

**LIBERTY TOWNSHIP TRUSTEE
RECORD OF PROCEEDINGS
October 5, 2009**

EXECUTIVE 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 executive session Monday, October 5, 2009, at 7:30 p.m. at the Township Government Office, 10104 Brewster Lane, Suite 125, Powell, Ohio. Board Members present were Robert Mann, Peggy Guzzo, and Curt Sybert. Also present were Township Administrator, David Anderson, Fiscal Officer, Mark Gerber, and Attorney Bill Loveland.

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)(3) to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. 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 7:40 p.m.

Mr. Mann 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 Trustees of Liberty Township met in regular session Monday, October 5, 2009, at 7:44 p.m. at the Liberty Township Hall at 7761 Liberty Road, Powell, Ohio. Board Members present were Peggy Guzzo, Robert Mann, and Curt Sybert. Also present were Township Administrator David Anderson, Zoning Inspector Holly Foust, Chief Tim Jenson, 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: 09-1005-01: Approving “Then and Now” PO’s

Ms. Guzzo moved to adopt Resolution #09-1005-01 Approving “Then and Now” PO’s with the exception of Thompson & Hine. 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 09-1005-02: Approving Bills – EFT’s and warrants

Mr. Mann moved to adopt Resolution #09-1005-02 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.

Fiscal Officer Mark Gerber stated that we did close on the refinancing of the Havener Park Bonds which took place on September 30.

After almost a year, the township received a preliminary recommendation from the Tax Commissioners Office that indeed the land we own is not taxable for property tax purposes. This particular situation is an excellent example of why we need general counsel for the township. Had Craig Paynter not been available to act in a speedy fashion last December we probably would have lost this opportunity.

CITIZEN COMMENT:

Cindy Reynolds, 1229 Berkeley Ct., raising opposition to Carriage Road speed bumps. Now that they are installed and we can see the ramifications and issues that are created from them. Now we feel that maybe this decision was not completely thought out. What was the deciding factor in installing the speed bumps?

Trustee Sybert stated that it was the realignment of Orange Road Bridge to Carriage Road. The traffic was going to increase enough that the County Engineer thought and agreed to help out the citizens by paying for the speed tables and recommending them and how many and where they would be placed was their determination.

Cindy Reynolds asked why the speed tables needed to go in before a traffic assessment could be done to see if the traffic did increase.

Trustee Sybert stated that the county tried to correspond it to happen at the same time.

Trustee Mann added that it was done also in conjunction with a number of studies that showed a substantial portion of traffic on Carriage Road that was exceeding the speed limit.

Cindy Reynolds asked if a car count had been done since the bridge had opened.

Trustee Sybert stated that there had not been one done.

Cindy Reynolds stated her biggest concern was a parent that has children going to Wyandotte Run. She is aware of a bus incident in May on Wren where a child fell out of her seat and had head injuries and is supposedly still having ramifications from that incident. So they reduced the ones on Wren because they felt they weren't safe but yet they installed 10 comparable ones on Carriage.

Trustee Guzzo stated that it was for speed and anticipated traffic. The Carriage Road residents had voiced their concerns for four years regarding the cut through traffic and the speed along with the curves. The concern was safety because they don't have sidewalks. The County Engineer finally agreed that they need speed tables since the road was going to open up, it was warranted. She feels this is a decent compromise because you can go over them at 30 mph without any problems though the speed limit is 25 mph. But what you can't do is go 55 or 60 mph. Neither we nor the County Engineer would have ever approved it if it was a safety risk to children or it would have traumatically reduced the amount of response time. She has gone over them many times.

Cindy Reynolds asked if any of the board members rode the bus.

Township Administrator Dave Anderson stated that he and the County Engineer rode the bus and that is when they decided to change the ones on Wren Lane. We don't know any of the characteristics of the driver or the way the child was behaving or sitting or anything like that. Those have been removed and the ones now are all within specification. The board has deliberated over the safety issues of these things extensively for the last two years and probably more like four years. They also created a citizens committee of which two of them were here this evening.

Trustee Guzzo stated that other concerns are what about the safety for those on Seldom Seen, Rutherford and isn't that just as equally important. She thinks it is and the distinction that we acknowledged with Carriage Road is that people forget that Carriage was one of the first subdivisions of Liberty Township.

Cindy Reynolds thinks that is part of the fact that times change and if you don't like it then you need to go somewhere else. Unfortunately, it is a growing community and that is the risk you have being one of the first residents in the community. All this money was spent on a new bridge and to have a connector road in this neighborhood where you can only go 25 mph and then you get hit with these speed tables and it seems like maybe we shouldn't have wasted the money on the bridge.

Trustee Mann stated that there is probably a large citizens group that would have rather seen the old bridge restored. One of the problems we have is that the County Engineer makes these decisions. We can provide input and make requests but the County Engineer makes the decisions on road realignments and on speed tables and things of that nature.

