

August 14, 2013

Mr. Mark H. Hoeweler
Assistant Executive Director
Waccamaw Regional Council of Governments
1230 Highmarket Street
Georgetown, South Carolina 29440

RE: Grand Strand Area Transportation Study
Memorandum of Understanding

Dear Mr. Hoeweler:

Enclosed please find two copies of the executed Grand Strand Area Transportation Study Memorandum of Understanding.

If you need any additional information, please feel free to contact Mark Lester at 803-737-1366.

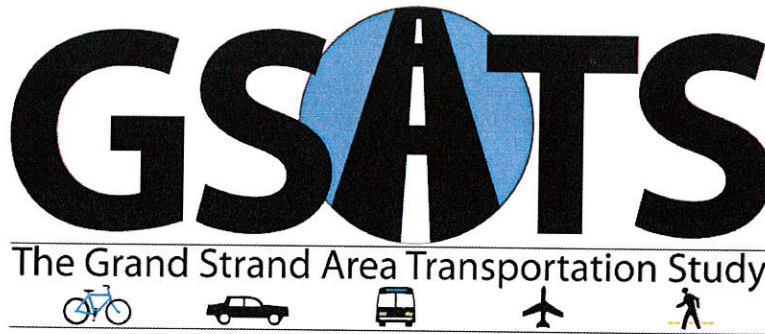
Sincerely,



Sherry D. Brown
Executive Assistant

:sdb
Enclosures
File: Pln/SDB





August 28, 2013

Mr. Michael Bruff
Transportation Planning Branch
NCDOT
1 South Wilmington Street
Raleigh, NC 27601

RE: GSATS Executed MOU

Dear Mr. Bruff:

Please find the enclosed a scanned copy of the original signed GSATS MOU. We had anticipated returning an original version of the MOU to you, but we were informed by SCDOT that they had misplaced all four original versions of the MOU. SCDOT has assured us that the scanned version satisfies their legal department and we hope that NCDOT has no issue with a scanned version.

Again, thank you for your assistance in this matter and let me know if there are any outstanding issues with this agreement.

Sincerely,

Mark Hoeweler
GSATS MPO Director

1230 Highmarket Street, Georgetown, South Carolina 29440
Phone: (843) 546-8502 Fax: (843) 527-2302
www.gsats.org

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

Between

THE TOWN OF CALABASH, TOWN OF CAROLINA SHORES, TOWN OF HOLDEN BEACH, TOWN OF OCEAN ISLE BEACH, TOWN OF SHALLOTTE, TOWN OF SUNSET BEACH, TOWN OF VARNAMTOWN, COUNTY OF BRUNSWICK, THE GRAND STRAND AREA TRANSPORTATION STUDY, THE WACCAMAW REGIONAL COUNCIL OF GOVERNMENTS, THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION in cooperation with THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH

THAT WHEREAS, The Grand Strand Area Transportation Study (GSATS) was established on August 2, 1985 and designated as the Metropolitan Planning Organization (MPO) for the Myrtle Beach Urbanized Area on June 1, 1992; and

WHEREAS, GSATS Policy Committee is the regional decision making authority for the MPO; and

WHEREAS, the United States Census Bureau, per its 2010 Decennial Census, expanded the Urbanized Area to encompass coastal portions of North and South Carolina and renamed this expanded area the Myrtle Beach – Socastee SC/NC Urbanized Area (Urbanized Area); and

WHEREAS, the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) have, effective July 18, 2012, classified the Myrtle Beach – Socastee SC/NC Urbanized Area as a Transportation Management Area (TMA); and

WHEREAS, it is the desire of the GSATS Policy Committee to: 1) expand its Planning Area to incorporate the newly designated Urbanized Area and areas immediately adjacent as deemed appropriate by NCDOT, SCDOT, FHWA and participating North Carolina communities, 2) foster a process that provides for the local review and consideration of projects and plans while ensuring a decision making process that considers regional implications, and 3) expand its membership to provide representation for North Carolina communities that desire to participate in the GSATS MPO; and

WHEREAS, it is the desire of the Town of Calabash, Town of Carolina Shores, Town of Holden Beach, Town of Ocean Isle Beach, Town of Shallotte, Town of Sunset Beach, Town of Varnamtown, and County of Brunswick, North Carolina to engage in comprehensive, cooperative, and continuing transportation planning; and, in furtherance of this objective to 1) actively participate in and join the GSATS MPO, 2) ensure the thoughtful consideration and coordination of transportation improvements affecting participating North Carolina communities and the region, and 3) establish a mechanism to ensure equitable representation for member communities; and

WHEREAS, the South Carolina Department of Transportation (SCDOT), the North Carolina Department of Transportation (NCDOT), and the Federal Highway Administration (FHWA) are supportive of and participatory in this planning effort.

