

The following meetings (work session and regular meeting) were held in compliance with the Sunshine Law and The Miami Conservancy District (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 meetings by electronic mail dated September 10, 2024. An amended meeting notice was sent via electronic mail dated September 16, 2024. The meetings were held at MCD headquarters located at 38 East Monument Avenue in Dayton.

WORK SESSION

The work session of the Board of Directors of MCD was called to order at 10:00 a.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 at the work session: MaryLynn Lodor, General Manager/Board Secretary; Sarah Hippensteel Hall, Manager of Communications, Outreach, and Stewardship; Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief Engineer; Christina M. Pfeiffer, Executive Assistant; and Barry M. Puskas, Chief of Technical and Engineering Services.

Legal counsel in attendance at the work session: Lee A. Slone, McMahon DeGulis LLP. MCD lobbyist, Lori Kershner of LMK Advocacy, was also in attendance.

Guests in attendance at the work session: Ryan Ernst, The Greater Dayton School; Tony Kroeger, City of Dayton; and Craig Bucheit, City of Hamilton.

Ms. Lodor began by inviting Ryan Ernst of the Greater Dayton School to present information on the status of Colonel Deeds Park. Mr. Ernst showed renderings of the design for the park and discussed the budget. He stated that they will be over the \$1M budgeted for the park improvements and will likely finish later than anticipated, mostly due to necessary site remediation. The renderings were discussed, and Mr. Rentschler stated he would like to see alternative plans for the entrance to the park, anticipating that current design would potentially attract graffiti.

Next, Mr. O'Connor updated the Board on the status of upcoming capital projects, including the three upstream dam wall projects. Due to budget concerns, some capital projects will be delayed somewhat. Mr. Puskas and Ms. Kershner discussed some grant proposals that they are working on that could help if our proposals are successful.

Mr. O'Connor then discussed floodgate outfall pipe cleaning and inspection projects in Piqua and Troy which have been prioritized. Remediation of the boils along the levee in Huber Heights is also a high priority.

Seepage inspection and analysis is underway at all five dams.

Lockington Dam is nearly complete; there are a few punch-list items that need to be addressed so we can pay the contractor and then request reimbursement from the corresponding OWDA grant.

There are some remaining funds from the Dam Safety Initiative that are being used to address seepage at Lockington Dam and concrete erosion in the right conduit floor at Germantown Dam. Mr. Puskas described the process of repairing the concrete at Germantown with a modern, higher quality mix. Mr. Rentschler asked about the thickness of the new concrete, and Mr. Puskas replied that the thickness will be the same so as not to lose hydraulic capacity.

Several projects are anticipated for 2025, including Wolf Creek Levee improvements, the MCD garage at Hamilton, erosion repair in Middletown, and pipe inspections in multiple locations.

Next, Ms. Lodor gave an update on the Benefits Assessment Study. Stantec Consulting Services, Inc. (Stantec) has selected two pilot areas that represent a cross section of protected populations and services along the river. Stantec will use the data collected, along with information from other Ohio districts and flood control districts across the country, to present enhancements or alternatives to our current assessment methodology. MCD anticipates a status meeting with Stantec and the Board of Appraisers in early November.

Dr. Hippensteel Hall discussed upcoming outreach and communications tied to the benefits' assessment study. MCD is working with Burges & Burges to prepare a survey of stakeholders and property owners of the watershed regarding the various alternative methodologies to be identified by Stantec.

Finally, Ms. Lodor discussed an addition to the MCD Bylaws regarding public comment during Board meetings.

M 2024-6724

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously adjourned the work session at 10:50 a.m.

REGULAR MEETING

The regular meeting of the Board of Directors of MCD was called to order at 11:00 a.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 at the regular meeting: MaryLynn Lodor, General Manager/Board Secretary; James B. Casper, Manager, Operations and Maintenance; Ginger Clark, Manager of the Great Miami Riverway; Michael P. Ekberg, Manager of Monitoring and Analysis; 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: Lee A. Slone, McMahon DeGulis LLP. MCD lobbyist, Lori Kershner of LMK Advocacy, was also in attendance.

