



**TOWN OF DAVIDSON
BOARD OF COMMISSIONERS
Town Hall Board Room - 216 S. Main Street**

October 10, 2017

(Held in the Town Hall Meeting Room)

REGULAR BOARD OF COMMISSIONERS MEETING - 6:00 PM

(Held in the Town Hall Meeting Room)

I. CALL TO ORDER

II. ANNOUNCEMENTS

III. CHANGES TO AGENDA

IV. PUBLIC COMMENTS

- (a) Addendum - Planning Board Report

V. PRESENTATIONS

- (a) North Corridor/ Mobility Study - CATS Senior Transportation Planner Jason Lawrence

VI. PUBLIC HEARING

- (a) Narrow Passage Conditional Amendment Public Hearing - Senior Planner Trey Akers

VII. CONSENT

- (a) Consider Approval of Budget Amendment
- (b) Consider Approval of Financing Contract and Related Budget Amendment - Police and Fire Department Radios
- (c) Consider Approval of September Meeting Minutes
- (d) Consider Approval of Ordinance 2017-12: Prescribing Procedures for Disposing of Personal Property Valued at Less than \$30,000

- (e) Consider Approval of Resolution 2017-27 - North Carolina Department Transportation (NCDOT) to Relinquish Street Maintenance Responsibilities to the Town of Davidson for a Portion of Robert Walker Drive
- (f) Consider Approval of Revised Regular Meeting Schedule
- (g) Davidson Village Inn Amendment to Encroachment Agreement
- (h) Annexation: Narrow Passage - Set Public Hearing Date - Certificate of Sufficiency

VIII. OLD BUSINESS

- (a) Beaty Street Update - Town Manager Jamie Justice
- (b) Addendum - This agenda item was moved from Consent to Old Business during the Changes to Agenda Items for board discussion. Consider Approval of Resolution 2017-26 - Approving the use of Construction Manager at Risk Services Pursuant to G.S. 143-128.1 New Public Facilities
- (c) Addendum - This item was added to Old Business during the Changes to Agenda item on the agenda. - BA 2018-12 Viewshed replacement project (Area of Woodie's Auto)

IX. SUMMARIZE MEETING ACTION ITEMS

X. ADJOURN



**Agenda
Title:**

Addendum - Planning Board Report

Summary: Matt Dellinger from the Planning Board provided a report of the Planning Boards inconsistency statement.

ATTACHMENTS:

Description

Upload Date

Type

No Attachments Available



Agenda Title: North Corridor/ Mobility Study - CATS Senior Transportation Planner Jason Lawrence

Summary: CATS Senior Transportation Planner Jason Lawrence will provide an update on the North Corridor/Mobility Studies.

ATTACHMENTS:

Description	Upload Date	Type
□ Presentation	10/6/2017	Presentation

CATS Transit Planning Update

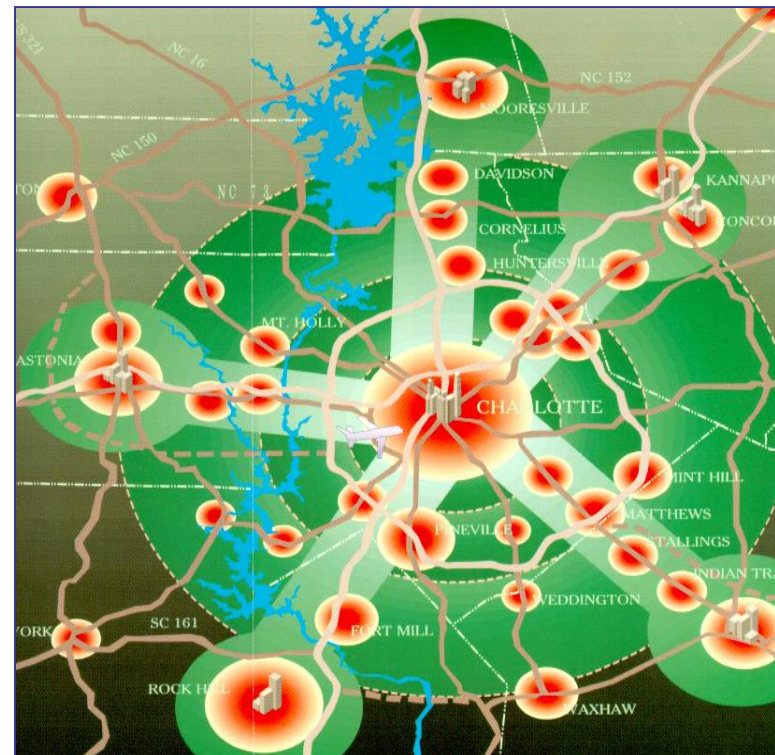


Photo Credit: <http://my.davidson.edu/2017/03/davidson-small-town-with-a-lot-to-offer/#prettyPhoto>

**Davidson Town Board
October 10, 2017**

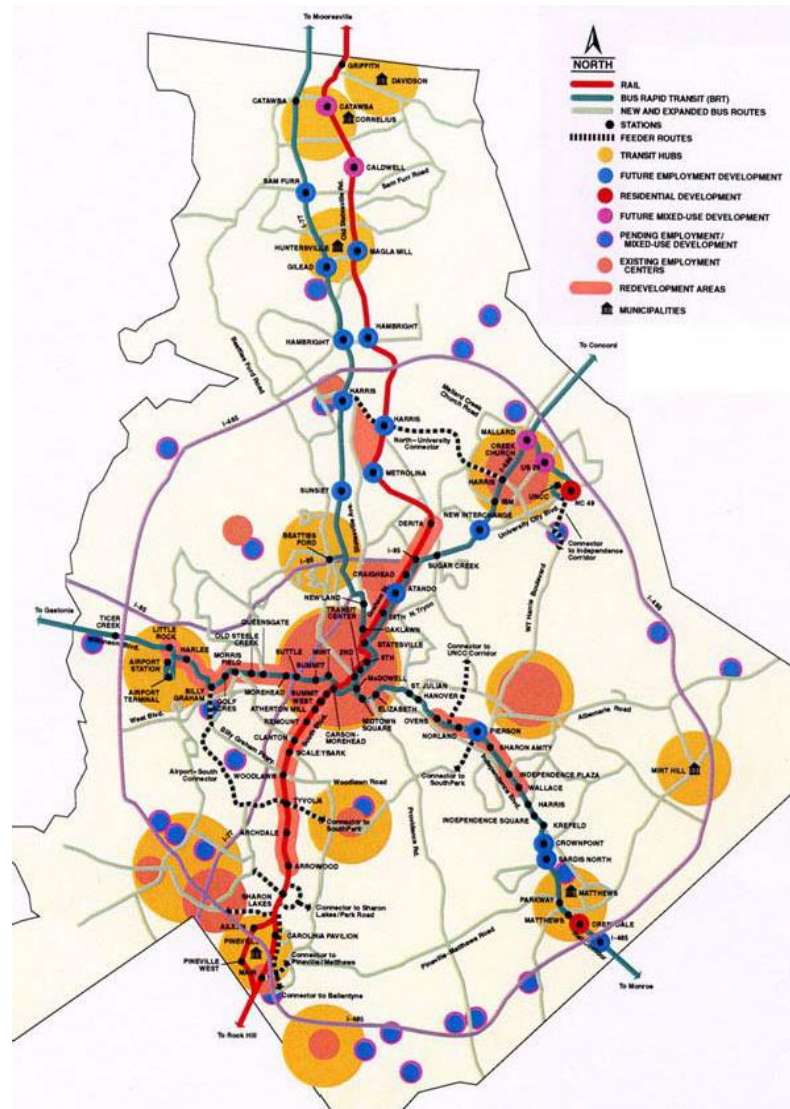
Centers and Corridors Strategy developed in the 1990's

- Long-term growth management strategies for Charlotte-Mecklenburg
- Five primary transportation and development corridors
- Transform unfocused development patterns in corridors and wedges to compact mixed-use development along corridors and in station areas

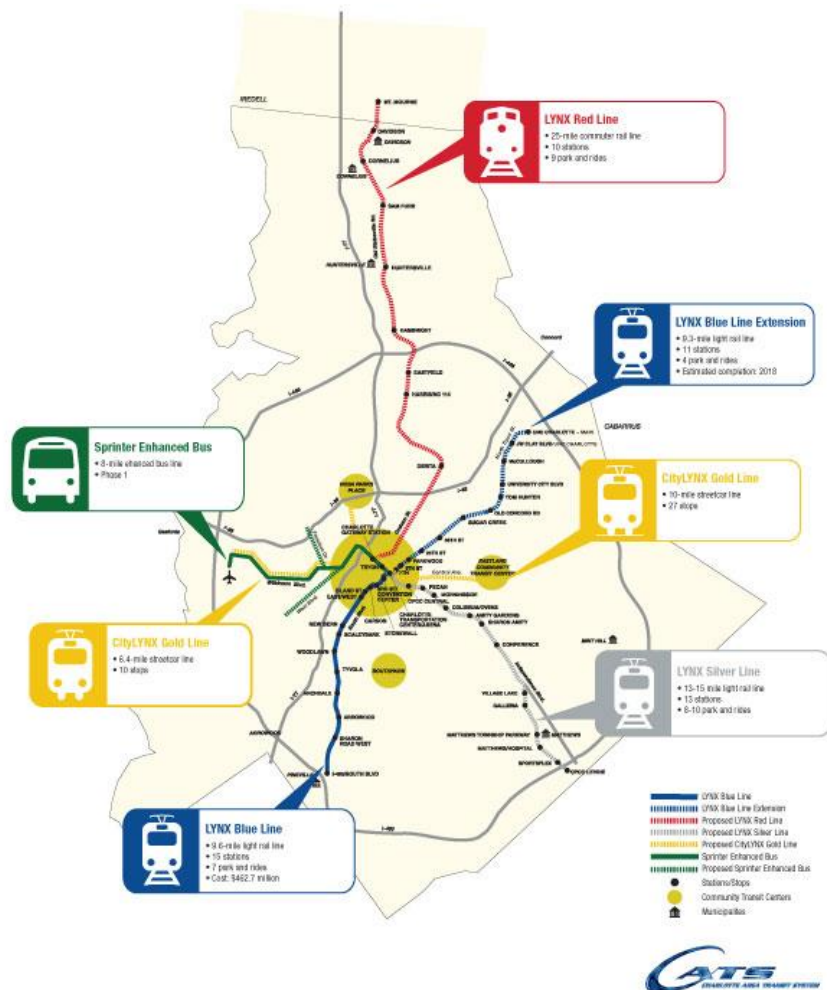


2025 Transit / Land Use Plan

- Vision for a long-term growth management strategy for Charlotte-Mecklenburg
- Integrates rapid transit and mixed-used development along 5 transportation corridors
- Expands transit system to serve between the rapid transit corridors
- Provide more transportation choices to meet mobility needs
- Support sustainable growth for region



LYNX SYSTEM MAP



Operating

- LYNX Blue Line Light Rail
- Sprinter Airport Enhanced Bus
- CityLYNX Gold Line Phase 1

Under Construction

- LYNX Blue Line Extension
- CityLYNX Gold Line Phase 2

Under Design

- Charlotte Gateway Station

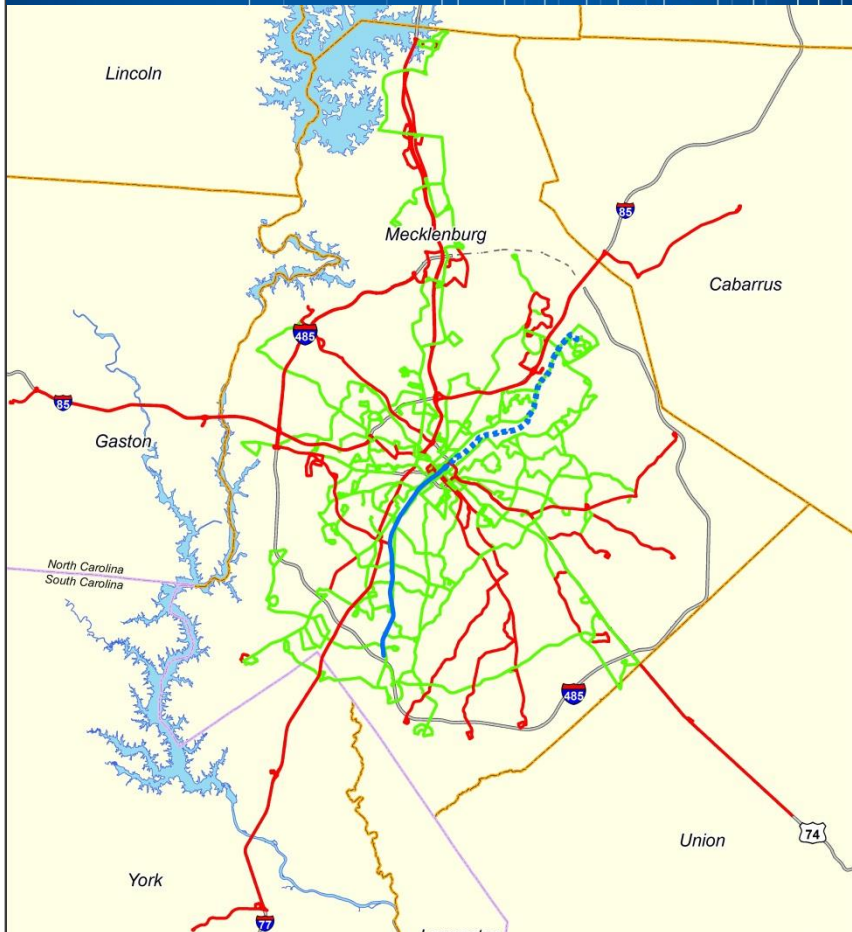
Recently Approved

- LYNX Silver Line Light Rail Adopted by MTC in November 2016

Under Study

- LYNX Red Line
- LYNX West Corridor
- LYNX Silver Line Center City
- System Integration

ENVISION MY RIDE



Envision My Ride is a new initiative to redesign CATS entire current bus system. The study will analyze bus route structure and frequency to determine how to improve the system and better serve the Charlotte region. Below are the overall goals of this study.

- Cross-town and suburb-to-suburb bus service
- Connections between different bus routes and between bus and light rail
- Frequency of service
- More direct services

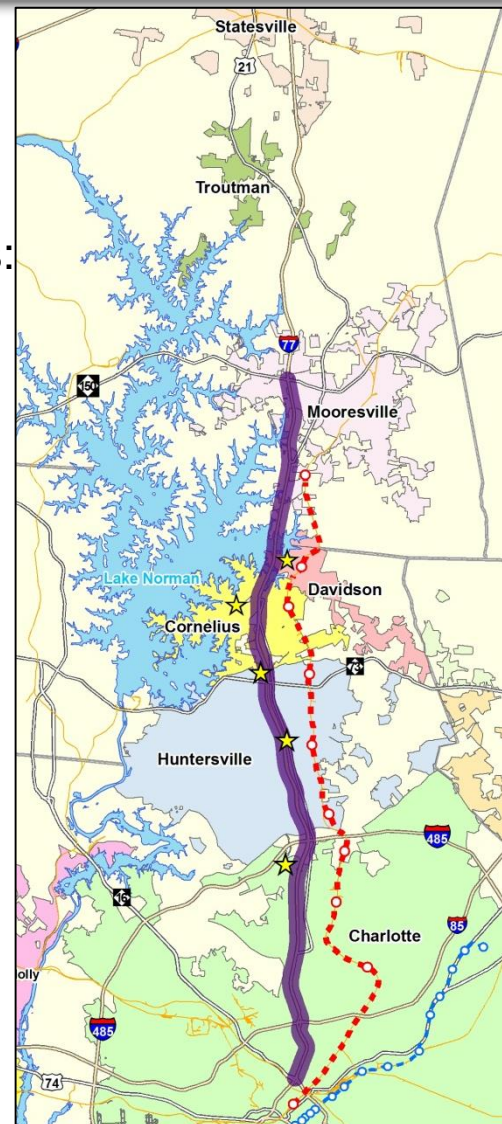
Overview:

- Focused mobility study along the I-77 North Corridor to determine express bus route recommendations for the I-77 Express Lanes
- Project team meet monthly and included staff from CATS, Huntersville, Cornelius, Davidson, Mooresville, Troutman, Statesville, and iCATS.
- Project team developed draft express route recommendations in March 2017.
- Express route recommendations will be incorporated into the Envision My Ride study
- Public engagement will be coordinated with the Envision My Ride study
- Final staff recommendations will be complete by Summer 2017



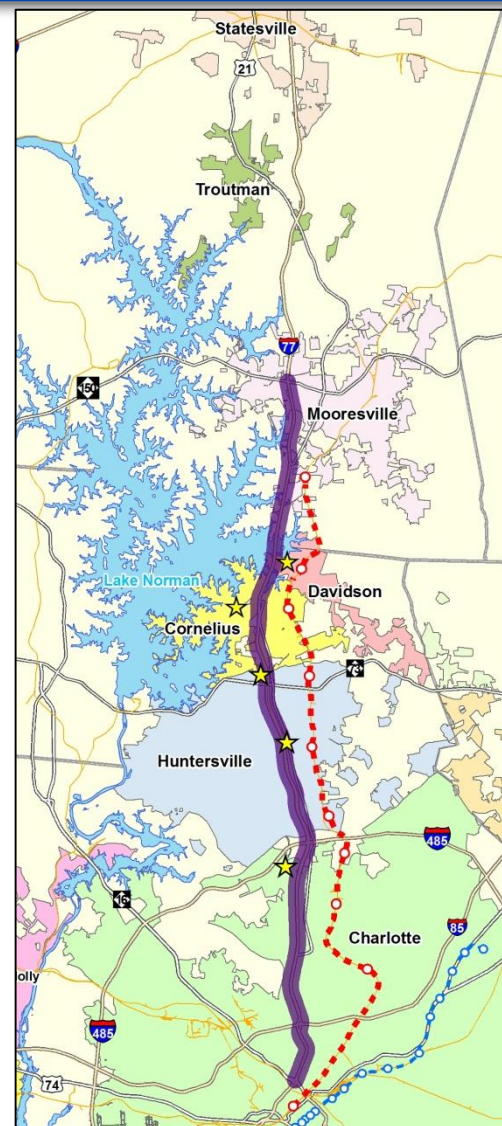
Goals:

- Leverage express lanes at 2018 opening
- By Summer 2017 develop two express route network scenarios:
 - Find efficiencies and improvements within the current service levels
 - Aspirational network that increases coverage area and service levels
- Coordinate route planning with developers and towns.
- Develop Park and Ride recommendations to maximize use of Direct Connects.
- Expand travel market.
- Work with Iredell county and iCATS to implement regional express route.
- Identify bus stop capital needs.



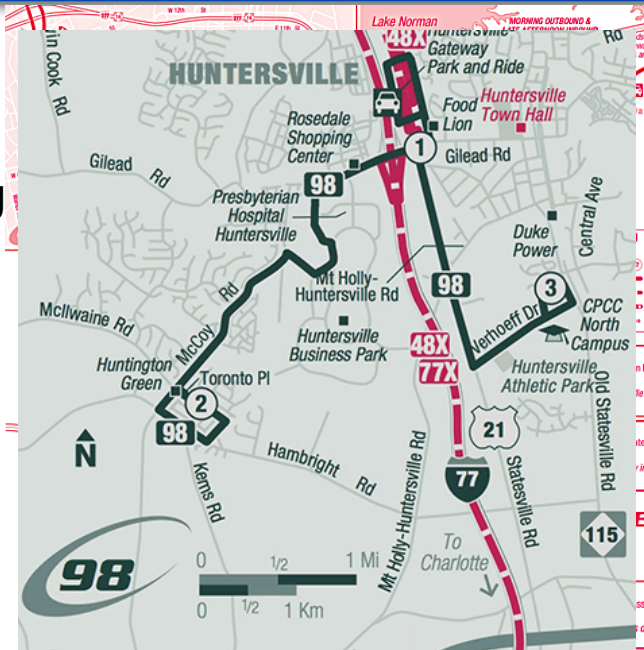
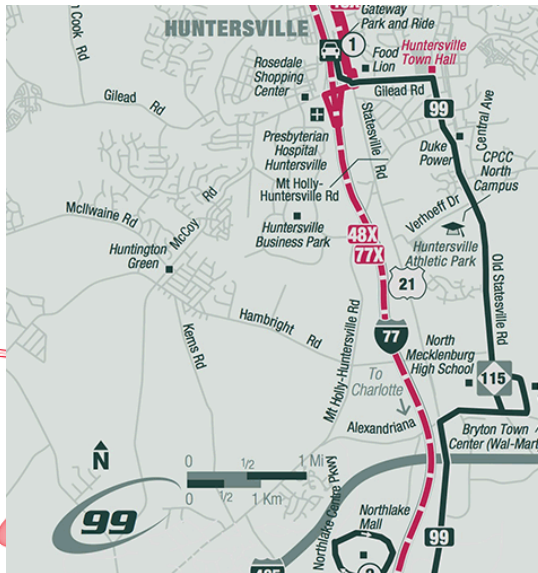
Project Team Initial Findings:

- Rapid development is occurring throughout the study area.
- Expanded service is needed to increase ridership.
- Opportunities exist to incorporate new Park and Rides into new and existing development projects.
- Employment centers would benefit from more reverse commute service.
- More mobility options between the towns is desired.
- Regional vanpool service and express routes are in the early stages of development.
- Bus stop amenity improvement needs to be developed.

