



WILMINGTON URBAN AREA
METROPOLITAN PLANNING ORGANIZATION

MPO Board Remote Meeting Minutes
Wilmington Convention Center, 10 Convention Center Drive, Wilmington, N.C.
Wednesday, January 27, 2021

Members Present

David Piepmeyer, Pender County
Brenda Bozeman, Town of Leland
Neil Anderson, City of Wilmington
Charlie Rivenbark, City of Wilmington
Deb Hays, Cape Fear Public Transportation Authority
Mike Allen, Town of Belville
LeAnn Pierce, Town of Carolina Beach
John Ellen, Town of Kure Beach
Hank Miller, Town of Wrightsville Beach
Jonathan Barfield, Jr., New Hanover County
Mike Forte, Brunswick County
Eulis Willis, Town of Navassa
Landon Zimmer, NC Board of Transportation

Others Present

Mike Kozlosky, Executive Director, WMPO
Abby Lorenzo, Deputy Director, WMPO
Scott A. James, Transportation Planning Engineer, WMPO
Regina Hopkins, Senior Accountant, WMPO
Anna Cameron, NCDOT
Chad Kimes, NCDOT Division Engineer

1) Call to Order

Chairman David Piepmeyer called the remote meeting to order at 3:01 p.m.

MPO Executive Director Mike Kozlosky acknowledged the remote presence of three new MPO Board members: Deb Hays representing Cape Fear Public Transportation Authority, Jonathan Barfield representing New Hanover County, and Mayor Brenda Bozeman representing the Town of Leland. He also acknowledged Veronica Carter, the designated alternate representative for the Town of Leland.

Mr. Kozlosky took the roll call pursuant to Section 4.31 of S.L. 2020-3, SB 704. A quorum was present as follows:

Present: David Piepmeyer, Brenda Bozeman, Charlie Rivenbark, Deb Hays, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Jonathan Barfield, Mike Forte and Eulis Willis. **Absent:** Neil Anderson and Landon Zimmer.

2) Conflict of Interest Statement

Chairman Piepmeyer read the conflict of interest statement and asked if any member has 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 no members requested to be excused from this meeting.

4) **Approval of the Agenda**

Mr. Rivenbark made a motion to approve the meeting agenda as presented. Mr. Ellen seconded the motion and it carried unanimously by roll call as follows:

Ayes: David Piepmeyer, Brenda Bozeman, Charlie Rivenbark, Deb Hays, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Jonathan Barfield, Mike Forte and Eulis Willis. **Nays:** None.

Absent: Neil Anderson and Landon Zimmer.

5) **Election of Officers**

Mr. Kozlosky stated that currently the Chairman is David Piepmeyer, and the Vice Chair is Pat Batleman, who has resigned her position. He noted that the MPO elects a Chairman and Vice Chairman annually. He requested nominations.

Mr. Forte nominated Mr. Piepmeyer to continue as Chairman. Mr. Miller seconded the motion. There being no other nominations, the nomination of Mr. Piepmeyer as Chairman carried unanimously by roll call as follows:

Ayes: David Piepmeyer, Brenda Bozeman, Charlie Rivenbark, Deb Hays, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Jonathan Barfield, Mike Forte, Eulis Willis and Landon Zimmer.

Nays: None. **Absent:** Neil Anderson.

Chairman Piepmeyer expressed appreciation and requested nominations for Vice Chairman.

Ms. Bozeman nominated Mr. Miller. Mr. Rivenbark seconded the motion. There being no other nominations, the nomination of Mr. Miller as Vice Chairman carried unanimously by roll call as follows:

Ayes: David Piepmeyer, Brenda Bozeman, Charlie Rivenbark, Deb Hays, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Jonathan Barfield, Mike Forte, Eulis Willis and Landon Zimmer.

Nays: None. **Absent:** Neil Anderson.

Chairman Piepmeyer expressed congratulations to Mr. Miller.

6) **Public Comment Period**

Mr. Kozlosky stated that no written or audio comments were received from the public.

