

**LIBERTY TOWNSHIP TRUSTEE
RECORD OF PROCEEDINGS
September 8, 2009**

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 Tuesday, September 8, 2009, at 7:30 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: 09-0908-01: Approving "Then and Now" PO's

Mr. Mann moved to adopt Resolution #09-0908-01 Approving "Then and Now" PO's with the exception of Thompson & Hine. 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 09-0908-02: Approving Bills – EFT's and warrants

Ms. Guzzo moved to adopt Resolution #09-0908-02 Approving Bills – EFT's and warrants with the exception of warrant number 24754. 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.

Fiscal Officer Mark Gerber stated that Delaware County Bank will have the paperwork to refinance the Havener Park bonds at the next Trustee meeting on September 21, 2009.

Fiscal Officer Mark Gerber also stated that he will have a modification to the budget appropriation.

Trustee Mann asked Fiscal Officer Mark Gerber to explain the Powell TIF and why we had to return money.

Fiscal Officer Mark Gerber went through and explained the process of the Powell TIF and the return of monies.

CITIZEN COMMENT:

Diana Burcu, 712 Bovee Lane, stated she is a nurse and wanted to speak about the speed tables on Carriage Road. It is an inconvenience for the residents but she is more concerned with the EMS/Fire Services. She is concerned with the population that has been there for awhile in the community. She is concerned about residents with heart attacks, broken backs and putting those individuals on backboards and having to take them over all those tables and with back injuries that could cause further harm. She is worried about the liability. There was a child that fell out of a bus seat and it may have been a test case but what if it hadn't? The speed tables are not marked and that is a concern along with the delay in treatment for the residents of the community when needing to reroute to State Route 315. She believes that one group of citizens has trumped the rest of the community on their needs and she thinks the speed tables need to be removed. She understands the need to reduce the speed. The people that have moved in on Carriage new the conditions at the time they moved and that was their choice to move there. Why does everyone else need to be inconvenienced and or put into danger just for that group of people? A way around that is to require sidewalks or a bike route. Those are my concerns and she hopes that they are addressed and the tables are removed.

Trustee Guzzo stated that there are markers and that the county engineer will be putting markers on the tables.

Diana Burcu in the snow they will not be seen and the wear and tear on the vehicles in the community like fire, EMS, buses, and the road crew with their snow plows. It is going to slow down these services and all for one group of citizens.

Trustee Sybert stated that we are weighing the safety of our residents and what we decided to do years ago was to develop a traffic safety calming plan. That is how we handled it and Carriage Road met all the criteria.

RESOLUTION 09-0908-03: Request that the County Commissioners approve the bollards and chains in the Township road right-of-way

Mr. Mann moved to adopt Resolution #09-0908-03 Request that that County Commissioners approve the bollards and chains in the Township road right-of-way. 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.

Mr. Mann moved that we obtain an indemnity agreement from Wedgewood Home Owners Association to cover the Township in the event any liabilities ever arise pertaining to the bollards and chains and we get a hold harmless from Wedgewood for any damage that may occur to the bollards and chains. 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.

Don Kenney, 740 Olde Worthington Rd., he knows that you have been against the Target store from the beginning and you have every right to be against it. He wants the Trustees to know why he is not against it. It is because of the investment he has in Golf Village. Golf Village needs stability and one the things that Target store brings is stability. They are a low hassle, capitalized company. When you look at the mom and pop stores especially in times like this, many of them are vacant. They have a lot of real estate signs and he knows that the Trustees do not like real estate signs. It is just not good for the community. He fought the fight he thought he needed to and it is nothing personal against any of the Trustees but he thought they were wrong the entire time and it cost him \$228,000 to fight.

He thinks that the Trustees need to consider Sawmill Parkway north of Home Road and commercial for money for the schools. As a developer we would like to develop north of Home Road and it would be good to have a consensus of what the Trustees are thinking for this property. The City of Delaware will annex as far as they can. He would rather do business with Powell because Liberty is too tough. We just put in a 37 million dollar sewer plant in on Moore Road that takes care of that whole area. We will have sewer and water. When you have sewer, water, and people wanting to come the development will happen. We need to have better communication if you want developers to stay here.

