



Montgomery County Transportation Improvement District Minutes of the February 13, 2017 Board Meeting

The one hundred and eighty-ninth meeting of the Montgomery County Transportation Improvement District (TID) was convened in Room 1002 of the Montgomery County Administration Building in Dayton, Ohio on February 13, 2017.

Chairman Meyer called the meeting to order at 2:04 PM.

VOTING BOARD

Art Meyer
Eric Cluxton
Tom Tatham
David Bills

STAFF

Steve Stanley, Executive Director
Crystal Corbin, Deputy Director
Sean Fraunfelder, Finance Director
Linda Gum, Project Manager
Bev Shillito, General Counsel

EXCUSED ABSENCE

Stephanie Singer

OTHERS IN ATTENDANCE

Michael Norton-Smith, Montgomery County CE&D
Dan Hoying, LJB, Inc.
Shelby Ingle, Crawford, Murphy & Tilly
Andrew Stumbo, BWSC
Joe Espelage, CT Consultants
Tom Mochty, Woolpert
Joe Vogel, FTCH
Nick Yeretian, The Kleingers Group
David Seagraves, IBI Group

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

Business Meeting

■ Minutes of January 9 and February 2, 2017 {Resolution 2017-06}

Mr. Meyer referred Board members to the minutes of the January 9 and February 2, 2017 TID Board Meetings, copies of which were included in the Board packets.

Mr. Meyer directed the Board to Page 2 of the January 9 minutes and noted that the 3rd line of the 5th Paragraph of the Financial Report section should eliminate duplicated words "near the". Mr. Stanley commented further that in the 3rd line of the 9th Paragraph on Page 3 the words "he had" should be eliminated. Ms. Shillito also commented that the 1st line of the 2nd Paragraph of the Resolution should bold the word "Whereas" and correct the spelling of "Turstees" to "Trustees". Mr. Stanley agreed to make all the corrections.

Following discussion and response to further Board questions and comments, adoption of Resolution 2017-06, approving the January 9 and February 2, 2017 TID Board Meeting minutes, as corrected, was moved by Mr. Cluxton, seconded by Mr. Bills, and unanimously approved.

■ Financial Report: January 2017 {Resolution 2017-07}

Mr. Meyer referred the Board to Resolution 2017-07 and financial reports for January 2017 that were included in the Board packets.

Mr. Fraunfelter referred to Page 2 of the report and pointed out the Debt Service Principle entry in the amount of \$153,110.

Mr. Fraunfelter also referred to Page 7 of the report and highlighted deposits received from the JobsOhio 629 Grant (\$85,930.04) and the ODOT Jobs & Commerce Grant (\$82,101.00) as reimbursements for the Air Cargo Access Improvement Project. He stated that the reimbursements had exhausted the funds available from the two grants.

Mr. Fraunfelter concluded his report by directing the Board to the Bank Reconciliation Statement on Page 11. He pointed out that the TID had an unrestricted cash balance of just over \$605,000.

Mr. Meyer noted that Resolution heading should be changed to indicate it applied to the Financial Report for January 2017, not December 2016.

Following discussion and response to Board questions and comments, adoption of Resolution 2017-07, approving the financial report for January 2017, as corrected, was moved by Mr. Tatham, seconded by Mr. Cluxton, and unanimously approved.

■ January 2017 Bills & Expenses {Resolution 2017-08}

Mr. Meyer referred the Board to Resolution 2017-08 and the summary of bills and expenses for January 2017 included in the Board packets.

Mr. Stanley directed the Board to the payment of \$17,513.02 to Sebaly, Shillito & Dyer for November legal fees which he noted was somewhat higher than usual, reflecting additional work in connection with Montgomery County services. Mr. Stanley also highlighted a payment of \$183,021.11 to the Treasurer of State, which he explained was for a SIB Loan debt service payment for the Byers Road Project.

Following discussion and response to Board questions and comments, adoption of Resolution 2017-08, approving the payment of bills and expenses for January 2017, as presented, was moved by Mr. Bills, seconded by Mr. Tatham, and unanimously approved.

Mr. Meyer asked about Resolution 2017-09. Mr. Stanley explained that the item would be presented for Board consideration in the March Board meeting, since he needed additional time to review the 2017 operating budget with Mr. Fraunfelter.

Market Street Extension Project

■ Phase 2 Amendment to Brookville PMFA {Resolution 2017-10}

Mr. Meyer referred the Board to Resolution 2017-10 approving the Phase 2 Amendment to the Brookville Market Street Project Management & Financing Agreement, copies of which were included in the Board packets.

Mr. Stanley explained that the Resolution would authorize advancing to Phase 2 of the City of Brookville Market Street Extension Project. He reminded the Board that Brookville had requested that the TID undertake turnkey development of a roadway and related infrastructure that would service the development of a new fire station and an industrial park in the City by the end of the 2017 construction season. He explained that the Project Management & Financing Agreement (PMFA) With Brookville contained the standard two-phase structure found in most TID project agreements, which provided that the Project would only proceed to the Phase 2 construction phase if both parties agreed.

