

**Ohio School Facilities Commission**  
**July 24, 2008**  
**William McKinley Room 1:30 PM**

**MINUTES**

The meeting was called to order at 1:34 PM.

**Roll Call**

Members present: Vice Chair Hugh Quill, Dr. Steve Puckett, Senator Tom Roberts, Representative Clyde Evans and Representative Matt Szollosi.

**1. Executive Director's Report**

The Executive Director updated the Commission members on the following: School Contacts - Office: Youngstown City School District, Clyde-Green Springs Exempted Village School District and Wayne County Joint Vocational School District; School Visits: Tri-County Career Center and Clermont Northeastern Local School District; Meetings: Scioto County Commissioners; Speaking Engagements: Circleville Rotary.

Director Shoemaker provided a project status update. The Commission has occupied 584 new or renovated buildings since 1997. The buildings are located in 226 districts facilities and serve 325,000 students. There are currently 184 buildings under construction with another 142 in active design. All the necessary facility work has been completed in 133 school districts. The Commission has disbursed over \$6.5 billion for renovation and construction work since 1997 and that translates into about \$3 million a day. The Director distributed a map of the project status by district and the FY2008 disbursements through June 30, 2008 totaled \$988,010,707.

Senator Roberts asked what our relationship is with the school district who in advance puts their money into a project, and what is our role as it relates to the oversight of the construction. Director Shoemaker responded that OSFC works with a district that wants to enter into Expedited Local Partnership Program. The district has their own architect, they provide their own supervision, and we provide minimal supervision in terms of watching the project. That is basically the school district's responsibility. They may get 100% credit for what they did, or they may get 80% credit. Vice Chair Quill asked what the status was with the discussions with the contractor at Trotwood Schools. Senator Roberts responded that they were very vague because it may be going to be litigated.

Senator Roberts suggested adding this as an agenda item to discuss at the August special meeting. The work was not done adequately or right, and now the school district is going back to correct it. This company who did the work should be another one of those red flags that we should be looking at. They may come to us in a normal process and so we do not know they have or had a reputation of doing bad work in a project because we are not directly involved.

Dr. Puckett thanked Director Shoemaker for the project status documents as he uses these when talking with Superintendents and suggested getting this information monthly or quarterly. Director Shoemaker responded that we could continue to give updates on project status.

Representative Szollosi shared a poster that was produced by the Toledo Public Schools. It is very well done and we should encourage all of our school districts to do this. It goes back to what we have talked repeatedly about these facilities being sources of community pride.

Vice Chair Quill asked Director Shoemaker if he could confirm that OSFC had received a petition from the concerned Toledo residents regarding Scott High School. Director Shoemaker responded that we received the book of petitions. We have had a lot of communication over the last six to twelve months on this. Our staff, Wayne Coleman in particular, has tried to come up with some options. The problem we run into with a building like Scott is simply the volume of the building and the number of students in there. If the building is oversized, then the district gets penalized because they have to pay 100% of that excess space renovation cost. We are trying to be as creative as we can. There is a contingent of OSFC staff going up there tomorrow just to see what might be possible. This will be a decision of the Toledo Public School Board, but we want to give them all the options and the least expensive options that they might have that makes that viable. It will be the school district's choice whether it will be a renovation or a new construction. We have asked them to sign an agreement for Segment 5 that simply moves the rest of the construction along the pipeline. If we wait past the first of August, then we go into next year's enrollment projections and they loose about \$18 million in terms of funding available because another drop in enrollment. Our projections are based on 10 years out, and then if there is a decline, we base it on a five-year projection. So if you go from the 5<sup>th</sup> to the 6<sup>th</sup> year, you continue to go downhill. So we have encouraged the district to get the agreement signed and then when they make their decision on Scott High School the agreement can be amended.

Representative Szollosi expressed his appreciation to Director Shoemaker for accepting the invitation to take a look at Scott High School to see what it is we can accomplish there. Understanding Representative Szollosi's personal preference is to see Scott High School renovated, the issue with the square feet at that facility, enrollment is not what it was before, but it is a historic building and the craftsmanship is remarkable. Representative Szollosi had also reviewed the resolution that the school district will be acting on Tuesday night, which pretty much outlines what Director Shoemaker has said. It appears that we have at least reached a point where everybody is on the same page and is willing to move forward in a capacity now so that we don't forfeit the \$18 million that would otherwise be coming to us as a school district next year. Representative Szollosi felt progress was being made and looks forward to doing what he could to help find a resolution.

**2. Adoption of the June 26, 2008 Meeting Minutes**

Dr. Puckett moved to approve the June 26, 2008 meeting minutes.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**3. FY 09 Projects – Presented by Eric Bode**

Eric Bode presented the new FY09 projects. This group of projects totals \$1.94 billion. This number is 54% more than last year. The average state share is 53%. All of those districts that had an Expedited Local Partnership Program credit are now coming into the funded program. Twelve of the school districts have ELPP credit totaling \$134 million. There are four segmented projects. Number of buildings are 72 new, 33 renovation/addition and 6 ELPP credit. These are districts that are going ahead with projects under the LEED silver standard. Between what is approved today, what was approved last November and the voluntary districts that decided that they wanted to participate in LEED, but did not have to, we will now be up to about 180 buildings that will be going forward with funding that will be LEED silver certified.

**a. CFAP**

Resolution 08-97 requested approval of 34 school districts for funding in the Classroom Facilities Assistance Program totaling \$1,821,949,450. This will take us to 375 on the equity list. Seven of these projects are open enrollment districts. These are districts that were affected by the change in law, including law that was passed just now in the capitol bill. That district with a high, over 10% of their population, is open enrollment get a better point on the equity list, so they have a lower local share. Westfall Local School District had special language, a provision in the capitol bill, because they had essentially an error in the calculation of their evaluation as it was handed from the Department of Taxation to the Department of Education to OSFC. So the net result is that they went from a 46% to a 45%, but they were able to benefit from that, and they are going forward with that now. There are four districts - Tuslaw, Crestwood, Eastwood and Fostoria that are the first four to go forward under the segmenting law, which also just passed the capitol bill.

<u>School District</u>	<u>County</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Budget</u>
Carey EVSD	Wyandot	\$15,888,614	\$11,986,147	\$27,874,761
Clay LSD	Scioto	\$18,257,865	\$4,564,466	\$22,822,331
Crestline EVSD	Crawford	\$14,869,726	\$9,913,151	\$24,782,877
Crestwood LSD	Portage	\$12,761,109	\$12,761,108	\$25,522,217
Eastwood LSD	Wood	\$13,582,647	\$15,316,603	\$28,899,250
Edgerton LSD	Williams	\$11,021,001	\$7,652,407	\$18,664,408
Edgewood CSD	Butler	\$48,136,993	\$50,101,769	\$98,238,762
Fostoria CSD	Seneca	\$13,734,789	\$8,418,096	\$22,152,885
Franklin-Monroe LSD	Darke	\$20,594,714	\$4,218,195	\$24,812,909
Hillsdale LSD	Ashland	\$14,115,711	\$15,917,717	\$30,033,428
Huber Heights CSD	Montgomery	\$84,747,199	\$78,228,184	\$162,975,383
Jefferson Township LSD	Montgomery	\$13,106,821	\$7,057,519	\$20,164,340
Lake LSD	Stark	\$41,176,741	\$46,433,346	\$87,610,087
Leipsic LSD	Putnam	\$15,026,771	\$8,091,338	\$23,118,109
Louisville CSD	Stark	\$37,749,110	\$34,845,333	\$72,594,443
Miami East LSD	Miami	\$12,011,977	\$16,587,969	\$28,599,946
Milton-Union EVSD	Miami	\$23,803,946	\$18,703,100	\$42,507,046
New Boston LSD	Scioto	\$16,896,209	\$2,304,029	\$19,200,238
North Baltimore LSD	Wood	\$12,112,577	\$8,417,215	\$20,529,792
North Central LSD	Williams	\$11,925,461	\$10,575,409	\$22,500,870
North Fork LSD	Licking	\$7,705,2941	\$3,147,232	\$10,852,523
Northwest LSD	Stark	\$29,567,328	\$24,191,450	\$53,758,778
Ottawa-Glandorf LSD	Putnam	\$19,728,272	\$20,533,508	\$40,261,780
Pettisville LSD	Fulton	\$17,556,629	\$3,853,894	\$21,410,523
Russia LSD	Shelby	\$4,988,156	\$6,612,207	\$11,600,363
South Western CSD	Franklin	\$205,852,170	\$232,852,170	\$437,983,341
Tuscarawas Valley LSD	Tuscarawas	\$17,815,186	\$21,774,116	\$39,589,302
Tuslaw LSD	Stark	\$11,884,153	\$15,125,286	\$27,009,439
Wellington EVSD	Lorain	\$19,288,278	\$22,642,761	\$41,931,039
Western Reserve LSD	Mahoning	\$13,200,594	\$11,244,951	\$24,445,545
Westfall LSD	Pickaway	\$17,324,112	\$14,174,274	\$31,498,386
Whitehall CSD	Franklin	\$47,668,430	\$30,476,537	\$78,144,967
Willard CSD	Huron	\$32,126,088	\$22,324,908	\$54,450,996
Xenia Community SD	Greene	\$57,687,858	\$67,720,528	\$125,408,386

**1990 Look Back**

Resolution 08-97 also requested approval of one 1990 Look Back school district for funding. This is actually CFAP, but with a slightly different category. With the CFAP Program one of the points in law is if you are a district and accept CFAP funding generally you cannot have another offer of state funding for 20 years. The exception to that is a group of districts called the 1990 Look Back Program. Back in the early 1990's, there were 44 school districts that received some funding to do some project, but not all. Provision was made in law that we

could look back at these programs and finish doing them for all the needs that were not met the first time. We have now offered that funding to most of the school districts on the 44-district list. One school district listed below submitted for approval.

