

**Ohio Facilities Construction Commission
December 5, 2019 Meeting
The Barn at Stratford
Delaware County Historical Society
10:30 AM**

MINUTES

Madam Chair Murnieks called the meeting to order at 10:34 AM.

Madam Chair Murnieks welcomed everyone to the December 5, 2019 meeting of the Ohio Facilities Construction Commission. Madam Chair Murnieks thanked the Delaware County Historical Society (DCHS) for hosting the meeting today. The renovations of The Barn at Stratford was a project that was a partnership between the State, the Ohio Facilities Construction Commission (OFCC) and the DCHS. As we are taking our Commission meetings on the road to see the impact the Commission is having across the communities, The Barn at Stratford is a great project for the Commission to highlight. We have had two other road show meetings at schools this year, as OFCC works a lot more with local school districts, however; the Commission also wanted to take some time to highlight our Cultural Facilities Projects. Madam Chair Murnieks thanked DCHS Director Donna Meyer, who could not be in attendance today, Event Coordinator Melissa Stroupe, Jack Hilborn, Board President for the DCHS, Connie Hoffman, Retired Manager for DCHS, and all of the volunteers and staff for helping to make this meeting possible today.

Roll Call

Members present: Madam Chair Kimberly Murnieks, Vice Chair Matthew Damschroder, Director Mary Mertz and Benjamin Lynn for Representative Sobecki.

Adoption of the October 24, 2019 Minutes

Vice Chair Damschroder moved to approve the October 24, 2019 minutes. Director Mertz seconded the motion.

Approval: Vote 3-0.

**Priority Order of Assistance List Approval – Resolution 19-59
Presented by Jon Walden**

Jon Walden presented the Priority Order of Assistance List for Commission approval.

Mr. Walden noted that the Priority Order of Assistance List is one component of how the Commission determines offers of funding, in conjunction with the various priorities provided by the legislature. Mr. Walden explained that new districts were added to the CFAP portion of the list, while three districts were deleted from the list subsequent to the July 2019 approvals. Two districts were also added to the

Segmented List: Tuscarawas Valley LSD (Tuscarawas) and Firelands LSD (Lorain). Those districts were offered funding for the entire district program but chose to proceed with a segment. In addition, five districts were removed from the Lapsed District list.

Vice Chair Damschroder moved to approve Resolution 19-59.

Director Mertz seconded the motion.

Approval: Vote 3-0.

**Master Facilities Plan Amendment Approval
Presented by Steve Roka – Resolution 19-60**

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

Sandusky CSD (Erie), a lapsed district, and OFCC entered into a project agreement in 2017 for Segment 1 of their master facility plan. Segment 1 includes building 3 new elementary schools and allowances to abate and demolish 4 existing schools. Segment 1 will house the entire PK-6 student population of the district.

During the design phase, the project team experienced cost estimates that exceeded available resources. Subsequently, the project team implemented cost saving measures that included the redesign of all 3 buildings and the replacement of the Construction Manager with a new manager after an agreement on the construction cost could not be reached with the original Construction Manager.

The project team seeks to reconcile the construction cost overage by reallocating budget dollars from 2 abatement and demolition projects and apply those funds to the new buildings; the result is a zero \$ change.

Funding for the abatement and demolition of schools is provided as an allowance in the Master Facility Plan. Funding is treated this way to allow districts the choice whether to keep a building or demolish the building.

Master Facilities Plan Amendment:

School District (County)	Recommended Modifications to the Master Facilities Plan	Recommended Modifications to the Project Budget
Sandusky CSD (Erie) Amendment 1	Budget adjustment due to market conditions to build three new ES. Delete allowance to abate and demolish Osborne ES and Jackson Jr. HS.	\$ 0 State Share
		\$ 0 Local Share
		\$ 0 TOTAL

Vice Chair Damschroder moved to approve Resolution 19-60.

Director Mertz seconded the motion.

Approval: Vote 3-0.

**ELPP Master Facilities Plans and Project Agreements Approval
Presented by Steve Roka – Resolution 19-61**

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

ELPP allows districts to address pressing facility needs ahead of OFCC funding eligibility; this allows a district to complete a portion of the master facility plan and accrue credit toward their local share of the entire project.

