

JULY 23, 2021 MEETING MINUTES
OF THE
RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION (TPO) BOARD
2570 W. International Speedway Boulevard, Suite 100
Daytona Beach, FL 32114-8145

TPO Board Members Physically Present:

Mayor Karen Chasez
Commissioner Chris Cloudman, 2nd Vice Chairperson
Commissioner Victor Ramos
Councilwoman Christine Power
Commissioner Rick Belhumeur*
Commissioner Roy Johnson
Commissioner Jason McGuirk
Vice Mayor Bill Lindlau**
Council Member Jeff Allebach
Mayor Bill Partington
Councilman Eric Sander
Council Chair Jeff Brower
Council Member Barbara Girtman, 1st Vice Chairperson
Council Vice Chair Billie Wheeler, Chairperson

Representing:

DeBary
DeLand
Deltona
Edgewater
Flagler Beach
Holly Hill
New Smyrna Beach
Oak Hill
Orange City
Ormond Beach
South Daytona
Volusia County
Volusia County District 1
Volusia County, District 2

TPO Board Members Virtually Present:

Council Member Richard Bryan*
Mayor Samuel Bennett*
Rakinya Hinson (non-voting advisor)

Representing:

Daytona Beach Shores
Pierson
FDOT District 5

TPO Board Members Absent

Commissioner Jeffrey Schuitema*
Vice Mayor John Rogers*
Commissioner Quanita May
Commissioner Joe Mullins
Commissioner Rick Basso*
Commissioner Nick Klufas
Council Member David Israel*
Council Member Scott Stiltner
Council Member Danny Robins
Council Member Heather Post (excused)
Ruben Colón
Paul Eik (non-voting)
Nora Jane Gillespie (non-voting)
Becky Mendez (non-voting)

Representing:

Beverly Beach
Bunnell
Daytona Beach
Flagler County
Lake Helen
Palm Coast Alternate
Ponce Inlet Alternate
Port Orange
Volusia County, District 3
Volusia County, District 4
Volusia County School Board
BPAC Chairperson
CAC Chairperson
TCC Chairperson

*** Non-voting member in the Small City Alliance**

**** Voting member for the Small City Alliance**

Others Physically Present:

Debbie Stewart, Recording Secretary
Lois Bollenback
Colleen Nicoulin
Stephan Harris

Representing:

TPO Staff
TPO Staff
TPO Staff
TPO Staff

Others Physically Present:

Jim Cameron
Big John

Representing:

Daytona Beach Chamber of Commerce
Press

Others Virtually Present:

Paul Gougelman

Representing:

Weiss, Serota, Helfman, Cole & Bierman

I. Call to Order / Roll Call / Determination of Quorum

The meeting of the River to Sea Transportation Planning Organization (TPO) Board was called to order at 9:00 a.m. by TPO Chairperson Billie Wheeler. The roll was called and it was determined a quorum was physically present. Due to the COVID-19 virus, the meeting was held in a hybrid format with 13 voting and one non-voting members physically present; and three non-voting members attending remotely.

II. Pledge of Allegiance

The Pledge of Allegiance was given.

III. Public Comment/Participation

MOTION: *A motion was made by Mayor Partington to allow TPO Board members attending remotely due to COVID-19 precautions to participate and vote. The motion was seconded by Councilwoman Power and carried unanimously.*

Mr. Big John, press, stated when the board meets in August, we need to discuss how to get roads built in Volusia County. He mentioned the traffic problem in New Smyrna Beach to the Mayor of New Smyrna Beach recently and was told they are not interested in new asphalt; he then contacted New Smyrna Beach's City Manager to verify that and was told that was not true. An alternate road is needed for SR 44; it is not yet a problem for DeLand or Edgewater but will be and for Oak Hill as well. TPO staff provided him a chart so he could compare the transportation priority list with the Volusia County Road Program; projects on those lists are not going to happen at this time so we need to figure out what to do. We need to be more proactive and figure out what to do as does the Volusia County Council and its municipalities.