<u>School District</u>	<u>County</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Budget</u>
Twin Valley Community LSD	Preble	\$4,225,844	\$2,275,455	\$6,501,299

The Commission staff recommended approval of Resolution 08-97.

Dr. Puckett moved to approve Resolution 08-97.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**b. ENP**

The Exception Needs Program serves the worst conditioned buildings in the state that have life safety concerns. The application process includes consultant's scoring from consultants sent to the district to look at the buildings. Those are then presented to an outside committee that then looks at them and ranks them in terms of severity of need. Out of the twenty-four applications submitted this year, fifteen applicant buildings were selected. We then worked with the top fifteen buildings to see if they could do a project. Three school districts listed below were presented for approval. There are a number of districts that are very interested in going forward in November. The Commission staff recommended approval of Resolution 08-98.

<u>School District</u>	<u>County</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Budget</u>
Fremont CSD	Sandusky	\$8,769,119	\$18,634,378	\$27,403,497
Indian Creek LSD	Jefferson	\$5,105,016	\$10,848,158	\$15,953,174
Washington-Nile LSD	Scioto	\$15,662,992	\$319,653	\$15,982,645

Dr. Puckett moved to approve Resolution 08-98.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**c. VFAP**

The Vocational Facilities Assessment Program has two school districts for approval. These are both renovations of existing buildings for career tech students. The Commission staff recommended approval of Resolution 08-99.

<u>School District</u>	<u>County</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Budget</u>
Vantage Career Center	Van Wert	\$16,254,417	\$6,501,311	\$22,755,728
Wayne County JVSD	Wayne	\$18,429,158	\$11,674,008	\$30,103,166

Dr. Puckett moved to approve Resolution 08-99.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**d. Next Ten List**

This list is required by law. Every year when the Commission approves projects, it is required to present a next ten list for CFAP. The Commission staff recommended approval of Resolution 08-100.

<i>Priority</i>	<i>District</i>	<i>County</i>	<b>FY07 Rank</b>
1	Sandusky City School District	Erie	342
2	Piqua City School District	Miami	343
3	Brookville Local School District	Montgomery	344
4	Otsego Local School District	Wood	346
5	Manchester Local School District	Summit	347
6	Lexington Local School District	Richland	348
7	Tiffin City School District	Seneca	350
8	Tri-County North Local School District	Preble	351
9	Bellevue City School District	Huron	352
10	Bloomfield-Mespo Local School District	Trumbull	353

Dr. Puckett moved to approve Resolution 08-100.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**e. ELPP Eligibility**

Law requires an eligibility cutoff. If a district is within two years of funding from the CFAP program, we would not be able to start a project with them in the ELPP program. The thought is if they are that close they should just wait and do it altogether in the CFAP program. Because of that we ask the Commission to adopt a resolution every year saying what that cutoff is. The cutoff for this year is 395 on the equity list. The Commission staff recommended approval of Resolution 08-101.

Dr. Puckett moved to approve Resolution 08-101.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**f. ENP Eligibility**

Law provides for the ENP program a general prohibition that if a district were within three years of funding from the CFAP program, it would not be eligible for the ENP program. The cutoff for the three-year lookout is 405 on the equity list. The Commission staff recommended approval of Resolution 08-102.

Dr. Puckett moved to approve Resolution 08-102.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**g. VFAP Eligibility**

The VFAP ELPP program provides that any joint vocational school district may participate in the program as long as it is not expected to receive assistance under VFAP within two fiscal years of the date the school district's Board of Educations resolves to apply for VFAP ELPP. The cutoff is recommended for districts ranked 22nd or below on the VFAP three-year average equity list. The Commission staff recommended approval of Resolution 08-103.

Dr. Puckett moved to approve Resolution 08-103.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

4. **School Energy Conservation Financing Program Approval– Presented by Mark Wantage**  
Mark Wantage presented four School Districts requesting participation in the Energy Conservation Financing Program. In this program districts identify energy saving facility improvements. Projects must pay for themselves through the result and reduction of energy consumption within a fifteen-year period. School districts are required to prepare and submit project proposals for review and approval by the Commission. Commission approval allows the school district to obtain financing and proceed with their program. These projects have been reviewed by the Ohio Department of Development/Office of Energy Efficiency and the staff of the OSFC and were recommended for approval of Resolution 08-104.

Loudonville-Perrysville Exempted Village School District (Ashland County):

Total Project Cost \$1,675,000  
Interest Rate (Included in the Total Project Cost) 4.86%  
Totalled Annual Savings \$113,738  
O&M Savings (Maximum Limit of 30%) \$33,910  
O&M Savings is Percentage of Total Savings 29.8%  
Payback Period (Maximum 15 Years) 14.7 years  
Number of Buildings 6  
Vendor H.E.A.T. Total Facilities Solutions  
Scope of Work:  
Building Controls Upgrades (6)  
Boiler Replacement (6)  
Lighting Retrofit (6)  
New Gym Lighting (6)  
Occupancy Sensors (6)  
Air Handler Variable Speed Drives (1)

Springfield City School District (Clark County):

Total Project Cost \$4,135,538  
Interest Rate (Included in the Total Project Cost) 4.25%  
Totalled Annual Savings \$468,138  
O&M Savings (Maximum Limit of 30%) \$0  
O&M Savings is Percentage of Total Savings 0%  
Payback Period (Maximum 15 Years) 8.8 years  
Number of Buildings 15  
Vendor Waibel Energy Systems  
Scope of Work:  
Re-lamping of Lighting (13)  
New Gym Lighting (13)  
New CO<sub>2</sub> Demand Control Ventilation (13)  
Variable Frequency Drives for Chilled and Hot Water Pumps (13)  
Building Controls Upgrades (13)  
PC Power Management (13)  
Vending Machine Controls (13)  
20 KW Solar Photo Voltaic Panel (13)  
Solar Thermal Domestic Hot Water System (13)

Tri-County Career Center (Athens County):

Total Project Cost \$1,133,635  
Interest Rate (Included in the Total Project Cost) 0.0%  
Totalled Annual Savings \$115,357

O&M Savings (Maximum Limit of 30%) \$0  
O&M Savings is Percentage of Total Savings 0.0%  
Payback Period (Maximum 15 Years) 9.8 years  
Number of Buildings 2  
Vendor Aleron Inc.  
Scope of Work:  
Building Controls Upgrades (2)  
Lighting Retrofit (2)  
Demand Control Ventilation (CO<sub>2</sub> Monitoring) (2)  
Boiler Replacement (2)  
Variable Speed Drive for AHU and Hot Water Pumps (2)  
Dishwasher Replacement (2)

Union-Scioto Local School District (Ross County) *Revised\**:

Total Project Cost \$1,042,085  
Interest Rate (Included in the Total Project Cost) 5.5%  
Total Annual Savings ~~\$113,738~~ **\$269,225\***  
O&M Savings (Maximum Limit of 30%) \$79,630  
O&M Savings is Percentage of Total Savings ~~29.6%~~ **30%\***  
Payback Period (Maximum 15 Years) ~~3.9 years~~ **3.87 years\***  
Number of Buildings 2  
Vendor Sabo/Limbach Energy Services  
Scope of Work:  
Building Controls Upgrades (2)  
Demand Control Ventilation (CO<sub>2</sub> Monitoring) (2)  
Chiller Heat Recovery (2)

\*The originally presented total savings number of \$113,738 was a misprint. The actual total savings including the operational savings is \$269,225. The project payback period and the operational savings percentage were adjusted for increased accuracy and were not affected by the misprint.

