

**Meeting Notes**  
**Wilmington Urban Area Metropolitan Planning Organization**  
**Transportation Advisory Committee**  
**Date: June 23, 2010**

**Members Present:**

Jonathan Barfield, Chairman, Cape Fear Public Transportation Authority  
Laura Padgett, Vice-Chair, City of Wilmington  
Jack Batson, Town of Belville  
Walter Futch, Town of Leland  
Jason Thompson, New Hanover County  
Bob Lewis, Town of Carolina Beach  
Bill Blair, Town of Wrightsville Beach  
Jim Dugan, Town of Kure Beach  
Mike Ballard, Town of Navassa  
Mike Alford, NC Board of Transportation

**Staff Present:**

Mike Kozlosky, Executive Director  
Joshuah Mello, Associate Transportation Planner  
Bill McDow, Staff Engineer

**1. Call to Order**

Mr. Barfield called the meeting to order at 4:10 PM. He asked everyone to take a moment to review the TAC mission statement.

**2. Approval of Minutes:**

Minutes for the meetings on April 28<sup>th</sup> were approved unanimously with the addition of information to the project update from NCDOT regarding the causeway.

**3. Public Comment Period**

Mr. Jack Reel told members he represents the property owners and the developer regarding the efforts in preservation of the Military Cutoff/Market Street corridor. The current corridor map was recorded in 2005 and specifically excluded the Pages Creek Marina site. On January 15, 2009 the MPO approval letter to the previous developer approved the TIA study they had done for an earlier project on the same property. In our TIA scoping meeting in 2009, no mention was made of the interchange. The Market Street corridor study that was done in 2009 for the MPO had some graphics that represented development on that corner was actually encouraged. He stated that he would like to ask members if it was fair to tie up what could be more than the properties needed for the interchange.

Mr. Tom Johnson told members the current corridor that was recorded in 2005 excluded the Pages Creek Marine property. It specifically excluded it from the corridor. There has been no public hearing on a final option, no decision made on any changes or amendments to the 2005 corridor plan. There are some proposals out there, but nothing that has gone to public hearing and nothing that is funded. You have to weigh that against the significant impact on property owner's rights in that area. He stated that if the map is amended, then you will tie up the owner's property, which in his opinion gets to the point of being a taking without compensation. There is no compensation coming forth to these folks. All you do is prevent them from being able to move forward which can significantly impact all the property owners. You significantly increase the scope of this corridor when you don't have the certainty. You will affect many more people than the property owner he is representing. The interchange project may not even happen and you are going to impact these property owners at a time when this community and communities across the country need investment.

Mr. Ryan Foster told members he is the project manager that will hopefully be taking 273 apartment units just south of Market Street and Military Cutoff. He stated that his company has been in business for over 40 years building high-quality units and their intention is to do the same for this community. Their investment is estimated to be somewhere between \$23 million and \$ 27 million on this property, which will substantially increase the tax base in the area. At the peak of construction they intend to have 150 people employed, which will help the citizens of this community as well.

Mr. Futch asked if this property was zoned for apartments or does it have to go through a rezoning process. Mr. Foster told him they were in the process of going through rezoning and have already been through Planning Commission. Mr. Johnson added that they have funding for the project and in these times that is a key point.

Mr. Jeremy Philips told members he is the real estate broker involved in putting the land together for Flournoy Development Company. Some of the property in question is owned by his cousin, Brad Phillips and Pages Creek Marine. Mr. Phillips could not attend the meeting but asked him to read a brief letter. In the letter Mr. Phillips told members he owns the majority of the property. He and his family opened Pages Creek Maine in 1978. Recently the boating industry has been particularly punished during the economic down turn. He asked members to consider voting against the proposed resolution to preserve the corridor that affects his property. More than 5 years ago he and his wife purchased the 9-acres of property directly behind Pages Creek Maine with the intent of doing some in-fill development. As the recession deepened, they decided to put the 9-acre tract on the market. In December of 2009 he made the decision to include 1.1-acre tract where the sales office is located in order to provide direct access to the property. Because of the various other property owners involved in the overall land assembly, it took almost a year to get everything under contract. During that time, the recession became worse and his business suffered greatly. The opportunity to sell the property to Flournoy is the only thing that has kept the bank at bay. Unfortunately, if this project is aborted, it will mean foreclosure for his family. He stated that he understands that it is the business of this committee to evaluate and prioritize transportation needs considered to be in the best interest of the public. He would only ask that you consider the private property owners who are negatively impacted through no fault of their own and now find themselves unable to sell or develop their property. He goes on to say that it is his understanding of the facts that there has been ample opportunity to preserve this corridor previously if it was deemed necessary.

