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Birmingham-Jefferson County Transit Authority  
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## **BOARD MEETING MINUTES**

Wednesday, October 25, 2006

**Opening:** The Regular Meeting of the Board of Directors of the Birmingham-Jefferson County Transit Authority was called to order by the Chairman, Guin Robinson, in the Public Meeting Room, located at Central Station, 1735 Morris Avenue, Birmingham, AL 35203 on October 25, 2006 at 12:20 p.m.

**Members Present:** Brian Hamilton, Walter Jones, Robert Kelly, Johnnye P. Lassiter, Ronald Lyas, Doris Powell, Guin Robinson and Rev. Patrick Sellers.

**Members Absent:** Hugo Isom

**Others Present:** David C. Hill, Richard Nardecchia, Julie McMillan, Sharon Sneed, Kenneth Simon, Mike Vercher, Joseph Bryant, Debra Anderson-Burse, Chris Leffert, L. A. Moss, Harry Brown, Dr. Jessie Lewis, Collina Washington, Ruth Wright, Chianti Cleggett, Judy Gordon, Willie Petty, Kevin Owens, Gilbert Klein, Officer Christopher Bolling and LaChaune Slater.

Mr. Robinson asked the assembly to observe a moment of silence.

Mr. Hamilton led the assembly in the recitation of the **Pledge of Allegiance**.

Mr. Robinson, on behalf of the Board, welcomed the new Board Support staff person, LaChaune Slater.

**Public Comment:** None

**Adoption of the Agenda:** The agenda was adopted as presented by general consent.

**Adoption of the Minutes:** The following minutes were approved with the following corrections:

- Committee of the Whole – September 19, 2006
- Finance Committee – September 19, 2006
- Program Development – September 19, 2006
- Human Relations Committee – September 19, 2006
- Regular Meeting of the Board of Directors – September 29, 2006

- Page 14--Ms. Powell asked the TAC Chairman, Mr. James Clark, if the By-Laws had been approved by Legal Council or the City of Birmingham and Jefferson County.
- Page 16—Nominating Committee Report—Mr. Hamilton gave the nominating report.

Ms. Lassiter asked if the minutes from the Committee of the Whole Meeting held on October 13 were to be included with current minutes. Ms. Washington explained that the minutes from all October meetings would be included for the Regular Board Meeting to be held November 22. Mr. Kelly expressed that he would love to see the up-to-date minutes when at the Regular Meeting of the Board of Directors. Mr. Robinson asked Ms. Slater if that would be possible. She assured Mr. Robinson that up-to-date monthly minutes will be available for approval at the Regular Board Meetings.

### **Committee Reports**

**Finance:** Ms. Lassiter reported that the Finance Committee did not have a quorum of its members and therefore did not meet. Ms. Lassiter's son had emergency surgery on the morning of October 13.

**Program Development:** Mr. Jones stated that the Committee had no formal report. No resolutions were on the agenda for the Committee's consideration.

**Human Relations Committee:** Mr. Hamilton reported that the Human Relations Committee met on Wednesday, October 18, 2006. The Committee addressed two issues. First for discussion was the procedure for notifying and adding key personnel to the MAX family. This procedure presents another layer of checks and balances that address concerns from Ms. Powell and Ms. Lassiter at the Committee of the Whole Meeting held on October 13. The second item was the Strategic Plan for the Human Relations Committee. Committee members are evaluating outlined information regarding customer service, world class safety and world class professional development. Additional comments are forthcoming. No resolutions were on the agenda for the Committee's consideration.

**Chairman's Report** – Mr. Robinson announced the following committee appointments for Fiscal Year 2007:

#### **HUMAN RELATIONS COMMITTEE**

Brian Hamilton, Chairman  
Rev. Patrick Sellers  
Ronald Lyas

#### **PROGRAM DEVELOPMENT**

Walter Jones, Chairman  
Doris Powell  
Guin Robinson

#### **FINANCE**

Johnnye Lassiter, Chairman  
Hugo Isom  
Robert Kelly

#### **LIAISON TO TAC**

Doris Powell

The chairman also urged members of the Board of Directors to be present at all area transit related meetings. Mr. Robinson then yielded the floor to comments from the Transit Town Hall Meeting hosted by Congressman Artur Davis held on October 12, 2006.

**Ronald Lyas** — Mr. Lyas stated that there was good representation from BJCTA. At the meeting, Mr. Lyas thanked Congressman Davis for addressing the subject of Transit. While the discussion panel provided general information, Mr. Lyas' personal observation was that there should have been transit-specific information for this particular metropolitan area; and a transit professional should have been part of the discussion panel. He also noted that it was a great meeting that brought together those who would not normally discuss transit.