The reason he is here is because he read in paper how friendly you are going to be to commercial users by allowing signage. You are going to let people prosper. He hasn't seen this yet. He has a development in Golf Village North which is in your area. We have town homes there. He received a written complaint. We have two flag poles with Village Communities on one which we have had since we built it and we have the United States Flag on the other. We have an order to take it out as it is advertisement. We are unable to get people up Sawmill Road from Home Road so on the weekends we wanted a sign like we do in Powell, Dublin, or in Westerville because they want us to succeed. We have put millions of dollars into North of Home Road and we can't put a sign out on a weekend or we get punished. He had a sign that didn't have a name on it and he asked to put a name on it and there was a fee. You need to allow us to do this to be able to succeed. He gave Dave Anderson a copy of what they are asking for in regard to signage.

Trustee Sybert stated that he agrees that there needs to be more communication. He asked Mr. Kenney if he thought that a big box on that site is still a good use.

Mr. Kenney stated that Target is a good use but he doesn't think that every big box is.

Trustee Sybert asked if the Target store was in your original development plan, was it contemplated and was it communicated to the Board of Zoning.

Mr. Kenney stated that the Target was not but a large store was and yes it was.

Trustee Sybert stated that he was on the Zoning Commission and never heard that before and asked if he ever communicated it to the Board of Township Trustees.

Mr. Kenney stated that he did and it was in the minutes.

Trustee Sybert stated that he read the minutes that morning and it is not in the minutes. Did you communicate your original development plan to have a Target store in the City of Powell before you negotiated that annexation? Did they know?

Mr. Kenney stated that they didn't know. They knew it was a big store but not a Target.

Trustee Sybert stated that the residents have clearly stated that they don't want big box in the Township.

Trustee Mann stated that we agree on the signage and we are in the process of working on that. Trustee Mann asked Mr. Kenney what kind of development he envisioned on Sawmill Parkway north of Home Road.

Mr. Kenney stated that hopefully it would be like what happened in Powell. The one that they just developed at Powell and Sawmill, Liberty Crossing, is good one. He wishes that we would think more about the architecture than density.

Trustee Mann stated that he does favor commercial development and realizes the need for our tax base. The only difference he has is on big box.

Mr. Kenney stated that he doesn't think you would get big box north of Home Road.

Trustee Mann stated that he thinks that you will find some members of the board will be cooperative and flexible with commercial development. The only parameters would be to keep out the big box.

Mr. Kenney stated that in a month he could have Peggy convinced that this is what she should do.

Trustee Guzzo stated that she wanted to clarify that she is not opposed to commercial. She makes a distinction between retail and corporate offices.

Mr. Kenney stated that there is no demand for corporate offices.

Diana Burcu stated that she was against Target but now is unsure and if it were to go through then they should look at Hilton Head's Wal-Mart and request it be done similar. That is by surrounding it by trees and landscaping. This would make it more palatable.

Mr. Kim Cellar 185 Calmut Ct., Ostrander, he is very glad that you represent your community so well. You know that your community does not want Target. We made the best CEDA Agreement that we could come up with. It has given you a bit of ability to work within the law to stop the Target and you know as well as he does that the community doesn't want it either. He would have never recommended a site of three schools right near a Target. Also, conversations that he has had with Police Chief Gary Vest are of course never a spot where you

would want to put a big box store there. Incidents with the store could cause too many lock downs with the schools.

RESOLUTION 09-0908-04: Requesting “no hearing” in the transfer of liquor license for Caddy Shack Pub Inc.

Mr. Mann moved to adopt Resolution #09-0908-04 Requesting “no hearing” in the transfer of liquor license for Caddy Shack Pub Inc. 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 09-0908-05: Approve revised Anti-Sexual Harassment Policy

Ms. Guzzo moved to adopt Resolution #09-0908-05 Approve revised Anti-Sexual Harassment Policy. 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 09-0908-06: Authorize hiring of two (2) part-time Park employees

Mr. Sybert moved to adopt Resolution #09-0908-06 Authorize hiring of two (2) part-time Park employees. 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 09-0908-07: Approve Modified Government Deals Contract

Ms. Guzzo moved to adopt Resolution #09-0908-07 Approve Modified Government Deals Contract. 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 09-0908-08: Authorize Fire Department to purchase KeySecure System

Captain Reardon spoke to purchasing the KeySecure System to replace the Knox boxes on commercial buildings.

