

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 Commission Office, 50 East Columbia Street, Springfield, Ohio.

The following members and guests were present: Commissioner Richard L. Lohnes; Commissioner Melanie Flax Wilt; Commissioner Lowell R. McGlothlin; Jenny Hutchinson, County Administrator; Michelle R. Noble, Assistant County Administrator/HR Director; Megan Burr, Commission Clerk; Michael Cooper, Clark County Public Information Officer; John Burr, County Engineer; Maureen Fagans and Joyce Wave, United Senior Services; Paul DeButy, County Engineer's Office; Ronald Jamison; Debra Jamison; Carol Conrad; Ron Davidson; Sylvia Davidson; Randall McCarty; Francis Hogue; Raymond Brentlinger; Michele Burns, Tecumseh Land Trust; Ken Lokai; Andrew Brentlinger; Bruce Carpenter; Chris Simpson & Jereme Best, Clark Soil and Water Conservation District; Tim Conrad; David Hoover; Bob Conner; Bob Conner Sr.; John Burgess; Tom Lagos; Matt Konjevich & Cory Kiser Enon Sand and Gravel; Greg Flax.

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

United Senior Services Levy Request:

Ms. Fagans requested a replacement levy of 1.5 mills. It would generate an additional \$1.4 million. 1 mill costs approximately \$34-35 a year per \$100,000. The 1.5 mills would cost about \$50 per year per \$100,000 of property valuation. See attached. They have seen an uptick with changes in Medicaid. The membership fees are \$15 a year to allow use of the facilities. Anyone can receive services regardless if they are a member.

The levy cycle was built to carry them through the long term. It will be three cycles since they have asked for a replacement levy. Ms. Fagans was informed this morning that there might be an issue putting this on the ballot so soon. She will consult her legal counsel for more details.

The goal is to hold the service delivery tight. They have slowly been adding seniors but they are not keeping up with demand. They have waiting lists for homemaker and respite care services. Transportation services book out four weeks in advance. The maximum senior services levy is five years. Last time it was on the ballot it passed by 74% and in every precinct.

Agenda Review:

Commissioner Wilt had no questions about the agenda. She noted Resolution 2018-0441 authorized a grant amendment for the Coroner to extend the database entry deadline. She felt it was important for information sharing across agencies. Hopefully this will help understand the cost of overdose deaths which will give insight for budgeting.

Commissioner McGlothlin reviewed the agenda and had no questions.

He was glad to see the North Hampton Road Bridge project and New Carlisle Pike Project. It will be a boom out in western Clark County. He asked if that was the total project cost. Mrs. Burr said no that was the OPWC portion of the project.

Commissioner Lohnes asked Ms. Noble to speak about Resolution 2018-0444. Ms. Noble explained this was the Civil Rights Action Plan for DJFS. They are required to have a plan in place for those who don't speak English as a primary language. They do not allow interpretation by children or family. Occasionally, it comes up.

Commissioner Wilt asked for the next meeting with the City to be scheduled and suggested the topic be "how Clark County can be viewed as a business friendly community". Mrs. Burr will work on scheduling.

Commissioner Wilt stressed she didn't want it to be a finger pointing session. It should be a time for everyone to come together and brainstorm what can be done better.

Discussion ensued.

Commissioner Lohnes noted a new program is coming out to reach out to veterans coming out of prison.

Mr. Cooper asked the Board about hosting an employee appreciation day. The Board agreed. He suggested the Friday before Labor Day. The Board agreed and set the time from 1-3. Staff can go home early after the event.

The Board recessed until 10:00.

Call to Order, Commission President Lohnes

Resolution 2018-0438

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

Commissioner McGlothlin, Yes; Commissioner Wilt, Yes; Commissioner Lohnes, Yes

The motion carried.

