RESOLUTION # R-25-01
RESOLUTION PASSED BY THE TOWN OF FLETCHER

The following resolution was offered by _____ and seconded by _____ and upon being put to a vote was carried on the 13th day of January 2025.

THAT WHEREAS, it is recognized that a proper transportation system to support movement within and through the French Broad River MPO planning area is highly desirable element of a comprehensive plan for the orderly growth and development of the area, and;

WHEREAS, there are a number of governmental jurisdictions within the French Broad River MPO planning area which have been authorized with implementation and regulatory responsibilities for transportation by North Carolina General Statutes, and;

WHEREAS, it is desirable that coordinated, comprehensive and cooperative transportation planning processes be maintained in the French Broad River MPO planning area to ensure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety and welfare, and;

WHEREAS, a Memorandum of Understanding between the City/Town/Village/County of Asheville, Biltmore Forest, Black Mountain, Buncombe, Canton, Clyde, Flat Rock, Fletcher, Haywood, Henderson, Hendersonville, Laurel Park, Madison, Maggie Valley, Mars Hill, Mills River, Montreat, Waynesville, Weaverville, Woodfin, and the North Carolina Department of Transportation has been entered into that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive and cooperative transportation planning process, and;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FLETCHER, NORTH CAROLINA:

That the Memorandum of Understanding between the City/Town/Village/County of Asheville, Biltmore Forest, Black Mountain, Buncombe, Canton, Clyde, Flat Rock, Fletcher, Haywood, Henderson, Hendersonville, Laurel Park, Madison, Maggie Valley, Mars Hill, Mills River, Montreat, Waynesville, Weaverville, Woodfin, and the North Carolina Department of Transportation be approved and that **Mayor Preston Blakely** and Town Clerk are hereby directed to enter into and execute the Memorandum of Understanding.

Adopted by the Mayor and Town Council in regular session this the 13th day of January 2025.

_____
Mayor Preston Blakely

ATTEST:

_____
Christine Thompson MMC, NCCMC
Town Clerk

MPO MEMORANDUM OF UNDERSTANDING
FOR
CONTINUING, COOPERATIVE AND COMPREHENSIVE TRANSPORTATION PLANNING

Between

THE CITY/TOWN/VILLAGE/COUNTY OF ASHEVILLE, BILTMORE FOREST, BLACK MOUNTAIN, BUNCOMBE, CANTON, CLYDE, FLAT ROCK, FLETCHER, HAYWOOD, HENDERSON, HENDERSONVILLE, LAUREL PARK, MADISON, MAGGIE VALLEY, MARS HILL, MILLS RIVER, MONTREAT, WAYNESVILLE, WEAVERVILLE, WOODFIN AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter collectively, "the parties"),
IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH;

THAT WHEREAS, the parties desire to enter into a Memorandum of Understanding for Cooperative, Comprehensive, and Continuing Transportation Planning, regarding the French Broad River Metropolitan Planning Organization (MPO); and

WHEREAS, each MPO is required to develop a Metropolitan Transportation Plan in cooperation with NCDOT and in accordance with 23 U.S.C., Section 134, and a Comprehensive Transportation Plan as per Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina, and any subsequent applicable amendments to these statutes and any implementing regulations; and

WHEREAS, these transportation plans, once adopted by the MPO and NCDOT, shall be the basis for future transportation improvements within the MPO.

NOW THEREFORE, the following Memorandum of Understanding is made:

Section 1: Establishment of the French Broad River Metropolitan Planning Organization (MPO)

It is hereby agreed that the parties, in cooperation with the UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuous planning process as related in the following paragraphs:

1. The area involved, the French Broad River Metropolitan Planning Area, will be the Asheville Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, including that area beyond the existing urbanized area boundary that is expected to become urban within a twenty year

planning period. This area is hereinafter referred to as the Metropolitan Planning Area (MPA).

2. The MPA will be periodically reassessed and revised in the light of new developments and basic data projections.

3. Transportation planning will be a continuing, comprehensive, and cooperative process and all planning discussions will be reflective of and responsive to the programs of the NCDOT, and to the comprehensive plans for growth and development of the City of Asheville, Town of Biltmore Forest, Town of Black Mountain, Buncombe County, Town of Canton, Town of Clyde, Village of Flat Rock, Town of Fletcher, Haywood County, Henderson County, City of Hendersonville, Henderson County, Town of Laurel Park, Madison County, Town of Maggie Valley, Town of Mars Hill, Town of Mills River, Town of Montreat, Town of Waynesville, Town of Weaverville, and Town of Woodfin.

4. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.

5. Transportation policy decisions within the planning area are the responsibility of the MPO in cooperation with the Asheville City Council, Town of Biltmore Forest Board of Commissioners, Black Mountain Town Council, Buncombe County Board of Commissioners, Canton Board of Aldermen, Clyde Board of Aldermen, Village of Flat Rock Council, Fletcher Town Council, Haywood County Board of Commissioners, Henderson County Board of Commissioners, Hendersonville City Council, Laurel Park Town Council, Madison County Board of Commissioners, Maggie Valley Board of Aldermen, Mars Hill Town Council, Mills River Town Council, Montreat Board of Commissioners, Waynesville Town Council, Weaverville Town Council, Woodfin Town Council, and the NCDOT.

6. Transportation plans and programs and land use policies and programs, for the MPA, having regional impacts will be coordinated with MPOs and RPOs that share a boundary with the MPO, and other municipalities and counties in the region.

<u>Section 2:</u> Establishment of a Governing Board

A French Broad River Metropolitan Planning Organization Governing Board, hereinafter referred to as the Board, is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision making for the MPO. The Board

is the policy board of the MPO. By definition, in 23 U.S.C. §134(b)(2), the Board is the MPO.

1. The Board shall consist of representatives appointed by member Boards of Local Government and members of the North Carolina Board of Transportation (BOT). Each member Board of Local Government and the BOT may also, at its sole discretion, appoint an alternate member to serve in the member's absence. The Board representative and the alternate member appointed by Boards of Local Government must be an elected official of the appointing Board of Local Government.

2. Every voting Board member and alternate shall comply with the State Government Ethics Act as per Chapter 138A of the NC General Statutes and the Ethics provisions of Chapter 136-200.2 of the NC General Statutes.

3. The Board members shall have the responsibility for keeping their respective Boards of Local Government informed of the status and requirements of the transportation planning process; assisting in the dissemination and clarification of the decisions, inclinations, and policies of the boards; and ensuring meaningful public participation in the transportation planning process.

4. The Board, in cooperation with NCDOT, will be responsible for carrying out the provisions of 23 U.S.C. 134 and NC General Statues, Chapter 136, including, but not limited to:

    a. Review and approval of the MPO Unified Planning Work Program, which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;

    b. Review and approval of changes to the Urbanized Area Boundary and the Metropolitan Planning Area Boundary;

    c. Review and approval of the MPO's Transportation Improvement Program (TIP) for multi-modal capital and operating expenditures and to ensure coordination between local and State capital and operating improvement programs;

    d. Endorsement, review and approval of changes to the MPO's adopted Metropolitan Transportation Plan and Comprehensive Transportation Plan. As required by the North Carolina General Statues Section 136-66.2(d), revisions to the Comprehensive Transportation Plan must be adopted by both the MPO and the NCDOT;

e. Review and approval of the Public Participation Plan to ensure the public is given ample opportunity to participate in the transportation planning process.

f. Development and approval of the Congestion Management Process, the regionally-accepted approach for identifying and implementing strategies to manage congestion that meet State and local needs.

g. Endorsement, review and approval of changes to the Federal-Aid Functional Classification System and the Asheville adjusted urbanized area;

h. Establishment of goals and objectives for the transportation planning process;

i. Provide local input to North Carolina's transportation project prioritization process; and

j. Adoption of Bylaws for the purpose of establishing operating policies and procedures.

k. Any other NCDOT, State, and/or Federal required plans and/or documentation, including amendments or modifications to these documents

5. Board Members will vote on matters pursuant to the authority granted by their respective governmental body.

   When any project is on an Interstate route, a limited-access highway, or is on a designated Strategic Highway Corridor, any member of the Board may call for a weighted vote regarding project-specific decisions related to the MTIP. The weighted vote must take place at a duly advertised meeting of the Board in which a quorum is present. In a weighed vote, votes of Board members from "directly impacted" jurisdictions will be weighted according to the following table:

Governmental Body	Voting Status	Number of Votes (unweighted)	Weighted votes
Buncombe County	Yes	2	6
Haywood County	Yes	2	6
Henderson County	Yes	2	6
Madison County	Yes	1	3
City of Asheville	Yes	2	6
Town of Biltmore Forest	Yes	1	3
Town of Black Mountain	Yes	1	3

Town of Canton	Yes	1	3
Town of Clyde	Yes	1	3
Town of Flat Rock	Yes	1	3
Town of Fletcher	Yes	1	3
City of Hendersonville	Yes	1	3
Town of Laurel Park	Yes	1	3
Town of Maggie Valley	Yes	1	3
Town of Mars Hill	Yes	1	3
Town of Mills River	Yes	1	3
Town of Montreat	Yes	1	3
Town of Waynesville	Yes	1	3
Town of Weaverville	Yes	1	3
Town of Woodfin	Yes	1	3
NCDOT Board of Transportation (Representative for Division 13)	Yes	1	1
NCDOT Board of Transportation (Representative for Division 14)	Yes	1	1
Rural Transit Representative	Yes	1	1
Urban Transit Representative	Yes	1	1
Total number of voting members		**28**	**76***

*Weighted votes are subject to the weighted vote provisions and unlikely to include weighted votes for all voting members.

"Directly Impacted" Defined. "Directly impacted" jurisdictions shall include Municipalities where any portion of the project is within the Municipality's corporate limits or sphere of influence, and shall include Counties where any portion of the project is within the County's unincorporated area and outside the sphere of influence of any municipality. Sphere of influence shall include extraterritorial jurisdiction, pending annexation areas, or areas covered by a Resolution of Intent to annex.

Veto Power

When any project is on a road that does not carry an Interstate route designation, is not located on a limited-access highway, or is not a designated Strategic Highway Corridor, any member of the Board shall be allowed to call for a veto vote to determine whether a selected project will be excluded from the TIP. In a veto vote, members from jurisdictions that are "directly impacted" by the project may vote to exclude a project from the TIP, provided that every

Board members from the "directly impacted" jurisdictions must be present, and must unanimously vote for the veto. The call for a veto vote can only take place at a duly advertised meeting of the Board in which a quorum is present.

Representatives from each of the following bodies will serve as non-voting members of the Board:

Organization	Voting Status
Federal Highway Administration (FHWA) North Carolina Div.	No
Federal Transit Administration (FTA)	No

Appointment of Transit Representative Positions

The Urban and Rural Transit Representative positions will be appointed for two-year terms.

Urban Transit Representatives will appointed for two-year terms by jurisdictions eligible to receive FTA 5307 funding in the MPO Planning Area. Jurisdictions will rotate appointment responsibilities every two years.

Rural Transit Representatives will appointed for two-year terms by jurisdictions eligible to receive FTA 5311 funding in the MPO Planning Area. Jurisdictions will rotate appointment responsibilities every two years.

6. On the basis of majority vote, the Board may appoint a member of the Committee to act as Chairperson with the responsibility for coordination of the Committee's activities. A staff member of the French Broad River Metropolitan Planning Organization will serve as Secretary to the Committee. A member of any local elected board may serve as an alternate to the designated Board member for each member. The MPO staff shall be notified of changes in Board members and Board alternate members each year and/or as changes are made. As established in its Bylaws, the Board may create subcommittees to assist it in carrying out its responsibilities. Board will meet with the necessary regularity to ensure adequate performance of duties as described herein.

Section 3: Establishment of a Technical Coordinating Committee

A Technical Coordinating Committee (TCC) shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the planning area and with the responsibility for making recommendations to the respective local and State governmental agencies and the Board regarding any necessary actions relating to the continuing transportation planning process.

1. The TCC shall be responsible for development, review and recommendation for approval by the Board of the Unified Planning Work Program, Transportation Improvement Program, Metropolitan Planning Area Boundary, Metropolitan Transportation Plan, Comprehensive Transportation Plan, Public Participation Plan, and any other NCDOT, State, and/or Federal required plans and/or documentation, including amendments or modifications to these documents.

