



## Montgomery County Transportation Improvement District Minutes of the May 14, 2018 Board Meeting

The two hundred and eighth meeting of the Montgomery County Transportation Improvement District (TID) was convened in Room 1002 of the Montgomery County Administration Building in Dayton, Ohio on May 14, 2018.

Chairman Meyer explained that, due to a schedule conflict, Mr. Bills was expected to arrive after the normal published starting time for the Board meeting and added that a quorum of the Board would not be present prior to Mr. Bills' arrival. He asked that everyone in attendance introduce themselves. Self-introductions followed.

Mr. Meyer requested that TID staff review proposed action items included on the meeting agenda. Mr. Stanley and Ms. Corbin briefly discussed various agenda items.

Mr. Bills arrived at 2:30 PM. Chairman Meyer called the meeting to order at 2:33 PM.

### VOTING BOARD

Art Meyer  
Walt Hibner  
David Bills

### STAFF

Steve Stanley, Executive Director  
Crystal Corbin, Deputy Director  
Sean Fraunfelder, Finance Director  
Linda Gum, Project Manager  
Bev Shillito, General Counsel  
Mike Eddy, Project Manager  
Veronica Hull, Administrative Assistant  
Ken Conaway, Construction Manager

### EXCUSED ABSENCE

Tom Tatham  
Stephanie Singer

### OTHERS IN ATTENDANCE

Erik Collins, Montgomery County C&ED  
Nick Yeretian, The Kleingers Group  
Joe Espelage, CT Consultants  
Vanessa Glotfelter, Barge, Design Solutions  
Dan Hoying, LJB  
Joe Vogel, WSP USA  
Kelly Everett, American Structurepoint  
David Seagraves, IBI Group

## **Business Meeting**

### **■ Minutes of April 9, 2018 {Resolution 2018-38}**

Mr. Meyer referred Board members to Resolution 2018-38 and the minutes of the April 9, 2018 TID Board meeting, copies of which were included in the Board packets.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-38, approving the minutes of the April 9, 2018 TID Board meeting minutes, as presented, was moved by Mr. Hibner, seconded by Mr. Bills, and unanimously approved.

### **■ Financial Reports: April 2018 {Resolution 2018-39}**

Mr. Meyer referred the Board to Resolution 2018-39 and the Financial Reports for April 2018 included in the Board packets.

Mr. Fraunfelter pointed out an entry on Page 17 of the report showing a deposit of \$850,572.19 and explained that the deposit was from City of Union tax increment financing ("TIF") revenues. He reminded the Board that the TID acted as the fiscal agent for Union and Montgomery County in connection with Project Walnut and Proctor & Gamble's Dayton Mixing Center in Union. He added that TIF receipts exceeded debt service requirements and that Mr. Stanley would likely be in discussions soon with the City Manager of Union and the Montgomery County Administrator concerning the use of the surplus revenue.

Mr. Fraunfelter noted an entry on Page 21 showing a deposit of an additional \$3,000,000.00 for the Fairgrounds Development Project.

Mr. Stanley noted that an additional \$532,400.00 was still outstanding from the Montgomery County Agricultural Society. He explained that \$250,000 of that total was being held by the Department of Natural Resources until the Agricultural Society obtained an actual property interest in the Fairgrounds site. He added that he had been asked to expedite the transfer.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-39, approving the April 2018 Financial Reports, was moved by Mr. Bills, seconded by Mr. Hibner, and unanimously approved.

### **■ March 2018 Bills & Expenses {Resolution 2018-33} & ■ April 2018 Bills & Expenses {Resolution 2018-40}**

Mr. Meyer referred the Board to Resolution 2018-33 and the summary of bills and expenses for March 2018 and Resolution 2018-40 and the summary of bills and expenses for April 2018 included in the Board packets.