Guests in attendance at the regular meeting: Tony Kroeger, City of Dayton; Craig Bucheit, City of Hamilton; and Jennifer Budding and Kenny McIntosh, private citizens. Joe Tuss, JT Development Consulting; and Amber Holloway, City of West Carrollton, arrived at 11:15 a.m.

MINUTES

The Minutes of the Board of Directors meetings of June 5, 2024 (regular meeting), and July 16, 2024 (work session), were provided to members of the Board for review and comment.

M 2024-6725

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the meeting minutes for June 5, 2024, and July 16, 2024.

INTERIM BUDGET REPORT

The MCD Interim Budget Report for the period ending August 31, 2024, was provided to the Board of Directors for review and acceptance.

M 2024-6726

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously accepted the Interim Budget Report as of August 31, 2024. In addition, the Board of Directors ordered that a copy of the report be kept on file.

Next, Mr. Moyer presented the MCD Investment Report for the period ending August 31, 2024.

INVESTMENT REPORT

MCD has funds invested in STAR Ohio and JPMorgan Money Market fund. The interest rates as of August 31, 2024, were:

- STAR Ohio account – 5.57%.
- Money Market account with JPMorgan Bank – 5.30% (1-year historical performance as of 8/31/2024) which is consistent with a typical Government Money Market Fund Yield.
- Checking and savings accounts – 0.01%.

MCD's goal is to continue to provide the highest investment return with maximum security while meeting all liquidity and operating demands. The primary objectives of investment activities, in order of priority, will continue to be safety, liquidity, and yield.

Amounts in each of MCD's investment accounts are shown in Exhibit C of the Interim Budget Report.

Next, Mr. Moyer discussed exemptions from 2025 assessments.

EXEMPTIONS FROM ASSESSMENTS FOR 2025 COLLECTION

Certain individual parcels of land have typically been exempted from the MCD flood control maintenance and capital improvement assessments:

- Parcels owned by entities that are exempt from assessments under the Ohio Revised Code or other governmental regulations are exempt from the flood control maintenance and capital improvement assessments.
- Parcels owned by certain public entities may be exempt from the flood control maintenance and capital improvement assessments. The exemption shall apply to parcels that are actively and exclusively used for the specific public purpose(s) of the public entity. Such public entities include counties, municipalities, townships, public boards of education, public libraries, metropolitan housing districts, and park districts. Counties and municipalities pay annual assessments to MCD for flood control maintenance and for the flood control capital improvements based on Unit Benefits that are separate from the benefits to individual parcels. Parcels not actively and exclusively used for the specific public purpose(s) of the property owner are not exempt from the flood control maintenance or capital improvement assessments. For example, city-owned properties held for economic development purposes or used for commercial enterprise are not exempt from the flood control maintenance or capital improvement assessments.
- Parcels with title or perpetual easement held by The Miami Conservancy District are exempt from flood control maintenance and capital improvement assessments.

All exempted parcels described above are included in the Revised Appraisal Record approved by the Conservancy Court in 2012 as part of the last Readjustment of Benefits. However, those parcels that are exempt under the provisions listed above will not be included in the 2025 Assessment Duplicates for the certification of flood control maintenance or collection of capital improvement assessments.

Section 6101.53 of the Ohio Revised Code states that the annual maintenance assessment shall not be less than two dollars. Individual parcels with a benefit greater than or equal to \$50.00 and less than or equal to \$59.70 shall pay the minimum \$2.00 annual maintenance assessment. Individual parcels with a benefit less than \$50.00 shall not pay an annual maintenance assessment. All parcels with a benefit less than \$50.00 that do not pay an annual maintenance assessment are included in the Revised Appraisal Record to be submitted to the Conservancy Court for approval. However, those parcels with a benefit less than \$50.00 should not be included in the 2025 Assessment Duplicates for the certification of flood control maintenance assessments.

