



Board Meeting Minutes
6th Floor Conference Room, 320 Chestnut Street
Wednesday, October 25, 2017

Members Present:

Gary Doetsch, Town of Carolina Beach
David Piepmeyer, Pender County
Hank Miller, Town of Wrightsville Beach
Noreen Slattery, Town of Belville
Landon Zimmer, NC Board of Transportation
Neil Anderson, City of Wilmington

Charlie Rivenbark, City of Wilmington
Frank Williams, Brunswick County
Eulis Willis, Town of Navassa
Pat Batleman, Town of Leland

Others Present:

Mike Kozlosky, Executive Director, WMPO
Karen Collette, Division Engineer, NCDOT
Matt Nichols, MPO Attorney, Smith Leatherwood Moore LLP
Mark Hamlet, MPO Attorney, Hamlet & Associates PLLC

1. Call to Order

Mr. Doetsch called the meeting to order at 3:00 p.m.

2. Conflict of Interest Reminder

Mr. Doetsch asked if any members had a conflict of interest with any items on the meeting agenda. No members reported having a conflict of interest.

3. Approval of Board Members' Excused Absence

Mr. Doetsch stated that Skip Watkins, Jonathan Barfield and Emilie Swearingen have requested to be excused from today's meeting.

Mr. Kozlosky stated that Mr. Anderson is running late.

Mr. Rivenbark made a motion to excuse the absence of Mr. Watkins, Mr. Barfield and Ms. Swearingen. Mr. Miller seconded the motion, and it carried unanimously.

4. Approval of Agenda

Mr. Doetsch pointed out a duplicate numbering of Item 10b and requested the second be renumbered 10b1. Mr. Rivenbark made a motion to renumber the second Item 10b1. Mr. Piepmeyer seconded the motion, and it carried unanimously.

Mr. Doetsch stated that Item 10e was omitted from the agenda packet and requested further information during the meeting. He also requested the locations in Items 11b, 11c and 11d. Mr. Miller made a motion for additional information to be provided during the meeting for Items 10e, 11b, 11c, and 11d, seconded by Mr. Williams, and the motion carried unanimously.

Mr. Williams made a motion to approve the agenda as amended, seconded by Mr. Piepmeyer, and the motion carried unanimously.

5. Public Comment Period

Mr. Andy Koppel spoke to the Board regarding Item 8a (Resolution Requesting the North Carolina Department of Transportation Designate US 74 from Whiteville to Interstate-140 and Interstate-140 from US 74 to US 17 as "Future I-74"). He expressed appreciation to the Board for voting in favor of upgrading this section of the highway to interstate specifications. He inquired about the project funding relative to the prioritization process. He expressed a desire for Interstate 20 to be coextensive with I-95 at the North Carolina/South Carolina state line, and with the I-74 corridor for an interstate uninterrupted by traffic lights from Atlanta to Wilmington.

6. Presentation

a. International Walk to School Day Results – Adrienne Harrington, WMPO

Ms. Harrington gave a presentation on this year's International Walk to School Day, which was held on October 4th. She noted that the outreach strategies to New Hanover, Brunswick, and Pender County Schools differed this year by providing a link to an online survey that captured interest in an educational curriculum and materials, and/or a walking event.

Ms. Harrington gave an overview of results from New Hanover County. She stated that five (5) elementary schools took advantage of the educational materials, and six (6) participated in the event. She reported that more than 1,250 students walked to school this year, tripling last year's number of participants. She noted that a partnership with the New Hanover County Health Department's Safe Kids Coalition was helpful in getting the word out. She displayed photos from the day, and expressed the desire to increase participation by Pender and Brunswick County Schools next year.

A question/answer and discussion period was held.

Mr. Piepmeyer stated that he would discuss it with the Superintendent of Schools in Pender County.

7. Consent Agenda

a. Approval of WMPO Board Meeting Minutes

The minutes for the Regular Meeting of September 27, 2017 were approved unanimously.

b. Resolution supporting the North Carolina Ports Authority's submission for the INFRA grant

c. Resolution supporting the North Carolina Department of Transportation's submission of Rail Improvements for the INFRA grant

d. Resolution supporting the Wilmington Urban Area Metropolitan Planning Organization's submission of an Infrastructure for Rebuilding America (INFRA) grant request for the upgrade of US 74 from east of NC 87 to Mt Misery Road

Mr. Williams made the motion to approve Consent Agenda Items 7(a) through 7(d).

Ms. Batleman seconded the motion and it carried unanimously.

8. Regular Agenda

a. Resolution requesting the North Carolina Department of Transportation designate US 74 from Whiteville to Interstate-140 and Interstate-140 from US 74 to US 17 as "Future I-74"

Mr. Kozlosky stated that the National Highway System Act of 1995 includes language regarding I-73 and I-74, specifically in southeastern North Carolina. He noted that the language states that the corridor shall generally follow US Route 74 to US Route 76 near Whiteville and then US Route 74/76 to the South Carolina state line in Brunswick County. He added that NCDOT's map shows a corridor running through the Green Swamp, an environmentally sensitive area.

