

**Bellbrook-Sugarcreek Merger Commission Meeting Minutes
December 4, 2008**

1. The meeting was called to order at 9:03 am by Theodore Hodson, Fiscal Officer for Sugarcreek Township.
2. All rose and recited the Pledge of Allegiance.
3. Mr. Hodson called the roll with Commission Members Bill Berry, Tom Frantz, Mike Shank, Ron Folkerth (arrived at 9:10 am), Joan Gallagher, Donna Hellmann, and Charles Schwegman being present. Commission Members Linda Hummel, Christine Tieman and Howard Ackerman were not present.

Others present, who signed in, were David C. Frederick, Harold Roger, Jim Martin, Bob Baird, Det. Sgt. B. Deckard, Ben Rader, Jim Tharpe, Steve Foreman, Denny Bennett, Bob Read, Mark Schlagheck, Jeremy Kelley, Dale Owens, Tony Lamb, Cara KillKelley, Tracey Messer, James Deaton and Robert L. Billett.

4. At Mr. Hodson's request those elected member who were present introduced themselves and gave a brief summary of how long they have lived in the City or Township, their experience and their desire to find out what will be best for the City and Township.
5. Mr. Hodson requested that Mr. Tiffany go over the information he has gathered regarding the process and responsibilities of a Merger Commission. Mr. Tiffany discussed this information, which was handed out to those present and shown as a power point presentation. (See attached)

Mr. Tiffany went over the importance of the Public Records Law. He counseled them to consider any correspondence, whether e-mail or written, to be a public record. The Attorney Generals office is still wrestling about what is considered a public record.

It was suggested that whoever does the minutes of the meetings make them available to the public via a website and that a copy by forwarded to the City of Bellbrook and the Township so we can also make them available to the public.

Possible expenses incurred by the Commission for consultants were briefly discussed. Both the City and the Township have not included in their budgets any amount for this commission at this time. This will be a topic of discussion for both jurisdictions in the future and each jurisdiction will need to communicate accordingly with one another and the commission on this matter. Consulting fees, if affordable to both entity budgets, will be split based on the population of the two communities.

Mr. Tiffany stated that he currently does not have an answer on what the status of the annexation will be if the commission determines that it will go on the ballot in 2009 and it gets passed. The new government will be effective January 1, 2010. It would be very difficult to assemble all the languages of the new charter and new form of government before then and have it take effect January 1st. The question is "What

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happens to that stay of annexation for that year's time?" We cannot find any allocation for that in the statutes. We do not know if we lose that status during this time. If we lose that status, it may be beneficial to take that year to study and work through the issues before you bring it to the voters.

Mr. Tiffany asked if the Commission Members had any questions ...

- Mr. Schwegman asked if they could hire someone to do the position of Secretary/Recorder or does it have to be a member of the Commission? Mr. Tiffany stated that it's up to the Commission Members. Mr. Tiffany asked the Members to keep in mind that if they share a Township or City person, how they will share the cost of this position.
- Mr. Hodson stated that they will need a minimum of a Chairperson, Vice Chairperson and Secretary or Co-Chairpersons (one from each side where they alternate duties).
- Mrs. Gallagher stated that she liked the idea of having Co-chairs and having them alternate. She felt that they should have someone take ownership of keeping the minutes of the meetings. The cost should be split between the City and the Township.
- Mr. Schwegman felt that was a risk having somebody on the board being the recorder as it could potentially create discussion.
- Mr. Tiffany stated that the commission needs to decide when the meetings will be held. This could change who within the City or Township is able to take the minutes as it will go into their personal life or overtime issues.
- Mrs. Gallagher mentioned that the job could also be advertised.
- Mr. Tiffany also stated that they could record the meetings and have it put into minutes afterward. This can be done anytime during normal business hours by staff. I would suggest altering someone between the Township and City, but the problem you will have is a different style of writing the minutes.
- Mrs. Gallagher stated that someone needs to take ownership of the minutes due to the stringent requirements by the ORC.
- The other problem we get into is that as a Commission, you will be responsible for the public records. I do not want to see that burden come on to the City or Township. If we prepare those records, it would. This is something we will need to talk about in order to move forward.
- Mrs. Gallagher stated that we need to follow Ted's general rule for minutes; that minutes are minutes and not hours.

