

The Board of Clark County Commissioners met in regular session pursuant to adjournment in accordance with Section 121.22 O.R.C. (Sunshine Law) at the County Offices/Municipal Court Building, 50 E. Columbia Street, Springfield, Ohio.

The following members and guests were present: Commissioner Richard L. Lohnes; Commissioner John Detrick; Commissioner David Hartley; Nathan Kennedy, County Administrator; Megan Lokai, Clerk; Tiffany Latta, Springfield News Sun; Don Smith; Joe McMahon, Collaborative Processes; Tom Loftis; Alice Godsey, Solid Waste District/Utilities Department Director; Allan Neimayer, Community Development Director; Chris Martin, liaison for Representative Boehner's Office; Thad Townsend, Assistant County Prosecutor.

Commissioner Lohnes called the meeting to order and introductions were made.

Tremont City Barrel Fill:

Joe McMahon, Collaborative Processes, spoke about the Tremont City Barrel Site. He was based in Denver, Colorado. He was a consultant for the EPA. His normal work was mediation. He was working with the EPA on two other clean up sites. He was a lawyer and formal civil engineer. The EPA asked that he conduct interviews for a site assessment. He asked for feedback from the Commissioners. Mr. McMahon stated he has been meeting with various groups of people. Commissioner Lohnes said they were up to speed on the issues. His first exposure to the issue was the meeting at Northwestern High School. There had been a plan to clean up barrel fill 4a but nothing happened. Then everyone was briefed that night that an alternative plan 9a had replaced 4a. The difference was millions of dollars between the plans. The procedures in 9a would not remove everything. They diagramed the site and what was and wasn't compliant. At that time no one in the meeting including the Ohio EPA agreed with the US EPA. There was a period for public comment but that was the last he has heard about it. Commissioner Lohnes was not in support of the new 9a.

Commissioner Hartley said he became aware of it 30 years ago and was lied to about what was buried out there. He was told they were burying shampoo and toothpaste. 4a was the only acceptable option. He didn't see any reason to dig up the site and rebury it. He knew it would save them money but it was not a good idea to start with. The site was located within the aquifer that runs all the way down to Cincinnati. If the waste gets left there at some point it will become a real problem. It was the most valuable water supply. Why would anyone want to screw it up?

Mr. Kennedy asked if he was a solo practitioner. Mr. McMahon replied he was and this was one of his assignments. He doesn't speak for the EPA. He was paid by Region 5 however he was not their legal counsel. Commissioner Hartley felt the only reason for him being present was to get the Board to agree to 9a. Commissioner Detrick reiterated what Commissioner Hartley said. The aquifer was the largest in the world and was located two miles east of the landfill. It could impact 10 million people if it leaked into the aquifer. It was the major resource. When Lake Erie and the Colorado River are gone Clark County will still have water. It glows at night due to methane gas. Commissioner Detrick offered to take him on to the site after the meeting. He further explained methane gas comes out 25 years after a landfill is closed. Currently it is being captured and being sent to International Harvester. Mr. McMahon asked about the risk of the site. Commissioner Hartley thought the EPA viewed it as a risk originally but were persuaded to change their mind after they found out the money it would cost. The EPA had already approved 4a and 9a was a late change. The EPA brought up the cost was \$55 million. The modified plan was to wedge around the barrel fill instead of removing the waste. Commissioner Lohnes said at the meeting at Northwestern within 30 minutes he and everyone else that attended were angry. The "why" they changed the plan was not discussed. It was easy to see it was dollars. Commissioner Lohnes said there has been no communication from the EPA since that meeting. Many letters have been sent to senators and representatives. Some of which were hand delivered when they would come to town to visit. Commissioner Hartley noted Mr. McMahon was meeting with Charlie Patterson the Health Commissioner. Mr. Patterson represents the county's view point very well. Commissioner Detrick said the well fields were about 12 miles from the landfill. They can pump 3,000 gallons of water per minute. It was so pure that Reiter bottles it and sells it. Commissioner Hartley said he was at a meeting in the late 1980s about the drought. The City of Springfield tried to put watering restrictions in place but couldn't because there was plenty of water. Instead they did volunteer watering restrictions. The barrel fill will eventually destroy this great water source. Mr. McMahon asked if there was some way to discuss this

with the EPA who needed to be there. Commissioner Hartley gave some suggestions of people that should attend. People would welcome direct discussion with the EPA. Commissioner Lohnes noted the number of yard signs he sees all over the county. Commissioner Detrick said Mr. McMahon would be received positively.

