

DRAFT

3/25/2013

MINUTES

cc: BOG
Steve
David
Russ
Christy

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, MARCH 20, 2013**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Charlie Messer, Vice-Chairman Tommy Thompson, Commissioner Grady Hawkins, Commissioner Larry Young, County Manager Steve Wyatt, Interim Assistant County Manager David Whitson, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Finance Director J. Carey McLelland, Senior Planner Autumn Radcliff, Director of Business and County Development John Mitchell, Engineer Marcus Jones, Planner Parker Sloan, Internal Auditor Darlene Burgess, Planner Matt Cable, Environmental Health Supervisor Seth Swift, Soil & Water Conservation District Director Jonathan Wallin, DSS Income Maintenance Administrator Sandy Morgan, and Environmental Programs Coordinator Megan Piner, videotaping.

Absent were: Commissioner Mike Edney, Research/Budget Analyst Amy Brantley, Public Information Officer Christina Hallingse.

CALL TO ORDER/WELCOME

Chairman Messer called the meeting to order and welcomed all in attendance.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Commissioner Thompson.

PUBLIC HEARINGS

Public Hearing for a Program Amendment of the 2009 CDBG Talley Drive Community Revitalization Project (Grant No. 09-C-2066)

Commissioner Hawkins made the motion to go into public hearing in regard to a Program Amendment of the 2009 CDBG Talley Drive Community Revitalization Project (Grant No. 09-C-2066). All voted in favor and the motion carried.

Planner Parker Sloan stated Henderson County received an \$850,000 CDBG Community Revitalization grant (#09-C-2066) from the NC Department of Commerce, Division of Community Investment and Assistance to provide street and drainage improvements and replace/rehabilitate up to six homes in the Talley Drive neighborhood. The project work included the grading and paving of Talley Drive with associated drainage improvements.

On October 1, 2012 Planning Department staff gave a presentation to the Board of Commissioners regarding the overall progress of the Talley Drive grant project. With the consent of the Board, Planning Staff notified the Commerce Department that reducing the scope of the grant to exclude street improvements would take place as requested by the Talley Drive Neighborhood. For removing this activity from the grant program, the N.C. Department of Commerce requires a program amendment and public hearing.

The Closeout Public Hearing Notice was published in The Hendersonville Tribune on Thursday, March 7, 2013, which is within the required time frame of publishing no fewer than 10 days before the scheduled hearing and no more than 25 days before the hearing.

DATE APPROVED:

Public Input

There was none.

Commissioner Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried.

Commissioner Hawkins made the motion that the Board approves the submittal of the program amendment to the N.C. Department of Commerce. All voted in favor and the motion carried.

Public Hearing for Closeout of the 2009 CDBG Talley Drive Community Revitalization Project (Grant No. 09-C-2066)

Commissioner Hawkins made the motion to go into Public Hearing for Closeout of the 2009 CDBG Talley Drive Community Revitalization Project (Grant No. 09-C-2066). All voted in favor and the motion carried.

Planner Parker Sloan stated before the final paperwork can be submitted on behalf of the 2009 CDBG Talley Drive Community Revitalization Project funds that were awarded by the N.C. Department of Commerce, Division of Community Investment & Assistance, Henderson County is required to hold a closeout public hearing to receive public comments concerning the grant prior to completion.

The Closeout Public Hearing Notice was published in The Hendersonville Tribune on Thursday, March 7, 2013, which is within the required time frame of publishing no fewer than 10 days before the scheduled hearing and no more than 25 days before the hearing.

After holding the closeout hearing to receive public comments, no further action is required by the Board.

Public Input

There was none.

Commissioner Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

1. Jim Martin – Mr. Martin spoke in regard to second amendment rights. He is concerned that citizens will lose their right to bear arms. He suggested that the Sheriff deputize all CNC gun owners.
2. Thomas Albright – Mr. Albright is the Henderson County Youth Baseball League president. He thanked the Board for improvements at Jackson Park and invited them to the opening pitch.
3. Ken Allison – Mr. Allison is the vice-chair of the Agriculture Advisory Board. He asked the Board to provide sponsorship of a local grant application, a NCDA&CS Agricultural Development & Farmland Preservation – TVA Grant. There is no cost to the county regarding the grant. The maximum grant funding per county is \$50,000, and the application is due by Friday, March 22, 2013.
4. Steve Dalton – Mr. Dalton spoke in regard to the DARE program. Mr. Dalton had been informed that due to budget cuts the DARE program was not receiving funding necessary to continue as it had in the past. The community was working to help fund the DARE program. He and his daughter have collected \$10,000. Mr. Dalton asked the Board not to spend \$9,000 for an ABC Store study, but instead use the \$9,000 toward the DARE program.

5. Donella Pressley – Ms. Pressley spoke in regard to clean water for the Dana Community. She explained that all wells are contaminated and bottled water is being used. The larger bottles are heavy and cumbersome for the older citizens. Residents are being asked to limit time in the shower. Ms. Pressley asked that the Commissioners to do what they can to expedite the process of getting city water.
6. Seirisse Baker – Ms. Baker asked that the Commissioners support the need for city water in Dana.
7. Amy Lynn Holt – Ms. Holt spoke in regard to DARE and an ABC store. She is against another liquor store, and feels the money would be better spent on the DARE program.
8. Kyle Holt – Mr. Holt has been very involved with DARE and asked that funding continue for the program.
9. Stan Jones – Mr. Jones spoke in regard to the contaminated water issue in Dana. He feels no one should be exposed to dangerous chemicals in their water, as it affects the quality and length of life. He asked that the Board take action to resolve the situation and help provide a clean source of water.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Messer requested the addition of a discussion item - the NCDA&CS Agricultural Development & Farmland Preservation – TVA Grant.

Commissioner Thompson made the motion to adopt the agenda with the addition of the NCDA&CS Agricultural Development & Farmland Preservation – TVA Grant, and a closed session for economic development. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner Hawkins made the motion to adopt the Consent Agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for board review and approval of the following meeting(s):

March 4, 2013 – regularly scheduled meeting

Tax Collector’s Report

Collections Specialist Luke Small had presented the Tax Collector’s Report to the Commissioners dated March 8, 2013 for information only. No action was required.

Consolidated Contract Agreement with the N.C. Department of Health and Human Services

Each year, as part of the normal budgetary process, in order to keep the funding cycles without disruption of federal and state funds, the Consolidated Agreement with the NC Department of Health and Human Services is signed ahead of the final county budget. It is understood by the State Division of Public Health and the Henderson County Department of Public Health that the Local budgets are still being negotiated and will be finalized at a later date. It is also understood that program service levels and funding support can be renegotiated as necessary. This agreement contains items that include:

- Business Associate Agreement re: HIPAA compliance
- Combined Federal Certification (Assurance of Compliance with Title VI, Drug-Free Work Place, Environmental Tobacco Smoke, Debarment, and Lobbying.)
- Agreement Addenda

- Maintenance of Effort (MOE) Report for WCH Programs
- Public Health Nurse Training Funds Reimbursement Request

The Board is requested to approve the Consolidated Contract Agreement as presented, and authorize Staff and the Chairman to sign as appropriate.

Motion:

I move that the Consolidated Contract Agreement for Fiscal Year 2014 between the NC Department of Health and Human Services and the Henderson County Department of Public Health be approved with the understanding that program service levels and funding support can be renegotiated when necessary. I further move the Board authorize Staff and the Chairman to sign the agreement.

Resolution – Wounded Warrior Amputee Softball Team – Exhibition Benefits Game

The Wounded Warrior Amputee Softball Team (WWAST) mission is to raise awareness, through exhibition and celebrity softball games, of the sacrifices and resilience of our military, and highlight their ability to rise above any challenge. Their goal is to show other amputees and the general population, that these athletes through extensive rehabilitation and training are able to express their desires and perform the sport they loved.

For the first time in our region, the team will be playing exhibition benefit games on Friday, May 17th at 7:00 pm at McCormick Field, and on Saturday, May 18th at 2:00 pm at West Henderson High School. Game 1 will feature WWAST vs. Henderson County Senior "Softball League", and Game 2 will match WWAST vs. Henderson County First Responders.