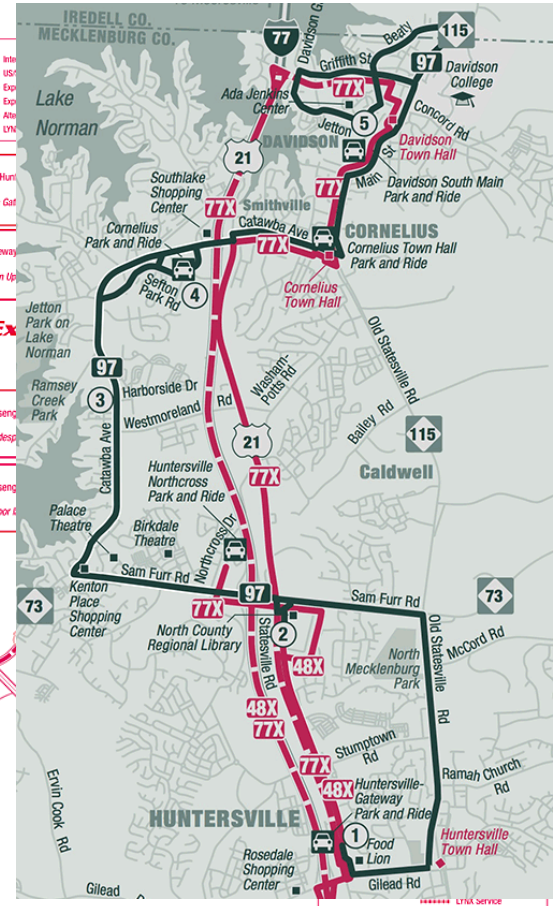
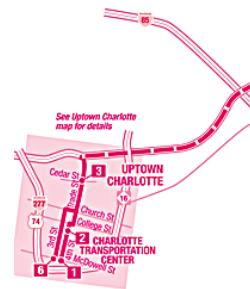


Existing:

- Express
 - 77x North Mecklenburg
 - 48x Huntersville
 - 53x Northlake
- Village Rider
 - 97 Cornelius
 - 98 McCoy Road
 - 99 Huntersville



TO UPTOWN CHARLOTTE
This Express Bus does not pick up or discharge passengers between Northlake Mall and Gateway.
Este autobús de Express no sube ni baja pasajeros p/ Northlake Mall y la Gateway.



53x Northlake Express

Recent improvements:

February 2017

- Trips were added to express routes 48X, 53X, and 77X to mitigate construction of the I-77 Express Lanes

June 2017

- Route 48x was restructured to serve the new Cornelius PNR.

October 2017

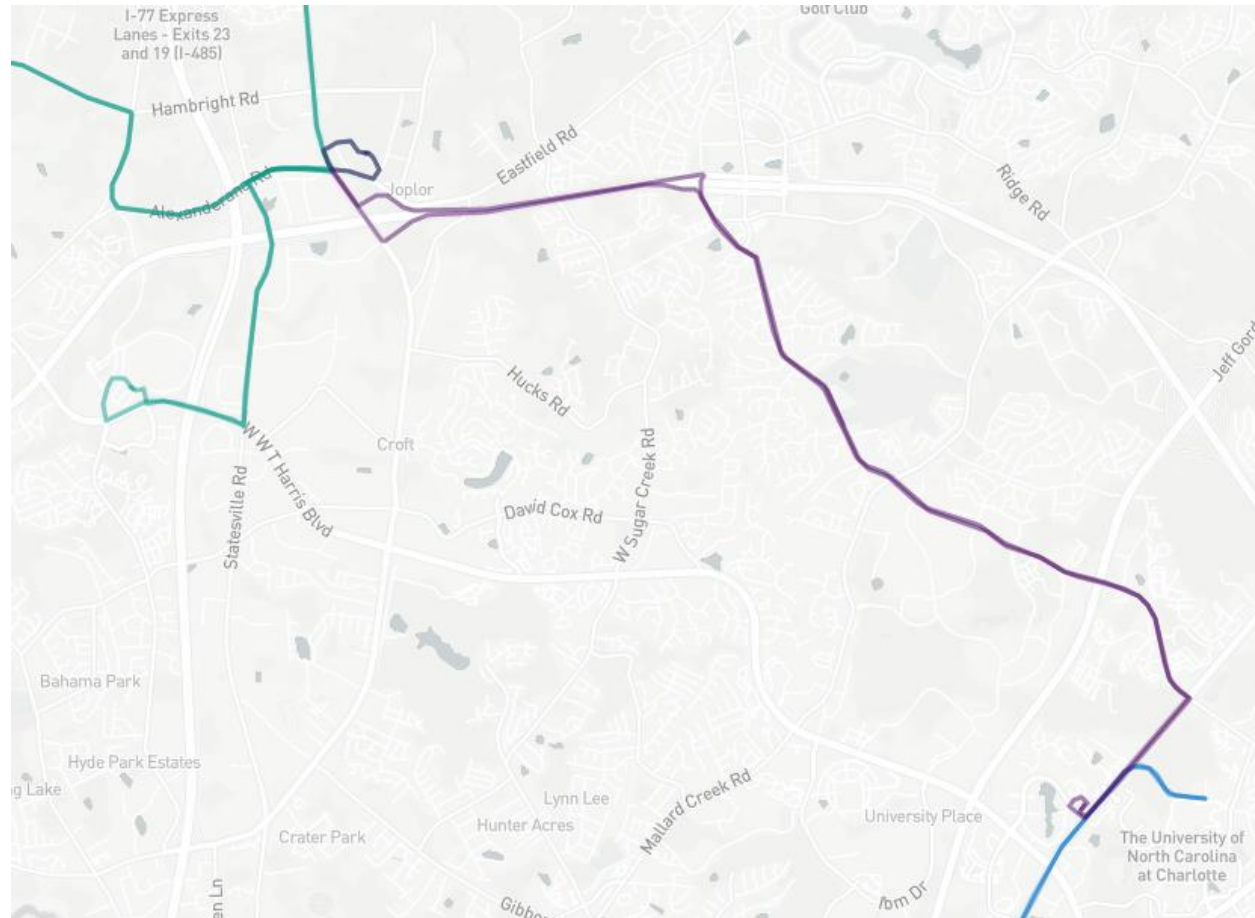
- Reverse 48X commute service will be added US-21 between Exits 23 and 28.



Near term improvements:

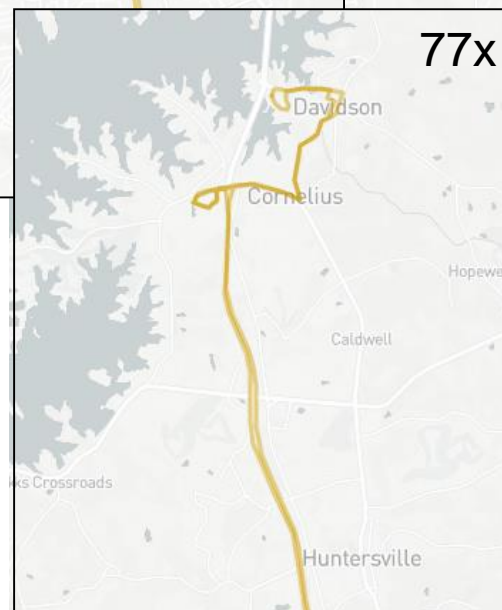
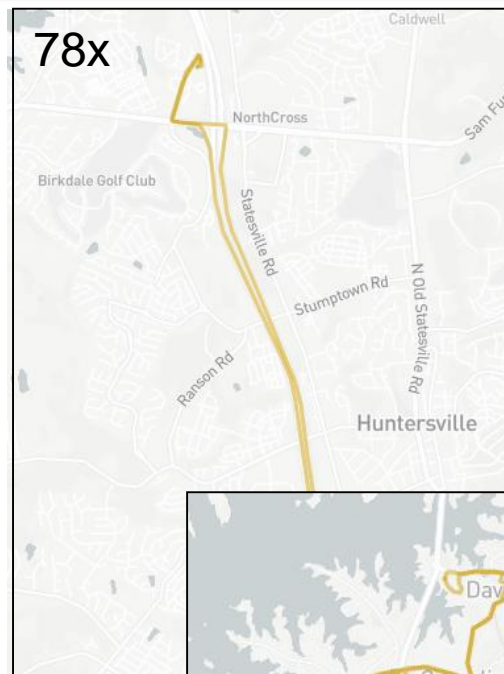
LYNX BLE revenue service

- New service called North Meck Connector will start service between Bryton and the JW Clay Blvd / UNC Charlotte LYNX BLE station
- Village Riders will be restructured to provide better transfer to express routes and the North Meck Connector



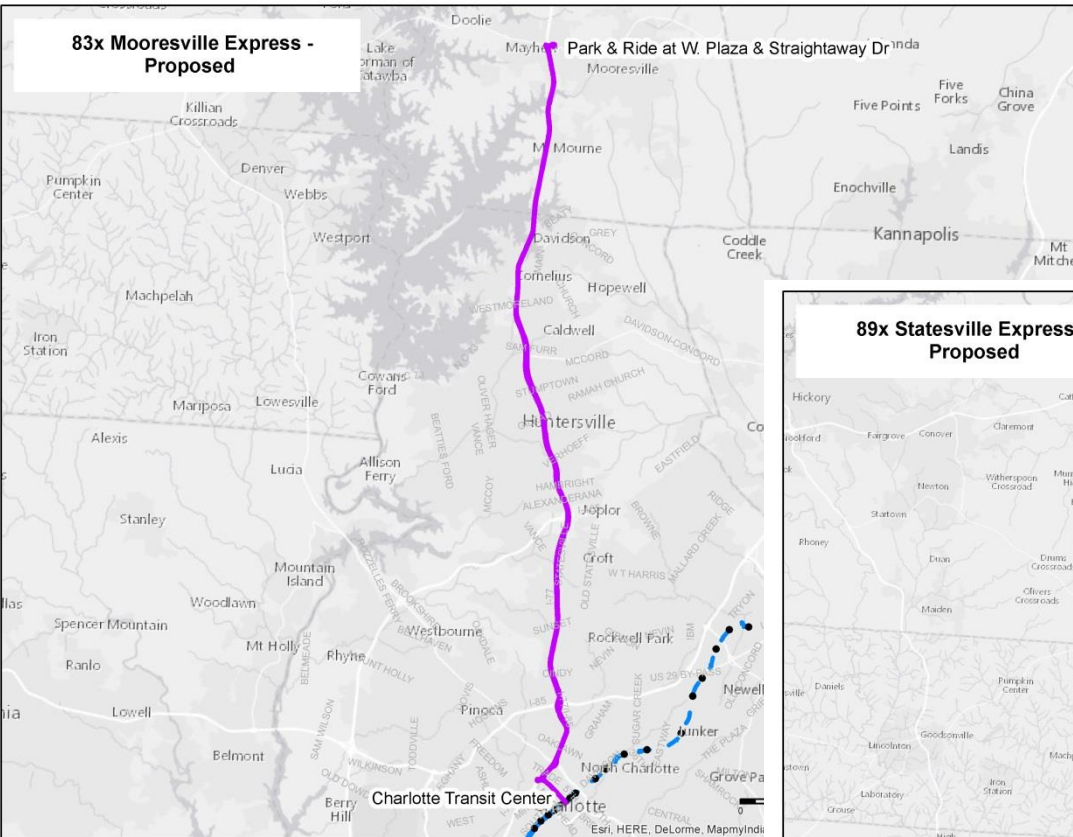
Service recommendations when Express Lanes open:

- Park and ride direct service
 - Northlake Mall
 - Huntersville Gateway
 - Huntersville Northcross
 - Cornelius
- Direct connects at Hambright and Lakeview will be used to improve travel time reliability.
- A new express route 78x is proposed to service Huntersville Northcross

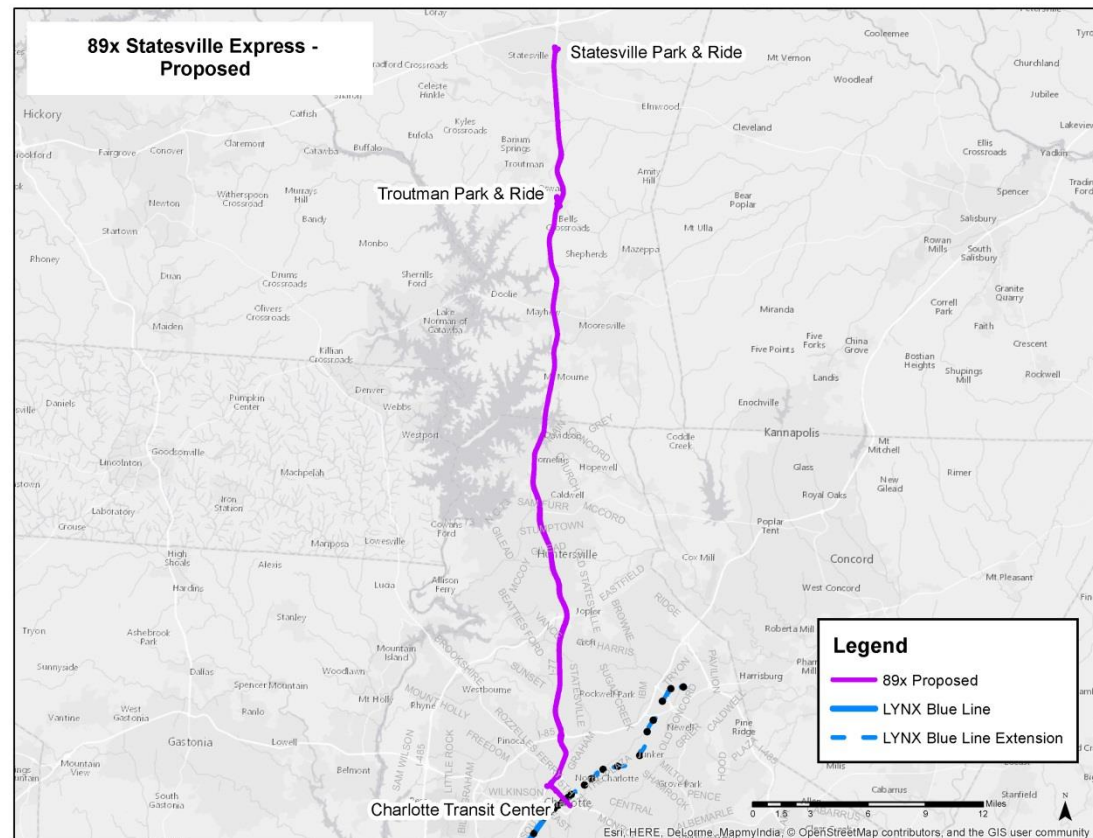


Express Route concepts developed for Iredell County

83x Mooresville Express - Proposed



89x Statesville Express - Proposed

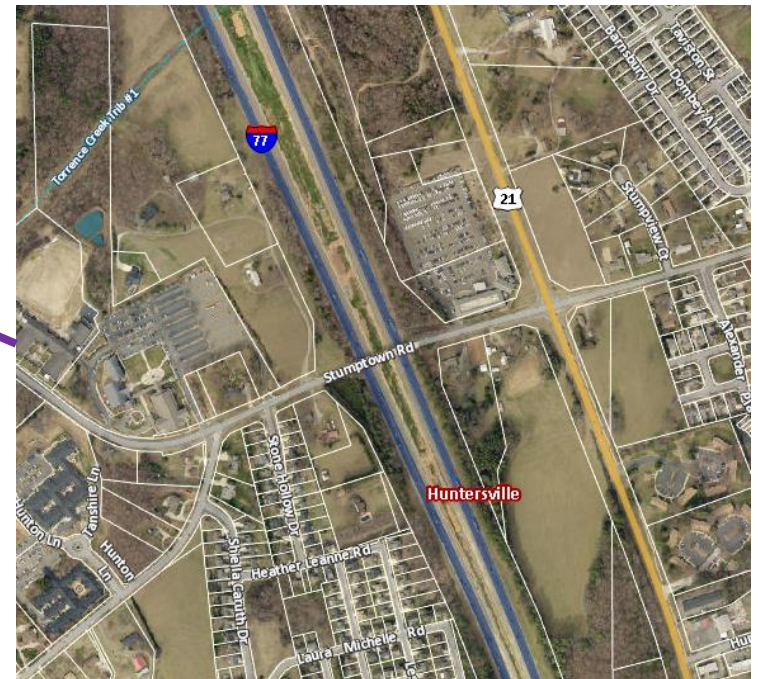
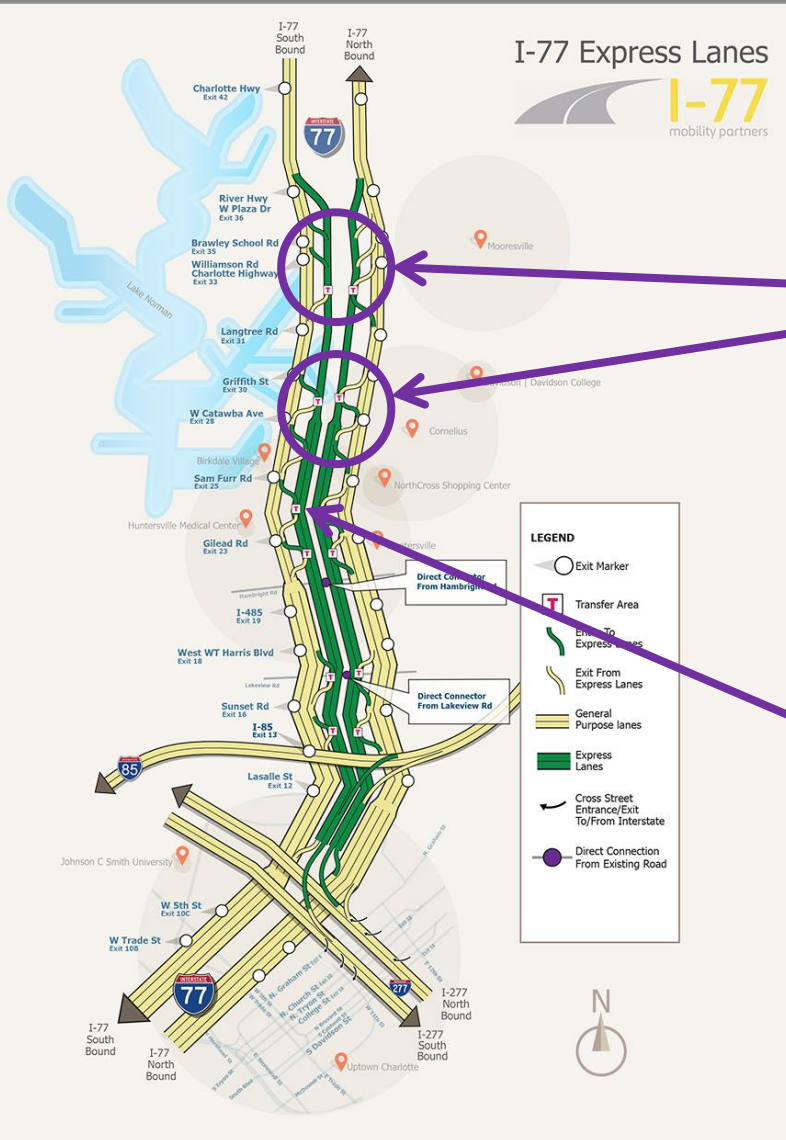


Potential routes as well as Park and Rides will be coordinated with iCATS.



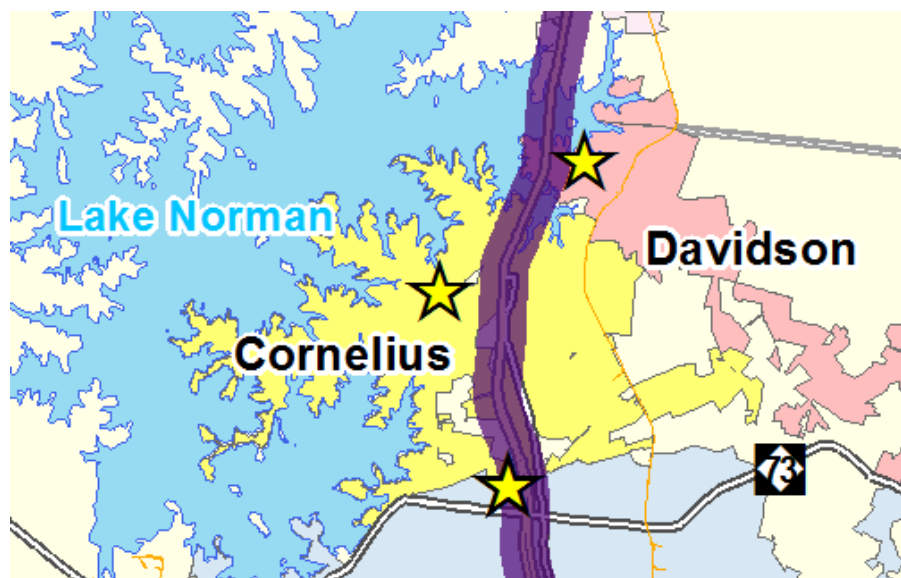
Study Recommendations

- Stumptown Road
- Continue to explore proposed future locations in Cornelius, Davidson, and Mooresville.

