

Meeting Notes
Wilmington Urban Area Metropolitan Planning Organization
Transportation Advisory Committee
Date: March 24, 2010

Members Present:

Jonathon Barfield, Chairman, Cape Fear Public Transportation Authority
Laura Padgett, Vice-Chair, City of Wilmington
Mike Ballard, Town of Navassa
Bill Sue, Brunswick County
Jack Batson, Town of Belville
David Williams, Pender County
Walter Futch, Town of Leland
Bill Blair, Wrightsville Beach
Jim Dugan, Town of Kure Beach
Bill Saffo, City of Wilmington

Citizen Advisory Committee Members Present:

Mr. Howard Caps representing Cape Fear Public Transportation Authority
Scott Cromartie representing the City of Wilmington
Al Freimark representing coastal Pender County
Paul Martinez representing Town of Kure Beach
John Melia representing City of Wilmington
Ryan Rhodenhiser representing Town of Wrightsville Beach
Donald Sellers representing Brunswick County
Stuart Smith representing Town of Belville

Staff Present:

Mike Kozlosky, Executive Director
Joshuah Mello, Transportation Planner

1. Call to Order

Mr. Barfield called the meeting to order at 4:03 PM. He asked everyone to take a moment to review the TAC mission statement at the top of the agenda.

2. Approval of Minutes:

Minutes for the meetings on February 24th were approved unanimously.

3. Public Comment Period

Mr. Ricky Meeks told members he is having problems with overgrown shrubs and trees when walking along College Road at the University and along Racine Drive over by Kohls.

4. Old Business

none

5. Public Hearing

a. Resolution supporting the MTIP and STIP Amendments for Public Transportation Projects

Mr. Kozlosky told members staff conducted the required 30-day public comment period required for the amendments. These amendments are proposed in case a funding source becomes available for these improvements. Mr. Barfield opened the public hearing. With no one wishing to speak, Mr. Barfield closed the public hearing. Ms Padgett made the motion to support the MTIP/STIP amendments for public transportation projects. Mr. Williams seconded the motion and it carried unanimously.

6. New Business

a. Resolution Adopting the 2010 Wilmington MPO Legislative Agenda

Mr. Kozlosky told members that he did not receive any comments back from TAC member regarding the Legislative Agenda items. He told members at the request by Mr. Futch at last month's meeting, staff has prioritized the items.

Mr. Batson asked for clarification on the Vehicle Miles Traveled (VMT) fee. Mr. Kozlosky said that there are some states proposing to use VMT rather than a gas tax to fund transportation infrastructure. He explained that the recommendation came from the 21st Century Transportation Committee in addressing the numerous transportation challenges faced by the state of North Carolina and this committee passed a resolution supporting those recommendations. Ms. Padgett told members the big issue is that Congress has had to supplement the funding for the Highway Trust Fund twice and it will be depleted again in August. It's getting worse as people are driving vehicles that consume less fuel. They use the same space on the road, but they are not paying the cost of that space. Somehow we must find another way to provide funding to the Federal and States Highway Trust Fund or there will be all these environmentally friendly vehicles and no place for them to go. VMT is just part of an over-all exploration to look at different ways to fund transportation infrastructure. Mr. Williams told members he feels like we are heading down a slippery-slope when we are looking over people's shoulders at how much they're driving. He said he would rather see some kind of flat tax per car every year or something of that nature.

Mr. Futch told members he had a couple of issues regarding the legislative agenda. He said the second item on the agenda is to secure "gap" funding for the Cape Fear Skyway and support the 21st Century Transportation Plan. The first item on the 21st Century Committee recommendations is to eliminate transfers. It seems to be pretty hypocritical if we are asking for a transfer and then to not transfer. He said he thinks there is an inconsistency there if nothing else.

Mr. Futch said the next issue is corridor preservation. He said he thinks we have enough entities out there that can preserve a corridor. Once the corridor is identified, the agencies that can afford to pay for it need to be the ones that reserve the corridor. He said he does not see the need for the Wilmington MPO to preserve any corridors - municipalities, counties, and most importantly, the state DOT can do this preservation. They are the one going to have the money. If they won't preserve the corridor, then why should anybody else. I think those are items that we need to think about taking off the list.