NOW THEREFORE the following Memorandum of Understanding is made:

SECTION I: CONTINUING, COOPERATIVE, AND COMPREHENSIVE PLANNING

It is hereby agreed that THE TOWN OF CALABASH, TOWN OF CAROLINA SHORES, TOWN OF HOLDEN BEACH, TOWN OF OCEAN ISLE BEACH, TOWN OF SHALLOTTE, TOWN OF SUNSET BEACH, TOWN OF VARNAMTOWN, COUNTY OF BRUNSWICK, THE GRAND STRAND AREA TRANSPORTATION STUDY, THE WACCAMAW REGIONAL COUNCIL OF GOVERNMENTS, SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION in cooperation with THE UNITED STATES DEPARTMENT OF TRANSPORTATION will participate in a continuing transportation planning process with responsibilities and undertakings as related in the following sections and subsections:

Subsection A: The Planning Process; Conformance with Applicable Regulations

The continuing transportation planning process will be a cooperative one and all planning discussions will consider and be responsive to the comprehensive plans for growth and development of the Planning Area. The continuing transportation planning process will conform to all applicable federal and state requirements and will be in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.

Subsection B: The Planning Area

The area involved, the Grand Strand Area Transportation Study Planning Area, will be the Myrtle Beach – Socastee SC/NC urbanized area as defined by the United States Department of Commerce, Bureau of the Census plus 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 Planning Area. Map Exhibit 1, dated February 4, 2013, illustrates the North Carolina portion of the Planning Area and is attached hereto.

The Planning Area may be periodically reassessed and revised in the light of new developments and data projections.

Subsection C: GSATS Policy Committee

The GSATS Policy Committee shall serve as a forum for cooperative transportation planning and decision making for the GSATS MPO:

- 1) *Voting Membership.* The GSATS Policy Committee shall consist of twenty four (24) voting members. In order to proportionally represent the interests of the Planning Area, the GSATS Policy Committee shall be comprised of the following:
 - a) The GSATS Policy Committee shall consist of twenty (20) voting members representing the South Carolina portion of the Planning Area. These members, as enumerated in the GSATS Policy Committee's MPO designation dated June 1, 1992, with accompanying resolutions, and the GSATS Policy Committee's bylaws, including all subsequent appointments, are unaffected by this memorandum.
 - b) The GSATS Policy Committee shall consist of four (4) voting members representing the North Carolina portion of the Planning Area. The GSATS-North Carolina Transportation Advisory Committee, as created herein, shall appoint two (2) members from its committee (exclusive of the Brunswick County and North Carolina Board of Transportation appointments); the Brunswick County Board of Commissioners shall appoint one (1) member from its board; and the North Carolina Department of Transportation shall appoint one (1) member from the North Carolina Board of Transportation.

The appointing authority may designate, by resolution, an alternate member to serve in the absence of an appointed member and/or may provide that the appointed member may designate an alternate in his/her absence. The GSATS MPO Director shall be notified of alternate members upon appointment and as changes are made.