Mr. Kozlosky stated that Brunswick County adopted a resolution opposing this alignment. He noted that the MPO has been in favor of bringing I-74 to Wilmington and adopted several resolutions in support of this goal. He added that following a few discussions with the RPO, staff recommends that the DOT designate US 74 and I-140 as future the I-74 to encourage the Department to consider this designation.

Mr. Williams made a motion to approve the Resolution requesting the North Carolina Department of Transportation designate US 74 from Whiteville to Interstate-140 and Interstate-140 from US 74 to US 17 as "Future I-74".

Ms. Batleman expressed concerns that the route continues to carry the other designations as well. Mr. Kozlosky pointed out that it will be necessary to continue to work with the state towards that end.

Mr. Miller seconded the motion and it carried unanimously.

b. Resolution supporting the allocation of additional Direct Attributable funds to the Town of Carolina Beach for the Island Greenway and Harper Avenue Bike Lanes projects

Ms. Kimes reminded members that the Surface Transportation Block Grant-Direct Attributable funded projects are well over budget. She stated that the Town of Carolina Beach has bid its E and L sections of the Carolina Beach Greenway. She noted that the projects were short by \$209,180.77. She added that the Town has requested \$167,000 from the MPO with the Town contributing \$41,000, which the contractor has agreed to hold. She noted that this would fund the project and cover the NCDOT inspection fees to complete the project.

A brief question/answer and discussion period was held.

Mr. Kozlosky reminded members that this is one of the projects that was included on the spreadsheet of anticipated overruns.

Mr. Doetsch pointed out that this project has been underway for five (5) years with every change needing to be approved by three (3) governmental agencies.

In response to an inquiry by Mr. Piepmeyer, Mr. Doetsch stated that this is an important project to the residents. He commented that the Town desires to see it completed.

Following further discussion, Mr. Piepmeyer made the motion to approve the Resolution supporting the allocation of additional Direct Attributable funds to the Town of Carolina

Beach for the Island Greenway and Harper Avenue Bike Lanes projects. Mr. Rivenbark seconded the motion and it carried unanimously.

9. Discussion

Mr. Anderson arrived at 3:25 p.m.

a. Direct Attributable Program

Ms. Kimes assured members that monthly updates on this program would continue until the process has been improved. She reminded members that the main areas for improvement include the following:

1. Application submittal and award timeline;
2. The use of “pots” allocating funding for projects to different modes of transportation;
3. Inaccurate engineering and construction cost estimates; and
4. Understanding the NCDOT expectations and basic timelines of a project.

Ms. Kimes stated that the TCC supports the use of a mini-TIP of funded projects. She expressed concerns regarding project targets for the various modes of transportation. She noted that most projects have been pedestrian-oriented and the STPG funded projects offer new options in light of the new guidance. She added that the TCC recommends that the categories accommodate studies as part of the reorganization and be realigned to accommodate everyone.

Ms. Kimes stated that the TCC also recommends requiring local governments to conduct feasibility studies of projects. She noted the possibility of funding some of the studies with 2018 DA funds. She added that further discussion will be needed to determine who would manage the studies – either the MPO or the local jurisdiction.

Ms. Kimes stated that the TCC is in favor of establishing some user-friendly guidelines. Additional suggestions from the TCC include monthly check-ins; more detailed templates; letters of intent to better explain expectations; requiring selected engineering firms to provide a schedule of anticipated project milestones to be incorporated into the contract; and creating a focus group or subcommittee to further develop ideas for the program and the distribution of the DA funds.

A brief question/answer and discussion period was held.

Mr. Kozlosky requested to know if the Board would support a five (5)-year program as opposed to an annual call for projects.

Ms. Batleman requested time to discuss this with her town manager.

In response to an inquiry by Mr. Rivenbark, Mr. Kozlosky stated that the five (5)-year plan would remove some of the flexibility in applying for projects. He reminded members that one of the goals is to complete projects in the MTP. However, the Board will ultimately decide which ones to move forward and the jurisdictions will continue to submit the projects.

Ms. Kimes offered to provide Leland's Town Manager with the TCC's rationale for a five (5)-year program.

Mr. Doetsch stated that this would be considered again at the Board's November meeting.

b. Old Fayetteville Road Multi-use Path (U-5534D)

Mr. Kozlosky stated that the Town of Leland was awarded funding in 2013 and additional funds in 2015 for the Old Fayetteville Road Multi-use Path Project. When initially conceived, the project was estimated to cost \$380,000. Since then, the cost has escalated to \$2.2 million. He noted that the Town doesn't want to proceed any further with the project, which is at 65% design plans, without support from the Board to allocate the additional \$1.5 million needed for the project. He added that the Town has agreed to supply the 20% match for the overall project.