Motion:

I move that the Board adopt the Resolution in support of the Wounded Warrior Amputee Softball Team.

Veteran's Corridor Grand Opening – Sale of Publications

Veteran's Services is planning a "grand opening" for the Veteran's Corridor in the Human Services Building on April 17, 2013. One of our HonorAir veterans, Gene Carmen, is the subject of a recently published book and has requested permission to do a book signing at the grand opening which would involve selling copies of the book.

Motion:

I move that the Board grant a one-time waiver to its facilities use policy, and allow sales by any Henderson County veteran of their publications during a specific part of the grand opening.

2013 Spring Litter Sweep Resolution

The spring 2013 LITTER SWEEP roadside cleanup, organized by the NC Department of Transportation, will be taking place April 13 through April 27, 2013. Henderson County encourages citizens in Henderson County to take an active role in making our community cleaner through participating in local litter sweep activities.

Motion:

I move that the Board adopts the Resolution designating April 13 – April 27, 2013 as LITTER SWEEP time in Henderson County.

Resolution Declaring April 20, 2013 as Henderson County Day of Education

The 2013 Henderson County Boyd BBQ Expo will be on April 20, 2013. Each year the Expo brings in

thousands of dollars to the Henderson County Education Foundation for student scholarships and teacher grants.

Motion:

I move that the Board approves the Resolution as presented declaring April 20, 2013 as the Henderson County Day of Education.

Pawnbrokers License Application

An application was provided (without supporting documentation, much of which is not a public record under the laws of North Carolina) for a Pawnbrokers' License of John Passmore on behalf of P&A Pawn and Gun, LLC. This application meets the requirements of Chapter 134 of the Henderson County Code.

Motion:

I move that the County approves the application for pawnbrokers' license of John Passmore, and that a license be issued for the same pursuant to Chapter 134 of the Henderson County Code.

Notification of Vacancies

Chairman Messer reminded the Board of the following vacancies and opened the floor to nominations:

1. Land-of-Sky Regional Council Advisory Council on Aging – 1 vac.
2. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

Nominations

1. Fletcher Zoning Board of Adjustment – 1 vac.

Chairman Messer nominated Don Rhodes for reappointment to position #1. *Chairman Messer made the motion to accept the reappointment of Don Rhodes to position #1 by acclamation. All voted in favor and the motion carried.*

2. Henderson County Board of Health – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

3. Home and Community Care Block Grant Advisory Committee – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

4. Juvenile Crime Prevention Council – 7 vac.

There were no nominations at this time so this item was rolled to the next meeting.

5. Mountain Valleys Resource Conservation and Development Program – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

6. Regulation Review Advisory Committee – vac. (TBD)

Commissioner Hawkins noted that thirteen (13) applications had been received and nominated all applicants including Larry Baber, Jeffery Bowen, James Clarke, Jay Egolf, Kenneth Gordon, James Ayers, David Hill, Jeff Justus, Nathan Kennedy, Richard Kranker, Renee Kumor, Bert Lemkes, and Matt Matteson. He further nominated Bert Lemkes as the Chair of the committee.

Commissioner Hawkins made the motion to accept the appointments of Larry Baber, Jeffery Bowen, James Clarke, Jay Egolf, Kenneth Gordon, James Ayers, David Hill, Jeff Justus, Nathan Kennedy, Richard Kranker, Renee Kumor, Matt Matteson, and Bert Lemkes by acclamation and the appointment of Bert Lemkes as Chair. He further motioned that should the committee have difficulty reaching a quorum, the Board has the right to revisit the membership of the committee. All voted in favor and the motion carried.

Russ Burrell explained the start-up procedure and noted that each member would receive a copy of the code book prior to the first meeting. He will work with Mr. Lemkes to discuss dates/time of meetings and notice all members accordingly.

7. Senior Volunteer Services Advisory Council – 2 vac.

There were no nominations at this time so this item was rolled to the next meeting.

8. Smartstart – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

NCDA&CS AGRICULTURAL DEVELOPMENT & FARMLAND PRESERVATION – TVA GRANT – ADD ON

The Henderson County Agriculture Advisory Board requested the Board of Commissioners provide sponsorship of a local grant application to the NCDAQ&CS Agricultural Development & Farmland Preservation –TVA Grant Program.

The mission of the grant program is to fund projects to encourage the preservation of qualifying agricultural, horticultural, and forestlands to foster the growth, development, and sustainability of family farms. Applicants must be non-profit conservation organizations or county agencies. Farmers, landowners, and others interested in applying must partner with such a group in order to participate. Only two applications will be accepted from an organization or agency. The maximum funding per count is \$50,000.

At the February 27, 2013 meeting of the Agriculture Advisory Board, a motion was passed to request that the County Commissioners accept the role as a sponsoring agency. The Agriculture Advisory Board held a special meeting at noon on March 15, 2013 at the Soil and Water Conservation District Office, in order to receive, review, and rank applications. Final applications are due to the ADFP on March 22, 2013.

Farmers, landowners and others interested in partnering are solely responsible for filling out and submitting the application. They are also solely responsible to meet the 15% match required by the grantor. The County will incur no costs by sponsoring any applications.

Commissioner Hawkins made the motion that the Board of Commissioners act as the agency for the TVA Grant application for the Agriculture Advisory Board. All voted in favor and the motion carried.

SOCIAL SERVICES' INFORMATIONAL UPDATE

DSS Board Member Gary Cyphers provided the March 2013 update pertaining to NC FAST. Mr. Cyphers stated imagine that you are driving on Upward Road during the major widening construction. While the new lanes and bridge will eventually make driving quicker and more enjoyable, construction frequently can cause delays, longer trips, and aggravation. This is similar to what the Henderson County Department of Social Services staff and clients are experiencing currently.

Since late October 2012, DSS has been shifting to a new computerized processing system called NC FAST (North Carolina Families Accessing Services through Technology). Starting with the Food Stamp Program, this state-issued intake, eligibility-determination, and case processing system will eventually encompass all programs in DSS. These include Medicaid, Work First, Child and Adult Protective Services, and Child Care Services. It is replacing long-outdated technology that is more than 30 years old.

The NC Dept. of Health and Human Services (DHHS) is sponsoring NC FAST and asserts that it is designed to improve the way the state and counties conduct business. "NC FAST introduces new technological tools and business processes that will enable staff to spend less time performing administrative tasks and more time assisting families". The vision for NC FAST includes the following elements:

- Efficient, effective assessment: automated tools for workers to assess needs and determine eligibility.
- Comprehensive case management: tools to help workers track cases, share information, and coordinate services across programs.
- Better outcomes and evaluation information: comprehensive data for evaluating outcomes and ensuring accountability across programs.

Benefits for families will include: “one-stop shopping” with one-time communication of their information and needs; and, confidence that their benefits will be determined in an expedited, consistent manner from any place in the state. County DSSs and their employees will have:

- Tools to help them share information and track cases across program areas and county lines.
- More time to assist families as administrative tasks are automated.
- Increased ability to work with families within existing resources.
- Enhanced partnerships with employers, service providers, and other support organizations.
- Enhanced ability to identify clients’ needs.

The transition for new Food Stamp applicants is requiring considerably longer waiting and interview times. A new applicant who walks in the door will wait an average of 60-90 minutes for an interview that takes on average about 80 minutes. These times are roughly double what was required under the old data system. When these clients return every six months for recertification, however, the time will be greatly shortened through NC FAST. At present, Henderson County DSS is averaging 400 new applicants a month.

In March 2013, the recertification of Food Stamp households opened prior to late October 2012 will begin using NC FAST. This also will entail a much longer conversion interview at the first recertification. Subsequent recertification interviews should be streamlined and much shorter. Currently, Henderson County DSS is averaging 600 recertification interviews each month.

The second major DSS program to transition to NC FAST is Medicaid. Staff expects that this will begin in May 2013, as part of the implementation of the Affordable Care Act. Although the NC General Assembly is discussing what, if any, role the state will play in national health care reform, Medicaid cases will be converted to NC FAST. For clients that also receive Food Stamps, this conversion should be relatively expedited. For clients that do not receive Food Stamps, an initial conversion interview will take much more time than previously. Henderson County DSS currently has almost 15,000 Medicaid clients.

