

Meeting Notes
Wilmington Urban Area Metropolitan Planning Organization
Transportation Advisory Committee
Date: August 18, 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
Bill Blair, Town of Wrightsville Beach
Jim Dugan, Town of Kure Beach
Mike Ballard, Town of Navassa
Bill Saffo, City of Wilmington
Bill Sue, Brunswick County

Staff Present:

Mike Kozlosky, Executive Director
Joshuah Mello, Associate 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.

2. Approval of Minutes:

Minutes for the meetings on June 23rd and the amended minutes for April 28th were approved unanimously.

3. Public Comment Period

Mr. Andy Koeppel told members that many people are aware that there has been an exchange of comments relative to the Skyway Bridge and he wanted to thank Mr. Futch for being kind enough to acquaint the members with his views on the subject. Mr. Koeppel said he believes that Mr. Futch is trying to do his best to make sure that the interests of Leland are fully protected in accordance with the sympathies of the people who live in that community. Mr. Koeppel stated that every coin has two sides. We can't look away from the fact that if the bridge is built according to the right-of-way being proposed, it's going to have a huge economic effect on all the towns in Brunswick County, as well as the north eastern section of the county. It will provide opportunities for businesses to consider locating in the area and help create a much larger tax base. That will help save the citizens in those communities from the necessity of paying higher taxes as time goes on. He told members he is asking representatives from those locations to please keep this in mind as they debate the Skyway Bridge later in the meeting. This isn't just about potential environmental concerns or traffic; it's about having an orderly pattern of growth so these communities can have the type of economic development that will make them stronger and more viable over the next 15 to 20 years. Mr. Koeppel asked members to please keep that upper most in their mind so we can see to it that this project moves forward. We want NCDOT in Raleigh to realize that this is something that is going to make us a much better region as we look forward to future growth.

Mr. Howard Capps stated he would like to address members about the efforts by the landscape architects in New Hanover County and Brunswick County to incorporate a multi-use path on the Skyway Bridge. Mr. Capps explained the reason for his interest was that he and his wife had visited Charleston, SC and saw the Cooper River Bridge and were impressed with the very attractive bike-way on the bridge. He had read an article in the Star News about the Skyway Bridge and decided to contact the engineers with URS to ask if there were any plans to incorporate a multi-use path on the

Skyway Bridge. The engineer he spoke with indicated there were no plans for pedestrian facilities to his knowledge. Mr. Capps told members following that conversation he approached other landscape architects about starting a grassroots effort to build a multi-use path on the bridge. They agreed and decided the first step would be to make the Turnpike Authority in Raleigh and the TAC aware of their request regarding the addition of a multi-use path before they started contacting other groups. He said from the conversations they have been having, there is a great deal on interest if the bridge is built. They would like to advocate for the inclusion of a Skyway multi-use lane.

Mr. Futch asked Mr. Capps if he was willing to pay the additional costs to have the multi-use path added. Mr. Capps said the answer that question is obviously no; he does not have the money. He stated he doesn't know how it could be done but the group felt that if they did not raise the issue, we would definitely not get a bike-lane on the bridge. The folks in Charleston had said there were no plans to incorporate a bike-way in the early planning stages of their bridge. It took a grassroots effort in order to make that happen. This is something that would benefit Leland, Brunswick County and New Hanover County and his group felt it would be remiss of them as planners and landscape architects to see another bridge built in the region without access for bikes and pedestrians.

Mr. Walter Hickey told members he would like to speak as a rebuttal to Mr. Koepfel's earlier comments. He stated that he currently lives in Leland and has lived in this area for the past 23 years. He said he is happy to be a "bedroom-community" and they don't need any industry. He stated that they did not need the bridge; they just need themselves. He said he thinks the Town of Leland is doing very good with taxes. He said there is enough industry over on their side.

4. Old Business

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

Mr. Barfield told members at the last meeting there was a lengthy discussion held regarding the corridor preservation at Market Street and Military Cutoff Road extension. Following two tied voting attempts on a motion, no action was taken on the item.

Mr. Futch said he disagreed. Action was taken. Mr. Barfield said there was action to not approve it and action to not modify the resolution with both ending in a tied vote. Therefore, nothing was done. He said he requested that staff bring the item back to the committee.

