

**Meeting Notes**  
**Wilmington Urban Area Metropolitan Planning Organization**  
**Transportation Advisory Committee**  
**Date: October 28, 2009**

**Members Present:**

Lanny Wilson, Chairman, NCBOT  
Jonathan Barfield, Cape Fear Public Transportation Authority  
Mac Montgomery, Town of Kure Beach  
Alan Gilbert, Town of Carolina Beach  
Mike Ballard, Town of Navassa  
Bill Blair, Town of Wrightsville Beach  
Bill Saffo, City of Wilmington  
Jason Thompson, New Hanover County  
Bill Sue, Brunswick County  
Chuck Thurlow, Town of Belville  
George Brown, Pender County  
Tommy Wallace, Town of Leland  
Laura Padgett, City of Wilmington

**Staff Present:**

Mike Kozlosky, Executive Director

**1. Call to Order**

Mr. Wilson called the meeting to order at 4:04 PM.

**2. Approval of Minutes:**

(no action)

**3. Public Comment Period**

Mr. Wayne Huffman, Secretary of the Sneed Farm Home Owner's Association, addressed the TAC members regarding his concerns about the Cape Fear Skyway Bridge impact on the Sneed Farm development. He also spoke about his concerns regarding government deficit spending and urged members to endorse sensible spending by rejecting the extravagant spending on the Cape Fear Skyway Bridge.

Ms. Judy Huffman spoke to the TAC members regarding the cost of the Cape Fear Skyway and suggested using the money to complete the Wilmington Bypass.

Mr. Walter Futch spoke to members regarding the cost of the Cape Fear Skyway and the money involved for the project. He told members he has concerns about the expiration of the corridor in Wilmington. It is trying to force the Town of Leland to make decisions that they don't have adequate information to make. He told members they met yesterday with the Turnpike Authority and DOT representatives and were told that nobody has studied the other alternative yet. He said the Department of Transportation is relying on Wilmington, Brunswick County and the Town of Leland to reserve the corridors because they can not until they have identified all the alternatives and ruled which one is the best. They want us to take that responsibility. The taxes on the land in the right-of-way will be a huge impact on the Town of Leland over the next three years. He reminded members that they represent people living in New Hanover and Brunswick counties and they are making the decision for them. He asked members to not make this decision in haste.

Mr. Andy Koeppel addressed the TAC members regarding interstate highway connectivity between Wilmington and Charlotte. He also suggested that a portion of the Wilmington Bypass be named after Mr. Bill Sue.

#### **4. Presentation-**

##### **a. Urban Loop Prioritization Process**

Mr. Don Voelker, Director of Strategic Planning, gave a presentation on the proposed Urban Loop Prioritization Process. He told members his department would like to receive input and comments prior to finalizing the prioritization process. He said they are particularly interested in receiving comments on whether the factors described in the draft proposal are relevant and whether the proposed scoring methodology is appropriate in creating an Urban Loop Prioritization Process that will support statewide growth, economic development and enhance mobility. He stated that the purpose of the Urban Loop Prioritization Process is to prioritize the remaining the uncompleted sections of the 10 Loops. He reviewed the draft criteria his office is proposing in ranking all projects. He told members at the end of the public comment period on November 30<sup>th</sup>, they will review all the comments received and make revisions to the plan. They will take the proposal to the Board of Transportation in the Spring of 2010 so they can prioritize the list of Urban Loop projects by June 1<sup>st</sup>.

Mr. Wilson told members that he supports the idea and efforts being made to come up with a prioritization process because it is extremely important for the future. He would like to make a couple observations relating to the Wilmington Outer Loop. The project is one of the original loops included in the legislation going back to 1989. There is already a record of decision in place for Wilmington Bypass and to allow that environmental document to laps would not be a prudent decision by the Department of Transportation in light of the fact that there were numerous delays associated with it to accommodate the needs to the community in Brunswick County. It is also important take into consideration that the Wilmington Bypass project has already been approved by the BOT, the route has already been determined and the Department of Transportation has in place authorization for the acquisition of right-of-way for the "A" and "B" sections.

Mr. Wilson noted that although Mr. Voelker mentioned the non-loop funding that might have been provided by communities, he thought it also needs to be expanded to include non-loop dollars that communities or MPOs have approved to be expended on a loop fund eligible project. If we are using non-loop dollars on a loop fund eligible project that will ultimately free up other dollars that can be used for other areas of the state. The Wilmington MPO actually did that when they voted to take down a project that was located in New Hanover County to complete the funding of the "A" section of the Wilmington Bypass.

