*COMET Board Meeting minutes are prepared and presented in summary form, audio recordings of the meetings are on file at the COMET.*

 **COMET BOARD MEETING MINUTES**

 **July 27, 2016**

**Members Present: Guests Present:**

**City of Columbia**  Ron Anderson Frannie Heizer, McNair Law Firm

 Carolyn Gleaton Marsha Johnson, MTRA

 Derrick Huggins Burley Wilkins, Transdev

 Roosevelt Barnwell, USC

**Forest Acres** Andy Smith Gary Hopper, Transdev

 Ann Scheib, Citizen

**Lexington County** Lill Mood Bud Scheib, Citizen

 Loretta Lewis, Transport Care Services

 Patricia Creer, Citizen

**Richland County** Mac Bennett Liberty Justice, Citizen

 Joyce Dickerson Rob Tyson, Sowell & Gray

 Jennifer Harding Walter Durst, Citizen

 Rebecca Conway\*, Lexington County

**Rich. Co. Leg. Dele.** John Furgess Jackie Bowers, Transdev

 Robert Morris Rick Silver, Chernoff Newman

 Hampton Miller, Chernoff Newman

 Joyce Mason, Citizen

 Yolanda West, Citizen

 Ben Mauldin, CMCOG

 Reginald Simmons, CMCOG

 Chuck Statler, Derrick, Stubbs & Stith

 Tony Kirkland, Citizen

 Baz Anderson, Citizen

 Jones Anderson, Citizen

**Absent Board Members:** **COMET Staff Present**

Skip Jenkins Robert Schneider, Executive Director

Joel Neal Pamela Canty, Admin. Support Clerk

Debbie Summers Michelle Ransom, Grants and Contracts

 Samuel Scheib, Transit Planner & Manager

 LeRoy DesChamps, Transit Development

\*Denotes Participation by Phone Daphne Givens, Finance Manager

1. **CALL TO ORDER**

Chairwoman Dickerson called the meeting to order at 12:01 PM.

1. **DETERMINATION OF QUORUM**

 A quorum was present at the opening of the meeting.

1. **INTRODUCTION OF ATTENDEES**

Chairwoman Dickerson asked that all visitors introduce themselves and welcomed them.

1. **ADOPTION OF AGENDA**

**Motion:**

**Dr. Morris asked that Item #13 be moved up to Item #5A.**

Chairwoman Dickerson explained that additional attorneys that will be needed during Item #13 were asked not to attend until 1:00 PM so that The COMET is not being billed unnecessarily. Dr. Morris asked that the Board be notified when decisions such as this are made. Chairwoman Dickerson said she would in the future.

**Dr. Morris withdrew the motion**.

**Motion:**

**A motion was made by Mr. Furgess and seconded by Dr. Morris that Bylaw Articles 4.1, 5.1, 6.2 and 6.3 of the Bylaws be held for future discussion prior to approving the minutes.**

**Chairwoman Dickerson stated that she is going to have to call this out of order, that she is trying to get the agenda approved.**

**Motion:**

**A motion was made by Mr. Anderson and seconded by Ms. Mood to approve the agenda with Item #13 to be deferred until 1:00 PM.**

**Motion passed with Board members Mr. Furgess and Dr. Morris abstaining.**

1. **APPROVAL OF MAY 25, 2016 BOARD MEETING MINUTES**

**A motion was made by Mr. Furgess that Articles 4.1, 5.1, 6.2 and 6.3 of the Bylaws be held for future discussion.**

Chairwoman Dickerson asked Mr. Furgess if he wanted that discussed today.

Mr. Furgess stated that he did not want that discussed today.

Chairwoman Dickerson stated that she will entertain that motion.

**Dr. Morris 2nd the motion.**

**Ms. Mood asked if we were referencing item 5.**

Attorney Heizer asked Mr. Furgess if the purpose of the motion was to have a different outcome, to have those matters reconsidered, then she would say that is in the nature of a motion to reconsider and not to just defer it.

Discussion:

Attorney Heizer that there are three options to choose from depending on the intent of the motion:

1) Deem it a motion to reconsider; and if it seconded, take a vote on it now, if motion passes then those matters are back on the table

2) Defer the approval of the minutes until the next Board meeting;

3) Approve the minutes with the Articles listed removed, but at some point we will need a motion to reconsider in order to bring the vote back up

Mr. Anderson asked if the motion to reconsider impact any action that we took at the last board meeting.

