

The regular meeting of the Board of Directors of The Miami Conservancy District (MCD) sitting as the Board of Directors of The River Corridor Improvement Subdistrict (RCIS) was called to order at 1:00 p.m. by Beth G. Whelley, President, with Mark G. Rentschler, Vice President present. William E. Lukens, member, joined the meeting at 1:40 p.m. via teleconference. The meeting was held at the Sinclair Conference Center located at 444 West Third Street in Dayton.

Members of the staff in attendance were: Janet M. Bly, General Manager; Rhonda K. Snyder, Secretary; Raymond M. Burton, Project Crew Supervisor; James B. Casper, Operations and Maintenance Supervisor; Michael P. Ekberg, Manager, Water Resources Monitoring and Analysis; Daniel K. Foley, Great Miami Riverway Director; Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief of Construction and Planning; Shannon E. Phelps, Manager of Administration; Barry M. Puskas, Chief of Technical and Engineering Services; and Kurt A. Rinehart, Chief of Operations/Chief Engineer.

Members of the staff in attendance via teleconference: Brenda Z. Gibson, Manager, Public Relations and Education and Sarah Hippensteel Hall, Manager, Watershed Partnerships.

Legal counsel in attendance: W. Chip Herin III, Coolidge Wall Co., LPA.

Guests in attendance: None

COMPLIANCE WITH SUNSHINE LAW AND BYLAWS

The meeting was held in compliance with the Sunshine Law and MCD and Subdistrict Bylaws. The meeting information was posted on MCD's website. Miami Valley news media and individuals requesting such notification were notified of the meeting by electronic mail dated September 23, 2020.

MINUTES

The Minutes of the Board of Directors May 21, 2020, meeting were provided to members of the Board for review and comment.

M 2020-187

The Board of Directors, on motion by Mr. Rentschler and seconded by Ms. Whelley, unanimously approved the Minutes for May 21, 2020.

The next items of business were presented by Mr. Casper and Mr. Burton and included updates for maintenance projects. Mr. O'Connor provided an update for the GMRRT Asphalt Repair project in Moraine/West Carrollton.

Maintenance

Staff removed and/or painted over graffiti on the Rivers Edge amphitheater in Dayton. Graffiti, a long-term maintenance issue, has been particularly bad in 2020.

Staff sealed cracks in the Great Miami River Trail bridge over Holes Creek. The bridge is structurally sound. Sealing the small cracks will protect the structure from damage caused by moisture.

GMRRT Asphalt Repair—Moraine/West Carrollton

A section of the Great Miami River Recreation Trail from East River Road in Moraine downstream to Alex Road in West Carrollton had many cracks of differing sizes that needed repaired. MCD hired a contractor, Superior Seal Coating, to make the repairs. The contractor removed the asphalt around the wider cracks and placed new asphalt. They cleaned and sealed the narrower cracks. The project called for the work to be performed mostly at night to reduce the impact to trail users.

Next, Mr. Foley reported on Great Miami Riverway activities.

Great Miami Riverway

Marketing and Social Media

MCD hired m.path pr, a public relations firm in Dayton, in June on a month-to-month basis to manage the Riverway's social media channels and to provide a marketing and social media plan to guide messaging.

Riverway Strategic Plan

MCD entered into an agreement with Aileron in June for the development of a Great Miami Riverway Strategic Plan. Community representatives from 14 agencies and organizations throughout the Riverway were invited to help shape the plan. Participants met twice and identified three focus areas for the strategic plan.

- build and nurture stronger connections among Riverway communities
- build more awareness of the Great Miami Riverway
- build investment in riverfront development projects—both along the river, itself, and in the communities

Riverway Mini-Summit Series

The Great Miami Riverway Summit has shifted into a series of virtual events.

Martin Doyle talked about the epic story of America and its rivers on September 25. Mr. Doyle is an expert on how rivers shaped this country and how rivers are vital to our future. He is the director of the Water Policy Program at Duke University.

On October 2, Brad Beaubien will discuss the vision for the White River in Indiana. City, county, and private groups have worked together to develop an accessible, recreational, and cultural environment along the White River that encourages a unique sense of place. Mr. Beaubien is director of destination development for the regional convention and visitor's bureau in Indianapolis.

A third session is planned for October 27. Canadian Consul General Joe Cromartin has been invited to discuss how Riverway communities can benefit from additional two-way economic commerce between the United States and Canada when the Gordie Howe International Bridge opens in 2022.

Great Miami Riverway Coalition

The Great Miami Riverway Coalition met on July 16 and September 17 for bi-monthly meetings to discuss and provide input on Riverway activities. In July, MCD staff met with representatives of Great Parks of Hamilton County, who were invited to join the Coalition. In September, they agreed to join and executed an agreement with the RCIS.

