

MPO Board Remote Meeting Minutes
Wilmington Convention Center, 10 Convention Center Drive, Wilmington, N.C.
Wednesday, June 24, 2020

Members Present

David Piepmeyer, Pender County
Pat Batleman, Town of Leland
Neil Anderson, City of Wilmington
Mike Allen, Town of Belville
LeAnn Pierce, Town of Carolina Beach
John Ellen, Town of Kure Beach
Hank Miller, Town of Wrightsville Beach
Rob Zapple, New Hanover County

Mike Forte, Brunswick County
Eulis Willis, Town of Navassa

Others Present

Mike Kozlosky, Executive Director, WMPO
Chad Kimes, Division Engineer, NCDOT Highway
Division 3

1) Call to Order

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

Mr. Kozlosky requested that a roll call be taken per the statute and that remote participants mute their microphones when not speaking in order to prevent audio feedback.

The roll-call proceeded as follows:

Present: David Piepmeyer, Pat Batleman, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Rob Zapple, and Mike Forte. **Absent:** Neil Anderson, Charlie Rivenbark, Woody White, Eulis Willis, and Landon Zimmer.

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 Neil Anderson and Charlie Rivenbark have been detained due to a City Council meeting.

Vice-Chair Batleman made a motion to excuse Mr. Anderson and Mr. Rivenbark, seconded by Mr. Miller, and the motion carried unanimously by roll-call as follows:

Ayes: David Piepmeyer, Pat Batleman, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Rob Zapple, and Mike Forte. **Nays:** None. **Absent:** Neil Anderson, Charlie Rivenbark, Woody White, Eulis Willis, and Landon Zimmer.

4) Approval of the Agenda

In response to concerns expressed by Mr. Zapple, Mr. Kozlosky stated that no vote was necessary for the conflict of interest statement.

Mr. Ellen made a motion to approve the agenda, seconded by Mr. Forte.

Vice-Chair Batleman made a motion to pull Consent Agenda Item 7g (Resolution approving the Prioritization 6.0 Rail Project Submittals) for further discussion.

Mr. Zapple requested to pull Consent Agenda Item 7i (Resolution approving 2018-2027 and 2020-2029 STIP/MPO Transportation Improvement Program Administrative Modifications #20-3 and #20-4) for further consideration.

Mr. Zapple made a motion to approve all the other Consent Agenda items and the rest of the Agenda as well, with the exception of Item 7g and Item 7i. Mr. Ellen seconded the motion, and it carried unanimously by roll-call as follows:

Ayes: David Piepmeyer, Pat Batleman, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Rob Zapple, and Mike Forte. **Nays:** None. **Absent:** Neil Anderson, Charlie Rivenbark, Woody White, Eulis Willis, and Landon Zimmer.

5) **Public Comment Period**

Mr. Kozlosky reported that no written or audio public comments were received.

Mayor Willis joined the meeting.

6) **Presentation**

a. **NCDOT Project Updates - Chad Kimes, NCDOT**

Mr. Kimes gave a project update starting with an overview of NCDOT's cash floor (7.5% above revenues or \$292 million). He stated that in March, NCDOT's cash balance was anywhere from \$300 million to \$325 million, due primarily to expenses related to storm events since 2017 and the Map Act. Additionally, recent rain events have closed 18 roads in the Division including sites that received over 12 inches of rain during a 12-hour period twice in one week, exceeding the 1,000-year storm event.

Mr. Kimes gave an overview of NCDOT revenue sources and explained that COVID directly impacts them. He stated that motor fuel tax constitutes 40% of revenue sources, and Highway Use Tax, licenses, other title fees make up close to 35%. He noted that for the first five weeks of COVID, vehicle traffic dropped 40%-50%, which directly impacts revenues. He estimated the revenue loss through July 1st at \$300 million and another \$370 million for the following fiscal year.

Mr. Kimes stated that during the week of April 17th the cash flow balance fell below the cash floor. He reported that the cash balance totals \$206 million. He noted that this drop has ostensibly shut down the delivery of transportation projects, including ceasing letting of TIP projects or bridge projects, and halting contract modifications for ongoing projects; although, active projects without modifications can continue. Also, NCDOT cannot acquire property for future projects, which is significant for this area. Additional measures included the suspension of preliminary engineering and right-of-way acquisition, adjustments to let dates, a hiring freeze, cuts to consultants, and a mandatory 20-hour furlough for all NCDOT employees.