7) **Presentations**

a. **NC FIRST Commission Update and Recommendations- Amna Cameron, NCDOT**

Mr. Kozlosky reminded the MPO Board that at its last meeting was some discussion regarding alternative transportation funding sources. He recognized Ms. Amna Cameron to give an overview of recommendations from the NC FIRST Commission.

Ms. Amna Cameron, Deputy Director of Strategic Initiatives, NCDOT, and lead staff member of the NC FIRST (Future Investment Resources for Sustainable Transportation) Commission, stated that the commission was formed by former Transportation Secretary Jim Trogdon, met for about 21 months, and issued the final report about three weeks ago.

Ms. Cameron stated that the report shows that DOT is underfunded and that the system is degrading and will have tremendous needs in the future. The report also provides

indisputable proof that the motor fuels tax base is shrinking and will continue to do so. She noted that the commission was formed to discuss modernizing DOT revenues, and formed a local government work group and one dedicated to financing tools. She added that the commission conducted extensive public outreach and surveys, which show that more education is necessary to convince the public that additional revenues are needed, and educate the public regarding the costliness of maintaining a transportation system, and options to do so.

Ms. Cameron stated that some of the major findings deal with the existing status, as follows:

- DOT's budget is almost 4.5% less than it was 10 years ago.
- Federal funding is 4% less
- Maintenance costs have skyrocketed:
 - Interstate – 185%
 - Secondary roads – 35%
- The number of miles traveled has increased
- Degradation:
 - Rural roads are the second most dangerous in the country
 - Of all roads, NC's are ninth worst
 - There is a big gap between primary and secondary degradation (primary roads have degraded 10%)
- The legislature is aware of the gas tax challenges:
 - Fuel efficiency continues to improve. In 15 years, the average fuel efficiency will be three gallons more for the average car. In 10 years, a motorist will pay \$30 less in fuel taxes per year.
 - These challenges will be compounded by electric and hybrid vehicles. The CAFE (Corporate Average Fuel Economy) standards advocated by the new administration will lead to higher fuel efficiency and more electric vehicles.

Ms. Cameron stated that several surveys were conducted. She noted that the eastern region of the state was the only area to list growth as its #1 policy concern. She added that about 12% listed transportation as the primary concern statewide. She said that the commission had only one recommendation for investment options: to establish a good infrastructure rating, which will cost \$20 billion or about \$2 billion a year over the next 10 years to get to "good." More immediate options were as follows:

- The Highway Use Tax (3%) on vehicle purchases – never been raised since implemented in 1989 with the creation of the Highway Trust Fund; lowest in the country, far lower than neighboring states, some of which average three times as much as North Carolina. Raising the rate two percentage points (+2%) would generate nearly \$6 billion.
- Eliminate the net of trade exemption – trade value is deducted from the purchase price of the overall tax amount. Several states in the U.S. do not allow this exemption.
- Short-term leases - revenues currently go to general fund. (The theme of this report is for transportation revenues to return to DOT – roughly \$80 million a year.)

- Sales tax series of recommendations – recognize role of sales tax in the new transportation economy.
 - Mobility to be charged by the service or trip, similar to Uber, instead of by the mile. Half of which could be used to lower the gas tax to be more competitive with neighboring states.
 - Money from transportation businesses such as service stations, auto supply stores or motorcycle dealer currently goes to support the general fund - last year, totaling \$470 million that did not go to transportation.
 - Uber pays a corporate tax if it has a nexus in the state. Most states are adding a tax to gross premiums.
- DMV fees: Based on a comparison of vehicle fees, an increase of \$50 for the hybrid or electric vehicle (EV) fee bringing the total fee to \$109.
- Registration fee for heavy vehicles.
- Additional sales tax for e-commerce given the impact to neighborhood streets.

Long-term options include:

- Miles-based user fee. Two states have permanent programs, but it's still under study. Later this fall, a 400-person pilot will be open for elected officials to review the technology and the difference in payment
- ½-cent sales tax dedicated to transportation purposes (the main option for local government through referendum)
- Broadband expansion to prepare for the technological advancements for connected vehicles to function properly
- The ability to issue more debt
- Chief Innovation Officer appointment, a single point of contact for technological innovations

Ms. Cameron stated that this is an independent commission report, not from DOT, that has been forwarded to the Legislature, which kicked off today. She noted that DOT and the community have much outreach and education to undergo. She added that the state's leading advocacy group, NC Chamber's Destination 2030, has a lot of support behind it. She added that it estimates a person currently pays \$1,300.17 more per year based on inadequate road infrastructure.