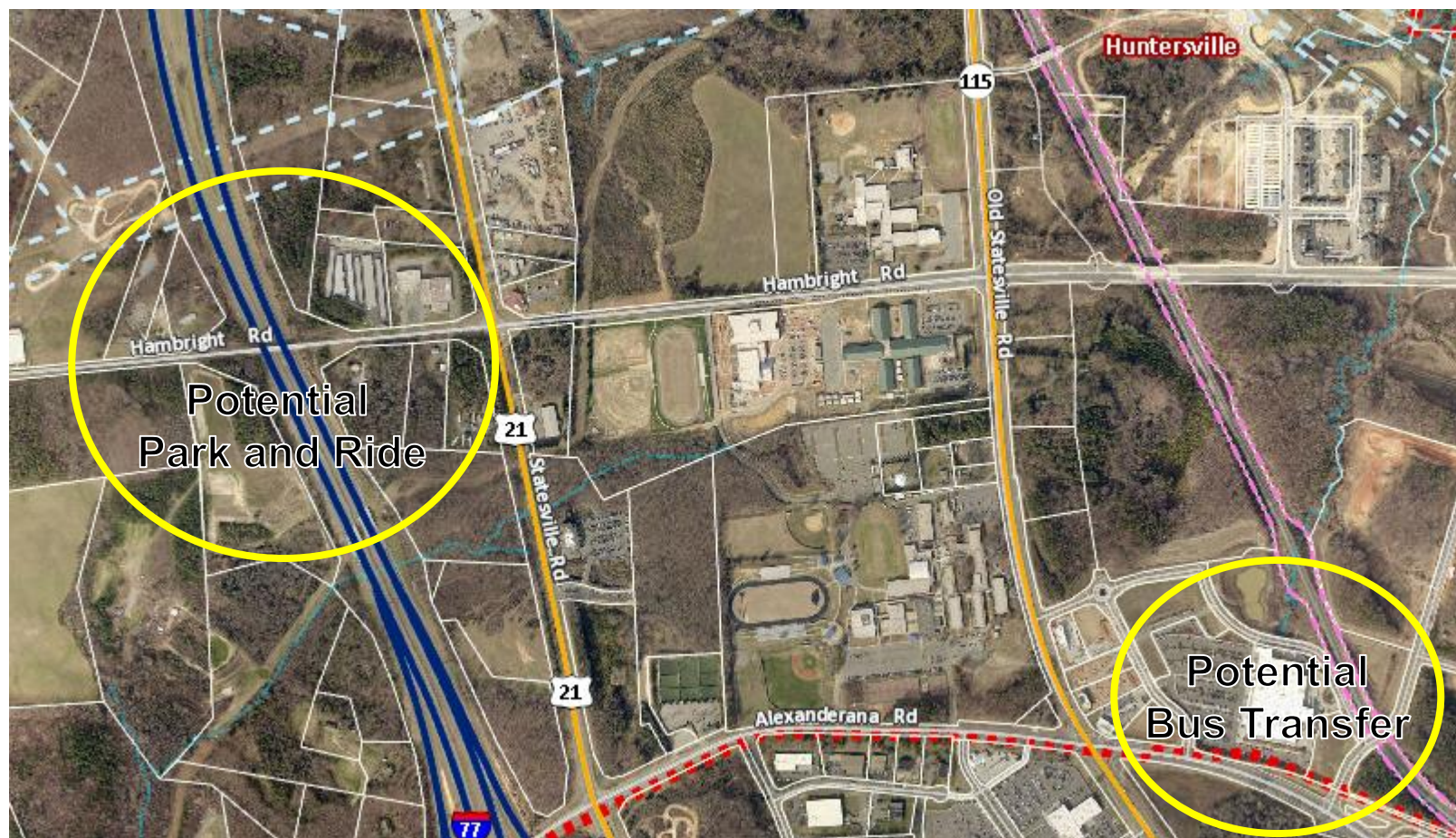


Existing:

- Northlake Mall
- Huntersville Gateway
- Huntersville Northcross
- Cornelius
- Davidson Gateway





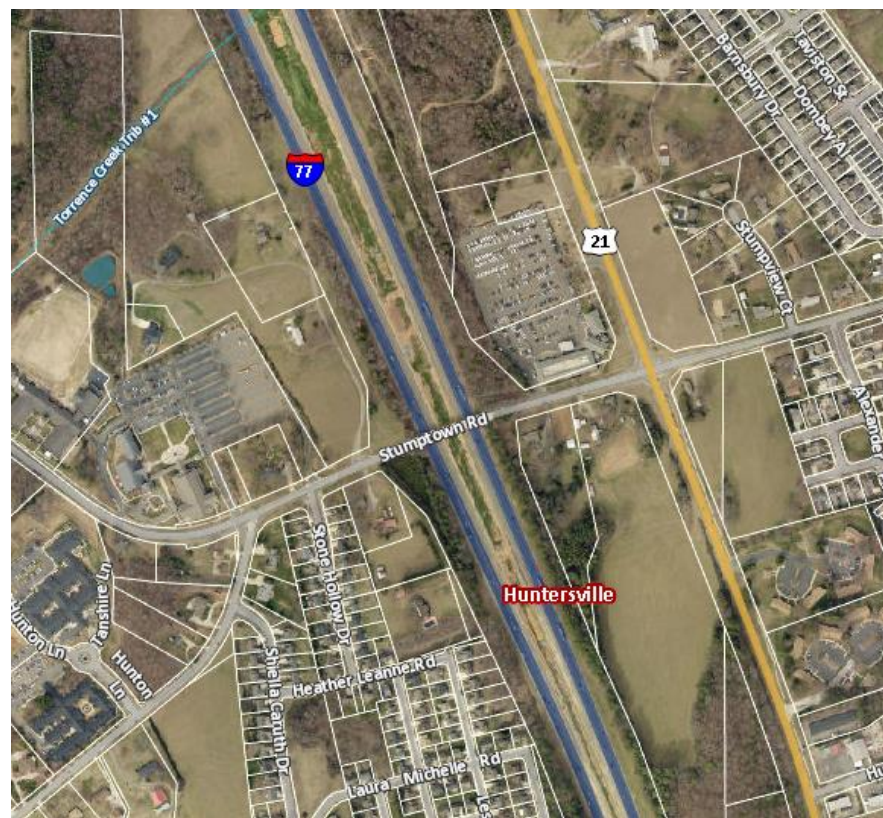
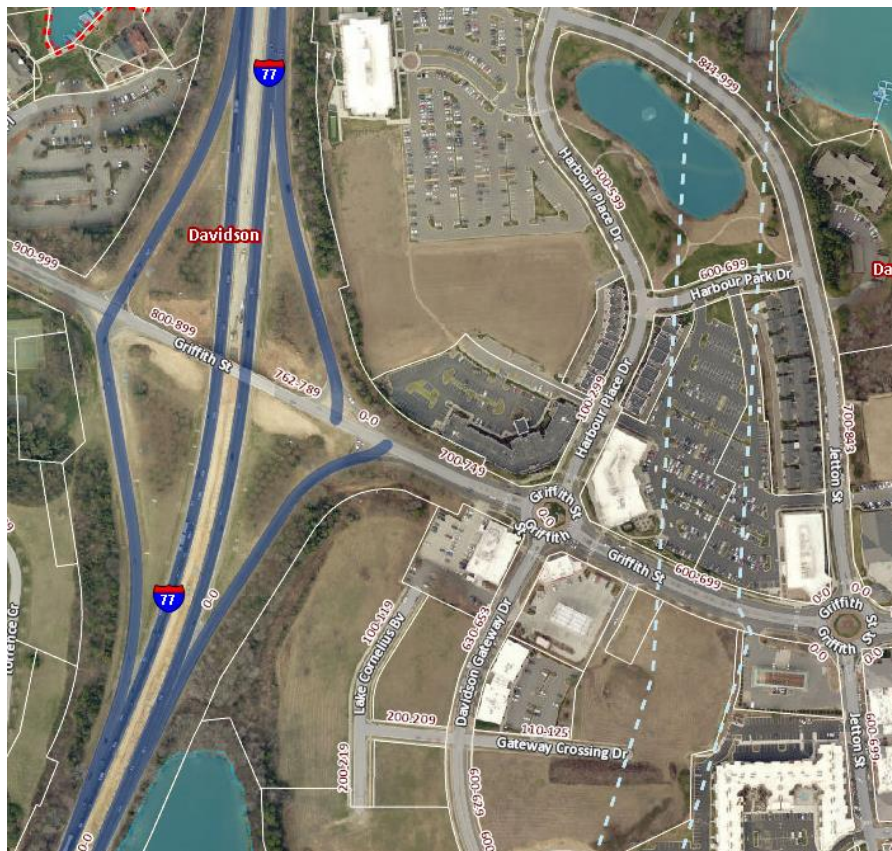


Study Recommendations

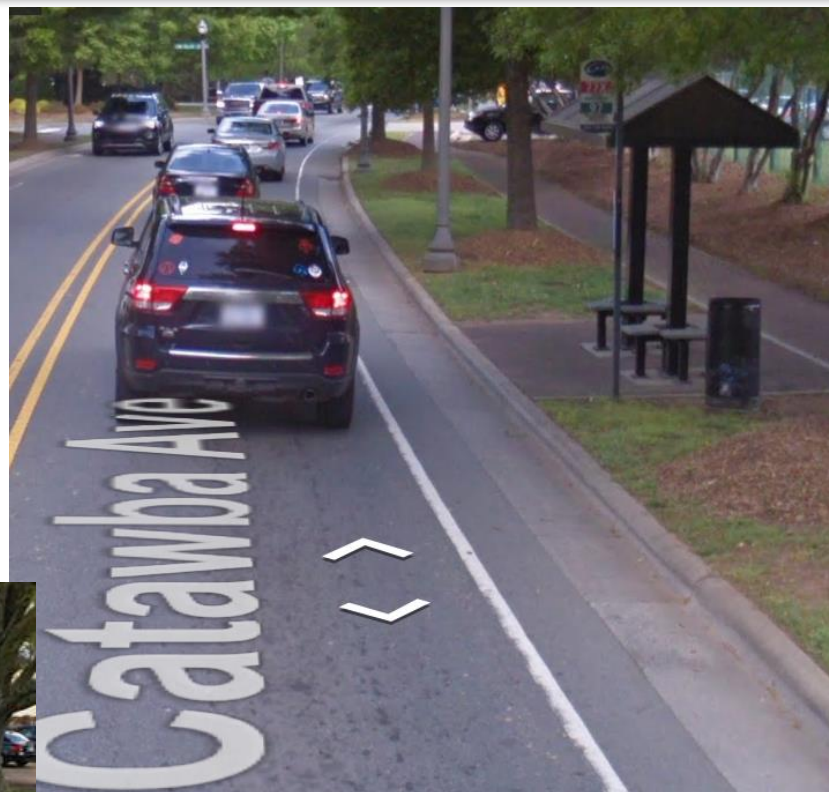
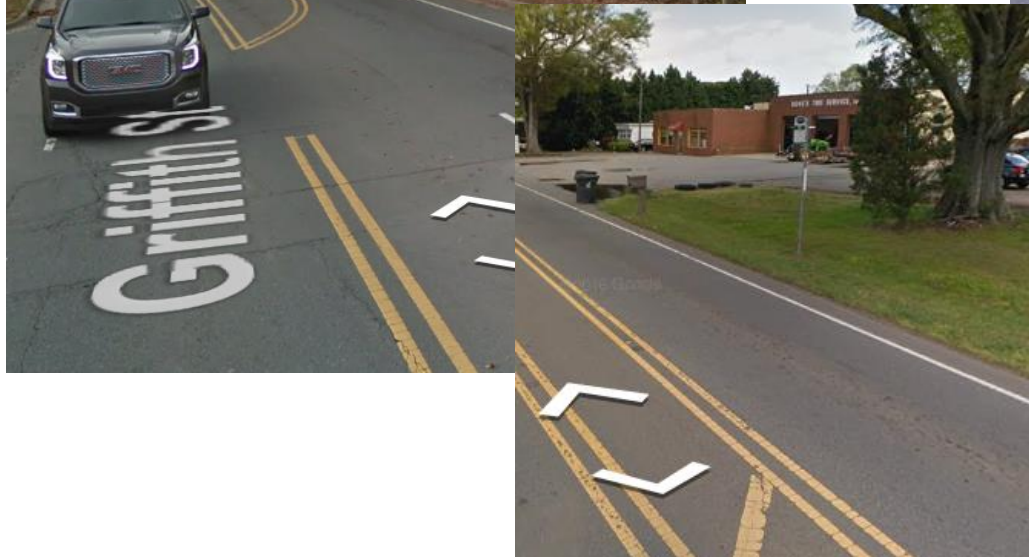
- Investigate sites near Hambright Direct Connect
- Potential transfer location at Bryton

Study Recommendations

- Utility right of way
- Near proposed future Direct Connect
- Partner with iCATS on a shared facility

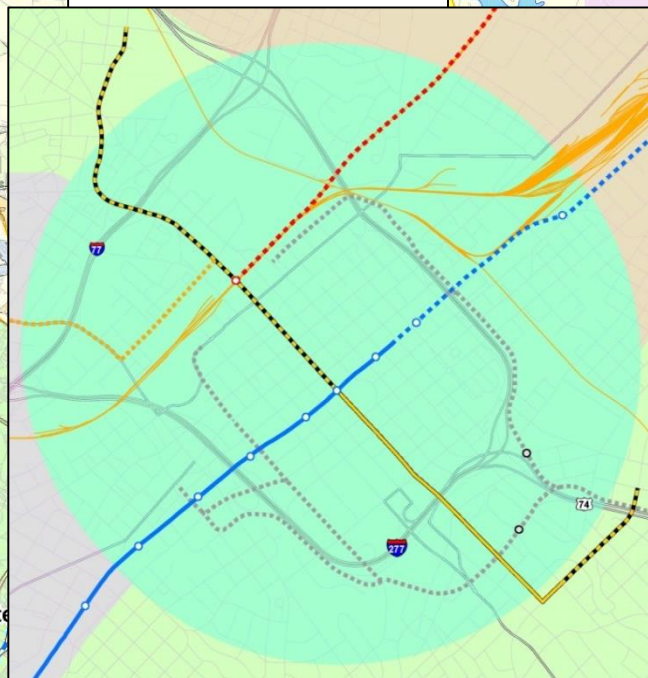
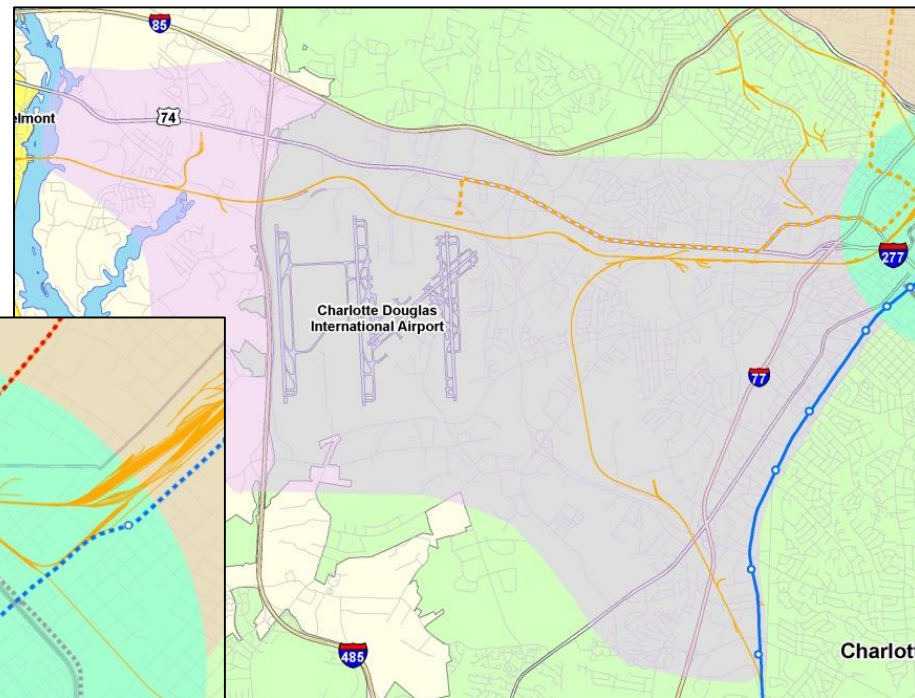


- CATS is leading a multi jurisdictional effort to identify bus stop amenity needs
- Recommendations will be included in the North Corridor Mobility Study and Envision My Ride





- Draft Document under project team review
- Incorporate recommendations into Envision My Ride



- Public Engagement begins in October 2017
- Complete with updated rapid transit staff recommendations to the MTC by December 2018

Technologies Previously Considered

BUS RAPID TRANSIT



- Intended for a variety of trips from regional to local
- Operates in a variety of ROW scenarios
- Service throughout the day and on weekends

STREETCAR



- Intended for short-distance trips in urban areas
- Typically operates in mixed traffic
- Service throughout the day and on weekends

LIGHT RAIL



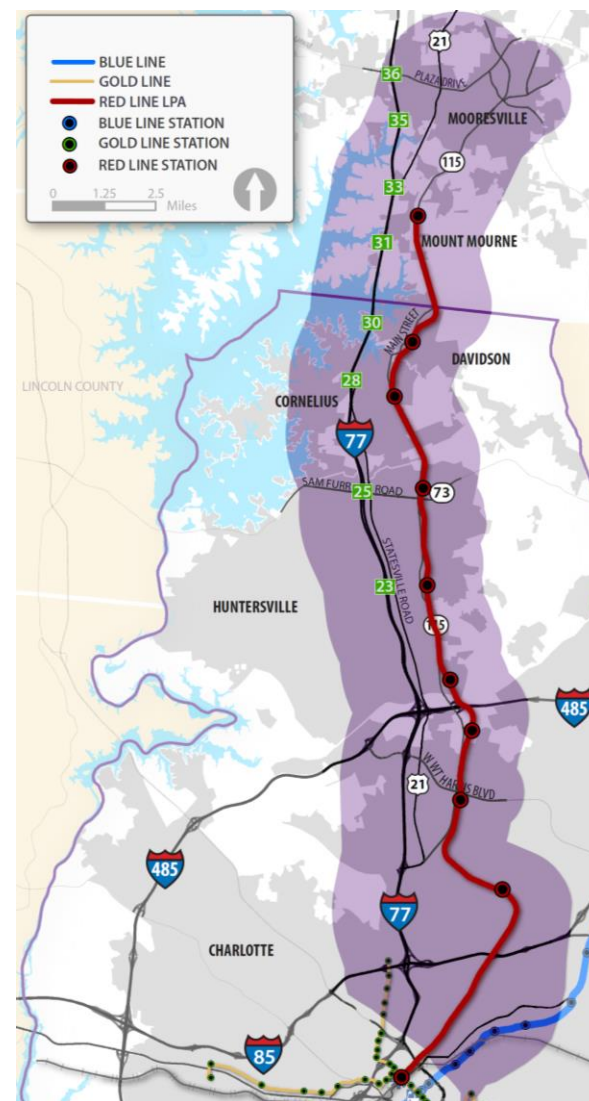
- Intended for a variety of trips from regional to local
- Typically operates in dedicated ROW
- Service throughout the day and on weekends

COMMUTER RAIL

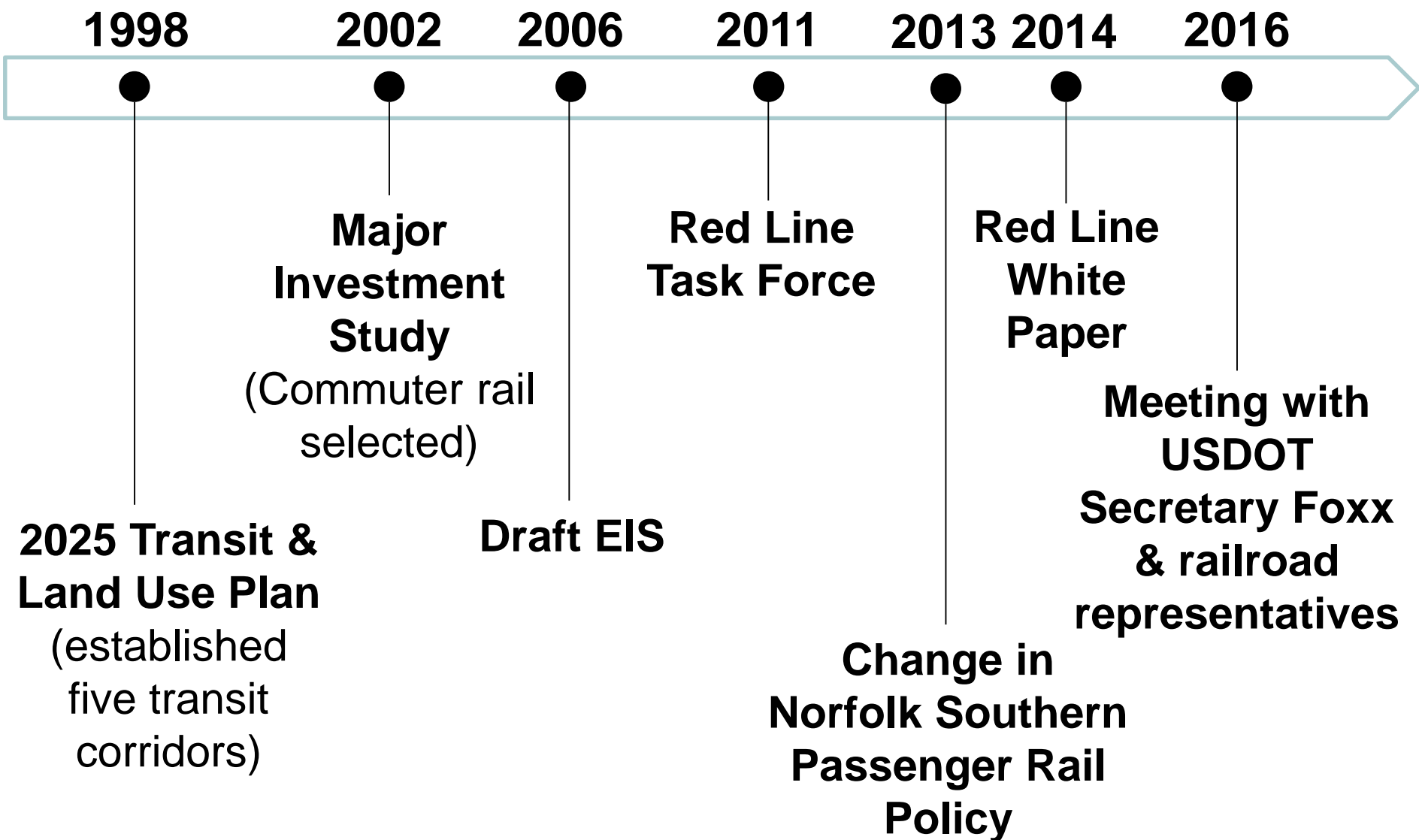


- Intended for longer-distance commute trips from suburbs into a central city
- Operates in dedicated ROW
- Service during peak hours of travel M-F

- **Current proposal:**
LYNX Red Line Commuter Rail
 - Utilizes existing tracks owned by Norfolk Southern (NS) from south of Mooresville to uptown Charlotte
 - Strong downtown land use connection in Mooresville, Davidson, Cornelius, and Huntersville
 - Takes advantage of existing infrastructure to manage costs
 - Intended to terminate at multimodal Charlotte Gateway Station
- **Current Status**
 - NS remains opposed to passenger rail on their tracks
 - Peak and limited midday service only



LYNX Red Line Planning Timeline



What is the “O” Line?

