

MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION
Charlotte-Mecklenburg Government Center Conference Room 267
March 18, 2009
Summary Minutes

Members Attending:

Anthony Foxx (Charlotte), Jim Bensman-alternate (Cornelius), Brian Jenest (Davidson), Brian Sisson (Huntersville), John Quinn (Indian Trail), Lee Myers (Matthews), Dumont Clarke (Mecklenburg County), Carl Ellington-alternate (Mint Hill), Bob Smith (Monroe), Jim Eschert (Pineville), Lynda Paxton (Stallings), Tracy Kuehler (Union County), Daune Gardner (Waxhaw), Nancy Anderson (Weddington), Brad Horvath (Wesley Chapel), Bill Braswell (Wingate), Stephen Rosenburgh (Char-Meck Planning Commission)

1. Call to Order

Mayor Lee Myers called the March 18, 2009 MUMPO meeting to order at 7:00 PM.

Chairman Myers adjusted the agenda to delay the discussion of the American Recovery & Reinvestment Act (ARRA) until Anthony Foxx was able to be present. Charlotte's alternate, Susan Burgess, participated on Mr. Foxx's behalf until he arrived. The minutes reflect the order of the meeting as found on the agenda.

2. Approval of Minutes

Summary:

Chairman Myers asked if everyone had an opportunity to review the January 2009 minutes and called for a motion.

Motion:

Brian Sisson made a motion to approve the January 2008 minutes as presented. Bob Smith seconded the motion. The January 2009 minutes were approved unanimously.

3. Citizen Comment Period

Summary:

Two people addressed the MPO:

1. Mary Hopper, executive director of University City Partners, addressed the MPO and spoke in favor of the proposed intelligent transportation systems (ITS) project proposed for funding with economic stimulus funds as well as the need to complete I-485.
2. Carroll Gray, executive director of the Lake Norman Transportation Commission, addressed the MPO and spoke in favor of funding the NC 73 improvements with economic stimulus funds as well as the agenda item related to the proposed realignment of Prosperity Church Road.

4. American Recovery & Reinvestment Act (ARRA) Action

Presenter:

Bill Coxe, TCC Vice-Chairman

Summary:

Technical Coordinating Committee (TCC) Vice-Chairman Bill Coxe opened the discussion of the ARRA with a presentation on the TCC's recommendations on the three actions being requested and how those recommendations were developed. The three requests were reviewed:

1. Amend the Transportation Improvement Program (TIP) to include all projects submitted by MUMPO's member jurisdictions as well as those proposed by NCDOT.
2. Endorse Scenario 1 as the project priority list for the \$20.1 million in Surface Transportation Program-Direct Attributable (STP-DA) funds allocated to MUMPO.
3. Endorse the bicycle and pedestrian project list as the priority list for project funding.

1. Amend the Transportation Improvement Program (TIP) to include all projects submitted by MUMPO's member jurisdictions as well as those proposed by NCDOT.

Regarding the first request, Mr. Coxe explained that the projects listed were the total number of projects submitted for possible inclusion in ARRA funding by the MPO's member jurisdictions and NCDOT. He also stated that the TCC recommended that the MPO amend the TIP to include all projects listed.

Motion:

Mr. Sisson made a motion to amend the TIP to include all projects as listed. Mr. Smith seconded the motion. The motion passed unanimously.

2. Endorse Scenario 1 as the project priority list for the \$20.1 million in Surface Transportation Program-Direct Attributable (STP-DA) funds allocated to MUMPO.