Cindy Reynolds asked the history of accidents/injuries on Carriage Road.

Trustee Mann stated that he didn't know what the traffic injury count is on that road. They will tell you that it only has to happen once. He has been on that road many times to see drivers speed and have to cross the center line when coming around those curves.

Trustee Sybert stated the county did determine the speed limit could be dropped from 45 mph to 25 mph because of the fact it was warranted. The only way a road can be warranted under the count is if enough situations occur. There are two "S" curves on Carriage which makes it different than Orange and Seldom Seen. He knows that there is not a worse curve than on Seldom Seen. It has gotten better since some improvements have been made there.

Brian Fiscione, 8462 Clarrington Ct., stated he would like to see a traffic flow study done. If we have made decisions based on certain traffic increases and that increase hasn't happened then he would like for the trustees to reconsider why they are there to begin with. The speed was checked before and it came in at 32 mph which he would argue that it isn't putting people at risk for safety issues. He thinks that is a reasonable speed for that road. It was 45 mph and we lowered it to 25 mph so 32 mph doesn't seem to me as an average speed of being out of control. He travels that road and Trustee Sybert makes the decision to go Home Road because it is easier. You mention it as a cut through but it isn't it is a Township Road. Those houses are well set back off the road. If the issue is about safety and more volume of traffic doesn't necessarily increase the safety risk on that road. He clearly doesn't understand it if the average speed is 32 mph. Sure people speed they speed everywhere. We are going to have to deal with growth. We put a multi-million dollar bridge in and we impede the road. He disagrees with Ms. Guzzo and he has been over those speed tables at 30 mph and he thinks they are significant. He would prefer not to have to go over those bumps at 30 mph. He doesn't think that 10 of those are necessary and he doesn't think they should have been put in there to begin with. That is his personal opinion. It puts our children at greater risk to ride the bus. It adds to the response time of the fire, police, and snow removal. It is costing all of us as taxpayers. He could see one or two at the ends of the road to let people know that it is a neighborhood but ten of them.

Trustee Guzzo stated that the County Engineer said it would be ineffective if you put fewer tables in. We, as a township, have to rely on the engineer to do the engineering and that was his recommendation and specifications.

Brian Fiscione stated that it definitely impedes traffic. He hopes that the Trustees look at the traffic flow study and reconsider or reassess this.

Trustee Sybert stated that it is a safety issue for him. He is not sure what the traffic study will tell us because of those avoiding the speed tables.

Township Administrator David Anderson stated the primary reason they were installed is because of the topography and geography of the road and lack of sidewalks because of the ditches.

Brian Fiscione asked under what circumstances would it take to get the speed tables removed and what information do you need to say that maybe they need removed?

Trustee Sybert stated that is an excellent question and to answer you is that the exercise is going to have to fail. He doesn't know how that is going to play out. He is not trying to avoid the question. Is it going to be that the buses are having problems? Is it going to be the winter equipment is being destroyed? Is it going to be the people themselves that come forward and say enough is enough? He doesn't know how it is going to play out.

Robert Ochell, 8459 Clarington Ct., asked now we have to see this fail or not work. The success of it was to lower the speed. Is that correct? It was not to lower the traffic volume down that road correct?

Trustee Sybert stated that it was both. When they aligned that bridge that meant they know there was going to be more traffic and always knew the traffic exceeded the speed limit.

Robert Ochell asked how we determine if this is a success or a failure.

Trustee Sybert stated there is not one thing.

Trustee Guzzo stated it was a speed issue because it is a road that is there and we have to make it available for everyone to use. If they choose to use it, we have to make it safe.

Trustee Mann stated the road is still open for anyone to use.

Robert Ochell asked why are the tables on Wren which are built to spec different than the ones on Carriage.

Township Administrator David Anderson stated the County Engineer had a contract with Kokosing to do them. They put the first ones in and they weren't built to spec so they tore those out and started again. These were close enough without spending anymore of the taxpayers' money that they felt it best to leave them.

Mr. John Schuette, 5192 Seldom Seen Road, he thinks there is a misconception here about the speed bumps at the school property. There are no busses that go 25 mph on school grounds. He understands why the speed tables are there. They are there for safety. He lives on Seldom Seen Road. Before the speed bumps were put on Carriage they probably had one motor vehicle accident there a month at the most. On Seldom Seen we still have one a week.

Kim Peroni, 1252 Berkeley, agreed with Mr. Schuette and thinks another important piece on this is the precedence we are setting in Liberty Township with our lack of East West connectors. If we are going to remove Carriage Road and reduce the traffic there where is the traffic going to go? Woodland Hall and Woodland Glen is going to be the next issue. People are going to start going through there. If we are going to put speed tables all over and lower the speed on Seldom Seen we are one by one taking away our East West connectors.