- 2) *Non-voting Membership.* The GSATS Policy Committee may provide, in its bylaws, for the appointment of non-voting members representing federal, state, or local agencies impacting transportation within the Planning Area. All non-voting member appointments to the GSATS Policy Committee, representing the South Carolina portion of the Planning Area on the effective date of this memorandum, are unaffected.
- 3) *Duties of GSATS Policy Committee.* The duties and responsibilities of the GSATS Policy Committee are as follows:
 - a) In cooperation with NCDOT, SCDOT, and FHWA, be responsible for carrying out the urban transportation planning process specified by the U.S. Department of Transportation in 23 U.S.C. 134, any subsequent amendments to that statute, and any implementing regulations. It shall develop, review, and approve the Transportation Improvement Program (TIP) and the Metropolitan Transportation Plan (MTP);
 - b) Review and approve the Metropolitan Transportation Improvement Program (TIP) for multi-modal capital and operating expenditures and ensure coordination between local and state capital and operating improvement programs;
 - c) Review and approve the Congestion Management Process;
 - d) Establish goals and objectives for the transportation planning process that consider and are responsive to comprehensive plans for growth and development in the MPO Planning Area;
 - e) As required, review and approve amendments to the MTP and the TIP;
 - f) In coordination with the GSATS North Carolina Transportation Advisory Committee (GSATS-NCTAC), keep local government boards informed of the status and requirements of the transportation planning process; assist in the dissemination and clarification of the decisions, inclinations, and policies of these boards; and ensure a process which provides the opportunity for meaningful citizen participation in the transportation planning process;
 - g) Where appropriate, review and recommend changes to the Federal-Aid Functional Classification System and the MPO's Metropolitan Planning Area Boundary (MPA);
 - h) Review and approve related air quality planning in conformance with federal regulations if the Planning Area becomes non-attainment for air quality.
 - i) Any other duties identified as necessary to further facilitate the transportation planning process.

Where appropriate and in accordance with the requirements of NCDOT and FHWA, the GSATS Policy Committee may delegate review and approval authority to the GSATS-NCTAC for non-regionally significant transportation planning activities within the North Carolina portion of the Planning Area. Such delegation shall be authorized by an approved resolution of the GSATS Policy Committee or shall be enumerated in its bylaws.

- 4) *Bylaws; Amendment Required.* The GSATS Policy Committee shall maintain bylaws to govern the conduct of its meetings, to provide for the election of officers, and to specify operating

procedures. As a condition of this memorandum, it is expressly understood and agreed that the GSATS Policy Committee's bylaws shall be amended as soon as practicable to:

- a) Specify membership from the North Carolina portion of the Planning Area;
- b) Include operating procedures provisions, consistent with this memorandum, reflective of the roles and responsibilities granted herein to the GSATS-NCTAC and GSATS-NCTCC;
- c) Specify that recommendations originating with the GSATS-NCTAC, affecting the North Carolina portion of the Planning Area, may not be amended by the GSATS Policy Committee. Such recommendations may be accepted by the GSATS Policy Committee or may be referred back to the GSATS-NCTAC for reconsideration or amendment;
- d) Prohibit the reduction, enlargement, or redistribution of the GSATS Policy Committee's voting membership without the consent of SCDOT and NCDOT; and
- e) Make all other amendments necessary to ensure that said bylaws do not conflict with the provisions of this memorandum.

Subsection D. Transportation Advisory Committee

The GSATS-North Carolina Transportation Advisory Committee, hereafter referred to as the GSATS-NCTAC, shall be established.

- 1) *Voting Membership.* The GSATS-NCTAC shall consist of fourteen (14) voting members. These include:

Chart 1		
GSATS-NCTAC Voting Membership		
(Section I, Subsection D, Part 1, Subpart a)		
Jurisdiction or Agency	Jurisdiction/Agency Votes	Designated Member
Brunswick County	Two (one vote per member)	County Commission Chair
		County Commissioner
Calabash	One	Mayor
Carolina Shores	One	Mayor
Holden Beach	One	Mayor
Ocean Isle Beach	One	Mayor
Shalotte	Two (one vote per member)	Mayor
		Town Alderman
Sunset Beach	One	Mayor
Varnamtown	One	Mayor
Brunswick Transit System	One	Board Chair
NCDOT	One	North Carolina Board of Transportation member as designated by the Secretary of Transportation
North Carolina House of Representatives	One	District 17 Representative or, if reapportioned, House Member representing the largest geographic portion of the Planning Area
North Carolina Senate	One	District 8 Senator or, if reapportioned, the Senator representing the largest geographic portion of the Planning Area

