

**LIBERTY TOWNSHIP TRUSTEE  
RECORD OF PROCEEDINGS  
DECEMBER 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:**

Mr. Sybert moved to executive session at 7:05 pm. Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo-yes and Mr. Sybert-yes.

Ms. Guzzo moved to return to regular meeting at 7:50 pm. 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.

The Trustees of Liberty Township met in regular session Monday, December 15, 2008, at 7:30 p.m. at the Liberty Township Complex. All Board Members were present. Also present was Township Administrator Dave Anderson, and Fiscal Officer Mark Gerber. See attached sign-in sheet for others in attendance.

Chairperson Curtis Sybert called the meeting to order with the Pledge of Allegiance.

**CITIZEN COMMENT:**

Mara Otey, President of the Wedgewood Homeowners Association, to discuss an issue with the road department regarding some posts that we've put in our neighborhood. We had approval for poles to be put in and approval for curbs to be put in. We are trying to deter traffic on the curbs in our neighborhood. We felt we had approval for the posts we put in.

Dave Morrison showed pictures to the board and brought a sample post which contain notches so that the 6 x 6 cedar posts breakaway. Traffic was abusing these intersections by sometimes two feet into the properties. Some of the residents starting putting different types of posts into the ground like steel and plastic. The homeowners decided they would like to see something a little more tranquil and doing the corners only.

Mr. Walkup, Road Superintendent, the steel posts with reflectors are ODOT approved and are there to keep traffic out of the berm. Anything put in the road right-of-way should be approved by the Director of Transportation, County Engineer etc. The 6' sign post for traffic control were engineered many years ago through the County Engineer and ODOT. These posts the HOA have installed are usually used at parks and they are a liability issue and it creates a problem with snow and ice removal when there is a significant amount of snow and ice.

Mr. Sybert commented that it is the fact the poles were put in without permission.

Mara Otey stated they understood that and thought they went through the appropriate channels.

Mr. Dave Anderson commented that the bigger issue was liability for the township.

Mr. Mann commented that safety is my biggest concern with children walking and being closer to the road, bikes, skateboards, and township equipment. There is also the issue with setting precedence with us allowing objects in the road right-of-way.

Mara Otey stated they would be willing to get rid of all the posts and work with the township. We have all different posts and poles and maybe we just need to get rid of all posts.

Joe Garmer stated they would like to have a sign like at Loch Lomond relating to the special duty officer.

The Trustees were in agreement to have the County Engineer and Prosecuting Attorney look at the posts and the liability issues. The Trustees agreed to continue this discussion at our next meeting on January 6, 2009.

**MOTION: DP #08-07: Steak N Shake on behalf of Yum Brands (KFC/Taco Bell)**

Mr. Sybert moved to approve application DP #08-07. 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 08-1215-01: Permanent Appropriation Adjustment**

Mr. Sybert moved to adopt Resolution #08-1215-01 Permanent Appropriations Adjustment. 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 08-1215-02: Approving "Then and Now" PO's**

Ms. Guzzo moved to adopt Resolution #08-1215-02 Approving Then and Now PO's. 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 08-1215-03: Approving Bills – checks and warrants**

Mr. Sybert moved to adopt Resolution #08-1215-03 Approving Bills – checks and warrants except for check #24010 to Shelly & Sands, Inc. 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 08-1215-04: Approving Temporary Appropriation For Fiscal Year 2009 (First Quarter)**

Ms. Guzzo moved to adopt Resolution #08-1215-04 Approving Temporary Appropriation For Fiscal Year 2009 (First Quarter). 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.

Mr. Gerber stated his fundamental concern regarding the health of our general fund and concerns with legal fees and how much that has an impact on us. Mr. Gerber stated "I have made it clear about how I feel about unnecessary legal fees that are generated by actions that shouldn't occur and as such, Mrs. Guzzo, I am presenting you with a bill for \$9,897.67 in unnecessary legal fees that you have incurred."

Ms. Guzzo responded "you can keep it. I won't pay it." Ms. Guzzo would move that you ask Mark to reimburse us for having to pay for extra staffing to do his job.

The invoice and cover letter are attachments to this document.

Mr. Mann commented that we are using the Prosecuting Attorney for the things that we should be.

**RESOLUTION 08-1215-05: Authorizing letter for BW3 Liquor license**

Mr. Sybert moved to adopt Resolution #08-1215-05 Authorizing letter for BW3 Liquor license. 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 08-1215-06: Authorizing the renaming of Township Road 1594 (formerly SR 750)**

Ms. Guzzo moved to adopt Resolution #08-1215-06 authorizing the renaming of the public portion of Township Road 1594 to Jerry Borin Trace. 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 08-1215-07: Purchase of Mower for Parks**

Mr. Sybert moved to adopt Resolution #08-1215-07 for mower for the parks. Mr. Mann 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.

**RESOLUTION 08-1215-08: Approving Employee Pay Increases**

Ms. Guzzo moved to adopt Resolution #08-1215-08 for Employee Pay Increases. 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.