Chairperson Wheeler replied there are going to be changes and she requested the TPO's attorney to be present because this is new territory. She appreciates the board members for attending this emergency TPO Board meeting. She announced Ms. Bollenback submitted her resignation notice on June 25, 2021 just prior to her taking office as TPO Chairperson on July 1, 2021. Since time was of the essence, an emergency Executive Committee meeting was noticed and held on June 30, 2021 to discuss activities associated with the transition of leadership. A subsequent meeting was held on July 7, 2021 to continue the discussion and develop a proposed plan of action of activities associated with filling the pending vacancy. These discussions and recommendations are being brought before the full TPO Board today to confirm the direction. She has since met with TPO staff and the attorney to make sure we are heading in the right direction on the items to be voted on today. She also met with FDOT staff yesterday and was very encouraged by information received there.

IV. Action Items

A. Motion to Accept the Resignation Date of Ms. Lois Bollenback Effective July 30, 2021 at 5:00 P.M. and Waive the 60-day Contractual Notice Requirement

Chairperson Wheeler stated action is not required to accept the resignation of an employee; however, the employment agreement requires a 60-day notice to be provided by the employee. Ms. Bollenback has submitted her resignation as the TPO's Executive Director effective July 30, 2021, which is less than 60 days. The penalty involves repaying any prepaid expenses and there are none at this time. Action today simply recognizes that the 60-day period is being waived and that the employee is leaving in good standing.

Mayor Chasez asked what the reason is for the 60-day notice in the contract and why a 30-day notice is acceptable at this time.

Chairperson Wheeler replied she does not know why the contract was made that way; this is one of the things that will need to be reviewed. The contract will be reviewed for the new Executive Director.

Ms. Bollenback explained the original contract stated that if the TPO decided to let her go, she would get a 60-day notice and vice versa. The idea was to extend a level of professional courtesy and provide time for the selection process. The reality is we are not going to be able to bring someone on board or make a decision within 60 days but it at least starts the process. In this case, she has another job that involves a move so she would like to accelerate it.

MOTION: *A motion was made by Commissioner McGuirk to accept the resignation date of Ms. Lois Bollenback effective July 30, 2021 at 5:00 p.m. and waive the 60-day contractual notice requirement. The motion was seconded by Councilman Sander and carried unanimously.*

B. Motion to Appoint Ms. Colleen Nicoulin as the Interim Executive Director to Carry Out All Authorities Assigned to the Executive Director Position with the Following Terms:

- **Salary of \$120,000**
- **No change to existing benefits**
- **Effective July 30, 2021 at 5:00 p.m. until a new Executive Director begins employment**
- **Resumption of responsibilities and salary of her current position of Manager of Operations and Planning**

Chairperson Wheeler stated recruitment activities needed to fill the pending vacancy are likely to require a schedule that extends over several months. Ms. Nicoulin has been employed as a senior staff member of the River to Sea TPO since July of 2017 and currently serves as the Manager of Operations and Planning. The Executive Committee recommended appointing Ms. Nicoulin as the Interim Executive Director with the outlined terms.

Mayor Chasez asked if the resumption of responsibilities would occur after a new Executive Director was onboard.

Chairperson Wheeler replied yes.

Volusia County Council Chair Brower asked if Ms. Nicoulin would apply for the Executive Director position and if so, would she be considered by the Executive Director Search Committee (EDSC).

Chairperson Wheeler replied that anyone who applies will be considered; there will be a national search for this position.

Ms. Nicoulin stated she has not had a chance to fully assess the opportunity as she has been focused on the transition and making sure the required knowledge is transferred.

Chairperson Wheeler stated Ms. Nicoulin has stepped up and worked with her in this uncharted territory.

Mayor Chasez stated in support of Ms. Nicoulin's statement, and since a search firm has not yet been retained, she understands why she would not want to apply for a position that has yet to be defined.

MOTION: *A motion was made by Vice Mayor Lindlau to appoint Ms. Colleen Nicoulin as the Interim Executive Director to carry out all authorities assigned to the Executive Director position with the following terms:*

- *Salary of \$120,000*
- *No change to existing benefits*
- *Effective July 30, 2021 at 5:00 p.m. until a new Executive Director begins employment*
- *Resumption of responsibilities and salary of her current position of Manager of Operations and Planning.*

The motion was seconded by Councilwoman Power and carried unanimously.

