

**Bellbrook-Sugarcreek Merger Commission Meeting Minutes
December 11, 2008**

1. The meeting was called to order at 7:30 pm 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, Linda Hummel, Mike Shank, Ron Folkerth, Joan Gallagher, Donna Hellmann and Charles Schwegman being present. Commission Members Christine Tieman and Howard Ackerman were not present.

Others present, who signed in, were Jim Martin, Harold Rogers, David C. Frederick, Denny Bennett, David & Sherri Helling, Mark Schlagheck, Ben Rader, D. Bolton, Bill Roos, Randy Pavlak, Bill Schieman, Jeremy Kelley, Robert Billett, Dick Kim and Jim Tharpe.

4. The first order of business was to elect the chair people. Prior to electing the co-chairs, Mr. Tiffany gave a few updates from the previous meeting. A question was raised at the previous meeting about whether it is a simple majority of the members present or a majority of the members of each commission. It is a majority of each commission on the vote. The information requested from Mr. Geyer's office was received. Mr. Tiffany will give the commission members a paper copy as well as send an e-mail. Mr. Geyer gave some numbers but said the Commission will need to give him more information as to what is needed.

Mr. Tiffany also discussed having someone on the commission fill the position of secretary. Someone can be hired to transcribe the minutes of the meetings, but the responsibility of the minutes is with the secretary on the commission and not the person hired as the transcriber. The secretary is responsible for keeping the records and retrieving them if necessary. There was a recent decision by the Supreme Court regarding public records laws in reference to e-mails. Apparently e-mails are considered public record and there are some very stiff penalties for deleted e-mails. This includes any e-mail (personal or otherwise) related to the business of the commission.

Mr. Schwegman asked whether anything had been done to get someone to transcribe the future meeting minutes, a volunteer perhaps. Mr. Tiffany stated that in talking with one of the trustees last week, they felt it might be possible to get someone from the community to volunteer to do this, perhaps a retiree. The commission was reminded that the transcriber's responsibility ended upon completion of the meeting minutes.

Mr. Tiffany informed the Commission that the University of Toledo and the Oxford University at Miami were contacted regarding a study. A response was received from the University of Toledo, but not Miami. Several types of criteria were looked at and the contact person at Toledo will prepare an information sheet.

5. Mr. Hodson opened the floor for co-chair nominations. Mr. Frantz nominated Mike Shank for the City of Bellbrook Co-chair which was seconded by Mr. Berry. Mrs. Hellmann nominated Joan Gallagher for the Sugarcreek Township Co-chair and which was seconded

**Bellbrook-Sugarcreek Merger Commission Meeting Minutes
December 11, 2008**

by Mr. Folkerth. Roll was called for the City of Bellbrook Co-chair with the vote being as follows:

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

Roll was called for the Sugarcreek Township Co-chair with the vote being as follows:

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

6. Mr. Shank was selected as the co-chair to conduct the rest of the meeting and the gavel was turned over by Mr. Hodson.
7. Mr. Shank asked if everyone had the chance to read the minutes of the previous meeting. Mr. Tiffany reminded them they needed to address the vacancy of the secretary position. Mr. Shank asked if there was a volunteer on the Commission to be secretary and responsible for the minutes, not necessarily taking them but to make sure they are correct and will be the go-to person to get copies out when requested. Mrs. Gallagher stated that she would take the responsibility of making them available to the public, but will not transcribe the minutes.

A motion was made by Mr. Folkerth to accept Mrs. Gallagher as the Secretary for the Commission which was seconded by Ms. Hummel. Mr. Shank asked if there was any discussion. Mr. Schwegman asked what the official position needed to be called; Mr. Tiffany said there is no official name. Discussion was made that Ms. Gallagher would not be transcribing the minutes, but would be the Keeper of the Minutes. It was further discussed that the records could be electronic, but must be able to be reproduced in hard copy form. Mr. Tiffany let the Commission know the recording from this evening was not necessarily an official record. Roll was called with the vote being as follows:

Ms. Hummel – yes
Mr. Frantz – yes
Mr. Berry – yes
Ms. Hellmann – yes
Mrs. Gallagher – yes
Mr. Schwegman – yes
Mr. Folkerth – yes