Commissioner Wilt moved to approve the agenda in its entirety with the exception of Resolution 2018-0447 (the public hearing resolution). Commissioner McGlothlin seconded the motion. The roll being called for passage resulted as follows:

Commissioner Wilt, Yes; Commissioner McGlothlin, Yes; Commissioner Lohnes, Yes

The motion carried.

The Board held the public hearing.

Resolution 2018-0439
TCCC file

**Authorize Contract with
Ohio Public Works Commission**

Commissioner Wilt moved, per the request of the Transportation Director, to authorize a contract with:

Organization Name:	Ohio Public Works Commission
Organization Address:	65 East State Street, Suite 312, Columbus, Ohio 43215
In the amount of:	\$65,000.00
Funding Source(s):	Ohio Public Works Commission
Purpose:	Authorize the Clark County-Springfield TCC to provide administrative services for the District 11 Public Works Integrating Committee.
Effective Dates:	July 1, 2018 through June 30, 2019

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

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

Commissioner Wilt, Yes; Commissioner McGlothlin, Yes; Commissioner Lohnes, Yes

Resolution 2018-0440
JFSC file

**Authorize Contract Amendment #2 with
Miami Valley Child Development Centers, Inc.**

Commissioner Wilt moved, per the request of the Department of Job and Family Services Director, to authorize contract amendment #2 with:

- Organization Name:** Miami Valley Child Development Centers, Inc.
- Organization Address:** 215 Horace Street, Dayton, Ohio 45402
- Amendment Amount:** \$37,200.00
- New Contract Amount:** \$74,400.00
- Funding Source(s):** Children’s Services Levy
- Purpose of Amendment:** To extend contract for an additional year and increase the value to provide Early Head Start program services to up to eight (8) children in the Family and Children Services caseload.
- Amendment Effective Date:** July 1, 2018
- Original Effective Dates:** July 1, 2017 – June 30, 2018
- New Effective Dates:** July 1, 2017 – June 30, 2019

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

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

Commissioner Wilt, Yes; Commissioner McGlothlin, Yes; Commissioner Lohnes, Yes

Resolution 2018-0441
CORG file

**Accept Grant Amendment #1 with
Ohio Department of Health**

Commissioner Wilt moved, per the request of the Coroner, to authorize grant amendment #1 with:

- Grantor:** Ohio Department of Health
- In the amount of:** \$15,000.00
- Purpose of Amendment:** To extend the deadline to August 31, 2018 for creating a database for case information.

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

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

Commissioner Wilt, Yes; Commissioner McGlothlin, Yes; Commissioner Lohnes, Yes

Resolution 2018-0442
ENGG file

**Accept Grant Agreement with
Ohio Public Works Commission CK22V – North Hampton Road Bridge No. 1255**

Commissioner Wilt moved, per the request of the County Engineer, to accept the following:

Grantor: Ohio Public Works Commission
Amount Funding: \$899,925.00
Purpose: North Hampton Road Bridge No. 1255
Effective Dates: July 1, 2018 through July 30, 2019

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

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

Commissioner Wilt, Yes; Commissioner McGlothlin, Yes; Commissioner Lohnes, Yes

**Resolution 2018-0443
ENGG file**

**Accept Grant Agreement with
Ohio Public Works Commission DKV07 – CLA CR 314-0.15 New Carlisle Pike Project**

Commissioner Wilt moved, per the request of the County Engineer, to accept the following:

Grantor: Ohio Public Works Commission
Amount Funding: \$224,000.00
Purpose: CLA CR 314-0.15 New Carlisle Pike Project (PID 104810)
Effective Dates: July 1, 2018 through July 30, 2019

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

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

Commissioner Wilt, Yes; Commissioner McGlothlin, Yes; Commissioner Lohnes, Yes

**Resolution 2018-0444
JFSP file**

**Adopt Job & Family Services Limited English Proficiency and
Civil Rights Plan**

Commissioner Wilt moved, per the request of the Job and Family Services Director, to adopt the following plan:

Plan Name: CCDJFS Limited English Proficiency and Civil Rights Plan
Purpose: Required by ODJFS
Effective Date: July 11, 2018

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

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

Commissioner Wilt, Yes; Commissioner McGlothlin, Yes; Commissioner Lohnes, Yes

Resolution 2018-0445
EMAP file

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

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

Payment to: Clark County Sheriff's Office
Address: 120 North Fountain Avenue, 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. (June 2018 payment received 7/2/18)
Funding Source(s): State Treasurer's 9-1-1 Government Assistance Fund
Amount: \$8,928.56

Payment to: City of Springfield
Address: 76 East High Street, 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. (June 2018 payment received 7/2/18)
Funding Source(s): State Treasurer's 9-1-1 Government Assistance Fund
Amount: \$13,392.85

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

Commissioner Wilt, Yes; Commissioner McGlothlin, Yes; Commissioner Lohnes, Yes

Resolution 2018-0446
FINT file

Approve Issuance of Warrants for Then and Now(s)

Commissioner Wilt moved, to approve the issuance of warrants for then and now(s) are as follows:

P.O. Number	Fund	Vendor	Date Purchase	Amount
180012429	General (Sheriff)	Columbus Radiology	3/6/2018	\$100.97
Reason: Used up remaining balance on previous blanket before receiving claim.				
180012429	General (Sheriff)	Columbus Radiology	3/6/2018	\$100.00
Reason: Used up remaining balance on previous blanket before receiving claim.				

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

Commissioner Wilt, Yes; Commissioner McGlothin, Yes; Commissioner Lohnes, Yes

Resolution 2018-0447

ENGD file

**10:00 a.m. Public Hearing for the
Ditch Petition filed by Robert Conner in Bethel Township**

This is the date and time set by the Board of County Commissioners, Clark County, Ohio, to hold a public hearing for a ditch petition received from Robert Conner requesting construction of a ditch, drain, waterway, tile or other improvement for the conveyance or control of water beginning on the property of Francis R. Hogue.

Public Hearing opened by the Commission President at 10:03 a.m.

Staff Report: County Engineer, John Burr, gave an overview of the proposed project. See attached maps. The current area drains into the pond currently. The proposal on the ditch is to intercept the water on Hogue's property. He prepared the estimate for the ditch. Commissioner Lohnes asked how many property owners would be affected by the ditch. Mr. Burr replied approximately 32 property owners. The watershed starts north of Lower Valley Pike. The ditch itself would be on the Hogue property.

Commissioner Lohnes said the Commissioners were out there before the Lower Valley Pike project which included ditch improvements. He asked what year Lower Valley Pike was completed. Mr. Burr said it was completed in 2015. He showed the overview of the flood plain.

Commissioner McGlothin asked if Mr. Hogue was in agreement to allow the ditch through his property. Mr. Burr said Mr. Hogue was in attendance and would let him answer that question.

Commissioner Lohnes heard there was a barn or some type of construction on the left corner that changed the water drainage years ago. Mr. Burr said there has been some work done out there in the past. The existing ditch looks like a millrace. There is a ditch and levy through there. Mr. Burr has spoken with people in the area and has gathered the millrace has existed for at least 70 years. The millrace crossed Bob Conner's property. A portion of it was filled in when the barn was built on Mr. Conner's property. Due to that Mr. Hogue excavated a ditch on his own that ran to Lower Valley Pike. It was not a county maintained ditch.

Commissioner Wilt asked if the current ditch was on county maintenance. Mr. Burr replied no.

Mr. Simpson, Clark Soil and Water, has met with the landowners and felt the main problem was the outlet. Drainage is only as good as the outlet.

Commissioner Wilt asked if the outlet was problematic. Mr. Simpson replied yes.