Mr. Barfield reminded members at that meeting he had recused himself because he represented the property owners. He told members that his comments would have been that if DOT had the resources to pay for the right-of-way acquisition then he would have definitely been in favor of the corridor preservation. He said the New Hanover County Board of Commissioners spoke very clearly that they are concerned about preserving access for Military Cutoff Road to make sure traffic flows in the years to come. Mr. Barfield made the motion to support corridor preservation of the interchange at Market Street and Military Cutoff extension. Ms. Padgett asked if he no longer have a conflict of interest. He said he did not. Ms. Padgett seconded the motion.

Mr. Barfield opened the floor for discussion. With no discussion by the board, the motion carried with seven members in favor of the resolution and Mr. Futch and Mr. Batson voted against the motion.

5. New Business

a. Resolution supporting corridor preservation for the Cape Fear Skyway

Mr. Saffo told members he needed to recuse himself from this item. Ms. Padgett made the motion to recuse Mr. Saffo. Mr. Sue seconded the motion. The motion carried unanimously.

Mr. Barfield asked if there was a motion to support corridor preservation for the Cape Fear Skyway. Mr. Futch said he thought that we had already decided that the six-months were over with. Mr. Ballard made the motion and Ms. Padgett seconded the motion.

Mr. Barfield opened the floor for discussion. Mr. Barfield asked Mr. Futch if he had anything to say. Mr. Futch said no one wanted to hear his discussion so he is not going to discuss it. Mr. Barfield told members he would open the discussions. As a professional realtor, he has two properties listed in Waterford. Last Saturday afternoon he needed to go to these properties and decided to use the Isabella Holmes Bridge to get there. To his surprise traffic was backed up from the bridge until you got over to the merge area of US 74/76. In talking with one of his clients, she asked him if something was being done to alleviate traffic in the area.

Mr. Barfield stated that the reality is that you have roughly 10,000 homes planned for Brunswick Forest, multiple lots still available in Waterford and Magnolia Greens is still not built out. The question is where are these people going to go?

He told members he went to Brunswick County again last Friday morning at 8:00am. The traffic was great going to Brunswick County but the line coming into New Hanover County was backed-up. He said he could not imagine himself trying to live in that community and having to deal with the traffic problems every day.

He said he truly believes that when looking at the TAC's mission statement, members have got to be forward thinking in the planning process to make sure that we have adequate roads for people coming here. In his opinion there is tremendous need to make this happen. It is his wish that the board approve the resolution and move it forward. He said he would like to encourage members from Brunswick County to engage their citizens and find out what they are looking for.

He told members he posted the most recent article from the Stare News on his on-line newsletter. He said he had nine people respond regarding the article. Out of the nine who responded, eight said they can't wait for this project to take place.

For those that are opposed to tolls, when he goes to Florida he could take I-95 or the Florida Turnpike and pay the toll. He stated that he always takes the turnpike. It gets him there quickly with the least amount of problems so he doesn't mind paying the toll. He said he thinks those from Brunswick and New Hanover counties that want to use the Skyway will do just that. Those that don't wish to pay a toll will still have US 74/76.

Ms. Padgett asked if the resolution is to approve the northern alignment. Mr. Kozlosky said that was correct. He explained that in October of last year staff was asked to prepare a transportation corridor official map for the northern alignment. This board directed that it be prepared in within six months. Staff was unable to meet that time frame. They received the transportation corridor map from the Turnpike Authority in June. Staff put it on board's agenda for discussion at the last meeting and it was requested that no discussion be had. Staff was directed to bring this back to this board.

Mr. Futch asked who directed staff to put this back on the agenda. Mr. Kozlosky advised him that he was directed by the Chairman, Mr. Barfield. Mr. Futch asked who gave the chair the authority to do that. Mr. Barfield reminded him that he has the authority to bring items before the board as the elected chair of the committee.

Mr. Batson said he has problems about corridor concepts. It's like taking somebody's property with emanate domain but you don't pay him anything for it. These people are locked up for years or longer and all they get are tax bills. He said he has a problem with that philosophy. If it is important enough for us to tie up their monies and their property with a corridor, it should be valuable enough for us pay them for it.

