

BOARD OF TRUSTEES  
SOUTHWEST OHIO REGIONAL TRANSIT AUTHORITY

MINUTES OF: Regular Meeting of the SORTA Board of Trustees

DATE: Tuesday, April 21, 2015, 9:00 a.m.  
SORTA/Metro Mt. Adams Board Room  
602 Main Street  
Cincinnati, Ohio 45202

**BOARD MEMBERS**

PRESENT: Jason Dunn, Frank Bowen, Brennan Grayson, Gregg Hothem, Kreg Keesee, Ron Mosby, Jack Painter, Gwen Robinson, Karl Schultz, Daniel St. Charles, Brad Thomas

**BOARD MEMBERS**

ABSENT: Brendon Cull, Ken Reed

STAFF MEMBERS: Dwight Ferrell, Donna Adkins, Debra Behler, Butch Gaut, Paul Grether, Jennifer Haines, Darryl Haley, Tim Harrington, Sallie Hilvers, Mary Moning, Wright Parkes, John Ravasio, Mike Restle, Carlos Rowland, Frank Spataro

OTHERS: Chris Wetterich, Business Courier; Nick Sunyak, City of Cincinnati; Troy Miller, ATU Local 627

**CALL TO ORDER**

Mr. Thomas, Chair of SORTA Planning & Operations Committee, called the meeting to order.

**PLEDGE OF ALLIGANCE**

The Pledge of Allegiance was recited.

**HEARINGS FROM CITIZENS**

No citizens wanted to address the board.

**APPROVAL OF MARCH 17, 2015 REGULAR MINUTES**

Mr. Schultz made a motion that the minutes of the March 17, 2015 regular meeting be approved as previously mailed, and Mr. Hothem seconded the motion. By voice vote, the Board approved the minutes.

**COMMITTEE REPORTS**

**Planning and Operations Committee**

Mr. Thomas reported on the Planning and Operations Committee meeting held on Tuesday, April 14, 2015, and proposed the following resolution for Board approval:

**Proposed Resolution No. 2015-13: Approval of Amendment Number 2 and License Agreement with Union Township**

In July, 2004 SORTA signed a Development and License Agreement ("Agreement") with the Board of Union Township Trustees ("Township") for the use of about 200 parking spaces for a park and ride at the Union Township civic center. This facility has been served by Route 82X Eastgate Express since it was opened. SORTA staff recommends that the SORTA Board approve an amendment to the agreement to pay for the cost of certain upgrades to the pavement and electrical service at a cost not to exceed \$123,880.

By roll call vote, the Board unanimously approved Resolution No. 2015-13.

**FINANCE COMMITTEE**

Mr. Keesee reported on the Finance Committee meeting held on Thursday, April 16, 2015 and proposed the following motion to the Board for approval:

**Proposed Motion: Approval of Outside Legal Counsel**

Legal services are needed for SORTA for various matters. Staff recommends approval of the engagement letter with Dinsmore & Shohl at a blended hourly rate of \$300 per hour.

By roll call vote, the Board approved the motion.

**RIDERSHIP REPORTS FOR FEBRUARY 2015**

Mr. Conover presented the February ridership report. Graphs were presented comparing actual ridership by month to budget and prior year for fixed route, Cincinnati Public Schools student ridership, paratransit, University of Cincinnati, Cincinnati State, and Fare Deal. Mr. Conover stated that regular service for the month was under budget by 10.6%, student service was under budget by 11.2%, and total fixed route was under budget by 10.6%. Paratransit ridership was under budget by 9.6%, UC was under budget by 13.8%, and Cincinnati State was under budget by 37.5%. Year to date, total ridership was under budget by 6.9% and 2.7% lower than last year.

**OATH OF OFFICE: RON MOSBY**

Mr. Desmond administered the oath of office to new SORTA board member Ron Mosby.

**BOARD UPDATE**

Mr. Ferrell presented an overview of his first 100 days and briefly gave an update on several staff changes. Mr. Ferrell advised the Board that a Performance Management Group will be internally formed to help measure our performance related to budget and best practices on how Metro is managed overall.

**STREETCAR UPDATE**

Mr. Grether provided a Streetcar Update on the status of safety and security work, fare equipment, Title VI public meeting feedback, startup costing, and revenue forecasts. Mr. Grether also updated the Board on the Streetcar Operations & Maintenance (O&M) request for proposals process.

Mr. Painter proposed a motion to direct Mr. Desmond to provide a written or oral report to the Board to answer certain questions related to the Streetcar project, namely:

- 1) Is it an anticipatory breach of contract for the City to threaten to defund SORTA if we don't let it pick the subcontractor?
- 2) Do our procurement policies allow us to delegate our subcontractor decision to the City?
- 3) If our procurement policies do not allow that, will such a delegation violate our grant agreement with the FTA?
- 4) In any event, will such a delegation violate federal law?
- 5) Could such a delegation cause us to lose our federal funding for the Streetcar or other matters?

Mr. St. Charles seconded the motion.

By voice vote, the Board approved the Motion.

### **FINANCIAL REPORTS FOR FEBRUARY 2015**

Mr. Restle presented the February financial report. Total revenues were \$7.2 million, which is unfavorable to budget by \$264,000, or 3.6%. Total expenses were \$7.1 million, which is favorable to budget by \$308,000, or 4.1%. The end result is a net favorable variance for the month of \$43,000 and \$235,000 favorable year to date. Mr. Restle then reviewed with the committee the significant contributing factors to these variances.

### **NEW BUSINESS**

No new business to report.

### **EXECUTIVE SESSION**

Mr. Thomas made a motion that the board go into Executive Session as provided in Ohio Revised Code Section 121.22(G)(3) "concerning disputes...that are the subject of pending or imminent court action" and Mr. Schultz seconded the motion.

By roll call vote, the Board approved the motion and went into Executive Session at 10:00 a.m.

Mr. Thomas made a motion that the Board return to regular session, and Mr. Mosby seconded the motion. The Board approved the motion and returned to regular session at 10:50 a.m.

### **NEXT MEETING**

The next regular meeting of the SORTA Board of Trustees is scheduled for Tuesday, May 19, 2015, at 9:00 a.m., the SORTA/Metro Board Room, 602 Main Street, Suite 1200, Cincinnati, Ohio.

Mr. Hothem made a motion that the Board meeting adjourn, and Mr. Thomas seconded the motion. The meeting adjourned at 10:50 a.m.

APPROVED:

Jason Dunn  
Chair, SORTA Board

ATTESTED:

Dwight Ferrell  
CEO & General Manager