

## BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Special Meeting

January 5, 2010

**HELD AT:** Berlin Township House, 3271 Cheshire Rd., Delaware, OH

**CALL TO ORDER:** Tom D'Amico, Trustee Chairman

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Ron Bullard

**ROLL CALL:** Phil Panzarella, Ron Bullard, Tom D'Amico and Theresa Cannon, Fiscal Officer

**ATTENDANCE:** Pete Riggs and John Adkins from Loveland & Brosius law firm.

D'Amico said the special meeting tonight is to discuss Port Authority. D'Amico said the trustees received a memorandum regarding a township's ability to create a Port Authority and what benefits can be derived by creating one. He said the economic tool created by a Port Authority is increasing development and if a Port Authority is created by Trustees it would be run by a board of directors. D'Amico stated many powers are listed but the ones that stood out were the ability to purchase land, issue bonds or notes for tax purposes and the right to exercise eminent domain.

D'Amico said the County currently has a Port Authority which prohibits the Township from having its own. He asked, "If the County were to disband its Port Authority, what time frame are we looking at to create our own?" Pete Riggs stated that there was a small window frame in which to operate. He said the City of Delaware could create one or the County and City could do a joint Port Authority. Riggs said joint Port Authorities could be created between the City and Township or the Township and any other Townships surrounding it. Riggs said there are responsibilities of a Port Authority that could be rough on a township. He said professionals may be needed for bonds, taxes and other issues. He said the question arises where you get the money from to pay for additional assistance. He said it is very costly and the township would have to provide up front the money. He said it does allow the township to do things currently not allowed. Riggs stated the biggest downside is the cost.

Riggs asked what the township would gain from a Port Authority and if there was an area to develop. He stated there was State Route 36 and a little on US 23.

John Adkins stated several larger townships with a population of over 20,000 with economic areas have looked at Port Authorities, however none have done it. D'Amico verified that the window doesn't even open until others are disbanded. Bullard asked what if a City Official attended the County Commissioners meeting where they disbanded their Port Authority and the City met in an emergency meeting. John Adkins said that does not prevent you from doing your own. He said the City could only do its incorporated areas. A question arose regarding its unincorporated area. Adkins said there is no case law on this. He said they would have to go with the Attorney General opinion. Adkins said if the County and City would do a joint Port Authority the Township would be prohibited.

A question was asked about annexation. Adkins said, "Again there is no case law." Panzarella asked if there were any limitations on how many Port Authorities could exist in the County. Adkins said if the City does not create one every township in the County could create one. He said more than two would be overkill. He said they are created for areas to work together. He said too many could create animosity.

Panzarella asked if the incorporated part of the township could be included in a Port Authority of another entity. Riggs said, "That is a litigation question." Panzarella verified that a Port Authority could tax. Adkins said it requires a vote but yes they can tax. Panzarella verified that a Port Authority has the ability to declare eminent domain without County Commissioner's approval.

Riggs said the main purpose of a Port Authority is for economic development. Bullard said the down side was it could cost six figures or more. He said if the city does one for the city, the township could do one for the township. He also said the city could do one jointly with the county or if the city does one on its own, the county would be prohibited in creating one.

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Bullard asked about creating a Port Authority. Riggs said it is done by resolution. He said you should know what you want before going into one. He said that includes goals and bylaws.

D’Amico asked why the county would give up its Port Authority. Riggs said he did not know. Adkins said the County has done several projects and because of outstanding debt they may want to do something with the City to share expenses.

D’Amico said the County Port Authority covers everything in the County. He said if the City establishes a Port Authority the Township can too. Riggs said yes and stated there is no case law on it.

Bullard asked, “If the County disbanded and the City created one, and the Township created one, what would happen if the County wanted to come back?” Adkins said they would have to go jointly with another entity.

Panzarella asked about rental for fire departments and property tax. Adkins said he was not sure it pertained to fire, he only knew of police and said that a Port Authority could build property and lease to a third party of economic development financing.

D’Amico verified that currently the township could not do anything.

Riggs asked if the Township could afford it, if they needed it and if they would use it. Panzarella asked for the cost of a basic resolution. Adkins said they have not done one. He said they would have to create the resolution. Panzarella stated if would be less money to fight against one. Bullard asked about putting one in place with adjoining townships. Adkins said then you are into more discussions than just a basic resolution.

D’Amico thanked the attorneys for coming to the meeting. He said this was the only item on the special meeting agenda and asked for a resolution to adjourn.

**RESOLUTION**

**10-01-55**

**MOTION TO ADJOURN**

Motion: Bullard  
Second: D’Amico  
Vote: D’Amico yes, Panzarella yes and Bullard yes

Meeting adjourned by Chairman D’Amico at 7:41 p.m.

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Phil Panzarella, trustee

ATTEST:

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Ron Bullard, Trustee

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Theresa Cannon  
Fiscal Officer

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Tom D’Amico, Trustee