Next, Dr. Hall provided an update for the Paddling Enhancement Grant.

GRANT FUNDING UPDATE

The following is a status update regarding a grant application previously approved by the Board of Directors:

Project Title: *Paddling Enhancement Grant*

Description: To construct a new paved parking area near the former Tait Station low dam for better access to the Great Miami River.

Total Project Cost: \$80,000

Grant Amount Requested: \$75,000

Source: Ohio Department of Natural Resources (ODNR), Division of Parks and Watercraft

The Miami Conservancy District Match: \$5,000 (River Corridor Improvement Fund 200)

Other Participants: N/A

Status: Application was submitted on March 1, 2020. MCD was notified on July 13 that the project was not selected for funding.

The next item of business was a request for ratification of the General Manager's action regarding the transfer of the West Carrollton section of the Great Miami River Recreation Trail. Ms. Bly presented the request.

GREAT MIAMI RIVER RECREATION TRAIL—WEST CARROLLTON SECTION TRANSFER

In 1996, The Ohio Department of Transportation (ODOT) constructed a 2.2-mile section of the Great Miami River Recreation Trail (GMRRT), known at that time as the Hydraulic Road Bikeway, for the City of West Carrollton. The asphalt bikeway begins on the levee top at Miami Bend Park near the sharp bend in Alex Road and proceeds in a westerly and southwesterly direction to Central Avenue approximately 400 feet west of Weir Street. The section of trail meets existing sections of the GMRRT owned and maintained by RCIS at both ends. The trail includes a 60-foot-long concrete bridge across Owl Creek. MCD issued a land use permit to the City of West Carrollton for the trail.

In April 1997, the Board approved a city request for MCD to maintain the section of trail and levied an assessment on the City of West Carrollton for the maintenance. Maintenance activities include sweeping, drift and mud removal, mowing along the edges of the bikeway, trash pick-up, bridge inspections, and bridge repair. In 2014, ODOT repaved the trail using a grant that MCD received through the Miami Valley Regional Planning Commission (MVRPC).

The RCIS Official Plan states: "RCIS may acquire, construct, modify, operate, maintain, remove, transfer, or dispose of improvements and amenities for the purpose of public access or recreational use within the subdistrict."

The land use permit that MCD issued to the city for the trail expired in May 2014. MCD and city staff met to discuss transfer of ownership of the trail section to RCIS in lieu of issuing a new land use permit. No action was taken at that time.

Earlier this year, MCD staff provided a transfer agreement to the City of West Carrollton. The West Carrollton City Council approved the transfer in June. The General Manager executed a transfer agreement with the City.

M 2020-188

The Board of Directors, on motion by Mr. Lukens and seconded by Mr. Rentschler, unanimously ratified the General Manager's action regarding the transfer of the Great Miami River Recreation Trail through West Carrollton to the River Corridor Improvement Subdistrict of The Miami Conservancy District.

The next items of business were presented by Mr. O'Connor and included requests for approval of a resolution to apply for grant funding through MVRPC and a resolution of participation required by ODOT for the Mad River Recreation Trail Resurfacing project.

RESOLUTION OF AUTHORIZATION—MVRPC GRANT FUNDING APPLICATIONS

Staff intends to submit applications in October 2020 for Federal funds through MVRPC. The projects are for constructing or improving recreation trails. MVRPC has requested that entities that submit applications include a resolution authorizing staff to submit applications and prioritizing projects when more than one is submitted.

The following resolution complies with MVRPC's request and will be used for submitting the grant applications for the projects listed in the resolution.

M 2020-189

The Board of Directors, on motion by Mr. Rentschler and seconded by Mr. Lukens, unanimously adopted the *Resolution of Authorization to Apply for Grant Funding through the Miami Valley Regional Planning Commission*.

R 2020-67

RESOLUTION OF AUTHORIZATION TO APPLY FOR GRANT FUNDING THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION

WHEREAS, the Miami Valley Regional Planning Commission (MVRPC) has solicited local government entities to submit new transportation projects for funding consideration in the Transportation Improvement Program (TIP); and

WHEREAS, the Board of Directors of The Miami Conservancy District and its subdistricts has committed to a timely project development schedule; and

WHEREAS, the Board of Directors of The Miami Conservancy District and its subdistricts will commit the necessary resources to support the local cost portion of the projects and the following list of projects were submitted to MVRPC, shown in order of The Miami Conservancy District's priority from number 1 to 3.