2. Membership of the TCC shall include technical representatives from all local and State governmental agencies directly related to and concerned with the transportation planning process for the planning area. The TCC shall be comprised of the following members:

TCC Member Organization	Voting Status	No. of Votes
City of Asheville	Yes	1
Town of Biltmore Forest	Yes	1
Town of Black Mountain	Yes	1
Buncombe County	Yes	1
Town of Canton	Yes	1
Town of Clyde	Yes	1
Village of Flat Rock	Yes	1
Town of Fletcher	Yes	1
Haywood County	Yes	1
Henderson County	Yes	1
City of Hendersonville	Yes	1
Town of Laurel Park	Yes	1
Madison County	Yes	1
Town of Maggie Valley	Yes	1
Town of Mars Hill	Yes	1
Town of Mills River	Yes	1
Town of Montreat	Yes	1
Town of Waynesville	Yes	1
Town of Weaverville	Yes	1
Town of Woodfin	Yes	1
NCDOT Division 13	Yes	1
NCDOT Division 14	Yes	1
NCDOT Transportation Planning Division	Yes	1
City of Asheville Public Transit	Yes	1
Henderson County Public Transit	Yes	1
Buncombe County Public Transit	Yes	1
Haywood County Public Transit	Yes	1
Land of Sky Rural Planning Organization	Yes	1
Total number of voting members		**28**

Representatives from each of the following bodies will serve as non-voting members of the Technical Coordinating Committee:

Organization	Voting Status
Federal Highways Administration (FHWA)	No
Federal Transit Administration (FTA)	No
Land of Sky Regional Council (LOSRC)	No
Asheville Regional Airport	No
WNC Regional Air Quality Agency	No
NCDOT Regional Safety Engineer	No
NCDOT Freight Representative	No
NCDOT Rail Representative	No
NCDOT Integrated Mobility Division	No
Regional Housing Representative	No
Vulnerable Road Users Representative	No

Appointment of FHWA, FTA, LOSRC, Asheville Regional Airport, WNC Regional Air Quality Agency, and NCDOT positions will be made by those agencies. Appointment of the Regional Housing Representative and Vulnerable Road Users Representative will be at-large appointments, subject to approval by the TCC and Board.

3. The TCC shall meet when it is deemed appropriate and advisable, but will meet with the necessary regularity to ensure adequate performance of duties as described herein. On the basis of majority vote of its membership, the TCC may appoint a member of the Committee to act as Chairperson with the responsibility of coordination of the Committee's activities. On the basis of majority vote of its membership, the TCC may also appoint a Vice-Chair to lead meetings in the absence of the Chair. Membership to the TCC may be altered on the basis of a majority vote of its membership, provided all agencies with Board membership are represented. TCC membership changes must be approved by the Board.

Section 4: MPO Meetings

The Board and TCC, as well as any established subcommittees, are responsible for carrying out the provisions of North Carolina General Statute Chapter 143, Article 33C regarding open meetings, and Chapter 132 regarding public records. In addition:

1. A quorum is required for transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise

transacting public business. A quorum consists of 51% of the active members of the Board or TCC, plus as many additional members as may be required to ensure that 51% of possible votes are present. Vacant seats will not count against the quorum.

2. Members or alternates should be identified by name on the meeting attendance log.

3. Per NCGS 143-318.13, regarding TCC and/or Board meetings that are held by use of conference telephone or other electronic means, the LPA shall provide a location and means whereby members of the public may listen to the meeting.

4. Electronic meetings and voting are allowed as long as proper public notice is given and meeting materials are available to the public upon request. Minutes of meetings at which remote participation occurs should reflect which members are physically present and which are not. They should also reflect when members are excused from voting or are excused to leave or rejoin the meeting, just as they would for members who are physically present.

5. Any member who does not attend two consecutive Board/TCC meetings will not be included as part of the membership needed to obtain a quorum after the second meeting. Membership, however, is immediately reinstated by the presence of the most recently appointed member (or his alternate) at any future meeting.

Section 5: Lead Planning Agency Responsibility

The Land of Sky Regional Council shall serve as the Lead Planning Agency and will provide the staff of the MPO, including a Secretary to the Board and the TCC. As such, Land of Sky Regional Council staff will maintain the official records of the MPO and all state and federal reporting and budgetary requirements in cooperation with the NCDOT staff. The Land of Sky Regional Council will further assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Unified Planning Work Program. Additionally, the Land of Sky Regional Council shall coordinate zoning and subdivision approvals within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan.