Mr. Andy Koeppel told members that his name had been misspelled in the 5303 Funding agreement and asked that it be corrected. The second thing he would like to bring to the attention of the TAC is the documents in the agenda package regarding the Cape Fear Skyway Bridge. He would like to ask if the approach to the bridge between Carolina Beach Road and River Road is going to be elevated. Mr. Kozlosky told members the design work for the project has been placed on hold. Mr. Koeppel asked for news regarding the multi-modal facility and accusation of the U-Haul property. Mr. Kozlosky told him the Department of Transportation is currently in negotiation on an option with the property owners. They are required to complete an environmental analysis at the site and plan to complete the analysis within one year. Part of the option is a lease agreement with U-Haul that will allow them to continue operating at the location and vacate once the lease agreement terminates.

#### **4. Old Business**

#### **5. New Business**

##### **a. Resolution supporting corridor preservation of the interchange at Market Street and Military Cutoff Road extension**

Mr. Barfield told members because he has financial interest in the item, he would ask to be recused from the vote. Mr. Thompson made the motion to recuse Chairman Barfield from the item. Mr. Lewis seconded the motion and it carried unanimously.

Mr. Kozlosky told members Military Cutoff extension is a project from Market Street to the I-140 bypass. The project began several years ago. In August of 2005 the City of Wilmington, on behalf of New Hanover County, filed a Transportation Corridor Official Map to preserve a corridor for Military Cutoff extension from Market Street to the Wilmington bypass. The Department has worked on the environmental document for the completion of the project. Just two months ago, there were seventeen alternatives. That number has now been reduced down to five. One of the alternatives taken off the table was the upgrade of the existing facility. The environmental document is expected to be completed by winter of next year and the record-of-decision following that. Staff is requesting that the MPO's TAC support the need to file a transportation corridor official map amending the map that had been filed by the City of Wilmington and amend that map to include the additional project limits on the southeastern and northeastern sides of the interchange

Mr. Kozlosky said back in 2005, the City's filed a map for a cloverleaf interchange design, but did not include this property. That was based on the old transportation model. We have recently updated the model in 2008 and again in 2009 based on the traffic projections and the land uses. Based on those updates, this interchange design changed and there has been a need to expand the interchange. The Department has looked at three alternatives. The alternative-2 interchange design ties in with Gordon Road and has a larger footprint than the previous two interchange designs. We've worked with the Department in looking at these designs. Based on our conversations, the interchange design is either alternative-2 or alternative-1; however, alternative-2 does take the most property. This map demonstrates the impacts of those alternatives on the project that Mr. Johnson is referring to here today during the public comment period. The Department has funding for right-of-way acquisition in 2014 however there is no funding for construction. The Department is currently working on their 5 and 10 Year Work Plan. To date that has not been released. This project was prioritized through the list of Top-25 projects that was adopted by this board. The project came out as the top-priority if you exclude the urban loop projects in the region. Based on those reasons, staff would request this board consider a resolution preserving this corridor. This project also came out as the number one priority for the Division in their prioritization process.

Mr. Blair told members he recognized the need for right-of-way acquisition for future plans. He said he is having a difficult time with when the west side was planned and the other piece came later, the public hearing piece did not happen at all during that process. Mr. Kozlosky said there has not been a public hearing on the map. He said it is important to point out that staff is not asking the board to file a map. There will be a public hearing process associated with NC General Statute 136-44.50. Staff is requesting this board support the preservation. At this time, it has not been determined if the County or the City of Wilmington would in fact file the map. We are requesting that this board support the corridor preservation and the filing of the map.

