

**MINUTES FROM THE OHIO RAIL DEVELOPMENT COMMISSION
REGULAR BI-MONTHLY MEETING
MAY 12, 2021**

CALL TO ORDER

Chairman Scott Corbitt called the meeting of the Ohio Rail Development Commission to order at 11:05 a.m. on Wednesday, May 12, 2021. The meeting was held virtually via GoToWebinar. Chairman Corbitt introduced Jacque Annarino from ODOT's Office of Environmental Services who was present to moderate the meeting. Ms. Annarino provided the Commissioners and members of the public an overview of instructions on how to participate in the webinar.

MEMBERS PRESENT VIA GOTOWEBINAR

Chairman Corbitt, Commissioners Allen Biehl, Bobby Dinkins, Solomon Jackson, Frederick Lampe, Bill Lozier, Jonathan Gormley (DSA), Pamela Vest Boratyn (ODOT), Eric Richter, Tom Zitter and Representative Michael Sheehy were present via GoToWebinar. Roll call was taken. There were ten voting members present, therefore a quorum was obtained. Representative Jim Hoops and Senators Bill Reineke and Vernon Sykes were unable to attend.

APPROVAL OF THE MINUTES OF THE MARCH MEETING

Chairman Corbitt asked for a motion to approve the minutes of the March 10, 2021 meeting. Commissioner Richter moved to approve the motion and Commissioner Jackson seconded. Roll call was taken. The minutes of the March 10, 2021 Commission meeting were approved with ten votes in the affirmative.

RESOLUTION 21-06 – Appreciation of Service of Donald J. Damron

Chairman Corbitt asked Secretary-Treasurer Megan McClory to present Resolution 21-06, honoring the service of Don Damron to the Commission. Secretary-Treasurer McClory read the resolution for all in attendance. Chairman Corbitt asked for a motion to approve Resolution 21-06. Commissioner Biehl moved to approve the resolution and Commissioner Lozier seconded the motion. Roll call was taken with ten votes in the affirmative.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Dietrich presented his report to the Commissioners, which can be found on page 9 of the Commission packet. Before presenting his report, Executive Director Dietrich echoed the sentiments of Resolution 21-06 and added that Don Damron will be very missed at the Rail Commission.

Executive Director Dietrich introduced two new ORDC staff members to the Commission: Allen Bell and Sarah Zibart. Executive Director Dietrich introduced Sarah Zibart who is the new GIMS Specialist for ORDC. Ms. Zibart spoke about her previous work experience and stated how excited she was to be joining the Commission and, in her new role, plans to help ORDC digitize many of its documents.

Allen Bell was having technical difficulties in connecting to the meeting so Executive Director Dietrich stated he would continue presenting his report and connect with Allen as soon as he is able to do so.

Executive Director Dietrich thanked the Commissioners for all their efforts with respect to HB 74. He spoke extensively about the budget and emphasized the significance of ORDC's GRF allocation of \$2 million. Executive Director Dietrich reported ORDC's leveraging as \$357: \$1 of GRF and reiterated the importance of those grant funds to the projects ORDC does. ORDC currently has seven outstanding commitment letters and, if all commitments go forward, the grant amount allocated to all seven of those projects is \$1.2 million; more than half of ORDC's GRF budget for the year. He reported on this fact to illustrate the high demand for ORDC funding.

Executive Director Dietrich reported on the outstanding INFRA Grant award and stated we have been working with our partners, JobsOhio, Norfolk Southern and PTT, to get the money obligated by the end of September. Unfortunately, the local share of the grant award was predicated on PTT reaching a final site decision in Belmont County. This decision has not yet been finalized so Executive Director Dietrich reported that if it is not by the end of May or early June at the latest, ORDC will have no other choice but to decline that grant award.

Due to the volume of federal grants ORDC has been awarded, Executive Director Dietrich reported ORDC has issued an RFP for assistance in administering federal grant awards and stated that a final selection has been made and that company will be on board soon to provide the needed assistance to staff. Executive Director Dietrich thanked ODOT's Office of Contracts for their assistance with the selection process.

Chairman Corbitt asked if anyone had questions for Executive Director Dietrich on his report. Commissioner Lozier stated he is thankful the GIMS position has been filled and reiterated the value the role will have to ORDC. Secondly, Commissioner Lozier asked if the Commissioners could get additional information for use in budget discussions to advocate for continued and increased funding for the Commission. Executive Director Dietrich responded that he would be certain all the Commissioners had the requested budget information.