Mr. Kimes stated that the only projects with engineering progressing in the Division are the Hampstead Bypass and the Front Street widening project, which is somewhat misleading since the Hampstead Bypass is in the right-of-way phase. He noted that Division 3 is the only division in the state that without projects moving forward.

Mr. Ellen requested that the presentation be distributed for sharing with the Kure Beach Town Council. Mr. Kozlosky responded that he will forward the information to MPO Board members.

A brief question/answer and discussion period was held.

- 7) Consent Agenda
- a. Approval of Board Meeting Minutes from May 27, 2020
 - b. Resolution supporting the Rail Re-alignment Project for the Benefits of Environmental Sustainability, Improve Commuting Times, Public Safety, Quality of Life, Enhanced Freight Movement and Economic Development
 - c. Resolution approving the Prioritization 6.0 Aviation Project Submittals
 - d. Resolution approving the Prioritization 6.0 Bicycle and Pedestrian Project Submittals
 - e. Resolution approving the Prioritization 6.0 Public Transportation Project Submittals
 - f. Resolution approving the Prioritization 6.0 Roadway Project Submittals
 - g. Resolution approving the Prioritization 6.0 Rail Project Submittals
 - h. Resolution supporting the Wilmington Urban Area Metropolitan Planning Organization Bicycle and Pedestrian Advisory Committee's Electric Bicycle Model Ordinance
 - i. Resolution approving 2018-2027 and 2020-2029 STIP/MPO Transportation Improvement Program Administrative Modifications #20-3 and #20-4
 - j. Opening of the 45 day public comment period for the Public Participation Plan
 - k. Opening of the 30-day public comment period 2020-2029 STIP/MPO Transportation Improvement Program Amendment #20-3
 - l. Resolution supporting the Gullah Geechee Heritage Corridor Multi-use Greenway/Blueway Trail
 - m. Resolution amending award of Section 5310 Community Grant Project Funds

Vice-Chair Batleman made a motion to approve the Consent Agenda, Items 7a through 7m, excluding Items 7g and 7i. Mr. Zapple seconded the motion, and it carried unanimously by roll-call as follows:

Ayes: David Piepmeyer, Pat Batleman, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Rob Zapple, Mike Forte, and Eulis Willis. **Nays:** None. **Absent:** Neil Anderson, Charlie Rivenbark, Woody White, and Landon Zimmer.

Regarding Item 7g, Vice-Chair Batleman inquired if the Cape Fear Memorial Bridge Replacement was intertwined with the rail component. Mr. Kozlosky responded that they could be done separately or together; although, some cost benefits could be realized if they were done simultaneously. He noted that staff has proposed some additional language regarding constructing rail across the Cape Fear River between the North Carolina Port of Wilmington and the Davis Yard, and constructing the rail improvements as a standalone project as well in order to cover all the bases for submitting projects.

Following further consideration, Vice-Chair Batleman made a motion to approve the Prioritization 6.0 Rail Project Submittals as amended. Mr. Zapple seconded the motion and it carried unanimously by roll-call as follows:

Ayes: David Piepmeyer, Pat Batleman, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Rob Zapple, Mike Forte, and Eulis Willis. **Nays:** None. **Absent:** Neil Anderson, Charlie Rivenbark, Woody White, and Landon Zimmer.

Mr. Zapple inquired about the Statewide Transportation Improvement Program (STIP) Administrative Modifications, particularly the Lendire Road Project. Mr. Kozlosky responded that the state is seeking the use of federal funds to complete the project expeditiously.

Following further discussion, Mr. Zapple made a motion to approve the 2018-2027 and 2020-2029 STIP/MPO TIP Administrative Modifications #20-3 and #20-4. Vice-Chair Batleman seconded the motion and it carried unanimously by roll-call as follows:

Ayes: David Piepmeyer, Pat Batleman, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Rob Zapple, Mike Forte, and Eulis Willis. **Nays:** None. **Absent:** Neil Anderson, Charlie Rivenbark, Woody White, Landon Zimmer.

8) **Old Business**

a. **Resolution authorizing the Executive Director to enter into an Inter-local Software Usage Agreement for the Rideshare Matching, Commute Calendar & Incentive Software Contract**

Mr. Kozlosky stated that in February, staff presented a resolution authorizing the Executive Director to enter into an inter-local agreement with GoTriangle for rideshare matching, commute calendar and incentive software. He noted that in response to concerns expressed by Commissioner Zapple, Attorney Matt Nichols reached out to Go Triangle to inquire about any issues relating to liability, and was unable to find any. However, in order to protect the MPO and the Board, staff has sought to acquire some general liability insurance and is in the process of purchasing it.

