



**TOWN OF DAVIDSON
BOARD OF COMMISSIONERS**

**Town Hall Board Room
July 10, 2018**

4:30PM - Closed Session - NCGS 143-318.11. (a) (5) - 251 South Street and NCGS 143-318.11. (a) (6) - Personnel

I. 4:30PM - CALL TO ORDER

II. CLOSED SESSION

III. 6:00PM - REGULAR SESSION MEETING

IV. ANNOUNCEMENTS

V. PUBLIC COMMENTS - The Board shall provide at least one period for public comment per month at a regular meeting.

VI. CHANGES/ADOPT AGENDA

VII. PUBLIC HEARING

- (a) **Public Hearing - Proposed Annexation of Kenmare Subdivision**
Summary: The public will take notice that the Town of Davidson has called a public hearing on the question of annexing the following described territories, requested by petition filed pursuant to North Carolina General Statutes 160A-58.1, as amended:

Property of CW-Washam Lawyers, LLC, Parcel ID 00743103A and 00743103B, project name Kenmare Subdivision, located south of June Washam Road, Davidson, NC 28036 containing 51.62 acres more or less and the petition has been certified by the Town Clerk.

This public hearing is required by general statute when the governing body is considering an annexation into the town limits. The public hearing was advertised in the Mecklenburg Times on June 26, 2018.

VIII. CONSENT - Consent items are non-controversial and routine items. Prior to the board's adoption of the meeting agenda the request of any member to have an item moved from the consent agenda to old business must be honored by the board. All items on the consent agenda must be voted on and adopted by a single motion.

- (a) **Consider Approval of Draft June Meeting Minutes**
Summary: Draft meeting minutes from June 5, June 12

- (b) **Consider Approval of Budget Amendments**
Finance Director Pieter Swart
Summary: BA2019-02 The FY2019 general fund budget ordinance allocates \$40,200 to the Arts Project Fund. This budget amendment recognizes the revenue and allows for the expenditure of the funds within the Arts Project Fund.
- BA2019-03 The Mecklenburg County HOME program has allocated \$31,689 for down-payment assistance for Affordable Housing. This budget amendment recognizes the revenue and allows for the expenditure of the funds in the Affordable Housing Fund.
- BA2019-05 This budget amendment allocates \$35,000 of Fund Balance from the Affordable Housing Fund to provide five (5) future homeowners with down payment assistance in the amount of \$7,000 each.
- (c) **Consider Tax Levy Adjustments**
Finance Director, Pieter Swart
Summary: The town received refunds to be issued from the Solid Waste Fund totaling \$2,412 on 4 parcels (As approved by the Mecklenburg Board of County Commissioners (BOCC)). These refunds will be issued directly by the Town. Details regarding these refund requests are available in the Finance Office.

IX. OLD BUSINESS - Items for old business typically have been previously presented and are for discussion and possible action.

- (a) **Discussion of Public Facilities Project**
Assistant Town Manager Dawn Blobaum
Finance Director Pieter Swart
Summary: Town staff will review the status of the Public Facilities Project including alternative cost estimates and financial impact.
- (b) **Consider Introduction of Bond Order and Set Date for Public Hearing**
Finance Director Piet Swart
Summary: The G.O. Bond Order will be introduced. The Board will consider Resolution 2018-19 of the Town of Davidson, North Carolina regarding a bond order authorizing the issuance of \$16,335,000 General Obligation Public Facilities Bonds of the Town of Davidson, North Carolina, setting a public hearing thereon and directing publication of notice of said public hearing.
- (c) **Discussion Proposed Watershed Ordinance Text Amendments**
Planning Board
Summary: The Town of Davidson has been considering changes to the Davidson Planning Ordinance (DPO) 17 - Watershed Protection Overlay District for several months. At the last Planning Board Meeting, the Planning Board voted 9-0 to meet individually with the Town Board to educate and inform Board Members about the Watershed Ordinance. Then meet at the at the July Town Board Meeting to propose passing all parts of the Watershed except 17.6.1 and 17.6.2 which would be brought back at a later date. This item is

for discussion purposes only.

- (d) **Comprehensive Plan Update**
Town Manager Jamie Justice
Summary: An update will be provided regarding the town's comprehensive plan request for proposals (RFP) process and discussion of next steps.
- (e) **Discussion and Consider Approval of Pedestrian Safety Flashing Beacons Project**
Public Works Director Doug Wright
Summary: Public Works has evaluated additional pedestrian crossings in town to receive similar flashing beacons that the town has installed in other locations. These flashing beacons are activated by pedestrians that want to enter the crosswalk and it provides the yellow flashing signals for vehicles to yield to the pedestrians.
- (f) **Consider Approval of Ordinance 2018-02 to Extend the Corporate Limits of the Town of Davidson to include Kenmare Subdivision**
Town Manager Jamie Justice

X. NEW BUSINESS

- (a) **Discussion of Receipt of State Grants**
Town Manager Jamie Justice
Summary: During the last Legislature Session, the NC General Assembly approved three (3) grants for projects in the Town of Davidson.
1st Grant of \$100,000 for Grant for Downtown Park/Farmers Market Area Site Improvements
<https://webservices.ncleg.net/ViewBillDocument/2017/6473/2/H-NBC-2362> -
Page 246
2nd Grant of \$100,000 for Police Equipment
3rd Grant of \$100,000 for Fire Equipment
<https://www4.ncleg.net/sessions/2017/bills/senate/pdf/s335v4.pdf>
Page 18
- (b) **Consider Approval of Amended Town Manager's Contract**
Summary: Each year the Board of Commissioners reviews the Town Manager's Employment Contract and considers amendments upon renewal. The only amendment to the agreement will be a salary increase of 3.5% to his base salary effective July 1, 2018 - June 30, 2019.

XI. SUMMARIZE MEETING ACTION ITEMS - Town Manager will summarize items where the board has requested action items for staff.

XII. ADJOURN



Agenda Title: Public Hearing - Proposed Annexation of Kenmare Subdivision

Summary: The public will take notice that the Town of Davidson has called a public hearing on the question of annexing the following described territories, requested by petition filed pursuant to North Carolina General Statutes 160A-58.1, as amended:

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This public hearing is required by general statute when the governing body is considering an annexation into the town limits. The public hearing was advertised in the Mecklenburg Times on June 26, 2018.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▣	Petition Requesting Annexation - Kenmare Subdivision	7/9/2018	Cover Memo
▣	Certificate of Sufficiency Kenmare Subdivision	7/9/2018	Cover Memo
▣	Resolution 2018-18 Fixing Date of Public Hearing	7/9/2018	Cover Memo
▣	Kenmare Subdivision Metes & Bounds, Parcel Map, and Polaris Map	7/9/2018	Cover Memo

PETITION REQUESTING ANNEXATION

Date: May 3, 2018

Description of area/subdivision name: Kenmare


To the Board of Commissioners of the Town of Davidson:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Davidson.

2. The area to be annexed is contiguous to the Town of Davidson and the boundaries of such territory are as follows:

*(Insert Description of Boundaries)

3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

	<u>Name</u>	<u>Address</u>	<u>Do you declare vested rights?*</u> (Indicate yes or no.)	<u>Signature</u>
1.	CAL-WASHAM LAWYERS LLC	5655 S. Priest Tempe AZ 85284	Yes	
2.				
3.				



CERTIFICATE OF SUFFICIENCY

Kenmare Subdivision


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

I, Elizabeth K. Shores, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition from CW-Washam Lawyers, 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 including but not limited to the Master Plan, Project Name: Kenmare Subdivision

In witness, whereof, I have hereunto set my hand and affixed the seal of the Town of Davidson, this 12 day of June, 2018.




Elizabeth K. Shores, Town Clerk



RESOLUTION 2018-18

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

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

WHEREAS, the Board of Commissioners 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;

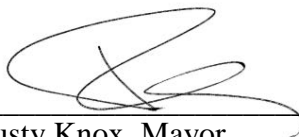
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Davidson, North Carolina that:

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 July 10, 2018.

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.



Rusty Knox, Mayor

ATTEST:



Elizabeth K. Shores, Town Clerk

Annexation 51.621 acres total -- CW-Washam Lawyers LLC property at Kenmare Subdivision

Beginning at a Rebar found, the northwesterly corner of the Robert R. Hilker, Jr. and Tracey W. Anklin property as recorded in Deed 16746-834 in the Mecklenburg County Register of Deeds Office, said iron found also being the southwest corner of the Jon C. Craig and Gabrielle L. Craig property as recorded in Deed 20684-891 in the Mecklenburg County Register of Deeds Office;

Thence from said Point of Beginning with the western line of the Robert R. Hilker, Jr. and Tracey W. Anklin property S01-24-31E 312.42' to a rebar found, the southwest corner of the Robert R. Hilker, Jr. and Tracey W. Anklin property, also being the northwest corner of the Timothy L. Cooksey and Kelley Cooksey property as recorded in Deed 28224-859 in the Mecklenburg County Register of Deeds Office; Thence with the western line of the Timothy L. Cooksey and Kelley Cooksey property S01-24-31E 537.59' to a point , the southwest corner of the Jason D. Gibbs and Melissa R. Gibbs property as recorded in Deed 18434-881, said corner also being the northwest corner of the Standard Pacific of The Carolinas, Inc. property; Thence 14 calls with the Standard Pacific of The Carolinas Inc. property; 1) S47-00-18W 729.67' to a point; 2) S21-14-11W 112.59' to a point; 3) S34-21-57W 80.14' to a point; 4) S31-07-25W 101.19' to a point; 5) S31-59-54W 135.52' to a point; 6) S61-48-00W 157.73' to a point; 7) S26-49-54W 142.78' to a point; 8) S26-08-46W 125.27' to a point; 9) S76-36-48W 81.05' to a point; 10) S05-15-29E 19.37' to a point; 11) N70-19-30W 107.78' to a point; 12) N05-23-43E 59.16' to a point; 13) N07-04-19E 323.05' to a point; 14) N79-50-17W 581.61' to a point the northwestern corner of the Standard Pacific of The Carolinas Inc. property in the eastern line of the Lawson Fay Jenkins III and Lynn Jenkins Herring property as recorded in Deed 1961-133 in the Mecklenburg County Register of Deeds Office; Thence N24-24-51E 243.61' to a point, the southwestern corner of the James Rodney Reading and Betty Sue Reading property as recorded in Deed 6088-376 in the Mecklenburg County Register of Deeds Office; Thence with the s the Mecklenburg County Register of Deeds Office southern line of the James Rodney Reading and Betty Sue Reading property S79-50-41E 508.94' to a point, the southwest corner of the James Rodney Reading and Betty Sue Reading property as recorded in Deed 3790-12 in the Mecklenburg County Register of Deeds Office; Thence 5 calls with the James Rodney Reading and Betty Sue Reading property as recorded in Deed 3790-12 in the Mecklenburg County Register of Deeds Office; 1) S74-04-39E 90.60' to a point; 2) N22-16-35E 126.33' to a point; 3) N86-59-32E 158.82' to a point; 4) N24-59-44W 272.36' to a point; 5) N49-18-30W 341.83' to a point in the eastern line of the Brian S. Carlson and Julia M. Carlson property as recorded in Deed 18399-390 in the Mecklenburg County Register of Deeds Office; Thence with the eastern line of the Brian S. Carlson and Julia M. Carlson property N02-46-20E 1386.77' to a point, the northeastern corner of the Stan D. Phillips and Valerie A. Phillips property as recorded in Deed 14907-207 in the Mecklenburg County Register of Deeds Office in the right-of-way of June Washam Road; Thence 10 calls within the right-of-way of June Washam Road; 1) N59-41-34E 168.28' to a point; 2) with the arc of a curve to the right having a radius of 601.74' an arc length of 153.82' (subtended by chord N65-49-55E 153.40') to a point; 3) N08-27-07W 1.63' to a point; 4) N85-22-53E 100.00' to a point; 5) S02-28-07E 2.22' to a point; 6) with the arc of a curve to the right having a radius of 221.48' an arc length of 217.42' (subtended by chord S53-07-56E 208.80' to a point; 7) S25-08-20E 205.31' to a point; 8) with the arc of a curve to the left having a radius of 165.77' an arc length of 174.85' (subtended by chord S55-21-21E 166.86' to a point; 9) with the arc of a curve to the left having a radius of 573.38' an arc length of 276.68' (subtended by chord N80-36-10E 274.00' to a point; 10) N66-47-19E 47.98' to a point; Thence leaving June Washam Road S01-24-31E 346.23' to a rebar found, the **Point of Beginning**.

Said Property containing **51.621 Acres** as shown on the Annexation Plat for Proposed Kenmare Subdivision by Varbrough-Williams & Houle Inc dated 5-2-18.



I, STATE THAT THE MAP AND PLAT HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL THE REQUIREMENTS OF THE STATUTES OF THE STATE OF NORTH CAROLINA RELATIVE TO THE RECORDING OF MAPS AND PLATS.

THESE MAPS AND PLATS HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL THE REQUIREMENTS OF THE STATUTES OF THE STATE OF NORTH CAROLINA RELATIVE TO THE RECORDING OF MAPS AND PLATS.

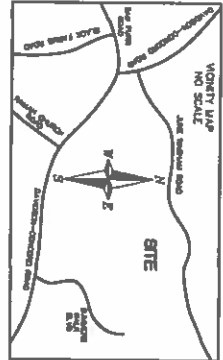
DATE

ATTN

1300 SCALE

PROPERTY CERTIFY THAT I AM THE OWNER OF THE PROPERTY

OWNER: C.W. WILSON LAYERS LLC



FLOOD HAZARD CERTIFICATION

THE STATE OF NORTH CAROLINA HAS ADOPTED THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AND HAS DESIGNATED CERTAIN AREAS AS FLOOD HAZARD AREAS. THE FLOOD HAZARD AREAS ARE SHOWN ON THE ATTACHED MAP AND PLAT. THE FLOOD HAZARD AREAS ARE SHOWN ON THE ATTACHED MAP AND PLAT.

LEGEND

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ANNEXATION PLAT - 61.621 ACRES

PROJECT: PROPOSED KENMARE SUBDIVISION
DAVIDSON TWP., TOWN OF DAVIDSON, MECK. CO., NC
OWNER: C.W. WILSON LAYERS LLC
VANDERBILT, WILLIAM & HONOR, INC.
Planning & Surveying & Engineering
10000 N. HARRIS AVE., SUITE 100
DALLAS, TEXAS 75243
TEL: 972-440-1111
FAX: 972-440-1112
WWW.VANDERBILTINC.COM

Polaris 3G Map – Mecklenburg County, North Carolina

Kenmare Subdivision

Date Printed: 5/4/2018 4:06:57 PM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.



Agenda Title: Consider Approval of Draft June Meeting Minutes

Summary: Draft meeting minutes from June 5, June 12

Summary:

ATTACHMENTS:

Description		Upload Date	Type
❏	Draft Meeting Minutes 06-05-18	7/6/2018	Cover Memo
	Draft Meeting Minutes 06-12-18	7/6/2018	Cover Memo



June 5, 2018

**INFORMAL MEETING
TOWN OF DAVIDSON BOARD OF COMMISSIONERS**

The Town of Davidson Board of Commissioners held its regularly scheduled meeting on Tuesday, June 5, 2018 in the Town Hall Board Room. Present were Mayor Rusty Knox and Commissioners Jane Campbell, Jim Fuller, Matthew Fort, Autumn Rierson Michael and David Sitton. Staff present included Town Manager Jamie Justice, Assistant Town Manager Dawn Blobaum, Economic Development Manager Kim Fleming, Finance Director Piet Swart, Planning Director Jason Burdette, Public Works Director Doug Wright, Public Information Officer Cristina Shaul and Town Attorney Cindy Reid.

The meeting began at 6:00 p.m.

The following topics were discussed: North Harbor Club Pre-Development Consultation, Planning Board of Commissioners Work Session on the Proposed Watershed Text Amendments, Proposed Water/Sewer/Annexation Policy Resolution, Planning Department Work Plan, and the Comprehensive Parking Study.

No actions were taken.

The Board of Commissioners moved to closed session per NCGS § 143-318.11 (a) (3) Charde, et. al. v. Town of Davidson.

The meeting adjourned at 11:00 p.m.

Rusty Knox
Mayor

Attest:

Elizabeth K. Shores
Town Clerk



College Town. Lake Town. *Your Town.*

June 12, 2018

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

The Town of Davidson Board of Commissioners held its regularly scheduled meeting at 6:00 p.m. on Tuesday, June 12, 2018 at Davidson Town Hall. Present were Mayor Pro Tem Jim Fuller, Commissioners Jane Campbell, Matthew Fort, Autumn Riersen Michael and David Sitton. Absent was Mayor Rusty Knox. Town Manager Jamie Justice, Assistant Town Manager Dawn Blobaum, Finance Director Pieter Swart, Planning Director Jason Burdette, Fire Chief Bo Fitzgerald, Public Works Director Doug Wright and Town Clerk Betsy Shores were also present.

- **CALL TO ORDER**

Mayor Pro Tem Fuller called the meeting to order at 6:02 p.m.

- **ANNOUNCEMENTS**

Town Clerk Betsy Shores announced the Davidson Police Department will host “Custard with a Cop” to talk about safety on Saturday, June 16 from 11:00 a.m. to 12:30 p.m. at Whit’s Frozen Custard located at 428 S. Main Street.

The Park at Beaty Street Task Force next meeting will be held on Wednesday, June 13 at 6:30 p.m. at the Beaty Street Property. Everyone is invited.

Davidson LifeLine is hosting an event entitled “Suicide Prevention: We’re in this Together” on Thursday, June 14 from 7:00 to 8:30 p.m. at the DCPC Congregation House.

On July 4th, the Town of Davidson will celebrate Independence Day! Please join us at McEver Field on South Street at 5:15 p.m. to walk down to the town green for the concert, featuring the Radiojacks, starting at 6:00 p.m. Show your patriotic spirit by decorating your bike, trike, scooter, and wagon in red, white and blue!

Mayor Pro Tem Fuller shared that Mayor Knox, the Town Attorney, and Public Information Officer are absent from the meeting due to children graduating from High School and congratulations to all the high school and college graduates.

Mayor Pro Tem Fuller read a statement from the Board of Commissioners on the proposed improvements to the Main Street/Concord Road Intersection. The Board would not be taking a vote at the meeting but will continue the discussion on whether or not to try to reduce traffic congestion. This has been an ongoing issue that has been studied periodically with the help of the North Carolina Department of Transportation over the past several years. The Board discussed this at the May 22 meeting and look forward to learning more and discussing more options. Anyone that would like to speak on this topic this during the meeting may do so during the public comment period.

Mayor Pro Tem Fuller read **Resolution 2018-13 Appreciation for Bob Lauer** for his service to the Town of Davidson and named him Design Review Board, emeritus.

- **CHANGES TO THE AGENDA**

Manager Justice asked that item (f) under the consent agenda be moved to old business for discussion as item (g). There was no objection from the Board.

- **PUBLIC COMMENTS**

The public comments period opened at 6:15 p.m. and was closed at 7:10 p.m. Twenty-two (22) citizens spoke. The comments were summarized by Mayor Pro Tem Fuller.

- **CONSENT AGENDA**

Consider Approval of Draft Meeting Minutes from May 1, May 8, and May 22

Consider Approval of Changes to the Board Meeting Schedule

Consider Approval of Budget Amendments

Consider Approval of Continuum Board of Director Re-Appointments

Consider Approval of Resolution 2018-17 to exempt Gran Fondo Bike Race on August 5 from Section 54-1 of the Municipal Code

Approve Tax Levy Adjustments

Commissioner Fort thanked the anonymous donor for the contribution to Fire Station #2. Commissioner Campbell added that the donation will go towards the signal outside the Fire Hall on Concord Road. Mayor Pro Tem thanked the staff for a great event at the Grand Opening Ceremony.

Commissioner Fort made a motion to approve. The motion passed unanimously (5-0).

- **OLD BUSINESS**

The first item discussed was the Proposed Main/Concord Intersection Project. Public Works Director Doug Wright led the discussion stating that the Main Street/Concord Road intersection has been identified by North Carolina Department of Transportation staff as the highest priority opportunity to improve traffic congestion in Davidson. The Davidson Department of Public Works has evaluated extending a left-turn queue for southbound traffic on Main Street at the intersection with Concord Road. Based on the direction of the Board, staff will examine several options, collect data, meet with merchants and stakeholders, Davidson College, Davidson College Presbyterian Church, review the Davidson Mobility Plan policy and report back at a future meeting.

{The Board of Commissioners took a five-minute break}

The second item discussed was the Public Facilities Project led by Assistant Town Manager Dawn Blobaum and Andy Aldridge with Edifice. The discussion included cost estimates for renovation of the former IB School. The Board requested to continue discussions on the plan, work with Charlotte-Mecklenburg Schools on lease terms and requested that the architect/construction manager review the scope of work to bring down the total estimated cost from \$16.3 million to a lower (undefined) number. The Board authorized the Finance Director to proceed with the bond order so that voters can vote on General Obligation Bonds to fund this project on November 7.

