



Board Meeting Minutes
6th Floor Conference Room, 320 Chestnut Street
Wednesday, August 30, 2017

Members Present:

Gary Doetsch, Town of Carolina Beach
David Piepmeyer, Pender County
Jonathan Barfield, Cape Fear Public
Transportation Authority
Pat Batleman, Town of Leland
Noreen Slattery, Town of Belville

Hank Miller, Town of Wrightsville Beach
Charlie Rivenbark, City of Wilmington
Emilie Swearingen, Town of Kure Beach
Mike Forte, Brunswick County
Eulis Willis, Town of Navassa

Others Present:

Mike Kozlosky, Executive Director, WMPO
Karen Collette, Division Engineer, NCDOT
Mark Hamlet, Attorney
Matt Nichols, Attorney, Smith Moore Leatherwood

1. Call to Order

Mr. Doetsch called the meeting to order at 3:01 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 Mr. Watkins has requested to be excused from today's meeting.

Mr. Rivenbark made a motion to excuse the absence of Mr. Watkins. Mr. Piepmeyer seconded the motion, and it carried unanimously.

Mr. Kozlosky stated that Mr. Miller has been delayed, and would be joining the meeting later.

4. Approval of Agenda

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

5. Public Comment Period

Mr. Andy Koeppel spoke to the Board regarding Item 7b (Resolution supporting the submittal of Rail Projects for Prioritization 5.0). He requested that a feasibility study be considered for a rail project linking the Multi-Modal Center to the airport. He noted that Wave Transit has recently instituted service to the airport from existing routes. He added that the Convention Center Hotel will be completed within the next few months and would also benefit from such a service.

6. Presentation

a. Prioritization 5.0 - Prioritization and Programming, Alan Pytcher, NCDOT

Mr. Pytcher distributed copies of the presentation and stated that the Strategic Planning Office in Raleigh asked all Division Planning Engineers across the state to give a brief presentation on the current prioritization, P5.0. He noted that the STIP (Statewide Transportation Improvement Program) for 2018-2027 was approved by the Board of Transportation approximately two (2) weeks ago. He added that the program identifies the funding and scheduling of projects in the DOT's capital program, which is about 55% of the DOT budget.

Mr. Pytcher stated that the first five (5) years of the program are committed projects and the second five years are for the scoping and environmental stage. He noted that the 10-year STIP is updated every two (2) years by NCDOT. He added that the federal government requests that it be updated every four (4) years.

Mr. Pytcher stated that the current STIP contains more than \$28 billion in projects from highway, non-highway, bridges, safety, interstate maintenance, and congestion management and air quality improvements. He gave an overview of categories of projects entered into the STIP.

Mr. Pytcher stated that Strategic Transportation Investment (STI) Law (House Bill 817) which was passed in 2013, was put in place to prioritize and fund different projects in North Carolina. He added that the MPO, representing Brunswick, New Hanover and Pender counties is within Region B. He identified the three (3) funding buckets – Statewide Mobility, Regional Impact, and Division Needs. A brief question/answer and discussion period was held.

Mr. Pytcher stated that STI Law prioritizes NCDOT across six (6) modes (highway, aviation, rail, public transportation, ferry, and bicycle and pedestrian) and directly ties funding to prioritization results through scoring. He noted that a workgroup has met 18 times this past year from October 3 through June 19 to discuss prioritization. He added that the workgroup consists of representatives of four (4) MPOs, four (4) RPOs, the Metro Mayors Coalition, League of Municipalities, the Council of Governments, Association of County Commissioners, 12 from NCDOT and those in an advisory capacity.

Mr. Pytcher gave an overview of the tiered workings of the STIP with 40 percent of the \$28 billion going to Statewide, 30 percent to Regional and 30 percent to the Division. He gave an overview of criteria and scoring for the various impacts and modes, and relevant dates and contact information.

A question/answer and discussion period was held.

7. Consent Agenda

a. Approval of WMPO Board Meeting Minutes

The minutes for the Regular Meeting of July 28, 2017 were approved unanimously.

b. Resolution supporting the submittal of Rail Projects for Prioritization 5.0

c. Resolution amending the Wilmington Urban Area MPO Bylaws

- d. **Resolution authorizing the Chairman to enter into the FY 17-18 Section 5303 Agreement between the City of Wilmington, Wilmington Urban Area MPO and Cape Fear Public Transportation Authority**
- e. **Resolution Re-affirming Support to increase Ferry Tolls for the Southport/Fort Fisher Ferry**

Ms. Batleman made the motion to approve Consent Agenda Items 7a through 7e.
Mr. Willis seconded the motion and it carried unanimously.