Tiffin CSD (Seneca) and Williamsburg LSD (Clermont) are both on the Priority Order of Assistance List and estimated to be over 2-years away from CFAP funding eligibility.

Tiffin CSD and Williamsburg LSD intend to be on the March 2020 ballot to raise funds for their discrete portion of the project. The Master Facility Plans and the Agreements being presented for your consideration today have been approved by their respective Boards of Education.

Master Facilities Plans:

School District (County)	Project Scope	Project Budget
Tiffin CSD (Seneca)	Build new ES to house grades PK thru 6. Build new MS to house grades 7 thru 12 and Career Tech (offsite). Abate/demolish Krout ES, Lincoln ES, Noble ES, Washington ES and Columbian HS.	\$39,187,015 State Share
		\$18,618,427 Local Share
		\$57,805,442 TOTAL
Williamsburg LSD (Clermont)	Partial Addition/Renovation/Demolitions to house grades PK thru 5. Renovations to house grades 5 thru 12, career tech. Abate/demolish Williamsburg ES.	\$19,082,012 State Share
		\$9,830,127 Local Share
		\$28,912,139 TOTAL

Project Agreements:

School District (County)	Discrete Portion Project Scope	Discrete Portion Project Budget
Tiffin CSD (Seneca)	Build new ES to house grades PK thru 6. Abate/demolish Krout ES, Lincoln ES, Noble ES and Washington ES.	\$37,514,283 TOTAL
Williamsburg LSD (Clermont)	Partial Addition/Renovations/Demolition to house grades PK thru 5 (Includes a PA LFI in the amount of \$2,789,958). Abate/demolish Williamsburg ES.	\$16,128,313 TOTAL

Vice Chair Damschroder moved to approve Resolution 19-61.

Director Mertz seconded the motion.

Approval: Vote 3-0.

**Project Agreement Templates Approval
Presented by Matt Westerman – Resolution 19-62 and 19-63**

Matt Westerman presented the Vocational Facilities Assistance Program (VFAP) and the Vocational Facilities Assistance Expedited Local Partnership Program (VFAP-ELPP) Project Agreement Templates for Commission approval.

Over the past several months, Commission staff has brought several project agreement templates with revisions for Commission approval. The VFAP and VFAP-ELPP Project Agreement Templates presented today include updates that were made to address a statutory change and to reflect changes in the Maintenance Plan Guidelines that were adopted by this Commission earlier this year. In addition, there was non-substantive clean-up that was done to each of the agreements.

VFAP Project Agreement Template – Resolution 19-62

Vice Chair Damschroder moved to approve Resolution 19-62.
Director Mertz seconded the motion.

Approval: Vote 3-0.

VFAP-ELPP Project Agreement Template – Resolution 19-63

Vice Chair Damschroder moved to approve Resolution 19-63.
Director Mertz seconded the motion.

Approval: Vote 3-0.

**Settlement Agreement Approvals
Presented by Matt Westerman – Resolutions 19-64 and 19-65**

Matt Westerman presented two settlement agreements for Commission approval.

As a reminder, Commission Staff will bring settlement agreements to the Commission for its review and approval when the settlement requires that the Commission provide a release. Each of the settlements presented today require that the Commission provide a release.

The first settlement agreement involves the East Cleveland CSD (Cuyahoga) Shaw High School. Whitley and Whitley Inc., /URS Corporation (Whitley) (URS) served as the architect and engineer of record for the new Shaw High School (Project). The Commission alleges that Whitley and URS were negligent in the performance of their duties and obligations for the Project related to the defective design and installation of certain masonry work. OFCC, Whitley, and URS have agreed to resolve this dispute through settlement whereby the Whitley/URS agrees to pay the Commission the amount of \$25,000.00 and in turn the Commission will provide a release to Whitley/URS.

