

Resolution 2016 – 01

MONTGOMERY COUNTY
TRANSPORTATION IMPROVEMENT DISTRICT

**RESOLUTION APPROVING
THE MINUTES OF BOARD MEETING OF
DECEMBER 14, 2015 MONTGOMERY COUNTY
TRANSPORTATION IMPROVEMENT DISTRICT
BOARD OF TRUSTEES**

WHEREAS, the Board of Trustees of the Montgomery County Transportation Improvement District (TID) did meet in the regular board meeting on December 14, 2015; and

WHEREAS, the TID Board has reviewed the minutes of each said meeting and found them, as prepared, to be a full and accurate account of mentioned meeting.

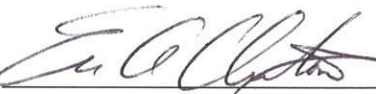
BE IT THEREFORE RESOLVED, by the Board of Trustees of the Montgomery County Transportation Improvement District that the minutes of the regular board meeting of December 14, 2015 are hereby approved as prepared and appended to this resolution.

BE IT FURTHER RESOLVED copies of this resolution be provided to the TID Secretary-Treasurer and the Executive Director.

Adopted the 11th day of January, 2016.



Chairperson, Montgomery County Transportation Improvement District

Attest: 
Secretary/Treasurer

Upon motion of Ms. Singer.
Seconded by Mr. Tatham.
Excused absence: Eric Cluxton.
Motion carried unanimously.



Montgomery County Transportation Improvement District Minutes of the December 14, 2015 Board Meeting

The one hundred and seventy-fifth meeting of the Montgomery County Transportation Improvement District (TID) was convened in Room 208 of the Dayton Convention Center in Dayton, Ohio on December 14, 2015.

Chairman Mr. Meyer called the meeting to order at 2:11 PM.

VOTING BOARD

Art Meyer
Tom Tatham
Stephanie Singer
Eric Cluxton

STAFF

Steve Stanley, Executive Director
Crystal Davidson, Project & Development Director
Sean Fraunfelder, Finance Director
Linda Gum, Project Manager
Bev Shillito, General Counsel
Anna Deitz, Communication & Project Manager

EXCUSED ABSENCE

David Bills

OTHERS IN ATTENDANCE

Rick Splawinski, Montgomery County Engineer Office
Joe Espelage, CT Consultants
Dave Seagraves, IBI Group
Steve Bennish, Dayton Daily News
Vanessa Glotfelter, BWSC
Nathan Fischer, Woolpert
Dan Hoying, LJB Engineers
George Moorman, Butler Township Resident

Business Meeting

■ Minutes of November 9, 2015 {Resolution 2015-57}

Mr. Meyer referred Board members to the minutes of the November 9, 2015 TID Board Meeting, copies of which were included in the Board packets.

Ms. Shillito commented that the incomplete phrase on Page 2 of the minutes should be inserted into the preceding sentence, reading "Mr. Stanley explained that the TID would be responsible under the terms of the recently enacted Payment Services Agreement with the City of Union and Montgomery County to receive and disburse funds in connection with project debt service and reimbursement requirements."

Following discussion and response to Board questions and comments, adoption of Resolution 2015-57, approving the November 9, 2015 TID Board Meeting minutes, as corrected, was moved by Ms. Singer, seconded by Mr. Tatham, and unanimously approved.

■ Financial Report: November 2015 {Resolution 2015-58}

Mr. Meyer referred the Board to Resolution 2015-58 and financial reports for November 2015 that were included in the Board packets.

Mr. Fraunfelter noted an entry on Page 2 of the report, showing the receipt of \$1,650,000 from Montgomery County and explained that the County had paid the TID as a result of its guarantee of the TID's loan from JPMorgan Chase that was used to pay the remaining right-of-way acquisition costs required by the Development Agreement for the Phase 1 Austin Landing Project. He also explained an entry showing the receipt of \$98,901.59 from the US Treasury for a portion of the interest included in the second debt service payment of 2015 for the American Recovery Zone bonds issued for the Phase 1 Austin Landing Project.

Mr. Fraunfelter explained a note on Page 18 of the report showing a reimbursement from ODOT's State Infrastructure Bank received through the Port Authority. He also highlighted an entry for the receipt of \$790,000 from the Port Authority from bonds issued through its Bond Fund to reimburse Montgomery County for its advance of \$700,000 to reduce the cost of land acquisition for the P&G Dayton Mixing Center.