Mr. Stanley reminded the Board that consideration of Resolution 2018-33 had been tabled during the April Board meeting to avoid any question of the appearance of a conflict of interest for two of the Board members representing a majority of the limited quorum in attendance at the April meeting. He explained that the list of payments included with Resolution 2018-33 had been updated to remove items that could appear to be in conflict. Mr. Stanley added that those items would be included with a future resolution for Board consideration when the full Board was in attendance. He concluded by explaining that the items listed for authorization by Resolution 2018-40 for April bills

& expenses likewise did not contain anything that could appear to be a conflict of interest with the limited quorum present.

Mr. Stanley pointed out costs in the March and April Reports related to the IBI group in connection with the North Airport Access Project and commented that a modification to the TID's project management agreement with the City of Dayton would be required in the near future to continue to fund IBI's work.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-33 and Resolution 2018-40, approving the payment of bills and expenses for March 2018 and April 2018, as presented, was moved by Mr. Hibner, seconded by Mr. Bills, and unanimously approved.

### **City of Miamisburg Byers Road Connector & Medlar Sewer Projects**

#### **■ R.B. Jergens Contractors Change Order #5 {Resolution 2018-41}**

Mr. Meyer referred the Board to Resolution 2018-41 and the R.B. Jergens Contractors Change Order #5 included in the Board packets.

Ms. Corbin provided the Board with a brief progress report on the Medlar Sewer Project. She noted that the project was essentially completed and that the proposed change order incorporated additional funds required for R.B. Jergens' subcontractor to dewater the construction site and work around unmarked underground utilities.

Ms. Corbin explained that Change Order #5 was proposed for \$53,604.72 and that it included the Medlar Sewer Project costs she had described and a completion bonus of \$25,000 for R.B. Jergens, per its contract with the TID.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-41, approving the R.B. Jergens Contractors Change Order #5, as presented, was moved by Mr. Hibner, seconded by Mr. Bills, and unanimously approved.

### **Lyons Road Pedestrian Access Project**

#### **■ Authorizing Submission of SIB Loan Application {Resolution 2018-42}**

Ms. Meyer referred the Board to Resolution 2018-42 authorizing submission of a SIB loan application to ODOT for Phase 2 of the Lyons Road Pedestrian Access Project included in the Board packets.

Ms. Corbin provided a brief progress report on the project. She reminded the Board that construction of the project would primarily be supported by a CMAQ grant obtained through MVRPC. She explained that local matching funds would still be required for the project and that the TID was responsible for helping Miami Township secure those funds.

Mr. Stanley explained that, as proposed, the TID would be the borrower, backed by a guarantee from Miami Township, with a standard SIB Loan term of 10 years, no interest the first year, and 3% interest for the remaining years of the loan. He added that interest would likely be capitalized in the second year of the loan, meaning repayment would begin 30 months after the initial draw down.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-42, authorizing the submission of a loan application to ODOT's State Infrastructure Bank for the local share of the Phase II Lyons Road Pedestrian Access Project, as presented, was moved by Mr. Bills, seconded by Mr. Hibner, and unanimously approved.

### **Fairgrounds Access Road Project**

#### **■ Brumbaugh Change Order #1 {Resolution 2018-43}**

Mr. Meyer referred the Board to Resolution 2018-43 and Change Order #1 for Brumbaugh, copies of which were included in the Board packet.

Ms. Gum noted that the entry of \$1,923,069.95 for "New Estimated Contract Price" in the proposed distributed change order was incorrect. She explained that the correct entry would be \$1,777,855.60.

Mr. Eddy explained that Change Order #1 was for \$95,759.60 and that it covered the accumulation of a number of additional project costs. He commented that one additional cost was due to unknown and unmarked utilities on Montgomery County's property. An additional \$40,000 he noted was for the use of recycled concrete to maintain the winter work progress. Mr. Eddy explained that the final large cost included in the proposed change order was for the removal of a large previously undiscovered underground tank under the bed of the new driveway constructed off Infirmiry Road.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-43, approving Brumbaugh Change Order #1, as corrected with a New Estimated Contract Price of \$1,777,855.60, was moved by Mr. Hibner, seconded by Mr. Bills, and unanimously approved.

### **Fairgrounds Relocation Project**

#### **■ Dryden Builders Change Orders #11-#13 {Resolution 2018-44}**

Mr. Meyer referred the Board to Resolution 2018-44 and Dryden Builders Change Orders #11 - #13, included in the Board packet.