Commissioner Dinkins inquired if the current funding levels are consistent with past funding levels. Executive Director Dietrich responded that the \$2 million GRF budget is consistent with what has been available in recent past, however budget amounts have been as high as \$5 million in GRF at one point. Executive Director Dietrich reported that upon formation of ORDC, the proposed funding amount was \$7 million. Further, ODOT's Flexible Freight Funding of \$1 million has been extremely helpful to ORDC in funding large projects, specifically rehabilitation projects, and ORDC is very grateful to be able to utilize those funds.

Executive Director Dietrich introduced Allen Bell, ORDC's Safety Programs Manager, to the Commissioners. Mr. Bell briefly introduced himself to the Commissioners and thanked the Rail Commission for welcoming him. Commissioner Jackson welcomed Allen and wished him well in his new role.

FINANCE REPORT

Secretary-Treasurer Megan McClory presented the Finance Report to the Commissioners. The report can be found on page 12 of the commission packet. Secretary-Treasurer McClory reported the Fulton Railroad loan has closed since the packets were sent out. This loan is for the purchase of a replacement front loader for transloading services in the amount of \$155,000. The Commission previously approved the loan of up to \$200,000 at the March 2021 Commission Meeting.

Secretary-Treasurer McClory stated ORDC is working to fully utilize all funding available for projects to close out the current fiscal year.

All Commissioners filed their Financial Disclosure Statements so Secretary-Treasurer McClory made a point to thank the Commissioners for their timely responses.

Finally, Secretary-Treasurer McClory reported staff recently received a follow-up letter to some public comment from the March Commission meeting and stated that all Commissioners should have received a copy of the letter via email for their information.

RESOLUTION 21-07: Cleveland and Cuyahoga Railway OmniTrax-Mahoning Sub Rehab

ORDC staff member Tim Brown presented Resolution 21-07 to the Commissioners. Mr. Brown reported the briefing can be found on page 22 of the commission meeting packet. Prior to Mr. Brown's presentation Commissioner Jackson reported that he needed to recuse himself from the discussion and vote and did so at 11:32 a.m.

Mr. Brown reported this project is a rehabilitation project that CCR recently acquired and stated the line has not seen any major investment over the past several years. Mr. Brown stated ORDC is working to get a comprehensive rehabilitation project completed in a timely manner. He introduced Dave Arganbright, VP Government Affairs, OmniTrax who was present to discuss their project. Mr. Arganbright stated OmniTrax assumed ownership within the past two years and determined rather quickly that the Mahoning Sub was in need of repair in order to continue service to the major customer on the line. Prior to the railroad being able to address the rehab concerns, Mr. Arganbright reported that ODOT Engineers detected a failing culvert which needed immediate attention. ORDC was able to assist with an emergency stabilization grant for the culvert so OmniTrax could continue service to its customer on the line and now would like to go back to finish the required work to return the line to a state of good repair.

Chairman Corbitt asked for a motion to approve Resolution 21-07. Commissioner Zitter moved to approve the motion and Commissioner Lozier seconded. Roll call was taken and the motion was approved with nine votes in the affirmative; one recused.

Commissioner Jackson returned to the meeting at 11:37 a.m.

RESOLUTION 21-08: Heath Newark Licking County Port Authority – property sale
Prior to Resolution 21-08 being presented, Commissioner Lozier recused himself from the discussion at 11:37 a.m.

ORDC Secretary-Treasurer McClory Megan McClory presented Resolution 21-08 to the Commissioners which can be found on page 27 of the meeting packet. Secretary-Treasurer McClory reported the Heath-Newark-Licking County Port Authority approached ORDC to purchase property the Port Authority has been leasing from ORDC since 2010. She stated the property will be used by the Port Authority for future development of a public trail and bike path. The property is about 1.7 acres and is located in the City of Newark.

Secretary-Treasurer McClory stated the Port Authority has done their due diligence to prepare for this transaction such as a conducting the survey and Phase 1 Environmental Review. Staff recommends a sale price of \$12,650. Processing costs borne by the Port Authority would be deducted from the final price. The total proceeds are expected to be approximately \$8,870 less the cost of the environmental review which would be deposited to the State Special Revenue Fund and would be available for use on future projects.