Ms. Padgett asked if the maps represent 3-functional designs. Mr. Kozlosky said they are leaning toward a hybrid of those two alternatives; however, in an effort to preserve the necessary right-of-way, staff would recommend filing a map based on alternative-2. Ms. Padgett asked why the "figure 8" was not being considered. Mr. Kozlosky said it was based on the volumes at the location. It is his understanding from the roadway design engineers that the proposed interchange design would not function at the same capacity as the other two proposals. Ms. Padgett said the reason for her questions are that it looks like what they are asking for is the maximum amount of land and an interchange that takes up more room. She said she did not know if that helps the property owner by using a smaller area.

Ms. Padgett told members she would like to remind the members that years ago this committee had a similar situation on the maps for the outer-loop around Wilmington. The southern portion

of that outer-loop is gone because development was permitted and we have no way to get that back. We have wished a number of times for that back when trying to do our long-range planning. We are very pleased to have Flournoy interested in the community but, if we don't preserve the right-of-way we will create a duplicate of College Road and Oleander Drive.

Mr. Batson pointed out that this corridor preservation is an example of a worst-case situation. This action may cause the property to go into foreclosure or bankruptcy on something that may or may not happen. Ms. Padgett told members it is frustrating to know that we went through the process of hiring an engineering firm to layout potential right-of-way and the City designated the corridor and now we find that because of growth, just like the southern-loop, that right-of-way will no longer work. As a committee we are between a rock and a hard place.

Mr. Lewis said we have the map from 2005 with a change in 2009. Preserving corridors without a public hearing is a concern to him. Mr. Futch said if these developers file for a development permit, I guess the City of Wilmington will file a transportation corridor map and then in 2013 you're going to have buy the land whether or not NCDOT buys it from the City.

Ms. Padgett said there are two choices. The county can file an additional corridor map or the City can file an amendment to the map we filed previously. There was a public hearing in front of the City Council. The City is the lead planning agency for the MPO and the City was asked on behalf of the Department of Transportation to designate the corridor in order to preserve it. One of the things all of us as elected officials get criticized for doing is not planning for the future. Just as our mission statement says, we have to plan for roads.

Mr. Futch told members this is taking peoples land without compensating them. If the public needs this land, the constitution of the United States says that we are supposed to give them just-compensation. Just-compensation is not amending this thing; just-compensation is paying them for their land when we take it. This is what we are doing, we're taking it from them is no different than if we stole it. The public can "want", but it's time for us to put up some money. It is not fair to these guys to take their land from them when we told them we weren't going to in 2005 and now we are. Ms. Padgett pointed out this is the way the state of North Carolina does road planning. There is no money for right-of-way at the state level. When the City designated the corridor, and development got nearer and the property owners had to be compensated. The City of Wilmington "anted-up" and we are supposed to get paid back. The bottom line we must understand is that if we don't preserve corridors, we will not have roads. She asked Mr. Kozlosky if there was anything to be accomplished to ask the Department to go back and look harder at how they could configure this interchange. Mr. Kozlosky stated that staff has already requested that the Department go back and see if the interchange footprint could be reduced. They are currently working on seeing if they could reduce the footprint and still have an interchange that will function at acceptable level of service.

Mr. Kozlosky told members the City of Wilmington purchased six lots within the WestBay Estate subdivision as part of the effort to preserve the corridor for Military Cutoff extension. Another reason staff feels this is important is that this could have a ripple effect on funding for this region, not only for this project, but other projects throughout the MPO. If this project were to be approved and the buildings constructed, when the Department comes in, not only would they have to purchase the right-of-way and land, they will have to purchase these newly constructed buildings and relocate the people living there. That will significantly increase the cost and that will impact funding for this division. We receive our funds based on the transportation equity formula for building highways. If we increase the cost of this project, we are going to have to take funds from another project in order to build this project if the interchange is important and desired at this location.

Mr. Blair asked why we are doing this now. Mr. Kozlosky told members this development project will be going before the New Hanover Board of Commissioners on July 12<sup>th</sup> for rezoning.

Mr. Thompson told members he has voted at least three times in the past while serving on this board as well as when serving as councilmember for the City of Wilmington. None of them have yet come to fruition. As members of this board, we wear two hats as elected officials. Preserving right of way is a function of the TAC; however, as a member of the Board of Commissioners, I look at the reality of something being built when I vote to zone or rezone. Sometimes they are very conflicting positions.

Mr. Thompson asked Mr. Alford how much funding was set aside in our MPO area versus other areas in the southeastern part of the state. What does it look like in the next few years?