**RESOLUTION 08-1215-09: Authorizing Fire Engine Repairs**

Mr. Sybert moved to adopt Resolution #08-1215-09 authorizing fire engine repairs. 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 08-1215-10: Approving purchase of a Cascade System for the Fire Department**

Mr. Sybert moved to adopt Resolution #08-1215-10 approving the purchase of a cascade system for the fire department. 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 08-1215-11: Approving the purchase of Fire Equipment**

Mr. Mann moved to adopt Resolution #08-1215-11 approving the purchase of fire equipment. 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 08-1215-12: Approving credit card agreement with Delaware County Bank**

Mr. Sybert moved to adopt Resolution #08-1215-12 approving credit card agreement with Delaware County Bank. 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 08-1215-13: Approving the Then and Now for Training Costs**

Ms. Guzzo moved to adopt Resolution #08-1215-13 approving the then and now for training costs. 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 08-1215-14: Approving Financials for Fiscal Year 2009**

Mr. Sybert moved to adopt Resolution #08-1215-14 approving certain January payments of 2009 bills. 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 08-1215-15: Approving the 2009 Calendar Year Meeting Schedule**

Ms. Guzzo moved to adopt Resolution #08-1215-15 approving the 2009 Calendar year meeting schedule. 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.

**CEDA Zoning Review – Zoning Map Amendment for 6.240 acres.**

Mr. Steve Martin would like to rezone Liberty Township Industrial District to Planned Office and Commercial District. He is seeking to rezone in the City of Powell from a Liberty Township Zoning District to another Liberty Township Zoning District using the standards that Liberty Township adopted for Golf Village portion across the street.

Ms. Guzzo stated that it should go through the review process for approval from the Zoning Commission and the council in Powell.

Mr. Martin commented that he doesn't care one way or the other but CEDA and the pre-annexation expressly address the CEDA process it goes through. What would apply is your Golf Village Development Standards.

Mr. Mann asked Mr. Anderson if Bill Loveland or Craig Paynter affiliated with this.

Mr. Martin stated that you can either make a recommendation tonight but I am not going to agree with holding it up. We've been holding it up for 45 days. What we are implementing is provision an agreement that Loveland and Brosius drafted a number of years ago. It was agreed to in a pre-annexation agreement with property owner, the township, and the city. Then it was adopted in the CEDA Agreement. The CEDA Agreement and pre-annexation agreement does not preclude us from seeking the rezoning under the City of Powell's standards. I didn't want to go there, I wanted to come here and say we're going to do something highly unusual. We're going to rezone property in the city on our request to newer standards that you adopted verbatim with no request of deviations.

Mr. Mann stated that he wanted our legal counsel to look at this before we make our recommendation. I move we table this until our next meeting. Ms. Guzzo seconded.

Mr. Sybert stated that you are taking a piece of property that is zoned Industrial.

Mr. Martin stated that was correct and that it is vacant. It is zoned Liberty Township Industrial.

Mr. Sybert commented that essentially rezoning it to Planned Office. You're talking something that could have been Industrial and in my mind you are up zoning. Most people would see that as a more desirable thing in the neighborhood. I don't see what the problem is.

Mr. Anderson commented that this applicant is doing what you, Ms. Guzzo, and the Trustees wanted in the CEDA Agreement. Now that an applicant is doing what you ask and now that an applicant comes in and does the very thing you ask you are going to create a delay which I think would create people being less likely to cooperate and do that in the future.

Ms. Guzzo commented that we just want to get legal review.

Mr. Martin commented that you can get your legal review.

Mr. Mann stated that there has been a motion and a second to table so please call the roll.

Mrs. Kathy Melvin called the roll: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-no. The motion passed with a 2-yes and 1-no.

Mr. Martin commented that he is going to ask the City to give you a notice of the hearing since it has been here for 45 days. You can either have the recommendation to them for that meeting or not.

Mr. Sybert asked the board members what they are going to do. Are you going to give it to the Prosecutor?

Mr. Mann commented that we will give it to Craig Paynter.

Mr. Anderson commented that Loveland and Brosius are the ones that were involved.

Mr. Mann asked to have them look over it.

Mr. Anderson commented on what kind of time frame we should be working with.

#### **AR #08-07 – Pat Swanson**

Mr. Swanson is asking for an extension from his list of requirements as he needs to get heavier machinery back there and needs the ground to freeze. He has the pipe, rocks, and a small amount of mounding to do. Mr. Mann motioned to extend until January 6, 2009, and could ask for an extension at that time if needed. Ms. Guzzo seconded the motion and roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes.

#### **WORK SESSION:**

Employee Dental: Mr. Anderson stated that we are still working on quotes and do not have all the information at this time.

Budget: This is included in your packet to review for us to get together in the next 3 to 4 weeks.

Staffing Option: Mr. Anderson stated there is a December 12 memo from M Michela for Kathy Melvin to help with the records retention program. The trustees stated as long as she works within the hours stated in her resolution.

Mr. Anderson stated the packet also contains Havener Park road Concept 1 and Concept 2. Concept 2 was the suggestion of Mr. Mann.

Mr. Anderson stated that there might be the possibility of a brief meeting to approve a few bills next week or to at least stop and sign checks that we approved the expenditures from tonight.

Mr. Anderson stated that at the January 6, 2009, meeting the Fire Chief will share the Budget Presentation for the fire department.

Ms. Guzzo asked Mr. Anderson to check with the Prosecuting Attorney's office for cleanup of outstanding items such as the on the contractual language for the hiring of Kathy Melvin and the no through trucks on residential subdivisions.

**APPROVAL OF MINUTES:**

Mr. Sybert moved to approve the Board of Trustees Meeting Minutes of December 1, 2008, and Mr. Mann 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—abstention.

**ADJOURNED:**

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

  
Mark S. Gerber, Fiscal Officer