8. **Public Hearing**

- a. **Resolution adopting the 2018-2027 State/Metropolitan Transportation Improvement Programs**

Mr. Kozlosky told members that a process similar to Prioritization 4.0 was used to develop the State/Metropolitan Transportation Improvement Program in cooperation with the North Carolina Department of Transportation. He noted that public involvement in the form of a 30-day public comment period was held on the STIP/MTIP and no public comments were received. He added that a public hearing on the STIP/ MTIP is also required prior to mutual adoption by the MPO and NCDOT.

Mr. Kozlosky stated that the STIP outlines the projects that the NCDOT proposes to work on during the next 10 years - the first five years are considered committed projects and the second are the DOT's work plan, which is subject to reprioritization during Prioritization 5.0. He reiterated that the public hearing is required and that no feedback has been received from the public yet.

Mr. Doetsch opened the public hearing.

No one in the public wished to speak.

A lengthy question/answer and discussion period was held regarding unfunded projects such as the Cape Fear Crossing. Mr. Kozlosky pointed out that the environmental document is in progress.

Mr. Rivenbark made the motion to close the public hearing. Mr. Piepmeyer seconded the motion and it carried unanimously.

Mr. Miller arrived at 3:35 p.m.

Mr. Barfield made the motion to approve the Resolution adopting the 2018-2027 State/Metropolitan Transportation Improvement Programs. Ms. Swearingen seconded the motion and it carried 9-1. (Ms. Batleman voted "No.")

9. **Discussion**

- a. **Direct Attributable Submittal Form Proposal**

Mr. Kozlosky reminded members that at its last meeting an application for combined STBGP-DA (Surface Transportation Block Grant Program-Direct Attributable) and TASA-DA (Transportation Alternatives Set Aside-Direct Attributable) programs was brought forward to the Board. Following further discussion, staff concluded that the programs need further consideration beyond revisions such as including studies on the submittal form. He noted that each of the projects has had an escalation in

construction costs. He requested further delay for discussion with the TCC and the Board.

Ms. Kimes stated that in the agenda pack is a memo providing some background information explaining the funding and contributing challenges. She expressed concerns regarding the timing of the process from application to construction, and the gap between awarding and obligating funds. A lengthy question answer and discussion period was held.

Mr. Kozlosky stated that the challenge is to get projects built and have some in the hopper to continue to move forward. He noted that it will be necessary to see how other communities are doing this, and to work with the state to streamline the process. He pointed out that there would be some impacts to getting a handle on the program by delaying the call, not awarding some projects, or finding a way to allocate money such as working with the Ports or the airport.

Mr. Doetsch inquired if there was a way to split projects and equipment. Mr. Kozlosky responded that it would be considered.

A lengthy question/answer and discussion period was held.

Ms. Batleman expressed concerns regarding engineering/design conflicts with NCDOT.

Ms. Collette commented that many municipalities prefer autonomy. She added that the DOT may be available to go through the process with municipalities, but needs to be involved from the start, before scoping.

Mr. Kozlosky requested to delay the call until additional conversations can be held.

Mr. Barfield requested that other stakeholders participate in the discussion in addition to TCC members.

Ms. Batleman suggested Town Managers participate.

Mr. Kozlosky recommended a work session with those involved who deliver projects.

Ms. Collette commented that those who understand procedure and timing need to be involved as well. She pointed out that smaller projects have increased in cost by 60 or 70 percent within the last year.

A question/answer and discussion period was held regarding the impact to local match and the potential for greater cost escalation factors.

Mr. Forte made a motion to take staff's recommendation to delay a call for future projects to give time to work with TCC and the Board, seconded by Mr. Doetsch, and the motion carried unanimously.

b. Cape Fear Crossing Update/Discussion

Mr. Kozlosky reported that the merger team held a meeting on August 17, 2017 to discuss the removal of potential alternatives. He expressed concerns that the MPO was not notified of the meeting until about 10:15 a.m. of that day and it was held in

Raleigh. Although on vacation, he made every effort to notify members and participated in the conference call.