Mr. Alford told members the Board was expecting to get the 10-Year Work Plan last week. It was delayed but they hope to receive it by the end of the week. He said this project is based upon the prioritization that this MPO completed. It has been vetted and has fallen out extremely high. It's one of the highest projects for this area. Your will, as those who live here, is critical to how we go forward at the Department. That's how the Department has positioned themselves in terms of moving forward. The input from this MPO is going to determine whether or not this project is built as planned for the long-term. The TAC mission statement is not a near-term mission statement; but a long-term mission statement. If you allow 231 units of multi-family apartment complex to go into a piece of land not zoned presently for multi-family, in two or three years you'll be screaming at the Department for not "anteing-up" the additional funds needed for right of way acquisition to condemn that project. You're being asked to make a brutal decision right now but the point is, you must make the decision.

Mr. Thompson asked why the additional right-of-way was not preserved in 2009 when the last developer requested rezoning for his development. Mr. Kozlosky said this recently updated information has just been provided to the Division and the MPO and staff did not have this information when that development came to the table in 2009.

Ms. Padgett told members she, like many of the members of this committee, find it very frustrating that we hired an engineering firm to lay it out and tell us what right-of-way we needed to preserve. It is very frustrating to get only five years down the road and find out the information was incorrect. Now the question becomes, if we had all of the information, if we had known it was going to be big an intersection, would the property owners be in a different position than they are in now. The right of way would have earlier notice but they still wouldn't have had their property at that point. The City has already bought property and we would like to know when we're doing this, if the project is going to go through and the City of Wilmington will be paid back. She said there is frustration on all sides and she feels terrible for the property owners and the situation for the developers. Unfortunately, it's happening all over the community where we have people who can't move property or can't do what they want to do just because of the economy.

Mr. Lewis told members these investors have made some significant investments in making this project work. Most likely their interpretation was based on 2005. They made all this investment to make this work. His concern is that we can't keep changing the game. He does not appreciate taking people's property or at least making them hold it and they can't use it. He said he understands all the problems we have, but to keep changing this thing as things go makes it very difficult for anybody.

Mr. Futch told members that Mr. Kozlosky was talking about how it might change our funding formula in the future. He said the way he looks at that is we want to borrow these guys money

until we have the money to pay for this project. If you were sitting in their position, would you want that to happen to you? I think we all have to think about that. We can say we sit here on the TAC and we wear one hat, but I can tell you that when we all took office, we took an oath to preserve the Constitution of the United States. In the Bill of Rights it says you will compensate people. You will give them just-compensation when you take their land. Just because we can't afford it until 2014 means we can't afford it. The other thing is that Mr. Barfield stepped aside because he has some vested interest in the project. The City of Wilmington owns six lots; they have a vested interest in it. Are they speaking because they don't want to lose their investment on the six lots, or are they speaking because they think this project is worthwhile? Ms. Padgett said she was speaking as a member of the TAC and a member of the City of Wilmington who has nothing to gain personally or financially. Mr. Futch said that she represents the City of Wilmington and they do have something to gain financially. Ms. Padgett said it was not a conflict of interest.

Mr. Futch said if the project stayed in the same footprint that it was, these guys would be building the project. Ms. Padgett explained that she was saying that if we had recognized the need for a larger right-of-way and designated a larger corridor, perhaps the developer would not be in this position. Mr. Futch said that was a heck of a perhaps if you were sitting in Mr. Philips position. Ms. Padgett said she was looking at the public's position down the road.

Mr. Thompson said if the plan isn't amended, we could still do the clover leaf on the one side that has been the plan since 2005. While that may not be optimal, that's better than the current configuration of the roadways – yes or no? Mr. Kozlosky said that staff does not have that information at this time and he would need to consult with the Department. Mr. Thompson said it was already voted on and we are preserving those corridors, so why would we have to re-evaluate something the elected leaders already voted on and are paying to enforce. Mr. Kozlosky said it was his understanding that the current design will not function appropriately at an acceptable level of service. Mr. Thompson said neither does the one there right now, it's a "double-F" so what difference does that make. Ms. Padgett suggested that it could go from a "double-F" to not being able to move at all.

