

**Ohio Facilities Construction Commission
October 24, 2019 Meeting
Harrison Central, Harrison Hills CSD
10:30 AM**

MINUTES

Madam Chair Murnieks called the meeting to order at 10:38 AM.

Madam Chair Murnieks welcomed everyone to the October 24, 2019 meeting of the Ohio Facilities Construction Commission. Madam Chair Murnieks also welcomed Designee Ryan Frazee from the Ohio Department of Natural Resources on behalf of Director Mary Mertz. Madam Chair Murnieks welcomed OFCC Executive Director Cheryl Lyman to her first meeting. This is the Commission's second road trip and Governor DeWine and I, as the Commission Chair, feel that it is important that we take these meetings out of Columbus from time to time. Madam Chair Murnieks also thanked Superintendent Dana Snider for having us today, her staff and the government class students for attending the meeting today. Madam Chair Murnieks invited the students to ask questions at the end of the meeting.

Roll Call

Members present: Madam Chair Kimberly Murnieks, Vice Chair Matthew Damschroder (arrived at 10:55 AM) and Ryan Frazee Designee for Director Mary Mertz. Madam Chair Murnieks noted that Harrison Hills CSD is Representative Jones' district, and he is in house session and could not be here today.

Adoption of the September 26, 2019 Minutes

Mr. Frazee moved to approve the September 26, 2019 minutes. Madam Chair Murnieks seconded the motion.

Approval: Vote 2-0.

**Fiscal Year 2020 Projects Approval
Presented by Melanie Drerup**

Melanie Drerup presented the CFAP, CFAP Lapsed and AFAP projects for Fiscal Year 2020. The three projects are being presented off cycle, due to the generosity of the Governor and the 133rd General Assembly providing additional capital funding through H.B. 166. Otherwise, these projects would have been approved in July 2020.

Ms. Drerup explained that H.B. 166 recently amended ORC section 3318.036 to expand the definition of an eligible district to include a school district intending to build a new school building on land originally owned by a state community college, with the intention of collaboratively working with the state community college on workforce development and curriculum.

Ms. Drerup acknowledged that Superintendent Will Hampton is here representing Marietta CSD (Washington) today. Marietta CSD applied for CFAP under this expansion and indicated that they qualify as an eligible district. If Resolution 19-46 is approved today, this will confirm that Marietta CSD is eligible. The newly passed legislation gives an eligible district first priority for funding under 3318.01 to 3318.20 ahead of other active planning districts. In addition, the legislation provides that the Commission may reduce the local share for such an eligible district. The resolution before you provides for a 10% reduction to the local share representing an increase to the State share of \$7.5M and a decrease of \$7.5M to the local share. Marietta CSD is addressing the facility needs of the entire district by going from six existing buildings to a single new elementary/middle/high school building on land originally owned by Washington State Community College. This will allow for easy access to post-secondary curriculum for all students. Marietta CSD intends to work collaboratively with Washington State Community College on workforce development programs and curriculum.

CFAP Approval – Resolution 19-46

School District	County	State Share	Local Share	Total Budget
Marietta CSD	Washington	\$29,535,403	\$46,196,400	\$75,731,803

Madam Chair Murnieks added that she appreciated that Marietta CSD and Washington State Community College presented their project to the Commission at the last Commission meeting. Madam Chair Murnieks acknowledged that representatives from Marietta CSD are here today in support of their project. This is an exciting opportunity for students in Marietta CSD as the district will be co-locating in proximity with Washington State Community College enabling additional opportunities for students.

Madam Chair Murnieks moved to approve Resolution 19-46.

Mr. Frazee seconded the motion.

Approval: Vote 2-0.

CFAP Lapsed Approval – Resolution 19-47

Ms. Drerup presented one district for CFAP Lapsed district for Commission approval.

Liberty-Benton LSD (Hancock) was successful at the May 2019 election. Liberty Benton LSD is addressing the facility needs of the entire district by building one new elementary middle school and renovating the high school.

School District	County	State Share	Local Share	Total Budget
Liberty-Benton LSD	Hancock	\$21,139,580	\$15,947,403	\$37,086,983

Madam Chair Murnieks moved to approve Resolution 19-47.

Mr. Frazee seconded the motion.

Approval: Vote 2-0.

AFAP Lapsed Approval – Resolution 19-48

Melanie Drerup presented the first one 1:1 School Facilities Option Program known by the Commission as the Alternative Facilities Assistance Program (AFAP) pursuant to ORC Section 3318.39.

