*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**

**May 25, 2016**

**Members Present: Guests Present:**

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

Carolyn Gleaton Marsha Johnson, MTRA

Derrick Huggins Lucius Johnson, Transdev

Mamie Jackson, Citizen

**Forest Acres** Andy Smith David Knoche, City of Columbia

Gary Hopper, Transdev

**Lexington County** Lill Mood Darin Black, Transdev

Loretta Lewis, Transport Care Services

Patricia Creer, Citizen

**Richland County** Mac Bennett Jim Frierson \*, SCDOT

Joyce Dickerson David Lewis, Citizen

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

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

Skip Jenkins Robert Schneider, Executive Director

Joel Neal Missy Lawlor, Administrative Coordinator

Debbie Summers Michelle Ransom, Grants and Contracts

Samuel Scheib, Transit Planner & Manager

LeRoy DesChamps, Transit Development

\*Denotes Participation by Phone Brittany Higgins, Travel Trainer

1. **CALL TO ORDER**

Ms. Joyce Dickerson called the meeting to order at 12:00 PM.

1. **DETERMINATION OF QUORUM**

A quorum was present at the opening of the meeting.

Mr. Furgess asked if certain staff were asked not to attend the meeting, specifically requested that the Operations Manager of Transdev attend. The Chair clarified that it was the discretion of the Transdev General Manager to determine appropriate personnel to attend Board meetings.

**Motion Amendment:**

Mr. Furgess made a Friendly Amendment to the Motion on the floor and Dr. Morris seconded to amend agenda.

Mr. Bennett stated he was unclear on motion. Chairwoman Dickerson clarified the motion was to have the Operations Manager at the meeting. Mr. Anderson recommended it be moved the motions period and discussed at that time.

Mr. Bennett asked Attorney Heizer if this is a public meeting, how do you exclude someone? Attorney Heizer explained is it not excluding someone but rather an employment/management decision. She went on to state that the Board has the right to ask that any senior management be in attendance.

Mr. Furgess stated that any such decision should come before the Board. Other members stated an alternate view that it is not the purview of board but rather the manager.

Attorney Heizer clarified that the Chair of Communication Taskforce asked others on the taskforce be invited to attend. An e-mail was sent inviting the Operations Manager as well as all other members of the taskforce.

Dr. Morris stated that if the Operations Manager was invited and not allowed to attend, then he didn’t wish to present his report because didn’t feel it was right.

**Motion Withdrawn:**

Mr. Furgess withdrew the motion and Dr. Morris supported the withdrawal.

1. **INTRODUCTION OF INTERIM TRANSDEV GENERAL MANAGER**

Mr. Burley Wilkins introduced himself to the group. He stated that, as General Manager, he has chosen to have limited staff attendance at meetings. He went on to say that his staff is always available to support the Board. The Operations Manager was asked to attend this meeting but elected not to attend at that time. Historically, a substantial Transdev staff was present at these meetings and not tending to day-to-day operational business during key working hours.

Dr. Morris said he was insulted that a committee member was excluded when they were all invited to attend.

Chairwoman Dickerson clarified that that was not what had occurred and that these are two separate issues. Invitations were extended to all Taskforce Committee members. Mr. Wilkins was addressing the attendance of his staff, not specific committee members.

Mr. Wilkins went on to say that he will ask any staff member to attend if the Board so chooses and that he is always available to address any Board concerns.

1. **ADOPTION OF AGENDA**

Mr. Furgess asked that Item #16 be moved up to Item #8 since they are the same thing.

Chairwoman Dickerson explained that they are different and will occur in Executive Session.

**Motion:**

**A motion was made by Ron Anderson and seconded by Mac Bennett to approve the agenda as distributed. Motion passed unanimously.**

1. **APPROVAL OF AMENDMENTS TO BYLAWS**

Chairwoman Dickerson recapped that input was requested pertaining to the Bylaws Amendments through a Special Call Meeting, multiple emails and communications. No response was received.

