

**LIBERTY TOWNSHIP TRUSTEE  
RECORD OF PROCEEDINGS  
June 15, 2009**

**PROCEEDINGS SUMMARY:**

The Trustees of Liberty Township met in Executive Session Monday, June 15, 2009, at 6:30 p.m., at the Liberty Township Hall at 7761 Liberty Road, Powell, Ohio. In attendance were Chairperson Trustee Robert Mann, Trustee Sybert, Trustee Guzzo, Fiscal Officer Mark Gerber, Brian Niemet, and Ray Friesner.

**MOTION: Enter into Executive Session at 6:30 p.m.**

Mr. Mann made a motion to enter into Executive Session pursuant to ORC 121.22 (G) (1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual. Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with 3-yes and 0-no vote.

**MOTION: Reconvene – Out of Executive Session at 7:40 p.m.**

Ms. Guzzo made a motion to reconvene out of Executive Session 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.

**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 15, 2009, at 7:43 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: 09-0615-01: Approving “Then and Now” PO’s**

Mr. Mann moved to adopt Resolution #09-0615-01 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 09-0615-02: Approving Bills – EFT’s and warrants**

Mr. Mann moved to adopt Resolution #09-0615-02 Approving Bills – EFT’s and warrants. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-no, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 2-yes and 1-no vote.

Fiscal Officer Gerber presented a fiscal summary for the period of January 1, 2009, through May 31, 2009. The summary is attached and is part of the permanent record. He also made comments in regard to revenues. He believes this board and future boards are going to have to think about how we can preserve revenue streams and how to increase revenue streams. He personally doesn’t believe the first answer should be a levy for the voters. He stated that if land is annexed and developed in Powell we retain a small portion money. He stated it needs to be much more aggressive on our part to deal with issues such as the township maintains property in the township. He thinks that it behooves the township to develop land in the township. The property taxes from that development are kept in the township not only for the general funds but for the road fund. He agrees, with Mr. Schuette from a previous meeting, that the building inspections be moved back to the county from Powell. The cost for the county is significantly less and Powell wouldn’t increase their revenues from the township. We could generate an administrative fee for revenues for the township. He would like to see this as a discussion item or resolution to see if this can be done to our advantage.

Trustee Guzzo stated that when land is annexed into the city of Powell we retain 82% of the tax that we would normally get, but Powell would need to service with Police and maintain the roads. We get that benefit because Powell is still part of Liberty Township. It behooves us to have a good relationship with Powell because a significant portion of our property is in Powell. If Powell conforms its boundaries and gets out of the CEDA we would lose all of the tax revenue that we are currently receiving that is currently in Powell now. We have to be very careful and not take this lightly.

Fiscal Officer Gerber stated he is not saying to take it lightly but as an organization we should do everything possible to insure that Powell can’t entice people to be annexed. If Powell annexed Big Bear Center where Giant Eagle is we lose a lot of road revenue and we are not losing any roads. That is the fundamental point. You can’t run a business on negative revenues. He doesn’t think it is a practical solution to ask the residents for more money at this time.

Trustee Guzzo stated that she doesn’t think we should ask the voters for more money she thinks we should be better stewards with the money that we get and receive currently. She thinks that we can reduce unnecessary legal expense. She thinks we can take a look at the excess in the fire department and do our long term planning. If we are not going to build the third fire station for ten years out maybe we should move funds from the fire department by getting approval from the common pleas court so that it can cover us for road improvements. There are things that we do need to look into.

Trustee Sybert stated that Mr. Anderson has been looking into ways to bring more businesses into the township and help with this situation.

Trustee Mann stated that one way to control costs is for the board to work together. He thinks it is incumbent on all the Trustees to undertake our best effort to work together when opportunities to settle the Wal-Mart litigation come along for example or to not have trustees going out and doing things on their own that end up getting us into legal problems with other neighboring communities.

Trustee Guzzo stated she thinks we could be better and instead of hiring numerous private law firms we could use the prosecutor's office for 90% of our issues to save the tax payers a considerable amount of money.

#### **CITIZEN COMMENT:**

Dottie Haggard, 2361 Carriage Road, had a question as to whether the Township had a noise ordinance of any kind due to a surrounding neighbor having a loud party that lasted from 6 pm to 11 pm.

