

**LIBERTY TOWNSHIP TRUSTEE
RECORD OF PROCEEDINGS
November 4, 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 recording. Copies of this record are available by request at the Township Government Office, 10104 Brewster Lane, Suite 125, Powell, Ohio.

REGULAR MEETING PROCEEDINGS SUMMARY:

The Trustees of Liberty Township met in regular session Wednesday, November 4, 2009, at 7:30 p.m. at the Liberty Township Hall at 7761 Liberty Road, Powell, Ohio. Board Members present were Robert Mann and Curt Sybert and Peggy Guzzo was absent. Also present were Township Administrator, David Anderson, Chief, Tim Jensen, Fiscal Officer, Mark Gerber, and Attorney, Craig Paynter. 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 09-1104-11: 2009 Permanent Appropriation Amendment 02

Mr. Mann moved to approve Resolution #09-1104-11 2009 Permanent Appropriation Amendment 02. The motion was seconded by Mr. Sybert and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-1104-10: Ratifying Change Order for Havener Park

Mr. Sybert moved to approve Resolution #09-1104-10 Ratifying Change Order for Havener Park. The motion was seconded by Mr. Mann and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

RESOLUTION: 09-1104-01: Approving “Then and Now” PO’s

Mr. Mann moved to approve Resolution #09-1104-01 Approving “Then and Now” PO’s. The motion was seconded by Mr. Sybert and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and -0 no vote.

RESOLUTION 09-1104-02: Approving Bills – EFT’s and warrants

Mr. Mann moved to approve Resolution #09-1104-02 Approving Bills – EFT’s and warrants. The motion was seconded by Mr. Sybert and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

SPECIAL PRESENTATION: Jerry Tinianow, Director of the Center for Energy and Environment with Mid Ohio Regional Planning Commission (MORPC)

Mr. Tinianow attended the meeting to ask Liberty Township to support and commit to participate in a watershed planning partnership we are attempting to form and develop a balanced growth plan for the Olentangy River Watershed. This is being done through the Ohio Lake Erie Commission which has done some balanced growth plans in northern Ohio near the Lake Erie basin. This has been done successfully and they have decided they would like to carry this process into the Ohio River basins. They are offering six grants of about \$100,000 each to do a similar process in various watersheds here in the Ohio River basin part of Ohio.

If we are fortunate enough to receive this grant and to form the partnership, the process would end December 2011 with an endorsement of a balanced growth plan. The plan within the watershed identifies certain areas called Priority Conservation Areas (PCA) which are the areas with distinctive natural valleys or perhaps farmlands you would want to preserve in a natural state. It would also identify within the watershed certain Priority Development Areas (PDA). These are areas within the watershed in which you would like to concentrate or draw development. That process of identifying the PDA's and PCA's would take about a year. A second year which would be 2011 would be spent designing the actual implementation tools.

The Olentangy watershed was picked because it stands out. It represents all of the landscapes of central Ohio from most rural agriculture to the most inner city and densely populated. It is interesting because the Olentangy as a river is a drinking water source; it is a state scenic river for certain portions of it. It is also subject to the many challenges that come with rapid development. It is also of interest because it runs parallel with a major transportation corridor which is ST RT 315 and US RT 23. The Ohio State University is on both banks of the river. We are hopeful that we will actually be able to go through this similar process throughout central Ohio. We have a federal grant from the US Dept. of Transportation which we believe would match this grant on a 4 to 1 basis. That would be four federal dollars to every one state dollar. We are negotiating with the US Dept. of Transportation.

He brought to the board's attention that 5900 residents of Liberty Twp live within the watershed and that is 63% of the population and about 78% of the land is in the Olentangy watershed. This Township has a particularly significant stake in participating in this partnership.

Trustee Sybert asked Mr. Tinianow to define watershed and what the land width size is?

Mr. Tinianow stated the watershed is basically an entire area within which precipitation would hit the ground and would eventually drain into the Olentangy River. It is a relatively long and narrow watershed. It is broadest at its most northern point and very narrow at its most southern point. It is not just the river itself; it is any part of the land that eventually drains into the Olentangy including any of its tributaries. Mr. Tinianow stated he would estimate for Liberty Township to be about 15 miles wide and the more northern section might be 20 to 25 miles and in downtown Columbus it gets very narrow and almost merges with the Scioto River watershed.

Mr. Anderson asked Mr. Tinianow to speak of the successful examples in northeast Ohio and what some of those are and what they have done.

Mr. Tinianow stated the one most comparable would be the Chagrin River. Even though it is small, there were more jurisdictions which included any jurisdiction that had at least 25% of its land or population in the watershed and that gave us a list of 26 jurisdictions so we needed to get 19 of them. Some of those are townships that have elected not to do their own zoning. In those cases, if the county agrees then those are collected. In your case you do your own zoning. They also don't have a heavily urban section the way the Olentangy does. We did talk to the folks who did the Chagrin plan.

Trustee Mann asked if we sign on and an analysis is completed, we will be given land use recommendations on what parts of the Olentangy watershed should be set aside for conservation, which area should be where the higher area density development? Let's assume we get the analysis back and we think it is a great idea, what is the next step?

Mr. Tinianow stated that MORPC does not actually give a list of areas that they think should be PDA and PCA. They will give the planning group a lot of maps and data about the watershed. They might identify candidates but it is the planning group that decides which areas they want to include.

Trustee Mann asked if at any point we decide we aren't happy with the process or recommendations, can we basically decline to participate further or how does that work?

Mr. Tinianow stated you can withdraw, however it makes it more difficult to reach the 75%. Our goal is to get 75% of the entire watershed not just those who have chosen to participate.