The second settlement agreement involves the Indian Creek LSD (Jefferson) new middle school. Colaianni Construction Inc. (Colaianni) served as the General Trades Contractor on the new Indian Creek Local School District (District) Middle School (Project). MKC Architects Inc. (MKC) served as the architect of record and Civil Design Associates served as MKC's civil engineer consultant. Following completion of construction, the District experienced failures of certain areas of the parking lot and sidewalks. The District and the Commission engaged a consultant to investigate. The consultant found that the failures resulted from a combination of design errors and defective workmanship. After efforts to resolve the issues failed, litigation resulted. After discovery and shortly before trial, the Parties mediated the matter and reached a proposed resolution whereby Colaianni, MKC, and Civil Design Associates agreed to pay the Commission and the District \$1,192,000. Commission staff worked with the Attorney General's office on this matter and the Attorney General approves the terms of the settlement. Commission staff recommended approval of the settlement.

East Cleveland CSD – Resolution 19-64

Vice Chair Damschroder moved to approve Resolution 19-64.
Director Mertz seconded the motion.

Approval: Vote 3-0.

Indian Creek LSD – Resolution 19-65

Vice Chair Damschroder moved to approve Resolution 19-65.
Director Mertz seconded the motion.

Approval: Vote 3-0.

**Storm Shelter Study Report Approval
Presented by Jeff Westhoven – Resolution 19-66**

Jeff Westhoven presented the Storm Shelter Study Report for Commission approval.

The most recent budget bill, H.B. 166, included a directive for OFCC to “conduct a study to evaluate and make recommendations regarding the appropriate requirements for storm shelters for Ohio school buildings. The Commission shall conduct this study in consultation with stakeholders, including school district officials, and submit a report of its findings to the General Assembly no later than December 31 of this year.”

Mr. Westhoven gave background on storm shelters and the building code requirements. He further reported that the Commission’s approach to the study was to solicit input from knowledgeable stakeholders such as BASA, OASBO, AIA, ACEC, the Ohio Departments of Commerce and Public Safety. The feedback received from schools stated a desire to have the best environment possible with the resources that are available. The districts expressed to OFCC that feedback from their constituents indicated that storm shelters were not high priority. Concerns such as active shooters, flu outbreaks and cyber bullying were things higher on the priority list. The districts want a safer environment, but the districts prefer that storm shelters be optional.

The perspective from the design side is that while architects and engineers can design anything, they would prefer clarification on code requirements, and a better understanding of compliance paths for renovations.

The four recommendations in the report include:

1. School district officials are encouraged to participate directly in the Board of Building Standards (BBS) rule development to share their perspective on building code impacts on their districts.
2. BBS to provide additional guidance on the code requirements for school renovations and additions.
3. BBS and the design community to meet on technical discussions as far as what requirements are needed.
4. The last recommendation, is to the extent possible, is to share best practices and information on projects already in process.

Mr. Westhoven noted that the Resolution for Commission approval is to approve in general the report as presented, with the Commission delegating to the Chair the authority to make final edits and notify Commission members of any edits, and for the Commission to authorize Commission staff to submit the final Storm Shelter Report to the General Assembly by the deadline of December 31, 2019.

Madam Chair Murnieks encouraged the Commission members to provide any final feedback edits to the draft report to Commission staff prior to the final submission of the report to the General Assembly on December 31. Madam Chair Murnieks asked Mr. Westhoven for clarification that the Resolution structure presented today delegates to the Chair the responsibility to finalize the report and to submit timely to the General Assembly. Mr. Westhoven confirmed that this is correct.

Vice Chair Damschroder moved to approve Resolution 19-66.
Director Mertz seconded the motion.

Approval: Vote 3-0.

Transfer of Jurisdiction Approvals
Presented by Jon Walden – Resolutions 19-67 and 19-68

Jon Walden presented two separate intra state land transfers for Commission approval.

Mr. Walden noted that as a result of the Commission’s administration of the State’s cultural program, it inherited serving as the “named” party of State-owned property, with the Commission named on approximately 43 properties. These properties are maintained by the Ohio History Connection.

For the Perrysburg transfer, staff recommends transfer to ODOT, which will work with the City of Perrysburg for using the land for a multi-use trail. The Ohio History Connection has determined that the trail will not impact the Fort Meigs Property.

