



**TOWN OF DAVIDSON
BOARD OF COMMISSIONERS
4th Tuesday Regular Meeting
Town Hall Board Room - 216 S. Main Street
July 23, 2019**

I. CALL TO ORDER - 5:00 P.M.

II. CLOSED SESSION

- (a) **NCGS 143-318.11. (a) (6) - Personnel**
-

III. ANNOUNCEMENTS - 6:00 P.M.

IV. CHANGES TO AGENDA

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

VI. PRESENTATIONS

- (a) **Cain Center for the Arts
Executive Director Justin Dionne**

VII. PUBLIC HEARING

- (a) **Public Hearing - Davidson Planning Ordinance Section 9: Tree Ordinance Text Amendments
Senior Planner Trey Akers**

Summary: 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 work plan and under the town board strategic plan, land use goal.

Since the fall of 2018, staff, Planning Board Ordinance Committee members and Livability Board Members have proposed substantive changes to Section 9: Tree Ordinance.

The July 23, 2019 meeting is an opportunity for the board of commissioners to further understand the proposed revisions as well as to hear input from the public on the proposed changes.

- (b) **Public Hearing - Proposed 2019 G.O. Bonds for Public Facilities**
Assistant Town Manager Karen Whichard and Finance Director Pieter Swart
Summary: The proposed \$14 million G.O. Bond issuance will fund the renovation of the historic 251 South Street building for a new town center and reconfigure the current town hall to better accommodate the needs of the Davidson Police and Fire Departments. This public hearing was posted in the Mecklenburg Times on Friday, July 12, 2019.

VIII. CONSENT- Consent items are typically 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 6 Quarterly Q&A Session, June 11 work session and June 25 regular meeting.
- (b) **Consider Approval of naming of Park at Beaty**
Summary: At the July 9 work session, the Park at Beaty Task Force Leadership Committee and the Livability Board recommend the park officially be named Beaty Park and be dedicated to the Clontz Family. The board of commissioners will consider approval of the recommended name for the park.
- (c) **Consider Approval of Budget Amendment 2020-01 for Arts Project Fund**
Summary: Budget Amendment 2020-01 recognizes the FY2020 contribution of \$40,200 from the general fund in the Arts Project Fund.
- (d) **Consider Approval of Budget Amendment 2020-02 for down payment assistance funding**
Summary: Budget Amendment 2020-02 allows for revenue and expenditure of HOMES down payment assistance funding in the Affordable Housing fund.
- (e) **Consider Approval of Budget Amendment 2020-03 for FY2020 Affordable Housing Fund**
Summary: Budget Amendment 2020-03 moves forward to FY2020 in the Affordable Housing fund of \$50,000 of down payment assistance which is remaining from the board's FY2019 allocation.
- (f) **Consider Approval for Budget Amendment 2020-04 for Fiscal Impact Analysis Update**
Summary: The Town of Davidson contracted with the TischlerBise in 2014 to develop the Cost of Land Use Fiscal Impact Analysis. A fiscal impact evaluation analyzes revenue generation and operating and capital costs to a jurisdiction associated with the provision of public services and facilities to serve development.

We would like to update the fiscal impact analysis for the Town of

Davidson as there have been significant changes in our cost to serve development, such as the addition of Fire Station No. 2. Revenue estimates have also changed due to the recent countywide revaluation. It is also best practice to update this study every 5 years. Budget Amendment 2020-04 allocates \$25,000 from Fund Balance, in addition to the allocated \$20,000, to update the fiscal impact analysis report.

(g) **Consider Approval of Rapid Rectangular Flashing Beacons (RRFBs) Agreement with NCDOT and Budget Amendment 2020-06**

Summary: With this agreement, the town will be reimbursed \$100,000 for the installation of Rapid Rectangular Flashing Beacons (RRFBs) at four NCDOT intersections: Main St & Walnut St, Main St & Catawba Ave, Concord Rd & Faculty Dr, and Concord Rd & Thompson St. These devices have been shown to improve motorist yielding behavior at all locations in town where they have been installed. The devices greatly increase the awareness of pedestrians in the crosswalks at night. If the agreement is approved, and the budget amended, the town can combine this project of 4 intersections with a town-funded project of 4 intersections, for a total of 8 intersection improvements.

(h) **Consider Approval for a Noise Ordinance Variance - Fall Fling at Davidson College**

Summary: Davidson College is requesting a noise ordinance variance for the Fall Fling during Homecoming Weekend on Saturday, September 28, 2019 from 10:00 p.m. - 1:00 a.m. on Old Tennis Court Lane. The Police Chief has reviewed this request and recommends approval.

IX. OLD BUSINESS

(a) **Mobility Plan Update
Senior Planner Travis Johnson**

Summary: The Davidson Mobility Plan is a local comprehensive transportation plan that provides a town-wide vision and coordinated recommendations for multi-modal travel and access within and through town. It is a continuation of Davidson's long history of multi-modal transportation planning that has allowed the town to develop as a place where people can drive, walk, access transit, and bicycle easily and comfortably — and where quality of life is one of the highest in the Charlotte metro area. This item is for discussion purposes only. The board will consider adoption of the Mobility Plan at the August 13 meeting.

(b) **Consider Approval of Downtown Community Gathering Space Project Budget Amendment 2020-05 and Resolution 2019-32 for reimbursement to use 2017 G.O. Bonds.**

Economic Development Manager Kim Fleming and Finance Director Pieter Swart

Summary: At the February 12, 2019 meeting, the board reviewed the revised plan for the downtown community gathering

space. Feedback from the board of commissioners at this meeting was generally positive with the exception of the discussion about artificial turf used on the fall zone for the playground. There are two issues that need to be addressed before moving forward with the project; design and funding.

Staff recommends the board move forward with the project including synthetic turf or some other unitary synthetic material such as rubber or foam surface at the tot lot and appropriate the \$275,000 from unassigned fund balance along with a reimbursement resolution (the resolution preserves the ability for the town board to decide later to use 2017 general obligation bonds but we would need to front the project with unassigned fund balance) at the July 23 meeting in order for us to move forward with implementing the project starting in the fall coinciding with the slowdown in the farmers market season.

(c) **Consider Approval of Water/Sewer Extension Request for Kistler Farm**

Town Manager Jamie Justice

Summary: The developer requests that water and sewer extensions be granted to these parcels for the development of 15 single-family homes. The parcels included are predominately wooded. This request was previously before the board at the May 28, 2019 meeting and the board did not approve the extension and requested additional information from the developer.

X. SUMMARIZE MEETING ACTION ITEMS

XI. ADJOURN



Agenda Title: NCGS 143-318.11. (a) (6) - Personnel

Summary:

ATTACHMENTS:

Description	Upload Date	Type
No Attachments Available		



Agenda Title: Cain Center for the Arts
Executive Director Justin Dionne

Summary:

ATTACHMENTS:

Description

Upload Date

Type

No Attachments Available



Agenda Title: Public Hearing - Davidson Planning Ordinance Section 9: Tree Ordinance Text Amendments

Senior Planner Trey Akers

Summary: 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 work plan and under the town board strategic plan, land use goal.

Since the fall of 2018, staff, Planning Board Ordinance Committee members and Livability Board Members have proposed substantive changes to Section 9: Tree Ordinance.

The July 23, 2019 meeting is an opportunity for the board of commissioners to further understand the proposed revisions as well as to hear input from the public on the proposed changes.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▣	Agenda Memo - DPO Section 9: Tree Ordinance Text Amendments	7/18/2019	Cover Memo
▣	Presentation - DPO Section 9: Tree Ordinance Text Amendments	7/18/2019	Presentation
▣	Attachment - DPO 9 Proposed Text Amendments 06.28.19	7/18/2019	Backup Material
▣	Attachment - DPO 9 and related Text Amendments Schedule Changes 06.28.19	7/18/2019	Backup Material
▣	Attachment - DPO 15 Landscaping Violations Proposed Text Amendments 06.28.19	7/18/2019	Backup Material



TREE ORDINANCE DRAFT TEXT AMENDMENTS

To: Board of Commissioners
From: Planning Board Ordinance Committee Members; Trey Akers, Senior Planner
Date: July 23, 2019
Re: DPO Sections 9/15 (Trees/Landscaping Ordinances) – Proposed Text Amendments

The following sections highlight the proposed text amendments' history, alignment with town aims, public engagement, pros/cons, and anticipated schedule/potential action. Note: The Davidson Planning Ordinance is abbreviated "DPO" throughout the memo.

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:** This presentation covers the most substantive topics from DPO 9 Tree Canopy, Landscaping, and Screening and the related DPO 15 Landscaping Violations. These are highlights and this presentation should be paired with review of the actual amendments and comments in the margins of the DPO 9/15 documents.
- **Schedule of Changes:** This is the schedule of changes by ordinance section, including a few cross-reference changes that are required. All DPO 9 and 15 changes are listed outside of this document.
- **DPO 9 and DPO 15 Documents:** As noted above, these contain the actual changes. Many components in each of these sections included significant rewriting or reorganization; comments regarding substantive topics are included in the document margins.

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 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 9/15.
- **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 the City of Charlotte. 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;
 - » 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 Residents:** 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. SUMMARY OF CHANGES

OVERVIEW OF PROPOSED AMENDMENTS

The following list highlights the substantive changes undertaken to each ordinance sub-section.

- **Section 9 Tree Canopy, Landscaping, & Screening:**
 - » **9.1 Purpose & Intention:** This section has been reordered to address overarching goals first, then impacts addressed through the ordinance, then issues of property and aesthetics.
 - » **9.2 Applicability & Administration:** This section has been revised to designate an Arborist as a key figure in educating stakeholders as well as in the approval of plans and permits. And, various changes have been made to clarify the documentation requirements for landscape plans as well as the criteria governing landscape bonds, inspections, and the replacement of damaged vegetation. Lastly, a Tree Fund to support on-going canopy management activities has been proposed.