Mr. Kozlosky told Mr. Futch the "gap" funding for the Cape Fear Skyway is approximately \$49 million per year. In the past the 4-other projects funded through tolls in the state of North Carolina were funded out of the Legislature. There was \$172 million that was previously transferred from the Highway Trust Fund to the general fund and that funding has been phased out and eliminated. They are two different subjects. One is the elimination of the transfer, which has been done, and the other is the gap funding.

Mr. Futch told members he went back and looked at the "gap" very carefully. We are saying that the Skyway will pay for 55%. That is not the case at all. The Skyway will only pay about 37% of the cost of the project. The rest of it will come from the loop funding. If we are going to the legislature and ask them for "gap" funding, it behooves us to tell them the truth. The truth is that it's not going to pay 55% of the cost. The truth is it's probably also going to be a lot more than \$1.1 billion. The truth is that they have based the financing of the Skyway, the \$3.9 billion, on a \$971 million cost estimate when they know it's going to be \$1.1 billion or more. On the Turnpike Authority website, they say \$1.1 to \$1.5 billion. The only reason it is being held down now is so that we can artificially put these numbers in place. I think we need to look at that and

I don't think we need to be going to the legislature asking them for something when we know we're lying to them.

Mr. Barfield asked for clarification on the corridor preservation. If the MPO has the ability to preserve a corridor, does that take away the county or the city's right to do that? Mr. Kozlosky said no, it would not take away the opportunity for the county or the municipality to file a corridor map. Mr. Barfield said he does have some issue with that. A case in point was when, as a realtor, he was working on selling a piece of property off Military Cutoff Road. At this point, NCDOT says they may have a plan for the intersection at Market Street and Military Cutoff. The developers buying this property spoke with NCDOT several months ago and there was no mention of anything. The developer spent a lot of money planning, preparing and moving forward. They were getting ready to go to zoning and then a map pops up. One of the people selling land at this location is going to lose the property to foreclosure if they don't sell their land soon. The stance with preserving a corridor means that the person can't do anything with their land until NCDOT says what they are going to do. This project may be five or six years down the road. He asked if we move forward with allowing the MPO this ability, what affect will it have on the owners of the land. In this case, these people are going to face foreclosure and probably lose their land. Whoever buys it will probably get a good deal but at the same time we are harming a citizen. How do we protect people as well as get what the MPO or NCDOT needs.

Mr. Saffo told members the City of Wilmington has protected a corridor for the Cape Fear Skyway. As a city, do we spend the money to purchase this property or not? And, if we do spend the money to buy that property, what is the likely-hood that the state is going to move forward with gap funding? He told members we need some sort of assessment from the state as to when they are going to move forward with these projects. The other issue is that we are the local elected officials and the discussions that we need to have at the state level with our state legislators are not happening. We can sit here and talk all we want; but, are our elected officials in Raleigh going to be supportive of these corridors. Can we go out on a limb and protect corridors which will affect people's property rights? There is a level of frustration that I continue to see on our end because we are continually asked to do some sort of corridor protection and the only thing coming from the state is that they don't know. We need to have concrete evidence that something is going to happen with a project. There has to be some sort of mechanism in place from the state legislature and NCDOT officials.

Mr. Futch told members he feels the problem in this case of corridor preservation is New Hanover County was convinced three or four years ago that this thing was going to happen immediately, but in fact, they jumped the gun. The reason that happens is that there has never been an assessment and there is not to-date an assessment of a preferred corridor. If we allow 10 organizations to pick what they think the preferred corridor is, two things are going to happen. One is you're going to teach-to-the-test. You are going to skew the study to make it look like the corridor that is already preserved is the best corridor. Or, you're going to hold up developer's land for three years with no guarantee that you are going to buy their land. If we hold up another \$200 or \$300 million in land and keep it from being developed for some nebulous project that may or may not be the best corridor, I think we are making a big mistake. The outer loop near Ogden is another example.

