



Montgomery County Transportation Improvement District Minutes of the June 11, 2018 Board Meeting

The two hundred and 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 June 11, 2018.

Chairman Meyer called the meeting to order at 2:00 PM.

VOTING BOARD

Art Meyer
Stephanie Singer
Walt Hibner
Tom Tatham

STAFF

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

EXCUSED ABSENCE

David Bills

OTHERS IN ATTENDANCE

Michael Norton-Smith, Montgomery County C&ED
Paul Gruner, Montgomery County Engineer
Nick Yeretian, The Kleingers Group
Vanessa Glotfelter, Barge, Design Solutions
Andy Shahan, LJB
David Seagraves, IBI Group
Patrick Plugh, Woolpert
Jay Hamilton, Mead + Hunt
Christa Skiles, Rasor Public Relations

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

Business Meeting

■ Minutes of May 2018 {Resolution 2018-47}

At Ms. Corbin's request, Mr. Meyer tabled consideration of the minutes May 14, 2018 TID Board Meeting.

■ Financial Reports: May 2018 {Resolution 2018-48}

Mr. Meyer referred the Board to Resolution 2018-48 and the Financial Reports for May 2018 included in the Board packets.

Mr. Fraunfelter noted two entries on Page 1 of the report for the 700 Operating Fund. He explained that the first revenue entry of \$13,500 included two quarters of charges to Miami Township and the Cities of Miamisburg and Springboro for administration of the Austin Interchange Project. He indicated that the original anticipation had been that a revision of the Austin Interchange Cooperative Financing Agreement would be completed by the end of June; however, since the agreement had not yet been amended, the TID had invoiced all three local governments under the terms of the original agreement. He explained the second entry on Page 1 of the report reflected the payment of bonus compensation to the Executive Director in May per Board approval.

Mr. Fraunfelter highlighted a revenue entry of \$50,000 on Page 2 of the report for the 702 Austin Road Fund and explained that the revenue was restricted to be used for the payment of debt service. Mr. Fraunfelter also pointed out a \$50,000.00 project advance for construction received from Miami Township in connection with Phase 2 of the Lyons Road Pedestrian Access Project.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-48, approving the May 2018 Financial Reports, was moved by Mr. Tatham, seconded by Ms. Singer, and unanimously approved.

■ May 2018 Bills & Expenses {Resolution 2018-49}

Mr. Meyer referred the Board to Resolution 2018-49 and the summary of bills and expenses for May 2018 included in the Board packets.

Ms. Corbin pointed out a listing for Change Order #6 to the R.B. Jergens contract approved by the Executive Director for the Byers Road Connector Project in the amount of \$5,595.62 and explained that the additional change order related to the Medlar Sewer Project but had not been received in time for the May Board meeting when Change Order #5 was approved. She reported that the project had been successfully completed and that final reconciliation procedures were underway with Miamisburg. .

Ms. Corbin noted that significant amounts were continuing to be spent for construction under the Fairgrounds Relocation Project and commented that the project was still advancing on an accelerated schedule.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-49, approving the payment of bills and expenses for May 2018, as presented, was moved by Ms. Singer, seconded by Mr. Hibner, and unanimously approved.

Lyons Road Pedestrian Access Project

■ Authorizing ROW Acquisition and Execution of Permit Necessary for the Lyons Road Pedestrian Access Project {Resolution 2018-50}

Mr. Meyer referred the Board to Resolution 2018-50 authorizing right-of-way acquisition and the execution of permits necessary for the Lyons Road Pedestrian Access Project that was included in the Board packets.

Ms. Corbin explained that the proposed resolution would authorize the Executive Director to complete the acquisition of right of way under established terms for the Lyons Road Pedestrian Access Project. She explained that, under the terms of Phase II of the Miami Township PMFA, the TID was responsible for securing and obtaining right-of-way certification from ODOT under the terms of federal and state law.

Ms. Corbin provided a progress report on the right-of-way progression. She reminded the Board that the TID had previously engaged Heritage Land Services, an ODOT certified right-of-way consultant, to assist with the process. She explained that the project required the acquisition of right of way of three parcels from two owners. Ms. Corbin indicated that one owner was ODOT and the other was Autoland, LLC, a Walker Toyota property.

Ms. Corbin confirmed that ODOT had granted the TID a permit for the right of way needed for the project from its property. She explained that she, Mr. Eddy, and LJB staff had met with and negotiated with Walker representatives after an LJB survey crew physically marked permanent and temporary right of way on the Walker property. She reminded the Board that Walker had already agreed to donate the right of way in connection with zoning concessions issued by Miami Township approximately eight years before.

Mr. Eddy explained that 15-20 parking spaces on the Walker property would be impacted. He added that Walker was concerned about maintaining access, primarily for large delivery vehicles, to and from his property via a driveway located off of Lyons Road. He commented that Walker was also concerned about disruption during July and August, since those were the dealerships busiest months of the year. Mr. Eddy explained that the TID would work with Walker in good faith to maintain access and that construction would likely not begin before September.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-50, authorizing the Executive Director to complete right of way acquisition and execution of permits necessary for the Lyons Road Pedestrian Access Project, as presented, was moved by Mr. Hibner, seconded by Mr. Tatham, and unanimously approved.