Chris Martin represented Representative Boehner's office and joined the meeting. Mr. Martin said they were at the German Township meeting last night. Mr. McMahon said they have technical issues. Commissioner Hartley said most people were upset that a decision was made and then it was changed without other people being involved. There was no local involvement and the Ohio EPA was not involved. Mr. McMahon understood that the problem was a misunderstanding with the EPA. Mr. Kennedy said there were not any misunderstandings. Mr. Kennedy asked how the US EPA figure in their cost benefits analysis that this was cheaper in the long run. The US EPA was focusing on the short term costs not long term. The question was when it will start leaking into the aquifer. If the City of Springfield had to recreate the water system it would be horrendously expensive.

Solid Waste District Annual Report:

Alice Godsey, Solid Waste District Director, presented the annual report. See attached. There will be five waste events over the year. Ms. Godsey listed the dates. They charge a dollar a pound. It was a benefit for the residents. The Board had no questions. Ms. Godsey added there was a resolution on the agenda for the board to adopt and accept this. Mr. Kennedy said there was a question about the contract with Moody's. Ms. Godsey explained the clean the well, do a flow test, etc. Over time the lime scale can attach to the screen and reduce the pumping ability. The cleaning needs to be done every 5-10 years.

Commissioner Hartley said the transfer station people were being taken around to various properties to try to find a new location. They were still pushing forward if they can find a place.

Agriculture (Ag) Building Discussion: Mr. Kennedy said the original plan was to amend the lease with CIC as departments relocated from the Ag Building to Springview. Eventually the CIC would lease the entire building. The Springview Renovations Phase II was almost complete. There were no major problems that would up the completion. Since the last time this issue was discussed Konecranes came to CIC and wanted to purchase the building. Mr. Kennedy had an appraisal from Emit L. Ford, an opinion of value from Bill Waddle and the Auditor's Office appraisal. Tom Loftis has also provided a statement of value. Each one of the appraisals came back different. The Auditor was around \$1.3 million. Mr. Waddles was around \$700,000. Mr. Kennedy explained if two Commissioners wanted to go forward it would need to be bid out. If they choose to do a "lease to purchase" option it wasn't clear if it was legal. Mr. Kennedy had an informal opinion that said it was ok to do the "lease to purchase" but there was not unambiguous case law that allowed the Board to do so. The authority was only implied. Mr. Kennedy stressed the Board did not have express authority to "lease to purchase". Commissioner Lohnes wanted to know if the above was to change the lease or do anything further. Mr. Kennedy said it would be at any given time. Mr. Townsend, Assistant County Prosecutor, said it would be a reasonable interpretation but it was not the same as clear language. Mr. Kennedy said the Board needed to decide how much they would accept as the bottom dollar. Commissioner Detrick stated the research had been done and there were three considerations. The fact Konecranes was already in the building he wanted to turn the building over to them. It would save the tax payers money. Mr. Loftis appraised the building at approximately \$750,000. Mr. Loftis was not a certified appraiser.

Mr. Loftis spoke to the Board and stated he had no vested interest in the project. About a week ago Mr. McDorman asked for a review of the appraisals and an opinion of value. In his opinion Mr. Ford did a very good job. Mr. Waddle's appeared to take a market approach. The market approach was not good for investment properties. Mr. Loftis took the income approach and appraised it at \$800,000-920,000. It was 6.5-7% from Mr. Ford's estimate. Commissioner Detrick noted the common areas which were a problem in the building. The space could not be leased at market rent. Commissioner Lohnes said one tenant would pay for the common areas as well. Commissioner Detrick thought Mr. Loftis did an analytical job. Mr. Ford did a good job too. There were no taxes available on the property. It would cost approximately \$19,000 a year based on the \$1.37 million value. Commissioner Detrick shared the cost history on Springview. See attached. Commissioner Hartley noted the county paid two dollars for the building. Commissioner Hartley agreed with

the \$1.37 million appraised by the County Auditor. Commissioner Lohnes said no one will loan money on the Auditor's appraisal.

Commissioner Lohnes explained he did not factor in the lower appraisal number. He first took the average of the three appraisals and did not include the Auditor's appraisal which was \$792,758. Then he factored in the Auditor's appraisal which averaged at \$853,911. \$53,748 was already received from Konecranes. Commissioner Lohnes supported the "lease to own" and supported the building value of \$800,000. Commissioner Detrick asked if he factored in the improvements they made to the building. Commissioner Lohnes said no because they did that on their own accord. He did not take into account the grant received for Springview or the heating and air upgrades. He could not support less than \$800,000.

