

**LIBERTY TOWNSHIP TRUSTEE
RECORD OF PROCEEDINGS
SEPTEMBER 2, 2008**

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.

PROCEEDINGS SUMMARY:

The Trustees of Liberty Township met in regular session Tuesday, September 2, 2008, at 7:30 p.m. at the Liberty Township Complex. All Board Members were present; see attached sign-in sheets for others in attendance. Chairperson Curtis Sybert called the meeting to order with the Pledge of Allegiance.

CITIZEN COMMENT:

John Schuette, Seldom Seen Road, stated he had performed a traffic count/study all day on the street in front of his house from on Thursday, August 28th. There were 1,183 cars which brakes down to be 78 vehicles and hour - 1.3 per minute. Trustee Guzzo believed they had requested Engineering Assistance regarding the "S" curve on Seldom Seen Road. Administrator Anderson said the Engineers Office recommended that the Township purchase the right-of-way, and are applying for state funding. Mr. Anderson suggested they talk further about this issue at the strategic planning session.

MOTION: Amending Resolution 08-0721-01

Fiscal Officer Gerber requested a motion to amend 08-0721-01 to replace the review by the Prosecutor's office with a review by the Township Attorney. Ms. Guzzo moved to approve and Mr. Mann seconded the motion the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes.

RESOLUTION 08-0902-01: Certificate of Estimated Resources

Ms. Guzzo moved to approve Resolution 08-0902-01 approving the amended certificate of estimated resources and Mr. Mann seconded the motion the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with a 3-yes and 0-no vote.

RESOLUTION 08-0902-02: Authorizing Necessary Tax Levies

Ms. Guzzo moved to approve Resolution 08-0902-02 accepting the rates as determined by the budget commission authorizing the tax levies by the County Auditor. Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with a 3-yes and 0-no vote.

RESOLUTION 08-0902-03: Excise Tax Lodging/Hotel Bed

Mr. Sybert moved to approve Resolution 08-0902-03 and Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo - yes, Mr. Mann – recused, Mr. Sybert – yes. The motion passed with a 2-yes and 1-recused vote. Mr. Mann stated his law firm has worked with hotels in the past.

RESOLUTION 08-0902-04: 2008 Sawmill Pedestrian Path Awarded - Best/Lowest

Ms. Guzzo moved to approve Resolution 08-0902-04 to the best lowest bidder which is Dumar Huntson Paving for the proposed 2008 Sawmill Bike Path. Mr. Sybert seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with a 3-yes and 0-no vote.

Mr. Mann noted he was very disappointed that this project was not approved two years ago in 2006, when it was proposed and Ms. Guzzo held the project up by not voting in favor of it which cost the taxpayers \$55,000. Ms. Guzzo stated roller concrete was an inferior product, and it was proposed at 6-feet instead 8-feet in width. She added that by law it had to go through the public bid process. Mr. Sybert noted it was proposed as a Parks project and under advice from Township Counsel it did not need to through the public bid process and the County Prosecutor agreed.

RESOLUTION 08-0902-05: Principal & Interest for 2007 Havener Park Payment

Mr. Sybert moved to approve Resolution 08-0902-05 and Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with a 3-yes and 0-no vote.

MOTION: Ashbury Close – Curbs and Gutters

Dave Shottner, 2357 Ashbury Close, Ashbury Glen Subdivision, stated they do not currently have curb and gutters, but they do across the street. Their homeowners association has agreed to fund the installation of curbs and gutters; they paid \$3500 to the engineering firm to duplicate the curb and gutters across the street, but the County Engineers office added specifications and standards to the design which has taken the price from approximately \$6,500 to over \$30,000. He said the engineers have been in negotiations with the County trying to minimize the cost which has delayed the project. He explained one of the requirements by the County is that they would have to repave Ashbury Close. He said their engineers and County have agreed to add a notation in the County's approved drawings allowing the Township to potentially waive a requirement to mill down and replace the entire asphalt surface. They were here this evening to formally request the Board's approval of the waiver. Mr. Anderson said he talked to County Engineer Doug Reigel and confirmed that they understand the situation. He said the Engineers office was most adamant about a 4-inch drain which was perforated directly underneath the curb. Mr. Anderson suggested if and when their contractor opens things up it would not take much for our Road Dept crew to go in and repair the drain. Ms. Guzzo felt it would be a nice addition as long as it was built to Delaware County Engineers specifications. Mr. Sybert felt since this was an improvement by the HOA it should be maintained by them. Mr. Mann was in favor of granting the waiver for resurfacing but the HOA needed to get estimates on the other requirements and standards so there are no surprises and Mr. Shottner agreed.