■ Authorizing Advertising & Receiving Bids {Resolution 2018-51}

Mr. Meyer referred the Board to Resolution 2018-51 authorizing advertising and receiving bids for the Lyons Road Pedestrian Access Project that was included in the Board packets.

Ms. Corbin explained briefly that, once the TID secured right-of-way and ODOT certified it, the final process for approving and bidding the project would proceed. She explained that additional documents would have to be submitted to ODOT for approval before the TID would be authorized to proceed with the bid process; however, the resolution would authorize staff to proceed as rapidly as possible once ODOT authorization was obtained.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-51, authorizing the Executive Director to advertise and receive bids for the Lyons Road Pedestrian Access Project, as presented, was moved by Mr. Tatham, seconded by Ms. Singer, and unanimously approved.

Fairgrounds Access Road Project

Mr. Eddy provided a progress report on the completion of the roadway project, including a review of final punch list items agreed upon by Montgomery County and Brumbaugh Construction. He explained that a few items remained but that the majority of the punch list had been completed. Mr. Eddy complimented Brumbaugh on the company's performance and cooperative approach which contributed to the successful completion of the project.

■ Amendment to Agreement with Montgomery County {Resolution 2018-52}

Mr. Meyer referred the Board to Resolution 2018-52 approving an addendum to the New Fairgrounds Access Project Management & Financing Agreement with Montgomery County in an amount not to exceed \$150,000, copies of which were included in the Board packet.

Ms. Corbin explained that the proposed addendum would provide funds to the TID for improvements requested by Montgomery County to internal roadways and paving of parking lots on its property that were not in the original project scope.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-52, authorizing approving an addendum to the new Fairgrounds Access Project Management & Financing Agreement with Montgomery County in an amount not to exceed \$150,000, as presented, was moved by Ms. Singer, seconded by Mr. Hibner, and unanimously approved.

■ Brumbaugh Change Order #2 {Resolution 2018-53}

Mr. Meyer referred the Board to Resolution 2018-53 and Change Order #2 for Brumbaugh, copies of which were included in the Board packet.

Ms. Corbin asked Mr. Eddy to review the proposed Change Order. Mr. Eddy reminded the Board that Change Order #1 in the amount of \$95,759.60 had been for a number of items accumulated during the project. He explained that additional costs included in the 2nd change order included unknown and unmarked utilities on Montgomery County's property, using recycled concrete to maintain winter work progress, and the removal of a large undiscovered underground tank underneath the bed of the new driveway constructed on Montgomery County's property off Infirmary Road.

Mr. Eddy continued to explain that the proposed change order also included overlay and pavement on portions of a driveway across Montgomery County property that had been used as a construction entrance for the Fairgrounds Facilities Project, paving three parking lots that would continue to be owned by Montgomery County, and the addition of fibers to the final course of paving materials to enhance the strength of the driveways and parking lots. He added that the change order also included additional top soil for the original project, a guard rail near a culvert under the new access driveway to the new Fairgrounds, pavement markings, and the lowering of a water line under the new driveway. Mr. Eddy noted that the proposed change order would only be the second change order authorized for the contract and it should be the final one.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-53, approving Brumbaugh Change Order #2, as presented, was moved by Mr. Hibner, seconded by Mr. Tatham, and unanimously approved.

Fairgrounds Relocation Project

Mr. Conaway provided the Board with a brief progress report on the Fairgrounds Facilities Project. He reported that the project was in its final stages of completion. Mr. Conaway noted that site work was now limited to only a few areas of fine grading and seeding. He reported that the parking lot had been striped, the fence was being installed, three concrete pours remained for the main entry feature, and signs were scheduled to arrive later in the week.

Mr. Conaway explained that supplying permanent power to the site was now critical in order to complete final Montgomery County inspections. He reported that the TID was working with Montgomery County to obtain tag inspections to allow staff of the Montgomery County Agricultural Society access to the property by Thursday. He further explained that the fire alarm and sprinkler inspections would be complete during the week, to be followed immediately by final building inspections.

■ **Dryden Builders Change Orders #14-#15 {Resolution 2018-54}**

Mr. Meyer referred the Board to Resolution 2018-54 and Dryden Builders Change Orders #14 - #15, included in the Board packet.

Mr. Conaway reported that Change Order #14 for \$31,722.00 included miscellaneous project coordination changes and approved overtime on masonry and concrete work. He explained that Change Order #15 for \$12,531.00 accounted for caulking of exterior expansion joints in site concrete and HVAC penetrations in both ceilings.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-54, approving Dryden Builders Change Orders #14, & #15, as presented, was moved by Mr. Tatham, seconded by Ms. Singer, and unanimously approved.

■ **D&M Excavating Change Orders #27 - #29 {Resolution 2018-55}**

Mr. Meyer referred the Board to Resolution 2018-55 and D&M Excavating Change Orders #27 - #29, included in the Board packet.