Ms. Mood questioned Page 4 Article 6 of the proposed Bylaws, identifying a typo related to three committees outside of the standing committees. This was confirmed by Attorney Heizer who went on to say that Section 6.2 will require choices along with Page 5 as well as the composition of the Service and Finance Committee.

Ms. Mood asked if the Chair would want to be a member of the committees. Chairwoman Dickerson replied no.

**Motion:**

**A motion was made by Ron Anderson and seconded by Jennifer Harding to approve the Bylaws Amendments with the exception of Section 6.2.**

**Motion passed unanimously.**

Attorney Heizer elaborated that Section 6.2 states the Executive Committee will have 5 members, 4 of

which shall be Board officers plus the Chair of Service Committee. Should the Chair of the Service Committee be an Officer, one of the following must apply, which is up for decision today:

1) Board would select the 5th member;

2) the Richland delegation would select the 5th member, which would exclude other; or

3) an expanded version of #2.

Mr. Anderson clarified that option #1 would be appointed by the chair, not the Board as a whole. The Board chair appoints the Service Standards Committee Chair.

Mr. Furgess questioned the process for bringing the entire Bylaws back before the Board.

Attorney Heizer explained a 7 day notice of language would be required and there could be no special vote. The item would not come back before the Board unless it was on the agenda.

Mr. Anderson added that it would require 20% of Board of Directors per the by-laws just approved —or 3 directors. Anyone voting in the prevailing side can also make a motion to reconsider today or before the minutes are approved. After today it must be placed on an agenda by the Chair or 20% of the Board (Section 5.4).

**Motion:**

**A motion was made by Ron Anderson and seconded by Mac Bennett to approve Section 6.2 using Option 1 of the Bylaws Amendments.**

**Opposed: John Furgess**

**Motion passed.**

Mr. Furgess asked if the item was properly placed before the Board.

Attorney Heizer stated that her legal opinion is that the presence of three options satisfies requirement that the exact verbiage be available.

Dr. Morris asked when the Bylaws would go into effect.

Chairwoman Dickerson replied that they would be in effect once the minutes are approved at the next Board meeting.

Attorney Heizer went on to say that a motion to reconsider may be made today, but it must be a prevailing party making the motion and only once as a “clincher”. Failure of that motion prevents item from returning.

Two motions exist for Bylaws; one excluding Section 6.2, and one including Section 6.2.

Dr. Morris questioned how the 20% rule applies to this. Attorney Heizer explained that if the Chair refuses a request to include an item on the agenda, 20% of members may ask in writing that the item be included and then it must be included. Ms. Mood confirmed that this only applies if the Chair does not place item on agenda.

Mr. Anderson clarifies that this is not yet in effect. Attorney Heizer notes that existing Bylaws also have such language.

Dr. Morris noted that 20% in practice is two Board members but that mathematically it must be three. Attorney Heizer clarified that there is not an established practice as this hasn’t been an issue. Attorney Heizer also noted the 40% (40% of 11 is greater than 4 members) aspect for meetings, and suggested at the next meeting putting together an additional amendment to the Bylaws to substitute a number for percentages.

Chairwoman Dickerson recommended such a proposal occur in the motions period.

Mr. Bennett pointed out the impact of later increasing the Board size could impact this number. Attorney Heizer noted that if the board composition changed, other aspects of the Bylaws must be changed and new numbers may be determined at that time.

1. **APPROVAL OF BOARD POLICY NO. 3 RELATING TO COMMUNICATIONS MATRIX**

Dr. Morris noted that the purpose of the Communication Taskforce was to review 14 areas of communication. Each Board member has had this for some time for reviews. He asked if there were any questions and, hearing none, a motion was made.

**Motion:**

**A motion was made by Dr. Morris and seconded by Carolyn Gleaton to adopt the policy as presented.**

**Motion passed unanimously.**

Dr. Morris stated that the committee was very dynamic and the members worked diligently on this policy. Also thanked Rick Silver, Hampton Miller and Frannie Heizer as well as the full committee for all outstanding assistance.