The AFAP program allows eligible school districts to receive limited dollars to make facility improvements in lieu of participating in the Classroom Facilities Assistance Program (CFAP). The scope of work the district wishes to undertake must be consistent with the master facilities plan and meet the design standards of the Ohio School Design Manual. Northridge LSD (Licking) applied to build a portion of a new elementary school. Northridge LSD was successful at the May 2019 election. The Northridge LSD Board of Education passed their resolution by not less than 4/5ths of the board’s full membership as required by law, and to participate in this program acknowledging the limited scope of the project foregoing participation in CFAP, and that the district would be ineligible to participate further in Commission facilities assistance programs for 20 years.

Commission staff have reviewed the application and finding it both compliant with the master facilities plan and meeting the standards of the Ohio School Design Manual.

School District	County	State Share	Local Share	Total Budget
Northridge LSD	Licking	\$1,000,000	\$1,000,000	\$2,000,000

Madam Chair Murnieks addressed the students and joked how government loves to use acronyms such as AFAP. Madam Chair Murnieks explained that AFAP is a new option for district projects that the legislature put in place. Northridge LSD is the first district to take advantage of this program. Without the AFAP program, Northridge LSD would not have been able to receive funding this early for their project.

Madam Chair Murnieks moved to approve Resolution 19-48.

Mr. Frazee seconded the motion.

Approval: Vote 2-0.

**Renewal of Lapsed CFAP Districts Scope and Budget Approval
Presented by Melanie Drerup – Resolution 19-49**

Ms. Drerup presented the Renewal of Lapsed CFAP Districts Scope and Budget for three Classroom Facilities Assistance Program Renewal Projects pursuant to ORC Section 3318.054.

The Commission is charged with establishing the new scope, estimated basic project cost (project budget) and estimated school district portion (local share) for a lapsed project if the school district desires to seek a new conditional approval of its project. Each of these districts has requested a new conditional approval of the master facility plans that have been developed by Commission staff and the local school district. The project scope and estimated costs established will be valid for thirteen months. Preble Shawnee LSD Seg. 1 (Preble) and South-Central LSD (Huron) plan to be on the ballot on March 2020. United LSD (Columbiana) is able to fund their project utilizing gas line proceeds. Preble Shawnee LSD Seg. 1 is electing to segment their project and build a new elementary school, while the other two districts will complete the entire scope of work for their student population. If the districts raise their local share and maintenance requirement within the thirteen months, then the district shall be given first priority for project funding as such funds become available and the projects will be presented to the Commission and Controlling Board for approval.

School District	County	State Share	Local Share	Total Budget
Preble Shawnee LSD-Seg. 1	Preble	\$12,245,618	\$6,308,349	\$18,553,967
South Central LSD	Huron	\$12,167,904	\$5,307,809	\$17,475,713
United LSD	Columbiana	\$24,503,869	\$15,666,408	\$40,170,277

Madam Chair Murnieks explained to the students that this Resolution is an example of three districts whose spot on the priority list came up, but they were unable to pass a levy or find other resources to make up their local share. The districts are now coming back to the Commission to renew their request. The districts will have thirteen months to pass a levy or find other resources to match the State funding to move forward with their projects.

Vice Chair Damschroder moved to approve Resolution 19-49.

Mr. Frazee seconded the motion.

Approval: Vote 3-0.

**ELPP Master Facilities Plan and Project Agreements Approval
Presented by Steve Roka – Resolution 19-50**

Steve Roka presented two districts for the ELPP Master Facilities Plans and Project Agreements for Commission approval.

Crestview LSD (Columbiana) and Troy CSD (Miami) are on the Priority Order of Assistance List and are estimated to be over 2- years from CFAP funding eligibility.

Crestview LSD passed a ballot question in May of 2019 to raise funding for their discrete portion. Troy CSD is planning a ballot question this March of 2020 to raise funds for their discrete portion.

The Master Facilities Plans and Project Agreements being presented for your consideration today have been approved by the respective Boards of Education.

Master Facilities Plans:

School District (County)	Project Scope	Project Budget
Crestview LSD (Columbiana)	Build new ES/MS/HS to house grades PK thru 12. Abate/Demolish Crestview ES, MS/HS	\$37,873,348 State Share \$ 5,164,547 Local Share \$43,037,895 TOTAL
Troy CSD (Miami)	Build three new ES to house grades PK thru 4. Build one new ES/MS to house grades 5 thru 6. Build one new MS to house grades 7 thru 8. Build one new HS to house grades 9 thru 12. Abate/Demolish Concord ES, Cookson ES, Forest ES, Heywood ES, Hook ES, Kyle ES, Van Cleve ES, Troy JHS, and Troy HS. (Includes a PA LFI of \$9,474,109 in addition to the amounts listed).	\$60,379,124 State Share \$83,380,695 Local Share \$143,759,819 TOTAL