Grand Strand Area Transportation Study
Memorandum of Understanding

- b) Members will vote on matters pursuant to the authority granted by their respective governmental body. The Brunswick County Board of Commissioners and the individual municipalities may appoint a member of their respective legislative body to serve on the committee in replacement of the designated jurisdictional member (or position) provided above. When such replacement is selected, it shall be by a resolution of the legislative body. A copy of the approved resolution shall be provided to the GSATS MPO Director.
 - c) In addition, the represented jurisdictions or agencies may appoint and/or permit the designated member to appoint, an alternate to serve in the designated member's absence. The North Carolina Senate or House of Representatives member may individually appoint an alternate to serve in his/her absence. The GSATS MPO Director shall be notified of the appointment of alternates and as changes are made.
 - d) The GSATS-TAC may provide, through an amendment to its bylaws, for the addition of new voting members in cases where the Planning Area is expanded following a decennial census, when a new municipality incorporates within the Planning Area, or when an agency's representation is required by federal or state law.
- 2) *Non-voting Membership.* The GSATS-NCTAC may provide, in its bylaws, for the appointment of non-voting members representing federal, state, or local agencies impacting transportation within the Planning Area. Non-voting members shall not be counted for the purposes of establishing a quorum.
- 3) *Duties.* The duties and responsibilities of the GSATS-NCTAC are as follows:
- a) In coordination with the GSATS Policy Committee, keep boards of general purpose local government informed of the status and requirements of the transportation planning process; assist in the dissemination and clarification of the decisions, inclinations, and policies of these boards; and ensure a process that provides an opportunity for meaningful citizen participation in the transportation planning process;
 - b) Review and recommend for approval to the GSATS Policy Committee the Transportation Improvement Program, Metropolitan Transportation Plan, Federal-Aid Urban System and Urbanized Boundary, Metropolitan Planning Boundary, and other matters referred to it by the GSATS Policy Committee affecting the North Carolina portion of the Planning Area;
 - c) Where not in conflict with this memorandum, the GSATS Policy Committee's bylaws, or regulatory guidance from SCDOT, NCDOT, or FWHA, the GSATS-NCTAC shall exercise final MPO review and approval authority for the following:
 - 1. Comprehensive Transportation Plan (CTP). As required by the NCGS 136-66.2(d), any revision in the CTP must be jointly approved by the MPO and NCDOT;
 - 2. "Prospectus for Transportation Planning" which defines work tasks and responsibilities for the various agencies participating in the transportation planning process within the North Carolina portion of the Planning Area;
 - 3. Consistent with available funding, the Unified Planning Work Program (UPWP) for the North Carolina portion of the Planning Area; and
 - 4. All other final review and approval responsibilities as delegated by the GSATS Policy Committee through resolution or the policy committee's bylaws.

- 4) *Officers; Bylaws.* The GSATS-NCTAC shall meet as often as it is deemed appropriate and advisable, and shall elect a Chairman and Vice-Chairman. The GSATS-NCTAC shall maintain bylaws to govern the conduct of its meetings, to provide for the election of officers, and to specify operating procedures. The GSATS-NCTAC bylaws shall be established or modified by a two-thirds vote of the membership.

- 5) *Quorum and Attendance.* A quorum of the GSATS-NCTAC shall consist of, at the minimum, at least 51% of the total voting members. Members must be present at a meeting to vote or count toward a quorum. Except as is otherwise provided herein, a majority vote of the quorum present shall be sufficient for the approval of matters coming before the committee.

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

Subsection E. Technical Coordinating Committee

The GSATS-North Carolina Technical Coordinating Committee, hereafter referred to as the GSATS-NCTCC, shall be established.

- 1) *Voting Membership.* Membership of the GSATS-NCTCC shall include technical representation from all local, state, and federal government agencies directly related to or concerned with the transportation planning process for the planning area. The GSATS-NCTCC shall consist of fourteen (14) voting members. These include:

Chart 2		
GSATS-NCTCC Voting Membership		
<small>(Section I, Subsection E, Part 1, Subpart a)</small>		
Jurisdiction or Agency	Jurisdiction/Agency Votes	Designated Member
Brunswick County	One	Planning Director
Calabash	One	Town Administrator
Carolina Shores	One	Town Administrator
Holden Beach	One	Town Manager
Ocean Isle Beach	One	Planning Director
Shallotte	One	Planning Director
Sunset Beach	One	Town Administrator
Varnamtown	One	Planning Director
Brunswick Transit System	One	Executive Director
Cape Fear COG	One	Planning Director
FHWA NC	One	Transportation Planner, Planning and Program Development
NCDOT Division	One	Division 3 Engineer or their representative
NCDOT Transportation Planning Branch	One	TPB GSATS MPO Coordinator
WRCOG	One	MPO Director

- b) In addition, the chief administrative officer of the affected jurisdiction/agency may appoint an alternate(s) to serve in the absence of a designated member. The chief administrative

officer may appoint or designate a member to serve in replacement of a member (or position) as provided in the above chart. The GSATS MPO Director shall be notified of the appointment of alternate or replacement members and as changes are made.