1. **APPROVAL OF MARCH 23 AND APRIL 27, 2016 MEETING MINUTES**

**Motion:**

**A motion was made by Ron Anderson and seconded by Dr. Morris to approve the March 23 and April 27, 2016 meeting minutes as presented.**

Discussion:

Lill Mood asked that there be a line inserted before Item 7 of the March 23 minutes to indicate the point where the newly elected Chair, Joyce Dickerson, took over as Chair of the meeting.

Mr. Anderson and Dr. Morris accepted this as a friendly amendment

**Motion passed unanimously.**

1. **EXECUTIVE DIRECTORS REPORT**

Executive Director Bob Schneider reviewed with the Board the following items:

* + - Bench and Shelter Update – Sam Scheib stated that additional benches and shelters have been installed on Farrow Road, etc. and that several concrete pads have been replaced. Chairwoman Dickerson asked that photos of the stops be sent to Board members. Dr. Schneider agreed that they would be sent.
    - Status of Procurements –
      1. Bus Purchase – Having a conference call for the bus build preliminary meeting. Working to schedule a site visit. Following the site visit, procurement for an on-site inspector will begin. The pilot bus will arrive in November or December with the balance of the buses arriving in April 2017. A request was made to the Board to move to develop a complete capital plan which would be reviewed by the Budget Committee in July and then be before the full Board for final approval.
      2. Camera Procurement – Documents are in development. Mr. Bennett asked if there are cameras are at the transit system. Dr. Schneider indicated there are two sets; one provided by the City of Columbia and another by the Contractor.
    - Board Member Orientation – Scheduled for June 22, 2016 at 12:00 noon until 2:00 and will include a facility tour and walk thru.

Mr. Bennett commented that he was excited about the contract with Richland School District 2 and was really looking for ways to track that ridership. He noted that it may require a motion but he wants to further determine what systems are available to help us understand who is riding our system and when. Dr. Schneider added that Richland School District 2 may be interested in a more robust service in the Olympia area at a later date which will come before the Board at that time.

Dr. Morris asked if information was being provided to the community that buses and shelters were forthcoming. Dr. Schneider responded that signs can be made to alert the community but cannot be placed until the permitting for the site is approved.

Mr. Furgess asked if we can track individual riders by their pass usage. Dr. Schneider replied that the passes do not have that capability but Smartphones can. Other properties may track passengers through credit card or smart card usage. He noted that customers often have a desire for anonymity. Passes are different because they are often provided by a business or agency.

Dr. Morris noted that many riders do not have cell phones. Dr. Schneider reminded the Board that we have paper schedules, telephone numbers on buses, posters inside shelters, etc. to maintain a non-digital format.

1. **REPORT FROM SERVICE STANDARDS**

Ms. Mood stated that there was no meeting to allow for a Bylaws meeting. There are some items report and/or discuss.

* + Ridership Data – Sam Scheib noted a 6% ridership increase (11,000 boardings) with a drop on Route 16-which serves the Gonzalez Gardens area that is currently vacating.

Mr. Furgess asked if extended driver wait time is a widespread issue, specifically on Route 15 on Saturdays and holidays. Dr. Schneider replied that there was a Transdev run-cutter/shift scheduling anomaly that has one route with 30 minute wait time and only on Saturdays. This was identified after schedules were printed.

Mr. Furgess asked if that would be considered overtime for the operator. Burley Wilkins explained that it is a straight wage rate and will be placed in the next run cut in 2 – 3 months.

* + Update on May 2, 2016 New Service Rollout – Dr. Schneider noted that aspects of the service change went very well on things such as schedule printing, bus stop list to vendor, decal application to signs, etc. However, implementation did not go as well. Schedules did not reach customers, the sign vendor did not place/remove signs properly, operational support was not addressed, etc.

Mr. Wilkins noted that a service change committee has been formed and includes Transdev safety, customer service and supervisory staff.

Dr. Schneider stated that very constructive feedback was received from passengers regarding the service change and has led to the following proposed adjustments:

* Route 11 – the service adjustment imposed a longer walk for customers; operations reviewed the feedback and can make an adjustment as a de minimis change. Mr. Furgess asked that the deleted area be stated. Mr. Scheib stated that area would be Colonial from Lorick to Colonial. Mr. Furgess stated it would be Lorick to Colonial/Wentworth. Mapping shows them to be similar/same streets. The map demonstrates that change.

