

Bellbrook-Sugarcreek Merger Commission Meeting Minutes
May 6, 2009

1. The meeting was called to order at 7:07 by Mr. Shank.

2. Mr. Shank called the roll with Commission members Bill Berry, Mike Shank, Joan Gallagher, Donna Hellmann, Charles Schwegman, Ron Folkerth, Howard Ackerman, and Linda Hummel present. Tom Frantz and Christine Tieman were absent.

3. Others present were Harold Rodgers, Barbara Burson, Jim Martin, Barry Tiffany, Mark Schlagheck and Jeremy Kelly.

4. The minutes from last meeting had been circulated and were presented for approval. Ms. Hummel made a motion to accept the minutes and Mrs. Gallagher seconded the motion. Ms. Hummel questioned some of the content from the minutes regarding Dr. Staley using volunteer departments to look at income tax. Ms. Hummel asked if they could “strike that?” Mr. Shank stated to clear it up they would have to go back to the tape. It was decided that the minutes needed to be checked for clarification. Mrs. Gallagher stated she would check and it can be discussed at the next meeting.

A motion was made and seconded to table reading of the minutes until the next meeting. It was noted by Mr Tiffany that the motion to accept the minutes needed to be withdrawn. Ms Hummel withdrew her motion. A motion was then made to table the minutes and seconded. A vote was taken and passed unanimously.

5. Christy Phillips was introduced as the new transcriber as Brittany Boedeker will be attending school on Wednesday evenings. That is why the change was made.

6. Mr. Shank introduced the subject of new business to be discussed. He then read a letter from Christine Tieman stating that due to personal reasons she would no longer

be able to participate in the Merger Study effective immediately. She said she was thankful for the opportunity to serve the past six months and wished everyone the best of luck.

7. Mr. Ackerman asked about selecting a new commissioner. Mr Shank read from section 709.46 subsections B of the ORC. In case of a vacancy on the commission, the vacancy shall be filled by an appointee of the legislative authority of the municipal corporation or the board of township trustees of the township, that the prior commissioner represented. The City Administrator, Mr. Schlagheck, suggested that a formal letter should be sent to Mayor Graves of Bellbrook concerning this issue. Mrs. Gallagher said she would take care of it. Ms. Hummel asked if it is possible to make a recommendation. Mr. Shank said that it is not stated that a request can be made. Mr Schieman, an audience member stated that there have not been many merger studies in Ohio so it is not unrealistic to recommend someone.

8. Mrs. Gallagher read correspondence she had received from Dr. Sam Staley suggesting what they need to do if progressing towards a merger and deciding on handling budgetary concerns. Mr. Ackerman stated he didn't understand the letter. Mrs. Gallagher said her interpretation was that it's important to be budgetary neutral and not to negotiate-up where salaries are concerned. Mr. Schwegman suggested they all needed their own copy of the letter to read. Mrs. Gallagher said she would provide a copy of the correspondence.

9. Mr. Ackerman reported that the MS Report Consultant's Subcommittee met on April 7th. Purpose was to see what needed to be done to move forward. The Sub-committee decided it needs to be broken into phases.
 - Consultants to analyze revenue and expenses pre and post merger
 - Lifestyles-zoning and developing conditions for merger, police, fire, roads.
 - Merger community charter.

He also stated that they had a lot of discussion about the Dille property and annexation in general. . Mr Tiffany was asked to get a written confirmation from the

prosecuting attorney on what he shared at last meeting relative to the annexation of the Dille property and what jurisdiction would get the property taxes.

Discussed were the pros and cons of how long it will take to complete the study. The feeling among the subcommittee was that it will take longer than the time needed to file for election in November. It may be necessary to ask Bellbrook City Council and Township Trustees for an extension-another year. The Township Administrator and the City Manager were asked to contact each of the two consultants to get a price. Mr. Schwegman said it was clear where phase I would end and Phase II would begin. Negotiations with Gem and Mercer ascertained that if the phased approach was done, there would be no impact on the cost. The costs quoted to do Phase I with Gem would be \$30,000.00, and Mercer was close to \$50,000.00.

There was discussion that even phase I would take four months, so by time they were on contract, it will be too late for November elections. Mr. Tiffany added some other items talked about that day, one was getting a report early in the process, so they could come back with a preliminary report with financial data. Phases may be broken up, but 60 days notice would be given before the next phase would start. Both Consultants understand that at anytime the committee could say “We’re Done.” In case that happens, they are looking for a commitment for phase I. Phase II would be as it comes. Both Consultants liked the work the subcommittee had done, and that it made sense to approach it that way.

