

**Town of Montreat  
Board of Commissioners Meeting – Public Forum  
September 12, 2019 – 6:30 p.m.  
Walkup Building**

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**I. Call to Order**

- Welcome
- Moment of Silence

**II. Agenda Adoption**

**III. Public Comments**

**IV. Adjournment**

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
September 12, 2019 – 7:00 p.m.  
Walkup Building**

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**I. Call to Order**

- Pledge of Allegiance
- Moment of Silence

**II. Agenda Adoption**

**III. Presentations & Reports: Texas Road Bridge Report – Phase One, Step Two (Written Report)**

**IV. Mayor’s Communications**

**V. Consent Agenda**

A. Meeting Minutes Adoption

- August 8, 2019, Public Forum Minutes
- August 8, 2019, Town Council Minutes

***All items on the Consent Agenda are considered routine, to be enacted by one motion with the adoption of the agenda and without discussion. If a member of the governing body requests discussion of an item, it will be removed from the Consent Agenda and considered separately.***

**VI. Town Administrator’s Communications**

- Consent Agenda Review
- Capital Projects Update
- Other Items

**VII. Administrative Reports**

- Administration
- Finance
- Planning and Zoning
- Police
- Public Works and Water
- Sanitation
- Streets

**VIII. Public Comment**

***Public comments will be heard during this period for any and all items.***

**IX. Old Business**

**X. New Business**

**A. Adoption of Rules for Board Member Nomination**

- **Presenter:** Angie Murphy, Town Clerk
- **Suggested Motion:** Move to adopt the rules for Board Member nominations.

**B. Board Member Nomination**

- **Presenter:** Angie Murphy, Town Clerk
- **Suggested Motion:** Move to nominate \_\_\_\_\_ as Council Member to serve an unexpired term ending on December 12, 2020.

**C. Oath of Office**

**D. Budget Amendment #1**

- **Presenter:** Darlene Carrasquillo, Finance Officer
- **Suggested Motion:** To approve/deny Budget Amendment #1 in the amount of \$354.10 to compensate for proceeds received from a raffle for Landcare Committee.

**XI. Public Comment**

*Public comments will be heard during this period for any and all items.*

**I. Commissioner Communications**

**II. Meeting Dates**

**Montreat Board of Commissioners  
Town Council Meeting  
September 12, 2019**

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Montreat Tree Board:

Tuesday, September 24, 2019  
Town Services Office  
9:30 a.m.

Planning & Zoning Commission:

Tentatively Thursday, September  
26, 2019  
Walkup Building  
10:00 a.m. – 12:00 p.m.

Board of Adjustment:

Thursday, September 26, 2019  
Walkup Building  
7:00 p.m.

Montreat Landcare:

Wednesday, October 2, 2019  
9:00 a.m.  
Allen Building  
Swannanoa Room

October Town Council Meeting:

Thursday, October 10, 2019  
Walkup Building  
7:00 p.m.  
Public Forum begins at 6:30 p.m.

**IV. Closed Session**

- **Suggested Motion:** To enter into Closed Session in accordance with NCGS §143-318.11(6) for discussion of a personnel matter and in accordance with NCGS §143-318(a)(3) for attorney-client privilege.

**V. Adjournment**

Michael S. Agee  
Steven A. Campbell  
Randy W. Beckner  
Bradley C. Craig  
Wm. Thomas Austin  
David P. Wilson  
James B. Voso  
Randy L. Dodson  
Chad M. Thomas  
Jason A. Carder



Edwin K. Mattern, Jr. (1949-1982)  
Gene R. Cress (1935-2014)  
Sam H. McGhee, III (1941-2018)  
Stewart W. Hubbell (Retired)  
J. Wayne Craig (Retired)

August 30, 2019

Mr. Alex Carmichael  
Town Administrator  
Town of Montreat  
P.O. Box 423  
Montreat, NC 28757

Re: Texas Road Bridge Assessment  
Hydraulic Study  
Commission No. 3984

Dear Alex:

Per the Agreement for the project above Mattern & Craig has completed Phase 1 Step 2, a hydraulic study of an existing vehicular bridge closed to traffic to convert to an ADA-Compliant pedestrian bridge. This includes preparing an *Existing Conditions Model* (Corrected Effective Mode) of the existing bridge and rail, creating a *Proposed Conditions Model* (Revised) from the pedestrian bridge design (See Conceptual Design), and comparing the two models with the intent of demonstrating that the proposed improvements will not create a rise in the base flood elevations (no-rise condition).

#### **Introductory Background and Existing Conditions**

This "no-rise" study has been prepared for the Town of Montreat to determine potential impacts to the 100-year flood event caused by converting the existing vehicular bridge SF-100528 into a pedestrian bridge. The existing bridge is located on Texas Road over Flat Creek. The bridge was constructed in 1960, and is a single span 1 @ 27.5' timber deck on I-beams and timber abutments.

Hydraulic computations were performed in the HEC-RAS v. 5.0.7 computer program. The program allows for accurate analysis of overtopping structures.

Flat Creek is located in Buncombe County, North Carolina. Per FEMA's Flood Insurance Study for Buncombe County approximately 300 feet downstream of the confluence of Little Piney Branch, Flat Creek has a drainage area of 3.75 square miles with a one-percent-annual-chance peak discharge flow of 2,660 cubic feet per second (CFS). Per Flood Insurance Rate Map (FIRM) number 3710071000J dated January 6, 2010, this section of Flat Creek is defined as Zone AE with a designated floodway. According to the Buncombe County Flood Damage Prevention Ordinance, Article V, Section F, "No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit." The base flood is defined as "the flood having a one (1) percent chance of being equaled or exceeded in any given year" per the Buncombe County Flood Damage Prevention Ordinance. This is commonly referred to as the 100-year flood event.

### **Duplicate Effective Model**

This project is located within a Detailed Study area. Non-Encroachment areas are established in the effective model. A copy of the current effective model was downloaded from North Carolina Flood Risk Information System Website. The FIS, revised April 4, 2012 states that the effective modeling was performed in HEC-RAS but does not list the version used. The published (FIS) lists NAVD 88 as the vertical datum.

The effective model was ran in HEC-RAS 5.07 to create the duplicate effective model. The duplicate effective model results match the published results of the effective model in elevations and non-encroachment widths within a reasonable tolerance (+/- 0.02') inside the project area. A negative surcharge was observed at section 12946. The differences in water surface elevations are likely the result of differing computational methods between different versions of HEC-RAS used to run the effective and corrected effective models. The negative surcharge will be dealt with when developing the corrected effective model.

The existing bridge is located between published sections 130 (R.S. 12991.0) and 129 (R.S. 12904.0). The effective BFE at R.S. 12991.0 is 2593.5'.

### **Corrected Effective Model**

The duplicate effective model was copied to create the corrected effective model. Existing geo-referenced cross section shape files were downloaded from NCFMP and were used to verify cross section information based on LiDar data and field measurement data. No changes were made to the cross sections. Field measurement data was incorporated into the model for the existing bridge at R.S. 12991.0 which includes the bridge deck, seat, and rail.

The existing bridge at R.S. 12991.0 utilizes an effective opening width of 24' based on the existing skew and abutments. This is an increase in width from the 23' bridge opening modeled in the duplicate effective. The existing bridge rails were added to the corrected effective model based on field measurement data. The roadway profile was also revised utilizing LiDar and field data. No guardrail is present at either end of the existing bridge.

The corrected effective model does not utilize ineffective flow areas directly upstream and downstream due to the close proximity of the cross sections relative to the existing bridge. Encroachment stations were originally set using Method 4 and were finalized using Method 1 in an effort to eliminate negative surcharges and to properly establish floodway widths at the affected cross sections.

No changes to the discharges, expansion/contraction coefficients, roughness coefficients, or total channel and overbank reach lengths used in the duplicate effective model were made. The corrected effective model is not overtopped by the 100-year event.

### **Revised Model**

The corrected effective model was copied and minor changes were made to the existing bridge at R.S. 12991.0 that included the replacement of the bridge rail, minor riprap placement on the right upstream side of the channel along the existing abutment, and shortening the bridge width by approximately 6.5'. Changes to the roughness coefficients were made where riprap will be placed in the proposed conditions along the right side of the upstream bridge abutment. No changes to the discharges in the revised model were made.

The revised model does not utilize ineffective flow areas directly upstream and downstream due to the close proximity of the cross sections relative to the existing bridge.

The revised model is also not overtopped by the 100-year event. There is a 0.03' decrease in the WSEL when compared to the corrected effective at section 12991.0 upstream of the structure.

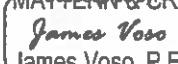
No structures will be adversely impacted by this project.

#### Data/Results

The flowrate for the 100-yr storm has been applied at RS 13411 in the models which is approximately 440 feet upstream of the project where the creek was previously delineated and reported in the FIS as 3.75 square miles with a flow of 2,660 CFS. This flow was not changed in the corrected effective or revised models. A StremStats delineation indicated a difference in drainage area of 0.2 square miles for the project site when compared to the drainage area listed in the FIS. This is due to the project site being approximately 440 feet downstream of the previously delineated area of the creek, and is considered negligible to this study. The bridge project qualifies for a "No-Rise" Certification.

The results of the three models can be found on the following pages, along with supporting detailed information from FEMA's Flood Insurance Study, Flood Insurance Rate Map, and USGS StreamStats delineation.

We appreciate the opportunity to work with you and the Town of Montreat on this project. If you have any questions regarding this report, or require any additional information, please feel free to contact me.

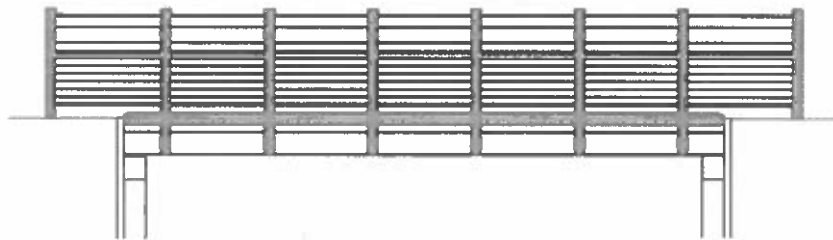
Sincerely,  
MATTERN & CRAIG  
  
James Voso, P.E.  
Project Manager

Project ID: SF-100528 Reach: Flat Creek

River Sta	Plan	W.S. Elev 100 yr.	W.S. Elev 100 yr. w/FW	Prof Delta WS	Top Width Act	Encro. Sta LT	Encro. Sta RT	Project Impact 100 yr. Revised-Corr Eff
		(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)
12477	Duplicate	2584.2	2584.6	0.5	69.7	150.0	219.7	
12477	Corrected Ef	2584.2	2584.6	0.5	69.7	150.0	219.7	
12477	Revised	2584.2	2584.6	0.5	69.7	150.0	219.7	0.0
12567	Duplicate	2584.4	2584.9	0.4	74.1	159.5	233.6	
12567	Corrected Ef	2584.4	2584.9	0.4	74.1	159.5	233.6	
12567	Revised	2584.4	2584.9	0.4	74.1	159.5	233.6	0.0
12904	Duplicate	2588.5	2588.5	0.0	39.4	191.5	230.8	
12904	Corrected Ef	2588.5	2588.5	0.0	39.4	191.5	230.8	
12904	Revised	2588.5	2588.5	0.0	39.4	191.5	230.8	0.0
12946	Duplicate	2590.4	2590.4	0.0	65.5	218.5	284.0	
12946	Corrected Ef	2590.3	2590.4	0.0	63.0	218.0	281.0	
12946	Revised	2590.3	2590.4	0.0	63.0	218.0	281.0	0.0
12969	Bridge							
12991	Duplicate	2593.5	2594.3	0.8	56.1	253.9	310.0	
12991	Corrected Ef	2594.2	2594.2	0.0	87.0	228.0	315.0	
12991	Revised	2594.2	2594.4	0.2	35.0	265.0	300.0	0.0
13024	Duplicate	2594.5	2594.7	0.3	45.8	277.0	322.8	
13024	Corrected Ef	2594.8	2594.8	0.0	77.0	248.0	325.0	
13024	Revised	2594.8	2595.5	0.7	77.0	248.0	325.0	0.0
13411	Duplicate	2608.3	2608.3	0.0	39.8	282.4	322.1	
13411	Corrected Ef	2608.3	2608.3	0.0	39.8	282.4	322.1	
13411	Revised	2608.3	2608.3	0.0	39.8	282.4	322.1	0.0
13791	Duplicate	2618.4	2618.9	0.5	40.2	302.0	342.2	
13791	Corrected Ef	2618.4	2618.9	0.5	40.2	302.0	342.2	
13791	Revised	2618.4	2618.9	0.5	40.2	302.0	342.2	0.0
14098	Duplicate	2629.8	2629.8	0.0	32.4	366.0	398.4	
14098	Corrected Ef	2629.8	2629.8	0.0	32.4	366.0	398.4	
14098	Revised	2629.8	2629.8	0.0	32.4	366.0	398.4	0.0
14143	Duplicate	2631.1	2631.4	0.3	36.1	382.6	418.6	
14143	Corrected Ef	2631.1	2631.4	0.3	36.1	382.6	418.6	
14143	Revised	2631.1	2631.4	0.3	36.1	382.6	418.6	0.0

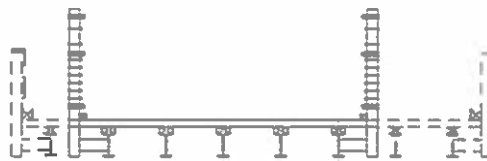


# Proposed Bridge Conceptual Layout



## Proposed Bridge Rail Typ.

LOOKING DOWNSTREAM  
(NOT TO SCALE)



## Bridge Beam Removal Typ.

LOOKING SOUTH  
(NOT TO SCALE)

Table 7, "Levees" is not applicable in Buncombe County.