The transfer to the Ohio History Connection is for land associated with the Harding Presidential Center. The Ohio History Connection already maintains the property and the transfer will have the land maintained by the appropriate party.

DAS recommends approval of both transfers.

ODOT – Resolution 19-67

Madam Chair Murnieks moved to approve Resolution 19-67.
Director Mertz seconded the motion.
(Vice Chair Damschroder Abstained)

Approval: Vote 2-0.

Ohio History Connection – Resolution 19-68

Madam Chair Murnieks moved to approve Resolution 19-68.
Director Mertz seconded the motion.
(Vice Chair Damschroder Abstained)

Approval: Vote 2-0.

Executive Director Report

Director Lyman began her report by thanking the Delaware County Historical Society for hosting our meeting today. Director Lyman commented that it is only fitting that we have our meeting today in one of Ohio's official historical architectural structures. Director Lyman thanked Commission staff for their preparation for this meeting and their continued involvement working with State agencies and school district partners. Director Lyman thanked Elizabeth Perry and Sue Meyer for their preparation for today's meeting. Director Lyman also thanked Commission staff for their work on the storm shelter report study and their outreach to stakeholders. We as a staff have learned a lot about storm shelters that we did not know before including school district concerns and to know that we are all looking out for the safety of students and staff who are in these facilities.

Director Lyman is pleased to report that in cooperation with OBM and DAS, we now have a capital planning and administration segment as a part of the State's official financial policies and procedures online system. This was a tremendous effort by everyone. This will be a great resource for agencies, higher education, and everyone involved in capital construction in Ohio on how to move a project through the State's financial system.

Commission Staff Activities

OFCC staff will be having a Local Administration Training Session next week for State Agencies. This is where agency project staff come together to hear from each other and receive training from the Commission on how to locally administer a project. This training is an important part of the Commission's role to make sure the State has consistent construction processes and procedures.

Director Lyman congratulated Lane Beougher, OFCC Energy Program Manager, for being selected as the next chair of the American Institute of Architects (AIA) documents committee. This is a nationwide committee of approximately 35 members. Mr. Beougher has a 10-year commitment to this organization. After Mr. Beougher's 10-year service, he will serve as Chair for AIA.

Director Lyman also congratulated Bill Courson, OFCC K-12 Project Manager, who retired at the end of October 2019. Jean Hale, Agency Project Manager who will retire at the end of December 2019. Finally, Rick Savors, OFCC Communications Manager, who will also retire at the end of December 2019.

Agreements and Amendments-FY 2020 Q1

Director Lyman referenced the PowerPoint slides to point out that not only do we have K-12 contracts, we also have contracts for agencies. The numbers represent the many hours of effort from OFCC agency staff on K-12 facilities construction, higher Ed and cultural facilities statewide. We will be reporting at every Commission meeting on agreements and amendments.

Project Activity-FY 2020 Q1

Director Lyman pointed out that this is an opportunity to look at the dollar amount represented by OFCC in partnership with our K-12 partners, colleges and universities, State agencies and our cultural partners. We have vested significant state dollars. The Commission is much appreciative to the General Assembly for their support of our construction program. The report looks at projects in design, projects currently in construction and the value of the projects.

Close-Out Report-FY 2020 Q1

Director Lyman reported that the finance team was able to close-out Jackson Center LSD (Shelby) and Grand Valley LSD (Ashtabula) projects. Closing-out a project is a significant milestone for school districts, agencies and cultural facilities.

Groundbreakings and Dedications (July-September 2019)

Director Lyman shared with Commission members groundbreakings and dedications (see chart below). Director Lyman started the week in Vinton County with Dr. Marchbanks, Executive Director from ODOT, at a full-service maintenance facility. Director Lyman pointed out that every project has a story. Almost 2 years ago the original maintenance facility had a fire. The Vinton County Engineers office assisted, other local ODOT districts assisted and all but one piece of equipment was saved from the fire. Most of the equipment that was saved from the fire was back on the road 36 hours later because of a snow storm. One of OFCC's main goals is to help agencies and our partners complete their mission. Director Lyman also had the chance to go to a middle school dedication in Lancaster.

