

A special meeting of the Board of Directors of The Miami Conservancy District (MCD) was called to order at 2:05 p.m. by Beth G. Whelley, President, with Mark G. Rentschler, Vice President and William E. Lukens, member, present. The members attended via teleconference. The purpose of the meeting was to address critical financial and property matters.

Members of the staff in attendance via teleconference were: Janet M. Bly, General Manager; Rhonda K. Snyder, Secretary; Kenneth P. Moyer, Treasurer; Barry M. Puskas, Chief of Technical and Engineering Services; and Kurt A. Rinehart, Chief of Operations/Chief Engineer.

Legal counsel in attendance via teleconference: W. Chip Herin III, Coolidge Wall Co., LPA.

Guests in attendance via teleconference: None

### **COMPLIANCE WITH SUNSHINE LAW AND BYLAWS**

The meeting was 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 the meeting and purpose by electronic mail dated July 29, 2020. This meeting was held by teleconference as currently allowed by Sunshine Law and MCD bylaws due to the state of emergency related to COVID-19.

Next, Mr. Herin administered the oath of office to Mr. Lukens. Mr. Lukens' term on the MCD Board of Directors expired on June 30, 2020. On July 30, 2020, the Conservancy Court reappointed Mr. Lukens for another five-year term effective July 1, 2020, and ending June 30, 2025.

### **MINUTES**

The Minutes of the Board of Directors May 21, 2020, meeting were provided to members of the Board for review and comment.

#### **M 2020-6494**

The Board of Directors, on motion by Mr. Lukens and seconded by Mr. Rentschler, unanimously approved the minutes for May 21, 2020.

Next, Mr. Moyer requested approval of a resolution to petition the Conservancy Court for a readjustment of the appraisal of benefits.

### **READJUSTMENT OF BENEFITS**

Ohio Revised Code Section 6101.54 states:

*Whenever the owners or representatives of twenty-five per cent or more of the acreage or value of the lands in a conservancy district or the board of directors of a conservancy district file a petition with the clerk of the court*

*having jurisdiction in the original case, stating that there has been a material change in the values of the property in the district or additional benefits are being derived from the works and the improvements of the district since the last previous appraisal of benefits, and praying for a readjustment of the appraisal of benefits for the purpose of making a more equitable basis for the levy of the maintenance assessment under section 6101.53 of the Revised Code, the clerk shall give notice of the filing and of a hearing of the petition by publication.*

*...There shall be no readjustment of benefits more often than once in six years.*

The last readjustment of the appraisal of benefits was completed in 2012. Current benefits are based on property values obtained from county auditors at the end of 2011.

Since the last readjustment, there have been several factors that have impacted property values (development projects, demolition, natural changes in value as the result of multiple reappraisals completed by county auditors, etc.). The purpose of a readjustment is to make a more equitable basis for the calculation of benefits used in the computation for flood protection maintenance and capital improvement assessments. Incorporating updated property values is a primary ingredient necessary to complete a readjustment.

After a preliminary review of changes in property values and the length of time since the last readjustment was performed, staff recommends that the Board of Directors petition the Conservancy Court to order a readjustment of the appraisal of benefits and direct the Board of Appraisers to make such readjustment in the manner provided in Sections 6101.01 to 6101.84, inclusive, of the Ohio Revised Code.

#### **M 2020-6495**

The Board of Directors, on motion by Mr. Lukens and seconded by Mr. Rentschler, unanimously approved the following *Resolution to Petition for a Readjustment of the Appraisal of Benefits*.

#### **R 2020-1900**

### **RESOLUTION TO PETITION FOR A READJUSTMENT OF THE APPRAISAL OF BENEFITS**

**WHEREAS**, Section 6101.54 of the Ohio Revised Code provides for the readjustment of the appraisal of benefits for the purpose of making a more equitable basis for the levy of assessments under Section 6101.53 of the Ohio Revised Code.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of The Miami Conservancy District petition the Conservancy Court of The Miami Conservancy District, praying that said Court order that there be a readjustment of the appraisal of benefits and directing the Board of Appraisers of The Miami Conservancy District to make such readjustment in the manner provided in Sections 6101.01 to 6101.84, inclusive, of the Ohio Revised Code.

Next Mr. Moyer requested approval for a supplemental appropriation and revenue related to the fire at the Dayton Service Facility.

**SUPPLEMENTAL APPROPRIATION AND REVENUE  
Dayton Service Facility—Bannock Street**

| NO. | FUND NAME        | REVENUE   | APPROPRIATION |
|-----|------------------|-----------|---------------|
| 100 | Flood Protection | \$921,074 | \$921,074     |

On Saturday, February 22, a fire occurred at MCD's Dayton Service Facility on Bannock Street. There was substantial damage to the building and contents inside the structure. There was no money included in the annual budget for an unexpected event.

This supplemental appropriation and revenue is necessary to account for purchases related to the fire at the Dayton Service Facility and corresponding insurance proceeds. The amount represents the total proceeds received from the insurance company so far, less \$500,000 that was approved in a Supplemental Appropriation and Revenue request at the March 26, 2020, Board Meeting.

