

JOHNSON CITY MTPO
Minutes of the Executive Board / Executive Staff Meeting
Friday, March 17, 2017 at 10:30 a.m.
100 West Millard Street, Johnson City, TN
Johnson City Public Library, Jones Meeting Room

Executive Board Present

The Honorable Mayor Irene Wells, Town of Bluff City
Jon Hartman for the Honorable Mayor Curt Alexander, City of Elizabethton
The Honorable Mayor David Tomita, City of Johnson City, Chairman
Bob Browning for the Honorable Mayor Kelly Wolfe, Town of Jonesborough
The Honorable Mayor Johnny Lynch, Town of Unicoi
The Honorable Mayor Leon Humphrey, Carter County
The Honorable Mayor Daniel Eldridge, Washington County
Michelle Christian for the Honorable Governor Bill Haslam, State of Tennessee
John Deakins, Jr., Tennessee County Highway Officials Association

Executive Staff Present

The Honorable Mayor Irene Wells, Town of Bluff City
Jerome Kitchens, City of Elizabethton
M. Denis Peterson, City of Johnson City
Bob Browning, Town of Jonesborough
Mike Housewright, Town of Unicoi
Eldonna Janutolo, Johnson City Transit
John Deakins, Jr., Washington County Highway Department
Roger Colbaugh, Carter County Highway Department
Chris Craig, First Tennessee Development District
Michelle Christian, Tennessee Department of Transportation

Others Attending

The Honorable Jenny Brock, Vice Mayor of City of Johnson City
The Honorable Greg Lynch, Mayor of Unicoi County
Charlie Stahl, City of Johnson City
Glenn Berry, Johnson City MTPO
Mary Butler, Johnson City MTPO
Jeff Rawles, Johnson City Transit
Lisa Evans, Johnson City Transit
Bradley Osborne, Johnson City Transit
Liza Joffrion, Tennessee Department of Transportation
Mike Russell, Tennessee Department of Transportation
Trey Joiner, Tennessee Department of Transportation
Jason Cody, First Tennessee Human Resource Agency
Candace Gump, First Tennessee Human Resource Agency
Preston Elliott, RPM Transportation Consultants
Kayla Ferguson, RPM Transportation Consultants
Matthew Balogh, City of Elizabethton
Mike Potter, City of Elizabethton

Bill Albright, Kingsport MTPO
Troy Ebbert, Kingsport MTPO
Gary Taylor, Kingsport Area Transit Service
Kathy Whitaker, First Tennessee Area Agency on Aging and Disability
Stephanie Livingston, LDA Engineering
Calvin Clifton, Mattern & Craig
Joan Dauerty, Citizen
Charles "Vern" Dauerty, Citizen, VFW, Jonesborough Seniors Center
John R. White, Citizen, Jonesborough Seniors Center
Chris Sauls, Citizen, Jonesborough Seniors Center
Zach Vance, Johnson City Press
Karissa Winstead, WJHL

Summary of Motions:

- **Approved** – Minutes from November 4, 2016;
- **Approved – Resolution 2017-01** – Approved resolution to adopt the Johnson City Urbanized Area Coordinated Public Transit-Human Services Transportation Plan;
- **Approved – Resolution 2017-02** – Approved resolution to amend the Fiscal Years 2017-2018 Unified Planning Work Program (UPWP) to add additional Section 5303 funds;
- **Approved – Add Resolution 2017-03 to the agenda** – Approved to add the resolution to the agenda in support of allowing the First Tennessee Human Resource Agency’s Executive Director to apply to the Federal Transit Administration to become a direct recipient of Section 5307 Federal Transit Administration funds in the Johnson City Urbanized Area;
- **Failed – Resolution 2017-03** – Approval of the resolution failed by a 3-5 roll call vote in support of allowing the First Tennessee Human Resource Agency’s Executive Director to apply to the Federal Transit Administration to become a direct recipient of Section 5307 Federal Transit Administration funds in the Johnson City Urbanized Area;
- **Approved – Special Executive Board Meeting on March 27, 2017** – Approval of special meeting on Monday, March 27, 2017 at 11:00 a.m. to re-consider Resolution 2017-03, after public notice and review of possible solutions.

Call to Order: Meeting called to order at 10:35 a.m. by the Chairman, the Honorable Mayor David Tomita. Chairman Mayor Tomita proceeded with the invocation and recitation of the Pledge of Allegiance.

Agenda Item 1: Chairman Mayor Tomita proceeded to ask if there were any comments from the public. There were no comments from the public attending the meeting.

