

**THE BOARD OF COUNTY COMMISSIONERS HELD AN INFORMAL REGULAR SESSION ON WEDNESDAY, JULY 9, 2014, WITH COMMISSIONERS DAVID H. UIBLE, ROBERT L. PROUD, AND EDWIN H. HUMPHREY IN ATTENDANCE.**

**ALSO IN ATTENDANCE WERE STEPHEN H. RABOLT, COUNTY ADMINISTRATOR, AND DEBORAH BRITTON, CLERMONT COUNTY COMMISSIONERS' OFFICE. ADDITIONAL ATTENDEES AT THE INFORMAL REGULAR SESSION ARE LISTED ON THE ATTACHED ATTENDANCE SHEET.**

**LET THE RECORD SHOW THAT THE JULY 9, 2014 INFORMAL REGULAR SESSION WAS VIDEOTAPED AND IS AVAILABLE FOR PUBLIC INSPECTION MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME. IN ADDITION, THE INFORMAL REGULAR SESSION IS AVAILABLE FOR PUBLIC VIEWING THROUGH THE COUNTY GOVERNMENT WEBSITE AT <http://www.clermontcountyohio.gov/videos-worksession.aspx>.**

**Started shortly after 12:20 pm**

**THE FOLLOWING ISSUES WERE PRESENTED FOR DISCUSSION:**

**Issue –Purple Heart Parking Program...13-0619-002**

**Discussion** – Mr. Rabolt discussed with the Board the Purple Heart Parking Program that was presented to the Board by Clermont County Sheriff's Office Deputy Danny Ruck on 6/18/14. Mr. Rabolt suggested we move forward with implementing one parking sign for each of the following locations:

- Sheriff's Office public parking area.
- Municipal Court public parking area in front of the building.
- Board of Elections / Veterans parking in front of Heritage building.
- One of the 30 min spaces in back of the Administration building next to the Board of Elections office.
- Two at the Medical Social Services Building, one at each of the main public entrances.

The Board unanimously agreed that they would like to proceed with that plan.

**Issue - Village of Batavia Water & Sewer Options: Lyle Bloom, Director of Clermont County Water Resources Department, Village of Batavia, Mayor John Thebout and Administrator Dennis Nichols were also in attendance...07-1030-009**

**Discussion** - Mr. Bloom provided the draft copy of the agreement with the Village of Batavia and gave a brief history of the project via a PowerPoint presentation. Copies are available upon request.

Mr. Bloom provided background information regarding the history of the relationship between the Clermont County Water Resources Department and the Village of Batavia that originated in 1995. In April 2009 there was a new contract established for bulk water supply that puts a set rate structure into place for anyone who would use bulk water inside the county. This included the Villages of Batavia, New Richmond and Williamsburg as well as the City of Milford.

In January 2012 Clermont County entered into a 3 year agreement with the Village of Batavia to assess the collection and distribution systems as well as the needs and usage by Village residents. Over the last few months Mr. Bloom has been in negotiations with the Village, due to the current contract expiration date of January 2015.

Several issues have been raised that need to be addressed:

- Old copper piping that is in need of repair or replacement.
- Some areas where water mains have been installed outside the right of way, where easements have not been obtained, under sidewalks or buildings. Exhibits B and C show where the pipes are going to need to be relocated.
- The collection system has some critical need issues particularly at the Wood Street and Broadway lift stations. These two locations have constructed overflows which will have to be eliminated.

Three options have been presented to the Village:

- Option A: Village maintains ownership and operation of collection/distribution system; County would provide bulk water and wastewater treatment.
- Option B: Village would donate the collection/distribution systems to the County.
- Option C: Extend existing contract another 5 years with the same terms and conditions.

Mr. Bloom noted there is also another option:

- Option D: Discussed, however it was not formally presented. This option would be that the County allow 3 year contract to expire. Village would resume operation of the collection/distribution systems.

Mr. Bloom stated that he has come up with what he feels is an advantageous agreement for all parties and would recommend a 10 year agreement to the Board as shown in the presentation comparison chart. The comparison chart shows the new agreement would allow several capital improvements and reduce the cost to the consumer.