Project Agreements:

School District (County)	Discrete Portion Project Scope	Discrete Portion Project Budget
Crestview LSD (Columbiana)	Complete site development including building pad, cement stabilization, and underground utilities for new ES/MS/HS.	\$1,899,035 TOTAL
Troy CSD (Miami)	Build three new ES to house grades PK thru 4. Build new ES/MS to house grades 5 thru 6. Abate/Demolish Concord ES, Cookson ES, Forest ES, Heywood ES, Hook ES, Kyle ES, and Van Cleve ES. (Includes a PA LFI of \$4,627,463 in addition to the amounts listed).	\$71,154,830 TOTAL

Madam Chair Murnieks explained to the students that the Expedited Local Partnership Program (ELPP) allows a district to move forward with a portion of their project by using their local dollars. The district will receive State funding when their position comes up on the Priority Order of Assistance List.

Vice Chair Damschroder moved to approve Resolution 19-50.
Mr. Frazee seconded the motion.

Approval: Vote 3-0.

**ELPP Master Facilities Plans and Project Agreement Amendments Approval
Presented by Steve Roka – Resolution 19-51**

Steve Roka presented one district for the ELPP Master Facilities Plan and Project Amendment for Commission approval.

Riverside LSD (Lake) entered the ELPP program in 2016. The district is requesting an amendment to their master facility plan to address scope changes caused by decreasing enrollment. The number of buildings will remain the same; however, the size of LaMuth MS and the MHS project have been reduced to align with the 500-student enrollment decrease.

In addition, the 2019 OSDM cost sets have been applied to future work. The updated master plan includes building two new ES; renovations /additions to the LaMuth MS; building on new MHS; and allowances to abate/demolish six ES and Riverside HS.

Master Facilities Plan Amendment:

School District (County)	Master Facilities Plan Scope	Project Budget
Riverside LSD (Lake) Amendment 1	Build two new ES (Concord and Madison) to house grades PK thru 5. Build new MS/HS to house grades 6 thru 12 and Career Tech. Renovations/additions/selective demolition to LaMuth MS to house grades K thru 5. Abate/Demolish Buckeye ES, Melreidge ES, Hadden ES, Hale Road ES, Leroy ES, Madison Avenue ES, and Riverside HS. (PA LFI in the amount of \$83,457 in addition to amounts listed.)	\$ 12,648,394 State Share \$113,835,539 Local Share \$126,483,933 TOTAL

Riverside LSD plans a ballot question for March 2020 to undertake the additional work being added to the discrete portion.

The amended discrete portion will include building 2 new ES (which were completed already); building the new MS/HS; and allowances to abate/demolish four ES and Riverside HS.

The budget for the amended discrete portion is \$110,641,492. The renovations/additions to LaMuth MS will be completed when Riverside LSD becomes eligible for CFAP funding.

Project Agreement Amendment:

School District (County)	Discrete Portion Project Scope	Discrete Portion Project Budget
Riverside LSD (Lake) Amendment 1	Build new MS/HS to house grades 6 thru 12 and Career Tech. Build new ES to house grades PK thru 5 (Concord). Build new ES to house grades PK thru 5 (Madison). Abate/Demolish Hadden ES, Hale Road ES, Leroy ES, Madison Avenue ES, and Riverside HS.	\$ 110,641,492 TOTAL

Madam Chair Murnieks explained to the students that this district had a project approved and now has a change (amendment) and they now need to come back to the Commission for official approval of their project amendment.

Vice Chair Damschroder moved to approve Resolution 19-51.

Mr. Frazee seconded the motion.

Approval: Vote 3-0.

Guidelines and Policies Approval

Presented by Matt Westerman – Resolutions 19-52, 19-53, 19-54 and 19-55

Matt Westerman presented the ELPP Guidelines, Segmenting Projects Policy, Priority of Assistance Policy and Community Schools Grants Round 3 Guidelines for Commission approval.

As a reminder, the initial proposed changes were discussed at the last Commission meeting and were updated to reflect changes in H.B. 166.

The ELPP Guidelines and Segmenting Projects Policy changes were made to reflect legislation that now allows a segmenting school district to now participate in ELPP for a future project.

The Priority Order of Assistance Policy also reflects legislative change that was discussed previously with Marietta CSD and Washington State Community College. If you build a school on land formally owned by a Community College or University, then you get priority on the Order of Priority Assistance List.

