriction filed and recorded at this point is if the owner voluntarily did so or a lawsuit was filed and a court ordered that the deed restriction be filed. We have asked the property owner in the past year to record that deed

restriction and the current owner has not been willing to do so. What public would need to consider is the only way to viably get that deed restriction filed would be start another law suit involving Liberty Township. We would need to know if the public wants to do that. We would need to have the citizens input. Apparently that is the only way the deed restriction can apparently get filed at this point, unless the owner changes their mind and records it at this point.

Tom Rainey, 10496 Buxton Dr., he would like to take exception to something Ms. Guzzo said and that is deed restrictions are not between the owner and somebody else. They are for the benefit of those they impact. When this plan was developed back in the late 1980's, the plan was to have green space for the benefit of Wedgewood as well as anyone else. Green space is green space and we are taking a miscue on the way we are looking at green space. He doesn't think it was intended for playgrounds and all that but it takes away the density. Back in 1989, our Trustees were most concerned about the way the township was developing in the density. Even now that they have reduced the number of lots to 177, by typical planning criteria that means ten vehicle trips per day that is 1770 more daily trips of traffic in there. That is what the township trustees originally wanted to preclude by having this deed restriction. He would rather the golf course go feral than to have 1770 more car trips in that area. The Township failed in this requirement by not following up on this matter. Please Township, get this fixed.

Trustee Sybert stated that in 1992 the deed restriction would have been discovered as not being on record. Any good attorney for a purchaser would have found that so the current owners were on notice back in 1992 that the deed restriction as not filed.

John Schuette, 5192 Seldom Seen Rd., There is no doubt in my mind that when the present owner purchased that they had a title search done. If there is no restriction on it when he bought it then there is no restriction on it according to him. In my opinion, Liberty Township has spent enough money on legal things lately. Most of it has been done to incompetence here at the township level with the staff because things didn't get done.

Trustee Sybert stated he really thinks this is absolutely a legal issue. If any of us on the board could have forced that deed restriction be filed, we would have done it. The reality is that Liberty Township can't afford to litigate every issue that comes down the pike.

John Schuette, 5192 Seldom Seen Rd., stated if the course goes foul, who will maintain the property.

**RESOLUTION 09-0601-04: Approve gravel purchase for Parks trails up to \$25,000**

Ms. Guzzo moved to adopt Resolution #09-0601-04 Approve gravel purchase for Parks trails up to \$25,000. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**RESOLUTION 09-0601-05: Rescinding Resolution 09-0420-11 regarding employee benefits**

Mr. Mann moved to adopt Resolution #09-0601-05 Rescinding Resolution 09-0420-11 regarding employee benefits. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**RESOLUTION 09-0601-06: Recognition of Chief Bernans upon retirement**

Mr. Mann moved to adopt Resolution #09-0601-06 Recognition of Chief Bernans upon retirement. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**RESOLUTION 09-0601-07: Authorize declaring certain equipment as surplus and further authorizing disposal or donation of equipment**

Mr. Mann moved to adopt Resolution #09-0601-07 Authorize declaring certain equipment as surplus and further authorizing disposal or donation of equipment. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**RESOLUTION 09-0601-08: Authorize Wedgewood Golf and Country Club additional directional signage request**

Ms. Guzzo moved to adopt Resolution #09-0601-08 Authorize Wedgewood Golf and Country Club additional directional signage. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote. Please note that a copy of the requested signage is attached as an exhibit.

**RESOLUTION 09-0601-09: Authorize renaming of fire station after Chief Bernans**

Mr. Mann moved to adopt Resolution #09-0601-09 Authorize renaming of fire station #321 after Chief Bernans. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**WORK SESSION – Updates**

- Discuss County Engineers opinion regarding obstructions in right-of-way
  - It was agreed that these bollards could be put in after verifying with the Prosecutor's office with these conditions
    - They break off at 10 mph
    - If any township equipment is damaged the HOA is responsible
    - The township is not responsible for replacing
- Manning Parkway Business District maintenance request
  - The Trustees agreed that the Road Department should do what they need to get the mowing job done
- CCW picnic sales request
  - Trustees would like a statement on what items CCW would sell
- Bunty Station and Havener Park project status
  - Boring tests are being done. Once completed, then we will proceed.

- Acknowledgement Preservation Parks
  - Donation letter and resolution thanking the Preservation Parks

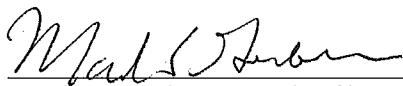
**APPROVAL OF MINUTES:**

Ms. Guzzo moved to approve the Board of Trustees Meeting Minutes of May 18, 2009, Mr. Sybert seconded the motion and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

Ms. Guzzo moved to approve the Board of Trustees Special Meeting Minutes of May 21, 2009, and Mr. Sybert seconded the motion and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**ADJOURNED:**

There being no further business Chairperson Mann adjourned the meeting at 9:45 p.m.

  
Mark S. Gerber, Fiscal Officer