Agenda Item 2: The minutes from the November 4, 2016 meeting were reviewed.

Mr. Jerome Kitchens made a motion for the board to approve. The Honorable Mayor Irene Wells seconded the motion. All approved. **Motion carried.**

Agenda Item 3: Consider approval of Resolution 2017-01 to adopt the Johnson City Urbanized Area Coordinated Public Transit-Human Services Transportation Plan.

Mr. Glenn Berry introduced Preston Elliott and Kayla Ferguson of RPM Transportation Consultants. RPM is the consultant that prepared the Coordinated Plan. Mr. Elliott proceeded to show a presentation on the Coordinated Plan, describing the process. Two stakeholder meetings were held, along with stakeholder and public surveys. Mr. Kitchens asked whether the Coordinated Plan addressed NET Trans and the need for transportation throughout the urbanized area outside of Johnson City, if this covered the needs of Elizabethton and other areas and the gaps between those areas. Mr. Elliott said that it did and covered the strategies identified in the Coordinated Plan. Mr. Elliott mentioned Section 5310 could provide capital funding, as well as operating. Ms. Kayla Ferguson also said that Section 5310 could potentially provide funding for service to cover the transportation gaps in the region that was previously provided by NET Trans. Mr. Bob Browning asked if Section 5310 in the Coordinated Plan covered NET Trans and other organizations to be eligible for funding. The Jonesborough Senior Center tried to apply for Section 5310 and was not selected. Mr. Elliott responded that Section 5310 will provide funding for these types of projects. Mr. Browning wants to be sure that the state will provide smaller communities opportunities to get this funding, as it's very competitive. Mr. Elliott covered the strategies identified in the Coordinated Plan.

Mr. Berry also asked Mr. Elliott to give an update on the Long Range Transportation Plan. Ms. Ferguson passed out a handout with the schedule.

The Honorable Daniel Eldridge made a motion for the board to approve the resolution to adopt the Johnson City Urbanized Area Coordinated Public Transit – Human Services Transportation Plan. Section 5310 only allows for capital in the current year; however, the state may allow operating to be eligible in the next round. The Honorable Mayor Leon Humphrey seconded the motion. All approved. **Motion carried.**

Agenda Item 4: Consider approval of Resolution 2017-02 to amend the Fiscal Years 2017-2018 Unified Planning Work Program.

Mr. Berry proceeded to show a presentation detailing what is a Unified Planning Work Program (UPWP), the approval process and the details of the amendment. The document and amendments are on the Johnson City MTPO website. Three grant contracts have been received from the Tennessee Department of Transportation (TDOT) Multimodal Transportation Resources Division in the past couple of months. Ms. Liza Joffrion, the Director of TDOT Multimodal Transportation Resources Division, said that Multimodal has been a little behind in getting the contracts out. The new funds must be amended into

the UPWP. The Section 5303 funds can only be used for studies. It cannot be used for transit capital or operating. The funding will be used for a comprehensive operational analysis for Johnson City Transit and also to hire a consultant to assist with bus procurement.

Chairman Mayor Tomita asked how much is allocated for the consultants on these projects. Mr. Berry said we don't really know at this point but the bids are currently out and will be negotiated, with 90% of the cost provided by federal funds. Also Mr. M. Denis Peterson asked Mr. Berry to clarify the cost for hiring the consultant for assisting with bus procurement. Mr. Berry said the cost of the last consultant who assisted with bus procurement cost around \$20,000.

Mr. Browning made a motion for the board to approve the resolution to amend the Fiscal Years 2017-2018 Unified Planning Work Program for the Johnson City MTPO. Ms. Michelle Christian seconded the motion. All approved. **Motion carried.**

Following the vote, Mr. Browning asked if the comprehensive operational analysis will consider expanding the service area of Johnson City Transit into Jonesborough. Mr. Berry said that yes, the service area would be part of the analysis.

Agenda Item 5: Other Business – Discussion of public transportation funding in the Johnson City Urbanized Area.

