

PARTA
PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
BOARD OF TRUSTEES MEETING MINUTES

PARTA ADMINISTRATION BUILDING
2000 SUMMIT ROAD
KENT, OHIO 44240

February 23, 2017

Board Members Present:

Jerry Beach	Jeff Childers	Pete Kenworthy
Dominic Bellino, Vice President	Brian Gray	Frank Vitale
Rick Bissler, President	David Gynn	Karen Wise
Marge Bjerregaard	Virginia Harris	

Staff Present:

Claudia Amrhein	Frank Hairston	William Nome, Legal Counsel
Marcia Fletcher	Kelly Jurisch	Brian Trautman

Members Not Present:

Richard Brockett (excused)	R. T. Mansfield (excused)
Timothy Lissan (excused)	Jeremy Moldvay (excused)

CALL TO ORDER

President Rick Bissler welcomed everyone and called the meeting to order at 7:06 p.m. An oral roll call followed and a quorum was present.

Mr. Bissler said the minutes from the January 26, 2017, Board meeting were distributed and he entertained a motion to accept the minutes. Ms. Virginia Harris made a motion to accept the minutes as presented. Mr. David Gynn seconded the motion. **Motion to approve the minutes, as presented, passed unanimously.**

GUEST COMMUNICATIONS

None.

GENERAL MANAGER'S REPORT

Mr. Bissler said the General Manager's report was distributed, and he asked Ms. Amrhein to highlight her report.

Ms. Amrhein thanked everyone for coming and pointed out that PARTA is close to revising its plan for the CNG fueling station. As mentioned, construction costs were coming in over budget; so, the architect and engineering firm is revising the plan to include a single fueling island that would be used both by the public and by PARTA. This change would allow for the public to be able to use the station when PARTA is open, which is about 18 hours a day; so, that should not be a hindrance in any way. Finalized plans should be available shortly.

Mr. Bissler asked if there were any questions. Hearing none, he moved on to committee reports.

FACILITIES COMMITTEE REPORT

This committee did not meet.

OPERATIONS/PLANNING COMMITTEE REPORT

This committee did not meet.

FINANCE COMMITTEE REPORT

Mr. Bissler said the Finance Committee did meet this evening and he asked Mr. Bellino to comment.

Mr. Bellino said all year-end numbers were wrapped up, and all the statements from both PARTA and Kent Central Gateway were reviewed. He was happy to say that there are healthy surpluses in both PARTA (a little over \$1 million) and the Gateway (a little bit over \$100,000). He indicated those numbers would be handed out to Board members. He said an attempt was made to review the three (3) to five (5) year plan for both Kent Central Gateway and PARTA; however, there was only enough time for the Kent Central Gateway. The three (3) to five (5) year plan for PARTA will be reviewed at the next Finance Committee meeting on Tuesday, March 21. He reminded everyone that typically the Finance Committee meets the Tuesday before the Board meeting and all Board members are welcome to attend. He thanked Mr. Gynn and Mr. Vitale for attending the Finance Committee meeting tonight especially since it was a long one.

Mr. Bissler asked if there were any questions.

NOMINATIONS COMMITTEE REPORT

This committee did not meet.

PERSONNEL COMMITTEE REPORT

This committee did not meet.

PUBLIC RECORDS COMMISSION REPORT

This committee did not meet.

OLD BUSINESS

None heard.

NEW BUSINESS

Hearing no questions, Mr. Bissler moved on to New Business and Resolution 2017-02-01.

RESOLUTIONS:

#2017-02-01: A RESOLUTION BY THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) BOARD OF TRUSTEES AUTHORIZING THE GENERAL MANAGER, OR HER DESIGNEE, TO ENTER INTO A CONTRACT WITH PORTAGE LIFT INC. FOR THE PURCHASE AND INSTALLATION OF A HEAVY DUTY FOUR (4) POST PLATFORM LIFT.

Mr. Bissler entertained a motion to approve the resolution. Mr. Dominic Bellino made a motion, which was seconded by Ms. Marge Bjerregaard.

Mr. Beach asked for an explanation of this purchase.

Mr. Trautman said there is one (1) set of mobile lifts in the newly remodeled CNG bays. This purchase is for a platform lift that mounts to the floor and allows the bus to drive on instead of having to move mobile lifts around. It's a more permanent lift and is CNG compliant. It went out for bid and Portage Lift was the low bidder.

Mr. Bellino said the Finance Committee did recommend the approval of this lift purchase.