Trustee Sybert stated we have a scenic byway and why would we want to consent to have this study for development purposes giving power to other cities to plan our area for us.

Mr. Tinianow stated no one can plan your area for you. At the end of the process all you have is a set of recommendations.

Reporter Bonnie Butcher asked if this had gone to the Delaware County Regional Planning and Commission and what did they have to say.

Mr. Tinianow stated that it has not gone to them; they are not a jurisdiction that can account for the number we need to put it together. We would involve them in the process if we form the partnership.

When asked who makes up the committee/group who puts together the recommendations. Mr. Tinianow stated initially there would be a representative from each one of the participating communities.

When asked who the 26 representatives would be and what qualifies them to do this, Mr. Tinianow stated each community would decide their representative. Further stating, usually there are planning and developing offices as representatives.

When asked about the amount of staff time involved and if there is legal costs involved and who pays? Mr. Tinianow stated the grant covers the cost of the meetings and there is no money in the budget for legal. He stated he is an attorney and could possibly work for his current MORPC salary to help out if needed. However, legal fees have not been an issue with any of the others in northern Ohio. We are not creating a binding document we are simply creating a set of recommendations.

When asked how many partners have signed up, Mr. Tinianow stated three have adopted, three are having meeting tonight, and they are still checking to see how many have their own zoning authority.

Mr. Tinianow stated he could supply the Chagrin River Watershed Plan when a resident suggested the Trustees might want to see how their Watershed Plan was done.

A resident stated she is a land owner with a lot of acres along the river and she sees her land value diminishing if their property is designated as a "no use". That is a concern and how would you protect land owners in that case and how would the land owner be involved? Mr. Tinianow stated the partnership does not have the authority to place any limitations on the development of the land.

A resident stated protecting the Olentangy River Valley is very important. With the round-a-bout going in on Orange Road this will disturb the Olentangy River Valley. We would have an interest in this project and how it affects us and our neighbors.

Judi Brozek, 944 W. Orange Rd., many of us have worked many hours to get the GIS system where it is. Are you looking at getting sewer and water availabilities and soil checks? What kind of information will these people be basing their decisions on? Mr. Tinianow stated they have the capacity to gather that information if they want it. The committee can make recommendations to let us know what they need to make decisions on.

When asked what MORPC's goal was at the end of this Mr. Tinianow stated they are the facilitator, the organizer, and information provider. We draw the partnership together and provide the information needed. We help facilitate the process.

Trustee Mann stated this will be voted on at our next meeting so we could hear more citizen comments.

Trustee Sybert stated he would like some of the language modified in Section 2.

CITIZEN COMMENT:

Judi Brozek, 944 W. Orange Rd., appreciates the updated website and brought up the upcoming Zoning section. The Zoning Changes on the website had addresses except for the one regarding 216 acres. She asked if there is no address available if it could be described with crossroads and to add their planning district.

NEW BUSINESS:

RESOLUTION 09-1104-03: Approving the 2009 Zoning Inspector Bond

Mr. Mann moved to approve Resolution #09-1104-03 Approving the 2009 Zoning Inspector Bond. The motion was seconded by Mr. Sybert and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-1104-04: Accept part time Firefighter Tyler Pickens resignation

Mr. Sybert moved to approve Resolution #09-1104-04 Accept part time Firefighter Tyler Pickens resignation. The motion was seconded by Mr. Mann and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-1104-05: Authorization for expenditure up to \$15,000 for Del-Co water for water hydrant upgrades

Mr. Mann moved to approve Resolution 09-1104-05 Authorization for expenditure up to \$15,000 for Del-Co water for water hydrant upgrades. The motion was seconded by Mr. Sybert and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-1104-06: Authorize the expend funds for backflow & fire suppression inspections

Mr. Mann moved to approve Resolution #09-1104-06 Authorize the expend funds for backflow & fire suppression inspections. The motion was seconded by Mr. Sybert and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-1104-07: Approve agreement with ABS Heating & Cooling, LLC

Mr. Sybert moved to approve Resolution #09-1104-07 Approve agreement with ABS Heating and Cooling, LLC. The motion was seconded by Mr. Mann and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-1104-08: Encouraging Home Road ODOT funding

Mr. Mann moved to approve Resolution #09-1104-08 Encouraging Home Road ODOT funding. The motion was seconded by Mr. Sybert and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-1104-09: Intention to participate in a watershed planning partnership to develop a balanced growth plan for the Olentangy River Watershed

TABLED until the next board meeting and they can hear more citizen comments.

RESOLUTION 09-1104-12: Emergency Water Line Repairs

Mr. Sybert moved to approve Resolution #09-1104-12 Emergency Water Line Repairs. The motion was seconded by Mr. Mann and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

Discuss Building Lease Renewal Status

Mr. Anderson is in the process of working with current building lease and checking surrounding buildings.

Discuss CIP Budget Review Schedule

APPROVAL OF MINUTES:

Tabled until the next meeting.

MOTION: Enter into Executive Session at 9:05 p.m.

Mr. Mann made a motion to enter into Executive Session pursuant to ORC 122.21 (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 and ORC 121.22(G)(4) preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. Mr. Sybert seconded the motion and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with 2-yes and 0-no vote.

MOTION: Reconvene – Out of Executive Session at 10:34 p.m.

Mr. Mann made a motion to reconvene out of Executive Session and Mr. Sybert seconded the motion and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

ADJOURNED:

There being no further business Chairperson Mann adjourned the meeting at 10:35 p.m.



Mark S. Gerber, Fiscal Officer



Robert Mann, Chairman
Board of Trustees