

Board Meeting Minutes
6th Floor Conference Room, 320 Chestnut Street
Wednesday, April 24, 2019

Members Present

David Piepmeyer, Pender County
Pat Batleman, Town of Leland
Neil Anderson, City of Wilmington
Jonathan Barfield, Cape Fear Public
Transportation Authority
Mike Allen, Town of Belville
John Ellen, Town of Kure Beach
Hank Miller, Town of Wrightsville Beach
Pat Kusek, New Hanover County
Frank Williams, Brunswick County

Others Present

Mike Kozlosky, Executive Director, WMPO
Karen Collette, NCDOT Division 3
Matt Nichols, General Counsel for WMPO
Mark Hamlet, Map Act Litigation Counsel for
WMPO

1. Call to Order

Chairman Piepmeyer called the meeting to order at 3:02 p.m.

2. Conflict of Interest Statement

Chairman Piepmeyer read the conflict of interest statement and asked if any members had a conflict with any of the items on the meeting agenda. No members reported having a conflict.

3. Approval of Board Members' Excused Absences

Mr. Kozlosky stated that Charlie Rivenbark, Steve Shuttleworth and Eulis Willis requested to be excused from the meeting.

Ms. Kusek made a motion to excuse the absences of Mr. Rivenbark, Mr. Shuttleworth and Mr. Willis. Mr. Ellen seconded the motion, and it carried unanimously.

4. Approval of the Agenda

Vice Chair Batleman made a motion to approve the agenda as presented, seconded by Ms. Kusek, and the motion carried unanimously.

5. Public Comment Period

Ms. Joanne Donaghue spoke to the Board and stated that she represents the Cape Fear Crossing Citizens Coalition to select a crossing with minimal disruptions to residents' lives and property. She expressed concerns regarding the proposed alternatives, and the out-of-date data in the Draft Environmental Impact Statement (DEIS). She requested that the study area be modified to lessen the impact to residents.

6. Closed Session

Mr. Williams made a motion to waive the rules and enter into a closed session pursuant to the provisions of General Statute Section 143-318.11 (a) (3) in order to consult with Attorney Mark Hamlet and Attorney Matt Nichols regarding the legal matter of Jamestown Pender, LP v. North Carolina Department of Transportation and Wilmington Urban Area Metropolitan Planning Organization, 14CVS528 filed in Pender County, North Carolina. Mr. Ellen seconded the motion and it carried unanimously.

The meeting was recessed and went into closed session.

The meeting was reconvened and went into open session with all members present as mentioned above.

Chairman Piepmeyer stated that no action was taken other than to provide direction to Attorney Mark Hamlet and Attorney Matt Nichols regarding the MPO's responses to the legal matter of Jamestown Pender, LP v. North Carolina Department of Transportation and Wilmington Urban Area Metropolitan Planning Organization.

7. Presentation

a. Wilmington Urban Area MPO GIS Data Hub

Michael Madsen, GIS Analyst, gave an overview of the new GIS Data Hub, briefly comparing it to the old gallery page. He noted that the new hub of web apps and maps representing all modes of transportation for the region, is faster, more user friendly, and with greater independence from the city's GIS hub. He added that the data can be filtered and downloaded in various file formats as a tool for member jurisdictions and others.

A brief question/answer and discussion period was held. Mr. Madsen stated that once the new hub is live, it will have the ability to track usage. He noted that a comments section does not exist. However, the hub will continue to evolve. He gave a brief overview of traffic count data available from 2012 to present.

Ms. Kimes pointed out that the WMPO's traffic counts will differ from NCDOT's. She noted that the WMPO uses raw data from a single point in time; whereas NCDOT provides average daily trips per year.

Mr. Madsen gave a brief overview of transportation in the WMPO, Traffic Impact Analysis and functional classification map.

Vice Chair Batleman expressed an interest in adding Level of Service (LOS) data.

In response to an inquiry by Mr. Ellen, Mr. Kozlosky stated that the hub will go live after staff receives feedback from the Board. He noted that the new hub will be promoted next week after staff returns from attending a conference. In addition, staff will be available to make presentations to the boards of the local jurisdictions.

6. Consent Agenda

a. Approval of Board Meeting Minutes – March 27, 2019

b. Resolution approving 2018-2027 STIP/MPO Transportation Improvement Program Amendment #19-1

c. Resolution approving 2018-2027 STIP/MPO Transportation Improvement Program Administrative Modification #19-2

d. Opening of the 30-day public comment period for 2018-2027 STIP/MPO Transportation Improvement Program Amendment #19-2

Mr. Ellen made a motion to approve the Consent Agenda as presented. Ms. Kusek seconded the motion, and it carried unanimously.