Ms. Padgett said she does not see how we could decide we don't need it because we still have growth even in hard economic times. If the state isn't going to pay for it, we could become more like other states where the counties pay for it or the cities that it's going through, similar to the interstate system. If there isn't any money, the best we can do is to plan for that corridor so when there is money it can be built. She said she doesn't like taking peoples land in that fashion either. The Wilmington City Council had discussions and indicated that it is a problem for them too. We have seen one road in this region go away because of development. The Wilmington area will never have the full outer-loop because the southern outer loop was taken off the plan because there was too much development for the right-of-way. If we don't do something, our children and grandchildren won't have the ability to get across the river.

Mr. Futch asked what happens if the NEPA process comes in next year and picks a different corridor than we have picked. Mr. Kozlosky said the board that files the map could choose to remove that corridor map from the register of deeds. Mr. Futch asked if all the development that occurred during that time is gone. Mr. Kozlosky said yes, within that corridor.

Mr. Barfield called for a vote on the motion made by Ms. Padgett. The motion carried with seven members voting in favor of the resolution and Mr. Futch and Mr. Batson voted against.

b. Resolution supporting the HUD Sustainability Communities Regional Planning grant

Mr. Kozlosky told members HUD has released an opportunity for a Sustainability Communities Regional Planning grant. The grant will support regional planning efforts to integrate housing, land use, economic and work force development, transportation and infrastructure investments. A consortium has been established, with New Hanover County and the Cape Fear Regional Planning Council taking the lead in the development of this process. The MPO is a participating agency. Applications for the grant are due on August 23rd. The resolution is asking the TAC for support in allowing the MPO Executive Director to direct staff in participation in the planning effort.

Mr. Sue told members this came to the Brunswick County Commissioners at their last meeting and it was tabled because they did not have enough information.

Mr. Futch made the motion to support the resolution and Ms. Padgett seconded the motion.

Ms. Padgett said this grant opportunity is not allowing a lot of time. Things are moving fast and she felt that the City Council didn't have a lot of information either. This is a bonafide regional effort and maybe we can have coordinated planning that could make a difference to this region as a whole.

Mr. Barfield called for the vote on the motion. The motion carried with eight members in favor of the resolution and Mr. Sue voting against.

c. Resolution supporting an amendment to the 2010-2011 Unified Planning Work Program

Mr. Kozlosky told members on August 5th the United States Senate passed a bill that included a \$2.2 billion reduction in highway contract authority. This will have an impact in a reduction to the North Carolina Department of Transportation in the amount of \$61 million. The Department is currently evaluating how they are going to resend the funds. The MPO has an un-obligated fund balance for planning in the amount of \$69,203. We have an opportunity to amend our planning budget up until March 31st of the fiscal year. Staff is proposing to appropriate those funds. Once the Department has decided how they are going to resend the funds, this committee could come back and de-obligate the funds or spend them in the current fiscal year.

Mr. Futch made the motion to support an amendment to the 2010-2011 Unified Planning Work Program. Ms. Padgett seconded the motion and it carried unanimously.

6. Discussion

a. Draft Wilmington MPO Ethics Policy

Mr. Kozlosky told members staff has been asked to put together a draft an ethic policy. Once a policy has been approved, he suggested incorporating the policy into the Bylaws. He told members Texas is currently the only state with a MPO ethics policy that he is aware of. Staff used that policy in drafting the policy for the TAC's review. Staff would like to receive comments from members and will bring a revised policy back for consideration.

Mr. Futch suggest changing the verbiage in number four of the second paragraph saying ".....having a family member related to me in the first degree." He said he is not sure who "me" is in that case and he thinks it is not consistent with the rest of the paragraph. Another thing is that it says that a member may be removed from this body. He suggested checking the statutory authority. The members of this body are not appointed by this body. They are appointed by the municipality they represent. He asked staff to check on that.

Ms. Padgett said there is certainly an expectation that the ethics policies at the state level have been strengthened but it never gets around to saying how the accusation is made or the determination is made. She told members she does not think this body can determine that somebody is in violation of this policy or the state's ethics policy. She asked what we would do if in our collective opinion that there has been a violation. If that does happen, the worst thing to happen would be for this body to not have any recourse once people feel like there are ethics violations by board members.

