MEETING MINUTES OF THE
BOARD OF DIRECTORS
OF THE
OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS
APRIL 10, 2014
10:30 A.M. — OKI BOARD ROOM

- Call to Order

President Fortune, noting that there was a quorum, called the meeting to order at 10:40 a.m. with the following members in attendance:

MEMBERS

Mr. Todd Fortune, Hamilton County Board of Commissioners, President
Judge Gary Moore, Boone County Fiscal Court
Mr. T.C. Rogers, Butler County Board of Commissioners
Judge Steve Pendery, Campbell County Fiscal Court
Mr. Ed Humphrey, Clermont County Board of Commissioners
Mr. Kevin Lynch, Dearborn County Board of Commissioners
Mr. Joe Shriver, representing Judge Arlinghaus, Kenton County Fiscal Court
Mr. Keith Spoelker, representing Edward Riehl, Bellevue, Kentucky
Mr. David S. Mann, Cincinnati, Ohio
Ms. Sherry Carran, Covington, Kentucky
Mr. Charles Tassell, Deer Park, Ohio
Mr. Timothy Bachman, representing Terry Senger, Fairfield, Ohio
Mr. Larry W. Brown, Florence, Kentucky
Ms. Molly Barber, Indian Hill, Ohio
Mr. Stephen Kaiser, Lebanon, Ohio
Mr. Kurt Seiler, representing Rich Cox, Mason, Ohio
Mr. Larry P. Mulligan, Middletown, Ohio
Mr. Chris Dobrozsi, Montgomery, Ohio
Ms. Beth Fennell, Newport, Kentucky
Mr. Jim Lukas, representing Kevin Hardman, Sharonville, Ohio
MEMBERS CONTINUED:
Ms. Marjorie Harlow, Springdale, Ohio
Mr. Richard Miller, Trenton, Ohio
Mr. James T. O’Reilly, Wyoming, Ohio
Mr. Russell L. Jackson, Anderson Township
Mr. David Linnenberg, Green Township
Mr. Karl B. Schultz, Miami Township
Mr. Cory Wright, representing Matthew Beamer, Union Township
Mr. Mark Wolch, West Chester Township
Ms. Christine Matacic, Butler County Association of Township Trustees & Clerks
Mr. Dan Bell, Kenton County Fiscal Court
Mr. Michael Williams, Campbell County Planning & Zoning Commission
Mr. Dwayne Boso, Clermont County Planning Commission
Mr. Mark McCormack, Dearborn County Plan Commission
Mr. David Okum, Hamilton County Planning Commission
Mr. Marc Hult, Kenton County Planning Commission
Mr. Dennis Andrew Gordon, Northern Kentucky Area Planning Commission
Mr. Stan Williams, Warren County Regional Planning Commission
Mr. Charles Graves, Cincinnati (City) Planning Commission
Mr. Timothy Bachman, Fairfield (City) Planning Commission
Mr. Jody Gunderson, Hamilton (City) Planning Commission
Mr. Craig Beckley, Dearborn County Township Association, Resident Member
Mr. Ken Bogard, Resident Member
Mr. Bill Brayshaw, Resident Member
Ms. Megan Hube, representing Brian Carley, Cincinnati USA Reg. Chamber, Resident Member
Mr. David Ginsburg, Resident Member
Mr. Ralph B. Grieme, Resident Member
Ms. Kellie Wise, representing Greg Hartmann, Hamilton Co. Board of Commissioners, Resident Member
Mr. Roger Kerlin, Resident Member
Mr. Larry Maxey, Resident Member
Ms. Lanita Hanekamp, representing Chris Monzel, Hamilton Co. Board of Commissioners, Resident Member
Mr. Kenneth F. Reed, Resident Member, Treasurer
Mr. David Uible, Clermont County Board of Commissioners, Resident Member
Mr. Thomas Voss, DHL, Resident Member
Ms. Laura Brunner, Port of Greater Cincinnati
Ms. Candace McGraw, Kenton County Airport Board
Mr. Sal Santoro, Kentucky State Representative
Mr. Robert Hans, Kentucky Transportation Cabinet
Mr. Stefan Spinosa, representation Steve Mary, Ohio Department of Transportation
Ms. Terry Garcia Crews, Southwest Ohio Regional Transit Authority
GUESTS