**Bellbrook-Sugarcreek Merger Commission Meeting Minutes
December 11, 2008**

Mr. Shank - yes

8. Mr. Tiffany made a point of clarification regarding the co-chair position. One person, even though there are co-chairs, needs to chair each meeting.
9. Mr. Shank asked if everyone had a chance to read the minutes from the last meeting or would they like to have them read out loud and then they could be accepted. Mr. Shank asked for any volunteers to read the minutes. Mr. Tiffany stated that the other option was to defer to the next meeting. This was agreed. Mr. Frantz voted they table approving the minutes of the first meeting from December 4th until the next meeting. At that point they'll have the minutes from this meeting and both sets could be approved. Mr. Shank asked if there was a motion on the floor to dispense with the reading of the minutes tonight and postponing it to the next meeting. Ms. Gallagher made the motion and Mr. Folkerth seconded it. Discussion? Where will the minutes be posted so the community could have a chance to read them? Mr. Tiffany stated they were on the Township website currently and we would get them on the City website too. It was requested to have a paper copy available at the City building and the Township. Until the minutes are approved, they need to specify they are drafts. Roll was called with the results being as follows:

Ms. Hummel – yes
Mr. Frantz – yes
Mr. Berry – yes
Ms. Hellmann – yes
Mrs. Gallagher – yes
Mr. Schwegman – yes
Mr. Folkerth – yes
Mr. Shank – yes

Clarification was made that the minutes of the meeting will be posted on the City of Bellbrook website, Sugarcreek Township website and MergerStudy.com website. The City of Bellbrook will maintain a hard copy as well as Sugarcreek Township.

10. Discussion was made regarding the location of where to post the date and time of future meetings and who was responsible to notify the public. Ms. Gallagher stated the City and Township generally do a one time posting of the meeting dates with the newspapers and public. Mr. Schieman was recognized and discussed the MergerStudy.com website. Mr. Schieman reinforced that while he owns the domain for this website, he is offering the website to the Merger Commission to use exclusively while the merger commission is intact. The Merger Commission will be 100% in control of the website and can post meeting notices, minutes, and much more to this website. Mrs. Hellmann agreed that they need an official spot for all information. Mr. Frantz agreed that they need a non-political site. If the minutes are listed on the City or Township websites it may be felt that the City or Township approves what the Commission decides. Mr. Schwegman asked Mr. Schieman to stay where he was; however, he wanted to clarify something as he thought the motion on the table was how to notify the public of a meeting, what is the minimum required? That is the issue on the table that needs resolved first. Mr. Shank agreed that this was part of the discussion. Mr. Shank recognized Mr. Tiffany. Mr. Tiffany addressed the website issue, he agreed it was a