The Community Schools Grants Round 3 Guidelines include minor changes. More substantive changes include when districts apply for the grant, the district has to be eligible and remain eligible throughout the entire application process.

ELPP Guidelines – Resolution 19-52

Vice Chair Damschroder moved to approve Resolution 19-52.
Mr. Frazee seconded the motion.

Approval: Vote 3-0.

Segmenting Projects Policy – Resolution 19-53

Vice Chair Damschroder moved to approve Resolution 19-53.
Mr. Frazee seconded the motion.

Approval: Vote 3-0.

Priority Order of Assistance Policy – Resolution 19-54

Vice Chair Damschroder moved to approve Resolution 19-54.
Mr. Frazee seconded the motion.

Approval: Vote 3-0.

Community Schools Grants Round 3 Guidelines – Resolution 19-55

Vice Chair Damschroder moved to approve Resolution 19-55.
Mr. Frazee seconded the motion.

Approval: Vote 3-0.

**Project Agreement Template Approval
Presented by Matt Westerman – Resolution 19-56**

Matt Westerman presented the Segmenting Projects Agreement Template for Commission approval.

As you recall, Commission staff recently brought other templates for Commission approval. The changes in the Segmenting Projects Agreement Template include edits related to recent budget bill language that allows districts to use their maintenance funds for upgrades to their facilities (where they previously were

not permitted to do so), as long as districts receive approval from the Commission prior to expending the maintenance funds. Other minor changes were made to reflect the maintenance plan guidelines which OFCC staff recently updated and were approved several months ago by the Commission. Final changes were made to clarify some of the allowances provided in the project agreement for storm shelters and the emergency radio communications system.

Madam Chair Murnieks explained to students that this is an update to our templates that are required because the legislature made some changes in the budget bill that passed in July requiring the Commission to change our guidelines and templates to reflect such changes.

Vice Chair Damschroder moved to approve Resolution 19-56.
Mr. Frazee seconded the motion.

Approval: Vote 3-0.

**Settlement Agreement Approvals
Presented by Matt Westerman – Resolutions 19-57 and 19-58**

Matt Westerman presented two settlement agreements for Commission approval.

The Brewer-Garrett Company (Brewer-Garrett) served as the contractor for an energy performance contract project (Project) for the Ohio Department of Rehabilitation and Correction (ODRC) at the Southeastern Correctional Institution (Institution) located in Lancaster. The Project included several energy savings measures related to changes to the HVAC controls and equipment. As part of Brewer-Garrett's contract responsibilities, they were to provide commissioning services to install the new HVAC equipment and verify that the HVAC system functions appropriately. Following installation of the energy savings measures, the Institution experienced freezing of five coils due to control failures. ODRC and the Commission asserted that the failures were the responsibility of Brewer-Garrett. Brewer-Garrett identified an issue during commissioning of the new HVAC system, but failed to correct the issue which led to the freezing coils. The parties negotiated a resolution where Brewer-Garrett addressed the underlying issue and supplied five new coils at no cost to ODRC. The settlement agreement does provide a limited release to the Brewer-Garrett Company. ODRC concurs with the resolution and Commission staff recommends approval of the settlement.

The second settlement agreement involves two Ohio Department of Transportation (ODOT) projects. Robertson Construction Inc. (Robertson) served as the General Trades Contractor on the ODOT Coshocton and Tuscarawas new Full-Service Maintenance Facilities (Projects). During construction the Projects experienced delays, and two other contractors filed delay claims on the project. The Commission and ODOT asserted that Robertson was responsible for the delays and settled the delay claims for \$91,000 with the other contractors. ODOT and the Commission also asserted claims of defective work related to Robertson's installation of certain sidewalks. Robertson asserted claims on the Project related to the

installation of insulation and liner panels and filed an Article 8 claim requesting \$171,000 in additional compensation. As part of the contractual claim process, the parties held a mediation related to the claims and reached a settlement whereby ODOT agreed to pay Robertson the amount of \$50,000 to settle all claims and Robertson returning to correct the defective sidewalks. The settlement does provide a limited release to Robertson. ODOT concurs with the resolution and Commission staff recommends approval of the settlement.

Madam Chair Murnieks explained to the students that most of the morning we have been talking about construction projects related to schools. The two settlements presented by Mr. Westerman deal with construction for State agencies. The majority of OFCC projects deal with school districts, but they also manage projects on behalf of State agencies.

DRC/Brewer-Garrett Resolution 19-57

Vice Chair Damschroder moved to approve Resolution 19-57.
Mr. Frazee seconded the motion.

Approval: Vote 3-0.