Audience Comments:

Randall McCarty, 875 Enon Road, asked Mr. Simpson since this will be a ditch for rushing water, will there be accessible watershed ditching done to pull off of large far field. Are they going to be forced to do that to accommodate? Mr. Simpson replied the ditch would be on Mr. Hogue's property. Mr. McCarty said there was a survey down Enon Road awhile back. Mr. Burr stated the county did not do a survey. This petition was to address this particular watershed. Mr. Simpson explained it was a conservation practice.

Commissioner Lohnes asked about the calculation. Mr. Burr explained when you shorten the travel time that could speed up the water at this location. The issue could be the intersection of the pipe at Lower Valley Pike.

David Hoover, 6736 Lower Valley Pike, said a tile was mentioned several times. Mr. Simpson said it would be subsurface drainage tile on each side of the ditch. Soil and Water reviews this from an agricultural perspective. Mr. Hoover said the ditch would go to the corner of his property. The tile diameter will be six to eight inches. The waterway itself will be 40 feet wide. The existing way would create less water in the roadway.

Tim Conrad, 6742 Lower Valley Pike, stated currently where the ditch flows it doesn't drain the entire watershed by itself. Mr. Conrad has water on his property too. Mr. Hogue's field acts as a great buffer but it still floods Mr. Conrad's bottom field. The water in his field rarely makes it to the ditch. He added the Lower Valley Pike ditch was engineered beautifully.

Greg Flax, agent for petitioner Mr. Conner, stated everyone was aware of the drainage problems on Lower Valley Pike. The ORC sets up a process that gives the Commissioners the authority to solve some of these problems. Otherwise, the Commissioners don't have the authority to go on to private property to fix the problem. Mr. Flax has been involved in this process in Miami and Auglaize counties. If the benefits outweigh the costs the Board is to grant it. It is an inexpensive proposal. They proposed a simple redirection of the water. See attached map that was submitted with the petition.

Commissioner Lohnes said the total cost for the proposed ditch was \$53,224 with \$20,000 estimated for right of way.

Mr. Flax pointed out on the map there are sub-watersheds that were color coded. Mr. Conner is taking all the water from all the water sheds. The County now has a culvert under Lower Valley Pike. This ditch will help Mr. Conner with his flooding problems. The County Engineer put together a simple waterway. The Auglaize County Engineer has said it never costs that much for right of way acquisition. Mr. Flax didn't feel right of way acquisition was necessary or appropriate. He asked that the Commissioners approve the ditch at this stage and then decide at a second hearing. The Board doesn't have to allocate costs to the far reaches of the watershed. They can allocate how they see fit. He noticed the Engineer's report did not have a qualitative answer. Mr. Flax suggested the benefits would exceed the costs.

Mr. Flax said Mr. Hogue will probably talk today. Something else Mr. Conner was willing to consider is working with him outside this process to make it happen.

Commissioner Lohnes asked about Mr. Burr's calculation that the water that would normally get there [to the ditch] would get there faster and in higher volume than if it went through the millrace. Mr. Burr said the proposed water way is shallower than the one that exists. Mr. Burr said this will split the water and take some directly south and the rest will flow southwest.

Mr. Flax didn't feel the Engineer's assumption on the increase in water speed is correct. Mr. Burr asked if that was based on his engineering degree. Mr. Flax laughed. Commissioner Wilt asked if Mr. Burr could calculate that. Mr. Burr used the map to clarify what he was talking about and re-explained his calculation. Commissioner Wilt had no further questions.

Mr. Conner said he is hit from two different directions from both watersheds. He has 4 acres. He built a subsurface mote to help. He diverted the mote into the field. The water got up in the woods behind him. There was more water than he could deal with. He has been communicating with the County Engineer about this since 1990. He is the low spot in the area. He worked with the county to find a way to get an outlet. There is an outlet on his property and the other side was blocked with trees. It was a mass amount of work for the money. At this point there were no neighbors across the field. In recent years, the far field wasn't farmed. It

was a natural deterrent. Now the field is farmed and all the chemicals drain on him. Even the ditch Mr. Hogue cut overflows on his property. It doesn't work 100% of the time. The road has flooded since 1990. There needs to be an alternate drainage solution. The neighbors across the road were damaged. There is no guarantee.