The current contract includes a flat rate charge for bulk water supply and the new contract would bill monthly for that separately. The current contract total cost is \$493,000 per year with 2% per year increase which included the bulk water supply charges. The new contract total cost would be \$383,400 with a Consumer Price Index (CPI) increase each year, and excludes the bulk water supply charges. The CPI will not apply to the flat \$100,000 capacity fee.

Commissioner Uible asked if at the end of the 10 year agreement the County would take over the Water & Sewer system. Mr. Bloom stated that indeed it is the intention after the Village has made the necessary improvements for the County to assume ownership of the system at that time.

Mr. Bloom noted that a non-performance clause has been included in the new agreement, requiring wastewater capital improvements and water distribution capital improvements be made during the 10 year contract. If the capital improvements are not completed during that time the non-performance clause states that the Village will retain ownership/maintenance responsibility of the wastewater collection system and would be billed by the County at 75% of the current sewer use rate to provide wastewater treatment services. If the capital improvements are not completed to the water distribution system under the non-performance clause the Village will retain ownership and operation/maintenance responsibility of the distribution system and the County would continue to provide bulk water supply under the terms of the April 27, 2009 agreement.

Commissioner Humphrey asked if the capital improvements would be paid for by the County or the Village. Mr. Bloom stated the capital improvements would be paid for by the Village.

Dennis Nichols, Village of Batavia Administrator, stated he has not reviewed the language of the non-performance clause portions of the contract. Mr. Bloom said they can discuss any concerns.

Mr. Nichols stated that Village Council has agreed with most of the terms of the 10 year contract with two concerns; They are requesting that the increase be the lower of 2% or CPI. Mr. Nichols stated the second point they are concerned with is bulk water costs. The Village of Batavia had asked Mr. Bloom to consider that they pay a lower rate for bulk water supply costs than that paid by other bulk water customers. Mr. Nichols stated that the Village would like to see the new agreement terms state that they pay the cost of water without adding the cost of capacity fees. Mr. Nichols stated that the Village has paid considerable capacity fees; he believes it was approximately \$500,000 in 1995 the County already and feels they should not pay additional capacity fees at this point.

Mr. Nichols also noted the County has a great Water Resources Department and the Village has been very happy doing business with Mr. Bloom.

Mr. Bloom and Ms. Scheetz noted that the Villages of Williamsburg and New Richmond are both paying the \$2.40/1,000 gal for bulk water and would have some concerns in reducing the price beyond what other villages are paying.

**Conclusion/Follow-Up Action Needed** – Mr. Bloom noted that he still needs to run the contract through the County Prosecutor's office for approval. Mr. Nichols stated he will also be presenting this to the Village of Batavia Council for review.

**Issue - Ohio EPA's Nutrient Rule Update, Lyle Bloom Director of Clermont County Water Resources Department, Paul Braasch, Director, Office of Environmental Quality...08-0506-002**

**Discussion** – The Ohio Environmental Protection Agency (OEPA) is developing new regulatory limits for the Total Maximum Daily Load (TMDL) for the East Fork and Little Miami River to determine if the river is impaired and if so what is causing that impairment.

As part of these new rules they will be imposing limits on phosphorus and dissolved nitrogen which will affect our Lower East Fork and Middle East Fork Waste Water Treatment Plant (WWTP). OEPA will be doing chemical as well as biological monitoring and testing on the East Fork Lake and Little Miami River and their tributaries for modeling. This will include monitoring the fish, insects, as well as the habitat to determine if there is an impact and if this is where they believe it is originating.

The Ohio EPA is also developing new nutrient rules to determine limits on phosphorus and dissolved nitrogen at Publicly Owned Treatment Works (POTW's). Ohio EPA has developed a stakeholder group of large members (200K+ customers), along with some large industrial, environmental groups and agricultural members to participate in this stakeholder group. Ohio EPA has invited Steve Samuels to represent small and medium (-200K customers) POTW's.