Mr. Stanley explained that the TID's consulting engineer for the project, Barge, Waggoner, Sumner, & Cannon, had completed the design of the Project and that the City desired to advance to Phase 2 of the project, consistent with the budget and financing terms of the revised SIB Loan that the TID had obtained for the Project. He added that the Brookville City Council had approved the Phase 2 amendment action during its meeting in the previous week. He recommended that the Board approve the resolution to amend the PMFA to advance to Phase 2 of the project.

Following discussion and response to Board questions and comments, adoption of Resolution 2017-10, as presented, approving the Phase 2 Amendment to the Brookville PMFA, was moved by Mr. Cluxton, seconded by Mr. Tatham, and unanimously approved.

■ Construction Bid Process {Resolution 2017-11}

Mr. Meyer referred the Board to Resolution 2017-11, approving the construction bid process for the Market Street Extension Project, copies of which were included in the Board packets.

Mr. Stanley asked Ms. Corbin to explain the proposed construction bid process. Ms. Corbin explained that time was of the essence to implement Phase II of the Project. She proposed that bids be requested and received from three firms--Brumbaugh Construction, Double Jay Construction, and R.B. Jergens Contractors. She indicated that the TID had had successful experiences in the past with the three contractors and that all three possessed the ability to provide similar work in an expedited manner for this project. She further explained that she and Mr. Stanley had met with the contractors to discuss the proposed bidding process and schedule for the Project. Ms. Corbin added that the contractors had sufficient materials in hand to begin the bidding process.

Mr. Tatham asked Ms. Corbin how long this type of process would take. Ms. Corbin explained that it typically depended on the size of the project and how aggressive the schedule might be. Mr. Stanley further explained that, in this case, the timeline was working backward from the City's desire to complete the roadway project during the 2017 construction season. He expressed his opinion that construction of the project would take 3 to 4 months. He also commented that completing the project as soon as possible would leave room in the TID's schedule to undertake another fast track project if one should arise.

Following discussion and response to Board questions and comments, adoption of Resolution 2017-11, approving the Construction Bid process for the Market Street Extension Project, was moved by Mr. Tatham, seconded by Mr. Bills, and unanimously approved.

North Airport Access Project

■ Woolpert Proposal for Revised Scope {Resolution 2017-12}

Mr. Meyer referred the Board to Resolution 2017-12, approving Woolpert's Proposal for a Revised Scope for the North Airport Access Project, copies of which were included in the Board packets.

Mr. Stanley reminded the Board that the TID had previously entered into a Project Management and Financing Agreement with the City of Dayton for the design, financing and construction of a new roadway to provide improved access to the northern side of the Dayton International Airport. He explained that the TID had initially engaged the IBI Group to provide engineering services for the project. The original project scope, he noted, was to extend a new road to the southwest boundary of the former Emory/UPS site.

Mr. Stanley explained he and the Director of Aviation had determined that the scope of the Project should be expanded to extend improvements on the Emory/UPS site itself and that design engineering services for the expanded scope would be better provided by Woolpert, due to the firm's experience on the grounds of the Dayton International Airport. He further explained that the proposed scope included preliminary engineering, environmental and detailed design service, but that additional negotiation would be necessary before a final agreement could be executed.

Mr. Meyer requested clarification on benefits of the roadway connection. Mr. Stanley explained that, once a road was connected onto the northern side of the Airport, it would provide more direct access to support re-use of the former Emory/UPS facility.

Following discussion and response to Board questions and comments, adoption of Resolution 2017-12, approving Woolpert's proposal for a Revised Scope for the North Airport Access Project, was moved by Mr. Cluxton, seconded by Mr. Tatham, and unanimously approved.

Air Cargo Access Project

■ R.B. Jergens Change Order #3 {Resolution 2017-13}

Mr. Meyer referred the Board to Resolution 2017-13, approving R.B. Jergens Change Order #3 for the Air Cargo Access Improvements Project, copies of which were included in the Board packets.

Mr. Stanley requested that Ms. Corbin explain the proposed change order. Ms. Corbin explained that the proposed change order contained traffic signal related items not included in the original scope for the project. She indicated that the temporary signal installed at the intersection of U.S. 40 and Concorde Drive was missing some of the necessary stop bar detection units which were necessary for proper functionality of the traffic signal. Mr. Stanley added that the devices were inadvertently not included in the original specifications and that, as a result, the signals were delaying east/west traffic on US 40 unnecessarily. Ms. Corbin added that it would likely take two to three weeks for the materials to be ordered and installed.

Following discussion and response to Board questions and comments, adoption of Resolution 2017-13, approving R.B. Jergens Change Order #3 for the Air Cargo Access Improvements Project, was moved by Mr. Tatham, seconded by Mr. Cluxton, and unanimously approved.

Austin Interchange Project

■ T.R. Gear Landscaping Proposal for Phase 2 Interchange Enhancements Project {Resolution 2017-14}

Mr. Meyer referred the Board to Resolution 2017-14, approving the T.R. Gear Landscaping Proposal for the Phase 2 Interchange Enhancements Project, copies of which were included in the Board packets.