The third item discussed was the General Obligation (GO) Bond Process for Public Facilities Project. Finance Director Pieter Swart led a discussion of the general obligation (GO) bond process for the public facilities project. To initiate the General Obligation Bond referendum process three resolutions are necessary. Resolution 2018-14 - Authorizes the Finance Officer to submit an application to the LGC to issue General Obligation Bonds. Resolution 2018-15 - Certain findings of fact by the Board of Commissioners must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in NCGS Section 159-52. Resolution 2018-16 - Directs the Town Clerk to publish the "Notice of Intention to Apply to the Local Government Commission for Approval of Bonds" in a newspaper of general circulation.

Commissioner Campbell made a motion to approve Resolution 2018 – 14, 15, 16 as amended with a total GO Bond amount of \$16,335,000. The motion passed unanimously (5-0).

Mayor Pro Tem Fuller deferred item ***(d) Consider Approval of Pedestrian Safety Flashing Beacons Project*** to the July 10, 2018 agenda.

The fourth item discussed was the Approval of FY2018-2019 Budget Ordinance and Fee Schedule. Finance Director Pieter Swart reviewed Ordinance 2018-01 and the FY2019 Fee Schedule. Mayor Pro Tem Fuller asked if there had been any significant changes since the Board last reviewed the proposed budget. Pieter stated that during the May 22 meeting, the Board discussed a couple of revenue changes and moving a few dollars around but have made no significant changes since that time. Commissioner Fort asked about the proposed FY2019 Fee Schedule and the payment in lieu requirement for open space. Planning Director Jason Burdette explained that this was included in the FY2018 Fee Schedule that planning proposed. The open space payment in lieu options were recommendations from the Rural Area Plan in instances where 70% open space was required, 50% was only required on-site. This is only payment in lieu for that 20% balance. Commissioner Fort asked about the difference between the tiers and how the dollar amounts associated. Jason responded the tiers is based upon the acreage of the projects proposed open space and the numbers were derived from a Livability Board Member who worked with the Mecklenburg County Tax Assessor's Office to determine real property values in the Rural Area. The Board discussed doubling the fee for the payment in lieu and the Rural Area Plan.

Commissioner Rierson Michael advised that after speaking with Town Attorney Cindy Reid, the Board would vote on the FY2019 Budget with the exception of the \$50,000 allocated for Service Agencies due to her employment with one of those Service Agencies (NCGS § 14-234 (a) (2)). Mayor Pro Tem Fuller confirmed the motion of approval of the budget with no consideration of the \$50,000 allocation. The motion passed unanimously (5-0).

Commissioner Rierson Michael made a request to excuse herself from the vote for Budget Amendment 2019-01 Service Agencies Funding due to NCGS § 14-234 (a) (2).

Commissioner Campbell made a motion to recuse Commissioner Rierson Michael and the motion passed unanimously (4-0).

The Board discussed the process for the approval of the \$50,000 and working with the Livability Board on how the money is allocated.

Commissioner Campbell made a motion to authorize Budget Amendment 2019-01 for the \$50,000, with a friendly amendment to open the application process and Commissioners work with the Livability Board on the process before authorizing any expenditure in an open and transparent manner. The motion passed unanimously (4-0). Mayor Pro Tem Fuller noted for the record that Commissioner Rierson Michael did not vote.

The final item discussed was the Approval of Resolution 2018-18 Annexation of Kenmare Subdivision – Set the Public Hearing Date which was moved from consent item (f) to old business item (g). Town Manager Justice explained that this is a voluntary annexation request and this is a step in the statutory process. The Board approved at the May 8, 2018 meeting for the Town Clerk to certify the sufficiency of the petition under NCGS § 160A-31. Next step is to consider the certification of the petition and to set the Public Hearing for the July 10, 2018 meeting and then approve or disapprove the voluntary annexation. Mayor Pro Tem Fuller confirmed that the only matter before the Board was whether or not to set the date for the Public Hearing and if that is the staff's recommendation. Town Manager Justice stated the staff recommends moving forward with this annexation, setting the public hearing, and continuing with the process. The Board discussed the annexation process and perhaps an update to the policy.

Commissioner Fort made a motion to approve Resolution 2018-18 with an amendment from Commissioner Campbell to add an s to the second "whereas the Board of Commissioner" to reflect "Commissioners". The motion passed unanimously (5-0).

- **SUMMARIZE ACTIONS ITEMS**

Town Manager Jamie Justice summarized the board requested action items for staff.

- **CLOSED SESSION**

Commissioner Campbell made a motion to go into closed session per NCGS § 143-318.11 (a) (6). Commissioner Rierson Michael inquired about closed sessions being held at other times besides at the end of meetings. The motion passed unanimously (5-0)

- **ADJOURN**

The meeting adjourned at 11:15 p.m.

Rusty Knox
Mayor

Attest:

Elizabeth K. Shores
Town Clerk



**Agenda Title: Consider Approval of Budget Amendments
Finance Director Pieter Swart**

Summary: BA2019-02 The FY2019 general fund budget ordinance allocates \$40,200 to the Arts Project Fund. This budget amendment recognizes the revenue and allows for the expenditure of the funds within the Arts Project Fund.

BA2019-03 The Mecklenburg County HOME program has allocated \$31,689 for down-payment assistance for Affordable Housing. This budget amendment recognizes the revenue and allows for the expenditure of the funds in the Affordable Housing Fund.

BA2019-05 This budget amendment allocates \$35,000 of Fund Balance from the Affordable Housing Fund to provide five (5) future homeowners with down payment assistance in the amount of \$7,000 each.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
❏ BA2019-02	6/29/2018	Cover Memo
❏ BA2019-03	7/6/2018	Cover Memo
❏ BA2019-05	7/6/2018	Cover Memo

AMENDMENT TO THE CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Governing Board of the Town of Davidson, North Carolina, that the following amendment be made to the Capital Project Ordinance for the Arts Project Fund:

Section 1: 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>
34-00-2970-000	Contribution From General Fund		\$ 40,200

The Town's FY 2019 Budget Ordinance provided a contribution to the Arts Project Fund

Section 2: To amend the General Fund, the expenditure appropriations are to be changed as follows:

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
34-00-6140-440	Contract Services		\$ 40,200

This amendment provides additional expense authority for the Arts Project Fund

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 July, 2018

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, 2019:

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

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
52-40-4920-498	Down Payment Assistance		\$ 31,689.00

Payments will be made to assist low and moderate income households purchasing housing in the Town with their down payments.

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

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
52-40-3492-770	Home Consortium Contributions		\$ 31,689.00

The Town will receive down payment assistance from the City of Charlotte - HOME Consortium program of up to \$ 31,689 during fiscal year 18-19.

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 July, 2018

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, 2019:

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

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
52-40-4920-498	Down Payment Assistance		\$ 35,000.00

Payment will be made to assist low or moderate income households purchasing housing in the Town with their down payment.

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>
52-40-2990-000	Fund Balance, Affordable housing		\$ 35,000.00

The Town will assist 5 home buyers at \$7,000 each from Payment-In-Lieu funds.

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 July, 2018



**Agenda Title: Consider Tax Levy Adjustments
Finance Director, Pieter Swart**

Summary: The town received refunds to be issued from the Solid Waste Fund totaling \$2,412 on 4 parcels (As approved by the Mecklenburg Board of County Commissioners (BOCC)). These refunds will be issued directly by the Town. Details regarding these refund requests are available in the Finance Office.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
No Attachments Available		



Agenda Title: **Discussion of Public Facilities Project**
Assistant Town Manager Dawn Blobaum
Finance Director Pieter Swart

Summary: Town staff will review the status of the Public Facilities Project including alternative cost estimates and financial impact.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
☐ Agenda Memo Public Facilities Project	7/6/2018	Cover Memo
☐ Presentation Public Facilities Project	7/6/2018	Cover Memo
☐ Public Facilities IB Floor Plans and Existing Town Hall	7/6/2018	Cover Memo



Public Facilities Update

To: Davidson Board of Commissioners
From: Dawn Blobaum, Assistant Town Manager
Date: July 10, 2018
Re: Public Facilities

1. OVERVIEW

At your June 12 meeting we reviewed the costs of the public facilities project:

IB School renovation = \$7,956,912
Renovation of existing town hall = \$3,870,000
Security, cabling, A/V = \$342,000
Soft Costs = \$3,650,674
Parking in hole = \$279,000
Total Project Cost = \$16,098,586 + issuance cost = \$16,298,586 total GO Bonds

We've been working to reduce the construction costs on the former IB School renovation. The costs for the existing town hall for the police and fire departments are less malleable, since they were estimated using schematic design drawings.

The following categories may be candidates for cost reductions:

- Site work – We need to comply with Mecklenburg County regulations on stormwater and the town's parking requirements including curbs, landscaping, and drainage; however, if we leave much of the site untouched we can reduce the site improvement costs.
- Elevator and restroom addition – With the approval of the DRB, we could change the exterior finish material on the addition from brick to a lower-cost alternative.
- Windows and millwork – We need to comply with the Secretary of the Interior Standards for Rehabilitation, but we can reduce costs by repairing – rather than replacing – some windows and existing millwork.
- Parking – We can save \$279,000 if we do not reconstruct the parking lot “in the hole” for 24 additional spaces. We can get pricing on the other “opportunistic” parking that Stantec identified near the existing town hall.

We're estimating that we can lower the IB renovation costs by \$500,000. That leaves us with:

IB School renovation = \$7,456,912
Renovation of existing town hall = \$3,870,000
Soft Costs = \$3,398,074

Security, AV, etc. = \$342,000

Total Project Cost = \$15,066,986 + issuance cost = \$15,266,986 total GO Bonds

2. RELATED TOWN GOALS

Strategic Plan: Operations, Tactical Priority 2. Capital and maintenance needs.

Core values: Citizens entrust town government with the stewardship of public funds, so government will provide high quality services at a reasonable cost.

Constituents: All Davidson residents.

3. OPTIONS/PROS & CONS

We have discussed three options: 1) reuse of the former IB School on South Street with renovation of the existing town hall for police and fire departments, 2) construction of a new police facility on town-owned land near town hall and renovation of the existing building for the board, admin, planning, and 3) continuation of the first design with a new town hall and renovation of the existing building for police and fire.

4. FYI or RECOMMENDED ACTION

A total estimated cost for construction is necessary for the GO Bonds process.

5. NEXT STEPS

A schedule for the former IB School site is attached to the agenda.

COST SUMMARY

June 12 totals \$16,098,586 construction + \$200,000 issuance cost = \$16,298,586

Existing Town Hall

Police and Fire Depts \$ 3,870,000

IB School

Board, Admin,

Planning, Finance,

Parks and Recreation \$ 7,456,912

Soft Costs (30%) \$ 3,398,074

Add Security, AV \$ 342,000

Project Total Cost \$15,066,986 construction + \$200,000 issuance cost = \$15,266,986

Scenarios

Scenario	2017 GO Bonds	Town Hall Go Bonds	Required Tax Rate Increase	Tax Rate Increase Required Start
1	\$ -	\$ 16,335,000	2.59	2023
2	\$ 15,000,000	\$ 16,335,000	7.06	2022
3	\$ -	\$ 15,200,000	2.17	2023
4	\$ 15,000,000	\$ 15,200,000	6.69	2022
5	\$ 7,500,000	\$ 15,200,000	5.11	2023



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2018 GO Bond
Piet Swart, Finance Director
July 10, 2018

Dollar Increase In Ad Valorem Taxes

Scenario	Required Tax Rate Increase (pennies)	Home Assessed Value									
		\$150,000		\$300,000		\$500,000		\$750,000		\$1,000,000	
		Per Year	Per Month	Per Year	Per Month	Per Year	Per Month	Per Year	Per Month	Per Year	Per Month
1	2.59	\$ 39	\$ 3	\$ 78	\$ 6	\$ 130	\$ 11	\$ 194	\$ 16	\$ 259	\$ 22
2	7.06	\$ 106	\$ 9	\$ 212	\$ 18	\$ 353	\$ 29	\$ 530	\$ 44	\$ 706	\$ 59
3	2.17	\$ 33	\$ 3	\$ 65	\$ 5	\$ 109	\$ 9	\$ 163	\$ 14	\$ 217	\$ 18
4	6.69	\$ 100	\$ 8	\$ 201	\$ 17	\$ 335	\$ 28	\$ 502	\$ 42	\$ 669	\$ 56
5	5.11	\$ 77	\$ 6	\$ 153	\$ 13	\$ 256	\$ 21	\$ 383	\$ 32	\$ 511	\$ 43

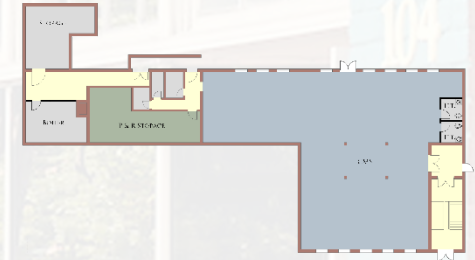
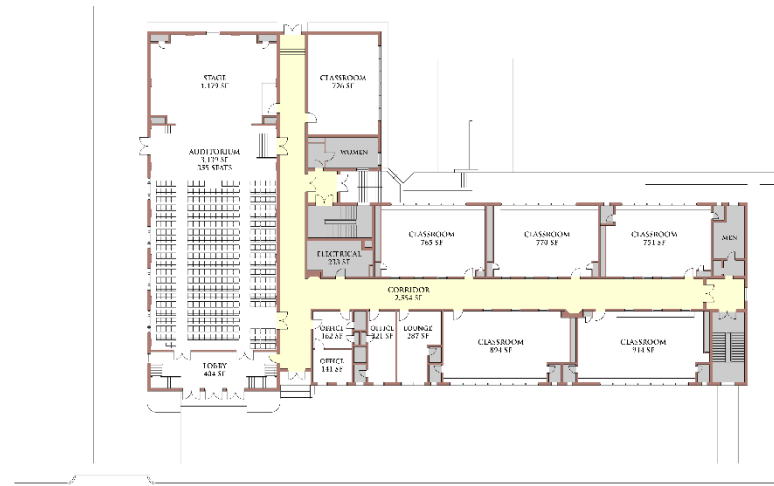


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2018 GO Bond
Piet Swart, Finance Director
July 10, 2018

IB FLOOR PLANS

IB School



2016 STAFF GROWTH PROJECTIONS

Police Department					
Forecast Data 2013-2017		2005	2017	Annual Change	
				Number	%
Historic Staff		18	21	0.23	1.10%
Forecast Model	Value	2022	2027	2032	2037
1: Historic Staff 13 yr Number Increase	0.23	22	23	24	26
2: Historic Staff 13 yr Percentage Increase	1.10%	22	23	25	26
3: OSBM 5 yr Percentage Increase	2.66%	24	27	31	36
4: U.S. Census 5 yr Percentage Increase	1.94%	23	25	28	31
5: U.S. Census 10 yr Percentage Increase	4.70%	26	33	42	53
6: Solid Waste 10 yr Percentage Increase	3.43%	25	29	35	41
7: Commercial Building Permits 1 yr Percentage Increase	-100.00%	0	0	0	0
8: Residential Building Permits 1 yr Percentage Increase	7.56%	30	44	63	90
9: Citizen Initiated Calls for Service 6 yr Percentage Increase	1.60%	23	25	27	29
10: Police Services Personnel: 24 per 10,000 population		37	43	50	57
11: Staff Projections		27	40	50	57
Average (Items 1-6 and 8-11)		26	31	37	44
Recommended Model: Average		26	31	37	44

METRICS

Existing Area	10,000 SF
Proposed Addition	800 SF
Total Proposed Area	10,800 SF
Proposed Covered Area	900 SF

CONCEPT DIAGRAM OF ADDITION



2016 PROGRAM SUMMARY WITH 20 YEAR GROWTH

Department	Current Existing Area (NUSF)	In-House Estimated Area (NUSF)	Current Projected Area (NUSF)	Future Projected Area (NUSF)
Law Enforcement				
Administration	501	-	1,648	1,934
Criminal Investigations	1,000	-	4,649	5,312
Field Operations Division	142	-	1,633	1,828
Building Support	219	-	3,895	3,895
Total Net Usable Square Feet (NUSF)	1,862	-	11,825	12,969
35% Core Service (Sqft)	-	-	4,139	4,539
TOTAL LAW ENFORCEMENT (GSF)	3,000	20,000-25,000	15,963	17,508
*additional 1,716 SF in shared spaces in town hall for training and fitness, totaling 19,224 SF of area for police use				
Additional Support Spaces	Current Existing Area (GSF)		Current Required Area (GSF)	Future Required Area (GSF)
Exterior Area				
Sally Port Bay	0	-	600	600
Shower	0	-	5	5

SUMMARY

- Confirmed estimated growth of department of 44
- Increase large evidence storage in Sally Port
- Partial open air cover over Sally Port

The PD feels comfortable they can function well for 20 years in this space

Fire Department 20 Year Plan

2016 STAFF GROWTH PROJECTIONS

Fire Department					
Forecast Data 2016-Current Planning		2017	2037	Annual Change	
				Number	%
Current Full-Time Staff (includes Fire Chief)		7	12	0.25	2.08%
Current Part-Time Staff		60	90	1.50	1.67%
Forecast Model	Value	2022	2027	2032	2037
1: Actual 10 yr Number Increase (Not Provided)	0.00	0	0	0	0
2: Actual 10 yr Percentage Increase (Not Provided)	0.00%	0	0	0	0
3: OSBM 5 yr Percentage Increase	2.66%	8	9	10	12
4: U.S. Census 5 yr Percentage Increase	1.94%	8	8	9	10
5: U.S. Census 10 yr Percentage Increase	4.70%	9	11	14	18
6: Solid Waste 10 yr Percentage Increase	3.43%	8	10	12	14
7: Commercial Building Permits 1 yr Percentage Increase	-100.00%	0	0	0	0
8: Residential Building Permits 1 yr Percentage Increase	7.56%	9	13	19	28
9: Calls for Service 1 yr Percentage Increase	3.19%	8	10	11	13
10: Staff Projections		8	9	10	12
Average (Items 3-6 and 8-10)		8	10	12	15
Recommended Model: Staff Projection		8	9	10	12

2016 PROGRAM SUMMARY WITH 20 YEAR GROWTH

Department	Current Existing Area (NUSF)	In-House Estimated Area (NUSF)	Current Needed Area (NUSF)	Modeled Area (NUSF)
Fire and Rescue				
Administration and Training	150	-	1,328	1,658
Residential and Living	1,007	-	3,483	3,483
Apparatus and Support	4,155	-	6,488	6,488
Total Net Usable Square Feet (NUSF)	5,312	-	11,299	11,629
30% Core Service (SF) (excludes apparatus bay)	-	-	1,950	2,029
TOTAL FIRE STATION 1 (GSF)	6,000	15,546	13,249	13,678

SUMMARY

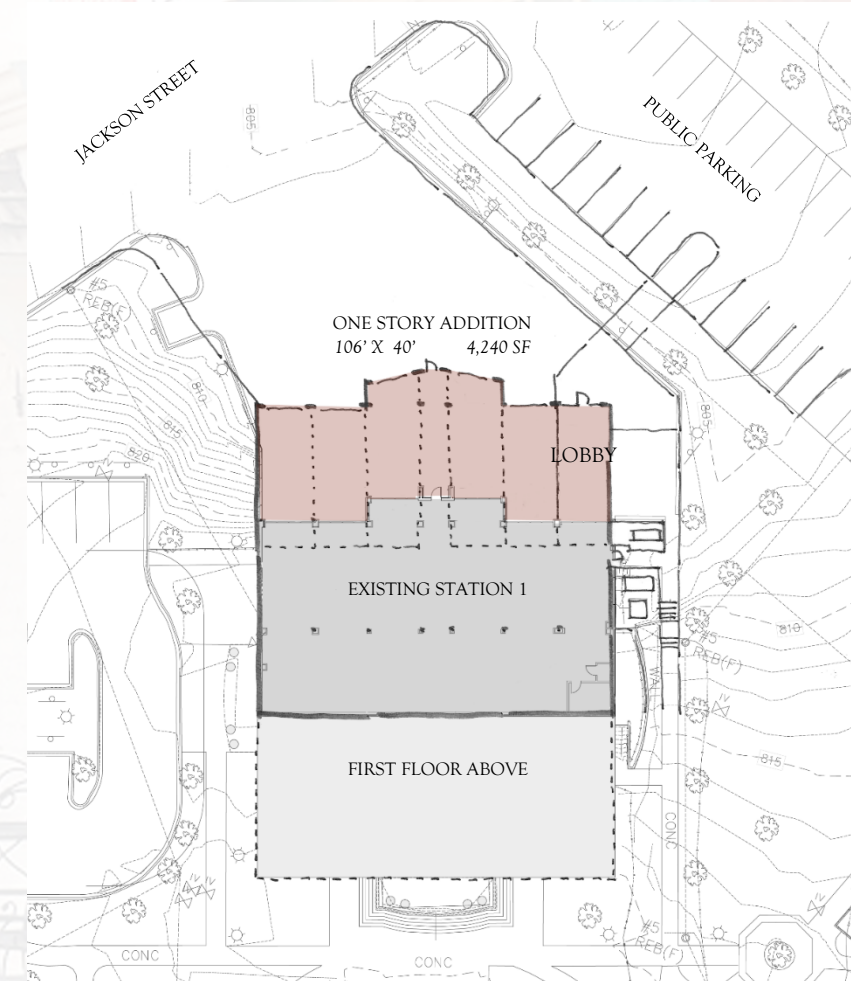
- Confirmed estimated full time staff growth to 12
- Confirmed growth to staffing two 4-person companies
- Confirmed 5 apparatus bays in service

