



Birmingham-Jefferson County Transit Authority  
1735 Morris Avenue · Post Office Box 10212 · Birmingham, Alabama 35202-0212  
Phone (205) 521-0161 · Fax (205) 252-7633 · www.bjcta.org

**CORRECTED – PLEASE DESTROY ALL VERSIONS PRIOR TO 01/26/2011**  
**BOARD MEETING MINUTES**  
Wednesday, January 26, 2011

**Opening:** The meeting was called to order by Chairman Brian Hamilton, at 12:00 p.m. in the Public Meeting Room, located at Central Station, 1735 Morris Avenue, Birmingham, Alabama 35203.

**Members Present:** Joyce Brooks, Brian Hamilton, Frank C. Galloway, Jr., Walter Jones, Johnnye P. Lassiter, Ronald Lyas, Doris Powell, Guin Robinson, and Rev. Patrick Sellers

**Members Absent:** None

**Others Present:** ABC 33/40, Debra Anderson-Burse, Peter Behrman, Christopher Bolling, Anna Brown, Aaron Dettling, Bingham Edwards, Butch Ferrell, Jacquese Gary, Barbara Lawson, Chris Leffert, Dr. Jesse Lewis, Richard Nardecchia, Kevin Owens, Wytangy Peak, Charles Ridley, David Russell, Jeff White, and Solomon Wilson.

A moment of silence was observed.

Joyce Brooks led the assembly in the recitation of the **Pledge of Allegiance**.

**Adoption of the Agenda:** The agenda was adopted by general consent, with an amendment to add Resolution No. 2011-15 and also change the order of items.

**Adoption of the Minutes:** The minutes were adopted by general consent with the following two corrections to the Board minutes: 1) The times quoted in the minutes should be reconciled; and 2) Page 5, line 5, Old Business: should read “that business such as”

**Chairman’s Report:**

Brian Hamilton thanked Joyce Brooks and Executive Director Peter Behrman for representing the BJCTA at the MLK Unity Breakfast, thanked Guin Robinson and Chief Financial Officer Richard Nardecchia for attending the Transit Summit meeting, and thanked The Lewis Group and Mr. Behrman for coordinating outreach efforts.

Ms. Lassiter commented that any seats not being used by board members at the public events should be used by staff or TAC representatives.

## Committee Reports –

### A. Program Development Committee:

#### Update on ADA Compliance – Eastern Health Clinic:

Doris Powell advised that State Senator Linda Coleman secured right of way infrastructure funding for the Eastern Health Clinic through the Jefferson County Department of Health, with the City of Birmingham doing the labor. The BJCTA is prepared for route service and bus shelter installation once the pad is installed.

#### Intermodal Facility:

Ms. Powell stated in reviewing the 2002 Intermodal Phase II Design Charette, she noted that the only remaining BJCTA participant/employee is Ms. Burse. Further, there were no advocate(s) participating in the Charette, especially on the passenger waiting areas, both inside and outside. In her role as neighborhood president, Ms. Powell requested that a transit advocate attend the public hearing on the design of the waiting areas. Mr. Copling had asked that a Birmingham police substation be included. Prior to Executive Director David Hill's departure, Mr. Hill, Chief Roper, and Captain Moody met at Central Station to discuss allocating space for the Birmingham Police Department. This was not discussed with PEP, but a discussion among above parties. She noted that the City of Birmingham PEP is unaware of these reported discussions and will discuss with Chief Roper.

Mr. Hamilton replied that the BJCTA has a role as one of the primary tenants to be a part of the programming process. Mr. Behrman will be bringing back a strategy to make sure that our interests are incorporated in the design. Mr. Ferrell had also sent a letter to the editors about things that should be included in the design. Ms. Powell reiterated that her position is that of an advocate and not necessarily on the technical skills portion of the design.

#### Transit Advisory Committee (TAC):

Letters were sent to the municipalities regarding appointments to the Transit Advisory Committee.

- B. **Human Relations Committee:** The Committee met on January 18, 2011 and discussed the reorganization plan, the procedures for hiring the director of maintenance, and the evaluation of the executive director. Mr. Robinson has agreed to spearhead the effort to gather the necessary information to move the process along for evaluating the executive director.