Mr. Stanley reminded the Board that the TID was under contract with the Austin Center JEDD to manage maintenance and improvement of landscaping and other enhancements in the public right-of-way around the Austin Interchange and that designing and constructing the Phase 2 Enhancement Project was part of that responsibility. He reported that the JEDD Board had approved proceeding to construction of the Phase 2 Enhancement Project based on Kleingers Group design. He indicated that the project would include planting materials, stamped concrete work, irrigation lines, and supportive drainage facilities on the infield hillslopes of all four quadrants of the Interchange. He noted that the improvements would be funded by the JEDD through a loan from ODOT's State Infrastructure Band (SIB).

Mr. Stanley described how the TID had solicited and received bids from three interested contractors, none of which were complete or below the engineer's estimate for the Project. He reminded the Board that it had subsequently rejected all bids and authorized direct negotiations with the firms that originally received bid packages for the Project. Mr. Stanley reported that Ms. Corbin had successfully negotiated a revised price of \$635,000 from T.R. Gear Landscaping--the firm that had submitted the only complete original bid--without reducing or revising the scope. He noted that the negotiated price was within budget, complemented Ms. Corbin for her work, and recommended approval of the resolution.

Following discussion and response to Board questions and comments, adoption of Resolution 2017-14, approving the T.R. Gear Landscaping Proposal for Phase 2 Interchange Enhancements Project, was moved by Mr. Bills, seconded by Mr. Cluxton, and unanimously approved.

■ T.R. Gear Landscaping Proposal for Maintenance Services Project {Resolution 2017-15}

Mr. Meyer referred the Board to Resolution 2017-15, approving the T.R. Gear Landscaping proposal for the Maintenance Services Project, copies of which were included in the Board packets.

Ms. Corbin explained that the Board had approved the selection of T. R. Gear Landscaping as the contractor for the 2016 Austin Interchange Maintenance & Enhancement Program, based on the firm's lowest and best bid of \$66,625.94. She noted that the subsequent 2016 contract included provisions which allowed direct negotiation with T.R. Gear for the continuation of services in 2017, if services and price were acceptable. Ms. Corbin explained that T.R. Gear's performance in 2016 had been more than satisfactory after a change of personnel corrected some initial problems.

Ms. Corbin reported that she and Dan Mayberry of Miami Township had reviewed the requirements of the 2016 maintenance program and revised them for 2017. She noted that T.R. Gear had subsequently submitted a proposal to perform the revised scope for \$74,717.60 and that both she and Mr. Mayberry recommended accepting the proposal. Ms. Corbin recommended approval of the resolution.

Mr. Stanley cautioned the Board that the 2017 maintenance contract would have to be adjusted before the end of the calendar year to accommodate additional the Phase 2 Enhancement Project which T.R. Gear would ultimately maintain. Ms. Corbin added that T.R. Gear had provided a preliminary estimate of the cost of that future work and that she did not anticipate a large increase in the maintenance contract.

Mr. Meyer asked if the TID would be revisiting this contract every year. Mr. Stanley replied that 2016 was the first year that the TID had managed the enhancement program as a service for the Austin JEDD and that it had been logical to extend the TID's services through 2017 to accommodate the Phase 2 Enhancement Project. He commented that it was an open question as to whether the TID should continue to manage the project in the future. Ms. Corbin added that the enhancement maintenance program had developed into a manageable project since the TID began to oversee it in 2016.

Following discussion and response to Board questions and comments, adoption of Resolution 2017-15, approving the T.R. Gear Landscaping Proposal for Maintenance Services Project, was moved by Mr. Cluxton, seconded by Mr. Tatham, and unanimously approved.

■ Public Comments

There were no public comments.

■ Next Meeting

Mr. Meyer confirmed that the next Montgomery County TID Board Meeting would be held in room 1002 on the 10th floor of the Montgomery County Administration Building on March 13, 2017 at 2:00 PM.

Mr. Stanley added that Ms. Corbin would most likely not be in attendance at the next meeting due to her maternity leave.

■ Executive Session

Mr. Meyer suggested that the Board recess to executive session. Ms. Shillito explained that the executive session would be necessary for two reasons: (1) To consider negotiations with Montgomery County and other political subdivisions related to requests for economic development assistance and public infrastructure improvements for projects in northern Montgomery County and southern Montgomery County; and (2) To consider the compensation and benefits of the Executive Director and Deputy Director.

Mr. Cluxton moved that the Board recess to executive session, for the purposes indicated by Ms. Shillito. Mr. Bills seconded the motion. Mr. Cluxton voted for the motion. Mr. Meyer voted for the motion. Mr. Tatham voted for the motion. Mr. Bills voted for the motion.

The Board recessed to executive session at 2:39 PM. Mr. Stanley and Ms. Shillito joined the Board in executive session.

■ **Adjourn**

The Board returned to open session at 3:37 PM.

With no further business, Mr. Meyer adjourned the meeting at 3:38 PM.



Eric Cluxton, Secretary-Treasurer

4/10/17
Date