## 4.5 Scope of Study

For this map maintenance revision, a scoping meeting was held in Buncombe County to present the results of initial research to the county and communities within the county and to discuss their floodplain mapping needs. The county and communities were asked to provide input on proposed study priorities and analysis methods. These meetings resulted in the identification of flooding sources having a floodplain mapping need. Map Maintenance Plans were developed based on the results of the scoping meetings and were both mailed to each jurisdiction within Buncombe County and posted to the State's website at [www.ncfloodmaps.com](http://www.ncfloodmaps.com).

Draft basin plans were developed based on the results of the initial scoping meetings. Final scoping meetings were held by the State and FEMA to provide counties and communities an overview of the draft basin plans, including the proposed scope and schedule for the project, and to provide an opportunity for additional county and community input. After the final scoping meeting was held, the Final Basin Plans were produced.

This FIS covers the geographic area of Buncombe County, and all jurisdictions therein. The areas studied by detailed methods were selected with priority given to all known flood hazard areas and areas of projected development and proposed construction. Limits of detailed study are indicated on the Flood Profiles and/or Water-surface elevation rasters and/or the FIRM.

Table 8, "Flooding Sources Studied by Detailed Methods", lists all flooding sources within the county that were studied by detailed methods for this FIS and previous FISs.

**Table 8 - Flooding Sources Studied by Detailed Methods: Revised or Newly Studied**

Source	Riverine Sources		Affected Communities
	From	To	
Beetree Creek	Just upstream of Old Beetree Road (SR 2418)	Approximately 350 feet upstream of Summer Haven Road (SR 2427)	Buncombe County
Beetree Creek	The confluence with Swannanoa River	Approximately 0.7 mile upstream of the confluence with Swannanoa River	Buncombe County
Cane Creek	The confluence with French Broad River	Approximately 600 feet upstream of Cross Creek Farm Road	Buncombe County City Of Asheville
Fiat Creek (into Swannanoa River)	The confluence with the French Broad River	Approximately 0.5 mile upstream of Chambers Road	Buncombe County Town Of Black Mountain Town Of Montreat
Gashes Creek	Just upstream of Charland Forest Road	Just downstream of Charles A. Lytle Lane (SR 3279)	Buncombe County
Grassy Branch	The confluence with Swannanoa River	Approximately 150 feet downstream of Upper Grassy Branch Extension	Buncombe County City Of Asheville
Hominy Creek	Just downstream of Morgan Cove Road (SR 1141)	Approximately 80 feet upstream of US Highway 19 / Asheville Road	Buncombe County
Ivy Creek	Approximately 60 feet downstream of the confluence with Gabriel Creek	Approximately 600 feet upstream of NC Highway 197	Buncombe County
Little Ivy Creek	The confluence with Ivy Creek	The confluence of Paint Fork and California Creek	Buncombe County
North Fork Swannanoa River	The confluence with Swannanoa River	Approximately 700 feet upstream of Tom Brown Road	Buncombe County Town Of Black Mountain
Reems Creek	Just upstream of Twin Hills Drive	Approximately 100 feet upstream of the confluence with Ox Creek	Buncombe County Town Of Weaverville
Reems Creek	The confluence with French Broad River	Approximately 1.1 miles downstream of New Stock Road (SR 1882)	Buncombe County
Ross Creek	The confluence with Swannanoa River	Just downstream of Vance Gap Road	City Of Asheville
Smith Mill Creek	The confluence with French Broad River	Approximately 0.4 mile upstream of Johnston School Road (SR 1319)	Buncombe County City Of Asheville
Swannanoa River	The confluence with French Broad River	Approximately 0.3 mile upstream of Dunsmore Avenue (SR 2531)	Buncombe County City Of Asheville Town Of Biltmore Forest Town Of Black Mountain
Sweeten Creek	At Railroad	Approximately 950 feet upstream of Rock Hill Road	City Of Asheville
Sweeten Creek	The confluence with Swannanoa River	At Railroad	City Of Asheville
Sweeten Creek Tributary 4	The confluence with Sweeten Creek	Approximately 1,100 feet upstream of West Chapel Road	City Of Asheville

Table 9, "Flooding Sources Studied by Detailed Methods: Redelineated", lists all flooding sources that were studied by detailed

**Table 13 - Summary of Discharges**

Flooding Source		Discharges (cfs)			
Location	Drainage Area (square miles)	10% Annual Chance	2% Annual Chance	1% Annual Chance	0.2% Annual Chance
<b>Flat Creek (Into Swannanoa River)</b>					
At the confluence with Swannanoa River	6.03	*	*	3570	*
At the confluence of Flat Creek (into Swannanoa River) Tributary 1	5.50	*	*	3370	*
Just upstream of Padgettown Road	5.24	*	*	3270	*
Just upstream of Flat Creek Road	4.74	*	*	3070	*
Just upstream of Shenandoah Terrace	4.32	*	*	2910	*
Approximately 300 feet downstream of the confluence of Little Piney Branch	3.75	*	*	2660	*
At the confluence of Puncheon Branch	2.83	*	*	1650	*
<b>Flat Creek (Into Swannanoa River) Tributary 1</b>					
At the confluence with Flat Creek (into Swannanoa River)	0.36	*	*	520	*
<b>Fourmile Branch</b>					
At the confluence with French Broad River	3.37	*	*	1590	*
Approximately 300 feet downstream of Brooklawn Chase	1.06	*	*	770	*
<b>French Broad River</b>					
Approximately 0.6 mile downstream of Fletcher Martin Road (SR 1620)	1052.00	*	*	67000	*
Upstream of Craggy Dam	966.00	*	*	63600	*
Approximately 600 feet upstream of Craggy Dam	954.00	*	*	63200	*2
At Pearson Bridge Road	945.00	*	*	63000	*
Approximately 500 feet upstream of Amboy Road	801.00	*	*	56200	*
Approximately 2.4 miles downstream of the confluence of Fourmile Branch	695.00	*	*	51000	*
Approximately 0.4 mile downstream of the confluence of Bent Creek	676.00	*	*	50000	*
At the confluence of Cane Creek	633.00	*	*	48500	*
<b>French Broad River Tributary 149</b>					
At the confluence with French Broad River	0.30	*	*	490	*
<b>Gap Creek</b>					
At the confluence with Cane Creek	7.83	*	*	2700	*
Approximately 800 feet upstream of Gap Creek Road (SR 3129)	3.58	*	*	1650	*
Approximately 100 feet upstream of Roseanne Lane (SR 2888)	1.42	*	*	930	*
<b>Garren Creek</b>					
At the confluence with Cane Creek	4.18	*	*	1820	*
At Owenby Ridge Road	3.08	*	*	1500	*
<b>Gashes Creek</b>					
At the confluence with Swannanoa River	6.20	*	*	2200	*
Upstream of Culvert Entrance to Interstate 240	5.10	*	*	2000	*
Approximately 1,200 feet downstream of Rose Hill Road	2.20	*	*	1150	*
NP	2.20	*	*	1150	*
Approximately 400 feet downstream of Charles A. Lytle Lane (SR 3279)	1.91	*	*	1050	*
Approximately 300 feet downstream of Old Charlotte Highway (SR 2771)	1.40	*	*	690	*
<b>George Branch</b>					
At the confluence with Hominy Creek	2.18	*	*	1210	*
<b>Gill Branch</b>					
At the confluence with Reems Creek	1.62	*	*	1270	*
Approximately 0.4 mile downstream of I-26	1.10	*	*	1140	*

Table 22 - Floodway Data

Floodway Source		Floodway			Water Surface Elevation			
Cross Section	Distance (Feet Above Mouth)	Width (Feet)	Section Area (Square Feet)	Mean Velocity (Feet Per Second)	Regulatory	Without Floodway	With Floodway	Increase
<b>Cane Creek</b>								
038	3,799	1672.0	6667.0	1.8	2061.0 <sup>1</sup>	2053.6	2054.1	0.5
248	24,794	295.0	1607.0	5.1	2091.6	2091.6	2092.0	0.4
252	25,165	420.0	2306.0	3.5	2092.5	2092.5	2093.2	0.7
259	25,857	560.0	2590.0	3.2	2093.5	2093.5	2094.3	0.8
264	26,427	605.0	2315.0	3.5	2094.2	2094.2	2095.1	0.9
275	27,516	388.0	2371.0	3.4	2100.5	2100.5	2100.6	0.1
287	28,686	735.0	3781.0	2.1	2100.9	2100.9	2101.5	0.6
295	29,547	521.0	2465.0	3.2	2101.4	2101.4	2102.1	0.7
302	30,240	420.0	1932.0	4.1	2102.4	2102.4	2103.3	0.9
314	31,408	374.0	1903.0	4.2	2105.5	2105.5	2106.4	0.9
319	31,917	351.0	2038.0	3.9	2106.7	2106.7	2107.6	0.9
326	32,578	480.0	2712.0	2.9	2107.7	2107.7	2108.7	1.0
330	33,014	578.0	3112.0	2.6	2108.0	2108.0	2109.0	1.0
331	33,138	690.0	2812.0	2.8	2109.1	2109.1	2109.8	0.7
337	33,670	670.0	3606.0	2.1	2109.6	2109.6	2110.5	0.9
<b>Dillingham Creek</b>								
002	211	120.0	710.0	8.9	2189.3	2189.3	2189.3	0.0
025	2,534	170.0	1325.0	4.2	2214.1	2214.1	2215.0	0.9
044	4,382	250.0	1059.0	5.2	2233.1	2233.1	2233.9	0.8
062	6,178	145.0	823.0	6.7	2246.3	2246.3	2247.1	0.8
082	8,184	150.0 <sup>2</sup>	477.0	10.7	2267.3	2267.3	2267.3	0.0
<b>Flat Creek (into Swannanoa River)</b>								
004	374	116.0	504.0	7.1	2363.0	2363.0	2363.6	0.6
007	659	71.0	502.0	7.1	2367.5	2367.5	2367.6	0.1
011	1,131	140.0	546.0	6.5	2369.1	2369.1	2369.3	0.2
012	1,245	185.0	923.0	3.9	2370.1	2370.1	2370.8	0.7
023	2,339	105.0	594.0	6.0	2378.1	2378.1	2379.1	1.0
031	3,122	104.0	402.0	8.4	2386.3	2386.3	2386.7	0.4
038	3,794	100.0	440.0	7.7	2397.1	2397.1	2397.6	0.5
043	4,287	157.0	464.0	7.3	2404.3	2404.3	2404.7	0.4
044	4,391	287.0	1234.0	2.7	2405.6	2405.6	2406.4	0.8
047	4,671	75.0	353.0	9.5	2409.5	2409.5	2409.8	0.3
059	5,873	89.0	364.0	9.3	2425.5	2425.5	2426.1	0.6
060	5,961	80.0	612.0	5.3	2427.4	2427.4	2428.4	1.0
065	6,482	185.0	516.0	6.3	2433.5	2433.5	2434.5	1.0
074	7,401	90.0	408.0	8.0	2451.1	2451.1	2451.2	0.1
083	8,252	75.0	336.0	9.7	2465.2	2465.2	2465.5	0.3
085	8,510	90.0	527.0	5.8	2470.7	2470.7	2471.7	1.0
089	8,872	118.0	393.0	7.8	2479.4	2479.4	2479.4	0.0
090	9,048	59.0	480.0	6.4	2482.1	2482.1	2482.7	0.6
096	9,646	51.0	349.0	8.8	2495.8	2495.8	2495.9	0.1
099	9,945	52.0	258.0	11.9	2502.0	2502.0	2502.0	0.0
104	10,429	51.0	287.0	10.7	2520.5	2520.5	2520.6	0.1
107	10,688	44.0	297.0	10.3	2524.2	2524.2	2524.9	0.7

