



**WILMINGTON URBAN AREA**  
**METROPOLITAN PLANNING ORGANIZATION**

**MPO Board Meeting Minutes**  
**Wilmington Convention Center, 10 Convention Center Drive, Wilmington, N.C.**  
**Wednesday, July 28, 2021**

**Members Present (In-Person)**

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

**Others Present (In-Person)**

Nick Cannon, Go Coast TDM Program Coordinator,  
WMPO  
Mike Kozlosky, Executive Director, WMPO  
Chad Kimes, Division Engineer, NCDOT  
Abby Lorenzo, Deputy Director, WMPO  
Caitlin Marks, Planning Engineer, NCDOT  
Matt Nichols, MPO General Counsel  
Aubrey Parsley, Rail Realignment Director, City of  
Wilmington  
Rodger Rochelle, Chief Engineer, Innovative Delivery,  
NCDOT Turnpike Authority

**1) Call to Order**

Vice Chair Hank Miller called the meeting to order at 3:05 p.m.

**2) Conflict of Interest Statement**

Vice-Chair Miller read the conflict-of-interest statement. He 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 said that Chairman Piepmeyer has requested to be excused from this meeting.

Mr. Zimmer made a motion to excuse Mr. Piepmeyer from the meeting, seconded by Ms. Hays and the motion carried unanimously.

**4) Approval of the Agenda**

Mr. Kozlosky requested two modifications for the MPO Board to consider. He recommended moving Item 6, Closed Session, to after Item 10, Discussion, and to pull Item #8e, Resolution approving the MPO's Local Input Methodology for Prioritization 6.0 (P6.0), from the Consent Agenda. He noted that the P6.0 workgroup met last week, and based on NCDOT's programming constraints, the workgroup recommended not moving forward with Prioritization 6.0. He added that the recommendation will be presented to the Board of Transportation's (BOT) at their August 4, 2021 meeting for consideration, and recommended not moving forward without direction from the BOT.

Vice-Chair Miller explained that the scheduling of any closed session had been moved recently to the start of the MPO Board meetings in consideration of the MPO Board's general counsel.

Mr. Williams made a motion to approve the meeting agenda as amended.

Mr. Kozlosky informed the Board that Attorney Matt Nichols has advised that a roll call vote be taken for all of the votes since the meeting was advertised as a remote meeting, even though all members are present in person.

Mr. Nichols said that some attendees are listening online, and the meeting was advertised as remote. In an abundance of caution, all votes should be taken by roll call.

For the approval of Board Members' excused absences, the motion carried unanimously by roll call as follows:

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

For the approval of the agenda with the subsequent changes, Mr. Williams reiterated his motion to approve the agenda as amended, seconded by Mr. Anderson, and the motion carried unanimously by roll call as follows:

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

5) **Public Comment Period**

Mr. Kozlosky said that, per the public notice, the MPO received 19 public comments before 5:00 p.m. yesterday, which he will read into the record. He added that the public comment period, per the Rules of Procedure, is three minutes per person for a total of 15 minutes. However, with a vote of the Board, the public comment segment can be extended beyond the 15 minutes. He pointed out that with the 19 comments received the period may need to be extended.

Ms. Bozeman made a motion to waive the rules to allow for public comments to extend beyond the 15-minute time allotment. Mr. Zimmer seconded the motion and it carried unanimously by roll call as follows:

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

Mr. Kozlosky read the comments that were received via email or phone message as follows:

1. Judy F. Larrick, Kure Beach: "I am adamantly opposed to private development and toll charges on the Cape Fear Memorial Bridge (CFMB). I have lived in the Wilmington, New Hanover County, Kure Beach, area for over 40 years, and in all those years I have seen constant discussions of replacement of the bridge. The latest being 2019 and yet again after spending thousands on studies and routes, DOT, elected officials, and WMPO threw in the towel and quit. It is never going to get cheaper, the proposed routes continue to see increased development, and maintenance increases and fees continue to get more expensive. Incompetence and politics continue to drive the narrative with never a solution. Private funding and toll charges are not a solution. We can see the effects of private development in New Hanover County that have been solely driven by making money with results of major loss of our tree canopy, apartments, and housing everywhere, car washes and shopping centers on every corner, and increased traffic on all our roads with no plans in sight for relief. It's time for officials to look after the citizens and their best interests, not the developers. It's our citizens who have to travel this bridge to/from work daily increasing our costs in addition to taxes we already pay. How did the Ocean Isle and Surf City Bridges get built quickly with DOT public funds, yet Cape Fear Memorial Bridge constantly gets shoved to the side? The bypass around Hampstead has been delayed so often it's now a joke. Funds are now flowing to the state and counties, with the state having major surplus funds. Officials certainly moved fast to sell New Hanover Regional Medical Center (NHRMC) hospital for major dollars, so those funds should provide a source. Plus, with proposed federal infrastructure bills, officials need to work to secure funding for Cape Fear Memorial Bridge from those sources as well. It's time to work for the people, not developers. The bridge must be replaced with public funds and delays are now inexcusable."
2. Jim Downey, Wilmington: "My comment is "no" toll bridge for our region. This new bridge should be covered under a federal infrastructure plan. Local residents should not be paying for this."
3. Kaari Snook: "Although I would prefer to have a toll-free bridge, tolls may be the lesser of two evils. I certainly do not want to wake up to the news that there was a bridge collapse. If "we the people" need to, I hope we can compromise on the toll bridge solution. Better would be mobilizing the funds from elsewhere, of course. But if this option is not possible, I'll hear y'all out as to why. Thank you for all you do with little fanfare but much complaining from "we the people."