With any such major new computerized data processing system, glitches and problems are inevitable. The DSS staff and Board of Social Services are committed to identifying and resolving problems encountered. Since NC FAST is a state-wide system, resolution usually rests with NC DHHS. Accordingly, in December 2012 the Board of Social Services sent a strong letter to the state outlining our problems with and suggested solutions for the conversion. We then convened a meeting with five NC FAST representatives from Raleigh on Feb. 11, 2013. DSS staff from Buncombe and McDowell counties also participated. The meeting was very productive, and we are optimistic that identified corrections and improvements will make the NC FAST conversion better and better. The staff and Board will remain vigilant and assertive in ensuring that the process works as optimally as possible for Henderson County residents.

Sandy Morgan, Program Administrator for Food Stamps and Medicaid, remains optimistic about NC FAST. As she said in an October *Times-News* article, “once the painful implementation process is complete, the finished product should benefit all clients, especially people who use more than one DSS service. The software is designed to bring down the walls between each service. Instead of having clients fill out separate applications for each program, a staff member can determine, from a single application, the services for

which a client is eligible. After implementation, NC FAST is designed to streamline all the access points for DSS clients for receiving services and assistance.”

DARE PROGRAM CLARIFICATION

Commissioner Thompson asked County Manager Steve Wyatt to clarify funding for the DARE Program.

Mr. Wyatt explained that throughout last year’s budget process the Sheriff’s Department was granted an increase of around \$252,000 for their overall operations. No cut was made to their budget. The allocation of those funds is made by this Board in very broad categories. As the Sheriff is an elected official, he is given the ability to manage those funds (approximately \$12 million). The Sheriff exercises a great deal of discretion under the law. He has the ability to move money around within certain limitations. He has the ability to seek Mr. Wyatt’s consent to some movement of money, and higher levels require him to come before the Board. Mr. Wyatt is unaware of the thought process of the Sheriff in funding of the DARE Program. Sheriff McDonald or none of his staff were present in the meeting. The Board appropriates the Sheriff’s Department \$12 million to administer the law enforcement and all programs, and he makes the decisions. It has been years since Mr. Wyatt remembers any conversations about the DARE Program other than the involvement of an infestation of bats at the facility.

ABC BOARD REQUEST

At their March 6, 2013 meeting, the ABC Board voted to come before the Commissioners to request full funding of the latest proposal for a market study by Martin-McGill. The estimated cost of the proposal is \$9,000. Beau Waddell, Chairman of the ABC Board, was present to provide further information upon request. He stated the study will help the ABC Board not only determine if any areas of the county will successfully support a retail ABC location, but also what specific areas of the county might such locations have the best chance for success. The results of the study would be due back in 60-90 days after initiation.

Mr. Waddell felt last May’s referendum very specifically showed that the voters would support a retail ABC store. The voters responded 18,634 for and 9,202 against. The study would help the ABC Board determine the financial liability of such a store(s). A favorable study would be used to assist approval from the State ABC Commission as they have final say on placement of any additional locations within our county.

Commissioner Thompson moved that the Board fund the request of the ABC Board for the sum of \$9,000, to pay for a market study. Commissioners Messer and Thompson voted “yes”, Commissioners Young and Hawkins voted “no”, and the motion failed.

Commissioner Thompson moved that staff prepare a supplemental Fiscal Year 2013 budget for the ABC Board, incorporating the \$9,000 and other required funds, to present to the Board for consideration at the April 1, 2013 meeting. All voted in favor and the motion carried.

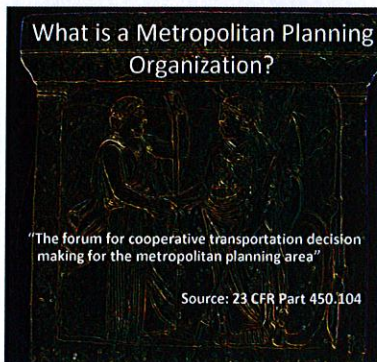
FRENCH BROAD RIVER MPO MEMORANDUM OF UNDERSTANDING

Justin Hembree, Director of Local Government Services Land-of-Sky Regional Council stated The Board of Commissioners is being asked to be signatory members of the French Broad River Metropolitan Organization (FBRMPO). The County has been members since the MPO was first established and their participation is crucial to the planning in the region.

Mr. Hembree stated that this is a request to the Board for an updated Memorandum of Understanding for the French Broad River Metropolitan Planning Organization. The MPO is the regional transportation planning unit that focuses on transportation planning in the Asheville urbanized area, which includes Buncombe County, Henderson County, Haywood County, and some other parts of the four county region.

MPO boundaries are required by Federal Statute to match the boundaries of urbanized areas as defined by the census completed every ten years. The 2010 census expanded the Asheville urbanized area a little to include a small portion of Transylvania County and a portion of Madison County. The proposed MOU reflects the change with the new members: Transylvania County (non-voting advisory), Town of Mars Hill, and Madison County. Another change is the language which lays out the specifics of the methodology used for ranking the priority transportation needs in our region. It is proposed that this language be moved out of the MOU and be drafted and placed into the actual bylaws. This would allow more flexibility in the future.

The role of the MPO is to establish the transportation priorities for our region and particularly the transportation priorities in the urbanized area of our region. There is no effect on funding for transportation projects with this change. The funding is based on what North Carolina calls the equity funding formula. Basically it looks at funding areas for NCDOT. This region includes Division 13 and Division 14. The amount of road mileage and population is used to determine what an equity funding formula would be.



MPOs, a Very Brief History



Federal-Aid Highway Act of 1962 created the federal requirement for urban transportation planning

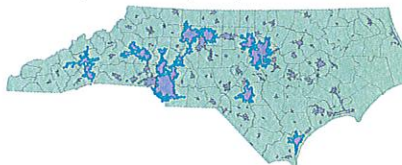
- The Act required transportation projects in urbanized areas of 50,000 or more in population be based on a "3C", continuing, comprehensive and cooperative planning process if using federal \$

Planning Organizations in NC



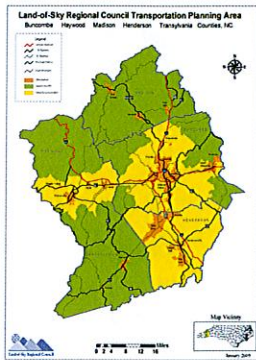
The (Bigger) Kahunas: TMAs

- MPOs over 200,000 in urbanized population get access to additional funds but have greater reporting and planning responsibilities (CMP)



The French Broad River MPO

- Began in 60s
- Centered around Asheville
- "Urbanized Area" in 2000 grew to include Henderson & Haywood



More on UZA

The French Broad River MPO did not draw these boundaries. They are done by the US Bureau of the Census, and the MPO is bound to do transportation planning for those areas per 23 USC § 134(e)(2)(A):

*(2) Included area.— Each metropolitan planning area—
(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan*

Why is the MPA so important?

Metropolitan Planning Area (MPA) – MPO/TMA Jurisdiction



- Sets MPO Area of Responsibility
- ~ for Planning
 - ~ for Programming
 - ~ Overall Governance

Tips for Setting Boundary

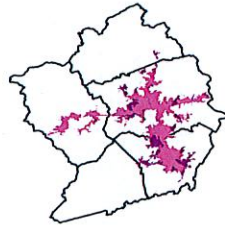
Must encompass the UZA(s) and the contiguous geographic area(s) likely to become urbanized within the next 20 years

MPO Structure: MPO Board

- Formerly Transportation Advisory Committee (TAC)
- Governing body
- Elected officials representing member governments + Board of Transportation members
- New MAP-21 may require additional representation-transit

Let's Get Started—Urbanized Area (UZA)

- a densely settled core of census tracts and/or census blocks that meet minimum population density requirements,
- along with adjacent territory containing non-residential urban land uses
- as well as territory with low population density included to link outlying densely settled territory with the densely settled core.