Trustee Sybert stated that we have a noise ordinance but it is geared more for barking dogs because that was the focus when it was drafted. The sheriff's department is the best place to start because they will make a courtesy call and let them know that the neighbors are complaining.

Trustee Guzzo stated we should follow up with the Sheriff's office with our noise ordinance.

Trustee Mann stated that Mr. Anderson should make any changes to our park contract that the noise ordinance and any other ordinance should be followed. Also, if Ms. Haggard would like a copy of the noise ordinance for reference he suggested she contact Mr. Anderson.

Mr. Bill Orosz, 315 Ridgeside Drive, would like to speak about Shamrock Golf Club. He is asking what the citizens can expect of their public processes. He believes that citizens should expect that the assurances that they are given in those processes are carried forward by their governments or why bother to participate. He suspects that one of the challenges we have with the trust and integrity of these processes despite him asking very specific questions about the Shamrock acreage staying a golf course in perpetuity and never having houses on it and given those reassurances by the owners. He, as a citizen, should have expected that to come forward and he, as a citizen, now wants to know publicly exactly what happened.

Trustee Guzzo stated she agrees with Mr. Orosz. She really appreciated him coming because he is a Powell resident and a Liberty Township resident. This land is zoned, it is official, there is no mystery, there is no dispute and it is zoned to remain a golf course or green space for ninety some years. Whether or not that deed restriction was filed, which it was not, that deed restriction was a requirement that the township put on there. It does not negate our enforcement of the zoning. The only concern that was raised was if we enforce the zoning and what if it is annexed into the City of Powell. Then Powell may allow the development because they would not have to hold firm to our zoning.

Trustee Mann stated his concerns is that the residents of Powell overwhelmingly did not tolerate Target going in on Home Road but we are in litigation fighting whether or not Target can go in on Home Road. He has concerns whether there would be any citizen outcry in Powell since this is a border of Powell just as Target is a border of Powell.

**RESOLUTION 09-0615-03: Board Recognition of Preservation Parks Donation**

Mr. Ted Miller from Preservation Parks gave an overview on what Preservation Parks has going in Liberty Township.

Mr. Mann moved to adopt Resolution #09-0615-03 Board Recognition of Preservation Parks Donation. 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.

**RESIDENTIAL COMMENT PERIOD REGARDING OPTION TO IMPLEMENT CURBSIDE RECYCLING USING A PUBLICLY BID TRASH CONTRACT APPROACH**

George Haggard, 2361 Carriage Road, is happy with the service that he has at this time and it is workable. He also made mention that the spreadsheet that was handed out previously that the costs were not as cost saving as mentioned.

**MOTION:** Ms. Guzzo made a motion that we publicly bid for a single trash hauler and curbside recycling. The motion failed due to lack of a second.

**MOTION:** Mr. Sybert made a motion to vote against a single hauler for the overall welfare of Liberty Township. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-no, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 2-yes and 1-no vote.

**Lombardi Designation and Hearing Request**

Matthew Lombardi, homeowner and Craig Bellomy, contractor were present at the meeting to present the updated proposal which is now in compliance with the HOA regarding pools and fencing. We would like the board to change their previous decision of major designation to minor designation. If the designation is changed to minor we would like for you to complete the hearing at this time.

Trustee Sybert asked if the height of the pool had been modified and the fence changed from privacy and is now similar to others and that everything is within the setbacks.

Matthew Lombardi or Craig Bellomy stated that the pool had been rectified to the request and the fence does meet the requirements and setbacks.

Trustee Guzzo stated that more importantly you also sought and received the approval from your homeowner's association architectural review board. We did receive that letter in support of your project.