Mr. Stanley reminded the Board that the Services Payment Agreement previously executed by the TID with the City of Union and Montgomery County designated the TID as the County's agent to receive and disperse funds related to the P&G Project (Project Walnut) and that Mr. Fraunfelter's reports would likely show similar transactions in the future. Mr. Stanley noted that payments like the \$219,000 in relation to the Old Springfield Intersection Project will be reimbursed through the amended SIB loan. Mr. Fraunfelter confirmed for Mr. Cluxton that the TID had outstanding reimbursements for Byers Road costs that would be refundable if paid in 2016.

Mr. Meyer thanked Mr. Fraunfelter for his work in 2015.

Following discussion and response to Board questions and comments, adoption of Resolution 2015-58, approving the financial report for November 2015, as presented, was moved by Mr. Cluxton, seconded by Ms. Singer, and unanimously approved.

■ November 2015 Bills & Expenses {Resolution 2015-59}

Mr. Meyer referred the Board to Resolution 2015-59 and the summary of bills and expenses for November 2015 included in the Board packets.

Mr. Stanley reported that a 3rd payment had been made to Balsbaugh Excavating for the improvements to the Old Springfield Road Intersection with Union Airpark Boulevard. He noted that two more invoices were expected with the completion of the job. Mr. Stanley also highlighted the two final payments to LJB, Inc. for engineering work in connection with current funding for the Mound Connector Project.

Mr. Tatham noted a payment of \$150 for website design services and asked if work on the website was finished. Mr. Stanley answered that the work was not complete, waiting for him to make final edits to project descriptions before being sent to the TID's vendor, Think Patented.

Following discussion and response to Board questions and comments, adoption of Resolution 2015-59, approving the payment of bills and expenses for November 2015, as presented, was moved by Mr. Tatham, seconded by Mr. Cluxton, and unanimously approved.

■ **Amendment of 2015 TID Appropriation {Resolution 2015-60}**

Mr. Meyer referred the Board to Resolution 2015-60 concerning the authorization of an Amendment to the TID Appropriation, copies of which were included in the Board packets.

Mr. Fraunfelter explained that the proposed resolution would approve an amendment to the TID's annual appropriation to align with final anticipated revenues and expenses for 2015. He noted that the Board had annually considered and approved similar resolutions during the December Board meeting in prior years. He highlighted specific changes for Fund # 702, the Austin Interchange Project Fund, and Fund # 707, the Dayton Airport Freight Rail Project Fund.

Ms. Shillito noted that total available funds were shown to be \$29,237,814 and asked if the total should really be close to \$19 million. Mr. Fraunfelter confirmed that Ms. Shillito was correct and that there was an error derived from a formula discrepancy. Mr. Fraunfelter emphasized that the key to the proposed resolution was confirmation that there was more money in the budget than expenditures. Mr. Stanley added that the resolution to be considered asked only for approval of totals in the final column.

Mr. Meyer confirmed with Mr. Fraunfelter that the total available funds in the current 2015 budget should only be \$3,083,450 instead of \$9,515,000.

Mr. Tatham asked if the resolution sought approval of a revised budget. Mr. Stanley agreed that was the purpose of the resolution. Mr. Fraunfelter added that the TID was not required to conform with many of the requirements that the Ohio Revised Code applied to traditional governments.

Following discussion and response to Board questions and comments, adoption of Resolution 2015-60 approving an Amendment of the TID's 2015 Appropriation, with noted formula corrections, was moved by Ms. Singer, seconded by Mr. Cluxton, and unanimously approved.

■ **Amendment of Montgomery County Mutual Services Agreement {Resolution 2015-61}**

Mr. Meyer referred the Board to Resolution 2015-61 concerning the authorization of an Amendment of the Montgomery County Mutual Services Agreement, copies of which were included in the Board packets.

Mr. Stanley reminded the Board that it had previously approved a mutual services agreement with Montgomery County in 2014 outlining collaborative measures for implementing transportation and economic development infrastructure projects within the County. He explained that the proposed resolution would approve an amendment to the original mutual service agreement to reflect the TID's role in the creation of the Montgomery SEED Program and its increased responsibilities to jointly conduct the program with Montgomery County and the Dayton-Montgomery County Port Authority. Mr. Stanley explained that the amendment reflected additional services to be provided by the TID in connection with the development and implementation of the SEED Program with a one-time payment of \$200,000 to the TID for its services. He recommended that the resolution be approved.