Dr. Puckett moved to approve Resolution 08-104 conditional on verification of Union-Scioto annual savings amount.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**5. Maintenance Plans Approval – Presented by Mark Wantage**

Mark Wantage presented three maintenance plans for Commission approval for Hamilton Local School District, Jefferson Area Local School District and South Point Local School District. A Maintenance Plan provides the district with a systematic and thorough guide for preventative maintenance of the facility completed under the Commission's programs. The plan also provides for projections of cost and a prioritization of the recommended maintenance operations. Individual plans are based upon the equipment and materials used in the facility. Recommendations are made concerning maintenance tasks, staffing, continuous education and service contracts. Commission approval of the Maintenance Plan is required for the access to their half-mill maintenance fund. The School Districts having submitted their Maintenance Plans for approval. Staff reviewed the maintenance plans for the districts and they met all the requirements. Resolution 08-105 was recommended for approval.

School District	Buildings Included in the Maintenance Plan
<i>Hamilton LSD (Franklin)</i>	Hamilton ES, Hamilton MS, Hamilton Intermediate and Hamilton Admin. Office
<i>Jefferson Area LSD (Ashtabula)</i>	Jefferson ES and Jefferson Rock Creek ES
<i>South Point LSD (Lawrence)</i>	South Point MS and South Point HS

Dr. Puckett moved to approve Resolution 08-105.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**6. LEED for Schools Update – Presented by Elaine Barnes**

Elaine Barnes reported as of today we have 53 schools registered in the LEED for Schools online tool, with probably another 25 in process. Elaine attended about 25 design eco-charrettes and has done many mentoring sessions with our architect and design teams. Things are moving forward, somewhere between brut force and finesse. Elaine also reported on upcoming changes for LEED. The US Green Building Council has determined that it would be beneficial for all of their LEED building rating tools to have similar numbers that lead to certified, silver, gold and platinum. As a result, they have significantly changed their rating systems and are in the process of public comment. They have added some categories; one of the most interesting categories is a category of regionalism. For example, in Ohio issues of water are a lot different than they are in Arizona. Our design teams will have the option to stay with the rating system they registered under or change to the new system, based on what is the best thing for the project. We are going to look at the rating systems once it is finished and provide recommendations to them as to whether they should stay in their current system or upgrade. The energy and atmosphere credits have been changed to some extent in response to the American Society of Heating, Refrigeration and Air-conditioning Engineers. We are watching this very carefully so that we can provide good advice for all of our design teams who are struggling in many different ways with the changes that they are going through in their design process. We hope to make that transition as simple as possible. The bar is moving and it has changed every two to three years, but this is a good thing, it is a learning document.

Senator Roberts stated that the two previous energy proposals had no savings in operation and maintenance. He asked why we do not take into consideration the operating of that system as well as the maintenance of it. Elaine Barnes replied that adopting LEED for Schools and making some changes, for example ongoing commissioning, and encouraging all projects to work in LEED for Existing Buildings, ensures that maintenance and operational savings. One of the reasons we look at actual energy savings in House Bill 264 as opposed to operational maintenance savings is there is no control over what people will and will not do. Operational maintenance savings are reliant on people doing the right things at the right times, which sometimes does not happen. What we are trying to do is to create a conservative minimum and then the maintenance plan itself addresses the savings you get as well as the savings you don't get if you don't maintain your buildings properly. So we are taking much greater steps than we have been able to in the past, in terms of quantifying that for our districts. Director Shoemaker commented that basically is the reason for the adoption of the LEED standards. We tried to design buildings that we think are highly efficient buildings, good educational facilities and often look at that long-term maintenance without any guarantee. The higher efficiency energy equipment put in the design of the building to use less energy up front increases the possibility that that district will save substantially. Elaine Barnes said we have changed our minimum phase submission requirements for our architectural teams to require them to start energy modeling from program requirements. They are doing energy performance modeling from the very

beginning of the project. As they are designing the orientation and shape of the building, they are looking at and saying, "how is this going to perform?" They are integrating daylight and running it through modeling programs, optimizing that before they even go in and put mechanical systems. The thing that is going to help them the most in terms of operational savings is really looking at how that building is going to perform from the beginning, instead of when it is traditionally being done, which is in the design development.

7. **Master Facilities Plan Agreement Amendments Approval – Presented by Steve Lutz**

Steve Lutz presented the following Master Facilities Plan amendments for Commission approval.

Liberty Benton Local School District in Hancock County for their 2007 participation in CFAP. This Amendment removes from the Master Facilities Plan the renovation of their high school, which was newly constructed in 1995. The district and their architect identified that the community does not support the renovation of the high school. The assessment and Master Facilities Plan called for \$3.8 million of renovations, which were predominantly technology and site improvements. This Amendment removes the renovation of the high school from the Master Facilities Plan and reduces the project budget by \$3.8 million.

Logan Hocking Local School District in Hocking County for their 2006 participation in the Classroom Facilities Assistance Program. This Amendment addresses a facilities reassessment, which increases the size of the addition to the middle school by 2,691 square feet and provides additional replacement of kitchen equipment. The required budget increase of \$275,895 is 0.7% of the original budget.

Steubenville City School District in Jefferson County for their 2004 participation in Classroom Facilities Assistance Program. This is the second Amendment to the Master Facilities Plan. The plan was amended in March of this year to provide a 3.2% budget increase to address market conditions and inflationary impact since 2004. This Amendment is brought to the Commission to fund the correction of unstable soil conditions that have been encountered during construction of the new elementary school. Over one half of the building has experienced settlement of walls and floor slabs. Corrective work has been started, micro piles are being installed to bedrock and are used to hydraulically jack the settled walls and floor slabs to level and to permanently support them. The planned corrective work includes the installation of 1,114 micro piles. Also funded is correction of the slip of unstable soil at a hillside cut. This Amendment adds \$3,296,320, which is 11.4% of the original budget. All parties to the project have been notified that the co-owners intend to pursue cost recovery from those parties deemed responsible. Staff recommended approval of Resolution 08-106 for the Liberty Benton School District, the Logan Hocking Local School District and the Steubenville City School District.

Vice Chair Quill asked for a status of the discussions on Steubenville for recovery action. Jerry Kasai responded that we are still figuring out the causes and are still in the investigatory stage.

Dr. Puckett moved to approve Resolution 08-106.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

8. ***Expedited Local Partnership Program Agreement and Amendments Approval – Presented by Steve Lutz***

Steve Lutz presented for Commission consideration a Project Agreement for participation in the Expedited Local Partnership Program (ELPP) for Elida Local School District of Warren County. This agreement defines the discrete portion of the Master Facilities Plan that the district plans to

build, using all local funds under the Expedited Local Partnership Program. The discrete portion is the construction of the 106,061 square foot high school, which is budgeted at \$23,088,577. The district passed a bond issue in March of this year to fund this project. Staff recommended approval of Resolution 08-107.

Dr. Puckett moved to approve Resolution 08-107.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

Steve Lutz presented the following amendments to the Project Agreement or Part Two Agreement for participation in the Expedited Local Partnership Program (ELPP).

Louisville City School District in Stark County. This amendment increases the scope of work at the elementary school to reflect the full renovation of this school. The credit amount is increased by \$789,305 for a total credit of \$27,901,552. This amendment reconciles scope of credit for the work actually completed by the district and finalizes the credit to be applied to the district's participation in the Classroom Facilities Assistance Program this year.

Mason City School District in Warren County. This amendment is a 27% reduction in the scope and credit for the district's new high school project. This reconciles the creditable scope of the project constructed by the district. The district elected to apply a significant portion of their available funding to community use space within the new facility. The budget is reduced by \$24,341,938 for a credit of \$65,749,991.

Northwest Local School District in Stark County. This amendment reconciles the scope and credit of work actually completed by the district in their partial construction of a new high school. The square footage of the project is increased from 58% to 75% of the new high school. This adds \$4,162,426 to the credit for a total credit of \$27,031,992.

Orrville City School District in Wayne County. This amendment reconciles the scope and credit for the work completed for partial renovation at the high school. This adds \$319,014 to the credit for a total credit of \$28,301,948. This district completed two new elementary schools under the Expedited Local Partnership Program agreement. This amendment credits the replacement of the boilers at the high school, which is planned for renovation.

Staff recommended approval of Resolution 08-108 for Louisville City School District, Mason City School District, Northwest Local School District and Orrville City School.

Dr. Puckett requested further explanation on the ELPP credit. Steve Lutz responded we proceed with an original agreement where the district makes their initial determination of what they would like to build using their money. Often times there are changes made along the way and we are reconciling what they actually built and defining the credit that will be applied to their Classroom Facilities Assistance Program project.

