

Approved

Bellbrook-Sugarcreek Merger Study Commission Minutes

July 8, 2009

1. The meeting was called to order at 7:00PM by Mike Shank, Co-Chairperson of the Merger Commission.
2. Mr. Shank called the roll with commission members Dr. Sam Staley, Tom Frantz, Bill Berry, Linda Hummel, Mike Shank, Joan Gallagher, Donna Hellmann, Charles Schwegman, and Howard Ackerman present. Ron Folkerth was not present.
3. Others present were Barry Tiffany, Mark Schlagheck, Jim Mercer, Harold Rogers, Jim Martin, Jim Tharpe and Harold Lewis.
4. The minutes of the June 3rd meeting had been circulated and were presented for approval. Dr. Staley moved that they be approved and Mrs. Gallagher seconded the motion. The motion passed unanimously.
5. Mr. Shank introduced Jim Mercer from the Mercer Group. Mr. Mercer stated that there also will be other consultants from the firm. Tom Doherty will be doing the financial modeling, but he wanted to come and kick the project off himself and give some general information to the Commission. With the budget as it is Mr. Mercer wanted to use the time wisely by collecting data by phone, e mail, fax and overnight mail. He gave the Commission members his business card in case they would need to contact him. He stated that he wants to be available for any information that is needed both collectively and individually. He stated that he will keep the Commission apprised of progress at the monthly meeting, or more frequently if desired. Over the next month will they will be collecting data and beginning to analyze it. They will also be talking to department directors about services they deliver, such as what kind, how often, how many staff is assigned to a task, what equipment is used, what training is required, and how services are budgeted. This is part of the Phase 1 effort. Mr. Mercer said he would like to put together a definitive plan of activities for the Commission to look at and comment on and make changes if necessary. He suggests using Barry Tiffany of the Township and Mark Schlagheck of the City for as much input as possible to minimize the interruption of daily activities while they are gathering information. Questions from the Commission were invited.

6. Mr. Ackerman asked Mr. Mercer what kind of involvement is expected from the Commission. Mr. Mercer stated that at a minimum he needs reaction to things that are circulated to them. Comments about reports, phone calls how things are unfolding would also be helpful. Mr. Schwegman asked how communication flow will work. Mrs. Gallagher and Mr. Shank offered that the information can be sent to them. Mr. Mercer states he will discuss with Mr. Tiffany and Mr. Schlagheck to determine the best way to handle the flow of information. Mr. Ackerman asked if subcommittee meetings are still allowed. Mr. Tiffany stated that they are and that they are public. Mr. Mercer decided that the best way to get information to the committee was by coming to the meeting and giving a handout with findings and recommendations. Mr. Shank recommended sending the report to everyone at the same time so that they can prepare questions for the next public meeting. He said that even though they are not allowed to have discussions amongst themselves, they could make notes to prepare for the next meeting. Mrs. Gallagher stated that she has an updated Merger Study Commission list. Dr. Sam Staley stated that as soon as a report comes from Mercer it becomes public information, so he wants to make sure that the Mercer Groups policy of "no surprises" is in effect. Mrs. Hellmann suggested putting "draft" on all paperwork so that people are not confused about things that are going around. She said that a few days to review information would make better use of everyone's time rather than in a public forum. Mrs. Hellmann asked about getting project schedule and stated that since meeting dates are already set, notice would need to be given if a date needed to be changed. Mr. Mercer stated that if there is a conflict with his schedule, he may have to send another consultant. Mrs. Gallagher stated that she would like to see an outline. Mr. Shank added that he knows that will be part of what will be done when information is collected. He said that his preference would be for all of the Commission, Mr. Schlagheck and Mr. Tiffany to get e mail at the same time. Ms. Hummel asked what happens if people are reluctant or uncooperative to give information once the data collection is started. Mr. Mercer stated that he doesn't think it will be an issue. Ms. Hummel asked about staying updated by conference call and Mr. Mercer agreed that with the budget they have to work with that would be more effective than traveling. Dr. Staley stated that he is available to help however necessary and the Commission is responsible for any politics, not Mr. Mercer. Mrs. Gallagher said that she is confident that personnel from both jurisdictions will act professionally. Mr. Schwegman asked about payment of invoices and Mr. Mercer explained that usually they go with what the client directs. He explained how invoices are organized, that they typically have enough information so that the Commission will be confident to pay the invoiced amount. He also stated that he finds

it easier to charge a per diem amount for food that will be included on the invoices along with travel expenses. Mr. Tiffany suggested that Mr. Mercer forward invoices to him and Mr Schlagheck since they can check and sign-off on them.