4. Marilyn Priddy, Shallotte (first three-minutes of a four-page letter): “Dear WMPO Board members: Thank you for the opportunity to comment on the recent unsolicited proposal to replace the Cape Fear Memorial Bridge with a toll bridge. I live in Shallotte, NC, and am including concerns and suggestions from several discussions with friends and neighbors. Of course, most Brunswick County (BC) residents will agree with NCDOT’s plan to replace the aging Cape Fear Memorial Bridge. The bridge is a vital link between Wilmington in New Hanover County (NHC) and BC whose residents provide labor and customers to counties north of us. It is also a primary route hundreds of thousands of visitors take every year to enjoy our beautiful beaches, a primary driver of the region’s economy, especially in BC. Taking the time needed to plan, design, and construct this replacement seems reasonable considering that the current structure is not in jeopardy of imminent failure. A proposal to do this in five years does not seem reasonable. This is an opportunity to get it right. We encourage NCDOT to include design accommodations for either a light rail or an autonomous mass transit connection between NHC and BC in the design of a new bridge. We hope that you also extend a mass transit and pedestrian connection to our famous Battleship Park, which is a wonderful tourist destination for the entire region. We also feel that it will be crucial to coordinate early and often with NHC’s rail realignment project so that both projects could move along with the minimum amount of planning, design, and construction interference. We encourage our political leaders to consider alternatives rather than explore this unsolicited proposal any further. Maybe this unidentified company who offered to replace the Cape Fear Memorial Bridge with a toll bridge could give us a revised “unsolicited proposal” for a toll bridge that connects Independence Boulevard in NHC to Daws Creek Road in BC where there is already a great stretch of right-of-way road that connects directly to Highway 17. Maybe this revised proposal could offer that the tolls from this new crossing could also be used to fund the planning, design, construction, and 50-year operation and maintenance for the new Cape Fear Memorial Bridge. It is also an opportunity to get it wrong: We are concerned that further exploration of the unsolicited proposal as suggested by the BC Commissioners is not in our best interests. We are already facing skyrocketing water rates due to corporate malfeasance. We pay federal, state, and local taxes and do not expect to pay another toll to conduct business, work, play, go to medical appointments, and enjoy all the amenities in NHC. Many BC residents and retirees are on a fixed income. I have talked to several BC residents who said they would drive to Myrtle Beach rather than pay a toll. Many of those who are working are financially stressed and in a very vulnerable position, often working multiple part-time jobs while trying to raise a family and pay their bills. Limited housing and working options require them to spend a significant amount of time crossing back and forth across the Cape Fear Memorial Bridge. The last thing these workers need is the additional burden of a toll...”
5. Charlesron Jones: “I believe there should not be a toll bridge in our area. Our area is a small place, the people here are not in a position to pay going and coming home from work, shopping or just out with family or friends. I'm certain that knowing our bridge was bought used and in due time we'd have to replace it. With our tax dollars going towards our roads and bridges, our government shouldn't be asking us for more. With that being said, we shouldn't have to pay any more then what we have already paid into our state and local taxes as well as our lottery!”
6. Gail Cole: “I absolutely oppose a toll bridge for Wilmington. That bridge benefits the entire state. The Port is a very heavy user. That cost should not be put on the backs of greater Wilmington residents. Leland would bear the heaviest cost as we frequently go into Wilmington for work, shopping, dinner, theater, and beaches.”
7. Heather Kreidler: “In regards to the proposed toll bridge, please do not move forward with considering a toll bridge. People that live in Leland and need to commute to Wilmington would be unfairly impacted by this. Had we known that was a possibility we would not have bought a house here, and now that we have, with the rising costs of everything, it's not possible to move again. And many people just cannot afford any type of additional expenses right now. My babysitter also comes from Wilmington and she would not be able to afford the extra cost either (or extra gas and time required to go the other way), which means it would become even harder than it already is to find a good reliable babysitter. So please don't put the overwhelming cost of this onto the residents that need to take the Memorial Bridge on a daily basis to get to work or school. Thank you for your consideration.”

