

The following meetings (work session and special meeting) of the Board of Directors of The Miami Conservancy District (MCD) were held in compliance with the Sunshine Law and MCD and Subdistrict Bylaws. The meeting information was posted on MCD's website. Miami Valley news media and individuals requesting such notification were notified of these meetings by electronic mail dated January 4, 2024, and an amendment was issued by electronic mail dated January 9, 2024. The updated meeting information was also posted on The Miami Conservancy District's website. Both meetings were held at MCD headquarters.

WORK SESSION

The work session of the Board of Directors of MCD was called to order at 1:04 p.m. by Mark G. Rentschler, President, with Michael H. van Haaren, member, present. Beth G. Whelley, Vice President, joined the work session at 1:20 p.m.

Members of the staff in attendance at the work session: MaryLynn Lodor, Interim Board Secretary/General Manager; James B. Casper, Manager, Operations and Maintenance; Michael P. Ekberg, Manager, Water Resources Monitoring and Analysis; Daniel K. Foley, Great Miami Riverway Manager; Sarah Hippensteel Hall, Manager of Communications, Outreach, and Stewardship; Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief Engineer; Christina M. Pfeiffer, Executive Assistant; Shannon E. Phelps, Manager of Administration; and Barry M. Puskas, Chief of Technical and Engineering Services.

Legal counsel in attendance at the work session: John M. Hoopingarner, McMahon DeGulis LLP, and Lee A. Slone, McMahon DeGulis LLP.

Guests in attendance at the work session: None

Ms. Lodor gave an update on the Seventh Readjustment of Benefits and Dr. Hippensteel Hall presented the communications timeline for individual and unit stakeholders. Mr. O'Connor and Mr. Puskas discussed the Board of Consultants report delivered to MCD in December 2023. In addition, Ms. Lodor led a discussion regarding capital needs and funding strategies and options to address risk, aging infrastructure, and the deferral of rehabilitation and repair. The scenarios included a range of \$34.5M to \$89.7M. Staff discussed alternative funding opportunities of seeking federal and state grants.

SPECIAL MEETING

The special meeting was called to order at 2:53 p.m. by Mark G. Rentschler, President, with Beth G. Whelley, Vice President and Michael H. van Haaren, member, present.

Members of the staff in attendance: MaryLynn Lodor, Interim Board Secretary/General Manager; James B. Casper, Manager, Operations and Maintenance; Michael P. Ekberg, Manager, Water Resources Monitoring and Analysis; Daniel K. Foley, Great Miami Riverway Manager; Sarah Hippensteel Hall, Manager of Communications, Outreach, and Stewardship; Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief Engineer; Christina M. Pfeiffer, Executive Assistant; Shannon E. Phelps, Manager of Administration; and Barry M. Puskas, Chief of Technical and Engineering Services.

Legal counsel in attendance at the regular meeting: John M. Hoopingarner, McMahon DeGulis LLP, and Lee A. Slone, McMahon DeGulis LLP.

Guests in attendance at the special meeting: None

The special meeting was held to consider a levy for capital improvements for the flood protection system and consider the appointment of a new board of appraisers' member, both for recommendation to the Conservancy Court, scheduled for February 9, 2024. In addition, the Board considered a request for approval of a new mural installation on an MCD floodwall in Hamilton.

M 2024-6693

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously adopted the following resolution to levy a capital assessment.

R 2024-1933

**A RESOLUTION LEVYING A CAPITAL ASSESSMENT
FOR AGING CRITICAL FLOOD PROTECTION INFRASTRUCTURE**

WHEREAS, the Dam Safety Initiative (DSI) was established by The Miami Conservancy District (MCD) Conservancy Court in 1999 which levied an annual capital assessment for the purpose of planning, designing, and implementing seepage and underseepage controls at MCD's five dry dams and replacement or rehabilitation of concrete associated with the flood protection system; and

WHEREAS, the DSI capital assessment was established in 1999, and since 1999, approximately \$26M was invested in dam underseepage control, dam through-seepage control, and concrete rehabilitation and replacement which has extended the life of the critical infrastructure for the Miami Valley; and

WHEREAS, the DSI spending authority expired in 2022; and

WHEREAS, on June 21, 2023, the Board of Directors of The Miami Conservancy District approved a resolution for the development of a capital assessment for aging critical flood protection infrastructure, authorizing the General Manager to develop a benefit methodology and seek approval of the Board of Appraisers of The Miami Conservancy District of said methodology for a capital assessment; and

WHEREAS, on August 3, 2023, the Board of Appraisers of The Miami Conservancy District approved a resolution establishing the methodology for the appraisal of individual and unit benefits for flood protection capital improvements; and

WHEREAS, the total amount of benefits ascertained for the real property and public corporations affected by the Official Plan, based on the methodology approved by the Board of Appraisers on August 3, 2023, is determined to be approximately \$400,000,000; and