METRICS

Existing Area	6,000 SF
Proposed Addition	4,240 SF
Total Proposed Area*	10,240 SF
Shared Space in PD	1,222 SF
Total Usable Area	11,462 SF

*Space was planned for a potential expansion of new Fire Station 2 that could be used for training functions to complete the 20 year space needs if required

CONCEPT DIAGRAM OF ADDITION



The FD feels comfortable they can function well for 20 years in this space



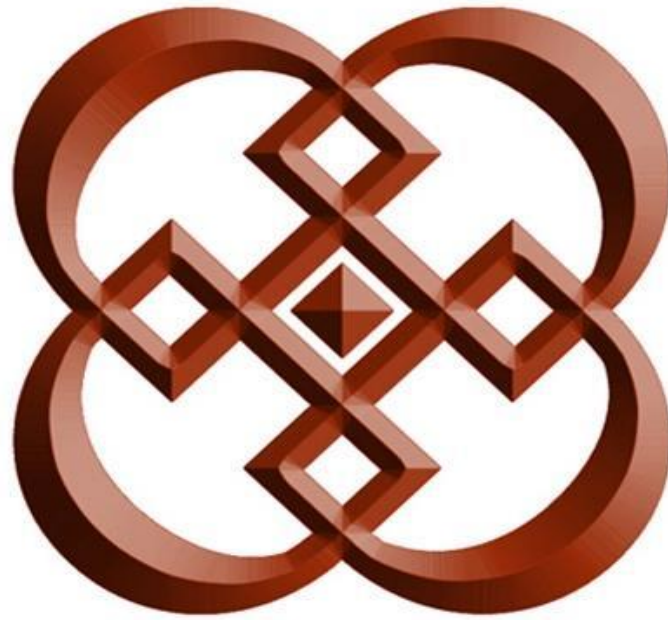
**Agenda Title: Consider Introduction of Bond Order and Set Date for Public Hearing
Finance Director Piet Swart**

Summary: The G.O. Bond Order will be introduced. The Board will consider Resolution 2018-19 of the Town of Davidson, North Carolina regarding a bond order authorizing the issuance of \$16,335,000 General Obligation Public Facilities Bonds of the Town of Davidson, North Carolina, setting a public hearing thereon and directing publication of notice of said public hearing.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
❑ Presentation	7/6/2018	Cover Memo
❑ Introduction of Bond Order	7/6/2018	Cover Memo
❑ DRAFT - Resolution 2018-19 GO Bonds	7/6/2018	Cover Memo



The Town *of* Davidson

College Town. Lake Town. *Your Town.*

2018 GO Bond Public Facilities



College Town. Lake Town. *Your Town.*

2018 GO Bond
Piet Swart, Finance Director
July 10, 2018

Presentation Overview

- GO Bond Calendar
- Action Items:
 - Introduction of Bond Order
 - Set Public Hearing



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2018 GO Bond
Piet Swart, Finance Director
July 10, 2018

G.O. Bond Calendar

- 7/10/18 Board (1) Introduces the Bond Order at the Board Meeting; (2) adopts the Resolution setting a public hearing on the Bond Order on 7/24/18
- 7/16/18 File Notice with Joint Legislative Commission
- 7/16/18 Publish Notice of Public Hearing on the Bond Order in *Newspaper of General Circulation* [at least 6 days before public hearing]
- 7/16/18 File Sworn Statement of Debt with the City Clerk [before public hearing]
- 7/24/18 Board holds public hearings on adoption of the Bond Order
- 8/14/18 Board (1) adopts the Bond Order and (2) adopts the Resolution setting a Special Bond Referendum



Action Items

- Introduce bond order- The bond order title will be read by a commissioner
- Consider resolution 2018-19, setting the public hearing on the G.O. Bond Referendum for July 24, 2018, and directing the publication of the related notice

Commissioner _____ introduced the following bond order, a summary of which had been provided to each Commissioner, a copy of which was available with the Town Clerk and which was read by title:

BOND ORDER AUTHORIZING THE ISSUANCE OF \$16,335,000 GENERAL OBLIGATION PUBLIC FACILITIES BONDS OF THE TOWN OF DAVIDSON, NORTH CAROLINA

WHEREAS, the Board of Commissioners of the Town of Davidson, North Carolina (the “*Board of Commissioners*”) has ascertained and hereby determines that it is necessary to pay the capital costs of acquiring, constructing, expanding, renovating, equipping and furnishing public facilities to be used for municipal services, including town hall, police, firefighting and other administrative services, and the acquisition of land, rights-of-way and easements therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Public Facilities Bonds hereinafter described as required by the Local Government Bond Act, and the Town Clerk has notified the Board of Commissioners that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the Board of Commissioners of the Town of Davidson, North Carolina, as follows:

Section 1. In order to raise the money required for the purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Public Facilities Bonds of the Town are hereby authorized and will be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Public Facilities Bonds authorized by this order will be \$16,335,000.

Section 2. Taxes will be levied in an amount sufficient to pay the principal and interest on said General Obligation Public Facilities Bonds.

Section 3. A sworn statement of the Town’s debt has been filed with the Town Clerk and is open to public inspection.

Section 4. This bond order will take effect when approved by the voters of the Town at a referendum scheduled for November 6, 2018.

STATE OF NORTH CAROLINA)
)
TOWN OF DAVIDSON)

I, Elizabeth K. Shores, Town Clerk of the Town of Davidson, North Carolina, *DO HEREBY CERTIFY* the attached to be a true and correct copy of the introduction of the bond order entitled “**BOND ORDER AUTHORIZING THE ISSUANCE OF \$16,335,000 GENERAL OBLIGATION PUBLIC FACILITIES BONDS OF THE TOWN OF DAVIDSON, NORTH CAROLINA,**” by the Board of Commissioners of the Town of Davidson, North Carolina, at the meeting held on July 10, 2018.

WITNESS my hand and the corporate seal of the Town of Davidson, North Carolina, this the ____ day of _____, 2018.

(SEAL)

Elizabeth K. Shores
Town Clerk
Town of Davidson, North Carolina



RESOLUTION 2018-19
RESOLUTION OF THE TOWN OF DAVIDSON, NORTH CAROLINA REGARDING A
BOND ORDER AUTHORIZING THE ISSUANCE OF \$16,335,000 GENERAL
OBLIGATION PUBLIC FACILITIES BONDS OF THE TOWN OF DAVIDSON,
NORTH CAROLINA, SETTING A PUBLIC HEARING THEREON AND DIRECTING
PUBLICATION OF A NOTICE OF SAID PUBLIC HEARING

WHEREAS, a bond order entitled:

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$16,335,000 GENERAL OBLIGATION PUBLIC FACILITIES BONDS OF THE TOWN OF DAVIDSON, NORTH CAROLINA;”

has been introduced at a meeting of the Board of Commissioners (the “*Board of Commissioners*”) of the Town of Davidson, North Carolina this 10th day of July, 2018; and

WHEREAS, the Board of Commissioners desires to provide for the holding of a public hearing thereon on July 24, 2018 and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF DAVIDSON, NORTH CAROLINA that the public hearing on said bond order will be held on the 24th day of July, 2018 at 6:00 p.m. at 216 South Main Street, Davidson, North Carolina.

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to cause a copy of said bond order to be published with a notice of such hearing in the form prescribed by law in a newspaper of general circulation in the Town on or before the 16th day of July, 2018.

BE IT FURTHER RESOLVED that the finance officer is hereby directed to file with the Town Clerk, prior to publication of the bond order, along with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the net debt of the Town, the assessed value of property subject to taxation by the Town and the percentage that net debt of the Town bears to the assessed value of property subject to taxation.

BE IT FURTHER RESOLVED that this Resolution will become effective on the date of its adoption. Read, approved and adopted this 10th day of July, 2018.

ATTEST:

Rusty Knox, Mayor

Elizabeth K. Shores, Town Clerk



Agenda Title: Discussion Proposed Watershed Ordinance Text Amendments Planning Board

Summary: The Town of Davidson has been considering changes to the Davidson Planning Ordinance (DPO) 17 - Watershed Protection Overlay District for several months. At the last Planning Board Meeting, the Planning Board voted 9-0 to meet individually with the Town Board to educate and inform Board Members about the Watershed Ordinance. Then meet at the at the July Town Board Meeting to propose passing all parts of the Watershed except 17.6.1 and 17.6.2 which would be brought back at a later date. This item is for discussion purposes only.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
❏ DRAFT - Redlined Version of DPO 17	7/6/2018	Cover Memo

CHAPTER 17: Watershed Protection Overlay District - **Update** (May 22, 2018)

[Insert map showing critical watershed area]

17.1 Authority and Enactment

The Legislature of the State of North Carolina has, in Chapter 160A, Article 8, Section 174, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Davidson Board of Commissioners does hereby ordain and enact into law the text contained herein to satisfy said statutory requirements.

17.2 Jurisdiction

The provisions of this section shall apply only within areas designated as Water Supply Watersheds by the NC Environmental Management Commission and shall be depicted on the Town of Davidson's Watershed map. Where there is a conflict between the regulations contained in this section and any other portion of the Planning Ordinance, the provision of this section shall apply to properties located within a designated Water Supply Watershed area.

17.3 Definitions

For the purpose of interpreting this section, certain words or terms are herein defined. Except as defined herein, or in Section 16 - Definitions, all other words shall have their everyday dictionary definition. Where a term is defined in this section and in Section 16 Definitions, the definition in this section shall apply to this section only.

Agricultural Use: The use of waters for stock watering, irrigation, and other farm purposes.

Animal Unit: A unit of measurement developed by the US Environmental Protection Agency that is used to compare different types of animal operations.

Buffer, Vegetative: An area of natural or planted vegetation through which stormwater runoff flows in a diffused manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of Lake Norman and from the top of the bank on each side of streams.

Built-Upon Area: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.) Built upon areas shall be determined on a project-by-project basis.

Cluster Development: ...

Composting Facility: A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

Commented [LL1]: All comments below are labeled NCDEQ, MC, or PBOC to identify the party responsible for each suggested revision. These abbreviations mean the following:

-**NCDEQ** for NC Department of Environmental Quality
-**MC** for Mecklenburg County
-**PBOC** for Planning Board Ordinance Committee

Comments summarize the reason for each proposed change.

Commented [LL2]: [PBOC] Remove definition—Cluster Developments aren't an allowed development type in Davidson.

Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Development: Any land disturbing activity which adds to or changes the amount of impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging Landfill: A facility with liner, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Expansion: Any walled and roofed extension of or increase in the floor area or height of an existing building connected by a load-bearing wall; and/or, an increase in the built-upon area to site components such as parking, improvements, or other structures. For the purpose of the watershed ordinance, any expansion shall be required to have preserved at least 50% of the interior heated floor area.

Existing Development: Projects that are built or projects that have established a vested right under North Carolina zoning law as of the effective date of this ordinance (October 1, 1993) based on at least one of the following criteria:

- (a) Having an approved site specific or phased development plan; or
- (b) Having an outstanding valid building permit; or
- (c) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government written approval to proceed with the project.

Existing Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to October 1, 1993 of this ordinance, or a lot described by metes and bounds, the description of which has been recorded prior to October 1, 1993. (Note: This definition containing the October 1, 1993 stipulation shall be applicable only to Section 17 of this ordinance.)

Hazardous Material: Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 or CWA (oil and hazardous substances).

High Density Option: Any new development which exceeds 24 percent built-upon area (BUA), requiring engineered stormwater control devices approved by the Town of Davidson as prescribed by the Environmental Management Commission's adopted Water Supply Watershed Protection rules.

Industrial Development: Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.

Commented [LL3]: [PBOC] This definition was added to help distinguish between what constitutes an expansion and a demolition.

Commented [LL4]: [MC] Existing Development was not previously defined in Section 17 of the ordinance, but the term is referenced several times in this section.

The proposed definition is taken directly from state statute (G.S. 15A NCAC 02B .0202)

Commented [LL5]: [NCDEQ] In the current ordinance, the definitions of high/low density are based on whether or not a development contains engineered stormwater. In practice, however, a development is determined to be high or low density based on the proposed built-upon area (BUA). If a development is over 24% BUA it's high density. Then because it is high density, engineered stormwater is required. The revisions clarify the criteria are based on BUA and not engineered stormwater.

Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the N.C. General Statutes. For the purpose of Section 17, this term does not include compost facilities.

Low Density Option: Any new development which does not exceed 24 percent built-upon area (BUA).

Commented [LL6]: [NCDEQ] see comment for High Density Option definition.

Plat: A map or plan of a parcel of land which is to be, or has been subdivided.

Protected Area: The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected areas are defined as extending five miles upstream and draining to water supply reservoirs (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first); or ten miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of five or ten miles. In some cases the protected area will encompass the entire watershed.

Redevelopment: Rebuilding activities, including demolition, on land containing built upon area as of the effective date of this ordinance (October 1, 1993).

Commented [LL7]: [MC] Redevelopment is not defined in the current ordinance.

Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

County's initially suggest text is as follows:
"Redevelopment: Rebuilding activities on lands containing built upon area as of the effective date of this ordinance."

Toxic Substance: Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

Variance, Major: A variance from the minimum Town's watershed protection rules that results in any one or more of the following:

1. The relaxation by a factor greater than five percent of any buffer, density or built-upon area requirement under the high density option;
2. Any variation in the design, maintenance, or operation requirements of approved stormwater management systems;
3. The relaxation by a factor greater than 10 percent of any buffer, density or built-upon area requirement under the low density option.

Commented [LL8]: [NCDEQ] The definition for Variance, Major was revised to match the Environmental Management Commission's (EMC) definition. The EMC would not issue a decision on a variation that is not a major variance as they define in 15A NCAC 2B .0202(42)

Commented [LL9]: [PBOC] "Town's" was added to clarify that a variance is from town standards, which are often more stringent than state standards. This change also applies to the Variance, Minor definition.

Variance, Minor: A variance from the minimum Town's watershed protection rules that results in any one or more of the following:

1. The relaxation by a factor of up to, and including, five percent of any buffer, density or built-upon area requirement under the high density option;
2. The relaxation by a factor up to, and including, 10 percent of any buffer, density or built-upon area requirement under the low density option.

Commented [LL10]: [NCDEQ] See comment for Variance, Major

Commented [LL11]: [PBOC] This language was added to be consistent with Item 1. in each definition, Variance Major/Minor. The previous language was inconsistent and not clear ("...land management requirement...").

Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

17.4 Effective Date and Adoption Date

Section 17 shall take effect and be in force on October 1, 1993. The Davidson Board of Commissioners adopted it on September 14, 1993.

17.5 Rules Governing the Interpretation of Watershed District Boundaries

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Davidson Watershed Map, the following rules shall apply:

1. Where watershed district boundaries are indicated as approximately following either street, alley, railroad or highway lines or center lines thereof, such lines shall be construed to be the watershed district boundaries.
2. Where watershed district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be the watershed district boundary. However, a surveyed plat prepared by a registered land surveyor may be submitted to the Planning Director as evidence that one or more properties along these boundaries do not lie within the watershed area.
3. Where the watershed district boundary lies at a scaled distance of more than 25 feet from an adjoining lot line, the location of the watershed district boundary shall be determined by use of the scale appearing on the map.
4. Where the watershed district boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.
5. Where other uncertainty exists, the Planning Director shall interpret the Davidson Watershed Map to determine the location of such boundaries. This decision may be appealed to the Board of Adjustment.

Commented [LL12]: [MC] Clarifies the procedure for when the watershed boundary lies 25 feet or less from any parallel lot line.

Commented [LL13]: [MC] Clarifies the procedure for when other uncertainty exists.

17.6 Exceptions to Applicability

Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor restrict any provisions of the Davidson Planning Ordinance; however, the adoption of the Watershed Protection Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect within the planning jurisdiction of the Town of Davidson (as depicted in the Davidson Planning Areas map) at the time of the adoption of the ordinance that may be construed to impair or reduce the effectiveness of this ordinance or to conflict with any of its provisions.

It is not intended that these regulations interfere with any easement, covenant or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

Nonconformities shall follow the requirements of Section 12 of the Davidson Planning Ordinance.

Commented [LL14]: [PBOC] This statement was moved to the start of 17.6 since it applies to the entire section rather than just 17.6.1-2.

17.6.1 Expansions to Existing Development

Existing development, as defined in this ordinance, is not subject to the requirements of this section. Expansions to structures classified as existing development must meet the requirements of this section, however the built-upon area of existing development is not required to be included in the impervious calculations. If structures classified as existing development are removed, the parcel's built-upon-area must comply with the standards of this ordinance. Lots where a single-family residence is the principal use, and the residence is defined as existing development, shall not be required to meet the built-upon area expansion requirements until July 1, 2025; however, these expansions must meet the applicable buffer and enhanced stormwater requirements. Beginning July 1, 2025 all expansions to existing development must comply with the build-upon area limits established in this section.

For expansions to existing development that do not qualify as high-density, enhanced stormwater practices shall be used to treat stormwater runoff. Practices must be approved by the Planning Director, in consultation with Charlotte-Mecklenburg Stormwater Services. These practices shall be appropriately-scaled and tailored to each site, and include but are not limited to: Installation of a rain garden, bioswale, vegetated swale, infiltration trench/drain (i.e. French drain), or downspout modification (i.e. distribution to a garden, trench, or rain barrel).

17.6.2 Existing Lots of Record

Until July 1, 2025, an existing lot of record, regardless of whether or not a vested right has been established, may be developed or used for single-family residential purposes subject to applicable buffer requirements, the enhanced stormwater strategies described in 17.6.1, and a maximum built-upon area of 34 percent. Note: Multiple contiguous lots of record under single ownership must conform to the watershed ordinance criteria. Beginning July 1, 2025 all existing lots of record must comply with the built-upon area limits established in Section 17.7.1.2.

17.6.3 Nonconforming Situations

17.6.4 Existing Development

17.6.3 Redevelopment

- A. Redevelopment, as defined in this ordinance, shall comply with the Davidson Planning Ordinance subject to item B. below.
- B. Redevelopment, as defined in this ordinance, is not subject to the requirements of this ordinance if located in the following planning areas and meeting the specified conditions:
 1. Area A:
 - a. Location: Village Commerce or Village Center parcels within the block bounded by Depot, Main, and Jackson Streets.
 - b. Conditions:
 1. The redevelopment will not result in a net increase in built upon area from the previous development and will provide greater or equal storm water control than the previous development; or
 2. The redevelopment will result in the disturbance of less than one acre.
 2. Area B:
 - a. Location: Village Center parcels along the north side of Depot Street and Village Commerce parcels west of Jackson Street.
 - b. Conditions:

Commented [LL15]: [MC] Section revised per Meck. County recommendation. Under the current Section 17, "Expansions to structures classified as existing development on any lot other than a lot containing a single-family residence as the principle use must meet the requirements of this ordinance..." The suggested revision removes the exemption for expansions to existing single-family residential development.

Commented [LL16]: [PBOC] This language was added to extend the single-family expansion exemption from BUA limits until July 1, 2025 to provide for a transition period for home owners.

Commented [LL17]: [PBOC] This text was added so that expansions resulting in more than 24% BUA on a site, are required to provide some level of low-cost, targeted stormwater treatment to help compensate for the additional BUA on a lot.

Commented [LL18]: [MC] Exact suggested text from 8/22/17 is as follows:

"An existing, undeveloped lot (lot of record) as defined in this ordinance, regardless of whether or not a vested right has been established, may be developed or used for single-family residential purposes subject only to the buffer requirements and not subject to the other provisions of this ordinance. However, this exemption shall not be applicable to an existing lot of record on which a structure has been demolished, or multiple contiguous lots under single ownership developed collectively as part of the same development process."

[PBOC]

This section was modified further to allow Lots of Record being developed for single-family residential purposes (whether developed or undeveloped) to build up to 34% BUA (what would be permitted under a minor variance), subject to buffers and enhanced stormwater requirements. The PBOC proposes extending this 34% BUA allowance for Lots of Record until July 1, 2025. After this date, this exemption will expire and all lots will be subject to the same BUA limits.

Commented [LL19]: [MC] Remove-this section is not applicable and conflicts with DPO Section 12 Nonconformities

Commented [LL20]: [MC] Remove-this section is a repeat of Section 17.6.1

Commented [LL21]: [MC & PBOC] Section added based on feedback from Meck. County and land owners in the Village Center/Village Commerce Planning Areas. Davidson is unique in that much of our downtown is located within the critical watershed. The revised language was drafted in coordination with the county to allow for flexibility in

1. The redevelopment will not result in a net increase in built upon area from the previous development and will provide engineered stormwater controls if the built-upon area exceeds 24%; or
2. The redevelopment will result in the disturbance of less than one acre.

17.7 Watershed Subareas Established

The purpose of this section is to list and describe the various watershed subareas herein created. The following subareas shall be in place and are depicted on the Davidson Watershed Map:

- a) Critical Area: The Critical Area is defined as the land area which begins at the normal pool elevation of Lake Norman and extends one-half mile inland or to the ridgeline, whichever is closest, as shown more specifically on the Town of Davidson watershed map.
- b) Protected Area: There is no Lake Norman Protected Area located within the jurisdiction of the Town of Davidson.