- » **9.3 Tree Coverage & Preservation:** This section includes the following revisions:
 - **9.3.1, Table 9-1 Minimum Canopy Coverage:**
 - An establishment requirement has been added and a limit on the amount of coverage that can come from preserved areas is proposed (meaning that new trees are required in each development);
 - the coverage requirements have been made prescriptive (rather than non-binding as in the current DPO) and, as a result, many coverages have increased;
 - the coverage requirements have been revised to be based on project area, which results in greater canopy coverage;
 - the coverage requirements have been informed by local data (tree canopy study);
 - caliper planting sizes have been increased and a minimum height at planting requirement has been added;
 - and, a payment-in-lieu option has been proposed (which acknowledges growth in built-up areas and directs resources to areas intended for preservation. Street tree and parking lot planting requirements must still be met). The proposed value is \$8/square foot and is derived from local data in the Street Tree Inventory. This is based on a mid-point between a pure environmental services value of a tree (\$4-\$5/square foot) and the average asset value of a large maturing tree (\$10-12/square foot).
 - **9.3.2, Table 9-2 Preservation:** Preservation requirements ranging from 10%-40% have been calibrated based on Planning Area, rather than a generic requirement that exists in the current ordinance (20%). Additionally, a payment-in-lieu option has been proposed as described above.
 - **9.3.3, Permitting:** A clearer, more rigorous permitting process has been established and requires involvement by a professional arborist to facilitate tree care and preservation. The area covered by permitting has increased from setback areas only to the entire lot, while the minimum size of a tree requiring a permit for removal has increased from eight inches to twelve inches. Note: The permitting process does not prohibit the removal of trees.
- » **9.4 Street Tree Plantings:** This section has been revised in a few minor but important ways – namely, instituting standards to ensure robust plantings along streets but with flexibility accorded to the arborist in making sure the intent of the requirements are met. References to third-party standards are included as a best practice.
- » **9.5 Site Landscaping:** Minimal adjustments have been made to this section, which establishes clear standards for depicting landscape/vegetation on site plans and minimum planting standards for areas around buildings.
- » **9.6 Parking Area Landscaping:** This section covers planting and design requirements for existing as well as new parking lots. Minimal adjustments to this section were needed.
- » **9.7 Screening:** This section covers special use circumstances. Minimal adjustments to this section were needed; redundancies with Section 4.3.1.E of the ordinance were eliminated.
- » **9.8 Installation & Maintenance Standards:** This section covers miscellaneous topics ranging from soil compaction to fencing to encroachments. Minimal adjustments to this section were needed.
- » **9.9 Alt. Methods of Compliance:** This is a new section that includes text relocated from earlier in the ordinance. Titles and documentation references have been added for clarity, and relocating this section from the beginning to the end reinforces the notion that the meeting ordinance’s requirements is the first priority – with alternative compliance reserved for select cases.

- » **9.10 Planting Specifications & Appendices:** This is a new section that contains various reference documents such as what types of trees/vegetation to plant, the appropriate mix of species, and third-party guidance on landscape practices.
- **Section 15.3.1 Landscaping Violations:**
 - » **A. Applicability:** This section has been revised to be more clearly organized.
 - » **B. Replacement:** This section has been revised to be more clearly organized. Additionally, replanting requirements specific to specimen trees have been added, along with more flexibility on when replantings can occur (i.e. a mutually-agreed-to timeframe based on planting season).
 - » **C. Penalties:** This section has been reorganized and features a number of changes:
 - each responsible party can be subject to a civil penalty (i.e. not just the landowner but the entity performing the work);
 - failing to plant original or replacement trees may be subject to a penalty;
 - penalties have been calibrated based on total or partial loss as well as whether the affected tree/area is a specimen tree, part of an approved plan, or in the right-of-way;
 - non-monetary penalties have been introduced to allow for flexibility in assessing violations where financial hardship exists or unintentional/not grossly negligent actions result in a violation; and
 - the process for issuing a violation has been clarified.
 - » **D. Appeals & Variances:** This section has been added to make the process for disputing violations clear, fair, and linked to existing ordinance procedures (i.e. the Board of Adjustment proceedings).

4. OPTIONS/PROS & CONS

RECAP. OF OPTIONS DISCUSSED

Beginning with the November 13, 2018 board of commissioners meeting and including additional meetings listed below, the following topics were discussed and policy direction sought/confirmed:

- **Arborist Involvement:** Established in 9.2.2.B and referenced throughout Section 9.
- **Tree Fund:** Identified in 9.2.2.B; requires Board of Commissioners resolution.
- **Landscape Bonds/Warranty:** Established in 9.2.2.D-E.
- **Canopy Preservation & Establishment:** Tree canopy study completed Spring 2019; results shared at the March 12, 2019 and May 24, 2019 board of commissioner meetings and commissioners supported the use of this data to inform Table 9-1 and Table 9-2 changes and supporting criteria (i.e. calibrated approach pursued). Modifications to these tables based on this data, including pricing alternatives, were discussed at the June 11 and July 9, 2019 board of commissioner meetings.
- **Permitting/Removal Criteria:** Clarified and increased in rigor in 9.3 based on discussions at the June 11 and July 9, 2019 board of commissioner meetings.
- **Remediation Provisions/Civil Penalties:** Clarified and increased in rigor in 9.3 based on discussions at the June 11 and July 9, 2019 board of commissioner meetings.

PROS & CONS

Below is a list of potential benefits if commissioners enact the ordinance changes:

- **Arborist Involvement:** The inclusion of this practitioner in the review/approval of plans and permits will greatly increase the community's collective understanding of how to properly plant,

care for, and remove trees. Effectively, this consultation is being offered as a service to residents.

- **Administrative Clarity:** The proposed changes significantly improve the processes to secure plan and permit approval.
- **Flexibility/Responsibility :** A number of standards or processes have been revised to afford greater flexibility in site design, tree location, and tree installation while simultaneously ensuring that plans are executed as approved and maintained in an enduring manner.
- **Canopy Preservation & Establishment:** The proposed changes tailor the preservation and planting requirements based on planning area, meaning that the standards are appropriate to each part of town rather than the current approach's generic standards. These criteria have been updated using local data based on the recently-completed tree canopy study (2019); they will result in additional canopy being preserved and planted compared to the current ordinance.
- **Remediation Provisions/Civil Penalties:** The replanting/mitigation process has been clarified and the penalties section revamped to more directly discourage non-permitted tree removal. Additionally, alternatives have been included to allow for flexibility of application.

Below is a list of potential drawbacks if commissioners enact the ordinance changes:

- **Education:** The changes must be communicated clearly to a broad audience, especially early on. Ensuring that the public and practitioners are appropriately informed of understand the changes will be very important in the months immediately following adoption.

4. FYI/RECOMMENDED ACTION

- **Hearing:** The July 23, 2019 meeting is an opportunity for commissioners to further understand the proposed revisions as well as to hear input from the public on the proposed changes.

5. NEXT STEPS

- **July 2019:**
 - » Board of Commissioners Hearing – July 23, 2019
 - » Planning Board Recommendation – July 29, 2019
- **August 2019:**
 - » Livability Board Recommendation – August 20, 2019
 - » Commissioner Consideration of Approval – August 27, 2019



DPO 9 TEXT AMENDMENTS

TREE CANOPY, LANDSCAPING, & SCREENING

Public Hearing: July 23, 2019



PURPOSE

Healthy, Mature Canopy

Preserve, Protect, Enhance

Improve/Calibrate Standards

Enduring Compliance

OVERVIEW OF CHANGES

- **Highlights**

- » Informed by Local Canopy Data & Science
- » Integrates Education & Regulation
- » Adds Features: Arborist, Tree Fund
- » Adds Rigor & Prescriptive Requirements
- » Retains Flexibility
- » Reorganized/Reformatted for Clarity
- » **Results = Greater Tree Canopy Coverage**

CHANGES BY SECTION

- **9.1 Purpose & Intention:** Aspirations, Goals
- **9.2 Applicability & Administration:** Doc. Reqs., Processes
- **9.3 Tree Coverage & Preservation:** Coverage Requirements, Processes
- **9.4 Street Tree Plantings:** Flexibility, Planting Strip Width
- **9.5 Site Landscaping:** Reformatted
- **9.6 Parking Area Landscaping:** Reformatted
- **9.7 Screening:** Discrepancies Reconciled
- **9.8 Installation & Maintenance Standards:** Third-Party References
- **9.9 Alt. Methods of Compliance:** Relocated/Reformatted
- **9.10 Planting Specifications & Appendices:** Consolidated Info.
- **15.3 Landscaping Violations, Civil Penalties:** Violation Types, Procedures

PROPOSED CHANGES SUMMARY

■ Master Plans/Permits:

- » *Arborist Involvement**
- » Increases Coverage & Preservation
- » Payment-In-Lieu Option
- » Enhances Street Trees: Wider Planting Strips; Count Towards Coverage
- » Larger Planted Trees
- » Increases Penalties

■ Individual Lots:

- » *Arborist Involvement**
- » Retains No Fee for Tree Removal
- » Regulates Entire Lot
- » Increases Penalties with Flexible Application

****Education is Foundational
Principle of Amendments***

9.3 TREE COVERAGE

- **Tree Canopy Requirements (Minimum):**
 - » Must Preserve and/or Plant
 - » Specific Planning Area Thresholds
 - Based on Canopy Study [Planning Areas]
 - Max. Preservation Contribution [50%]
 - » Min. Tree Size for Plantings
- **Flexibility:**
 - » New Trees
 - » PIL Select Areas (\$8/SF) [Street/Parking Trees Still Req'd.]