7. Mr. Tiffany addressed the Commission on the topic of Potential Annexation in Sugarcreek Township. He stated that the threat they will be concentrating on is from the City of Centerville, City of Xenia, and City of Kettering. He stated that they will study and see what happens with the appeal in the 2nd District Court which should have a date for oral arguments in the next week. Centerville petitioned the court for this appeal. Mrs. Hellmann asked how far on the commercial front they are looking? Mr. Tiffany answered, that they are looking indefinitely. Mrs. Gallagher mentioned that at the Open Space booth at the Sugar Maple Festival, there is a map showing different surrounding Townships, since they can't annex each other. Mr. Tiffany explained the difference between Type 1, and Type 2 annexations. Mr. Schwegman stated that his expectation for the report from Mr. Tiffany is that it references a map of the Township with analysis as to vulnerability of Type 1, 2, or 3 annexations. Mrs. Gallagher suggested that when Mr. Tiffany gives his presentation at the September meeting that he includes descriptions of the different types of annexations.
8. Mr. Shank began the discussion of payment procedures. At the June meeting he asked the commission to send him suggestions of how to handle payments. He then forwarded them to the Commission. Mrs. Gallagher liked the idea of having a resolution that invoices would be brought to meetings and approved, or having a key person to approve them. Dr. Staley suggested invoices be sent to the Township and City for approval, and then voted on at the meetings. Mr. Shank discussed what some of the e mails contained. Some suggestions to be included on the invoices were dates of service itemized invoice, travel listed separately, and hours. Mr. Shank commented that these were all the things that Mr. Mercer said will be included on invoices. Mr. Shank said that all bills paid should be documented, and roll call either on individual invoices or for all invoices should be taken after discussion. Mr. Mercer stated that a hard copy invoice is sent and then an e mail copy is sent. He said that he will see to it that invoice is received by the 25th of the month so it will be available at the meetings which are held the first Wednesday of the month. Invoices should be made out to the City and Township. Mrs. Gallagher said that the City is responsible for 51.4% and the Township 48.6%, so invoices will be paid by two separate checks. Mr. Shank clarified with Mr. Mercer that the bills submitted will be one amount with the City and Township figuring and paying their agreed upon amount. Dr. Staley made a motion that all invoices are to be submitted to the City of Bellbrook and Sugarcreek

Township. After review the City and Township will forward them to the Commission. Mrs. Gallagher seconded the motion. There is no discussion and the motion passes unanimously.

The approval process of invoices was discussed. A motion was made that all invoices shall be submitted by the City and Township to the Commission by the last day of the month to be reviewed for approval at the next meeting. All Commission members were in favor and the motion carries. Mrs. Gallagher stated that there is an invoice from the transcriber. Mr. Shank stated that in the future, Commission members will get a copy of invoices to review before the meeting. Mr. Shank then read the transcribers invoice. Ms. Hummel made a motion to approve the transcribers invoice and Mrs. Hellmann seconded. After roll call the motion passes unanimously.

9. Mr. Shank initiated a discussion about putting unapproved minutes on the website. He stated that since there could be changes in the minutes after they are presented for approval at the meeting, people could read them before changes are made which would cause confusion. Mrs. Hellmann suggested putting a statement that they are draft only on website. Mr. Shank offered further discussion about the procedure for minutes being posted on the website. Ms. Hummel stated that it should be noted on the website that the minutes are a draft. Mr. Tiffany suggested putting a statement at the top of minutes that they are subject to approval by the Merger Commission. Mr. Schwegman made a motion that the standard operating procedure shall be; transcribed minutes be posted on the website prior to approval. Unapproved minutes shall clearly say "subject to Merger Commission approval ". Mrs. Gallagher seconded the motion. Mr. Shank offered discussion. Mrs. Gallagher stated that she received a forwarded email from Denny Bennett which had been sent by Doug Skinner who is Editor of the Beaver creek News Current, and Sugarcreek Bellbrook Times. He asked if any information about the Merger Commission could be sent to him. Dr. Staley stated that he feels by voting on the approval of minutes the Commission is validating all of the content as being an accurate representation of the deliberations that went on at the meeting. He said that by putting minutes on the website that have not been approved, there is no way to make sure the content is valid. He stated that he is more comfortable putting the formal minutes that have been approved on the website. Mr. Tiffany suggests putting notice on the website that " draft minutes are available upon request."

There was a roll call for the motion on the floor. Mr. Ackerman and Mrs. Hellmann voted "yes" with all others voting "no". There was not a majority for each side, therefore the motion failed. It was then agreed that Mr. Bennett will be asked to put a

link on the website so that unapproved minutes will be supplied upon request. Mrs. Gallagher will have a copy of the unapproved minutes and will email them to the person submitting a request form from the Merger Study website.

10. Meeting schedule- August 5, September 2, October 7, November 4, and December 2. Dates are subject to change.
11. Mr. Shank reminded everyone that if there are questions for the Commissioners, there is a link on the website where they can get their questions answered. Ms. Hummel stated that she had not received any questions yet.
12. There were no additions to the agenda.
13. Public comment- Jim Martin suggested that Mr. King be asked to negotiate any expenses re to a Government Rate for Consultant stays at the Holiday Inn Express.

Harold Lewis, of the City of Beavercreek, stated that there is a possibility that a group will be formed to look into unifying the City of Beavercreek and Beavercreek Township. He stated that he found good information on the Merger Study website.
14. Mrs. Gallagher made a motion to adjourn. The motion was seconded with no further discussion. All were in favor. Motion passes. Meeting was adjourned at 8:50.