WHEREAS, The Miami Conservancy District Board of Consultants has reviewed MCD flood protection infrastructure condition, analysis, and capital improvement needs. In its review, the Board of Consultants has insisted on significant investment in capital improvements, utilizing a phased and measured approach, focusing on alternative financing options, semi-quantitative risk analysis and prioritization for a phased approach of implementation to secure a sustained capital assessment for ongoing rehabilitation of the flood protection system. In their most recent report, the Board of Consultants agreed that significant capital investment is necessary for the flood protection system to function as required; and

WHEREAS, The Miami Conservancy District's Chief Engineer has developed a phased, measured, and prioritized approach based on completed and ongoing inventories, inspections, and analyses of MCD flood protection assets. Further planning, studies, and detailed designs will be necessary to refine the prioritization based on the highest risks and defensible investments over the coming years; and

WHEREAS, the General Manager and staff have identified State and Federal grants or low interest loans that The Miami Conservancy District could qualify for and be applied for to help offset the rehabilitation and repair costs of The Miami Conservancy District's flood protection system; and

WHEREAS, the Board of Directors of The Miami Conservancy District has determined that continued execution of the Official Plan requires the design and construction of certain improvements associated with the MCD's levees, dams, channels, and facilities and the replacement or rehabilitation of structures throughout the flood protection system (the Improvement); the anticipated costs of constructing the first phase of the Improvement, including costs incidental thereto and the financing thereof, is \$34,500,000; and the Improvement will benefit, in the same manner, the real property and public corporations affected by the Official Plan in the Appraisal of Benefits; and

WHEREAS, the Board of Directors of The Miami Conservancy District has determined that to fulfill its duties and purposes it is necessary to commence the construction of the Improvement as quickly as possible, and as the affairs of the District demand, it is necessary to levy an assessment to pay the costs of constructing the Improvements, plus one-ninth thereof to be added for contingencies, as provided for by Section 6101.48 of the Revised Code; and

WHEREAS, the Board of Directors of The Miami Conservancy District has found that the total amount of assessments levied is insufficient to pay the cost of works set out in the Official Plan or of additional work done and has found that an additional levy to provide funds to complete the work is necessary; and

WHEREAS, the Board of Directors of The Miami Conservancy District has found the total of all levies of the assessment will not exceed the total of benefits appraised; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of The Miami Conservancy District, for the purpose of providing funds necessary to pay the costs of the Improvement and secure applicable and available grants, and to pay costs incidental thereto and the financing thereof, and to discharge any lawful indebtedness of The Miami Conservancy District arising out of the Improvement, there shall be and hereby is levied upon the real property and the public corporations benefitted by the Improvement, an assessment in the total amount of \$34,500,000, together with interest upon such portion as may not be paid in full at a rate not to exceed the rate provided in Section 9.95 of the Revised Code, which sum shall be and hereby is apportioned to such real property and public corporations in proportion to the benefits appraised thereon.

The General Manager and Secretary of The Miami Conservancy District are directed to report the levy of this assessment to the Conservancy Court.

This Board of Directors finds and determines that all formal actions of this Board of Directors concerning and relating to the adoption of this resolution were taken in an open meeting of this Board of Directors and that all deliberations of this Board of Directors and of any

committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

This resolution shall be in full force and effect immediately upon its adoption.

Next, Ms. Lodor led a discussion regarding the current vacancy on the Board of Appraisers.

BOARD OF APPRAISERS NEW MEMBER RECOMMENDATION

On November 30, 2023, Mr. Robert A. Harris submitted his resignation to the Board of Appraisers effective November 30, 2023. At the December Board of Directors meeting, the Board accepted Mr. Harris' resignation and directed the General Manager to post the Board of Appraisers' vacancy on the website to solicit potential candidates for consideration. The posting remained open for more than two weeks.

Joseph P. Kelley, a residential real estate appraiser associated with retiring Board of Appraiser member Robert Harris Appraising and Consulting has expressed his interest in serving as a Board of Appraiser member. Mr. Kelley has developed and assisted in the development of real estate appraisal reports, primarily of nonresidential real estate including commercial and industrial properties, since 1996.

Mr. Kelley holds a Bachelor of Science degree in Business from the University of Dayton and has taken significant coursework in the field of Real Estate Appraisals, Appraisal Procedures, Principles, Ethics and Standards, Flood Plain Maps, and National Flood Insurance, among others.

Mr. Kelley has expressed his interest and willingness to serve on the Board of Appraisers based on his education and experience. Mr. Kelley is also recommended by Mr. Harris as a qualified professional to serve as a Board of Appraisers' member.

