



**TOWN OF DAVIDSON
BOARD OF COMMISSIONERS**

**Town Hall Board Room - 216 S. Main Street
November 13, 2018**

I. CALL TO ORDER

II. ANNOUNCEMENTS

- (a) **Blue Lights Memorial Tree - Police Chief Penny Dunn**

III. CHANGES TO AGENDA

IV. DISCUSSION - Items for discussion are typically when the board will engage on a topic and no vote is planned.

- (a) **Continuum Annual Update**
Town Manager Jamie Justice and Continuum Chief Executive Officer David Auger
Summary: Staff will provide an update on the status of Continuum which is the joint agency owned by the towns of Mooresville and Davidson through an interlocal agreement. Continuum provides broadband, phone, and cable services in and around Mooresville, Davidson, and Cornelius. The town board also requested that Continuum CEO David Auger attend and make a report as well.
- (b) **Affordable Housing Action Plan Update**
Town Attorney Cindy Reid and Affordable Housing Steering Committee Member Ed Harris
Summary: Following the Board of Commissioner mini- retreat in September, the BOC asked the Affordable Housing Steering Committee to make recommendations for the use of payment in lieu funds. The Committee recommendations seek to encourage development of new good homes for lower to moderate income households as well as preservation of existing homes.
- (c) **Proposed Tree Ordinance Text Amendments Update**
Planning Director Jason Burdette, Senior Planner Trey Akers, Planning Board Ordinance Committee Members Dave Cable, Ellen Donaldson, and Shawn Copeland
Summary: The Board of Commissioners have prioritized updating DPO Section 9: Tree Preservation as a high priority. Working with

Livability and Planning Board members, staff will present an update on high level topics and various options and seek direction/feedback from commissioners.

- (d) **251 South Street Planning Process Options Update**
Assistant Town Manager Dawn Blobaum
Summary: At the November 6 work session, the Board proposed a citizen-led task force for the 251 South Street Planning Process. Staff will present recommendations and a timeline for the task force and citizen input for 251 South Street and Public Facilities Master Plan.
- (e) **251 South Street Financing Bid Summary Update**
Finance Director Pieter Swart
Summary: Resolution 2018-27 directed staff to apply to the LGC for approval of financing for the purchase of 251 South Street for \$2.55 million. Staff issued an RFP to solicit bids to finance this project on both 15-year and 20-year maturities. Based on the Board of Commissioners approval, staff will complete final financing agreement and related documents. The Board of Commissioners will consider approval of the final financing contract at the November 27th meeting. Closing of the loan will be scheduled for on, or about, December 13, 2018.
- (f) **Noise Ordinance Final Recommendations**
Police Chief Penny Dunn
Summary: The recommended changes for the Town of Davidson noise ordinance are for the ease of understanding for residents and officers, establishment of reasonable and measurable levels of sound, and clearly defining the measuring location for officers responding to a complaint. If there are no additional changes, the Board will take action for approval at the November 27 meeting.

V. SUMMARIZE MEETING ACTION ITEMS

VI. CLOSED SESSION

- (a) **Closed Session - Consult Attorney NCGS 143-318.11. (a) (3) - Davidson Acquisition Company, et. al. v. Town of Davidson , et. al.**

VII. ADJOURN



Agenda Title: Blue Lights Memorial Tree - Police Chief Penny Dunn

Summary:

ATTACHMENTS:

Description

Upload Date

Type

No Attachments Available



**Agenda Title: Continuum Annual Update
Town Manager Jamie Justice and Continuum Chief Executive Officer David Auger**

Summary: Staff will provide an update on the status of Continuum which is the joint agency owned by the towns of Mooresville and Davidson through an interlocal agreement. Continuum provides broadband, phone, and cable services in and around Mooresville, Davidson, and Cornelius. The town board also requested that Continuum CEO David Auger attend and make a report as well.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▢	Agenda Memo - Continuum Annual Update 11-13-18	11/8/2018	Cover Memo
▢	Presentation - Davidson and Continuum Update 11-13-18	11/9/2018	Presentation



Continuum Update

To: Davidson Board of Commissioners
From: Jamie Justice, Town Manager
Date: November 13, 2018
Re: Continuum Update

1. OVERVIEW

The town board requested that staff provide an update on the status of Continuum which is the joint agency owned by the towns of Mooresville and Davidson through an interlocal agreement. Continuum provides broadband, phone, and cable services in and around Mooresville, Davidson, and Cornelius. The town board also requested that Continuum CEO David Auger attend and make a report as well.

Attached is the presentation.

2. RELATED TOWN GOALS

Strategic plan:

Operations Goal:

Tactical priority 1: sound financial management.

Core value(s):

- Open communication is essential to an engaged citizenry, so town government will seek and provide accurate, timely information and promote public discussion of important issues.
- Citizens entrust town government with the stewardship of public funds, so government will provide high quality services at a reasonable cost.
- Davidson exists in proximity to and is interdependent with other jurisdictions, so we strive for local, regional, state and federal cooperation.

Constituents served:

All citizens.

3. OPTIONS/PROS & CONS

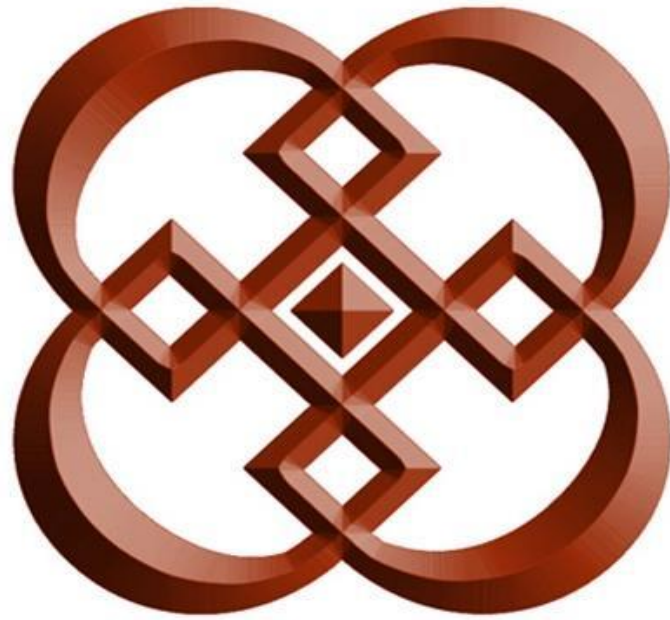
N/A

4. FYI or RECOMMENDED ACTION

Receive as information.

5. NEXT STEPS

Continue to monitor Continuum system performance and provide updated information as it becomes available on the town website.



The Town *of* Davidson

College Town. Lake Town. *Your Town.*

Continuum Update



College Town. Lake Town. *Your Town.*

Continuum Update
November 13, 2018

How did this all start?