Mr. Wilson stressed that this community has worked together to make the Wilmington Bypass the number one project for this entire region for years and it's now the next project in line after the Fayetteville Loop, which is currently under construction. With the Wilmington Loop being the next project funded in the TIP, especially the "B" section, he encouraged the Strategic Planning Office to take that into consideration. To come in and changing the rules in the middle of the game and move this project around to a different area or to take it out of the TIP is just fundamentally unfair when the project is already funded and ready to go. He told members that he supports the idea of moving forward with the prioritization process when you are looking to add new projects, but it seems that there is something a little bit unfair about taking a project currently listed in the TIP and shuffling it around.

Mr. Kozlosky told members staff will be providing comments to the Strategic Planning Office before their November 30<sup>th</sup> deadline and he will send members a copy of the letter when it is drafted.

Mr. Sue stated that the TAC has been working on the Wilmington Bypass project for 14 years. He made a motion that the Wilmington Bypass, as it now exists - parts "A" and "B", not be

included in consideration in the proposed Urban Loop prioritization process and that the project move forward as previously indicated to the MPO.

Ms. Padgett seconded the motion and the motion carried unanimously.

## **5. Old Business**

### **a. Resolution supporting the beginning of discussions to bring I-20 to Wilmington**

Mr. Allen Pope told members that General Statute outlines the regulations and follows the Federal Bridge Weight restrictions. North Carolina routes have been given some exceptions by the General Assembly. The primary exception of interest to this committee can be found in General Statute 20-118, subsection (h) – Tolerance. They will allow a 10% tolerance for any vehicle that may exceed their maximum and inter-axel group weight limits as set forth in the subsection.

Mr. Thompson stated that if we do support bringing I-20 to Wilmington, in effect we will be reducing the weight that trucks can legally carry up and down this corridor. The whole purpose in doing this is to improve traffic to/from the Ports. By reducing the weight limits, what you're going to do is increase the number of trucks it takes to carry the exact amount of weight that road is carrying today. He said that is why he could not go along with supporting the resolution because you are just putting a number to a road to make it sound more connected. Interstate connectivity between Atlanta and Wilmington creates a perception that it is easy to travel, but the reality is that it creates more congestion issues for our big trucks and reduces the amount of freight and commerce.

Mr. Pope said he would like to mention that for it to receive an Interstate shield, it has to be brought to Interstate standards. Currently US 74/76 does not meet Interstate standards. It has been identified as a need in the Transportation Improvement Program for this Division for the last 20 years.

Ms. Padgett asked if the state weight standards were the ruling standards or are there federal standards for interstate that are different that over rule state weight standards.

Mr. Pope said it is his understanding there is one standard, a federal standard, and North Carolina is allowed exceptions to that standard. By passing the legislation, North Carolina General Assembly has allowed a 10% tolerance. There is still a max of 80,000 lbs that can be hauled by any vehicle on our roadways and bridges. There is also a lesser amount that can be hauled based on the combination of axles and the distance between their axles. You could haul more weight than 80,000, but only with a special permit.

Mr. Thompson told members trucks in North Carolina can haul more that 80,000 with allowed exceptions made for agriculture, forestry and logging. But, if you put the Interstate designation on a highway, you will loose the current exceptions and the 80,000 pounds will be the maximum weight. Mr. Pope said it basically removes all the exceptions that North Carolina has allowed on US routes.

Ms. Padgett asked if they have already been removed because of the signed intent for US 74 to become Interstate. Mr. Pope said no. Ms. Padgett asked at what point will it go into affect. Mr. Pope stated at the point when the road is upgraded to Interstate standard and the Federal Government has agreed to allow that Interstate shield to represent it as an Interstate. Mr. Pope said the sections of US 74 within Division 3 do not meet Interstate standards.

Ms Jill Stark, with the Federal Highway Administration, told members it won't have the signage until it is approved by Federal Highway Administration. The resolution before the TAC today is to begin discussions with South Carolina and North Carolina Departments of Transportation

and the Federal Highway Administration for both states on Interstate I-20. It is not about putting up signs at this point or even supporting I-20 be submitted to the Federal Highway Administration. At this point, the only thing that can be done is to begin discussions. The resolution is not about support for I-20, it's about the support to begin discussions for I-20.

Mr. Thompson said his point was that he did not want to discuss it because these discussions could be the first step at negatively affecting the weight limits and it will negatively affect commerce in southeastern part of North Carolina.

Mr. Ballard requested paragraph 6 of the resolution could be taken out.