Mr. Kozlosky stated that the TCC supported this proposal with a justification for the overrun to be provided by the Town. He noted that if the Board supports it, a Resolution will be brought forward at its November meeting.

Mr. Doetsch stated that his Town has had a similar experience with its Island Greenway Project.

Mr. Kozlosky gave a brief overview of issues associated with the Old Fayetteville Road Multi-use Path Project. He added that a memo from the Town will be provided.

A question/answer and discussion period was held.

It was the consensus of the Board to move this Item forward. Mr. Kozlosky stated that it would be brought back at the November meeting.

10. Updates

Mr. Kozlosky introduced new Associate Transportation Planner, Jason O'Brien. Mr. O'Brien expressed appreciation and gave a brief overview of his background.

Mr. Kozlosky stated that the MPO currently has three (3) vacancies that are in the process of being filled.

Mr. Doetsch reminded the Board that updates are included in the agenda packet.

In response to an inquiry by Mr. Piepmeyer, Ms. Collette stated that the public meeting for the Hampstead Bypass was attended by 375 to 400 people.

Mr. Piepmeyer stated that both the elected officials and public forums for the Hampstead Bypass and Median Project, were well attended. He noted that many detailed questions were addressed.

Ms. Collette commented that the meetings ran well considering the number of attendees. She noted that people were respectful and open to the information.

Ms. Batleman inquired about the next merger team meeting for the Cape Fear Crossing. Mr. Kozlosky responded that the date of the next meeting is not known. He noted that he spoke with Jay McInnis and speculated that Concurrence would proceed with the removal of F, P, and G. He added that he would inform the Board of any meetings.

11. Announcements

Mr. Doetsch announced upcoming meetings and Mr. Kozlosky provided times and locations for Items 11(b) through 11(d) as follows:

- a. Hampstead Bypass/Hampstead Median Public Meeting – October 19th
- b. Carolina Beach Road Public Meeting – October 30th:
 - i. Local Officials Meeting: 2:00 p.m., Wilmington City Hall, Lord Spencer Compton Conference Room;
 - ii. Public Meeting: Sunset Park Elementary School, 4:00 p.m.-7:00 p.m.
- c. South Front Street Widening Public Meeting – November 13th –
 - i. Local Officials Meeting: 2:00 p.m., Wilmington City Hall, Lord Spencer Compton Conference Room;
 - ii. Public Meeting: Sunset Park Elementary School, 4:00 p.m.-7:00 p.m.
- d. WMPO Bike/Ped Committee Meeting – November 17th
3:00 p.m., 6th Floor, Conference Room, 320 Chestnut St.
- e. Next MPO Meeting – November 29th
3:00 p.m., 6th Floor Conference Room, 320 Chestnut St.

Mr. Kozlosky stated that he would be absent at the next Board meeting.

12. Additional Item(s)

Mr. Rivenbark and Ms. Collette left the meeting at 3:56 p.m.

Mr. Doetsch requested a motion to waive the rules and enter into a closed session pursuant to the provisions of GS §143-318.11(a) (3) in order to preserve the MPO's attorney-client privileges and to consult with Attorneys Mark Hamlet and Matt Nichols regarding the following legal matters versus the North Carolina Department of Transportation and Wilmington Urban Area Metropolitan Planning Organization versus:

- Jamestown Pender, LP, 14 CVS 528, filed in Pender County
- Gerald Dean Hardinson Jr. & Hardinson Rentals LLC, 15 CVS 0624, filed in Pender County

Mr. Piepmeyer made a motion to waive the rules and enter into closed session, seconded by Mr. Williams, and the motion carried unanimously.

The Board recessed the meeting and went into closed session.

The Board reconvened the meeting with all members present as mentioned above.

Mr. Doetsch reported that no action was taken other than to provide directions to Attorneys Mark Hamlet and Matt Nichols regarding the MPO's responses to the legal matters versus the North Carolina Department of Transportation and Wilmington Urban Area Metropolitan Planning Organization with individual case numbers filed in Pender County and/or New Hanover County, North Carolina, by the following parties::

- Jamestown Pender, LP
- Gerald Dean Hardinson Jr. & Hardinson Rentals LLC

13. Adjournment

With no further business, the meeting was adjourned at 4:28 p.m.

Respectfully submitted,

Mike Kozlosky
Executive Director
Wilmington Urban Area Metropolitan Planning Organization

**THE ABOVE MINUTES ARE NOT A VERBATIM RECORD OF THE PROCEEDINGS.
THE ENTIRE PROCEEDINGS ARE RECORDED ON A COMPACT DISC AS PART OF THIS RECORD.**