9.3 COVERAGE COMPARISON

■ Current Ordinance:

- » Targets/Not Binding
- » Unclear, Inconsistent

Table 9-1: Tree Planting Requirement		
Planning Area	Tree Planting Requirement	Approx. Canopy Coverage**
Rural	2 large maturing trees per 5,000 square feet of parcel area, OR 1 large maturing tree and 1 small maturing tree per 3,000 square feet of parcel area	30% - 50%
NE/NG/VI/ EC1/EC2/CC	2 large maturing trees per 7,000 square feet of parcel area, OR 1 large maturing tree and 1 small maturing tree per 4,500 square feet of parcel area	20% - 40 %
LK/VC/VE/ VCom/NC1/ NC2/CBD/ NS	2 Large maturing trees per 9,000 square feet of parcel area, OR 1 large maturing tree and 1 small maturing tree per 6,000 square feet of parcel area	15%

■ Proposed Ordinance:

- » Prescriptive/Binding
- » Simplified

TABLE 9-1: TREE COVERAGE REQUIREMENT	
PLANNING AREA	MINIMUM PROJECT CANOPY COVERAGE
RPA	60%
NE	50%
EC1/EC2/CC	40%
NG	30%
VI	20%
LK/VC/VE/ VCOM/NC1/ NC2/CBD/NS	15% *

**Payment-in-lieu permitted in select areas.*

***Note: The Min. Project Canopy Coverage is the coverage at maturity.*

9.3 COVERAGE COMPARISON

TABLE 9-1 CANOPY COVERAGE COMPARISON

1. Planning Area	2. Current Coverage Req.	3. Area Covered (Ac.)	4. Proposed Coverage Req.	5. Area Covered (Ac.)	6. Difference
RPA	30%	566	60%	1,132	566
NE	20%	279	50%	697	418
EC1/EC2/CC	20%	180	40%	361	180
NG	20%	159	30%	239	80
VI	20%	203	20%	203	0
LK/VC/VE/ VCOM/NC1/ NC2/CBD/NS	15%	56	15%	56	0
Total Canopy Difference (Acres of Canopy)					+ 1,245 Ac.
Total Canopy (% Increase)					+ 18%

9.3 PRESERVATION COMPARISON

TABLE 9-2 PRESERVATION COMPARISON

1. Planning Area	2. Current DPO Pres. Req.	3. Area Preserved (Ac.)	4. Future DPO Pres. Req.	5. Area Preserved (Ac.)	6. Difference (Ac.)
RPA/NE	20%	656	40%	1,313	657
EC1/EC2/CC	20%	181	30%	270	89
NG/VI	20%	362	20%	362	0
LK/VC/VE/ VCOM/NC1/ NC2/CBD/NS	20%	75	10%	37	-38
Total Preserved Difference (Acres of Canopy)					+ 708 Ac.
Total Preserved Canopy (% Increase)					+ 10%

FEES & PENALTIES

- **Permit Fees:**
 - » Master Plans & Building Permits: Covered in Base Fee
 - » Individual Lots: No Fee (Permit Triggers Arborist Consultation)
- **15.3.1 Landscaping Violations & Civil Penalties**
 - » Reorganized: Clarity of Process, Standards
 - » Responsible Parties: Each Potentially Liable
 - » Replacement Criteria: Updated, Contextualized
 - » Total/Partial Loss: Calibrated Penalties
 - Appeals + Non-Monetary Penalties Included

FEES & PENALTIES

	Approved Plans/Permits	Individual Lots
Total Loss	<ul style="list-style-type: none"> ▪ Tree: \$500/Caliper Inch ▪ Specimen Tree: \$500/Caliper Inch up to 24 Inches; \$800/Caliper Inch over 24 Inches (\$25,000 Max.) 	<ul style="list-style-type: none"> ▪ Tree: \$500/Tree ▪ Specimen Tree: \$1,000/Tree
Partial Loss	<ul style="list-style-type: none"> ▪ Tree: \$500/Tree ▪ Specimen Tree: \$1,000/Tree 	N/A

**Additional shrub and vegetative cover penalties may apply.*

***Alternative non-monetary penalties or replanting strategies may be pursued in select cases.*

NEXT STEPS

Public Hearing
Planning Board Recommendation
Livability Board Recommendation
Additional Modifications
BOC Consideration of Approval

TREE CANOPY, LANDSCAPING & SCREENING

9.1 PURPOSE & INTENTION

The purpose and intent of this ordinance¹ is to establish minimum standards for the preservation of existing and the planting of new trees and shrubbery in order to:

- Protect and improve the existing tree canopy in order to enhance the health and quality of life of citizens;
- Maintain or increase the tree cover in all areas of the planning jurisdiction;
- Preserve and enhance the natural environment;
- Increase species and age diversity of the urban forest;
- Protect specimen trees;
- Provide habitat resources to native plants and animals;
- Promote use of non-invasive and native plant materials;
- Ensure compatibility between vegetation and adjacent infrastructure or utility systems;
- Better control soil erosion;
- Reduce the hazards of flooding;
- Stabilize ground water tables;
- Capture, treat, or store carbon dioxide, particulate matter, and other pollutants;
- Provide shade for cooling;
- Screen noise, dust, and glare;
- Provide architectural interest and human scale;
- Maintain and/or improve aesthetic values;
- Enhance property values.

9.2 APPLICABILITY & ADMINISTRATION

9.2.1 APPLICABILITY

Except as set forth in exemptions specified in this ordinance, the provisions of this ordinance shall apply to all land within the town's zoning jurisdiction, both public and private, according to the following:

- A. New Development:** All provisions of this ordinance shall apply.
- B. Existing Development:** All provisions of this ordinance shall apply to changes of use and/or expansions of existing conforming and non-conforming development.

¹ As used herein, "ordinance" shall refer to Section 9, including all subsections thereof, of the Davidson Planning Ordinance, unless specifically noted otherwise.

Commented [TA1]: This section includes minor revisions to remove duplicate text, remove terms not defined in the DPO (i.e. "heritage" tree), reorder items in a logical sequence, and add/refine some explanations to be more descriptive/accurate.

Commented [TA2]: This section clarifies to what types of projects the standards apply.

9.2.2 ADMINISTRATION

- A. Administration:** The Public Works Department shall assist the Planning Director and Board of Commissioners in the above Purposes & Intention. Additionally, an advisory board(s) shall assist in the periodic review and update of the standards in this section. As needed, the Planning Director may allocate responsibilities to town staff, authorized representatives, and/or the Arborist (as defined below) in order to administer this ordinance.
- B. Arborist:** The town shall retain one or more certified arborists (“Arborist”) to assist with maintaining a town-wide tree inventory, developing and approving plans for the development of property (both public and private) consistent with the provisions of this ordinance, conducting inspections, and such other matters related to the administration of this ordinance as the Planning Director may request. The fees and expense of the Arborist may be paid by the town from amounts available in the **Tree Fund**.
- C. Documents & Approvals:**
- 1. Permits and Inspections:** Permits and inspections shall be required for the activities as set forth in this ordinance.
 - 2. Landscape Plans:** Site work proposed as part of a Conditional Planning Area, Master Plan, or Individual Building process requires approval of plans and participation in activities as described in this ordinance.
 - a. Plan:** All plans shall meet the documentation standards set forth in this ordinance and, to the extent required by Section 14, the criteria for Landscape Schematic Design or Landscape Construction Documents set forth in Section 14. Depending on site conditions or characteristics, the documents may require additional site or building information to be displayed.
 - b. Specimen Tree Preservation:** In addition to the required landscape plan, any specimen trees as defined in this ordinance shall require a specific **care plan** developed in concert with the Arborist. The care plan shall be consistent with the practices set forth by the International Society of Arboriculture.
 - 3. Revisions to Approved Landscape Plans:** Revisions may be requested by a property owner or required by the Town of Davidson prior to release of landscape bonds. All revisions to landscape plans must be approved by the Planning Director, who may consult with the Arborist.
- All revisions should ensure that:
- There is no significant change in quantity, size, or location of plant

Commented [TA3]: This section clarifies the parties responsible for administering the ordinance. Note: Tree permits are currently handled by the Public Works Department. It is recommended that an Arborist assume responsibilities for administering many parts of this ordinance.

Commented [TA4]: The proposed amendments recommend the use of this professional to assist in reviewing building permits, master plans, and managing tasks related to the Street Tree Inventory and other activities.

Commented [TA5]: This needs to be set up in coordination with the Finance Department. It will require a resolution by the Board of Commissioners establishing the fund and outlining its purposes. It is intended that the fund receive proceeds from permits, civil penalties, and related fees outlined in this ordinance. These proceeds would then be used to further tree care, protection, and management throughout town under the direction of the Arborist.

Commented [TA6]: Three types of processes are introduced because they are the three types of “plans” that would be required to produce site documentation as part of the approval process. All other work (i.e. to individual lots) would be handled via permit.

Commented [TA7]: This clarifies what documentation standards must be met and where those requirements are located.

Commented [TA8]: This introduces enhanced requirements for specimen trees based on professional insight and a third-party standard.

materials, as determined in the discretion of the Planning Director or the Arborist; and

- The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general features (mature height, crown spread) as the materials being replaced.

1. **Major Revisions:** Include but are not limited to: grading changes, buffer alterations, and/or changes to more than 20% of the approved plant quantities, types, or species. These changes may require approval by Mecklenburg County in addition to approval by the Town of Davidson.
2. **Minor Revisions:** Include but are not limited to: seasonal planting problems, lack of plant availability, and/or any identified site issues (i.e., dead and/or diseased trees, constrained/inadequate planting conditions).

- D. **Final Plat:** Final Plat documents shall reflect all relevant site details pertaining to trees and vegetation in according with DPO 14, including: Designated tree save and/or open space areas; buffers; and, easements.