- The Norfolk Southern (NS) “O” Line is a single-track through Huntersville, Cornelius, Davidson, and Mooresville
- Currently utilized for low-volume freight



This study is:



- Public engagement to reach consensus on updated rapid transit vision
- A definition of rapid transit service and alignments
- Information to be considered in future system timing and implementation

This Study Is NOT:



- Intended to identify a “shovel ready” rail project”
- A fully detailed and designed rail project
- Constrained by current CATS financial projections

What is the Purpose of this Study?

Conduct land use, transportation analyses, and public engagement to support the selection by the MTC of updated Locally Preferred Alternatives for the LYNX Red Line and West Corridors



To update the 2030 Transit System Plan by determining how the corridors are integrated



Define strategies to move forward with implementation

**Tuesday,
October 17
6:00 pm – 8:00 pm
Cornelius Town Hall**

**Thursday,
October 19
6:00 pm – 8:00 pm
Camp North End
Charlotte**

**Tuesday,
October 24
6:00 pm – 8:00 pm
Lee S. Dukes Water
Treatment Plant
Huntersville**

**Thursday,
November 9
6:00 pm – 8:00 pm
Charles Mack
Citizen Center
 Mooresville**

**Wednesday,
November 15
11:30 am – 1:00 pm
CharMeck Library
Uptown Charlotte**

**Thursday,
November 16
6:00 pm – 8:00 pm
Mecklenburg County
Bar Association
Charlotte**



Agenda Title: Narrow Passage Conditional Amendment Public Hearing - Senior Planner Trey Akers

Summary: The applicant requests a second amendment to the plan last approved by the Board of Commissioners on August 13, 2016 to permit the addition of 1.08 acres to the proposed development. Additionally, the request includes a proposed modification to two conditions as well as a new condition: A reduction in the previously-approved payment-in-lieu amount for the multi-use path bridge on the southern parcel; an increase in the amount of non-conforming garages permitted within the development; and, an increase in the amount of allowed construction signs from one to two (one for each road frontage).

ATTACHMENTS:

Description	Upload Date	Type
❑ Narrow Passage Staff Analysis	10/6/2017	Backup Material
❑ Narrow Passage presentation	10/5/2017	Presentation



MEMO

Date: October 10, 2017
To: Board of Commissioners [Public Hearing]
From: Jason Burdette Planning Director
Re: Narrow Passage, Amendment to a Conditional Planning Area – Staff Analysis

1. INTRODUCTION

APPLICANT INFO

- **Developer:** Jeff Watson, Piedmont Land Development
- **Owners:** Narrow Passage LLC
- **Site Designer:** Woodbine Design, PC (Peyton Woody)
- **Area:** 60.37 acres (Total)
- **Location:** 19615 Shearer Rd. (Parcel ID #00323193)
15201 East Rocky River Road (Parcel ID# 00309201)
15210 East Rocky River Road (Parcel ID# 00725101)
15215 East Rocky River Road (Parcel ID# 00309241) [Requested Addition]

REQUEST

The applicant requests an amendment to the plan approved by the Board of Commissioners on August 13, 2016 to permit the addition of 1.07 acres to the proposed development. Additionally, the request includes a proposed modification to two conditions as well as a new condition: A reduction in the previously-approved payment-in-lieu amount for the multi-use path bridge on the southern parcel; an increase in the amount of non-conforming garages permitted within the development; and, an increase in the amount of allowed construction signs from one to two (one for each road frontage).

SUMMARY OF PETITION

The applicant requests an amendment to the approved Conditional Planning Area that would permit the addition of 1.07 acres to the proposed development. The amendment does not include a request to increase the number of units/lots originally approved (the plan is approved for 40-units, including one duplex). Annexation of the development is required per Condition 5; this includes any land added to the development. Per Condition 9. Open Space Deficiency Contribution, the request would lower the per lot payment-in-lieu for open space required of each future homeowner because the overall open space provided by the development would be increased by 1.07 acres if the request is approved.

2. PLANNING STAFF REVIEW

BACKGROUND

As part of the sewer extension amendment approved in September 2016, the applicant requested the option to expand the amount of open space provided by the development through the acquisition of 15215 East Rocky River Road (Parcel ID#00309240). This action was undertaken by the applicant in December 2016, and staff was informed of the action in the spring of 2017. In the summer of 2017 the applicant met with town staff to understand how to revise the plan, and to propose modifications to two conditions and inclusion of a new condition.

The revised proposal illustrating the additional land area was submitted on August 30, 2017 and was deemed to be complete on September 5, 2017. This review considers compliance with the Davidson Planning Ordinance adopted June 11, 2001, as amended; the Conditional Planning Area plan approved for this project on September 13, 2016; and, applicable plans.

PLANNING AND DEVELOPMENT STANDARDS

As noted earlier, the proposal does not include modifications to the number of lots/units approved or the site's infrastructure layout. Clearing and grading work for the originally approved plan has already begun and this proposal does not seek to modify that work. The only physical modification proposed is the addition of Parcel ID# 00309241, which was purchased by the applicant in December 2016 and lies along the project's southeastern boundary. The proposal would extend the project boundary southeast to the rear of lots that front East Rocky River Road, and would extend the parcel between Lots 34-35 to be dedicated to the Town to the new boundary. No additional modifications, including clearing, to this land area are proposed.

The proposal does not alter the following, previously approved project Conditions, General Notes, or Davidson Planning Ordinance standards as they apply to the approved site design, including: 1. Mix of Building Types; 2. Lot Width; 3. Infrastructure (except 3b. Multi-Use Path Bridge); 4. Affordable Housing; 5. Annexation; 6. Walking Paths & Common Open Space; 7. HERS Rating; 8. Permanent Open Space; 9. Open Space Deficiency Contribution; 10. Sewer Connection; and, all General Conditions. Although the majority of approved Conditions and General Notes are not affected, the proposal requests revision to Condition 3b. Multi-Use Path Bridge; Condition 11. Design Standards; and, the addition of a new Condition 12. Signage.

Note: The approved plan includes a specific condition regarding the amount of open space that the development must provide (70%) – either through land set asides or payment-in-lieu (9. Open Space Deficiency Contribution). Accordingly, any open space land that is reduced or any qualifying land that is acquired – as proposed here – would be factored into the required payment-in-lieu for each lot. This condition will not be modified as a result of this amendment.

PROPOSED CONDITIONS

As put forward by the applicant, the proposal would affect Condition 3b. Multi-Use Path Bridge by lowering the permitted payment-in-lieu; Condition 11. Design Standards by allowing an additional five non-compliant garages; and, add a new Condition 12. Signage permitting the installation of one additional construction sign on Shearer Road where none currently exists.

The proposed conditions are below, with revisions highlighted and staff commentary following each

condition:

3. Infrastructure:

- b. Multi-Use Path Bridge:** As part of the multi-use path that the Developer has agreed to construct on the south side of the East Rocky River Road, as shown on the Plan, Developer is obligated to deposit with the Town a sum equal to its share to construct a bridge across a water course up to the Developer's property line. The Developer's share of the cost to construct the bridge is based upon the percentage of the bridge located on the Developer's property. Accordingly, Developer may either (1) pay to the Town the sum of ~~\$80,000~~ **\$40,000** as a payment in lieu of constructing the bridge over the West Branch of the Rocky River, or (2) if Developer acquires an appropriate easement, Developer may elect to construct the entire bridge. In the event that the Developer elects to construct the bridge as set forth in (2), Developer shall provide to the Town the estimate for such cost and the Town shall reimburse the Developer for the portion of the bridge located on the adjoining property (PID # 00725133) upon completion of the bridge, not to exceed \$15,000. If the Developer elects to construct the entire bridge, but is unable to secure the easement on the adjoining property, the Town will either obtain the easement or will reduce the payment in (1) above from \$40,000 to \$20,000. [Note: the estimated cost for the developer to construct the bridge is significantly lower than the estimated cost for the Town to construct to the bridge, which accounts for the disparity in the above payment amounts.]

Staff Analysis: Staff does not support the proposed reduction in payment. The applicant maintains that the original plan approval included the installation of the path directly along East Rocky River Road, and that the path in this alignment can be constructed at less cost. However, the following points bear mentioning:

- The approved plans' conditions have always referenced the location of the path and attendant facilities on the southern parcel.
- The applicant has not fully explored the bridge construction as requested by staff repeatedly in 2016-2017. Specifically, flood models of any potential bridge have yet to be submitted to Meck. County Land Use & Environmental Services for official review. Therefore, the actual cost of the facility remains unknown.
- The original payment value of \$80,000 is already significantly less than the estimated cost of the applicant's portion of the facility, a point noted during the original approval in 2015 and re-verified with Meck. County Parks & Rec. staff in the summer of 2017.

Given these issues, revision to lower the payment-in-lieu amount is not recommended. However, since at this point the easement for the other side of the bridge is nearly finalized (the plat is under review currently), staff recommends revision to the condition to include only the language related to the required payment-in-lieu: "Developer shall pay to the Town the sum of \$80,000 as a payment-in-lieu of constructing the bridge over the West Branch of the Rocky River."

- 11. Design Standards:** The Developer voluntarily consents to the condition that all homes constructed in the development shall comply with the DPO criteria governing building design, including aesthetics; provided, however, ~~25% of the garages~~ **garages on 12 of the homes** in the development are exempt from the placement criteria listed in DPO Section 5 (Garages & Accessory Structures, Rural Planning Area). To qualify, the garage must be side-loaded (i.e. oriented at least 90 degrees to any road abutting the lot) or rear-loaded.

Staff Analysis: Staff does not support the proposed increase in non-conforming garages. The approved plans currently allow for up to seven non-conforming garages; the requested increase to 12 garages would result in an additional five garages. Because the ten homes at the development's entrance include alley-fed garages, the request effectively pertains to the remaining 30 lots. Therefore, the request for 12 of these lots' garages to be non-conforming represents 40% of the non-alley-fed lots in the development.

The Davidson Planning Ordinance includes standards regulating the massing and location of garages to serve the public interest, including public safety (crossing distance/site lines), impervious coverage, and quality of life through an improved and safe streetscape atmosphere (tree spacing distance, space for sidewalk facilities, etc.). The ordinance applies these criteria equally to all development, including individuals that apply for building permits for home renovations or construction of new dwellings – and that work within the ordinance framework to find feasible, scaled design solutions for each site. To make an exception to these rules and processes would not be consistent with existing policy or regulations. Nor is difficulty in siting a certain size garage on a lot considered worthy of a variance, which are granted for hardships in which owners are deprived of the reasonable/material use of a property.

- 12. Signage:** The Developer may install a second sign on Shearer Road in addition to the sign on Rocky River road which shall not exceed 64 square feet (4x8 2 sided) and shall be approved by TOD through the sign ordinance.

Staff Analysis: Staff supports the proposed increase in allowed construction signs in so far as the signs conform to the Davidson Planning Ordinance regulations. Given the property's frontage along two major roads – including an entrance set back from Shearer Rd. and no entrance/connection along East Rocky River Rd. – this request is reasonable. Staff recommends simplifying the condition language to read: "The Developer may install a second construction sign on Shearer Road, in addition to the sign on Rocky River Road, in accordance with the Davidson Planning Ordinance requirements."

3. PUBLIC PLANS AND POLICIES

Below is a list of town-adopted plans considered during the proposed Narrow Passage Conditional Planning Area rezoning in 2015. A summary of these plans' and the applicability of each to the project was provided in the Planning Board and Board of Commissioners analyses (June/July 2015).

- The *Davidson Greenprint Plan: Natural Assets Inventory (2008)*
- The *Davidson Walks and Rolls: Active Transportation Master Plan (2013)*
- The *Parks and Recreation Master Plan (2014)*
- The *Mecklenburg County Greenways and Trails Master Plan (2008)*
- The *Davidson Bicycle Transportation Plan (2008)*
- The *General Principles for Planning in Davidson (2001)*
- The *Davidson Comprehensive Plan (2010)*

Since that time the Town has adopted the Rural Area Plan, which aims to accommodate, direct, and manage conservation and growth in its 3,800 acre rural area over the next few decades. The plan was approved in September 2016 and contemplates a standard of development for the Rural Planning Area similar to the proposed plan. Specifically, the Rural Area Plan proposes a revision to

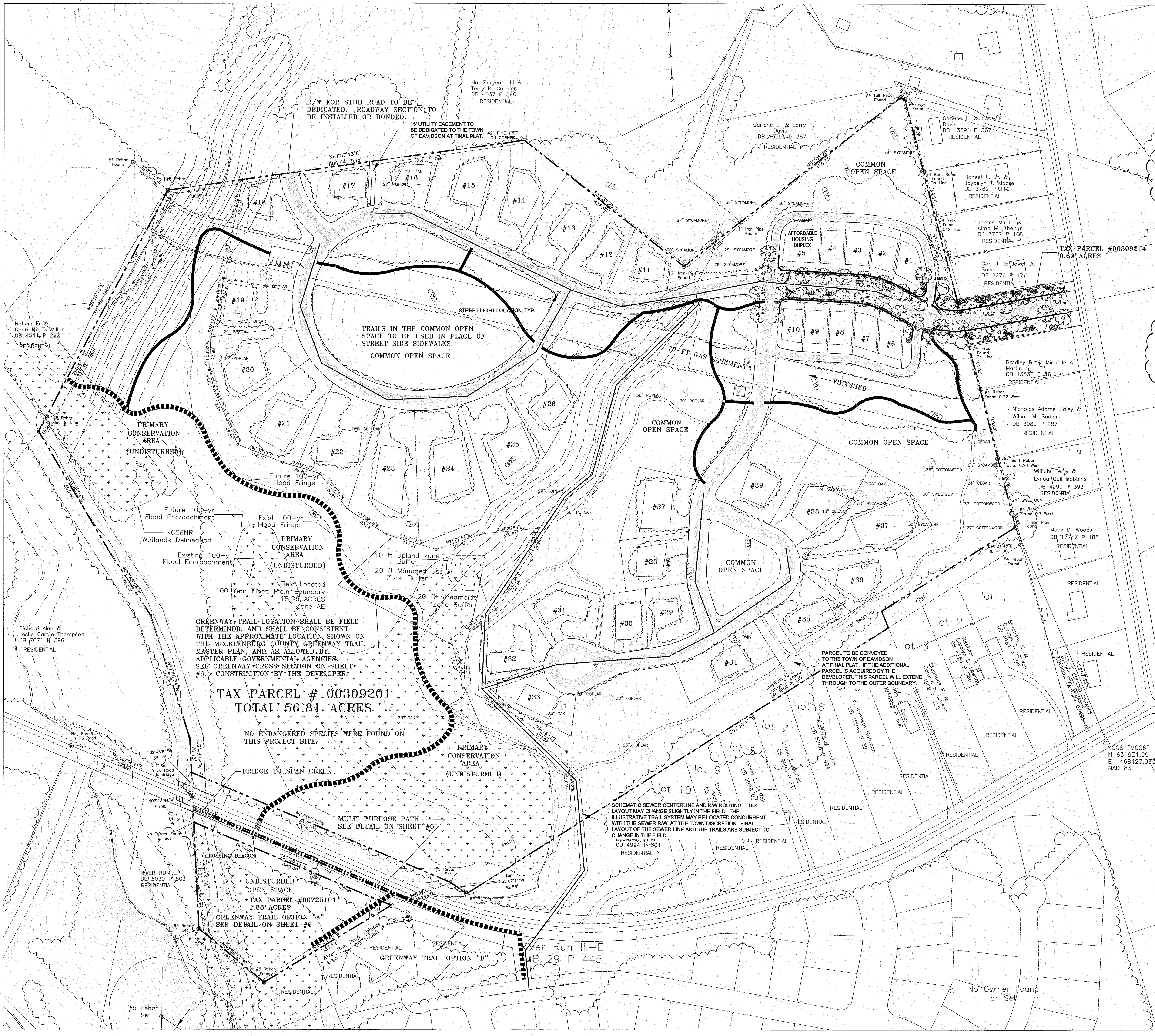
the Rural Planning Area standards that would require a min. of 40-70% open space, with varying levels of density permitted. The proposal to increase the amount of open space provided to move closer towards the approved master plan's target of 70% is consistent with the Rural Area Plan.

4. STAFF RECOMMENDATION

Because the proposal does not include a request to alter the previously-approved project layout, density, or open space criteria, the plan remains – in effect – the same as it was when approved in August 2015. Based on these circumstances, and because the proposal works towards increased compliance with the approved 70% open space target, staff recommends approval of the proposed land addition to the development. Staff also recommends approval of the signage condition, as revised in this analysis; staff does not recommend approval of the proposed bridge payment-in-lieu or garage condition modifications.

5. ATTACHMENTS

- Narrow Passage Plans – Cover Sheet, Concept Plan Sheet 5



ZONING CODE SUMMARY

PROJECT NAME: NARROW PASSAGE SUBDIVISION
OWNER: NARROW PASSAGE HOLDINGS INC. PHONE # (704) 589-6589
PLANS PREPARED BY: WOODBINE DESIGN, P.C. PHONE # (980) 722-2669
EXIST ZONING: RURAL JURISDICTION: DAVIDSON
PROP ZONING: CONDITIONAL
ADJ ZONING: RURAL & CONDITIONAL
TAX PARCEL ID: 003-09-201, 007-25-101, 003-09-214

STREET R.O.W

LOT SUMMARY

PROPOSED R.O.W. AREA = 5.49-ACRES

OPEN SPACE

TOTAL PROPOSED OPEN SPACE = 38.97-ACRES = 64.55%
PRIMARY CONSERVATION OPEN SPACE = 20.23 AC=33.55%
COMMON OPEN SPACE = 18.74-ACRES = 31%

PRIMARY CONSERVATION OPEN SPACE IS UNDISTURBED EXCEPT FOR THE FIELD LOCATED WOODLAND TRAILS. ALL OPEN SPACE WILL BE OWNED BY THE PROPERTY OWNERS ASSOCIATION AND ACCESSIBLE TO THE PUBLIC.
OPEN SPACE IS DEFINED AS AREAS NOT DIVIDED INTO BUILDING LOTS, STREETS, R/W, PARKING, OR EASEMENTS PER THE COMPLETION OF OPEN SPACE IN THE DAVIDSON PLANNING JURISDICTION.
FINAL OPEN SPACE FIGURES ARE DEPENDENT UPON THE FINAL LAYOUT OF THE UTILITY SYSTEMS AND UPON THE POTENTIAL ADDITION OF ADDITIONAL PROPERTY TO THE PROJECT AREA, ALL WITHIN THE COMMON OPEN SPACE

SITE AREA

SITE = 60.37-ACRES
DENSITY: 10/60.37=0.66 DU/AC
38 SINGLE FAMILY UNITS
AFFORDABLE HOUSING: 1 DUPLEX UNIT
THESE UNITS ARE TO BE LOCATED IN THE ENTRY POD

Lot # Acres

1	0.19
2	0.18
3	0.18
4	0.18
5	0.23
6	0.15
7	0.15
8	0.15
9	0.15
10	0.15
11	0.31
12	0.39
13	0.50
14	0.68
15	0.50
16	0.34
17	0.36
18	0.38
19	0.41
20	0.65
21	0.70
22	0.81
23	0.77
24	0.87
25	0.63
26	0.41
27	0.45
28	0.38
29	0.31
30	0.39
31	0.43
32	0.35
33	0.44
34	0.32
35	0.45
36	0.72
37	0.53
38	0.59

TOTAL LOT ACREAGE = 15.90-ACRES

IMPERVIOUS AREA DATA

NOTE: THIS SITE IS A LOW DENSITY OPTION OF 10% OR LESS IMPERVIOUS. THIS SITE DOES NOT REQUIRE STORM WATER MANAGEMENT.