- Citizens critical of poor service and lack of broadband
 - 2006-07 Town of Davidson was receiver of citizen complaints regarding cable due to franchise agreement
- Adelphia Cable declares bankruptcy
- Time Warner tells towns they will not enhance system's broadband capabilities
- Towns initiate right of first refusal to purchase system; Financial studies showed the system was viable
- Mooresville and Davidson purchase the system and form MI-Connection via interlocal agreement in August 2007



Purchase Financing

- Town of Mooresville is holder of Continuum debt
- The initial financing required a borrowing of \$80 million (including a required \$10 million reserve) in 2007
- An additional \$12.5 million was borrowed in 2008 to initiate system enhancements and operational needs
- In 2015, the original borrowing was refinanced with a lower interest rate, elimination of the reserve fund, and a prepayment option
- The \$12.5 million installment loan was also refinanced with a lower interest rate

Principal and Interest

As of November 1, 2018

Loan	Current Principal	Loan Maturity	Interest Rate Percent
COPs	\$55,750,000	2033	3.243
Installment	\$5,165,000	2023	2.36



College Town. Lake Town. *Your Town.*

Continuum Update
November 13, 2018

Financials

	Revenues (\$)	EBIDA*(\$)	Debt Service Contribution (\$)	Total Debt Service (\$)	Towns' Contribution (\$)
FY 2014	18,414,527	4,019,769	1,600,000	7,279,709	5,679,709
FY 2015	19,768,878	4,960,832	2,400,000	7,179,855	4,779,855
FY 2016	20,897,433	5,679,091	2,800,000	6,336,395	3,536,395
FY 2017	21,476,183	5,388,865	2,919,000	6,357,148	3,438,148
FY 2018	21,345,661	5,261,937	3,150,000	6,378,967	3,228,967
FY 2019 Budget	22,011,453	6,047,000	3,477,000	6,413,690	2,936,690

- Since FY2014, Continuum's contribution to debt service has nearly doubled

* EBIDA is earnings before interest, depreciation and amortization. GASB accounting standards require recognition of non-cash pension liabilities which increased EBIDA by \$40K in FY16 and decreased EBIDA by about \$100K in FY17 and FY18



Davidson's Obligation

- Davidson modified interlocal agreement in 2013 to lock in Davidson's financial interest at 30%
- Capped the town's annual payment at \$1 million
 - Represents 8.4% of town's FY2019 budget
 - Town contributed \$2.34 million in 2012
- 30% of current principal = \$18.275 million
- Deferred liability to Mooresville = \$1.8 million
- The Board of Commissioners has set aside \$1 million for expenses related to Continuum

Continuum Board of Directors

- Agency created by interlocal agreement subject to Local Government Commission oversight
- Town Managers are members of the board
- Davidson and Mooresville town boards appoint 5 additional voting members for 2 year terms
- Cornelius town board appoints a non-voting member
- CEO of Continuum is a non-voting member
- Board meetings are public and held quarterly
- Annual audit is required



Looking Forward



College Town. Lake Town. *Your Town.*

Continuum Update
November 13, 2018

How does TOD make projections?

- Best information we have available, and subject to change
- Updated as significant changes occur
- Key metric in industry is EBIDA
- Industry standards for EBIDA and margin, as a percentage of revenues
- Projections also require estimate of capital expenditures required to stay competitive in the marketplace
- Certain Continuum data falls under the NCGS 132-1.2, and therefore is not public information. Some of this data could be beneficial to Continuum's competitors in the marketplace, and therefore harmful to the Town of Davidson if released.

Financial Projections From Davidson Staff

- Davidson's deferred liability due to Mooresville could be paid off in FY2023 (without spending the \$1 million reserve)
- Continuum will see a significant drop in required contributions in FY2024 (may not require any town contributions)
 - Combination of payoff of installment loan (2023) and projected growth in EBIDA

Projected System Valuation & Debt

- Key projected target: System valued higher than the debt owed
 - 1-3 years
 - 10X – 7X EBIDA
- Another projection: System valued higher than debt owed and repay both towns for investment
 - 2026 if valued at 10x EBIDA

Your Local Choice Is Your Best Choice.



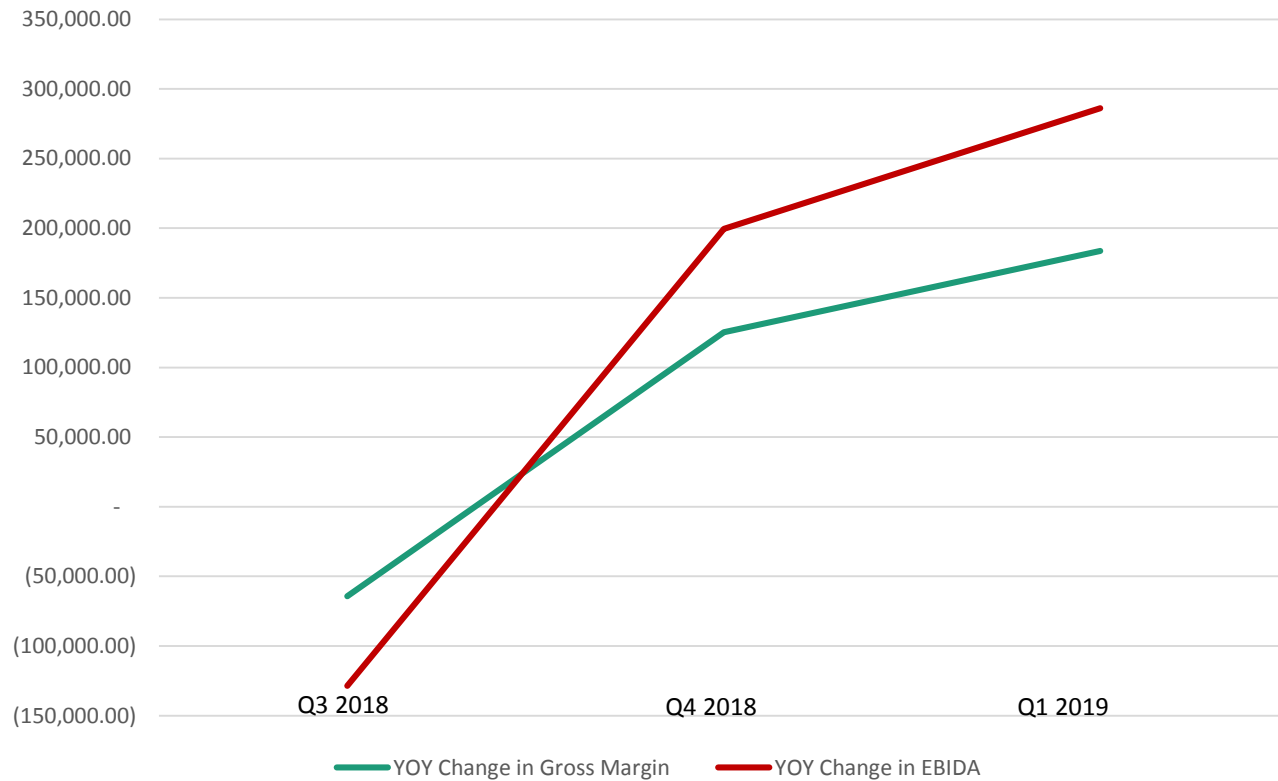


Financial & Trending Discussion

Adjusted Trailing EBIDA 2016-2018

	<u>2016</u>	<u>2017</u>	<u>2018</u>
Reported EBIDA	5,679,091	5,388,865	5,261,937
<u>Notable Non-Cash Impacts</u>			
LGERS Cash out vs. Final Pension Exp	<u>(39,668)</u>	<u>99,897</u>	<u>95,288</u>
EBIDA Adjusted	5,639,423	5,488,762	5,357,225
Rebranding Effort	<u>-</u>	<u>-</u>	<u>165,000</u>
EBIDA (Adjusted per above items)	<u>5,639,423</u>	<u>5,488,762</u>	<u>5,522,225</u>

Quarterly Year-Over-Year Trend



Continuum Technical and Operating Enhancements

Customer Experience

- ♦ Customer Happiness Guarantee: On-time appointment guarantee, 30 day money back guarantee, and open internet promise
- ♦ All residential service calls receive a local coupon book
- ♦ On-Line Chat launched November 1
- ♦ Annual Free Summer Movies - VOD
- ♦ Speed Need Calculator feature added to website
- ♦ 100% Local Technical Support 24/7, 365

Continuum Network Scalability Project

- ♦ Continuum Network Strategy Summary
 - ♦ Scalable Hybrid-Fiber Coax Network today can achieve data download speeds of 1 GBPS with a reasonable capital outlay
 - ♦ Continuum is investing in the network to achieve 1 GBPS
 - ♦ All new construction since 2013 is built with Fiber-to-the-Home architecture
- ♦ 500 MBPS Phase Completed
 - ♦ Migrated 10 analog channels to digital on November 10
 - ♦ Increased data allocation of spectrum from 24 channels to 32 channels
 - ♦ November 30 launch

