

**LIBERTY TOWNSHIP TRUSTEE
RECORD OF PROCEEDINGS
August 18, 2009**

SPECIAL MEETING PROCEEDINGS SUMMARY:

The audio recording, resolution 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 special session Tuesday, August 18, 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, and Attorney Craig Paynter.

Chairperson Robert Mann called the meeting to order.

MOTION: Enter into Executive Session at 7:35 pm

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. Ms. Guzzo 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 8:50 pm

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.

REGULAR MEETING PROCEEDINGS SUMMARY:

Trustee Mann made a motion to direct the Township's attorney to appeal the decision of the Delaware County Court of Common Pleas which found that Liberty Township lacks standing to appeal the Village of Powell Board of Zoning Appeals and dismissed the case. Trustee Mann moved that Liberty Township appeal this decision and challenge the court's ruling that we lack standing, as well as, raising any other issues our attorney's deem appropriate. There was no second. The motion failed.

Trustee Guzzo stated, under the advice of counsel, I cannot choose an option without a probable favorable outcome. We do have another option and it is one the court has acknowledged under the CEDA. Trustee Guzzo moved that we notify Powell that they have

violated and are in breach of the CEDA by allowing the Target to be approved, and we are requesting a meeting without attorneys with Powell to resolve the issue.

Trustee Sybert moved to amend Ms. Guzzo's motion to remind the public that even though Phase A of this situation appears to be concluded that we have several other phases in which they are going to collectively as Trustees, and individually as Trustees, attempt to further prevent Target from entering this particular site with Phase B and Phase C efforts. Trustee Guzzo seconded the motion for the amendment and the roll call vote: Ms. Guzzo-yes, Mr. Sybert-yes, and Mr. Mann-yes. The motion passed with 3-yes and 0-no vote.

Trustee Guzzo moved to approve the amended motion and Trustee Sybert seconded the motion and roll call vote: Ms. Guzzo-yes, Mr. Sybert-yes, and Mr. Mann-yes. The motion passed with 3-yes and 0-no vote.

ADJOURNED:

There being no further business Chairperson Mann adjourned the meeting at 8:57 p.m.



Mark S. Gerber, Fiscal Officer