E. **Landscape Maintenance Bond:**

1. **Bond:** Prior to the Initial Inspection for Certificate of Occupancy, a landscape maintenance bond shall be posted to ensure timely and proper completion of improvements identified in the approved landscape plan.
2. **Requirements:** The bond shall meet all applicable bonding requirements of Mecklenburg County, as well as the following criteria:
 - The bond shall be obtained from a surety bonding company authorized to do business in North Carolina and approved by the Planning Director or their designee; and
 - The bond shall be payable to the town or its designee and shall be in an amount equal to 125% of the estimated cost to complete the improvements identified in the approved landscape plan.

F. **Inspections:**

1. **Site Visits:** Both before and after occupancy the Planning Director, the Arborist or authorized representatives of the town may periodically inspect sites subject to the provisions of this ordinance to confirm compliance therewith.

Commented [TA9]: This clarifies what constitutes a major revision and the process for approval. The current ordinance references minor revisions but not major revisions.

Commented [TA10]: This section ensures that all documentation – including plats reviewed when buyers purchase homes – reflect all pertinent information related to required trees and preservation areas.

Commented [TA11]: • Landscape bonds are monies that the applicant secures in the event that the approved work is not completed (i.e. it makes sure the required plantings get installed even if the project or property owner does not complete them).
• The revision formally recognizes this important safeguard, which heretofore has been utilized only for Conditional Planning Area (CPA) projects and violations. The standards are derived from conditions used to execute recent legal contracts related to landscaping for CPAs and violations in the Town of Davidson; the standards are also derived from best practices put forth by Trees Charlotte.

Commented [TA12]: As referenced above, these standards are derived from current conditions that govern CPAs and violations in Davidson. The Warranty standards (see E.3.Warranty Period) are based on best practices employed by the City of Charlotte.

- 2. Initial Inspection for Certificate of Occupancy:** After initial improvements required by the approved plans are complete, the Arborist shall inspect the tree and vegetative installations to confirm compliance with this ordinance and, as applicable, the American Standard for Nursery Stock, published by the American Association of Nurserymen. A Certificate of Occupancy for the building(s) or final plat for the development shall not be issued unless:
- a. The landscaping required under this section is installed in accordance with these standards and in accordance with the approved permit, landscape plan or preliminary plat, as certified by the Arborist; and,
 - b. A Landscape Maintenance Bond is posted as required by section 9.2.2.D, above.
- 3. Warranty Period:** After installation of all required plantings, a twenty-four (24) month warranty period for trees and eighteen (18) month warranty period for all other plantings shall commence from the date of notification to the town that installation is complete.
- 4. Second Inspection & Release of Bond:** At the end of the warranty period, the Arborist shall re-inspect the required improvements for continued compliance with the approved landscape plan and to ensure that the landscaping is properly maintained. If any installations or areas require remedy, the town shall notify the owner in writing of (i) the necessary remedies, and (ii) a reasonable time period within which such remedies shall be completed by the owner (such time period to be determined by the Arborist or Planning Director or designee, but it shall in no event be less than 30 days or a timeline agreed to by all parties). If no remedies are required, the bond may be released to the owner.
- 5. Remedies:** If the owner fails to complete the requested remedies within the time period determined by the Arborist or Planning Director in accordance with section 9.2.2.E.4, above, the town may obtain and use such portion of the bond funds as necessary to complete the remedies based on actual costs. The town shall return any bond funds not spent in completing such work. Prior to using any bond funds, the town shall notify the owner, in writing, of its intention to do so if the owner fails to complete the required remedies within ten (10) days. If the owner has not completed the required remedies (or, in the case that the required remedies reasonably cannot be completed within such time, has commenced and is diligently continuing work toward completing them) within ten (10) days of such notice, the town may obtain and use bond funds for the required remedies.

Commented [TA13]: These are rigorous periods that go beyond the periods that many other communities require. They ensure that plantings are well-established and in good condition prior to the landscape bond being released.

Commented [TA14]: This is a best practice that's being incorporated into the ordinance. With the addition of an Arborist familiar with Davidson requirements and processes, the Town can ensure that the plantings meet the specific criteria outlined in this ordinance – rather than relying on Mecklenburg County to understand and enforce the nuances of our requirements.

- G. Replacement of Disturbed, Removed or Damaged Vegetation (Post-Warranty):** Any landscape areas and vegetation preserved or planted as part of an approved landscape plan or permit shall be continually maintained in good condition by the property owner. Failure to adequately maintain approved vegetation, including trees, or to comply with the replacement provisions of this ordinance may result in a civil penalty. Replacement requirements, processes, and civil penalties are listed in Section 15.3 Landscaping Violations.

9.3 TREE COVERAGE & PRESERVATION

9.3.1 TREE COVERAGE

- A. Minimum Tree Coverage:** All Conditional Planning Area, Master Plan, or Individual Building projects shall maintain or establish a minimum tree coverage according to their planning area classification as listed in Table 9-1. The minimum project canopy coverage can be met through a combination of preserved areas, planting requirements, and street trees (where applicable). For the purposes of this requirement, project area refers to the entire area within the project scope that is not encumbered by easements, uses, or other features that prohibit tree plantings.

TABLE 9-1: TREE COVERAGE REQUIREMENT	
PLANNING AREA	MINIMUM PROJECT CANOPY COVERAGE
RPA	60%
NE	50%
EC1/EC2/CC	40%
NG	30%
VI	20%
LK/VC/VE/ VCOM/NC1/ NC2/CBD/NS	15%

B. Requirements:

- 1. Applicability:** The tree coverage standards apply to all Conditional Planning Area, Master Plan, and Individual Building development proposals. Permitted work related to single-family detached and duplex houses, Recreation Facility - Outdoor, and Agriculture uses are exempt from coverage requirements; however, the standards serve as a guide for each Planning Area.

Commented [TA15]: • This table and the following standards have been to achieve greater rigor and clarity of application (i.e. describing how the standards can be met). The coverage requirements are now also prescriptive rather than the non-prescriptive targets/ranges listed in the current ordinance.
 • Compared to the existing ordinance they have been calibrated to a finer degree in order to reflect the context of various Planning Areas; they also reflect the varying levels of existing canopy coverage identified in the Tree Canopy Study.
 • The requirements apply to properties to be developed; they do not apply to existing properties.

Commented [TA16]: This revision proposes an “establishment” requirement to further the growth of tree canopy throughout town. The requirements apply to properties to be developed; they do not apply to existing properties.

Commented [TA17]: • Minimum: Using this term establishes a prescriptive requirement for canopy coverage on each project. It represents a clearer, more definitive approach than the current ordinance.
 • Project: Using this term clarifies that the standards apply to the entire project area and not just individual lots; this results in increased coverage compared to the current ordinance standard.

Commented [TA18]: The list identifies uses wherein coverage may conflict with the intended land use.

2. **Measurement:** The table assumes an average canopy area of: 1,000 square feet for large maturing trees; 800 square feet for medium maturing trees; and, 200 square feet for small maturing trees. Proposals must utilize these values unless alternative values are approved by the Arborist. For a description of each tree type, see 16.3 Definitions under Tree.
3. **Caliper & Height:** Trees planted to satisfy the Tree Coverage Requirement must have a minimum caliper of at least 2.5-3 inches and a minimum height of eight feet at the time of planting.
4. **Canopy Coverage:** For canopy preservation requirements see 9.3.2.
 - a. **Minimum:** No more than 50% of the minimum project canopy coverage in Table 9-1 may come from required preservation areas listed in 9.3.2. This requirement does not apply in the following planning areas: VI/LK/VC/VE/VCOM/NC1/NC2/CBD/NS.
 - b. **Payment-in-Lieu:** For projects located in the VI/LK/VC/VE/VCOM/NC1/NC2/CBD/NS Planning Areas, the minimum project canopy coverage may be met through payment-in-lieu so long as all applicable street tree and parking lot planting requirements are met and the payment-in-lieu option is approved by the Planning Director based on existing and proposed site features and the provisions of this ordinance. For payment-in-lieu values, see the Town of Davidson Fee Schedule.
- C. **Credit Toward Coverage Requirement:** All trees preserved or planted to satisfy the requirements of this ordinance may count toward the minimum project canopy coverage requirements established above. This means that the requirements may be met through the preservation of existing tree vegetation, new tree plantings, or a combination of both; however, every reasonable effort shall be made to meet the coverage requirement through the preservation of existing trees.

9.3.2 PRESERVATION OF EXISTING VEGETATION FOR CONDITIONAL PLANNING AREA, MASTER PLAN, AND INDIVIDUAL BUILDING DEVELOPMENT PROPOSALS

A. Required Preservation Areas: The following shall be preserved:

1. Trees and undergrowth (excluding invasive species and/or other vegetation that compromises the health of the surrounding ecosystem) in designated open space and primary conservation areas in an approved plan (see DPO 7.5), except for permitted pathways or site features as approved by the Planning Director in consultation with the Arborist.

Commented [TA19]: This section helps to clarify values so that all parties are working with the same assumptions, while allowing professional discretion by the Arborist based on site-specific circumstances, species availability, etc.

Commented [TA20]: The standard of 2.5 inches is consistent with best practices/City of Charlotte standards; a minimum height requirement has been added per that City's standards.

Commented [TA21]: This new requirement ensures that new canopy is added in every project, which helps to put required plantings near places where people will be (i.e. residential lots, common open spaces, etc.) rather than solely in periphery areas.

Commented [TA22]: Permitting this option in areas where growth is designated to occur balances the need for economic development in built-up areas with the ability – through PIL funds received – to further increase the canopy in areas where growth is not designated to occur (or in built-up areas where additional plantings may be warranted).