Data Speed Increases

♦ Speed increases and new product offering to launch
November 30, 2018

♦ No additional cost for customers

•25x5	----->	50x5
•50x5	----->	100x10
•75x5	----->	150x10
•100x10	----->	200x10
•200x20	----->	300x20
•New Product:		500x20

Internet-Based Video

- ♦ MobiTV to be launched February 2019
- ♦ Internet Delivered, web-based
- ♦ Sophisticated customer interface
- ♦ No converter box required
- ♦ "Skinny Bundles" to be included in offering after February
- ♦ Initial target market---Cord Cutters



**Agenda Title: Affordable Housing Action Plan Update
Town Attorney Cindy Reid and Affordable Housing Steering Committee Member Ed Harris**

Summary: Following the Board of Commissioner mini- retreat in September, the BOC asked the Affordable Housing Steering Committee to make recommendations for the use of payment in lieu funds. The Committee recommendations seek to encourage development of new good homes for lower to moderate income households as well as preservation of existing homes.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▢	Agenda Memo - Affordable Housing Steering Committee Proposal 11-13-18	11/9/2018	Cover Memo
▢	Attachment - Affordable Housing Steering Committee Proposal 11-13-18	11/12/2018	Cover Memo



To: Davidson Board of Commissioners
From: Cindy Reid/Affordable Housing Steering Committee Representative Ed Harris
Date: November 13, 2018
Re: Affordable Housing Recommendations

1. OVERVIEW

Following the Board of Commissioner mini- retreat in September, the BOC asked the Affordable Housing Steering Committee to make recommendations for the use of payment in lieu funds. The PIL fund balance is \$2, 248, 950. The Committee recommendations seek to encourage development of new good homes for lower to moderate income households as well as preservation of existing homes.

2. RELATED TOWN GOALS

Strategic Plan: The Town of Davidson will preserve existing affordable housing,* and other indicia of inclusion, and work with a variety of partners to create new available, affordable workforce and elderly housing.

*Affordable housing for the Town of Davidson is defined as incomes between 50% and 120% AMI

Core Value: 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.

Serve: Households that earn less than 60% and up to 120% AMI.

3. OPTIONS/PROS & CONS

N/A

4. FYI or RECOMMENDED ACTION

Recommended action: approve use of PIL funds as recommended by the Committee.

5. NEXT STEPS

The Committee will report back to the BOC on the use of PIL funds. For example, when PIL funds are used to make emergency repairs to a home, an FYI email will be sent to the Board prior to the work being done and Cindy will update the Board at a work session when the work is completed.

CURRENT AMOUNT OF PIL -\$2,248,950

New Development

A. Senior/Townhome/Family Rental Development of 35-45 units. This project could include a mix of low income and average income or above. For example, a portion of the units could be allocated to 30% - 80% AMI and a portion of the units allocated to those with no income restrictions.

a. Subcommittee report: \$1.2M + and land at no cost to developer. This is the cleanest and simplest method of creating low income or mixed income housing. The TOD provides the land and an appropriate subsidy to create the housing types desired and a developer delivers the product while a nonprofit finds the occupants and manages the project.

b. An affordable housing project, as rental or for sale units, should be included in the Master Plan for the IB School. This site is the only town owned site that is large enough, is outside the watershed requirements and relocation of an existing town facility is not required. Additionally, the Public Works property is an underutilized asset of the town and serious work should be done to find an alternate location more appropriate for storage and heavy equipment use. Redevelopment of the Public Works site as a mixed income residential rental property would greatly enhance the aesthetics of the street and provide housing in a central location of town. Also, once the Parks and Rec site no longer houses that department, the property should be considered for the development of a small townhouse type project for low income families.

B. Down Payment Assistance - \$60,000 annually

a. Current: \$7000 max. limited to households earning 80% to 120% AMI.

b. INCREASE TO \$10,000 FOR PUBLIC SAFETY EMPLOYEES- POLICE, FIRE AND OTHER CRITICAL NEEDS EMPLOYEES (such as EMS and Public Works for emergencies and clearing tasks). Grant, declining balance 10% per year, forgiven after 10 years.

Preservation

C. Purchase of land - \$600,000

Land for building affordable housing should be of the highest priority. Local builders can deliver single family homes or townhomes for \$125,000 per unit excluding land cost.

a. Land Trust –

- An Affordable Housing Director should be hired to administer the Trust in conjunction with the BOC. The Director would be an independent position, possibly part time to advocate for affordable housing, handle RFP's, oversee developments, insure compliance with regulations and administer PIL funds.
- Opportunity to work with builders through this model. (ex. Summers Walk or Villages at South Main) Builders should be encouraged to donate lots or acreage for future development by affordable housing builders. It is the cleanest, simplest way to generate the housing. Similar to Bailey Springs, the land is donated in lieu of a payment, or town purchases at reduced market rate, issues an RFP to affordable housing developers to

build the housing in conjunction with a non- profit organization to manage the units or HOA.

b. 335 Sloan Street-

Purchase of 335 Sloan Street (-\$200,000 from \$600,000).

Already approved by BOC to come from PIL funds. \$100,000 will be reimbursed by NCDOT at the end of the project.

Committee **did not** recommend this. Committee wants to limit total funds from PIL to \$200,000 with \$100,000 reimbursed.

D. Existing Home Repair and Preservation of Naturally Affordable Homes -\$200,000

a. Critical and emergency repairs to homes of low-income owners should be made. This money should be spent only for critical and emergency repairs with no lien imposed.

b. For general home repairs and remodeling, a lien should be made for the cost and repaid upon sale. (The danger here is putting money into homes that are subject to being sold and torn down in order to build market rate homes.)

c. Available to all people in the program and to Habitat and Hammers.

d. Increase amount as more PIL funds become available.

E. Lease of Shearer Street House to Ada Jenkins This is a two-bedroom house owned by the town, and currently vacant. The Ada Jenkins Center wants to lease it at a very low rent (\$400- \$500). Ada will call this the "Training House" and will help families on a short-term basis, 6 months or less, to transition to a stable, affordable, good home. The family will receive whatever counseling is necessary, and pay Ada a small rent. Recommendation – lease to Ada for a year and revisit the arrangement at the end of the year to see if it is working.

F. Service Contract with DHC \$10,000 per year, set aside for 3 years, total \$30,000

Operating expenses \$10,000 per year.

DHC should provide a budget for home ownership education and counseling of low- income families that qualify for affordable house purchase.

G. HAMMERS \$5000 (annual appropriation as determined by the Livability Board and BOC)

This has already been approved by the BOC to come from PIL funds.

\$153,950 remaining (after NCDOT reimbursement \$253, 950)



Agenda Title: **Proposed Tree Ordinance Text Amendments Update**
Planning Director Jason Burdette, Senior Planner Trey Akers, Planning Board Ordinance Committee Members Dave Cable, Ellen Donaldson, and Shawn Copeland

Summary: The Board of Commissioners have prioritized updating DPO Section 9: Tree Preservation as a high priority. Working with Livability and Planning Board members, staff will present an update on high level topics and various options and seek direction/feedback from commissioners.

Summary:

ATTACHMENTS:

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▣	Agenda Memo - DPO 9 Tree Ordinance Update 11-13-18	11/9/2018	Cover Memo
▣	Presentation - DPO 9 Tree Ordinance Update 11-13-18	11/13/2018	Presentation



MEMO: TREE ORDINANCE TEXT AMENDMENTS

Date: November 13, 2018
To: Planning Board of Commissioners
From: Jason Burdette, Planning Director
Re: DPO Section 9 (Trees/Landscaping Ordinance) - Text Amendments

The following sections highlight the proposed text amendments history, alignment with town aims, public engagement, pros/cons, and anticipated schedule/potential action.