Mr. Samuels has approached us to see if we would be interested in teaming with other counties and have him represent our interests as well as other counties in our area during these stakeholder meetings.

Mr. Braasch stated that over the next six to 12 months they will be making decisions about point source nutrient reductions (when they may not be related to WWTP discharge area) and he believes this is the area that needs the most work. They will also be researching affordability of the imposed changes in requirements.

Mr. Samuels has quoted a one-time fee of \$10K as our share to represent Clermont County during these meetings. Mr. Samuels estimates the total cost of representation for all counties at these meetings to be somewhere between \$50-200K.

Mr. Braasch stated it is critical that as Ohio EPA develops these nutrient criteria that they are based on the evidence and what effect that they will have, that if we reduce nutrient limits at our WWTP that we will see a significant change in water quality.

Mr. Braasch also stated there is a challenge between finding a point source and non-point source during these nutrient regulation development and feels it would be a good investment to have Mr. Samuels as a representative during the development phase instead of waiting until after they are developed and implemented.

Commissioner Proud asked if there would be additional appropriations needed for this representation by Mr. Samuels or if this representation as a Non-CECOS representation was already in the current appropriation. Ms. Scheetz stated that it may take some additional appropriation and was not included in the current budget.

Mr. Bloom stated that in looking at some of the proposed nutrient limits and our WWTP we could be looking at as much as \$15M in improvements that could be required if the strictest of requirements are imposed.

Commissioner Humphrey stated he thinks it is a good idea to invest during the development phase prior to the implementation.

Commissioner Uible asked Mr. Bloom if he thought it was the issues they are having on Lake Erie and Grand St. Mary Lake that are driving the new regulations. Mr. Bloom stated he does not believe that the harmful algae blooms have any bearing on the new regulations. Mr. Braasch said the Ohio EPA has been discussing phosphorus limits for quite some time; they just have not been able to show the cause and effect to be able to implement the regulations.

**Conclusion/Follow-Up Action Needed** – Mr. Bloom will proceed with Mr. Samuels' contract and request the additional appropriation if needed.

**Issue - Community Alternative Sentencing Center (CASC) Options, Thomas Eigel, Assistant County Administrator...12-1203-002**

**Discussion** – Mr. Eigel provided some discussion about the current contract for the CASC, which expires on August 12. Mr. Eigel stated the Board has two options:

1. Exercise the renewal option 1 year.
2. End the program when the contract expires on 8/12/14.

Mr. Eigel noted that with some new legislation becoming effective in September and considering that we just opened services to male offenders over the last few weeks he would like to propose a third option. Mr. Eigel is proposing a contract amendment for an additional six (6) months. The amendment would extend the program to allow the Board time to evaluate the implementation of the addition of male offenders to the program and allow the Board to evaluate the new legislative programs we will be able to offer starting in September through the end of February 2015.

Mr. Eigel stated he is looking to the Board for guidance as to their preference and further stated the Board will need to make a decision within the next few days.

Commissioner Uible asked how many clients can be served in each pod. Mr. Eigel stated that 50 clients can be housed in each pod and are nowhere near capacity now. Mr. Eigel stated the options with the new legislation; it will open up some new possibilities for eligibility, especially on the female side, including changes to length of stay. Staff anticipates being able to service more clients and be closer to capacity once those new rules take effect.

Commissioner Humphrey stated he would also like to see if the treatment being received at the CASC program is having an effect on the rate of recidivism and that takes some time to see the results.

**Conclusion/Follow-Up Action Needed** – Mr. Eigel will proceed with a 6 month extension.

### **Adjournment**

Informal Regular Session was adjourned.

**BOARD OF COUNTY COMMISSIONERS  
CLERMONT COUNTY, OHIO**

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**DAVID H. UIBLE, PRESIDENT**

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**ROBERT L. PROUD, VICE PRESIDENT**

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**EDWIN H. HUMPHREY, MEMBER**

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**STEPHEN H. RABOLT, COUNTY ADMINISTRATOR**

9/24/14  
**DATE APPROVED**