Specific to the projects considered for STP-DA funding (#2), Mr. Coxe stated that the projects in the three scenarios (see attached sheet for the project list and descriptions) were from the list of projects nominated for ARRA funding by MUMPO's member jurisdictions and NCDOT, and that the projects were ranked for STP-DA funding at a meeting held on February 27, 2009. At that meeting three scenarios were developed for presentation to the full TCC. He then reviewed the three scenarios, noting that at its March 5, 2009 meeting, the TCC unanimously recommended that the MPO endorse Scenario 1. Scenario 1 consisted of the following projects:

1. NC 73: Widen from US 21 to NC 115
2. Faith Church Road & Unionville-Indian Trail Road: Intersection improvement
3. ITS Expansion: Upgrade & expand traffic signal and management system
4. N. Trade St./Matthews Mint Hill Road (Old NC 51): Rehab & pedestrian improvements from John St. to Independence Blvd
5. NC 16/NC 75: Intersection improvement
6. Concord Road/E. Rocky River Road: Construct roundabout

After Mr. Coxe completed his presentation, the MPO considered the three requests for action in the order they were found on the agenda. Regarding the STP-DA funds, Brian Sisson of Huntersville made a motion to endorse Scenario 1, and Jim Bensman of Cornelius seconded the motion. A discussion among the MPO members began. MPO Vice-Chairman Anthony Foxx discussed the direction he received from the Charlotte city council to support the TCC recommendation provided that NCDOT did not need the STP-DA funds for I-485. He then requested that a friendly amendment to the motion be added to revisit this issue in July. Mr. Sisson stated that I-485 was important to Huntersville, too, but declined to accept the friendly amendment. Mr. Foxx asked if by accepting the TCC's recommendation, would the MPO be eliminating the possibility of using the STP-DA funds on I-485? Mr. Coxe replied that the issue could be revisited. Mr. Foxx stated that he was constrained by his directed vote from city council and further stated that NCDOT does not know if it needs the STP-DA funds. MPO Chairman Lee Myers stated that NCDOT has to find the funds for I-485 or it will have to use funds from an existing project. Mr. Myers also stated that the NC 73 project will not be let until after the July MPO meeting, so the MPO could reconsider its decision. He emphasized that the vote was not a vote against I-485, but one that was consistent with the stimulus concept of creating jobs.

Mr. Sisson then stated that, if the governor comes to the MPO and says she has the money to build I-485 without delaying another project, he would make a motion to shift the STP-DA funds to I-485. The MPO then voted on the motion made earlier by Mr. Sisson. Fourteen of the jurisdictions present, representing 20 votes, voted in favor of the motion. Two jurisdictions, representing 17 votes, voted in opposition to the motion. The motion passed and Scenario 1 was endorsed by the MPO.

Motion:

Mr. Sisson made a motion to endorse Scenario 1 for funding with MUMPO's STP-DA allocation. Mr. Bensman seconded the motion. The motion passed with 20 votes cast in favor of the motion and 17 votes cast in opposition. The Charlotte (16 votes) and Waxhaw (1 vote) representatives voted in opposition.

3. Endorse the bicycle and pedestrian project list as the priority list for project funding.

Mr. Coxe reviewed the list and thanked Julie Clark of Mecklenburg County Park & Recreation, Ken Tippette of CDOT and Saxby Chaplin of the Trust for Public Land for their assistance in developing ranking criteria for the

projects submitted for consideration. He also stated that the TCC recommended that the MPO endorse the list as presented.

Motion:

Mr. Sisson made a motion to endorse the bicycle and pedestrian projects as presented. Mr. Bensman seconded the motion. The motion passed unanimously

5. Congestion Mitigation & Air Quality (CMAQ)

Presenter:

Bjorn Hansen, Centralina COG

Summary:

Mr. Hansen reviewed the project list noting that the TCC recommended that the MPO amend the TIP to include all projects listed. He also noted that the funds for these projects come from unused funds from a 2004 call for projects. Also mentioned was that the GRADE project (Grants to Reduce Aging Diesel Engines) had been presented to the MPO at its January meeting for Fast Track status, but that the MPO elected to apply that status to another project. A series of questions were raised by MPO members about GRADE, and Leslie Rhodes of Mecklenburg County's Air Quality staff was present to respond. The questions concerned such issues as the number of engine replacements or repowers that can be financed, the air quality benefits, the ability to relocate the vehicles outside the Charlotte area, etc. Mr. Hansen stated that the TCC had unanimously recommended that the MPO amend the TIP as presented.