1. OVERVIEW

BACKGROUND

- **Purpose:** The standards promote the creation of a healthy tree canopy and landscape by establishing rules to regulate the establishment, preservation, and maintenance of natural features at the lot and site/master plan level.
- **Background:** In December 2016 the Livability Board suggested revising the standards to institute best practices, make adjustments, and clarify administration procedures. Updating the tree ordinance is listed as a high priority on the planning department workplan.

ATTACHMENTS

- **Presentation:** Provides an overview of the higher-level topics and policy options being considered as part of the proposed amendments.

2. RELATED TOWN GOALS

STRATEGIC PLAN ALIGNMENT

- **Land Use Strategy:** The proposed standards consider the revision of development processes to more effectively guide the approval of landscape plans and tree permits.
- **Historic Preservation Strategy:** The proposed standards allow contemplate how to increase incentives for the preservation of healthy, mature trees that contribute to the town's authenticity as a historic, small college town.
- **Operations:** The standards would clarify the administrative and approval processes for DPO 9.
- **Partnerships:** The town's advisory boards have been and will continue to be involved throughout the process. Additionally, guidance has been sought from arborists with Mecklenburg County. Lastly, the proposed amendments contemplate partnering with local organizations that could help incentivize tree canopy establishment and preservation.

CORE VALUES

- **Open Communication:** Advisory board members have and will continue to play an instrumental role in reviewing/revising standards and engaging citizens.
- **Traditional Character:** The proposed standards would indirectly reinforce the historic character of existing streets throughout town while ensuring new streets are built in the same manner.
- **Healthy Environment:** The standards help to protect and enhance the town's tree canopy.

COMPREHENSIVE PLAN

- **Enable Faithful Stewardship, Goal 2 - Preserve Natural Habitats, the Lakeshore, and the Tree Canopy:** This goal recommends a variety of approaches being contemplated by the proposed policies and amendments, including:
 - » Promote healthy pruning techniques;
 - » Set measurable goals to increase and sustain forest cover;
 - » Consider using only native, drought-tolerant species in town landscaping projects;
 - » Create incentives and/or funds to assist landowners in mitigating tree removal through care practices or replanting;
 - » Create a tree canopy replanting and management plan;
 - » Revise requirements to better preserve existing tree canopy.

CONSTITUENTS SERVED

- **All Citizens:** Residents across town experience the beauty of trees on our streets and in our public spaces and are positively impacted by the improved air quality that trees provide.
- **Administration/Government:** The proposed amendments increase administrative clarity, including application of standards and processes, compared to the current standards. This benefits landowners, too, who will have a better idea of steps needed to obtain approval.

3. OPTIONS/PROS & CONS

HIGH-LEVEL TOPICS

For the November 13, 2018 board of commissioners meeting the following topics will be discussed and policy direction sought/confirmed:

- **Arborist Involvement:** Should the town utilize an arborist in review/permitting activities?
- **Tree Fund:** Should the town establish a tree fund to pay for an arborist and/or provide supporting funds to partner organizations to help incentivize/support tree preservation and establishment?
- **Landscape Bonds/Warranty:** Should the town establish a specific mechanism by which bonds and warranties are implemented as part of DPO 9?
- **Canopy Preservation & Establishment:** Should the town pursue amendments that increase the amount of canopy provided by existing and new plantings? Should the town conduct an analysis to understand its historic and current canopy coverage?
- **Permitting/Removal Criteria:** Should the town require arborist involvement in the permit process?
- **Remediation Provisions:** Should the town modify the financial penalties associated with violations?

4. FYI/RECOMMENDED ACTION

- **Feedback:** The November 13, 2018 meeting is an opportunity for commissioners to provide guidance concerning the high-level policy decisions being contemplated by the amendments.

5. NEXT STEPS

- **November 13, 2018:** Commissioners discussion/feedback provided.
- **November/December 2018:** Continued research and Planning/Livability Board engagement through their respective ordinance committees. Potential canopy study through early 2019.
- **January 2018:** Additional modifications and continued input by boards.
- **Late Winter 2019:** Public hearing, Planning Board recommendation, commissioner consideration of approval.

TEXT AMENDMENTS UPDATE

DPO 9 TREE PRESERVATION, LANDSCAPING, & SCREENING



PURPOSE

Healthy, Mature Canopy

Improve/Calibrate Standards

Preserve, Protect, Enhance

Enduring Compliance

HIGH LEVEL TOPICS

- Arborist Involvement
- Tree Fund
- Landscape Bonds/Warranty
- Canopy Preservation & Establishment
- Permitting/Removal Criteria
- Remediation Provisions

ARBORIST

- **Purpose:**

- Secure Expertise
- Involve Early/Throughout
- Facilitate Best Practices
- Educate Landowners/Staff

- **Options:**

- No Arborist [Current Practice]
- Town Contracts
- Shared Resource/Other Towns



TREE FUND*

- **Purpose:**

- Fund Arborist Involvement
- Provide Grants to Support Organizations/Initiatives

- **Options:**

- No Fund [Current Practice]
- Fully Funded from Day 1 by Town
- Initial Funding from Town, then Dev. Projects
- Initial Funding from Dev. Projects [Time to Build Up]

**Requires Initial/Ongoing Revenue*

The background of the slide is a photograph of a lush green landscape. The top half shows a dense line of trees with various shades of green foliage. A bright yellow banner with a subtle floral pattern runs horizontally across the middle of the slide, containing the text. The bottom half of the slide shows a well-maintained green lawn in the foreground, with a flower bed containing red and yellow flowers and some green shrubs to the left.

LANDSCAPE BOND

- **Purpose:**

- Est. Clear Responsibility
- Ensure Execution of Plans
- Provide Enforceable Recourse