Mr. Montgomery told members he felt the resolution is only asking that someone investigate if it is feasible. The verb that says "to begin the process" means we are ready to go forward with doing something. What we are asking people to do is to begin the dialogue and investigate the process of extending I-20 or to explore the process. He said he doesn't mind talking about anything, but we are not ready to move forward.

Mr. Wilson asked Mr. Montgomery if he is making a motion that we would insert in the resolution "to explore the process". Mr. Montgomery said yes and also take out the paragraph 6 that Mr. Ballard requested. That will force whoever is going to do the research to come back to the various agencies to present the findings and then we could take a definitive motion on whether we support what has been discovered. Mr. Thompson seconded his motion and it carried unanimously.

## **6. New Business**

### **a. Resolution supporting the Cape Fear Skyway and encouraging and supporting New Hanover County, City of Wilmington, Brunswick County and the Town of Leland to utilize the land use planning tools available to preserve a corridor for the future Cape Fear Skyway**

Mr. Kozlosky told members two additional routes for the Cape Fear Skyway were presented at the October 14<sup>th</sup> special meeting of the TAC. Following the discussion on the alternative routes, we asked this board to go back and canvas your members and determine if there is still continued support for the Cape Fear Skyway. This information will be used to determine if there is consensus on preservation of the corridor.

Mr. Sue told members he has discussed the options available with his board of commissioners and the only route they could endorse would be the northern route.

Mr. Thurlow told members during discussions with the commissioners from the Town of Belville, the concern was that the \$40 billion gap was based on all of I-140 being tolled.

Mr. Saffo asked if municipalities on the Brunswick County side of the river decide to protect the corridor, when will that take place. On the east bank of the Cape Fear River in Wilmington, we have already had a piece of property where we held the property owner up for three years. Their time has expired and the property is developable today. We will probably have to start some sort of discussion or negotiation about whether we are going to purchase it or what we're going to do with the property. In regards to this northern alignment, what are you proposing in respect to protecting those corridors? The second issue is to find out if we can toll the existing bypass back to I-40 or US 17 to fund the project. The third part is if the State Legislature is going to come forward with the "GAP" funding of roughly \$40 million per year. It looks like we are at the tip of the spear since we are the first ones out of the gate. We protected our corridor for three years and now we have a piece of property that is available and the property owner is either going to build on it or were are going to buy it. I don't want to jeopardize city tax payer's money to purchase this property. Hopefully we can work out something with the property

owner or maybe with New Hanover County to protect that corridor. It is important to know where the Brunswick County side of the river is on the project. If it isn't protected, we may have situations like Sneed Farm where people are very concerned about the southern route and we moved it north. If we start allowing things to be built in that route, we are going to run into that same situation where property owners will come forward and tell us to please not come through their neighborhood.

Mr. Kozlosky told members he did not have an identified time frame for when a map could be filed for the corridor preservation in Brunswick County or when the General Assembly would provide the GAP funding. We are at a critical point here, we do have two pieces of property in the City of Wilmington that the expiration period has expired and so what we are trying to do is preserve the corridor in Brunswick County and to try to do that also in New Hanover County.

Mr. Saffo said he has a problem with that in respect that for three years we have been denying any kind of rezonings within the corridor on New Hanover County side. We have to have some sort of time frame on the west bank of the river. If not, the City of Wilmington can not move forward in protecting corridors on this side without some sort of assurance that on the west bank.

Mr. Wilson suggested both counties look at what has occurred in Wake County with I-540 that the Turnpike Authority is just now undertaking as a new toll project. One of the interesting things is that with I-540, the community realized that it is such an important part of the growth for the entire region that they stepped forward years ago and began preserving what will be future Interstate-540. We could learn a lot from their example.

Mr. Saffo told members that Mayor Futch has been very clear as to how he feels about this. He said he understands that the Leland Town Council took a vote in favor of going forward with some sort of northern route. This is a critical need for the community and the region, but we all have to be in agreement with it. If we're not in agreement, we're not going to protect the corridor. We're going to get into the situation where the Town of Leland may say this is not important to us or we think you should go another route.

Mr. Gilbert asked if we could move forward with a memorandum of understanding so the east side is not pulling the trigger on spending taxpayer money where the west side would still be hesitating on doing this or not.

Mr. Kozlosky told members he would have to consult legal council. The resolution before you today is supporting the Cape Fear Skyway and also asking the municipalities to preserve a corridor on both sides of the river.

