

Meeting Minutes

Wilmington Urban Area Metropolitan Planning Organization

Transportation Advisory Committee

Date: March 26, 2008

Members Present:

Lanny Wilson, Chairman, NCBOT
Laura Padgett, Vice-Chair, City of Wilmington
Bill Blair, Town of Wrightsville Beach
Bill Kopp, New Hanover County
Mac Montgomery, Town of Kure Beach
Bill Saffo, City of Wilmington
Bill Sue, Brunswick County
Tommy Wallace, Town of Leland
Mike Ballard, Town of Navassa
Nancy Pritchett, Cape Fear Public Trans. Authority
Allen Gilbert, Town of Carolina Beach

Staff Present:

Mike Kozlosky, Senior Planner
Lawless Bean, TDM Coordinator
Joshua Mello, Transportation Planner
Anthony Prinz, Transportation Planner

1. Call to Order

Mr. Wilson called the meeting to order at 4:00 PM.

2. Approval of Minutes

The motion to approve the minutes from the February 27th meeting carried unanimously.

3. Public Comment Period

Mr. Wilson asked if anyone would like to make any comments. No one wished to speak.

4. Old Business

None

5. New Business

a. Resolution adopting the Cape Fear Historic Byway Corridor Management Plan

Mr. Kozlosky introduced Mr. Chuck Flink, with Greenways Inc. who gave a presentation on the recommendations for the Cape Fear Historic Byway Corridor Management Plan. The recommendations made were to: 1. create a Byway Corridor Advisory Committee, 2. market and promote the Cape Fear Historic Byway as a national scenic byway, and 3. begin the key physical corridor improvements that were recommended in the plan. Following the presentation, Ms. Padgett made the motion to approve the resolution adopting the Cape Fear Historic Byway Corridor Management Plan. Mr. Ballard seconded the motion and the motion carried unanimously.

b. Resolution supporting the efforts to secure byway grant funding for S. 3rd Street

Mr. Kozlosky told members staff submitted an application in the amount of \$887,000 to Federal Highway Administration for streetscape improvements to the S. 3rd Street corridor from Market Street to Castle Street. The grant was due Friday, March 21st but the NCDOT agreed to accept the resolutions after it was approved by this board. Ms. Padgett made a motion to approve the resolution in support of efforts to secure grant funding for the S. 3rd Street streetscape improvements. Mr. Sue seconded the motion and it passed unanimously.

c. Resolution adopting the Blue Clay Road Bicycle Corridor Plan

Mr. Flink gave a presentation on the feasibility study recommendations for a suitable route and alignment to connect bicyclist from the downtown area to Holly Shelter Road. He told members the goal was to come up with the most suitable alignment to build an on-road/off-road trail. The preferred route recommended in the study were components from all three alignments studied. The corridor will likely be part of the East Coast Greenway. Following the presentation, Ms. Padgett made the motion to approve the resolution adopting the Blue Clay Road Bicycle Corridor Plan. Mr. Ballard seconded the motion and it passed unanimously.

d. Resolution amending the 2007-08 Unified Planning Work Program

Mr. Kozlosky told member staff has until March 31st to amend the Planning Work Program (PWP) for the current fiscal year's budget. Staff is proposing to reduce funds in the travel time studies forecast of the data to the horizon year, forecast of future travel plans, financial planning and special studies line items. Staff recommends increasing funds in the dwelling unit and population changes, mapping, travel model updates, bicycle and pedestrian planning, collector street planning, public involvement and management/operations line items. Staff proposes to make those modifications because of projected expenditures in those line items and in order to balance the PWP. Ms. Sue made the motion to amend the 2007-2008 Unified Planning Work Program and Mr. Montgomery seconded the motion. The resolution carried unanimously.

e. Adoption of the 2008-09 Unified Planning Work Program

Mr. Kozlosky told members this item is to consider the proposed budget for the Wilmington MPO for the next fiscal year. The budget includes funding to complete a collector street plan for northern New Hanover County, funding to assist the Town of Wrightsville Beach in the development of a Bicycle Plan (cost sharing with the Town of Wrightsville Beach), funding for on-call engineering services and funding for the Dow Road widening and extension corridor study. There is also funding to continue to operate our traffic count program, as well as funding for the update of the Long Range Transportation Plan. Mr. Kozlosky told members there is also a resolution that certifies that the MPO is conducting transportation planning in a continuing, cooperative and comprehensive manner which is required by the Federal Highway Administration. Mr. Sue made a motion to adopt the 2008-2009 Unified Planning Work Program, as well as the resolution that identifies that the Wilmington MPO is performing the transportation planning in a continuing, cooperative and comprehensive manner. Ms. Wallace seconded the motion and it carried in a unanimous vote.

f. Resolution encouraging the North Carolina General Assembly to amend the General Statute 20-97 to permit counties to impose a vehicle tax and encouraging the New Hanover County Board of Commissioners to impose a \$5 county-wide registration fee for public transportation

Mr. Kozlosky told member at the last meeting there was discussion regarding the \$5.00 county-wide registration fee. In evaluating the statutes, counties do not have the authority to impose the registration fee, only municipalities have that authority. The resolution before the board is a request for the General Assembly to amend the General Statute 20-97 to allow counties to have that authority, as well as request New Hanover County to impose this registration fee if the statue is amended.

Mr. Wilson suggested that we get the legislation approved by the General Assembly before asking the county to implement the registration fee. The first step should be to get the request through the General Assembly.

Mr. Sue asked who requested the amendment to the statute. Ms. Pritchett said the Public Transportation Authority made the request. Mr. Sue said he thinks the county commissioners should act on it first. Mr. Wilson asked if we shouldn't wait for to see what the General Assembly's ruling will be then come back to ask New Hanover to consider imposing the registration fee.

Mr. Kozlosky said staff could modify the resolution. Mr. Wilson suggested we send the request to Gerry Cowen, who is in charge of bill drafting and ask if he would consider adding it to what he is proposing to the General Assembly.

Mr. Kopp pointed out that this request will allow all 100 counties to impose the registration fee, not just New Hanover County. Mr. Wilson said the request is for counties to have that option.

Mr. Gilbert asked if the City of Wilmington has the authority to impose the \$5.00 registration fee. Ms. Padgett said yes, they currently collect a \$5.00 fee but it is not used for public transportation. Mr. Kopp pointed that if this new registration fee is approved, city residents will be paying \$10.00 and county residents will pay \$5.00.

Mr. Gilbert asked what percent of the New Hanover County tax goes to public transportation. Ms. Padgett said less than 1% and the contribution to public transportation comes from the Social Services programs.

Mr. Montgomery told members he agreed that counties should be able to impose a registration fee but until the matter is decided by the General Assembly, it is not an option.

Mr. Wilson said he agreed with Mr. Montgomery. We should ask the General Assembly to include our request that counties be given the option to impose the registration fee in the legislation they are going to submit in the short session. He told members he thought this is the right time to make the request and it would be wise to include it along with the next item on the agenda. Counties don't have to necessarily impose the fee.

Mr. Gilbert said he agreed that all we are doing is making a recommendation to the legislators and we are not telling county commissioners what they must do.

Mr. Kopp said he could support asking for this legislation if we separated it out. Mr. Sue said he would make a motion if we would revise the resolution to reflect only requesting the State Legislators to consider giving counties the right to impose the registration fee.

Mr. Kozlosky said he would change the resolution to reflect that this board supports a local act authorizing counties to levy a five-dollar vehicle registration fee county-wide for public transportation. Mr. Sue agreed to the revisions and said he would make that a motion. Mr. Montgomery seconded the motion. The motion carried unanimously.

g. Resolution encouraging New Hanover County to hold a referendum for a ¼ cent sales tax for transportation infrastructure improvements

Mr. Kozlosky told members staff was instructed to draft a resolution requesting that New Hanover County hold a referendum for a ¼ cent sales tax for transportation infrastructure improvements. At their last meeting, the Wilmington City Council endorsed a resolution requesting the New Hanover County Commissioners to put on a referendum for the ¼ cent sales tax for Independence Boulevard extension, Dow Road widening and extension and 1/10 going for public transportation. Mr. Kozlosky told members the resolution before this board today does not include the 1/10 because it was not requested in previous discussions at the

last meeting. Included in the resolution today is the request for a “sunset” and also that the funding not have a detrimental impact on TIP funds to New Hanover County.

Mr. Kopp asked if a “sunset” was included in this resolution. Mr. Kozlosky said yes. Mr. Kopp told members the county commissioners cannot do that. The legislation setting up the authority for counties to levy a $\frac{1}{4}$ cent sales tax does not allow you to put on the ballot that you “sunset”, it is only for or against a $\frac{1}{4}$ cent sales tax. To “sunset” it, you have to go back to the citizens with another referendum asking for it to be taken off. The legislation does not allow you to identify purposes for which you are going to use the proceeds. A board of commissioners in the 100 counties can, by resolution, say what they are going to do, but a future board can change that. So therefore, we cannot say where the dollars are going to be spent.

Mr. Wilson told members he agreed with Mr. Kopp. Right now, there is not authority to “sunset” and/or identify the projects. It was passed at the end of the session and all the ramifications were not thought out. There is room for improvement. He said he had this discussion with Gerry Cowen and he said if this resolution is approved by this board, he will help us draft the language to request what we want in the short session.

Mr. Kopp said he cannot agree to put this $\frac{1}{4}$ cent sales tax authorization on the ballot and pass a resolution designating the proceeds for transportation. He said he feels it should go to education. He told members if we could get local legislation or state-wide legislation in the 21st Century Committee, letting counties have the option, like York County, SC, to fund projects and then “sunset” it after the projects are completed, he could go along with that. You will then have transparency and the people will see where the money is going.

Ms. Padgett asked how that is different. They are calling theirs “Pennies for Progress” and when those projects are done, they build what they can and then they’re done.

Mr. Gilbert reminded members that the last time this came before this board requesting $\frac{1}{2}$ cent sales tax, this board supported that initiative. He asked how this is different. Mr. Wilson said we are asking for $\frac{1}{4}$ cent and we will have to have changes to the statute to allow the “sunset” and to designate projects. It is similar to the other resolution; but, what we need in the short session is to either do it as a local bill or to clarify the statute that went through at the very end of the last session that allows counties statewide to have an option to “sunset” and specifically designate projects.

Mr. Kopp told members the NC Association of County Commissioners lobbied hard with the League of Municipalities for the option of the $\frac{1}{4}$ cent sales tax; but, there was never any mention of using the monies for transportation. It was for infrastructure Counties needed to recoup some of the losses that they had realized because of funds going to Medicaid. They were talking about schools, community colleges and even sewer infrastructure. He told members he cannot in good conscience agree to spend that $\frac{1}{4}$ cent for transportation exclusively.

Mr. Wilson told members NCDOT is more than \$60 million over-programmed for just the few projects we have in New Hanover County. He said this is a very serious issue because we are one of the most over-programmed divisions in the state of North Carolina.

Ms. Padgett told members we are going to have to be a partner at the state and federal level and there is no other way. The Federal Highway Trust Fund is indicating a deficit of \$3.5 million and if local governments don’t start coming up with the money for a partnership, then this country is going to be a third world country in a few years.

Mr. Gilbert told members he would like to ask a county commissioner how are we to fund the transportation initiatives that we need. Mr. Kopp stated that since 1933 the state of North Carolina has been responsible for transportation needs. If that's going to be changed, the General Assembly needs to change it. He said he is in hopes that the 21st Century Committee is going to recommend how we change the structure. Until then, we are jumping ahead of ourselves.

Mr. Gilbert asked if that means we are just to sit on our hands and wait for the General Assembly to give some authority or direction to the county. Mr. Gilbert pointed out that transportation costs are continuing to rise as we sit back and let someone else lead the way. Ms. Padgett told members, as local governments, we're going to have to come up with part of the money if we want to control what projects we get, how they are built and how they are prioritized. We're going to have to go to the state and say we want to create the partnership and here is what we have done and here's what we are willing to do. Otherwise they are going to tell us. It's a whole lot better if we tell them and then we can ask for the dollars to match it. That's what Charlotte did for their light rail program and they are number one when the money gets passed out because they have a match. We must fund some of our transportation.

Mr. Wilson told members this ¼ cent sales tax is important right now, and all we are asking from the General Assembly, is to make the modifications necessary so voters can decide. If it doesn't look like it will go through for all 100 counties, then we would ask for it in terms of a local act.

Mr. Gilbert suggested we challenge ourselves to look for all the reasons we can do something rather than why we can't do something. He said this board should look at how we can actually make this a reality. He told members, he would like to make the motion to pass a resolution requesting a referendum for a ¼ cent sales tax increase in New Hanover County supporting the tax to generate revenue for the construction of Independence Boulevard extension and Dow Road widening and extension. Ms. Padgett reminded him of the 1/10 for public transportation. He added the 1/10 to go to public transportation to his motion. He said this resolution will give legislators a reason to visit this in the short session. Ms. Pritchett said with that addition, she will second the motion.

Mr. Wilson told members the only problem he has, with respect to the motion, is the portion for public transportation because you're talking about paying for two projects and with a "sunset". He said he thinks the \$5.00 registration fee is a better way to go for public transportation.

Mr. Wilson called for the vote on Mr. Gilbert's motion. The resolution failed in a 7 to 4 vote with Mr. Gilbert, Ms. Padgett, Ms. Pritchett and Mr. Saffo voting in favor of the resolution.

Mr. Kopp told members he would suggest that Mr. Wilson, as a member of the 21st Century Transportation Committee, see if some recommendations can come out of that committee in the short session to do the very thing that this MPO would like to see. He said maybe by changing the law as to the ¼ cent tax, you could put it on the ballot for a specific purpose and that you can "sunset" it after that purpose has been completed.

6. Discussion Items

a. Regional Transportation Authority

Mr. Kozlosky told members there was discussion regarding establishing a Regional Transportation Authority at the last meeting. Staff compiled information from Tucson, AZ. on their Regional Transportation Authority. Mr. Kozlosky said Tucson has a \$2.1 billion, 20-year

plan that is much like what they are doing in York County, SC. Jacksonville, FL is also using a similar approach for transportation needs. He told members legislation will have to be changed in order to create a regional transportation authority to deal with roadways. Ms. Padgett said she believes we should move forward with the investigation on how we can establish a transportation authority.

7. Project Updates

a. Dow Road Widening and Extension

Mr. Kozlosky said the Wilmington City Council endorsed a contract at their March meeting. He told members a steering committee will be assembled in April to begin the planning process in the hope that funding can be identified in the near future for construction of this important project.

b. Monkey Junction Collector Street Plan

Mr. Kozlosky told member the first public informational meeting was held in February. He said staff is evaluating the input received from citizens. Staff is in the process of developing a plan. They will present the revised plan at another public meeting. Staff will then bring the plan to the TAC for endorsement.

c. Market Street Corridor Study

Mr. Kozlosky told members the Wilmington Metropolitan Planning Organization and the City of Wilmington were awarded \$275,000 at the March 6th BOT Meeting to complete the corridor study on Market Street from Colonial Drive to the Pender County line. Staff is developing a request for proposals and it should be out in the next month.

d. NCDOT Project Update

attached

8. Announcements

a. Oleander Drive Resurfacing Meeting – March 27th

9. Adjournment

With no further business, the meeting was adjourned at 5:40pm

Respectfully submitted

Mike Kozlosky
Senior Transportation Planner