Dr. Puckett moved to approve Resolution 08-108 as amended.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**9. Emergency Assistance Program Approval - Presented by Franklin Brown**

Franklin Brown presented Findlay City School District for The Emergency Assistance Program. This program is one that the Commission has had in its arsenal of benefits that it could provide to

school districts, but fortunately it has not been necessary in the past. This is a program that provides a safety net to school districts as natural disasters or Acts of God affected the buildings in the school districts. The program was created at the same time that the Commission was created by Senate Bill 272 back in the year 2000. It is funded at a \$15 million level and we have never expended any of those funds to date. There is a provision that the district is to utilize all sources of funding such as insurance, national FEMA funding and state emergency management funding before we would consider providing funding through this program. There is no funding provided for damage due to age or for lack of maintenance. This is purely funding to make them whole after an event. Franklin Brown provided aerial views of the flooding that took place in August of 2007 at Findlay City School District in Hancock County seriously affecting six of their buildings. Within a month after this occurred, the school district was able to put students back into these buildings. One building took two months to re-occupy. There is a provision that all restoration has to be in conformance with the Ohio School Facilities Commission standards which we have ascertained has been accomplished by the school district. And only buildings that are described in the school design manual can be funded through this program. Some buildings that were not funded were bus garages and school administrative buildings. FEMA spent through March of 2008 working with this community and has provided over \$2 million worth of funding. The Ohio Emergency Management Agency has provided \$367,000 worth of funding. Findlay City School District applied through the Emergency Assistance Program for \$324,393. Staff recommended approval of Resolution 08-109.

Dr. Puckett moved to approve Resolution 08-109 as amended.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**10. Consultant Contract Agreement Approval - Presented by Eric Bode**

Eric Bode presented two contracts for building envelope forensic consulting services. The scope is inspection, testing and recommendation for buildings that have wall and roof issues. The typical assignment under this contract would be finding a leak after the building is occupied, needing to know how to fix it and who to hold responsible for fixing the leak. A full Request for Proposals selection was done. Sixteen firms submitted proposals and five firms were short-listed. Staff recommended approval of Resolution 08-110.

Contractor	Scope of Work	Amount
Professional Service Industries, Inc.	Building Envelope Forensic Consulting	\$125,000
StructureTec Corporation	Building Envelope Forensic Consulting	\$145,000
	TOTAL	\$270,000

Dr. Puckett moved to approve Resolution 08-110.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

**11. Architectural Agreements and Amendments Approval – Presented by Steve Berezansky**

Steve Berezansky presented design profession agreement and amendments for Commission consideration. The approval for the Hamilton City Design Professional Agreements, including the Locally Funded Initiative agreement as listed in your books has been deferred until a later date. The Commission staff reviewed and recommended approval of Resolution 08-111.

Agreements:

School District	Project	Architect	Amount
Butler Technology and Career Development SD	Renovations/additions to the Butler Technology Joint Vocational School District	McGill Smith Punshon, Inc.	\$1,160,000

Amendments:

School District	Project	Architect	Fees to Date	Amount	Total
Cincinnati CSD - Seg. 3a	Additional project scope and budget, LEED certification and Energy modeling	Cole + Russell Architects Inc.	\$2,367,224	\$77,500	\$2,444,724
Cincinnati CSD- Seg. 3a	Additional project scope and budget, LEED certification and Energy modeling	DH Architects Inc.	\$1,323,978	\$160,130	\$1,484,108

Dr. Puckett moved to approve Resolution 08-111.  
 Vice Chair Quill seconded the motion.  
 Approval: Vote 2-0.

**12. Construction Manager Agreements and Amendments Approval – Presented by Steve Berezansky**

The following Construction Manager Agreements were presented for approval. The Commission staff reviewed and recommended approval of Resolution 08-112.

CM Firm	District	County	Total CM Compensation
Smoot Construction Company	Hardin Northern Local School District	Hardin	\$723,848

Dr. Puckett moved to approve Resolution 08-112.  
 Vice Chair Quill seconded the motion.  
 Approval: Vote 2-0.

The following Construction Manager amendments were presented for approval. The Commission Staff recommended approval of Resolution 08-113.

School District	Construction Management Company	Amount
Joseph Badger LSD	URS Corporation	\$0
Clinton-Massie LSD	Turner Construction Company	\$79,967

Vice Chair Quill moved to approve Resolution 08-113.  
 Dr. Puckett seconded the motion.  
 Approval: Vote 2-0.

**13. Trade Construction Contracts Approval – Presented by Steve Berezansky**

All contracts represent the lowest responsible bidder. There are two contracts, which represent an award to the second low bidder. One contract is an electrical and technology contract for the Geneva Area City School District project to John G. Johnson Construction Company for \$385,800. A.J. Goulder Electric Company, the apparent low bidder, withdrew due to

mathematical errors discovered during the bid review process. The other contract is for asbestos abatement on the Tri-Valley Local School District project to LEPI Enterprises Incorporated for \$119,383. Astar Abatement, the apparent low bidder, withdrew due to mathematical errors discovered during the bid review process. The Construction Manager and Architectural Engineer support these requests for withdrawal and therefore these bids were awarded to the second low bidder. Steve Berezansky also noted that SecurCom Inc. contract for \$50,700 on the Lincolnview Local School District project is incorrectly noted as a second low bidder, and is in fact the actual low bidder on that project. The Commission staff reviewed and recommended approval of Resolution 08-114.

<u>School District</u>	<u>Contracting Entity</u>	<u>Scope of Work</u>	<u>\$ Amount</u>
Akron CSD	Ray Bertolini Trucking Company	Demolition	\$134,900.00
Akron CSD	S. S. Sprinkler, LTD	Sprinkler System	\$119,500.00
Akron CSD	Total Environmental Services, LLC.	Asbestos Abatement	\$32,165.00
Cincinnati CSD	Environmental Demolition Group, LLC	Environmental Remediation/Asbestos Abatement	\$228,800.00
Cincinnati CSD	Broshear Contractors, Inc.	Temporary Road & Utility Package	\$724,000.00
Cincinnati CSD	C J & L Construction, Inc.	Site/Work Demolition	\$908,396.00
Cleveland CSD	Commerce Plumbing	Plumbing	\$759,750.00
Cleveland CSD	Envirocom Construction	Window Stabilization	\$1,035,000.00
Cleveland CSD	Down to Earth Landscaping	Landscaping	\$47,987.00
Cleveland CSD	Miles Mechanical	HVAC	\$1,625,000.00
Cleveland CSD	Perk Company	Exterior Concrete Flat Work	\$197,500.00
Cleveland CSD	Giambone Construction	General Trades	\$6,326,240.00
Columbus CSD	Continental Office Environmentals	Loose Furnishings	\$140,735.45
Columbus CSD	Tom Sexton & Associates	Loose Furnishings	\$9,568.51
Columbus CSD	Tom Sexton & Associates	Academic Core	\$222,363.31
Columbus CSD	Tom Sexton & Associates	Loose Furnishings	\$47,773.70
Columbus CSD	F H Martin Contractors	Cosmetology Equipment	\$82,000.00
Columbus CSD	Continental Office Environments	Loose Furnishings	\$115,540.45
Columbus CSD	Continental Office Environments	Loose Furnishings	\$66,443.87
Columbus CSD	Stonecreek Interiors	Cosmetology Casework	\$45,800.00
Elyria CSD	Energy America Geothermal, LLC	Geothermal Package	\$2,168,756.00
Elyria CSD	Sitotech, Inc.	Early Site Package	\$1,307,000.00
Elyria CSD	Anchor Construction Fencing, LLC	Site Construction Fencing	\$96,117.00
Fredericktown LSD	Total Environmental Services, LLC	Asbestos Abatement	\$93,165.00
Fredericktown LSD	Tom Sexton & Associates	Loose Furnishings	\$147,308.61
Fredericktown LSD	Total Environmental Services, LLC	Asbestos Abatement	\$93,165.00
Gallia-Jackson-Vinton JVSD	Southern Cabinetry	Casework	\$372,000.00
Gallia-Jackson-Vinton JVSD	Claypool Electric, Inc.	Electric	\$3,164,000.00