Commented [LL22]: [MC] Clarifies that there is no Protected Area within the town (NOTE: Protected Areas are geographically determined and because all Davidson's land is so close to the lake it's all considered Critical Area).

17.7.1 Critical Area (CA)

The intent of these regulations is to require higher standards in the Critical Area of the Lake Norman Watershed because of the greater risk of degradation of the drinking water supply from pollution. All uses permitted in the Critical Area are subject to the standards of the both the watershed subarea and underlying zoning district. In every case the more restrictive standard controls.

Commented [LL23]: [MC] Clarifies the intent of the watershed regulations.

17.7.1.1 Allowed Uses (Only if Permitted in the Underlying Planning Area)

- A. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps. Animal operations with greater than 100 animal units shall employ Best Management Practices by July 1, 1994 as recommended by the Soil and Water Conservation Commission. (Note: The Soil and Water Conservation Commission is the designated management agency responsible for implementing the provisions of Section 16 relating to agricultural activities.)
- B. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-0209).
- C. Residential development.
- D. Non-residential development (i.e. commercial, institutional, or industrial development) excluding: (i) the storage of toxic and hazardous materials unless a spill containment plan is implemented; (ii) landfills; and (iii) sites for land application of sludge/residuals or petroleum contaminated soils.

Commented [LL24]: [MC] Language referencing a max. two dwelling units per acre for residential development was removed. We do not differentiate residential development from other development types in regards to maximum BUA requirements.

17.7.1.2 Built-Up Area Limits

All development must comply with the built-upon area limits of either the Low Density or High Density Option as described below. When calculating the built-upon area, total project area shall include total

A Reserve Built-Up Area requirement for residential development was added to allow for homeowners to build additional BUA in the future and still be within the maximum 24% BUA (i.e. patios).

contiguous acreage of the adjacent or adjoining tract(s) on which the project is to be developed. Note: For the purposes of the watershed ordinance, the terms Low and High Density describe a site's built-upon area (i.e. land coverage); they do not describe units per acre.

Commented [LL25]: [PBOC] Including this language clarifies that only the actual project site is used to determine BUA limits. This prevents projects with multiple, non-contiguous parcels from using the BUA from nearby but undeveloped parcels to build more on the project site parcel.

Commented [LL26]: [PBOC] This sentence clarifies that these terms refer to the amount of hardscape on a site (i.e. land coverage) and not units/acre.

- A. **Low Density Option:** Development shall not exceed a built-upon area of 24 percent on a project by project basis.
- B. **High Density Option:** Development shall not exceed a built-upon area of 50 percent on a project-by-project basis. Note: Control structures must be used to treat storm water as explained in Section 17.7.3.
- C. **Reserve Built-Upon Area:** Development or redevelopment of a Detached House, Attached House, or Townhome approved after (effective date of ordinance revision) shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant. Such reserve built-upon area shall be treated as part of the built-upon area for the purposes of calculating the 24 percent and 50 percent maximum BUA set forth in A. and B. of this Section 17.1.1.2.

17.7.2 Cluster Development

Commented [LL27]: [MC] Remove—Cluster Developments have not been applied in Davidson.

17.7.3 High Density Option

A. General Requirements

The Planning Director may approve a project using the high-density option consistent with the following standards:

1. **Critical Area:** Engineered storm water controls shall be used to control runoff from the first inch of rainfall for development which contains a built-upon area of greater than 24 percent to 50 percent on a project-by-project basis. Individual single-family detached houses are not eligible to utilize engineered stormwater controls to meet this section's requirements.
2. **Protected Area:** There is no Lake Norman Protected Area located within the jurisdiction of the Town of Davidson.

Commented [LL28]: [MC] Clarifies that Davidson has no Protected Area within our jurisdiction. See comment for 17.7 for further explanation.

Commented [LL29]: [MC] The county does not allow these property types to install stormwater facilities for credit towards the requirements because they would require legal agreements with Meck. County for their design, operations, inspections and maintenance.

B. Inspection Fees

The Town reserves the right to conduct inspections in accordance with this ordinance. A fee in accordance with the fee schedule approved by the Planning Director shall be required to be paid by the owning entity prior to each inspection being conducted.

C. Operation and Maintenance Plan

1. Any stormwater control structure approved by the Planning Director shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes allow) and predicated on the developer and the Town entering into a binding operation and maintenance plan. The plan shall require the owning entity of the structure(s) to maintain, repair, and, if necessary, reconstruct said structure(s) in accordance with the operation and maintenance plan provided by the developer to the Town. The plan must be approved by the Planning Director prior to, or in conjunction with, approval of the high density option for said project.
2. A separate plan must be provided by the developer for each stormwater control structure, containing, at a minimum, what operation and maintenance actions are needed and will be

undertaken, what specific quantitative criteria will be used for determining when those actions are to be taken, and who is responsible for such actions. The Plan shall clearly indicate what steps will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

3. Amendments to the plan and/or specifications of the stormwater control structure(s) may only be approved by the Planning Director. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect, (to the extent that the General Statutes allow) and submitted to the Planning Director for approval. Such amendments shall be accompanied by all information and fees prescribed by this ordinance.
4. If the Planning Director finds that the plan, once approved, is inadequate for any reason, the Planning Director shall notify the owning entity of any changes mandated by the Town and a time-frame in which changes to the plan shall be made.

D. Post of Financial Securities

All new stormwater control structures approved employing the high density option shall be conditioned on the posting of adequate financial assurances for the purpose of constructing, maintaining, repairing or reconstructing said devices.

1. A surety bond or equivalent security shall be posted in accordance with Davidson Planning Ordinance requirements (6.11 Improvement Guarantees).
2. Once the stormwater control structure(s) has been constructed and inspected in the manner provided for in this ordinance, and approved by the Planning Director, the Planning Director may authorize the release of up to 75 percent of the surety bond or other equivalent security outlined above. The remaining portion of the surety bond or equivalent security may be released to the owning entity in accordance with this ordinance.
3. Prior to said release, the applicant shall be required to deposit with the Town either cash or a similar instrument approved by the Planning Director in an amount equal to 15 percent of the total construction cost or 100 percent of the cost of maintaining, repairing, or reconstructing said structure(s) over a 20-year period, whichever is greater. The estimated cost of maintaining the stormwater control structure(s) shall be consistent with the approved Operation and Maintenance Plan provided by the applicant as outlined in this section.

Commented [LL30]: [PBOC] This text was added to reference existing Town of Davidson requirements, ensuring that the bond fees paid are consistent with established processes.

E. Default

1. Upon default of the applicant to complete the stormwater control structure(s) as detailed in the surety bond or other equivalent security, the Planning Director may obtain and use all or any portion of the funds necessary to complete the improvements based on actual construction costs. The Planning Director shall return any funds not spent in completing the improvements to the owning entity.
2. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the approved Operations and Maintenance Plan, the Planning Director shall obtain and use any portion of the cash security outlined in

Section 17.7.3.E to make necessary improvements based on an engineering estimate provided by the Town.

F. Vegetation and Grounds Management

1. Landscaping and grounds management shall be the responsibility of the owning entity of said structure(s). Vegetation shall not be established or allowed to mature to the extent that the integrity of the structure(s) is in any way threatened or diminished, or to the extent of interfering with any easement or access to the structure.
2. Except for routine landscaping and grounds maintenance, the owning entity shall notify the Planning Director prior to any repair or reconstruction of the structure. All improvements shall be consistent with the approved plan and specifications for that structure. After notification by the owning entity, the Town shall inspect the completed improvements and inform the owning entity of any required additions, changes, or modifications needed to complete said improvements. A fee, in accordance with a fee schedule adopted by the Planning Director shall be charged to the owning entity for any inspections (and re-inspections). A time period for making such changes shall also be stipulated by the Town.

G. Inspections

1. Inspections of Newly Constructed Stormwater Structures

All new stormwater control structures shall be inspected by the Planning Director or his/her designee after the owning entity notifies the Planning Director that all construction has been completed. At this inspection the owning entity shall provide:

- a. The signed deed, related easements, and survey plat for the structure in a manner suitable for filing with the Register of Deeds, if ownership of the stormwater control structure(s) is to be transferred to another person, firm or entity. (This requirement will be waived for any repair work when such deed has previously been filed.)
- b. A certification by a professional engineer or landscape architect (to the extent allowable by the North Carolina General Statutes) stating that the stormwater control structure is complete and consistent with the approved plan and all specifications previously stipulated by the Town.
- c. The Planning Director shall review the materials submitted by the owning entity along with the Town's inspection for approval. If the Planning Director approves the inspection report and accepts the certification, deed, and easements, the Planning Director shall file said deed and easements with the Register of Deeds. Release of up to 75 percent of the surety bond or other equivalent security called for in Section 17.7.3.C shall be made in a manner as prescribed in this ordinance.
- d. If deficiencies are found as a result of the inspection, the Planning Director shall direct the owning entity to make necessary improvements. Re-inspections will be made thereafter. No release of any funds shall be made by the Town until all deficiencies are properly addressed to the Town's satisfaction.
- e. No sooner than one year after approval of the stormwater control structure(s) by the Town, the owning entity may petition the Planning Director to release the

remaining value of the surety bond or equivalent security called for in Section 17.7.3.C. Upon receipt of said petition, the Town shall inspect the stormwater control structure(s) to determine whether the structure(s) is performing as designed and intended. Once the inspection is made, the Planning Director shall present the inspection report and recommendations to the Board of Commissioners.

- f. An occupancy permit shall not be issued for any building within the permitted development until the Planning Director has approved the stormwater control structure(s) in a manner as herein prescribed.

2. Annual Inspection of Stormwater Structures

- a. All stormwater control structures shall be inspected by the Town or their designated agents on an annual basis to determine whether the structures are performing as designed and intended. Records of inspection shall be maintained as approved by the Planning Director. Annual inspections shall begin one year after approval of the stormwater control structure(s) by the Planning Director. A fee, in accordance with a fee schedule adopted by the Planning Director, may be charged to the owning entity for annual inspections (and re-inspections). A copy of each inspection report shall be filed with the Planning Director.
- b. In the event the Town's report indicates the need for corrective action or improvements, the Planning Director shall notify the owning entity of the needed improvements and the date by which such improvements are to be completed. All improvements shall be consistent with the adopted Operation and Maintenance plan and specifications. Once such improvements are made, the owning entity shall forthwith contact the Planning Director and ask that an inspection be made.

H. Stormwater Control Structure Specification

1. All stormwater control structures shall be designed by either a North Carolina registered professional engineer or a landscape architect (to the extent that the General Statutes allow).
2. Stormwater control structures shall treat the runoff generated from the first inch of rainfall.
3. Stormwater control structures used to meet these requirements shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids.
4. Stormwater control structures shall be installed to control the volume leaving the project site at post-development for the 1-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.
5. Stormwater control structures shall be designed in accordance with the Charlotte-Mecklenburg BMP Design Manual.
6. In addition to the required vegetative filters, all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within 30 days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground

Commented [LL31]: [MC] Section revised based on county stormwater control requirements (Charlotte-Mecklenburg BMP Design Manual).

cover shall be established and maintained as part of the Operation and Maintenance plan described in this ordinance.

7. A description of the area containing the stormwater control structure(s) shall be prepared and recorded as a separate deed with the Register of Deeds along with any easements necessary for general access to the stormwater control structure(s) should ownership (and maintenance) of the stormwater control structure(s) be transferred to another person, firm or entity. The deeded area shall include the detention pond, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

I. Planning Director Approval Process on High Density Application

The Planning Director shall either approve an application for the high density option, approve the application with fair and reasonable conditions, or disapprove such an application based upon the applicable criteria contained in this Ordinance.

1. If the Planning Director approves the application, such approval shall be predicated on: a) the owning entity and the Town entering into a binding Operation and Maintenance plan as indicated in Section 17.7.3.B and b) the posting of a surety bond or other equivalent security as provided in Section 17.7.3.C. Such approval shall be indicated on the application and on both copies of the plans submitted with the application. A copy of the approved application and one copy of the plans shall be returned to the applicant.
2. If the Planning Director disapproves the application, the reasons for such action shall be sent by personal delivery, electronic mail, or first class mail by the Planning Director to the applicant within five working days of the disapproval. The applicant may make revisions or changes and submit a revised plan. The application fee may be waived if the Planning Director determines the changes are not substantial.

17.7.4 Buffer Areas Required

A. Vegetative Buffers

Developments must place or maintain undisturbed vegetative buffers, except as specifically provided in this section, along the shoreline of Lake Norman measured horizontally by a licensed land surveyor from the full pond elevation (760' contour) and along each side of all perennial streams (as indicated on the most up-to-date version of a U.S.G.S. 1:24,000-7.5 minute map or as otherwise determined by local government studies) measured from the top of the bank on each side on the stream. Minimum buffer widths are 40 feet if the low density option is used or 100 feet if the high density option is used.

The following actions may not be undertaken without Planning Director approval:

- Restoration: Desirable artificial stream bank or shoreline stabilization.
- Removal: The removal of dead or diseased trees. Removal of underbrush is not permitted in the buffer except at approved pathways and locations.
- Tree Limbing: At approved locations, trees may be limbed up to half the distance of their height, not to exceed 15 feet above grade.

Commented [LL32]: [MC] Clarifies how buffers are measured and what actions may be undertaken within buffer areas with Planning Director approval.

B. Development in the Buffer

No new development is allowed in the vegetative buffer area except for public projects such as road crossings and greenways, where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

17.7.5 Public Health Regulations

No activity, situation, structure or land use shall be allowed within a WS district which poses a threat to water quality and the public health, safety, and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash, or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

The Planning Director shall monitor land use activities within all WS districts to identify situations that may pose a threat to water quality. The Planning Director shall report all findings to the proper agency to handle the threat and/or the Board of Commissioners. The Planning Director may consult with any public agency or official and request recommendations. Where the Planning Director finds a threat to water quality and the public health, safety, and welfare, the Planning Director shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation as herein authorized.

17.7.6 Amendments to Regulations Pertaining to a WS District

Under no circumstances shall the Board of Commissioners adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the NC Environmental Management Commission. Any amendment to the boundaries of any particular Water Supply Watershed District shall be referred to the NC Division of Environmental Management, NC Division of Environmental Health, and the NC Division of Community Assistance for their review prior to adoption. Otherwise, amendments to the regulations contained in Section 17 shall follow procedures prescribed in Section 14.

17.7.7 Variances

The following sub-sections describe the process for pursuing a variance within the Lake Norman Critical Watershed. Approval of both minor and major variance requests as defined in this ordinance and subject to the regulations contained herein may only be granted upon a 4/5 affirmative vote of the Board of Adjustment.

A. Minor Variance:

1. **Application Form & Fee:** An application for a minor variance shall be on a form prescribed by the Town and shall be accompanied by a fee, the amount of which is in accordance with a fee schedule established by the Town. An application will not be considered complete unless it contains all information required and is accompanied by said fee. The application shall be accompanied by a map clearly identifying the subject property and all contiguous pieces of properties (including all properties traversed and/or separated by a road, stream, right-of-

Commented [LL33]: [PBOC] This section was largely reorganized to provide clarification on the process for Board of Adjustment hearings for both major and minor watershed variance requests.

way or any similar natural or man-made configuration). In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant. All applications shall be submitted to the Planning Director.

2. **Application Completeness Determined:** Once having received an application, the Planning Director shall have five working days to determine its completeness. If he determines that the application is not complete, he shall serve a written notice on the petitioner specifying the application's deficiencies. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the Planning Director fails to so notify the petitioner, the application shall be deemed complete. Once the application is deemed complete, the Board of Adjustment shall hold a public hearing on the application.
3. **Scheduling the Board of Adjustment Meeting:** The Planning Director, having determined that an application is complete, shall place the application on the agenda of the next Board of Adjustment regular or special meeting occurring at least fifteen days thereafter.
4. **Public Hearing Notification:** Notification of said Board of Adjustment public hearing shall be as follows:
 - a. **Preparation/Content:** Notices shall include a description of the minor variance request; indicate the nature of the public hearing; and, list and the date, time, and place at which the hearing is to occur. Notices shall be prepared by the applicant using text provided by the Town.
 - b. **Recipients:** Notices shall be sent by first class mail to the following:
 - i. Local Governments: The Clerk of all municipal and county governments having jurisdiction within the same watershed; and
 - ii. Major Water Consumers: Any major consumer of water whose point of intake lies within the same watershed.
 - c. **Mailing/Date:** Notices shall be sent by the Town by first class mail at least 10 days prior to the public hearing.
 - d. **Comments Received:** Any comments received from notified local governments or major water consumers regarding a minor variance request shall become part of the record of proceedings.
5. **Public Hearing:** The Board of Adjustment shall conduct the public hearing in a quasi-judicial manner. All persons giving evidence shall be sworn in by the board Chair. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application. The Board of Adjustment shall base their recommendation on the testimony given at the public hearing and on any comments received from notified local governments or major water consumers regarding the major variance request. The testimony, comments and evidence shall become part of the record of proceedings.
6. **Board of Adjustment Recommendation:** The Board of Adjustment shall make a recommendation on a minor variance involving property located within a Water Supply Watershed Overlay District no later than 30 days from the close of the public hearing. The Board of Adjustment may recommend a variance only after each of the findings found in Section 14 of the Planning Ordinance are found in the affirmative. Recommendations shall be in one of the following forms:

Commented [LL34]: [PBOC] This section was added to clarify the content requirements of public notification letters for Board of Adjustment hearings

- a. Recommend approval of the variance if the findings of fact in Section 14 are found in the affirmative; or
- b. Recommend approval of the variance with fair and reasonable conditions attached if the findings of fact in Section 14 are found in the affirmative; or
- c. Recommend denial of the variance if at least one finding of fact in Section 14 is found in the negative.

The concurring vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to make a recommendation for approval of a minor variance application involving property located within a Watershed Protection Overlay District.

7. Record of Decision: If the Board of Adjustment makes a favorable recommendation on a major variance application (with or without additional conditions or safeguard) or fails to make any recommendation on the major variance application within the specified time period, the Planning Director shall prepare a record of the public hearing which shall include the following:

- a. The variance application;
- b. Evidence that proper notification of the public hearing has been made;
- c. A summary of evidence presented, including comments submitted from other local governments or major water consumers within the same watershed jurisdiction;
- d. Proposed findings and exceptions;
- e. The Board of Adjustment's recommendation, if one is submitted within the 30 day time period, including all conditions proposed to be added to the permit.

A copy of the record of decision shall be filed with the Board of Adjustment case materials and one copy presented to the applicant. The approval, with any additional conditions or safeguards, shall become part of any zoning permit issued by the Planning Director.

B. Major Variance:

1. Application Form & Fee: An application for a major variance shall be on a form prescribed by the Town and shall be accompanied by a fee, the amount of which is in accordance with a fee schedule established by the Town. An application will not be considered complete unless it contains all information required and is accompanied by said fee. The application shall be accompanied by a map clearly identifying the subject property and all contiguous pieces of properties (including all properties traversed and/or separated by a road, stream, right-of-way or any similar natural or man-made configuration). In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant. All applications shall be submitted to the Planning Director.
2. Application Completeness Determined: Once having received an application, the Planning Director shall have five working days to determine its completeness. If he determines that the application is not complete, he shall serve a written notice on the petitioner specifying the application's deficiencies. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the Planning Director fails to so notify the petitioner, the application shall be deemed complete. Once the application is deemed complete, the Board of Adjustment shall hold a public hearing on the application.

3. Scheduling the Board of Adjustment Meeting: The Planning Director, having determined that an application is complete, shall place the application on the agenda of the next Board of Adjustment regular or special meeting occurring at least fifteen days thereafter.

4. Public Hearing Notification: Notification of said Board of Adjustment public hearing shall be as follows:

- a. Preparation/Content: Notices shall include a description of the major variance request; indicate the nature of the public hearing; and, list and the date, time, and place at which the hearing is to occur. Notices shall be prepared by the applicant using text provided by the Town.
- b. Recipients: Notices shall be sent by first class mail to the following:
 - i. Nearby Property Owners: All adjacent and abutting property owners.
 - ii. Local Governments: The Clerk of all municipal and county governments having jurisdiction within the same watershed; and
 - iii. Major Water Consumers: Any major consumer of water whose point of intake lies within the same watershed.
- c. Mailing/Date: Notices shall be sent by the Town by first class mail at least 10 days prior to the public hearing.
- d. Comments Received: Any comments received from notified local governments or major water consumers regarding a minor variance request shall become part of the record of proceedings.

Commented [LL35]: [PBOC] This section was added to clarify the content requirements of public notification letters for Board of Adjustment hearings

5. Public Hearing: The Board of Adjustment shall conduct the public hearing in a quasi-judicial manner. All persons giving evidence shall be sworn in by the board Chair. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application. The Board of Adjustment shall base their recommendation on the testimony given at the public hearing and on any comments received from notified local governments or major water consumers regarding the major variance request. The testimony, comments and evidence shall become part of the record of proceedings.

6. Board of Adjustment Recommendation: The Board of Adjustment shall make a recommendation on a major variance involving property located within a Water Supply Watershed Overlay District no later than 30 days from the close of the public hearing. The Board of Adjustment may recommend a variance only after each of the findings found in Section 14 of the Planning Ordinance are found in the affirmative. Recommendations shall be in one of the following forms:

- a. Recommend approval of the variance if the findings of fact in Section 14 are found in the affirmative; or
- b. Recommend approval of the variance with fair and reasonable conditions attached if the findings of fact in Section 14 are found in the affirmative; or
- c. Recommend denial of the variance if at least one finding of fact in Section 14 is found in the negative.