All parcels with a benefit less than \$50.00 shall not pay a capital improvement assessment. For parcels with a benefit greater than or equal to \$50.00, the amount of the capital improvement assessment shall be the dollar value obtained by applying the capital improvement assessment rate to the benefit.

M 2024-6727

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. Rentschler, unanimously approved the recommended exemptions to individual parcels for the 2025

collection of maintenance and capital improvement assessments and direct the Secretary to exclude these parcels from the Assessment Duplicates.

M 2024-6728

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the recommended \$2.00 minimum annual maintenance assessment to individual parcels with a benefit greater than or equal to \$50.00 and less than or equal to \$59.70 for the collection of the 2025 assessments and direct the Secretary to prepare the Assessment Duplicates accordingly.

M 2024-6729

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the recommended exclusions of all parcels with a benefit less than \$50.00 for individual parcels for the collection of the 2025 maintenance and capital improvement assessments and direct the Secretary to exclude these parcels from the Assessment Duplicates.

Next, Mr. Moyer requested that the Board pass a Resolution affirming that no prepayment of assessments for the capital improvements of MCD flood protection system were received by the Treasurer of the Subdistrict.

R 2024-1937

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. Rentschler, adopted the following Resolution of Affirmation of No Prepayment of Assessments of Capital Assessment. The vote was unanimous.

A RESOLUTION APPORTIONING UNPAID CAPITAL ASSESSMENT

WHEREAS, on June 5 2024, this Board duly levied an assessment in the amount of \$34,500,000, together with a rate of 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, for the purpose of providing funds necessary to pay costs of the continued execution of the Miami Conservancy District's Official Plan, including the design and construction of certain improvements associated with the Miami Conservancy District's flood control system of levees, dams, channels, and facilities, and the replacement or rehabilitation of structures throughout said flood control system;

WHEREAS, on February 9, 2024, the Conservancy Court confirmed the assessment;

WHEREAS, a certified copy of the order of the Conservancy Court confirming the assessment has been transmitted to each political subdivision assessed;

WHEREAS, a conservancy assessment record, duly signed and certified on June 24, 2024, has been placed in the office of the District that contains the items of property appraised and the public corporation to which benefits have been appraised, the total amount of benefits appraised against each item or public corporation, and the total assessment levied against each item or public corporation;

WHEREAS, notice by publication was given to the property owners and public corporations assessed that they could pay their assessments to the Treasurer of the District at any time on or prior to August 15, 2024;

WHEREAS, the Treasurer of the District has certified to this Board that the Treasurer has received no payments for credit against those assessments;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of The Miami Conservancy District, Ohio that this Board hereby apportions the assessment into and payable in annual installments, the total of which shall not exceed \$34,500,000.

Unpaid annual installments shall bear interest at a rate not to exceed the rate provided in section 9.95 of the Ohio Revised Code, payable semi-annually, which interest shall be added to each annual installment.

This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board 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, Mr. O'Connor presented information regarding improvements to the levee along Wolf Creek.

**FLOOD PROTECTION
WOLF CREEK LEVEE IMPROVEMENTS
CITY OF DAYTON AGREEMENT**

Staff have been coordinating with the City of Dayton and other community partners since 2019 on planning improvements to levees on both sides of Wolf Creek between Paisley Street and Edwin C. Moses Boulevard. This improvement aligns with MCD's goals to strengthen levees, increase river and trail access, support responsible riverfront redevelopment and secure external funding.

The project would flatten the levee slopes and build them thicker with high quality clay material. It would also install ADA compliant access ramps down to Wolf Creek and the regional trail system. It may also include other amenities such as stairs, seating, and other public amenities.

Dayton has committed to completing the design, providing bidding documents, and providing \$1.5M for construction. They are asking MCD to manage bidding and construction and provide up to \$750,000 in construction funds if needed to cover any additional costs. Dayton recently authorized their consultant to begin detailed design work. As the design moves forward there will be more accurate construction cost estimates that may require funding strategies to change.