- c) The GSATS-TCC may provide, through an amendment to its bylaws, for the addition of new voting members in cases where the Planning Area is expanded following a decennial census, when a new municipality incorporates within the Planning Area, or when an agency's representation is required by federal or state law.
- 2) *Non-voting Membership.* The GSATS-NCTCC may provide, in its bylaws, for the appointment of non-voting members representing federal, state, or local agencies impacting transportation within the Planning Area. Non-voting members shall not be counted for the purposes of establishing a quorum.
- 3) *Duties.* The duties and responsibilities of the GSATS-NCTCC are as follows:
 - a) The 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 GSATS-NCTAC regarding any necessary actions relating to the continuing transportation planning process;
 - b) The development, review, and recommendation for approval of the Comprehensive Transportation Plan, Prospectus, Transportation Improvement Program, Metropolitan Transportation Plan, Federal-Aid Urban System and Urbanized Boundary, and other matters referred to it by the GSATS-NCTAC or GSATS Policy Committee; and
 - c) Promoting citizen participation and preparing and reviewing reports for transportation studies.
- 4) *Bylaws.* The GSATS-NCTCC shall meet as often as it is deemed appropriate and advisable and shall maintain bylaws to govern the conduct of its meetings and specify operating procedures. The GSATS-NCTCC bylaws shall be established or modified by a two-thirds vote of the membership.
- 5) *Quorum and Attendance.* A quorum of the GSATS-NCTCC shall consist of, at the minimum, at least 51% of the total voting members. Electronic meetings and voting ARE allowed as long as proper public notice is given and meeting materials are available to the public upon request. Except as is otherwise provided herein, a majority vote of the quorum present shall be sufficient for the approval of matters coming before the committee.

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

Subsection F. Open Meetings and Records

The GSATS North Carolina Transportation Advisory Committee and the GSATS North Carolina Technical Coordinating Committee, as well as any established sub-committees, are responsible for carrying out the provisions of North Carolina G.S. Chapter 143, Article 33C regarding open meetings, and Chapter 132 regarding public records.

Subsection G. Designation of Lead Planning Agency; Duties; Funding

The Waccamaw Regional Council of Governments (WRCOG) shall serve as the Lead Planning Agency. Administrative coordination for the GSATS Policy Committee, the GSATS-NCTAC and the GSATS-NCTCC will be provided by WRCOG as the Lead Planning Agency who shall report through its GSATS MPO Director:

- 1) *Duties.* The Lead Planning Agency will be responsible for the following functions:
 - a) Providing a secretary for the GSATS Policy Committee, GSATS-NCTAC and the GSATS-NCTCC;
 - b) Arranging meetings and agendas;
 - c) Maintaining minutes and records;
 - d) Preparing a Prospectus and Unified Planning Work Program;
 - e) Serving as custodian of all MPO plans and documents;
 - f) Through its GSATS-MPO Director, leading and facilitating meetings of the GSATS-NCTCC;
 - g) Collecting from local governments, minutes and resolutions that document transportation plan revisions, and submitting these to the North Carolina Department of Transportation;
 - h) Monitoring the transportation planning process to insure its execution is in accordance with the MPO goals and objectives;
 - i) Performing other coordinating functions as assigned by the GSATS Policy Committee or GSATS-NCTAC from time to time;
 - j) Lead responsibility for structuring public involvement in the transportation planning process; and
 - k) Preparation of the PL Expenditure Report and other grant management.
- 2) *Funding.* All transportation and related Federal Aid planning grant funds available to promote the cooperative transportation planning process for the North Carolina portion of the Planning Area will be expended in accordance with the Unified Planning Work Program adopted by the GSATS-NCTAC. Administration of funding in support of the transportation planning process on behalf of the GSATS Policy Committee and GSATS-NCTAC will be conducted by the Lead Planning Agency which will execute appropriate agreements with funding agencies as provided by the Unified Planning Work Program.