Commented [TA23]: The proposed value is \$8/square foot and is derived from local data in the Street Tree Inventory. This is based on a mid-point between a pure environmental services value of a tree (\$4-\$5/square foot) and the average asset value of a large maturing tree (\$10-12/square foot). For example, if a medium maturing tree (i.e. with a canopy area of 800 square feet) is proposed for removal instead of preservation, the payment-in-lieu value for that tree would be $8 \times 800 = \$6,400$. Assuming a cost of \$250 for a new maturing tree of 2.5 inch caliper at a nursery, $\$6,400 / \$250 = 25$ new trees could be purchased with this payment.

Commented [TA24]: It's possible that certain types of undergrowth are not healthy or desirable, such as invasive species or vegetation that is compromising the health of other vegetation, larger trees, etcetera. So, the proposed text acknowledges invasive species and allows the Arborist flexibility to determine the right approach for each plan.

Commented [TA25]: This phrase was relocated from the preceding section and reduced in its language to simply reference 7.5, which describes the different types of open spaces – including primary conservation areas.

2. Mature trees as defined by this ordinance within the right-of-way or shading the street. If the preservation of mature trees is in conflict with setback requirements, exceptions may be granted on a case-by-case basis by the Planning Director in consultation with the Arborist.
3. Specimen trees as defined by this ordinance and approved by the Planning Director in consultation with the Arborist.
4. A minimum percent of the existing mature tree canopy shall be preserved as specified in Table 9-2.

TABLE 9-2: TREE PRESERVATION REQUIREMENT	
PLANNING AREA	MINIMUM PRESERVATION AREA
NE/RPA	40%
EC1/EC2/CC	30%
NG/VI	20%
LK/VC/VE/ VCOM/NC1/ NC2/CBD/NS	10%*

***Payment-in-Lieu:** For projects located in the VI, LK, VC, VE, VCOM, NC1, NC2, CBD, NS Planning Areas, the minimum preservation area requirement may be met through payment-in-lieu if approved by the Planning Director based on existing and proposed site features and the provisions of this ordinance. For **payment-in-lieu values**, see the Town of Davidson Fee Schedule.

- B. Other Preservation Areas:** Existing vegetation in other areas shall be preserved whenever feasible according to the following standards:
1. The decision to preserve trees shown on the Environmental Inventory shall be made jointly by the Planning Director, the Arborist, the developer, and design team during the project approval process.
 2. When selecting which trees to preserve, the following shall be considered: Existing grading; age, condition and type of tree; whether the tree is invasive; and, location of site improvements and utility connections.
 3. Properties in the Local Historic District are subject to the Historic District Design Guideline's tree preservation requirements.

Commented [TA26]: This table has been created to clarify the preservation requirements, which have also been calibrated specific to each set of planning areas based on the Tree Canopy Study. It works in conjunction with Table 9-1, which sets the overall Minimum Tree Canopy Coverage requirements for a project and includes both preserved areas required by Table 9-2 and new plantings.

Commented [TA27]: Permitting this option in areas where growth is designated to occur balances the need for economic development in built-up areas with the ability – through PIL funds received – to further increase the canopy in areas where growth is not designated to occur (or in built-up areas where additional plantings may be warranted).

Commented [TA28]: For more information, see the comment for 9.3.1.B.8 above.

C. Prohibited Locations: No tree save area may be located within a utility right-of-way or easement without written permission from the utility agency.

D. Credit Toward Required Plantings: Existing vegetation which is designated for preservation may be applied toward the requirements of this ordinance.

E. Construction Standards:

Commented [TA29]: This section has been reorganized for clarity of presentation.

1. Access: Construction access to a site should occur where an existing or proposed entrance/exit is located. Except for driveway access points, sidewalks and curb and gutter, land disturbance within a tree dripline is prohibited as outlined below.

2. Prohibited Activity:

- Trenching, placing backfill in the critical root zone (CRZ), driving or parking equipment in the CRZ, and dumping of trash, oil, paint or other materials detrimental to plant health in close proximity of the trees to be preserved is prohibited.
- Construction traffic, storage of vehicles and materials, grading, and unapproved site disturbance shall not take place within the CRZ of the existing trees. The areas shall remain free of all building materials, stockpiled soil or other construction debris.

3. Protection Requirements:

- a. Location:** Protective barricades shall be placed around all trees designated to be saved prior to the start of development activities or grading. Such barricades shall be erected at a radial recommended minimum distance of 1.5 feet for every inch of trunk diameter at breast height (DBH) or the dripline, whichever is greater and outside the CRZ as approved by the Arborist, unless the Arborist approves a different distance based on the approved development plan or site circumstances. For example, a 12-inch diameter tree trunk at breast height should have a minimal radial protection zone of 18 feet. The circular diameter of protection around the trunk would be 36 feet from the base of the tree. Prior to approval of construction beginning, the Arborist must approve and inspect the barricade designs and installation.
- b. Materials:** Protective barricades shall consist of 2" x 4" posts with 1" x 4" rails or orange safety fence.
- c. Duration:** Protective barricades shall remain in place until development activities are complete.

d. **Grading Protocol:** Where grading within a tree dripline cannot be avoided and is approved by the Planning Director and/or Arborist, cut and fill shall be limited to 1/4 to 1/3 of the area within the dripline. Tree roots must be pruned with clean cuts at the edge of the disturbed area, and no fill shall be placed within the dripline of a tree without venting to allow air and water to reach the roots. In the case of an approved construction or grading permit within the CRZ, the Arborist shall provide and ensure recommendations to protect the affected trees are implemented.

F. **Replacement of Preserved or Planted Trees:** The proper care and protection of trees throughout and beyond the development process is critical. Penalties for violations range from \$500.00 to \$ 1,000.00 or more per tree or \$ 5.00 to \$10.00 per square foot disturbed and, depending on the penalty, may be enforced on landowners as well as parties executing work. For information on replacement plantings and civil penalties, see Section 15.3 Landscaping Violations.

Commented [TA30]: This clarifies that trees required to be planted as part of this ordinance must be maintained in good condition.

Commented [TA31]: These values are calibrated based on local data available in the Street Tree Inventory.

9.3.3 TREE REMOVAL FOR LOTS NOT SUBJECT TO AN APPROVED PLAN

A. **Applicability:** The following standards apply to lots (whether existing or created subsequent to this ordinance's effective date) within the town's incorporated limits that are not subject to an approved Conditional Planning Area, Master Plan, or Individual Building development proposal.

1. **General/Purpose:** No tree larger than twelve inches in diameter at breast height (DBH) may be removed without a permit from the town. A removal permit may be issued by the Planning Director only after an applicant has met with the Arborist and received site-specific information on tree protection, care, and removal.
2. **Historic District:** Removal of a mature tree(s) located within in a locally designated historic district requires a Certificate of Appropriateness in addition to a tree permit. Mature trees shall be replaced by a tree of similar species, type, and must meet the requirements of Section 9.8.

Commented [TA32]: This represents an existing but reorganized and revised section that details the process for securing a permit for tree removal on an individual lot (processes such as master plans are dealt with in 9.3.4). The section focuses on creating a clear set of steps and decision criteria, with the aim of having property owners meet with an arborist as part of the process to better understand issues related to the site and/or building design. The permitting process does not prohibit the removal of trees; it requires a process for removal to be followed.

Commented [TA33]: This value is clearly-tied to a DPO definition (Tree, Large Maturing) and represents substantial trees. The revised text applies to a tree on any part of a property, whereas the current text regulates removal only in setback areas. As noted above, the permitting process does not prohibit the removal of trees; it requires a process for removal to be followed.

B. **Approval Process:**

1. **Permit Required:** An approved permit, including fee payment, shall be required for the removal or destruction of a tree(s) larger than twelve inches on any property, whether publicly or privately owned, as described above.
2. **Fee:** Permit fees shall be determined by the Arborist based on considerations listed in the Arborist Report section below. See the Town of Davidson Fee Schedule for further information. Note: An initial permit fee

Commented [TA34]: The proposed fee is \$40.00, the same fee as for a building permit.

shall be remitted prior to permit acceptance by the Town of Davidson. Any additional fees shall be paid prior to permit approval.

3. **Site Information:** The permit shall include a site plan illustrating the lot area, building and development footprints, and subject tree(s) intended for removal or that may be impacted by work. Work impacting the critical root zone (CRZ) of any tree over twelve inches must be described and/or shown on the plan. Based on site conditions the Arborist may require dimensions/measurements, an official survey, and/or other relevant information such as existing conditions, topography, easement location, etcetera.
4. **Site Visit:** The permit approval may require an on-site consultation between the applicant and Arborist in order to identify existing conditions and exploration of best practices for preservation and/or removal.
5. **Arborist Findings:** The Arborist shall prepare a written report describing the applicant's intended work, site and tree characteristics, and recommended practices or potential alternatives to the proposed scope of work (if applicable). Factors that may be considered in the Arborist's findings include but are not limited to whether the tree(s):
 - a. Health/Endangerment:
 - Is dead, diseased, irreparably damaged, or the tree imminently endangers the health or safety of the general public or structures on the property or adjacent properties;
 - Has not been appropriately maintained such that its current condition is compromised and cannot be corrected through reasonable care practices;
 - b. Characteristics
 - Is not a specimen tree, as defined by this ordinance;
 - Has officially-documented historic or cultural value and requires approval by the Historic Preservation Commission.
 - c. Location:
 - Is within a designated conservation area, such as common open space or property protected by conservation easement;
 - Is located within the permitted building envelope;
 - If removed will negate the lot's ability to meet the minimum tree canopy coverage listed in Table 9-1;
 - Is part of a greater development plan for which an approved landscape plan has been issued pursuant to this section; an approved development plan for which an approved grading and landscape plan has been issued shall serve as the tree removal permit.