The Chief Engineer views this as a great opportunity to work with a community partner to improve flood protection, increase river recreation opportunities, and help revitalize a neighborhood.

M 2024-6730

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, voted unanimously to authorize the General Manager to enter into a cooperative agreement with the City of Dayton to accomplish design and construction of the Wolf Creek Levee Improvements that commits MCD to managing bidding and construction and commits MCD to contributing up to \$750,000 in construction funds, anticipated to be allocated from the new capital assessment.

Next, Mr. O'Connor discussed a permit request to build a home within a flood-prone area that was denied due to an elevation restriction contained in the property owner's deed.

**PROPERTY
ENGLEWOOD STORAGE BASIN
APPEAL OF PERMIT REQUEST DECISION**

Ms. Jennifer Budding contacted MCD regarding building a new house on a 10.678 acre parcel at 5190 W. Frederick Garland Road in Section 34, Town 6, Range 5, Union Township, Miami County. The entire property is located in the Englewood Storage Basin below the 876 spillway elevation.

Most deeds in the Englewood Basin allow building new structures at elevation 871 or above. However, the deed on which MCD's property rights are based prohibits new buildings below elevation 876. Because the proposed house location is below elevation 876, MCD denied Ms. Budding's request based on the language in the deed.

Ms. Budding has decided to appeal the staff's decision by requesting it be overturned by the Board of Directors. She argues that the proposed house would be above elevation 871, which would meet MCD's requirements of the majority of similar properties nearby.

Staff has not found compelling evidence that would support stricter building restrictions on this property compared to others at similar elevations in the Englewood Storage Basin. To authorize such a change, Board action is required. Ms. Budding provided survey and site plan data showing the proposed location of the house having an existing ground elevation above elevation 871.

Ms. Lodor introduced Ms. Jennifer Budding to discuss her plans and answer questions from the Board of Directors. Ms. Budding stated that the proposed home would be her primary residence and that she understands that the home would be built at her own risk.

M 2024-6731

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously granted an exception to the elevation restriction on Ms. Budding's deed. Ms. Budding will be permitted to construct a new house in the Englewood Storage Basin above the natural ground elevation of 871 at her own risk. The property will continue to be subject to any other restrictions on the deed.

Next, Ms. Lodor discussed proposed updates to the MCD Storage Basin Rules.

MIAMI CONSERVANCY DISTRICT RULES DEVELOPMENT STORAGE BASIN RULES APPROVAL

On December 13, 2023, the Board of Directors approved new Storage Basin Rules that provide a foundation to consistently maintain and enforce MCD's storage basin restrictions, preserve the integrity of MCD's flood control works, and protect against the loss of life and property from flooding when the storage basins store flood water.

While implementing these rules in recent months, MCD staff noticed that erecting a fence and installing children's play equipment were mistakenly included as actions that would require a permit. These activities have historically been allowed without a permit and staff proposes they still should be.

Staff proposes that the Storage Basin Rules be updated by removing the wording "Erecting fencing or children's play equipment" from Section 600.05.A.3. There are two other proposed minor changes including deleting the word "Proposed" from the top of the first page and writing out "Miami Conservancy District" in full in Section 600.01.A.

M 2024-6732

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the proposed updates to the Storage Basin Rules.

Next, Ms. Lodor and Mr. O'Connor presented information regarding a proposed lease to the City of West Carrollton for their river district and whitewater park.