Commissioner McGlothlin asked if he agreed with the ditch. Mr. Conner said his issue is with the amount of water.

Commissioner Lohnes asked who recommended the new ditch, the location, length, etc. Mr. Flax explained it was on the attachment on the petition. He suggested it after meeting with the Engineer. It was designed by the Engineer and Soil and Water.

Commissioner Lohnes asked how much of the water shed comes to the tip. Mr. Burr and Mr. Simpson pointed out the water on the map.

Commissioner McGlothlin asked if Mr. Conner was on board with the proposal. Mr. Conner replied yes. He would rather spend money on a solution like this instead of attorney fees.

Tom Lagos represented Dr. Sarihan who lives across the road. He stated the ditch petition should be denied for numerous reasons. He urged the Commissioners to listen to the experts. A key word was outlet. That issue needed to be figured out. If you send water down a straight line it will accelerate. The benefits do not outweigh the detriments. People have invested a significant amount of money around the pond. Anything that accelerates or increases the flow of water creates major water problems. If there is a slight benefit to the applicant there is a significant detriment for the neighbors. The issue revolved around a gentleman on a 4 acre parcel. The proposed will benefit him. If that's the case, the assessment should be to him only. If the Board does approve it, they will find the cost the Engineer has pointed out, as well as significant contention from the neighbors. The pond has no outlet presently. Until that issue is solved he asked the Board to deny the petition.

Jereme Best, Clark Soil & Water Conservation, said the outlet for the pond is what is needed.

Commissioner Wilt asked if there was an opportunity for an outlet to be added. Mr. Burr said he was currently working with the gravel pit about an outlet. That would be a separate issue.

Bruce Carpenter said his basement is in the flood plain. The living area of his house is safe. He had significant loss but also had systems in place that worked. He questioned the water being pushed under Lower Valley Pike since there is no outlet. He noted the Minich Ditch angles through and could connect to the pond. The water has a better flow in the southeast corner of the pond. Right now they will increase the water flow. He presented pictures of their lake. They had 8-10 feet of water that came across for days from the first pond. The water came from multiple watersheds. It was ridiculous to increase the problem. Mr. Burr restated he and Enon Sand and Gravel are talking. Mr. Carpenter stated that doesn't pay the bills or repair the basement or the stuff they lost.

Mr. Conner agreed both problems need taken care of. Mr. Flax hoped this process would help that happen.

Commissioner Lohnes said if nothing else there is a new target project.

Cory Kiser, Enon Sand and Gravel, said he filed the paperwork with the EPA to put the outlet into Minich Ditch 6 days ago. The outlet has to be monitored and who will do that still has to be worked out. Construction costs have not been determined. Everyone is clear that this petition should be revisited at a later date after the outlet situation is resolved. There is a 180 day waiting period to be able to discharge water from the outflow. Realistically, there could be an outlet by the beginning of the 2019.

Commissioner McGlothlin asked where the outflow would go. Mr. Kiser said it discharges into Mad River. The County maintains the ditch. Commissioner McGlothlin felt everyone agreed that would work. Mr. Kiser noted there still will be a large flood at some point but he felt this outflow would help most of the time.

Commissioner McGlothlin clarified it would not help at this point to put in any type of new ditch. Mr. Kiser agreed. Until the outlet is there, Enon Sand and Gravel was not in favor of the petition.

David Hoover asked what the elevation of the water was. Mr. Burr didn't have it with him. He asked about the medium height of the pond. He wanted to know how the pond will drain into the ditch when the ditch is higher than the pond. Mr. Burr said they can match the elevation of the pipe from Lower Valley Pike. Mr. Kiser said that would be used as an overflow. The lake would have to get to a certain level to run into the ditch. It is in the design phase where the elevation would be worked out.