The concurring vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to make a recommendation for approval of a minor variance application involving property located within a Watershed Protection Overlay District.

7. **Preliminary Record of Decision:** If the Board of Adjustment makes a favorable recommendation on a major variance application (with or without additional conditions or safeguard) or fails to make any recommendation on the major variance application within the specified time period, the Planning Director shall prepare a record of the public hearing which shall include the following:
- a. The variance application;
 - b. Evidence that proper notification of the public hearing has been made;
 - c. A summary of evidence presented, including comments submitted from other local governments or major water consumers within the same watershed jurisdiction;
 - d. Proposed findings and exceptions;
 - e. The Board of Adjustment's recommendation, if one is submitted within the 30 day time period, including all conditions proposed to be added to the permit.

If the Board of Adjustment recommends that an application for a major variance involving property within a Watershed Protection Overlay District should be denied, then the application shall not be forwarded to the Environmental Management Commission, and shall be considered denied by the Board of Adjustment. The Planning Director shall send written notice of the denial by personal delivery, electronic mail, or first class mail to the applicant within five working days of the Board's decision.

8. **Environmental Management Commission Decision:** The preliminary record shall be sent to the Environmental Management Commission for its review. If the Environmental Management Commission concludes from the preliminary record that the variance qualifies as a major variance, the Commission shall make a final decision on the request and mail it to the Planning Director.
- a. **Approval:** If the Environmental Management Commission upholds the Board of Adjustment's recommendation for approval of a major variance, the Planning Director shall forward the Environmental Management Commission's decision to the applicant by personal delivery, electronic mail, or first class mail within five working days of receipt of the decision from the Commission. The approval, with any additional conditions or safeguards, shall become part of any zoning permit issued by the Planning Director. A copy of the record of decision shall be filed with the Board of Adjustment case materials.
 - b. **Denial:** If the Environmental Management Commission overturns the Board of Adjustment's recommendation for approval of a major variance, the Planning Director shall send the decision by personal delivery, electronic mail, or first class mail to the applicant within five working days of receipt of the decision from the Environmental Management Commission. The materials must state that the major variance request was denied and list the reasons for such denial. A copy of the record of decision shall be filed with the Board of Adjustment case materials.

17.7.8 Enforcement

- A. These regulations shall be enforced by the Planning Director. In addition to other duties, the Planning Director shall keep records regarding any expansions approved to structures classified as existing development, so that the maximum coverage of all new expansions do not exceed that allowed in this ordinance.

- B. The Planning Director shall maintain a file on all applications for minor and major variances. A copy of information pertinent to any minor variance application request (including minutes of the hearing, findings made by the Board of Adjustment, actions taken by the Board of Adjustment, names and addresses of all persons giving evidence at the public hearing) shall be submitted annually during the last week of December to the Division of Environmental Management, Supervisor of the Classification and Standards Group.
- C. The penalties and fines described in Section 14 and Section 15 are applicable to this section.

17.8 BUILT-UPON AREA AVERAGING (DENSITY AVERAGING)

Built-Upon Area (BUA) Averaging allows parcels located within the Lake Norman Critical Watershed to obtain additional development rights through an increase in a site's built-upon-area (BUA) by averaging the total BUA of the developing lot (i.e. "receiving lot") with the total BUA of an undeveloped/less developed lot within the same watershed and jurisdiction ("donating lot"). This is accomplished by transferring undeveloped area on a donating lot to a receiving lot via a BUA Averaging Certificate, which includes a non-revocable easement, metes and bounds description, and recorded plat of the area(s) to remain undisturbed. The BUA Averaging Certificate requires approval by the Watershed Review Board, a sub-set of the Board of Adjustment; for the purposes of this ordinance, the Board of Adjustment may act as the Watershed Review Board.

Commented [LL36]: [PBOC] This entire section was reworked/reorganized to clarify the purpose, eligibility, process, and documentation requirements for Built-Upon Area Averaging.

17.8.1 PURPOSE & ELIGIBILITY, PROCESS, DOCUMENTATION

- A. **Purpose:** The purpose of this provision is to preserve open space in the more sensitive areas of the watershed, and to ensure orderly and planned development throughout the watershed.
- B. **Uses:** The participating parcels may include or be developed for residential or non-residential purposes under the Individual Building and Master Plan processes. To be eligible to pursue the averaging process, the parent parcel must first have received approval through the required development approval process.

Eligible uses permitted to utilize this program include but are not limited to: Residential uses intended to meet an identified housing need (i.e. less than 120 percent of AMI), or Civic/Educational/Institutional uses as defined by the Davidson Planning Ordinance. Additional uses will be considered by the Board of Adjustment on a case by case basis.

Note: Individual parcels whose principal use is or will be single-family residential are not eligible to be considered as receiving parcels if the total built-upon area (BUA) would exceed 24 percent; this includes uses within the Single-Family Detached House building type. This does not apply to parcels owned and managed by non-profit entities whose mission is to provide affordable housing.

- C. **Requirements:** The following requirements must be met by all parcels:
 - 1. **Ownership:** Only the owner(s) of the participating parcels may submit a Density Averaging Certificate application. Areas subject to easements, covenants, and/or development restrictions not legally controlled by the owner may not be included as donated parcel area; this includes right-of-way area.

Commented [LL37]: [PBOC] This language was added as a result of discussions with the Planning Board, PBOC, and Board of Commissioners, each of which expressed a desire to limit the types of uses that may pursue BUA averaging. The proposed eligible uses include residential uses intended to meet an identified housing need and civic/educational/institutional uses.

2. Pre-Existing Variance: No parcel for which a watershed variance has been granted, or would be required, may be included as a donating or receiving parcel.
3. Location: Participating parcels shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. All parcels must be located within the Town of Davidson's planning jurisdiction.
4. Transferability: A property in a more restricted watershed area shall not acquire BUA from a property in a less restricted watershed area.
5. Overall Area: The cumulative BUA of all participating parcels shall not exceed the BUA that would be allowed if the parcels were developed separately.
6. Buffers: On all participating parcels buffers shall at least meet the applicable, minimum ordinance requirements for parcels located in water supply watersheds.
7. Preservation: The donated area shall remain in an undisturbed vegetated or natural state. Previously developed or graded lots may be used as donating parcels so long as the donated area of the lot is revegetated according to Davidson Planning Ordinance requirements. The donated area shall be irrevocable unless amended per the requirements of this ordinance prior to the undertaking of any development activity on the participating parcels.
8. Required Features: When the donated area of a parcel abuts street frontage or right-of-way, the preserved area shall feature park or public space amenities as determined by the Planning Director.
9. Stormwater Design: All participating parcels must meet the applicable buffer and engineered stormwater controls as outlined in the ordinance. Parcels shall be controlled by on-site facilities in accordance with the criteria specified in the Davidson Water Quality Design Manual and the Davidson Planning Ordinance for high-density development. Development permitted under BUA averaging and meeting applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
10. Design: Built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

17.8.2 PROCESS

A Built-Upon Area (BUA) Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that all participating parcels considered together meet the standards of the ordinance and that potential owners have a record of how the watershed regulations were applied to each parcel.

- A. Applicability:** All participating parcels may be processed under a single BUA Averaging Certificate, and will be considered as one development for the purpose of counting total built-upon-area. One BUA Averaging Certificate will be issued per application. Unless otherwise specified, the application shall follow the rules and procedures specified by the Board of Adjustment and Appeals & Variances sections of this ordinance.
- B. Process:** The following steps outline the typical process for obtaining a BUA Averaging Certificate. Note: Application preparation is considered an iterative process; an application must be deemed complete by the Planning Director and all revisions addressed in order for a Board of Adjustment hearing to be scheduled. Incomplete, improperly formatted, or documentation errors may require revision prior to acceptance by the Planning Director.
1. **Lot Identification:** The applicant shall identify participating lots, prepare draft plats, and complete a BUA Averaging Form.
 2. **Pre-Application Meeting:** The applicant must set up an appointment with the Planning Director. At the initial meeting the Planning Director will explain the BUA averaging process and review with the applicant the appropriate ordinances, documents, and plans relevant to the project. Additional meetings may be required prior to application submission, as deemed necessary by the Planning Director.
 3. **Submit Application & Fee:** The applicant must submit the following documents (see the Documentation section for further information):
 - Town of Davidson Application and Application Fee
 - Surveys of Existing Conditions
 - Existing Plats and Deeds
 - Metes & Bounds Description(s)
 - Final Plats (Drafts)
 - Existing Development Materials (as applicable)
 - Approved Development Plan
 - Public Notice Materials
 4. **Application Review:** Staff will review the application and determine whether the materials constitute a complete submittal. Application revisions, and additional meetings, may be required by the Planning Director prior to the application being deemed complete. Once the application is determined to satisfy the requirements, a Board of Adjustment hearing may be scheduled.
 5. **Board of Adjustment Hearing:** A hearing shall be scheduled no later than 45 days after a complete application has been accepted by the Planning Director.
 6. **Board of Adjustment Decision:** The Board of Adjustment shall issue a decision within 31 days of the close of the public hearing. The board shall make written findings supported by appropriate calculations and documentation that the participating parcels as a whole conform to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the preserved area. The request must be consistent with adopted plans and/or policies, approved development plans, Davidson Planning Ordinance

Commented [LL38]: [PBOC] This text clarifies the Board of Adjustment's ability to deny a proposal based on adopted plans and policies.

requirements, and the Board of Adjustment's determination based on these resources that the proposal achieves an identified public interest.

7. **Certificate Issued:** If approved, the Town of Davidson will issue a BUA Averaging Certificate to the applicant. The BUA Averaging Certificate shall constitute the Board of Adjustment decision, staff approval letter, and application documentation.
8. **EPM Submission:** If approved by the Board of Adjustment, the applicant must submit the following documents to Mecklenburg County via the online EPM system:
 - Mecklenburg County Application
 - Deeds
 - Final Plats
9. **Plat Approval/Signature:** Once approved in EPM, the applicant must submit a mylar copy of each plat to the Town of Davidson, Mecklenburg County LUESA, and the Register of Deeds for signature. A digital copy of each plat included in the application and filed with the Register of Deeds must be provided to the Town of Davidson for filing.
10. **NC Department of Environmental Quality Submission:** Upon issuance of the BUA Averaging Certificate and signed plat, one copy must be sent to the NC Department of Environmental Quality (DEQ). Included with the BUA Averaging Certificate will be the following:
 - Site Plans;
 - Registered plats for both properties;
 - Description of both properties;
 - Documentation reflecting the development restrictions all participating parcels, including restrictions for all donated areas.
11. **Amendment:** If a certificate is approved by the Board of Adjustment, no change in the development proposal authorized for participating parcels shall be made unless the certificate is amended by the Board of Adjustment.

17.8.3 DOCUMENTATION REQUIREMENTS

The following documentation shall be provided to constitute a complete built-upon area (BUA) averaging application:

A. Administrative:

1. **Town of Davidson Application:** A completed BUA Averaging Form, including:
 - a. **Description:** A description of all participating properties' and their existing conditions.
 - b. **Chart:** A chart summarizing the existing and proposed BUA for all participating properties.
 2. **Fee:** A remitted fee of \$150 High-Density Residential; \$300 Commercial.
- B. Surveys:** Surveys of all participating parcels showing current BUA and current maximum BUA allowances, along with easements and/or development restrictions. The surveys must be performed by a licensed surveyor.

- C. Existing Plats & Deeds:** Copies of the existing, registered plats and deeds for all participating parcels.
- D. Metes & Bounds Description (Donating Parcel):** A metes and bounds description of the undisturbed natural area intended for recordation. The description must specify any limits on use and shall be recorded on the plat, in homeowner covenants (if applicable), and on the donating parcel's individual deed and shall be irrevocable unless amended per the ordinance.
- E. Final Plats (Draft):** Revised plats for all participating parcels. The plats must show all components as required in the ordinance, in a format approved by staff. Additionally, the plats must include:
1. Purpose Statement: Recommended text is as follows:
 Donor Parcels: *The purpose of this plat is to allocate built-upon-area from this parcel to another parcel of land located within the same watershed. The remaining built-upon-area for this lot is XXXX. The donated [lot/area] is to remain in an undisturbed vegetated state in perpetuity.*
 Receiving Parcels: *The purpose of this plat is to receive on this parcel built-upon-area from another parcel of land located within the same watershed. The resulting built-upon-area for this lot is XXXX.*
 2. Site Data: Tax Parcel ID#s; Physical Addresses; Planning Area Designation (i.e. Zoning); Acreage.
 3. Metes/Bounds Description: Metes/bounds description(s) of designated undisturbed natural area(s).
 4. Designation in Perpetuity: A note that the natural area will remain undisturbed in perpetuity.
 5. BUA Values: Existing and proposed maximum BUA allowances for all participating parcels.
 6. Watershed Designation: The Watershed Overlay District for both parcels.
 7. Buffer Delineation: Show any S.W.I.M., watershed, and post-construction buffers.
 8. Floodplain/Community Encroachment Area: Show the line(s) associated with any base flood levels potentially affecting the site.
 9. BUA Averaging Certification: In addition to certifications required by the ordinance, please include the following certifications on each plat:
Density Averaging/Built-Upon-Area Transfer Plat
This plat represents a transfer of built-upon-area through preservation of a dedicated, undisturbed natural area for properties within the jurisdiction of the Town of Davidson. The resulting action may or may not create tracts of land that are compliant with the Davidson Planning Ordinance (DPO). This parcel is subject to the DPO built-upon area averaging standards: Any change to the development proposal affecting the approved built-upon-area allowance requires amendment to the existing Built-Upon Area Averaging Certificate and approval by the Davidson Board of Adjustment. The Planning Director reserves the right to make periodic site inspections to ensure compliance with these conditions.
 Date
 Planning Director, Town of Davidson
- F. Existing Development:** If a participating parcel(s) is part of an existing development, then the following documentation shall be provided:
1. Approved Stormwater Mitigation Plan: A storm water mitigation plan approved by Mecklenburg County Storm Water Services, Water Quality Program, for the receiving parcel based on the pathway pursued:

- a. Buffer/Vegetative Conveyances: Must meet all applicable ordinance requirements for parcels located in water supply watersheds.
- b. Engineered Stormwater Controls: Must confirm the following:
- The effected BMP(s) has been designed to handle the additional BUA.
 - All participating lots are in the same drainage basin.
 - Verified as-built information of the existing, approved BMP.
 - Sealed engineer calculations to prove existing and future compliance with the water quality requirements based on the proposed BUA to be transferred.
2. Homeowner's Covenant Agreements: A draft of revised covenant documents reflecting the additional BUA and other pertinent information for all affected parcels.
- G. Approved Development Plan: An approved development plan illustrating the receiving parcel's approved conceptual development. At the Planning Director's discretion, a Preliminary Sketch Plan of the donating parcel showing available details related to the parcel's existing and future conditions shall be provided.
- H. **Public Notice Materials**: If application is accepted, then the following shall be provided:
1. Address List and Envelopes/Letters (Postage Pre-paid): An address list as well as stamped envelopes and notice letters for all adjacent property owners. Draft copies of the letter can be obtained from the Planning Department.
 2. Noticing Fee: Reimbursement of fees incurred in fulfillment of statutory noticing requirements.

Commented [LL39]: [PBOC] This language was modified to clarify what documentation is required of the receiving parcel and donating parcel to constitute a complete BUA averaging application.



**Agenda Title: Comprehensive Plan Update
Town Manager Jamie Justice**

Summary: An update will be provided regarding the town's comprehensive plan request for proposals (RFP) process and discussion of next steps.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
❑ Town of Davidson Comprehensive Plan RFP	7/5/2018	Cover Memo
❑ Comprehensive Plan RFP Kickoff Presentation	7/5/2018	Cover Memo

COMPREHENSIVE PLAN

REQUEST FOR PROPOSALS

TOWN OF DAVIDSON, NC

216 South Main Street

PO Box 579

Davidson, NC 28036

Distributed May 25, 2018

1. OVERVIEW

The Town of Davidson is excited to announce the beginning of its Comprehensive Plan process. With the support of elected leadership, the Davidson Board of Commissioners, the process will be guided by a commitment to public engagement and innovation, grounded in the town's core values emphasizing its traditional character, village-based identity and sense of community, and commitment to achieving a high-quality of life for all residents. A full range of stakeholders encompassing the town's citizens, advisory boards, staff, and community stakeholders such as Davidson College, local schools, non-profits, businesses, neighborhood representatives, and religious institutions will contribute to this effort. To that end, we welcome experienced, multi-disciplinary teams to join alongside us, roll up their sleeves, and offer creative solutions to further this highly-engaged community's commitment to remaining "a distinct, sustainable, and sovereign small town."

This document represents the Town of Davidson's official Request for Proposals for consultant services to assist with the development of its Comprehensive Plan, to be undertaken beginning in the of Fall 2018 with anticipated completion in Winter 2019-2020. The following information describes the plan's context, envisioned purposes, scope of work, budget, schedule, organization, submittal requirements, and selection criteria.

2. INTRODUCTION

2.1. General Background

Davidson is a town of approximately 13,000 residents and home to Davidson College, one of the nation's top liberal arts colleges. The town is located 20 miles north of uptown Charlotte along Interstate 77, bordered on the west by Lake Norman and on the east by rural farms and residential areas. Good schools, historic architecture, a thriving downtown, and the academic setting have resulted in increased development pressures both locally and regionally. The Town of Davidson has made a commitment to addressing development pressures through thoughtful design and the implementation of traditional town planning principles – and has been recognized both statewide and nationally for its planning efforts.

2.2. Planning Background

Beginning in the early 1990s, the town demonstrated a unique commitment to community-based planning emphasizing high-quality design. Along the way, it has employed a variety of tools to further its commitments to: Its historic downtown and traditional architecture (local and national historic districts, Design Review Board); open space preservation (conservation subdivisions, overlay districts, minimum set asides, partnerships); deliberative, balanced growth (charrettes, adequate public facilities ordinance, targeted growth nodes); and retaining a mix of socioeconomic and intergenerational citizenry (inclusionary zoning, aging in

place initiatives, multi-modal transportation, greenways and parks). Likewise, the town utilizes a form-based code that prioritizes the quality and character of its buildings, streets, and public spaces. In sum, it's a design-focused community that strives to remain at the leading edge of policy, planning, and programming so that its citizens may attain and enjoy a high quality of life.

Accordingly, the Town of Davidson has been recognized for these efforts with more than 20 designations or awards at the regional, state, and national levels for its novel approaches to: Affordable housing; bicycle infrastructure and overall mobility planning; code-writing; and, plan implementation. Most recently, the town's Main Street was named a 2016 Great Street in America by the APA, and the Davidson Rural Area Plan received a 2018 CNU Charter Award for its inventive approach to balancing conservation and growth.

Since the 1990s, the town has undertaken many plans, which can be viewed on the [Plans, Reports, & Studies webpage](#). Below is a summary of plans directly relevant to the proposed Comprehensive Plan:

- The ***General Principles for Planning in Davidson (2001)*** instituted tenets to guide decisions based on our sense of community; unique downtown; active transportation; stewardship of resources; fostering diversity; proactively managing growth; and, achieving outstanding architecture and design.
- The ***Davidson Comprehensive Plan (2010)*** describes a vision for the long-term future of the town considering its regional context and current growth trends. A thematically-based plan, it recommended a Targeted Growth Plan concentrating village-based, mixed-use growth at certain locations while preserving open space throughout much of the town's eastern areas. The dramatic regional changes occurring since its adoption have left open the question of how to interpret, adapt, and improve its various directives.
- The foundation of the ***Economic Development Strategic Plan (2012)*** is based on the livability themes and goals identified in the 2010 Davidson Comprehensive Plan and provides an important connection between these and the economic strategies related to market conditions, transportation networks, and land development opportunities.
- The ***Davidson Walks and Rolls: Active Transportation Master Plan (2013)*** aims to create a vision for an improved walking and bicycle environment. It identifies future pedestrian and greenway/multi-use path facilities, including throughout the rural area.
- The ***Parks and Recreation Master Plan (2014)*** establishes a framework to create linked pedestrian and bicycle connections between parks, open space, and key destinations.
- The ***Cost of Land Use Fiscal Impact Analysis (2014)*** identifies development prototypes based on existing development in Davidson and evaluates the potential revenue generation, operating, and capital costs associated with each, including as they relate to the provision of public services.
- The ***Rural Area Plan (2016)*** offers a coherent strategy for balancing conservation and development in the midst of intense growth pressures. Covering about 3,800 acres, this

land use and transportation plan pursues a village-based growth model, interconnected neighborhoods built around public spaces, and high quality open space. It has won regional, state, and national awards for its balanced, design-based approach.