Geneva Area CSD	John G. Johnson Construction Company * * *	Electrical/Technology	\$385,800.00
Hamilton CSD	Nor-Com, Inc.	Technology	\$3,406,100.00
Jefferson Area LSD	Microman, Inc	IP Enabled Phone System	\$56,271.00
Lincolnview LSD	Continental Office Furniture	Cafeteria Furniture	\$42,211.48
Lincolnview LSD	Continental Office Furniture	Media/Technology Furnishings	\$66,004.12
Lincolnview LSD	Continental Office Furniture	Administrative Furniture	\$91,580.68
Lincolnview LSD	SecurCom, Inc.	CCTV System	\$50,700.00
Morgan LSD	Accurate Electric Construction, Inc.	Electrical	\$2,578,137.00
Morgan LSD	Claggett & Sons, Inc.	Combination General Trades/Flooring	\$5,950,400.00
Ohio Valley LSD	Nor-Com, Incorporated	Technology Cabling, Communications, and Safety & Security Systems	\$2,206,285.00
Teays Valley LSD	General Temperature Control	Plumbing	\$851,000.00
Teays Valley LSD	General Temperature Control	Plumbing	\$655,000.00
Teays Valley LSD	Royal Electric Construction Corp	Electrical	\$1,432,400.00
Teays Valley LSD	Royal Electric Construction Corp.	Electrical	\$1,444,000.00
Teays Valley LSD	Gaylor, Inc.	Electrical	\$250,000.00
Teays Valley LSD	T P Mechancial Contractors, Inc.	Fire Protection	\$410,000.00
Toledo CSD	Mosser Construction, Inc.	General Trades	\$4,523,500.00
Toledo CSD	Accell Fire Systems, Inc.	Fire Protection	\$102,450.00
Toledo CSD	Hanks Plumbing & Heating Co	Plumbing & HVAC	\$1,809,000.00
Toledo CSD	Regent Electric, Inc.	Electrical	\$831,000.00
Toledo CSD	Doan/Pyramid, LLC	Technology	\$586,015.00
Toledo CSD	Blaze Contracting, Inc.	Site	\$878,000.00
Tri-Valley LSD	Gateway Environmental Services, Inc.	Demolition	\$247,500.00
Tri-Valley LSD	Lepi Enterprises, Inc. * * *	Asbestos Abatement	\$119,383.00
Warren CSD	Delphi Consulting, Inc.	2C Demolition and Final Sitework	\$1,490,500.00
Youngstown CSD	Penn-Ohio	Electrical	\$1,274,923.00
Youngstown CSD	A. A. Samuels Sheet Metal Company, Inc.	HVAC	\$1,105,800.00
Youngstown CSD	The Kreidler Construction Company	General Trades	\$5,400,350.00
Youngstown CSD	Prout Boiler, Heating & Welding, Inc.	Plumbing	\$526,295.00
Youngstown CSD	S. A. Comunale Company, Inc.	Fire Protection	\$168,945.00
Youngstown CSD	Rizzi Distributors, Inc.	Kitchen Equipment	\$255,900.00
	Lowest Responsible, Second Low Bidder * * *		
		TOTAL	\$59,506,425.18

Dr. Puckett moved to approve Resolution 08-114.  
Vice Chair Quill seconded the motion.  
Approval: Vote 2-0.

#### **14. Settlement Agreement Approval – Presented by Jerry Kasai**

The Cambridge City School District with the approval of the Commission entered into contracts with Bi-Con Services, Inc., Colaianni Construction Company, Legacy Commercial Flooring, LTD and Flagg Incorporated collectively for the general trades and flooring work for the construction of the School District's three elementary schools, middle school and high school. Subsequent to completion of the Project many problems became evident in the form of pebbling and other imperfections in the vinyl clad tile (VCT) installed in all five schools. After mediation the Cambridge City School District and the Commission have tentatively agreed to settle the matter with the contractors and to release claims associated with the VCT imperfections against the contractors and the contractors will contribute \$274,000 to a fund that will replace much of the severely affected VCT with alternate floor coverings.

Dr. Puckett asked if everything was replaced that was in question. Jerry Kasai responded we are getting about 10% of the affected areas replaced. The areas where you can see it and were affected the most are getting replaced and in many circumstances upgraded. Director Shoemaker commented that we are very proud of the process, not the fact that we had a bad floor, but the fact that Eric Moser was able to bring all the parties together and after discussing the issues, the contractors agree to pay for it. We felt this is a good message to the community, that we are going to stand by the district and we hope everyone will step up and assume their responsibility, and in this case, they did. Vice Chair Quill asked if it was a design issue or specing the wrong material. Jerry Kasai responded there was moisture in the slab. The moisture in the slab could not escape through the VCT. The question was how did the moisture get into the slab. Vice Chair Quill asked if these factors were consistent at all of the sites. Jerry Kasai responded that they were consistent at all the sites. Vice Chair Quill asked how the administrators in the school district were reacting with the settlement we are proposing. Jerry Kasai responded that his understanding was that they thought this was an acceptable resolution to the issue.

Dr. Puckett moved to approve Resolution 08-115.

Vice Chair Quill seconded the motion.

Approval: Vote 2-0.

#### **15. Public Testimony**

Director Quill introduced Mr. Jeff Nelson and acknowledged receipt of a letter from Mr. Nelson relative to the Save Our Scott group that was formed in Toledo. Mr. Jeff Nelson thanked the Commission for allowing him to speak and introduced three other supporters from Toledo. Mr. Nelson spoke in support of the preservation of Scott High School. Mr. Nelson's letter is attached to the minutes. Director Quill thanked Mr. Nelson for taking his time and sharing his views.

Ms. Kathleen Pausic Gegan, Secretary of Toledo Landmark spoke before the Commission. Ms. Gegan is a resident of the Old West End and spoke for the preservation of Scott High School. We think Scott High School is a magnificent structure that can be even more magnificent with the correct renovations. One of the concerns that Ms. Gegan saw was people bringing up was the size issue. She asked the Commission to think about the idea of perhaps doing things to attract students to Scott by making it a school of excellence. Ms. Gegan read a letter from Irene Martin, President of Landmarks Preservation Council. A copy of Ms. Martin's letter is attached to the minutes. Vice Chair Quill thanked Ms. Gegan for her testimony.

Mr. Al Adams provided testimony to the Commission regarding MLM Painting tax liens. Mr. Adams read excerpts from his written testimony, which is attached to the minutes. Mr. Adams thanked the Commission members for the opportunity to address the Commission. Vice Chair Quill thanked Mr. Adams for his testimony.

The meeting was adjourned at 3:36 PM.



J. Pari Sabety, Chair

These meeting minutes were prepared by:  
Carolyn McClure  
Executive Assistant  
Ohio School Facilities Commission

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**From:** Wantage, Mark  
**Sent:** Thursday, July 31, 2008 12:05 PM  
**To:** Quill, Hugh  
**Cc:** Shoemaker, Mike; Representative Clyde Evans; Representative Matt Szollosi; Robinson, Marylyn; Sabety, Pari; Sen. Larry Mumper; Senator Tom Roberts; Dr. Steven Puckett; Dr. Susan Tave Zelman ; Kaderly, Susan  
**Subject:** Revised HB 264 Presentation for Union Scioto  
**Importance:** High  
**Attachments:** HB264 Union Scioto revision.pdf; HB264 Union Scioto DOD Letter.pdf; Resolution 08-104.pdf

Director Quill and members of the Commission,

Resolution 08-104 was marked conditional upon verification of Union Scioto proposed project annual savings amount. This verifies that we have checked into and revised the presentation and the DOD Letter for Resolution 08-104 concerning the Union Scioto proposed HB264 project.

No changes or adjustments were made to the project as proposed. Please see the three attached documents.

I am available for any questions.

Best regards,

Mark Wantage  
(614) 387-1273

H.B. 264

**SCHOOL FACILITY ENERGY CONSERVATION FINANCING PROGRAM**

**Union-Scioto Local School District (Ross County) Revised\***

Total Project Cost.....	<b>\$1,042,085</b>	
Interest Rate (Included in the Total Project Cost).....	5.5%	
Totaled Annual Savings.....	<del>\$113,738</del>	<b>\$269,225*</b>
O&M Savings (Maximum Limit of 30%).....	\$79,630	
O&M Savings is Percentage of Total Savings.....	<del>29.6%</del>	30%*
Payback Period (Maximum 15 Years).....	<del>3.9 years</del>	<b>3.87 years*</b>
Number of Buildings .....	2	
Vendor.....	Sabo/Limbach Energy Services	

Scope of Work:

- Building Controls Upgrades (2)
- Demand Control Ventilation (*CO<sub>2</sub> Monitoring*) (2)
- Chiller Heat Recovery (2)

\* The originally presented total savings number of \$113,738 was a misprint. The actual total savings including the operational savings is \$269,225. The project payback period and the operational savings percentage were adjusted for increased accuracy and were not effected by the misprint.



## OHIO DEPARTMENT OF DEVELOPMENT

Ted Strickland  
Governor

Lee Fisher  
Lt. Governor  
Director, Ohio Department of Development

July 10, 2008

Mr. Mark Wantage  
Ohio School Facilities Commission  
10 West Broad Street, Suite 1400  
Columbus, Ohio 43215

Re: Union-Scioto Local Schools

Dear Mr. Wantage:

We have completed our review of the attached HB-264 Program and found the following:

All Energy Conservation Measures (ECM's) incorporated into this Program will reduce the cost of energy for the District. The ECMs included: chiller heat recovery and energy management upgrade & optimization.

Two (2) buildings will be affected by the improvements.

The estimated cost for each ECM is shown and has been determined to be reasonable.

The savings calculations have been reviewed and the expectations are reasonably achievable.

No District personnel costs are included in the program costs.

There are \$79,630 savings from operational and maintenance costs (O&M) included in the study. This is 30.00% of the total savings of \$269,225. This is a change from the original submittal.

The total program cost is \$1,042,085, which includes interest at 5.5%.

The simple payback is less than 15 years (3.87) years.

