

The Fairfield Township Trustees held a Public Hearing for a JEDD with the City of Fairfield on Tuesday, May 26, 2009, at the Administration Building, 6032 Morris Road. The Hearing was called to order by Mr. Sutton, President of the Board, at 6:38 p.m.

**ROLL CALL**

Mr. Sutton	Present
Mr. Scharnhorst	Present
Mr. Morgan	Present

**COMMENTS**

**Skylor Miller** presented the Agreement for Fairfield Township and the City of Fairfield Joint Economic Development District I Contract and Fairfield Township and City of Fairfield Annexation Agreement.

Mr. Miller presented a map of the Proposed JEDD areas. Area 1 is the site on the northeastern corner of Princeton Road and ByPass 4. Areas 2 & 3 are on the northwestern corner of Princeton Road up to Winford Ave. Area 4 is the property south of Tylersville and East of Seward, Area 5 is the Northeastern corner of ByPass 4 and Tylersville Road. All areas are commercial properties, there can be some areas added later.

**Mike Rahall** stated that these are proposed sites. He stated that Moody’s highly recommended a JEDD with Fairfield to protect our boundaries. There is an anti-annexation portion of this agreement.

**Mark Sutton** stated that there will be JEDD Board. The Board members will consist of one (1) representative from the City of Fairfield, one (1) from Fairfield Township, one (1) business owner, and one (1) person working in the JEDD area, and a member selected by the JEDD Board to serve as Chairperson. The Income Tax will be split 80% to Fairfield Township and 20% to the City of Fairfield after a 5% Administration handling fee is charged by the City of Fairfield as Taxing Authority. The revenues are not pledged for any current project.

**Barney Landry**, 5870 Headgates Road, asked if “proposed” means that there have been no notifications or petitions to the property owners yet to apply to be in the JEDD.

**Jack Grove**, Law Director, stated that before petitions can be obtained from property owners, according to law we need an agreement in principle between the Township and the City of Fairfield to agree to all the terms. This is a two step process, there is an approval hearing, which is what we are doing tonight. The adoption process takes place after the contract is approved. That involves going to the business and property owners of the areas to be included, and asking them to sign a petition asking for an adoption. We need a majority of the business owners and property owners to approve this. The contract provides that if we do not attain that, then some of the areas could then be deleted. The idea with the JEDD is to provide stronger transportation links, such as widening Bypass 4, for economic opportunity growth as well as revenue and job creation possibilities.

**Mr. Landry** stated that on page 4, the agreement states that the contract shall not operate to change zoning district classification in the JEDD. He doesn’t understand why on Exhibit 11 it indicates that the JEDD Board has authority over the Zoning Commission.

**Jack Grove** stated that Exhibit 11 is an Economic Development Plan that has been

presented which addresses job development planning. We would retain our zoning processes. The Economic Development Plan will be a guide that the Zoning Commission will use. This agreement can go on for decades. We want to keep this land for commercial and industrial use for the economic stream.

**Mr. Landry** asked if this would take the authority away from the Zoning Board and give it to the Trustees.

**Mr. Grove** stated that the Zoning Board is merely an advisory board to begin with. The Trustees ultimately have the final authority on zoning decisions.

**Mr. Landry** asked who makes the Economic Development Plan?

**Mr. Grove** stated that the Trustees will adopt the Economic Development Plan which is before use now. The Trustees will select 3 of the members on the JEDD Board. They will select the Township member, the business member and the work member. All 4 members together will select the Chairperson.

**Mr. Landry** asked about the 1.5% income tax that will be charged to people who live in the City of Fairfield who works in the JEDD.

**Mr. Grove** stated that the JEDD would receive that 1.5 % income tax. If a person lives in Hamilton and works in the JEDD, whether or not the 1.5% Income tax would get credited toward Hamilton's 2% tax is dependent upon the Hamilton Municipal Tax Ordinance. The same thing would apply to any other Municipality.

**Kate Downie**, 2754 Hamilton Mason Road, spoke against the JEDD on Seward Road to keep from annexation. She stated that it would be nice if Fairfield would put the Jackman Farm and Broerman Farm?? in the JEDD with us. She raised concerns about including D. Russell Lee school in the JEDD with Fairfield City because Fairfield City has always wanted to annex D. Russell Lee. She doesn't want to give it up to them. She asked if all the businesses been notified that they will be in a JEDD, since their employees will have to pay 1.5% income tax to Fairfield City.

**Mark Sutton** stated no because there is no JEDD yet, this is just an agreement with the City of Fairfield, this is the first step in a long process.

**Ms. Downie** asked why we are bringing Fairfield City in clear up here to do a JEDD with. What will the money be used for?

**Mark Sutton** stated that there will be the widening of the By-pass. We hope for developments and road projects on Seward Road and Tylersville Road.