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- Mr. Schwegman asked about the quorum. If three people show up and an issue comes up how many does it take to pass a vote. *Mr. Tiffany stated that the way it is worded in the statute, it is a majority of the public body not the majority of those present.* So it takes three votes on each side to conduct business. *Yes, you're right.*
- Mr. Tiffany brought up some issues for them to consider. Where will the meetings be held? Mr. Tiffany stated that the Township building was open to them and that the City was also opening up their facilities to them. One of the issues at the City is parking. It is important to be consistent in where the meetings are held.
- Mrs. Gallagher agreed that it needs to be held at the same location each time so the public knows where they are meeting.
- Mr. Tiffany brought up the schedule of the regular meetings. You will need to get the notice to the press of when and where the next meeting will be held. He suggested that they establish scheduled dates. The Board of Trustees meets the 1st and 3rd Monday of each month.
- Mrs. Gallagher suggested they take a poll of what time is best for those present and one of them could get in touch with those not present to give them the available dates.
- Mr. Hodson suggested that they think about what was put before them today and he would chair the next meeting for them long enough to get their officers elected.
- Mr. Tiffany stated that one of Mr. Hodson's concerns is that during the day is difficult for many of the residents and members to attend.
- Mr. Schwegman requested what nights the Township and City meet. Karen Shroyer stated that she would get this information together and e-mail it to the members.
- Mr. Shank asked how frequently the Commission should meet. Mr. Tiffany stated that it would probably be once a month on the frontend with a lot of homework in between. As they get further along in the process it will probably be two to three times per month. He anticipates in August they will request an extension. Tracey Messer has requested some information from the Engineer's office about taking over roads and bridges. Chief Pavlak is working on fire numbers. Once you have achieved a certain number of residents in the jurisdiction, civil service will become an issue. Once it crosses 10,000 it changes things, contracts, etc. How is Thursday for everybody? Thursday evenings were fine for those present. It was suggested by Mr. Shank to wait on determining the future meetings dates until the next meeting when more of the Commission Members will be present. Mr. Shank did not want to make the next meeting to set a precedent as the other members were not available.
- Mr. Shank moved that the next meeting be held on Thursday, December 11, 2008 at 7:30 pm at the Township office for the election of officers and to set meeting dates. Mr. Frantz seconded. Mr. Tiffany requested to amend the motion to state those two

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items and any additional issues presented to the Commission. Mr. Shank so amended and Mr. Frantz seconded. Roll was called with the vote being as follows:

Mr. Frantz - Yes
Mr. Berry – Yes
Mr. Shank – Yes
Mr. Folkert – Yes
Mrs. Gallagher – Yes
Mr. Schwegman – Yes
Mrs. Hellmann - Yes

- The next item to go over is the notification of meetings and who is going to notify. We will take care of that for you for the next meeting, but you will need to consider, as you move forward in your rules, who is going to make the notifications and how? Mr. Frantz wanted to know how they are supposed to notify people if there isn't any money available. If someone personally makes the request, you have to notify them. Mrs. Gallagher mentioned that there is a merger study website available. There was some discussion about who owned the website currently and who would be responsible for payment of the website.
- Mr. Tiffany stated that they will need to determine if they will allow the public to participate in the meetings and to what extent. These meetings must be made public, but they do not have to permit the public to participate.
- Mr. Shank wanted to know if there is a rule regarding notifying the public. Mr. Tiffany stated that he would pull the statute for the Commission.
- Mr. Frantz wanted to know where the records were to be stored, is it up to us to decide? Mr. Tiffany stated that this needs to be decided in your rules. Someone on the Commission has to be responsible for this. Whoever does it is putting themselves under the scrutiny of the laws of Ohio. If accurate records are not kept or able to be retrieved, the fines/penalties are extensive. Mrs. Hellmann asked if it needs to be in hard copy or can it be scanned to a disk. Mr. Tiffany stated they need to be retrievable. Mr. Tiffany stated that he would make sure the recording of the meeting minutes would be taken care of for the next meeting.
- How will you be presiding over the meetings? Each member has the same or equal authority as the other. Co-chairs are a great idea, but also have pitfalls. Also needing to be decided are your rules and if you will operate by Roberts Rules of Order or Parliamentary Procedures. The statute states that you have to keep accurate records of your deliberations. I suggest Roberts Rules of Order since it keeps things in order. Whoever ends up as the chair or co-chair should be familiar with this.
- Mrs. Gallagher stated that the public be able to be there and listen and give their opinion. Mr. Tiffany also recommended that they establish a mailing address for the public to communicate with the Commission.