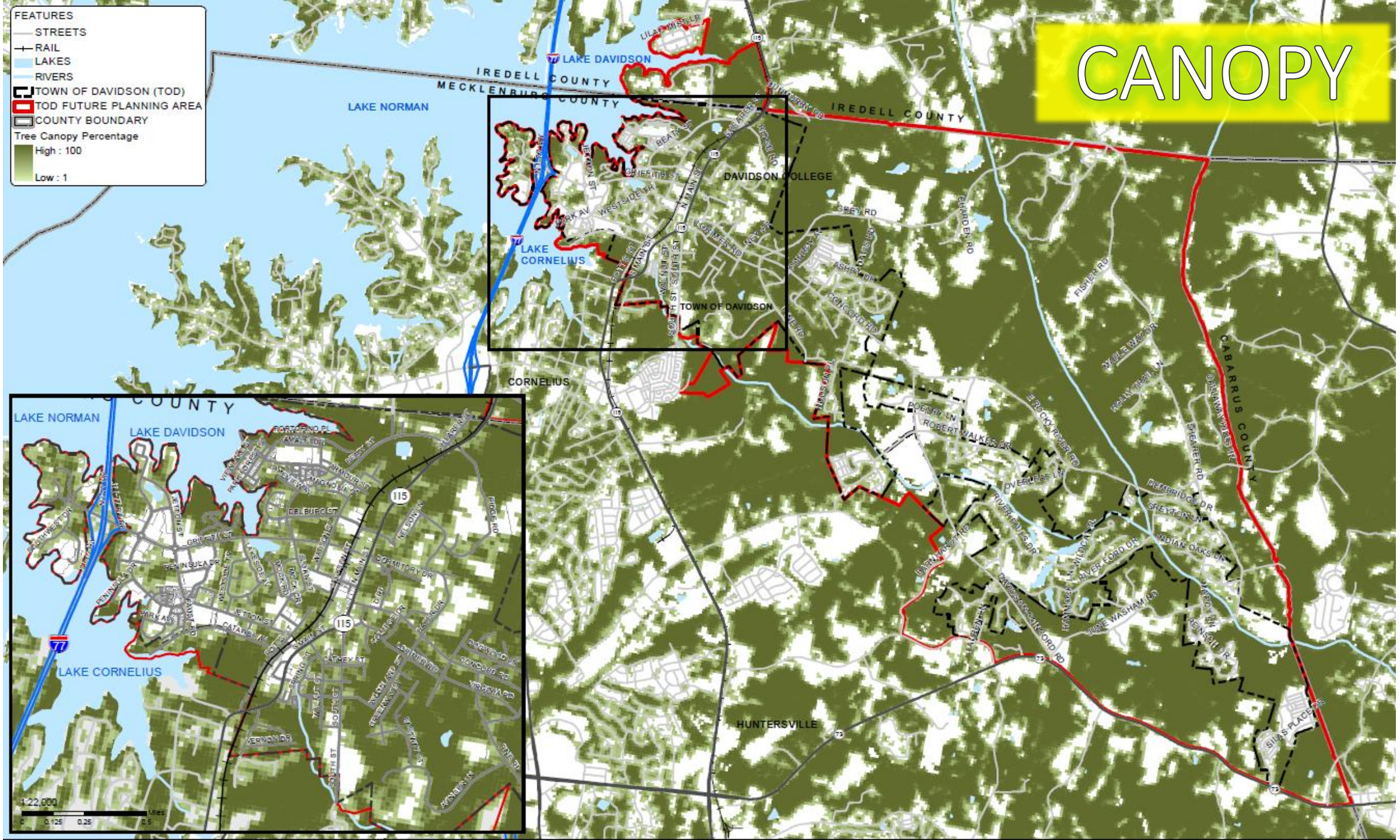
- **Options:**

- Enhanced TOD Bonds [125% of Landscape Cost]
- Meck. County Bonds [Current Practice, 80% of Total Cost]

CANOPY

- Canopy Coverage Goal: Data-Driven, Policy-Aligned/Enforced
- Preservation & Establishment:
 - Ex: Rural Landscape with Limited Trees
- Prescriptive & Descriptive Approaches:
 - Prescrip: Case Studies Needed (X Trees/SF)
 - Descrip: Project Level vs. Lot Level [or ROW]
- Preservation: Mature Tree Canopy Min.

CANOPY

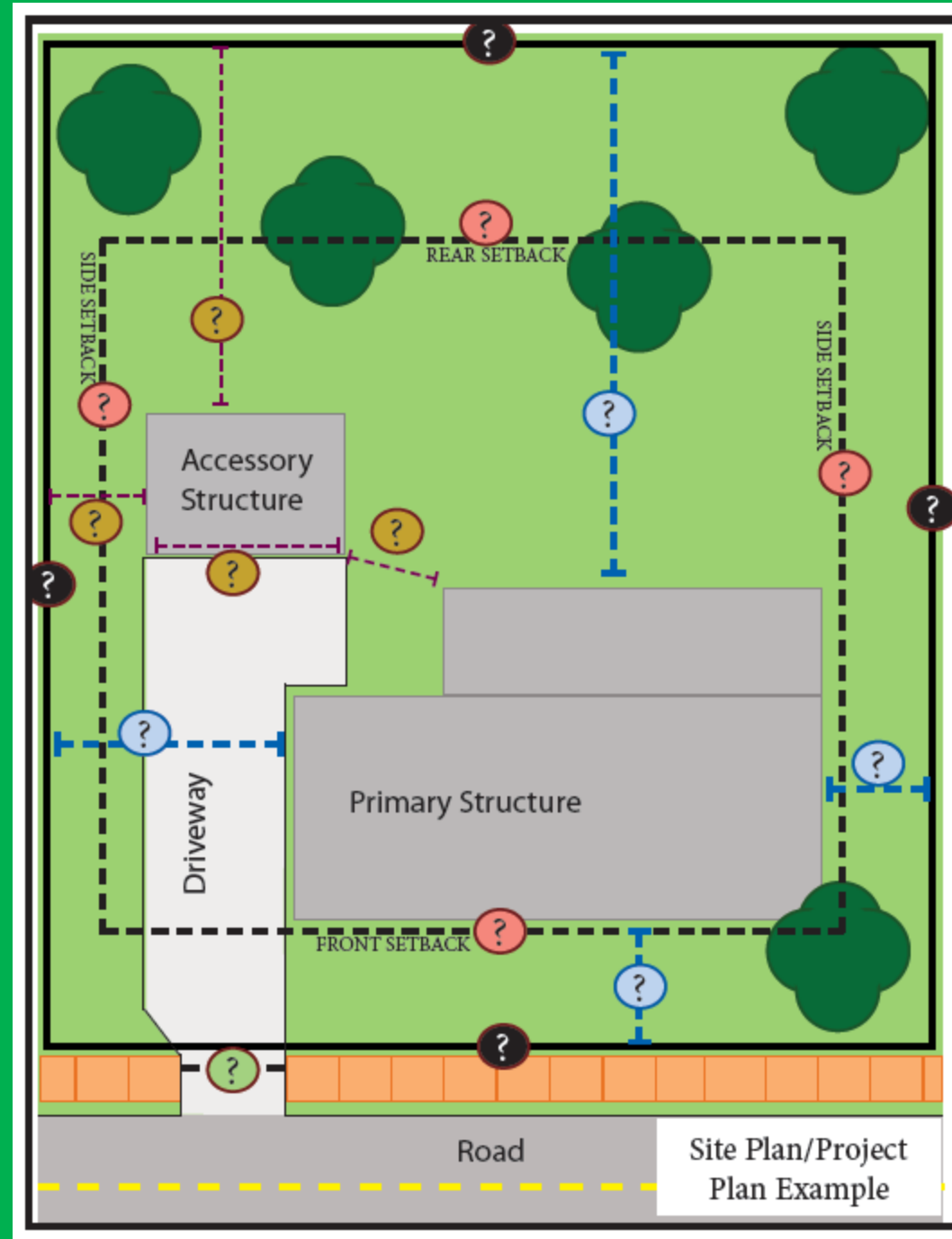


CANOPY – STREET TREES

- Street Trees: Important Specimens/Worth Attention
- Inventory: Underway; Mgt. Potential
- Focus Areas:
 - Public vs. Private
 - Planting Strip



TYPICAL LOT DIAGRAM



* Existing Lot/Not
Part of a Master
Plan

TREE REMOVAL

- **Purpose:**

- Improve Permitting/Arborist
- Qualifying/Non-Qualifying Tree

- **Options:**

- Minimal Review [Current Practice]
- Enhanced Review/Permitting
 - Arborist Consultation Req'd
- Historic District





REMEDIATION

- **Purpose:**

- Master Plans: Maintained as Approved
- Qualifying/Non-Qualifying Tree

- **Options:**

- Flat Fee: \$50 [Current Practice]
- Calibrated Fee: \$XX/DBH + Age
 - » Location Factor: Front/Rear Yard
- Violations: Fee/Replacement
 - » Link to Tree Fund [Not Schools]

NEXT STEPS

Continued Research
Sustained PBOC Engagement
Planning/Livability Board Review
Additional Modifications
Public Hearing
Planning Board Recommendation
BOC Consideration of Approval



Agenda Title: 251 South Street Planning Process Options Update
Assistant Town Manager Dawn Blobaum

Summary: At the November 6 work session, the Board proposed a citizen-led task force for the 251 South Street Planning Process. Staff will present recommendations and a timeline for the task force and citizen input for 251 South Street and Public Facilities Master Plan.