- The ***Affordable Housing Needs Assessment (2017)*** provides contextual material that can be used to inform a broader community dialogue on how to adapt the town's affordable housing strategy – perhaps using best practices from other communities – to make the town's housing programs more responsive to today's needs and challenges. Davidson features a diversity of neighborhoods and people, and its residents remain committed to providing access to workforce housing – it is one of three communities in North Carolina to mandate affordable housing as part of master planned development.
- The ***Davidson Mobility Plan (2018-2019)*** is currently underway. It will serve as a Comprehensive Transportation Plan (CTP) that evaluates moving people around town. The plan will provide actionable items such as recommendations, timelines, costs, and funding sources for projects to help the town manage, sustain, and improve its transportation infrastructure. It is possible that this plan, or portions thereof, will be incorporated into the Comprehensive Plan as a distinct section, appendix, or amendment. Likewise, it's possible this plan will lay the groundwork for further mobility issues to be explored more extensively through the comprehensive plan process.
- The ***Davidson Board of Commissioners Strategic Plan (2018)*** articulates the current board's priorities for town governance. It contains nine strategic goals that support the long-term vision of the town. Each strategic goal contains a set of tactical priorities or an outline of processes, and action steps to reach each goal.

At the end of this document are links to these plans as well as maps showing the town's jurisdictional area and current zoning (i.e. "Planning Areas").

2.3. Current Conditions

The unprecedented growth of the Charlotte region in the 2000s has brought prosperity as well as challenges. Once on the metropolitan region's periphery – and, historically, a small town unto itself with its own economic engines (the college, cotton mills) – the Town of Davidson has fought to retain its identity in the midst of a rapidly-changing landscape. It finds itself wedged between a lake to its west, fixed county boundaries on its north and east, and a meandering southern boundary that stretches roughly seven miles along the borders of its growth-oriented neighbors before tapering off at the intersection of the Cabarrus County line and highway NC 73. In between, its iconic downtown functions as both a regional destination and a funnel, collecting and distributing various trips that neither begin nor end in town. Residents old and new hold differing views ranging from excitement to frustration at the pace of development near and within Davidson and the resulting traffic congestion.

And yet, simultaneously, many residents extol the town's virtues – its celebrated Main Street, small-town feel, picturesque college, thriving institutions and businesses, and beautiful streets, parks, and public spaces. How can we best protect these features? How can we best consider, further, and promote them in each decision we make? Does development threaten

or enable a high quality of life? How do we ensure an appropriate balance of commercial versus residential tax revenue and maintain long-term financial sustainability? How do we address socioeconomic stratification amongst our citizens and enable opportunity for all? What do we want our future to be? These are the types of questions with which citizens have wrestled – intensely – for several years. During this period each development project, each plan, each decision has been viewed in light of its consistency with our historic values and its ramifications for our future; in many cases, consensus has been challenging to achieve.

The Comprehensive Plan presents a special opportunity to have a genuine dialogue about these issues as they relate to all aspects of our community life and government. It will enable the development of a sound set of policies, initiatives, and actionable tasks to carry this town forward for years to come.

3. PROJECT DESCRIPTION + SCHEDULE + SCOPE

3.1. Project Description

The Town of Davidson seeks proposals from qualified consultants to assist in the creation of a Comprehensive Plan. The collaborative working relationship will include outstanding, innovative public engagement; a well-managed, clear process; and will result in a visually-engaging, usable plan document that includes actionable strategies along with a full implementation framework. To elaborate:

- **Innovative/Creative Public Engagement:** The consultant team will be asked to draw on their experience with proven techniques and to devise as well as execute new approaches based on evolving conditions. The town has been exploring a decentralized public engagement strategy with many engagement opportunities taking place around town rather than at Davidson Town Hall (at least in the initial period). This includes pop-up stands/visits to community events; stakeholder-specific and employer-based engagement; and volunteer-led initiatives (in the spirit of the Chicago Community Trust’s “On the Table” model). Inclusion of surveys and/or real-time feedback during events should be considered. And digital outreach must also be prioritized and innovative. Staff are prepared to facilitate as needed in these areas; however, consultant creativity and assistance where appropriate are key. We are interested in an extended engagement period (one to three months) culminating in a substantial summary/report that would precede any direct plan work.
- **Process:** This will be a community-based plan from start to finish. It’s anticipated that a citizen committee will be formed to work closely with staff and the consultant. In many respects, the process is as important as the document it produces. The consultant must work closely with the town’s project managers to devise a process that is transparent and highly-organized. Davidson’s history as a design-oriented community means that a multi-disciplinary approach will be

required and must inform the plan. The town has traditionally used the charrette model with much success. We are open to varying approaches and hearing how consultants have used charrettes or other meeting formats as centerpieces of engagement for comprehensive plans, for targeted engagement, or limited/no engagement based on certain conditions. Explanations of alternative strategies, such as visual modeling systems or scenario-based planning are encouraged, too.

- **Plan Document:** The document must be inviting and readable; it must also be visually appealing. As our town's chief policy statement on governance, the Comprehensive Plan is meant to inform every decision we make. Increasingly, we're seeing communities do just that – use it to guide discussion at meetings, launch programs, even justify each line in the budget. We want it to be used, both as a physical document and as a digital resource. We want our citizens to be proud of it: To see them referring to it at town meetings; reading it at Summit Coffee; talking about it at the farmers' market. Specifically, it should be:
 - » Useable/Navigable: It should be clearly organized and easy to navigate and strike an appropriate balance between text and graphics.
 - » Action-Oriented: It should explicitly state the intended outcomes, identify responsible parties, and recommend strategies to pursue for each.
 - » Evolving/Adaptable: It should include forward-thinking practices and describe how these may need to be piloted and/or evolve over time.
 - » Design-Based: It should recognize the uniqueness of Davidson's form-based code and ensure recommendations reflect this rather than a zoning-based approach to regulation. It should rely heavily on illustrative plans and diagrams to convey the desired outcomes.

These are the essential aspects of this project. Additionally, we envision a few accompanying resources preceding and following the plan:

- **Community Snapshot Report:** Produced prior to any central/kickoff event occurring, this will present an in-depth look at our community's history, demographics, current/existing conditions, and initial future considerations. Estimated Length: 15-30 pages (including graphics).
- **Public Engagement Summary:** Produced after the initial public engagement period but prior to any central/kickoff event occurring, this will describe the results of the public engagement process, methods used, and outline the remaining public input to be collected. Estimated Length: 10-25 pages (including graphics).
- **Implementation Plan:** Produced after or concurrent with plan adoption, this will include in-depth analysis of each goal, objective, etc. and describe viable strategies for accomplishing each task on an identified timeline.

**Note:* The explanations in sub-section 3.1 are intended to be descriptive and not prescriptive. Information about other resources which consultants have produced or are interested in producing that may aid this process may be presented as part of the submittal.

3.2. Project Budget

The budget planned for this project is \$170,000. Funding will be spread over two budget years: \$85,000 is assigned to the FY2018-2019 budget and \$85,000 is anticipated for the FY2019-2020 budget.

Further points worth considering:

- **Contingency Funds:** Some firms now include or identify reserve funds within the allocated budget for use towards extra/unforeseen meetings that may arise throughout the process. Please factor this into the submittal contingency funds to be used for meetings, potential speakers, extra field work, ancillary documentation, etc.
- **Snapshot, Engagement, and Implementation Reports:** These resources – or the consultant’s recommendations along these lines – should be factored into the proposal submitted to the town.
- **Mobility Plan:** With the Mobility Plan accomplishing at least some portion of the transportation-related work through a separate contract outside of the traditional comprehensive plan process, it is believed that some of the funds typically allocated to such work can be dedicated to the reports and other tasks.

3.3. Project Schedule

The Town of Davidson envisions the following schedule to guide this process:

- **Fall 2018:** Intense Decentralized Community Engagement
 - » Produce Community Snapshot Report
 - » Produce Public Engagement Reports
- **January 2019:** Community Meeting [Summit] to Present Findings
- **Spring 2019:** Charrette and/or Additional Meeting Formats
- **Summer 2019:** Plan Composition
- **Fall 2019:** Present Draft Plan/Revisions
- **Winter 2019-20:** Consider Adopting New Comp. Plan
- **Winter/Spring 2020:** Implementation Plan

3.4. Project Scope

The scope of work is intended to guide the consultant, but also allow for flexibility in terms of the project approach. The Town of Davidson welcomes innovation and creativity from the consultant on any of the following tasks:

3.4.1. Phase 1: Public Engagement/Summary, Community Snapshot Report

FALL 2018

- A. Engagement:** During this period the consultant will aid in developing and executing the initial public engagement strategy, producing a summary report of public engagement for use later in the process. Note: The Phase 1 engagement process is intended to be mainly decentralized, with select large meetings hosted at Davidson Town Hall or another location. It is envisioned that a public “launch” meeting explaining the process will be necessary; this could be coordinated with an introduction to elected officials and key stakeholders that same day(s). If recommended, formation of a steering committee comprised of citizens/stakeholders may occur during this time.
- B. Community Snapshot Report:** Concurrently, the consultant will produce a Community Snapshot Report summarizing the community’s history, demographics, current/existing conditions, and initial future considerations. This includes an intensive review of previous planning documents, studies, and area plans (i.e. neighboring jurisdictions/regional plans). It also includes the collection of and analysis of data related to land use, mobility/transportation, environment, economy, real estate, etc. This information will be used for the report as well as later meetings such as the charrette. The report must be completed prior to any Phase 2 public meeting.

**Note: The information gathered in 3.4.1.A.-B. will be consolidated into distinct reports, distilled, and presented to the public as part of 3.4.2.A Community Meeting.*

3.4.2. Phase 2: Community Meeting, Charrette or Additional Meetings

WINTER/SPRING 2018

- A. Community Meeting:** The consultant will host a public meeting to officially kick off the Comprehensive Plan. The meeting will involve review of the Public Engagement Summary and the Community Snapshot Report; an overview of the process, goals, etc. will be provided. The meeting may involve initial engagement activities.
- B. Preparatory/Stakeholder Meetings:** The consultant will facilitate preparatory stakeholder interviews to review stakeholder, property owner, and citizen concerns, identifying plan opportunities and constraints.
- C. Design Exercise/Additional Meetings:** The consultant will lead a multi-day charrette or series of meetings to conceptualize balanced growth scenarios for the study area; an initial public input session may occur on the charrette’s first day, with iterative feedback opportunities occurring thereafter. By the end of the charrette/Phase 2, a preferred framework

supported by conceptual plans shall be identified for implementation. Phase 2 will conclude with a public presentation of the plan framework. The meetings' and/or charrette format will be determined jointly by the consultant and project managers, and they will be highly interactive and allow the community a variety of input opportunities.

3.4.3. Phase 3: Plan Composition, Draft Plan Presentation/Revisions

SUMMER/FALL 2019

- A. Plan Composition:** The consultant will prepare and distribute a draft plan to the project managers for review by staff and/or the Steering Committee (depending on the approach used). The plan subject matter will include topics ranging from land use, affordable housing, economic development, historic preservation, environment, quality of life, and mobility (based on the outcomes of the plan effort currently underway). A consolidated set of comments will be provided and revisions will be made by the consultant. Depending on the quality of the initial/subsequent drafts, this process may occur twice (or more as needed, within reason).
- B. Draft Plan Presentation/Joint Work Session:** The consultant project manager and/or town project managers will present the draft plan to a joint work session of the planning board and board of commissioners for review/comment.

3.4.4. Phase 4: Plan Adoption*

WINTER 2019-2020

- A. Planning Board Review/Comment:** The planning board will review the draft plan and offer any further comments.
- B. Planning Board Recommendation:** The planning board will review the proposed final plan and make a recommendation.
- C. Board of Commissioners Meeting & Public Comment:** The board of commissioners will discuss the proposed final plan in a public meeting format.
- D. Board of Commissioners Adoption:** The board of commissioners will vote on approving the plan.

**This phase, including revisions, can likely be completed without consultant assistance.*

3.4.5. Phase 5: Implementation Plan

WINTER/SPRING 2020

- A. Draft Plan:** The consultant will produce an Implementation Plan building upon the Comprehensive Plan recommendations; the Implementation Plan will directly inform or become substantially integrated with the

Davidson Board of Commissioners Strategic Plan. It will include in-depth analysis of each goal, objective, etc. and describe viable strategies for accomplishing each task on an identified timeline. It may be produced and/or adopted in Phase 4 depending on how the process goes.

- B. Plan Revisions:** The plan will be reviewed by the project managers. A consolidated set of comments will be provided and revisions made by the consultant. Depending on the quality of the initial/subsequent drafts, this process may occur twice (or more as needed, within reason).
 - C. Planning Board/Board of Commissioners Comment/Recommendation:** The appropriate advisory and/or legislative board will review the proposed plan and offer comment. This set of revisions will likely be made by the project managers. It is likely Phase 5.C. can be completed without consultant assistance.
-

4. PROJECT ORGANIZATION

4.1. Project Managers

The project will be jointly managed by the following town representatives:

- **Cristina Shaul**, Public Information Officer
cshaul@townofdavidson.org
704.940.9602
- **Trey Akers**, Senior Planner, Planning Department
takers@townofdavidson.org
704.940.9634

4.2. Consultant Point of Contact/Roles

The consultant will designate a highly responsive, single point of contact to oversee the consultant team(s). The consultant will prepare and collaboratively manage with town staff a work plan including a refined scope of work, timeline, and budget. Town staff will assist the consultant with coordination of meetings.

[CONTINUED ON NEXT PAGE]

5. SUBMITTAL INFO. + SELECTION PROCESS + CRITERIA

5.1. Submittal Requirements

5.1.1. Written Proposal

Respondents should submit a written proposal that includes:

- A. Firm Profile:** A brief history of the firm and relevant details.
- B. Team:** Identification of the individual or individuals in the firm/firms who will work on the project. This information should include a list of each person's relevant experience and/or qualifications.
- C. Experience/Examples:** Examples of previous work and relevancy to this project. This should include official references for the town's consideration.
- D. Services Offered:** A description of the range of services and list of products or deliverables to be provided. This should include a description of what work will be performed directly by the lead consultant and what work will be performed by sub-consultants or affiliated team members (if any).
- E. Work Scope:** A scope of work to complete the project based on this RFP.
- F. Budget/Costs:** Costs for the project, including hourly rates and a not-to-exceed total budget. The proposal should include alternative line-items based on the alterations/reductions in scope:
 - A significant element of the mobility/transportation component is covered under Mobility Plan (some amount of transportation work could still be necessary);
 - Additional design expertise that is offered for the plan and/or charrette;
 - Modeling exercises incorporated into the plan;
 - Public engagement events and strategies such as surveys, digital outreach, etc.;
 - Phases 4 and 5.C. are handled primarily by town staff.
- G. Schedule:** A schedule for the project, in month-long increments, including deadlines for completion of each Phase/Sub-phase including reports, dates for public meetings and charrette, and deadlines for draft plans and presentations.

5.1.2. Number of Copies/Address

The proposal shall include two hard copies and one digital copy. Send proposals to:

Cristina Shaul, Public Information Officer
216 South Main Street

PO Box 579
Davidson, NC, 28036.
cshaul@townofdavidson.org

5.1.3. Deadline

The proposal must be received no later than 4:00 p.m. Friday, June 29, 2018.

5.1.4. Questions

Questions should be directed to Trey Akers, Senior Planner, at 704.940.9634 or via email: takers@townofdavidson.org. Additionally, see the Selection Process section below; there are opportunities for group calls.

5.2. SELECTION PROCESS

The Town of Davidson envisions the following process to guide consultant selection:

- **May 25:** Send out RFP
- **June 12-13:** Host one hour group calls for questions to be asked of/answered by staff regarding the RFP and/or related town topics.
 - » June 12 at 11:00 am EST: [Davidson RFP Call-In Meeting 1](#)
Phone: +1 (872) 240-3212, Access Code: 359-968-493
 - » June 13 at 1:00 pm EST: [Davidson RFP Call-In Meeting 2](#)
Phone: +1 (669) 224-3412, Access Code: 728-929-613
- **June 29:** RFP Responses Deadline
- **July 12-13:** Phone/Web Interviews [Select Participants]
- **August 2-3:** On-site Interviews [Finalists]
- **Mid-August:** Select Consultant
- **End of August:** Finalize Contract

**The schedule is tentative and subject to change.*

5.3. Selection Criteria

Below is a list of attributes the Town of Davidson envisions considering in consultant selection:

- Qualifications and experience in creating comprehensive plans and regulatory/implementation frameworks of plans;
- Detailed proposal of services and specific costs for each phase;
- Ability of consultant to meet expected project completion schedule;
- Ability to understand existing conditions/local context, including facilitation experience with highly-engaged citizens in a changing community;

- Capacity to deliver design-oriented solutions that will continue to put Davidson on the leading edge of managed growth policy/practice;
 - Creativity/willingness to innovate (including examples) in response to Items 3.1 Project Description and 3.4 Project Scope.
-

6. MISCELLANEOUS

6.1. Notices

Respondents are hereby made aware of the following notices

- **Discretion of the Town:**
 1. The Town of Davidson reserves the right to reject any or all proposals.
 2. Notwithstanding anything to the contrary in this document or in any addendums to this document, unless the contrary provision refers specifically to this provision, the Town of Davidson reserves the right to negotiate changes of any nature with any applicant with respect to any term, condition, or provision in this document and/or in any proposals, whether or not something is stated to be mandatory and whether or not it is said that a proposal will be rejected if certain information or documentation is not submitted with it.

All deadlines are for the administrative convenience or needs of the town and may be waived by the town in its discretion. Once an agreement is signed, the parties to the agreement may enforce the agreement according to its terms as allowed by applicable law.

7. RESOURCES

7.1. Maps

- Map of the [Town of Davidson](#) (i.e. Area & Context), Including Current Zoning (i.e. Planning Areas).
- Maps & GIS Information [Webpage](#)

7.2. Plans/Codes/Studies

- [General Planning Principles](#)
- [Davidson Comprehensive Plan](#)
- [Davidson Planning Ordinance](#)
- [Board of Commissioners Strategic Plan 2018-2019](#)
- [Housing Needs Assessment](#)

- [Rural Area Plan](#)
- [Cost of Land Use Fiscal Impact Analysis](#)
- [Economic Development Strategic Plan](#)
- [Davidson Mobility Plan](#) [In Progress]
- [Davidson Walks & Rolls: Active Transportation Master Plan](#)
- [Parks & Recreation Master Plan](#)

[END OF DOCUMENT]

TOWN OF DAVIDSON COMPREHENSIVE PLAN RFP COMMITTEE KICK-OFF



College Town. Lake Town. *Your Town.*

Davidson Comprehensive Plan
RFP Committee Kickoff Meeting
Overview

May 14, 2018

COMP. PLAN RFP KICK-OFF

MEETING ROADMAP

1. **Comp. Plan Overview:** What/Who/Examples
2. **RFP Process:** Best Practices
3. **Schedule/Next Steps:** Comp. Plan, RFP
4. **Group Discussion:** Comp. Plans, RFPs



WHAT IS A COMP. PLAN?

AMERICAN PLANNING ASSOCIATION

- **Comprehensive Plan:** The leading policy document and tool to help communities achieve a sustainable outcome.
- **Process:** Allows communities to understand historical context; acknowledge and look past immediate concerns; evaluate options for how to best proceed; and, to move toward a better future.
- **Range:** Long-Range/30 Years



COMPREHENSIVE PLAN

WHO'S INVOLVED?

- **Community-Led Initiative:** Directed by citizen vision and aspirations.
- **Stakeholders:** Citizens, Town Government, College, Businesses, Non-Profits (DHC, DLC, Ada Jenkins), Institutions (Schools, Religious Groups), Neighborhoods.
- **Process Leadership:** Typically managed by Planning Department, in close coordination with others:
 1. Public Information Officer
 2. Town Manager
 3. Public Works
 4. Economic Development
 5. Consultant(s)
 6. Stakeholders





WHY NOW?

WHY NOW?

VITICULTURE: DEGREE OF RIPENESS

- **Weight:** Sugar
- **Acidity:** Concentration
- **PH Level:** Balance
- **Physiological Characteristics:** Intangible Qualities
 - Tannins
 - Color
 - Flavor
 - Aroma

« BASIC MEASURES

« ARTFUL MEASURES



WHY NOW?

TIME IS RIPE

- **Rule of Thumb/Experience:** Timing
 - Minimum: Conducted Every 10 Years
 - Updates: Conducted Every 5 Years (High-Growth Areas, Significant Events)
 - In-Between: Small Area Plans/Special Projects
 - **Planning History:** Strong Tools, Aging
 - General Plan, 1993
 - Land Plan, 1996
 - Davidson Planning Ordinance, 2001 & 2015
 - Comprehensive Plan, 2007-2010
 - **Climate:** Future Conversations/Debate On-Going
 - **Strategic Plan:** Board Directive 2018-2019
- « BASIC MEASURES
- « ARTFUL MEASURES



THE GENERAL PLAN

EARLY 1990s

Town-Wide Meetings:

- What did we like about Davidson?
- What would we do differently as we grow, if we had the chance?
- What did we want to avoid as we grow?

Affirmed Common Values:

- Historic Main Street, Village Green, & Shops
- Davidson College
- Canopy Cover/Big Trees
- Sense of Community
- Diversity
- Narrow Streets, Sidewalks, & Front Porches
- Connectivity
- Commercial and Industrial Tax Base
- Rural, Open Spaces

“The General Plan is the first step in planning for Davidson’s future.”