Attorney Heizer stated that it would not, that it would relate just to those items.

Mr. Anderson stated that we can approve with a motion to reconsider only the items that Mr. Furgess wants.

Attorney Heizer stated that it correct.

Mr. Anderson stated that those items and the changes to the bylaws that we made 2 months ago will not go into effect until we resolve the motion to reconsider.

Attorney Hezier stated that is correct.

Ms. Mood stated that in considering to approve the minutes, all that we are approving is just affirming this is what happened.

Mr. Anderson stated not in this instance. He stated that in this instance when you approve the minutes, you are not only affirming it, but you are putting them into place. The changes in the Bylaws don’t go into effect, until we approve the minutes.

Ms. Mood stated that doesn’t preclude subsequent motion to reconsider.

Attorney Heizer stated that a motion to reconsider a matter has to be made before the approval of the minutes. Attorney Heizer stated that based on our practice, we could approve the minutes, and have the bylaws in effect as of today, and during the motions period there could be a motion made to change something in the bylaws. There are different ways to get to the point of having a discussion on whatever the concerns are of the bylaws.

Chairwoman Dickerson pointed out that we labored over these Bylaws and rules and regulations related to them, we have gone through them and sent the package out and asked you all if you had any questions, and for us to get a stale mate at this point, that should have come to her so that she could have looked at it and adjusted the agenda. Chairwoman Dickerson stated that this point she is going to ask for a vote. Chairwoman Dickerson stated that if we need to go forward with it, and not continue to be stale mates.

Dr. Morris noted that there is a need to reconsider having the Board meetings every other month. The meetings should return to being held monthly. Chairwoman Dickerson suggested Dr. Morris bring that forward as a motion during the motions period.

Chairwoman Dickerson called for the question on the motion.

**Mr. Furgess amended his motion to state it was “A motion to reconsider”. Dr. Morris accepted the amendment and again seconded it.**

**Motion failed.**

**2 – In Favor – Ms. Gleaton, Dr. Morris**

**6 – Opposed – Mr. Anderson, Ms. Mood, Ms. Harding, Mr. Bennett, Mr. Smith, Chairwoman Dickerson**

**1 – Abstained – Mr. Furgess**

Mr. Furgess noted that during the discussion today, we have a lot of Title VI, and based on what just happened there may be a Title VI complaint on the Board.

**Motion:**

**A motion was made by Mr. Anderson and seconded by Ms. Mood to approve the May 25, 2016 minutes with a correction on page 3, Item 5 section 2 that one our options is that the Richland County Delegation will select the 5th member to state that the 5th member to come from those appointed by the Richland County delegation.**

**Bob Schneider stated that we will clarify this by listening to recording.**

**5 - In Favor: Ms. Mood, Ms. Harding, Mr. Smith, Mr. Anderson, Mr. Bennett, Chairwoman Dickerson**

**3 - Opposed: Mr. Furgess, Ms. Gleaton, Dr. Morris**

1. **EXECUTIVE DIRECTOR’S REPORT**
* Bench and Shelter Update – Mr. Scheib gave a report of the status of shelter installations.
	+ Garner’s Ferry at Walmart – costs have gone up substantially to $50k. Walmart does not wish to share in the financial burden of bringing the location up to ADA code. The shelter may now be cost prohibitive although a bus stop and bench will remain at the location.
	+ Crowson Road – permit has been submitted to SCDOT
	+ Eastover/Chaulk St-have been permitted

Mr. Bennett asked if the number of individuals with disabilities could be counted at the Garner’s Ferry Walmart location and bring this information back to the board.

Mr. Anderson stated that the Board needs to decide if they are willing to pay to place shelters where they are needed; regardless of the price. Mr. Huggins agreed with Mr. Anderson

Dr. Morris asked if we were receiving the best price available for the placement of the shelter. Mr. Scheib responded that we are receiving the best price based on the procurement of the services.

Attorney Heizer noted that when we are trying to place a shelter on privately owned land, we are often asked to provide indemnification to the property owner. We, as a public entity, are unable to provide indemnification.

Mr. Scheib stated that they have been looking for an alternative location for the shelter and have found only one that is located on Daphne Street. Todd Warren of Davis & Floyd is looking into that area but we would also need permission from Walmart to travel across their parking lot to get to that location.