7. Regular Agenda

a. Resolution supporting the Bike/Walk NC's efforts of requesting the North Carolina General Assembly to end the prohibition on state funding, allow for the design, development and construction of stand-alone Bicycle and Pedestrian Projects that facilitate safe active transportation facilities, and encouraging the General Assembly to support North Carolina's Complete Streets Policy

Mr. Kozlosky stated that in 2013 when the North Carolina General Assembly approved the Strategic Transportation Investment formula, part of the legislative action removed the state's match for standalone bicycle and pedestrian projects. Prior to 2013, the state provided the local 20% match. He noted that Bike/Walk NC is requesting that the General Assembly end the prohibition of state funding and allow for standalone bicycle and pedestrian projects, as well as encouraging the General Assembly to codify the North Carolina Complete Streets Policy. He added that the Technical Coordinating Committee (TCC) suggested modifying the language of the resolution to support the North Carolina Complete Streets Policy instead of codifying it.

Ms. Kusek made a motion to approve the Resolution supporting the Bike/Walk NC's efforts of requesting the North Carolina General Assembly to end the prohibition on state funding, allow for the design, development and construction of stand-alone Bicycle and Pedestrian Projects that facilitate safe active transportation facilities, and encouraging the General Assembly to support North Carolina's Complete Streets Policy. Vice Chair Batleman seconded the motion, and it carried unanimously.

8. Discussion

a. Resilient Transportation Infrastructure Priorities

Mr. Kozlosky stated that at the February Board meeting, the Board supported the North Carolina Department of Transportation's efforts to fund resilient transportation improvements to Interstate 40 and Interstate 95. In addition, the Board also discussed developing a top-five priorities list of resiliency improvements to infrastructure, mainly in response to Hurricane Florence. The Board identified the following opportunities:

1. Town Creek/US 17
2. Draining improvements
3. Storm water maintenance issues and the need for an active storm water management program
4. Intracoastal Waterway (dredging)
5. NC 133 in Brunswick County

Mr. Kozlosky stated that the TCC identified three additional potential priorities as follows:

- US 74
- US 421
- Redundant or resilient rail infrastructure

Mr. Kozlosky stated that this item has been brought back at the request of the Board for additional discussion. He noted that the final top-five list to signify the MPO's priorities would be forwarded to the Eastern Carolina Coalition.

Chairman Piepmeyer commented that the list should be limited to five priorities, which should be ranked in order of priority.

Mr. Williams inquired about defining a resilient transportation priority, and expressed concerns regarding the inclusion of both general and specific priorities.

Mr. Kozlosky stated that one of the planning factors in the FAST Act is to develop reliable and resilient transportation infrastructure. He pointed out that Interstate 40 and Interstate 95 were closed due to the Hurricane Florence, and that improvements to them were not cheap. Due to such vulnerabilities, the Wilmington region was isolated from the rest of the state for a prolonged period.

In response to an inquiry by Ms. Kusek, Mr. Piepmeyer stated that the drainage improvements came about through discussions with the Town of Burgaw regarding flooding that was attributed to the absence of drainage projects during the last 50 years.

A question/answer and discussion period was held regarding drainage, ditch maintenance, and tributary/waterway dredging. Ms. Kusek pointed out that the likelihood of funding would be greater for specific projects.

Mr. Williams pointed out that the priorities should be located within the MPO boundaries.

Mr. Ellen suggested that drainage and stormwater priorities could be combined. He added that clearing the drains along Henniker Ditch in Kure Beach improved drainage significantly.

Vice Chair Batleman inquired if stormwater was a legislative issue. Chairman Piepmeyer responded that local jurisdictions are involved with enforcement of complaint-driven issues. He pointed out that drainage and stormwater are independent from one another.

In response to an inquiry by Vice Chair Batleman, Mr. Kozlosky speculated that the TCC recommendation to support redundant rail might be in response to MOTSU's need for resiliency as well.

Chairman Piepmeyer stated that Mr. Kozlosky would bring back top-five priorities for consideration at the Board's May meeting.

b. Supplemental Funding for TMAs – FY19 Appropriations

Ms. Kimes gave an overview of supplemental funding for TMAs (Transportation Management Areas). She stated that at the end of last summer when the MPO received additional funding from the Federal Highway Administration, the Board agreed to swap it with NCDOT for less restrictive funding. She noted that the MPO received an additional \$904,063 from the Federal Highway Administration with a similarly short window of construction authorization that must be given by September 30, 2022. However, it differs in that it allows for the elimination of hazards and the installation of protective devices at rail way/highway crossings, and the construction of highways, bridges or tunnels. Also, it cannot be used for the pedestrian type uses typical of DA funded projects.

Ms. Kimes stated the MPO proposes two options for moving forward with this additional funding allocation as follows:

- Provide a competitive bid process allowing all member jurisdictions to compete for funding, or
- Engage NCDOT to see if this restrictive funding could be utilized on an existing project and be swapped for funds with less stringent requirements and timelines.

Ms. Kimes stated that the TCC discussed using the funds for a rail project and suggested reaching out to CSX and NCDOT's Rail Division to provide the 20% match. She noted that a portion of the larger project already funded in the Statewide Transportation Improvement Program (STIP) might be partitioned if a resource for the match could be identified. She added that Brunswick County may have a few rail crossings without gates as well.