Commented [TA35]: In addition to the site visit, this report affords the opportunity for the Arborist to offer clear guidance and/or useful tips about tree care.

Commented [TA36]: This list provides applicants a sense of topics that may be addressed in the report.

6. **Permit Issued:** The permit shall be issued when the Planning Director, in consultation with the Arborist, has determined that the process requirements set forth in Section 9.3.3.B have been satisfied.

Commented [TA37]: The permitting process does not prohibit the removal of trees; it requires a process for removal to be followed.

7. **Prohibitions:**

- a. **Tree-Topping:** The topping of trees and similar practices is strictly prohibited. Topping is the practice of reducing a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit (ANSI A300 Part 1 Pruning, Tree Care Industry Association).
- b. **Root Zone Disturbance:** No activity affecting the critical root zone of a tree(s) in a conservation easement or dedicated open space areas may proceed without a tree permit.
- c. **Unapproved Tree Removal:** The removal of a tree larger than twelve inches without an approved tree permit is strictly prohibited. See Section 15 Violations for further information.

C. **Violations:** See Section 15.3 Violations.

9.3.4 TREE REMOVAL FOR LOTS OR OPEN SPACE SUBJECT TO AN APPROVED PLAN

Commented [TA38]: This section establishes standards for the removal of trees on lots not considered to be existing lots (i.e. they are part of an approved plan). It provides clear guidance for common open spaces and other areas required to be maintained as part of a master plan.

- A. **Applicability:** The following standards apply to lots (whether existing or created subsequent to this ordinance's effective date), common areas, and/or open spaces subject to an approved Conditional Planning Area, Master Plan, or Individual Building development proposal (or any site plan requiring approval by the Town of Davidson).

1. **General/Purpose:**

- a. **Lots:** Lots created pursuant to an approved plan are subject to the conditions of that plan approval until the lot is sold (i.e. after Final Plat approval), at which point a lot becomes subject to the provisions of Section 9.3.3.

Note: Unless otherwise specified, lots created pursuant to an approved plan as noted above are subject to any enduring conditions and/or easements associated with that development and recorded on the plat that pertain to tree and vegetation preservation/removal.

- b. **Open Space/Common Areas:** Vegetation and trees within areas designated as open space and/or common areas are required to be maintained continually per the approved plan and/or applicable easements. Such areas and plantings must meet the post-warranty provisions of this ordinance, maintain approved buffers and easements, and are subject to Section 15.3 Violations.

2. **Historic District:** Lots within a historic district are subject to the approved plan standards and the applicable historic district criteria as described in 9.3.3.A.2 above.

B. Approval Process:

1. **Permit Required:** Designated common areas/open spaces and lots created pursuant to an approved plan are subject to the permit approval process outlined in Section 9.3.3. above.

C. Violations: See Section 15.3 Violations.

9.4 STREET TREE PLANTINGS

9.4.1 STREET TREE REQUIREMENTS

- A. Location:** Except along a rural road, alley, or the park side of a parkway (See Section 6 - Town Street Classifications), trees shall be planted wherever a new street right-of-way is constructed, or where new construction occurs along an existing street right-of-way. For certain street types, as specified in the Town Street Classifications in Section 6, street trees must be planted in tree wells in the sidewalk.
- B. Minimum Number:**
1. Where at least an eight-foot planting strip has been permitted and no overhead power lines are located within 15 feet of the on-center planting location, a minimum of one large maturing tree shall be planted every 40-50 feet on average linear feet, or as otherwise approved by the Arborist. With Arborist approval, existing trees may be applied toward this requirement.
 2. For planting strips four to less than eight feet wide or those on-center planting locations within 15 feet of an overhead power line, trees shall consist of one small maturing tree per 25-30 feet on average, or as otherwise approved by the Arborist.
 3. Large maturing trees may be planted on the back side of sidewalk when the planting strip is less than eight feet.
- C. Planting Strip:** In general, the minimum planting strip width for street trees shall be the width indicated for the applicable street type in Section 6. However, large canopy trees including but not limited to willow oaks and red maples shall require a minimum planting strip width of eight feet unless otherwise approved by the Planning Director in consultation with the Arborist.
- D. Planting Specifications:** Street trees shall be installed in accordance with Section 9.8 Installation and Maintenance Standards, Section 9.10 Tree

Commented [TA39]: Based on recent experiences with projects, site designers will default to the 6' min. illustrated in Section 6 Street Classifications. Therefore, this sentence has been rewritten to require 8' min. for certain species but allows the Arborist/Planning Director flexibility to approve alternate widths based on specific conditions.

Specification List, and the American Standard for Nursery Stock, published by the American Association of Nurserymen. Additionally, street trees shall be planted in amended soils and, where determined necessary by the Arborist, in tree pits. Large and medium maturing trees shall have a minimum caliper of three inches; small maturing trees shall have a minimum caliper of two inches. The Arborist may approve or require varying caliper sizes as appropriate.

- E. Species:** Street tree species shall be selected from the Tree Specification List in consultation with the Arborist as follows:
1. Streets in commercial areas shall have trees which complement the face of the buildings and which shade the sidewalk.
 2. Streets in residential areas shall provide for an appropriate canopy, which shades both the street and sidewalk.
 3. High canopy trees are preferred for emergency vehicle maneuvering.
 4. A diversity of tree species shall be utilized to prevent the spread of pests and disease.

9.5 SITE LANDSCAPING

9.5.1 APPLICABILITY

The following standards apply to Conditional Planning Area, Master Plan, or Individual Building development proposals. These provisions for site landscaping shall apply to all buildings with a setback less than five feet as defined in Section 2, except where such buildings have a zero-foot setback from the public sidewalk.

9.5.2 MINIMUM REQUIREMENTS

- A. Documentation Standards:** New landscape materials and preserved vegetation shall be noted on the Landscape Schematic Design as part of the Preliminary Plat and shall include at a minimum the following information:
1. **Scale:** Landscape plan shall be drawn to scale no smaller than 1 inch equals 100 feet and include a north arrow and necessary interpretive legends.
 2. **Existing Vegetation:**
 - a. Location: General location, type and quantity of existing plant materials.
 - b. Undisturbed & Protected Areas: Existing plant materials, areas to be left undisturbed, and areas that will be protected.
 - c. Protection Requirements: Methods and details for protecting the critical root zone (CRZ) of existing plant materials and areas to be left undisturbed.

Commented [TA40]: This section is not new but has been reformatted and includes new titles organizing the information.

- 3. Proposed Vegetation:**
- a. Identification: Locations, size and labels for all proposed plant materials.
 - b. Table/Schedule: Plant lists with common name, botanical name, quantity, and spacing and size of all proposed landscape material at the time of planting.
 - c. Planting and installation details as necessary to ensure conformance with all required standards.
- 4. Other Landscape Improvements:** Location and description of all other landscape improvements, including but not limited to earth berms, walls, fences, screens, sculptures, fountains, lights, courtyards, walks or paved areas.
- 5. Other Site Improvements/Features:**
- a. Connections & Limits: Connections to existing and future properties, along with property boundaries.
 - b. Site Features: Location of any proposed buildings, driveways, parking areas, required parking spaces, roads and other hard surface elements; location of signage; and, location of overhead and underground utilities.
- 6. Certification:** Notes indicating compliance with the ordinance.
- B. Minimum Required Area:** A minimum five-foot wide area, measured perpendicular from the building, shall be provided for landscaping along any side of the building facing a public right-of-way way or park. This does not apply to portions of buildings featuring a zero-foot setback from the public sidewalk as listed in Section 2. Buildings with frontage along a street or park may, at the discretion of the Planning Director, be exempt from this requirement in order to provide entrance walkways and/or plazas.
- C. Minimum Required Landscaping:** The minimum required landscaping shall consist of one of the following every 40 linear feet along the property boundary where a buffer is not required:
- 1. Two small maturing trees;
 - 2. 10 shrubs; or
 - 3. Any equivalent combination thereof, subject to Planning Director or Arborist approval.
- D. Location of Plantings:** In locating the minimum required landscaping care shall be taken to ensure that adequate space is provided for the width of tree spread, height and root system requirements.

- E. **Preferred Species:** Native plants and wildlife supporting species are generally preferred in all landscape settings; however, at the discretion of the Arborist, alternative species may be planted. See the Tree Specification List and Shrub Specification List for approved species.

9.6 PARKING AREA LANDSCAPING

Parking lots are necessary features of the built environment. However, they shall be designed to integrate natural features within parking areas in order to mitigate environmental impacts and create welcoming places for vehicles and pedestrians.

9.6.1 APPLICABILITY

The parking area landscaping standards of this section shall apply according to the following standards. For a list of tree specifications, approved tree species and prohibited vegetation, see the Tree & Shrub Specification Lists.

- A. **Existing Parking Lots:** All expansions of impervious surfaces in existing parking lots with five or more spaces shall comply with this ordinance.
- B. **New Parking Lots:** All new parking lots shall comply with this ordinance.
- C. **Small Parking Lots:** For small lots (36 spaces or less), landscaping shall be required at the perimeter only, according to the standards of Section 9.6.2.
- D. **Large Parking Lots:** For large lots (more than 36 spaces), landscaping shall be at the perimeter and the interior, according to the standards of Sections 9.6.2 and 9.6.3. In large lots, the landscaping shall be placed to break the lot into parking modules of not more than 36 spaces.
- E. **Other Areas:** All other components of parking lot areas not specifically dedicated to vehicular parking or circulation shall be landscaped in accordance with this ordinance.

Commented [TA41]: These changes clarify which site areas (i.e. within the parking area) are subject to the standards. The current language is not clear.