Mr. Kozlosky said that we want to avoid the situation that we're in with some of these other projects like the Martin Luther King, Jr. Parkway and College Road interchange. Had we built it when we built the parkway, then that intersection would function at an acceptable level of service. Today it does not. That is why we are coming back and trying to retro-fit that project in order to improve the level of service. Mr. Thompson pointed out that Martin Luther King, Jr. Parkway and College Road interchange was not built because we did not have the money back then. Now it will cost twice as much to build in a retro-fit.

Mr. Kozlosky stated to answer his earlier question regarding the level of service at the intersection, staff does not have that information and he would need to consult with the Department to determine what the level of service would be at the location if we went with 2005 plan. Mr. Thompson said he is sure it is not optimal, but if it's worse than what we currently have with the way it's configured, we need our money back from engineers and consultants from 2005. It's not the best plan and we're still behind but it should be better than what we have. Ms. Padgett said the point was to provide the connection between I-140 and Market Street, not to say exactly how the road was to be designed.

Mr. Lewis said in looking at the preservation of the corridor, it has gotten so wide. We have taken significant areas left and right of the corridor and it seems like empty land. It looks almost like the state is saying this is what it's going to look like but I'm not really sure so let's get as much property as possible in case we want to change it. Mr. Kozlosky told members the Department is going back to see if they can reduce the foot print.

Mr. Futch made a motion keep the current transportation corridor as it is and not go with the amended transportation corridor. Mr. Lewis seconded the motion. The motion failed in a tie-vote with four members voting in favor of keeping the current corridor preservation map and four members voting against. Mr. Thompson did not vote.

Ms. Padgett made an alternative motion to approve the resolution supporting corridor preservation of the interchange a Market Street and Military Cutoff Road extension. Mr. Ballard seconded the motion. The motion failed in a tied-vote of four in favor and four against. Mr. Thompson abstained from voting on the motion. He told members he did not like either one of the motions.

Mr. Blair asked if members could get the information on the 2005 plans. He said he would like to see what staff says about the 2005 plan before he makes a decision. Ms. Padgett said the urgency is the County Commissions meeting on July 12<sup>th</sup>. Mr. Thompson told members even if the TAC voted to approve this corridor, the Commissioners could still vote to rezone it. Ms. Padgett said the issue is whether or not we going to recommend that they not rezone it in order to preserve the corridor.

Ms. Padgett asked if anyone had an alternative motion or are we going to leave this with no action. With no suggestions made by members, Ms. Padgett said she would take the Chairs prerogative and close this item with no action taken.

**b. Resolution supporting 4-foot bike lanes on Myrtle Grove Road**

Mr. Mello told members NCDOT District 3 has a spot safety project along Myrtle Grove Road between Piner Road and Carolina Beach Road. The project will add 2-foot paved shoulders to the road. This resolution is asking the MPO and NCDOT to work cooperatively in an effort to try to find additional funding to expand the paved shoulders to 4-feet wide. Mr. Kozlosky said the Department does have funding to widen the shoulders to 2-feet on each side and this is an effort to secure the additional funding to increase that to 4-foot to improve safety. Ms. Padgett made the motion to support 4-foot bike lanes on Myrtle Grove Road. Mr. Thompson seconded the motion.

Mr. Futch asked what other project funding will be impacted by this. Are there other bicycle projects that wouldn't get funded and if we do this. Mr. Mello said we would seek funding from the Division of Bicycle and Pedestrian Transportation to add on-road bicycle lanes to this state roadway. This project is ranked extremely high in the adopted long range transportation plan. It is one of the top-5 projects. Mr. Futch asked what the top unfunded projects were. Mr. Mello said he did not have that information. Mr. Futch said that it seems that we should be asking if there is a higher priority project that will not get funded if this is done. That seems like we keep funding things that are not priority. If we prioritize projects, we ought to go down the list from top to bottom.

Ms. Padgett told members these projects have been vetted at the Technical Coordinating Committee (TCC) meetings. They look at projects before bringing them to us so we are not picking projects from the bottom up. Mr. Futch said his question is if this is the top unfunded project.

Mr. Barfield told members that staff will provide a list of the top-unfunded projects to them. Mr. Futch asked if members can wait until they receive the information before they vote on this resolution. Mr. Barfield said there is already a motion and a second on the floor. Mr. Futch said he would like to make a substitute motion that we wait until such time that we have information on the top-unfunded projects. Mr. Batson seconded the motion.