Trustee Sybert stated that there is a priority and there is a traffic calming plan that would be followed.

Jim Cirigliano, 10363 Churchill, he doesn't live on Carriage or anywhere near Carriage. However, he was involved in the Policy that was written for the Township. It was written for the Township not for Carriage Road. Carriage Road happens to be the first neighborhood that the policy was tested. The success of that will be determined by 1) did it reduce speeding on Carriage Road and 2) has it reduced any issue whether it is one accident a month or a week. Has it improved the safety of the road? He takes exception to the comment that if the 30 year residents don't like what is happening in the township they can move. If you don't like the road, you can move. He also takes exception to the comment that we have removed Carriage Road as a cut through being on East West connector. The road is still there. If you go the speed limit you are not going to be in any jeopardy.

ZONING BUSINESS – 8:45 pm

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.

Mr. Sybert moved to approve Administrative Review Application #08-06 by Keith and Christy Fabiano as recommended by the Zoning Commission. 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.

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.

Mr. Sybert moved to approve Administrative Review Application #09-05 by Scott Birrer as recommended by the Zoning Commission. The motion was seconded by Ms. Guzzo 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.

NEW BUSINESS

Outdoor Warning Siren Presentation and two associated levy issues

Chief Jenson provided us with information regarding the Outdoor Warning Siren Presentation and the levy issues.

H1N1 Flu and Fire Dept. October 4th Open House Updates

Captain Piwtorak provided us with information regarding the H1N1 and also gave us an update about the Open House on October 4th.

Fire Building Architectural Review

Chief Jenson provided us with information and some recommendations from his meeting with the architect.

Delaware County requested storm water easement on Sawmill Parkway

Township Administrator David Anderson provided us information from the County Engineer's office regarding overland drainage issues on Sawmill Parkway. He has given them permission to mow and stake a proposed drainage swale along our property that is roughly six acres.

RESOLUTION 09-1005-03: Accept maintenance and operations costs for trails at Havener Park

Ms. Guzzo moved to adopt Resolution #09-1005-03 Accept maintenance and operations costs for trails at Havener 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 09-1005-04: Authorize silent auction & raffle at Liberty Park Run/Walk Event

Mr. Mann moved to adopt Resolution #09-1005-04 Authorize silent auction & raffle at Liberty Park Run/Walk Event. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-yes, Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

RESOLUTION 09-1005-05: Authorize reimbursable landscape relocation costs at Fire Station 321

Mr. Sybert moved to adopt Resolution #09-1005-05 Authorize reimbursable landscape relocation costs at Fire Station 321. 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 09-1005-06: Authorize Fire Station 321 identification sign relocation expenditure

Ms. Guzzo moved to adopt Resolution #09-1005-06 Authorize Fire Station 321 identification sign relocation expenditure. 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 09-1005-07: Authorize "no hearing" liquor license renewal CVS Pharmacy

Mr. Sybert moved to approve Resolution #09-1005-07 Authorize "no hearing" liquor license renewal CVS Pharmacy. 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 09-1005-08: Request Board approval of compensatory time carry over

Ms. Guzzo moved to approve Resolution #09-1005-08 Request Board approval of compensatory time carry over. 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 09-1005-09: Authorize “no hearing” liquor license D5I for Blazin Wings Inc.

Mr. Mann moved to approve Resolution #09-1005-09 Authorize “no hearing” liquor license D5I for Blazin Wings 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.

Request For Waiver of Plat Review Fees By Bob Yoakam For Deer Creek and Deerfield

Bob Yoakam, 6345 Taggart Road, is asking to re-plat property to agriculture that had been platted for development and has not been developed and will not be developed. He understands that there are fees for review. He believes that this is a simple thing and is asking for the fees to be waived. He doesn't feel there is a lot of review required and feels it is a simple process.

Ms. Guzzo moved to approve the waiver request up to 50% of the \$750. Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-no. The motion passed with 2-yes and 1-no vote.

Trustee Guzzo asked for information to be provided to the board regarding where we are in each department compared to what we appropriated and how much we have spent for each department. She is asking for yearend review since we are looking at the projected budgets for next year.

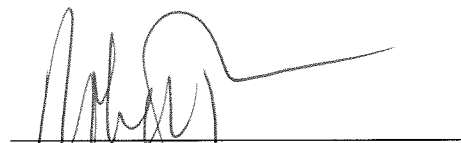
APPROVAL OF MINUTES:

Mr. Mann moved to approve the Board of Trustees Meeting Minutes of September 21, 2009. Mr. Sybert seconded the motion and the roll call vote: Ms. Guzzo-abstain, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 2-yes and 1-abstantion.

ADJOURNED:

There being no further business Chairperson Mann adjourned the meeting at 9:50 p.m.


Mark S. Gerber, Fiscal Officer


Robert Mann, Chairman
Board of Trustees