Ms. Guzzo moved to authorize Ashbury Glen HOA to move forward with the construction of the curb and gutter project per the Delaware County Engineers approval. This Board agrees to waive the repaving of the road requirement and the HOA should coordinate with the Liberty Township Road Department with respect to the drain. Mr. Anderson clarified they were to take care of under drain or drainage related issues in the curb, and our road crews could handle the asphalt repair on the streets to the curb. Mr. Mann said he was concerned about the drain issue. Mr. Stottner advised they were adding the price of the drainage in their package and felt if the asphalt issue is taken care of by the Township it was a fair trade. Mr. Mann asked what would happen if the price comes back at a figure that the HOA can not pay. Mr. Stottner said they would not start the project and they would come back to the Board.

Mr. Mann amended the motion to include that the residents are paying for the drainage and if it turns out to be beyond their budget they come back in to the Board for further discussion prior to beginning any work on the project. Ms. Guzzo seconded the amended motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with a 3-yes and 0-no vote.

MOTION: Emergency Sidewalk due to Safety Concerns Salisbury Road

Mr. Anderson explained there have been serious safety concerns from residents as well as school officials regarding Salisbury Road such as cars running stop signs, etc. Mr. Anderson stated in the Board's packet are three different estimates regarding the sidewalk issue on Salisbury Road - Tyler Run Elementary School. Mr. Anderson said he spoke to Delaware County Engineers Office Pat Blaney as well as Township Attorney Craig Paynter who said in his opinion on this matter is when Trustees see health, safety and welfare issues, it justifies the Trustees to act on it as an emergency. Mr. Gant explained this has been a safety concern for some years now; the intersection is not on school property so the school cannot do anything there. They are requesting that the sidewalk be installed on the west side of Salisbury Road between Manchester Road and the school then the children would no longer need to cross at the other dangerous intersection.

Ms. Guzzo moved to authorize the Road Department to move forward and install the sidewalk from Manchester along Salisbury Drive going north per the estimate of \$11,475.33 and declare it an emergency. Mr. Mann amended the motion to add that it is an emergency under ORC 505.08 and any other applicable code sections. Mr. Sybert seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with a 3-yes and 0-no vote.

Administrative Review 08-09 - Donatos: Trustee Date Scheduled

Ms. Guzzo moved to hear Administrative Review 08-09 at the next scheduled Trustees Meeting on September 15th at 8:00 p.m. Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with a 3-yes and 0-no vote.

Administrative Review 08-05 – Golf Village North: Designated Major

Ms. Guzzo moved to designate Administrative Review 08-05 as a Major. Mr. Sybert seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with a 3-yes and 0-no vote.

DP 08-08 North Pointe Tavern Patio Request: Trustee Date Scheduled

Ms. Guzzo moved to hear DP 08-08 at the next scheduled Trustees Meeting on September 15th at 8:15 p.m. Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with 3-yes and 0-no vote.

House Bill 562

Ms. Guzzo notified the Board that House Bill 562 passed and was now in effect. The law now states that it requires a majority vote to be approved as well as a unanimous vote to amend or deny. They now also have the ability to regulate zoning not only for the general health and safety, as well as welfare. Mr. Sybert noted in a PUD. Mr. Mann suggested that Mr. Anderson check with the Prosecutors office to see if they need to change the Zoning Regulation to reflect this change.

MOTION: Havener Park & McDaniel’s Construction Payment

Mr. Anderson said the base layer asphalt test results were in and are good. The next layer of asphalt will go on next year and is budgeted. There was some confusion as to what was still owed to McDaniel’s. Mr. Mann recommended that they split the difference and pay \$14,500 minus the \$3,750 they had already paid to the extent is has not already been approved by any change orders.

Mr. Mann moved to approve payment to McDaniel’s Construction of \$10,750, less the amounts that have already been paid for this specific item by change order or otherwise. This action is to correct the error made in a credit that was presented from the contractor. Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with 3-yes and 0-no vote.

MOTION: McDowell Drive Issue

Mr. Anderson stated that contractors were dumping concrete in and around vacant lots on McDowell Drive and zoning staff recommends that they barricade the road off so they cannot get access to it.

Ms. Guzzo moved to temporarily close McDowell Drive due to dumping and Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes.

Strategic Planning Meeting Scheduled

Mr. Anderson recommended that they have a Strategic Planning Meeting at the end of September and all Board Members stated they would be available at that time.

Annual CEDA Meeting

Ms. Guzzo suggested that they contact the City of Powell for their annual CEDA Meeting. Mr. Mann and Mr. Sybert recommended they discuss this issue with Township Counsel before setting a meeting date.

Barbara Threlfall Retirement Reception

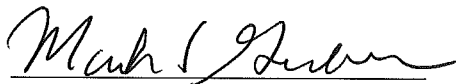
The retirement reception for Barbara Threlfall has been confirmed for September 15th at 7:00 p.m. it the Township Hall.

MOTION: TO PAY BILLS

Mr. Sybert moved to approve the payment of the bills as presented. Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with a 3-yes and 0-no vote.

ADJOURNED:

There being no further business Chairperson Sybert adjourned the meeting at 9:37 p.m.



Mark S. Gerber, Fiscal Officer