PROPERTY LEASE TO WEST CARROLLTON FOR RIVER DISTRICT AND WHITEWATER PARK

Staff has been coordinating with the City of West Carrollton since 2022 on their development of a plan for a river district and whitewater park. This improvement aligns with MCD's goals to increase safe river access and recreation. Much of this park is envisioned to be on property that MCD owns, which requires West Carrollton to obtain property rights from MCD. It has been determined that a lease is the proper legal document for MCD to grant the property rights. Based on comments from the Board at the July 16, 2024, Board of Directors meeting and the City of West Carrollton, the following is a summary of the changes staff proposes to the lease document:

1. Renewal Term (Section 1.3)
 - a. The term language now indicates an initial 15-year term plus three 15-year renewals at West Carrollton's discretion.
2. Renewal Term Lease Fees (Section 1.4)
 - a. The language now ties all future renewal lease fees to a "Leasehold Baseline Value" for the property, which is an estimated 2024 value of the MCD-owned property prior to park improvements as derived by the Board of Appraisers. The Consumer Price Index will be used in future years with this 2024 baseline.
3. Compliance with rules, regulations, standards, and policies (Section 2.2)
 - a. A sentence was added to this section that will allow MCD to terminate the lease if the LESSEE'S actions lead to increased risks of flooding or other dangers.
4. Advertisement Prohibited (Section 2.5)

- a. The language in this section was tweaked to clarify that commercial signage may be permitted, but only by Board approval.
- 5. Termination (old Section 4)
 - a. We removed this section and will rely on the Default section that was previously Section 5. This means the lease can be terminated if West Carrollton is in default of any of the rules in the lease.
- 6. Default (new Section 4)
 - a. If West Carrollton is found to be in default of any of the conditions of the lease, they would now have 180 days instead of 30 days to make any necessary corrections or repairs.

Historically, MCD charges an administrative fee for communities to lease MCD land for public recreation purposes if they are subject to a unit assessment. This proposed development aligns with the past practice and includes additional benefits to MCD such as reducing the drowning hazard from the low dam, taking on maintenance of the dam and 83 acres of MCD property, increasing public river recreation options, and supporting riverfront redevelopment. Staff recommends that only an administrative fee be charged for this lease at this time.

Ms. Lodor introduced Amber Holloway, City Administrator of the City of West Carrollton, and Joe Tuss of JT Development Consulting, LLC, to provide further information and answer questions of the Board of Directors. The project is projected to take ten years and approximately \$75M to build to completion. Their funding will come from a combination of grants from the State of Ohio, the Department of Housing and Urban Development, rolling tax increment financing (TIF) bonds, and City of West Carrollton funds. Due to the nature of TIF bonds and West Carrollton’s own funding, the City is requesting assurances that the property will remain in possession of the City of West Carrollton for 40 years at minimum. Final design for the site will begin in early 2025, with construction beginning in late 2025.

M 2024-6733

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously granted authorization for the General Manager to enter into the lease agreement with the City of West Carrollton for an initial 15-year term plus three 15-year renewals at West Carrollton’s discretion.

Next Dr. Hippensteel Hall provided an update regarding a grant request.

GRANT FUNDING UPDATE

In December 2023, the Board of Directors passed a resolution authorizing staff to submit grant funding applications for various purposes. Staff has submitted the following grant requests:

Project Title: *“Flood History and MCD Flood Protection System Kiosks and Books”*

Description: To install new interpretive kiosks at the five MCD dams and reprint the Flood of Memories book.

Total Project Cost: \$50,000

Grant Amount Requested: \$50,000

Source: Ohio Humanities Program

The Miami Conservancy District Match: \$0

Other Participants: N/A

Status: Application was submitted on March 15, 2024. Grants will be awarded June 3, 2024. MCD was notified on June 4 that the grant was not awarded.

Next, Ms. Lodor presented a proposed addition to the MCD Bylaws.

REVIEW OF BYLAWS

The Board of Directors has established bylaws as governing rules under which it operates. To maintain bylaws that allow the Board of Directors to operate efficiently, effectively, and in compliance with statutory and/or regulatory requirements, the Board periodically reviews and updates its bylaws.

In consultation with legal counsel, the following addition is proposed to Article 1 of the Bylaws of The Miami Conservancy District:

11. Public Comment During Meetings. Public comment during a meeting may be permitted at the sole discretion of the Board. Time limits for each speaker will be set by the Board on a meeting-by-meeting basis. All proposed speakers shall sign in with the MCD and provide their name and address to the Board. Written public comments may also be provided for the Board's consideration.