Dr. Schneider noted that in most instances the change to adjust the route would simply be made; however, there is a requirement with our system that any such items come before the Board. It does not require Board action but the Board is welcome to vote.

Mr. Furgess asked if it will operate as it did prior to the change. Ms. Gleaton indicated it will be very similar. Mr. Furgess reminded the Board that there had been Board action taken to state all areas where service would be eliminated. Attorney Heizer recommended that the images be included in the minutes.

Mr. Anderson asked if Board action is required, but deferred to Mr. Furgess’ preference to take Board action.

**Motion:**

**A motion was made by Ron Anderson and seconded by Jennifer Harding to approve the de mimimis change to Route 11 as shown.**

**Motion passed unanimously.**

* Route 301 – customer feedback asked that the bus travel one additional block to Cindy Drive. No service would be deleted but three stops would be added. Additionally it would move by 20 minutes on the clock. Route 32 currently passes near Route 301 and has a 12 minute connection. The adjustment will reduce the wait time as well as reduce the number of buses at the transit center at once.

**Motion:**

**A motion was made by Jennifer Harding and seconded by Ron Anderson to approve adjustment as presented.**

**Motion passed unanimously.**

These changes will be implemented on June 6, 2016 with Mr. Wilkins and Mr. Scheib overseeing implementation.

1. **REPORT FROM BUDGET COMMITTEE**

Dr. Schneider noted that the budget hearing with Richland County Council on May 12, 2016 occurred with limited questions related to the Department of Revenue (DOR) filing. Attorney Heizer noted that we received a written communication that the DOR would not withhold the 29% tax for transit and indicated that more information would be provided in Executive Session.

Dr. Schneider noted that the Transportation Penny Advisory Committee (TPAC) Committee requested financial audit information for The COMET. He will provide an overview of this information at the June TPAC meeting.

1. **MIDLANDS TRANSIT RIDERS ASSOCIATION UPDATE**

Marsha Johnson, President of the Midlands Transit Riders Association expressed the following concerns:

* + The bus no longer goes behind the Richland Hospital to the ER and the Heart Hospital
  + Are wheelchair passengers a priority when a bus is full
  + Put ads on the buses for the Riverbanks Zoo
  + Wants news anchors to talk about using buses along with carpooling
  + Issues with Route 401; the connection point is dangerous (Letter was distributed to Board members)
  + Don’t replace the bike rack at the transit center that was damaged in an accident. Put in seating instead.
  + Quarterly MTRA meeting will be held at 1:00 on June 18th at 2025 Marion Street and invited all Board members to attend.

Chairwoman Dickerson asked that MTRA bring these issues to Transdev, Mr. Scheib and herself in hopes that some issues may be addressed before the Board Meetings.

1. **COMMENTS FROM LOCAL RESIDENTS**
   * + Walter Durst stated that Torrey Rush said on WLTX over the weekend that DOR cessation of funding will cause The COMET bus service to end in August 2016. He stressed that Richland County and The COMET need to speak with one voice and not provide misinformation to the public. He went on to suggest a press release and notices on the buses that state service will not be ending in August.
     + David Thomas stated concerns that the buses are filthy and nasty and is displeased that the Half-Fare passes are not sold on the buses which mean he has to pay an additional 75 cents. He also stressed concerns that drivers are disrespectful and assault passengers and that cameras don’t work on buses which will show the driver behavior.
     + Martha Thomas stated that Route 11 is dangerous and needs to go back how it was before the change because it does not need to go by baseball stadium. She lives at Lorick Avenue and is concerned that kids run across the street and the route will be dangerous.
     + David Lewis stated that he is concerned that Route 401 is dangerous. He was also displeased with an article in The Free Times in which the Executive Director criticized bus drivers. He asked if public comments are actually taken into consideration when developing service changes.
     + Transdev operator Lucius Williams stated that problems in the system begin with the Board, not with the drivers as was stated in the article in The Free Times. He went on to say that drivers need more time to eat and go to the bathroom. (Handout was distributed to Board members.) Mr. Williams also requested that driver’s seats be adjustable.
     + Patricia Creer stated she’s addressed the Board three times about the monitor at the transit center. The monitor now only shows the system map and needs to show route maps.
     + Mamie Jackson had signed up to speak but was not present.
2. **INFORMATIONAL ITEMS**

No discussion.