Mr. Batson said the day and time we quit asking how much things cost, we're not doing our total responsibility. It is a fair question to always ask how much something costs.

Mr. Kozlosky told members this resolution came from the Bicycle/Pedestrian Committee to the TCC and then to this committee. It was recommended for adoption by both those committees.

Mr. Barfield called for the vote on Mr. Futch's substitute motion.

Mr. Thompson called for a Point of Order. He said he moved the previous question. Ms. Padgett seconded it. Mr. Batson said he did not know what we are voting on. Ms. Padgett said we are voting on voting on the previously question. Mr. Thompson said that it means we stop the discussion. He said it's called moving the previous question. Mr. Futch said that was not correct. Mr. Barfield told members the committee needs move forward.

Mr. Barfield called for a vote on Mr. Futch's substitute motion to table the resolution. The motion to table failed with 2 in favor and 8 against tabling the motion.

Mr. Barfield called for a vote on the previous motion supporting the 4-foot bike lanes on Myrtle Grove Road. The motion carried 9 to 1, with Mr. Futch voting against.

**c. Resolution adopting the Middle Sound Loop Trail and Greenways Alignment Map**

Mr. Kozlosky described a proposed concept plan for the BayShore/Middle Sound Loop area bicycle and pedestrian improvements. New Hanover County received funding from a Transportation, Community and Systems Preservations grant for the development and implementation of a greenway network in the amount of \$243,000. A few years ago, some discretionary funding in the amount of \$160,000 was allocated for bicycle and pedestrian improvements in the Middle Sound Loop area. It required a 20% match from the county. The county has agreed to fund the \$40,000 match. In an effort to utilize those funds in the most effective way possible, the county has developed a concept plan. Staff is requesting this committee support this proposed greenway plan. It is similar to what has been done with the Cross City Trail alignment map.

Mr. O'Keefe, Director of Planning for New Hanover County, told members the county previously worked with a community group in the area to improve their bike and pedestrian access. This is a great opportunity to connect to the Cross City Trail running along Military Cutoff Road to Middle Sound area and then connect sections of the county further north. Ms. Padgett said we have had significant public input and they want these pedestrian improvements very badly.

Mr. Futch made the motion to adopt the Middle Sound Loop Trails and Greenways Alignment Map. Mr. Thompson seconded the motion. The motion carried unanimously.

**d. Resolution opposing House Bill 1686**

Mr. Mello told members the resolution opposing House Bill 1686 originated in the Bicycle and Pedestrian Committee. The resolution to oppose the bill was approved by both the Bicycle and Pedestrian Committee and the Technical Coordinating Committee. It is a bill under consideration in the House. It would restrict bicycle riders to not ride more than two-abreast except when passed or parked at roadways set aside for the exclusive use of bicycles. It would require that they remain in a single-lane and move into single file formation when being overtaken from the rear by a faster moving vehicle.

Mr. Mello told members that currently bicycles are classified as vehicles similar to any other vehicle on the roadway. The Bicycle and Pedestrian Committee has concerns because this bill



starts to create separate rules for bicycles that don't apply to motor vehicles, which erodes some of the rights of the bicyclist. There was also a concern about the contributory negligence statute in North Carolina which says if you are at least 1% at-fault in a mishap, you cannot collect full damages. There were also some concerns on how this law would be interpreted if there were a motor vehicle and bicyclist accident due to the contributory negligence statute. Some of the other states that have this law do not have the contributory negligence clause in the state law.

Mr. Ballard made the motion to oppose House Bill 1686. Mr. Blair seconded the motion

Mr. Futch told members that it bothered him that the state legislature thinks it is safe for people to not ride four abreast on the highways and we are going to oppose it. If somebody has an accident based on riding three or four across, they are going to think we are idiots.

Mr. Lewis said he feels that other states have moved this thing forward because of activities like bicycle rodeos from one town to another where people are riding 6,7 or 8 abreast and it continues for miles long and causes traffic to backed up for miles. Normally state police or community police officers then change that so rights aren't violated. He said he thinks this will step in to say your rights aren't violated, here's what the stipulation is. Mr. Futch said it seems to him that it is a pretty safe thing to do.