**M 2020-6496**

The Board of Directors, on motion by Mr. Rentschler and seconded by Mr. Lukens, unanimously approved the supplemental appropriation and revenue in the amount of \$921,074 in revenue and \$921,074 in appropriations for Flood Protection (Fund 100).

Next, Mr. Puskas requested approval of a resolution to adopt the revised Montgomery County Natural Hazard Mitigation Plan.

**MONTGOMERY COUNTY NATURAL HAZARD MITIGATION PLAN**

The Board of Directors adopted the 2019 Montgomery County Natural Hazard Mitigation Plan in June 2019.

In 2020, the Montgomery County Emergency Management Agency revised the 2019 Montgomery County Natural Hazard Mitigation Plan. MCD staff collaborated in preparing the revision.

A key part of the 2020 revision is the addition of Chapter 11, Dam/Levee Failure. This chapter fulfills the requirement for the county natural hazard mitigation plan to have all dam risk language as described in the FY2019 High Hazard Potential Dams (HHPD) Grant Program Notice of Funding Opportunity. The 2020 revision includes other technical updates from the 2019 plan.

In order for MCD to be eligible to receive Federal Emergency Management Agency HHPD grant funding, the Board must adopt the 2019 Montgomery County Natural Hazard Mitigation Plan, Revised 2020.

**M 2020-6497**

The Board of Directors, on motion by Mr. Lukens and seconded by Mr. Rentschler, unanimously approved the following *Resolution to Adopt the 2019 Montgomery County Natural Hazard Mitigation Plan, Revised 2020*.

**RESOLUTION  
TO ADOPT THE 2019 MONTGOMERY COUNTY NATURAL HAZARD MITIGATION PLAN,  
REVISED 2020**

**WHEREAS**, the Board of Directors of The Miami Conservancy District (MCD) recognizes the vulnerability of community resources, property, and operations to the impacts of disasters and emergencies; and

**WHEREAS**, the Board of Directors also recognizes the role of MCD in the communities along the Great Miami River and its importance to the welfare of the people and institutions in the communities; and

**WHEREAS**, the Board of Directors adopted the 2019 Montgomery County Natural Hazard Mitigation Plan prepared per Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

**WHEREAS**, through its countywide coordinated program, the Montgomery County Office of Emergency Management has developed the 2019 Montgomery County Natural Hazard Mitigation Plan, Revised 2020, that adds Chapter 11, Dam/Levee Failure; and

**WHEREAS**, the Board of Directors endorses the goals, strategies, and objectives of the 2019 Montgomery County Natural Hazard Mitigation Plan, Revised 2020, and acknowledges that it can support the Plan in the achievement of certain goals in appropriate ways.

**THEREFORE**, be it resolved that the Board of Directors adopt the 2019 Montgomery County Natural Hazard Mitigation Plan, Revised 2020, and supports MCD participation in its efforts, to the extent feasible and in a manner consistent with MCD's needs, resources, and responsibilities, to lessen the vulnerability of communities in Montgomery County to the impacts of disasters.

The next item of business was a request for approval of a Wright Patterson Air Force Base property request in the Huffman Retarding Basin. Mr. Rinehart presented the request.

**PROPERTY ADMINISTRATION  
Huffman Retarding Basin—Wright Patterson Air Force Base**

The Environmental Assets Section at Wright Patterson Air Force Base (WPAFB) submitted an application to MCD to construct additions to existing buildings near State Route 444 in Area A.

In 1922, MCD sold approximately 3,767.78 acres of land in the Huffman Retarding Basin to the Dayton Air Service Incorporated Committee, including the land where the new facilities are proposed. The deed for this property provides MCD the right to back waters over the premises to elevation 835 and restricts construction of new buildings in the retarding basin. The deed states that "no structures shall be erected below an elevation of 830 feet above sea level, except by written permission of the Board of Directors."

Details of the proposed project include:

- Construct a new Intelligence Production Complex III (IPC III) addition to the existing National Air and Space Intelligence Complex (NASIC). The IPC III addition would be attached to existing NASIC building 10822 and 10853. The building would be constructed on ground with existing elevations between 824 to 828, and a footprint of approximately 650,579 square feet. Components of the proposed IPC III complex include:
  - A five-story, 230,752-square-foot office tower with a first-floor elevation of 828.7. Floors two through five would be constructed above the 835 Huffman Dam spillway elevation.
  - A two-story, 18,882-square-foot Community Core building with a first-floor elevation of 828.7. The second floor would be constructed above the 835 Huffman Dam spillway elevation.
  - A 6,049-square-foot second-floor addition to existing building 10853 constructed above the 835 Huffman Dam spillway elevation.
  - A 547-square-foot stairwell attached to the northwest corner of building 10853.
- Demolish existing building 10280, located on ground with an approximate elevation of 826. The existing one-story building has a footprint of approximately 130,000 square feet, more than twice the size of the footprint of the proposed IPC III additions. Building 10280 was constructed in 1943.
- Relocate San Antonio Avenue and construct a retention pond east of the NASIC facility. These two components will require removing approximately 24,500 cubic yards of material from the retarding basin. The material will be used to level the NASIC IPC III site and the proposed Army Reserve training facility site, and for other projects on the base.
- Relocate a portion of the golf course north and east of the NASIC complex. This action does not involve any buildings or fill material.