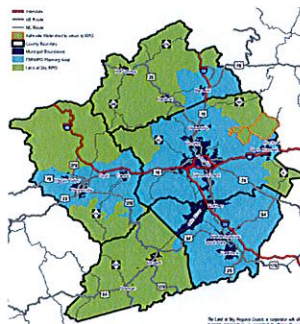


The Negotiable Part That Matters: The MPA

- In addition to the Census-designated UZA, the MPO is bound to do transportation planning for additional areas per 23 USC § 134(e)(2)(A):

*(2) Included area.— Each metropolitan planning area—
(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan*

2012 Brings More Changes



MPO Structure: Role of the MPO Board (TAC)

- Develop a regional vision
- Establish regional policy
- Adopt annual work program (UPWP), Long Range Transportation Plan (LRTP/MTP), Prioritized Projects List for SPOT (formerly Priority Needs List-PNL), and Transportation Improvement Program (TIP)
- Adopt Conformity Determinations for Plan and TIP (in AQ non-attainment and maintenance areas)
- Ensure that the decisions reflect the concerns of residents of the region

MPO Structure: Technical Coordinating Committee (TCC)


- Advisory Body
- Mostly staff of member governments and NCDOT with expertise in transportation and/or land use planning
- Transit agencies and bike/ped interests represented

MPO Structure: MPO Staff

- Support the TAC, TCC, subcommittees
- Plan development and prioritization
- Policy research and recommendations
- Public outreach
- Data maintenance to support the above

A Brief History of NCDOT

- The North Carolina Department of Transportation was formed in 1915 as the State Highway Commission.
- The Executive Organization Act of 1971 combined the state highway commission and the DMV to form the NC Department of Transportation and Highway Safety.
- In 1979 "Highway Safety" was dropped when the North Carolina State Highway Patrol (NCSHP) was transferred to the North Carolina Department of Crime Control and Public Safety.



Division & Funding Region Map



Divisions Have 2 Basic Functions

Construction = build projects in the current fiscal year's portion of the STIP.

Maintenance =

- Road Maintenance
- Bridge Maintenance
- Roadside Environmental
- Traffic Services
- Road Oil / Pavement Preservation



SPOT: "Strategic Planning Office of Transportation"

Public wanted politics removed from transportation decision-making; Governor Purdue issued Executive Order #2:

"The Secretary of the Department of Transportation shall implement throughout the Department a professional approval process for all highway construction programs, highway construction contracts highway construction projects, and plans for the construction of projects."



Tenets of process codified by General Assembly in 2012 Short Session

Prioritization

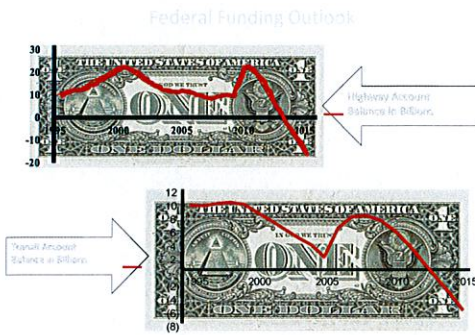
- SPOT list replaces the old "Priority Needs List" (PNL) for most purposes



- Past prioritization open call for projects; staff goal is to pull projects from CTP & LRTP first & respect process

SPOT Process

- Process ranks projects based on a data-driven score, with different criteria for 3 levels of facility (statewide, regional, and local)
- Separate process for Urban Loops and Mobility Fund (non-equity \$) also data-driven
- SPOT 3 projects to be submitted by MPOs and RPOs in June 2014



6-10 YEAR "PIPELINE" LIST

- This is the first half of the Transportation Improvement Program, or **TIP**
- There are parallel documents that have to match if we want the Fed to be happy—the local TIP and the state TIP (**STIP**)
- **This is the first place we see a project matched up with real funding**

5 YEAR "COMMITTED" LIST

Projects that are in process or under construction

Project #: R-4430 **Funded**

Project Location: Henderson County, NC

Project ID: R-4430

Total Cost: \$1,374,000

Contract ID: 1487000-0002

Phone: (704) 766-4942

Email: GUS@USI

Description
SR 1761 UPWARD ROAD, US 176 TO SR 1006 (SIGNED) S&P ROAD, WOOD AND BRENDA ROADWAY.

Construction Project Information

Construction

- Name: US 176 DEVELOPMENT CO.
- Contract Amount: \$1,374,000.75
- Construction Start: 6/2013

DOT Project Manager

- Name: KAREN LIND, PE
- Phone: (704) 911-5307

To Summarize

Within MPOs, authority is shared.

Technically, authority rests with the MPOs, but practically, NCDOT generally can't be made to do things it does not wish to do. ...think of it as mutual veto power in terms of decisions on projects and funding.

There is also construction, operational, and planning money the MPO can directly program.

Jim Crafton, Chair of the Henderson County Transportation Advisory Committee, stated this information had been shared with the committee for discussion. There are a number of changes in the amendment with the most significant change being the addition of new members (dictated by the Federal Government). While it doesn't have anything to do with dividing out the funding available, it does bring more people to the table in trying to do the regional planning and deciding who gets those dollars, what projects, and how they are prioritized. With that, it makes it imperative that all the member agencies to take part in the process. The other aspect has to do with the Priority Needs List. The local TAC recommends approval of the MPO amendments, but with a stipulation that the language referring to the priority needs list would be implemented in the bylaws of the MPO so that the priority needs list process would be preserved. This is important because in deleting the priority needs list aspect, they are moving to a quantitative means of deciding the order of projects rather than the subjective idea.

Commissioner Thompson made the motion that the Board adopts the Memorandum of Understanding, reestablishing the French Broad River Metropolitan Planning Organization, and authorizes the Chairman to sign the necessary documentation. He further moved that the priority needs list be incorporated within the bylaws. All voted in favor and the motion carried.

TRAVEL SURVEY FUNDING REQUEST

Justin Hembree stated the French Broad River Metropolitan Planning Organization (FBRMPO) is requesting funding for the purposes of conducting a travel survey which will inform a new NCDOT funded travel demand model. The NCDOT is providing full funding (\$300,000) for the purposes of preparing a new travel demand model. The MPO has identified \$288,000 in federal funding for the purposes of paying for 80% of the travel survey costs. A 20% match from local jurisdictions is necessary to fully fund this travel survey and to receive a new travel demand model from NCDOT. The MPO is requesting Henderson County fund \$16,675 of the required \$72,000 in local match (based on the assessment of dues to its participating jurisdictions). The remaining \$55,325 has been committed by the other dues paying members (Buncombe County, City of Asheville, Haywood County, City of Hendersonville, and Town of Waynesville). The principal benefits of a new travel study and travel demand model are:

1. More accurate data on local travel patterns,
2. Capturing missing travel data about tourist, retirement, recreational, and seasonal populations,
3. Production of additional data useful to various organizations (Travel and Tourism, Chamber of Commerce, etc), and
4. Improved investments in road projects, possibly freeing up transportation funding for other currently unfunded road projects.

The total project costs (travel survey and travel demand model) equal \$660,000. The requested \$16,675 from Henderson County represents 2.5% of the total project costs.

What is a Travel Survey?

1. A sample survey of the population in order to determine travel patterns of residents and visitors
2. Uses varied methods to track travel patterns
3. Answers the following questions
 1. Why people travel...
 2. When people travel...
 3. How people travel...

Benefits of New Travel Survey

1. More accurate data on local travel patterns
2. Captures missing travel data about:
 - Tourists/Retirement Population/Seasonal
 - Recreational/Camp/RV Parks
3. Better input into a new Travel Demand Model (\$300,000 committed funding by NCDOT)

French Broad River Metropolitan Planning Organization

Travel Survey Funding Plan

Proposed Funding Source	Cost
FBRMPO Federal Funds (80%)	\$288,000*
Local Jurisdictions (20%)	\$72,000**

* Existing funding set aside by FBRMPO

** A portion of the of funding has already been committed by local jurisdictions

French Broad River Metropolitan Planning Organization

Travel Survey Funding Plan

Proposed Funding Source	Cost	Percent of Total Cost to Local Jurisdictions*	Committed
Buncombe County	\$27,605	38.3%	Yes
Henderson County	\$16,675	23.2%	?
City of Asheville	\$14,861	20.6%	Yes
Haywood County	\$8,762	12.2%	Yes
City of Hendersonville	\$2,340	3.3%	Yes
Town of Waynesville	\$1,757	2.4%	Yes

* Proposed funding based on current MPO participation costs to local jurisdictions. Counties' costs cover areas beyond the principal municipalities' jurisdictions.