8. Brian Kreidler: "Good Morning. Please vote against considering the unsolicited toll bridge proposal. The best solution is to have NCDOT plan for funding of the replacement bridge. There may also be an avenue for federal funding assistance in lieu of handing over the bridge to a private entity. The residents of Brunswick and New Hanover counties should not bear the burden of infrastructure replacement costs only to have a private company profit off the tolling from the bridge. In lieu of considering this unsolicited proposal, please consider adding a new Cape Fear River crossing, which would increase the attractiveness of the ILM Port."
9. Robin Thompson: "My name is Robin Thompson. I grew up in Columbus County, lived in New Hanover County for 25 years and now live in Brunswick County for four years. I work in Wilmington, shop in Wilmington, as well as have family in Wilmington including my son and grandchildren so I come across the bridges every day and have been for years. I don't think that everything should be free, and I know that everything has to be paid for, but I have the following issues with the toll bridge:
  1. The lack of transparency and that we are being told the bridge has reached the end of its life but there's been no advance planning for this, and this proposal was completely unsolicited.
  2. How much is the toll amount that's being proposed?
  3. How long will these amounts be held before they can be increased? How often can they be increased, at what percentages and at what amount does the toll cap out?
  4. Where's the data of the average number of cars that cross the bridge daily times the projected revenue that could be realized?
  5. Who is responsible for maintenance and repairs?
  6. Does the state ever gain ownership of the bridge or is our state going to give private enterprise control over the main gateway into Wilmington?

There are too many unanswered questions and I fear this is going to be very similar to the deal to sell the hospital that went from "just a discussion phase" to sold in record time. Thank you for your time."

10. Justin Welton: "Hello. No on the toll. You have many teachers, first responders, healthcare workers, etc. in Brunswick County who travel into town for work and you're punishing people who already don't make enough money by crushing them every workday. Shame on you for even considering this."
11. Esther Murphy: "No tolls on roads or bridges. Very bad idea to put tolls roads in this region."
12. Natalie Hinton-Stalling: "I wish to make you aware of the need to not create a toll for the bridge here in our area. I do understand and agree this bridge should be replaced but not at the expense of working-class people that use it daily. Thank you for considering not placing another burden on the citizens in the Cape Fear region."
13. Ellie Kline, phone message: She is very much against the toll bridge. She also asked that the commissioners save the library and museum in its current location while continuing with Project Grace.
14. Chris: "No toll bridge for Wilmington. This is a tax on its citizens and a burden on those who least can afford it. No toll bridge."
15. Dorian Cromartie: "I'm not in favor of the bridge at all. This is Dorian Cromartie."
16. Diane Emerson: "Please know that I vote no for a toll bridge. Thank you."
17. Carl Parker: "I am the president of the BC-NAACP Branch Unit 5452, we must ask ourselves are we retrogressing back to the 1700-1800 when toll barge was the way. The toll bridge is a form of separation of the haves and have nots. This ideal should be put away. 200% not good for people."
18. Karlene Hall, phone message: She said she hopes and prays we won't have to pay each time we want to cross the bridge.
19. Scott Raymer: "Greetings, I am a Brunswick County resident. Recognizing the importance of replacing the Memorial Bridge, I do not support the exploration of a toll bridge whether privately developed or public. A toll is simply a tax on Brunswick County residents that work and do business in New Hanover along with our visitors. New Hanover and Pender County residents will minimally be affected at best. I sense the privately developed option must be attractive for it to be brought to the forefront. Realistically my best guess is the privately developed bridge may be completed before 2030. I believe a public funded replacement wouldn't be far behind - maybe 2035, 2037, 2040. By necessity a public

funded bridge replacement project will likely be moved up inside or outside the normal DOT project budgeting processes. Respectfully.”

Mr. Kozlosky added there are additional public comments from those who have signed up to speak in-person today.