Mr. Conaway reported that Change Order #11 for \$30,569.00 included additional costs created by winter condition charges for March and concrete additives for April. He noted that Change Order #12 for \$4,755.00 accommodated coordination and modification issues, as well as execution changes on the installation of a vapor barrier in one of the buildings. Lastly, he explained that Change Order #13 was for \$159,000 for the base contract for the monument sign at the entry way to the Fairgrounds.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-44, approving Dryden Builders Change Orders #11, #12, & #13, as presented, was moved by Mr. Hibner, seconded by Mr. Bills, and unanimously approved.

### **■ D&M Excavating Change Orders #25 - #26 {Resolution 2018-45}**

Mr. Meyer referred the Board to Resolution 2018-45 and D&M Excavating Change Orders #25 - #26, included in the Board packet.

Mr. Conaway reported that Change Order #25 for \$30,907 included weather charges for April. He explained that Change Order #26 for \$67,275 was related to the front fence creating barrier along the south side of the Fairgrounds campus. He commented that plans for additional fencing would need to be discussed near the end of the project as the budget was evaluated.

Mr. Stanley commented that he and Mr. Conaway would be meeting with the Fair Board on March 22 and they intended to provide an overview of the budget at that time. He explained that they would recommend that any funds remaining in the construction budget near the end of the project be used for additional fencing or returned to the Agricultural Society.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-45, approving D&M Excavating Change Orders #25 & #26, as presented, was moved by Mr. Bills, seconded by Mr. Hibner, and unanimously approved.

### **■ Bowser-Morner Amendment {Resolution 2018-46}**

Mr. Meyer referred the Board to Resolution 2017-46 approving an addendum to the professional services agreement with Bowser-Morner for materials testing services for the Fairgrounds Facilities Project.

Mr. Stanley reminded the Board that it had previously accepted a proposal from Bowser-Morner for various testing services for the project and authorized an agreement with the firm in an amount not to exceed \$20,000. He explained that Resolution 2018-46 would authorize raising the authorized cap by an additional \$10,000 to not to exceed \$30,000. Mr. Conaway explained that, at the time of the original agreement, the scope of work for the project had yet to be defined.

Following discussion and response to Board questions and comments, adoption of Resolution 2017-46, as presented, approving an Addendum to the professional services agreement with Bowser-Morner for materials testing for the Fairgrounds Facilities Project to increase the not to exceed cost of the agreement to \$30,000 was moved by Mr. Hibner, seconded by Mr. Bills, and unanimously approved.

### **■ Public Comments**

There were no public comments.

### **■ Next Meeting**

Mr. Meyer confirmed that the next regular Montgomery County TID Board Meeting would be held at 2:00 PM on June 11, 2018 in Room 1002 on the 10<sup>th</sup> Floor of the Montgomery County Administration Building.

■ **Executive Session**

Mr. Meyer suggested that the Board recess to executive session. Ms. Shillito explained that the executive session would be necessary to discuss potential economic development projects in northern and southern Montgomery County and infrastructure improvements connected to them.

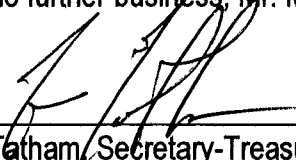
Mr. Bills moved that the Board recess to executive session, for the purposes indicated by Ms. Shillito. Mr. Hibner seconded the motion. Mr. Bills voted for the motion. Mr. Hibner voted for the motion. Mr. Meyer voted for the motion.

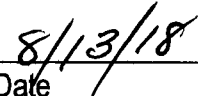
The Board recessed to executive session at 2:55 PM. Mr. Stanley, Mr. Fraunfelder, Ms. Shillito, Mr. Eddy, Ms. Corbin and Mr. Collins joined the Board in executive session.

The Board returned to open session at 3:40PM.

■ **Adjourn**

With no further business, Mr. Meyer adjourned the meeting at 3:40PM.

  
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Tom Tatham, Secretary-Treasurer

  
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Date