Mr. John J. Jones, City of Trenton  
Ms. Hollie Hinton, DLZ  
Mr. Mike Draper, DLZ  
Mr. Skip Schulte, Citizen  
Mr. Joe Vogel, URS  
Ms. Marilyn Hyland, I&O Railroad  
Mr. Andy Johns, FHWA-Ohio  
Ms. Nola Clarke, Governor’s Regional Office

LEGAL COUNSEL

Mr. Edward Diller, Taft, Stettinus & Hollister

STAFF

Mr. Mark R. Policinski  
Ms. Karen Whitaker  
Ms. Florence Parker  
Mr. David Shuey  
Mr. Andrew Rohne  
Mr. Robert W. Koehler  
Ms. Purcy Nance  
Ms. Emi Randall  
Ms. Mary Luebbers  
Ms. Jane Wittke  
Ms. Marilyn F. Osborne  
Mr. Mark Paine  
Ms. Robyn Bancroft  
Ms. Alex Barnes

Mr. Diller led the Board of Directors in the Pledge of Allegiance.

- Announcements

President Portune reminded everyone to sign in for attendance purposes. He also reminded everyone that this is a Board of Directors Meeting and that Executive Committee Alternates are not able to vote.

ITEM #1: ADMINISTRATIVE

A. President’s Report

President Portune reported that the Eastern Corridor partners have been developing a funding matrix which will identify all sources of available public and private funding for transportation projects. He explained that they also plan to broaden it to include Kentucky and Indiana funding sources in order to make it a useful tool when working on projects in the TIP and 2040 Plan. He stated that he will make the matrix available once it is complete.
B. Approval of March 13, 2014 Minutes of the Executive Committee Meeting

President Fortune called for corrections and/or additions to the March 13, 2014 minutes of the Executive Committee Meeting.

There being none, Mr. Humphrey moved that the March 13, 2014 minutes of the Executive Committee Meeting be approved as mailed. Ms. Matacic seconded the motion; motion carried.

C. Executive Director’s Report

Mr. Policinski showed a presentation produced by the American Association of State Highway and Transportation Officials (AASHTO) regarding the Highway Trust Fund. He noted that when it was produced, the Highway Trust Fund was predicted to become insolvent in September 2014. However, last week it was determined that the bank will become insolvent in July. He reported that some states have already begun to pull projects because of the lack of funding. He stated that the nation is at a critical crossroads when it comes to funding.

Mr. Policinski provided an update regarding the Brent Spence Bridge project. He explained that Ohio passed a bill enabling public-private partnerships (3P) to fund public infrastructure projects when the Governor came into office. He explained that Kentucky needed to pass legislation to allow 3P. The legislation was recently passed by the House and Senate, however it was amended to prevent tolls on the bridge between Ohio and Kentucky. Mr. Policinski reported that it is his understanding that the Governor will veto the legislation because of this provision. It is expected that the veto will not be over written.

Mr. Policinski reported that the Kentucky legislation is expected to put $6 million into the budget for the Brent Spence Bridge for the next two years, but the question is whether that is enough funding to keep the project moving forward. He commented that every large infrastructure project is a political project. The reason that this project has moved forward is because the Governors of Ohio and Kentucky sat down and agreed to cooperate. Mr. Policinski pointed out that Kentucky will have a new Governor next year and there could possibly be a new Governor in Ohio this year, so the project will have to wait and see what the future holds.

Mr. Rob Hans, KYTC. stated that Mr. Policinski summarized it well—they will have to wait and see what happens.