Table 22 - Floodway Data

Floodway Source		Floodway			Water Surface Elevation			
Cross Section	Distance (Feet Above Mouth)	Width (Feet)	Section Area (Square Feet)	Mean Velocity (Feet Per Second)	Regulatory	Without Floodway	With Floodway	Increase
108	10,800	60.0	568.0	5.2	2532.6	2532.6	2532.6	0.0
111	11,100	57.0	257.0	11.3	2537.7	2537.7	2537.7	0.0
124	12,353	38.0	207.0	12.9	2573.1	2573.1	2573.1	0.0
125	12,477	70.0	664.0	4.0	2584.1	2584.1	2584.6	0.5
129	12,904	40.0	205.0	13.0	2588.5	2588.5	2588.5	0.0
130	12,991	56.0	353.0	7.5	2593.5	2593.5	2594.3	0.8
134	13,411	40.0	213.0	12.5	2608.3	2608.3	2608.3	0.0
138	13,791	40.0	165.0	10.0	2618.4	2618.4	2618.9	0.5
141	14,098	32.0	165.0	10.0	2629.8	2629.8	2629.8	0.0
142	14,195	50.0	364.0	4.5	2634.2	2634.2	2634.8	0.6
144	14,384	43.0	324.0	5.1	2640.8	2640.8	2640.8	0.0
145	14,484	-9999.0	-9999.0	-9999.0	2641.2	2641.2	2641.2	0.0
146	14,646	66.0	182.0	9.1	2644.5	2644.5	2644.6	0.1
149	14,882	-9999.0	-9999.0	-9999.0	2668.0	2668.0	2671.4	3.4
151	15,090	-9999.0	-9999.0	-9999.0	2668.5	2668.5	2671.4	2.9
153	15,343	78.0	261.0	6.3	2685.6	2685.6	2686.4	0.8
<b>French Broad River</b>								
6961	696,062	350.0	6810.0	10.0	1728.5	1728.5	1729.1	0.6
7001	700,128	440.0	8240.0	8.2	1735.6	1735.6	1736.5	0.9
7036	703,613	340.0	6760.0	10.0	1743.0	1743.0	1743.9	0.9
7060	706,042	290.0 <sup>2</sup>	5920.0	11.4	1747.8	1747.8	1748.8	1.0
7085	708,470	420.0	7990.0	8.5	1756.2	1756.2	1757.2	1.0
7111	711,058	350.0	6560.0	10.3	1761.0	1761.0	1762.0	1.0
7140	714,014	470.0	7140.0	9.4	1768.9	1768.9	1769.7	0.8
7168	716,813	240.0	5300.0	12.6	1781.1	1781.1	1781.7	0.6
7187	718,661	320.0	6700.0	10.0	1789.1	1789.1	1789.6	0.5
7210	720,984	330.0	6740.0	9.9	1794.7	1794.7	1795.2	0.5
7219	721,934	310.0	5700.0	11.7	1795.3	1795.3	1796.0	0.7
7240	723,994	460.0	5810.0	11.3	1802.4	1802.4	1803.0	0.6
7257	725,736	500.0	5550.0	11.8	1813.7	1813.7	1814.0	0.3
7289	728,904	460.0	5370.0	12.2	1841.0	1841.0	1841.2	0.2
7305	730,541	450.0	6130.0	10.6	1850.5	1850.5	1850.7	0.2
7337	733,709	430.0	5650.0	11.5	1862.1	1862.1	1862.8	0.7
7348	734,818	400.0	6010.0	10.8	1867.8	1867.8	1868.6	0.8
7368	736,824	420.0	6680.0	9.6	1875.9	1875.9	1876.1	0.2
7395	739,464	490.0	6600.0	9.7	1883.9	1883.9	1884.4	0.5
7430	743,002	510.0	6740.0	9.5	1898.0	1898.0	1898.3	0.3
7450	745,008	417.0	5593.0	11.4	1904.1	1904.1	1904.6	0.5
7475	747,490	555.0 <sup>2</sup>	6062.0	10.5	1917.5	1917.5	1918.0	0.5
7495	749,496	430.0 <sup>2</sup>	5589.0	11.4	1926.0	1926.0	1926.4	0.4
7504	750,394	632.0 <sup>2</sup>	8854.0	7.2	1940.2	1940.2	1940.2	0.0
7509	750,922	470.0	6829.0	9.3	1940.9	1940.9	1940.9	0.0
7521	752,136	380.0	7209.0	8.8	1943.6	1943.6	1943.6	0.0
7540	753,984	380.0	7534.0	8.4	1945.7	1945.7	1946.1	0.4
7555	755,462	390.0	7158.0	8.8	1947.8	1947.8	1948.2	0.4

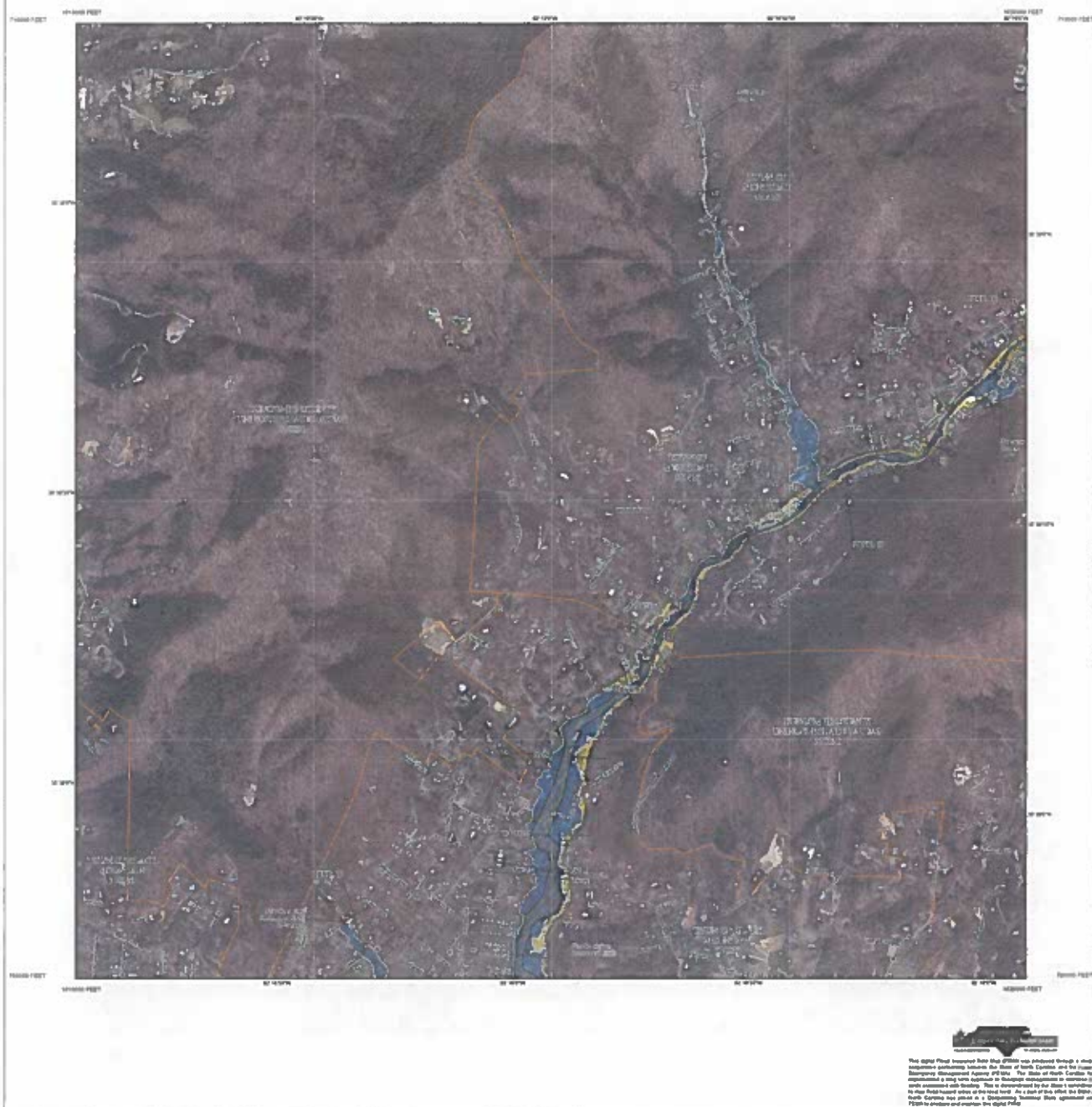


(LIDAR) and field surveys. All bridges, dams, and culverts were field surveyed to obtain elevation data and structural geometry. Natural floodplain cross sections were surveyed approximately every 4000 feet along the detail study reaches to obtain the channel geometry between bridges and culverts. Overbank cross section data for the backwater analyses were obtained from recently flown LIDAR data.

Channel roughness factors (Manning's "n") used in the hydraulic computations were made in the field by an engineer where stream access was possible, with orthophotos used to supplement areas that could not be accessed. The channel and overbank "n" values for all of the streams studied by detailed methods are shown in Table 16, "Roughness Coefficients".

**Table 16 - Roughness Coefficients**

Stream	Channel "n"	Overbank "n"
Avery Creek	0.050 to 0.090	0.030 to 0.090
Beaverdam Creek (into French Broad River)	0.035 to 0.065	0.030 to 0.150
Beaverdam Creek (into French Broad River) Tributary 1	0.025 to 0.065	0.030 to 0.150
Beaverdam Creek (into South Hominy Creek)	0.030 to 0.090	0.030 to 0.100
Beaverdam Creek (into South Hominy Creek) Tributary	0.045 to 0.050	0.055 to 0.085
Bee Branch	0.040 to 0.050	0.050 to 0.100
Beetree Creek	0.035 to 0.060	0.025 to 0.200
Bent Creek	0.042 to 0.052	0.030 to 0.100
Bill Moore Creek	0.030 to 0.090	0.030 to 0.200
Broad River	0.040 to 0.100	0.050 to 0.100
Brush Creek	0.035 to 0.090	0.030 to 0.090
Bull Creek	0.045 to 0.060	0.013 to 0.150
Camp Branch	0.045 to 0.050	0.030 to 0.140
Cane Creek	0.040 to 0.050	0.025 to 0.250
Cane Creek (into Hominy Creek)	0.050	0.050 to 0.090
Curtis Creek	0.048 to 0.090	0.030 to 0.090
Dick Branch	0.050	0.050 to 0.090
Dillingham Creek	0.040 to 0.060	0.030 to 0.150
Dingle Creek	0.035 to 0.090	0.030 to 0.090
Dix Creek	0.050	0.030 to 0.090
Eller Cove	0.035 to 0.055	0.040 to 0.090
Emma Branch	0.035 to 0.050	0.030 to 0.090
Emma Branch Tributary 2	0.050 to 0.059	0.045 to 0.090
Flat Creek	0.040 to 0.060	0.050 to 0.100
Flat Creek (into French Broad River)	0.040 to 0.055	0.030 to 0.150
Flat Creek (into Swannanoa River)	0.035 to 0.090	0.035 to 0.090
Flat Creek (into Swannanoa River) Tributary 1	0.050	0.050 to 0.090
Fourmile Branch	0.030 to 0.090	0.030 to 0.100
French Broad River	0.024 to 0.064	0.030 to 0.200
French Broad River Tributary 149	0.040 to 0.090	0.030 to 0.090
Gap Creek	0.045 to 0.050	0.030 to 0.090
Garren Creek	0.045 to 0.050	0.030 to 0.090
Gashes Creek	0.018 to 0.060	0.025 to 0.200
George Branch	0.050 to 0.090	0.030 to 0.090
Gill Branch	0.050	0.150
Gladly Fork	0.050	0.050 to 0.090
Gouches Branch	0.045	0.012 to 0.085
Grassy Branch	0.040 to 0.055	0.035 to 0.090
Gregg Branch	0.045 to 0.050	0.090
Haw Creek	0.020 to 0.060	0.040 to 0.120
Heron Cove Branch	0.050	0.050 to 0.090
Hogeye Branch	0.040 to 0.050	0.050 to 0.090
Hominy Creek	0.035 to 0.060	0.020 to 0.150
Hominy Creek Tributary 21	0.040	0.070
Hominy Creek Tributary 25	0.050	0.070
Ivy Creek	0.040 to 0.060	0.025 to 0.160
Killian Branch	0.040 to 0.060	0.050 to 0.090
Lee Creek	0.040 to 0.055	0.030 to 0.015
Little Ivy Creek	0.040 to 0.100	0.030 to 0.100
Little Piney Branch	0.050	0.035 to 0.090
Little Sandymush Creek	0.045 to 0.060	0.030 to 0.900



### FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP  
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING  
DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT  
[HTTP://FRIS.NC.GOV/FRIS](http://fris.nc.gov/fris)



## NOTES TO USERS

[illegible]

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Find us online at [www.4000.com](http://www.4000.com)

Small map of the location of the site. The site is located in the North Carolina Piedmont region, near the border with Virginia. The map shows the location of the site relative to the major cities of the region: Raleigh, Durham, and Charlotte. The site is located in the western part of the region, near the border with Virginia.