Bellbrook-Sugarcreek Merger Commission Meeting Minutes
December 11, 2008

good idea the Commission keeps the public records on their own website and the Township can put a link on their website to it. The documentation handed out last week went over the minimum requirements for informing the public of future meetings. If you set your calendar for the year and give that notice during the meeting, having it in the minutes should suffice. If there are any extra meetings, you will need to notify the press, usually by a fax. A phone call can be made; however, it's not as traceable. This is the job of the Secretary. You will need to give a minimum of 24 hours notice prior to the meeting. A record should be kept that the press received the fax. There are no other posting requirements. Mr. Schwegman started formulating a motion to notify the press of all planned and scheduled meetings and that if we decide to take over a website; then we will post notification of meetings on the website and other City and Township communications. Mike Shank requested that it be amended to all meetings; that would cover both scheduled and special. Mr. Tiffany suggested that the motion read something to the effect that the committee will serve notice on the people in compliance with the laws as required and through other means will encourage participation at the meeting. Mr. Shank asked if there was any further discussion. There was none. Mr. Shank asked if there was a motion. Mr. Schwegman made a motion that the Merger Committee will serve notice of all meetings in accordance with Ohio State law and encourage additional notification in advance of such meetings such as use of a website, channel 5, and other media. Mr. Berry seconded the motion. Discussion: Mr. Folkerth asked if a motion was needed as it is state law. Mr. Shank stated that you had to serve notice to the public. Mr. Tiffany read from the Open Meetings paperwork that was handed out at the previous meeting. Mr. Schwegman amended the motion to read: the Merger Committee will serve notice of all meetings in accordance with Ohio State law and encourage additional modes of notification in advance using other media and also provide notification to any person who has requested reasonable advance notification. Mr. Berry did not concur with the amended motion. The motion died for lack of a second. Discussion: How notification would be served to those requesting a mailed notification and establishing a reasonable fee. Mr. Folkerth stated we should try to keep it simplified. Perhaps have a motion stating we will meet the minimum requirements of the state law but also make sure the public is properly notified. Mr. Shank agreed with making the motion as simple as possible. Mr. Tiffany stated that the newspaper is an accepted form of notifying the public, but emphasized that if someone in the public makes a request to receive advance notification, you need to serve them with that notification by either mail, fax, phone call or go to their door. Mr. Berry stated that this is why we should have a cost associated with mailing out notifications. Mr. Shank stated the original motion is still on the floor unless the second wishes to withdraw or the person making the motion withdraws it. Mr. Schwegman asked to withdraw the motion and Mr. Berry, who previously seconded the motion, concurred. Mr. Shank asked if there was a new motion. Mr. Shank stated that the chair would entertain a motion if somebody would like to move, that the Commission will serve general notice in accordance with the Ohio State law and that when requested for individual notification, will notify by e-mail, fax, phone or postal mail if supplied with a self-addressed stamped envelope for a small handling fee to cover the cost of producing the hard copy, we will furnish to the public. The fee will have to be determined according to what is reasonable. Mr. Schwegman felt that we shouldn't have a cost for the paper. Mrs. Gallagher moved to accept the motion and Mrs. Hellmann seconded the motion. Discussion: Mr. Tiffany stated that they would need to assign a fee. Mrs. Hellmann asked if we could amend the motion to state all meetings. Mrs.

**Bellbrook-Sugarcreek Merger Commission Meeting Minutes
December 11, 2008**

Gallagher amended it to read notification of all meetings, which was agreed. The motion on the floor states the Commission will serve general notice and meeting notification in accordance with Ohio State law and supply individual notification when requested by e-mail, fax, phone or postal mail when supplied with a self-addressed stamped envelope for each required notification and accompanied with a small fee to cover costs. Roll was called with the results being as follows:

Ms. Hummel – yes
Mr. Frantz – yes
Mr. Berry – yes
Ms. Hellmann – yes
Mrs. Gallagher – yes
Mr. Schwegman – yes
Mr. Folkerth – yes
Mr. Shank – yes

11. The Commission was offered the exclusive use of the merger study website; this was offered by Bill Schieman and Denny Bennett. Mr. Shank asked if there was a motion to accept their offer. Mrs. Gallagher moved to accept the motion and Mr. Schwegman seconded the motion. The motion on the floor is to accept the offer, take ownership, or use the website offered as the Commissions official website. Discussion: Mr. Folkerth asked what kind of costs would be incurred. Mr. Schieman stated that right now it is paid for. He will look into it, but it should be zero or minimal. The cost of the postings will be free. Ms. Hummel offered to the Commission that she will be the point person to collect information for the website, get it to Mr. Bennett, make sure it is current, will work with Ms. Gallagher to make sure the minutes get there. Mr. Frantz asked for clarification on whether or not we need to assume ownership of the website. Mr. Schieman stated they can transfer the domain to the Commission with the understanding ownership would be temporary. Mr. Folkerth agreed with Mr. Frantz and asked if we should give something of value so that it is owned by the Commission, perhaps a dollar. Mr. Tiffany suggested that on a temporary basis they take ownership for a time of two years, until January 2011, for a dollar total, some nominal amount so it is a clean transaction. Some type of document will be needed to state how this will be done and that control of the website will lay with the Commission. Mr. Bennett was recognized and stated he can assign a name to the domain. He suggested putting the co-chairs down on the domain name as co-chairpersons of the Merger Commission. This is just to assign ownership of the website. Mr. Shank suggested the Commission lease it from Mr. Schieman. Mr. Schieman will send a proposal and it can be addressed at the next meeting. Mrs. Gallagher amended her previous motion to say the Commission is going to lease the website for one dollar for two years until January 2011. Mr. Schwegman seconded this amended motion. The motion on the floor is to lease the website mergerstudy.com for one dollar lease fee for the term until January 2011. Roll was called with the results being as follows:

Ms. Hummel – yes
Mr. Frantz – yes
Mr. Berry – yes
Ms. Hellmann – yes
Mrs. Gallagher – yes
Mr. Schwegman – yes

**Bellbrook-Sugarcreek Merger Commission Meeting Minutes
December 11, 2008**

Mr. Folkerth – yes
Mr. Shank – yes

12. There was some discussion regarding when and where to hold the future Merger Commission meetings. The decision was made that the first three meetings for 2009 would be held on January 7, 2009, February 4, 2009 and March 4, 2009. The meetings will begin at 7:00 pm and be held at the Sugarcreek Township Administration Building
13. Mr. Tiffany requested the committee appoint one or two people to a Rules Committee. He would be happy to spend some time with them over the next couple weeks to establish some rules for the board to consider. Mr. Shank agreed that rules need to be set by the Commission. As chairpersons, Mr. Shank feels that he and Mrs. Gallagher should be present.
14. Mrs. Gallagher asked to discuss rules for public comment. She feels public comment is important, but there need to be restrictions on public comments. It needs to be limited by time, not repeating the same topic over again, if someone does not respect the rules they would be asked to sit down or if it got out of hand to remove them from the meeting. Mr. Schwegman asked if she meant anyone in the public be allowed to stand up for 3-5 minutes, have their say at the podium and sit down. Mrs. Gallagher said yes. Mr. Shank feels any comments from the public should be directed at the Commission. Mrs. Hellmann agrees we need to hear from the public and that it should be limited. Mr. Shank suggested residents could also write to the Commission and it could be read during a meeting and addressed. Mrs. Hellmann feels everyone that gets up, whether it's pro or con, has a point to make. As a commissioner, she wants to hear the point because it helps when looking at the study that will be done to determine whether all areas are being addressed. Mr. Schwegman stated it all comes down to the chair to control it. Sometimes a public discussion is good and you learn things that are valuable. Ultimately it is up to the chair if more time needs to be given to the individual. Ms. Hummel moved the Commission have public discussion rules as specified by Mrs. Gallagher with a time limit of three minutes and all "those other things". Mr. Shank asked for something more official than "all those other things". Mrs. Gallagher stated that the time limit for public discussion is three minutes unless it becomes repetitive, we have several people get up on the same subject and they are saying the same thing. Linda added this could be at the discretion of the Chair. Mrs. Gallagher stated it will be timed and the person needs to respect it's going to be timed and if they are notified that their time is up they need to respect that. If that does not happen the person can be asked to sit down or worst case scenario, leave the meeting. The motion reads that public discussion will be held at the end of the meeting and limited to three minutes per person with the discretion of the chair to limit repetitive comment. Discussion: Mrs. Hellmann seconded the motion. Mrs. Hellmann asked who would be the time keeper. It was determined that at future meetings Mrs. Gallagher would keep the time, but Mr. Tiffany would assist at this meeting. Roll was called with the results being as follows:

Ms. Hummel – yes
Mr. Frantz – yes
Mr. Berry – yes
Ms. Hellmann – yes

**Bellbrook-Sugarcreek Merger Commission Meeting Minutes
December 11, 2008**

Mrs. Gallagher – yes
Mr. Schwegman – yes
Mr. Folkerth – yes
Mr. Shank – yes

15. Mr. Shank recognized Mr. Schieman to address the Commission. Mr. Schieman had further information regarding the University of Toledo and Miami University regarding merger studies. Miami University, Dr. Russo, is totally booked until fall of 2009. Dr. Hinton, University of Toledo, is available to do the work. Dr. Hinton sent a letter to the Township letting them know he is available. Mr. Schieman asked that the Township copy the letter for the Commission. Mr. Schieman suggested Dr. Hinton be invited down to meet with the Commission and present you with further information in what you are looking for in a merger study. Mrs. Hellmann asked if completed studies were available to the public so the Commission would have an opportunity to look at the methodology. Mr. Schieman has them in his personal library and will produce copies for the Commission. Mr. Schlagheck stated that the merger study completed for the City of Centerville and Washington Township is probably still on the Centerville and Washington Township website. He also suggested that since they just did the study in Centerville and Washington Township the Commission talk to the people from those jurisdictions to get their input about Dr. Hinton and the whole process they went through. They can give you input prior to hiring a consultant. Mr. Shank asked about the individual Mrs. Gallagher mentioned at the last meeting who had knowledge about merger studies. The individual was Sam Staley and Mr. Schieman gave further information on Mr. Staley's background. Mr. Staley told Mr. Schieman that he would like to come before the Commission and give them a presentation about what he knows and what he has learned about the processes. Mr. Schwegman asked if we should invite Dr. Hinton to the next meeting. Mrs. Hellmann was concerned about the Commission being prepared to have him at that time. Mrs. Gallagher agreed with Mr. Schwegman about giving us a presentation at the next meeting and mentioned that if the Commission were able to look at a couple of merger studies previously done they would be prepared enough for the meeting. The chair recognized Mr. Tiffany who stated that the Township responded to the letter received by the University of Toledo requesting him to prepare an estimate based on a conversation we had. I would suggest that Dr. Hinton deliver that to you in person and make his pitch. Mr. Tiffany stated that he would check Dr. Hinton's availability and get back with the Commission. Mrs. Hellmann asked if someone on the committee should be involved in the calls with Mr. Tiffany to take that shepherding over, be the liaison with Professor Hinton. Mr. Shank appreciated her volunteering. Mr. Shank stated that at this point they will check with Toledo and check their availability, then we'll schedule it at one of the regular meetings or if necessary a special meeting.
16. Mr. Shank proposed that they start the future meetings at 7:00 instead of 7:30 pm. Mr. Shank asked who would be informing the newspaper. Mrs. Gallagher stated she will talk to the webmaster about putting the upcoming dates and new time. Mrs. Gallagher will call Jodie Milburn. Mr. Tiffany stated that if you announce tonight that you will be having the next three meetings at 7:00 pm this will suffice. The next three meetings will be held at the Sugarcreek Township Administration building.

**Bellbrook-Sugarcreek Merger Commission Meeting Minutes
December 11, 2008**

17. Mrs. Hellmann asked who will be transcribing the minutes. Mr. Shank asked Mrs. Shroyer if she was going to help them out with this. Mrs. Shroyer stated she is prepared to do the minutes of this meeting, but none beyond that. There was discussion made about fees and contract work. Mr. Tiffany emphasized that doing the minutes is time consuming. Someone who is retired would be good. Mrs. Gallagher asked about Ms. Mohme doing the minutes; however, Mr. Tiffany stated that while she could do them she too is very busy. Mrs. Hellmann asked about someone from the City and Mr. Schlagheck stated the clerk of council might be interested in doing it part time, but only if there was a recording and she was not required to attend the meetings. Mr. Schwegman stated that no matter who does it, a fee will be involved. Mrs. Hummel feels the individual should be present at the meetings. Mr. Shank asked if someone was willing to look into finding someone. Mr. Tiffany stated that everybody should ask around. Mr. Tiffany stated he would be the point person for each of the members to contact by Friday, December 19th as to whether or not they found a transcriber. The transcriber will be expected to attend the meetings.

18. Mr. Shank opened discussion to the public.

Bill Schieman spoke about the Ohio Sunshine Laws and what was legal. He informed them they have the resources of the prosecutor's office they can utilize.

Mr. Jim Martin discussed that the merger itself was a highly emotional. He feels the Commission should be receptive to people putting their thoughts in writing. Mr. Shank stated anyone is welcome to write to the Commission. Furthermore, Mr. Martin stated that fortunately or unfortunately the cost is immaterial. According to the code he read, whatever the Commission decided to spend, the two jurisdictions would have to pay.

Mr. Shank asked if there were any further questions. There were none.

19. Mrs. Gallagher made a motion to adjourn which was seconded by Mr. Folkerth. Roll was called with the results being as follows:

Ms. Hummel – yes
Mr. Frantz – yes
Mr. Berry – yes
Ms. Hellmann – yes
Mrs. Gallagher – yes
Mr. Schwegman – yes
Mr. Folkerth – yes
Mr. Shank – yes

The meeting was adjourned by Mr. Shank at 10:00 pm.