Philip White, Sunset Park, Wilmington, spoke to the MPO Board in-person regarding the public-private partnership proposal to replace the Cape Fear Memorial Bridge. He commented that a toll bridge would drive a large percentage of traffic to the Isabel Holmes Bridge, which would create traffic jams and increase deterioration of roads in downtown Wilmington and historically black neighborhoods. More important than the civil planning aspect or the detriment to local businesses, is the impact to residents in Wilmington and the surrounding areas who are already financially burdened, and the toll could be the last straw for them. He questioned why this is the only unsolicited proposal in the entire state. He requested that the Board vote “no” today.

Bill McHugh, Leland, spoke to the MPO Board in-person in opposition to a toll bridge and the people having to pay for a quick and easy solution. He pointed out that considering a toll bridge on the cusp of a federal infrastructure bill is premature. He added that the resulting traffic congestion and impact to the Isabel Holmes Bridge and infrastructure in downtown Wilmington will detract from the allure of Leland and northern Brunswick County as one of the fastest growing areas in the state. It will also impact the critical route to Novant and NHRMC for patients and providers at a time when hospital staffing is a challenge nationwide. He spoke in favor of seeking state and federal dollars for this project instead.

Former MPO Board Member Pat Batleman, Leland, spoke to the MPO Board in-person in opposition to the unsolicited proposal. She commented that it will crush economic vitality, impact quality of life, corrupt efforts for system integration, and negatively transform transportation accessibility into a labyrinth of gridlock nightmare. She expressed concerns regarding the impact to alternative routes such as the Isabel Holmes Bridge, and the congestion that will occur during the bridge replacement. She commented that this is a flawed idea and that the bridge replacement should be placed at the top of prioritization as it should have been years ago.

Bob Corrison, Leland, spoke to the MPO Board in-person in opposition to the unsolicited proposal. He commented that he is familiar with tolls from his home state. He noted that the Garden State Parkway was built in 1927 and the tolls never went away. He requested that the Board vote against this proposal.

Andy Koeppel, Wilmington, spoke to the MPO Board in-person. He commented that although the unsolicited proposal appears to be dead on arrival, he encouraged continued discussions about all the options with NCDOT regarding capacity and the possibility of a southern crossing.

Former Wilmington Mayor Spence Broadhurst, Wilmington, spoke to the MPO Board in-person in opposition to this project as a toll replacement of an existing NCDOT facility. He pointed out that a toll has never been imposed on a replacement project in the state, only on new facilities. He expressed concerns regarding setting a precedent and expressed an interest in identifying a statewide solution.

Nick Newell, Winnabow, spoke to the MPO Board in-person regarding the importance of the Cape Fear Memorial Bridge as an emergency evacuation route, a direct lifeline to medical services, a connection to the west and commercial prosperity for both sides of the river, and as an icon of regional identity.

## 6) Presentation

### a. Rail Re-alignment Environmental Review Update- Aubrey Parsley, City of Wilmington

Mr. Parsley gave an update on the environmental review process for the Rail Re-alignment. He said that the process includes three virtual public outreach sessions, of which the second closes tonight at midnight. He encouraged MPO Board members to review the content from the virtual public outreach.

Mr. Parsley said that environmental review is about 50% complete. He added that the 15% engineering milestone has been reached, and 30% engineering has just begun. He estimated that another year is left of the environmental review, to wrap up in the second quarter of next year, with 30% engineering to be completed by

mid-2023. He noted that two alternatives have been shortlisted from a list of six alternatives. He added that feedback will be incorporated into the planning for one preferred route alternative to be recommended to the lead agency, the Federal Railroad Administration (FRA).

Mr. Parsley said that during the second push for public outreach, navigation impact reports for the U.S. Coast Guard, bridge permits and due diligence for preliminary navigation clearances have been posted to online at [www.wilmingtonnc.gov/rail](http://www.wilmingtonnc.gov/rail).

7) **Consent Agenda**

- a. **Approval of Board Meeting Minutes from June 30, 2021**
- b. **Opening of the 30-day public comment period for 2020-2029 STIP/MPO TIP Amendments #21-5**
- c. **Resolution approving 2020-2029 STIP/MPO TIP Administrative Modifications #21-6**
- d. **Resolution approving FY 22 Unified Planning Work Program Amendment #1**
- e. **Resolution approving the Wilmington Urban Area Metropolitan Planning Organization's Local Input Methodology for Prioritization 6.0**

Mr. Barfield made a motion to approve the Consent Agenda, Items 7a through 7d. Mr. Ellen seconded the motion, and it carried unanimously by roll call as follows:

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

Mr. Zimmer requested to be recused from this item due to personal reasons.