M 2024-6694

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously approved recommending to the Conservancy Court in accordance with Ohio Revised Code 6101.27 - Board of Appraisers of a Conservancy District, that Joseph P. Kelley be appointed to fill the vacancy on the Board of Appraisers.

Next, Ms. Lodor led a discussion on a new mural design proposed by the City of Hamilton on the Black Clawson Floodwall.

PROPERTY ADMINISTRATION Hamilton - Black Clawson Floodwall Art

In 2020, Hamilton expressed interest in creating a mural on the Black Clawson Floodwall. The Black Clawson Floodwall is located along the left (east) bank of the Great Miami River in the HAML2 levee system. The Great Miami River Recreation Trail is adjacent to the river side of the wall.

The Black Clawson Floodwall is located along the left bank of the Great Miami River in the HAML2 levee system, downstream of the Black Street Bridge. It is one of MCD's tallest floodwalls and is approximately 507 feet long with 22 concrete panels with an average height of

27 feet. The wall was built as part of a former foundry and has a walkway on the top of it. The City of Hamilton's Great Miami River Recreation Trail is adjacent to the riverside of the wall.

MCD completed a rehabilitation of the Black Clawson Floodwall in 1990. The project consisted of replacing the wingwalls, wallcaps, six inches of sloping revetment under drainage, handrails, shotcreting and painting.

In June 2020, staff performed a detailed inspection of the wall and determined repairs were needed prior to applying the mural. In 2021 and 2022, staff worked with the City of Hamilton to define the boundaries for a potential mural application.

MCD's current Land Use Plan states, "Damaged or deteriorated sections of the floodwall, vertical concrete, or stone structure must be repaired or replaced at no cost to MCD prior to painting. MCD will determine the need for repair or replacement."

The joint sealing and concrete repairs for the mural area were estimated to be \$30,000 or less. MCD worked with the City to make necessary repairs to the wall which were completed in October of 2023, with a contribution from the City of \$10,000.

The City of Hamilton requested a Land Use Permit to paint a decorative design on the river side of the Black Clawson Crest Wall. City staff and StreetSpark partnered to develop the proposed design, utilizing an RFQ process to select Ian Muldoon, with OSRA (Often Seen Rarely Spoken), to act as the master artist in planning and overseeing the project.

Staff reviewed the requirements that MCD developed prior to installation of the River Run Mural on the Stillwater Avenue Floodwall in Dayton and have used these requirements with Hamilton in the review of the Black Clawson Floodwall Art request. A summary of the requirements and the status of Hamilton's request follows:

- The City of Hamilton will need to secure a Land Use Permit from MCD and agree to all terms and conditions.
Status: The City of Hamilton has formally requested a Land Use Permit.
- Permits for public projects may be issued to cities, counties, and park districts.
Status: The City of Hamilton would hold the permit.
- One entity will be the party responsible for implementation and maintenance.
Status: The City of Hamilton would purchase the materials, oversee the painting, and be responsible for ongoing maintenance, including adding anti-graffiti coating over all the artwork. The City would repaint the wall a neutral color if they are no longer able to maintain the art.
- The permit application must include a maintenance plan.
Status: Upon approval of the artwork.
- The design or pattern must be presented to the MCD Board of Directors for approval.
Status: A sample of the pattern was provided for the Board's review.
- MCD prefers a design or pattern over a mural.
Status: The design features large contemporary typography reading "HAMILTON" as a center point surrounded on both ends by imagery common to Hamilton's roots and history. The color scheme is descriptive to the rich earth tones common in the area and the large-scale positioning in the layout is meant

to be read from across the river and stand strong against weathering over time. The goal of this project is to connect the past to the present and create a culturally rich artistic backdrop for future Hamilton generations to feel connected and inspired.

- No advertising will be allowed.
Status: No advertising is proposed.
- The City of Hamilton must receive pre-approval from MCD for the paint type.
Status: MCD staff will review the proposed paint type and determine if it is appropriate for this wall before issuing a Land Use Permit.
- Damaged sections of the floodwall require repair prior to proceeding.
Status: MCD worked with the City and staff completed repairs to the wall in October 2023.
- The art selection must meet any community or jurisdictional requirements regarding public art.
Status: The City of Hamilton led the design process and is responsible for the design selection for recommendation to MCD.

Before issuing a Land Use Permit to the City, staff requests that the Board review the proposed wall art and determine if the design is acceptable for application to the MCD floodwall.

M 2024-6695

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, approved the mural design proposed by the City of Hamilton for the Black Clawson Floodwall. The motion passed with Ms. Whelley and Mr. van Haaren voting aye and Mr. Rentschler voting nay.

ADJOURN

There being no further business, the meeting was adjourned on motion by Mr. van Haaren and seconded by Ms. Whelley at 3:35 p.m.

ATTEST:

APPROVED:


MaryLynn Lodor
General Manager/Interim Board Secretary


Mark G. Rentschler
President