French Broad River Metropolitan Planning Organization

Benefits of New Travel Demand Model

1. Replaces existing model which utilize data from Charlotte, NC and Columbus, OH
2. Resulting data useful to:
 - Travel and Tourism
 - Chamber of Commerce
 - County Partnership for Economic Development
 - Local Government
3. Improved Transportation Investments in Road Projects
 - Existing planned project size/scope/time/cost reduction
 - New road projects may be added as a result of the savings
 - Improved transportation investments

French Broad River Metropolitan Planning Organization

There was concern that the funding plan for the survey does not include all voting members. This would be addressed by the Land-of-Sky and brought back to the Board of Commissioners.

Chairman Messer moved that the Board fund the French Broad River MPO for the sum of \$16,675.00, for a travel survey. Commissioners Messer and Thompson voted "yes", Commissioners Young and Hawkins voted "no", and the motion failed.

ADVANCEMENT OF COSTS OF DIGITAL AERIAL MAPPING OF SEVAL FALLS SUBDIVISION SITE

Attorney Russ Burrell stated William Lapsley, the engineer working with the County for the Seven Falls subdivision guarantee project, recommends that the County immediately advance the funds necessary (\$14,800.00) to obtain digital aerial mapping of the site as it now exists. This will enable the engineer a far greater degree of precision in describing the work (for contract bidding purposes) and in estimating the costs of the work to be done on the site as it now exists (as opposed to how it existed prior the degradation that has occurred since the developer stopped work). The greater precision in describing the work will likely save more funds (in future change orders) than expended here.

It is anticipated that the Courts will ultimately allow reimbursement of the County for this expenditure from the surety bond proceeds, such that this should be viewed and accounted for as an advancement of funds, and not as a final expenditure.

Immediate approval of this proposal is recommended so as to allow remedial work (stabilizing the site) to be proposed to the Court and accomplished (once approved) at the earliest possible time, allowing site stabilization to be obtained during the optimum season for the same, ultimately lowering the total expenditures required (that is, enabling more of the work to be done from the bond proceeds).

Commissioner Hawkins made the motion that the Board approves the proposal and make payment of \$14,800.00 for the work to be done, as an advancement against the surety bond proceeds collected in the Seven Falls subdivision matter, and any necessary budget amendments. All voted in favor and the motion carried.

CONSTRUCTION CONTRACT – RENOVATIONS FOR THE ATHLETIC AND ACTIVITY CENTER

County Manager Steve Wyatt stated bids came in last Wednesday for the renovations and remodeling of the

Henderson County Athletic & Activity Center. Staff has reviewed the bids and their recommendation coincides that of The Tamara Peacock Company Architects for the awarding of the bid of Dunlap Construction.

David Whitson noted last year, the Board established a budget of approximately \$250,000 for the educational building, gym, and the parking lot of the Athletic & Activity Center. The base, low bid for Dunlap Construction is \$147,800.00. This leaves approximately \$100,000 to do others things in the building and gym that originally were proposed to do ourselves. Of the original \$250,000.00, \$130,000.00 was tagged for sixty-five (65) additional parking spaces. The additional spaces are no longer necessary.

Engineer Marcus Jones stated the bids for the minor renovations at the new Athletic and Activity Center (AAC) were opened at 2:00 pm on March 13. The bid opening is after the submission of this request for board action. In order to expedite the construction process, the bid tabulation and recommendation from the architect will follow this memo after the bids are opened and reviewed.

The funding for this project was allocated by the Board with the purchase of the AAC during the 2013 fiscal year. Other portions of this project are being addressed with County forces and separate roofing and paving contracts.

Estimated construction time is approximately eight (8) weeks once the notice to proceed is given.

Chairman Messer made the motion that the Board of Commissioners award the construction contract for the Athletic and Activity Center per the recommendation from the project architect, the Tamara Peacock Company. All voted in favor and the motion carried.

APPROVE RURAL CENTER GRANT APPLICATION

Engineer Marcus Jones stated in order to assist the City of Hendersonville with financing a waterline extension to serve the Dana Community affected by contaminated wells, the County needs to be the applicant for a Rural Center grant under the Clean Water Partners Infrastructure Program. The City has already applied for funding under this program for a past project and is not eligible. This grant will be for \$300,000 and not require a local match. The City estimates the total project to cost approximately \$600,000 with the remainder of the needed funds coming from other grant sources applied for by the City. The exact scope of the project is still being determined based on conclusions from tests being performed by the State. This agenda item will put the County in a position to quickly assist the Dana Community when the testing is complete.

Commissioner Thompson made the motion that the Board approves the County application for the Rural Center's Clean Water Partners Infrastructure Program to assist the City of Hendersonville in providing water service to the Dana Community that is affected by contaminated wells, and authorize the County Engineer as the authorized agent for the grant process. All voted in favor and the motion carried.

IMPORTANT DATES

Commission Hawkins reminded the Board of the proposed joint meeting with the Hospital Corporation Board of Directors to be scheduled by Commissioner Edney.

Chairman Messer noted that the Board had received the Water and Sewer study. County Manager Steve Wyatt suggested scheduling briefings with the engineer for a Q&A session, and would obtain dates from the engineer and bring them back to the Board.

Commissioner Hawkins felt MSD should be discussed soon.

County Manager Steve Wyatt noted a Joint Facility Meeting has been tentatively scheduled for Wednesday, March 27, 2013 at 9:00 a.m. with Blue Ridge Community College.

CLOSED SESSION

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a), for the following reasons:

- Pursuant to N.C. Gen. Stat. §143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in Henderson County, including agreement on a tentative list of economic development incentives that may be offered by the Board in negotiations.

Commissioner Thompson made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4), for the reasons set out in the Request for Board Action in the Board's agenda packet. All voted in favor and the motion carried.

ADJOURN

Commissioner Thompson made the motion to go out of closed session and adjourn at 12:30 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Charles D. Messer, Chairman

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595 | FAX: (828) 698-6153

Henderson County Board of Commissioners
1 Historic Courthouse Square, Suite 1
Hendersonville, NC 28792

Friday, March 08, 2013

Re: Tax Collector's Report to Commissioners -- 20 March 2013 Meeting

Please find outlined below collections information through 07 March 2013 for the 2012 bills mailed out on 14 August 2012, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

Annual Bills G01 Only:

2012 Beginning Charge: \$57,948,385.02
Discoveries & Imm. Irreg.: \$302,572.20
Releases & Refunds: (\$105,335.35)
Net Charge: \$58,145,621.87
Unpaid Taxes: \$2,147,232.75
Amount Collected: \$55,998,389.12
Percentage Collected: 96.31%
Through: 7-Mar-2013

2011 Beginning Charge: \$57,516,609.25
Discoveries & Imm. Irreg.: \$112,359.46
Releases & Refunds: (\$105,980.46)
Net Charge: \$57,522,988.25
Unpaid Taxes: \$2,058,067.35
Amount Collected: \$55,464,920.90
Percentage Collected: 96.42%
Through: 7-Mar-2012

Motor Vehicle Bills G01 Only:

2012 Beginning Charge: \$3,726,965.22
Discoveries & Imm. Irreg.: \$2,597.73
Releases & Refunds: (\$64,228.82)
Net Charge: \$3,665,334.13
Unpaid Taxes: \$910,714.07
Amount Collected: \$2,754,620.06
Percentage Collected: 75.15%
Through: 7-Mar-2013

2011 Beginning Charge: \$3,450,423.29
Discoveries & Imm. Irreg.: \$772.45
Releases & Refunds: (\$76,950.83)
Net Charge: \$3,374,244.91
Unpaid Taxes: \$750,287.12
Amount Collected: \$2,623,957.79
Percentage Collected: 77.76%
Through: 7-Mar-2012

Fire Districts All Bills:

2012 Beginning Charge: \$6,391,446.41
Discoveries & Imm. Irreg.: \$45,235.37
Releases & Refunds: (\$15,264.66)
Net Charge: \$6,421,417.12
Unpaid Taxes: \$265,394.73
Amount Collected: \$6,156,022.39
Percentage Collected: 95.87%
Through: 7-Mar-2013