ACCORDING TO THE AUTHOR, THE FOLLOWING IS A SUMMARY OF THE RESEARCH AND THE RESULTS OF THE STUDY:

examining its appeal story and mission. Open up the 5-minute limit of program planning within the studio for 1-minute-on-the-line (and) and program Action Plan. In the new program, there is providing information to 5-minute that the is created the same primary owner's and results are encouraged to enhance level

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PROBABLY ACCEPTS (GIVE) NOTION TO KIDNAP & PERMANENTLY DESTROYED LOVES (PUN) AND  
 MURDER OF THE FATHER (KIDNAP) WITH YOUR LOVE (KIDNAP) TO OFFER THEM (KIDNAP), WITH A 3-4 (KIDNAP) THAT

It is important to note that the above discussion is based on the assumption that the system is in a steady state. In a transient state, the system may exhibit different behavior.

From 1990 to 1994, the number of people who were employed in the health care sector in the United States increased by 1.5 million, or 10 percent. This increase was due to a number of factors, including an increase in the number of people who were employed in the health care sector in the private sector, an increase in the number of people who were employed in the health care sector in the public sector, and an increase in the number of people who were employed in the health care sector in the non-profit sector.

[illegible]

**LOST OF VEHICLE'S VALUE ATTRIBUTES FILMING** For those who'd better know the old Zoo

emissions have been directed by a Lord of Shikoku (where Ashida is based). The *ASHIDA* represents the approximately landward half of the T-6 fuel-breeding zone. The effects of more t-sources between the VE Zone and the *ASHIDA*

For more information on the availability of the *Journal of the American Veterinary Medical Association* go to [www.avma.org](http://www.avma.org)

### Limit of Moderate Wave Action (LIMWA)

**CDATAL BARRIER RESOURCE SYSTEM (CBRS) NOTE**  
The user may delete community boundaries of the CBRS for subsequent sessions only. First session will

First, the map shows a large area of the country that is not covered by the map. This is a significant omission, as it leaves out a large portion of the country's geography. Second, the map is not very detailed, with only a few major cities and roads shown. This makes it difficult to use for navigation or for understanding the country's infrastructure. Third, the map is not very accurate, with many errors in the placement of cities and roads. This makes it unreliable for use as a reference. Finally, the map is not very useful, as it does not provide any information about the country's history, culture, or economy. This makes it a poor choice for anyone interested in learning more about the country.

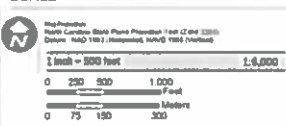
FD-302a (Rev. 11-29-90) (Instructions for Use of FD-302a are located on the back of this form.)

## Decker

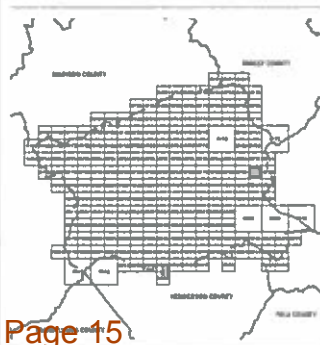
## Package

Journal of Management Inquiry 22(1) 3-15

**SCALE**

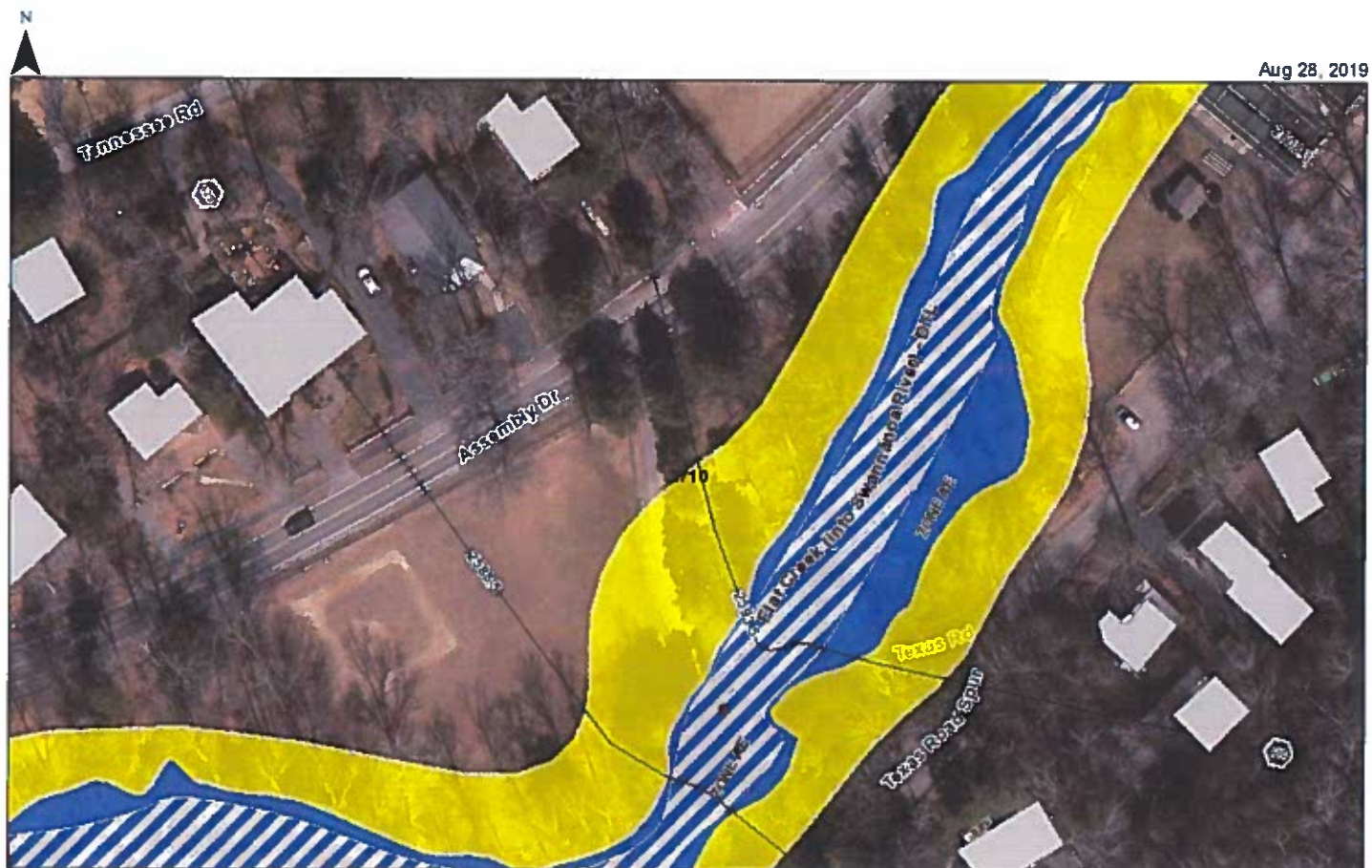


## PANEL LOCATOR



Packet Page 15





- Legend**
- |                   |   |
|-------------------|---|
| Panels            | <b>Flood Hazard Areas</b>                       |
| Political Areas   | AE  |
| Stream Centerline | Floodway (AE)                                   |
| Cross Sections    | 0.2 % Chance Annual Flood Hazard                |
| Levee             | Future Conditions 1% Annual Chance Flood Hazard |

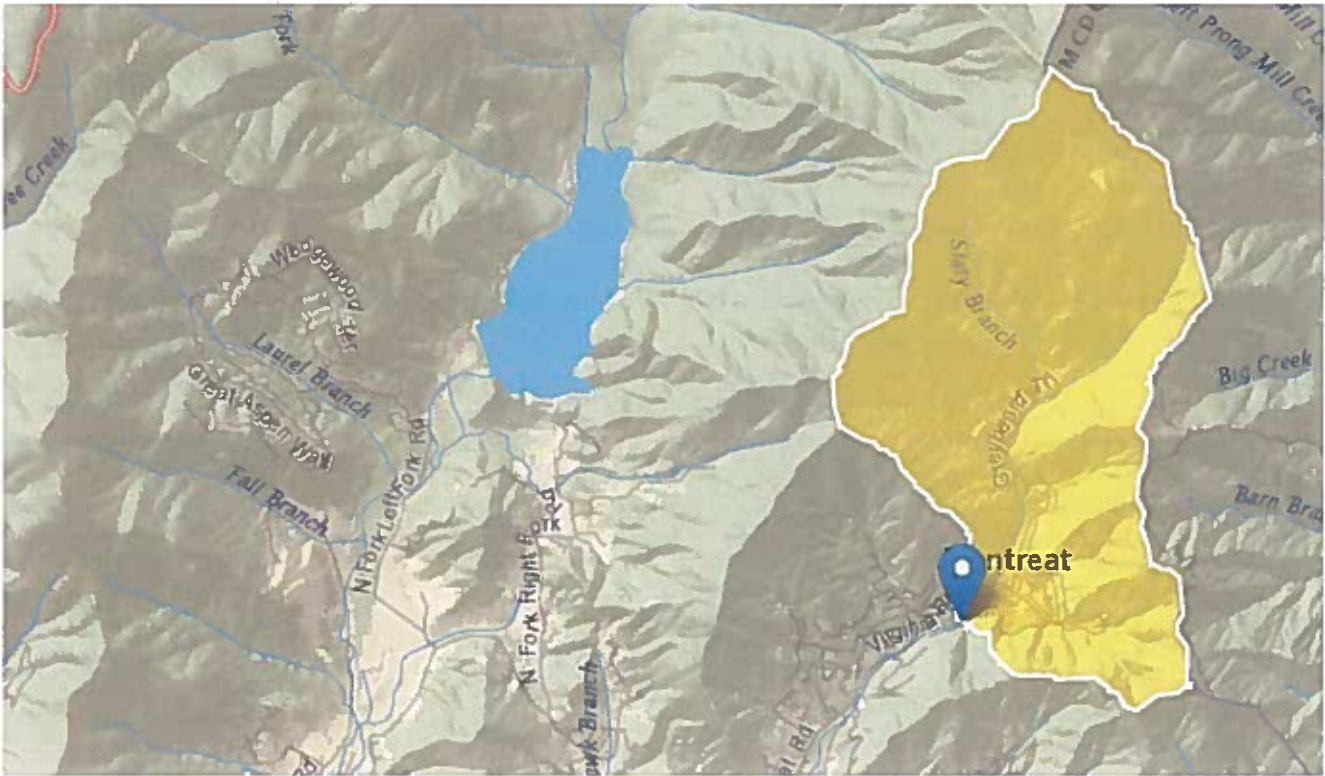
North Carolina Floodplain Mapping Program





# StreamStats Report

Region ID: NC  
Workspace ID: NC20190828143354009000  
Clicked Point (Latitude, Longitude): 35.64384, -82.30247  
Time: 2019-08-28 10:34:10 -0400



Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	3.53	square miles
PCTREG1	Percentage of drainage area located in Region 1	0	percent
PCTREG2	Percentage of drainage area located in Region 2	100	percent
PCTREG3	Percentage of drainage area located in Region 3	0	percent
PCTREG4	Percentage of drainage area located in Region 4	0	percent
PCTREG5	Percentage of drainage area located in Region 5	0	percent

## Peak-Flow Statistics Parameters (Peak Southeast US over 1 sqmi 2009 5158)

Parameter Code	Parameter Name	Value	Units	Min Limit	Max Limit
DRNAREA	Drainage Area	3.53	square miles	1	9000
PCTREG1	Percent Area in Region 1	0	percent	0	100
PCTREG2	Percent Area in Region 2	100	percent	0	100
PCTREG3	Percent Area in Region 3	0	percent	0	100
PCTREG4	Percent Area in Region 4	0	percent	0	100
PCTREG5	Percent Area in Region 5	0	percent	0	100

## Peak-Flow Statistics Flow Report (Peak Southeast US over 1 sqmi 2009 5158)

PII: Prediction Interval-Lower, PIu: Prediction Interval-Upper, SEp: Standard Error of Prediction, SE: Standard Error (other -- see report)

Statistic	Value	Unit	PII	PIu	SEp
2 Year Peak Flood	293	ft <sup>3</sup> /s	167	514	34.5
5 Year Peak Flood	537	ft <sup>3</sup> /s	308	937	34
10 Year Peak Flood	730	ft <sup>3</sup> /s	411	1300	35.1
25 Year Peak Flood	992	ft <sup>3</sup> /s	538	1830	37.5
50 Year Peak Flood	1180	ft <sup>3</sup> /s	622	2260	39.6
100 Year Peak Flood	1410	ft <sup>3</sup> /s	717	2790	41.9
200 Year Peak Flood	1620	ft <sup>3</sup> /s	790	3310	44.3
500 Year Peak Flood	1930	ft <sup>3</sup> /s	897	4150	47.7

## Peak-Flow Statistics Citations

Weaver, J.C., Feaster, T.D., and Gotvald, A.J., 2009, Magnitude and frequency of rural floods in the Southeastern United States, through 2006—Volume 2, North Carolina: U.S. Geological Survey Scientific Investigations Report 2009–5158, 111 p. (<http://pubs.usgs.gov/sir/2009/5158/>)

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Application Version: 4.3.8



**Town of Montreat  
Board of Commissioners  
Public Forum Meeting Minutes  
August 8, 2019 – 6:30 p.m.  
Walkup Building**

---

Board members present: Mayor Tim Helms  
Mayor Pro Tem Otto  
Commissioner Kitty Fouche  
Commissioner Bill Gilliland  
Commissioner Alice Lentz  
Commissioner Tom Widmer

Board members absent: None

Town staff present: Alex Carmichael, Town Administrator  
Angie Murphy, Town Clerk  
Adrienne Isenhower, Zoning Administrator

Eight members of the public were present. Mayor Helms called the meeting to order at 6:30 p.m., and led the group in the pledge of allegiance and a moment of silence.