Following discussion and response to Board questions and comments, adoption of Resolution 2015-61, approving an Amendment of the TID Appropriation, was moved by Mr. Cluxton, seconded by Mr. Tatham, and unanimously approved.

■ **Balsbaugh Excavating Change Order {Resolution 2015-62}**

Mr. Stanley referred the Board to Resolution 2015-62 concerning the authorization of a change order with Balsbaugh Excavating, copies of which were included in the Board packets.

Mr. Stanley reminded the Board that the TID entered into Agreements with Balsbaugh Excavating for the construction of the Water and Sanitary & Storm Sewer Lines and the Old Springfield Road and Union Airpark Boulevard Intersection Improvements in the City of Union for the Union Global Logistics Park Project. Mr. Stanley further explained that the Board has previously approved change orders for additional work, not included in the scope of the original Balsbaugh contract that included construction of additional improvements to the Old Springfield Road and Union Airpark Boulevard Intersection in an amount not to exceed \$600,000. He concluded by explaining that, with the approval of the final amendment of the ODOT SIB loan, it was now possible to consider an additional change order that would complete the contract for the Old Springfield Intersection improvements and the repavement of Old Springfield.

Following discussion and response to Board questions and comments, adoption of Resolution 2015-62, approving a Balsbaugh Excavating Change Order, as presented, was moved by Mr. Tatham, seconded by Ms. Singer, and unanimously approved.

■ **City of Dayton Agreement {Resolution 2015-63}**

Mr. Stanley referred the Board to Resolution 2015-63 concerning an agreement with the City of Dayton, copies of which were included in the Board packets.

Mr. Stanley reminded the Board that the TID had entered into an Intergovernmental Agreement for Logistics Development and Financing with the City of Dayton and other area governments for the planning and development of logistics and distribution facilities in the vicinity of the I-70/I-75 Interchange and the Dayton International Airport. Mr. Stanley explained that the TID had obtained an allocation of \$1.4 million from ODOT's TRAC process the 70/75 Airport Logistics Access Project, which required local matching funds of \$500,000. He noted that the proposed agreement would memorialize the terms of the City of Dayton's participation in the project and Dayton's commitment of \$100,000 toward the required matching funds.

Mr. Stanley further explained that the proposed agreement would engage the TID to produce preliminary engineering plans and a financing plan for a roadway that would provide alternative access to the north side of the Dayton International Airport. He noted that the cost of the TID's work under the agreement would be born completely by the City of Dayton, including fees to be paid to the TID.

Mr. Meyer asked if the local governments involved with the development of logistics facilities in the vicinity of the Dayton International Airport and the I-70/I-75 Interchange still anticipated collaborative development of the area. Mr. Stanley confirmed that that was true and that further agreements should be anticipated with individual governments depending on the specific location and needs of future projects.

Following discussion and response to Board questions and comments, adoption of Resolution 2015-63, approving City of Dayton Agreement, was moved by Ms. Singer, seconded by Mr. Cluxton, and unanimously approved.

■ The Kleingers Group Agreement {Resolution 2015-64}

Mr. Stanley referred the Board to Resolution 2015-64 concerning the authorization of a Professional Services Agreement with the Kleingers Group, copies of which were included in the Board packets.

Mr. Stanley explained that following the construction of the Phase 1 Project, the Austin Center Joint Economic Development District (JEDD) had assumed responsibility for maintenance and improvement of the right-of-way enhancements at the Austin Interchange and surrounding areas. He further explained that the JEDD now desired to undertake additional improvements to the appearance of the Austin Interchange and other public right-of-way in the vicinity of the Interchange by initiating a Phase II Austin Aesthetics Enhancement Project. He added that the JEDD Board wished to engage the TID to design and implement the Phase 2 Project. Mr. Stanley stated that the JEDD would provide all the funding for the Phase 2 Project, including an administrative fee for the TID during 2016.

Ms. Davidson explained that she had worked with representatives of the three local governments that were members of the JEDD to conduct a competitive selection process for landscape engineering services. She explained that only one firm, the Kleingers Group, had submitted a qualifications statement and that she and the representatives of the JEDD communities had reviewed the statement and negotiated final proposals from the firm that could be recommended to the Board. She concluded by adding that identity signs were finally installed on all four corners of the Austin Interchange.

Mr. Stanley added that the JEDD Board had agreed that the TID should proceed to engage the Kleingers Group and that he anticipated presenting a formal agreement between the JEDD and the TID for the Board's consideration in early 2016.