Mr. Gilbert stated in principal we are supporting the skyway, but we are at the mercy of the elected officials. A memorandum of understanding and signing it would be making a commitment.

Ms. Padgett pointed out to some extent that has been done because all the communities had to sign off on the Transportation Improvement Program (TIP) and this is in the TIP. If one community had objected, it would not be on the TIP and that would have stopped the process. She said the Mayor of Wilmington is correct, we put our necks on the line three years ago and we have been waiting three years for the rest of the communities and counties to commit to preserving the right of way. She said it's her understanding that Brunswick County can pass a right of way protection map.

Mr. Kozlosky said that is correct. The county can now file a Transportation Official Corridor Map.

Ms. Padgett said she would like to see us move forward with this resolution with a time frame of 30-days for the remaining communities in the right of way to file a corridor map. Mr. Wilson stated that we need to give them a reasonable amount of time to do the research because there are requirements and we may ask the Turnpike Authority to provide some assistance with the necessary information that Brunswick County could utilize. They will need time to work with the Turnpike Authority to get the necessary information to comply with the notice requirements of the statute.

Ms Padgett suggested we come up with a time frame because she is not willing to vote in favor of this resolution with it being open-ended. Mr. Kozlosky stated that he believed it would take approximately six months to file a Transportation Official Corridor Map. He told member that there are statutory requirements that must be followed in order to file a map. There would have to be significant amount of investigation in order to get to the point where we could file that map. Ms. Padgett said if it is a six-month process then that may be the best we can do and the least that she would want for the resolution. She said her concern is that the City of Wilmington is already past their deadline and nobody has done anything to preserve the corridor except the City of Wilmington with the support of New Hanover County. Can we preserve the corridor for six months; all we can do is make a commitment to do the best we can, but we are going to be expecting everybody else at the table to preserve the corridor in their jurisdiction.

Mr. Barfield asked why hasn't further progress been made on the Brunswick County side to eliminate this six month period. If we knew we were going down this road, whether we had a path chosen or not, couldn't we have put some other things in place to make sure that when we got a loop or path identified then we would be ready to move forward? Mr. Wilson said he thought the major issue was that there was not an acceptable route that the commissioners of Brunswick County would support. When the Turnpike Authority went back and found a route that the commissioners could agree with, that is when Mr. Sue indicated that they would be willing to work with the MPO and the Turnpike Authority to preserve a corridor.

Mr. Sue told members up until the northern route, there was nothing on the table that they could live with because it would have split major subdivisions. The way Brunswick County Commissioners will support this is that we tweak this corridor so we can identify exactly who is being affected. The second issue from Brunswick County's standpoint is some new terminology that came up at the last meeting that said "set aside and purchase". Brunswick County is in no position to start purchasing right-of-way. He suggested to Mr. Wilson that the General Assembly has taken about \$170 million from the Highway Trust Fund since 1998 and used it to balance the General Fund. They have committed that they will take this money to supply money for the GAP. He suggested that we discuss this issue with our representatives at the General Assembly, the Governor and DOT and tell them to start setting aside our \$40 million GAP fund now so that once these corridors are identified, the property can be purchased without adversely affecting the taxpayers. If we don't prepare to have movement from North to South now, we going to be stymied again in Brunswick County. Right now we have one way to get north and south for 50 miles. We need some mechanism so we don't deprive land owners of their land without paying them for it within a short period of time. He said he would strongly suggest we go to our representatives at DOT and take \$40 million per year and put it in a special fund for the next few years so we can start purchasing right-of-way. Last week was the first time that he saw the northern corridor and it still needs some tweaking. If we can get something the property owners are in agreement with and we can identify a source of revenue to pay them for their land in a short period, we will have a "win-win" situation.

Mr. Ballard suggested tabling the resolution because it seems like there is a lot of controversy as to what needs to be tweaked. He said his concern is about the Turnpike project and dealing with Sections "A" and "B". There is talk about tolling these sections and he stated that he has a

problem with that because he does not think Section "A" and "B" should be tolled. If we want, toll the Skyway. If you are talking about going back tolling the whole I-140, he does not think it is fair to residents who travel those roads daily would have to travel on it once it is completed. He said the Skyway is a project of beauty and he would love to see. If we are going to toll something, that should be tolled but he thinks this resolution should not go forward until it is tweaked and everybody is satisfied with the wording or structure of the resolution.