Ms. Padgett suggested making an amendment to the motion saying that this committee would like to have alternative language that did not take away the bicyclist right to use the road as a vehicle. We agree with this resolution but would like to have alternative wording from the State Legislature.

Mr. Barfield told members he does not feel anything we send regarding this resolution will make a difference in the current short-session. Mr. Kozlosky said he agreed but it may in the next session. Staff would like to include this item in the legislative agenda for the next session.

Mr. Mello told members this bill did not originate from any existing safety issue. It was an issue from a sheriff in rural county who has a lot of bicycle races that travel through his county. This bill did make an appearance during the last session as well, so there is a chance that it will come before the legislature again in the long session.

Mr. Futch said he did not see anything in the resolution that says that if bicyclist are not riding on the side of the road that you get to run over them. He said it seems to him that this doesn't affect their rights to ride. It just says the safe thing to do is get in your own lane. Opposing this house bill basically says we're not for safe bicycle riding.

Mr. Ballard and Mr. Blair accepted Ms. Padgett's amendment to the motion. Mr. Barfield called for a vote on the amended motion and it carried unanimously.

**e. Resolution adopting an agreement between the Wilmington MPO and Cape Fear Public Transportation Authority regarding Section 5303 funding**

Mr. Kozlosky told members the WMPO is the federal designee to receive Section 5303 Transit planning funds for the Wilmington Urban Area. We share the funds with the Cape Fear Public Transportation Authority (CFPTA). This agreement outlines that the MPO will provide 65% of those Section 5303 funds to CFPTA for their transit planning activities and the MPO will retain 35% for the long-range transit planning. This agreement is brought to this committee on an annual basis.

Ms. Padgett made the motion to adopt the agreement between the WMPO and CFPTA regarding Section 5303 funding. Mr. Futch said he would second the motion but stated under Item 6 - Termination, it states the agreement will terminate if federal and/or state funding for public transportation services to the UZA terminates. He said he thinks we need to pick one because it is a totally different meaning when it's "and", versus when it's "or". Mr. Kozlosky stated that these funds are federal funds that are passed through to the state and then passed through to the MPO. Mr. Futch said you have got to say "and" or "or". You can't say both because it is a totally different meaning if you say both and we need to pick one or the other. Mr. Futch said wouldn't you terminate it if the federal funds terminate it because if it's "or" it would just be the federal. If it's "and", then you have to have both of them to terminate it. Ms. Padgett said the problem is that if both of them are terminated, or either one of them is terminated, we don't have sufficient funding. Mr. Futch said then we need "or". If either one of them is terminated, then it terminates the agreement. "Or" would satisfy; "and" does not satisfy. "And" would be that both would have to be terminated. Mr. Barfield stated he did not see that because the state funding may be terminated but the federal will kick in and give you what you need. Mr. Futch said then if you would say "or", you would be fine.

Mr. Kozlosky told members this agreement was drafted by attorneys and staff was not involved. Ms. Padgett told members in the past we have not created an unsolvable problem by leaving "and/or" in there. If the attorneys put it in there, we ought to leave it in as written and she will stand by her motion.

Mr. Barfield called for the vote on Ms. Padgett's motion. The resolution adopting the agreement between the Wilmington MPO and Cape Fear Public Transportation Authority regarding Section 5303 funding carried unanimously.

## **6. Discussion**

### **a. Transportation Demand Management (TDM) Visioning Plan**

Mr. Kozlosky told members the TDM program was established in 2001. Funding for the initial program was a cost share between NCDOT and the City of Wilmington. In 2008, the City decided to fully fund the program. When the TDM Coordinator accepted another position, the program was moved over to the City's Parking Division.

Staff met with the Wilmington City Manager and discussed re-establishment of the TDM program on a regional basis. The first step to re-establish the program will be to create a visioning plan for the region. The Department has allocated funding beginning in July to create the visioning plan. Staff wanted to make the TAC aware that a committee was going to be established to develop the plan and asked anyone who would like to participate in creating the visioning plan to contact him.