Mr. Barfield expressed concerns regarding roads in the unincorporated county. He noted that North Carolina is one of seven states where counties do not maintain roads. Ms. Cameron responded that the report did not look at the distribution of funds. However, county roads are state roads, and the secondary road system is by far more degraded than the primary and interstate system and most in need of funds.

Chairman Piepmeyer noted that Pender County is mostly rural without a major municipality in the county. He questioned the appetite of elected officials for assuming the responsibility. He pointed out that a large portion of North Carolina is still rural.

Ms. Cameron stated that the North Carolina Association of County Commissioners (NCACC) opposes any shift in assuming road responsibility.

Mr. Rivenbark pointed out that five or six years ago, the most traveled or populated areas were taken into cities where roads are maintained. However, the General Assembly took away that option.

Mr. Forte expressed concerns that the report seems to endorse the shift to counties. Ms. Cameron responded the report merely identifies that locals should be given additional authority and financial capabilities to support local roads for upkeep by municipalities.

Mr. Forte commented that the NCACC needs to express its concerns to the state legislature.

Mr. Ellen requested the ability to share today's briefing with his Town Council. Ms. Cameron responded that the report is online at www.ncdot.gov/ncfirst. Mr. Kozlosky stated that he would send the link and accompanying report to MPO Board members. He also noted that included in the legislative agenda that the Board will consider today is opposition to the transfer of road maintenance to the counties, which has been on the Board's agenda for years and will remain on it.

Mr. Anderson commented that lobbyists such as those from Amazon delivery trucks are currently fighting against some of the options. He inquired about support for the report in the General Assembly, which might be unpopular among certain constituents.

Ms. Cameron reiterated that NC FIRST is an independent commission formed by former Secretary Trogdon with the support of both chambers of the legislature. She noted that the NC Chamber's Destination 2030 will be the main lobbying group and that the transportation industry is strong to combat with the auto dealers, Uber lobbyists, and other companies who want to avoid impacts. She commented that everyone likes a strong transportation system and legislators will not oppose transportation unlike some bipartisan issues. She noted that the Republican legislature has been generous to DOT with a \$3 billion bond, the reworking of the gas tax formula to prevent the loss of \$1 billion in 2015, and the increase of DMV fees 30% in the last five years.

Chairman Piepmeyer and Mr. Rivenbark expressed appreciation to Ms. Cameron.

b. Building Renovations at 525 North 4th Street - Scott A. James, WMPO

Mr. Kozlosky stated that 525 North 4 Street is a MPO Direct Attributable-funded project proposed to be the future office space for the MPO.

Transportation Planning Engineer Scott A. James gave a presentation on the building renovations at 525 North 4th Street, also known as the Wilmington Multi-Modal Transportation Center Phase 1B or the Thomas & Co. Grocery building.

He gave an overview of the history of the building, project objectives, and a status update with information provided by the design consultant (HDR).

Mr. James described the building's current state as being vacant, neglected and needing repairs including replacement of several floor joists, restoration of second floor windows,

installation of an exterior fire egress, and removal of the freight entrance. He displayed elevations and layouts with exposed brickwork, a dedicated board room on the first floor, and offices on the second floor with a circulating aisle to take advantage of the natural light from the exterior windows.

Mr. James stated that the preliminary design estimates did not consider several factors revealed during the discovery portion of the design process. He noted that the current construction estimate is more accurate and allows for contingencies such as weather and material costs. He attributed the increase of \$1.45 million to structural elements such as reinforcing steel to support the masonry walls, additional columns to support the second floor, and replacement of the entire first floor. Additionally, building code factors necessitated the addition of a second-floor fire escape and enlarging bathrooms to accommodate the board room occupancy. The current construction estimate totals \$2.73 million.

Chairman Piepmeyer inquired about ADA access. Mr. James responded that although the structure is not large enough to require an elevator, the first floor will be ADA accessible at grade and code compliant.