Commissioner Detrick did not want the building if Konecranes decided to move out at the end of the lease. He supported the value of \$750,000. Commissioner Hartley stated he supported \$1.37 million. Commissioner Detrick said he would compromise with a caveat of \$25,000 if it came down to it. He wanted to get rid of the building. Commissioner Detrick was ok with \$775,000 or \$800,000. Commissioner Lohnes was steady with \$800,000 and would not come down to \$775,000. They have not paid any taxes on the building. Commissioner Detrick decided to agree at \$800,000. The \$800,000 has to be spread out over the remaining lease. The regular payments will go towards the purchase price.

Agenda Review:

Commissioner Detrick asked about the following resolutions:

Resolution 2014-0266: He asked how long the Spangler Road Bridge would be closed. Mr. Kennedy explained it was not yet bid out.

Resolution 2014-0267: He asked how it compared with last year's bid. Mr. Kennedy did not know off hand.

Resolution 2014-0271: Commissioner Detrick said it was good recycling and the info was on GovDeals.

Resolution 2014-0272 authorized the purchase of a truck for the Engineer's Office. He asked if it should be bid. Mr. Kennedy said no the bid limit was \$50,000.

Commissioner Hartley asked about the following resolutions:

Resolution 2014-0269 authorized amended certificate #3. The \$77,220 was for the sirens grant. It was not additional funds from the general fund.

Commissioner Hartley pointed out the public hearing on Resolution 2014-0277.

The Board recessed until 10:00.

Call to Order, Commission President Lohnes

Resolution 2014-0264

Following the pledge and invocation, Commissioner Hartley moved to approve the minutes of the last meeting and dispense with reading of the same. Commissioner Detrick seconded the motion. The roll being called for passage resulted as follows:

Commissioner Hartley, Yes; Commissioner Detrick, Yes; Commissioner Lohnes, Yes

The motion carried.

Commissioner Hartley moved to approve the agenda in its entirety excluding resolution 2014-0277. Commissioner Detrick seconded the motion. The roll being called for passage resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

The motion carried.

The Board held the public hearing.

Commissioner Hartley moved to approve rezoning case Z-2014-03 as presented.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Hartley, Yes; Commissioner Detrick, Yes; Commissioner Lohnes, Yes

The motion carried.

Resolution 2014-0265

Authorize Contract with Moody's of Dayton, Inc.

Commissioner Hartley moved, per the request of the Utilities Department Director, to authorize a contract with:

Organization Name: Moody's of Dayton, Inc.
Organization Address: 4359 Infirmary Road, Miamisburg, Ohio 45342-1231
In the amount of: \$11,400.00
Funding Source(s): General Water Fund
Purpose: Rehabilitate Well #1 at the Park Layne Well Field
Effective Dates: April 9, 2014

Further move to authorize the County Administrator to execute the contract and related documents.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0266

Authorize Amendment No. 1 to Agreement with the Ohio Department of Transportation (ODOT) for LPA Agreement No. 25714 for CLA Spangler Road Bridge (PID 94801)

Commissioner Hartley moved, per the request of the Deputy Engineer, to authorize amendment to an existing agreement:

Agreement With: Ohio Department of Transportation

Amend SECTION 3, to reflect a revised project estimated amount, addition of federal funds, and the addition of credit bridge funds.

3. FUNDING

- 3.1 The total cost for the PROJECT is estimated to be \$450,000 as set forth in Attachment 1. ODOT shall provide to the LPA 80 percent of the eligible costs, up to a maximum of \$360,000 in 4TA7 funds, and shall provide to the LPA 20 percent, up to a maximum of \$90,000 in Credit Bridge funds. This maximum amount reflects the funding limit for the PROJECT set by the applicable Program Manager.

Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the actual construction of the transportation project improvements.

- 3.2 The LPA shall provide all other financial resources necessary to fully complete the PROJECT, including all cost overruns and contractor claims.

SECTION 15.9 - Signatures

This section is amended to acknowledge the changes were made to Section 3, Funding.