**Agenda Approval**

Commissioner Gilliland moved to adopt the agenda as presented. Commissioner Lentz seconded and the motion carried 5/0.

**Public Forum**

Mr. Joe Kirkland of 310 Gaither Circle, Montreat College, shared exciting news from Montreat College. Although final student census figures will not be available for a few weeks, the College is anticipating a 10% increase in the student body over last year bringing the total in Montreat and Black Mountain to nearly 600. Over the past five years, there have been year over year gains, totaling an increase of 200 students over the five years. Mr. Kirkland commented that new student orientation begins next Friday, August 16, and all students will be on campus the following Monday. Classes begin on the 21<sup>st</sup>. Mr. Carmichael stated that the Town has been a little more deliberate about the placement of officers to remind drivers there is a posted speed limit with consequences. Mr. Kirkland mentioned seeing signs at the beginning of the summer promoting the conference center season on the crosswalks and questioned whether these were permanent signs. Mr. Kirkland questioned if there were thoughts on putting these at crosswalks on the College campus.

Mayor Helms asked Mr. Carmichael to bring everyone up-to-date on the Greybeard Wall. Mr. Carmichael stated that Civil Design Concepts had been engaged to provide three different cost estimates for a riverbank wall on Lower Greybeard. We are looking at a gabion basket styled wall with vegetation on the top. It is our biggest project from Tropical Storm Alberto. Mr. Carmichael

believes construction will begin in the fall. He stated that a portion of Greybeard will have to be closed for construction but all detours and closures will be informed ahead of restrictions.

Mayor Pro Tem Otto stated that just within the past two days another section on “upper” Texas collapsed. It’s of Mayor Pro Tem Otto’s opinion that it is 100% worse than it was three weeks ago. Mr. Carmichael stated he was not aware of this recent collapse but would have Mr. Creasman go investigate the situation.

**Adjournment**

Commissioner Widmer moved to adjourn the meeting. Commissioner Gilliland seconded and the motion carried 5/0. The meeting was adjourned at 6:46 p.m.

---

Tim Helms, Mayor

---

Angie Murphy, Town Clerk

**Town of Montreat  
Board of Commissioners  
Meeting Minutes  
August 8, 2019 – 7:00 p.m.  
Walkup Building**

---

Board members present: Mayor Tim Helms  
Mayor Pro Tem Otto  
Commissioner Kitty Fouche  
Commissioner Bill Gilliland  
Commissioner Alice Lentz  
Commissioner Tom Widmer

Board members absent: None

Town staff present: Alex Carmichael, Town Administrator  
Angie Murphy, Town Clerk  
Adrienne Isenhower, Zoning Administrator  
Barry Creasman, Public Works Director  
David Arrant, Chief of Police

Eleven members of the public were present. Mayor Helms called the meeting to order at 7:00 p.m., and led the group in the pledge of allegiance and a moment of silence.

**Agenda Approval**

Commissioner Gilliland moved to adopt the agenda as presented. Commissioner Widmer seconded and the motion carried 5/0.

**Mayor's Communications**

Mayor Helms commented that it has been a difficult and emotional week after the El Paso and Dayton shootings and asked for prayers for all those involved as they deal with their grief.

**Meeting Minutes Adoption**

- July 11, 2019, Public Forum Minutes
- July 11, 2019, Town Council Minutes

**Town Administrator's Communications**

Mr. Carmichael noted that in the packet was a written report from Mattern and Craig for a conversion from a vehicular bridge to a pedestrian bridge on Texas Road. Mattern and Craig outlined the same problems as KCI previously indicated. Mattern and Craig has completed the first step of phase one and they are currently working on step two which is conducting a no rise study.

The construction of the Town Hall is still on schedule. The Public Works Building is in the construction drawings stage.

### **Administrative Reports**

- Administration – This report was given in written format.
- Planning & Zoning – This report was given in written format.
- Police – This report was given in written format.
- Public Works and Water – This report was given in written format.
  
- Mayor Pro Tem Otto mentioned the recent collapse of “upper Texas” and asked Mr. Creasman if he had been by there recently. Mr. Creasman advised that he would drive by the site upon leaving the meeting.
  
- Sanitation – This report was given in written format.
- Streets – This report was given in written format.

### **Public Comment**

There was no public comment at this time.

### **Old Business**

There was no old business to discuss.

### **New Business**

- A. Amendment to Montreat Police Department Firearms Policy: Chief Arrant stated that the policy is relatively unchanged with the most significant change being increasing the minimum acceptable score to 80% for handguns and 90% for rifles. Mayor Pro Tem Otto moved to approve amendment of the Montreat Police Department Firearms Policy as presented. Commissioner Kitty Fouche seconded and the motion carried 5/0.
  
- B. Police Vehicle Radios: Chief Arrant stated that this is the 3<sup>rd</sup> phase of updating police communication efforts by installing the remainder of the police vehicles with radios. Chief Arrant stated that the quote came in under budget. Commissioner Widmer moved to approve Contract #19-08-001 with Motorola Solutions in the amount of \$7,077.00 for two Remote Mount Mobile with required software and accessories as presented. Commissioner Fouche seconded and the motion carried 5/0.
  
- C. Resolution #19-08-001 To Close Portion of Unopened Right-of-Way on Virginia Road: Mrs. Isenhower stated that the resolution in question was to formalize actions taken at the June



Town Council Meeting. The Buncombe County Register of Deeds requested the resolution in order to properly record the closure of the unopened right-of-way. Commissioner Gilliland moved to adopt Resolution#19-08-001 to close remaining unopened, platted unnamed right-of-way adjoining western margin of Virginia Road, Plat Book 16, Page 92. Commissioner Lentz seconded and the motion carried 5/0.

- D. Resolution #19-08-002 To Close Portion of Unopened Right-of-Way on Texas Road Ext: Mrs. Isenhower stated that the resolution in question was to formalize actions taken at the June Town Council Meeting. The Buncombe County Register of Deeds requested the resolution in order to properly record the closure of the unopened right-of-way. Commissioner Gilliland moved to adopt Resolution #19-08-002 to close remaining unopened, platted portion of Texas Road (Extended), Plat Book 29, Page 116. Commissioner Lentz seconded and the motion carried 5/0.

### **Public Comment**

There was no Public Comment at this time.

### **Commissioner Communications**

Commissioner Gilliland read a letter he had sent to Mayor Helms indicating that he and his wife, Lynn, would be moving into the dorm at Asheville School as part of Lynn's responsibilities at the school. As a result, Commissioner Gilliland tendered his resignation from the Town Council effective at the conclusion of tonight's meeting. Commissioner Gilliland received a standing ovation from all present.

Commissioner Lentz expressed her gratitude to Commissioner Gilliland and also reported that Montreat Landcare Committee will be offering a "Bear Wise" session later in the fall.

Commissioner Widmer commented that Town Hall construction is proceeding on schedule. Commissioner Widmer also reminded everyone that the walking path in front of the construction has been re-opened to provide greater safety for foot traffic. He reminded everyone to be careful of uneven footing and to pay attention when crossing the construction driveway. Commissioner Widmer also mentioned that soon samples of the stonework, paint samples and river rock would be put up on a presentation board for everyone to view as they drive/walk by.

Mayor Pro Tem Otto thanked the Staff for all their hard work this summer. Mayor Pro Tem Otto expressed his thanks to Commissioner Gilliland as well.

Mayor Helms outlined the process that will take place during the September meeting. The Town Council will offer nominations to fulfill Commissioner Gilliland's unexpired term then have a secret ballot to vote for the person to replace him.

**Meeting Dates**

Planning & Zoning Commission:	Thursday, August 15, 2019 Walkup Building 5:00 p.m.
Montreat Tree Board:	Tuesday, August 27, 2019 Town Services Building 9:30 a.m.
Board of Adjustment:	Thursday, August 29, 2019 Walkup Building 1:00 p.m.
Montreat Landcare:	Wednesday, September 4, 2019 Allen Building Swannanoa Room 9:00 a.m.
September Town Council Meeting:	Thursday, September 12, 2019 Walkup Building 7:00 p.m. Public Forum begins at 6:30 p.m.

**Adjournment**

Commissioner Gilliland moved to adjourn the meeting. Commissioner Fouche seconded and the motion carried 5/0. The meeting was adjourned at 7:27 p.m.

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Tim Helms, Mayor

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Angie Murphy, Town Clerk





## TOWN OF MONTREAT

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Tel: (828) 669-8002 | Fax: (828) 669-3810  
[www.townofmontreat.org](http://www.townofmontreat.org)

### ADMINISTRATIVE REPORTS: ADMINISTRATION

Town Administration report for the month of August , 2019

#### Monthly Statistics

Public Meetings	4
Inter-Organizational /Intergovernmental Meetings	1
Agendas Prepared	3
Minutes Transcribed	3
Resolutions Drafted	2
Public Records Requests Processed	2
Water Bills Processed	674
Leak Adjustments	30
New Water Accounts Established	5
Purchase Orders	98
Professional Development Hours	58
Sunshine List Messages	8
Website Posts	8
Social Media Posts	1
Code Red Alerts	1
Workers Compensation Claims	0

#### Upcoming Events and Schedule Changes

#### Comments

N/A

#### Staff Communications

Please be aware of construction and repair projects as you are traveling in Montreat



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### ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of August , 2019

#### Monthly Statistics

Building Permits Issued	12
Pending Building Permits	0
Building Inspections Performed	27
Stop Work Order Issued	0
Defective Building Posted	0
Denied Building Permits	0
Fire Inspections Performed	0
Fire Re-Inspections Performed	0
Fire Permits Issued	0
Fuel Costs	0

#### Comments

#### Staff Communications



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### ADMINISTRATIVE REPORTS: STREETS

Streets Department report for the month of August , 2019

#### Monthly Statistics

Miles of Road Maintained	17.12
Miles of New Road Constructed	0
Public Trees Removed	16
Sand Applied to Roads (tons)	0
Ice Melt Applied to Roads (pounds)	0
Monthly Fuel Costs	106.59
Contracted Employee Staff Hours	111
Road Closures	5

#### Comments

Road side mowing and patching will continue over the next few weeks.

We have moved forward another step on the process of the new Public Works Building . Just a few mo

#### Staff Communications

Please keep a watchful eye out for contractors and our crew while road repairs are being made.



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### ADMINISTRATIVE REPORTS: POLICE DEPARTMENT

Police Department report for the month of August , 2019

#### Monthly Statistics

Patrol Mileage	1,820
Dispatched Calls	82
Officer-Initiated Calls	402
Fire Assistance Calls	4
EMS Assistance Calls	1
Motorist/Other Assistance Calls	46
Traffic Stops	22
Parking Issues	3
Burglar Alarm Responses	4
Fire Alarm Responses	4
Residential/Building Checks	313
Ordinance Violations	1
Law Enforcement Agency Assistance Calls	35
Animal Control Calls	7
Larcenies	2
Breaking & Entering Calls	0
Suspicious Person Investigations	1
Suspicious Vehicle Investigations	4
Disturbance Calls	8
Accident Responses	0
Auxiliary Hours Worked (Regular)	32
Auxiliary Hours Worked (Addittional)	44
Truck Turns at Gate	5
MPD Fuel Cost	\$ 609.35
Professional Development Hours	72
Town Service	432
MRA Service	159
College Service	16

#### Comments

As we wind down the summer, I am pleased to say that it all went pretty well. We are a couple of weeks into a new year for Montreat College. In keeping with trend, they have a higher number of students than previously. This is leading to increased traffic and strains in available parking. MPD is working very with MCPD in addressing issues before they grow into problems.