Mr. Berry opened the discussion on public transportation funding in the Johnson City Urbanized Area. Mr. Berry gave a presentation about urbanized areas and how they are formed by the Census Bureau. Ms. Joffrion mentioned that urban clusters are still considered rural. Mr. Berry also discussed how transit funding is determined by Federal Transit Administration (FTA) using the size of the urbanized areas and passed down through several entities. The question was asked if funding could be given to other recipients and Mr. Berry said he would get to that. He explained the difference between the terms designated recipient and direct recipient. Large urbanized areas over 200,000 in population are designated recipients who get their allocations directly from FTA. The Governor of the State of Tennessee, as the designated recipient for urbanized areas under 200,000, determines the re-allocation of Section 5307 Urbanized Area Formula funds. Mr. Berry said that NET Trans receives Section 5311 Rural Area Formula funds. Mr. Berry asked Ms. Joffrion if NET Trans was a sub-recipient to the state. Ms. Joffrion said yes, NET Trans is a sub-recipient. The funding comes to the state and NET Trans has a contract through the state. FTA will audit the state for sub-recipients.

Mr. Berry showed a letter from the Governor of Tennessee, dated December 30, 2010, to the FTA authorizing the City of Johnson City as a designated recipient to receive Section 5307 funds from FTA. The City of Johnson City is also a direct recipient, which means they can apply directly to FTA for funds. Ms. Joffrion said there can be multiple direct recipients in an urbanized area. Mr. Berry described the role of the MPO in transit planning. He said that the Johnson City MTPO is not the designated recipient. The MTPO receives the transit program of projects from the designated recipient and includes those projects in the Transportation Improvement Program (TIP). Ms. Joffrion said she was aware of FTA renewing designated recipient letters. She did not know if this included all urbanized areas or only the large urbanized areas. There was a question if there was a more recent designated recipient letter. Ms. Joffrion said the apportionment is already programmed into the TIP and that is what the Governor uses for the allocation to the small urbanized areas. Mr. Browning asked if the TIP would need to be adjusted to add the additional funding. Ms. Joffrion said that it would. She used an example of Knoxville that had multiple

recipients. Mr. Berry mentioned that Knoxville Transit is using a cooperative effort to include funding for East Tennessee Human Resource Agency (ETHRA) and the Knoxville Community Action Committee (CAC).

Mr. Berry turned over the presentation to Ms. Eldonna Janutolo. Ms. Janutolo presented the TDOT formula to re-allocate Section 5307 transit funding among the small urbanized areas in the State of Tennessee. Johnson City Transit (JCT) has recently lost funding after the new formula was put in place. The Job Access program went away and JCT is using New Freedom and general funds from the City of Johnson City to compensate for the loss of \$180,000 to continue the current level of service. Mr. Browning asked if there is a reallocation of funds to another agency, will that money come out of the allocation to JCT. Ms. Janutolo said that it's up to TDOT but reallocating funds to include another agency could decrease the amount of funding to all of the agencies in the nine small urbanized areas. Ms. Joffrion said that it would depend on TDOT and how they allocate the funding. She said that not all of the areas are obligating all of their funds. She said that TDOT's formula has room for improvement. She complimented JCT for spending their allocation.

Mayor Humphrey made a motion for the Executive Board to approve a resolution authorizing the First Tennessee Human Resource Agency (FTHRA), of which NET Trans is a part, to file an application with FTA to receive Section 5307 funds (see Attachment 1). The Honorable Mayor Irene Wells seconded the motion. Mr. Berry said he did not receive the resolution until yesterday at 11:30 a.m. (Thursday, March 16, 2017) and has not had time to thoroughly review it. He had questions about the resolution. Chairman Mayor Tomita said the Board needs to make a motion first to add the resolution to the agenda.

Mayor Humphrey made a motion to add to the agenda the resolution in support of allowing the First Tennessee Human Resource Agency's Executive Director to apply to the Federal Transit Administration to become a direct recipient of Section 5307 Federal Transit Administration funds in the Johnson City Urbanized Area and bring it before the Executive Board. Mayor Wells seconded the motion. Chairman Mayor Tomita asked if Mr. Berry had any further discussion. All approved. **Motion carried.**

Ms. Joffrion informed the Board that there are stop gap funds. Chairman Mayor Tomita explained to the Board that the City Commission of the City of Johnson City has provided authorization to Johnson City Transit up to \$25,000 for stop gap funding to provide transportation for critical medical trips for those in the urbanized area but outside the City of Johnson City. It was also stated that NET Trans was not the only agency in the state affected by this change, but that Johnson City was affected the most.

Mayor Humphrey said that time is of the essence to approve this resolution so that there is a continuation of service. Ms. Joffrion said that emergency stop gap funding was approved by TDOT Commissioner Schroer and awarded to FTHRA to provide service for 90 days, to cover the trips in the urbanized area, giving more time to find a solution. Mr. Jason Cody said the long term solution is to pass this resolution allowing them to apply for funding, and that Ms. Joffrion had mentioned to them that there is a potential for additional funding that could be provided to the area so that it would not affect JCT's funding.