- 15.9 *Signatures:* Any person executing this Agreement in a representative capacity hereby represents that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

Identification: LPA Agreement #25714
CLA Spangler Road Bridge
PID 94801

Further move to authorize the County Administrator to execute the amendment and related documents.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0267

**Acknowledge Bids Received for
Asphalt Concrete, Asphalt Emulsion and Fog Seal Emulsion**

Commissioner Hartley moved, per the request of the County Engineer, to acknowledge the following bids:

Bidder	301 per ton	404 per ton	402 per ton	407 per gal	408 per gal	Fog Seal	Emulsion
A&B Asphalt	\$65.50	\$66.50	\$65.50	\$6.00	\$6.30	NA	NA
Asphalt Materials	NA	NA	NA	NA	NA	\$1.5013	\$2.1864
Barrett Paving Materials	\$69.00	\$70.00	\$69.00	NA	NA	NA	NA
POC	NA	NA	NA	\$1.90	\$3.65	\$1.50	NA
Shelly Materials	\$52.50	\$61.50	\$53.50	NA	NA	NA	NA
Terry Asphalt Materials	NA	NA	NA	NA	NA	\$1.4219	\$2.2119
The Klink Group of Co.	NA	NA	NA	NA	NA	\$1.6825	\$2.1325

Further move to refer to reject all bids received for Asphalt Emulsion, award all bids received for asphalt concrete, and award bid to Terry Asphalt Materials for fog seal emulsion and authorize the County Administrator to execute contracts and related documents accordingly.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0268

Instruct Clerk to Advertise for Request for Bids for Unit Price Asphalt Emulsion Rebid

Commissioner Hartley moved, to instruct the Commission Clerk to advertise for bids for the Unit Price Asphalt Emulsion Rebid. Said bids will be opened in public session on Thursday, April 24, 2014 at approximately 10:00 A.M., 5th Floor, County Offices/Municipal Courts Building, 50 East Columbia Street, Springfield, Ohio 45502. It is noted that bids are due in the County Commission office at the above address no later than 10:00 A.M. on Thursday, April 24, 2014.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0269

Authorize Amended Certificate #3 and Appropriate Funds

Commissioner Hartley moved, upon the recommendation of the County Administrator, to authorize Amended Certificate #3 and appropriate funds.

Fund	Department	Account	Amount
GENERAL FUND (0100-181)	EMA	OPERATING EXP	77,220.50
FEMA FUND (0255-181)	EMA	OPERATING EXP	141,525.00
COMM BASED PROSECUTION (0289)	PROSECUTOR	PERSONNEL & FRINGES	64,220.00
POLICING ROTARY FUND (0620)	SHERIFF	PERSONNEL & FRINGES	86,977.00
POLICING ROTARY FUND (0620)	SHERIFF	OPERATING EXP	12,487.00
WORKERS COMP PREM FUND (0916-190)	PERSONNEL	PERSONNEL & FRINGES	45,298.27
WCCCF FUND (1370)	WCCCF	OPERATING EXP	60,107.65
		Total	487,835.42

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0270

Approve Payment to Clark County Sheriff's Office and City of Springfield

Commissioner Hartley moved, per request of the 9-1-1 Coordinator, to approve the following payment:

Payment to: Clark County Sheriff's Office
Address: 120 N. Fountain Ave. Springfield, Ohio

Services: Distribution of funds received from the Wireless 9-1-1 Government Assistance Fund Pursuant to the Clark County Final 9-1-1 Plan Wireless Amendment, and the Board of Clark County Commissioners Resolution 861-07 dated 10/9/07. (February 2014 received 3/31/14)

Funding Source(s): State Treasurer's 9-1-1 Government Assistance Fund

Amount: \$5,024.01

Payment to: City of Springfield

Address: 76 E. High St. Springfield, Ohio

Services: Distribution of funds received from the Wireless 9-1-1 Government Assistance Fund Pursuant to the Clark County Final 9-1-1 Plan Wireless Amendment, and the Board of Clark County Commissioners Resolution 861-07 dated 10/9/07. (February 2014 received 3/31/14)

Funding Source(s): State Treasurer's 9-1-1 Government Assistance Fund

Amount: \$7,536.02

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0271

Authorize Disposal of Obsolete Equipment

Commissioner Hartley moved, per the request of the Deputy Engineer, to dispose of the following property through an online auction for 15 calendar days pursuant to Ohio Revised Code Section 307-12-(I):

2001 Dodge Durango 4WD	VIN No. 1B4HS28N21F597334
1993 Ford F-250 XL Reg. Cab 2WD	VIN No. 1FTEF25N9PLA93145
1990 Chevrolet C/K 2500 Reg. Cab 8-ft. Bed 2WD	VIN No. 1GCFC24H4LE238499
1992 Chevrolet C/K 2500 Reg. Cab 8-ft. Bed 2WD	VIN No. 1GCFC24H5NE116186
1992 Chevrolet C/K 2500 Reg. Cab 8-ft. Bed 2WD	VIN No. 1GCFC24HXNE118841