**Doris Powell** — Ms. Powell reported that this was an initial Town Hall meeting. The scope was to share peer cities. There was no specific project selected for this area; therefore, no entity was slighted during this meeting. This was just an overview and more specifics will be discussed during future meetings. She also asked that it is kept in mind that the finalizations for the Transit Development Program have not been advanced to the Metropolitan Planning Organization.

**David Hill** – Mr. Hill noted that a panelist from Charlotte, NC shared examples of ongoing projects. Charlotte has implemented a one cent sales tax specifically for transit that provides one-fourth of their total funding. Secondly, Charlotte's transit system is also funded through state resources. Congressman Davis explained during the meeting that Alabama's Constitution prohibits state funding for transit. Mr. Hill also explained that funding alternatives can be explored after it is determined what type of transit system is desired.

Mr. Robinson asked Ms. Powell what are the timetables for working with the finalizations for the TDP. Ms. Powell stated that we are ready to move ahead with the ITP. She will get back with Mr. Robinson with an exact timetable. She stated that it is not a comprehensive, workable project at this time.

Mr. Jones commented that he appreciates that Senator Waggoner is hosting meetings. This further emphasizes the necessity of implementing state funding.

Ms. Powell also added that once unity is shown among the Board, government officials will then support the agency's efforts.

## **Executive Director's Report**

**1. Funding Partners** – The Executive Director is continuing to meet with municipalities.

- a. Hoover – Mayor Petelos meeting with City Council. A decision will be made on Nov 6. Funding has already been approved in the Budget, but no official

approval has come from the Hoover City Council. Mayor Petelos is very optimistic.

- b. Fairfield -- In contact with Mayor Johnson, but delayed because of recent incident involving Fairfield Police Officer Mary Smith.
  - c. Lipscomb – Currently, there is no update. There has been attempted contact and staff will continue with follow-up. Ms. Lassiter stated that the new mayor of Lipscomb is Simon Speights and asked that the change is noted for future correspondence. She also volunteered to speak with Mayor Speights. The Executive Director welcomed and appreciated Ms. Lassiter's assistance.
  - d. Ms. Powell suggests that a Board Member should be present during any meeting between Executive Director and a municipality. Ms. Lassiter added that the Board Member should have prior knowledge of the meeting, even if he/she is unable to attend.
  - e. Jefferson County — The Executive Director has contacted the Chairman, Commissioner Langford and does not want to overstep any pending action. Mr. Lyas suggests that the Authority waits until after upcoming elections before proceeding with further contact. Ms. Powell suggested that Chairman Robinson meets with Chairman Langford at a time he deems politically correct. This would be an attempt to heal wounds and bring cohesion. Mr. Robinson agreed to contact Chairman Langford.
2. **Bus Stops and Shelters** – 1439 remain out of 1680. Survey work has been completed for the bus shelters in Vestavia Hills. Arlington Engineering has begun Drafting for the areas where surveys have been completed.

Mr. Robinson inquired of Mr. Hill the timetable for completion? Mr. Hill explained that the drafting should be completed within one week. However, it must be approved by LDOT. Staff is ready to proceed upon approval of LDOT.

The Birmingham City Council approved the funding for the Fountain Heights bus shelters. The process for permits should not be as difficult as Vestavia Hills.

Ms. Powell stated that the issue is the time table of installation. Three months are estimated, and shelters should be in place no later than February. This is a project the City of Birmingham will monitor closely.

Mr. Hamilton asked if time frame is controlled by MAX. Mr. Hill explained that there are numerous factors that may affect the actual completion of the project. He encouraged the Board to leave room for error. The Executive Director assures continuous updates.

Ms. Lassiter inquired if Paul Williams is still the Project Manager. The Executive Director affirmed that Paul Williams is still the Project Manager. She also asked how many are left. To which Mr. Hill replied that there are currently four (4) remaining to complete in Vestavia. There are also 192 Bus Stop signs left to complete.

Ms. Lassiter explained that a rider contacted her. When she returned his phone call, the rider commented that there is no bus stop sign in Bessemer. He stated that he was told that he would not be allowed to speak if he wasn't at the Board Meeting at a certain time. By way of Ms. Lassiter, the rider challenged the Board of Directors regarding the Open Meetings Act. He stated that he was present at a meeting when the Board was meeting "in the back". He will forward Ms. Lassiter a letter which she will forward to the Board upon receipt. The Executive Director will contact rider and inspect the bus stop sign issues.