Mr. James stated that staff is in the process of seeking easements to lower design costs, and reviewing PS&E (Plans, Specifications and Estimates) to shorten the duration of construction to meet a completion goal of early 2022. He noted that the amended project schedule has a timeline with design work that began in September, design schematics delivered in October, construction documents expected next month, and an award for bid and construction expected to begin later this year. With a 10-month construction schedule, building occupation is anticipated by May of 2022.

In response to an inquiry by Mr. Anderson, Mr. James stated that no parking is assigned to the building, only on-street parking is available. He added that the side lot is part of the adjacent transit facility.

Ms. Boseman expressed concerns regarding the lack of ADA accessibility to the second floor of a public building. Mr. James responded that staff inquired about the requirement of an elevator. However, per code, the building is not large enough by square footage or by stories to require an elevator. He noted that all of the spaces will be dimensioned, and reiterated that the first floor is ADA accessible and code compliant.

Mr. Kozlosky stated that this presentation has been given to the MPO Board due to the significant cost increase from the original estimate. He noted that the request will be presented to the City Council on February 2nd for the city to provide an increased local match. He added that a request for \$1.16 million in STBGP-DA funds for the upgrades would be forthcoming to the MPO Board next month.

Chairman Piepmeyer commented that he is not surprised by the increase in cost based on the 150% increase in construction costs last year in addition to the additional damage caused by the hurricane.

Mr. Zimmer recommended waiting for a hard number before requesting additional funds. Based on his professional experience, he anticipated that the cost would increase further.

Mr. Rivenbark inquired about alternative new construction and a façade. Mr. Kozlosky responded that staff would ask the design consultant for an estimate and review STBGP-DA funding eligibility, which might rely on the purpose of historic rehabilitation. He noted that a response would be prepared by staff in time for the upcoming City Council meeting.

In response to an inquiry by Chairman Piepmeyer, Mr. James stated that no review and approval are needed from the State Historic Preservation Office. He clarified that the building is in the National Register and not the local district.

8) Consent Agenda

- a. **Approval of Board Meeting Minutes from November 18, 2020 Regular Meeting and December 4, 2020 Special Meeting**
- b. **Resolution approving the 2020-2029 STIP/MPO Transportation Improvement Program Amendment #20-5**
- c. **Resolution approving the 2020-2029 STIP/MPO Transportation Improvement Program Administrative Modifications #20-7**
- d. **Opening of the 30-day Public Comment Period for the 2020-2029 STIP/MPO TIP Amendments #21-1**
- e. **Resolution adopting the 2020 Congestion Management Process Biennial Report**

Mr. Barfield made a motion to approve the Consent Agenda, Items 8a through 8e. Vice-Chairman Miller seconded the motion and it carried unanimously by roll call as follows:

Ayes: David Piepmeyer, Brenda Bozeman, Neil Anderson, Charlie Rivenbark, Deb Hays, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Jonathan Barfield, Mike Forte, Eulis Willis and Landon Zimmer. **Nays:** None. **Absent:** None.

9) Regular Agenda

- a. **Resolution adopting the 2021 Legislative Agenda**

Mr. Kozlosky stated that the 2021 Legislative Agenda is similar to last year's and what has been considered by the MPO Board in previous years. He noted that language has been added regarding the Map Act protections sought from the General Assembly, a section regarding transportation funding related to the language adopted by the Board encouraging additional funding sources be sought by the Governor, the Legislature and DOT, and acceleration of the Board's top-five funded priorities and top unfunded priority.

Mr. Barfield made a motion to adopt the 2021 Legislative Agenda. Mr. Ellen seconded the motion, and it carried unanimously by roll call as follows:

Ayes: David Piepmeyer, Brenda Bozeman, Neil Anderson, Charlie Rivenbark, Deb Hays, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Jonathan Barfield, Mike Forte, Eulis Willis and Landon Zimmer. **Nays:** None. **Absent:** None.