9.6.2 PARKING LOTS - PERIMETER LANDSCAPING & SCREENING

- A. **Minimum Width:** Perimeter landscape areas shall be a minimum of eight feet in width adjacent to all parking spaces and travel areas.
- B. **Required Trees:** Large maturing canopy trees shall be planted not more than 40 feet on center. Any deviation from this standard, including the use of alternative planting intervals and/or small maturing trees if necessitated by site conditions, must be approved by the Planning Director in consultation with the Arborist.
- C. **Required Shrubs:** A continuous row or staggered row of evergreen shrubs, with a minimum expected height at maturity of three feet, shall be installed at

not more than six feet on center. If used in addition to a wall or fence, the evergreen shrubs shall be planted on the exterior side of such features. See wall and fence requirements below.

- D. Additional Requirements for Parking Lots Adjacent to Street Frontage:** A masonry wall or garden hedge (minimum three feet in height) shall be installed along any street frontage adjacent to parking areas and the finished side of the wall or fence shall face the exterior right-of-way or neighboring property. At sidewalks with extensive pedestrian use, the masonry wall installed at the back of the sidewalk, is required but an alternate location may be approved based on site conditions.
- E. Additional Requirements for Parking Lots Adjacent to Detached and Attached Houses:** Off-street parking areas adjacent to Detached and Attached Houses, shall be screened from such uses by one of the following:
1. A garden wall, fence or hedge (minimum six feet in height); or
 2. Evergreen shrubs planted at no more than of six feet on center and a minimum of three feet in height at the time of planting with an expected maturity height of at least six feet; or
 3. A combination of the above options.
- F. Natural Buffers:** Where a natural buffer exists adjacent to parking areas, it is to remain undisturbed. Generally, only dead wood is allowed to be removed. The removal of undergrowth and limbing up of trees is prohibited unless approved by the Planning Director in consultation with the Arborist. All buffers required by the watershed protection regulations in Section 17 and the stream buffer overlay standards in Section 21 shall remain completely undisturbed, except as provided for in those sections.
- G. Existing Vegetation:** Existing vegetation located in the perimeter landscape area which is designated for preservation may be applied toward the requirements of this section.

Commented [TA42]: As the existing text indicates, this is the preferred arrangement; so, the text has been modified to require this as the default design, with adjustments permitted based on-site circumstances.

Commented [TA43]: This insertion recognizes that there may be circumstances in which undesirable undergrowth (i.e. invasive species, improperly developed/unsafe vegetation) may need to be removed, or trees appropriately pruned, in order to benefit site users.

Commented [TA44]: DPO 17 and 21 allow certain improvement practices that are consistent with maintaining natural, undisturbed buffers. Therefore, the text has been revised to be consistent with the standards listed in those sections.

9.6.3 PARKING LOTS - INTERIOR LANDSCAPING

A. Landscape Islands

1. Landscape islands within parking lots shall be located so as to define and direct vehicular movement.
2. When located adjacent to parking spaces on both sides, landscape islands shall have a minimum width of eight feet.
3. Landscape islands with large maturing trees shall include a minimum of 200 square feet of pervious space per tree.

4. In large lots, the landscaping shall be placed to break the lot into parking modules of not more than 36 spaces.
- B. **Minimum Spacing:** Large maturing trees shall be planted within the interior landscape islands of parking lots so that no part of any parking space is more than 40 feet from a tree.
- C. **Other Landscaping Areas:** All other components of parking lot areas not specifically dedicated to vehicular parking or circulation shall be landscaped in accordance with this ordinance.

Commented [TA45]: For consistency and clarity, this text was modified to use the same text proposed in 9.6.1.E.

9.7 SCREENING

The following requirements apply to landscape screens. See [Section 4 Site & Building Design Standards](#) for non-landscape screening requirements.

Commented [TA46]: Cross-references have been added to Sections 9 and 4.3.1.E to clarify that screening standards related to natural materials (i.e. landscaping, trees, etc.) are on contained in both places.

9.7.1 LANDSCAPE SCREENS

- A. **Applicability:** Landscape screens shall be required anywhere Section 3 - Uses with Additional Requirements specify a requirement for a landscape screen. Where landscape screens are required, they shall be installed in accordance with the provisions below.
- B. **Minimum Width:** For a landscape screen, a minimum 15-foot wide pervious space shall be provided, unless based on site conditions another width is deemed appropriate by the Planning Director in consultation with the Arborist.
- C. **Minimum Required Landscaping:**
 1. A minimum of six large maturing trees and 40 shrubs shall be planted for each 100 linear feet of landscape screen area to provide continuous coverage.
 2. Trees shall be a minimum 50 percent evergreen.
 3. Shrubs shall be a minimum 75 percent evergreen.
- D. **Existing Vegetation:** Existing vegetation located in the required landscape screen area may be counted toward the minimum required landscaping for landscape screens provided it is:
 1. Designated for preservation; and,
 2. Approved by the Planning Director in consultation with the Arborist.

9.7.2 MECHANICAL EQUIPMENT SCREENING

9.8 INSTALLATION & MAINTENANCE STANDARDS

All trees and shrubs required by this ordinance shall meet the planting specifications provided below.

9.8.1 GENERAL STANDARDS

- A. Quality of Plantings:** All new plant material shall be of good quality, installed in a sound, workmanlike manner and meet the standards set forth in the American Standard for Nursery Stock by AmericanHort.
- B. Contractor Warranty:** The contractor shall warrant all new plant material for two years from time of installation.
- C. Soil Compaction:** Installation and construction practices shall be utilized which preserve existing topsoil or amend the soil to reduce compaction.
- D. Staking and Groundcover:** All trees shall be properly guyed or staked and mulched (3-4 inch layer) in accordance with accepted practices in the landscape industry, to prevent winds from loosening the roots.
- E. Chain Link Fencing:** Chain link and similar fencing materials, if used, shall be landscaped on their exterior side with evergreen shrubs minimum three feet in height and six feet on center at installation.
- F. Sight Distance Triangles:** No plants shall be planted within the sight distance triangle at an intersection, or driveway access points unless an unobstructed view between 30 inches and 72 inches in height is maintained.
- G. Overhead Utility Lines:** Public and private utilities which install overhead and underground utilities shall be subject to this ordinance and the industry's best pruning and trenching specifications. Where large maturing trees are required and overhead utility lines exist, small maturing trees planted one per 30 linear feet shall be substituted with the approval of the Planning Director.
- H. Encroachment Agreement:** No irrigation lines may be installed within the planting strip, or other portions of the public right-of-way, without an encroachment agreement executed by the town or NCDOT as appropriate.

Commented [TA47]: This is not the appropriate location in the ordinance for these standards since no landscaping is referenced and similar information appears in 4.3.1.E. Therefore, the text in 9.7.2 and 4.3.1.E has been reconciled and redundancies have been removed.

9.9 ALTERNATE METHODS OF COMPLIANCE

9.9.1 ADMINISTRATION

Select circumstances may warrant alternative approaches to meeting the intent and purpose set forth in this ordinance. In such cases, the following shall apply:

- A. Alternate Compliance Conditions:** Alternate landscaping plans, plant materials, or planting methods may be used where the strict application of landscaping requirements set forth in this ordinance would be unreasonable or impractical, or where it is necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions.
- B. Plan Standards:**
- 1. Intent:** All proposed alternate landscaping plans shall be evaluated by the Planning Director, in consultation with the Arborist, to determine if the alternate plan meets the intent and purpose of this ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening height, spread, and canopy of the planting(s) at maturity.
 - 2. Equivalency:** The Planning Director, in consultation with the Arborist, may approve an alternate plan that proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to those required by this ordinance.
 - 3. Administration & Documentation:** All administration, documentation, and other pertinent standards of this section shall be met through the approval process unless determined acceptable via the Conditions, Intent, and Equivalency provisions above.

9.10 PLANTING SPECIFICATIONS & APPENDICES

9.10.1 APPLICABILITY

The following documents inform this ordinance's standards and shall apply to all proposals unless otherwise determined by the Planning Director in consultation with the Arborist.

Commented [TA48]: In the current ordinance this does not appear as its own section and it appears very early in the ordinance (it's currently the first topic under 9.2.2 Administration). As a result, the current arrangement suggests that alternate compliance is prioritized over or equal to the ordinance requirements. Therefore, this has been moved to the end of the ordinance, reorganized for clarity, and given its own section, which is consistent with pre-2015 DPO.

Commented [TA49]: This entire sub-section C. provides a catch-all to clarify that all relevant parts of this ordinance apply, even when pursuing an alt. compliance pathway.

Commented [TA50]: This is a new section consolidating in one place the list of approved trees, shrubs, and other vegetation that may be used. Additionally, other relevant documents can be stored here under "Appendices." By including these items within this section as referenced documents they can be updated routinely and as needed based on best practices, appropriate species substitutions (i.e. due to disease or blight), and other considerations.

9.10.2 PLANTING SPECIFICATIONS

- A. **Tree Specification List:** This document contains a list of approved species, including growth characteristics and features, permitted to be considered for proposals.
- B. **Shrub Specification List:** This document contains a list of approved species, including growth characteristics and features, permitted to be considered for proposals.
- C. **DPO Tree Planting & Mix Guidelines:** This document contains guidance on the appropriate distribution of trees, shrubs, and vegetation based on canopy coverage, square footage, and other factors.

Commented [TA51]: These documents are were developed by the Livability Board, adapting Huntersville's and Charlotte's ordinances to fit Davidson's needs.

9.10.3 APPENDICES

- A. **Tree Care Guidelines:** This document contains a list of terms, methodologies, and best practices related to tree establishment, maintenance, and preservation.
- B. **American Standard for Nursery Stock:** Produced by AmericanHort, this document establishes common techniques for managing the cultivation, sale, and installation of plants. Among other things, this includes standards for: Measuring plants; specifying and stating the size of plants; and determining the proper relationship between height and caliper, or height and width.
<https://www.americanhort.org/page/standards>

Commented [TA52]: These documents provided additional guidance from third-party sources that can be used in decision-making.