Summary:

ATTACHMENTS:

Description		Upload Date	Type
▢	Agenda Memo - 251 South Street Planning	11/9/2018	Cover Memo
	Process Options Update 11-13-18		



251 South Street Planning Process Options Update

Date: 11-13-2018
To: Davidson Board of Commissioners
From: Dawn Blobaum, Assistant Town Manager
Re: 251 South Street Planning Process Options Update

1. OVERVIEW

251 South Street Task Force proposal

A citizen-led task force for master planning the South Street property could have a charge to:

- A. Produce a conceptual master plan for the 5-acre site with the IB School building and its parking component carved out, or
- B. Produce a conceptual master plan for the entire 5-acre parcel (a “blank slate” approach).

The schedule for Option A would be approximately 12 months. Additional time would be required for Option B to bring the task force up to speed and gather their input on the process to date for the public facilities project, i.e. the space needs assessment, proposed uses and layout for the IB School building, historic landmark parameters for the building and site, etc. Depending on the task force, that could be several additional months.

An option for creation of the task force would be to include the following:

- One member of the Livability Board
- One member of the Planning Board
- One member of the Affordable Housing Committee
- One member of the DRB/Historic Preservation Commission
- One member of the Public Art Commission
- One staff person of the Charlotte-Mecklenburg Historic Landmarks Commission
- Three representatives of the neighborhood
- Four citizens at-large

Approximate timeline for 251 South Street Task Force (Option A above)

- Applications for task force online and at town hall: after decision by BoC - end of November through end of December

- BoC or several commissioners determine appropriate number of task force members, several commissioners choose members from applications received, and present to entire BoC for approval: January
- Citizen Survey question about use of property: included in January mailing, preliminary/draft results March 25
- Task force meetings:
 1. January: Choose chair(s), discuss overall process, timeline, and ideas for public input sessions and online surveys
 2. February: Task force finalizes questions for online survey #1, discusses public input session, and vets RFP for consultant
 - RFP sent to consultants: end of February
 - Receipt of responses: mid- to late March
- Online survey #1 to all citizens: March (available for three weeks)
 3. April: Task force interviews and chooses consultant (or BoC choice?), determines process for public input sessions
- Approve contract for consultant: April/beginning of May
 4. Mid-May: Task force meets with consultant to discuss ideas for use of property and participation in public input process
 5. Late May: Public input session #1 with consultant on site
- Staff documents citizen survey responses, online survey #1 information, and public input session #1 results, and summarizes for task force and consultant: June
 6. June: Task force analyzes public input, gives direction to consultant for preliminary design
- Consultant begins preliminary sketch concepts from task force ideas and public input: June
- Task force reports to BoC on public input, their ideas for property: late June/beginning of July
- Online survey #2 to all citizens: July (available for three weeks)
 8. July: Public input session #2 with consultant and preliminary sketch concepts on site
 9. August: Task force meets with consultant to determine direction of conceptual master plan
- Consultant begins first draft of conceptual master plan: August
- Staff amalgamates survey #2 information, public input session #2 results, and summarizes for task force and consultant: August
 10. September: Task force meeting with consultant to discuss public input and refine conceptual master plan
- Task force reports to BoC with first draft of conceptual design for input: late September
- Consultant finalizes conceptual design, including BoC input: October
 11. Late October: Consultant presents final conceptual master plan to task force
- Task force reports to BoC with final conceptual master plan: November

- Charlotte-Mecklenburg Historic Landmarks Commission review of conceptual master plan: December

We estimate that the cost for Option A would be \$50,000 to \$80,000 and the cost of Option B would be \$75,000 to \$95,000.

2. RELATED TOWN GOALS

Strategic Plan: Community Engagement; Historic Preservation; 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. FYI or RECOMMENDED ACTION

Requested actions: Select a planning scope

4. OPTIONS/PROS & CONS

Option A allows us to continue with the public facilities project while master planning the remainder of the South Street site. Option B allows citizens to choose their preferred use of the IB School building.

5. NEXT STEP

Either option: Proceed with the application process for the citizen task force. Option B: Design schedule and timeline for task force.



**Agenda Title: 251 South Street Financing Bid Summary Update
Finance Director Pieter Swart**

Summary: Resolution 2018-27 directed staff to apply to the LGC for approval of financing for the purchase of 251 South Street for \$2.55 million. Staff issued an RFP to solicit bids to finance this project on both 15-year and 20-year maturities. Based on the Board of Commissioners approval, staff will complete final financing agreement and related documents. The Board of Commissioners will consider approval of the final financing contract at the November 27th meeting. Closing of the loan will be scheduled for on, or about, December 13, 2018.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▣	Agenda Memo - 251 South Street Financing Bid Summary Update 11-13-18	11/9/2018	Cover Memo
▣	Attachment - 251 South Street Bank Bid Summary 11-13-18	11/9/2018	Backup Material
▣	Attachment - 251 South Street 15Y vs 20Y analysis 11-3-18	11/9/2018	Backup Material



Consider selection of lender to finance 251 South Street property, and direct staff to negotiate financing contract

Date: November 13, 2018

To: Davidson Board of Commissioners

From: Piet Swart, Finance Director

1. OVERVIEW

Resolution 2018-27 directed staff to apply to the LGC for approval of financing for the purchase of 251 South Street for \$2.55 million. Staff issued an RFP to solicit bids to finance this project on both 15-year and 20-year maturities.

2. RELATED TOWN GOALS

Davidson strategic plan goal #8 (2)

3. OPTIONS/PROS & CONS

The Town received RFP responses from 4 lenders on the 15-year maturity and 2 lenders on the 20-year maturity. A bid summary is attached to this agenda item.

4. FYI or RECOMMENDED ACTION

Staff recommends the Board move forward with the “Sterling Bank (option 1)” 20-year proposal at 3.89%, as this will better tie to the potential GO Bond referendum for renovations to the building. The Sterling proposal is 1.6 basis points higher than the Capital One proposal, however, the Capital One borrowing is non-callable for the first 7 years of the loan, as opposed to Sterling’s 1-year non-callable provision.

Based on FY2019 ad valorem taxes, the debt service will be \$44,000 less than the lowest 15-year maturity option in first year of debt repayment (FY2021). This is equivalent to about ¼ penny on the ad valorem rate. Over the life of the debt repayment, the 20-year option will cost \$284K more than the 15-year option.

On September 11, 2018 the Board approved the use of \$27,000 from the Public Facilities Capital Project Fund (\$10K escrow deposit and \$12K legal fees related to the closing), with Board approval staff will include these costs in the borrowing amount.

5. NEXT STEPS

Based on the Board of Commissioners approval, staff will complete final financing agreement and related documents. The Board of Commissioners will consider approval of the final financing contract on November 27, 2018. Closing of the loan will be scheduled for on, or about, December 13, 2018.