We have recently experienced some change in personnel. Officers Joshua Kiser and Justyn Whitson tendered their resignations two weeks ago. The Department wishes them well in their new ventures.

Furthermore, in an unprecedented course of events, we have two new candidates currently in the process of filling these two vacated positions. While there will be an adjustment period, I am confident that the Department will be in a strong position moving forward.



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### ADMINISTRATIVE REPORTS: WATER AND PUBLIC WORKS

Water and Public Works report for the month of August , 2019

#### Monthly Statistics

Calls for Service	25
Water Leaks Repaired	2
New Water Lines Installed	0
Water Meters Read	674
Water Meter Replacements	0
Gallons of Water Produced	3,406,614
Monthly Fuel Cost	\$ 427.07
Hours Pumped (11 wells combined)	1,832

#### Upcoming Events and Schedule Changes

#REF!

#REF!

#### Comments

N/A

#REF!

#### Staff Communications

#REF!

#REF!

#REF!





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### ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of August , 2019

#### Monthly Statistics

Curbside Trash Collected (tons)	25.25
Pay-As-You-Throw Trash Bags Collected	35
Curbside Recycling Collected (tons)	6.52
Pay-As-You-Throw Recycling Bags Collected	28
Cardboard Recycling Collected (tons)	0.61
Unique Curbside Sanitation Stops	3,334
Bagged Leaf Pickup	89
Brush Pickup (cubic yards)	12 loads
Hauling Fees	\$1,837.33
Tipping Fees	\$2,192.12
Dumpster Rental Fees	\$203.92
Sanitation Fuel	\$211.83
Contracted Employee Staff Hours	127.5

#### Upcoming Events and Schedule Changes

N/A

#### Comments

N/A

#### Staff Communications

Please remember that bagged leaves are only picked up every other week between now and October.  
As always, please remember to tie your trash bags before setting them out for curbside pickup.



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### ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zonning Administration report for the month of August , 2019

#### Monthly Statistics

Approved Zoning Permits	2
Denied Zoning Permits	0
Pending Zoning Permits	2
Variance/Interpretation Granted	0
Conditional Use Permits Granted	0
Permit Extensions Granted	0
Sign Permits Issued	0
Notice of Violations	0

#### Comments

N/A

#### Staff Communications

Staff attended Certified Stormwater Inspector Training with NPDES this month. The Planning and Zoning Commission met on August 15th and is working on some recommended changes to a few provisions of the Zoning Ordinance including will be part of the agenda for the September meeting. nonconformities, dimensional requirements, and setbacks in already developed areas. Planned Unit Developments and septic/well issues.

A new planner with Land of Sky Regional Council will be starting in September to assist the Planning and Zoning Commission with the ordinance review.



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### ADMINISTRATIVE REPORTS: FINANCE

Finance report for the month of #REF! , 2019

#### REVENUES

Fund	Fund #	Budget	This Month Actual	YTD Collected	% Collected
GENERAL FUND	10	1,968,461.00	4,183.83	4,183.83	0.21%
WATER FUND	30	401,896.00	27,339.17	27,339.17	6.80%
<b>TOTAL REVENUES GENERAL &amp; WATER FUNDS</b>		<b>2,370,357.00</b>	<b>31,523.00</b>	<b>31,523.00</b>	<b>1.33%</b>

#### EXPENSES

Dept Name	Fund #	Budget	This Month Actual	YTD Exp	% Spent
GOVERNING BODY	10	56,701.00	4,517.50	4,517.50	7.97%
ADMINISTRATION	10	380,295.00	39,036.41	39,036.41	10.26%
PUBLIC BUILDINGS	10	33,004.00	419.88	419.88	1.27%
POLICE	10	460,410.00	35,310.91	35,310.91	7.67%
BUILDING AND ZONING	10	124,660.00	2,856.64	2,856.64	2.29%
PUBLIC WORKS	10	157,342.00	12,153.99	12,153.99	7.72%
STREET	10	607,397.00	30,907.91	30,907.91	5.09%
SANITATION	10	118,602.00	11,255.68	11,255.68	9.49%
ENVIRON,CONS,REC	10	30,050.00	1,000.00	1,000.00	3.33%
<b>TOTAL EXPENSES GENERAL FUND</b>		<b>1,968,461.00</b>	<b>137,458.92</b>	<b>137,458.92</b>	<b>6.98%</b>

Dept Name	Fund #	Budget	This Month Actual	YTD Exp	% Spent
WATER	30	401,896.00	2,945.17	2,945.17	0.73%
<b>TOTAL EXPENSES WATER FUND</b>		<b>401,896.00</b>	<b>2,945.17</b>	<b>2,945.17</b>	<b>0.73%</b>

<b>TOTAL EXPENSES GENERAL &amp; WATER FUNDS</b>		<b>\$2,370,357.00</b>	<b>\$140,404.09</b>	<b>\$140,404.09</b>	<b>5.92%</b>
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**GENERAL FUND INCOME/LOSS - JULY 2019**

**(\$133,275.09)**

**WATER FUND INCOME/LOSS-JULY 2019**

**\$24,394.00**

SPECIAL PROJECTS					
Project	Fund #	Budget	This Month Actual	Amount Spent To Date	% Spent
PUBLIC WORKS BLDG	14	300,000.00	0.00	47,400.89	15.80%
FEMA-GREYBEARD	15	40,000.00	0.00	2,987.80	7.47%
FEMA-TEXAS ROAD	16	50,000.00	0.00	38,071.55	76.14%
FEMA-PROVIDENCE TERR	17	21,000.00	0.00	15,683.00	74.68%
FEMA-CALVIN TRAIL	20	30,000.00	0.00	13,490.57	44.97%
FEMA-CULVERT PROJECT	21	39,800.00	0.00	39,274.83	98.68%
FEMA-DEBRIS PROJECTS	22	3,200.00	0.00	0.00	0.00%
FEMA-URBAN FORESTRY 2018	23	10,000.00	0.00	841.28	8.41%
FEMA-URBAN FORESTRY 2019	24	12,927.00	0.00	1,477.91	11.43%
FEMA-MISC	25	15,360.00	0.00	10,358.00	67.43%
<b>TOTAL SPECIAL PROJECTS</b>	<b>N/A</b>	<b>\$ 522,287.00</b>	<b>\$ -</b>	<b>\$ 169,585.83</b>	<b>32.47%</b>

**TOWN OF MONTREAT BOARD OF COMMISSIONERS**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: September 12, 2019**

**SUBJECT:** Suggested Rules for Nomination and Ballot for Filling Commission Vacancy

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** A  
**Department:** Administration  
**Contact:** Angie Murphy, Town Clerk  
**Presenter:** Angie Murphy, Town Clerk

**RULE ONE:** Board of Commission Members will nominate citizens to fill a vacancy in an open meeting.

**RULE TWO:** Each board member will then vote for the person he or she would like to have fill the vacancy on paper ballots. Paper ballot must be signed and submitted to the Mayor. The Mayor will then read the ballots out loud in accordance with G.S. 143-318.13(b), including the name of the voting Commissioner and the name of the nominee for whom the ballot was cast. The Town Clerk will collect the paper ballots and keep them in the Town administrative office available for public inspection until the minutes are approved and adopted.

**RULE THREE:** The nominee who receives a majority of the votes will be selected to fill the vacancy. A majority will be required to fill the vacancy.

**RULE FOUR:** If no one receives a majority in the first round of voting, those who receive the fewest votes will be dropped from consideration so that the next round of voting will be between the front-runners.

- (a) After the first round of votes, any candidates who receive zero votes will be removed. Remaining candidates will be eligible for a second round of voting.
- (b) After the second round of voting, all candidates but the two highest vote-getters will be dropped so that the third round is between the two highest vote-getters.
- (c) If a majority is not achieved on the third round of voting, voting will continue as many times as necessary until a majority is achieved.

**RULE Five:** Only Commissioners may vote. In accordance with G.S. 160A-69, the Mayor may not vote.



## Town of Montreat

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### MEMORANDUM: 2019-0801

To: Mayor Helms and the Town of Montreat Board of Commissioners  
From: Alex Carmichael, Town Administrator *AC*  
Date: August 1<sup>st</sup>, 2019  
Subject: Procedure for Filling Board of Commission Vacancy

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**SUMMARY:** When a vacancy occurs on the Board of Commissioners it is necessary to fill the vacancy locally. The method for filling such a vacancy is regulated by state statute, local policy, and “generally accepted principles of parliamentary procedure.”

**BACKGROUND:** I was asked to investigate the procedure for filling a vacancy on the Board of Commissioners. I researched policy, precedent, and limitations by consulting NC general statutes, Town Ordinances, the Town Charter and amendments, School of Government print and digital publications, the Board of Commissioners’ Rules of Procedure, and Roberts Rules of Order. By virtue of these regulations and guidelines I found that the Board of Commissioners may fill a vacancy through the ‘Nomination-and-Ballot’ method of election.

**POLICY:** Policy parameters for filling vacancies on the Board of Commissioners are set by state statute, the Town Charter as amended, and the Commission’s Rules of Procedure.

NC General Statute 160A-63 states:

“A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term...”

Two methods have been utilized to fill board vacancies: the Motion-and-Vote method, and the Nomination-and-Ballot Method. G.S. 160A-63 does require local boards to fill a vacancy but does not directly prescribe the method for doing so. One important caveat is that G.S.160A-71(c) requires city councils follow rules not inconsistent with “generally accepted principles of parliamentary procedure.” The 10<sup>th</sup> edition of Roberts Rules of Order does specifically prescribe

the Nomination-and-Ballot method, which suggests municipalities are to follow this method (Roberts' Rules 846.)

The 1967 Town of Montreat Charter specified that the Board of Commissioners would consist of three members, one of whom would be selected by the Board to serve as Mayor. The original Charter did not specify how vacancies on the Board would be filled. However, the 1985 Charter Amendment states that vacancies ... "shall be filled by appointment of the Board as provided in G.S. 160A-63." None of the subsequent charter amendments altered this process.

Rule 30 of the Montreat Board of Commissioners' Rules of Procedure addresses appointments. "The Board may not consider or fill a vacancy among its own membership except in open session." Rule 30 goes on to dictate the 'Nomination-and-Ballot' method for appointments to *other* boards and committees, though omits the Board of Commissioners from this requirement.

**CONSIDERATIONS:** Two additional factors should be considered: election cycle of the unexpired term and president.

Because the term of the office of the potential vacancy expires immediately following the next regular election the person appointed to fill the vacancy shall serve the remainder of the unexpired term.

A mixed precedent exists with the Board of Commissioners filling vacancies. In 2015, then Commissioner Tim Helms resigned his membership with the Board of Commissioners in order to assume the Office of the Mayor. The Board of Commissioners filled the vacancy through the 'Motion-and-Vote' method, though previously utilizing the 'Nomination-and-Ballot' method.

**PROCESS:** In an open meeting, Commissioners would nominate citizens to fill the vacancy. (Or the Commission could decide that everyone who has filled out an application is to be considered a nominee.) Then, each Commissioner would vote for the person he or she would like to have fill the vacancy. A person who receives a majority of the votes would be selected to fill the vacancy. If no one receives a majority, then those who receive the fewest votes should be dropped from consideration, so that the voting is between the front-runners. In using the nomination-and-ballot method, the Commission must decide beforehand whether a majority will be required to fill the vacancy, and, if so, how the lowest vote-getters will be removed for subsequent rounds of voting, if necessary. On this last point, the rules might say, for instance, that after the first round of votes, all candidates who receive zero votes would be removed. The rules might then say that after the second round, if necessary, all candidates but two will be dropped so that the third round is between the two highest vote-getters. If the nomination-and-ballot method is to be used, it is necessary to set the rules for removing low vote-getters at the very beginning.

**Attachments:**

- NC General Statute 160A-63: Excerpt
- Town of Montreat Board of Commissioners Rules of Procedure Rule 30: Excerpt
- Roberts Rules of Order: Excerpt
- Coates' Canon Blog: How to Fill a Vacancy on an Elected Board

**§ 160A-63. Vacancies.**

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section shall not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more.

In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party. (R.C., c. 111, ss. 9, 10; Code, ss. 3793, 3794; Rev., ss. 2921, 2931; C.S., ss. 2629, 2631; 1971, c. 698, s. 1; 1973, c. 426, s. 11; c. 827, s. 1; 1983, c. 827, s. 1.)