Vice-Chair Batleman made a motion to approve the Executive Director entering into an agreement with GoTriangle. Mr. Forte seconded the motion, and it carried unanimously by roll-call as follows:

Ayes: David Piepmeyer, Pat Batleman, Neil Anderson, Mike Allen, John Ellen, Hank Miller, Rob Zapple, Mike Forte, and Eulis Willis. **Nays:** None. **Absent:** Charlie Rivenbark, Woody White, LeAnn Pierce, and Landon Zimmer.

9) **Discussion**

a. **Proposed revisions and summary of public comments for Cape Fear Moving Forward 2045**

Ms. Lorenzo gave a brief overview of the two-year timeline of the Cape Fear Moving Forward 2045 Plan culminating with the 30-day public comment period, which opened on February 26th and was advertised per the adopted Public Participation Plan. She noted that of the five regional open houses that were scheduled, three were canceled due to COVID-19 precautions. As a result, the public comment phase was extended through May 15th and written comments were received via mail or e-mail.

Chairman Piepmeyer inquired if the missed open houses could be rescheduled. Ms. Lorenzo expressed concerns regarding existing COVID-19 precautions and meeting the required timeline for the plan adoption.

Chairman Piepmeyer suggested that an extension be sought to match the time lost due to the pandemic. Mr. Kozlosky pointed out that the initial 30-day public comment period, extended from March 22nd to May 15th was intended to compensate for the missed open houses.

Chairman Piepmeyer requested that virtual open houses to be held and advertised online at www.WMPO.org. Mr. Zapple concurred.

Ms. Lorenzo gave an overview of the public comments received and staff's proposed revisions to the plan. She stated that three comments warranted changes to the fiscally constrained project lists. She noted that two comments relating to the roadway element led to a revised cost estimate that enabled the addition of five projects to the fiscally constrained roadway project list, as follows:

1. RW-222 Independence Widening (Carolina Beach Road to River Road),
2. RW-42 US 17 Access Management Improvements,

3. RW-175 NC 210 and Island Creek Road Intersection Improvements,
4. RW-57 Plantation Road Extension, and
5. RW-36 NC 210 NC 133 Intersection.

Ms. Lorenzo stated that the third comment pertained to the bicycle and pedestrian element, and expressed concerns regarding several fiscally constrained projects that were already part of roadway projects anticipated for funding. She noted that staff reviewed the list and recommends removal of standalone bicycle and pedestrian projects that are complete or are anticipated to be committed for funding as part of roadway projects (BP-16, BP-574, BP-647, BP-788, BP-722, BP-581, BP-646, BP-648, and BP-577). However, those in the STIP (Statewide Transportation Improvement Program), but not under design yet, remain on the fiscally constrained bicycle and pedestrian project list. Based on the remaining ranked projects and revenues made available by those removed, additional projects are recommended for inclusion in the fiscally constrained bicycle and pedestrian list.

Ms. Lorenzo stated that staff also recommends adding information to the appendices regarding the second phase of public involvement, proposed scopes (aviation, ferry/water transportation, freight/freight rail, and public transportation) and cross sections (bicycle/pedestrian, and roadway) for the fiscally constrained projects. Additionally, the Environmental Justice and Critical Resources Appendix will include an expanded degree of impact analysis to include fiscally constrained bicycle/pedestrian and public transportation projects, an estimate of the distribution of impacts in the four levels of the assessment, and a table of benefits, burdens, and mitigation strategies for project impacts.

Ms. Lorenzo stated that next steps will include bringing forward the final draft of the plan in July, presenting the final draft to our member jurisdictions in August and September, and presenting the final plan to the MPO Board for adoption in October.

Mr. Kozlosky stated that the three rescheduled virtual public meetings will be added to the public outreach efforts for this plan. He noted that if necessary, staff will reach out to the Federal Highway Administration to request an extension.

b. NC House Bill 77

Mr. Kozlosky stated that House Bill 77 will modify NCDOT's revenue projections resulting from the COVID-19 pandemic, will put in place some fiscal controls, and will modify appointments to the North Carolina Board of Transportation. He noted that the Bill passed the Senate last week, passed the House this afternoon, and was sent to the Governor, who is expected to sign this Bill that is designed to get NCDOT above the cash floor and get projects moving again.