Ms. Guzzo moved to adopt Resolution #09-0908-08 Authorize Fire Department to purchase KeySecure System. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-yes, Mr. Mann, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

RESOLUTION 09-0908-09: Accept and approve maintenance of new roads, set speed limits, and release Bond

Mr. Sybert moved to adopt Resolution #09-0908-09 Accept and approve maintenance of new roads, set speed limits and release Bond. 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 09-0908-10: Authorize approval of Havener Park Memorandum of Understanding

Mr. Sybert moved to adopt Resolution #09-0908-10 Authorize approval of Havener Park Memorandum of Understanding. 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 09-0908-11: Approve proposed easement for Verizon regarding Liberty Road Project

Ms. Guzzo moved to adopt Resolution #09-0908-11 Approve proposed easement for Verizon regarding Liberty Road Project. 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 09-0908-12: Approve “no hearing” in relation to liquor license renewal

Mr. Mann moved to adopt Resolution #09-0908-12 Approve “no hearing” in relation to liquor license renewal. 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 09-0908-13: Approve CEDA notice

Mr. Mann moved to adopt Resolution #09-0908-13 Approve CEDA notice. The motion was seconded by Ms. Guzzo 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 09-0908-14: Authorizing the purchase of Havener Park security gates and coop asphalt purchase for drive connection

Mr. Sybert moved to adopt Resolution #09-0908-14 Authorizing the purchase of Havener Park security gates and coop asphalt purchase for drive connection. 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.

OPEN DISCUSSION

Trustee Guzzo would like to have the Orange Road Bridge put on the Agenda for the next meeting regarding the scenic byway and the possible use of the bridge for walking.

Trustee Guzzo inquired about wires not being buried north of Golf Village.

ZONING BUSINESS

The Board of Trustees needs to designate this new Application as major or minor, and if designated minor, then a date and time for the Trustees’ hearing needs to be scheduled

Administrative Review #09-07 by Jeff Skinner, president and trustee of Wedgewood Park Estates homeowners’ association, requests to amend the Wedgewood Park 2 Development Plan, for approval of landscape plans and structures proposed on lots 4687, 4688, and 4689 of Wedgewood Park Section 2 Phases A & B, which are all owned and maintained by the homeowners’ association.

Ms. Guzzo moved to designate Administrative Review #09-07 as a minor and schedule the hearing on September 21, 2009 at 8:15 pm. 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.

Zoning Commission minutes have been submitted to the Trustees, who now need to set final hearings for the following:

Administrative Review Application #08-06 by Keith and Christy Fabiano, requesting to construct an in ground swimming pool with a surrounding deck and fence in a no-build zone on their property at 5178 Canterbury Drive, Powell, OH 43065. On August 19, 2009, the Zoning Commission voted to recommend approval of the application as it was amended by Mr. Fabiano during his hearing.

Ms. Guzzo moved to hear Administrative Review #08-06 on October 5, 2009, at 8:15 pm. 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.

Administrative Review Application #09-05 by Scott Birrer on behalf of Fred Fitzgerald Ohio Apartments LLC requesting to amend the Big Bear Farms Development Plan for an increase in density from 79 to 80 residential units at Bear Pointe Apartments on lot 2714 of Big Bear Farms Section 5 by converting an existing storage unit to a rental apartment at 3301-3517 Bear Pointe Circle, Powell, OH 43065. On August 19, 2009, the Zoning Commission voted to recommend approval as requested.

Ms. Guzzo moved to hear Administrative Review #09-05 on October 5, 2009, at 8:15 pm. 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.

WORK SESSION

Stop Sign Request

Mr. Anderson did not receive any documentation for this request

Tree Policy Discussion

How do you want to address the concerns?

- Have a committee
- Readdress the policy
- Further review/discussion

Mr. Anderson will pull staff resources together and we will meet at a later date

MOTION: Enter into Executive Session at 9:33 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. Mr. Sybert 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 10:10 p.m.

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

APPROVAL OF MINUTES:

Ms. Guzzo moved to approve the Board of Trustees Meeting Minutes of August 17, 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.

ADJOURNED:

There being no further business Chairperson Mann adjourned the meeting at 10:15 p.m.


Mark S. Gerber, Fiscal Officer