Following discussion and response to Board questions and comments, adoption of Resolution 2015-64, approving the Kleingers Group proposals, as presented, and authorizing the Executive Director to negotiate and execute an agreement with the firm based on those proposals, with the concurrence of the General Counsel, was moved by Mr. Cluxton, seconded by Ms. Singer, and unanimously approved.

■ Website Update

Ms. Deitz distributed copies of the current website design layout, and explained that project descriptions and photos would be added once the edits are finalized. Mr. Stanley commented that documents pertaining to current projects will be posted as they are created to keep the public updated. The exact web address has yet to be determined.

Mr. Cluxton asked which team members from Think Patented are involved in the website design. Ms. Davidson responded that Elise Hafenbrack, Wes Deerly, and Jason Pitman were the main staff involved. Mr. Meyer confirmed with Mr. Stanley that collaborating communities would be linked from the TID's website.

■ Election of Officers for 2016 {Resolution 2015-65}

Mr. Stanley referred the Board to Resolution 2015-65, approving the election of officers, which was included in the Board packets.

After a brief discussion, the Board agreed to elect Art Meyer (Chairperson), Stephanie Singer (Vice Chairperson) and Eric Cluxton (Secretary-Treasurer) as Officers for calendar year 2016.

With no additional comments or questions, adoption of Resolution 2015-65, approving the election of officers, as presented, was moved by Mr. Cluxton, seconded by Mr. Tatham and unanimously approved.

■ 2016 Meeting Schedule {Resolution 2015-66}

Mr. Stanley referred the Board to Resolution 2014-66, approving the 2016 meeting calendar, which was included in the Board packets.

With no additional comments or questions, adoption of Resolution 2015-66, approving the 2016 meeting calendar, as presented, was moved by Mr. Cluxton, seconded by Mr. Tatham, and unanimously approved.

■ Public Comments

Mr. Meyer recognized the attendance of George Moorman, a Butler Township resident.

Mr. Moorman explained his concerns for inconveniences related to truck traffic on local roadways in the vicinity of Proctor & Gamble's (P&G) Dayton Mixing Center. He stated his observations of trucks running over stop signs and using surrounding rural roads rather than preferred truck routes on larger roadways. He expressed the need for better signage to deter the occurrences and expressed interest in ongoing communication with the TID, offering his help in addressing the issues.

Mr. Moorman asked that current project updates and Board meeting minutes be included on the TID website. Mr. Stanley confirmed that the website was intended to give the public current information and that Board meeting minutes would be included.

Mr. Moorman also expressed his objections about the Dayton Multi-Modal Rail Extension Project, questioning the validity of a freight rail service to the area and displaying concern over additional traffic rail service might bring.

Mr. Meyer thanked Mr. Moorman for addressing the Board and sharing his comments and concerns. He concluded by acknowledging that the P&G development had happened quickly and that the TID would complete the development of its website and work with local governments to improve future signage and control the impact of future development in the area.

■ Next Meeting

Mr. Meyer confirmed that the next Montgomery County TID Board Meeting would be held in room 208 of the Dayton Convention Center on January 11, 2016.

■ Executive Session

Mr. Stanley suggested that the Board recess to executive session. Ms. Shillito explained that the executive session would be necessary to consider negotiations with Montgomery County and other political subdivisions related to

requests for economic development assistance and public infrastructure projects located in northern and southern Montgomery County.

Mr. Cluxton moved that the Board recess to executive session to discuss economic development, as suggested by Mr. Stanley and Ms. Shillito. Mr. Tatham seconded the motion. Ms. Singer voted for the motion. Mr. Tatham voted for the motion. Mr. Meyer voted for the motion. Mr. Cluxton voted for the motion.

Mr. Stanley noted that the Board was not anticipated to take any action following the executive session.

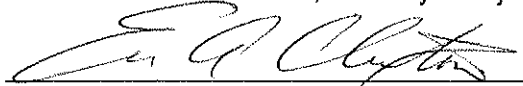
The Board recessed to executive session at 3:00 PM. Mr. Stanley, Ms. Shillito, Ms. Davidson, Ms. Gum, Ms. Deitz, and Mr. Fraunfelter joined the Board in executive session.

Ms. Singer left the meeting at 3:10 PM.

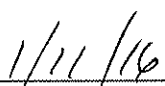
■ Adjourn

The Board returned to open session at 3:17 PM.

With no further business, Mr. Meyer adjourned the meeting at 3:17 PM.



Eric Cluxton, Secretary-Treasurer



Date