2011 Beginning Charge: \$6,320,866.31
Discoveries & Imm. Irreg.: \$12,876.30
Releases & Refunds: (\$8,663.55)
Net Charge: \$6,325,079.06
Unpaid Taxes: \$238,962.28
Amount Collected: \$6,086,116.78
Percentage Collected: 96.22%
Through: 7-Mar-2012

Respectfully submitted,



Luke Small

Collections Specialist

Stan C. Duncan

Tax Collector

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 692-9855
www.hendersoncountync.org

CHARLIE MESSER
Chairman
THOMAS THOMPSON
Vice-Chairman

LARRY YOUNG
J. MICHAEL EDNEY
GRADY HAWKINS

RESOLUTION IN SUPPORT OF THE WOUNDED WARRIOR AMPUTEE SOFTBALL TEAM

- WHEREAS,** The national Wounded Warrior Amputee Softball Team (WWAST), represents some of our nation's bravest and most determined heroes, soldiers and veterans; and,
- WHEREAS,** These young extremely athletic men have sustained severe injuries resulting in amputation while serving in the military/war, and through extensive rehabilitation, they have become competitive athletes again; and,
- WHEREAS,** The Wounded Warrior Amputee Softball Team (WWAST) mission is to raise awareness, through exhibition and celebrity softball games, of the sacrifices and resilience of our military, and highlight their ability to rise above any challenge; and,
- WHEREAS,** Their goal is to show other amputees and the general population, that these athletes through extensive rehabilitation and training are able to express their desires and perform the sport they loved; and,
- WHEREAS,** The WWAST Exhibition is an event to benefit Operation Welcome Home, An HonorAir program;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners does hereby declare their support for the Wounded Warrior Amputee Softball Team, and encourages citizens to enjoy the exhibition benefit games on Saturday, May 18th at 2:00 pm at West Henderson High School, featuring WWAST vs. Henderson County Senior "Softball League", and WWAST vs. Henderson County First Responders.

Adopted this the 20th day of March, 2013.

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD


CHARLIE MESSER, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone: 828-697-4808 • Fax: 828-692-9855
www.hendersoncountync.org

CHARLES D. MESSER
Chairman
THOMAS H. THOMPSON
Vice-Chairman

LARRY R. YOUNG
J. MICHAEL EDNEY
GRADY H. HAWKINS

RESOLUTION

Whereas, the North Carolina Department of Transportation organizes an annual spring statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

Whereas, the Spring 2013 LITTER SWEEP roadside cleanup will take place April 13 through April 27, 2013, and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

Whereas, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during LITTER SWEEP and may receive certificates of appreciation for their participation; and

Whereas, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists aid aiding in recruiting new industries; and

Whereas, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

Whereas, the LITTER SWEEP cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina;

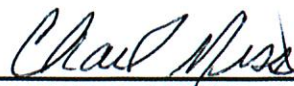
NOW, THEREFORE BE IT RESOLVED by the Henderson County, North Carolina Board of Commissioners that April 13 through April 27, 2013 be LITTER SWEEP time in Henderson County and encourage citizens in Henderson County to take an active role in making our communities cleaner through participating in local LITTER SWEEP activities.

Adopted this 20th day of March, 2013.

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD



CHARLES D. MESSER, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
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J. MICHAEL EDNEY
GRADY H. HAWKINS

RESOLUTION DECLARING APRIL 20, 2013 AS HENDERSON COUNTY DAY OF EDUCATION

WHEREAS, education is a very important aspect of life in our community. Many organizations throughout Henderson County, both government and non-profit alike, hold a high-quality education as a top priority; and

WHEREAS, the Henderson County Education Foundation is one of these organizations and their focus is on providing scholarships and grants to students and teachers in order to create new opportunities; and

WHEREAS, without the scholarships and grants provided by the Henderson County Education Foundation, some students in our community might not have the opportunity to pursue higher education; and


WHEREAS, the Henderson County Boyd BBQ Expo is a fundraiser for the Henderson County Education Foundation. The Expo provides thousands of dollars each year in additional monies to the Foundation for student scholarships and teacher grants; and

WHEREAS, the Henderson County Boyd BBQ Expo will be held on April 20, 2013; and

WHEREAS, all Henderson County schools are encouraged to participate in the Expo and are given the opportunity to showcase their school and students, as well as show school spirit and help to raise additional funds.


NOW, THEREFORE BE IT RESOLVED, that the Henderson County Board of Commissioners declare April 20, 2013 as Henderson County Day of Education.

Adopted this the 20th day of March, 2013.



Charlie Messer, Chairman
Henderson County Board of Commissioners

Attest:



Teresa L. Wilson, Clerk to the Board

**French Broad River
Metropolitan Planning Organization**

In Buncombe County, Haywood County, Henderson County, AND Madison County,
North Carolina

Memorandum of Understanding

**Adopted by the Board
February 28, 2013**

**MEMORANDUM OF UNDERSTANDING
FOR**

COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING

AMONG

**THE GOVERNOR OF THE STATE OF NORTH CAROLINA,
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,
TOWN OF LAUREL PARK, MADISON COUNTY, TOWN OF MARS HILL, TOWN OF MILLS RIVER,
TOWN OF MAGGIE VALLEY, TOWN OF MONTREAT, TOWN OF WAYNESVILLE, TOWN OF
WEAVERVILLE, TOWN OF WOODFIN**
(Hereinafter referred to as the Municipalities, the Counties, and the State)

IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH

WHEREAS, Each MPO is required to develop a comprehensive transportation plan in cooperation with NCDOT and in accordance with 23 U.S.C., Section 134, any subsequent amendments to that statute, and any implementing regulations; and Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina,

WHEREAS, the said Chapter 136, Article 3A, Section 136-66.2(b) provides that:

“After completion and analysis of the plan, the plan shall be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation improvements in and around the municipality or within the MPO. The governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a part of the State highway system and which streets will be a part of the municipal street system. As used in this Article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities;” and,

WHEREAS, the said Chapter 136, Article 3A, Section 136.66.2(d) provides that:

“For MPOs, either the MPO or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the MPO;” and

WHEREAS, a transportation planning process includes the operational procedures and working arrangements by which short and long-range transportation plans are soundly conceived and developed and continuously evaluated in a manner that will:

1. Assist governing bodies and official agencies in determining courses of action and in formulating attainable capital improvement programs in anticipation of community needs; and,

2. Guide private individuals and groups in planning their decisions which can be important factors in the pattern of future development and redevelopment of the area; and,

WHEREAS, it is the desire of these agencies that a previously established continuing, comprehensive, cooperative transportation planning process as set forth in a Memorandum of Understanding dated August 21, 2003 be revised and updated to comply with 23 U.S.C. 134; any subsequent amendments to that statute, and any implementing regulations;

NOW THEREFORE BE IT RESOLVED by the French Broad River Metropolitan Planning Organization that the following Memorandum of Understanding (MOU) is made:

:

SECTION 1. It is hereby agreed that the municipalities of Asheville, Biltmore Forest, Black Mountain, Canton, Clyde, Flat Rock, Fletcher, Laurel Park, Mars Hill, Mills River, Maggie Valley, Montreat, Waynesville, Weaverville, Woodfin, and municipalities added to the MPO, the Counties of Buncombe, Haywood, Henderson, and Madison, and the North Carolina Department of Transportation, in cooperation with the United States Department of Transportation, will participate in a continuing, coordinated, comprehensive transportation planning process with the responsibilities and undertakings as outlined in the following paragraphs:

- A. The area involved - the French Broad River Metropolitan Planning Organization - will consist of the Asheville Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, in addition to 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 Area Boundary.
- B. The French Broad River Metropolitan Planning Organization, hereinafter referred to as the French Broad River MPO, shall include the local governments of the Municipalities and the Counties, the North Carolina Department of Transportation, a Board hereinafter defined, a Technical Coordinating Committee hereinafter defined, and the various agencies and units of local and State government participating in the transportation planning for the area.
- C. The continuing transportation planning process will be a cooperative one, and all planning discussions will be reflective of and responsible to the comprehensive plans for growth and development of the Metropolitan Area Boundary.
- D. The continuing transportation planning process will be conducted in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.
- E. The Urbanized Area Boundary and the Metropolitan Area Boundary shall be periodically reviewed and revised in light of new developments and basic data projections.
- F. Transportation plans, programs and data collection will be coordinated with the Lead Planning Agency for the adjacent Rural Planning Organization and shall be conducted according to applicable interagency agreements.