Town of Davidson, North Carolina

\$2,550,000 Installment Financing Contract

Summary of Bids Received

November 6, 2018

15-Year Term

Bank	Rate	Effective Rate	Prepayment	Legal Fees	Additional Terms
Capital One	3.680%	3.720%	Years 1-5 Non-Callable Year 6 @ 102% Year 7 @ 101% Years 8-15 @ 100%	\$7,500	Requires title search indicating that free and clear title to the ground-leased property rests with the Town Requires validity opinion of legal counsel Rate subject to change if transaction does not close by 12/13/18 Term sheet shall expire if not accepted by 11/13/18 Provide audited financial statements upon request, as soon as available Subject to final credit approval
Sterling National Bank (Option A)	3.710%	3.710%	Years 1 Non-Callable Years 2-15 @ 101%	\$0	Rate subject to change if transaction does not close by 12/13/18 Requires validity opinion of legal counsel Term sheet shall expire if not accepted by 11/30/18 Subject to final credit approval
Zions Bank	3.7300%	3.730%	Anytime @ 100%	\$0	Provide audited financial statements within 270 days of FYE Rate subject to change if transaction does not close by 1/5/19 Requires validity and tax opinion of bond counsel Requires title insurance policy Subject to final credit approval
Sterling National Bank (Option B)	3.740%	3.740%	Anytime @ 101%	\$0	Rate subject to change if transaction does not close by 12/13/18 Requires validity opinion of legal counsel Term sheet shall expire if not accepted by 11/30/18 Subject to final credit approval
BB&T	3.7600%	3.770%	Anytime @ 100%	\$1,900	Rate subject to change if transaction does not close by 12/20/18 Tax gross-up language Provide audited financial statements within 270 days of FYE Subject to material adverse change in the financial condition of the town prior to closing Subject to material adverse change in the law prior to closing Subject to final credit approval

20-Year Term

Bank	Rate	Effective Rate	Prepayment	Legal Fees	Additional Terms
Capital One	3.840%	3.874%	Years 1-7 Non-Callable Year 8 @ 102% Year 9 @ 101% Years 10-20 @ 100%	\$7,500	Requires title search indicating that free and clear title to the ground-leased property rests with the Town Requires validity opinion of legal counsel Rate subject to change if transaction does not close by 12/13/18 Term sheet shall expire if not accepted by 11/13/18 Provide audited financial statements upon request, as soon as available Subject to final credit approval
Sterling National Bank (Option A)	3.890%	3.890%	Years 1 Non-Callable Years 2-15 @ 101%	\$0	Rate subject to change if transaction does not close by 12/13/18 Requires validity opinion of legal counsel Term sheet shall expire if not accepted by 11/30/18 Subject to final credit approval
Sterling National Bank (Option B)	3.910%	3.910%	Anytime @ 101%	\$0	Rate subject to change if transaction does not close by 12/13/18 Requires validity opinion of legal counsel Term sheet shall expire if not accepted by 11/30/18 Subject to final credit approval

Town of Davidson, North Carolina

15 Year Amortization vs. 20 Year Amortization Analysis

11/9/2018

15 Year Term: Zions Bank				20 Year Term: Sterling National Bank			Difference
Summary Statistics				Summary Statistics			
Dated Date:		12/13/2018		Dated Date:		12/13/2018	-
First Coupon:		11/1/2019		First Coupon:		11/1/2019	-
Interest Rate:		3.73%		Interest Rate:		3.89%	-0.16%
Maximum Annual Debt Service:		278,115		Maximum Annual Debt Service:		234,195	43,920
Total Debt Service:		3,394,491		Total Debt Service:		3,678,003	(283,512)
Sources and Uses				Sources and Uses			
Sources:				Sources:			
Par Amount		2,550,000		Par Amount		2,550,000	-
Total		2,550,000		Total		2,550,000	-
Uses:				Uses:			
Project Fund		2,521,250		Project Fund		2,528,750	(7,500)
Cost of Issuance/ Closing Costs		28,750		Cost of Issuance/ Closing Costs		21,250	7,500
Total		2,550,000		Total		2,550,000	-
	Annual Debt Service Requirements			Annual Debt Service Requirements			
Fiscal Year	Principal	Interest	Debt Service	Principal	Interest	Debt Service	Difference in D/S
2020	-	131,576	131,576	-	137,220	137,220	(5,644)
2021	183,000	95,115	278,115	135,000	99,195	234,195	43,920
2022	183,000	88,289	271,289	135,000	93,944	228,944	42,346
2023	182,000	81,463	263,463	135,000	88,692	223,692	39,771
2024	182,000	74,675	256,675	135,000	83,441	218,441	38,234
2025	182,000	67,886	249,886	134,000	78,189	212,189	37,697
2026	182,000	61,097	243,097	134,000	72,976	206,976	36,121
2027	182,000	54,309	236,309	134,000	67,764	201,764	34,545
2028	182,000	47,520	229,520	134,000	62,551	196,551	32,969
2029	182,000	40,732	222,732	134,000	57,339	191,339	31,393
2030	182,000	33,943	215,943	134,000	52,126	186,126	29,817
2031	182,000	27,154	209,154	134,000	46,913	180,913	28,241
2032	182,000	20,366	202,366	134,000	41,701	175,701	26,665
2033	182,000	13,577	195,577	134,000	36,488	170,488	25,089
2034	182,000	6,789	188,789	134,000	31,276	165,276	23,513
2035	-	-	-	134,000	26,063	160,063	(160,063)
2036	-	-	-	134,000	20,850	154,850	(154,850)
2037	-	-	-	134,000	15,638	149,638	(149,638)
2038	-	-	-	134,000	10,425	144,425	(144,425)
2039	-	-	-	134,000	5,213	139,213	(139,213)
Total:	2,550,000	844,491	3,394,491	2,550,000	1,128,003	3,678,003	(283,512)



**Agenda Title: Noise Ordinance Final Recommendations
Police Chief Penny Dunn**

Summary: The recommended changes for the Town of Davidson noise ordinance are for the ease of understanding for residents and officers, establishment of reasonable and measurable levels of sound, and clearly defining the measuring location for officers responding to a complaint. If there are no additional changes, the Board will take action for approval at the November 27 meeting.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▣	Agenda Memo - Noise Ordinance Final Recommendations 11-13-18	11/8/2018	Cover Memo
▣	Attachment - Noise Ordinance Final Recommendations 11-13-18	11/8/2018	Ordinance



Noise Ordinance Revision Recommendations

To: Davidson Board of Commissioners
From: Penny L. Dunn, Chief of Police
Date: August 29, 2018
Re: Study Results and Recommendations for Changes to Noise Ordinance

1. OVERVIEW

A study of like-environment-towns/cities was completed along with gathering of information related to noise related complaints and safe sound levels. The number of complaints for noise in the Town of Davidson for 2017 was 103 in total. Eleven complaints were from residents complaining of noise emanating from the Davidson College campus with seven of the eleven complaints made by one resident on Naramore Street. Other noise complaints are for a variety of reasons, including a neighbor walking or stomping loudly, music, people talking/arguing loudly, construction equipment operating, etc.

The study revealed inconsistency for municipal areas home to a small college (less than 6,000 students) for levels of sound, type of environment, location of the source, and measuring. The study included several colleges in North Carolina and one each from Ohio, Pennsylvania, and Virginia. (Belmont Abbey, Elon, Guilford, Lenoir-Rhyne, High Point, Dickinson, Denison, and Washington & Lee.) State statutes may influence enforcement capabilities. One fairly consistent factor was the time of night for infractions to be enforced. The night time hours of 11p – 7a, with no distinction for day of the week, was consistently listed for quieter levels of sound disruption and enforcement by police. Those municipalities that used decibel measuring for enforcement ranged from 52 decibels to 80 decibels. Fines for infractions ranged from \$50 to \$1,000 per infraction with some escalating for subsequent infractions. Measuring distance was split between options of a specific distance from the violators property and measuring from the complainant's property line.

Information on safe sound levels from the Environmental Protection Agency and the World Health Organization recommend a maximum of 70 decibels when there is continuous exposure. Continuous exposures are likely to occur in a work environment where hearing protection would be recommended.

The recommended changes for the Town of Davidson noise ordinance are for the ease of understanding for residents and officers, establishment of reasonable and measurable levels of sound, and clearly defining the measuring location for officers responding to a complaint.

2. RELATED TOWN GOALS

Core Values:

- Citizens are the heart of Davidson, so town government will treat all people fairly, with courtesy and respect.
- Open communication is essential to an engaged citizenry, so town government will seek and provide accurate, timely information and promote public discussion of important issues.
- Davidson's traditional character is that of a small, historic college town, so land planning will reflect its historic patterns of village-centered growth including connection of neighborhoods, preservation of our historic resources, conservation of rural area, and provision of public spaces.