**Ms. Downie** stated that she understands now why we don't vote on the JEDD, but she wishes that we could. She asked why we want to give up on the West side of the Bypass, 1200 acres to be annexed by Fairfield City.

Mark Sutton stated that there is only 27 acres on River Road that the City already owns.

**Jack Grove** stated that all of the East Side of Fairfield Township is exempt from annexation for the life of the JEDD. The only exception would be the "river bottom land" on the West of the Township. It is primarily uninhabited land, but there are some houses on Georgetown Road by the One Way Farm. There is gravel pit, and some even crosses the river to Hamilton Cleves Road. If a majority of the property owners want to be annexed and a unanimous board agrees to it, then that land could be annexed. It would not be an automatic annexation, it would take a unanimous board. Also, the land on the east of Seward to be included in the JEDD, we kept the boundaries where they

were at. He made the Trustees aware that we can modify the contract based on public comments if they so choose. We could do a Joint Economic Development Zone which could go to a public vote, however that would bring along more restrictions and would involve a lot more recordkeeping.

**Kate Downie** asked that the Board keep fighting the fight she and others have led for many years to protect our Township land from the City of Hamilton and the City of Fairfield.

**Mr. Sutton** stated that the most important part of this agreement is the anti-annexation agreement, before any money that would be made from a JEDD.

**Elaina Shorter**, 3052 Elora Lane, asked about the Area 3 and Home Depot portion of the JEDD. Is that area currently covered under a JEDD with Hamilton?

**Mr. Sutton** stated no.

**Ms. Shorter** asked if we would benefit financially from a JEDD in this area. It doesn't make sense to hear that Fairfield City would annex this part of the Township, it seems too far north and would be chunking.

**Mr. Sutton** stated that we would benefit from the income tax. That is separate from a property tax.

**Ms. Shorter** asked if we including these areas to specifically protect them from the City of Hamilton.

**Mr. Sutton** stated that he was not aware of any talks.

**Mr. Morgan** stated that the City could try to annex those areas in the future.

**Mr. Sutton** stated that that is why we have the anti-annexation agreement along with the JEDD.

**Ms. Shorter** stated that with the chunking that she sees going on, will we have to keep doing this with other Cities to protect our borders.

**Mr. Sutton** stated that the anti annexation agreements protect all our borders. The JEDD brings more properties internally as Township land.

**Ms. Shorter** stated that the businesses in this area don't typically have that many employees. Is the amount of the income tax worth the trouble that may go on with getting the companies on board.

**Mr. Sutton** stated that the income tax is not the point of the JEDD. The most important part of the JEDD is to protect our borders.

**Mr. Scharnhorst** stated that this is an agreement for the long term. The number of employees and businesses could be very different in 30 years.

**Charlett Coggin**, 2849 Jerri Terrace, asked what other options besides a JEDD are there to stop annexation.

**The Board** answered there is not any other way.

**Kimberly Hudson**, 6528 Glenmont Drive, asked if the money would be allocated by the Zoning Board, or how the money will be allocated.

**Mr. Sutton** answered that the revenue coming in from the JEDD comes into the General Fund. This agreement does not state how the revenue will be spent. The Trustees, not the Zoning Board, will determine how the funds will be spent.

**Jack Grove** stated that this contract does not supercede the Law on Zoning.

**Ms. Hudson** asked why this Public Hearing is just about the JEDD and why the Public Hearings are just now happening.

**Steve Morgan** stated that we have been in negotiations with Fairfield. Now we are at the phase for Public Hearings on the agreement.

**Mark Sutton** stated that once you negotiate a draft of a contract that both Boards agree to, then you present it at Public Hearings.

**Ms. Hudson** stated that she was wondering if Fairfield Township took a strong stance in developing this agreement.

**Jack Grove, Law Director**, answered that many of the words in there are his. He was heavily involved on behalf of the township.

**Ms. Hudson** asked why can there not be any stand alone annexation laws.

**Jack Grove** stated that is legal, but why would a city agree to that? They always want something in return. We learned from past experience in JEDD agreements dealing with annexation. We learned to build in controls against that. This JEDD agreement is good for Fairfield Township to bring money in, to help build the roads, benefit safety of employees who come in, it is about long-term jobs, and keep Fairfield Township intact for the long term.

**For:** Kate Downie spoke for the JEDD, but only for Seward Road.

**Against:** No one spoke against.

**Motion** made by Mr. Sutton, second by Mr. Morgan to close public hearing at 7:56 p.m.. All in favor.

Minutes submitted by:

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Nancy A. Bock, Fiscal Officer

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Mark Sutton, President

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Steve Morgan, Vice-President

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Terry Scharnhorst, Trustee