**Motion:**

**A motion was made by Mr. Huggins and seconded by Mr. Furgess to table action and for staff to come back to the Board with more information.**

**Motion passed unanimously.**

Mr. Huggins asked that staff provide to all Board members a list of shelters that will likely be installed in the next six months.

* Transdev Contract Cost Projection Update – Dr. Schneider indicated that the Transdev contract has an annual increase for cost of living and we have budgeted for a 3% increase. The final increase came in at 2.4% and we will be executing this with Transdev and we will be working with them to retro this percentage back to the invoices.

Mr. Bennett asked staff to be sure that 3% is a reasonable amount based on the appropriate index.

* Fleet Acquisition Recommendation – Dr. Schneider referenced pages 19-20 in the Board packet. He stressed the need for new vehicles to replace the aged fleet of Bluebird buses that we have been operating since 2002. The grant funds for the purchase of 15 35-foot diesel buses and 8 small cutaway vehicles are available and the local matching funds have already been budgeted. Because the diesel buses can be purchased under the existing bus procurement and the cutaways can be purchased using the state contract, Dr. Schneider recommended the Board move forward with those purchases as soon as possible.
* Update Re: Bus Stop Inquiry – Dr. Schneider updated the Board on the following bus stops:
	+ Pending Costco and Piney Grove Road – Accessing this location with existing bus service would take a substantive service change; there is no existing route that this location can simply be added on to.
	+ Sam’s Club at Sandhills – Working to include this location in the existing route.

Ms. Gleaton asked if more stops will be added at Sandhills. Dr. Schneider responded that the owners of Sandhills currently prefer having the one stop behind JC Penny and that a shelter will be placed at that location.

Dr. Morris stated that these things need to be planned for in advance – when it is known that a large business is coming in. Chairwoman Dickerson responded that she had been in frequent communication with Costco well in advance of them coming to Columbia.

* Transfer at the Piggly Wiggly on North Main St. – The COMET was notified by the Piggly Wiggly that they no longer wish us to use their location as a transfer point. Therefore, we are reverting back to the original transfer location of Koon and Cody Streets and are working to get a shelter placed there.

Mr. Anderson asked if our organization may use imminent domain for property. Attorney Heizer replied that we may not.

Mr. Huggins stated that we need to do things differently to get private owners to work with us and suggested maybe asking for assistance from Chernoff.

Chairwoman Dickerson said that she wants to do a lot more PR work to erase the stigma of public transportation in the midlands. She went on to suggest that we ask County and City Council members to assist in their respective districts.

Mr. Anderson suggested asking the City and County to include transit considerations in their future site plans.

* Transfer at Crowson Rd. at Ft. Jackson Blvd. – the property is owned by SCDOT and we are waiting on their approval.
* Board Member Orientation: August 24, 2016 – Dr. Schneider informed the Board that the orientation will be held from 12:00 noon until 2:00 pm and will include a facility tour and a bus ride.
* Forthcoming Public Hearing – Dr. Schneider informed the Board that a public hearing has been scheduled for August 11, 2016 regarding the previously discussed Forest Drive Corridor Service Plan. He went on to inform the group that USC is interested in paying for 3 additional services to Midlands Technical College/Airport campus via Route 28 with a start date of August 18, 2016. This expansion would operate during all normal service days and would be paid for in full by USC. The cost would be $50,000 for one year.

Mr. Furgess asked if the public needs to be notified that The COMET is serving USC since USC did not vote for the penny. Mr. Anderson replied that that is what this would be about – including the additional service in the upcoming public hearing. Dr. Schneider also pointed out that the penny proceeds would not need to be used to fund the additional service because the University is paying for the additional service.

Dr. Morris asked what will happen to the folks that currently catch the bus on Assembly if that service is moved. Dr. Schneider replied that there isn’t much ridership that will be affected and that there are several other routes that run on Assembly Street.

Mr. Furgess asked if the other two colleges are able to do the same thing USC is doing in this instance. He also asked if we are taking over USC’s transit system. Chairwoman Dickerson responded that we are not taking over any other transit system and that any other entity that brings a proposal like this to us is eligible for the same service.