1. **GMRRT Bridge Over Sycamore Creek, MSB-GMRRT-4.78**; estimated local cost share commitment of \$101,000; project priority 1 of 3

2. **Webster Station Ramp Connector**; estimated local cost share commitment of \$80,000; project priority 2 of 3
3. **Old North Dayton Trail, Segment 2**; estimated local cost share commitment of \$178,000; project priority 3 of 3

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of The Miami Conservancy District and its subdistricts that:

The General Manager is authorized to submit applications to MVRPC as mentioned above.

The General Manager is hereby authorized to sign on behalf of The Miami Conservancy District and its subdistricts the application for funds as referred to above.

The General Manager is hereby directed and authorized to take or cause to be taken all other action necessary and proper to secure the funding sought by the application referred to herein, and provide any information sought by reviewing agencies during the time the application is under review. The General Manager is further directed and authorized to cause compliance with all reporting requirements required by MVRPC as required as part of the funding process.

Upon application approval, The Miami Conservancy District hereby states its commitment to the local contribution for the project as identified in these applications, including local contribution of costs exceeding the current estimates or subsequent revised estimates as accepted by MVRPC.

It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting, and that any and all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

This resolution shall become effective immediately upon its passage.

RESOLUTION OF PARTICIPATION MAD RIVER RECREATION TRAIL RESURFACING PROJECT

In March 2020, MCD received notification that a grant had been approved for the Mad River Recreation Trail Resurfacing project. ODOT has agreed to manage the bidding and construction of the project scheduled for construction in 2021.

ODOT notified MCD that the Board of Directors needs to pass a resolution agreeing that MCD will serve as the Local Public Agency partner for the project. The resolution gives consent to the Director of Transportation to complete the project and agrees that MCD will provide the local cost share of the project.

M 2020-190

The Board of Directors, on motion by Mr. Rentschler and seconded by Mr. Lukens, unanimously adopted the Resolution of Participation with ODOT for the Mad River Recreation Trail Resurfacing project.

**RESOLUTION OF PARTICIPATION
MOT-Mad River Recreation Trail Resurfacing
PID NO. 113479**

The following is a Resolution enacted by The Miami Conservancy District, River Corridor Improvement Subdistrict, of Montgomery County, Ohio, hereinafter referred to as The Miami Conservancy District (Local Public Agency – LPA).

SECTION I – Project Description

WHEREAS, The Miami Conservancy District has determined the need for the described project: Improvements include asphalt pavement repairs, asphalt milling and resurfacing, and installation of trail drop-off safety protections. Said project is further identified as MOT-Mad River Recreation Trail Resurfacing.

NOW THEREFORE, be it resolved by The Miami Conservancy District of Montgomery County, Ohio.

SECTION II – Consent Statement

Being in the public interest, The Miami Conservancy District gives consent to the Director of Transportation to complete the above-described project.

SECTION III – Cooperation Statement

The Miami Conservancy District shall cooperate with the Director of Transportation in the above-described project as follows:

The Miami Conservancy District agrees to participate in the cost of the project.

The Miami Conservancy District further agrees to pay 100% of the cost of those features requested by The Miami Conservancy District which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The Miami Conservancy District further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to The Miami Conservancy District. The Miami Conservancy District shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION IV – Utilities and Right-of-Way Statement

The Miami Conservancy District agrees to acquire and/or make available to Ohio Department of Transportation (ODOT), in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The Miami Conservancy District also understands that right-of-way includes eligible utility costs.

The Miami Conservancy District agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, The Miami Conservancy District shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI – Authority to Sign

That Janet M. Bly, General Manager, of said The Miami Conservancy District is hereby empowered on behalf of The Miami Conservancy District to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation which is necessary to complete the above-described project.

Upon request of ODOT, Janet M. Bly, General Manager, of said The Miami Conservancy District is also empowered to assign all rights, title, and interests of The Miami Conservancy District to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The Resolution, R-2020-68, is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. It shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

FUTURE BOARD MEETING


The Board members set Thursday, December 17, 2020, for the next regular meeting of the Board of Directors of The Miami Conservancy District sitting as the Board of Directors of The River Corridor Improvement Subdistrict.

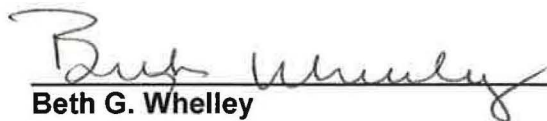
ADJOURN

There being no further business, the meeting was adjourned by unanimous consent.

ATTEST:

APPROVED:


Rhonda K. Snyder
Secretary


Beth G. Whelley
President