Mr. Kozlosky stated that a Traffic Separation Study (TSS) was conducted in the City of Wilmington that identified 32 crossings. He noted that the \$40 million project is funded in the STIP in 2025. He commented that a portion of these monies might be used to make improvements at one or two of those crossings in addition to those in Brunswick County and Brunswick Forest. He noted that the TCC recommends using the funds for rail crossing improvements as opposed the other allowable purposes.

Ms. Kimes explained that staff was not otherwise comfortable bringing a project to obligation of construction within such a short timeframe.

In response to an inquiry by Mr. Ellen, Mr. Kozlosky stated that the expenditure of funds must be done in four years (three plus one) after obligation.

Ms. Kimes stated that the recent call for projects was for \$2.3 million over the next five years. A swap with NCDOT would add \$900,000, plus \$600,000. She noted that a larger project could be applied for in phases.

Chairman Piepmeyer requested a recommendation from staff for the best use of the funds for consideration at the Board's next meeting.

c. Direct Attributable Funding Swap

Ms. Kimes stated that the federal government enacts formula-based rescissions periodically. She noted that the MPO has \$7.8 million in unallocated funds. Although only a small portion has not been awarded, the majority of projects have not gone to construction yet. She added that \$1 million has been reserved for cost overruns.

Ms. Kimes stated that NCDOT has requested to take a little more than \$7.8 of the WMPO's balance to pay GARVEE bonds financing for the Wilmington Bypass Project R-2633 AA, BA and BB in exchange for funds as needed or credited from DA funds for the next fiscal year. This would allow the MPO to show 100% usage of funds prior to the rescission.

Mr. Kozlosky stated that in August the federal government will seek to complete a federal redistribution, which will review all of the states and federal balances. He noted that the states that spend their federal money will get more from those who don't. He added that the Secretary has instructed NCDOT to pursue \$250 million in additional federal funds. The swap would help the Secretary and the DOT to secure additional federal dollars.

A brief question/answer and discussion period was held regarding the tracking of funds. Mr. Miller expressed some concerns.

Ms. Kusek made a motion to support the funding swap, seconded by Mr. Ellen, and it carried unanimously.

9. Updates

Mr. Kozlosky stated that updates are included in the agenda packet.

11. Announcements

a. Cape Fear Crossing Public Hearings – April 29th and 30th

Mr. Ellen commented that the correspondence he has received from residents of Brunswick Forest would be more impactful if they were not in the form of form letters.

Mr. Anderson pointed out that the Cape Fear Crossing has been discussed for 20 years, with numerous options, and has been published by the press. He inquired about the obligation of realtors.

Vice Chair Batleman stated that realtors give a broad disclaimer regarding the possibility of the crossing. She expressed concerns regarding the age of the data in the environmental study. She noted that a plan exists to expand the study area by half a mile beyond the MA and NA corridors. Although it has been turned down by NCDOT, it will be presented again. She pointed out that the extra money could be used for a study.

Ms. Collette stated that such a modification would mean restarting the project from Concurrence Point 1.

Mr. Kozlosky noted that the plan would need to go to the WMPO and to the merger team.

Vice Chair Batleman expressed concerns regarding the number of houses that would be taken, which was not evident previously. She noted that meetings have been scheduled today with the Secretary and Congressman Rouser.

Ms. Collette stated that the corridor cannot be changed without starting the study from the beginning. She added that the WMPO supported corridors MA and NA by resolution.

Vice Chair Batleman stated that the resolution supported the least impactful alternatives at the time. However, the taking of Stoney Creek, Snee Farm and part of Brunswick Forest (Cape Fear National Golf Course) has become more evident.

Mr. Collette responded that the corridors have been known, and that the public hearings can impact which portion within the 1,000-foot corridor will be taken.

Chairman Piepmeyer pointed out that the public hearings improved the Hampstead Bypass.

Following further discussion, Mr. Kozlosky pointed out that it would be important for the Board to understand the impacts of expanding the study area from a timing and a cost perspective, which staff would be happy to provide.

Vice Chair Batleman encouraged Board members to attend the public meetings on April 29th and April 30th.

Ms. Kusek commented that any delay would not remove the need for the project, and that some will be negatively impacted and will be adverse to it.

Chairman Piepmeyer stated that many considerations are involved, and that the process leads to the least impactful option that satisfies the need for the project.

In response to an inquiry by Mr. Anderson, Mr. Kozlosky stated that \$31 million has been programmed for right-of-way acquisition to begin in 2028 and 2029 based on the draft STIP.

In response to an inquiry by Vice Chair Batleman, Mr. Kozlosky stated that the Federal Highway Administration won't sign the environmental document until there is a commitment

by the state to show that it can fund the project. He noted that the project is moving forward in the prioritization process.

Vice Chair Batleman expressed appreciation to the Board.

b. The next WMPO Board meeting – May 29th

12. Adjournment

With no further business, the meeting was adjourned at 4:59 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.**