Chairman Corbitt inquired on the expected cost of the environmental review. Secretary Treasurer McClory indicated she expected the costs to be approximately \$2,000.

Chairman Corbitt asked if there were any additional questions. There were no questions so Chairman Corbitt asked for a motion to approve Resolution 21-08. Commissioner Richter moved to approve and Commissioner Jackson seconded the motion. Roll call was taken with nine votes in the affirmative; one recused.

Commissioner Lozier returned to the meeting at 11:41 a.m.

RESOLUTION 21-09: City of Medina – Line Track Improvements

ORDC staff member Tim Brown presented Resolution 21-09 to the Commissioners which can be found on page 32 of the meeting packet. Mr. Brown reported the purpose of the project is to assist in remediating a low spot in the track which has been an issue for the City of Medina for years. This project will also replace a deteriorating grade crossing surface. Mr. Brown introduced Patrick Patton, City Engineer for the City of Medina, to discuss the project.

Mr. Patton thanked the Commissioners for the opportunity to present this project before them. Mr. Patton said the city's goal is to make permanent repairs to a "longstanding problem" with the track so it is no longer an issue. Mr. Patton stated the City greatly appreciates the assistance of ORDC because the City would not be able to make the necessary repairs without ORDC as its partner.

Chairman Corbitt asked if there were any questions. Hearing none, Chairman Corbitt asked for a motion to approve Resolution 21-09. Commissioner Biehl moved to approve the motion and Commissioner Zitter seconded the motion. Roll call was taken with ten votes in the affirmative.

PROJECT BRIEFING: Adams Bros. Concrete Products Ltd./Zemba Companies

ORDC staff member Tom Burns introduced the Adams Bros. Concrete Products Ltd./Zemba Brothers project which can be found on page 37 of the meeting packet. Mr. Burns reported this project is located in Zanesville and will reactivate a small spur. He stated Matt Abbott at the Zanesville-Muskingum County Port Authority provided assistance to ORDC on this project and introduced Troy Hindel, Operations Manager, The Zemba Companies, to discuss the project. Mr. Hindel indicated there is approximately 665 feet of track that needs rehabilitated to transload cement powder for Adams Bros. Concrete Products. Mr. Hindel stated the company will be able to retain the 25 jobs at the Adams Brothers plant as a result of this project and reiterated the company's commitment of utilizing rail over truck whenever possible.

Chairman Corbitt asked if there were any questions for Mr. Hindel regarding their project. There were no questions asked.

PROJECT BRIEFING: Cincinnati Eastern Railroad – Service to New Purina facility

ORDC staff member Tom Burns introduced the Cincinnati Eastern Railroad (CCET) project which can be found on page 40 of the meeting packet. Mr. Burns introduced Jim Nobbe, VP of Business Development for CCET, to present the project which consists of the construction of an 1100-foot connecting track in order for the railroad to service the new Purina facility in Batavia. Mr. Nobbe thanked the Commission for its support and stated the cost estimate for the connecting track was much more than expected so ORDC's assistance with this project is critical to the railroad being able to service Purina's new facility. Mr. Nobbe reported the budget shortfall occurred by crossing a wetland area to access Purina and stated this project is very important to the region as Purina will add 300 jobs when construction is complete.

Chairman Corbitt asked if there were any questions regarding this project. There were no questions.

COMMITTEE REPORTS

The committees did not meet so there are no reports.

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENT

Chairman Corbitt requested Jacque Annarino remind the attendees of the meeting of how to ask questions. Ms. Annarino reviewed the instructions for members of the public.

Ms. Annarino stated there were no questions but reported that Don Damron requested to make a few comments.

Mr. Damron thanked the members of the Commission for passing Resolution 21-06 on his behalf and thanked the ORDC Staff for everything they have done over the years. He reported how much he has enjoyed his 27 years with the Commission.

Commissioner Vest-Boratyn thanked Mr. Damron for his service, on behalf of Director Marchbanks and ODOT, and wished him well in his retirement.

Ms. Annarino reiterated how to contact ORDC (via email to Wende Jourdan) should there be any questions after the meeting adjourns.

ADJOURN

Chairman Corbitt adjourned the meeting of the Ohio Rail Development Commission at 11:54 a.m.