Mr. Gilbert said he is concerned when he hears officials say that they don't want to toll something because when you look at funding road projects, gas taxes are not going to pay for it. Our representatives in Washington are not going to raise gas taxes so we can't pay for our roads as it is. If you're looking at a funding opportunity to build something and you so no to it, he would really like to hear someone say how you're going to pay for these roads. Tolls are a user-fee and are the most effective way to do it.

Mr. Montgomery told members that unless this board acts and expresses our intent that we support this project, it is going to be very hard for Mr. Sue to take the project to his board and get their support. We have got to say if we like it or not and move on.

Mr. Thompson agreed with Mr. Montgomery that it's time to make a decision and let each of the municipalities take care of their jurisdiction. We must do something about the traffic or we are going to stop growth.

Mr. Barfield told member the traffic on the bridge affects all the people in Brunswick County and many more. It's a bottle neck now and he doesn't understand why this has not been ironed out. He seconded Ms. Padgett's motion with an amendment of a six-month time frame to get all this worked on the Brunswick County side.

Ms. Padgett told Mr. Wilson she would like to accept Mr. Barfield's amendment to the motion. She said we also need to address several issues mentioned by Mr. Saffo in the resolution. We need to protect the alignment referenced as Exhibit "A". If we don't do something, we won't have a project to address as far as how we are going to pay for it. How we are going to talk to the Legislator about getting the money if we don't protect the alignment? We have seen what happens when we don't preserve corridors. Twenty years from now we will look back and wonder what on earth were we thinking if we don't move this forward with a resolution of support. Another issue is how much of it is going to be tolled. I feel all of it should be tolled and we will need to go the legislature and get permission to toll. It's the appropriate way to do it and it will lower the toll for everybody who uses one piece of it. We can't solve that problem today. The problem we have to solve today is to put our commitment on the table and say yes, we have to have this project and here is the alignment that we support.

Mr. Wilson called for a vote on Ms Padgett's revised motion and it carried unanimously.

**b. Resolution Adopting the Dow Road Corridor Study**

Mr. Wilson asked to be recused from the Dow Road Corridor Study resolution. Mr. Thompson made the motion to recuse Mr. Wilson. Ms. Padgett seconded the motion and it carried unanimously.

Mr. Montgomery told members that the Dow Road Corridor Study project has been improved significantly. The final study prepared for the MPO staff reduces the original cost and provides recommendations for a thoroughfare with turn lanes and bicycle lanes with improved shoulders. It also provides multi-use path adjacent to the corridor in a right-of-way already owned by the Department of Transportation from the Department of the Army. The cost has reduced probably by half of what the original project was and it meets the needs of both Carolina Beach and Kure Beach. He stated that the Kure Beach Town Council strongly supports the passage

of the resolution. Mr. Gilbert told members that the Town of Carolina Beach also supports adoption of the corridor study.

Mr. Montgomery made the motion to adopt the Dow Road Corridor Study and Mr. Gilbert seconded the motion. The vote carried unanimously.

**c. Resolution Adopting the Pelican Drive/Salisbury Street Bicycle Plan**

Mr. Kozlosky told members the plan recommends sharrows and bicycle lanes on Salisbury Street and the installation of sharrows on Pelican Drive in combination with stand alone bicycle/pedestrian bridges and a multi-use path north of Salisbury Street to accommodate bicyclist of all skill level. The plan will serve as a guide to improve bicycle and pedestrian facilities in the Town of Wrightsville Beach. The Town Aldermen approved the plan in September. Mr. Blair thanked staff for a well done plan and made the motion to adopt the Pelican Drive/Salisbury Street Bicycle Plan. Mr. Thompson seconded the motion and it carried unanimously.

**d. Resolution Adopting the List of Potential Enhancement Projects within the Wilmington MPO planning area boundary**

Mr. Kozlosky told members there is currently no enhancement dollars available and there has not been a call for enhancement projects. Staff wanted to be proactive in case the Board of Transportation does decide to allocate some funds for enhancement projects. Staff solicited a call from all communities and staff developed the list from that call.

Mr. Thompson made the motion to adopt the list of potential enhancement projects within the Wilmington MPO planning area boundary. Ms. Padgett seconded the motion and it carried unanimously.

**7. Updates**

- a. Cape Fear Commutes
- b. NCDOT

**8. Announcements**

- a. Cape Fear Commutes meeting- October 21<sup>st</sup>
- b. Wilmington Bike/Pedestrian Committee meeting- December 10<sup>th</sup>

**4. Adjournment**

With no further business, the meeting was adjourned at 5:53 PM

Respectfully submitted

Mike Kozlosky  
Executive Director  
Wilmington Urban Area Metropolitan Planning Organization