Ms. Padgett told members other cities use it and get fairly good impact on their traffic congestion. TDM looks at things like flexible opening and closing times for big companies or schools, park-and-ride programs and car pooling. There are a number of things that can be done. She said her big concern is that the state understands that we want to have local input into the programming and that we are not in the position of having to do it the same way that Raleigh does it, where the population density is very different.

### **b. Continuation of the Citizen Advisory Committee**

Mr. Kozlosky told members the Citizen Advisory Committee (CAC) was created to develop a long-range transportation plan. Now that the plan is almost finished, members of the committee have asked to remain active in assisting the MPO. Staff suggested that once the long range plan has been adopted, we will need to develop a strategic business plan that will identify performance measures and implement those measures. Staff would like to see the CAC

continue and be utilized to evaluate if the performance measures are being met. They would also review the long-range plan and direct staff on how they feel we should implement the plan and evaluate that implementation. They could also provide continuity between this plan and the update in five years.

Ms. Padgett said the CAC could have provided input on the process for Military Cutoff extension when that was first being developed. Because they've worked on the 2035 plan, we need them to continue to help get that plan out to the community. That would be the first step. Once you put something in the plan, citizens need to learn to expect that those things are going to be developed as funding is available and not to feel that they have been blindsided by projects that come up.

Mr. Batson said continuing the Citizen Advisory Committee is an excellent idea. They are an award winning organization.

**c. Cape Fear Skyway Transportation Corridor Preservation maps**

Chairman Barfield told members copies of the Cape Fear Skyway Transportation Corridor Preservation maps were included in the agenda package. Mr. Futch said he wanted to remind everyone that there was a resolution passed on October 28, 2009 setting a 6-month time limit on this corridor map preservation process. That has since expired and if our resolutions mean anything, we shouldn't be discussing this. Ms. Padgett stated that time limit was set because the City of Wilmington had concerns that the City was going to get stuck with an expensive piece of property in the right-of-way.

Chairman Barfield suggested that another resolution can be brought forth to extend that time frame here in the near future. He told members that the maps are in the package for review.

**d. Complete Streets Work Group Stakeholder Interviews**

Mr. Kozlosky told members he is a member of a state-wide work group that is looking at complete streets. In July of last year, the Department passed a complete streets policy. Since then the group has been working with the Department in developing a manual. The committee members will be in Wilmington on August 2<sup>nd</sup> through August 4<sup>th</sup> to conduct stakeholder interviews. They will also hold an open house to promote the Complete Streets Initiative on August 2<sup>nd</sup>. He said he would like to encourage members to participate in the meetings.

**7. Updates**

**a. Cape Fear Commutes**

Mr. Kozlosky asked Mr. Mike Roberts to updated members on activities of the Citizens Advisory Committee. Mr. Roberts told members the Cape Fear Commutes Committee was recognized as part of the UNCW's Master Program and was one of three organizations to receive a nomination for the 2010 Government Organization of the Year award. He said members of the committee wanted to acknowledge the debt they owe to the WMPO staff, in particular Mr. Joshua Mello.

Ms. Padgett thanked members for their efforts on behalf of the TAC and congratulated them on their well deserved recognition.

Mr. Kozlosky told member staff is currently assembling the comments received on the long range plan and will bring it back to the Citizen Advisory Committee for review. The final plan should be ready for the TAC at the September meeting.

**b. City of Wilmington/Wilmington MPO**

Mr. Kozlosky provided the update on transportation projects in the City of Wilmington and Wilmington MPO. Staff is in the process of conducting interviews for the vacant Associate Transportation Planner position.

Mr. Futch asked that the Wilmington Bypass be moved to the top of the update list.

**c. Cape Fear Public Transportation Authority**

Ms. Padgett told members the Cape Fear Public Transportation Authority is moving forward with the transit facility. It has been a major focus for the organization. They are also getting ready to move forward with the maintenance facility off Division Drive.

**d. NCDOT**

Mr. Alford told members the Board of Transportation should be voting on the 5 and 10 year loop prioritization on next week. Mr. Patrick Riddle told members the Department anticipated a let-date of June 24<sup>th</sup> for three bridges on Stone Chimney Road in Brunswick County.

**8. Announcements**

**9. Adjournment**

With no further business, the meeting was adjourned at 5:48 PM

Respectfully submitted

Mike Kozlosky  
Executive Director  
Wilmington Urban Area Metropolitan Planning Organization