Mr. Kozlosky stated that on the downside, House Bill 77 will decrease revenues for the State Maintenance Assistance Program (SMAP) And Rural Operating Assistance Program (ROAP), which are transit funds. He noted that for this region, the transit agency received \$6.8 million from the CARES Act, which will help supplant what was lost. He added that the House has heard from a number of transit agencies statewide regarding the loss of the SMAP funds, and will discuss the matter further, separate from this Bill after July.

Chairman Piepmeyer expressed concerns regarding the restructuring of the Transportation Board and what it will mean for the MPO.

Mr. Kozlosky responded that the Governor will appointment the Division members for each of the 14 divisions. He noted that the number of at-large members has been increased from five to six: three of which will be appointed by the President Pro Tem of the Senate and three by the Speaker of the House (two starting in 2020, the other in 2022, for each). Plus, an ex-officio Local Government Commission representative will serve on the Board of Transportation's Audit Committee, and criteria will exist for serving as a member on the Board of Transportation.

Chairman Piepmeyer expressed concerns regarding the restructuring, specifically the even number of voting members, and the six members appointed by the legislature, who might likely represent Mecklenburg or Wake County. Mr. Forte concurred.

Mr. Zapple proposed that a letter of concern be sent to the local delegates. Chairman Piepmeyer proposed that the letter be included in the list of MPO priorities.

In response to an inquiry by Mr. Zapple regarding the staggered terms, Mr. Kozlosky stated that Division 3's appointment would begin in 2020. He expressed doubt that it would affect current funding for the Wilmington International Airport.

c. Identification of MPO Priorities

Mr. Kozlosky stated that since the last meeting, staff sent a letter to the Speaker and the President Pro Tem requesting the use of budget surplus funds to assist the Department and referencing a forthcoming letter to identify the MPO's priorities for when NCDOT rises above its cash floor. He noted that staff consolidated the priorities provided by seven of the MPO Board members, and included a count for each priority. He added that a memo is included in the agenda packet for the Board to consider how the follow-up letter should be composed, including how to proceed with some of the Locally Administered Projects.

Chairman Piepmeyer suggested including only the top-five projects in order of priority.

Vice-Chair Batleman requested that the Cape Fear Memorial Bridge be included in the list as the sixth priority.

Chairman Piepmeyer expressed concerns regarding the risk of including such a costly project.

Mr. Anderson suggested that the list be held to consider how to streamline it.

Chairman Piepmeyer expressed concerns regarding the delay. Mr. Anderson suggested that it might not require waiting until the next Board meeting before sending the letter.

Mr. Zapple pointed out that the Cape Fear Memorial Bridge has a ten-year clock ticking. Vice-Chair Batleman concurred, and commented that the bridge also needs to be a higher priority.

Chairman Piepmeyer reiterated his concerns regarding the dollar amount of the bridge and how it may obscure other items on the list.

Mr. Kozlosky stated that staff will send out an e-mail requesting that Board members submit their top five projects by Sunday, and that no response will be interpreted as no change necessary.

10) Updates

a. Wilmington Urban Area MPO

b. Cape Fear Public Transportation Authority

c. NCDOT Division

d. NCDOT Transportation Planning Division

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

In response to an inquiry by Mr. Zapple regarding Update Item 10d, Mr. Kozlosky stated that the Department of Motor Vehicles' (DMV) revenues impact DOT revenues.

Mr. Zapple pointed out that this may be a delay only and that it will also impact county tax revenues in the short term. Mr. Kozlosky stated that a reduction amount has been included in HB77 for the DMV.

11) Announcements

a. Next MPO Board meeting - July 29th

12) Adjournment

With no further items, Vice-Chair Batleman made a motion to adjourn the meeting. Mr. Zapple seconded the motion and the meeting was adjourned unanimously at 4:26 p.m. by roll-call as follows:

Ayes: David Piepmeyer, Pat Batleman, Neil Anderson, Mike Allen, John Ellen, Hank Miller, Rob Zapple, Mike Forte, and Eulis Willis. **Nays:** None. **Absent:** Charlie Rivenbark, Woody White, LeAnn Pierce, and Landon Zimmer.

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 DIGITALLY AS PART OF THIS RECORD.**