M 2024-6734

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the updated The Miami Conservancy District Bylaws.

Next, Mr. Puskas presented information regarding the 2023 Butler County Hazard Mitigation Plan.

BUTLER COUNTY HAZARD MITIGATION PLAN

The Ohio Emergency Management Agency (OEMA) integrates hazard mitigation principles to make Ohio communities more sustainable and citizens more resilient. OEMA manages potential projects submitted to the Federal Emergency Management Agency (FEMA) for grant assistance within various available FEMA programs. OEMA submits a statewide grant application to FEMA for funding that may include projects requested by local communities acting as subapplicants. Jurisdictions must develop and maintain hazard mitigation plans to be eligible for this grant program(s).

Counties in the region typically update their hazard mitigation plans every five years. MCD staff collaborates with the counties to prepare updates to the plans.

MCD staff may identify potential project(s) within the next five years that could be eligible for FEMA grant funding. For MCD to be an eligible subapplicant for FEMA grant funding, the Board of Directors must adopt the county hazard mitigation plans.

M 2024-6735

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, adopted the following Resolution adopting the Butler County Hazard Mitigation Plan – 2023.

R 2024-1938

This number was amended to correct the resolution number from R 2024-1936 to R 2024-1938; the resolution remains unaffected.

**RESOLUTION TO ADOPT
THE BUTLER COUNTY HAZARD MITIGATION PLAN – 2023**

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 including tributary streams and its importance to the welfare of the people and institutions in the communities; and

WHEREAS, through its countywide coordinated program, the Butler County Emergency Management Agency has developed the Butler County Hazard Mitigation Plan – 2023 that includes all hazards to which Butler County and its municipalities are susceptible as per Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, the Board of Directors endorses the goals, strategies, and objectives of the Butler County Hazard Mitigation Plan – 2023 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 Butler County Hazard Mitigation Plan – 2023 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 Miami County to the impacts of disasters.

Next, Ms. Lodor referenced the Board's June 2024 request for information on MCD permits and lease fees. Information was compiled into a report and Mr. Rentschler requested that more time be given for review and it be placed on the December work session agenda.

Next, Ms. Lodor presented the 3rd Quarter Management Report to the Board of Directors for their information and review. Of particular interest to the Board was information regarding homeless encampments on MCD property.

MCD Staff cleaned up multiple homeless encampments in Troy, Dayton, West Carrollton, Franklin, and Middletown. The largest of these camps was in Middletown and was a joint project between City of Middletown Police (MPD) and MCD. MPD went into the encampment prior to MCD staff and removed anyone who was staying in it after giving them 7 days' notice to vacate and MCD staff were able to utilize MCD labor and equipment to remove approximately 15 tons of trash and debris from the location.

So far in 2024 we have spent roughly \$2500 in dump fees and dumpster fees from cleaning up homeless camps throughout the district. The majority of this expense came from the large camp in Middletown, but we have also removed many smaller camps from Hamilton, Franklin, West Carrollton, Dayton, and Troy so far this year. It is safe to say that we have active homeless encampments in every feature in the district and have had issues with homeless at Lockington, Taylorsville, Germantown, and Englewood dams in the past. Typically, we do not seek out homeless camps to remove them unless they are extremely visible, close to recreation areas/trails, creating issues like excessive trash or damage to MCD infrastructure, or we are asked to do it by local law enforcement. There are plenty of encampments deep in the woods on MCD property where people live pretty much unbothered because we do not have the time or resources to chase them.

These encampments provide challenges to staff because the inhabitants and the trash/debris they leave behind can be dangerous when we have to go in and clean it up and every law enforcement jurisdiction we operate in handles this issue differently. A lot of times we end up chasing the same groups from one location to another still on MCD property and we clean up after them multiple times. This ends up being a drain on MCD resources and the morale of MCD employees.