Mr. Bissler asked if there were any other questions. Hearing none, a roll call vote was taken as follows:

Frank Vitale - Yes	Pete Kenworthy - Yes	Dominic Bellino - Yes
David Gynn - Yes	Karen Wise - Yes	Jeff Childers - Yes
Virginia Harris - Yes	Jerry Beach - Yes	Rick Bissler - Yes
Marge Bjerregaard - Yes	Brian Gray - Yes	

Mr. Bissler moved on to Resolution 2017-02-02.

#2017-02-02: A RESOLUTION BY THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) BOARD OF TRUSTEES TO AMEND PARTA'S PERSONNEL POLICY BY ADDING A FIREARM POLICY FOR MOTOR VEHICLES AND A FIREARM POLICY FOR BUILDING/PREMISES.

Mr. Bissler entertained a motion to approve the resolution. Mr. Pete Kenworthy made a motion, which was seconded by Ms. Virginia Harris.

Ms. Amrhein said the State of Ohio's law has been changing recently and more changes are coming effective March 20 that expand the rights of concealed carry holders. PARTA's current policies are out of compliance as the carrying of any weapons on any public property is prohibited. That's no longer a legal stance. So, the Board needs to approve a resolution that PARTA will comply with the state law as it's currently written. This gives PARTA the ability to also amend other policies and create more procedures because drivers and staff must be trained on how to handle different situations. It varies between vehicles, buildings, and parking areas. Those details need to be sorted through and PARTA needs to comply so that if it is challenged by someone claiming that PARTA is not following the law, this procedure can be pointed to indicating PARTA has a Board approved policy and everything is being updated. That was recommended by the Ohio Transit Risk Pool legal counsel. All 10 transits in the pool are following this guidance to provide the best defense moving forward. As far as how the handgun carrying laws changed, she asked Mr. Trautman and Ms. Jurisch to summarize, as it's been a topic for the last year or so in statewide security committee meetings and they've been involved in that directly.

Mr. Trautman said the short version is that the policy must state that there are no illegal firearms allowed on buses. If it's a legally possessed firearm under the law, it is allowed on the vehicle if the individual has their CCW license. PARTA cannot prevent them from executing their constitutional rights. The policy basically says that there are no illegal firearms or illegal weapons allowed on the buses.

Ms. Wise asked if that included the drivers.

Mr. Trautman said drivers are different because they are employees. Inside the building is different. The law does provide for employees who have a CCW license to have their firearm in their locked car, which was not allowed in the prior policy. Somebody cannot be prevented from executing their constitutional right to legally possess and have a firearm in their vehicle because it's on PARTA's premises if the vehicle remains in a sanctioned parking area.

Mr. Vitale asked if the drivers can carry themselves.

Mr. Trautman said drivers cannot carry themselves; however, a passenger can carry on the bus.

Mr. Beach asked if there were procedures for questioning an individual who gets on the bus and if they could be asked to show their CCW license.

Mr. Trautman said procedures are set up that allow PARTA to follow the law. PARTA cannot inhibit someone from exercising their constitutional right to carry a firearm. If someone is legally carrying a concealed firearm, PARTA cannot detain that person. A driver cannot ask to see someone's CCW license.

Mr. Kenworthy asked how would someone know if an individual is carrying legally.

Mr. Trautman said if there is reason to suspect somebody of doing something that is illegal, the police would be called to the bus to ask the questions. If someone is carrying a weapon and it is visible, it's no longer concealed. The law applies to concealed weapons. Ohio allows for open carrying, but not in a moving vehicle. It comes to judgment as to when and where the law gets involved. If somebody is brandishing or exposing a gun on a bus, then the law will be involved.

Mr. Nome said Mr. Trautman is providing a condensed version of the law that is several pages long.

Mr. Bissler said that is why the resolution is written the way it is. The nice part is it's the insurance company that's working on this so that PARTA is not exposed to liability from an insurance standpoint.

Mr. Nome said some of these provisions are in effect now and some will become effective next month. There's also an indication there may be some people out there testing it. That's why it's important that the Board do this tonight so that PARTA does not become a test case.

Mr. Beach asked if something would be posted in the vehicles.

Mr. Trautman said originally there was a "no guns allowed" posting in the buses. It will change to "no illegal weapons permitted on the bus." A simple version of it is: If it's legal, it's legal. If it's illegal, it's illegal. That's what it comes down to. People can only be stopped from doing things that are illegal on the buses.

Mr. Kenworthy asked if drivers are being trained and said it becomes subjective if a driver decides whether it's a threat or not.

Ms. Amrhein said drivers will be trained once this becomes a policy.

Mr. Trautman said people are carrying AR-15s in Akron at their transit centers just to prove that they can do it. PARTA must guard itself against trying to stop someone who has the legal right to do something on a public vehicle. PARTA cannot prevent someone from exercising their constitutional rights.

Ms. Amrhein said the other challenge has been through public records requests.