Mr. Robinson made a recommendation that the current board chairman become the representative to serve on the Pension Plan Committee and the representative should rotate each year as the new board chairman takes office. The motion was properly moved, seconded and approved by general consent. Mr. Robinson stated that it will benefit the board for different members to have experience on the Pension Plan Committee. He expressed concern and drew attention to the report provided

by Mr. Behrman and commented that progress has been made, but there is more work to be done.

- C. **Finance Committee:** Mr. Galloway asked if all the municipalities with past due accounts had received all their notices to which they are entitled toward terminating service. Mr. Behrman replied in the affirmative and the next step would be holding public hearings. Mr. Behrman agreed to let the board know if the 30 day waiting period is from the date sent or date received, per policy. The only city with no response to any notices is Brighton. One city sent a letter agreeing to make payment in February, which was included in the packet. Lipscomb submitted a small payment amount. Ms. Powell referenced documentation dating back to 2002 and recommended that the BJCTA give its 30 days of notice of intent. Ms. Lassiter said several years ago there were three cities that had not paid for services and requested to know their status. Mr. Hamilton asked Mr. Nardecchia and Mr. Behrman to research documents to be sure that policy is being applied fair and across the board.

Legal Counsel agreed to let the BJCTA know if the payment from Lipscomb will cause the process to start over for that municipality.

Mr. Behrman is to let the board know how many memoranda of understanding have been returned from the participating municipalities.

## **Executive Director's Report -**

### Outreach Program:

Mr. Behrman referred to page 15 in the board packet and reported that he and Dr. Jesse Lewis of The Lewis Group had drafted an outreach program. He asked for feedback from the Board. Ms. Powell suggested that 1): a TAC member and RPC staff member serve on the committee, 2): meetings should take place quarterly or semi-annually instead of annually, 3): attend council meetings more often with a TAC member; and 4): she is not aware of an annual luncheon held by the Neighborhood Associations. Mr. Behrman said that he would be happy to take her advice into consideration and see how the program could be modified.

There was no BJCTA representation at the recent annual meeting of the Regional Planning Commission or at the Kiwanis meeting for the mayor's address. Mr. Hamilton instructed that comments given should be taken into consideration for improving public relations.

### Snow Day:

Mr. Behrman thanked the staff for working on the recent snow day. The BJCTA was the only public transportation service operating.

### Ribbon Cutting Ceremony:

Mr. Behrman announced that the BJCTA would be holding its ribbon cutting ceremony for the paratransit vehicles on Thursday, January 27, 2011, at 11:00 a.m.

Financial Report:

Chief Financial Officer Richard Nardecchia, reported that as of December 31, 2010, assets were \$35,848,327.15 while total liabilities were \$7,887,235.00. The Income Statement details year to date revenues of \$12,918,876.41 and expenses of \$7,347,044.33 resulting in a difference of \$5,571,832.08. The total cash and cash equivalents were \$6,748,318.97 of which \$4,958,244.29 was the balance in the operating and money market accounts. Total overall variance with the budget is a positive \$1,029,819.11.

In response to Mr. Hamilton, Mr. Behrman commented that sending the buses to rehab was put on hold until the BJCTA knew where they stood with the budget cuts. Some of the issues presented were the age of the vehicles and the worth of sending them to rehab. If the buses cannot be replaced with new vehicles, then rehab will be a consideration. There are funds budgeted for some rehab and, as part of the maintenance program, the BJCTA would be reimbursed for the expenditures.

In response to Mr. Robinson, Mr. Behrman directed the Board's attention to page 75 and answered that the pullouts are indeed better but runs are down when the supervisors check adherence to the schedules.

Ms. Powell reported that she had not received a response on her request regarding Route #6. Mr. Behrman agreed to follow-up on this matter. She also commented that the BJCTA needs to go after grants and utilize resources available. Mr. Hamilton instructed that staff provide a comprehensive report regarding grant activities.

Two meetings have taken place with ClasTran and KidsOne but everything is preliminary at this time. Information will be provided at a later date through Committee.