Representative San Santoro reported that the legislature will go back in session at noon on Monday.
Ms. Matacic complimented Mr. Policinski for his presentation to the West Chester Chamber regarding the impact on economic vitality to the region if nothing is done in regard to building a new bridge. She said that the presentation brings home the understanding of why we all need to work together for a solution so that residents and businesses can move place to place.

President Portune pointed out the need to keep this project in context as to how it is viewed in Washington, D.C. The Brent Spence Bridge carries the equivalent of 4% of GDP, is a major interstate corridor and a major chokepoint, all of which justify a federal investment; but it is one of about 20 other bridges projects nationally—all of which primarily have tolls.

President Portune also discussed the report shared by Mr. Policinski regarding the Highway Trust Fund—something in dire need of a solution. He stressed that it is incumbent on everyone to lobby. He stressed that it has to be an issue of priority that Congress takes up in order to identify solutions. He stated that we can’t let tolling stop us from lobbying for the need of new infrastructure projects.

Judge Moore added that the discussion regarding tolls has overshadowed the fact that traditional funding is needed to move forward. He pointed out that environmental studies, etc. have a shelf life and a two year hiatus would be a disaster. He stressed the need for the legislature and DOT to continue to get as much federal funding as possible into the funding plan. If tolls do become a part of the funding plan, then it will be for a smaller amount. He asked that everyone continue to lobby.

Mr. Rogers questioned if the federal highway trust fund stops in July whether there will be no more federal gas tax. Mr. Policinski explained that the tax will continue to be collected.

Mr. Rogers also questioned the cost of the proposed tolls. He stated that the perception in the public is that the toll would cost between $4-5. He questioned whether people would be more supportive if they heard the lower figure of $1-2. Mr. Policinski stated they would be more supportive. In addition, Mr. Policinski explained that the only tolling scenarios OKI was asked to model were tolls of $1 and $2.

D. Legislative Update

Mr. Policinski provided an update regarding the transportation bill. He reported that it is anticipated that there will either be no new bill or one that is unconferenceable. He stated that when talking about the gas tax to fund transportation projects, there will never be enough money in it for projects like the bridge. He stated that transportation must become a national priority otherwise there will never be enough funding for the bridge, freight and airports.
Mr. Bob Koehler responded to Jim O’Reilly’s question from last month’s meeting regarding what happens when railroad easements are abandoned. Koehler stated that it depends on ownership of the land and each case may be different. He explained that he spoke with one of Mr. Diller’s colleagues at Taft and confirmed that whoever owns the land beneath the rails has control of the land. In regards to the Oasis line, since it is owned by SORTA and if there are no easements to the railroad that need to be honored, then SORTA has control of the land. He pointed out that due diligence will need to be done with the title search to determine ownership and also to identify any easements. He further stated that as long as the railroads are using the right of way for rail purposes, then they can continue. He explained that the Norfolk Southern (NS) line in the Eastern Corridor is owned and operated by NS. Any future plans for the corridor would include close work with NS. Mr. Koehler stated that if anyone has specific issues in their town, they would need to further investigate the right of way. The rules are very prescriptive and there is a process for abandonment. Mr. O’Reilly expressed his appreciation to staff and Taft for all their work. He explained that issues may come up with brownfields, etc. and that it will be helpful to keep up with this issue. Mr. Koehler pointed out that highways are also often on easements.

Mr. Koehler also provided a summary on OKI’s recent call for projects for STP and TA funding. He reported that 19 applications were received for STP funding totaling $75.5 million, with a budget of $35.5 million. The EJ Committee met yesterday afternoon to review the applications. After staff verifies the eligibility of the projects and puts them through the prioritization process, they will be brought back to the Board in June for review and modification. He pointed out that the MLK SIB loan is included, as pledged, and will compete for funding in Fiscal Years 17-19. Mr. Koehler explained that TA funds are a subset of STP, but a more specialized category which includes projects such as Safe Routes to School, pedestrian and bicycle facilities, trails, etc. There were 12 applications received for TA funds totaling $4.5 million, with a budget of a little over $11 million. Mr. Koehler explained that some of the applications for STP funding have elements that can be funded with TA funds. Staff will work to best utilize the funding opportunities.