Mr. Rentschler asked about the safety of MCD employees while cleaning up an encampment site. Mr. Casper stated that local police always enter the encampment first to encourage the campers to move off of the site and find other accommodations. Mr. Casper explained that staff tries to use the fecon tractor to remove most of the debris from the site; however, there will always be small items that need to be removed by hand. The greatest challenge, Mr. Casper stated, was that each law enforcement agency along the river is concerned with removal of the homeless encampments only within their jurisdiction and there is no cooperation between the jurisdictions to ensure permanent removal of encampments or consistent treatment of the campers.

Groundwater levels were also briefly discussed.

Mr. Ekberg reported that the hydrology team made monthly visits to each of the 92 observation wells to measure the depth to groundwater and download logged groundwater level data from wells with recorders.

Groundwater levels in the buried valley aquifer system trended below normal throughout the fall season of 2023 at most MCD observation wells. This is to be expected given the below normal precipitation conditions that prevailed throughout much of 2023. November, December, and January tend to be prime aquifer recharge months in the watershed when evapotranspiration rates are low, and precipitation can infiltrate through soils and reach the water table. The chart below shows recent groundwater levels measured in MCD observation well BU-70 on the Miami University Hamilton Campus. Groundwater levels measured in this well are representative of general conditions for the buried valley aquifer system in Butler County. From the chart, one can see that significant recharge to the well after the fall season of 2023 did not occur until January 2024 when groundwater levels increased. This is a later than usual start to the annual groundwater recharge cycle. February was largely void of any groundwater recharge to the well. One major pulse of groundwater recharge occurred in March. However, groundwater levels remained below monthly median values even in April when two pulses of precipitation resulted in the highest 2024 groundwater level measured in the well.

Since April, groundwater levels in BU-70 have declined throughout May, June, and July. The drop in groundwater levels was a result of below normal precipitation in May and June as well as increasing evapotranspiration rates as the seasons changed from spring into summer. Groundwater levels have been below normal (monthly median) throughout most of the year.

Mr. Ekberg stated that some of the wells supplying groundwater to the City of Dayton were very low, in the 24th percentile, and one well in downtown Dayton is currently dry. Dr. Hippensteel Hall stated that social media posts encouraging residents to conserve water have been deployed by various agencies.

FUTURE BOARD MEETINGS

The next regular meeting of the Board of Directors is December 18, 2024.

EXECUTIVE SESSION

The Board of Directors adjourned to Executive Session, on motion by Mr. Rentschler and seconded by Ms. Whelley, for the purposes of considering pending or imminent court action as allowed by Ohio Revised Code Section 121.22(G)(3). Upon roll call, the vote was as follows: Mr. Rentschler, aye; Ms. Whelley, aye; and Mr. van Haaren, aye. Executive Session began at 12:15 p.m.

Staff members present at the Executive Session were: MaryLynn Lodor, General Manager/Board Secretary, Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief Engineer; and Barry M. Puskas, Chief of Technical and Engineering Services.

Legal Counsel present at the Executive Session: Lee A. Slone, McMahon DeGulis LLP.

A motion to exit the Executive Session was made and moved by Mr. Rentschler and seconded by Mr. van Haaren. The motion passed with Mr. Rentschler and Mr. van Haaren both voting aye. Ms. Whelley departed the meeting before the motion to exit executive session was made.

The meeting returned to open session at 12:43 p.m.

M 2024-6736

The Board of Directors, on motion by Mr. Rentschler and seconded by Mr. van Haaren, directed legal counsel to proceed with a response to a complaint filed by Tain Investments III, LLC, in the Montgomery County Common Pleas Court. The motion passed with Mr. Rentschler and Mr. van Haaren both voting aye. Ms. Whelley was no longer in attendance.

ADJOURN

There being no further business, the meeting was adjourned on motion by Mr. Rentschler and seconded by Mr. van Haaren at 12:45 p.m.

ATTEST:



Mary Lynn Lodor
General Manager/Board Secretary

APPROVED:



Mark G. Rentschler
President