Mr. Conaway reported that Change Order #27 for \$34,600.00 was for a permanent section of asphalt for a large tent for the conduct of the County Fair at the request of the Montgomery County Agricultural Society. He noted Change Order #28 for \$23,691.00 included weather charges for May. Mr. Conaway further reported that Change Order #29 for \$45,000.00 was to lime dry the driveways to the camp ground.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-55, approving D&M Excavating Change Orders #27, #28 & #29, as presented, was moved by Mr. Hibner, seconded by Ms. Singer, and unanimously approved.

■ **Saturn Electric Change Orders #9 - #11 {Resolution 2018-56}**

Mr. Meyer referred the Board to Resolution 2018-56 and D&M Excavating Change Orders #9 - #11, included in the Board packet.

Mr. Conaway reported that Change Order #9 for \$98,921.00 was for the completion of all the lighting around the project including low level lighting to match the lighting around the parking area, all the concrete, lighting on the wall at the entry feature and two flag poles. He noted Change Order #10 for \$13,542.00 was to accommodate electrical changes for door operators, emergency lights and additional lights while working with the Jefferson Township Fire Department. Mr. Conaway further reported that Change Order #11 for \$3,288.00 was for the removal of temporary electrical services and poles required for the duration of the project.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-56, approving Saturn Electric Change Orders #9, #10 & #11, as presented, was moved by Mr. Tatham, seconded by Ms. Singer, 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 July 9, 2018 in Room 1002 on the 10th Floor of the Montgomery County Administration Building.

■ **Executive Session**

Mr. Meyer requested that the Board recess to executive session. Ms. Shillito explained that the executive session would be necessary to discuss (1) the Deputy Director's employment arrangements, (2) the sale of surplus real property, and (3) infrastructure improvements necessary for confidential economic development prospects in Montgomery County.

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

The Board recessed to executive session at 2:28 PM. Ms. Corbin, Mr. Fraunfelder, Ms. Shillito, Mr. Endsley, and Mr. Eddy joined the Board in executive session.

Mr. Tatham left the meeting at 3:00PM.

The Board returned to open session at 3:09PM.

■ **Ratifying Deputy Director Employment Arrangement {Resolution 2018-57}**

Ms. Shillito referred the Board to Resolution 2018-57 ratifying the Deputy Director's Employment Arrangement.

Ms. Shillito explained that the TID and Ms. Corbin entered into a modification of her employment conditions in a letter dated August 25, 2016, when Ms. Corbin was promoted to the position of Deputy Director of the TID. Ms. Shillito further explained that those employment conditions were memorialized in the letter that had been signed by Mr. Stanley and Ms. Corbin. She added that Mr. Stanley had informed the Board of the terms of the promotion at that time and that the proposed resolution would just formally ratify the employment letter for the TID's permanent record.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-57, ratifying the Deputy Director's employment arrangement with Crystal Corbin, as presented, was moved by Mr. Hibner, seconded by Ms. Singer, and unanimously approved.

■ **Montgomery County TID Political Activity Policy {Resolution 2018-58}**

Ms. Shillito referred the Board to Resolution 2018-58 adopting a Political Activity Policy for the Montgomery County Transportation Improvement District. She indicated that the proposed resolution would formally adopt a policy to assure continued compliance with the Ohio Revised Code.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-58, approving the adoption of the Montgomery County Transportation Improvement District Political Activity Policy for their employees, as presented, was moved by was moved by Ms. Singer, seconded by Mr. Hibner, and unanimously approved.

■ **Sale of Surplus Right-of-Way Property {Resolution 2018-59}**

Ms. Shillito referred the Board to Resolution 2018-59 approving the sale of surplus property not now needed for right of way in connection with the Austin Interchange Project. She explained that the resolution would authorize the surplus property to be conveyed to the Montgomery County Port Authority under specific conditions and authorized Mr. Stanley to execute documents as necessary to complete the transfer.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-59, approving the sale of surplus right-of-way property, as presented, was moved by was moved by Mr. Hibner, seconded by Ms. Singer, and unanimously approved.


■ **Authorization of the Executive Director to Negotiate & Execute Amendment to the Scope of the IBI Group's Professional Services Agreement for North Airport Access Road Project {Resolution 2018-60}**

Mr. Meyer referred the Board to Resolution 2018-60 authorizing the Executive Director to negotiate & execute an amendment to the IBI Group's Professional Services Agreement for the North Airport Access Project to increase funds authorized for services in an amount not to exceed \$50,000.

Following discussion and response to Board questions and comments, adoption of Resolution 2018-60, approving an amendment to the IBI Group's Professional Services Agreement for the North Airport Access Project and authorizing the Executive Director to negotiate and execute an amendment to the agreement in an amount not to exceed \$50,000, as presented, was moved by was moved by Ms. Singer, seconded by Mr. Hibner, and unanimously approved.

■ **Adjourn**

Mr. Meyer adjourned the meeting at 3:21PM.



Tom Tatham, Secretary-Treasurer

8/13/18

Date