C. **Motion to Reschedule the Wednesday, September 22, 2021 TPO Board Meeting to Wednesday, September 29, 2021 at 9:00 A.M.**

Chairperson Wheeler stated Ms. Nicoulin has a commitment during the month of September that would prevent her from being available for the TPO Board meeting on September 22, 2021. Consideration is recommended by the Executive Committee to reschedule the date of the TPO Board meeting to September 29, 2021.

MOTION: *A motion was made by Council Member Girtman to reschedule the Wednesday, September 22, 2021 TPO Board meeting to Wednesday, September 29, 2021 at 9:00 a.m. The motion was seconded by Commissioner McGuirk and carried unanimously.*

D. **Motion to Establish an Executive Director Search Committee Consisting of the Following Members:**

- Billie Wheeler, R2CTPO Chairperson
- Barbara Girtman, R2CTPO 1st Vice Chairperson
- Chris Cloudman, R2CTPO 2nd Vice Chairperson
- Jason McGuirk, R2CTPO Immediate Past Chairperson
- Christine Power
- Victor Ramos
- Bill Partington

Chairperson Wheeler stated the establishment of an Executive Director Search Committee (EDSC) is necessary to conduct activities associated with a search for a new Executive Director. The members appointed to serve on the EDSC have served on the Executive Committee throughout the previous year.

MOTION: *A motion was made by Commissioner McGuirk to establish an Executive Director Search Committee consisting of the following members:*

- Billie Wheeler, R2CTPO Chairperson
- Barbara Girtman, R2CTPO 1st Vice Chairperson
- Chris Cloudman, R2CTPO 2nd Vice Chairperson
- Jason McGuirk, R2CTPO Immediate Past Chairperson
- Christine Power
- Victor Ramos
- Bill Partington

The motion was seconded by Councilman Sander and carried unanimously.

E. **Motion to Approve the Terms of a Professional Services Agreement Between Ms. Lois Bollenback and the TPO for Post-Employment Assistance During the Transition Period**

Chairperson Wheeler stated Ms. Lois Bollenback has been employed by the River to Sea TPO for a total of 15 years and has served as the Executive Director for the past nine years. As recommended by the Executive Committee, a Professional Services Agreement has been drafted to provide the opportunity for the Interim Executive Director to access the institutional knowledge and expertise of Ms. Bollenback during the expected recruitment period. Ms. Bollenback has historical knowledge that Ms. Nicoulin will need and we would not expect Ms. Bollenback to provide that information without compensation. This agreement will allow Ms. Nicoulin to access that information.

Ms. Bollenback stated it will be an opportunity for Ms. Nicoulin to discuss ideas and answer any question prior to board meetings. She hopes the TPO Board will support this agreement. Ms. Nicoulin will manage the agreement and track the hours.

Chairperson Wheeler noted the TPO's attorney is present remotely if there are any questions regarding this agreement. She added that Ms. Kellie Smith, FDOT, has volunteered to be available for Ms. Nicoulin as well.

MOTION: *A motion was made by Commissioner McGuirk to approve the terms of a Professional Services Agreement between Ms. Lois Bollenback and the TPO for post-employment assistance during the transition period. The motion was seconded by Councilwoman Power and carried unanimously.*

F. Motion to Delegate Authority to the Executive Director Search Committee to Carry Out the Proposed Action Plan to Search for and Hire a New Executive Director

Chairperson Wheeler stated it is recognized that a variety of activities will be needed to fill the pending Executive Director vacancy and time is of the essence. The materials provided in the agenda outline an initial Action Plan proposed for the Executive Director Search Committee (EDSC). The first page of the plan outlines authorities being sought for the EDSC immediately. The second page of the plan outlines the further development of a schedule of activities to be presented to the TPO Board in August. TPO staff will provide additional information on the individual components of the proposed Action Plan. The most important thing is to get started.

Mayor Chasez referred to the proposed motion language of “and hire” a new Executive Director and questioned the “and hire” wording because it is shown in the documentation to have ranked choices. The full TPO Board needs to vote on who will be hired and the motion as written could allow the EDSC to do the hiring.

Commissioner McGuirk replied the TPO Bylaws state the Executive Director position must have full TPO Board approval.