DAVIDSON LAND PLAN

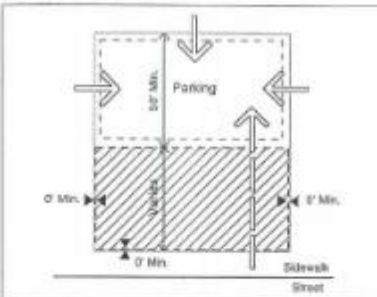
1995

IV. URBAN REGULATIONS

STOREFRONT BUILDING

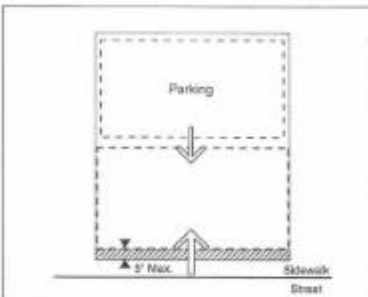
DAVIDSON LAND PLAN CODE

Building Placement/Parking/Vehicular Access



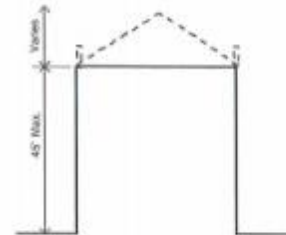
1. Buildings shall be placed on the lot within zone represented by the hatched area.
2. Generally, building and street facades must extend parallel to frontage property lines.
3. Parking shall be located to the rear of the building.
4. Points of permitted access to the parking indicated by arrow.
5. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
6. Parking areas on adjacent lots should be connected.
7. Trash containers shall be located in the parking area (see Parking Regulations).
8. Mechanical equipment of ground level should be placed on the parking lot side of building and away from buildings on adjacent sites.

Encroachment/ Pedestrian Access to Building



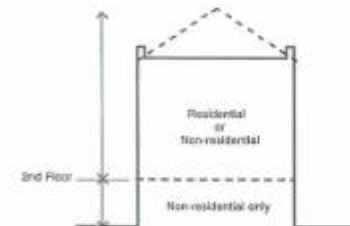
1. Balconies, bay windows, porches of an upper level and their supports of ground level, together with awnings above head height are permitted within the sidewalk as shown by the hatched area.
2. Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

Permitted Height



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to ridge may vary depending upon the roof pitch.

Permitted Uses



Permitted uses are indicated above.

Description:

The storefront building is a small scale structure which can accommodate a variety of uses. The structure is typically a maximum of 15,000 square feet. A group of storefront buildings can be combined to form a mixed-use neighborhood center. Individual storefront buildings can be used to provide some commercial service, such as a convenient food store, in close proximity to homes. Davidson's Main Street provides a good example of a neighborhood center of storefronts and the Village Market Cafe at Southern Village, Chapel Hill, NC., serves as a good single building example.

Photo: Neighborhood Center, Seaside, FL.

Special Conditions:

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Drive-thru customer services are permitted only at the rear of building. Drive-thru facilities are prohibited in the Village Center.
3. Corners: Setback of street corners will generally replicate frontage conditions.
4. Front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which affords pedestrian activity. Squares or plazas within building setback areas can act as focal points for pedestrians.



DAVIDSON PLANNING ORDINANCE

2001 & 2015

PLANNING AREAS

2.1 GENERAL

2.1.1 PLANNING AREAS

In order to implement the purpose and intent of the Planning Ordinance, planning areas are established in this section. Planning areas are different from conventional zoning districts in that they are defined not by land use but by geographical patterns of growth in the community and the Targeted Growth Plan from the 2010 Davidson Comprehensive Plan. Therefore, we have replaced the conventional terminology of "Zoning District" with "Planning Areas." These planning areas have the same legal authority as zoning districts.

There are detailed provisions, uses, and standards for the design of the built environment within each respective planning area, including dimensional standards, permitted building types, height, parking, lighting, signage, permitted uses and other development standards.

There are hereby established the following planning areas:

- Village Center (Section 2.2.1)
- Village Commerce (Section 2.2.2)
- Village Edge (Section 2.2.3)
- Village Infill (Section 2.2.4)
- Central Business District (Section 2.2.5)
- Neighborhood Center I (Section 2.2.6)
- Neighborhood Center II (Section 2.2.7)

SECTIONS

2.1 GENERAL	PAGE 2-1
2.2 PLANNING AREAS	PAGE 2-7
2.3 OVERLAY DISTRICTS	PAGE 2-79

2



the boundary of the village commercial and retail districts. Area promotes infill development that creates vibrant, spaces through a variety of commercial and residential uses. replaces and residential uses at the edges of downtown, it network necessary for a successful town center.

the permitted uses for the Village Edge Planning Area. are presumed to be prohibited (See Section 2.1.3). In Chapter 3, Uses with Additional Requirements.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Lakeshore Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

Building Types	TABLE 2-26: LAKESHORE BUILDING TYPE TABLE			
	Allowance	Design Review	Height	
Single House	P			
Two House	P	R-Duplex only	Minimum	Maximum
Family	P	R	2 stories	3 stories
Work	P	R	2 stories	3 stories
Office	P	R	2 stories	3 stories
Industrial	P	R	2 stories	4 stories
Warehouse	P	R	2 stories	4 stories
		See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted
50 percent of the heated floor area in a live/work building type must be residential dwellings unit(s).

STANDARDS

Requirements: The following table establishes the required setbacks for the Planning Area.

COMPREHENSIVE PLAN

PURPOSES

Establish Policy Framework: Land Use, Transportation, Resources, Development

Serve as Decision-Making Resource: Wide Range of Issues

- Land Use Policy
- Conditional Development Proposals
- Long-term Planning Initiatives
- Capital Investment Decisions

Provide General Guidance: Zoning Decisions

Provide Coordinated Vision: Future Policy & Growth

Examine Services & Roles of Town Government: Development & Growth Parameters

Consider Implementation Responsibilities: Government, Private Sector, Organizations, & Citizens



COMPREHENSIVE PLAN

2010

Framework: Themes; Goals & Recommendations; Targeted Growth Areas

Livability Themes: Organizing Elements

- Create Diverse Business & Job Opportunities
- Support Safe & Vibrant Public Spaces & Neighborhoods
- Promote Cultural, Socioeconomic, & Age Diversity
- Encourage Committed Civic Involvement & Responsibility
- Provide Sustainable & Healthy Choices for Transportation, Food, & Energy Use
- Enable Faithful Stewardship of the Natural & Historic Resources
- Continue to Provide Effective & Efficient Public Services
- Maintain Quality Design & Sound Planning Principles

Targeted Growth Areas: Phased Development Pattern

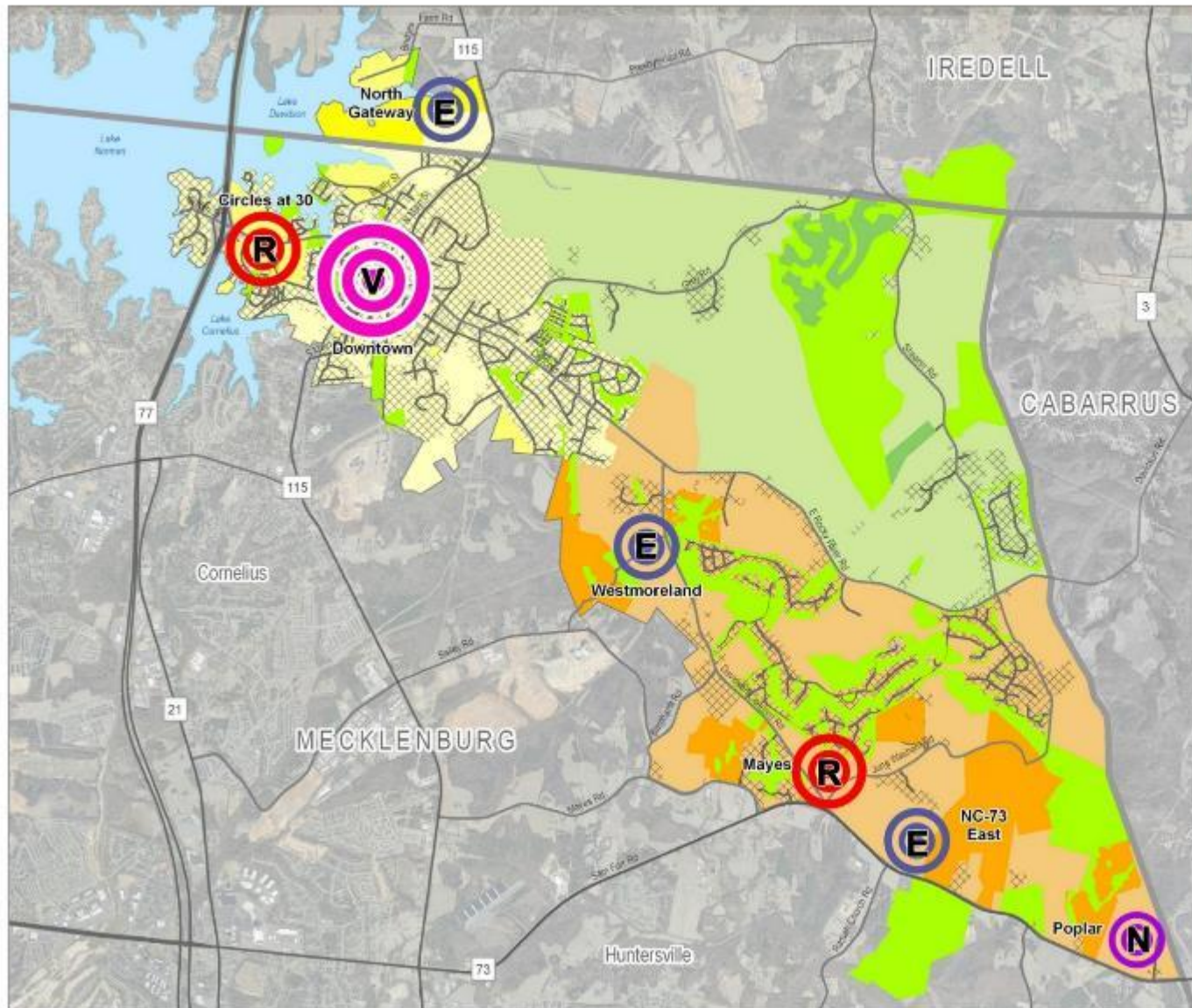
- Primary Growth Targets
- Secondary Growth Targets
- Sub-Areas, the Growth Reserve, & the Rural Area



College Town. Lake Town. *Your Town.*

Davidson Comprehensive Plan
RFP Committee Kickoff Meeting
Overview
April 30, 2018

TARGETED GROWTH AREAS



Targeted Growth Plan

Davidson Comprehensive Plan

Legend



Village Center (Downtown)



Regional Commercial Centers



Employment Centers



Neighborhood Service Centers

Existing Road Network

Protected Open Space

Rural Approved Development

Smart Suburban Approved Development

Village Area Approved Development

Existing Development

Rural Area Reserve

Smart Suburban Growth Reserve

Village Area Growth Reserve

The Davidson Comprehensive Plan describes the vision for future development by the Targeted Growth Plan. The Targeted Growth Plan is based on criteria for development set by the Livability Themes and the plan's goals and recommendations.

Davidson's zoning jurisdiction is divided into three growth reserve areas: the Village Area, Smart Suburban, and the Rural Area. Within each growth reserve, primary and secondary targets for future development are identified, as well as areas for land conservation and farming.

The primary and secondary growth targets are described as one of four types: Village Center (Downtown Davidson, a large civic and mixed-use center), Regional Commercial Centers (highly visible and accessible mixed-use centers), Employment Centers (office, industrial, or service job centers), or Neighborhood Service Centers (small residential-support retail uses). Actual target locations and land uses may change based on current trends, but all will be designed as walkable, mixed-use settings.



WHY NOW?

TIME IS RIPE

- **Rule of Thumb/Experience:** Timing
 - Minimum: Conducted Every 10 Years
 - Updates: Conducted Every 5 Years (High-Growth Areas, Significant Events)
 - In-Between: Small Area Plans/Special Projects
- **Planning History:** Strong, Aging Tools
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 - Davidson Planning Ordinance, 2001 & 2015
 - Comprehensive Plan, 2007-2010
- **Climate:** Future Conversations/Debate On-Going
- **Strategic Plan:** Board Directive 2018-2019





WHO?

WHY ENGAGE A CONSULTANT?

OVERSEEN BY STAFF

1. **Particular Skill Sets:** Design, Facilitation
2. **Expertise:** Creative Thinking/Broad Experience
3. **Tools:** Document Production
4. **Increased Staff Capacity:** Multiplier



HOW DO YOU HIRE A CONSULTANT?

OVERVIEW

- **Request for Proposals (RFP) Process:** Tool to Recruit Desired Skill Sets
- **Process:**
 - Draft RFP
 - Provide Project Description/General Scope of Services
 - Explain Project Context
 - Include Budget
 - Include General/Not Specific Scope
 - Release RFP



HOW DO YOU HIRE A CONSULTANT?

OVERVIEW/ PROCESS [Continued]

- **Process:**
 - Answer Questions for RFP
 - Collect RFPs by Deadline
 - Review RFPs
 - Shortlist Candidates
 - Interview [Skype/In-Person]
 - Select Finalists/In-Person Interview
 - Hire/Execute Contract



Can this team help?

WHAT ARE BEST PRACTICES FOR RFPS?

TRIED & TRUE + NEW IDEAS

- **Scope:** Keep Clear but General (Don't Overprescribe)
 - *Encourage Creativity in Responses*
- **Context:** Explain Town/Planning History, Local/Regional Contexts
 - Allow to Draw on Other Experiences
- **Information Distribution:** Consistent Info. to All Candidates
 - Hosting FAQs Call
- **Practical/Professional Courtesy:** Adequate Reaction Time
- **Specify Budget:** Generates Apples to Apples Comparisons





BEST PRACTICES

WHAT ARE BEST PRACTICES FOR COMP PLANS?

HIGHLIGHTS

1. **Community Engagement:** Consistent, Decentralized, Diverse
 - Judicious Hosting, Dedicated Pursuit, Digital Outreach
 - Dinners, Business Engagement, Polling/Surveys
2. **Thematic-Based Plans:** Interwoven Goals, Objectives
3. **Pre-Plan:** Diagnostic Report, Public Engagement Report
4. **Charrette:** Centerpiece, Targeted Use, Limited Use, or No Use?
5. **Digital Capabilities:** Webpage, Plan Documents, Surveys
6. **Implementation:** Actionable Plan, Not Just a Matrix
 - Continuous Ranking/Annual Report [Transparency]
 - Tied to CIP/Budget



PLANO, TX

Menu

**PLANO TOMORROW**
A Comprehensive Plan for Excellence

Search Plano Tomorrow

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NATIONAL PLANNING AWARD

Plan receives prestigious Daniel Burnham Award - the profession's highest honor

THE PLANO STORY

Where we've been and where we are going.

[LEARN MORE](#)

YOUR PLAN. YOUR FUTURE.

How the plan is implemented. How you can participate.

[STAY CONNECTED](#)

BROWSE THE WEB-BASED PLAN BY TOPIC

Plano Tomorrow is based on five pillars with ten components, all of which are intended to work together to improve Plano for the future, balancing the diverse needs and desires of our dynamic community. Choose a component below for an in-depth look at our goals, challenges, and actions.

**BUILT ENVIRONMENT**
Land Use & Community Design
Transportation
Housing & Neighborhoods

**SOCIAL ENVIRONMENT**
Quality of Life
Sense of Community

**NATURAL ENVIRONMENT**
Building & Site Efficiency
Environmental Quality

**ECONOMIC ENVIRONMENT**
Diverse & Resilient Economy
Jobs & Workforce Development

**REGIONALISM**
Our Place in the DFW Region

- » Completely Digital
- » Continuous Ranking

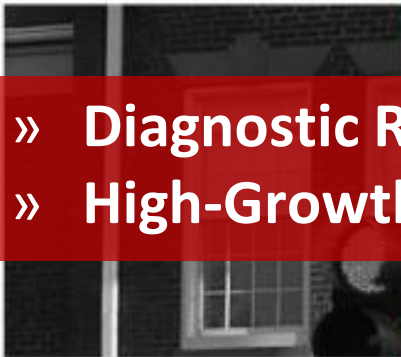
CARY, NC



THE CARY 2040 COMMUNITY PLAN



THE COMPREHENSIVE PLAN FOR THE TOWN OF CARY



- » Diagnostic Reports
- » High-Growth Area

SCHEDULE



College Town. Lake Town. *Your Town.*

Davidson Comprehensive Plan
RFP Committee Kickoff Meeting
Overview

May 14, 2018

SCHEDULE

COMP PLAN OVERVIEW: 12-18 MONTHS (TENTATIVE)

- **Fall 2018:** Intense Decentralized Community Engagement
 - Produce Diagnostics Report
 - Produce Public Engagement Reports
- **January 2019:** Community Meeting [Summit] to Present Findings
- **Spring 2019:** Charrette?
- **Summer 2019:** Plan Composition
- **Fall 2019:** Present Draft Plan
- **Winter 2019-20:** Consider Adopting New Comp. Plan

**Subject to consultant availability/input on engagement + overall framework.*



SCHEDULE/NEXT STEPS

REQUEST FOR PROPOSAL/HIRING

- **Week of May 14:** Present Draft to Team via Email
- **May 22 at 11:00 a.m.:** Meet to Seek Input on Draft RFP
- **Week of May 28:** Finalize RFP via Email
- **June 1:** Send out RFP
- **June 5 from 1:00 to 3:00 p.m.:** RFP Committee Meeting
 - Provide Update
 - Review “Wish List” of Comp Plan Output
- **June 29:** Receive RFP Responses
- **July:** Interviews
- **August:** Select + Hire Consultant
- **September:** Committee is Dissolved/Comp. Plan Process Begins



WHAT ARE YOUR THOUGHTS ON COMP PLANS?

GROUP DISCUSSION

1. Move Kannapolis Forward 2030
2. Town of Davidson Comp. Plan
3. RFP: How to Structure?



College Town. Lake Town. *Your Town.*

Davidson Comprehensive Plan
RFP Committee Kickoff Meeting
Overview
May 14, 2018

QUESTIONS/COMMENTS



College Town. Lake Town. *Your Town.*

Davidson Comprehensive Plan
RFP Committee Kickoff Meeting
Overview

May 14, 2018



Agenda Title: Discussion and Consider Approval of Pedestrian Safety Flashing Beacons Project

Public Works Director Doug Wright

Summary: Public Works has evaluated additional pedestrian crossings in town to receive similar flashing beacons that the town has installed in other locations. These flashing beacons are activated by pedestrians that want to enter the crosswalk and it provides the yellow flashing signals for vehicles to yield to the pedestrians.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▢	Agenda Memo Pedestrian Safety Flashing Beacons Project	7/6/2018	Cover Memo
▢	Presentation Pedestrian Safety Flashing Beacons Project	7/6/2018	Cover Memo
▢	BA2019-04	7/6/2018	Cover Memo



Pedestrian Safety Flashing Beacons Project

To: Davidson Board of Commissioners
From: Doug Wright, Public Works Director
Date: July 10, 2018
Re: Pedestrian Safety Flashing Beacons Project

1. OVERVIEW

Public Works has evaluated additional pedestrian crossings in town to receive similar flashing beacons that the town has installed in other locations. These flashing beacons are activated by pedestrians that want to enter the crosswalk and it provides the yellow flashing signals for vehicles to yield to the pedestrians.

The crossings identified are Beaty/Magnolia, Concord/Baker, Main/Eugenia, and Main/Glasgow. The town has worked with NC DOT and design engineers to evaluate these options for feasibility. The project has been delayed due to NC DOT approval of the equipment used and access to power sources. Those issues have been resolved. \$75,000 has been set aside by the town for this project. Bids have been received with the low bid coming in at \$113,420. Davidson College has agreed to fund the amount above what the town had set aside (\$38,420) in order to complete all four crossings.

We have had citizen interest in seeing these crossings improved. Staff feels this is an important project to implement.

2. RELATED TOWN GOALS

Core values:

Davidson's historic mix of people in all income levels and ages is fundamental to our community, so town government will encourage opportunities, services, and infrastructure that allow people of all means to live and work here.

Citizens need to move easily throughout the town and region, so government will provide a variety of options, such as sidewalks, bike paths, greenways, connected streets, and transit.

As home to Davidson College, the town will engage the college's faculty, staff and students in constructive communication and collaboration.

Strategic Plan:

Goal 7 Mobility/Transportation - The Town of Davidson will enable citizens to move freely throughout town via transit, car, bicycle, and on foot.

Goal 9 Partnerships – The Town of Davidson will build on existing relationships to strengthen partnerships with strategic organizations and institutions. Tactical Priority 1: Davidson College.

Constituent served:

All citizens.
Visitors passing through town.
Downtown merchants.

3. OPTIONS/PROS & CONS

There are 3 options:

Option 1:

Do nothing.

Option 2:

Approve the proposed project and appropriate the funds from fund balance of \$113,420.

Option 3:

Consider selecting some but not all of the locations and appropriate any fund balance needed, if applicable.

Here are the pros and cons of option 2:

Pros:

Would improve the pedestrian crossings in these four locations for pedestrian safety as well as alerting motorists.
Addresses citizen interest in improving these pedestrian crossings.
Partnership opportunity with Davidson College.