The Land of Sky Regional Council will be responsible for initially expending locally derived funds and seeking reimbursement from NCDOT in accordance with the respective funding source.

The Land of Sky Regional Council will be responsible for the following functions:

1. Providing a secretary for the Board and the TCC

2. Arranging meetings and agenda

3. Maintaining minutes and records

4. Preparing a Prospectus and Unified Planning Work Program

5. Serving as custodian of all MPO plans and documents

6. Collecting from local governments minutes and resolutions that document transportation plan revisions, and submitting these for mutual adoption by the NCDOT

7. Monitoring the transportation planning process to ensure its execution is in accordance with the MPO goals and objectives

8. Performing other coordinating functions as assigned by the Board as needed

9. Lead responsibility for structuring public involvement in the transportation planning process

10. Preparation of the PL Expenditure Report and other grant/fund management.

The NCDOT will assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Unified Planning Work Program. The Transportation Planning Division will designate a French Broad River Metropolitan Planning Organization Coordinator to serve as Staff liaison and participant in the French Broad River Metropolitan Planning Organization planning process.

Section 6: Cost Sharing

Activities of the MPO, as set forth in the annually adopted Unified Planning Work Program, are funded with Federal Planning funds distributed through the North Carolina Department of Transportation. These funds require a twenty percent (20%) local match. Dues-paying local government members that are parties to the Memorandum of Understanding agree to fund the local match in an amount in direct proportion to their share of the total population contained in the approved Metropolitan Planning Area. Population figures for determination of local match contribution shall be determined based on the most recent Federal Decennial Census. This funding share shall be invoiced on a regular basis by the Land of Sky Regional Council, acting as Lead Planning Agency, and as recipient of the Federal Planning funds distributed by the North Carolina Department of Transportation. Annual local match funds are non- refundable.

Dues-Paying Members and Responsibilities

Dues-Paying Member	**Jurisdictions Included in Population Calculations**
City of Asheville	City of Asheville
Buncombe County	Unincorporated Buncombe County (within the MPO Planning Area, Town of Biltmore Forest, Town of Black Mountain, Town of Montreat, Town of Weaverville, Town of Woodfin
Haywood County	Unincorporated Haywood County within the MPO Planning Area, Town of Canton, Town of Clyde, Town of Maggie Valley
Henderson County	Unincorporated Henderson County within the MPO Planning Area, Village of Flat Rock, Town of Fletcher, Town of Laurel Park, Town of Mills River
City of Hendersonville	City of Hendersonville
Madison County	Unincorporated Madison County within the MPO Planning Area, Town of Mars Hill
Town of Waynesville	Town of Waynesville

Any member jurisdiction of the MPO may request planning funds for special studies with local match provided from a single jurisdiction. Those items will be highlighted in the Board-approved UPWP and not be calculated as part of regular MPO dues.

Section 7: Withdrawal from the French Broad River Metropolitan Planning Organization

Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 180 days written notice to the other parties prior to the date of termination.