Ms. Padgett reminded members that we just read our mission statement. It states that the mission of the Wilmington MPO is to develop and implement a comprehensive multi-modal transportation plan that supports the existing and future mobility needs and the economic vitality of the Wilmington Urban Area. What we're here for is to have the plan and some ability to support that plan. What we're asking for in terms of corridor preservation is the only way that we will ever have a transportation plan with roads on the ground. We have to make the best-guess at times as to where those roads are going to go and preserve the corridor. If we don't,

as an MPO, begin to preserve those corridors. We are going to be back where we were a number of years ago. We almost had a loop around the City of Wilmington, but because of property that was too developed it was finally taken off the plan. Now, if we really have a mission statement addressing the future mobility needs and economic vitality, then we had better be asking the state to help us preserve the corridors. We should also be asking for "gap" funding for the Skyway, money to accelerate the "B" section of the bypass and some innovative transportation financing ideas. Otherwise, we're going to be stuck in the mud.

Mr. Saffo said he agreed with Ms. Padgett's assessment. Protecting the corridors is a tough thing that we must continue doing and he would like for the process to take a much shorter duration. He would also like to have some sort of response back from our elected officials to determine what they are going to do to help us get the money.

Mr. Futch said he understood Ms. Padgett's idea that the mission statement says what it says, but the mission statement never says, nor is it our mission to guess, where corridors are going to be placed. There is a process, the NEPA process, which every single project has to go through. The reason for that is so we don't have to guess, and; if our mission is going to be to supersede the federal and state government so that we can get ahead of them, then I think we have missed on our mission. We're not here to guess. Another thing that I see with the MPO having the right to preserve corridors is essentially they want to override the sovereignty of local government. If it's coming through my town and it's going to do me some good, then I'm going to want it and if it's not, I'm not. Why should the MPO have the ability to override me because I'm only one vote? Very few of us have more than one vote on this committee and so that would mean the MPO could override any local government and preserve a corridor. It could have some huge impacts. It's not thought out well enough and the NEPA process is designed to do that. It comes out with a preferred corridor.

Mr. Barfield told member he would like to hear input from other members. Mr. Williams spoke regarding corridor preservation but his comments were inaudible. Mr. Blair also spoke but he was also inaudible. Mr. Dugan told members he felt we are backing ourselves into a corner. It seems that it's got to be where it ends up regardless of whether it is the right or wrong place because of all the development decisions have already taking place and there are not other choices because of this development.

Mr. Kozlosky told members the request is not specifically talking about the Cape Fear Skyway. We're talking about all projects within the MPO planning area boundary. The City of Wilmington has already directed staff to file corridor preservation map for the northwest quadrant of Kerr Avenue so that we can preserve that area from six-lots being developed. We have notified the public that the City will hold a public hearing based on the general statute on April 20th for the recordation of that map. We're looking at policies to preserve these corridors from encroaching development. We've talked about Military Cutoff Extension; had the City, on behalf of the County, not filed a corridor map then there would be no corridor for the project and the project would no longer exist. We've seen it in the past and we've been blamed for not having looked into the future and conducted good transportation planning. What staff is trying to do is utilize the powers that are provided through the General Assembly in order to preserve these corridors so that there is a future.

Mr. Saffo told Mr. Kozlosky he makes a very good point. We need to have a very-frank discussion between the cities and counties. If the City is going to be protecting a corridor that will benefit the entire region and the entire community, why isn't everybody participating in the purchase of the property? If it's good for the entire area, then we should be willing to put up the money to pay for the property and be willing to explain why it's important that we protect it. To sit there and say to the city that we would like for you to complete the corridor protection map, then when the time period expires you purchase it, I think this being unfair to one segment

of our population. If we think we need to preserve a corridor, then it needs to be a regional county/city effort.

Mr. Futch told members it is his understanding that counties cannot purchase corridors and so maybe we ought to go to the legislature and ask for the right for counties to purchase these since they are regional projects. The other side of it is to put it before a referendum of the voters and let the people decide. I think there are plenty of mechanisms to preserve corridors. To allow the MPO to do it will allow a group of thirteen people to supersede all the councils, all the county commissioners and even the state in preserving a corridor when we don't know any more about funding and we don't know any more about the wishes of the people. Maybe we ought to be asking the legislature to give us the right as our three counties, to have a referendum to increase taxes in order to pay for whatever roads we are looking for.