Mayor Chasez stated her question is about process and not substance; the motion currently states “search for and hire”. She asked if the motion could be amended to state what is in the proposed documentation.

Volusia County Council Chair Brower suggested the motion state “recommend to the TPO Board for hiring”.

Chairperson Wheeler asked Mr. Paul Gougelman, TPO attorney, if that language could be added to the motion.

Mr. Gougelman replied yes. The amended motion would read: “motion to delegate authority to the EDSC to carry out the proposed Action Plan to search for and recommend the hiring of a new Executive Director”.

Volusia County Council Chair Brower asked if the motion was recommending a candidate or a tier of candidates.

Ms. Bollenback replied the motion is to follow the Action Plan which is currently still a draft. She referred to the first page of the plan and stated the first two items have already had action taken. The items that need to be discussed now are the recruitment services and budget. The second page of the plan is laid out to be discussed for input and the EDSC will bring back a more detailed plan. A recruitment firm needs to be hired to be able to bring back a schedule and identify specific actions for the TPO Board. It has been discussed narrowing it down to two top-ranked candidates and then the approval would be to enter into negotiations. That is part of what will be discussed at the August TPO Board meeting. Right now, the request is for approval on the plan as it is laid out knowing that more details are to come.

Chairperson Wheeler stated it was discussed having the top three ranked candidates come and present themselves to the TPO Board for consideration.

Commissioner Belhumeur commented that under the Executive Director Position and Salary item, it states “develop a salary range for the Executive Director position and bring to the TPO Board for final approval”; it also states the EDSC will update the Executive Director position description. He asked if it would be consistent for both items.

Chairperson Wheeler asked Mr. Gougelman how that should be handled.

Mr. Gougelman replied that any tweaking of the description of the Executive Director's position needs to be made prior to advertising the position so applicants are aware of exactly what they are applying for. The EDSC would handle that revision.

Commissioner Belhumeur asked if any changes to the position description would have to be approved by the TPO Board.

Ms. Bollenback replied the intent is not to bring that back for board approval; however, she does not anticipate the description changing much. The contract is what is important.

Commissioner McGuirk noted that the Executive Committee is in place for a specific reason which is to make recommendations to the TPO Board. His understanding of this process is that the EDSC will hire a recruitment firm to provide applicants, of which, the top candidates will be presented to the TPO Board who will then decide whom to hire. The TPO Board will not be involved in the selection process which is the purpose of the EDSC but the board will have the final decision on who will be hired as the Executive Director.

Mayor Chasez stated the amendment to the motion addresses her concerns; she felt the amendment had to be made because otherwise, the motion would have granted the EDSC the power to hire a new Executive Director without TPO Board approval.

Ms. Bollenback added that we are trying to ensure there is a delegation of authority to make a decision and enter into a contract for recruitment services and approve the outlined budget. If there is any input or questions on the items on the second page they can be made so as the EDSC refines it, they can ensure that is addressed.

Chairperson Wheeler stated this is a loose schedule and with the board's authorization, it is the way the EDSC wants to move forward.

Council Member Girtman referred to the budget of \$25,000 and asked if that is comparable for a search of this magnitude.

Ms. Bollenback replied yes; it is the understanding from preliminary discussions with the recruitment firms that this is the going rate although they offer slightly different packages. There is flexibility to do more or less but the general rate is \$25,000; this also aligns with the levels of authorization provided in the TPO's Procurement Manual. The approval today is so that we can request proposals for recruitment services.

Volusia County Council Chair Brower commented that is good rate; typically, search firms will charge 25% of the salary and benefits so this is a very competitive price.

Chairperson Wheeler stated the Executive Director salary will have to be reviewed as well. There is a lot of work to do and it could take the rest of the year.

Vice Mayor Lindlau stated that this is a big decision for the TPO Board and noted that no one from the Small City Alliance is on the search committee. He asked if a member from the Small City Alliance could be appointed.

Mayor Chasez replied the motion has already been passed appointing the EDSC members.

Councilwoman Power noted that Small City Alliance members are welcome to attend the EDSC meetings and provide input.