Commissioner Lohnes noted the engineers are working together with the same goal. He guessed they will figure out how to do that.

Mr. Hoover said it is a ground water lake and didn't think that would work.

Randall McCarty suggested putting a ditch/tile underground that would capture most of the water and slow the water down plus push water to the left and right. Mr. Burr disagreed. The volume and cost would increase. They would need to have a retention basin.

Mr. Carpenter asked if a check valve would be in place. Mr. Burr said yes.

Mr. Burr explained three different things going on in this area: flash flooding (which there is no way to size pipes for that), a need for emergency overflow, and over the road rushing water. Over the past couple years there has been water in places never seen before. There have been large storms separated by a few days. That doesn't allow the watershed to drain properly. The river has flooded. The gravel pit water is up and ground water is up all over the county for the past year. New Carlisle Pike was almost lost last year in one of the storms.

Mr. Burr said the water will naturally try to follow the prior path behind Mr. Conner's house.

The basements of the new houses on Lower Valley Pike are built in the flood plain. The basements flooded prior to the Lower Valley Pike project. It is a matter of "when" it will flood not "if". Some of it doesn't matter if ditches are put in because it is a flood plain. He noted by adding an outlet the water will flow backwards when the river comes up. Mr. Carpenter said that's why you use a check valve. Mr. Burr said you can put check valves in but it doesn't stop flooding.

Commissioner Wilt stated she had a personal conflict of interest on this petition so she excused herself. It is not often the Commissioners receive a ditch petition. All the same players need to be in the same room talking and collaborating. She thanked everyone for letting her sit in, observe and ask questions.

Ron Davidson asked what benefit there was. The petition referenced "surrounding property owners that benefit from the proposed improvement". Mr. Burr said the ORC (Ohio Revised Code) states that language and the benefits are weighted. Houses were built in the flood plain. The original drainage was filled in and a barn was built. The original drainage was plugged. Commissioner Lohnes said the ORC is specific but there are things built in such as how the Board allocates the ditch maintenance and construction fees.

Commissioner Lohnes asked if the outlet issue for was solved, if that would create less concern with the proposed ditch.

Mr. Lagos said there was insufficient information to answer the question. He again requested the Board deny the ditch petition.

Mr. Hogue felt common sense was missing. That ditch was put in a long time ago. It was a natural flow. The Minich Ditch flows east to southwest. Why would the county take a ditch and run it the opposite way? Why would more water be dumped into the lake? 100 years ago they had common sense. He spoke about the ditch that went through the back of Conner’s property originally.

Matt Konjevich, Enon Sand and Gravel, said they will put the overflow pipe into the ditch. They want a good relationship with neighbors. They took on the water and any pollutants that come with that. They do pick up some liability with that. He is opposed to the proposed ditch. He is reluctant to take on any more water.

Mr. Carpenter added Enon Sand and Gravel did offer help when their basements flooded.

Commissioner McGlothin heard a lot of different people speak today. He liked what Mr. Hogue said that it flowed east to west. His feeling was not to pass this at this time and see what happened with the outlet. Mr. Burr was not onboard with the proposed ditch. He thanked everyone for coming. Everyone has issues on both sides of the road. The Board heard everyone and hoped to can come to some solutions that will help. As Mr. Burr said, the houses are in a flood plain. Common sense does go a long way.

The Public Hearing was closed by the Commission President at 11:31 a.m.

Commissioner McGlothin moved to deny the ditch petition.

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

Commissioner McGlothin, Yes; Commissioner Lohnes, Yes

Resolution 2018-0448

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

Commissioner McGlothin, Yes; Commissioner Lohnes, Yes

The motion carried.

BOARD OF CLARK COUNTY COMMISSIONERS

By: _____
Richard L. Lohnes, President

By: _____
Melanie F. Wilt

I certify that the record is true and accurate:

Commission Clerk

By: _____
Lowell R. McGlothin