Mr. Ballard suggested tabling the item because we are going to keep running around in circles. We need to research this and determine where we need to go. He told members he believes we have to prepare for the future and if we don't begin now, we'll be left behind once again. I think we should have a system in place as the MPO to preserve corridors. As we begin to move forward, if we are not protecting the land needed now, when the projects come before us, we won't be able to afford to pay anybody for it. I agree with what Mr. Saffo said about having something in place that if we do this, that it be a limited time frame as to how long we can tie up someone's property or we go ahead and purchase that property. Right now we are just spinning this wheel. Let's table this matter and have a meeting among ourselves to find out what we really want to do.

Mr. Ballard made a motion to table the item. Mr. Williams seconded the motion.

Ms. Padgett told members she would like to offer one caution. This is our region and if we are not the ones that decide on where the roads go and what the corridors are, someone else will tell us. It's our region and we should be the ones to decide where corridors are placed.

Mr. Futch told member he felt like there are some things included on the list that should be part of the legislative agenda. The legislature starts back in May and maybe instead of tabling the whole thing indefinitely because there was no timeframe in the motion, we ought to pick the ones that we are in agreement with and come back on the others.

Mr. Williams asked Mr. Ballard if he would be willing to amend his motion to table the Legislative Agenda resolution until the next meeting. Mr. Ballard agreed. Mr. Williams seconded the amended motion. The motion to table carried 10 to 1, with Mr. Futch voting against tabling this item.

b. Resolution Amending the 2009-2010 Unified Planning Work Program

Mr. Kozlosky told member the TAC has the opportunity until March 31st of this year to amend the planning work program for the current fiscal year. Staff evaluated expenditures and identified opportunities to reduce funding in traffic accidents, transit data, transit systems data, community goals and objectives, the forecast for future travel patterns, the transit element of the LRTP, the airport element of the LRTP, the collector street element of the LRTP, the waterway element of the LRTP, the freight element of the LRTP and financial planning of the LRTP, condition management strategies, the environmental justice and the transportation enhancement projects line items. Staff is proposing to increase funds in the travel model updates and the special studies line item. Mr. Kozlosky stated that a consultant will assist with special elements of the LRTP rather than using staff time and this would be done by utilizing the special studies line item.

Mr. Saffo made the motion to amend the 2009-2011 Unified Planning Work Program. Ms Padgett seconded the motion and it carried unanimously.

c. Resolution Adopting the 2010-2011 Unified Planning Work Program

Mr. Kozlosky told members staff conducted the required 30-day public comment period for the 2010-2011 Unified Planning Work Program. The program includes \$75,000 for consultant services to complete a city wide collector street plan, as well as an organizational analysis to see how the MPO can function more efficiently. Mr. Williams made the motion to adopt the 2010-2011 Unified Planning Work Program. Mr. Ballard seconded the motion and it carried unanimously.

d. Resolution Confirming the Transportation Planning Process

Mr. Kozlosky told members the Transportation Planning Process must be in full compliance with the state and federal requirements. Staff has prepared a resolution that certifies that the Wilmington MPO is conducting transportation planning in a continuous, cooperative, and comprehensive manner which meets all the requirements for an adequate Transportation Plan. Mr. Williams made the motion to adopt the resolution. Ms Padgett seconded the motion and it carried unanimously.

8. Joint TAC/CAC Workshop – (moved ahead)

a. Cape Fear Commutes 2035 Long Range Transportation Plan

Mr. Kozlosky told member the purpose of the joint workshop is to identify any concerns on behalf of the TAC regarding Cape Fear Commutes 2035 Transportation Plan. He introduced Mr. Warren Miller with Fountain Works, LLC who facilitated the presentation of the plan. Mr. Kozlosky said presentations of the plan will be made throughout the communities over the next several weeks. Following that the MPO will conduct the 30-day public comment period.

Mr. Kozlosky turned the presentation over to Mr. Howard Loving and Mr. Joshua Mello. Mr. Loving told members the Citizen Advisory Committee (CAC) had been tasked to look out 25-years and address the transportation needs for the region. They approached their task very seriously and at the end of the 2-year process, the committee feels this is truly a regional plan.