10) Discussion

a. 2020-2029 STIP/MPO Transportation Improvement Program Administrative Modifications #21-1

Mr. Kozlosky stated that that this item is for information purposes only and that staff will bring it back for Board consideration at its next meeting.

b. Draft FY22 Budget

MPO Senior Accountant Regina Hopkins gave an overview of the draft FY22 Budget. She stated that as prefaced in the November meeting, staff was faced with many new challenges in preparing next year's budget. She noted that staff worked through several scenarios to meet the challenges as well as provide the best service to MPO members and keep the local cost to a minimum. Staff recommends the following:

1. Transportation Demand Management (TDM) Program
 - Change funding source from TDM grant to Direct Attributable (reduces members' match from 50% to 20%);
 - Decrease TDM operating budget from \$123,000 to \$100,000
 - Overall impact: Reduces members' contribution from \$61,800 to \$20,000
2. New facility operating costs at 525 N. 4th St. (six months, approximately \$18,000+ including general expenses such as electricity, water, internet service, security, etc.)
3. Full-time admin position to support daily operations at the new location (six months of salary and benefits)
4. MPO operations: 3% cost of living increase and adjustments to workers' compensation, staff general liability insurance, and fleet/fuel operating expenses
5. Special studies (Additional \$90,000)
 - i. Navassa Street Collector Study
 - ii. North Brunswick County Transit Study
 - iii. Kure Beach Bike-Pedestrian Plan

Ms. Hopkins stated that the FY21 existing budget for special studies is \$110,000. She noted that an increase of \$90,000 would go toward the total anticipated consulting cost of \$200,000 for the three studies that were identified in the winter of 2020.

6. Indirect costs

Ms. Hopkins stated that to date the City of Wilmington has not charged the MPO for services that it has provided such as IT services, HR support, City Manager assistance, etc. She noted that starting in FY22 the city decided to recoup some of these expenses by charging the MPO for indirect costs. She added that the current estimate is \$50,000.

7. Conclusion

Ms. Hopkins stated that overall, the enhancements total a little more than \$335,000. However, when the savings from the TDM program are considered, the total is \$211,870. She noted that \$206,000 of it is the DOT portion, and \$5,281 is the local share or the total increase for FY22.

Chairman Piepmeyer expressed appreciation to Ms. Hopkins.

c. 2021-2025 MPO Strategic Business Plan

Mr. Kozlosky stated that included in the current Fiscal Year 2021 Unified Plan Work Program is \$10,000 for the development of a strategic business plan update. The current plan expires in 2021. He added that Fountainworks LLC provided a scope of services proposing two virtual strategic planning sessions with the MPO Board, during which the Board would discuss priorities and organizational efficiencies, as well as a survey to be distributed to the MPO Board and TCC members. Staff proposes to add this work to upcoming Board meeting agendas. If the Board supports this effort, the MPO will contract with Fountainworks LLC.

Chairman Piepmeyer stated that this does not have to be completed until June. He expressed support for adding the work to existing agendas. He commented that although staff has worked previously with this Raleigh-based vendor, and he recommends that staff consider local vendors wherever possible in the future.

11) Announcements

a. MPO DA Funded Call for Projects – Due February 5, 2021

Mr. Kozlosky stated that the Surface Transportation Block Grant-Direct Attributable (STBGP-DA) and Transportation Alternatives Set Aside-Direct Attributable (TASA-DA) call for projects is open through February 5th. He noted that staff is working with several jurisdictions that have made inquiries, and will bring a list of projects to the Board's February meeting.

b. Bike/Pedestrian Committee Meeting – February 9, 2021

c. Go Coast TDM Committee Meeting – February 18, 2021

12) Updates

a. Wilmington Urban Area MPO

b. Cape Fear Public Transportation Authority

c. NCDOT Division

Mr. Kimes gave a brief update. He noted that this time last year, NCDOT's cash balance was about \$300 million and poised to dip below the cash floor. Today, the cash balance is in a much better position at about \$1.1 billion. He noted that NCDOT has been reactivating various programs slowly to observe the impacts. However, as of today, preliminary engineering for all Central let projects through 2025 and Division let projects through 2023 have been greenlighted. He added that the Hampstead Bypass (3300B, the northern section) is a go, and the Department is acquiring right-of-way and expects to let the project 12 months from now, which is significant for the region. Outside the MPO boundaries but important to Brunswick County, NC-211 from I-87 in Southport to Midway Road has recently advanced, and will let this November and will be letting in 10 months.