Date	Client	County	Event	Building Type/Name
8/3/2019	Carrollton EV	Carroll	Dedication	New 6 - 12 building
8/8/2019	Cleveland Municipal	Cuyahoga	Dedication	Waverly elementary
8/10/2019	Amanda-Clearcreek Local	Fairfield	Dedication	Roof Renovations
8/10/2019	Harrison Hills Local	Harrison	Dedication	New K-12
8/12/2019	Columbus State Comm. College	Franklin	Dedication	Mitchell Hall
8/14/2019	Cleveland Municipal	Cuyahoga	Dedication	A.B. Hart Junior High
8/16/2019	Arts & College Preparatory Academy	Franklin	Dedication	New Community School facility
8/19/2019	Lake Local	Stark	Dedication	Middle / High Renovation

8/22/2019	Cleveland Municipal	Cuyahoga	Dedication	O.H. Perry Elementary
8/22/2019	West Clermont Local	Clermont	Dedication	Summerside Elementary (PK-5)
8/22/2019	West Clermont Local	Clermont	Dedication	Willowville Elementary (PK-5)
8/23/2019	Cleveland Municipal	Cuyahoga	Dedication	Halle Elementary
8/23/2019	Southwest Local	Hamilton	Groundbreaking	3 Elementary and 1 Middle School
8/24/2019	Akron City	Summit	Dedication	Ellet High School
9/5/2019	Ohio Reformatory for Women - Marysville	Union	Ribbon-cutting	ABC's Nursery
9/6/2019	Cleveland Municipal	Cuyahoga	Dedication	Whitney Young K-8
9/8/2019	Elida Local	Allen	Groundbreaking	Elida Elementary - PK-5
9/15/2019	Northridge Local	Montgomery	Dedication	New PK - 12 building
9/15/2019	Tri Star STEM	Mercer	Dedication	New STEM academy
9/17/2019	Wayne Local	Warren	Dual	Ribbon cutting - Trans. Facility / Groundbreaking - PK-6
9/17/2019	Valentine Theatre - Toledo	Lucas	Dedication	New acoustical orchestra shell
9/18/2019	Elyria Municipal	Lorain	Groundbreaking	Eastern Heights Elementary
9/18/2019	Mason City	Warren	Dedication	Renovated Middle School
9/23/2019	Ohio Department of Transportation	Greene	Open House	Full- Service Maintenance Facility
9/24/2019	Cleveland Municipal	Cuyahoga	Dedication	Sunbeam Academy
9/28/2019	Motts Military Museum - Groveport	Franklin	Dedication	War Dog Memorial

2020 Commission Meeting Calendar-Draft

Director Lyman presented the draft Commission meeting calendar for 2020. Director Lyman indicated that we will confirm the calendar at the January organizational Commission meeting.

Delaware County Historical Society (DCHS)-The Barn at Stratford

Director Lyman indicated that we have been on the road to two different school districts, and this is an opportunity for us to reach out to our cultural partners and spotlight our cultural grants program. Director Lyman introduced Jessica Delong-Bachman, OFCC Grants Administrator.

Ms. Delong-Bachman presented The Barn at Stratford, which is owned and operated by the Delaware County Historical Society (DCHS). Ms. Delong-Bachman shared a video created by the DCHS showing the rich history of the property.

In April of 2019, OFCC approved \$250K for electrical upgrades, elevator removal, and beam replacement at the facility. Ms. Delong-Bachman introduced Jack Hilborn, Board President for DCHS, to talk more about the Barn.

Mr. Hilborn welcomed the Commission to The Barn at Stratford. Mr. Hilborn stated that he is very proud of this facility. DCHS is a small non-profit and they count on donations to support the 170-year-old Barn. The original house section of Meeker Museum next door will be 200 years old in 2023. The Barn is rented out for weddings, special events and meetings. Mr. Hilborn thanked OFCC for their contributions and support for the Barn renovations. Mr. Hilborn introduced Connie Hoffman, retired manager for DCHS to explain more about of the renovations of the facility.

Madam Chair Murnieks presented a certificate to Mr. Hilborn to commemorate the Commission's meeting at the Barn today. Madam Chair Murnieks stated that this is our third road show meeting and our first cultural projects location. Mr. Hilborn thanked Madam Chair Murnieks for the opportunity to host the Commission meeting. Mr. Hilborn also thanked Melissa Stroup, Event Coordinator for DCHS.

Ms. Hoffman stated she was at the Barn when the renovations initially took place. Ms. Hoffman explained that she worked with the timber framing team and the concrete team. The original beam posts were removed in the 1960s and replaced with four-inch pipes. DCHS replaced a 44-foot large support beam using a beam from a barn that was dismantled in northern Ohio that dated back to the 1880s. The entire upstairs floor was replaced with red oak. The barn was raised 6 inches on one end and 4 inches on another end. This allowed the facility to have more headroom on the stage. The elevator had to be taken out because of a fire hazard. The funding DCHS received from the Commission made a huge difference in renovations and maintaining the condition of the Barn. Ms. Hoffman invited the Commission members to tour the upstairs after the meeting.

Ms. Delong-Bachman gave an overview of how Cultural Facilities Grants work. Facilities interested in funding need to approach their local State Representative and/or Senator to receive funds in the biennium capital budget. Once an appropriation is received, the recipient will contact OFCC to submit their documentation. OFCC checks the budget to make sure the project is eligible and can be fully funded, contracts are drafted and signed, and the request will then go to controlling board for approval and release of funds. The reimbursement is only for projects that have been started. Pre-reimbursement is not part of the program.

OFCC generally works with governmental entities and Ohio non-profits. Eligible expenditures the Commission pays for include acquisition of real property or interest in real property, bricks and mortar and architectural fees. The Ohio History Connection's funding is also processed through OFCC.

In FY19, OFCC had \$18.8M approved for 76 cultural projects and \$28.8M disbursed to 127 cultural projects. Three examples of projects approved in FY19 include the Mansfield Reformatory- approved for a \$200K grant to install a fire suppression system. Gallipolis Railroad Freight Station Museum- OFCC approved \$125K in April 2016 for the purchase of a historic rail car and for interior renovations to the museum. The Palace Theatre downtown Columbus- received two grants over the years. The First grant was in 2017 for \$250K which replaced the heating system. The second grant in 2018 included \$750K for renovations to the auditorium.

Other projects approved in Delaware County over the years include: 1) Delaware Arts Castle- \$140K in October 2014 for a new ballroom floor, HVAC upgrades and other exterior improvements 2) Delaware County Vets Memorial Plaza- \$320K in May 2015 for the construction of the memorial 3) Strand Theatre- \$150K in 2015 for renovations to main theater and \$175K in 2017 to renovate balcony theater area 4) Columbus Zoo- received \$1.75M for improvements to multiple areas of the Zoo.

Ms. Delong-Bachman concluded her presentation by directing the Commission to visit the newly launched Cultural Facilities Grant Portfolio found on OFCC's website.

Madam Chair Murnieks thanked Ms. Delong-Bachman and OFCC staff for all they do to help preserve the amazing cultural facilities we have in Ohio.

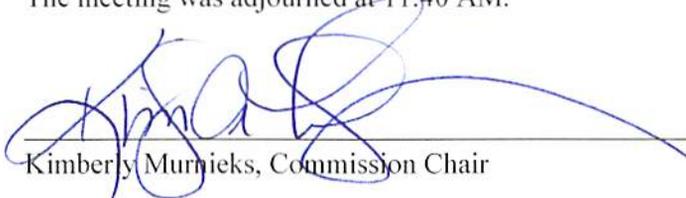
Director Lyman concluded the Executive Director's report by wishing everyone a happy holiday.

Public Testimony

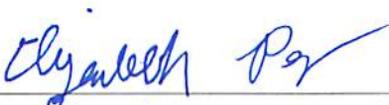
No public testimony.

Madam Chair Murnieks noted that the next meeting of the Ohio Facilities Construction Commission will be on Thursday, January 23, 2020 at the Ohio Statehouse at 1:30 PM.

The meeting was adjourned at 11:40 AM.



Kimberly Murnieks, Commission Chair



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