

**LIBERTY TOWNSHIP TRUSTEE
RECORD OF PROCEEDINGS
SEPTEMBER 15, 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 Monday, September 15, 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.

Barbara Threlfall Retirement Recognition Reception



A Retirement Recognition Reception was held at 7:00 p.m. prior to the Trustees Meeting at the Township Hall for Barbara Threlfall for her 22 years serving as the Liberty Township Zoning Secretary. Ms. Threlfall was presented with a plaque from the Township as well as a plaque from the Zoning Commission which was written by Zoning Commission Member Dan Schade.



Citizens Comment:

Robin Owens, owner of Lanier Signs, 2983 Switzer Ave., Columbus, Ohio said he was here this evening requesting that the Board waive a penalty fee. He explained there was a miscommunication between their office and the Zoning Department and requested that the penalty fee be waived for a temporary sign permit application. It was determined that while the Applicant initially took the sign down, the sign was put back up even after the Applicant was advised a permit had not been issued. There was a lengthy discussion and it was determined that the Board had to enforce the zoning and they did not want to set a precedent.

MOTION:

Mr. Mann moved to declare that the request for waiver by denied. Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – no. The motion passed with a 2-yes and 1-no vote; the request was denied.

Liberty Township Bike Path

Melanie Lennahan, 5380 Strathford Avenue, stated she was before the Board to discuss the accusation made by Mr. Mann regarding his comment that Ms. Guzzo cost the Township \$50,000 and kept the bike path from moving forward. She advised that she was on the bike path committee and she saw first hand how passionate Ms. Guzzo was about the bike path and saving the taxpayers money. She investigated and found the

original quote was for a new material called roller compacted concrete estimated cost approximately \$89,000, and asphalt was \$77,000 which was a proven material. Mr. Mann advised that his issue is not whether concrete or asphalt is better, his issue is democracy. The pros and cons of each were discussed in 2006, and the majority voted 2-1 to go with roller compacted concrete. Mr. Mann explained at the time it was a 2 – 1 vote to go forward with the roller compacted path and added it is a problem when there is an unwillingness of a Trustee to accept the democratic process and when outvoted tries to do anything they can to cause disruption. Ms. Guzzo said it required public bidding and a unanimous vote. Mr. Mann stated there was a legal opinion from Township Counsel that it did not. Ms. Guzzo said that was because they had designated it as a Park project, but the land belongs to the County and it is in the road right-of-way, so it requires a unanimous vote. Mr. Sybert said he was on the Board at that time and explained the Road Department recommended this new product and they were going to test it on this section of the bike path.

MOTION:

Ms. Guzzo made a motion to request the Prosecutor's Office give a legal opinion to confirm whether a bike path requires a unanimous vote, because it is in the Road Division under sidewalks. There was no second and the motion failed.

RESOLUTION 08-0915-01: Fire Dept Employees Annual Uniform Allowance

Mr. Sybert moved to approve Resolution 08-0915-01 as presented and Mr. Mann seconded 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: Admin Review #08-09 Emerald Lights Investments Ltd.

Ms. Foust advised that the Zoning Commission voted unanimously to deny Donatos request on July 23, 2008. Ms. Foust said there were changes discussed that evening but the person there on behalf of the Applicant did not have the authority to make those changes, so they will return to the Zoning Commission at a later date.

Mr. Sybert moved to approve the Zoning Commissions recommendation to deny the request, and Ms. Guzzo seconded 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. The request was denied.

MOTION: DP 08-08 Cedar-Powell Plaza

Brad Rucker said they were requesting to allow Northpointe Tavern to construct a fenced-in patio area behind their tenant space to accommodate patrons who smoke.

Ms. Guzzo moved to approve the recommendations of the Zoning Commission with their conditions. 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.

MOTION: Admin. Review 08-06 Keith & Christy Fabiano – Designated Major

Ms. Guzzo moved to designate Administrative Review 08-06 as a Major 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: Admin. Review 08-07 – Designated Minor

Ms. Foust advised this was a request to approve a restoration plan for a “No Build Zone” at 1917 Woodlands Place, and a request to allow it to be a recreational/play area.