The Board of Education resolution is NOT included in this submittal. The Board of Education meets on July 14. A resolution will be submitted upon approval by the school board.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Anthony Sutor'.

Anthony Sutor  
Energy Specialist  
Ohio Department of Development  
Ohio Energy Office

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**RESOLUTION 08-104**

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**THE OHIO SCHOOL FACILITIES COMMISSION  
JULY 24, 2008**

**APPROVING PARTICIPATION IN THE ENERGY  
CONSERVATION FINANCING PROGRAM**

WHEREAS, the 122<sup>nd</sup> Ohio General Assembly established the Ohio School Facilities Commission (Commission) under Chapter 3318 of the Ohio Revised Code (ORC); and

WHEREAS, in H.B. 264 (1985), the General Assembly provided school districts the opportunity to participate in the School Energy Conservation Financing Program; and

WHEREAS, pursuant to ORC 133.06 and ORC 3313.372, the Commission is granted authority to approve a school district's request to participate in the School Energy Conservation Financing Program upon determining that the district's finding is reasonable, based upon the report described in ORC 133.06(G), that the amount of money it would spend on energy conservation measures is not likely to exceed the amount of money it would save in energy and resultant operational and maintenance costs over the next fifteen years; and

WHEREAS the Commission determines that the findings of the Loudonville-Perrysville Exempted Village School District (Ashland), Springfield City School District (Clark), Tri-County Career Center (Athens) and Union-Scioto Local School District (Ross) pursuant to ORC 133.06, are reasonable based upon the report described in ORC 133.06(G).

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. The Commission hereby authorizes the Loudonville-Perrysville Exempted Village School District (Ashland), Springfield City School District (Clark), Tri-County Career Center (Athens) and Union-Scioto Local School District (Ross) to participate in the School Energy Conservation Financing Program pursuant to ORC 133.06.
2. Following the adoption of this Resolution, the Commission authorizes the Executive Director, or a designee, to sign the appropriate authorizations and take any action necessary for the execution of the Commission's approval.

In witness thereof, the undersigned certifies the foregoing Resolution was duly adopted at an open meeting held on July 24, 2008 by the members of the Ohio School Facilities Commission.

  
\_\_\_\_\_  
Hugh Quill, Vice Chair

*\* Conditional on verification of  
Union - Scioto annual savings amount*

# Ohio School Facilities Commission Meeting

## Witness Form

Name: JEFF NELSON Title: INTERESTED CITIZEN

School District/Company: TOLEDO PUBLIC SCHOOLS

Address: 2233 ROBINWOOD AVE City/State/Zip: TOLEDO, OH 43620

Phone: (419) 244-6488 Fax: \_\_\_\_\_

Testimony Subject:

ASKING INDULGENCE FOR WISHES of MAJORITY of TOLEDO  
CITIZENS TO RENOVATE SCOTT HIGH SCHOOL, PART of  
UPCOMING SEGMENT 5 of PROGRAM.

Will you be providing handouts/materials? No

**\*\*\*Please return the Witness Form and ten (10) copies of your testimony and materials to the Committee Secretary prior to testifying.\*\*\***

Jeff Nelson  
2233 Robinwood Avenue Toledo, OH 43620-1020  
(419) 244-6488 [Jeff@SaveOurScott.com](mailto:Jeff@SaveOurScott.com)

OHIO SCHOOL  
FACILITIES COMMISSION  
08 JUL 22 PM 12: 33

July 20, 2008

Michael Shoemaker  
Executive Director  
Ohio School Facilities Commission  
10 West Broad Street, Suite 1400  
Columbus, Ohio 43215

Re: The fate of Scott High School in Toledo, Ohio

Dear Mr. Shoemaker-

I am writing you as a resident of Toledo, Ohio, and as a member of Save Our Scott, a recently formed coalition of Scott High School alumnae and citizens concerned about the future of Jesup Wakeman Scott High School. I live three blocks over from Scott, in a beautiful but struggling neighborhood known as the Old West End. I moved here four years ago from the Washington, DC area primarily because of the wonderfully preserved architecture. Besides having block after block of wonderfully restored and maintained houses, the Old West End boasts three landmark civic structures: the Toledo Museum of Art, Rosary Cathedral, and Scott High School.

Like most people within the Old West End and surrounding neighborhoods, up until six weeks ago I had no idea that the renovation of Scott High School was in question. I knew that as part of Toledo Public School's "Building for Success" program passed in 2002, voters had been promised that three schools would absolutely be preserved and renovated under the program, using Ohio School Facilities Commission funds: Scott High School, its identical twin building Waite High School, and Harvard Elementary School.

Six years have gone by since then, with no attention or funding given to Scott. I assumed that eventually TPS would get to Scott, and renovate it as promised. It was therefore a great shock to learn that TPS was going to recommend taking Scott out of the OSFC program, because the funding was insufficient to renovate it. We, the community, were kept in the dark as to the severity of the funding shortfall until six weeks ago. If TPS had informed the public two or three years ago that estimates for renovating Scott were \$ 40 million, while OSFC funding for Scott based on student enrollment was only \$ 25 million, we would have had a fighting chance to raise the \$12 - 15 million dollar shortfall. We also would have had much more time to gather information, get proper cost estimates, form partnerships with local businesses and colleges, and most of all, to educate the public as to what a full renovation of this historic structure would entail.

I hope that as you read this letter, you will forgive my quoting of approximate figures throughout - besides my not having the exact figures at hand, my issue is with the bigger picture. My understanding of all this, like many in the community who want to save and renovate Scott, is based on a crash course we've undertaken in the last six weeks, since first learning that Scott was at risk.

The building that we are trying to save is the oldest school building in our city, one which has been in continuous use since 1913. It is a *glorious* structure, one which has served our community well for almost a century, and one which we very much want to serve many generations yet to come. As someone interested in old buildings, methods of construction, and renovation, I feel certain that Scott High School was built so solidly that upon renovation or replacement of its mechanical systems, it could last for another three centuries. In Europe, the thought of tearing down a building merely because it was 100 years old would not even occur to people - I'm sure I don't need to tell you that there are a great many buildings in use that are 500 or more years old, and still going strong.

Any thorough renovation of Scott should include restoration of the building's original passive lighting and cooling systems, which are still largely intact. The massive skylights atop each staircase should be uncovered and restored. All windows (except for decorative leaded-glass) should be replaced with fully-operable, energy-efficient windows. This would flood much of the school with natural light as when it was built, greatly reducing the need for artificial lighting. Upon opening the tops of the tall windows, hot air will flow out, aided by the transom windows above each classroom door. Scott also has a large central venting system. The designers and builders who constructed Scott and other old Public High Schools knew what they were doing. All these passive systems were state of the art, and they could all be made to work again.

In a renovated Scott High School, I and those in our group also envision a marriage of 21<sup>st</sup> Century technology with glorious architecture - a showcase for Green technology combined with historic preservation. My brother is a mechanical engineer on Martha's Vineyard, and in addition to having the first geo-thermal house on the Island, he is also working to make a local school one of the first Net Zero Energy schools in the country. Surely there are several similar projects moving forward across the country, but even if Scott were only the first in Ohio, or the first in Toledo, it would still set a fine example for the kinds of technologies we as a society are going to have to adapt if we are to survive. The grounds of Scott High School are so big that a massive geo-thermal ground loop could be laid out, and in combination with solar panels on the roof and perhaps a wind turbine, the costs of heating, cooling, and lighting the school could be drastically reduced.

We hope to develop partnerships with local solar energy firms First Solar and Xunlight, and have them help make the renovation as carbon-neutral as possible. We are also investigating working with the University of Toledo and Owens Community College, to make Scott a real-life project for a burgeoning green-technology curriculum. We further think that if an apprenticeship program were to be developed at Scott so students could learn to renovate their own school under proper supervision, then Scott could be not only a showpiece of green technologies and

community involvement, but also a feeder school for students who want to learn a trade with very good prospects: LEEDS-certified renovation.

One thing that has been *very* frustrating to us, the community - in addition to the largely opaque proceedings between TPS and the OSFC - is the OSFC restriction against partial renovation of buildings. We find this to be puzzling and short-sighted, although very much in line with the bias towards new construction that seems to have permeated the program since its inception. It seems reasonable to us that cities should be allowed to renovate their school buildings in stages, as monies become available. Why must the rules regarding regulation be so rigid, and so one-size-fits-all? These marvelous old buildings that we and other communities in other cities in Ohio want to preserve and renovate deserve a much greater degree of flexibility than the OSFC is allowing, to take into account different sizes of schools, structures of differing ages, and differing community needs and plans.