NOTE: THIS ILLUSTRATIVE PLAN REPRESENTS AN IMPERVIOUS AREA OF 7.56% FOR ROADS, ALLEYS, HOUSES AND DRIVEWAYS, BUT THE FINAL DEVELOPMENT WILL BE ALLOWED TO BUILD UP TO A TOTAL OF 10% IMPERVIOUS WITHOUT HAVING TO SUBMIT FOR ZONING PLAN REVISION, AND IS SUBJECT TO THE OVERALL PROJECT AREA POTENTIALLY BEING EXPANDED.

SITE LEGEND

PROPOSED

PROPERTY LINE	---
LOT LINES	---
AUTO AREA SECTION	---
TREE LINE	---
STREET LIGHT	---
HOUSE PAD	---

EXISTING

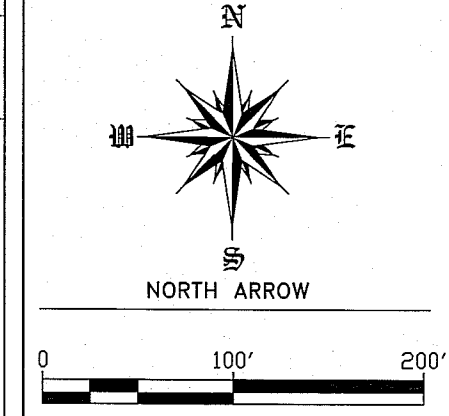
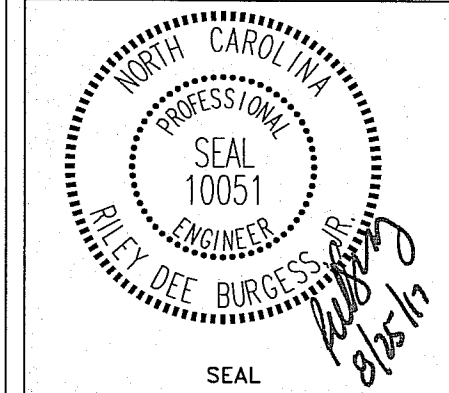
795	10' CONTOURS
---	2' CONTOURS
---	TREE LINE
---	PROPERTY LINE

NOTE: SEPTIC DRAIN AREAS MAY EXTEND BEYOND HOUSE PAD ENVELOPES THAT ARE SHOWN, DEPENDENT ON FIELD CONDITIONS.

- 11/8/17: Open Space
- 8/16/18: swr and notes
- 6/13/16: swr and notes
- 8/4/15: town comments

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

Woodbine Design, P.C.
Land planning & civil engineering
www.woodbinedesign.com
880-792-2669
28816 N. Main Street, Suite 204
Carrboro, NC 27510
704-215-8367
www.woodbinedesign.com
880-792-2669
28816 N. Main Street, Suite 204
Carrboro, NC 27510
704-215-8367



NARROW PASSAGE SUBDIVISION
SHEARER RD., DAVIDSON, NC
Mecklenburg, Co.
CONCEPTUAL SITE PLAN

Project Location: **DAVIDSON, NC**
Developer/Owner: **K & M Land and Land**
PO Box 1138
Davidson, NC 28036

Designed By: **Woodbine Design**
Drawn By: **PW**
Date: **8/1/14**
Revisions:
1. 10/15/14: added sheets & clarifications
2. 1/15/15: resubmittal
3. 3/6/15: REVIEW COMMENTS
4. 4/13/15: TOWN COMMENTS
5. 4/22/15: MOVED GREENWAY, ADDED TRAILS IN OPEN SPACE, ADDED PAVT IN STUB ROAD
6. 6/23/15: town comments
7. 7/2/15: town comments
8. 9/15/15: town comments

Sheet **5** of **7**
Project Number **14007**

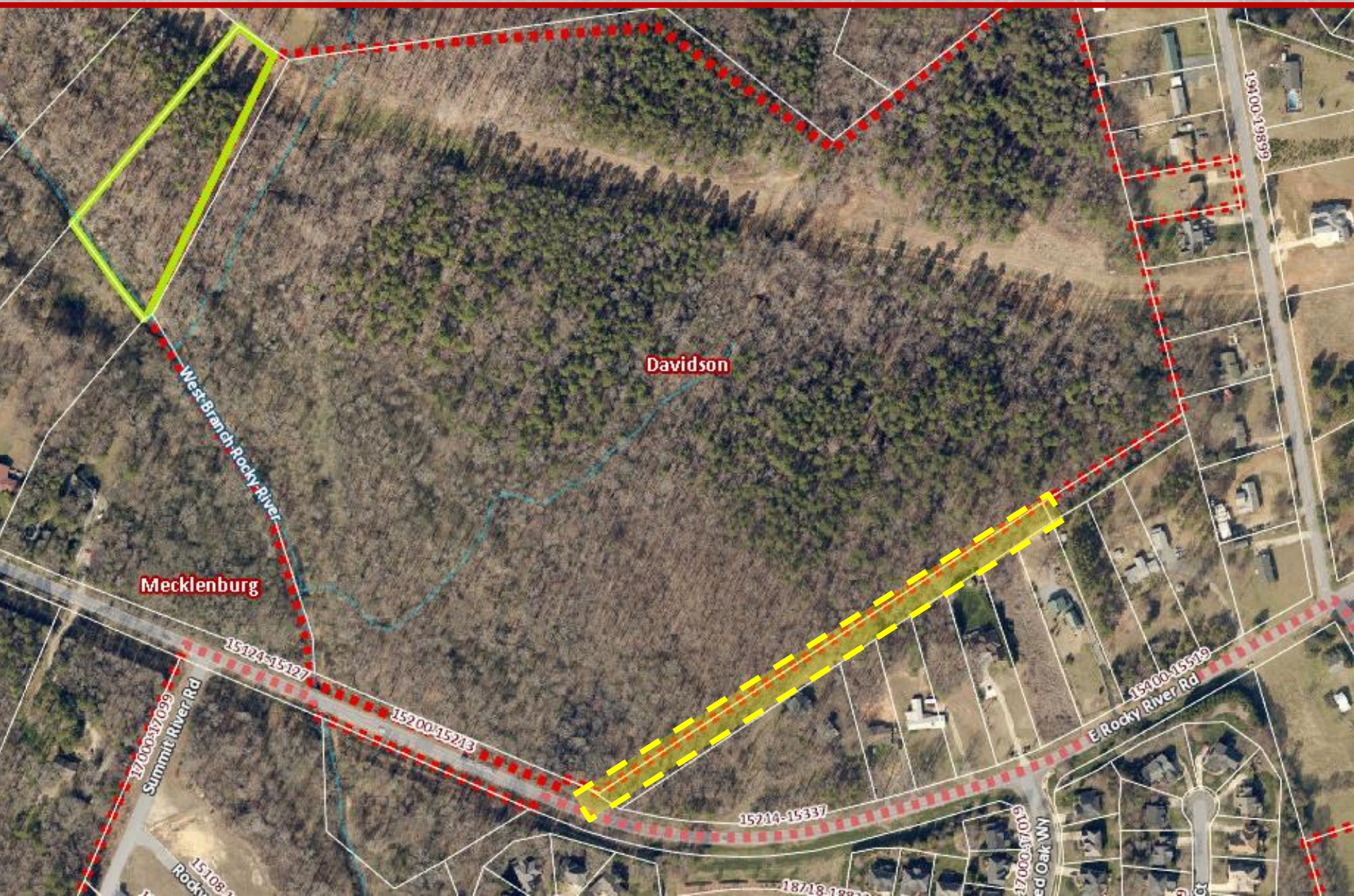
NARROW PASSAGE CONDITIONAL MASTER PLAN AMENDMENT



College Town. Lake Town. *Your Town.*

Narrow Passage Conditional Master Plan Amendment
Board of Commissioners Public Hearing Presentation
Trey Akers, Planning Dept.
October 10, 2017

NARROW PASSAGE – CONTEXT



NARROW PASSAGE – LAYOUT [UNCHANGED]



PLAN AMENDMENTS

SUMMARY

- **Land Area Addition**

- Proposed: 1.07 Acres/Southeastern Boundary
- No Additional Site Changes Proposed
 - » Staff Response: **Recommended**

- **Applicant Proposed Condition Modifications**

- Number of Construction Signs: Request = 2 [1 on Shearer, 1 on East Rocky River]
 - » Staff Response: **Recommended**
- Multi-Use Bridge Payment-in-Lieu: Request = Reduction from \$80,000 to \$40,000
 - » Staff Response: **Not Recommended**
- Number of Non-Conforming Garages: Request = Increase Overall Number to 12
 - » Staff Response: **Not Recommended**

STAFF RECOMMENDATION

SUMMARY

- **Land Area Addition + Construction Sign Condition:**
 - Approval Recommended
- **Bridge Payment + Garage Conditions:**
 - Approval Not Recommended

QUESTIONS/DISCUSSION



Agenda Title: Consider Approval of Budget Amendment

Summary: BA 2018-09 Amends the Public Facilities Project Fund to allow for expenditures approved by the Board per resolution 2017-22 and allocates fund balance. The Board approved a reimbursement resolution from the financing of the project back to fund balance. This is procedural amendment required to properly transfer the funds to the capital project fund, as confirmed by our financial auditors.

ATTACHMENTS:

Description	Upload Date	Type
BA 2018-09	9/20/2017	Cover Memo

AMENDMENT TO THE BUDGET ORDINANCE

BE IT ORDAINED by the Governing Board of the Town of Davidson, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section 1: To amend the General Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
10-00-4190-580	Capital Outlay – Building		\$ 925,000.00

Budgeted expenditures will be transferred to the Public Facilities Project Fund to fund the cost of Phase 2 of the project.

Section 2: To amend the General Fund, the estimated revenues are to be changed as follows:

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
10-00-3990-980	Fund Balance Appropriated		\$ 925,000.00

Section 3: To amend the Public Facilities Project Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
40-00-4190-400	Design		\$ 925,000.00

Budgeted expenditures will fund the costs of design in phase 2 of the project

Section 4: To amend the Public Facilities Project Fund, the estimated revenues are to be changed as follows:

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
40-00-3902-000	Contribution From General Fund		\$ 925,000.00

Section 5: Copies of this budget amendment shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 10th day of October, 2017



Agenda Title: Consider Approval of Financing Contract and Related Budget Amendment - Police and Fire Department Radios

Summary: The Board approved the purchase of Police and Fire Radios at the September 12, 2017 meeting, and instructed staff to issue a financing RFP to fund the purchase. The Town received 4 responses from lenders. The BB&T response included a 2.23% borrowing rate over 7 years, and is recommended for acceptance by staff. The first debt service payment will be in FY 2019, and will be funded through the FY 2019 budget ordinance.

ATTACHMENTS:

Description	Upload Date	Type
❑ Resolution 2017-24	10/4/2017	Cover Memo
❑ RFP Response Summary - Radios	10/4/2017	Cover Memo
❑ BA 2018-11	10/6/2017	Cover Memo



RESOLUTION 2017-24
POLICE AND FIRE RADIO FINANCING

WHEREAS, the Town of Davidson (the “Town”) has previously determined to undertake a project for the financing of radios (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated September 28, 2017. The amount financed shall not exceed \$195,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.23%, and the financing term shall not exceed seven (7) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document’s final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted this 10th day of October, 2017.

John M. Woods
Mayor

Carmen Clemsic
Town Clerk

Town of Davidson, North Carolina

Installment Financing Contract, Series 2017

Summary of Bids Received

September 29, 2017

	BB&T	U.S. Bank	First Bank	Key Bank
Rate	2.230%	2.379%	2.850%	3.010%
Term	7 Years	7 Years	7 Years	4 Years (5 periods)
Fees	Bank Counsel Fees	None Stated	None Stated	None Stated
Prepayment Provision	Anytime @ 100%	After 13 months @ 103%	Anytime @ 100%	Anytime @ 103%
Interest Payment	10/1, beginning 10/1/2018	10/1, beginning 10/1/2018	10/1, beginning 10/1/2018	12/1, beginning 12/1/2017
Principal Payment Dates	10/1, beginning 10/1/2018	10/1, beginning 10/1/2018	10/1, beginning 10/1/2018	12/1, beginning 12/1/2017
Structure	Level Debt Service	Level Debt Service	Level Debt Service	Level Principal
Fiscal Year	Principal Interest Debt Service	Principal Interest Debt Service	Principal Interest Debt Service	Principal Interest Debt Service
2018	\$ - \$ - \$ -	\$ - \$ - \$ -	\$ - \$ - \$ -	\$ - \$ - \$ -
2019	26,161 4,216 30,377	26,051 4,497 30,549	25,708 5,388 31,096	39,000 800 39,800
2020	26,611 3,765 30,377	26,529 4,019 30,549	26,271 4,825 31,096	39,000 4,761 43,761
2021	27,205 3,172 30,377	27,160 3,388 30,549	27,020 4,076 31,096	39,000 3,571 42,571
2022	27,812 2,565 30,377	27,807 2,742 30,549	27,790 3,306 31,096	39,000 2,380 41,380
2023	28,432 1,945 30,377	28,468 2,080 30,549	28,582 2,514 31,096	39,000 1,190 40,190
2024	29,066 1,311 30,377	29,145 1,403 30,549	29,396 1,699 31,096	- - -
2025	29,714 663 30,377	29,839 710 30,549	30,234 862 31,096	- - -
Total	\$ 195,000 \$ 17,636 \$ 212,636	\$ 195,000 \$ 18,840 \$ 213,840	\$ 195,000 \$ 22,670 \$ 217,670	\$ 195,000 \$ 12,702 \$ 207,702

AMENDMENT TO THE BUDGET ORDINANCE

BE IT ORDAINED by the Governing Board of the Town of Davidson, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section 1: To amend the General Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
10-10-4340-510	Equipment		\$100,000
10-10-4310-510	Equipment		\$ 95,000

The Town will purchase 44 radios for the Police and Fire Departments

Section 2: To amend the General Fund, the estimated revenues are to be changed as follows:

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
10-60-3493-910	Loan Proceeds		\$ 195,000

The Town received proposals for the financing of 44 Police and Fire Department Radios in an amount not to exceed \$195,000.

Section 3: Copies of this budget amendment shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 10th day of October, 2017



Agenda Title: Consider Approval of September Meeting Minutes

Summary: Approve Meeting Minutes from September 5, 2017
Approve Meeting Minutes from September 12, 2017
Approve Meeting Minutes from September 18, 2017
Approve Meeting Minutes from September 26, 2017

ATTACHMENTS:

Description	Upload Date	Type
❏ Draft 2017-09-05 Minutes (1st Tue)	10/10/2017	Cover Memo
❏ Draft 2017-09-12 Minutes (2nd Tue)	10/9/2017	Cover Memo
❏ Draft 2017-09-18 Minutes (Coffee Chat)	10/10/2017	Cover Memo
❏ Draft 2017-09-26 Minutes (4th Tue)	10/9/2017	Cover Memo



College Town. Lake Town. *Your Town.*

September 5, 2017

**REGULAR MEETING
TOWN OF DAVIDSON BOARD OF COMMISSIONERS**

The Town of Davidson Board of Commissioners held regularly scheduled meeting on Tuesday, September 5, 2017 at the Davidson Library – 119 South Main Street, Davidson, NC 28036. Mayor Woods called the meeting to order at 4:00 p.m. Present were Mayor John Woods and Commissioners Cashion, Fuller, Jenest and Graham. Commissioner Anderson was absent. Staff included Town Manager Jamie Justice and Town Attorney Cindy Reid.

The board discussed the following topics: Noise Complaints regarding Davidson College, Public Works Building location, Ada Jenkins moving to the non-profit “pot” starting FY20, the fire truck plan, possible police and fire radio purchase, moving coffee chats and discussing CMS/GO Bonds at one of them.

Commissioner Cashion moved to move into closed meeting to discuss a personnel matter at 5:00p.m. and Commissioner Cashion also moved to adjourn the closed meeting at 6:00p.m.

No action was taken.

The meeting adjourned at 6:00 p.m.

John M. Woods
Mayor

Attest:

Carmen Clemsic
Town Clerk



September 12, 2017

**WORK SESSION
TOWN OF DAVIDSON BOARD OF COMMISSIONERS**

The Town of Davidson Board of Commissioners held its regularly scheduled pre-meeting on Tuesday, September 12, 2017 in the Town Hall Board Room. Mayor Woods called the meeting to order at 4:05 p.m. Present were Mayor John Woods and Commissioners, Beth Cashion, Jim Fuller, Rodney Graham. Commissioners Stacey Anderson and Brian Jenest were absent. Town Manager Jamie Justice, Assistant Town Manager Dawn Blobaum, Finance Director Pieter Swart, Planning Director Jason Burdette, Economic Development Manager Kim Fleming, Human Resources Manager Heather James, Fire Chief Bo Fitzgerald, Police Chief Penny Dunn, Parks and Recreation Director Kathryn Spatz, Public Works Director Doug Wright and Town Clerk Carmen Clemsic were also present.

The following items were included under other discussion:

- **Why Smart Growth?**

Planning Director Jason Burdette gave a briefing on “Why Smart Growth?”. This presentation provides a primer on Smart Growth and how it is applicable in Davidson.

- **Text Amendments Discussion**

Planning Director Jason Burdette discussed the proposed text amendments. Per Mecklenburg County's recommendation, planning staff proposes changes to Section 17 (Watershed) of the planning ordinance. Additionally, commissioners have asked staff to look into permitted building types in the Village Infill Planning Area.

**REGULAR MEETING
TOWN OF DAVIDSON BOARD OF COMMISSIONERS**

The Town of Davidson Board of Commissioners held its regularly scheduled pre-meeting on Tuesday, September 12, 2017 in the Town Hall Board Room. Mayor Woods called the meeting to order at 6:00 p.m. Present were Mayor John Woods and Commissioners, Beth Cashion, Jim Fuller, Rodney Graham. Commissioners Stacey Anderson and Brian Jenest were absent. Town Manager Jamie Justice, Assistant Town Manager Dawn Blobaum, Finance Director Pieter Swart, Planning Director Jason Burdette, Economic Development Manager Kim Fleming, Human Resources Manager Heather James, Fire Chief Bo Fitzgerald, Police Chief Penny Dunn, Parks and Recreation Director Kathryn Spatz, Public Works Director Doug Wright and Town Clerk Carmen Clemsic were also present.

Mayor Woods called the meeting to order at 6:11 p.m.

- **Announcements**

Mayor Woods recognized the Barnstock

Mayor Woods proclaimed National Suicide Prevention Week, Sep 10-16, 2017.

Public Information Officer Cristina Shaul announced the following events: We are accepting applications for advisory board positions via our website through September 30.

The Mayor and Commissioners are hosting a Davidson Coffee Chat on Monday, September 18 at 9:00 a.m. in the Davidson Town Hall Board room.

There are a lot of people suffering as a result of Hurricanes Harvey and Irma, so here's a list of ways you can help: Hurricane Fund Raiser Breakfast at Williams Place on Saturday, 9/16 from 8 to 10:30 a.m., Redcross.org, List available on the table in the lobby

The DLC's Run for Green is Saturday, 9/16. Expect road closures along South Street for a short period of time that morning – they have a big crowd of enthusiastic runners for their great event.

The last Concert on the Green is Sunday, September 17 at 6:00 p.m. featuring the Davidson College Symphony Orchestra and Jazz Ensemble.

The Davidson Police Department is hosting a "Meet & Greet" with new Police Chief Penny Dunn on Monday, September 25 from 6:00 to 7:30 p.m. at the Ada Jenkins Center gym. Please stop by to meet the new chief, some of the other officers, and see a police cruiser.

There are many election forums that have been scheduled. A list is available on our website and on the lobby table.

We are accepting nominations for the Jack Burney Community Service Award through September 29. Please apply via our website or by filling out an application available at our front desk.

We are hiring for Landscaping Maintenance Technician.

Public Information Officer Cristina Shaul played a General Obligations Bonds Educational Video

- **Public Comments**

The public comment period of the meeting was closed at 6:55 p.m.

- **Presentations**

Mecklenburg County Assessor Ken Joyner gave a briefing on what to expect with the 2019 Revaluation as well as providing some instructions on the use of Modria.

- **Public Hearing**

Senior Planner Trey Akers provided a synopsis of the Davidson East Conditional Master Plan Amendment prior to the public hearing. Attorney Susan Irvin also provided information on the proposed Hotel. The public hearing was closed at 9:16 p.m.

- **Consent Agenda**

The following items were on the consent agenda:

- Regular Meeting Minutes from August 8, 2017
- Special Meeting Minutes from August 22, 2017
- Revised Regular Meeting Schedule

Commissioner Cashion made the motion to approve the consent agenda. The motion passed 3-0.

- **New Business**

Senior Planner Travis Johnson provided an overview of the Mobility Plan Report. This report will describe the purpose, status, and next steps for the Mobility Plan. Planning staff secured 80% grant funding from CRTPO to develop the Davidson Mobility Plan.

Town Manager Jamie Justice provided a MI-Connection Status Report.

Town Manager Jamie Justice provided an overview on the Public Safety Radio Purchase and asked the board to Consider Approval of Public Safety Radio Purchase

Commissioner Fuller motioned to approve the Public Safety Radio Purchase. Motion passed 3-0.

Consider approval of amended Town Managers Contract.

Commissioner Cashion motioned to approve the amended Town Managers Contract. Motion passed unanimously.

- **Adjourn**

The meeting adjourned at 9:23 p.m.