Mr. Kozlosky stated that during the meeting the merger team voted to remove Alternatives J, V/F and C, and to continue discussing dropping Alternatives F and P. He pointed out that none of those alternatives were on the Board's list to retain based on its discussion in April.

Mr. Kozlosky stated that interest was expressed in dropping Alternatives G and/or Q, which have significant stream impacts, but the lowest number of total relocations. He requested feedback from the Board regarding dropping one or both of the alternatives in question. A lengthy question/answer and discussion period was held.

Mr. Miller made a motion to support the removal of both G and Q, seconded by Mr. Piepmeyer. The motion carried unanimously.

c. Infrastructure for Rebuilding America

Mr. Kozlosky updated members that the USDOT will be making available \$1.5 billion in discretionary grant funds for transportation infrastructure projects. Larger projects must be of at least \$25 million with 10% reserved for small projects of at least \$5 million. He noted that funds can be used for reconstruction, rehab, property acquisition, mitigation, equipment acquisition, and operational improvements. He advised that as a transportation management area, this Board can submit up to three projects for consideration with submittals due November 2nd.

Mr. Piepmeyer inquired about the requirements. Mr. Kozlosky responded that it would be necessary to work with the Department to identify matching funds. He noted that the environmental document would need to be a federal document. He added that projects would need to be ready to go in two (2) years. A question/answer and discussion period was held.

Mr. Kozlosky requested that any projects that might qualify be emailed to him within the next two (2) weeks for the Board's consideration at its next meeting. He noted that staff would also review the Long Range Plan and coordinate with DOT.

Mr. Piepmeyer requested to know what would be required to go from a state to a federal environmental document in time, cost, and process for the Hampstead Bypass.

d. MPO Staffing and Retention

Mr. Kozlosky gave an update regarding MPO staffing. He stated that both Associate Planner positions have been filled - one from a member organization and the other from Kansas. He noted that interviews have been held for the GIS Analyst, and the application period for the Senior Planner position will close tomorrow. He added that the Construction Manager position has yet to be advertised, and the position is in the process of being reclassified to Project Engineer with the same salary.

Mr. Kozlosky stated that last week he distributed information on the study for the recommendations to prevent future loss. He noted that exit interviews were conducted with common themes including compensation, opportunity for advancement, administrative policies, and personal reasons. He pointed out that the reasons for leaving were different for each departing staff member.

Mr. Kozlosky stated that the City of Wilmington is conducting a classification and benefits analysis by benchmarking comparative cities and counties. He added that the study will be complete in mid-November.

In response to an inquiry by Mr. Doetsch, Mr. Kozlosky stated that a more detailed independent study of compensation analysis for the existing staff positions would need to be approved by the city as host of the MPO.

Mr. Barfield made a motion to authorize a pay and classification study for the MPO, seconded by Ms. Batleman.

Following further discussion, Mr. Doetsch called the question and the motion carried unanimously.

Mr. Barfield left the meeting at 4:34 p.m.

10. Updates

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

11. Announcements

Mr. Doetsch stated that the next Bike/Ped Committee meeting and an Oleander Drive Public meeting will be held on September 12, 2017, and the next meeting of the MPO Board on September 27, 2017.

Mr. Kozlosky distributed copies of the Annual Report and Strategic Plan to Board members.

Mr. Miller requested that new photos of Board members be used next year.

Ms. Swearingen expressed concerns regarding the location of the upcoming mass transit meeting in Bladen County on October 4, 2017.

Ms. Swearingen left the meeting at 4:38 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 attorney-client privileges in consulting with Attorney Matt Nichols and Attorney Mark Hamlet on the following legal matters versus the North Carolina Department of Transportation and Wilmington Urban Area Metropolitan Planning Organization:

- Jamestown Pender, LP, 14 CVS 528, filed in Pender County
- Noelle Holdings, LLC, 14 CVS 1036, filed in Pender County
- Hanpen Land Co. LLC, 15 CVS 433, filed in Pender County
- Hanpen Land Co. LLC, 15 CVS 1579, filed in New Hanover County
- Buyers Brokers & Consultants, 15 CVS 494, filed in Pender County
- Earnest Bryant Jr. & Rose Bryant, 15 CVS 0554, filed in Pender County
- Charles E. Bryant, 15 CVS 556, filed in Pender County
- Gerald Dean Hardinson Jr. & Hardinson Rentals LLC, 15 CVS 0624, filed in Pender County
- Martin J. Evans & Francesca M. Evans, 15 CVS 0557, filed in Pender County
- Roger A. Wood and Barbara K. Wood, 15 CVS 1923, filed in New Hanover County