G. French Broad River Metropolitan Planning Organization Board Established

A French Broad River Metropolitan Planning Organization Board [hereinafter referred to as "Board" or "the Board"] is hereby established with the responsibility for cooperative transportation planning decision making for the French Broad River MPO. The Board shall have

the responsibility for keeping the policy boards of the participating local governments informed of the status and requirements of the transportation planning process; for assisting in the dissemination and clarification of the decisions and policies of the policy boards; and for providing opportunities for citizen participation in the transportation planning process.

The Board, in cooperation with the State, and in cooperation with publicly owned operators of mass transportation services, shall be responsible for carrying out the urban transportation planning process specified in the U. S. Department of Transportation Program Manuals and shall develop the planning work program, Long Range Transportation Plan, and Transportation Improvement Program as specified in such manuals.

This shall be the forum for cooperative decision-making by elected officials of the member General Purpose Local Governments. However, this shall not limit the Board's local responsibility for (1) insuring that the transportation planning process and the plans and improvement projects which emerge from that process are consistent with the policies and desires of local government; nor, (2) serving as a forum for the resolution of conflicts which arise during the course of developing the Long Range Transportation Plan and the Transportation Improvement Program.

H. Board Membership

The FBRMPO Board will consist of the Chief Elected or other elected representative(s) from the following Boards of General Purpose Local Government as well as the appointed member from the North Carolina Board of Transportation and the Division Administrator, or his designee, from the Federal Highway Administration. Each agency will have a single representative except as indicated below:

1. Asheville City Council (two representatives)
2. Biltmore Forest Board of Commissioners
3. Black Mountain Board of Aldermen
4. Buncombe County Board of Commissioners (two representatives)
5. Canton Board of Aldermen
6. Clyde Board of Aldermen
7. Flat Rock Village Council
8. Fletcher Town Council
9. Haywood County Board of Commissioners (two representatives)
10. Henderson County Board of Commissioners (two representatives)
11. Hendersonville City Council
12. Laurel Park Town Council
13. Madison County Board of Commissioners
14. Maggie Valley Board of Aldermen
15. Mars Hill Town Council
16. Mills River Town Council
17. Montreat Board of Commissioners
18. Waynesville Board of Aldermen
19. Weaverville Town Council
20. Woodfin Board of Aldermen
21. North Carolina Board of Transportation – Division 13
22. North Carolina Board of Transportation – Division 14
23. Federal Highway Administration (Advisory, non-voting)

Each of the above member agencies may also appoint an alternate, in accordance with the rules contained within the French Broad River MPO Bylaws. If alternates attend meetings where the primary representative is present, only the primary representative(s) shall be counted for voting purposes as specified in the Bylaws.

At the invitation of the Board, other local, regional, State, or Federal agencies impacting transportation within the Planning Area may serve as advisory, non-voting members of the Board. A member of the staff of the Lead Planning Agency will serve as secretary to the Board.

I. Board Duties.

The duties and responsibilities of the Board are as follows:

1. Establish **goals and objectives** for the transportation planning process reflective of and responsive to comprehensive plans for growth and development in the Metropolitan Area Boundary adopted by Boards of General Purpose Local Government.
2. Review and approve a **Prospectus** for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process.
3. Review and approve changes to the **Urbanized Area Boundary** and the **Metropolitan Area Boundary** as well as review and recommend changes to the **National Highway System** and the Federal Functional Classification System in conformance with Federal regulations.
4. Review and approve the transportation **Unified Planning Work Program**.
5. Review and approve the **Long Range Transportation Plan** and adopt the **Comprehensive Transportation Plan** pursuant to G.S. 136-66.2. The Comprehensive Transportation Plan shall be mutually adopted by the Board and the State of North Carolina.
6. Develop and Approve the **Metropolitan Transportation Improvement Program (MTIP)**. The MTIP shall be developed according to the special provisions outlined in Section K below.
7. Develop prioritized list for transportation improvements in conjunction with development of the MTIP. This list represents candidate projects for inclusion in the MTIP. The Board will develop the list according to the provisions set forth in section L below.
8. Review and approve related **air quality planning** in conformance with Federal regulations.
9. Distribute funds distributed directly to MPO's under the provisions of TEA 21 and any subsequent re-authorization of TEA-21.
10. Develop, approve, and implement a **Public Involvement Policy**.

11. Develop and approve committee **Bylaws** governing operating policies and procedures. Through the Bylaws, the Board may establish subcommittees and may delegate duties of planning and analysis to these subcommittees as outlined in Section M. below.
12. **Self-Certify** the Long-Range Planning Process.
13. Conduct any other duties identified as necessary to further facilitate the transportation planning process.

J. Board Voting Policy

1. Voting representatives of the Municipalities and the Counties shall be designated by their respective governing boards. A quorum is required for the transaction of all business, including conducting meetings or hearings, participation in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of fifty-one percent (51%) of the voting members of the Board, plus as many additional members as may be required to ensure that fifty-one percent (51%) of the total optional weighted votes are present.
2. If a Board member does not attend or does not send his or her designated alternate to two (2) consecutive meetings of the Board, the member will be considered inactive. Following the designation as inactive, if the member or his or her alternate is not in attendance at a subsequent Board meeting, he or she will not be counted for quorum purposes. The member will be automatically reinstated and counted for quorum purposes by attending or sending his or her designated alternate to a Board meeting.
2. A simple majority shall determine all issues, except as provided in Section K below, where optional weighted voting may be invoked during adoption of the Draft MTIP or Final MTIP.

K. Metropolitan Transportation Improvement Program (MTIP) Development

1. The Metropolitan Transportation Improvement Program (MTIP) shall be adopted in accordance with adoption schedules for the State Transportation Improvement Program (STIP). The MTIP shall include all information typically contained in the STIP, including, but not limited to route number, project I.D. number, project limits, project description, proposed implementation schedule, funding source, and projected cost. The MTIP is intended to represent local priorities for transportation improvements. Once it is adopted, any discrepancies between the MTIP and the STIP will be negotiated through established State and Federal processes.
2. For adoption of the Draft MTIP or Final MTIP, any member of the Board may call for the use of veto power or a weighted vote under the following circumstances:

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 MTIP. In a veto vote, members from jurisdictions that are “directly impacted” by the project may vote to exclude a project from the MTIP, provided that every Board member 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.

Weighted Vote

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:

Votes per Representative – Weighted Vote

<u>Jurisdiction</u>	<u>Not “Directly Impacted”</u>	<u>“Directly Impacted”</u>
Asheville (2 representatives)	1	3
Biltmore Forest	1	3
Black Mountain	1	3
Buncombe County (2 representatives)	1	3
Canton	1	3
Clyde	1	3
Flat Rock	1	3
Fletcher	1	3
Haywood County (2 representatives)	1	3
Henderson County (2 representatives)	1	3
Hendersonville	1	3
Laurel Park	1	3
Madison County	1	3
Mars Hill	1	3
Maggie Valley	1	3
Mills River	1	3
Montreat	1	3
Waynesville	1	3
Weaverville	1	3
Woodfin	1	3
NCDOT BOT Division 13	1	1
NCDOT BOT Division 14	1	1

“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.

3. For the purpose of implementing its transportation priorities, the Board may develop a supplement to the MTIP containing descriptions of project design. Design information for a particular project will be included in the supplement on an as needed basis at the request of member jurisdictions. For roadway

projects, the information may include the preferred alignment, the number of lanes, the inclusion of medians, and the extent and location of pedestrian and bicycle facilities. Other design information will be included in the supplement as needed to establish the general parameters of project design. The supplement shall serve as a planning document to guide MTIP development, and shall be amended as needed. Generally, project design information will not be included in the supplement until a project has completed the NEPA process, design public hearing process, or any other required public involvement process.