Motion:

Susan Burgess made a motion to amend the TIP to include the CMAQ projects as recommended by the TCC. Dumont Clarke seconded the motion. The motion passed with 30 votes cast in favor of the motion and 6 votes cast in opposition. Representatives of the following jurisdictions cast votes in opposition: Cornelius (1 vote); Huntersville (2 votes); Indian Trail (1 vote); Stallings (1 vote); Weddington (1 vote).

6. Regional Travel Demand Model Memorandum of Agreement

Presenter:

Norm Steinman, CDOT

Summary:

Mr. Steinman stated that the memorandum of agreement (MOU) governs the functioning of the regional travel demand model and details the responsibilities of the various parties involved with its operation, use, etc. The other MPOs in the region have signed it, or are scheduled to do so. He noted that the TCC had unanimously recommended that the MPO approve the MOU.

Motion:

Mr. Smith made a motion to approve the MOU and to have the chairman sign the document. Mr. Sisson seconded the motion. The motion passed unanimously.

7. Prosperity Church Road Alignment at NC 73

Presenter:

Bill Coxe, TCC Vice-Chairman

Summary:

Mr. Coxe stated that the proposal was to realign a small portion of the proposed Prosperity Church Road at its intersection with NC 73. He reviewed the recent history of the project, beginning with Huntersville's efforts to define an alignment for the project from Eastfield Road to NC 73. MUMPO adopted an alignment in March 2007. Also discussed were recent efforts on a small area plan that dealt with this intersection and the nearby area. Mr. Coxe noted that a developer has furnished an alignment for the thoroughfare from NC 73 south to his southeastern property line. A public meeting on the proposed alignment was held on December 1, 2008. At its March 5 meeting, the TCC unanimously recommended that the MPO amend the Thoroughfare Plan to depict the proposed change.

Motion:

Mr. Sisson made a motion to amend the Thoroughfare Plan as requested. Mr. Bensman seconded the motion. The motion passed unanimously.

8. Charlotte Gateway Station Environmental Assessment

Presenter:

David Carol, CATS

Summary:

Mr. Carol stated that an environmental assessment (EA) had been prepared for the Charlotte Gateway Station and a public comment period was open. He stated that the station will serve CATS' North transit corridor, Greyhound and Amtrak. Also discussed were components of the EA and development plans for the station and surrounding areas. Questions were posed to Mr. Carol about the technology to be used on the North Corridor.

9. FY 10 Unified Planning Work Program

Presenter:

Robert Cook

Summary:

Mr. Cook stated that this was the final version of the Unified Planning Work Program (UPWP) and that it did not differ substantially from the draft version presented at the January meeting. He noted that the amount of Section 5303 funds (transit) was not the full amount for the upcoming year due to Congress not taking final action on funding amounts. As soon as that information is available, a request will be made to amend the UPWP to show the full amount. Mr. Cook discussed the four local transportation planning projects to be funded with Planning (PL) funds: Cornelius; Davidson; Huntersville; Mint Hill. The total amount of PL funds to be used is \$102,600. Mr. Cook stated that PL funds are the MPO's most significant funding source and that the FY 10 amount is less than in previous years due to a rescission of funds from the federal government. He also stated that a rescission of FY 09 funds had taken place. Since PL funds are critical to the functioning of the MPO, he stated that if additional rescissions occur, the MPO might not be able to reimburse the four towns for the full amount requested if doing so would affect the MPO's ability to perform its basic functions. He then asked that the MPO include the following language in a motion to adopt the UPWP: *The primary purpose of PL funds is to support the activities of the MPO so that it is able to meet all federal metropolitan planning requirements. Municipalities receiving PL funds in FY 10 for transportation planning tasks do so with the knowledge that, if PL fund reductions occur, they may not receive the full amount of the reimbursement being requested.* Mr. Cook stated that the TCC unanimously recommended the UPWP's adoption.

Motion:

Mr. Sisson made a motion to adopt the FY 10 UPWP as presented and with the language shown in italics in the Summary section above. Mr. Bensman seconded the motion. The motion passed unanimously.

10. MPO Self-Certification

Presenter:

Robert Cook

Summary:

Mr. Cook stated that MPOs are required to certify annually that they adhere to all federal statues, regulations, etc. that pertain to the metropolitan planning process. He stated that the TCC unanimously recommended that the MPO adopt the resolution.

Motion:

Mr. Smith made a motion to adopt the self-certification as presented. Mr. Sisson seconded the motion. The motion passed unanimously.

11. **Draft 2011-2017 Candidate Projects List**

Presenter:

Robert Cook

Summary:

Mr. Cook stated that the Candidate Projects List (CPL) is prepared in advance of the development of the Transportation Improvement Program (TIP) and represents the MPO's priorities for funding in the TIP, but noted that in consideration of NCDOT's current financial problems, the primary focus of the CPL effort was to review the list to be sure it represented the MPO's wishes. He stated that what was being presented did not differ substantially from what was presented in draft form in January, except that the CMAQ project information was now fully included. It was noted that the US 521/Ballantyne Commons Parkway project was included in the CMAQ project list in error and will be removed. Also mentioned were public involvement efforts and that the TCC had unanimously recommended adoption of the CPL.

Motion:

Ms. Burgess made a motion to adopt the 2011-2017 CPL as presented, but to remove the US 521/Ballantyne Commons Parkway intersection due to it being included in error. Mayor Quinn seconded the motion. The motion passed unanimously.

12. **Draft Public Involvement Plan Revision**

Presenter:

Robert Cook

Summary:

Mr. Cook stated that the final version of the Public Involvement Plan (PIP) did not differ substantially from what was presented to the MPO in draft form in January; however, one change was being requested. He stated that staff and the TCC felt it appropriate that a provision be added to waive public involvement requirements for projects that had been the subject of local efforts to engage the public. This would help eliminate redundant public outreach efforts. Mr. Cook reminded the MPO of the on-going development of a transportation plan by Marvin, Waxhaw, Weddington and Wesley Chapel, and if through that process a new road was proposed for inclusion on the Thoroughfare Plan, the MPO would have to undertake a public involvement effort to do so, despite the excellent outreach efforts of the four towns. It was noted that the TCC had recommended adoption of the revised PIP, including the waiver provision.

Mayor Gardner stated that she felt the policy made sense, but that the TCC should not have the authority to waive public involvement efforts. She believed that authority should rest with the MPO, and in addition, language should be added to the PIP stating that in waiving the requirements, a finding should be made that conditions in the affected area had not changed since the original local effort had been undertaken.

Motion:

Mr. Sisson made a motion to approve the revised PIP. The motion to approve included allowing the PIP's text to be modified to allow a waiver of public involvement requirements by the MPO if a project has been the subject of a local (non-MUMPO) public involvement effort and that conditions in the affected area are substantially the same as when the local public involvement effort was conducted. Mr. Smith seconded the motion. The motion passed unanimously.

13. **Long-Range Transportation Plan-Financial Element**

Presenter:

Andrew Grzymiski, CDOT

Summary:

Mr. Grzymiski stated that an important part of the preparation of the long-range transportation plan (LRTP) was the development of its financial plan because regulations require the LRTP to be based upon reasonable estimates of revenue and costs. He reviewed a list of general assumptions as well as some more specific to the equity

formula, loop funds, toll gap funds, etc. He concluded by stating that the MPO would be asked to endorse the assumptions in the future when refinement of them is complete.

14. Proposed Augustalee Development

Presenter:

Andrew Grant, Town of Cornelius

Summary:

Brian Jenest requested that he be permitted to withdraw from action on this item. Chairman Myers called for a motion to excuse Mr. Jenest. Mr. Sisson made a motion to allow Mr. Jenest to withdraw. Mr. Foxx seconded it. The motion passed unanimously.

Mr. Grant discussed the proposed Augustalee development. It will be on a parcel of approximately 104 acres along I-77 south of Westmoreland Road and at build-out will consist of approximately 655K square feet of retail space, 810K square feet of office space, 400 residential units and 350 hotel rooms. A key component of the development is the transportation improvements proposed by the developer. The developer plans to finance the improvements and be reimbursed through a series of techniques, including a synthetic tax increment financing (TIF) proposal, certificates of participation (COP), etc. The improvements are as follows:

1. Construct a new interchange on I-77 at Westmoreland Road
2. Widen I-77 from south of exit 23 (Gilead Road) to exit 28 (Catawba Avenue)
3. Widen US 21
4. Extend Bailey Road across I-77 to Northcross Drive
5. Improvements to Westmoreland Road
6. Extend Northcross Drive

Also discussed was that in order for the project to proceed, MUMPO's LRTP and TIP will have to be amended and an air quality conformity determination will have to be made. This will have to be done prior to May 3, 2009 because MUMPO's LRTP will expire as of that date and no LRTP or TIP amendments will be permitted. The action being requested at this meeting was to allow the start of a public involvement process to gain the public's input on the projects and the actions being required. Mr. Grant stated that Cornelius would be leading these efforts along with staff of Kimley-Horn & Associates.

Dumont Clarke asked if Cornelius and the developer were expecting Mecklenburg County to participate in the financing methods. Mr. Grant replied that County participation was a possibility. Mr. Foxx asked that if the MPO decides to move the projects up in the TIP, is it obligated to build the projects if the development proposal does not proceed. Mr. Grant stated that the MPO would not be obligated to build the projects.

Motion:

Mr. Foxx made a motion to allow the start of a public comment period. Mr. Sisson seconded the motion. The motion passed unanimously.

15. Equity Formula

Presenter:

Lee Myers

Summary:

Chairman Myers stated that he requested that this item be on the agenda and asked Andrew Grzymiski to discuss the matter. Mr. Grzymiski provided a presentation that discussed the components of the equity formula. He reviewed an example of how \$100 in funds would be divided up based upon the current formula and how much of that \$100 MUMPO's funding region would receive (\$16.92). The equity formula statute calls for a change to be made in funding procedures once 90% of the state's intrastate system is complete. Mr. Grzymiski provided a calculation of how much the funding region would receive under this scenario (\$17.73) as well as a scenario that envisioned that the funds were allocated based strictly upon population (\$19.50). No action was taken on this topic.

16. Monroe Connector/Bypass

Presenter:

Jennifer Harris & Reid Simons, NCTA

Summary:

Ms. Harris reported that the NCTA has received final comments on the draft environmental impact statement (DEIS) from the Federal Highway Administration (FHWA), therefore it is hoped that the DEIS can be signed within the next few weeks and released for public review. A recommended alternative will be a part of the DEIS, but Ms. Harris emphasized that the recommendation is not a final decision. Also discussed was that a significant public involvement effort will take place, probably in May. The following actions will be the final environmental impact statement (FEIS) in November and a record of decision (ROD) in March 2010. Ms. Simons reported that the Governor's budget includes \$24 million in gap funds for the project.

Ms. Burgess asked who made the final decision on the alignment. Ms. Harris responded that it was a collaborative decision by the NCTA, FHWA and NCDOT. Chairman Myers asked if federal funds were involved in the project. Ms. Harris replied that the final plan is not finalized, but that the NCTA will likely apply for Transportation Infrastructure Finance and Innovation Act (TIFIA) financing from the USDOT. Ms. Simons stated that TIFIA funds are not approved by MPOs.

17. Transit Funds Designated Recipient

Presenter:

David McDonald, CATS

Summary:

This item was not included on the agenda provided to the MPO members. Chairman Myers asked for a motion to add this to the agenda. Mr. Clarke made a motion to add the item to the agenda. Mr. Smith seconded the motion. The motion passed unanimously.

Mr. McDonald explained that federal regulations require MPOs to designate a recipient of federal transit funds. He stated that since CATS is the only transit operator in MUMPO's planning area, the logical recipient was the City of Charlotte/CATS. He noted that the TCC had unanimously recommended that the City/CATS be designated.

Motion:

Mr. Sisson made a motion to designate the City of Charlotte/CATS as the recipient of federal transit funds. Mr. Smith seconded the motion. The motion passed unanimously.

18. Adjourn

The meeting adjourned at 9:50 PM.