- Stephen Gale & Marilyn J. Gale, trustees of the Steve Gale & Marilyn Gale Revocable Living Trust & Steven & wife Marilyn J. Gale in their individual capacities, 15 CVS 1562, filed in New Hanover County
- Norma C. Moore, 15 CVS 0555, filed in Pender County
- C. Robert Stroud, Jr., 15 CVS 2046, filed in New Hanover County
- Gregory & Christina Beck, 15 CV 000694, filed in Pender County
- Patrick Adams, 15 CV 000788, filed in Pender County
- Elaine Spiller Brown, 15 CV 000790, filed in Pender County
- Loftin A. McCullen, Sr., 15 CV 000844, filed in Pender County
- Michael Spahr, 15 CV 000911, filed in Pender County
- Sandra Powell King, 15 CV 000963, filed in Pender County
- Francis M. Readdy, 15 CV 001174, filed in Pender County
- Shirley Smith Overdiep, Anne Smith Heard, James D. Smith & Alice Smith Whitaker, 15 CV 001199, filed in Pender County
- Shirley M. Herman, 15 CV 001200, filed in Pender County
- Elizabeth A. Mobley, 15 CV 001160, filed in Pender County
- Julia S. Jones, 15 CV 001198, filed in Pender County
- Jimmy M. & Marilyn B. Burns, 16 CV 000241, filed in Pender County
- Barbara J. Roberts, 16 CV 000202, filed in Pender County
- Russell B. & Florita Hunt, 16 CV 000795, filed in New Hanover County
- Susan D. LoRusso, 16 CV 000242, filed in Pender County
- Rachel P. Gaines, 16 CV 000309, filed in Pender County
- Frank & Joyce Governale, 16 CV 000496, filed in Pender County
- Eugene Elwin & Donna Diane Crocker, 17 CV 000342, filed in Pender County
- Richard & Traudy Lewis, 17 CV 000479, filed in Pender County

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

Mr. Miller left the meeting at 4:42 p.m.

The Board recessed the meeting and went into closed session.

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

Mr. Piepmeyer reported that no action was taken other than to provide direction to Attorney Matt Nichols and Attorney Mark Hamlet 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, as follows:

- Jamestown Pender, LP
- Noelle Holdings, LLC
- Hanpen Land Co. LLC
- Buyers Brokers & Consultants
- Earnest Bryant Jr. & Rose Bryant
- Charles E. Bryant
- Gerald Dean Hardinson Jr. & Hardinson Rentals LLC
- Martin J. Evans & Francesca M. Evans

- Roger A. Wood and Barbara K. Wood
- Stephen Gale & Marilyn J. Gale, trustees of the Steve Gale & Marilyn Gale Revocable Living Trust & Steven & wife Marilyn J. Gale in their individual capacities
- Norma C. Moore
- C. Robert Stroud, Jr.
- Gregory & Christina Beck
- Patrick Adams
- Elaine Spiller Brown
- Loftin A. McCullen, Sr.
- Michael Spahr
- Sandra Powell King
- Francis M. Readdy
- Shirley Smith Overdiep, Anne Smith Heard, James D. Smith & Alice Smith Whitaker
- Shirley M. Herman
- Elizabeth A. Mobley
- Julia S. Jones
- Jimmy M. & Marilyn B. Burns
- Barbara J. Roberts
- Russell B. & Florita Hunt
- Susan D. LoRusso
- Rachel P. Gaines
- Frank & Joyce Governale
- Eugene Elwin & Donna Diane Crocker
- Richard & Traudy Lewis

Mr. Doetsch made a motion for staff to write a letter to Mr. Hamlet to provide updates to Mr. Nichols at least quarterly or as changes arise regarding the above mentioned cases. Ms. Batleman seconded the motion, and it carried unanimously.

12. Adjournment

With no further business, the meeting was adjourned at 5:16 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.**