Chairman Mayor Tomita asked Mr. Cody when NET Trans found out that they would no longer be able to provide trips within the urbanized areas using Section 5311 funds. Mr. Cody said that they found out about a year ago, after a TDOT audit. Chairman Mayor Tomita asked if the results of the audit were brought before a body like this Board. Mr. Cody said no. Mayor Wells asked why they could not go ahead and approve the resolution so that services will continue, out of concern for Bluff City's citizens. Chairman Mayor Tomita said that he appreciates the urgency but the Board just received this resolution and needs to consider who it will affect. Ms. Michelle Christian asked if enough notice was given on the resolution,

if due diligence had been met. Mayor Humphrey said he believed that due diligence had been met, that he had asked Ann Butterworth, legal counsel for the Tennessee Open Meetings Act, and she went over the organizational chart of the Board and did not feel that the Board was subject to the Act.

Mr. Peterson said that he appreciated the efforts of Mayor Humphrey contacting Ms. Butterworth; however, he feels that the Board may fall under the FTA. Mr. Peterson asked Ms. Candace Gump what was the cost to provide the service that NET Trans is performing right now on an annual basis, for any area. Mr. Cody said there are approximately 40,000 trips. Ms. Gump said the amount they are asking for is \$500,000. Mr. Peterson explained that there is only a finite amount of funding and it is currently all being utilized. Somebody's funding and service is going to get cut in order to provide funding to somebody else. Mr. Peterson asked if operating is funded only at 50%. Ms. Joffrion said that the state provides 25% and 25% is local. Mr. Peterson calculated that of \$500,000, \$125,000 would need to be provided as local match from the rural areas. The local match is going to have to come from someone other than the City of Johnson City. Mr. Peterson also asked how long it will take for the application process to approve FTHRA as a direct recipient. Ms. Joffrion said approximately five months.

Mr. Browning asked if TDOT could look into this issue, if the resolution was needed, and if TDOT could find other funding sources to fill the gap and meet the need. Ms. Joffrion said that TDOT does not need the resolution to look at funding allocations; however, FTHRA does need the resolution in order to set up NET Trans as a direct recipient. Mr. Humphrey addressed that FTHRA has the match funding. Mr. Cody said that NET Trans has the infrastructure in place already to serve the clients, along with the match required and the fares will cover the additional cost. Fares are \$3.00 to \$5.00 a trip, so if that is multiplied by 40,000 trips, the fares will cover the match.

Mr. Mike Housewright asked what will happen if JCT loses funding. Ms. Janutolo explained that there is a process to cut service, that you can't just stop service and park the vehicles. JCT has been proactive in finding additional sources of funding. Other agencies have chosen not to pursue other funding because it can mean more work for the agency. Mr. Housewright asked if JCT can provide the service. Ms. Janutolo said that is a possibility.

Mr. Browning asked if Section 5310 funds can be used to connect service between the city limits of Johnson City to the town limits of Jonesborough, and then if TDOT has the ability to shift funding from Section 5311 to Section 5307 to be utilized to provide the service, specifically fixed route service to Jonesborough or Elizabethton. Ms. Gump said that their Section 5311 funds could not be shifted to Section 5307, but that TDOT could shift other Section 5307 funds in order to cover the loss of service. Mr. Browning asked Ms. Joffrion if TDOT has the flexibility to flex funding. Ms. Joffrion said that they do, but they would have to look at it.

Mayor Eldridge acknowledged the fact that there is a short window to find a solution. Mayor Eldridge stated that more Section 5307 money needs to be authorized to our area for each transit agency. There are many trips that need to be serviced and the issue needs to be resolved quickly. Mayor Eldridge asked if there was any interest for JCT to pick up the loss of service.

Ms. Janutolo explained to the Board that she recommended a solution that JCT be given the opportunity to provide the service. Ms. Janutolo would like for Kingsport, Bristol and Johnson City to sit down with TDOT and continue the conversation to find a solution. However, Ms. Janutolo explained she did not know the exact number of people who are impacted because the number of trips provided by NET Trans keeps changing.

Chairman Mayor Tomita stated to the Board that they have not had enough time to consider a resolution that has just been handed to them. Chairman Mayor Tomita said he understood the urgency level to this issue but do not want to make a mistake rushing through this.

Mayor Humphrey stated that approving the resolution to authorize filing an application with FTA will not stop the communication to find a solution. Mayor Humphrey also stated that even though this is a new issue and the members of the Board have just found out about it, time is of the essence.