Mr. Williams made a motion to recuse Mr. Zimmer, seconded by Mr. Rivenbark and it carried unanimously by roll call as follows:

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

The MPO Board retook the vote to approve the Consent Agenda, Items 7a through 7d, by roll call as follows:

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

8) **Regular Agenda**

- a. **Resolution supporting/not supporting the exploration of a potential public-private partnership in order for the North Carolina Department of Transportation and the Wilmington Urban Area Metropolitan Planning Organization to gather additional information on the concept of replacement of the Cape Fear Memorial Bridge as a potential toll facility**

Mr. Kozlosky stated that NCDOT received an unsolicited proposal to replace the Cape Fear Memorial Bridge as a public-private partnership in November of 2020. The Department took some time to review the proposal to make sure it met their public-private partnership policy and procedures. The Board received a presentation in open session at its June meeting. At which time, members requested time to discuss the proposal with the boards of their respective jurisdictions and voted to calendar the item for the MPO Board's July meeting.

Mr. Kozlosky said that before the Board today is a resolution with two options as follows:

- i. To support NCDOT and Wilmington MPO moving forward with further review and evaluation of the concept of a potential public-private partnership for the replacement of the Cape Fear Memorial Bridge as a potential toll facility; or
- ii. To not support NCDOT and Wilmington MPO moving forward with further review and evaluation of the concept of a potential public-private partnership for the replacement of the Cape Fear Memorial Bridge as a potential toll facility.

Mr. Kozlosky acknowledged the presence of Chief Engineer of the North Carolina Turnpike Authority Rodger Rochelle, and NCDOT Division Engineer Chad Kimes to help answer questions.

Ms. Hays inquired about the additional information that would be provided if the MPO supports moving forward with the concept proposal, and about the cost to the MPO. Mr. Kimes responded that a traffic and revenue study would give a potential range of the toll, traffic diversion and impacts, which would be followed by public outreach/input, possible legislative actions, a project scope, and preliminary design before a competitive bid process is initiated. He added that DOT would use its funds for these initial steps. He noted that he is unaware of any funding that would be asked of MPO.

Ms. Hays asked if NCDOT would put in writing that it would exhaust any and all options for a rebuild of the bridge and that no cost would be incurred for the next phase. Mr. Rochelle confirmed that no money is anticipated to be asked of the MPO unless there is additional money left over from the Cape Fear Crossing study, which would go toward the NEPA document.

Mr. Kozlosky said that the MPO would continue to search for all options including the federal infrastructure bill and traditional funding to replace the Cape Fear Memorial Bridge if the Board supports moving forward with the proposed replacement with a toll facility.

In response to an inquiry by Ms. Hays, Mr. Kimes said that any money to come through federal infrastructure would need to go through the prioritization process.

Mr. Williams expressed the importance of continuing to explore all funding options. Mr. Kimes stated that NCDOT will continue to pursue the traditional funding routes.

Ms. Bozeman expressed concerns about the firm that submitted the unsolicited proposal.

Mr. Zimmer expressed concerns that the bridge is not in the STIP. Mr. Kimes said that Prioritization 6.0 has been delayed and the next round of prioritization would be in 2023.

Mr. Anderson noted that although the details of the proposal are confidential, it will undergo a competitive bid process. He commented that any proposal should be welcome. He asked for a description of the function of the MPO Board. Mr. Kozlosky responded that the MPO Board sets the policy and direction for the Wilmington MPO and the organization as a whole. He added that the MPO has no control over the state or DOT's budget. The MPO is a partner with the Department as it relates to transportation planning, prioritization of projects, and must, by federal law, mutually adopt the State and the MPO Transportation Improvement Program (TIP) in a cooperative, collaborative, and continuing process.

Mr. Anderson asked about the Cape Fear Crossing. Mr. Kimes said the projected stopped when the preferred alternative was about to be chosen but was determined to be too costly to fund, around \$1.5 billion or \$2 billion.

Mr. Anderson asked a question about traffic counts on U.S. 17 in Hampstead and how many times per year the bridge goes up and down. Mr. Kimes responded that U.S. 17 in Hampstead has about 35,000 cars a day, and the Cape Fear Memorial Bridge has 62,000 cars a day. Construction of both sections of the Hampstead Bypass cost about \$300 million and the replacement bridge is estimated to cost between \$200 million and \$600 million. He added that the bridge lifts more than 300 times per year.

Mr. Williams commented that, like many others, his first reaction to the toll proposal was to oppose it. He added that if federal funding could be obtained for the bridge replacement, perhaps a counter proposal would be for the firm to propose a toll facility for the southern crossing. He noted that in August of 2019 the Cape Fear Crossing project was halted. In June of 2020, the MPO Board decided to make the replacement of the Cape Fear Memorial Bridge its top unfunded priority, which was communicated to NCDOT in a letter from the MPO Board in July of 2020. He added that the meeting minutes show the person who advocated this top unfunded priority spoke out against it just moments ago. He commented that if this is truly a priority, the MPO must look at every

available option, despite concerns and the possibility that the proposal may be rejected later. However, there are too many unanswered questions now.

Mr. Barfield requested that the MPO be indemnified and held harmless should it decide to withdraw later in the process. Mr. Rochelle responded that there are no charges expected to be incurred by the MPO.

Attorney Nichols clarified that what is before the Board is a choice to support further evaluation of an unsolicited proposal submitted to DOT for the replacement of the Cape Fear Memorial Bridge as a potential toll facility pursuant to DOT's public-private partnership policy and procedures. This opportunity differs in several ways from the Map Act cases, that were referred to at the last MPO Board meeting. He explained that the Map Act cases arose from a specific statute, the Transportation Corridor Official Map Act, with hundreds of cases throughout the state. In 2016, the NC Supreme Court held unanimously in a case, Kirby v. NCDOT, that recordation of highway corridor maps at issue under the Map Act constituted a taking of private property rights by eminent domain due to restrictions placed upon the property by virtue of the filing of those maps and the provisions of the Map Act. The Supreme Court said that the recording of the maps restricted the plaintiff's rights to develop and subdivide their property for an indefinite period, which constituted a taking.

In comparison to the process being considered today, this is different in that these are the early stages of review and evaluation of an unsolicited proposal that has been submitted to NCDOT under its public-private partnership policy and procedures. It does not involve the recordation of a map and corresponding restrictions on private property rights. NCDOT and further study may identify a specific area or propose a project corridor, which has not been identified yet and is not an issue before the Board today. Although the analysis could and may change in the future and will be closely monitored.

Mr. Barfield said that the MPO being held harmless later in the process is question for DOT to answer. He pointed out that obtaining federal dollars will not matter to this project, which is not in the STIP. He commented that the priority should be getting the project in the STIP, which should have been done long ago. He expressed concerns regarding a toll rate greater than one dollar being an additional burden on citizens, and the impact of securing right-of-way at a fair market value to homeowners during the housing crisis. He added that the Skyway project that was derailed in 2011 and 2019 was without the MPO's input and questioned why it is being sought now. He expressed concerns about tolling the main road into a community, which didn't exist previously, without a viable alternative.

Mr. Zimmer responded that NCDOT can't tell if it will indemnify the MPO when the decision for the Board is only to support or not support proceeding with the concept of a toll. If the answer is no, the project will leave the forefront. He commented that he is in favor of having the bridge replaced and agreed with Mr. Williams in proceeding with the concept to learn about the options. He agreed that federal money will not go to a bridge that isn't in the STIP, unless funds are earmarked for a bridge, and noted that a billion dollars won't go to a bridge, as the state has had to pay most of such projects traditionally. He offered to obtain an answer from NCDOT's General Counsel regarding indemnity as well as personally looking into local housing issues as part of the study if the MPO supports moving forward with the concept.

Mr. Rivenbark asked about the other STIP options that might be prevented if the MPO were to refuse supporting further exploration of the proposal. Mr. Zimmer said he meant toll, non-toll, federal, state options of the concept, not just a toll bridge. He added that any options would progress for the project.

Mr. Rivenbark commented that most toll roads are expressways, and this is more of a neighborhood bridge that would be crossed several times a day. He expressed the desire for a route away from the existing bridge that will not impact the historic district. He noted that he has an editorial written by Mayor J.E.L. Wade in the 1930s advocating for a high elevation bridge across the Cape Fear River, which the area still does not have 90 years later. Mr. Kozlosky reminded the Board that the replacement of the Cape Fear Memorial Bridge is included in the MPO's 2045 Moving Forward Plan, although it is not in the STIP.



Mr. Rivenbark expressed concerns about the replacement bridge being compared to road improvements in some other parts of the state. He pointed out that bridge maintenance in 2019 cost \$15 million, which is estimated to increase to \$25 million in 25 years. He commented that the bridge needs to be replaced, although it is not ready to fall into the river. However, it's critical to have something more than an unsolicited plan that the City Council and citizens of Wilmington do not seem to want to support.

Ms. Pierce expressed concerns about funding a rebuild of the bridge in a way that has not been considered for any other facility across the state. She commented that moving forward with this proposal means that any future funding coming from the state would go to other projects and not the bridge replacement. She pointed out that the citizens of New Hanover County and Brunswick County already pay state and county taxes, and this proposal would impose an additional tax on them for the next 50 years. She noted that the public comments do not support the proposal and neither does she.

Mr. Zimmer pointed out that the STIP funding does not come from local taxes but from the gas tax from across the state. He reiterated that this is the vote on a concept only. Mr. Kimes reminded the Board that this is the procedure for an unsolicited proposal. He noted that by General Statute for it to proceed, the MPO must support it and NCDOT cannot initiate it.

Vice-Chair Miller commented that there would be a larger crowd today if the Board was voting on a toll bridge. He asked about other funding sources. Mr. Kimes responded that there is only the traditional means of adding it to the STIP and putting it through the prioritization process.

Mr. Barfield commented that he would only want to consider an unsolicited proposal for a toll bridge if it came with all the other funding options. But instead, only one funding option is presented.

Mr. Anderson expressed concerns that the gas tax has not been addressed and the lack of options from the legislative leaders or the Governor, and that no other area in the state is funding projects like this. Mr. Zimmer responded that the state is still able to fund its projects and that the gas tax income is not currently the problem, although it is anticipated to be an issue in the future. He noted that the Map Act cases, and the delay in federal reimbursements for hurricanes have created much of the financial strain.

Mr. Kimes added that the main factors are project costs, which have nearly doubled in the last five years, and that the fuel efficiency of vehicles is increasing.

Mr. Anderson commented that if the gas tax would build the bridge, he would be in favor of increasing it. Mr. Allen commented that he thinks there is a cap on the gas tax. He noted that the concerns that he has heard today has caused him to think twice about this proposal. Additionally, his doubts have increased after speaking with local legislators in Raleigh. Having worked in surface deployment command in the military, which moved entire cities, built bridges and infrastructure with all the facts on the table, has made him hesitant to proceed with the insufficient information presented. He commented that he does not have enough information to make a conscious decision for the people whom the Board represents. He said the process needs to go further before a decision can be made.

Ms. Hays inquired if NCDOT has enough money to complete the projects in the STIP. Mr. Kimes said that NCDOT's minimum balance is stable at \$1.9 billion. He pointed out that the challenge is to be able to fund the 10 years of projects when the revenues are much less than the cost of the projects, which is increasing. He explained that the Cape Fear Memorial Bridge is not going to get funding in the next round of prioritization because NCDOT cannot pay for the projects in the first 10 years of the STIP right now. He added that NCDOT is preparing to rebalance the STIP and review projects to shift out projects based on anticipated revenues.

Ms. Hays identified two concerns: If the Board does not vote to explore the concept, it will have no additional options and be removed from future opportunities. If the Board votes to explore the concept, it will be pigeonholed into the toll bridge and have no other options presented. Mr. Zimmer responded that the second comment is inaccurate.

Ms. Hays suggested revising the resolution to explore the concept of any and all options and opportunities for the replacement of the Cape Fear Memorial Bridge. Mr. Kozlosky advised that the resolution should also reflect the Board's position on moving forward with the potential for a public-private partnership to give DOT some direction on how to approach the unsolicited proposal.

Vice-Chair Miller read the resolution as amended supporting/not supporting the exploration of [all options to...] include a potential public-private partnership in order for the North Carolina Department of Transportation and the Wilmington Urban Area Metropolitan Planning Organization to gather additional information on the replacement of the Cape Fear Memorial Bridge as a potential toll facility.

Mr. Barfield expressed opposition to the resolution, which presents no other options. He pointed out that this is a General Assembly problem. Ms. Pierce and Ms. Bozeman concurred.

Ms. Hays clarified that she proposed to change the resolution to include considering any and all options as well as the unsolicited proposal.

Mr. Barfield reiterated that he still does not know what those options are, and made a motion to decline as follows:

Now therefore, be it resolved, that the Wilmington Urban Area Metropolitan Planning Organization Board does not support NCDOT and the MPO moving forward with the further review and evaluation of the concept of a potential public-private partnership for the replacement of the Cape Fear Memorial Bridge as a potential toll facility.

Ms. Bozeman seconded the motion.

Mr. Zimmer made a substitute motion to approve the resolution to support NCDOT and the MPO moving forward with further review and evaluation of the concept of a potential public-private partnership for the replacement of the Cape Fear Memorial Bridge as a potential toll facility as well as other options.

Ms. Hays asked to move "any and all options" to the front. Mr. Zimmer allowed the change to his motion. Ms. Hays seconded the motion.

Attorney Nichols clarified that there is a motion on the floor, which has been seconded, and then a substitute motion, which has been seconded. The board continued the debate the item while Attorney Nichols consulted *Robert's Rules of Order* for the appropriate meeting procedures. Debate continued. Attorney Nichols advised that the substitute motion would be the appropriate motion on which to vote. Mr. Zimmer reiterated that the substitute motion is to approve the resolution of support amended to include the exploration of all other options and funding sources. The substitute motion was seconded by Ms. Hays.

Mr. Barfield expressed concerns regarding voting blindly in support of other options that have not been identified yet. Mr. Zimmer responded that this is an opportunity for further information. Debate continued regarding meeting procedure and the wording of the item. Mr. Allen expressed a preference for voting on something in writing.

Mr. Rivenbark pointed out that, at the end of the day, it's still a toll proposal, and expressed concerns regarding the cost to citizens of lesser means. He expressed confidence that NCDOT would identify funding sources for a bridge replacement without a toll.

Ms. Bozeman proposed a second substitute motion to vote down the toll proposal and ask NCDOT to bring forward other options. Mr. Rivenbark pointed out that this is essentially what will happen if the substitute motions fail. The second substitute motion failed for lack of a second.

The substitute motion was back on the table.

Mr. Zimmer requested that the question be called. At the request of the Board, Mr. Kozlosky read the first substitute motion, which Ms. Hays had seconded and amended as follows:

Now therefore, be it resolved, that the Board of the Wilmington Urban Area Metropolitan Planning Organization supports NCDOT and the MPO moving forward with the further review and evaluation of the concept of a potential public-private partnership for the replacement of the Cape Fear Memorial Bridge as a potential toll facility and explore other options.

Ms. Hays called a point of order. She noted that Mr. Zimmer called the question to end the debate, which was seconded by Mr. Anderson. The question called to end the debate carried unanimously by roll call as follows:

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

**Absent:** David Piepmeyer.

The MPO Board voted to approve the first substitute motion amended as follows:

Now therefore, be it resolved, that the Board of the Wilmington Urban Area Metropolitan Planning Organization hereby supports NCDOT and the MPO moving forward with the further review and evaluation of the concept of a potential public-private partnership for the replacement of the Cape Fear Memorial Bridge as a potential toll facility and explore other funding options.

The first substitute motion as amended failed 7-5 by roll call as follows:

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

The original motion opposing the unsolicited proposal was back on the table. Mr. Kozlosky read it as follows:

Now therefore, be it resolved, that the Wilmington Urban Area Metropolitan Planning Organization Board does not support NCDOT and the MPO moving forward with the further review and evaluation of the concept of a potential public-private partnership for the replacement of the Cape Fear Memorial Bridge as a potential toll facility.

The original motion carried 7-5 by roll call as follows:

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

9) **Discussion**

a. **2020-2029 STIP/MPO Transportation Improvement Program Administrative Modifications #21-7**

Mr. Kozlosky stated that this item is for information purposes only and will be brought back for consideration at the Board's next meeting.

b. **Go Coast TDM Short Range Plan**

Ms. Lorenzo reminded the MPO Board that it adopted Cape Fear Change in Motion 2020, the Transportation Demand Management (TDM) Program's short-range plan, in April of this year. She noted that the plan includes seven recommended strategies to assist in reducing vehicle traffic congestion, and to increase alternative mode choice in the region.

Ms. Lorenzo stated that MPO staff desires to share the recommendations of this plan as well as present the opportunities for member specific TDM strategy plans to be developed with members through presentations to each governing board in August and September. Once all presentations are completed, WMPO staff proposes to meet with planning staff in each of the member jurisdictions in October and November to determine how best to coordinate these community specific TDM strategies as well as any additional local jurisdiction initiatives. The MPO desires to move forward with the endeavor assisting members individually in supporting TDM initiatives.

Mr. Kozlosky said that staff would approach administrative officials for each of the jurisdictions and requested that the Board support the request.

**10) Closed Session**

Vice-Chair Miller moved to now hold a closed session pursuant to N.C. General Statute §143-318.11(a)(3) to discuss with the MPO's attorney matters within the attorney-client privilege after a five-minute break returning at 5:32 p.m.

Mr. Rivenbark seconded the motion and it carried unanimously by roll call as follows:

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

The meeting reconvened to open session with all those present as above.

**11) Adjournment**

There being no further business and no opposition to adjourning the meeting, the meeting was adjourned at 5:46 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.**