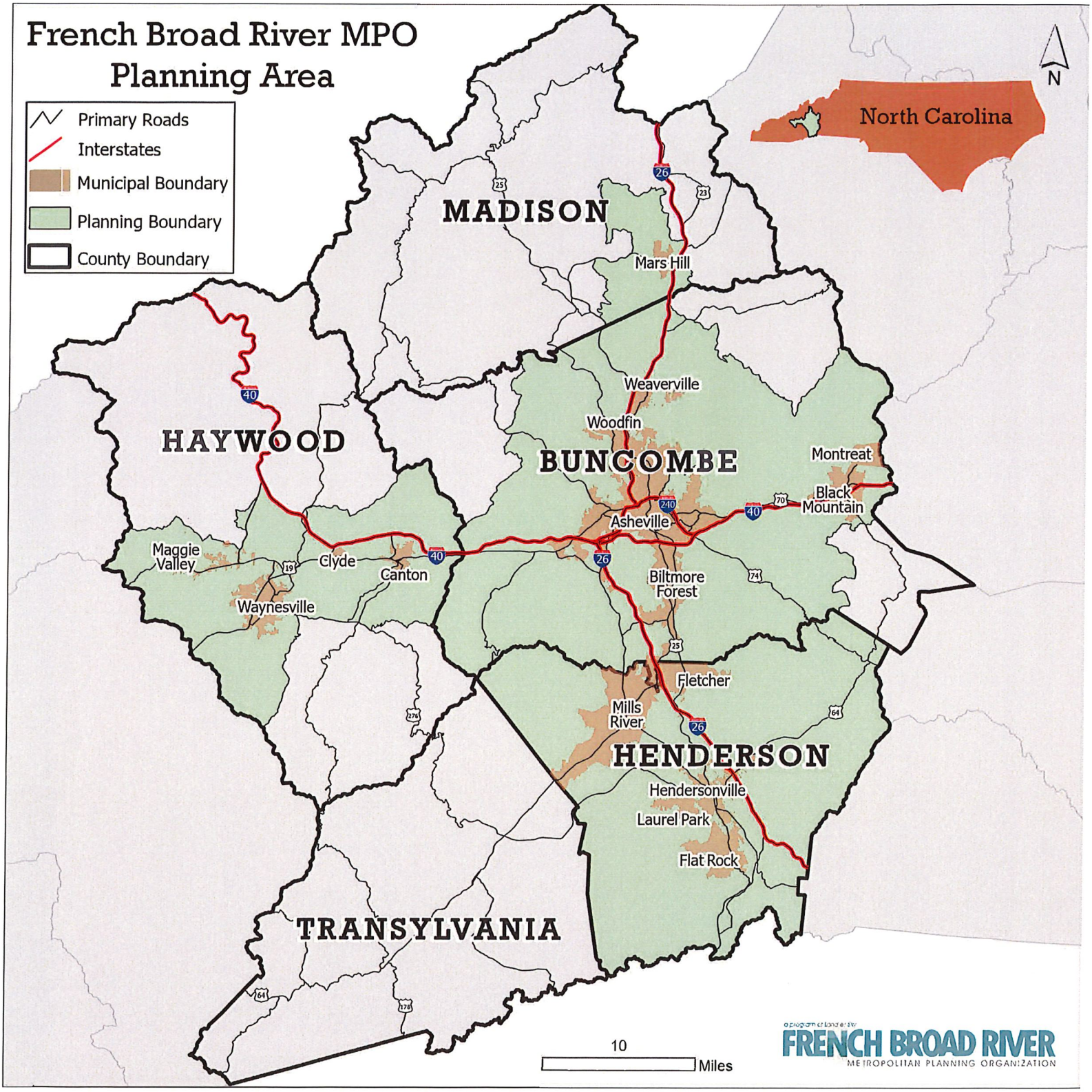
Section 8:

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the City of Asheville by its Mayor, The Town of Biltmore Forest by its Mayor, The Town of Black Mountain by its Mayor, the Town of Canton by its Mayor, the Town of Clyde by its Mayor, the Village of Flat Rock by its Mayor, the Town of Fletcher by its Mayor, the City of Hendersonville by its Mayor, the Town of Laurel Park by its Mayor, the Town of Maggie Valley by its Mayor, the Town of Mars Hill by its Mayor, the Town of Mills River by its Mayor, the Town of Montreat by its Mayor, the Town of Waynesville by its Mayor, the Town of Weaverville by its Mayor, the Town of Woodfin by its Mayor, Buncombe County by its Chairman of the Board of Commissioners, Haywood County by the Chairman of the Board of Commissioners, Henderson County by the Chairman of the Board of Commissioners, Madison County by the Chairman of the Board of Commissioners, and the North Carolina Department of Transportation by the Secretary of Transportation. This Memorandum of Understanding becomes effective as of the last day signed. The following pages comprise the signature pages from each party to this Memorandum.

APPENDIX A

MPO PLANNING AREA

ADOPTED (2023)


French Broad River MPO
Planning Area
Primary Roads
Interstates
Municipal Boundary
Planning Boundary
County Boundary
North Carolina
N
MADISON
Mars Hill
Weaverville
Woodfin
HAYWOOD
BUNCOMBE
Montreat
Black Mountain
Asheville
Maggie Valley
Clyde
Canton
Waynesville
Biltmore Forest
Fletcher
Mills River
HENDERSON
Hendersonville
Laurel Park
Flat Rock
TRANSYLVANIA
10
Miles
FRENCH BROAD RIVER
METROPOLITAN PLANNING ORGANIZATION