E. Finance Officer's Report

Ms. Nance, staff, stated that distributed around the table is the Finance Officer’s Report dated February 28, 2014 and includes current cash information.

Ms. Nance stated that on page 2 is the current information. She stated that as of April 4 OKI had $570,073 in the PNC checking account, $7,726 in the HSA/FSA checking account, and $602,945 in the PNC savings account. She stated that there has been no recent activity on OKI’s line of credit and there is no outstanding balance at report date.

At the end of March, OKI received a letter from PNC Bank stating that the bank had automatically renewed OKI’s line of credit through June 10, 2015 under the same terms.
Ms. Nance stated that on page 3 is the balance sheet as of February 28. She stated that Cash and Investments are down about 9% from this time last year. She stated that Receivables are up 27% from this time last year due to timing of routine invoice payments, addition of new projects and increased planning activities. At February 28 there were $821,000 in receivables—all associated with January and February invoices. She further stated that payables are down 19% or $17,000 from this time last year due to timing of routine invoices.

Ms. Nance stated that on page 4 is the Revenue information. She stated that at February 28, OKI is 67% of the way through the budgeted year. She stated that overall revenues are at 65% which is on budget.

Ms. Nance noted the following items: federal revenues are ahead of budget due to the addition of the Solar Ready project and the timing and administration of New Freedom pass-through projects; local revenues are ahead of budget due to the timing of county funding payments; and contributed services are ahead of budget due to the over match received in the New Freedom pass through project and the seasonal nature of the Clean Air marketing campaign.

Ms. Nance stated that on page 5 is the Expense information. She stated that overall expenses are at 64% which is on budget.

Ms. Nance noted the following items: Category 3, Professional Development is behind budget due to the timing of budgeted activities and savings from development events budgeted but not attended; Category 4, Technical Consultants is behind budget--OKI had $50,000 budgeted for a Peer Review of OKI’s Travel Model, but Federal Highway Administration is providing a peer review panel to OKI at no cost and Professional Services is ahead of budget due to the timing of the Clean Air survey and addition of the National Heritage data base project; Category 5, Legal Counsel and Auditing are ahead of budget due to the timing of audit services and legal fees associated with the SIB loan process; and Category 6, Contributed Services are ahead of budget due to the over match received in the New Freedom pass through project and the seasonal nature of the Clean Air marketing campaign.

Ms. Nance stated that on page 6 is the General Fund Balance information. She stated that the General Fund Balance has had a net increase of approximately $33,000 year to date. She stated that the two components of this increase are timing differences and year to date activities. She stated that the timing differences include: $128,000 increase due to timing of county funding payments and $24,000 decrease due to application of negotiated fringe and indirect rates. She stated that the remaining $71,000 decrease is associated with year-to-date operations and timing of active projects.
There being no discussion, Mr. Rogers moved that the Board of Directors accept and file the Finance Officer’s Report dated April 10, 2014. Mr. Bogard seconded the motion; motion carried.

ITEM #2: BUDGET COMMITTEE REPORT

Mr. Reed reported that the Budget Committee met prior to the Board meeting and began the process of developing next year’s budget. He reported that the Budget Committee will meet again in May and will bring a draft budget to the Board in June for review and approval. He reported that Mr. Koehler also provided the Budget Committee with an overview of the STP and TA applications that were received.

ITEM #3: FISCAL YEAR 2015 UNIFIED PLANNING WORK PROGRAM

Mr. Koehler reported that each year the Unified Planning Work Program (UPWP) is presented for review and approval. He stated that an executive summary was provided in the mailout. It describes each of the main categories of planning activity to be undertaken by OKI in the coming year, along with a budget for accomplishing the work. Mr. Koehler highlighted some of the activities to be undertaken in the next fiscal year.