Mr. Loving gave a brief history of the Cape Fear Commutes Committee's efforts in preparing the 2035 Long Range Transportation Plan. The process involved massive public outreach that included surveys and six public open houses throughout 2009. He told members this federal-mandated document addresses the comprehensive transportation needs for the region and must be updated on a regular basis. The recommendations in the plan include all modes of transportation. He told members the entire plan can be found at CapeFearCommutes.org.

Mr. Miller facilitated the question and answer portion of the presentation. Ms. Padgett thanked the members of the CAC for the huge amount of work involved in the creation of the Cape Fear Commutes 2035 Transportation Plan.

Following the presentation, Mr. Barfield suggested the TAC have the opportunity to digest the contents of the report. Mr. Williams told members the report will be a valuable tool and he looks forward to receiving input from the area citizens. Mr. Kozlosky said the 30-day public comment period is to open at the end of April and asked that anyone who has questions or comments to get them back to CAC by then.

Ms. Padgett suggested that when presentations are being given, that the committee really get sound feedback from the public on what and how much they are willing to pay to put the plan in

place. We are driving more efficient cars, we are paying less money into the gas tax, the federal government, unfortunately isn't looking beyond five years so we don't want to leave the people attending these meeting assuming that because the population is growing, the money is going to grow too. We are looking at shrinking highway funds and the suggestions of "new-money" sources in the plan are going to be significant. She said she is very interested in what people are really willing to pay to get the improvements outlined in the plan.

Mr. Futch said he did not see anything in this documentation about the Cape Fear Skyway project. Mr. Kozlosky said it is included in the plan as toll-facility. Mr. Mello stated that the Skyway is shown on the maps and it is discussed in the text but it is not a funded project through the surface transportation funds which are identified in the plan. Mr. Futch asked if there was priority associated with that project. Mr. Mello said it was not ranked because this plan only looks at federal and state surface transportation, local bond funding and other transportation sources.

Mr. Cromartie told members the Cape Fear Commutes committee talked a lot about the Cape Fear Skyway. All the members agree that it is essential to the region. The forecasts are dependent on having the Skyway because they feel it is absolutely critical to the future of the area. Mr. Futch asked if it had to be the Skyway or just another bridge. Mr. Mello said the travel demand model only looks at point A and point B and the capacity of the roadway, so there was an additional link considered between New Hanover and Brunswick County in the model. The location is not directly identified in the model.

Chairman Barfield had to leave the meeting and Vice-chair Padgett assumed the Chair.

Ms. Padgett thanked the members of the CAC for the hours devoted to the Cape Fear Commutes 2035 Transportation Plan. She told them they have represented all the TAC members very well. She said the TAC appreciated their taking on this very large task and they have done a great job.

7. Discussion

a. Cape Fear Skyway Resolutions

Mr. Kozlosky said this item was added to the agenda for discussion. He told members the TAC supported and approved resolutions regarding the preservation of the northern corridor in Brunswick County and the request for "gap" funding made to the General Assembly in the past. He would like to request that members of this board take the resolution to their local councils for endorsement. Mr. Futch said don't count on it. Ms. Padgett reminded members we are a regional board and we need to make decisions regionally.

Mr. Futch told members he has come up with a plan to pay for the Skyway. He said he thought it was a very simple plan and it is regional in nature. He told members he has computed how much it will take to build the Skyway and would like to discuss it with members.

Ms. Padgett suggested that Mr. Futch send his information to the members for review and hold discussions on his plan at the next meeting. Mr. Futch said he thought members could discuss it now without having to see the information. Ms. Padgett said the meeting had already run late and members had other commitments. She asked Mr. Futch to send the information to Mr. Kozlosky and he will forward to members for review.

9. Updates

a. City of Wilmington/Wilmington MPO

Mr. Kozlosky provided the update on transportation projects in the City of Wilmington.

b. Cape Fear Public Transportation Authority

Mr. Eby provided the update for the Cape Fear Public Transportation Authority.

c. NCDOT

Mr. Pope provided the update on the department's projects.

10. Announcements

11. Adjournment

With no further business, the meeting was adjourned at 6:14 PM

Respectfully submitted

Mike Kozlosky
Executive Director
Wilmington Urban Area Metropolitan Planning Organization