Ms. Powell asked Mr. Hill if the bids for the bus shelters were based upon the lowest price. She also asked if the City of Birmingham would be reimbursed if the price was lower than the funding amount provided by the City. Mr. Hill replied yes.

3. **Budget Saving Initiative**—BJCTA will resume Paratransit trips currently operated by ClasTran. Actual savings will be submitted to Finance Committee.

The Final draft for CTDTP is not yet completed. Updates are forthcoming.

Marketing Report – Dr. Jessie Lewis provided the following report:

1. The Newsletter has been completed.
2. BJCTA will sponsor a Trolley will be in Magic City Classic Parade on Saturday, October 28.
3. Park and Ride, sponsored by the City of Birmingham, will be available for transport to the Magic City Classic at Legion Field.
  - a. Ms. Lassiter asked if there is a printed schedule of the Park and Ride route? Dr. Lewis explained that all schedules and routes will be announced through Cox Radio and will also promote BJCTA. Advertisements will begin on Friday, October 27 and will be posted at local hotels.

Mr. Robinson requested that schedules of the Park and Ride are disseminated to the Board Members.

Financial Report – Mr. Richard Nardecchia reported that the fiscal year ended September 30, 2006. As of the September 30, 2006 Balance Sheet, assets were \$29,820,316.53 while total liabilities were \$6,109,030.96. The Income Statement for the twelve months ending September 30, 2006, details year-to-date revenues of \$22,007,998.56 and expenses of \$24,841,884.92, resulting in a negative difference of \$(2,833,886.36). The total unencumbered cash balance at September 30, 2006 was \$457,383.31, leaving us short of our 3 month reserve requirement by

\$6,243,858.17. The total long term debt was \$2,460,236.60. The Actual versus Budget variances are \$3,172,115.56 for Revenues and (\$2,858,720.92) for Expenses. That results in an overall positive variance of \$313,394.64.

Negative variances are largely due to the continued fuel, repair parts, repair costs and retirement expenses. For the year, we exceeded the budgeted fuel costs by \$744,368.00.

The Status Report regarding the Audit Findings has been updated since publication of packet.

The largest problem is still with cash and timing. Even though variance is positive, a late payment may result in a deficit. Additional reserves and other preventive measures are being investigated.

Ms. Powell asked how we continue to add staff if we're at a deficit. Mr. Nardecchia stated that the added staff has been needed for necessary operation. Even though every dollar counts, financial issues are not based upon additional staff but with bus operations like fuel costs and maintenance.

Ms. Powell also asked how the maintenance schedule fell so far behind and does this explain the numerous breakdowns. The Executive Director answered that preventive maintenance has not been done at all in previous years. Auditors reviewed information on Fleet Net and noted that information was not for the entire fiscal year. Because Fleet Net was implemented during the fiscal year and not at the beginning, some records have been kept by hard copy only and not computerized. Records are available for full year; however, they have not been entered into the system.

Ms. Lassiter asked if Mr. Hill is familiar with the APTA program that provides maintenance at cost. Mr. Hill was not familiar with that program and Ms. Lassiter volunteered to forward information to the Executive Director. She also stated that the Board should consider this a serious concern because there are too many buses impaired. The Executive Director will investigate procedures for performing a maintenance audit and will report at next month's committee meeting.

Rev. Sellers stated that he believes that APTA provides that service and the Authority would only have to pay the housing cost.

Hamilton comments that the Board is on the same page. Currently, the Human Relations Committee is discussing the same concerns within the strategic development plan.

Mr. Jones added that maintenance will continue to be a higher percentage of the budget based on our fleet. The situation will worsen if we don't get the funding from

Jefferson County that will provide new buses. Ms. Lassiter added that they, too, must be maintained.

### **Resolutions for Consideration and Approval: None**

**Transit Advisory Committee:** Ms. Powell reported that Debra Anderson-Burse will continue as Staff Liaison to the Board of Directors TAC Liaison. Ms. Anderson-Burse shall report to Ms. Powell who will then relay information to the Program Development Committee. The Committee will then report to the Board of Directors. There are two pending items of concern. The first item is the TAC By-Laws. The TAC By-Laws must be reviewed by legal counsel and then forwarded to the Program Development Committee, the Board of Directors, the City of Birmingham and the Jefferson County Commission. The second concern is the website that is entitled Birmingham TAC. Ms. Powell has asked Ms. Anderson-Burse to notify the chairman of the TAC that they are to cease immediately. The TAC operates under BJCTA and is not an independent organization. The name of the website should be inclusive of all municipalities within the service area.