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0272

Authorize Purchase of Vehicle for County Engineer's Department

Commissioner Hartley moved, per the request of the County Engineer, to authorize the purchase of a 2015 GMC 2500 Pickup Truck from Foreman-Blair for a cost of \$32,085.65 to be paid for with M.V. & G.T. funds. This purchase is necessary due to replacement of supervisor vehicle.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0274

Approve 2013 Annual Report for Clark County Solid Waste District

Commissioner Hartley moved, per request of the Solid Waste District Director, to receive and approve the 2013 Annual Report including 2013 implementation of the 2013-2027 Ratified Solid Waste Management Plan.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0275

Acknowledge Treasurer's Investment Report(s)

Commissioner Hartley moved to acknowledge the receipt of the Treasurer's February 28, 2014 Investment Report(s).

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0276

Approve Travel/Expense Allowance

Commissioner Hartley moved, per request of the following Department Director(s) or Elected Official(s) to approve the following travel allowances.

Dept.	Name	Purpose	Place	Date	Cost
Commission	M. Lokai	Sunshine Law Trng.	Fairborn, OH	4/17/14	\$ 20.00
Comm. Dev.	D. Fleck	OCCD Seminar/Conf.	Columbus, OH	4/22-24/14	\$ 90.00
Comm Pleas	T. Capper	Judges Assoc. Conf.	Dayton, OH	6/18-20/14	\$ 295.00
Engineer	A. Ashbaugh	ACI Concrete	Columbus, OH	4/2-3/14	\$ 224.00
		Field Testing Course			
Personnel	M. Noble, N. Baker	Sunshine Law Tng	Fairborn, OH	4/17/14	\$ 20.00
Personnel	M. Noble, N. Baker	Anthem Wellness	Dublin, OH	5/13/14	\$ 55.00
Utilities	R. Mauk, K. Oster	AWWA Utility Expo	Wilmington, OH	4/8/14	\$ 30.00
	M. Robert				
Utilities	S. Lough, D. Patton	Alloway's Training Seminar	Marion, OH	4/9,17,23/14	\$ 87.00
*Veterans	C. Wood, J. Bolen, J. Henderson	OSACVSO Spring School	Independence, OH	5/6-9/14	\$2,720.00

*Authorize use of county credit card.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0277

10:00 a.m. Public Hearing for Rezoning Case Z-2014-03 filed by Larry & Alicia DeWitt in Moorefield Township

This is the date and time set by the Board of County Commissioners, Clark County, Ohio, to hold a public hearing on the proposed rezoning case Z-2014-03 being approximately 1.5 acres located at 180 Willow Road, Springfield to rezone from B-4 (Heavy Business District) to R-1 (Rural Residence District).

Public Hearing opened by the Commission President at 10:02 a.m.

Staff Report: Mr. Neimayer, Community Development Department, presented. See attached slides. The subject property was located at the intersection of Willow and Urbana Roads. He noted the surrounding

properties have been developed. It was currently zoned as B-4. The property was pending a sale and with current regulations the sale was not allowed for a non-conforming use. The property was originally zoned as Industrial. Mr. Neimayer gave the history of the property. In 1966 a zoning request was filed. It was zoned as A1 and the owner in requested to rezone to "M" for Manufacturing which is now Industrial. It was done as a Business District. There were two separate parcels so it left a split zoning. In May 1984 it went to a B3A and then February 1990 it was zoned B4 and the split zoning went away. The house was built in 1958. Most of the property's time has been zoned as business but has been used for residential. Staff recommended the request as presented. The property has never been redeveloped.

Audience Comments: None.

There being no one else in favor of or opposed to the proposed rezoning who wished to address the board, the Public Hearing was closed by the Commission President at 10:08 a.m.

Commissioner Hartley moved to approve rezoning case Z-2014-03 as presented.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Hartley, Yes; Commissioner Detrick, Yes; Commissioner Lohnes, Yes

Resolution 2014-0278

Commissioner Hartley moved to adjourn. Commissioner Detrick seconded the motion. The roll being called for passage resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

The motion carried.

BOARD OF CLARK COUNTY COMMISSIONERS

By: _____
Richard L. Lohnes, President

By: _____
John Detrick

I certify that the record is true and accurate:

Commission Clerk

By: _____
David Hartley