John M. Woods,
Mayor

Attest:

Carmen Clemsic
Town Clerk



September 18, 2017

**REGULAR MEETING – COFFEE CHAT
TOWN OF DAVIDSON BOARD OF COMMISSIONERS**

The Town of Davidson Board of Commissioners held its regularly scheduled meeting at Davidson Town Hall, 216 S. Main Street, Davidson, NC 28036. Present were Mayor Woods; Commissioners Cashion, Graham, and Fuller. Commissioners Anderson and Jenest were absent. Staff included: Town Manager Jamie Justice, Finance Director Piet Swart, Public Information Officer Cristina Shaul and Town Clerk Carmen Clemsic.

The meeting began at 9:00 a.m.

North Learning Community Superintendent Dr. Matt Hayes provided an overview of the Charlotte Mecklenburg Schools (CMS) bonds and Town of Davidson Finance Director Piet Swart provided an overview of the Town of Davidson's General Obligation Bonds. The latter part of the meeting was a general question and answer session.

No actions were taken.

The meeting adjourned at 10:00 a.m.

John M. Woods,
Mayor

Attest:

Carmen Clemsic
Town Clerk



September 26, 2017

WORK SESSION THE TOWN OF DAVIDSON BOARD OF COMMISSIONERS

The Town of Davidson Board of Commissioners held its regularly scheduled work session on Tuesday, September 26, 2017. The Mayor called the meeting to order at 4:07 p.m. Present were Mayor John Woods and Commissioners Anderson, Cashion, Fuller, Graham and Jenest. Town Manager Jamie Justice, Assistant Town Manager Dawn Blobaum, Town Attorney Cindy Reid, Public Information Officer Cristina Shaul, Economic Development Manager Kim Fleming, Public Works Director Doug Wright, Police Chief Penny Dunn, Fire Chief Bo Fitzgerald, Human Resources Manager Heather James, Senior Planner Chad Hall and Town Clerk Carmen Clemsic were also present.

- **Historic Landmarks Commission – Dr. Dan Morrill**

Mr. Hall explained the steps required for the expansion of the Local Historic District. The process consists of community involvement, inventory and map the area, submit the draft report to State Historic Preservation Office for review and comment. Additionally, a map amendment would need to be made to the Planning Ordinance which would require a public hearing at the Planning Board and Town Board meetings.

- **Downtown Parking Study Update – Economic Development Manager Kim Fleming**

Economic Development Manager Kim Fleming gave an update on the downtown parking study.

REGULAR MEETING THE TOWN OF DAVIDSON BOARD OF COMMISSIONERS

The Town of Davidson Board of Commissioners held its regularly scheduled meeting on Tuesday, September 26, 2017. The Mayor called the meeting to order at 6:09 p.m. Present were Mayor John Woods and Commissioners Anderson, Cashion, Fuller, Graham and Jenest. Town Manager Jamie Justice, Assistant Town Manager Dawn Blobaum, Town Attorney Cindy Reid, Planning Director Jason Burdette via phone, Public Information Officer Cristina Shaul, Economic Development Manager Kim Fleming, Public Works Director Doug Wright, Police Chief Jeanne Miller, Fire Chief Bo Fitzgerald, Human Resources Manager Heather James and Town Clerk Carmen Clemsic were also present.

- **Commissioner Reports**

Mayor John Woods, Centralina Council of Governments and Metropolitan Transit Commission
Commissioner Stacey Anderson, Arts & Science Council
Commissioner Beth Cashion, Visit Lake Norman and North Mecklenburg Alliance

Commissioner Fuller, Lake Norman Chamber
Commissioner Graham: Lake Norman Regional Economic Development Organization
Commissioner Jenest, Charlotte Regional Transportation Planning Organization and Lake Norman
Transportation Commission

- **Discussion**

Planning Director Jason Burdette and Senior Planner provided a status update on the Hyatt Place proposal and discussed the revised conditional master plan including updated conditions and responses from the applicant.

- **Announcements**

Proclamation – International Walk to School Day

Proclamation – PANDAS/PANS Awareness Day

The Downtown Davidson Fall Arts Festival is this Saturday, September 30 from 3:00 to 8:00 p.m. along Main Street and the green. Billy Jones is performing. On Tuesday, October 3 at 6:00 p.m., the EPA will host their final community meeting to provide an update on their successful asbestos remediation project on the properties adjacent to 301 Depot Street. Join us to Walk to School Day on Wednesday, October 4 – all of the schools in the area are participating in some way. Davidson Connections will meet on Thursday, October 5 at 9:00 a.m. at Ben & Jerry's. On Thursday, October 5 from 5:00 to 7:00 p.m. NCDOT will host a public meeting to discuss two projects at Cornelius Town Hall. One project would improve the intersection of N.C. 115 (Main Street) at Potts Street, potentially with a roundabout. The other proposes to extend Potts Street to Sloan Street, including a multiuse trail between N.C. 115 and Griffith Street, and a roundabout at the Sloan Street/Griffith Street intersection. The Parks and Recreation bus will shuttle people from Davidson Town Hall to and from Cornelius Town Hall on a continuous loop starting at 4:50 p.m. Our Parks and Recreation Department is hosting a Fisher Farm Family Bike Fest – at Fisher Farm Park on Sunday, October 8 from 9:00 am – 1:00 pm. There is no charge for this event and information is on our website. Nominations for the Jack Burney Community Service Award will be accepted through Friday, September 29. Advisory Board applications will be accepted through Saturday, September 30. Please apply via our website. Our Public Works Department seeks to hire a Maintenance Technician with a focus on landscaping. Applications can be found on our website or picked up at the front desk at town hall.

- **New Business**

Consider approval of Fire Truck Replacement Contract and Budget Agreement 2018-10.

Commissioner Cashion motioned to approve BA 2018-09, the SMEAL contract and the purchase of three apparatus and providing the Town Manager the authority to approve the contract. Motion passed unanimously.

Consider Approval of Budget Amendment 2018-08. BA 2018-08 Amends the Affordable Housing Fund to allow for down payment assistance to 6 future homeowners from payment in lieu funds.

Commissioner Anderson motioned to approve BA 2018-08. Motion passed unanimously.

- **Discussion**

Economic Development manager Kim Fleming provided a recap of the Davidson Business Summit.

The meeting adjourned at 8:11 p.m.

John M. Woods
Mayor

Attest:

Carmen Clemsic
Town Clerk



Agenda Title: Consider Approval of Ordinance 2017-12: Prescribing Procedures for Disposing of Personal Property Valued at Less than \$30,000

Summary:

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> O2017-12 Prescribing Procedures for Disposing of Personal Property Valued at Less than \$30000	10/10/2017	Cover Memo



Ordinance 2017-12
An Ordinance Prescribing Procedures for Disposing of Personal Property Valued at Less than \$30,000

BE IT ORDAINED by the Board of Commissioners of the Town of Davidson, North Carolina:

Section 1. The Town Manager is hereby authorized to dispose of any surplus personal property owned by the Town of Davidson, North Carolina, whenever he or she determines, in his or her discretion, that:

- (a) the item or group of items has a fair market value of less than thirty thousand dollars (\$30,000.00);
- (b) the property is no longer necessary for the conduct of public business; and,
- (c) sound property management principles and financial considerations indicate that the interests of the Town of Davidson would best be served by disposing of the property.

Section 2. The Town Manager may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of N.C. Gen. Stat. Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.

Section 3. The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Town of Davidson if greater value may be obtained in that manner, and the Town Manager is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Town Manager may retain the property, obtain any reasonably available salvage value, or cause it to be discarded. No surplus property may be donated to any individual or organization except by resolution of the Board of Commissioners.

Section 4. The Town Manager shall keep a record of all property sold under authority of this Ordinance and that record shall generally describe the property sold or exchanged, to whom it was sold or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

Section 5. This Ordinance is enacted pursuant to the provisions of N.C. Gen. Stat. § 160A-266(c).

Section 6. This ordinance is effective on the 10th day of October, 2017.

Adopted this 10th day of October, 2017

John M. Woods
Mayor

Attest:

Carmen Clemsic
Town Clerk



Agenda Title: Consider Approval of Resolution 2017-27 - North Carolina Department Transportation (NCDOT) to Relinquish Street Maintenance Responsibilities to the Town of Davidson for a Portion of Robert Walker Drive

Summary:

ATTACHMENTS:

Description	Upload Date	Type
☐ Resolution 2017-27	10/6/2017	Cover Memo
☐ Robert Walker Map	10/9/2017	Cover Memo



RESOLUTION 2017-27

Requesting the North Carolina Department Transportation (NCDOT) to Relinquish Street Maintenance Responsibilities to the Town of Davidson for a Portion of Robert Walker Drive

WHEREAS, a portion of Robert Walker Drive is maintained by the North Carolina Department of Transportation; and

WHEREAS, Robert Walker Drive functions as a local street; and

WHEREAS, improvements to Robert Walker Drive have been bonded by The Lennar Group, LLC; and

WHEREAS, the Town of Davidson would like to provide maintenance on the 0.30 miles of Robert Walker Drive now maintained by the North Carolina Department of Transportation as shown on the attached map;

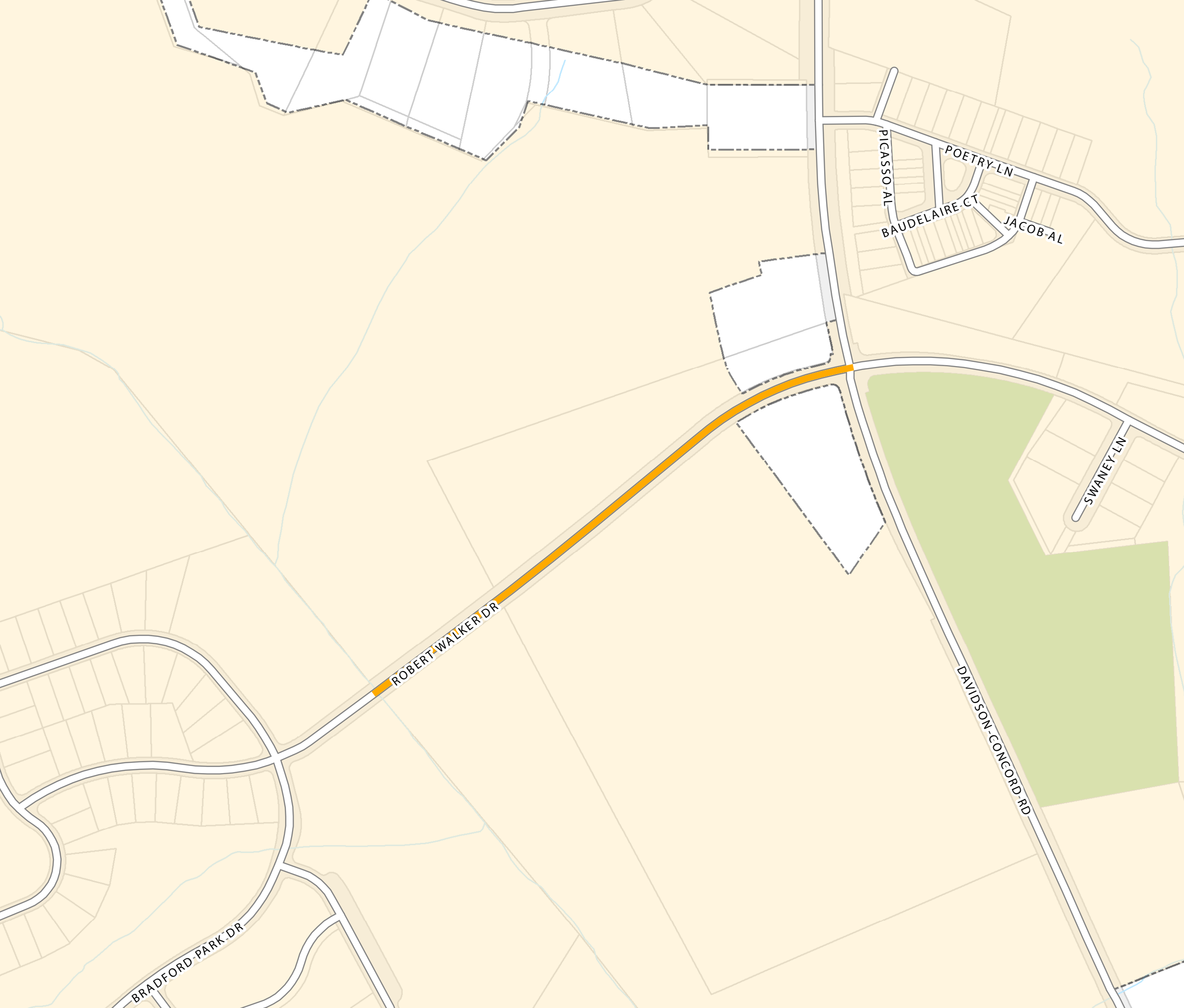
NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Davidson hereby request the North Carolina Department of Transportation relinquish to the Town of Davidson for maintenance the above referenced 0.30 miles of Robert Walker Drive in Davidson, North Carolina.

Adopted this 10th of October, 2017.

John M. Woods
Mayor

Attest

Carmen Clemsic
Town Clerk



ROBERT WALKER DRIVE

A map of the section of Robert Walker Drive to be accepted by the Town of Davidson.

Length: 1,581.93 ft

STREETS / RAIL

- Rail
- Interstates
- Streets
- Robert Walker Dr

WATER FEATURES

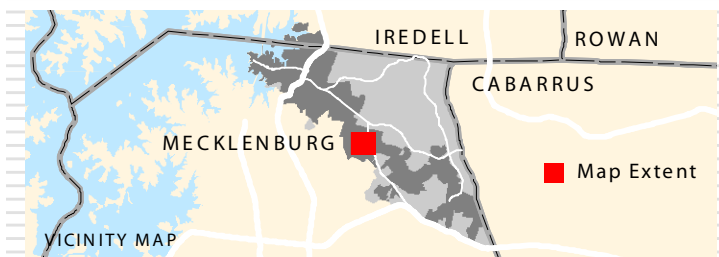
- Lakes and Ponds
- Creeks and Streams

LAND USE

- Parks
- Parcels

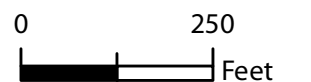
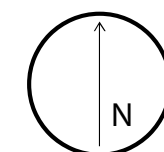
BOUNDARIES

- Town of Davidson
- Sphere of Influence / ETJ
- County Boundary



TOWN OF DAVIDSON

MECKLENBURG COUNTY, NORTH CAROLINA



1 inch = 250 Feet

Date: 9/25/2017

DATA SOURCES:
NC One Map
Mecklenburg County
Town of Davidson

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Agenda Title: Consider Approval of Revised Regular Meeting Schedule

Summary: Change to Coffee Chat on Oct 16. It will be held at the The Egg at 9am

ATTACHMENTS:

Description	Upload Date	Type
Regular Meeting Schedule 2017	10/5/2017	Cover Memo

Board of Commissioners Meeting Schedule 2017

Month	** Informal Meeting 4:00 P.M. (1st Tuesday of the month)	* Work Session - 4:00 P.M. * Regular Meeting - 6:00 P.M. (2nd Tuesday of the month)	* Work Session - 4:00 P.M. * Regular Meeting - 6:00 P.M. (4th Tuesday of the month)	Informal Meeting *** 9:00 A.M. - 6:30 P.M. **** (3rd Monday of the month)
January	3	10	24	23
February	7	14	27	20 ****
March	7	14	28	*** 20
April	4	11	25	17 ****
May	2	9	23	*** 15
June	6	13	No Meeting	No Meeting
July	No Meeting	11	No Meeting	No Meeting
August	1	8	22	No Meeting
September	5	12	26	18 (see note)
October	3	10	24	16 (see note)
November	No Meeting	14	No Meeting	20 ****
December	5	12	No Meeting	No Meeting
Additional Meetings	Retreat Date: Jan 27, 2017 Time: 9:30 a.m. - 3:30 p.m. Location: The Duke Endowment	Civics 101 9:30 a.m. - 11:30 a.m. or 6:30 p.m. - 8:30 p.m. Town Hall - 216 South Main St. March 30, 2017		
*All Pre-Meetings, Regular and Work Session Meetings are held at Town Hall, Meeting Room - 216 South Main St.				
**1st Tuesday of the month meetings will be held at Davidson Library Community Room - 119 South Main Street				
***3rd Monday of the month meetings at 9:00 A.M. are held at Our Town Cinema - 227 Griffith Street				
****3rd Monday of the month meetings at 6:30 P.M. are held at The Egg - 231 Griffith Street				
NOTE: Oct 16 "Coffee Chat Meeting" will be held at 9:00 A.M. at The Egg - 231 Griffith Street				



Agenda Title: Davidson Village Inn Amendment to Encroachment Agreement

Summary:

ATTACHMENTS:

Description	Upload Date	Type
▢ Davidson Village Inn Amendment for Encroachment	10/6/2017	Cover Memo

Prepared by and mail to: Town of Davidson
Post Office Box 579
Davidson, North Carolina 28036

3. The purpose of the Replacement Sidewalk Easement was to replace the Sidewalk Easement in order to allow the construction and use of a hotel building on the property encumbered by the Sidewalk Easement. The parties intended to terminate the Sidewalk Easement upon the recording of the Replacement Sidewalk Easement, but there is no record that the Sidewalk Easement has been terminated.
4. In connection with the Replacement Sidewalk Easement, New Chambers and the Town entered into a Right-of-Way Encroachment Agreement (the "Encroachment Agreement") recorded in Book 7235 at Page 222 Mecklenburg County Public Registry which permitted New Chambers to construct and maintain columns (the "Encroaching Structures") within the Replacement Sidewalk Easement area, which columns were needed to support a portion of the hotel building which was constructed above the Replacement Sidewalk Easement.
5. The Encroachment Agreement referenced an attached Exhibit A which was intended to show the size and location of the Encroaching Structures, but no Exhibit A was attached to the recorded Encroachment Agreement.
6. Paragraph 2 of the Encroachment Agreement granted to the Town the right to require the owner of the property to make changes to the Encroaching Structures under certain conditions. The Town has never exercised this right and the Encroaching Structures have not interfered with or endangered travel upon the Sidewalk Easement area.
7. The parties enter into this Termination and Amendment for the purpose of (a) terminating the Sidewalk Easement and (b) amending the Encroachment Agreement to (i) attaching a diagram of the Encroaching Structures and (ii) delete paragraph 2.

NOW THEREFORE, in consideration of the premises and the mutual covenants contained herein, the parties agree as follows:

1. The Sidewalk Easement is hereby terminated.
2. The Encroachment Agreement is amended as follows:
 - a. The Encroaching Structures, as defined in the Encroachment Agreement, consist of four (4) columns located on the southern half of the eastern wall of the hotel building. The portion of the hotel building constructed over the Davidson Pedestrian Mall does not interfere with the rights granted to the Town pursuant to the Replacement Sidewalk Easement.
 - b. A depiction of the Encroaching Structures is attached hereto as Exhibit A.

- c. Paragraph 2 is deleted in its entirety.
- d. As amended the Encroachment Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties have signed this Termination and Amendment as of the day and year first above appearing.

BEN & FLOYDS, LLC,
a North Carolina limited liability company

By _____
Name:
Title:

TOWN OF DAVIDSON

By _____
Name:
Title:

NORTH CAROLINA

_____ COUNTY

I, _____, a Notary Public of said County and State, certify that _____ personally came before me this day and acknowledged that he/she is the Manager of Ben & Floyds, LLC a limited liability company, and that he/she, as Manager, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the _____ day of _____, 20____.

Notary Public

Print name: _____

(NOTARIAL SEAL)

NORTH CAROLINA

_____ COUNTY

I, _____, a Notary Public of said County and State, certify that _____ personally came before me this day and acknowledged that he/she is the _____ Manager of the Town of Davidson, and that he/she, as _____ Manager, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the _____ day of _____, 20____.