MOTION: *A motion was made by Mayor Chasez to delegate authority to the Executive Director Search Committee to carry out the proposed action plan to search for and recommend the hiring of a new Executive Director. The motion was seconded by Council Member Allebach and carried unanimously.*

V. River to Sea TPO Board Member Comments

Chairperson Wheeler stated there is a lot of work to do and she will have some suggestions for the Executive Committee such as to review the TPO Bylaws, etc. This is the time to do it. She feels there are things we are missing and may need to do differently. This is a new start and the board will need the input of its members.

Commissioner Cloudman thanked Ms. Bollenback and acknowledged the amazing leadership she has provided over the last decade; he wished her the best of luck.

Chairperson Wheeler announced a farewell event will be held next week.

Ms. Bollenback replied there will be an open house on Thursday, July 29, 2021 from 3:00 pm to 5:00 pm.

Commissioner McGuirk also thanked Ms. Bollenback for her years of commitment, getting issues resolved and leading this large group of elected officials. He wished her the best of luck and thanked her for her work over the years.

Council Member Allebach stated it was a much more acrimonious situation in the transition from the old Executive Director to when Ms. Bollenback took over; she has done a great job as Executive Director. This transition should be much smoother.

Chairperson Wheeler thanked Ms. Bollenback for her help with the transition and for the years she has been with the TPO. She has been 100% committed, has always been available and has a great reputation in the community. She wishes her nothing but the best in her next journey.

Ms. Bollenback stated that she knows each of the board members are proud to serve the area of the community they represent. It is a beautiful community to live in and we have amazing assets, a natural environment with the ocean, the rivers, the springs, alligators, manatees, etc. There are community support groups that do admirable work such as the Easter Seals, the Conklin Davis Center for the Visually Impaired, and the Council on Aging. We have strong leadership in the board members and everyone works together; not only at the TPO but in the work she does outside of the TPO serving on boards. She spoke highly about the public school system in Volusia and Flagler Counties; her daughters went to school here and her oldest finished graduate school at Vanderbilt University last year at age 22 because of the foundation she received here. Her fifteen-year old just took her first AP exam which was not easy under COVID-19 conditions. She is proud of them and she is proud of this organization and the work we do here. We have the opportunity to influence and create the community we live in. She is proud of the work the TPO has done to address safety, build multi-use trails, keeping up with growth and development, leverage new technology, etc. We have done all of that by involving the community every step of the way. She has spent 45 years on the east coast of Florida; she is a graduate of Merritt Island High School and has lived in both Volusia and Flagler Counties. She thanked the board members for the support for the work she has done over the last twenty years in Volusia and Flagler Counties. She hopes the board will continue to support to Votran; they have a tremendous operation and they serve the community well. She announced she is taking the Executive Director position at the Spokane Regional Transportation Council in Washington.

Chairperson Wheeler asked Mr. Gougelman if there was anything else that need to be clarified.

Mr. Gougelman replied no; they have done an admirable job in outlining the course to move forward.

Chairperson Wheeler announced the next TPO Board meeting is August 25, 2021 and the Executive Committee meeting is August 4, 2021; the EDSC will meet at 9:00 am and the Executive Committee at 10:00 am.

Volusia County Council Chair Brower stated he is glad Ms. Bollenback shared some personal history; he has not spent enough time on the board to know Ms. Bollenback well but he appreciates her service.

Chairperson Wheeler commented she hopes Ms. Bollenback stays in touch and shares what may be working there regarding transportation with us.

Members continued thanking Ms. Bollenback for her hard work and her service.


VI. **River to Sea TPO Chairperson Comments**

There were no additional Chairperson comments.

VII. **Adjournment**

There being no further business, the River to Sea TPO Board meeting adjourned at 9:51 a.m.

RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION



**VOLUSIA COUNTY COUNCIL VICE CHAIRPERSON BILLIE WHEELER
CHAIRPERSON, RIVER TO SEA TPO**

CERTIFICATE:

The undersigned, duly qualified and acting Recording Secretary of the River to Sea TPO Board certifies that the foregoing is a true and correct copy of the minutes of the July 23, 2021 regular meeting of the River to Sea Transportation Planning Organization (TPO) Board, approved and duly signed this 25th day of August 2021.



**DEBBIE STEWART, RECORDING SECRETARY
RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION**