



STATE OF NORTH CAROLINA
TURNPIKE AUTHORITY

MICHAEL F. EASLEY
GOVERNOR

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DAVID W. JOYNER
EXECUTIVE DIRECTOR

**BOARD OF DIRECTORS MEETING
MINUTES**

Friday, February 24, 2006
Room 150, Transportation Building

Members present in Board Room: Lyndo Tippet, Chairman
Perry Safran, Secretary/Treasurer
Sang Hamilton, Sr.

Members present via teleconference: Allan Dameron
Anthony Fox
Bob Spencer
Robb Teer
Lanny Wilson

Members absent: John Culbertson

Also attending: David Joyner, Executive Director

Chairman Tippet called the meeting to order at 11:08 a.m. in the Board Room of the Transportation Building. The meeting was held via teleconference, and the Board Room was open to the public. Chairman Tippet and Board members Perry Safran and Sang Hamilton were present in the Board Room. Board members Allan Dameron, Anthony Fox, Bob Spencer, Robb Teer and Lanny Wilson joined the meeting via teleconference. John Culbertson was not present.

Secretary Tippet read the Governor's ethics statement.

Secretary-Treasurer Perry Safran presented the January minutes for approval. The January minutes were approved as presented.

The committees did not meet this month.

Chairman Tippet presented the proposed NC Turnpike Authority (NCTA) Project Approval Process for approval.

Mr. Wilson stated that he received the text version of the process; however, he did not receive the graphic chart. Since Mr. Wilson did not have a copy of the chart before him, Chairman Tippet asked Executive Director David Joyner to read aloud the information on the chart, which Mr. Joyner did.

Mr. Dameron asked if once a resolution is received from the local officials requesting that a project be considered as a toll road, would the NCTA go ahead and vote on it, or would they have a public hearing in the community first to determine the support of the project. Mr. Wilson suggested that before the NCTA acts on a project requested by a local entity, a public hearing should be held in that community. Chairman Tippet asked if this would apply to projects mandated by legislation. Mr. Wilson responded that he believed those projects would be different, but a public hearing could still be held.

Mr. Wilson also suggested that a funding source for a feasibility study should be identified before the NCTA begins a study. Chairman Tippet asked if he was suggesting the community or the group requesting the project, to which Mr. Wilson responded that he was referring to the Department of Transportation (DOT) through the Board of Transportation (BOT) agree that funding would be available from their equity formula funding. For example, the Joint Transportation Legislative Oversight Committee (JTLOC) requested that I-74 be studied as a possible toll facility. Mr. Wilson said that before the NCTA Board agrees to initiate a study, a public hearing should be held to receive feedback on the project, then seek a Congressional earmark, or change an earmark, or seek DOT funding to be approved by the BOT since the studies performed are expensive. Chairman Tippet commented that the thought that was a prudent way to do business.

Mr. Teer noted that during the Board's trip to Texas, he realized that most of their toll projects are structured to fit into some type of statewide transportation goal. Mr. Wilson stated that before the NCTA begins considering a project that it should follow the statewide plan or strategic highway corridors plan. Mr. Wilson asked if the Board would wait a month to approve the process to give the staff time to include the suggested ideas in the document. Chairman Tippet deferred action to the March meeting.

Executive Director Report:

Mr. Joyner reported that the first action item requested the Board to approve a contract with Akin Gump for Bill Malley, an expert in economic analysis issues, to provide legal counsel to the NCTA. Mr. Joyner stated that the NCTA's request to hire outside legal counsel was approved by the Attorney General's office and the Governor's office. He said the contract amount was not to exceed \$250,000 and was valid through December 31, 2006. Mr. Teer made a motion to approve the contract, which was seconded by Mr. Spencer. Mr. Fox said he understood the need for the contract; however, he wanted to know if this firm would be able to speak on North Carolina law. Mr. Joyner asked Mr. Safran to address this concern. Mr. Safran said

that he met Mr. Malley and he appeared competent in North Carolina law and federal regulations. Mr. Safran asked if the contract had been reviewed. Special Deputy Attorney General Beth McKay said she had reviewed the contract and it had a few minor issues. Mr. Safran asked if he and Mr. Fox could review the contract, to which Chairman Tippett responded yes. Mr. Wilson asked if the Board could have a conference call to approve the contract once reviewed by Mr. Fox and Mr. Safran. Chairman Tippett said the contract should be reviewed and comments made within seven days. Mr. Spencer amended his motion to have Mr. Fox and Mr. Safran review the contract and make any comments no longer than seven days out and then be approved by the Board. Mr. Teer seconded the motion.

Mr. Joyner reported that the tentative date for the NCTA to move to its new offices is the week of March 20.

Mr. Joyner provided a report on the trip to Texas to see first-hand the operations of the Central Texas Regional Mobility Authority (CTRMA) and the North Texas Turnpike Authority (NTTA).

Mr. Teer added that many key words he came away with, but educating the public and customer service seemed to be the most important factors.

Chairman Tippett thanked the Board members and staff that participated in the trip.

Mr. Wilson said he understood that at its meeting earlier this week, the JTLOC had requested the NCTA to review a project or two for consideration as a toll facility and asked staff to provide copies of the resolutions to the Board members. Mr. Joyner stated that the staff would provide this information as well as an update on the status of the current projects.

Chairman Tippett asked if there were any other items to discuss. Being none, the meeting was adjourned at 11:35 a.m.

Minutes prepared by Jane Strickland.