Cons:

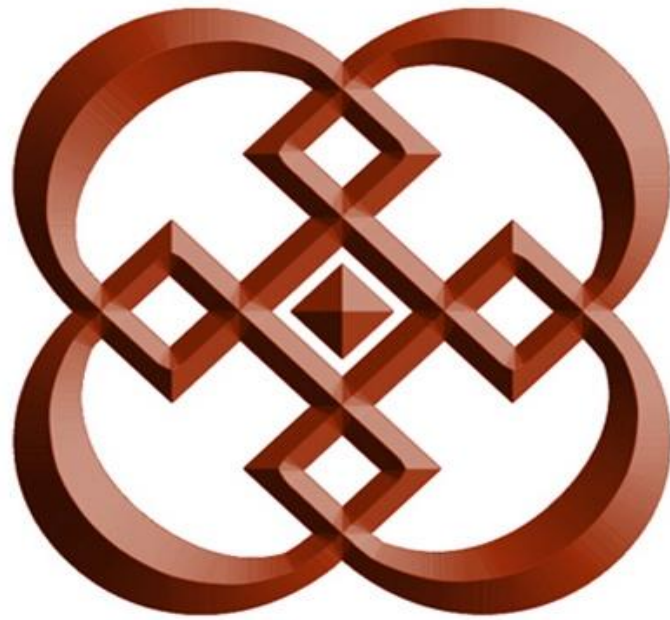
The costs are higher than planned for the project.

4. FYI or RECOMMENDED ACTION

Consider selecting one of the 3 options listed above. Option 2 is the recommended action. For option 2, the action required would be to approve the project as proposed and appropriate a total of \$113,420 - \$75,000 from fund balance and \$38,420 as revenue from the College.

5. NEXT STEPS

Next steps for options 2 or 3 would involve staff executing the contract and begin the implementation.



The Town *of* Davidson

College Town. Lake Town. *Your Town.*

RRFBs



- Improved “Yield to Pedestrian” compliance
- Increased awareness of pedestrians and bicyclists who wish to use crosswalks
- Clearly communicates to motorists that there may be someone in the crosswalk

Project Costs and Funding Sources

Project Costs

<u>Crosswalk</u>	<u>Materials</u>	<u>Labor</u>	<u>Boring</u>	<u>Total Cost</u>
Beatty/Magnolia	\$ 20,830	\$ 5,950	\$ 6,250	\$ 33,030
Concord/Baker	\$ 19,800	\$ 5,440	\$ 6,250	\$ 31,490
Eugenia/Main	\$ 15,600	\$ 4,590	\$ 4,200	\$ 24,390
Glasgow/Main	\$ 16,200	\$ 3,910	\$ 4,400	\$ 24,510
Total				<u>\$ 113,420</u>

Funding

Town of Davidson	\$ 75,000
Davidson College	\$ 38,420
Total	<u>\$ 113,420</u>



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, 2019:

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>
10-20-4510-500	Capital Outlay Signs		\$ 113,420.00

Budgeted expenditures will be to purchase and install 4 flashing beacons (RRFBs) at four crosswalks.

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		\$ 75,000.00
10-00-3311-100	Davidson College Contribution		\$ 38,420.00

These funds are from Unassigned Fund Balance and a contribution to the project from Davidson College

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 July, 2018



Agenda Title: **Consider Approval of Ordinance 2018-02 to Extend the Corporate Limits of the Town of Davidson to include Kenmare Subdivision**
Town Manager Jamie Justice

Summary:

ATTACHMENTS:

Description		Upload Date	Type
□	DRAFT - Ordinance 2018-02 Extend the	7/6/2018	Cover Memo
	Corporate Limits of the Town of Davidson to include Kenmare Subdivision		



ORDINANCE 2018-02

TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF DAVIDSON TO INCLUDE KENMARE SUBDIVISION

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall Meeting Room at 6:00 p.m. on July 10, 2018 after due notice in the Mecklenburg Times on Tuesday, June 26, 2018; and

WHEREAS, the Board of Commissioners finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Davidson as of July 10, 2018:

(See page 3 and page 4 for Metes and Bounds Description)

Section 2. Upon and after July 10, 2018, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Davidson and shall be entitled to the same privileges and benefits as other parts of the Town of Davidson. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Davidson shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Mecklenburg Board of Elections, as required by G.S. 163-288.1.

Prepared by and return to: Cindy Reid, Attorney
216 South Main Street
PO Box 579
Davidson NC 28036

Adopted this 10th day of July, 2018

Rusty Knox,
Mayor

ATTEST:

APPROVED AS TO FORM:

Elizabeth K. Shores
Town Clerk

Cindy Reid
Town Attorney

DRAFT



**Agenda Title: Discussion of Receipt of State Grants
Town Manager Jamie Justice**

Summary: During the last Legislature Session, the NC General Assembly approved three (3) grants for projects in the Town of Davidson.

1st Grant of \$100,000 for Grant for Downtown Park/Farmers Market Area Site Improvements

<https://webservices.ncleg.net/ViewBillDocument/2017/6473/2/H-NBC-2362> - Page 246

2nd Grant of \$100,000 for Police Equipment

3rd Grant of \$100,000 for Fire Equipment

<https://www4.ncleg.net/sessions/2017/bills/senate/pdf/s335v4.pdf>
Page 18

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
□	State Grant for Downtown Park/Farmers Market Area Site Improvements	7/6/2018	Cover Memo
□	State Grants for Police & Fire Equipment	7/6/2018	Cover Memo

Conference Report on the Base, Capital and Expansion Budget
FY 2018-19
152 Stanly County Fair
Fund Code: 1990

Provides a grant-in-aid to the Walter B. Hill American Legion Post # 76, Inc., for the Stanly County Fair.

Requirements	\$	100,000 NR
Less: Receipts	\$	-
Net Appropriation	\$	100,000
FTE		-

153 Town of Davidson
Fund Code: 1990

Provides a grant-in-aid for improvements to the farmer's market in the Town of Davidson.

Requirements	\$	100,000 NR
Less: Receipts	\$	-
Net Appropriation	\$	100,000
FTE		-

154 Davidson County
Fund Code: 1990

Provides a grant-in-aid to Davidson County for a new building for the Humane Society of Davidson County.

Requirements	\$	125,000 NR
Less: Receipts	\$	-
Net Appropriation	\$	125,000
FTE		-

155 Polk County
Fund Code: 1990

Provides a grant-in-aid to Polk County for the World Equestrian Games to be held in September 2018 at the Tryon International Equestrian Center.

Requirements	\$	1,000,000 NR
Less: Receipts	\$	-
Net Appropriation	\$	1,000,000
FTE		-

Reserves Revised Budget

Requirements	\$	26,126,653
Less: Receipts	\$	1,307,127
Net Appropriation	\$	24,819,526
FTE		1.000

Total Legislative Changes

Requirements	\$	20,412,218
Less: Receipts	\$	700,000
Net Appropriation	\$	19,712,218
FTE		3.000

Recurring	\$	3,666,075
Non Recurring	\$	16,046,143
Net Appropriation	\$	19,712,218
FTE		3.000

Revised Budget

Revised Requirements	\$	198,803,678
Revised Receipts	\$	56,237,775
Revised Net Appropriation	\$	142,565,903
Revised FTE		1,814.620

...
(j) Staffing. – The ~~Department of Justice~~ Administrative Office of the Courts shall be responsible for staffing the Commission.

(k) Funding. – From funds available to the ~~Department of Justice, the Attorney General~~ Administrative Office of the Courts, the Director shall allocate monies to fund the work of the Commission."

PART VI. GENERAL GOVERNMENT

SECTION 6.1. If Senate Bill 99, 2017 Regular Session, becomes law, then Section 26.3 of that act reads as rewritten:

"**SECTION 26.3.** Of the funds appropriated in this act to the Office of State Budget and Management, Special Appropriations, the sum of three million ~~one three~~ hundred sixty-five thousand three hundred seven dollars ~~(\$3,165,307)~~ (\$3,365,307) in nonrecurring funds for the 2018-2019 fiscal year shall be allocated as follows:

(1) To provide grants-in-aid to the following local fire departments:

...
z. \$2,500 to the ~~Town of Proctorville for the Proctorville-Ornum~~ Township Volunteer Fire Department, Inc.

...
ii. \$100,000 to the City of Davidson for the Davidson Fire Department for equipment.

...
(3) To provide law enforcement grants-in-aid to the following local governments:

...
(k) \$100,000 to the City of Davidson for the Davidson Police Department for equipment.

...."

SECTION 6.2. If Senate Bill 99, 2017 Regular Session, becomes law, then Part XXXI of that act is amended by adding a new section to read:

"DOA TO ELIMINATE VACANT POSITIONS

"SECTION 31.4. Notwithstanding any provision of this act or of the Committee Report described in Section 39.2 of this act to the contrary, for the 2018-2019 fiscal year, the Department of Administration is authorized to eliminate vacant positions in the Department to reduce the Department's operating expenses by the sum of fifty-seven thousand three hundred eighty-six dollars (\$57,386) in recurring funds. The Department is not required to eliminate the Processing Assistant V position (60014389)."

SECTION 6.3. If Senate Bill 99, 2017 Regular Session, becomes law, then Part XXXI of that act is amended by adding a new section to read:

"FUNDS FOR HUMAN TRAFFICKING COMMISSION

"SECTION 31.5. Notwithstanding any provision of this act or of the Committee Report described in Section 39.2 of this act to the contrary, the sum of one million five hundred thousand dollars (\$1,500,000) in nonrecurring funds appropriated in this act to the Department of Administration for the 2018-2019 fiscal year as a grant-in-aid to the North Carolina Coalition Against Sexual Assault is instead appropriated to the Administrative Office of the Courts for the 2018-2019 fiscal year to be allocated to the North Carolina Human Trafficking Commission to be used for victim services. The Administrative Office of the Courts may use up to ten percent (10%) of these funds for administrative purposes."

SECTION 6.4. If Senate Bill 99, 2017 Regular Session, becomes law, then Part XXI of that act is amended by adding a new section to read:

"TRANSFER ADDITIONAL FUNDS FROM ESCHEATS FUND FOR VA SCHOLARSHIPS



Agenda Title: **Consider Approval of Amended Town Manager's Contract**
Summary: Each year the Board of Commissioners reviews the Town Manager's Employment Contract and considers amendments upon renewal. The only amendment to the agreement will be a salary increase of 3.5% to his base salary effective July 1, 2018 - June 30, 2019.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▢	Employment Agreement for Town Manager July 1, 2018 - June 30, 2019	7/9/2018	Cover Memo

Town of Davidson Employment Agreement

Introduction

This Agreement, made and entered into July 1, 2018 by and between the Town of Davidson, North Carolina, a municipal corporation, (hereinafter called "Employer") and James Justice (hereinafter called "Employee") an individual who has the education, training and experience in local government management and who, as a member of ICMA, is subject to the ICMA Code of Ethics, both of whom agree as follows:

Section 1: Term

The term of this agreement shall be for one (1) year from July 1, 2018 – June 30, 2019. This Agreement shall automatically be renewed at the beginning of each fiscal year unless notice that the Agreement shall terminate is given at least one month before the expiration date. Notwithstanding the stated term of this agreement, Employee shall be an employee at will and the severance provisions contained herein shall be the Employee's sole remedy in the event that the Employer terminates this Agreement prior to the end of its current term.

Section 2: Duties, Role, and Authority

Employer agrees to employ Employee as Town Manager (a wage and hour exempt position) to perform the functions and duties specified in the Davidson Town Charter, the Davidson Town Code, and the NC General Statutes. Employer agrees that the town manager under § 160A-148 has the authority and statutory role to direct and supervise the administration of all departments, offices, and agencies of the town; and hire, direct, assign, reassign, evaluate, suspend, or remove all Town officers and employees not elected by the people or designated by statute as Town Board appointees. In addition, the Employee agrees to perform such other duties and responsibilities, not inconsistent with the above, as requested by the Town Board from time to time.

Section 3: Compensation

A. Base Salary: Employer agrees to pay Employee an annual base salary of \$138,586.50, payable in installments at the same time that the other management employees of the Employer are paid.

B. Residency Incentive: The Employer agrees to pay to the Employee a relocation bonus in the amount of \$ 5,000.00 if Employee moves his permanent residence into the corporate limits of the Town at any time within five (5) years after the Commencement Date. The relocation bonus shall be paid in one lump sum no later than ninety (90) days after Employee moves his residence into the corporate limits of the Town.

C. The Employer agrees to consider an annual increase to the Employees dependent upon the results of the performance evaluation conducted under the provisions of Section 12 of this Agreement. Increased compensation can be in the form of a salary increase and/or a bonus.

Section 4: Health, Disability and Life Insurance Benefits

The Employer agrees to provide and to pay the premiums for health, hospitalization, surgical, vision, dental, comprehensive medical insurance, life and disability for the Employee and his/her dependents equal to that which is provided to all other employees of the Town of Davidson.

Section 5: Vacation, Sick, and Military Leave

Upon commencing employment, the Employee shall be credited with sick and vacation leave equal to that of a 17 year employee (at least 10 days vacation at commencement of employment). The Employee shall then accrue sick and vacation leave on an annual basis at the rate provided to other employees with consistent with years of service and Town policies.

Section 6: Automobile

The Employer shall pay to Employee an automobile expense allowance in the amount of Five Hundred Dollars (\$500.00) per month.

Section 7: Retirement

The Employer agrees to enroll the Employee into the applicable state or local retirement system and to make all the appropriate contributions on the Employee's behalf, for both the Employer and Employee share required. In addition, Employer agrees to contribution an amount equal to five percent (5%) of Employee's Annual Base salary to a 457 Plan.

Section 8: General Business Expenses

1. Employer agrees to budget for and to pay for professional dues and subscriptions of the Employee necessary for continuation and full participation in national, regional, state, and local associations, and organizations necessary and desirable for the Employee's continued professional participation, growth, and advancement, and for the good of the Employer.

2. Employer agrees to budget for and to pay for travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions to adequately continue the professional development of Employee and to pursue necessary official functions for Employer, including but not limited to the ICMA Annual Conference, the North Carolina League of Municipalities, North Carolina City County Managers Association, and such other national, regional, state, and local governmental groups and committees in which Employee serves as a member.

3. Employer also agrees to budget for and to pay for travel and subsistence expenses of Employee for short courses, institutes, and seminars that are necessary for the Employee's professional development and for the good of the Employer.

4. Employer recognizes that certain expenses of a non-personal but job related nature are incurred by Employee, and agrees to reimburse or to pay said general expenses, including, but not limited to, Rotary Club and Davidson College activities. The finance director is authorized to disburse such moneys upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits.

5. The Employer shall provide Employee with a computer, software, fax/modem, cell phone stipend and tablet required for the Employee to perform the job and to maintain communication.

Section 9: Termination

Notwithstanding the stated term of this agreement, Employee shall be an employee at will and the severance provisions contained herein shall be the Employee's sole remedy in the event that the Employer terminates this Agreement prior to the end of its current term.

For the purpose of this agreement, termination shall occur when:

1. The governing body votes to terminate the Employee.
2. The governing body votes not to renew the agreement as outlined in Section 1.
3. Expiration of the term of this agreement.
4. Mutual agreement of the Employer and Employee in writing and signed by them.
5. If the Employer, citizens or legislature acts to amend any provisions of the Davidson Town Charter or Town Code pertaining to the role, powers, duties, authority, responsibilities of the Employee's position that substantially changes the form of government, such amendments shall constitute termination.
6. If the Employer reduces the base salary, compensation in an amount greater than the average across the board percent reduction of substantially all employees (unless Manager consents to such reduction), or any other material financial benefit of the Employee, such action shall constitute a breach of this agreement and will be regarded as a termination.
7. If the Employee resigns following a request for resignation and offer to accept resignation, whether formal or informal, by the Employer as representative of the governing body that the Employee resign.
8. Breach of contract declared by either party with a 30 day cure period for either Employee or Employer. Written notice of a breach of contract shall be provided in accordance with the provisions of Section 18.
9. Resignation. The Employee delivers to the Employer voluntary resignation. Employee agrees to give Employer at least 60 days notice before resignation.

In the event of Employee's termination under Section 9, Employer and Employee agree not to make disparaging comments or statements concerning either party (Board or

Town Manager), publicly or in private. Employer shall comply with applicable law with respect to any request for information or documentation contained in the employee's employment records.

In order to promote the smooth transition in the leadership and management of the Town's organization and to maintain the confidence of the public in their elected officials, Employer and Employee may agree to an additional separation agreement in the event of a termination as outlined in Section 9. The separation agreement may have additional terms not outlined in this agreement.

Section 10: Severance

Severance shall be paid to the Employee, as Employee's sole remedy for termination, if employment is terminated as defined in Section 9, except a termination for just cause, as defined below, or the resignation of Employee.

Beginning on the Commencement Date the Employer shall provide a minimum severance payment equal to (a) six (6) month's salary at the then current salary, plus an additional amount equal to one (1) month's salary for each year of service with a maximum severance payment equal to nine (9) months' salary, plus an amount equal to six (6) months of COBRA payments. This severance shall be paid in a lump sum unless otherwise agreed to by the Employer and the Employee.

The Employee shall also be compensated for all accrued annual leave, sick leave, vacation time, and all paid holidays.

As used throughout this Agreement, "just cause" is defined and limited to the following reasons:

(i) A determination by the Employer, in good faith, that Employee (A) has breached in any material respect any of the terms or conditions of this Agreement, or (B) is engaging or has engaged in willful conduct which is detrimental to the Employer or which has had or likely will have a material adverse effect on the Employer's reputation. Prior to any termination by the Employer of Employee's employment for a breach, failure to perform or conduct described in this subparagraph (i), the Employer shall give Employee written notice which describes such breach, failure to perform or conduct and if during a period of thirty (30) business days following such notice Employee cures or corrects the same to the reasonable satisfaction of the Employer, then this Agreement shall remain in full force and effect; however, notwithstanding the above, if the Employer has given written notice to Employee on a previous occasion of the same or a substantially similar breach, failure to perform or conduct, or of a breach, failure to perform or conduct which the Employer determines in good faith to be of substantially similar import, or if the Employer determines in good faith that the then current breach, failure to perform or conduct is not reasonably curable, then termination under this subparagraph (i) shall be effective immediately and Employee shall have no right to cure such breach, failure to perform or conduct.

- (ii) The violation by Employee of any applicable federal or state law, or any applicable rule, regulation, order or statement of policy promulgated by any governmental agency or authority having jurisdiction over the Employer (a "Regulatory Authority"), which results from Employee's gross negligence, willful misconduct or intentional disregard of such law, rule, regulation, order or policy statement and results in any substantial damage, monetary or otherwise, to the Employer or to the Employer's reputation;
- (iii) The commission in the course of Employee's employment with the Employer of an act of fraud, embezzlement, theft or proven personal dishonesty (whether or not resulting in criminal prosecution or conviction);
- (iv) The conviction of Employee of any felony or any criminal offense involving dishonesty or breach of trust;
- (v) The occurrence of any event believed by the Employer, in good faith, to have resulted in Employee being excluded from coverage, or having coverage limited as to Employee as compared to other covered officers or Employees, under the Employer's then current "blanket bond" or other fidelity bond or insurance policy covering its directors, officers or employees.

Section 11: Resignation

In the event that the Employee voluntarily resigns his/her position with the Employer, the Employee shall provide a minimum of 60 days' notice unless the parties agree otherwise.

Section 12: Performance Evaluation

Each fiscal year, including the first year of employment, Employer shall review the performance of the Employee in a process which shall be mutually agreed upon by the Employer and Employee. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation results. The final written evaluation should be completed and delivered to the Employee within 30 days of the evaluation meeting. At the initiation of this agreement the Employee shall provide the Employer with a series of annual goals to be met during the first year of employment as Town Manager.

The evaluation of the Employee shall at all times be conducted in closed session of the Board and shall be confidential to the maximum and full extent permitted by law. Nothing herein shall prohibit the Board or the Town Manager from sharing the content of the Town Manager's evaluation with their respective legal counsel.

Section 13: Outside Activities

The employment provided for by this Agreement shall be the Employee's sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the Employer and the community, the Employee may elect to accept limited teaching, consulting or other business opportunities with the

understanding that such arrangements shall not constitute interference with, nor a conflict of interest with, his or her responsibilities under this Agreement.

Section 14: Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as Town Manager or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, but only to the extent that Employer has insurance coverage in effect which covers such claim that and that includes coverage for Employee.

Employee recognizes that Employer or its insurer shall have the right to compromise in any claim or suit.

Section 15: Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 16: Left blank intentionally.

Section 17: Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- (1) EMPLOYER: The Honorable Rusty Knox, Mayor, Town of Davidson, 216 Main Street, Davidson, North Carolina
- (2) EMPLOYEE: Mr. James Justice

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 18: General Provisions

A. Integration. This Agreement sets forth and establishes the entire understanding between the Employer and the Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this agreement during the life of the agreement. Such amendments shall be incorporated and made a part of this agreement.

B. Binding Effect. This Agreement shall be binding on the Employer and the Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.

C. Effective Date. This Agreement shall become effective on the date first above appearing.

D. Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

E. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same Agreement.

IN WITNESS WHEREOF the Parties have executed this Agreement as of the day and year first above written.

EMPLOYEE

Name: James Justice

EMPLOYER:

TOWN OF DAVIDSON, NORTH CAROLINA

A Municipal Corporation

By: _____

Mayor:

ATTEST: _____

Town Clerk

APPROVED AS TO FORM:

By: _____

Town Attorney