L. Project Prioritization

The Board shall develop a list of projects for transportation improvements in conjunction with the NCDOT prioritization process as codified in NCGS § 136-18.42. This entails preparing a list of projects for staff to evaluate against NCDOT's quantitative measures, then choosing a subset of projects. The subset of projects chosen will be assigned points by the Board based on locally and regionally developed criteria and submitted to NCDOT and the FBRMPO Board to compete for available funding in the STIP and MTIP, respectively.

M. Board Subcommittees

The Board may establish subcommittees and advisory groups through its bylaws or through a vote at a regularly scheduled meeting. The subcommittees may consist of existing members of the Board, the Technical Coordinating Committee, and other officials and citizens as appropriate to achieve the objectives of the subcommittee. Subcommittees may include, but are not limited to the following groups: Henderson County Transportation Committee, Haywood County Committee, Buncombe County Transportation Committee, Bicycle and Pedestrian Transportation Committee, Transit Committee, Citizen Transportation Committee. Further, the French Broad River Board shall allow these groups to establish their own bylaws, meeting schedule, and elected officers. The purpose of the subcommittees will be to provide analysis and recommendations to the Board .

N. Transit Planning and Programming

The French Broad River MPO will coordinate transit planning and programming within the Metropolitan Area Boundary. The duties and responsibilities of the Board with regard to transit planning and programming are as follows:

1. Establish policies for distribution of federal mass transit funds that are provided directly to the Metropolitan Planning Organization. These policies will be reviewed and approved annually by the Board
2. Develop and approve a list of prioritized projects for transit improvements.
3. Program transit improvements in the Metropolitan Transportation Improvement Program (MTIP).

In developing transit plans, programs, and funding formulas, the Board shall consider the following factors: federal mass transit funding formulas, State Maintenance Assistance Program formulas, population served by the transit system, ridership, and present and future demand for transit service.

O. Technical Coordinating Committee Established

A Technical Coordinating Committee, hereinafter referred to as the TCC, shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the Metropolitan Area Boundary 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. The TCC shall be responsible for development, review, and recommendation for approval of goals and objectives, the Prospectus, Unified Planning Work Program (UPWP), Urbanized Area Boundary, Metropolitan Area Boundary, National Highway System, Long Range Transportation Plan, Comprehensive Transportation Plan, Metropolitan Transportation Improvement Program (MTIP), Priority Needs List (PNL), air quality planning, distribution of directly allocated funds, public involvement, and any other duties identified as necessary to facilitate the transportation planning process.

Membership of the TCC shall include technical representation from all local and State governmental agencies directly related to and concerned with the transportation planning process for the planning area. Membership to the TCC may be altered on the basis of a majority vote of its membership, provided that any party may appeal decisions regarding TCC membership changes to the Board . The initial TCC voting membership shall include, but not be limited to the following:

1. City of Asheville
2. Town of Biltmore Forest
3. Town of Black Mountain
4. Buncombe County
5. Town of Canton
6. Town of Clyde
7. Village of Flat Rock
8. Town of Fletcher
9. Haywood County
10. Henderson County
11. City of Hendersonville
12. Town of Laurel Park
13. Madison County
14. Town of Maggie Valley
15. Town of Mars Hill
16. Town of Mills River
17. Town of Montreat
18. Town of Waynesville
19. Town of Weaverville
20. Town of Woodfin
21. NCDOT, Division 13
22. NCDOT, Division 14
23. NCDOT, Transportation Planning Branch
24. NCDOT, Public Transportation Division
25. City of Asheville Transit
26. Henderson County Apple Country Transportation
27. Buncombe County Mountain Mobility

28. Haywood County Transportation
29. State Bicycle Committee Representative, Division 13 and 14
30. FHWA, MPO Contact (as advisory, non-voting)
31. Land of Sky Regional Council (as advisory, non-voting)
32. Land of Sky Rural Planning Organization (as advisory, non-voting)
33. Asheville Regional Airport (as advisory, non-voting)
34. WNC Regional Air Quality Agency (as advisory, non-voting)
35. NCDOT Regional Traffic Engineer (as advisory, non-voting)

Representatives of the municipalities and counties shall be the chief administrative officers (town manager or county manager) or their designees. Other entities may be represented by their chief administrative officer or their designee. Each TCC member shall have one vote. Through its bylaws, the TCC may designate other local agencies, organizations, or individuals as voting and non-voting members of the TCC.

A quorum is required for the transaction of all business, including conducting meetings, participation in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of fifty-one percent (51%) of the voting members of the TCC.

If a TCC member does not attend or does not send his or her designated alternate to two (2) consecutive meetings of the TCC, the member will be considered inactive. Following the designation as inactive, if the member or his or her alternate is not in attendance at a subsequent TCC meeting, he or she will not be counted for quorum purposes. The member will be automatically reinstated and counted for quorum purposes by attending or sending his or her designated alternate to a TCC meeting.

The TCC shall operate as determined by its adopted bylaws. Any agency not listed above which wishes representation on the TCC may request such representation for consideration under the TCC adopted bylaws.

SECTION II. It is further agreed that the subscribing agencies will have the following responsibilities:

The Municipalities, Counties, and Council of Governments

The Municipalities and the Counties will assist in the transportation planning process by providing assistance, data and inventories in accordance with the Prospectus. The Municipalities and the Counties shall be responsible for any zoning and subdivision approvals that are impacted by the adopted Transportation Plan. The Land of Sky Regional Council will serve as the Lead Planning Agency for the French Broad River Metropolitan Planning Organization.

North Carolina Department of Transportation

The Department will assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Prospectus.

SECTION III. Subscribing agencies to this Memorandum of Understanding may terminate their participation in the French Broad River MPO by giving 30 days written notice to the Board Chair prior to the date of termination. When annexation occurs and member municipality boundaries extend beyond the adopted urbanized area boundary, the new boundaries will automatically become part of the urbanized area. If any party should terminate participation, this memorandum of understanding shall

remain in force and the French Broad MPO shall continue to operate as long as 75% or more of population within the Metropolitan Area Boundary is represented by the remaining members.

SECTION IV. In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate officials 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, Buncombe County by the Chair of its Board of Commissioners, 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, Haywood County by the Chair of its Board of Commissioners, Henderson County by the Chair of its Board of Commissioners, the City of Hendersonville by its Mayor, the Town of Laurel Park by its Mayor, Madison County by the Chair of its Board of Commissioners, 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, and the Town of Woodfin by its Mayor, and by the Secretary of Transportation on behalf of the Governor of the State of North Carolina and North Carolina Department of Transportation as of the _____

MEMORANDUM OF UNDERSTANDING

FOR

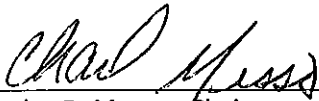
COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING

AMONG

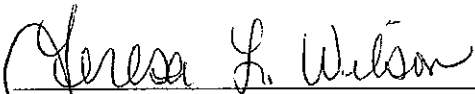
THE GOVERNOR OF THE STATE OF NORTH CAROLINA, THE CITY OF ASHEVILLE, TOWN OF BILTMORE FOREST, TOWN OF BLACK MOUNTAIN, BUNCOMBE COUNTY, TOWN OF CANTON, TOWN OF CLYDE, VILLAGE OF FLAT ROCK, TOWN OF FLETCHER, HAYWOOD COUNTY, HENDERSON COUNTY, CITY OF HENDERSONVILLE, TOWN OF LAUREL PARK, MADISON COUNTY, TOWN OF MAGGIE VALLEY, TOWN OF MARS HILL, TOWN OF MILLS RIVER, TOWN OF MAGGIE VALLEY, TOWN OF MONTREAT, TOWN OF WAYNESVILLE, TOWN OF WEAVERVILLE, TOWN OF WOODFIN, SECRETARY OF TRANSPORTATION ON BEHALF OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

IN COOPERATION WITH THE UNITED STATE DEPARTMENT OF TRANSPORTATION

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate officials to sign the same



Charles D. Messer, Chairman
Henderson County



Teresa L. Wilson
Clerk to the Board

Signed this the ~~4th~~ day of February, 2013

20th March
JW
NORTH CAROLINA