We are also chagrined by some of the ever-changing figures we are given for various components of this potential Scott project. We find some of the data used and subsequent conclusions based upon that data to be patently unfair. For instance, we are told that OSFC dollars for Scott (whether for renovation or building anew) are based on a projected Scott student body count of roughly 950 students. We are told that the projection of 950 students, done several years ago before several area charter schools turned out to be less popular than anticipated, is the figure we must use. All of the funding the OSFC is willing to give us for Scott is based upon this student body count. And yet there are already in excess of 1,200 students registered to attend Scott this fall! Surely, if the OSFC would allow the use of a current, verified number of registered students, there would be more than \$25-28 million available for Scott.

We in the community also plan on working hard with TPS and the community to review the curriculum at Scott, and help Scott to slowly rebuild its curriculum and student body. If TPS and the OSFC were to take into consideration the number of students actually slated to attend Scott, we would get the funding that this community deserves, and would be much closer to attaining the funding we need to save our beloved building.

In terms of its importance in the fabric of Toledo's central city, Scott High School is the very *heart* of the Old West End and adjoining neighborhoods. If Scott is withdrawn from the OSFC program, there is simply no way it will ever be renovated - Toledo has neither the money nor the political will to raise it. Further, since Waite High School and Harvard Elementary have already been taken out of the OSFC program, if Scott High School is not renovated, that will mean that not a single school building in Toledo was renovated with OSFC dollars. If Toledo is not allowed to renovate Scott under the OSFC program, what would that say about the OSFC's willingness to be flexible and resourceful in helping communities who want desperately to renovate and preserve their local heritage?

Although I have lived in Toledo only four years, I've been here long enough to know what will happen if Scott is pulled out of the OSFC program. There will not be sufficient local funds to renovate the building, and TPS will focus its attention elsewhere. Maintenance on Scott will continue to be deferred, and at some point TPS will likely mothball the building. It will not take

long for the metal scrappers to break in, and cut out all the copper plumbing and wiring. Thieves will remove the nice leaded-glass windows, and vandals will smash those that remain. Prostitutes and crack addicts will frequent the building. Then, at some point, the building *will* be in such bad shape that it will have to be torn down. Therefore, choosing *NOT* to renovate Scott at this point, when it can very much be saved and given a new lease on life, will mean it will eventually be consigned to the rubbish heap. It will be demolition by neglect.

If, however, Scott High School is renovated and the school curriculum and student body are rebuilt, then the Old West End and adjoining neighborhoods will continue to have a local high school to attend - one that will impress and inspire for generations to come. If it is let go and eventually torn down, it will be as if the heart of the community has been torn out. It will make it hard to sell houses, and very hard to get people to move into the neighborhood. What happens to Scott High School will be remembered for years to come - either as the disastrous result of an opportunity missed, or as a shining example of a partnership between state, city, and neighborhood that together rescued Toledo's oldest and grandest school, just in time.

I am sending this letter to you and other members of the OSFC in hopes that you will keep Scott High School firmly in your mind when voting on related matters. Our community stands overwhelmingly in favor of renovating this historic building, as evidenced by the petition we have circulated. A copy will be delivered to you soon. Please help Toledo Public Schools do the right thing, so that they can renovate at least *one* of the three schools the public was promised. Please allow some flexibility in the OSFC guidelines, and help us save the grand neighborhood high school that we love so dearly.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jeff Nelson', with a stylized, overlapping loop structure.

Jeff Nelson

# Ohio School Facilities Commission Meeting

## Witness Form

Name: Kathleen Pausie Gagen Title: Secretary, Toledo Landmarks

School District/Company: Toledo Public Schools / " "

Address: 2373 Glenwood Ave City/State/Zip: Toledo, OH 43620

Phone: 419-304-1013 Fax: 419-244-0727

Testimony Subject:

Renovation of Scott High School

We would like our historic school renovated  
to reflect it's glory.

Will you be providing handouts/materials? yes.

**\*\*\*Please return the Witness Form and ten (10) copies of your testimony and**

**materials to the Committee Secretary prior to testifying.\*\*\***

Landmarks Preservation Council of Northwestern Ohio  
c/o Irene Martin  
1926 Harlan Rd  
Toledo OH 43615  
July 23, 2008

Michael Shoemaker  
Ohio School facilities Commission  
10 W. Broad St. Suite 1400  
Columbus OH 43215

Dear Mr. Shoemaker,

The Landmarks Preservation Council of Northwestern Ohio urges the Ohio School Facilities Commission to give the Toledo Public Schools as much latitude as possible in planning and executing a first-class renovation for Scott High School. It does not make sense to withdraw the school from the renovation plan when a few adjustments could ensure that a wonderful building could be renovated.

Scott High School was named for Jessup Scott, a former editor of the *Toledo Blade* and a visionary for the development of Toledo. David Stine, the architect for the Lucas County Courthouse, drew up the original design for the school in 1910. Charles Nordhoff brought the design to life in 1912. Designed in the English Collegiate Style, it was built of brick and terra cotta with large windows. It is a magnificent building which can never be duplicated because of the craftsmanship and the materials that were used. It is the oldest school building in the Toledo District.

At the time it was built, most students only went as far as the eighth grade. It was meant to inspire its students to go on to greater success. This building has served its students and the neighborhood well. A major landmark and part of the Old West End Historic District, the building was designed to last for many years.

Old buildings can be adapted to the new demands of technology, such as air-conditioning, computers, etc. You can keep what makes a building unique and update it. The Main Library of the Toledo-Lucas County Public Library is an excellent example.

The Toledo Public Schools has not taken on a full restoration in any of its buildings. A school is more than just brick and mortar. It is the fiber of the community. A new school with the Scott name on it would not be the same. The Toledo Public schools should take up the challenge to renovate this building and show the rest of Ohio what can be done. Several of the schools that have been built under the OSFC can not accommodate the number of students that are now in the district. TPS should be allowed to renovate the whole school building with OSFC funds and allow TPS charter schools to occupy the rest of the space. We need to show our students that tearing down a building is not the only option.

Please help us save this magnificent school as a school building. If it is removed from the program, we fear that the building will never be renovated and used as a school again. There will never be enough local money to fund the project.

Please contact me with whatever questions you may have, my home number is 419-531-8771 or e-mail: [idoughty@buckeye-express.com](mailto:idoughty@buckeye-express.com).

Sincerely,



Irene Martin  
President  
Landmarks Preservation Council

# Ohio School Facilities Commission Meeting

## Witness Form

Name: Alan Adams Title: Citizen

School District/Company: \_\_\_\_\_

Address: 5312 Elaine City/State/Zip: Toledo, Oh 43613

Phone: 419-350-5700 Fax: \_\_\_\_\_

Testimony Subject:

MLM PAINTING TAX LIENS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will you be providing handouts/materials? yes

**\*\*\*Please return the Witness Form and ten (10) copies of your testimony and materials to the Committee Secretary prior to testifying.\*\*\***

In information presented to this commission by Jamie Peppers in January through March of this year, was a copy of various state and Federal Liens filed against MLM Enterprises and its owner Hope Michalski. Included in this information was two federal liens filed with the Lucas County Recorder for the 941 withholdings going back to MLM's inception. In MLM Enterprises' efforts to secure opportunities under the veil of WBE, MLM Enterprises' owner is listed as Hope Michalski, therefore, the IRS recognizes her as the principle owner of the company, pierces the corporate veil, and goes after her as the responsible party to collect and **pay** the 941 withholdings that are held in Trust for the IRS. Hope has no involvement in the day to day operations of the business and in fact is a registered nurse with her primary employment as a registered nurse not with MLM Enterprises, in other words her husband hiding from past discretions and taking advantage of a system that promotes WBE lists her as the owner. All the past practice of Keith Michalski, her husband, are catching up and now they are being again awarded more OSFC work by only having to pay approximately 2% of their totals owed to State and Federal governments. This is a contractor that willfully cheats his employees of Social Security and the government of its taxes held in trust. This commission should be ashamed of the efforts of its Counsel to approve more work to MLM Enterprises knowing that they still have outstanding tax liens. The fact that MLM Enterprises had state and federal liens totaling over \$450,000.00 (four hundred and fifty thousand dollars), then pays a mere \$11,000.00 (eleven thousand dollars) and is awarded more work while still owing over \$429, 000.00 (four hundred and twenty nine thousand dollars) or 98% of their tax obligation, sets a precedent that I hope this commission strongly reconsiders and instructs its Counsel with very clear expectations of what a responsible contractor means. Only paying 2% of your tax liability is not a responsible contractor, especially when you have been award and paid hundreds of thousands of dollars by this commission.

Here is the explanation from the IRS government website on why they go after principles or "pierce the corporate veil" for the collections of MLM Enterprises' employee withholdings, all this is part of the Trust Fund Recovery Penalty (TFRP). This is the reason that Hope Michalski is named in the Federal Tax Lien not because they are "personal issues". Also note that MLM Enterprises' articles of incorporation were not even filed with the Secretary of State until nearly 2 months after these federal liens were filed on 10-9-2007.