10. The City Manager and Township Administrator recommended waiting to award the contract until after extension is obtained. In the fall, some of the city council members were opposed or did not support a merger, so it’s not a “given” that the extension will be granted. The City of Bellbrook has a meeting Monday May 11th, the Township has one the following Wednesday. It is recommended that it be put on agendas for these meetings. A question the City Council has is how much is it going to cost?
11. The motion would be to request from the City of Bellbrook and Sugarcreek Township a one year extension. Mr. Shank asks how long it will take for the city to decide, and Mr. Schlagheck’s response was that it could be on the agenda Monday, May 11th. He

is assuming they would be willing to act on it at that point. He stated it would be nice to have a formal letter and someone from the commission attend the meeting to answer any questions they may have so they could make an educated decision. He thinks that considering it's a resolution instead of an ordinance, which would require a public meeting, they would be able to act on it on it then. Mr. Tiffany stated that the next meeting for the Township Trustees is a Work Session on Wednesday, May 13th. A special meeting could be called before the work session to approve the necessary extension for the Merger Study Commission.

The question was asked by Howard Ackerman what happens if the extension isn't passed? Mr. Tiffany stated that the work would have to be done by August 15th. Mrs. Gallagher stated that was absolutely impossible. Mr. Shank said it just wouldn't be the best product and there wouldn't be a full study. Mr. Tiffany said as of August 15th, if they don't give the extension, the commission doesn't exist anymore.

12. Mr. Shank suggests moving to the next topic of extension. He states that it's clear to everyone that we need to know if extension will be granted. Mr. Schwegman makes a motion for the merger commission requests to the City of Bellbrook and to Sugarcreek Township for an extension of the merger study for an additional 12 months. Ms Hummel seconds the motion.

Mr. Ackerman questions if 12 months is an appropriate number. Mr. Shank clarifies it's an additional one year. Mr. Shank asks if there is any further discussion. Mr. Folkerth adds he thinks it should be decided who's going to represent the commission at the meetings.

Mr. Tiffany adds that because the way the commission is structured that the City will be petitioned and the Township petitioned. Mr. Shank suggests adding two motions, one from the Township and one from the City. Ms. Hummel is asked by Mr. Shank to withdraw her second. She agrees. Mr. Shank asks if there is a second from the Township. Mrs. Gallagher seconds. Mr. Shank asks if there is discussion.

Mr. Folkerth asks if 12 months is not enough. Mr. Shank informs him that one extension in 12 months is all. Bill Schieman is recognized by the Chair and offers wording-an extension to the 75th day preceding the general election in 2010. Mr. Berry gives section 709.462 paragraph D that could be incorporated. Mr. Shank asks if motion is amended? Second concurs, Mrs. Gallagher.

The discussion begins on how to write the motion. MR. Schwegman has moved and Mrs. Gallagher has seconded that the Commissioners from the Township request from the Township Trustees an extension of the merger study for an additional 12 months per section 709.462 paragraph D.

All Sugarcreek Township commission members present vote yes.

Mr. Shank asks if there is a motion on the City side.

MS. Hummel adds that she thinks everyone should vote on both requests. Mrs. Gallagher adds that only a quorum is needed. Mr. Shank agrees that all can vote.

All from City vote yes.

MS. Hummel moves to have a similar resolution for Bellbrook. Mr. Berry seconds motion. Mr. Shank asks if there is discussion?

The merger commission requests from The City of Bellbrook an extension of the merger study for an additional 12 months per section 709.426 paragraph D.

All commission members present vote yes, and the motion passes.

Mr. Shank plans on attending the City meeting and says that anyone from the Commission is invited. Mrs. Gallagher will attend the Township meeting.

Mr. Shank gives a sincere Thanks to the subcommittee, commenting on their excellent job and that a lot of thought went into the report. He also thanks Mr Tiffany and MR. Schlagheck for working on negotiations with the two consultants. Mrs. Gallagher also thanks the subcommittee for their efforts in making needed requests because of the uniqueness of this study.

13 New Business - To review two proposals from consulting firms, Gem and Mercer.

Mr. Schwegman asks Mr Tiffany and Mr Schlagheck if there were any real changes to proposal in negotiations. Mr Tiffany answers that only saying they would do it in phases at a certain price and separating the price for each one. The proposals were tried to keep the steps the same as in original. A few steps were eliminated. But since the last meeting there have been no substantial changes to their approach.

Mr. Shank opens discussion on preference. Mr Schwegman states he could go for either but right now he would vote for Mercer proposal because of what they get from the initial study. This will determine if study goes forward. It will be worth extra money to go with Mercer. May be an extra 5 or \$6,000 for each entity but will be worth it. Mrs. Hellmann questioned whether the computer model presented by Mercer to assess "What if?" scenarios could be used to analyze the outcome of the Dille situation and if it would be made available to the Commission? Mr Tiffany said that is part of Phase 1.

A motion was made by Charles Schwegman to hire the Mercer Group as Consultants for the Merger Study Report. Seconded by Linda Hummell. All present except Mrs. Gallagher voted Yes. Mrs. Gallagher voted No.

Dates for the next meetings were set.

June 3

July 8

August 5

September 2

14. A motion was made and seconded to adjourn the meeting at 9:10 PM and was passed unanimously.