- B. Closed Session minutes will be kept as required by law. Minutes of Closed Sessions shall be sealed and withheld from public inspection so long as public inspection would frustrate the purpose of the Closed Session. The minutes may be unsealed either by Board action or by action of an agent of the Board such as the Town Attorney, if and when the Closed Session's purpose would no longer be frustrated by making these records public.

**Rule 30. Appointments**

- A. The Board may consider and make appointments to other bodies, including its own committees, if any, only in open session. The Board may not consider or fill a vacancy among its own membership except in open session.
- B. Rather than proceeding by motion, the Board shall use the following procedure to make appointments to various other boards and offices:
- The Mayor shall open the floor for nominations, whereupon the names of possible appointees may be put forward by Board members.
  - The names submitted shall be debated.
  - When the debate ends, the Mayor shall call the roll of the Board members, and each member shall cast his or her vote.

If more than one appointee is to be selected, then each Board member shall have as many votes as there are slots to be filled. The votes from a majority of the Board members voting shall be required for appointment. A Board member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.

**Rule 31. Committees and Boards**

- A. **Establishment and Appointment.** The Board may establish and appoint members for such temporary and standing Town committees and boards as are needed to help carry out the work of Town government. Any specific provisions of law relating to the particular committees and boards shall be followed.
- B. **Open Meetings Law.** The requirements of the Open Meetings Law shall apply to all elected or appointed authorities, boards, commissions, councils or other bodies of the Town that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial,



**46. Voting.** If the question is undebatable, or debate has been closed by order of the assembly, the chair, immediately after stating the question, puts it to vote as described under Putting the Question [9], only allowing time for members to rise if they wish to make a motion of higher rank.

If the question is debatable and no one rises to claim the floor, after the question is stated by the chair, he should inquire, "Are you ready for the question?" After a moment's pause, if no one rises, he should put the question to vote. If the question is debated or motions are made, the chair should wait until the debate has apparently ceased, when he should again inquire, "Are you ready for the question?" Having given ample time for any one to rise and claim the floor, and no one having done so, he should put the question to vote and announce the result.

The usual method of taking a vote is *viva voce* (by the voice). The rules require this method to be used in Congress. In small assemblies the vote is often taken by "show of hands," or by "raising the right hand" as it is also called. The other methods of voting are by rising; by ballot; by roll call, or "yeas and nays," as it is also called; by general consent; and by mail. In voting by any of the first three methods, the affirmative answer *aye*, or raise the right hand, or rise, as the case may be: then the negative answer *no*, or raise the right hand, or rise.

The responsibility of announcing, or declaring, the vote rests upon the chair, and he, therefore, has the right to have the vote taken again, by rising, if he is in doubt as to the result, and even to have the vote counted, if necessary. He cannot have the vote taken by ballot or by yeas and nays (roll call) unless it is required by the rules or by a vote of the assembly. But if the *viva voce* vote does not make him positive as to the result he may at once say, "Those in favor of the motion will rise;" and when they are seated he will continue, "Those opposed will rise." If this does not enable him to determine the vote, he should say, "Those in favor of the motion [or, Those in the affirmative] will rise and stand until counted." He then counts those standing, or directs the secretary to do so, and then says, "Be seated. Those opposed [or, Those in the negative] rise and stand until counted." After both sides are counted the chair announces the result as shown below. In a very large assembly the chair may find it necessary to appoint tellers to count the vote and report to him the numbers. In small assemblies a show of hands may be substituted for a rising vote.

When the vote is taken by voice or show of hands any member has a right to require a *division of the assembly*[25] by having the affirmative rise and then the negative, so that all may see how members vote. Either before or after a decision any member may call for, or demand, a count, and, if seconded, the chair must put the question on ordering a count. In organizations where it is desired to allow less than a majority vote to order a count or tellers, a special rule should be adopted specifying the necessary vote. Where no rule has been adopted a majority vote is required to order a count, or that the vote be taken by ballot or by yeas and nays (roll call).

*Announcing the Vote.* When the vote has been taken so that the chair has no doubt as to the result, and no division is called for, or, if so, the assembly has divided, the chair proceeds to announce, or declare the vote thus: "The ayes have it and the resolution is adopted." If he is not very positive, he may say, "The ayes seem to have it," and, if no one says he doubts the vote or calls for a division, after a slight pause he adds, "The ayes have it," etc. If the vote was by show of hands or by rising, it would be announced thus: "The affirmative has it (or, the motion is carried) and the question is laid on the table;" or if there was a count, the vote would be announced thus: "There are 95 votes in the affirmative, and 99 in the negative, so the amendment is lost, and the question is now on the resolution; are you ready for the question?" In announcing a vote the chair should state first whether the motion is carried or lost; second, what is the effect, or result, of the vote; and third, what is the immediately pending question or business, if there is any. If there is none, he should ask, "What is the further pleasure of the assembly?" One of the most prolific causes of confusion in deliberative assemblies is the neglect of the chair to keep the assembly well informed as to what is the pending business. The habit of announcing the vote by simply saying that the "motion is carried" and then sitting down, cannot be too strongly condemned. Many members may not know what is the effect of the vote, and it is the chair's duty to inform the assembly what is the result of the motion's being carried or lost, and what business comes next before the assembly.

When a quorum [64] is present, a majority vote, that is a majority of the votes cast, ignoring blanks, is sufficient for the adoption of any motion that is in order, except those mentioned in 48, which require a two-thirds vote. A plurality never adopts a motion nor elects any one to office, unless by virtue of a special rule previously adopted. On a tie vote the motion is lost, and the chair, if a member of the assembly, may vote to make it a tie unless the vote is by ballot. The chair cannot, however, vote twice, first to make a tie and then give the casting vote. In case of an appeal [21], though the question is, "Shall the decision of the chair stand as the judgment of the assembly?" a tie vote, even though his vote made it a tie, sustains the chair, upon the principle that the decision of the chair can be reversed only by a majority, including the chair if a member of the assembly.

It is a general rule that no one can vote on a question in which he has a direct personal or pecuniary interest. Yet this does not prevent a member from voting for himself for any office or other position, as voting for a delegate or for a member of a committee; nor from voting when other members are included with him in the motion, even though he has a personal or pecuniary interest in the result, as voting on charges preferred against more than one person at a time, or on a resolution to increase the salaries of all the members. If a member could in no case vote on a question affecting himself, it would be impossible for a society to vote to hold a banquet, or for a legislature to vote salaries to members, or for the majority to prevent a small minority from preferring charges against them and suspending or expelling them. By simply including the names of all the members, except those of their own faction, in a resolution preferring charges against them, the minority could get all the power in their own hands, were it not for the fact that in such a case all the members are entitled to vote regardless of their personal interest. A sense of delicacy usually prevents a member from exercising this right of voting in matters affecting himself except where his vote might affect the result. After charges are preferred against a member, and the assembly has ordered him to appear for trial, he is theoretically under arrest, and is deprived of all rights of membership and therefore cannot vote until his case is disposed of.

A member has the right to change his vote up to the time the vote is finally announced. After that, he can make the change only by permission of the assembly, which may be given by general consent; that is, by no member's objecting when the chair inquires if any one objects. If objection is made, a motion may be made to grant the permission, which motion is undebatable.

While it is the duty of every member who has an opinion on the question to express it by his vote, yet he cannot be compelled to do so. He may prefer to abstain from voting, though he knows the effect is the same as if he voted on the prevailing side.

*Voting by Ballot.* The main object of this form of voting is secrecy, and it is resorted to when the question is of such a nature that some members might hesitate to vote publicly their true sentiments. Its special use is in the reception of members, elections, and trials of members and officers, as well as in the preliminary steps in both cases, and the by-laws should require the vote to be by ballot in such cases. Where the by-laws do not require the vote to be by ballot, it can be so ordered by a majority vote, or by general consent. Such motions are undebatable. Voting by ballot is rarely, if ever, used in legislative bodies, but in ordinary societies, especially secret ones, it is habitually used in connection with elections and trials, and sometimes for the selection of the next place for the meeting of a convention. As the usual object of the ballot is secrecy, where the by-laws require the vote to be taken by ballot any motion is out of order which members cannot oppose without exposing their views on the question to be decided by ballot. Thus, it is out of order to move that one person cast the ballot of the assembly for a certain person when the by-laws require the vote to be by ballot. So, when the ballot is not unanimous it is out of order to move to make the vote unanimous, unless the motion is voted on by ballot so as to allow members to vote against it in secrecy.

In some cases black balls and white ones and a ballot box are provided for voting, where the question can be answered *yes* or *no*. The white ball answers *yes*, and the black one *no*. But in ordinary deliberative assemblies the ballots are strips of paper upon which are printed, or written, *yes* or *no*, or the names of the candidates, as the case may be. These ballots are first distributed and are afterwards collected by tellers, either by being dropped into a hat or box by the members, who remain in their seats, or by the members coming to the ballot box and handing their folded ballot to a teller, who deposits it in the ballot box. In the latter case it is necessary for the tellers to see that no member votes twice, which in large societies can be best done by checking off the names from a list of members as the ballots are deposited. The ballots should usually be folded so that if more than one is voted by the same person the tellers will detect it in unfolding the ballot. In satisfying themselves that only one ballot is voted, the vote may be exposed if the ballot is not folded.

When every one appears to have voted, the chair inquires, "Have all voted who wish to?" and if there is no response he says, "The polls are closed," whereupon the tellers proceed to count the ballots. If in unfolding the ballots it is found that two have been folded together, both are rejected as fraudulent. A blank piece of paper is not counted as a ballot and would not cause the rejection of the ballot with which it was folded. All blanks are ignored as simply waste paper, and are not reported, the members who do not wish to vote adopting this method of concealing the fact. Small technical errors, like the misspelling of a word, should not be noticed if the meaning of the ballot is clear. For instance, if at the trial of a member a ballot was written "guilty," every one knows what was intended. In all cases where the name on the ballot sounds like the name of one of the candidates it should be so credited. If a ballot is written "Johnson," or "Johnston," or "Johnstone," it should be credited to the candidate whose name is one of these: but if there are two candidates with these names and no eligible member with the name on the ballot, it must be rejected as illegal, or reported to the chair, who will at once submit the question to the assembly as to

whom the ballot should be credited. If these doubtful ballots will not affect the result, the tellers may make their full report without asking for instructions in regard to them, placing these doubtful votes opposite the exact name as written on the ballot. Votes for ineligible persons and fraudulent votes should be reported under the heading of "Illegal Votes," after the legal votes. When two or three filled-out ballots are folded together they are counted as one fraudulent vote. The names of the candidates should be arranged in order, the one receiving the highest number of legal votes being first. In reporting the number of votes cast and the number necessary for election, all votes except blanks must be counted. Suppose the tellers find 100 ballot papers, 4 of which are blank. 1 contains two filled-out ones folded together, and 50 are cast for a person who is ineligible because of having held the office as long as permitted by the constitution: the tellers' report should be in this form:

Number of votes cast.....	96
Necessary for election.....	49
Mr. A received.....	37
Mr. B received.....	8

***Illegal Votes.***

Mr. C (ineligible) received.....	50
One ballot containing two for Mr. D, folded together, rejected as fraudulent.....	1

The teller first named, standing, addresses the chair, reads the report and hands it to the chairman, and takes his seat, without saying who is elected. The chairman again reads the report of the tellers and declares who is elected. In the case just given he says there is no election, stating the reason. If no one is elected, it is necessary to ballot again, and to continue balloting until there is an election. The chairman should always vote in case of a ballot Should he fail to do so before the polls are closed, he cannot then do it without the permission of the assembly. When the tellers report, they should hand the ballots to the secretary, who should retain them until it is certain that the assembly will not order a recount which is within its power to do by a majority vote.

*Yeas and Nays,*<sup>1</sup> or *Roll Call*. When a vote has been ordered to be taken by yeas and nays [see 25 for the motion] the chair puts the question in a form similar to this: "As many as are in favor of the adoption of these resolutions will, as their names are called, answer *yes* [or *yea*]; those opposed will answer *no* [or *nay*]." The chairman then directs the clerk to call the roll. The negative being put at the same time as the affirmative, it is too late, after one person has answered to the roll call, to renew the debate. The clerk calls the roll, and each member, as his name is called, rises and answers "yes" or "no," or "present" if he does not wish to vote, and the clerk notes the answers in separate columns. Upon the completion of the roll call the clerk reads the names of those who answered in the affirmative, and afterwards those in the negative, and then those who answered "present," that mistakes may be corrected; he then gives the number voting on each side to the chairman, who announces the result. An entry must be made in the minutes of the names of all voting in the affirmative, and also of those in the negative, and those who answered "present." A convenient method of noting the answers at the roll call is to write the figure 1 on the left of the name of the first member answering in the affirmative, the figure 2 to the left of the second name in the affirmative, and so on. The negative answers are treated similarly, being entered on the right of the names, and those answering "present" should be entered similarly in a third column. In this way the last figures on each side at any time show how the vote stands at that time. The yeas and nays cannot be ordered in committee of the whole.