The TFRP can pierce the corporate veil and file liens against any person who:

1) is **responsible** for collecting or paying withheld income and employment taxes, or for paying collected excise taxes, and

2) **willfully** fails to collect or pay them.

When an employer does not pay the trust fund taxes, and actions by IRS to collect these taxes are not successful, the responsible officers may be held personally liable for these taxes through the Trust Fund Recovery Penalty. The IRS uses the TFRP to facilitate collection of the trust fund portion of taxes by holding a violator personally liable for the business trust fund tax obligation.

They may then put a federal tax lien also on personal property.

**Section 6672(a) of the Code allows the Internal Revenue Service to pierce the corporate veil and reach the personal assets of responsible persons who do not withhold and pay to the government amounts required to be withheld.**

Again Jamie Peppers presented the commission with the liens back in January, Mr. Kasai was also presented a copy of this and more at that meeting and immediately following Mr. Kasai was already tipping his hand to us on the response to the more than \$430,000.00 Federal Tax Liens filed against this organization and its principal owner Hope Michalski. It is ridiculous to think that, the IRS has pierced the corporate veil and is holding Hope responsible for MLM Enterprises' 941

employee withholdings, why wouldn't Mr. Kasai OSFC Counsel and the commission recognize MLM Enterprises as the responsible party not Hope individually. Given Chairman Sabety's response when she was given this information in January, I believed this to be very serious and not ignored. All this was recorded and is public record; maybe Mr. Kasai should review those records before he tries to put one past us.

Attached are the two referred IRS liens where it clearly states 941 withholdings. Along two outstanding State Tax liens, MLM Enterprises' counsel has again misinformed the commission's counsel of the true standing of MLM in regards to state tax liens enclosed you will also find two outstanding tax liens that exist. These were obtained from the Lucas County court of Common Pleas July 22, 2008.

4804

Department of the Treasury - Internal Revenue Service

Form 668 (Y)(c)

(Rev. February 2004)

## Notice of Federal Tax Lien

Area: SMALL BUSINESS/SELF EMPLOYED AREA #2 Lien Unit Phone: (800) 913-6050	Serial Number 381502507	For Optional Use by Recording Office  20070813-0048088 Pages: 1 Fee: \$5.00 08/13/2007 11:08:47 AM T20070058253 Jeanine Perry Lucas County Recorder FTL
--	----------------------------	--

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer HOPE MICHALSKI

Residence 16103 NORMANDY RD  
PERRYSBURG, OH 43551

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

SEE ENV. INTERNAL REVENUE SERV  
STOP 8420G  
PO BOX 145595  
CINCINNATI, OH 45250-9732

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
941	09/30/2002		12/16/2002	01/15/2013	7505.99
941	12/31/2002		04/21/2003	05/21/2013	44928.42
941	03/31/2003		07/07/2003	08/06/2013	35203.74
941	06/30/2003		09/01/2003	10/01/2013	8270.30
941	12/31/2003		04/12/2004	05/12/2014	26703.50
941	03/31/2004		06/21/2004	07/21/2014	26552.93
941	06/30/2004		09/27/2004	10/27/2014	22304.89
941	09/30/2004		12/27/2004	01/26/2015	49862.76
941	12/31/2004		04/04/2005	05/04/2015	869.01
941	03/31/2005		07/04/2005	08/03/2015	36769.87
941	09/30/2005		01/09/2006	02/08/2016	10628.37
941	12/31/2005		03/27/2006	04/26/2016	26936.02
941	03/31/2006		06/19/2006	07/19/2016	3567.75
941	06/30/2006		10/02/2006	11/01/2016	40875.31
941	09/30/2006		01/01/2007	01/31/2017	60738.52

Place of Filing

Recorder of Lucas County  
Lucas County  
Toledo, OH 43624

Total \$ 401717.38

This notice was prepared and signed at DETROIT, MI, on this,the 31st day of July, 2007.

Signature

*R. A. Mitchell*

for PAMELA S. AMBURGY

Title

REVENUE OFFICER  
(419) 213-5105

22-11-3770

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien  
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

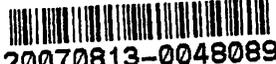
Form 668(Y)(c) (Rev. 2-2004)  
CAT. NO 60025X

4804

Department of the Treasury - Internal Revenue Service

Form 668 (Y)(c)  
(Rev. February 2004)**Notice of Federal Tax Lien**Area:  
SMALL BUSINESS/SELF EMPLOYED AREA #2  
Lien Unit Phone: (800) 913-6050Serial Number  
381502607

For Optional Use by Recording Office

20070813-0048089  
Pages: 1 Fee: \$5.00  
08/13/2007 11:06:47 AM  
T20070058253  
Jeanine Perry  
Lucas County Recorder FTL

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer HOPE MICHALSKI

Residence  
16103 NORMANDY RD  
PERRYSBURG, OH 43551**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
941	12/31/2006		03/19/2007	04/18/2017	38555.83

Place of Filing

Recorder of Lucas County  
Lucas County  
Toledo, OH 43624

Total \$ 38555.83

This notice was prepared and signed at DETROIT, MI, on this,the 31st day of July, 2007.Signature R. A. Mitchell  
for PAMELA S. AMBURGYTitle  
REVENUE OFFICER  
(419) 213-5105  
22-11-3770(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien  
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)  
CAT. NO 60025X

LUCAS COUNTY COURT OF COMMON PLEAS  
J. BERNIE QUILTER, CLERK  
700 ADAMS STREET  
TOLEDO, OHIO

TIME: 8:54:35 AM  
DATE: 7/22/2008

CASE: G-4801 -LN -200702898-  
000

TITLE: S/O VS MLM ENTERPRISES

JUDGE:

FILING DATE: 3/5/2007

STATUS: ACTIVE/LIEN  
ACTIVATION  
OF CASE  
CASE TYPE: ACV

MONETARY AMOUNT: \$244.78

DOCKET/PAGE: DOC 462 PG 398

ORIGINAL COURT:

TAX TYPE: WITHHOLDING TAX

PREVIOUS CASE NUMBER:

STATE OF OHIO NUMBER:

**Party**  
Plaintiff 1:  
DEPT OF TAXATION STATE OF  
OHIO

**Counsel**

Alias(es)

DEPT OF TAXATI. STATE OF .  
DEPT OF TAXATION STATE OF .  
DEPT OF TAXATION STATE OF  
OHIO  
STATE OF OHIO DEPT OF  
TAXATION

Defendant 1:  
MLM ENTERPRISES LLC  
1590 SLATER ST  
TOLEDO, OH 43612

**DATE SEQ EVENT**

3/5/2007 1 Title : OPN: CERT OF JUDGMENT (ST LIEN)  
PARTY : P1 - DEPT OF TAXATION STATE OF OHIO

Disclaimer : The public record information available here reflects the docket entries and journals required by Ohio law to be kept by the Lucas County Clerk of the Court of Common Pleas. This information reflects the actual documents filed and kept at the Clerk of Courts Legal Division, located in the Lucas County Courthouse, at Adams and Erie Streets in Toledo, Ohio, 43624. The data entry, though generally deemed reliable, cannot be guaranteed. The information may appear on the Internet Docket before the entry is actually signed and journalized. Of course the proposed action is official only when signed and journalized. In no event shall the Lucas County Clerk of the Court of Common Pleas, or any other Lucas County department, agency, or official be held liable for damage of any nature, direct or indirect, arising from the use of this Internet product; including loss of profits, loss of savings, or other incidental or consequential damages.

LUCAS COUNTY COURT OF COMMON PLEAS  
J. BERNIE QUILTER, CLERK  
700 ADAMS STREET  
TOLEDO, OHIO

TIME: 8:54:58 AM  
DATE: 7/22/2008

CASE: G-4801 -LN -200803631-  
000

TITLE: S/O VS MLM ENTERPRISES LLC

JUDGE:

FILING DATE: 2/21/2008

CASE TYPE: ACV

STATUS: ACTIVE/LIEN  
ACTIVATION  
OF CASE

MONETARY AMOUNT: \$2,710.80

DOCKET/PAGE:

ORIGINAL COURT:

TAX TYPE: WITHHOLDING TAX

PREVIOUS CASE NUMBER:

STATE OF OHIO NUMBER:

**Party**  
Plaintiff 1:  
STATE OF OHIO DEPARTMENT  
OF TAXATION

**Counsel**

Alias(es)

DEPT OF TAXATI. STATE OF .  
DEPT OF TAXATION STATE OF .  
DEPT OF TAXATION STATE OF  
OHIO  
STATE OF OHIO DEPT OF  
TAXATION

Defendant 1:  
MLM ENTERPRISES LLC  
6051 TELEGRAPH RD STE 31  
TOLEDO, OH 43612

**DATE SEQ EVENT**

2/21/2008 1 Title : OPN: CERT OF JUDGMENT (ST LIEN)  
PARTY : P1 - STATE OF OHIO DEPARTMENT OF TAXATION

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