There was a discussion on this request; it was determined that due to extenuating circumstances the Board designated it Minor.

Mr. Mann moved to designate Administrative Review 08-07 as a Minor and will be heard at the next scheduled regularly scheduled Trustees Meeting Monday, October 6th at 8:00 p.m., and Ms. Guzzo seconded 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 08-0915-03: Purchase of Deicing Materials

Mr. Anderson complimented John Walkup the Superintendent of the Road Department for his work on this purchase which saved the Township a substantial amount of money. Mr. Sybert recommended that Mr. Walkup be given a letter of commendation for his efforts and a job well done.

Ms. Guzzo moved to approve and 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.

RESOLUTION 08-0915-04: Authorize purchase of Roofing Supplies

Mr. Anderson advised the Road Department Salt Barn building received substantial damage due to the windstorm on September 14, 2008.

Ms. Guzzo moved to approve and Mr. Mann seconded 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.

Windstorm Damage Assessment:

Mr. Anderson noted that he had reported the roof issue to the Township Insurance carrier, and advised that the Parkway trees were not an insured item. He said Delaware County declared a State of Emergency on Monday, September 15, 2008, and later that same day so did the State of Ohio. Mr. Anderson advised the Road Department had seven to eight men working overtime approximately four to five hours and at 20 trees were down on roads in the Township. He said one of the Road Department vehicles sustained damaged from a tree that fell while the crew was working during the windstorm. Mr. Mann asked Mr. Anderson give each of the Road Department crew member's letters of commendation for going out in the storm, in very treacherous conditions, and doing what needed to be done to keep the roads clear. Mr. Anderson added that the Park Department and Fire Department had some overtime as well, but all will more than likely be reimbursable.

MOTION: Pay Bills

Mr. Mann moved to approve the payment of the bills and 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.

Strategic Planning Session Set

The date was set for Monday, September 29, 2008 to begin at approximately 6:00 p.m. and Department Heads would be invited to attend as well.

P & D Builders Ribbon Cutting Ceremony

A reminder the Board of Trustees have all been invited to the ribbon cutting ceremony at 10: 30 a.m., Tuesday, September 16, 2008 for P & D Builders which is the next business opening at Greif Park.

Trash & Recycling Committee Update

The meeting planned for this evening at 6:00 to 7:00 p.m. was cancelled due to the storm and will be rescheduled.

DRAFT - Policy and Procedures Manual

Mr. Anderson presented the Board with a draft Policy and Procedures Manual for their review and feedback; this was one of the items suggested in the Audit. He said they used the Ohio Township Association Draft Manual as a guideline, and the draft contains his input and as well as the Department Heads. Mr. Mann asked if it had been reviewed by the Township Attorney and Mr. Anderson said it was not that far along yet.

Golf Village North Drainage Issue

Mr. Anderson said after further review the ditches were never quite right and in light of some previous conversations it was decided that the Road Department would use laser-leveling equipment and check the drainage ditches.

Public Notice – Administrative Review 08-07

Mr. Mann wanted to ensure that the residents and the Homeowners Association be notified by public notice that the Board of Trustees would be hearing Administrative Review 08-07 as a minor deviation.

Havener Park Update

Mr. Anderson felt Park Superintendent Andy Curmode should be commended for his excellent work to get not only the grass seed at Havener Park to grow, but flourish, in very difficult dry conditions and the Board agreed. Ms. Guzzo asked regarding the changes on road at Havener Park if the Board had interest in discussing changing the 80/20 to 50/50 since the road was now more of a 50/50 split as opposed to earlier when most of the road belonged to the Township. Mr. Anderson said it was a new agreement, a new board, and new situation. Mr. Sybert asked Ms. Guzzo to go ahead and call them.

ADJOURNED:

There being no further business Chairperson Sybert adjourned the meeting at 9:10 p.m.



Mark S. Gerber, Fiscal Officer