Mr. Robinson inquired of Attorney Simon the progress of by-laws. Attorney Simon recommends that the By-Laws are professionally revised. A list of concerns has been created and he advised that the list is addressed to Program Development Committee. Mr. Robinson recognized the partnership between BJCTA and TAC and emphasized the urgency of completing the by-laws.

Attorney Simon asked the Chairman if he desires legal counsel to work with the Program Development Committee. Mr. Robinson referred the question to the Committee Chair. Mr. Jones then suggested that legal counsel works independently and reports to Program Development Committee.

Ms. Powell added that she has been asked to make a presentation to the City of Birmingham Transportation Committee on November 21. A future presentation to the Committee of the Whole is possible.

It was motioned by Hamilton and seconded by Sellers to suspend the rules in order to allow Public Comment on the TAC By-Laws from Judy Gordon.

Ms. Gordon stated that TAC member, Geraldine Jackson, does not fully understand the TAC By-Laws and requests that they be clarified formally.

Attorney Simon will provide clarification on all legal parameters regarding the By-Laws.

Mr. Robinson asked Ms. Slater to read the Public Comment Policy so that the public is fully aware of procedure.

Ms. Ruth Wright inquired about the procedure of submitting written public comment. Currently, there is no procedure that allows written public comment.

Mr. Robinson then allowed those who desired to make Public Comment for this time only. In the future, the Public Comment Policy will be strictly enforced.

Mr. John Wright, Jr. announced that a group a transit rider and non-rider advocates will be meeting in the Public Meeting Room, located at Central Station, 1735 Morris Avenue, Birmingham, AL 35203 on October 26, 2006 at 6:00 p.m.

**Old Business** – Willie Petty commented that Public should be moved toward end of meetings. He also stated that there is a \$5.00 fee for Park and Ride provided for the Magic City Classic. The program's fee does not provide an incentive since potential riders can drive to Legion Field and pay the same for parking.

Robinson asked Program Development Committee to discuss changes to Agenda reflecting the move of Public Comment.

Gilbert Klein, a trained automotive technician and daily transit rider, commented that buses should help reduce air pollutants. He noticed that bus #014 emitted more PM2.5 pollutants than 100 diesel trucks. The MPO has funding available through the Metropolitan Building Communities Program. This grant funding is specifically geared towards helping to alleviate air pollution. He asked the Board to support efforts to help reduce air pollution from buses similar to #014.

Mr. Robinson asked if this was a matter that should be forwarded to one of the Committees. Mr. Hill explained that it was a maintenance issue and is usually resolved quickly.

### **Announcements**

Ms. Powell stated that she, along with Ms. Lassiter and Rev. Sellers, will be attending the Rail-Volution Conference in Chicago November 4 through November 9. A report to the Board is forthcoming.

Mr. Hamilton asked staff to converse with Mr. Klein about MPO funding.

Mr. Jones and his wife are expecting their third child on Friday, October 27.

Mr. Robinson again apologized for not attending Town Hall meeting. He is pursuing a graduate degree and was attending his last class.

Rev. Sellers inquired if someone specifically researches alternative funding sources and if all awarded grants require a local match. Ms. Powell explained the there are now competitive bases for funding. She will share further information with Rev. Sellers. The Executive Director further explained that Chris Leffort looks over all grants. Mr. Hill

explained that unfortunately, there are no grants that provide full funding with no local match. Mr. Hamilton requested list of possible competitors for funding. Ms. Powell will present all information to the Program Development Committee, so that the entire Board will be educated on the new FTA process. Mr. Robinson added that this would be a good time to explore Mr. Klein's suggestion.

Mr. Lyas announces that the Magic City chapter of COMTO will host a reception at Central Station on November 9 at 5:30 p.m. Ms. Julie Cunningham, National President of COMTO, will be the featured speaker. The public is invited to attend.

Rev. Sellers stated that there was a discussion regarding Open Meetings Act. There were still some specifics that are unclear to him. Mr. Robinson noted that there have been changes to the Alabama Sunshine Law and Legal Counsel presented the information during the Committee of the Whole Meeting held on October 13.

Attorney Simon addressed the Board of Directors regarding the Open Meetings Act as amended in 2005 and the need to publicize all meetings that may possibly assemble a quorum.

**New Business** – None

**Meeting Adjourned** at 1:23 p.m. The next **Regular Meeting of the Board of Directors** will be held **Wednesday, November 22, 2006, 12:00 p.m.** at Central Station, 1735 Morris Avenue, Birmingham, AL.