3. OPTIONS/PROS & CONS

Pros:

- Provides consistency in ordinance language
- Establishes measuring standards and decibel levels using comparative data and scientific research
- Reduces confusion for officers and citizens with consistent days and times for infractions
- Comparison to like municipal environments
- Institutional property was added to encompass properties not previously included
- Responds to requests from board members, students, and citizens to review current ordinance

Cons:

- Extends hour for higher decibel level
- Increases decibel range

4. FYI or RECOMMENDED ACTION

Providing Board with information on ordinance as requested following study.

5. NEXT STEPS

Board consider proposed changes

Board makes recommendations

Board revises current ordinance and passes approved changes to ordinance

Town of Davidson – Noise Ordinance

- **ARTICLE III. - NOISE**
- **Sec. 30-71. - Purpose.**

It is recognized that people have a right to, and should, be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of their life. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life of the citizens of the town through the reduction, control and prevention of noise.

(Ord. of 8-8-2006; Ord. of 1-25-2011(1))

- **Sec. 30-72. - Standards of measurement.**

Standards, instrumentation, personnel, measurement procedures, and recording procedures to be used in the measurement of sound as provided for in this article shall be as follows:

- (1) Sound level measurement shall be made with a sound level meter using the "A" weighting scale.
- (2) Sound level meters shall be at least type two meeting American National Standard Institute Incorporated requirements.

(Ord. of 8-8-2006; Ord. of 1-25-2011(1))

- **Sec. 30-73. - Prohibited acts.**

- (a) It shall be unlawful for any person or entity to emit or cause to be emitted any noise across a property line or to a public street, sidewalk or public vehicular area or into another dwelling unit of a multi-family structure in excess of the noise levels established below:

	Times	Residential	Multi-family	Commercial/Institutional
Day	7a-11p	65 dBa	60 dBa	70 dBa
Night	11p-7a	60 dBa	55 dBa	65 dBa
For construction and use of outdoor tools see Section (c) chart & Subsections 1-3				

- (b) It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud and disturbing noise in the town. The following acts, among others, are declared to be loud and disturbing in violation of this section; but this enumeration shall not be deemed to be exclusive:
 - (1) No person during the nighttime hours shall sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
 - (2) No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment unless such discharge is through a muffler.
 - (3) No sound amplifying devices on or within motor vehicles shall emit noise in excess of 60 dBa measured at a distance of 50 feet or greater from the motor vehicle.

- (4) No person shall possess or harbor any animal or bird which, frequently or for a continued duration, howls, barks, meows, squawks or makes other sounds which creates a noise disturbance across a residential property line which exceeds the levels established in section 30-73.
- (5) No person shall use or fire any explosives, firearms or similar devices which create impulsive sound so as to cause a noise disturbance across a residential property line or on a public right-of-way without first obtaining a special variance issued pursuant to section 30-76.
- (c) It shall be unlawful to carry on the following activities within 300 feet of any residentially occupied structure in the town between the hours established below:

Day	Times – No Activity Between	
Monday – Friday	9p-7a	
Saturday – Sunday	9p-9a	
See #8 detail for golf course operations.		

- (1) The operation of a refuse collection vehicle;
- (2) The operation of earth-moving equipment; generators; pneumatically-powered, powder-actuated, or fuel cell combustion-driven tools; or construction machinery and tools;
- (3) The operation of lawn mowers, leaf blowers, and other domestic tools out-of-doors;
- (4) As to single family structures operate or allow the operation of any sound amplification equipment so as to create sounds registering 65 dBa during daytime hours or 60 dBa during nighttime hours as measured from the complainant's property line, except in accordance with a special variance obtained from the Town of Davidson Board of Commissioners. (See Section (a) chart for list of hours and decibel limits.)
- (5) As to multi-family structures including apartments, condominiums, or other residential arrangements where boundary lines cannot readily be determined, operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 dBa during daytime hours or 55 dBa during nighttime hours as measured from any point within the interior of the complainant's residential unit in the same complex, except in accordance with a special variance obtained from the Town of Davidson Board of Commissioners. (See Section (a) chart for list of hours and decibel limits.)
- (6) Any mechanical noise (other than those items referenced in subsection (c)(4) above) which registers more than 60 db(A) at the complainant's property line.
- (7) The operation of an engine or standing motor vehicle or any auxiliary equipment attached to such vehicle for a period in excess of ten minutes when such vehicle is parked, for reasons other than traffic congestion, in a residential area.
- (8) Typical and routine work to ready a golf course for play beginning at 6:00 a.m. during the months of April through September and at 7:00 a.m. during the months of October through March. Typical and routine work includes the mowing, blowing and raking of all of the course's playing surfaces, using equipment operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition. Typical and routine work does not include the use of chainsaws, chippers, shredders or equipment that is used on a sporadic, irregular basis.

(Ord. of 8-8-2006; Ord. of 1-25-2011(1))

- **Sec. 30-74. - Exceptions.**

The provisions of this article shall not apply to:

- (1) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; however, burglar alarms not terminating within 30 minutes after the responsible person has been notified shall be unlawful.
- (2) Warning devices required by OSHA or other local, county, state or federal safety regulations.
- (3) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- (4) Noise created by sporting events, wedding bells and publicly sponsored recreational activities such as town day and parades.

(Ord. of 8-8-2006; Ord. of 1-25-2011(1))

- **Sec. 30-75. - Enforcement.**

(a) *Enforcement officers.* The police department shall be responsible for the enforcement of this article throughout the town. The Davidson College Police Department shall be empowered to enforce this article within the boundaries of the Davidson College campus.

(b) *Abatement orders.*

(1) In lieu of issuing a citation as provided in section 30-75, the enforcement officer may issue an order requiring abatement of any source of noise alleged to be in violation of this article within a reasonable time period and according to guidelines which the enforcement officer prescribes.

(2) The failure to comply with an abatement order, upon proof that a violation of this article was occurring when the abatement order was issued, shall constitute a separate offense and shall be punishable by a fine of not more than \$100.00.

(c) *Citations.* Except where a person is acting in good faith to comply with an abatement order issued pursuant to this section, violation of any provision of this article shall be cause for a citation to be issued by the enforcement officer. No citation shall be issued for any violation of section 30-73 until the enforcement officer has given verbal notice to the emitter that he is in violation of this article, and the emitter has not therefore come immediately into compliance with this article.

(d) *Penalties.* Any person who violates any provision of this article shall be deemed to have committed an infraction and shall be fined for each offense a sum not to exceed \$100.00.

(Ord. of 8-8-2006; Ord. of 1-25-2011(1))

- **Sec. 30-76. - Special variances.**

(a) The board of commissioners shall have the authority, consistent with this section, to grant special variances.

(b) Any person seeking a special variance pursuant to this section shall file an application with the board of commissioners. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this

article would constitute an unreasonable hardship on the applicant, or on the town, or on other persons. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the board of commissioners containing any information to support his claim. If the board of commissioners finds that a sufficient controversy exists regarding an application, a public hearing shall be held.

(c) In determining whether to grant or deny the application, the board of commissioners shall balance the hardship to the applicant, the town, and other persons affected; the adverse impact on property affected; and any other adverse impacts of granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information the board of commissioners may reasonably require. In granting or denying an application, the board of commissioners shall place on public file a copy of the decision and the reasons for denying or granting the special variance.

(d) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and subject the person holding it to those provisions of this article regulating the source of sound or activity for which the special variance was granted.

(e) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances under subsection (b) of this section.

(f) The board of commissioners may issue guidelines, defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.

(Ord. of 8-8-2006; Ord. of 1-25-2011(1))



Agenda Title: Closed Session - Consult Attorney NCGS 143-318.11. (a) (3) - Davidson Acquisition Company, et. al. v. Town of Davidson , et. al.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
No Attachments Available		