Mr. Koehler explained that the draft work program has been reviewed by the Ohio Department of Transportation, Kentucky Transportation Cabinet, Indiana Department of Transportation, Federal Highway Administration, transit agencies and Federal Transit Administration.

Mr. Brayshaw moved that the Board of Directors approve Resolution OKI 2014-09 concerning approval of the Fiscal Year 2015 Unified Planning Work Program. Mr. Reed seconded the motion; motion carried.

ITEM #5: INTERMODAL COORDINATING COMMITTEE REPORT

Mr. Paine, staff, stated that the ICC met on Tuesday, April 8. He reported that Beth Jones of KYTC-Central Office provided information on the public outreach efforts the Cabinet is undertaking for their Long Range Plan. In addition, Bob Koehler presented information on the FY 2015 UPWP. Mr. Paine stated that the ICC recommends approval of two resolutions—2014-10, Amendment #7 of the OKI FY 2014-2017 TIP and 2014-11, Certification of the Urban Transportation Planning Process.

A. Amendment #4 of the FY 2014-2017 Transportation Improvement Program

Mr. Paine, staff, reported that the amendment reflected in the proposed resolution lists four highway projects in Indiana and various transit projects for Butler County RTA, Clermont Transportation Connection, Middletown Transit System and SORTA that are recommended for addition or revision in the current TIP.
Mr. Humphrey moved that the Board of Directors approve Resolution OKI 2014-10 concerning Amendment #7 of the Fiscal Years 2014-2017 Transportation Improvement Program. Mr. Lynch seconded the motion; motion carried.

B. Certification of the Urban Transportation Planning Process

Mr. Koehler, staff, explained that each year OKI is required to affirm that the regional transportation planning process is being carried out in conformance with all applicable federal regulations. Metropolitan Planning Organizations (MPOs) must remain certified in order to be able to continue to receive federal funding to conduct the necessary regional transportation planning called for as part of the Federal-Aid Highway and Transit Programs. This activity is what maintains the region’s eligibility for federal funding assistance. The planning process is governed by many federal regulations, and each year the OKI Board of Directors is asked to endorse staff’s affirmation that OKI efforts satisfy all such requirements.

Mr. O’Reilly moved that the Board of Directors approve Resolution OKI 2014-11 certifying that the urban transportation planning process is being carried out in conformance with all the applicable federal requirements. Mr. Bogard seconded the motion; motion carried.

ITEM #5: Consent Agenda

President Portune stated that each month a written report of committee activities is mailed to the Board of Directors. This mailing includes the March Consent Agenda Items.

Judge Moore moved that the Board of Directors approve the consent agenda as mailed. Mr. Reed seconded the motion; motion carried.

Mr. Reed announced that the Land Use Commission is engaging in its second round of SRPP public outreach efforts through a web-based process. He reported that the information will be available online next week and encouraged everyone to visit and promote the www.howdowegrow.org site to interact and provide feedback regarding the plan updates. Mr. Reed commended the staff and steering committee for all of their great work. He commented that there was a great response received during the first round of public engagement and expressed his hope that there would be even more feedback through this new platform. He explained that the site is designed to house the full SRPP following adoption, as an online document.

ITEM #6: Other Business

Mayor Carran reported that a Regional Trails Summit would be held on April 24 at the Woodlawn Community Center.
President Portune thanked those who submitted names for the Public Service Awards. He reported that the 25th annual celebration will take place on May 8 on Fountain Square.

ITEM #7:  ADJOURNMENT

There being no further business, President Portune adjourned the meeting at 11:36 a.m.

[Signature]

TODD B. PORTUNE, PRESIDENT

[Signature]

MARK R. POLICINSKI, SECRETARY

KLW
Transcribed: 04/23/2014