SECTION II. SIGNATORY RESPONSIBILITIES

The jurisdictions and agencies represented by this agreement will assist in the transportation planning process by providing assistance, data, and inventories in accordance with the "Prospectus for Transportation Planning". Each jurisdiction and agency shall maintain active membership and, as appropriate, designate alternates to ensure continuous representation on the committees created hereunder.

SECTION III: TERMINATION

Subscribing agencies to this Memorandum of Understanding may terminate their participation in the Continuing Transportation Planning Process by giving sixty days written notice to other parties prior to the date of termination.

SECTION IV: MEMORANDUM SUPERSEDES CONFLICTING AGREEMENTS

Where conflicting with the provisions herein, this Memorandum of Understanding supersedes and replaces any prior memorandum(s) of understanding or agreement(s) between the parties.

SECTION V: AUTHORIZATION AND EXECUTION OF MEMORANDUM

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the Town of Calabash by its Mayor, the Town of Carolina Shores by its Mayor, the Town of Holden Beach by its Mayor, the Town of Ocean Isle Beach by its Mayor, the Town of Shallotte by its Mayor, the Town of Sunset Beach by its Mayor, the Town of Varnamtown by its Mayor, Brunswick County by its Chairman of the Board of Commissioners, the Grand Strand Area Transportation Study by its Chairman of the Policy Committee, the Waccamaw Regional Council of Governments by its Executive Director, the South Carolina Department of Transportation by the Secretary of Transportation, and the North Carolina Department of Transportation by the Secretary of Transportation, this 5th day of August, 2013.

(Seal)

Larry Siskind
Clerk



TOWN OF CALABASH

Mary Lou Knight
Mayor

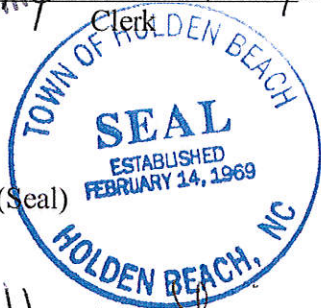
TOWN OF CAROLINA SHORES

Walter B. Hooley
Mayor

TOWN OF HOLDEN BEACH

(Seal)

Heather Turner
Clerk



J. Allen Holden
Mayor



Ann G. Stuber

TOWN OF OCEAN ISLE BEACH

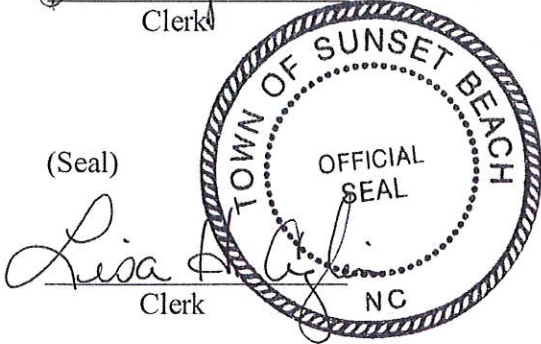
Debbie L. Smith
Mayor



Jenny Strickland
Clerk

TOWN OF SHALLOTTE

Sarah M. McCullough
Mayor



Lisa A. [Signature]
Clerk

TOWN OF SUNSET BEACH

[Signature]
Mayor

(Seal)

Cassandra Parrish
Clerk



Deborah Gore
Clerk

TOWN OF VARNAMTOWN

Judy L. Bellows
Mayor

COUNTY OF BRUNSWICK

Phil [Signature]
Chairman, Board of County Commissioners

GRAND STRAND AREA TRANSPORTATION STUDY

7/9/13
Date

By: 
GSATS Policy Committee Chairman

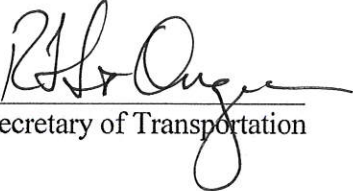
WACCAMAW REGIONAL COUNCIL OF GOVERNMENTS

Date

By: 
WRCOG Executive Director

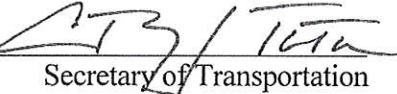
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

8-5-13
Date

By: 
Secretary of Transportation

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

5 JUL 2013
Date

By: 
Secretary of Transportation