Mr. Kimes reported that NCDOT has also activated spot safety, contingency, and Locally Administered Projects (LAP) for all the municipalities, as well as some of its mobility projects. To show that NCDOT is adjusting the State Transportation Improvement Plan (STIP), resurfacing across the Division was \$30 million about a year ago, and today it's \$55 million, which will become apparent this summer and through the winter. He added that the Division's Roadside Unit was recently given an additional \$2.4 million this week to be spent by July 1st. Roadside crews' first task will be roadside litter, followed by mowing behind the ditch to preserve the roadways.

Mr. Kimes stated that where the Military Cutoff Extension Project ties into I-140 or US-17 and where Hampstead Bypass will take off on the A Section, the Division has been given a \$20 million go-ahead to build the fill sections. So, although the structures and pavement are not there yet, the dirt will be there and the project will proceed with less impact to the traveling public. He commented that Division 3 is moving ahead in a positive direction, although some important projects have fallen to the back end of the 10-year STIP program.

Chairman Piepmeyer and Mr. Rivenbark expressed appreciation to Mr. Kimes.

Mr. Anderson inquired about emergency areas. Mr. Kimes stated that for intersections with many accidents, such as at Lanvale Road, DOT is pursuing traffic signals. He noted that there are others, but didn't have the list with him. He added that the widening of the on ramp north of Porters Neck Road was not funded in Prioritization 5.0 (P5.0) and NCDOT is still seeking funding as a submittal in P6.0.

In response to an inquiry by Chairman Piepmeyer, Mr. Kimes stated that NCDOT was able to accelerate Gordon Road in the STIP, the firm has been assigned, and surveying is about to begin. He added that it's scheduled for right-of-way in 2023 and construction in 2025.

Mr. Barfield expressed concerns regarding the impact to new home developments on Gordon Road. Mr. Kimes said the project would only make the access safer between I-40 and Market Street. He noted that DOT is requiring turn lanes with each new development.

Vice-Chairman Miller inquired about Eastwood Road and Military Cutoff Road. Mr. Kimes commented that DOT is back on track and acquiring right-of-way for the Drysdale Drive Extension (U-5710-A). He noted that it will be let and constructed a year from now. He added that the interchange (U-5710) project is two years after that.

In response to an inquiry by Chairman Piepmeyer regarding College and Oleander, Mr. Kimes said that College Road is a huge priority for DOT and needs to be reviewed for the best ways to let construction to avoid it happening simultaneously. He anticipated that some of the higher priority projects can be moved back up into the schedule sometime this year if the budget continues to improve.

Mr. Barfield noted that he has received calls about crossing 16th Street between Dock Street and Castle Street or Ann Street. Mr. Kozlosky stated that staff has received a similar concern via e-mail that will be forwarded to the Board.

Mr. Rivenbark pointed out that a HAWK crossing is planned. Mr. Kozlosky added that a HAWK signal at 21st Street and Market Street is funded through the MPO's Direct Attributable program. He added that the Department has released the Locally Administered Projects and the city has contracted with Davenport for the design.

Mr. Rivenbark added that the HAWK is located near the National Cemetery and a coffee shop. Vice-Chairman Miller expressed concerns regarding the learning curve of motorists.

d. NCDOT Transportation Planning Division

13) Adjournment

Next MPO Board meeting – February 24, 2021

Mr. Kozlosky stated that the Wilmington Convention Center has been booked for MPO Board meetings through April.

Mr. Rivenbark expressed appreciation to Chairman Piepmeyer and the Vice-Chairman Miller.

With no further business to discuss, Mr. Ellen made a motion to adjourn the meeting, seconded by Ms. Pierce. The motion carried unanimously by roll call as follows:

Ayes: David Piepmeyer, Brenda Bozeman, Neil Anderson, Charlie Rivenbark, Deb Hays, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Jonathan Barfield, Mike Forte, Eulis Willis and Landon Zimmer. **Nays:** None. **Absent:** None.

The meeting was adjourned at 4:30 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 DIGITALLY AS PART OF THIS RECORD.