



*The COMET Board of Directors Meeting are prepared and presented in summary form. Audio recordings of the meetings are on file at The COMET and are part of the approved minutes. If you would like to hear the recording from the meeting, please contact Paige Jernigan at [pjernigan@thecometsc.gov](mailto:pjernigan@thecometsc.gov).*

*Per SC Code of Laws, Title 30, Chapter 4, Section 30-4-80 - All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings. The COMET complied with the notification of this meeting on Friday, September 18, 2020 at 3:15 P.M.*

Central Midlands Regional Transit Authority  
Board of Directors Meeting  
Wednesday, September 23, 2020 - 12:00 P.M.  
3613 Lucius Road, Columbia, SC 29201 - Conference Room A

**Members Present:**

Ron Anderson\*  
John V. Furgess, Sr.\*  
Mike Green\*  
Carolyn Gleaton\*  
Representative Leon Howard\*  
Derrick Huggins\*  
Skip Jenkins\*  
Al Koon\*  
Col. (R) Leaks, Jr. Chair\*  
Lil Mood\*  
Dr. Robert Morris\*  
Geraldine Robinson\*  
Andy Smith\*  
Debbie Summers\*  
Allison Terracio\*

*\*indicates  
participation by  
phone*

**Guests Present:**

Pam Baker, Attorney, Burr & Forman\*  
Katherine Cason, DPA/Grant Assistant, Lexington  
County\*  
Corey Gagnon, General Manager, RATP Dev  
Frannie Heizer, Attorney, Burr & Forman\*  
Ben Limmer, Lead Transition Manager, RATP Dev  
Rob Tyson, Attorney, Burr & Forman\*  
Robert Smith, Senior VP/Client Relations, RATP Dev

**Members Absent:**

William "B.J" Unthank  
Barry Walker



The COMET Staff Present:

John Andoh, Executive Director/CEO

Leroy DesChamps, Director of Administration Operations/COO

Alexis Feliciano, Transit Traffic Checker

Tanisha Gibbons, Customer Experience & Contract Compliance Specialist

Eric Harris, Planning & Development Specialist

Paige Jernigan, Administrative & Customer Service Specialist

1. **CALL TO ORDER AND DETERMINATION OF QUORUM**

Col. Leaks called the meeting to order at 12:01 P.M.

A quorum was confirmed at the opening of the meeting.

Mr. Furgess requested to make a motion to move Item 10A on the agenda up to after Number 5 on the agenda.

Ms. Dickerson said this motion is out of order as the agenda itself should be adopted first. This was confirmed by Attorney Baker.

Attorney Heizer suggested having Mr. Furgess make his motion then proceed to approve the amended motion as amended or as written.

2. **ADOPTION OF AGENDA**

Amended Motion:

Mr. Furgess made a motion seconded by Dr. Morris to move Item 10A to right after Number 5 on the agenda.

Aye: Leaks\*, Huggins\*, Furgess\*, Gleaton\*, Howard\*, Morris\*

Nay: Anderson\*, Dickerson\*, Mood\*, Smith\*, Terracio\*

Absent: None

Motion passed.

Ms. Mood asked if they could move Item 10A to after Item 6 on the agenda so that the public can be heard first as a courtesy to those who may want to speak.

Ms. Terracio expressed frustration due to the lack of decorum.

Motion:

A motion was made by Mr. Anderson and seconded by Ms. Dickerson to accept the motion as written.

Attorney Heizer mentioned that the wording in Mr. Anderson's motion stated, "as written." It was clarified that the motion passed, and Mr. Anderson modified his motion to say "as amended" instead of "as written".

Motion:



A motion was made by Mr. Anderson and seconded by Dr. Morris to approve agenda as amended.

Ms. Dickerson withdrew her second on the previous mentioned motion above.

Yay: Anderson\*, Leaks\*, Huggins\*, Furgess\*, Gleaton\*, Howard\*, Mood\*, Morris\*, Smith\*

Nay: Dickerson\*, Terracio\*

Absent: None

Motion passed.

**3. MIDLANDS TRANSIT RIDERS ASSOCIATION UPDATE**

No representation

**4. CALL TO THE PUBLIC**

A. INDIVIDUALS WISHING TO ADDRESS THE BOARD MUST SIGN UP PRIOR TO THE CALL TO ORDER.

B. COMMENT TIME LIMIT - TWO (2) MINUTES PER PERSON

None

**5. PRESENTATIONS OF EMPLOYEE OF THE MONTH**

No report provided prior to the meeting. This was moved to the next meeting.

**6. OTHER DISCUSSION AND ACTION ITEMS**

10. A. ACCEPT ATTORNEY GENERAL OPINION (item moved per motion)

Col. Leaks suggested making a motion to adopt the Attorney General's opinion.

Motion:

A motion was made by Mr. Furgess and seconded by Dr. Morris to move that we the COMET Board accept the Attorney General's Opinion as rendered to the COMET on September 8, 2020 and respond accordingly. In this case, responding accordingly includes our Legal Team informing all concerned municipalities that they are not MEMBERS of the Central Midlands Regional Transit Authority, but might apply to become a member by following the procedures and intent as outlined in SC Code Section 58-25-10 thru 58-25-100, and with subsequences approval by the COMET Board of Directors.

Mr. Anderson requested the page numbers corresponding to the motion and asked Attorney Heizer to summarize the topic.

Attorney Heizer explained that the opinion dated September 8, 2020 is in response to the questions submitted on behalf of the Authority. She further explained that the Attorney General's office made reference to an opinion dated January 6, 2014. She added that the January 6, 2014 opinion stated to become a member of the Authority,



a municipality must have a population of five thousand (5000) or more persons. She explained that concept is mentioned again in the most recent opinion and also in a footnote.

Attorney Heizer referred to the memo and explained that she respectfully disagrees with that analysis. She stated that she and Attorney Baker have reviewed the legislation and are confident that when the original legislation was adopted, the word "cities" appeared. She continued that the word "cities" can be defined as municipalities with 5000 or more persons.

1997 language was amended to replace the word "cities" with "municipalities." She further stated that municipality is defined as counties within the unincorporated areas of the service area of the authority. The municipality is defined as an incorporated city or town within the service area. She continued to state that she believes this was intended to allow incorporated towns with a population of less than five thousand (5000) to become members of an authority.

Attorney Heizer informed the Board of a call from the Attorney who drafted this opinion. He explained they have revisited the language and tracked the legislative history as we defined it, and they are going to revise their opinion. She verified that going forward the Attorney General will not opine that of an incorporated municipality as having a population of five thousand (5000) persons to become a member.

Attorney Heizer explained that she and Attorney Baker intend to give the best legal advice as possible. She did state the uncertainty of the receipt of something in writing.

After Point of Order and debate over discussion time before the vote of the motion, Representative Howard Called the Question and it was seconded by Dr. Morris. Mr. Green requested a point of parliamentary inquiry. Mr. Green wanted clarity of the number of votes, 2/3 majority in order to pass the Call the Question.

Attorney Heizer explained that when a motion for the previous question is made, it closes the debate but 2/3's vote or unanimous consent is required to end the debate. The motion itself is not debatable.

Attorney Baker confirmed that the vote on the floor is to the Call the Question.

Voice vote:

Leaks - Nay

Huggins - Aye

Anderson - Nay

Dickerson - Nay



Furgess - Aye  
Gleaton - Aye  
Howard - Aye  
Mood - Nay  
Morris - Aye  
Smith - Nay  
Terracio - Nay

It was determined that it was not a 2/3's vote.

Mr. Anderson asked Attorney Heizer to explain the Attorney General response regarding municipalities and does it impact their status on Advisory Board. Attorney Heizer did not respond as Col. Leaks told Mr. Anderson that he is Out of Order.

Discussion ensued regarding the political subdivisions, service areas and the application process.

Debate continued regarding the number of votes.

Representative Howard made a motion to adjourn.

**Motion:**

**Motion:**

A motion was made by Representative Howard and seconded by Mr. Furgess to adjourn.

Voice vote:

Leaks - Nay  
Huggins - Aye  
Anderson - Nay  
Dickerson - Nay  
Furgess - Aye  
Gleaton - Aye  
Howard - Aye  
Mood - Nay  
Morris - Aye  
Smith - Nay  
Terracio - Nay  
Motion failed.

After further discussion, Col. Leaks changed his vote from not adjourning to adjourn.

Attorney Heizer suggested to table 10A.



Ms. Mood made a motion to table Item 10A. Dr. Morris suggested adjourning.

Debate continued regarding the change of votes, adjournment and respect.

7. **ADJOURN**


Col. Leaks adjourned the meeting.

*The meeting adjourned at 12:50 P.M.*

CENTRAL MIDLANDS REGIONAL TRANSIT AUTHORITY

Adopted this Oct., 2020

Prepared by:

  
Paige Jernigan, Administrative & Customer Service Specialist

Approved by:

  
Allison Terracio, Secretary

