

Resolution Number 2013 – 74

MONTGOMERY COUNTY
TRANSPORTATION IMPROVEMENT DISTRICT

**RESOLUTION APPROVING
THE MINUTES OF
REGULAR BOARD MEETING OF
OCTOBER 7 2013
OF THE MONTGOMERY COUNTY
TRANSPORTATION IMPROVEMENT DISTRICT
BOARD OF TRUSTEES MEETING**

WHEREAS, the Board of Trustees of the Montgomery County Transportation Improvement District (TID) did meet in regular board meeting on October 7 2013; and

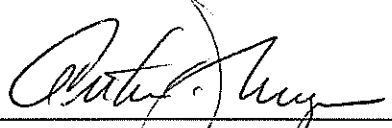
WHEREAS, the TID Board has reviewed the minutes of the said meeting and found them, as prepared, to be a full and accurate account of mentioned meeting.

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 October 7, 2013 are hereby approved as prepared and appended to this resolution.

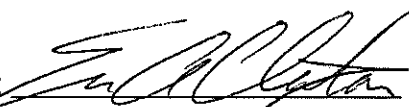
BE IT FURTHER RESOLVED copies of this resolution be provided to the TID Secretary-Treasurer and the Executive Director.

Tabled on the 18th day of November 2013.

Adopted the 16th day of December 2013.



Chairperson, Montgomery County Transportation Improvement District

Attest: 

Secretary/Treasurer

Upon the motion of Mr. Kelly and seconded by Mr. Cluxton.
Motion was unanimously approved.



Montgomery County Transportation Improvement District Minutes of the October 7, 2013 Board Meeting

The one hundred and fifty second meeting of the Montgomery County Transportation Improvement District (TID) was convened in Room 208 of the Dayton Convention Center, Dayton, Ohio on October 7, 2013.

Chairman Meyer called the meeting to order at 2:06 PM.

VOTING BOARD

Art Meyer
Eric Cluxton
Stephanie Singer
David Bills
Scott Kelly

STAFF

Steve Stanley, Executive Director
Crystal Davidson, Project Director
Melissa Rasnic, Executive Assistant
Bev Shillito, General Counsel
Sean Fraunfelter, Finance Director

EXCUSED ABSENCE

OTHERS IN ATTENDANCE

Paul Gruner, County Engineer's Office
Erik Collins, Montgomery County
Steve Schultz, BWSC
Mike Eddy, LJB, Inc
Pete Houvouras, Resident of Dogleg/Jackson Rd
Elyse Coulter, ABC22/Fox45

Mr. Meyer asked that everyone in attendance introduce themselves. Self-introductions followed.

Business Meeting

■ August 2013 Financial Report {Resolution 2013-59}

Mr. Meyer referred Board members to the August 2013 Financial Report, copies of which were included in the Board packets and reminded the Board that consideration of the August report had been tabled in the September meeting because Mr. Fraunfelter had been unable to attend.

Mr. Fraunfelter briefly reviewed the report. He noted that it reflected that the Austin Aesthetics Project was nearing completion, with retainage remaining to be paid after all work on the project was final.

Adoption of Resolution 2013-59, approving the August 2013 TID Financial Report as presented, was moved by Ms. Singer, seconded by Mr. Cluxton, and unanimously approved.

■ Minutes: September 12 2013 {Resolution 2013-67}

Mr. Meyer referred Board members to the September 12 2013 Board Meeting Minutes, copies of which were included in the Board packets.

Ms. Shillito reported one minor change in Resolution 2013-63 on page 3, noting that, in the second paragraph, "ME County Engineer's Office" should be worded as "Montgomery County Engineer's Office."

Adoption of Resolution 2013-67, approving the September 12 2013 TID Board Meeting minutes as corrected, was moved by Mr. Kelly, seconded by Mr. Bills, and unanimously approved.

Mr. Cluxton asked Mr. Stanley if copies of the September presentation by St. Onge were available. Mr. Stanley replied that it could be emailed but, due to the size of the electronic file, might be rejected by each Board member's email server. Mr. Stanley requested that Ms. Rasnic follow-up to provide all Board members with a copy of the St. Onge presentation.