**MOTION:** Ms. Guzzo moved to consider the Administrative Review as a minor. The motion was seconded by Mr. Mann and roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**MOTION:** Mr. Mann moved to approve this application as amended and pursuant to what was submitted to our Zoning Inspector and approved by the Wedgewood Park Estates. The motion was seconded by Ms. Guzzo and roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**Fee Waiver Request for Greensview Apartments**

Mr. Larry Lab was present to request the fee waiver request to replace signs for Greensview Apartment. Mr. Lab stated he was with Morrison Sign Company and was there to request the Conditional Use Application Fee of \$600.00 be waived and the only charge would be \$300.00 for each sign to be replaced for a total of \$600.00 instead of \$1200.00. The signs are in need of repair and are not typically being reformatted, changed in size, or lighting added

**MOTION:** Mr. Mann moved to approve this request to waive the Conditional Use Fee so that we do not have residents or businesses not maintaining their signs in the struggling economy. We should make sure that this application is heard with an existing meeting. The motion was seconded by Ms. Guzzo and roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

Zoning Inspector Holly Foust asked for a two week extension on the deadline for the sign code revision. They have had more feedback than expected and she respects the deadline. She would rather do this properly instead of going through it multiple times.

Trustee Mann stated there is not a problem with that timeline and appreciates the time taken to meet with residents and businesses.

**RESOLUTION 09-0615-04: Approve Sales Request in Liberty Park**

Mr. Sybert moved to adopt Resolution #09-0615-04 Approve Sales Request in Liberty Park. 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.

**RESOLUTION 09-0615-05: Adopting Revised Drug Free Work Place Policy**

This Resolution is tabled until further notice. The trustees recommended sending this to the Prosecutor's Office for review.

**RESOLUTION 09-0615-06: Modifying of the Definition of "Work Week"**

Fiscal Officer Mark Gerber explained that this language change would make things consistent in reporting.

Mr. Mann moved to adopt Resolution #09-0615-06 Modifying of the Definition of 'Work Week'. 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 09-0615-07: Paying Vendors Using Electronic Funds Transfer**

Mr. Mann moved to adopt Resolution #09-0615-07 Paying Vendors Using Electronic Funds Transfer amending Germain to Germain Ford. 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.

Ms. Guzzo moved to adopt Resolution #09-0615-07 Paying Vendors Using Electronic Funds Transfer as amended. 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.

**RESOLUTION 09-0615-08: Authorizing the Hiring of Firefighter Jeffery Larger**

Mr. Mann moved to adopt Resolution #09-0615-08 Authorizing the Hiring of Firefighter Jeffery Larger. 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.

Trustee Guzzo stated that in the future she would like the rate of pay included in the Resolution.

**RESOLUTION 09-0615-09: Authorizing New Firefighter Testing and Hiring Process**

Ms. Guzzo moved to adopt Resolution #09-0615-09 Authorizing New Firefighter Testing and Hiring Process. 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.

**RESOLUTION 09-0615-10: Authorizing funds for use on full depth asphalt repairs**

Ms. Guzzo moved to adopt Resolution #09-0615-10 Authorizing funds for use on full depth asphalt repairs and adding the following language to the last sentence “contractor pursuant to properly approved change orders using Road Department funds subject to review and approval by the Prosecutor’s Office.” This would also need to be approved by the Prosecutor’s Office. 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.

Mr. and Mrs. McNutt are asking for a “NO PARKING” sign in front of their home at 4314 Weybridge Ct., because a neighbor is parking his van in front of their home exclusively. This neighbor has refused to alleviate the problem and has said there is nothing they can do about it. The biggest concern they have is with snow removal services. They feel it is not right to make 70 year old people clean the street themselves. They would appreciate any help you can give them.

Trustee Guzzo spoke with Mr. McNutt and they are going to try and amend the deed restriction that they would be allowed to park in their driveways. As of right now they are not allowed to park in their own driveways.

## **WORK SESSION – Updates**

- Other Business and scheduling topics as needed.
  - Trustee Mann suggested that when we have items that are carried over we have an addendum page attached to our Agenda so we can continue following those.
    - Examples: Wedgewood Bollards, open request for stop signs that were sent to the engineer for review
    - Trustee Sybert mentioned that Liberty Village never received their speed limit signs.

### **MOTION: Enter into Executive Session at 10:20 p.m.**

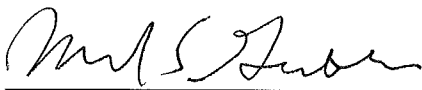
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### **MOTION: Reconvene – Out of Executive Session at 11:42 p.m.**

Ms. Guzzo made a motion to reconvene out of Executive Session 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 11:43 p.m.



Mark S. Gerber, Fiscal Officer