* Board Meeting Time/Location Change – Dr. Schneider reminded the Board that action had been taken at an earlier meeting to move the September Board meeting to a different location and to hold that meeting in the evening.
1. **COMMENTS FROM LOCAL RESIDENTS (formerly #11)**
* Ms. Justice stated that she has recently moved to Columbia from Pennsylvania and wanted us to know that some of our bus drivers are very friendly and are almost like family. However, we have other drivers that are very, very rude to the customers. This issue needs to be addressed.
* Mr. Durst told the Board that he does not approve of only meeting every other month and feels the meetings should be held monthly again in order to get business done in a timely manner. He feels that service to the Riverbanks Zoo should be promoted and has been saying this for years. Talk is cheap – we need action.
* Ms. Mason signed up to speak but had left before this item came up on the agenda.
* Ms. West said she was glad to see a variety of minds on the Board. However, she is frustrated with the miscommunications with the riders and with how long it takes to see action. She said that at ground zero for the floods, lifts cannot be deployed on the uneven ground.
* Mr. Kirkland said that he usually rides Route 88 or Route 101. He lives on Summerlea and feels there needs to be additional stops near him. He asked if he is under surveillance when he is on our buses. Chairwoman Dickerson said that this time is to receive comments and we are unable to answer questions at this time. She asked Dr. Schneider to speak with Mr. Kirkland after the meeting.
1. **MIDLANDS TRANSIT RIDERS ASSOCIATION UPDATE (formerly #10)**

Ms. Johnson provided a handout for the Board members. She asked that service be provided to Irmo High School in order to allow access to the Adult Education Program that occurs at that location. The closest stop is at Piney Grove Road and that is too far to walk to the High School.

She went on to say that the change discussed at the Piggly Wiggly is a concern because Route 32 is hourly service and Route 101 is 30 minute service.

1. **LEGAL/CONTRACTUAL/PERSONNEL (formerly #13)**

**Motion:**

**A motion was made by Mr. Anderson and seconded by Ms. Mood to enter into Executive Session to discuss:**

* **Legal review of by-laws to examine instance of percentages vs. actual numbers for votes, quorum, etc. (Anderson motion; Furgess 2nd)**
* **Legal briefing on SCDOR audit and lawsuit involving Richland County**
* **Legal briefing on case of South Carolina Public Interest Foundation and William B. DePass, Jr., individually and on behalf of all others similarly situated vs. Richland County.**
* **Report on Title VI Complaint; Discussion of Amendment to Federal Title VI Policy**
* **Discussion of Grievance Policy**
* **Contractual matter relating to personnel – Transdev**
* **Personnel matters:**
	+ **Report on Former Employee**
	+ **Report on Executive Director Evaluation/Recommendations**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Dr. Morris and seconded by Ms. Harding to come out of Executive Session.**

**Motion passed unanimously.**

The following actions came as a result of discussion during Executive Session:

**Motion:**

**A motion was made by Mr. Anderson and seconded by Dr. Morris to ask Legal Counsel to amend the Bylaws to state that 4 Board members are needed to call a special meeting and that 2 Board members are needed to place an item on the agenda.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Mr. Anderson and seconded by Dr. Morris to extend the timeline of the Title VI Policy and to verify with FTA that the extension is allowable.**

**Motion passed.**

**1 – Opposed – Mr. Furgess**

**Motion:**

**A motion was made by Mr. Anderson and seconded by Dr. Morris to circulate the proposed Grievance Policy to staff members for comment and bring the item back before the Board at the next scheduled Board meeting.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Mr. Anderson and seconded by Dr. Morris to ask Legal Counsel to work with the Human Relations consultant to review The COMET’s employee handbook and have recommendations for changes brought back to the Board by the end of the calendar year.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Mr. Anderson and seconded by Dr. Morris to ask Legal Counsel and the Executive Director to thoroughly vet the existing General Manager of Transdev and to bring a document with the results back to the Board members within 30 days.**

**Motion passed unanimously.**

1. **REPORT FROM SERVICE STANDARDS (formerly #7)**

Ms. Mood listed the items that are pending before the Service Standards Committee:

* Study of locations to purchase fares
* Criteria for underperforming routes

**Motion:**

**A motion was made by Ms. Mood and seconded by Mr. Anderson to ask the Service Standards Committee to study extending bus service to Irmo High School to accommodate adult education classes that are held there.**

**Motion passed unanimously.**

1. **REPORT FROM BUDGET COMMITTEE (formerly #8)**

Mr. Bennett listed the items that came out of the last Committee meeting:

* It was recommended that the formal name of the Budget Committee be changed to Finance Committee. Attorney Heizer stated that is how the Committee is referenced in the Bylaws so no formal action to change the name is required.
* Ms. Givens gave an overview of the financial documents included in the Board packet.
* It was proposed that the check signing policy be changed to allow the Executive Director to be one of the two signatories required on The COMET’s checks. Currently, all member of the Executive Committee are listed as signatories. Mr. Bennett stated the he would prefer if the Executive Director be one signatory and that the Treasurer be the second signatory whenever possible. Dr. Morris asked if the Executive Director currently reviews the checks before they are given to the current signatories to sign. Dr. Schneider replied that he does review all of the documents prior to approving them for signature. Chairwoman Dickerson said that she feels the Executive Director should review the document but should not be an actual signatory on the checks.

**Motion:**

**A motion was made by Ms. Gleaton and seconded by Dr. Morris to table the check signing policy until a later date.**

**Motion passed unanimously.**

* It was recommended that The COMET staff receive an additional .5% increase to offset the additional .5% that is a mandatory contribution to the SC retirement system.

**Motion:**

**A motion was made by Ms. Mood and seconded by Mr. Furgess to approve the .5% increase.**

**Motion passed unanimously.**

* Three notes have been added to the existing balance sheets to provide additional explanation of revenues/expenses.
1. **DISCUSSION OF STAFF ATTENDANCE AT BOARD MEETINGS (formerly #9)**

**Motion:**

**A motion was made by Ms. Mood and seconded by Mr. Bennett to defer this item until a future meeting.**

**Motion passed unanimously.**

1. **INFORMATIONAL ITEMS (formerly #12)**

There was no discussion required for the informational item.

1. **OLD BUSINESS**

Ms. Mood informed the Board that the meeting time of the Service Standards Committee has been changed 10:00 AM.

1. **MOTIONS PERIOD/NEW BUSINESS**

**Motion:**

**A motion was made by Mr. Anderson and seconded by Mr. Furgess to move forward with the purchase of 15 35-foot diesel buses and 8 propane-fueled cutaway vehicles.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Mr. Anderson and seconded by Mr. Furgess to study the rework or Route 34/34B to provide service to Irmo High School and the Costco on Piney Grove.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Mr. Anderson and seconded by Ms. Mood to send the proposed changes to Route 28 to public hearing on August 11, 2016 and to schedule a special call Board meeting following the public hearing.**

**Motion passed.**

**1 – Opposed – Mr. Furgess**

**Motion:**

**A motion was made by Mr. Anderson and seconded by Ms. Mood to send the proposed changes to Route 201 to public hearing on August 11, 2016.**

**Motion passed.**

**1 – Opposed – Mr. Furgess**

**Motion:**

**A motion was made by Mr. Anderson and seconded by Dr. Morris to direct staff to work with Legal Counsel to draft a request to all jurisdictions within our service area to be included in their future site plan review processes.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Mr. Furgess and seconded by Dr. Morris to have The COMET Board of Directors to meet monthly.**

Discussion:

Mr. Anderson suggested meeting every other month a few more times before switching back to monthly in order to give the schedule a chance. Dr. Morris stated that most important committees meet monthly.

**Amended Motion:**

**Mr. Furgess amended his motion to have The COMET Board of Directors to meet monthly beginning with the September 28, 2016 meeting and that the Board be willing to cancel meetings if there is no substantive business.**

**Motion passed.**

**1 – Opposed – Mr. Anderson**

The time for the September 28, 2016 meeting was set for 4:00 PM with location to be determined.

**Motion:**

**A motion was made by Mr. Anderson and seconded by Mr. Furgess to enter into Executive Session to discuss a personnel issue.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Chairwoman Dickerson and seconded by Mr. Anderson to come out of Executive Session.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Mr. Bennett and seconded by Ms. Mood to modify the Executive Directors compensation package to include a 6% raise retroactive to July 1, 2015, a 4% raise retroactive to July 1, 2016 and extend the severance package an additional 6 months and review again in January 2017 by the treasurer.**

**Motion passed.**

**1 – Opposed – Chairwoman Dickerson**

1. **ADJOURN**

**Motion:**

**A motion was made by Mr. Furgess and seconded by Dr. Morris to adjourn the meeting.**

**Motion passed unanimously.**

The meeting adjourned at 4:17 PM.