WPAFB has a Flood Response Plan included in the Installation Emergency Management Plan. WPAFB personnel regularly monitor river conditions and notify base personnel when evacuation and removal of assets are necessary.

Colonel Thomas P. Sherman, Commander of the 88<sup>th</sup> Air Base Wing, provided a letter indicating an understanding of MCD rights written in the deed, acknowledging that the property is vulnerable to flooding, and acknowledging that the structures will be built at the sole risk of the owner.

Construction of the IPC III project was authorized by Congress in the 2019 National Defense Authorization Act following approval by Air Force Headquarters.

Staff reviewed MCD records and found that there is little information regarding the various existing buildings in the NASIC complex. Available topography indicates that the complex is constructed on ground with an elevation between 825 and 830. WPAFB personnel provided MCD information about the existing buildings.

### Existing NASIC Buildings

| Building | Year Constructed | Total Size (sq ft.) | Number of Floors | First Floor Elevation |
|----------|------------------|---------------------|------------------|-----------------------|
| 10822    | 2008             | 130,000             | 2                | 828.7                 |
| 10828    | 1958             | 135,000             | 2                | 828.7                 |
| 10829    | 1964             | 47,000              | 2                | (1)                   |
| 10853    | 1975             | 171,000             | 2                | 828.7                 |
| 10856    | 1975             | 155,000             | 2                | (1)                   |
| 10858    | 1996             | 38,000              | 2                | (1)                   |

(1) First-floor elevation not known but could be slightly lower than 828.7.

Staff recommends that the Board approve continued occupation and use of the existing buildings in the NASIC complex and construction of the proposed IPC III building additions at WPAFB based on the designated use of the buildings, minimal effect on the storage capacity of the retarding basin, emergency response capabilities, and approval of the project by high-level military officials.

### M 2020-6498

The Board of Directors, on motion by Mr. Rentschler and seconded by Mr. Lukens, unanimously approved the continued occupation and use of the existing buildings in the National Air and Space Intelligence Complex (NASIC) and construction of the proposed Intelligence Production Complex III (IPC III) building additions located below an elevation of 830 feet at Wright Patterson Air Force Base and authorized the Chief Engineer to issue a Retarding Basin Permit for the structures.

Next, Ms. Bly presented a City of Dayton request for amendments to deed restrictions MCD holds on land known as Deeds Point.

### PROPERTY ADMINISTRATION Deeds Point, Dayton

The City of Dayton is requesting that MCD amend a deed restriction it holds on land known as Deeds Point to allow for the development of The Greater Dayton School.

The Deeds Point deed restriction involves 12.29 acres of land that was conveyed from MCD to the City of Dayton in 1923. The use of the land was to conform to an agreement dated August 9, 1917 and recorded in Deed Book 391, page 296.

The 1917 agreement includes the following:

- Land was conveyed to the City of Dayton for its use for park and playground purposes.
- MCD reserves the right to use said lands as may be necessary for the purpose of improving the river channel by dredging, protection of banks, construction of levees, and wasting of excavated material.
- The construction of buildings and other improvements by either party subsequent to the completion of the river improvement shall be subject in type of building or improvement and location, to the approval of both parties.

Current land use at Deeds Point includes Deeds Point MetroPark, a dog park, an abandoned softball field, and a deteriorated paved parking lot. Under the proposal, Deeds Point MetroPark and the dog park would remain.

Staff believes that the proposed project would be an improvement to the riverfront and would meet an important need in the community. It is important, however, that the original provisions related to the Deeds Point land be met elsewhere on the riverfront within the City of Dayton if the restrictions are amended at Deeds Point.

After considerable discussion regarding this property matter, the Board of Directors made the following motion.

**M 2020-6499**

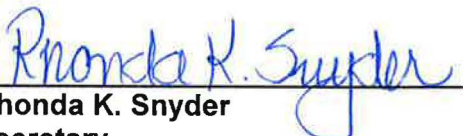
The Board of Directors, on motion by Mr. Rentschler and seconded by Mr. Lukens, unanimously tabled discussion, until the next regular meeting, regarding the City of Dayton's request that MCD amend a deed restriction it holds on land known as Deed Point in Dayton, Ohio to allow for the development of The Greater Dayton School.

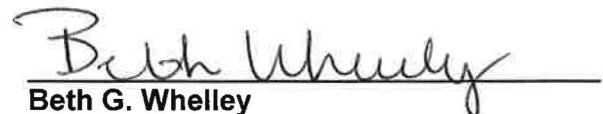
**ADJOURN**

There being no further business, the meeting was adjourned by unanimous consent.

**ATTEST:**

**APPROVED:**

  
Rhonda K. Snyder  
Secretary

  
Beth G. Whelley  
President