**Resolutions for Consideration and Approval:**

**A. Resolution No. 2011-10:** Authorization for the Executive Director to Execute a Contract with Banks, Finley, White & Co. to Conduct an Independent Audit was moved by Ms. Powell, seconded by Rev. Patrick Sellers and approved by general consent.

Mr. Hamilton recognized Mr. Jeff White of the firm banks, Finley, White & Co., and welcomed him to the meeting.

**B. Resolution No. 2011-12:** Authorization to Amend Resolution No. 2010-24, the Award of Contract to Transit Resource Center to Provide Inspection Services for BCTA's Fixed Route Buses to include additional payment of \$3,480 was moved by Ms. Lassiter, seconded by Ms. Powell, and approved by general consent.

**C. Resolution No. 2011-13:** Authorization to Renew Health and Dental Insurance Coverage with Blue Cross Blue Shield of

Alabama Related to the Collective Bargaining Unit was moved by Mr. Robinson, seconded by Ms. Lassiter, and approved by general consent.

- D. **Resolution No. 2011-15:** Resolution Authorizing the Executive Director to Execute Separation Agreement and Release with William C. Copling was moved by Joyce Brooks, seconded by Ms. Lassiter, and approved by general consent. Mr. Lys abstained from voting and Rev. Sellers voted no.

*Discussion:* At 12:12 p.m., Rev. Sellers moved for the Board to recess for ten minutes so that Director Galloway could review the separation agreement, seconded by Ms. Powell and approved by general consent. The meeting reconvened at 12:22 p.m., with all members present.

Mr. Galloway commented that the BJCTA had a provision about returning company property, even though the BJCTA vehicle was not noted in this agreement. He requested that the provision of "heirs and personal representatives" be added to paragraph 10, page 5. Legal Counsel Aaron Dettling confirmed that there was a form to be signed that would acknowledge the receipt date of the agreement and another standard form to be signed in regards to exercising the right to revoke the agreement. He also confirmed that the resignation, which has been accepted, and the severance agreement are separate issues and he then referred to three recitals in the agreement to that effect.

Mr. Behrman confirmed that the resignation had been accepted, there would be an exit interview held with Director of Administration and Risk Management Debra Burse, and company property would be collected.

Legal counsel confirmed that they were consulted on the process.

**Old/New Business:**

Mr. Jones mentioned a request from a constituent to add a bench to route 39 in Homewood, specifically on 18<sup>th</sup> Street. Mr. Behrman agreed to speak with Facilities Manager L.A. Moss regarding the request.

Mr. Robinson referred to the APTA peer review and commented that the BJCTA has accomplished some of the items. He would like to see the peer review go to the next step. Mr. Hamilton charged the Program Development Committee to look at the roles, responsibilities, and targeted dates of accountability.

Mr. Robinson also respectfully requested that the attorneys and the Program Development Committee look at TAC and what procedures can take place. Mr. Hamilton agreed and asked that the item be added to the Committee.

Ms. Lassiter referred to the contracts listed on page 51 and inquired of the tire lease agreement. Grants and Revenues Officer Chris Leffert replied that staff would like to

recommend the renewal option and have maybe ninety (90) days to gather data. Mr. Hamilton instructed staff to address contract management.

**Public Comments:**

- A. Butch Ferrell, bus rider, expressed concerns of riders not being included in the upcoming Transit Summit activities. He requested that the Board let Councilor Kim Rafferty know that the riders are on the same page with the efforts.
- B. Anna Brown, transit dependent rider, commented on the public perception of the Authority and how she would like to see more of the Transit Authority personnel gathered in public places, in accordance to some of Ms. Powell's earlier remarks. She asked the Board to consider looking at using the media to educate the public on what is going on with the Authority, rather than hearing views from others. Ms. Brown also commented that there has been improvement in the Customer Service area.

The **Meeting Adjourned** at 1:26 p.m. The next **Regular Meeting of the Board of Directors** will be held **Wednesday, February 23, 2011 at 12:00 PM** at Central Station, 1735 Morris Avenue, Birmingham, AL.

Minutes submitted by: Barbara Lawson, Administrative Assistant

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
Brian Hamilton, Chairman

Attest: \_\_\_\_\_  
Frank C. Galloway, Jr., Secretary/Treasurer