Notary Public

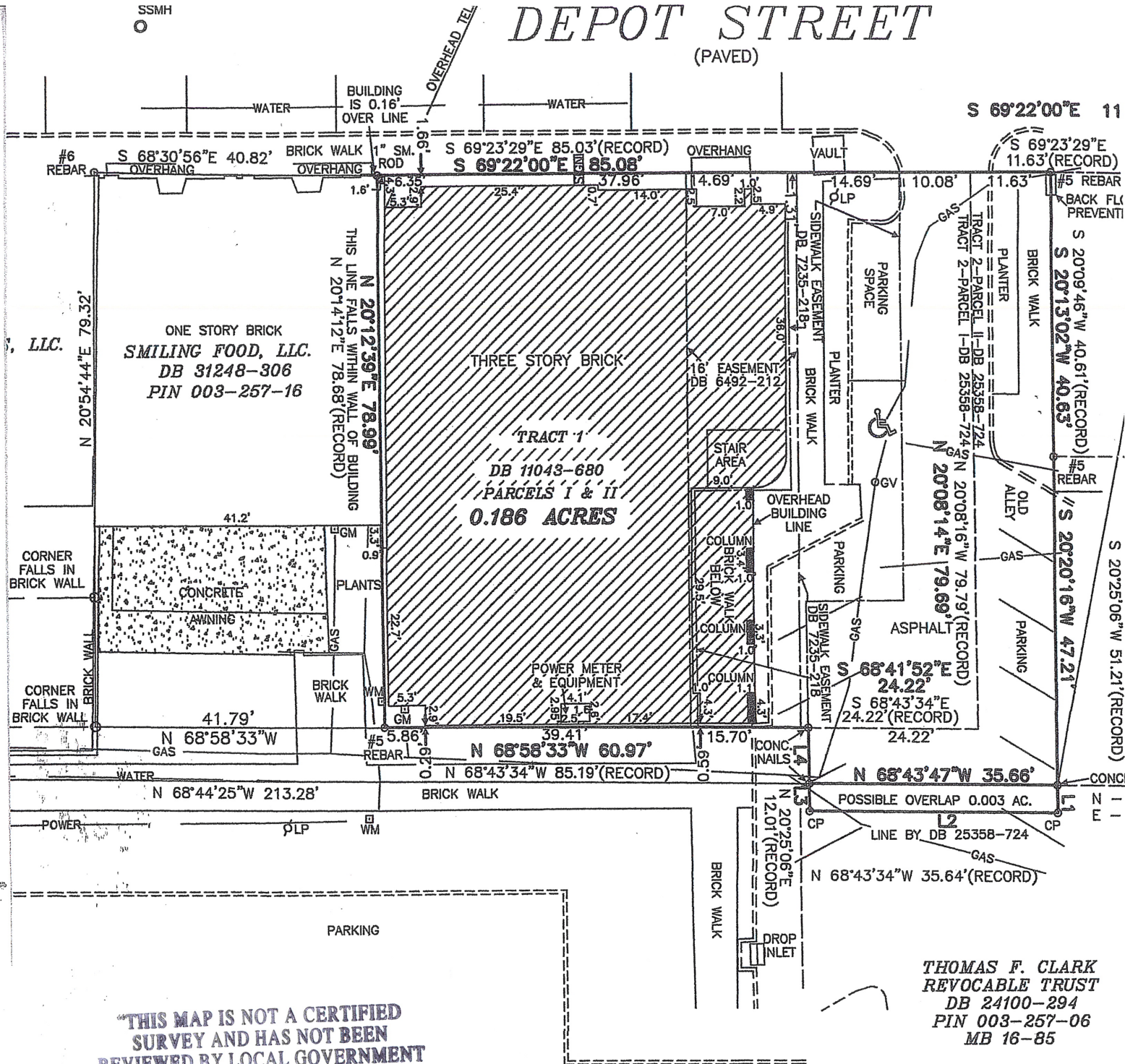
Print name: _____

(NOTARIAL SEAL)

DEPOT STREET

(PAVED)

S 69°22'00"E 11

**LEGEND:**

=====	PROPERTY LINE
=====	TIE LINE
-----	UNSURVEYED LINE
-----	BACK OF CURB
-----	SETBACK LINE
CP	COMPUTED POINT
PP	POWER POLE
WM	WATER METER
GM	GAS METER
GV	GAS VALVE

NOTES:

1. THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD Z FEMA MAP# 3710464400K, DATED 3/02/2009.
2. AREA DETERMINED BY COORDINATE COMPUTATION.
3. CP DENOTES COMPUTED POINT, NO MONUMENT FOUND OR S
4. UNDERGROUND UTILITIES NOT LOCATED AS OF THIS DATE.
5. THIS PROPERTY LIES IN THE LAKE NORMAN WATERSHED CA HAS LIMIT ON AMOUNT OF BUILT-UPON AREA.
6. ALL MONUMENTS ARE EXISTING UNLESS OTHERWISE NOTED.
7. THIS PROPERTY IS CURRENTLY ZONED VILLAGE CENTER.
8. SETBACKS FOR VILLAGE CENTER ZONING ARE: FRONT - 0',

Exhibit A



Agenda Title: Annexation: Narrow Passage - Set Public Hearing Date - Certificate of Sufficiency

Summary:

ATTACHMENTS:

Description		Upload Date	Type
□	Certificate of Sufficiency - Narrow Passage	10/9/2017	Cover Memo
	R2017-25 - Annexation - Fixing the Public Hearing - Narrow Passage	10/9/2017	Cover Memo



CERTIFICATE OF SUFFICIENCY


Narrow Passage

To the Board of Commissioners of the Town of Davidson, North Carolina:

I, Carmen Clemsic, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition from NPInvestments, LLC contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the Town of Davidson primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.
- d. The parcel subject to this Annexation Petition are already subject to the Town of Davidson's zoning jurisdiction. The owner claims all vested rights that attach to the site pursuant to all issued and valid permits and pursuant to the Settlement Agreement recorded in Deed Book 31871, Page 140 Mecklenburg County Public Registry, which is not currently in the Davidson Corporate limits.

In witness, whereof, I have hereunto set my hand and affixed the seal of the Town of Davidson, this 10th day of October, 2017.


Carmen Clemsic, Town Clerk



RESOLUTION 2017-25

FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31 *Narrow Passage*

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Board of Commissioner has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Davidson, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Town Hall Board Room at 6:00 p.m. on November 14, 2017.

Section 2. The area proposed for annexation is described as follows:

(See page 2 for Mets and Bounds Description)

*Section 3. Notice of the public hearing shall be published in Mecklenburg Times, a newspaper having general circulation in the Town of Davidson, at least ten (10) days prior to the date of the public hearing.

John M. Woods, Mayor

ATTEST:

Carmen Clemsic, Town Clerk

VICINITY MAP
NO SCALE

BASED ON
NC GRID
NAD 83 (2011)

PYRAMID

 LAND SURVEYING
 C-1341
 RUFFUS JACKSON LOVE

LEGEND:

PROPERTY LINE
TIE LINE
UNSURVEYED LINE
EDGE OF PAVEMENT
SETBACK LINE
COMPUTED POINT
POWER POLE

NOTES:

1. PART OF THIS PROPERTY IS LOCATED IN A DESIGNATED FLOOD ZONE
2. AREA DETERMINED BY COORDINATE COMPUTATION.
3. CP DENOTES COMPUTED POINT, NO MONUMENT FOUND OR SET.
4. UNDERGROUND UTILITIES NOT LOCATED AS OF THIS DATE.
5. ALL MONUMENTS ARE EXISTING UNLESS OTHERWISE NOTED.

BOUNDARY SURVEY
FOR
K & M LAND & HOME

CAROLYN LAWSON
EAST ROCKY RIVER ROAD
DEED BOOK 4969-135, PIN 003-092-40
DEWESE TOWNSHIP, MECKLENBURG COUNTY
NORTH CAROLINA
NOVEMBER 30, 2016

I, RALPH S. JACKSON, LOVE CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY UNDER MY DIRECT SUPERVISION, THAT THE RATIO OF PRECISION IS 1:10,000+ BEFORE ADJUSTMENTS, AND THAT THE ANGULAR ERROR WAS < 7.5 SECONDS PER TURN.

WITNESS MY HAND AND OFFICIAL SEAL THIS 30th DAY of April, 2011

N.C.P.L.S. 1
LICENSE #

Professional Land Surveyor

Exhibit B

Being tax parcel 003-092-41 and parcel 4 of the property deeded to NP Investments, LLC as shown in deed book 31871 page 140 and farther described as follows; from a #4 rebar a corner of Jacob Paratore deed book 28,297-96 and Carolyn S. Lawson, deed book 4969-135 thence along the common line of NP Investments and the remainder of deed book 4969-135, S 57-49 W 354.76' to a #5 rebar the point and place of beginning, thence S 22-35-05 E 40.1' to a #4 rebar the northwest corner of lot 3 map book 19-219, thence with the rear lot lines of lots 4-11 of map book 19-219 seven calls, 1) S 57-48-36 W 90.07' to a #6 rebar, 2) S 57-49-05 W 90.02' to a #5 rebar, 3) S 57-50-38 W 89.98' to a #5 rebar, 4) S 57-56-24 W 89.8'' to a #4 rebar, 5) S 57-46-09 W 90.06' to a #4 rebar, 6) S 57-46 W 90.41' to a #3 rebar, 7) S 57-48-27 W 620.88' to a point in the center of East Rocky River Road, thence with the center of the road N 76-09-35 W 54.98' to a point in the line of NP Investments, deed book 31871-140, N 57-48-27 E 65.68' to the northern margin of the 100' right of way for East Rocky River Road, thence with the line of NP Investments N 57-49 E 1140.41' to a #5 rebar the point and place of Beginning, containing 1.073 acres and being tract 4 of the property conveyed to NP Investments, LLC as shown in deed book 31871-140.



Agenda Title: Beaty Street Update - Town Manager Jamie Justice

Summary: Town Manager Jamie Justice will provide an update on the Beaty Street proposal termination.

ATTACHMENTS:

Description	Upload Date	Type
☐ Beaty Street Property Term Sheet	10/6/2017	Cover Memo
☐ Appraisal Review	10/6/2017	Cover Memo

**Luminous
Purchase and Sale Agreement
Term Sheet**

1. Parties: Town of Davidson, NC (Seller) and Davidson Development Partners LLC (Purchaser)
2. Property: 18+/- acres known as the Beaty Property located at the corner of North Main Street and Beaty Street in Davidson, NC.
3. Purchase Price: ~~\$1,650,000~~ **TBD**, payable as follows:
 - a. Deposit: 5% of the Purchase Price (~~\$82,500~~) **(TBD)** due within 10 business days of the execution of a Purchase and Sale Agreement (PSA) by the Parties
 - b. Balance: 95% of the Purchase Price (~~\$1,567,500~~) **(TBD)** due at Closing.
4. Due Diligence: Purchaser shall have 180 days (Feasibility Period) from the Effective Date of the PSA to complete the research and perform the tests necessary to determine that the Property is suitable for Purchaser's intended use and that the project is financially feasible. During the Feasibility Period Purchaser, Purchaser's consultants and Purchaser's subcontractors shall have the right to enter the Property to perform whatever surveys, take any measurement and perform any and all tests Purchaser deems necessary, providing however that they shall take care to cause no permanent damage to the Property.
5. Closing:
 - a. Purchaser's obligation to Purchase the Property shall be conditioned on the following:
 - i. Due Diligence: ~~Purchaser shall have the right to terminate the PSA for any reason at any time prior to the expiration of the Feasibility Period and receive a full refund of the Deposit.~~ **Termination for cause during the Feasibility Period will result in forfeiture of 50% of deposit. The seller will create a schedule of justifications to terminate the sales contract for cause. These will include market surveys, soil samples, topography, governmental permits (including master plan or conditional approval), and failure to obtain easements required for the development. Termination for any other reason will result in forfeiture of 100% of deposit.**
 - ii. Receipt by Purchaser of all government approvals necessary for Purchaser to develop the Property substantially in accordance with Development Plan described below and substantially similar to the plan represented pictorially in Exhibit A. Should Purchaser diligently pursue and fail to receive **Master Plan approval within eight months of the submittal of master plan application**, ~~the necessary governmental approvals, including Master Plan approval, within 6 months of the effective date of the PSA,~~ Purchaser shall have the right to terminate the PSA and receive a full **50%** refund of the Deposit.

- b. Seller's obligation to sell the Property shall be conditioned on Purchaser's submission of a Master Plan that is substantially in accordance with Development Plan described below and substantially similar to the plan represented pictorially in Exhibit A for approval by the Planning Staff and Planning Board of the Town of Davidson.
6. Development Plan: Purchaser agrees to develop the Property according to a Development Plan that is substantially similar to the plan represented in Exhibit A and includes the following general elements:

- a. Park: 6.5-7 acres including pond. ~~to include unimproved areas and improvements including pedestrian trails, benches, picnic tables, a gazebo, spray fountain in the pond and seating areas. Ownership and maintenance of park to be determined.~~
Infrastructure, park and pond are required to be completed in the first phase of construction. Park must be useable for citizens and protected from construction.

It is the responsibility of the Purchaser to (re)build the pond and dam. There is no dollar amount that the Seller will require for this work. The Seller does have the expectation of a pond and dam in compliance with state and county regulations that serves as both a recreational amenity and storm water detention facility, is accessible to the public for public recreational use, and is aesthetically pleasing.

The Purchaser is expected to invest a total of \$750,000 in the park. It should include the amenities that have been discussed previously which include, but are not limited to: walking trails, boardwalk for the creek crossing, a gazebo/picnic shelter, benches, and sufficient, high quality landscaping. The park is to be constructed by the Purchaser and then turned over to the Seller for ownership and maintenance. The dam and pond will be owned and maintained by the Purchaser/HOA.

The Purchaser will provide a \$2 million maintenance fund in reserve at \$100,000 per year for 20 years. Purchaser/HOA will indemnify the town and provide sufficient liability insurance to cover injuries that may occur as a result of the dam and/or pond.

No basketball court will be required on-site. Purchaser will make payment-in-lieu for off-site court.

- b. Retail: ~~Minimum 30,000 SF, maximum 50,000 SF up to 50,000 SF of pedestrian oriented, village center type retail/office space. and lifelong learning center facilities.~~ Must reserve 20% of total space for Davidson-based non-profit use.
- c. Hotel: A 135 room hotel with appropriate meeting space and restaurants. The Seller will have the opportunity to use the meeting facility at no charge (except food and beverage) several times per year.
- d. Residential: A total of no more than 138 residential units, with a maximum of 120 condominiums. 17 of the total approved units on the master site plan shall be designated affordable and shall be interspersed amongst the three market rate areas proportionally. Affordable units will be divided equally among the three AMI categories and will have 30-year deed restrictions. Affordable housing owners will have

appreciably reduced HOA dues and will have access to the same amenities as other owners. ~~townhomes on either side of the Hobbs Hill neighborhood.~~ Seller agrees the plan depicted in Exhibit A is likely to be modified as the tests and studies performed by Purchaser dictate. It will however remain substantially similar in concept.

- e. Buffer: Purchaser will provide a minimum 50-foot buffer behind the Julia Circle homes that will allow for any necessary stormwater or utility improvements, will allow for a natural walking path to be constructed, and will at minimum include some type of evergreen screening per the planning ordinance.

7. Additional Purchaser obligations:

- a. Intersection Improvements: Purchaser agrees to contribute a total of **not less than \$550,000** to road improvements at the intersection of North Main Street and Beaty Street (Intersection); **contribution to be determined by engineering studies.** ~~The contribution will be made simultaneously with the commencement of construction on the intersection improvements.~~ **The contribution must be bonded at time of preliminary plat (construction document) submission.**
- b. Beaty St/Ingersoll Rand entrance intersection: Purchaser must improve pedestrian safety amenities at intersection, even if not recommended in TIA.
- c. ~~Seller~~ **Purchaser** agrees to construct a pedestrian and bike trail in accordance with existing town specifications the length of the Property along Beaty Street as shown in Exhibit A, **and continuing from the southern property line to Griffith Street.** The trail will be built at the same time park improvements are undertaken by Purchaser.

8. Additional Seller Obligations:

- a. Intersection Improvement: In exchange for Purchaser's commitment of \$550,000 toward road improvements at the Intersection, Seller agrees to begin planning the improvements no later than upon Purchaser's receipt of ~~Site Plan Approval~~ **Master Plan Approval.** **Seller cannot guarantee NC-DOT's commitment or construction schedule.**
- b. Seller agrees to cooperate with Purchaser in the abandonment of the Shearer Street ROW south of Beaty Street if Purchaser acquires the properties on both side of the street and does not intend to use the street as ROW in its development plan.

Additional contract conditions requested by town:

- 1. Restrictions regarding succeeding developers:
 - a. Seller must approve sale of any parcels to developers contracted to build residential units or commercial space to ensure that it is in keeping with approved master plan. Default/reversion clause will be included to ensure that, if the development does not proceed at any point during the process, the land will revert to the Seller.
- 2. MI-Connection:
 - a. Seller requests Purchaser to voluntarily agree to MI-Connection being the exclusive

internet/cable provider at all commercial and residential units in development.

3. Environmental Survey:

- a. Purchaser will engage an environmental engineer to assess the impact of the development on air and water quality.

4. Tree Inventory by certified arborist and tree save percentage.

- a. Seller will review and approve any grading plan for the park property with the intent that the vast majority of the specimen trees will remain and those saved will count towards the minimum 20% tree coverage required by the planning ordinance.

Additional contract conditions requested by developer:

1. ~~No further votes needed after contract approval.~~
2. ~~Zoning as of date of contract signature, not master plan application.~~
3. ~~Improvements required by TIA included in \$550,000 payment.~~

**TOWN OF DAVIDSON
APPRAISAL REVIEW SUMMARY**

Property Description: Tract of vacant land along Beaty and Shearer Streets, Davidson, Mecklenburg County, North Carolina 28036

Property Owner: Town of Davidson

Tax Parcel Numbers: 00326302, 00326303, 00326398, 00328402, 00328403, 00328406

.....
Appraisers: Carol Lomax Fortenberry, MAI; William D. Foster
Appraisal Company: Fortenberry Lambert, Inc.
Contact Number: (704) 375-1032

Appraisers: Thomas B. Harris, Jr., MAI, CRE, FRICS; Allan E. Reich
Appraisal Company: T. B. Harris Jr. & Associates
Contact Number: (704) 334-4686

Appraisers: John T. Bosworth, MAI, SRA; Scott Carlisle
Appraisal Company: Valbridge Property Advisors/John Bosworth and Associates
Contact Number: (704) 376-5400

Effective Dates of Value: August 4, 2017 (Fortenberry Report)
July 26, 2017 (Harris Report)
August 7, 2017 (Bosworth Report)

Dates of Inspection: August 4, 2017 (Fortenberry Report)
July 26, 2017 (Harris Report)
August 7, 2017 (Bosworth Report)

Although the effective dates of value vary slightly between the appraisals, all were within a few days of each other and the reviewer believe market conditions were similar. Therefore, the effective dates of value being different did not impact the market value conclusions.

Dates of Report: September 19, 2017 (Fortenberry Report)
September 21, 2017 (Harris Report)
August 9, 2017 (Bosworth Report)

Highest and Best Use:
As Vacant – Mixed-Use (Fortenberry Report)
As Vacant – Mixed-Use (Harris Report)
As Vacant – Mixed-Use (Bosworth Report)

Does Report Meet Factual Data Requirement? (Yes or No) Yes (Fortenberry Report)
Yes (Harris Report)
No (Bosworth Report)

Are the Value Conclusions Reasonable (Yes or No)

Yes (Fortenberry Report)

Yes (Harris Report)

No (Bosworth Report)

.....

Intended User, Intended Use & Purpose of the Review: The intended user of this review report is Ms. Dawn Blobaum, Town of Davidson, 216 South Main Street, Davidson, NC 28036. The intended use is for internal use as it relates to the sale of the subject property. The purpose of this review is to determine the reasonableness of the results reported in the defined appraisals and consistency of the scope of work stated in the appraisals. This review is not intended for any other use or purpose.

Purpose of the Appraisal: The purpose of the appraisals under review is to estimate the as is market value of the subject property. *No additional instructions were divulged in any appraisals contrary to appraising the as is value. All three appraisals reflect the “as is” value is being provided.*

Scope of the Review: The review appraiser has conducted a review of the referenced appraisals to determine completeness within the stated scope of work described in the reports for the intended user and use. The appraisals were reviewed for apparent adequacy of data, relevance to the market and appropriateness of all related adjustments and conclusions based on the information contained within the report. The reports were also reviewed for mathematical correctness and consistency with attached surveys. This review is conducted to develop an opinion of the quality and accuracy of the appraisals that are the focus of this assignment. The reviewer contacted the appraisers engaged by the Town of Davidson (Fortenberry and Harris) and requested revisions to include corrections of typographical errors and providing additional explanation/support within the reports. Both appraisers provided revised reports and the latest versions of the reports are the subject of this review. The reviewer did not contact Mr. Bosworth as he was not engaged by the reviewer’s client (Town of Davidson).

No value opinion is included in this review and the reporting content and scope of the review is set forth as outlined in USPAP Standard Rules 3-5 (a) – (h). No search for additional comparable data was developed and no attempt was made to further verify the comparable sales data shown in the appraisals. The reviewer acknowledges that the appraisal reports at hand are being presented in a summary format with supporting documents retained in the file.

I did not personally inspect the property under review; however, exhibits were included in the appraisal reports and referenced during the review.

Extraordinary Assumption/Hypothetical Conditions of Appraisal Reports:

Fortenberry Report: None

Harris Report: None

Bosworth Report:

It is assumed the estimated land areas, which were based on the provided site plan, are correct. If not the appraisers reserve the right to amend the report.

It is further assumed the planned development is a legal use, as the largest parcel of the subject was sold to the town of Davidson with the verbal agreement that the land be used for park or public use. However this was not recorded as a deed restriction or covenant. Therefore, for the purposes of this appraisal, the proposed use is assumed to be a legal use. The value is further based on the assumption of an approved development land, as provided to the appraisers.

Subject Property: The subject consists of six, contiguous tax parcels that form an irregular shaped tract of land. According to the Fortenberry and Harris, the site contains a total of 19.09 acres. Bosworth reports the land area as 20.825 acres. Primary access is provided by frontage along Beaty Street with additional access and frontage along Shearer Street and Hobbs Street. The site has rolling topography and no portion is located within a designated flood plain. The site has access to all public utilities. The site has two zoning classifications according to the Fortenberry and Harris Report that include NC-I, Neighborhood Center I (15.01 acres) and VI, Village Infill (4.08 acres). *The Bosworth Report incorrectly identifies the subject as having only one zoning classification of NC-I. Incorrectly identifying the zoning classification of the subject may impact the final value conclusion. It should also be noted that a different land area was used in the Bosworth Report in comparison to the Fortenberry and Harris Reports. Tax records were the source for the land area within the Fortenberry and Harris Reports and totaled 19.09 gross acres. The land area within the Bosworth Report was determined to be larger at 20.825 gross acres. The reviewer understands the land area in the Bosworth Report was based on the site plan within the report and its accuracy is unknown. The Bosworth Report further divided the site into useable and unusable acreage and the accuracy of that data is also unknown.*

History of the Subject Property: There has been no change in ownership within the past three years. The subject is not listed for sale, nor is it under contract.