1. **OLD BUSINESS**

No old business to discuss.

1. **MOTIONS PERIOD/NEW BUSINESS**

**Motion:**

**A motion was made by Ron Anderson and seconded by Dr. Morris to add to the next regular agenda discussion of which support staff from both the CMRTA as well as Transdev need to attend Board meetings.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Ron Anderson and seconded by John Furgess to direct legal counsel to bring suggestions back to the Board on cleaning up the Bylaws with respect to the number or percentage of votes required for various actions.**

Discussion:

Dr. Morris asked if the 40% will be included in this motion. Mr. Anderson responded that all instances of the number or percentage will be addressed.

**Motion passed unanimously.**

**Motion:**

**A motion was made by Ron Anderson and seconded by Jennifer Harding to have the Budget Committee review a capital plan.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Ron Anderson and seconded by John Furgess to forward to the Service Standards Committee a directive to study the issue of fare sales; where and how fares may be purchased other than on the bus.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Ron Anderson and seconded by Jennifer Harding to forward to the Service Standards Committee a directive to study the issue of how we track special fares.**

**Motion passed unanimously.**

John Furgess stated that the driver’s seat adjustment should be considered with ongoing purchase of the 8 new buses. Dr. Schneider agreed.

Dr. Morris asked that drivers be included in the driver’s seat discussions. Dr. Schneider responded that we always buy the cushiest, most modern seat that is available at the time of purchase. Any seat gets uncomfortable after an extended period of time. Dr. Morris stressed that the drivers need to be asked what they prefer. Chairwoman Dickerson stated that she is going to ask the Transdev GM that they listen to their drivers with these concerns and bring the concerns back to us.

Mr. Furgess asked if driver bathroom breaks are built into the route. Mr. Wilkins responded that the breaks are not built into the route but drivers are allowed to stop when needed for a bathroom break.

1. L**EGAL/CONTRACTUAL/PERSONNEL**

**Motion:**

**A motion was made by Ron Anderson and seconded by Jennifer Harding to enter into Executive Session to discuss:**

* **Update on RFP for Bus Shelter Placement**
* **Update on RFP for Contractor Oversight**
* **Legal briefing on SCDOR audit of Richland County**
* **Legal briefing on case of SC Public Interest Foundation and William B. DePass, Jr., individually and on behalf of all others similarly situated vs. Richland County**
* **Contractual matter relating to personnel changes - Transdev**

**Motion passed unanimously.**

**Motion:**

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

**Motion passed unanimously.**

**Motion:**

**A motion was made by Ron Anderson and seconded by Dr. Morris to notice the award of bus shelter procurement, subject to price negotiation.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Ron Anderson and seconded by Jennifer Harding to refer the review of the RFP scope of services for Contractor Oversight to both the Budget Committee and the Service Standards Committee**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Ron Anderson and seconded by Carolyn Gleaton to contract with Betsy Gray and Rob Tyson of Sowell, Gray, Steppe & Laffitte for purposes of representing out interests in the pending legal action in the DePass vs. Richland County lawsuit.**

**Motion passed unanimously.**

**Motion:**

**A motion was made by Ron Anderson and seconded by Dr. Morris to delegate the litigation management to the Executive Committee with full notice to the Board and monthly billing reports to the Board.**

**Motion passed unanimously.**

Chairwoman Dickerson stated that no action was taken pertaining to the contractual matter relating to personnel changes.

1. **ADJOURN**

**Motion:**

**A motion was made by Ron Anderson and seconded by John Furgess to adjourn the meeting. Motion passed unanimously.**

Chairwoman Joyce Dickerson adjourned the meeting.