Mr. Browning asked if Johnson City could sub-contract with NET Trans to provide the service. Ms. Janutolo said yes.

Chairman Mayor Tomita said that there are many moving parts to this process.

Mr. Cody said that he didn't think a contract was a valid solution. FTHRA had presented service contracts to the partnering transit agencies last year but never received a response.

Mr. Berry asked who would sign a contract to provide the service. Ms. Joffrion said that the MTPO Board is not approving the application but approving the resolution would start the process. Ms. Joffrion also mentioned that FTA will not award funding without a project being listed in the Transportation Improvement Program (TIP). Mr. Berry said that it is his understanding, that if FTHRA is awarded direct recipient status, that the two direct recipients would need to sit down with the MTPO Coordinator to discuss distribution of the funding.

Mr. Deakins stated if we approve the application, the recipients would have to discuss funding anyway and there is a potential for additional funding, so he did not see a problem in approving the application.

Ms. Christian asked what is the advertising policy for the MTPO Board. Mr. Berry said it was seven (7) days. Ms. Christian said that the Board may be in violation of the Public Participation Plan and federal Title VI regulations. The Board needs time to look at this. If it was approved, it could be nullified.

Mayor Humphrey said he believes that the notice requirement has been met, that at no time has the complete agenda been posted, and that the meeting was posted in a timely manner.

Chairman Mayor Tomita said he is willing to wait, advertise for seven days, and meet back to vote. Mr. Berry said the earliest they could meet would be on March 27th.

Mayor Humphrey stated he feels they should vote now, with the motion on the floor. Chairman Mayor Tomita asked if all were in favor of the motion. There were noes heard. Chairman Mayor Tomita asked for a roll call vote. The next page shows the record of the roll call vote. **The motion to approve Resolution 2017-03 failed in a 3-5-1 vote.**

Johnson City MTPO Executive Board

Roll Call Sheet

Meeting Date: March 17, 2017
 Roll Call No. 1
 Item No. 5
 Resolution No. 2017-03
 Moved: Mayor Leon Humphrey
 Seconded: Mayor Irene Wells

Roll Call Vote (in alphabetical order):

Member	Proxy (if applicable)	Aye	No	Not Voting
Mayor Curt Alexander	Mr. Jon Hartman			✓
Mr. Johnny Deakins			✓	
Mayor Dan Eldridge			✓	
Governor Bill Haslam	Ms. Michelle Christian		✓	
Mayor Leon Humphrey		✓		
Mayor Johnny Lynch		✓		
Mayor Irene Wells		✓		
Mayor Kelly Wolfe	Mr. Bob Browning		✓	
Chairman Mayor David Tomita			✓	

Tally: 3 Ayes 5 Noes 1 Not Voting

Mayor Eldridge asked the Board if anyone would have a problem with a special meeting on Monday, March 27, to reconvene. No one objected. Mayor Eldridge made a motion for the Board to meet back at the Johnson City Public Library, if available, on Monday, March 27, 2017 at 11:00 a.m. to re-consider Resolution 2017-03, after public notice and review of the possible solutions. Ms. Christian seconded the motion. All agreed. **Motion carried.**

Mr. Peterson said that if \$500,000 is awarded, he would like to propose that the funding be allocated to an urban-to-urban service.

Adjourn: There being no further business, the meeting was adjourned at 12:31 p.m.

AUTHORIZING RESOLUTION

Resolution No. _____

Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53; title 23, United States Code, or other federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transit Administrator has been delegated authority to award federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon the applicant, and may require the applicant to provide the local share of the project cost;

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE, BE IT RESOLVED BY Johnson City Urban Area Metropolitan Transportation Planning Organization Executive Board;

1. That the Executive Director is authorized to execute and file an application for federal assistance on behalf of First Tennessee Human Resource Agency with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. Chapter 53, title 23, United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration. The Tennessee Department of Transportation, as the designated recipient has authorized First Tennessee Human Resource Agency to apply for Urbanized Area Formula Program Assistance per 49 U.S.C. 5307.
2. That Executive Director is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a federal assistance grant or cooperative agreement.
3. That Executive Director is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of First Tennessee Human Resource Agency.

CERTIFICATION

The undersigned duly qualified Chairman of the Executive Board acting on behalf of the Johnson City Urban Area Metropolitan Transportation Planning Organization Executive Board, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Johnson City Urban Area Metropolitan Transportation Planning Organization Executive Board held on March 17th, 2017.

Mayor David Tomita, Chairman of the
Executive Board

Date