■ September 2013 Financial Report {Resolution 2013-68}

Mr. Meyer referred Board members to the September 2013 Financial Report, copies of which were included in the Board packets.

Mr. Fraunfelter reported receiving the advance of \$132,000 from the Ohio Department of Natural Resources grant for the Austin Trail Projects. He also pointed out several aspects of Fund 707 for the Dogleg Road Project. Mr. Stanley added that most of the funding sources for this project operate on a reimbursement basis.

Adoption of Resolution 2013-68, approving the September 2013 TID Financial Report as presented, was moved by Mr. Cluxton, seconded by Ms. Singer, and unanimously approved.

■ September 2013 Bills & Expenses {Resolution 2013-69}

Mr. Meyer referred the Board to Resolution 2013-69 and the summary of bills and expenses for September 2013, included in the Board packets. Mr. Stanley highlighted several routine project expenses and recommended approval of the resolution.

With no additional comments or questions, adoption of Resolution 2013-69, approving the payment of bills and expenses for September 2013, as presented, was moved by Mr. Bills, seconded by Mr. Kelly, and unanimously approved.

Business Meeting

■ Authorizing the Executive Director to Negotiate and Execute a Loan Agreement with JPMorgan Chase for Interim Financing of up to \$3,500,000.00 in connection with Logistic Park Access Rd Project Financing & Implementation Agreement with Montgomery County and City of Union {Resolution 2013-70}

Mr. Meyer referred the Board to Resolution 2013-70, authorizing the Executive Director to negotiate and execute a bridge loan agreement with JPMorgan Chase for interim financing of up to \$3,500,000.00 in connection with the Logistic Park Access Rd Project Financing & Implementation Agreement with Montgomery County and City of Union, included in the Board packets.

Mr. Stanley recommended that the bridge loan be negotiated with the TID's depository bank, JP Morgan Chase. He explained that the Ohio Department of Transportation (ODOT) had approved permanent financing of the project through a loan from its State Infrastructure Bank (SIB) to the Dayton-Montgomery County Port Authority which had agreed to assign the proceeds of the SIB loan to the TID. Since the SIB loan would operate only on a reimbursement basis, Mr. Stanley explained that the short term bridge loan would provide interim financing to the TID in order to cash flow the project.

Ms. Shillito noted that the resolution contained which would authorize the Executive Director and the General Counsel to utilize a different financial institution if necessary to obtain commercially reasonable terms for the bridge loan.

With no additional comments or questions, adoption of Resolution 2013-70, authorizing the Executive Director to negotiate and execute a loan agreement with JPMorgan Chase for interim financing of up to \$3,500,000.00 in connection with the Logistic Park Access Rd Project Financing & Implementation Agreement with Montgomery County and City of Union, was moved by Mr. Cluxton, seconded by Ms. Singer, and unanimously approved.

■ Authorizing Agreement with the Pioneer Electric Cooperative for the Construction of Underground Electric Facilities to the Prologis Distribution Center through the Logistics Park Access Road at a Cost not to exceed \$587,088 {Resolution 2013-71}

Mr. Meyer referred the Board to Resolution 2013-71, approving an Agreement with the Pioneer Electric Cooperative for the Construction of Underground Electric Facilities to the site of the Prologis Distribution Center through the Logistics Park Access Road at a Cost not to exceed \$587,088, included in the Board packets.

Mr. Stanley explained that the Prologis site was located within electrical service territory certified by the Public Utilities Commission of Office (PUCO) to be served by Pioneer and that the City of Union had been working with Pioneer for some time to plan for service to the site. He noted that the "not-to-exceed" cost was Pioneer's current quote for bringing service to the Prologis site, but that negotiations with the company to lower costs were not complete. He explained that, in order to continue to expedite the construction of the project, that he and the City Manager of Union recommended that the Board authorize an agreement with Pioneer now.