Mr. Bissler said the chance of somebody doing a public records request for a policy is much greater than somebody getting on a bus with a concealed carry just to see what the reaction is.

Mr. Trautman said the assistant prosecuting attorney in Summit County indicated that if a legally carrying citizen is incorrectly disarmed, it's worth about \$25,000. In other words, the citizen will sue and be awarded about \$25,000. The Summit County Prosecutor is going through this with the law enforcement agency in Summit County right now.

Mr. Kenworthy clarified that the discussion isn't about disarming, it's about calling the police.

Mr. Trautman said when the police are called, they will ask to see the CCW license. If a driver has a concern, the driver will call Dispatch. Dispatch will call Mr. Trautman, and he will call the police. There are many safeguards in place on the buses to protect the drivers.

After a continued lengthy discussion on this policy, Mr. Bellino said the Finance Committee did recommend the approval of this resolution.

Mr. Bissler asked if there were any other questions. Hearing none, a roll call vote was taken as follows:

Karen Wise - Yes	Dominic Bellino - Yes	Pete Kenworthy - Yes
Virginia Harris - Yes	Marge Bjerregaard - Yes	Jeff Childers - Yes
David Gynn - Yes	Brian Gray - Yes	Rick Bissler - Yes
Frank Vitale - Yes	Jerry Beach - Yes	

Mr. Bissler said there is no reason for an executive session and he then called on Mr. Hairston.

Mr. Hairston said Friday, March 17, will be Transit Drivers Appreciation Day. It will start with McDonald's breakfast from 5 to 9 a.m. Staff will serve the drivers and Board members are invited. Pizza will be served around 11 a.m. for second shift drivers.

Mr. Bissler thanked Mr. Hairston and called on Ms. Harris.

Ms. Harris said a few seniors approached her about drivers no longer being able to help them with their groceries and water.

Mr. Trautman said there is a lady in Streetsboro (Mrs. Rodriguez) who goes to the grocery store once a week and buys her groceries, along with nine (9) gallons and one (1) case of water. Some drivers can manage that and some drivers can't. Drivers are hired with a job description limiting lifting to 25 pounds. A case of water weighs 23 pounds. He said he contacted Mrs. Rodriguez and informed her that he could not force drivers to carry 100 pounds' worth of water (9 gallons and 1 case) to her door. PARTA offers six (6) minutes for a pick up or a drop off. Hauling that much water would take an additional amount of time. He indicated that he provided Mrs. Rodriguez with his cell phone number and told her she could call him directly, he would buy all the water she wants, and he would deliver it to her house. As far as the groceries are concerned, there is a policy in place that passengers must be in control of their packages. According to the Ohio Transit Risk Pool, packages must be secured so they do not become projectile. He also indicated that drivers cannot make deliveries for passengers. In most cases, the drivers will do whatever passengers ask; however, there have been more than a few cases where the Travel Trainer was sent to someone's house to let them know that they cannot go to the Center of Hope and come out with grocery carts full of groceries and expect the driver, on a six (6) minute pick up, to unload several grocery carts in the bus using the lift. PARTA can't be everything to everybody.

Mr. Bellino said there must be some limit. If there are several people carrying multiple bags of groceries, there's a danger on the bus.

Ms. Amrhein said the other issue is that whatever space is left can be used by wheelchair passengers. If there are wheelchair passengers, the drivers' job is to safely transport people. Their job is to drive the vehicle, safely secure wheelchairs, and make sure everyone gets to their destination. PARTA provides door-to-door service where passengers are walked to and from the bus from their pick-up location. When drivers are put in a position of lifting significant amounts of weight as part of their job, then they become injured. Injury is a huge drain on time, money, insurance, and worker's compensation.

Mr. Bellino said there are services available for seniors that provide free transportation.

Mr. Bissler said he appreciated Ms. Harris bringing this up in the Board meeting, but the Board's purpose is policy and long-range planning. In the future, he suggested that Board members call Ms. Amrhein directly with any concerns that are brought to their attention. He reiterated that even though Board members are appointed by a particular authority, they don't represent that city. Board members represent PARTA.

Mr. Nome said it's not unusual for individuals to approach Board members with concerns. Board members are the public face of PARTA. He reiterated that there is a mechanism to deal with issues that doesn't require waiting until the next Board meeting.

ADJOURNMENT

Mr. Bissler asked if there were any other questions. Hearing none, he entertained a motion to adjourn.

Ms. Marge Bjerregaard made a motion to adjourn the meeting. Mr. Dominic Bellino seconded the motion. Motion to adjourn passed unanimously.

The meeting adjourned at 7:51 p.m.

Respectfully submitted,



Marcia Fletcher
Executive Assistant