Mr. Sue said he thinks everyone here on this committee are elected officials and have already had to sign an ethics statement. Why wouldn't that apply to us because members are serving here as a result of being an elected official? Why do we need double ethics rules?

Mr. Futch stated he thinks there need to be ethic guidelines for this board. Mr. Barfield said he agreed. He feels we need to have a set of standards to guide us.

Mr. Kozlosky asked that this board look at the conflict of interest statement and provide feedback on exactly what this board would consider as a conflict of interest. There are four criteria listed in the draft policy and he would like to have more direction on what members feel should be the criteria.

Mr. Blair suggested contacting the League's School of Government for direction and input.

b. NCDOT Work Plan and Draft State Transportation Improvement Program

Mr. Kozlosky told members at the last Board of Transportation meeting the Department released their 5-year and 10-year work programs.

Regional highlights from the plan are:

Project	Right-of-way	Construction
Village Road Phase II (U-4063)	funded for right-of-way acquisition in 2012	construction in 2015
Village Road Widening from the interchange to south of Navassa Road (U-4002)		under construction
Interchange at Old Fayetteville Road (U-3337)	right-of-way acquisition in 2019	
Hampstead Bypass (R-3300)	\$20 million identified for right-of-way acquisition in 2017	
Market Street (U-4902C)		funded for 2012
Market Street (U-4902D)		funded for 2017
Market Street (U-4902B)		funded for 2019
Dow Road	right-of-way funding identified 2019	
Military Cutoff extension (U-4751)	right-of-way identified 2014 & 2015	construction in 2017,2018 and 2019
Kerr Ave-(U-3338B) Widening from Randall Parkway/Patrick Ave out to MLK	funded for right-of-way in 2012	construction in 2013
Kerr Ave – Interchange(U-3338C)	funded for right-of-way in 2020	
Gordon Road (U-3831)	funding to widen to 3-lane section from Wood Sorrel Drive to the interchange at N. College for 2012	
College Road	funding for upgrade from New Center Drive out to Gordon Rd	2020
Causeway- Widening interchange at 421 to interchange at 133 & US17		2013
N 3 rd Street Bridge- remove bridge and replace with fill		2015
Section “B”- Bypass (Loop project)		funded 2013 to 2020
Section “A”- Bypass		2010 - 2013
Multi-modal Transportation Center		2012
Independence Extension		2020

Mr. Futch told members in 2007 the Town of Leland agreed to give the Village Road Phase II (U-4063) project up to have the causeway widened. He said their transportation oversight committee came up with a resolution that his council passed and they feel that the project is not important enough to be on the 10-year plan. That is an \$18 million project that somebody else could use.

Mr. Kozlosky stated that this board adopted a list of prioritized projects in 2009 and it was submitted to the Department. The Village Road Phase II project was part of the Department’s prioritization process.

Mr. Futch said at this point the Town of Leland does not feel that it is a priority project. They would much rather see the interchange at Old Fayetteville Road be grade separated. It is number 7 project. There are a lot of needs and some of these communities never get anything. We have Village Road-Phase I and that will help for a number of years. We are not sure in the new master plan that phase II will really be a commercial corridor and have had a lot of input from people who do not want a divided road on phase II of Village Road.

Mr. Sue reminded everyone that Tommy Wallace was on the TAC when the priorities were established. At that time he voted on that priority list.

Mr. Futch said that was right; but, at this point we are telling you that we don't think that is a priority. We know it passes by your property. It may be an ethics violation for it to pass by your property.

Mr. Sue said the issue has been that Village Road has been the main thoroughfare for Leland since he was born. Mr. Futch said they are going to change that. Mr. Futch said if he had a conflict of interest, he should let this board know. Mr. Sue said it was not a conflict of interest. Mr. Futch asked Mr. Sue if he was going to get any right-of-way money.