Highest and Best Use: The highest and best use of the subject site was determined by all appraisers to be mixed-use development to include multifamily residential and commercial uses.

Valuation Methodology: The subject is improved with two, older, single-family dwellings that have not contributing value, except possibly on an interim use basis. Therefore, the site was appraised as vacant land.

Valuation Method – Sales Comparison Approach – Fortenberry Report

As detailed in the highest and best use portion of the appraisal report, the highest returns were determined to be for mixed use development, primarily multi-family with a small commercial component. The appraisers analyzed three comparable sales, which were all located in the

northern portion of Mecklenburg County within Huntersville or North Charlotte. The sales occurred from February 2015 to December 2016 and ranged in size from 14.70 to 39.13 acres. The sales were analyzed on a per acre basis, which is appropriate for larger tracts of undeveloped land. Prior to adjustment, the sales ranged from \$70,253 to \$168,133/acre or a range of 139%. No adjustments were applied for property rights, financing terms, conditions of sale or market conditions. However, adjustments were applied for expenditures after the sale (demolition costs) and physical characteristics. After adjustments, the sales ranged from \$88,065 to \$93,837/acre, a reduced range of 6.6% with an average adjusted sale of \$91,439/acre or a median of 92,474/acre. Emphasis was placed on Sale 3, which reflected an adjusted value of \$93,837/acre. The appraisers correlated near this sale at \$93,000/acre. Based on 19.09 acres, the estimated value is \$1,775,370. There are two, older single-family residences that total about 2,550 square feet. Based on demolition costs of \$4 per square foot, the total costs are \$10,200, which is deducted from the estimated land value for a total estimated value of \$1,765,170 rounded to \$1,765,000.

Valuation Method – Sales Comparison Approach – Harris Report

As detailed in the highest and best use portion of the appraisal report, the highest returns were determined to be for mixed use development, primary multi-family (medium to high density) with a commercial component as allowed by zoning. The appraisers analyzed four comparable sales, two of which were located in the northern portion of Mecklenburg County within Huntersville or North Charlotte. One sale was located in Mooresville and one sale in Kannapolis. The sales occurred from June 2015 to November 2016 and ranged in size from 13.0 to 21.46 acres. The sales were analyzed on a per acre basis, which is appropriate for larger tracts of undeveloped land. Prior to adjustment, the sales ranged from \$88,118 to \$225,076/acre or a range of 155%. No adjustments were applied for property rights, financing terms or conditions of sale. However, adjustments were applied for market conditions (2015 sales only) and physical characteristics. After adjustments, the sales ranged from \$95,796 to \$105,336/acre, a reduced range of 10% with an average adjusted sale of \$98,366/acre. Emphasis was placed on all sales and the appraisers correlated near the mean at \$100,000/acre. Based on a land area of 19.09 acres, the resulting land value was \$1,909,000, rounded to \$1,910,000. No demolition for the existing improvements was deducted. The reviewer assumes interim income (rental of dwelling) offset demolition costs, which is a common practice used by appraisers.

Valuation Method – Sales Comparison Approach – Bosworth Report

As detailed in the highest and best use portion of the appraisal report, a specific site plan was used in valuing the subject. The site plan included a mixture of uses to include retail, residential and a hotel. The appraisers analyzed six comparable sales, which were located in Huntersville, Mooresville and Cornelius. Three of the sales were listed as having a proposed use of multifamily and three sales with a proposed use of commercial/retail/office. The sales occurred from March 2014 to February 2016 and ranged in size from 1.551 to 18.83 acres. The sales were analyzed on a per acre basis, which is acceptable. Prior to adjustment, the sales ranged from \$201,806 to \$467,033/acre or a range of 131%. No adjustments were applied for property rights, financing terms or conditions of sale. However, adjustments were applied for market conditions and physical characteristics. After adjustments, the sales ranged from \$265,278 to \$486,955/acre, a reduced range of 84% with an average adjusted sale of \$379,377/acre. Emphasis was placed on Sale 2 in determining value for the multifamily land and Sale 4 was given credence in valuing the retail land. Based on this reasoning, a value of \$475,000/acre was assigned to the retail land

and \$300,000/acre was assigned to the remaining components (hotel, multifamily, unusable and undevelopable). The undevelopable land was reduced to 50% of the value of the useable land or \$150,000/acre and the unuseable land was reduced to 10% of the value of the useable land or \$30,000/acre. Based on the various areas as set forth on the site plan included in the Bosworth Report, the resulting value was \$4,605,950, rounded to \$4,600,000. *No demolition for the existing improvements was deducted. The reviewer assumes interim income (rental of dwelling) offset demolition costs, which is a common practice used by appraisers.*

Reviewer's Conclusion (Sales Comparison Approach)

Bosworth Report – The value conclusion by the Bosworth Report at \$4,600,000 was derived by assigning a different per acre value to various components of an unapproved site plan within the appraisal. It is the opinion of the reviewer the value conclusion within the Bosworth Report is not reasonable or supported based on a variety of errors and USPAP violations which are set forth in the following sections.

It is the reviewer's understanding the site plan set forth in the Bosworth Report is only one of various plans submitted to the Town of Davidson of which none have been chosen or approved. Valuing the subject based on an unapproved site plan is a hypothetical condition. The hypothetical condition should have been reported per ***USPAP (Uniform Standards of Professional Appraisal Practice 2016-2017)***. It is the reviewer's opinion when using a hypothetical condition an "as is" value cannot be accurately reported. The definition of a hypothetical condition per ***USPAP*** and the related comment area as follows:

HYPOTHETICAL CONDITION: a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.

COMMENT: Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.

USPAP 2-1 (g) identify any hypothetical conditions necessary in the assignment

USPAP 2-2 (xi) - clearly and conspicuously: state all extraordinary assumptions and hypothetical conditions; and state that their use might have affected the assignment results

The zoning is incorrectly reported as NC-1, Neighborhood Commercial; however, the subject site has dual zonings. Zoning impacts legally permissible uses and impacts the adjustments made to comparable sales and can impact value conclusion, as well as the determination of highest and best use. The appraisal did not properly identify the legal characteristics of the subject.

USPAP 1-2 (e) (i) identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal - its location and physical, legal, and economic attributes

USPAP 2-2 (iii) - summarize information sufficient to identify the real estate involved in the appraisal, including the physical, legal, and economic property characteristics relevant to the assignment

The value is based on a site plan that includes multi-family, retail and a hotel site. However, within the highest and best use of the report (pages 28-29) there is no support that the site plan and the various uses are the highest and best use of the site. For example, is a hotel a legally permissible, physically possible, financially feasible or maximally productive use of the site? The section identified within the Bosworth Report as “Highest and Best Use” is merely “boiler plate” and general statements and has no substantive analysis.

USPAP 3-1 (b) – develop an opinion of the highest and best use of the real estate.

USPAP 2-2 (x) - when an opinion of highest and best use was developed by the appraiser, summarize the support and rationale for that opinion

The first three sales within the grid were tracts purchased for multifamily development and the last three were purchased for some type of commercial use or medical office use. There is a multitude of errors with the analysis to include the following: the zoning of the comparables was adjusted against the incorrect zoning for the subject (as discussed earlier); smaller commercial sites being used to value a much larger mixed-use site that has not been subdivided; applying the multifamily land value of \$300,000/acre to the hotel site, which does not seem logical as a hotel is a retail use, not a multifamily use; no support for the 50% of market value for the “undevelopable” land and 10% of market value for the “unusable” land and no support for why the multifamily land value at \$300,000/acre was used to value the undevelopable and unusable acreage in comparison to \$475,000/acre.

Overall, the appraisal is flawed and is more indicative of the aggregate value of the various components of a mixed use development, but is not reflective of the market value of the subject as is. Assigning a value to various components within a mixed use tract is an acceptable appraisal procedure; however, it is only one part of the analysis. The first step would be to prove within the highest and best use that the site plan meets the four criteria for highest and best use. Then after assigning a retail value to the various tracts using the appropriate sales for each component, the appraiser would then be required to deduct development costs that would include hard (infrastructure – on and off site) and soft (professional fees, legal fees, rezoning costs, etc.) along with entrepreneurial profit. Next, the cash flows would be discounted based on the absorption period in which to sell the various tracts based on market derived data. The Bosworth Report did not reflect development cost or take into consideration absorption or the time value of money (discounting).

USPAP 1-1 (a) - In developing a real property appraisal, an appraiser must: be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal

It is the opinion of the reviewer that the Bosworth Report is not **USPAP** compliant for the various reasons outlined previously. The report is misleading as it did not prominently report the

value was based on an unapproved site plan via a hypothetical condition and then referenced the value as the “as is” value. Furthermore if an as is value was going to be determined via a cash flow method, it must consider costs associated with developing a mixed-use project similar to the one included in the appraisal report and must set forth an adequate highest and best use analysis based on the specific development plan. The reviewer does not believe the appraisal techniques used within the Bosworth Report yielded a reasonable or supported value conclusion.


Fortenberry and Harris Reports - The final value conclusion within the Fortenberry Report was \$1,765,000, as compared to the Harris Report at \$1,910,000, which is a range of approximately 8%. Appraising is an opinion and not an exact science and it is acceptable to report values as a range. The value range of \$1,765,000 to \$1,910,000 appears to be reasonable and supported based on the sales and analysis within both the Fortenberry and Harris Reports. Both reports included sales of larger tracts with similar highest and best uses. The majority of the sales in both reports were located in Northern Mecklenburg County. Proximity of the sales to the subject is meaningful, but more relevant is the similarity of the sales data in reference to physical attributes to include size, zoning and highest and best use. The adjustments made in both the Fortenberry and Harris Reports appeared reasonable and the range in value after adjustments was tight. The range both before and after adjustments is an indication of the sales comparability to the subject. A large range after adjustments weakens the validity of the value conclusion and can indicate some of the sales were not good comparables or the sales were adjusted incorrectly. The conclusion of the price per acre in both the Fortenberry and Harris Reports was reasonable and well supported by their respective adjustment grids. Based on an analysis of both reports, it is the opinion of the reviewer that the market value range indicated by the Fortenberry and Harris Reports is more reasonable and supported at **\$1,765,000 to \$1,910,000**.

CERTIFICATION

I certify that, to the best of my knowledge and belief:

1. The facts and data reported by the reviewer and used in the review process are true and correct
2. The analyses, opinions and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and the work under review and no personal interest with respect to the parties involved with this assignment.
4. I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results or assignment results that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal review.
6. My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this review.
7. The review analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
8. My analyses, opinions, and conclusions were developed and this review report was prepared in conformity with the *Uniform Standards of Appraisal Practice*.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. I did not personally inspect the subject property of the report under review.
11. No one provided significant professional assistance to the person signing this review certification.
12. As of the date of this review, I have completed the continuing education program of the Appraisal Institute.
13. That my review conclusion has been reached independently and is based on the appraisal and other factual data available without collaboration or direction.
14. This is not a separate appraisal of the subject property, but a review of the attached appraisals.
15. I have performed no services, as an appraiser or reviewer, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
16. The value opinion and the conclusions stated in the Fortenberry and Harris appraisal reports is well supported and reasonable based on the data and analysis presented. The value opinion and the conclusions stated in the Bosworth Report are not well supported or reasonable based on the data and analysis presented.




Carol H. Ray, MAI, AI-GRS

***The Hanes Group, Inc.
35 Leven Links Lane, Pinehurst, NC 28374
(910) 215-9659***

Date: September 27, 2017



Agenda Title: Addendum - This agenda item was moved from Consent to Old Business during the Changes to Agenda Items for board discussion. Consider Approval of Resolution 2017-26 - Approving the use of Construction Manager at Risk Services Pursuant to G.S. 143-128.1 New Public Facilities

Summary: Item moved to Old Business for discussion and consideration.

ATTACHMENTS:

Description	Upload Date	Type
☐ Resolution 2017-26	10/6/2017	Cover Memo
☐ Prequalification policy	10/6/2017	Cover Memo



RESOLUTION 2017-26
APPROVING THE USE OF CONSTRUCTION MANAGER
AT RISK SERVICES PURSUANT TO G.S. 143-128.1
NEW PUBLIC FACILITIES

WHEREAS, G.S.143-128.1(e) requires that construction management at risk services may be used by a public entity only after the public entity has concluded that construction manager at risk services is in the best interest of the project, and the public entity has compared the advantages and disadvantages of using the construction manager at risk method for a given project in lieu of the delivery methods identified in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3);

WHEREAS, the Town intends to enter into a construction manager at risk contract for preconstruction and construction services for the New Public Facilities Project (the "Project"); and

WHEREAS, the proposed Project is a large and complicated construction project which will require sophisticated project management and construction oversight; and

WHEREAS, the Town has selected Edifice, Inc. through the pre-qualification procedures pursuant to G.S. 143-64.31 for construction manager at risk services for the Project; and

WHEREAS, the use of construction manager at risk services is preferred over the other delivery methods provided for under G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3) because the Project will greatly benefit from preconstruction services, phasing strategies, logistics planning, complex scheduling, constructability reviews and subcontractor market analysis, which services are best delivered by construction manager at risk services.

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF DAVIDSON HEREBY RESOLVES:

Section 1. For the reasons stated above, the selection of Edifice, Inc. for construction manager at risk services is in the best interest of the Project, as compared with the advantages and disadvantages of using the construction manager at risk method for a given project in lieu of the delivery methods identified in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3).

Section 2. This Resolution shall be effective upon passage.

This the _____ day of October, 2017.

John M. Woods
Mayor

Attest:

Carmen Clemsic
Town Clerk



TOWN OF DAVIDSON

POLICY FOR PREQUALIFICATION OF FIRST-TIER SUBCONTRACTORS FOR

CONSTRUCTION MANAGEMENT AT RISK CONTRACTS

A. PURPOSE

1. The purpose of this prequalification process is to provide a policy in compliance with the requirements outlined in NCGS 143-128.1, Construction Management at Risk Contracts, by impartially evaluating first-tier subcontractors and properly determine by its responsible business practices, work experience, manpower, and equipment that it is qualified to bid on a construction project. The award of contracts should be the result of open competition in bidding; impartiality in the selection contractors; integrity in business practices; and skillful and safe performance of public contracts.
2. A bidder shall be deemed nonresponsive if it submits a bid on a construction project subject to prequalification for which it has not been accepted for prequalification in accordance with this policy.
3. Prequalification is prohibited for contracts for architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services.
4. Notwithstanding the fact that a contractor was prequalified, the town reserves the right to reject a contractor's bid if it is determined that the contractor has not submitted the lowest responsible and responsive bid. The prequalification of the contractor shall not preclude the town from subsequently concluding that the contractor is not a responsible bidder pursuant to G.S. 143-129. The prequalification of a contractor for a project shall only apply to the individual projects. All construction and repair contracts shall be awarded to the lowest responsive and responsible bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract.

B. DEFINITIONS:

1. Project Manager – town employee of the department responsible for a construction, repair, or purchasing project requiring a contract who shall be assigned the responsibility for managing the project and representing the town in matters relating to the project.
2. Construction Manager at Risk (CMR) – A person, corporation, or entity that provides construction management at risk services. May also be referred to as Construction Manager.

3. Prequalification – A process of evaluating and determining whether potential first-tier subcontractors have the skill, judgment, integrity, sufficient financial resources, and ability necessary for the faithful performance of a contract for construction or repair work.

C. PREQUALIFICATION PROCESS

1. Each prospective bidder on contracts identified for prequalification by the Project Manager and all CMR projects shall submit an application on the approved prequalification application form in order to become prequalified.

2. The approved prequalification application form will require information to be provided on the ownership of the firm, experience of firm's personnel, any affiliations with other construction firms, bonding capacity, financial resources, the type of work performed by the firm, and other objective criteria rationally related to the particular contract to be awarded.

3. The Project Manager shall ensure that applications prepared for the projects comply with this policy and state law. The application is to be submitted by the deadline established in the notice of prequalification. The notice must be posted on the town's website for a minimum of two weeks. The act of submitting the application does not permit the firm to submit a bid. Incomplete applications will be rejected or returned for further detail or correction in the sole discretion of the town.

4. Applications are subject to the North Carolina Public Records Law.

D. APPLICATION:

1. The application shall, at a minimum, address the following items:

a. Organizational structure – The firm shall provide a list of all owners, officers, partners, or individuals authorized to represent or conduct business for or sign legal documents for the firm. This list must include the full legal name, typed or printed in a clear legible form.

b. Classification – The firm shall indicate the type(s) of work the firm's workforce and equipment normally perform, licensure, and other pertinent information.

c. Experience – The firm shall furnish a history documenting experience with projects of similar size, scope, or complexity involving the type(s) of work for which prequalification is requested.

d. Financial – Firms will be required to provide a minimum of one year of complete audited financial statements from the most current period available.

e. Litigation/Claims – The firm will be required to submit information regarding its litigation history, including litigation with owners and subcontractors.

f. Timeliness – Firms must provide information on its success at completing projects on time, including the payment of liquidated damages.

g. Capacity – Firms shall demonstrate sufficient bonding capacity, insurance and resources for the project. Firms must provide relevant information on the personnel that will be directly responsible for the work, including the location of the office that will be primarily responsible for the work.

- h. Safety – Firms shall demonstrate an acceptable safety history. Firms must provide copies of any complaints, safety violations or reports from the North Carolina Qualifications Board, OSHA, or any other regulating agency associated with any construction project.
- i. Legal Authorization – The applicant must provide a copy of their North Carolina Contractor's License, or provide a statement indicating that they are able to acquire one before submitting a bid on a project. If a statement is required, the applicant shall identify the states in which they are licensed for this type of work.

E. REVIEW OF APPLICATION

- 1. Prequalification Committee – The Construction Manager and the Project Manager shall agree upon the members of the Construction Manager's Prequalification Committee. The Prequalification Committee will review prequalification applications submitted by the firms and will determine prequalification eligibility for the CM at Risk project.
- 2. Review of Applications – The Construction Manager and the Project Manager shall develop scoring values for items D.1a-i listed above, and a minimum required score to be prequalified for the project. The prequalification criteria shall not require the firm to have previously been awarded a construction or repair project by the Construction Manager or the town.
- 3. Notice of Decision – The Project Manager shall promptly notify the firms of the Prequalification Committee's decision via email. The notification to a contractor determined not to be prequalified shall include the reason(s) for denial. Notice shall be provided prior to the advertisement of bids for the project and with sufficient time for the firm to appeal the denial of prequalification.

F. APPEALS PROCEDURE

- 1. A firm may appeal the denial of prequalification as noted below:
 - a. Written Appeal – A written appeal may be filed via hand delivery or email to the Prequalification Committee representative within three business days of receipt of notice that the firm has been denied prequalification. The written appeal shall clearly articulate the reasons why the firm is contesting the denial and attach all documents and additional information supporting the firm's position. The Prequalification Committee may contact the firm regarding the information provided prior to ruling on the appeal. If the Prequalification Committee is satisfied that the firm should be prequalified, the firm shall be notified that it is prequalified to bid on the project and allowed to participate in the bid process. If the Prequalification Committee upholds its denial, the firm shall be promptly notified via email.
 - b. Hearing – The firm may appeal the Prequalification Committee's decision on the written appeal by requesting a hearing before the Prequalification Committee via hand delivery or email within three business days of the receipt of the Prequalification Committee's decision. The hearing shall be held within five business days. The firm shall not be allowed to submit additional information without the written consent of the Prequalification Committee. The firm shall be allowed thirty minutes for the hearing. In the event the Prequalification Committee is unable to hold a hearing in a timely manner, the committee may designate the Construction Manager to handle the appeal.
 - c. Decision – The decision of the prequalification Committee or the Construction Manager shall be final, and the firm shall be promptly notified of the decision via email.

2. General Rules for Appeals – Firms submitting applications shall be provided an email address for communication with the Construction Manager during the appeal process. The firm shall provide at least two email addresses for use by the Construction Manager in communicating with the firm. In the event the Prequalification Committee or the Construction Manager is unable to schedule a hearing or render a decision prior to the bid date, the firm shall be allowed to submit a bid on the project subject to a final decision on the appeal. If the firm's bid is opened prior to a final decision on the appeal and the bid is not the lowest responsive, responsible bid for the project, the appeal shall be terminated and rendered moot.

3. Public Records – All documentation submitted to the Prequalification Committee or the Project Manager is subject to the North Carolina Public Records Law.



Agenda Title: Addendum - This item was added to Old Business during the Changes to Agenda item on the agenda. - BA 2018-12 Viewshed replacement project (Area of Woodie's Auto)

Summary:

ATTACHMENTS:

Description	Upload Date	Type
BA 2018-12 - Viewshed replacement project	10/11/2017	Cover Memo

AMENDMENT TO THE BUDGET ORDINANCE

BE IT ORDAINED by the Governing Board of the Town of Davidson, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2018:

Section 1: To amend the General Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
10-20-4510-440	Contract Services		\$ 20,000.00

Replace viewshed in the area of Woodie's Auto

Section 2: To amend the General Fund, the estimated revenues are to be changed as follows:

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
10-00-3990-980	Fund Balance Appropriated		\$ 20,000.00

Section 3: Copies of this budget amendment shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 10th day of October, 2017