With no additional comments or questions, adoption of Resolution 2013-71, authorizing an agreement with the Pioneer Electric Cooperative for the construction of underground electric facilities to the Prologis Distribution Center through the Logistics Park Access Road at a cost not to exceed \$587,088, as presented, was moved by Mr. Bills, seconded by Mr. Kelly, and unanimously approved.

■ Change Order #1 with Demtech for the Union Global Logistics Park Project {Resolution 2013-72}

Mr. Meyer referred the Board to Resolution 2013-72, approving change order #1 with Demtech for the Union Global Logistics Park Project, included in the Board packets.

Mr. Stanley reminded the Board that Demtech was the blasting contractor hired by the TID at the recommendation of the City of Union in connection with the installation of water, sanitary sewer, and storm sewer to the Prologis site. He explained that the original contract contained unit price terms and estimates

of the linear feet to be blasted and that the proposed change order reflected the actual amount of linear feet now anticipated. He explained that this change order also includes two additional manholes at their unit prices.

Ms. Singer asked if there were any factors contributing to the additional amounts and whether there was room to negotiate. Mr. Stanley explained that the original contract was based upon the urgency to begin the work which happened to be before engineering work was complete. He explained that the price was based on an average depth and price per linear feet and that additional linear footage was expected but, at the time, it was undetermined.

With no additional comments or questions, adoption of Resolution 2013-72, approving change order #1 with Demtech for the Union Global Logistics Park Project, as presented, was moved by Ms. Singer, seconded by Mr. Cluxton, and unanimously approved.

■ Contract Modification with ME/IBI Group for the Dogleg Road Widening & Realignment Project Engineering Services {Resolution 2013-73}

Mr. Meyer referred the Board to Resolution 2013-73, approving a contract modification with the ME/IBI Group for Dogleg Road Widening & Realignment Project engineering services, included in the Board packets.

Mr. Stanley explained that the previous increase to ME's contract was to reflect the full scope of engineering work through the design of the roadway and utility installation project. He explained that he and the City Manager of Union had now requested ME to perform additional work outside the original contract scope which includes field testing, field engineering and other services that could become necessary for the project.

With no additional comments or questions, adoption of Resolution 2013-73, approving a contract modification with ME/IBI Group for engineering services for the Dogleg Road Widening & Realignment Project, as presented, was moved by Mr. Kelly, seconded by Mr. Cluxton, and unanimously approved.

■ Public Comments

Mr. Pete Houvouras, a resident of Jackson Road, asked the Board whether the blasting would be performed in front of his residence. Mr. Stanley stated his understanding that Demtech's work for the TID would not extend to the north/south alignment of Jackson Road in front of Mr. Houvouras' home but that he would confirm that and communicate that to him.

There was a brief discussion of the interruption of telephone service to Mr. Houvouras' residence. Mr. Stanley requested Ms. Davidson to follow-up with the issue.

Mr. Houvouras explained the inconvenience of the present detour route due to the roadway project and requested a possible reroute through the field to the west of his property. Mr. Stanley explained that route suggested by Mr. Houvouras would be across the private property of another owner. He indicated that he would speak with the owner and the Union City Manager about possible options. Mr. Houvouras also stated his concerns about emergency services to his residence and Ms. Hamilton's residence.

Mr. Meyer explained, from the beginning, the TID Board had been concerned about the impacts the project might have on local residents. He thanked Mr. Houvouras for attending the meeting and assured him that the TID would try to alleviate those impacts.

■ **Executive Session**

Mr. Meyer suggested that the Board recess to executive session to discuss TID personnel matters.


Mr. Cluxton moved that the Board recess to executive session. Mr. Bills seconded the motion. Ms. Singer voted for the motion. Mr. Kelly voted for the motion. Mr. Meyer voted for the motion.

The Board recessed to executive session at 2:39 PM. Mr. Stanley and Ms. Shillito were invited to attend the executive session.

■ **Adjourn**

The Board returned to open session at 3:41 PM.

With no further business, Mr. Meyer adjourned the meeting at 3:45 PM.


Eric Cluxton, Secretary/Treasurer

1/13/14
Date