ODOT/Robertson Resolution 19-58

Vice Chair Damschroder moved to approve Resolution 19-58.
Mr. Frazee seconded the motion.

Approval: Vote 3-0.

Executive Director Report

Madam Chair Murnieks again welcomed Executive Director Cheryl Lyman to her fourth day at the Ohio Facilities Construction Commission.

Director Lyman began her report by thanking Madam Chair Murnieks, Vice Chair Damschroder, and Mr. Frazee for the opportunity to again be a part of OFCC. Director Lyman highlighted Jeff Westhoven, Chief of Program Services earlier presentation to the students with regard to who our bosses are in State government including the people of the State of Ohio. Director Lyman pointed out that her bosses are the Commission members.

Commission Staff Activities

OFCC staff is currently preparing OFCC's Capital Budget request for submission to the Office of Budget and Management for funding to help support school districts as part of the State's share.

Director Lyman thanked Jon Walden, who served as Interim Executive Director for OFCC, for his service and direction to the agency, and his support since Director Lyman came on board. Mr. Walden is currently in Philadelphia attending a conference of the American Bar Association forum on construction law and diversity and inclusion.

Craig Weise, Chief of Projects, is serving as an expert panelist for the Ohio Chapter of the American Council on Engineering companies today.

J.C. Benton, Communications Manager, and Mr. Westhoven attended a non-traditional graduation ceremony at Richland Correctional Institution in Mansfield, Ohio. Nine inmates received a plumbing pre-certification on the job training on energy savings at one of our energy projects.

Melanie Drerup, Chief of Planning, is a recipient of a life time achievement award from the Association for Learning Environments. This award is recognition of the work that Ms. Drerup has done for part of the Commission and as an active member of the educational facilities planning community. Director Lyman congratulated Ms. Drerup on her award.

Outreach Opportunities

Director Lyman is continuing the outreach Mr. Walden mentioned at our last Commission meeting. In October, some OFCC staff will be participating in the Ohio School Boards Association Capital conference. Director Lyman will be attending the Associated General Contractors Board meeting. Director Lyman will also attend the AIA/ACEC quarterly meeting.

Upcoming Groundbreakings and Dedications

Director Lyman shared with Commission members upcoming groundbreakings and dedications (see chart below). Director Lyman encouraged Commission members to attend. Director Lyman is also looking forward to attending groundbreakings and dedications, and expressed to the Commission that attending groundbreakings and dedications is a great opportunity to see the positive impact these new facilities have on the community.

Date	Client	County	Event	Building Type/Name
10/27/2019	Minster Local	Auglaize	Dedication	High School
11/7/2019	Reading Community City	Hamilton	Dedication	New K-12
11/17/2019	Amherst City	Lorain	Dedication	New PK-3
11/19/2019	Ohio Department of Transportation	Monroe	Ribbon-cutting	Monroe Full-Service Maintenance Facility
12/4/2019	Lancaster City	Fairfield	Dedication	Thomas Ewing Junior High School

Harrison Hills Local School District-Harrison Central K-12

Director Lyman introduced Superintendent, Dana Snider, to make a presentation on the Harrison Hills Local School District-Harrison Central new K-12 project. Director Lyman expressed the Commission's appreciation to Superintendent Snider for hosting OFCC's Commission meeting today and having the opportunity to tour Harrison Central after the meeting.

Superintendent Snider started her presentation by thanking the student body, thanking the Commission for being here today, and she is thankful for the project and the support as this was a good process for the district. The district is pleased with the results and everything that has transpired during this process.

Superintendent Snider acknowledged SHP as the Architect and Hammond Construction as the Construction Manager for this project. These companies were integral in guiding the district through the construction process.

Superintendent Snider stressed to the students that 56% of the funding came from the State share. The LFI contribution came from the gas and oil industry that created additional funds for this community. The project totaled \$60M and did not go over budget.

Superintendent Snider shared construction facts that the building is 216,000 sq. ft., 192,000 bricks were used, 7,000 yards of concrete, 9,000 feet of sanitary pipe, 15,200 feet of copper waterline, 2,300 feet of natural gas pipe and 375 tons of structural steel was needed to build the school. The technology instructors work in the Extended Learning Area (ELA) with small groups of children. Interactive boards are used in most classrooms to reinforce classroom learning. Harrison Central performed their first concert in the auditorium.

This concludes the Executive Director's report.

Public Testimony

No public testimony.

The meeting was adjourned at 11:31 AM.



Kimberly Murnieks, Commission Chair



These meeting minutes were prepared by
Elizabeth Perry, Secretary to the Commission (Interim)