Mr. Sue said he took Mr. Futch a traffic count two years ago and there were 4,000 cars on Old Fayetteville Road and over 9,000 on Village Road. It's a traffic issue, period. Mr. Futch said there are 90,000 vehicles a day on the causeway and we're going to spend \$20 million on a 9,000 car road. Mr. Futch said the Town of Leland passed a resolution and as a council, they do not believe that should be a priority.

Mr. Barfield told Mr. Futch that he thought it would be good to be on one-accord as we move forward understanding that Mr. Wallace was on this board when this work was done. At that time, Leland had a representative on this board who should have gone back to the town council and briefed everyone on what was happening so you could all be in full support. Your council should have said we don't want it then. But, the TAC did not get that word from Mr. Wallace therefore this board approved what we have here. Mr. Barfield said that this project has already gone forward with DOT, so that is where we are. Mr. Futch said he really appreciates this board looking out for them by spending money on stuff they don't need.

Mr. Kozlosky finished the review of the regional project list.

Mr. Futch asked what is the total amount funded for this area for the next five years. He said when he added it up, he came to \$508 million and he doesn't know when we're going to get \$508 million. We sure haven't seen that much in the last 10 or 20 years. Mr. Padgett said we have had that much spent in our region in the last the 10 years. Mr. Pope told the members that the CIP equity for Division 3, excluding loop-funds, is normally around \$475 million over a seven year period.

Mr. Kozlosky told members the loop is not identified in the list; however, it is identified for funding. The "B" section is broken up into different segments and it's identified to begin allocation of funding in 2013 and be funded all the way out through 2020. That project was one of only six loop project funded in the state. That project was funded in its entirety based on the draft plan.

c. North Carolina Mobility Fund

Mr. Kozlosky told members in the last legislative session, the General Assembly approved the North Carolina Mobility Fund. The Department of Transportation is currently developing criteria that will be presented to the joint Legislative Transportation Oversight Committee. Per the statute, they are required to submit a final report to oversight committee by December 15, 2010.

He said he included in the packet a calendar for deadlines where the Department has requested feedback from members to develop the selection criteria. They identified a timeline of August 9th to September 9th for the first round of public input. They will then develop a preliminary report. They plan to have the report completed by September 30th. They plan to release that report and request comments between October 1st and October 29th. Once the comments are received, they will then develop a final report and plan to have it ready by November 30th and present it to the Board of Transportation on December 2nd. It will then go to the Transportation Oversight Committee on December 15th.

Mr. Kozlosky said he would encourage members to provide feedback to the Department. Mr. Kozlosky said if it is the wish of this board, he can receive member comments and submit them on behalf of the TAC. He asked the members to get any comments to him by September 2nd and he will submit them to the Department by the deadline.

Ms. Padgett asked how much money has been put in the mobility fund and how many years of the fund that the Yadkin River Bridge will take. At what point will our in-put be taken into account for the next project. Mr. Kozlosky said he will get the information and send it to her.

7. Updates

a. Cape Fear Commutes

Mr. Loving told members the Cape Fear Commutes committee is in the process of reviewing public comments and are almost through. The target to present the official plan and recommendations to members of the TAC is for 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.

c. Cape Fear Public Transportation Authority

Mr. Eby told members last month the Cape Fear Public Transportation Authority received concurrence for FTA on their environmental document for the station headquarters. They have submitted a \$6 million grant application with FTA.

d. NCDOT

Mr. Pope updated members on the Department activities. Mr. Sue asked if it was reported at one time that Section "A" of I-140 that funding for right-of-way had been approved. Mr. Pope said all right-of-way has been acquired for the "A" section. Mr. Sue said he meant the "B" section. Mr. Pope said yes, they have gone back and started going through the right-of-way process to purchase the properties.

Mr. Pope said in addressing Ms. Padgett's comment, the Mobility Fund will generate \$173 million in fiscal year 2011-2014 and \$58 million each fiscal year thereafter. Approximately \$150 million has been dedicated to the two phases of the I-85 corridor.

8. Announcements

Mr. Kozlosky reviewed the upcoming meeting taking place for the next month.

9. Adjournment

With no further business, the meeting was adjourned at 5:05 PM

Respectfully submitted

Mike Kozlosky
Executive Director
Wilmington Urban Area Metropolitan Planning Organization