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- Mr. Schwegman asked that we find out who would like to be a chair or an officer and vote on it at the next meeting. Mr. Shank and Mrs. Gallagher prefer to wait until the next meeting to determine this when the other members are present.
- Mr. Tiffany asked that as the Commission needs data or anything from the Township that they make the request through his office so he can funnel it down to who it needs to come from. Mr. Hodson also stated that there is information at the County level the Commission will need. Mr. Tiffany stated that he will try to contact Mr. Ackerman to see if he has an interest in an officer position.
- Mr. Schlagheck introduced himself and also asked that as the Commission needs data or anything from the City that the request go through the Office of the City Manager and he will make sure the information is gathered in a timely manner. The City will do whatever they can to help in this process. Mr. Schlagheck will check with City employees to see if anyone would like to help in the Recorder position.
- Mrs. Gallagher requested that they hear from Denny Bennett regarding the Merger Study website. Mr. Bennett stated that Bill Schieman owns MergerStudy.com and Mr. Bennett is the webmaster. Mr. Schieman pays for the service space, domain registration, etc. and Mr. Bennett works on it for free. He has automatic meeting notification set up on the website. If the Merger Commission determines they would like to utilize this website, it will be taken over by the Merger Commission and it will be a Merger Commission website and he will be their webmaster. There would be no cost to the Commission if they decide to utilize this website as Mr. Schieman and Mr. Bennett will take care of the cost. Mr. Shank asked if it would be legal to maintain records on the website. We will still need to have a hard copy somewhere in case someone does not have internet access. It would also be a good idea to video tape each meeting and put it on Channel 5. Mr. Tiffany will be sending the video tape to Mr. Nartker at the Bellbrook Fire Department to have it placed on Channel 5.
- Mr. Hodson asked if there were any other comments or discussion by the Commission. Mrs. Gallagher suggested that they consider using Mr. Staley in this process as he has experience in mergers or non-mergers. Mr. Schwegman stated that he was under the assumption that this body would hire a consultant to put together a study. According to Mr. Shank, the University of Toledo has done a lot of these studies. Mrs. Gallagher stated that Oxford University at Miami and Toledo are the ones in Ohio that do these. Mr. Hodson stated that the general fund has very little money and this needs to be a consideration. Mr. Schwegman was wondering how much it would cost and if they could get a quote. Mr. Schlagheck stated that his experience in Centerville is that it cost around \$40,000. Mr. Hodson stated they could get an estimate, but it would need to be put to the City and Township for review as there are not a lot of funds available. Mr. Shank would like to make this a part of the next meeting where they choose officers and then they can appoint someone in charge of getting these estimates and what is included in the price. Mrs. Hellmann liked the idea of having an outside agency because it keeps it from looking partial. Mr. Tiffany suggested an amended motion that the Township pursue estimates prior

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to their next meeting. Mrs. Gallagher so moved and Mr. Shank seconded. Roll was called with the vote being as follows:

Mr. Frantz - Yes
Mr. Berry – Yes
Mr. Shank – Yes
Mr. Folkerth – Yes
Mrs. Gallagher – Yes
Mr. Schwegman – Yes
Mrs. Hellmann - Yes

- Mr. Hodson asked if there was any other discussion. Mr. Schwegman would like to find out who would be interested in being the co-chairs. Mrs. Gallagher stated she would be interested in being a co-chair for the Township. Mr. Shank is interested in being a co-chair for the City. Mr. Tiffany stated that if you are putting yourself up for the co-chair position you'll want to make sure you are available for the meetings. Mr. Schwegman asked if anyone was interested in being Secretary before they outsource it. Co-chairs and Secretary are the only positions needed per Mr. Hodson.
- Mr. Tiffany asked that with the Commissions concurrence he would ask Karen Shroyer to send something to those who were not present to let them know about next weeks meeting and what was discussed. We will let the public know about next week's meeting.
- Mr. Hodson asked if there were any further comments or questions? Do I have a motion to adjourn? So moved by Mr. Shank and seconded by Mrs. Hellmann. Roll was called with the vote being as follows:

Mr. Frantz - Yes
Mr. Berry – Yes
Mr. Shank – Yes
Mr. Folkerth – Yes
Mrs. Gallagher – Yes
Mr. Schwegman – Yes
Mrs. Hellmann - Yes

Meeting was adjourned at 10:34 a.m.