*General Consent*. Business can be expedited greatly by avoiding the formality of motions and voting in routine business and on questions of little importance, the chair assuming general (unanimous) consent until some one objects. It does not necessarily mean that every member is in favor of the motion, but, that knowing it is useless to oppose it, or even to discuss it, the opposition simply acquiesces in the informality. Thus, in the case of approving the minutes, the chair inquires if there are any corrections, and, if one is suggested, it is made: when no correction [or no further correction] is suggested, the chair says: "There being no corrections [or no further corrections] the minutes stand approved." While routine and minor matters can be rapidly disposed of in this way, if at any time objection is made with reasonable promptness, the chair ignores what has been done in that case even if he has announced the result, and requires a regular vote. [See also 48.]

*Absentee Voting*. In a strictly deliberative assembly no member can vote who is not present when the question is completely put. But in many societies the membership is scattered all over a state, or even still wider, and it has been found expedient to provide a method of voting that will enable all the members to vote upon certain matters, as upon amendments to constitutions, by-laws, and in elections of officers. This provision, when it is deemed advisable to adopt it, should be placed in the constitution or by-laws, as otherwise, unless the charter or state laws



authorize absentee voting, no member can vote except in person There are two forms of absentee voting -- by mail, and proxy voting.

*Voting by Mail* is used for election of officers, and for amendments to the constitution or by-laws, and for such other important matters as the society may order to be voted on in this way. If an amendment to the by-laws is to be voted on by mail, a printed copy of the proposed amendment is mailed to every member with the words "yes" and "no" printed underneath, or on a separate slip, with directions to cross out one of them, and return in the enclosed envelope, upon which should be printed the words, "Ballot for Amendment to Constitution." This envelope should usually have the signature of the voter on it, and be sealed and enclosed in another one addressed to the secretary, or to the chairman of the tellers, so that the inner envelope will not be opened except by the tellers when the votes are counted. If it is desired to present the arguments pro and con, the society can allow the leaders on the two sides to prepare brief statements to be printed and mailed with the proposed amendment to every member. Instead of having the voter's signature on the inner envelope, it may be placed on the ballot, but a place for the signature should be indicated, so that there may be some means of protection against votes being cast by other than legal voters. Voting by mail cannot be a secret ballot, as it is necessary for the tellers to know by whom each vote is cast. By some such method as the above it is practicable to give all the members, however scattered they may be, an opportunity to vote on questions of great importance.

*Proxy Voting.* A proxy is a power of attorney given by one person to another to vote in his stead and it is also used to designate the person who holds the power of attorney. It is unknown to a strictly deliberative assembly, and is in conflict with the idea of the equality of members, which is a fundamental principle of deliberative assemblies. There can be but little use for debate where one member has more votes than another, possibly more than all the others combined. If the proxy voting is limited to the election of a board of directors, as it is practically in stock corporations, and if, also, the proxies must be given to members of the corporation in all cases where it requires an election to become a member -- with these two limitations proxy voting would be useful and do no harm. In stock companies the members meet only annually to elect directors, who elect the officers and transact the business of the corporation. Though the directors are elected largely by proxies, their own meetings, where all the business is done, are as secret as they choose to make them, no proxies being allowed in them, and therefore proxy voting does not interfere with their business. As any one can dispose of his stock to any one else, there is no objection to his appointing any one as his proxy. But the case is very different with many incorporated societies of a social, benevolent, or religious character, whose business meetings are sometimes secret. Their membership cannot be transferred by the members like stock, and therefore they should not be allowed to appoint any proxies who are not members of the organization. The state law is above the by-laws of the society, and if the state law empowers members of all corporations to appoint proxies to vote at all business meetings, no by-laws of an incorporated secret society could prevent non-members holding proxies from attending and voting at all business meetings of the society. This should not be the case. With stock corporations it does no harm, because all the business is done by directors, and no proxies are allowed in their meetings, and no one can be present without their consent. But in many societies of the kind mentioned the business is transacted in meetings attended by none but members, and unlimited proxies would be a serious interference with their work. If the state law requires proxy voting in all corporations, it should be limited to the election of officers, including directors, and also the proxies should be required to be held by members of the corporation in all organizations whose primary object is not pecuniary profit.

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1. Taking a vote by yeas and nays, which has the effect to place on the record how each member votes, is peculiar to this country, and, while it consumes a great deal of time, is rarely useful in ordinary societies. While it can never be used to hinder business, as long as the above rule is observed, it should not be used at all in a mass meeting, or in any other assembly whose members are not responsible to a constituency. By the Constitution, one-fifth of the members present can, in either house of Congress, order a vote to be taken by yeas and nays. In representative bodies this method of voting is very useful, especially where the proceedings are published, as it enables the people to know how their representatives voted on important measures. If there is no legal or constitutional provision for the yeas and nays being ordered by a minority in a representative body they should adopt a rule allowing the yeas and nays to be ordered by a one-fifth vote, as in Congress, or even by a much smaller number. In some small bodies a vote on a resolution must be taken by yeas and nays upon the demand of a single member.



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## Coates' Canons Blog: How to Fill a Vacancy on an Elected Board

By Robert Joyce

Article: <https://canons.sog.unc.edu/how-to-fill-a-vacancy-on-an-elected-board/>

This entry was posted on March 05, 2013 and is filed under Elections, Terms Of Office

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An elected member of a North Carolina city council dies or moves away or resigns. Or a member of a board of county commissioners. Or a county school board. A vacancy is created. The statutes are clear about who picks the new person to fill the vacancy: the city council (GS 160A-63); the county commissioners (GS 153A-27 and -27.1); the school board (GS 115C-37 and -37.1).

But the statutes do not tell the boards *how* they are to go about deciding who will fill the vacancy. How does the board go about making that decision, conducting that vote, actually filling the vacancy? [For a related discussion on filling vacancies on a city council, see Frayda Bluestein's excellent Coates Canons post [here](#).]

For all city councils there are two options. The same is true for about half of the boards of county commissioners and all but a handful of school boards. For the rest of the boards of commissioners and the school boards, it hardly matters.

Hardly matters? How can that be? Governing is serious business and filling vacancies on governing boards is an obligation to be undertaken thoughtfully. How can it be that the process for filling the vacancy hardly matters in some counties and in a few school boards? It's because for 42 counties and six school boards, the board must fill the vacancy with the individual chosen by the county executive committee of the party that the departing board member belonged to. In those 42 counties, if the board member was elected as a Republican, then the vacancy is to be filled by the person named by the county Republican Party executive committee. The commissioners have no choice. The statute says so (GS 153A-27.1). The same is true for six school boards (GS 115C-37.1). Since the board members filling the vacancy have no option as to who to put on the board to fill the vacancy, the process really hardly matters. Just have a motion, take a vote, and be done with it.

To see the list of the 42 counties, [click here](#) for the statute and for the six school boards [click here](#).

But for all city councils, for more than half of county commissions, and for all but six of the elected boards of education, there are two options for the procedure to fill a vacancy, and the choice of option could make a difference in the outcome.

Option A: the motion-and-vote method. In an open meeting, a member may make a motion something like this: "I move that Larry Hamilton fill the vacancy in Henrietta Miller's seat." If, by the regular procedures of the council, that motion receives a majority of affirmative votes, Larry fills the vacancy. If it does not, then a new motion is in order.

Option B: the nomination-and-ballot method. In an open meeting, board members would nominate citizens to fill the vacancy. (Or the board could decide that everyone who has filled out an application is to be considered a nominee.) Then, each board member would vote for the person he or she would like to have fill the vacancy. A person who receives a majority of the votes would be selected to fill the vacancy. If no one receives a majority, then those who receive the fewest votes should be dropped from consideration, so that the voting is between the front-runners. In using the nomination-and-ballot method, the board must decide beforehand whether a majority will be required to fill the vacancy, and, if so, how the lowest vote-getters will be removed for subsequent rounds of voting, if necessary. On this last point, the rules might say, for instance, that after the first round of votes, all candidates who receive zero votes would be removed. The rules might then say that after the second round, if necessary, all candidates but two will be dropped so that the third round is between the two highest vote-getters.

It is necessary to determine which method will be used before the discussion of particular candidates has begun. If the nomination-and-ballot method is to be used, it is necessary to set the rules for removing low vote-getters at the very



beginning.

Also under this method, the rules may say that members are to mark their ballots secretly, or that they vote openly. But even if the rules say that members mark their ballots secretly, the ballots must contain the members' names so that when the vote is counted the minutes will show that council member Jones voted for Tom Smith or for Mary Wuycik. That is, the marking of the ballot can be secret, but the announcement of the vote must be public and the ballots themselves are public. G.S. 143-318.13(b).

Is one method preferable? Yes, the nomination-and-ballot method is preferable for two reasons.

First, Robert's Rules of Order Newly Revised, 10<sup>th</sup> Edition, states a clear preference for the nomination-and-ballot method: "[A] more effective freedom of choice is maintained through the practice of nominating persons for the office, rather than moving that a given person be elected." Robert's Rules, § 46. Because G.S. 160A-71(c) requires that city councils must follow rules that are "not inconsistent" with "generally accepted principles of parliamentary procedure," the preference in Robert's Rules for the nomination-and-ballot method makes it the better method for North Carolina municipalities. The same is true for counties under GS 153A-41. There is no comparable statute for school boards.

Second, the nomination-and-ballot method brings a practical advantage. Consider this discussion from Fleming Bell's School of Government publication *Suggested Rules of Procedure for a City Council*, p. 38:

"Suppose that the Colorful City Council uses motions to [fill a vacancy on the council]. After being recognized by the mayor, council member Smith moves to appoint candidate Green. This causes a quandary for council member Jones. She likes candidate Green, but her first preference is candidate Black. However, she is afraid that if candidate Green is defeated, another council member may be recognized to nominate candidate White, whom she dislikes intensely, before she is recognized to nominate candidate Black. Should she vote for candidate Green, improving his chances of winning, or hold out for the chance to do battle with White's nominator in catching the mayor's eye?

"By contrast, if the Colorful Council were to follow the nomination and election procedure, it could avoid such fights and give everyone a chance to vote for the candidate of their choosing."

For cities (but not for counties or school boards), a special question arises: may the mayor vote in case of a tie? The mayor votes in case of tie if the motion-and-vote method is used, but not if the nomination-and-ballot method is used. That is because G.S. 160A-69 provides that the mayor has the right to vote "only when there are equal numbers of votes in the affirmative and in the negative." In the motion-and-vote method, there can be such an equal number. The motion is that Eunice McHenry be named to fill the vacancy, and the vote is 2-2. That is an equal number in the affirmative and the negative.

With the nomination-and-ballot method, however, the mayor does not vote to break a tie. That is because a tie at 2-2 between Candy Silver and John Pierce does not involve an equal number of affirmative and negative votes—there is no affirmative and negative proposition. So, in that case, the round ends in a tie, the mayor does not vote, and the council must go to a new round of votes, under the rules they have set.

## Links

- [canons.sog.unc.edu/?p=3894](https://canons.sog.unc.edu/?p=3894)
- [www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=153A-27.1](http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=153A-27.1)
- [www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=115c-37.1](http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=115c-37.1)





## TOWN OF MONTREAT

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### COMMISSIONER OATH OF OFFICE

"I, \_\_\_\_\_, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of North Carolina, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of Commissioner of the Town of Montreat according to the best of my knowledge and ability; so help me God."

Effective this 12<sup>th</sup> day of December, 2019.

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Angela M. Murphy  
Town Clerk

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_

**TOWN OF MONTREAT  
FISCAL YEAR 2020  
BUDGET AMENDMENT # 1**

Be it ordained by the Town of Montreat Board of Commissioners that the following amendment be made to the Budget Ordinance for the fiscal year ending June 30, 2020.

**Department(s):** ENVIRONMENT, CONSERVATION, & RECREATION

**Purpose:** Appropriate funds from the General Fund to Landcare to compensate for proceeds received from a raffle

**Section 1.** To amend the General Fund as follows:

Line Item	Account Number	Increase Change (DR)	Decrease Change (CR)	Amended Budget
LANDCARE	10-80-6190-340	354.10		
UNAPPROPRIATED GENERAL FUND	10-00-2990-000		354.10	

**Section 2.** I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:

Darlene Carrasquillo                      9-5-19  
Finance Officer                                      Date

**Section 3.** Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Recorded and filed:**

_____ Budget Officer/Town Administrator	_____ Date
_____ Town Clerk	_____ Date