MEMO

Date: July 9, 2019
 To: Board of Commissioners
 From: Planning Board Ordinance Committee; Trey Akers, Senior Planner
 Re: Davidson Planning Ordinance Section 9 + Related Draft Text Amendments, Schedule of Changes

1. TEXT AMENDMENTS

TEXT CHANGES – PROPOSED AMENDMENTS

The following is a list of proposed text changes to the Town of Davidson Planning Ordinance (DPO). The listed changes are being undertaken to improve the establishment and maintenance of tree canopy as well as clarify the processes/administration related to plan and permit approvals . Proposals are organized by page number.

PROPOSED TEXT CHANGES				
PAGE	SECTION	TITLE	ISSUE	PROPOSED ACTION
SECTION 4 – SITE & BUILDING DESIGN STANDARDS				
4-4	4.3.1.E	Loading/Areas, Mechanical Equipment and Utilities	Section 4 deals with screening using non-natural materials only. Section 9 includes standards for screening requirements with natural materials.	Include a reference within Section 4 to direct ordinance users to Section 9.
TEXT CHANGES			<p>Old Text: 2. Mechanical equipment (except small items such as fans and vents), utility meters, storage areas, solid waste containers (including dumpsters, compactors, recycling containers, and solid waste and recycling handling areas), transformers, generators, HVAC units and similar features, or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure; OR they shall be so located as not to be visible from a primary fronting public street.</p> <p>New Text: 2. Mechanical equipment (except small items such as fans and vents), utility meters, storage areas, solid waste containers (including dumpsters, compactors, recycling containers, and solid waste and recycling handling areas), transformers, generators, HVAC units and similar features, or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure; OR they shall be so located as not to be visible from a primary fronting public street. In certain</p>	

			cases, screening using natural materials may be preferable. See Section 9 for landscape screening requirements. Note: Natural screening alternatives must be approved by the Planning Director in consultation with the Arborist.	
SECTION 9 – TREE PRESERVATION, LANDSCAPING, & SCREENING				
9-1	9.1-9.10	ALL SECTIONS	Section 9 requires a number of revisions to clarify the processes and requirements by which plans and permits are approved.	See Section 9 proposed changes in the related attachment.
TEXT CHANGES			Old Text: See attachment. New Text: See attachment.	
SECTION 15 – VIOLATIONS & PENALTIES				
15-4	15.3.1	LANDSCAPING VIOLATIONS	Section 15 requires a number of revisions to clarify the processes and requirements by which violations and penalties are administered.	See Section 15 proposed changes in the related attachment.
TEXT CHANGES			Old Text: See attachment. New Text: See attachment.	
SECTION 16 – DEFINITIONS				
16-27	16.3	Tree, Large Maturing	Section 16 requires revision because a new tree type – Medium Maturing – has been referenced in Section 9.	Revise the definition to indicate a different range of height, etc. due to the new definition for Tree, Medium Maturing.
TEXT CHANGES			Old Text: A tree, usually deciduous, whose height is greater than 35 feet at maturity and meets the specification of “American Standards for Nursery Stock” published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12” DBH. See also canopy tree. New Text: A tree, usually deciduous, whose height is greater than 40 feet at maturity and meets the specification of “American Standards for Nursery Stock” published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12” DBH. See also canopy tree.	
16-27	16.3	Tree, Medium Maturing	Section 16 requires revision because a new tree type – Medium Maturing – has been referenced in Section 9.	Update Section 16 to include the new definition of Tree, Medium Maturing
TEXT CHANGES			Old Text: N/A – Does not exist.	

			New Text: A tree, usually deciduous, whose height is between 25 to 40 feet at maturity and meets the specification of “American Standards for Nursery Stock” published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12” DBH. See also canopy tree.	
16-27	16.3	Tree, Small Maturing	Section 16 requires revision because the minimum DBH for permitting now starts at 12”.	Revise the definition to reference 12” as the minimum DBH requiring a permit for removal.
TEXT CHANGES			<p>Old Text: A small to medium tree, growing up to 25 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. In the case of tree removal permits, the minimum size is 8” DBH.</p> <p>New Text: A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. In the case of tree removal permits, the minimum size is 12” DBH.</p>	
16-27	16.3	Tree, Specimen	The current definition of Tree, Specimen is vague and refers only to a singular tree.	Revise the definition to account for a variety of characteristics to assist the Arborist in determining whether a tree is a specimen tree; and, include reference to groups of trees for cases in which several trees contribute to a significant landscape element.
TEXT CHANGES			<p>Old Text: A tree that is unusually large or well-shaped or provides a focal point or point of interest.</p> <p>New Text: Tree, Specimen: A tree or group of trees considered to be an important community asset due to its unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance as determined by the Arborist. Examples include large hardwoods (e.g., oaks, poplars, maples, etc.) and softwoods (e.g., pine species) in good or better condition with a DBH of 24” or greater, and smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 10” or greater.</p>	

2. PUBLIC PLANS AND POLICIES

The proposed text changes are consistent with the existing policy and ordinance frameworks adopted by the town. Specifically, the changes reflect the 2010 Town of Davidson Comprehensive Plan's guidance for Goal 2: Preserve Natural Habitats, the Lakeshore, and the Tree Canopy: Revise open space or tree preservation requirements to better preserve existing tree canopy in all planning areas (Pg. 60).

All proposed changes meet the requirements set forth in Davidson Planning Ordinance 1.5.1 Implementation of Adopted Plans & Policies: "Any amendments to, or actions pursuant to, this ordinance should be consistent with these adopted plans and policies, as amended."

3. PLANNING BOARD RECOMMENDATION

This section will be completed once the Planning Board makes a recommendation.

4. STAFF RECOMMENDATION

This section will be completed later in the process.

15.2.6 CIVIL PENALTY

In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to NCGS 160A-175, the regulations and standards in this ordinance may be enforced through the issuance of civil penalties by the Planning Director.

- A. **Procedures for Civil Citations:** Subsequent citations for the same violation may be issued by the Planning Director if the offender does not pay the citation (except as otherwise provided in a Warning Situation) after it has been issued, unless the offender has sought an appeal to the actions of the Planning Director through the Board of Adjustment. Once the ten-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Planning Director.
- B. **Schedule of Civil Penalties:** Unless otherwise provided in this ordinance, the following penalties are hereby established:
 - 1. **Warning Citation:** Correct Violation Within 10 Days
 - 2. **First Citation:** \$50.00
 - 3. **Second Citation For Same Offense:** \$100.00
 - 4. **Third And Subsequent Citations For Same Offense:** \$500.00
- C. **Recovery of Penalties:** If the offender fails to pay the civil penalties within fifteen days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

15.3 SPECIFIC TYPES OF VIOLATIONS

15.3.1 LANDSCAPING VIOLATIONS & PENALTIES

15.3.1.A APPLICABILITY

- A. **General:** Violations of Section 9 Tree Preservation, Landscaping & Screening shall be subject to penalties, enforcement, and the procedures relating thereto set forth in Section 15.3. Any landscape areas, trees and vegetation preserved or planted as part of an approved landscape plan or permit shall be continually maintained in good condition by the property owner.
- B. **Violations:**
 - 1. **Damage:** Failure to comply with the landscaping and maintenance requirements of Section 9 of this ordinance, or the disturbance, damage or removal of any trees or vegetation prohibited by this ordinance, shall constitute a violation. This includes the intentional material damage to, or the intentional material alteration of, any landscaped area, tree, or vegetation required to be planted and/or maintained as part of an approved plan or permit. All violations shall be reported by the property owner to the Planning Director

Commented [TA1]: Section 15 has been reorganized and revised to clarify the replacement process, calibrate penalties, afford non-monetary penalty relief, and link appeals to existing ordinance processes.

immediately, prior to any corrective action.

2. **Failure to Remedy:** It shall likewise constitute a violation of this ordinance for a property owner to fail, within a reasonable period of time or as specified by this ordinance, to remedy any material damage to, or alteration of, any landscaped area, tree, or vegetation required to be planted and/or maintained as part of an approved plan or permit, irrespective of whether such damage or alteration was the result of causes beyond the property owner's control, including but not limited to natural forces.
- C. **Enforceability:** Where a landscaping violation is found to have occurred, the remedies specified in this ordinance shall be enforced and any civil penalties shall be punishable in accordance with the provisions of this ordinance. Note: Violations pursuant to this section are not enforceable under N.C.G.S. 14-4.

15.3.1.B **REPLACEMENT**

- A. **Extent:** All landscaped areas, trees, and vegetation required by this ordinance which are disturbed or damaged shall be replanted to meet the standards of this ordinance as well as the approved site/master plan or permit. This includes any tree designated for preservation or installation as part of the approved landscape plan or permit that is removed or dies as a result of negligence or natural forces.
- B. **Replanting:**
 1. **New Vegetation:** New trees or vegetation required as part of an approved plan that are damaged or die shall be removed and replaced with new vegetation of equal or greater size according to the standards of this ordinance. Note: In some cases, this will extend beyond the Warranty Period(s) identified in 9.2.2.F.3.
 2. **Existing Vegetation:** Where the trees or vegetation that have been disturbed or damaged existed on the site at the time the development application was filed, all replacement trees and vegetation shall meet the standards set forth in this ordinance and take into account any unique site conditions as well as significant vegetation remaining within the landscaped area.
 - i. **Location:** Replantings shall be located within the vicinity of the violation. If the area is too small for sufficient growth, a more suitable location on the site may be selected as permitted by the Planning Director in consultation with the Arborist.
 - ii. **Vegetation:** Damaged or destroyed vegetation in both perimeter and/or interior landscaped/vegetated areas shall be replaced with an equal amount of new vegetation according to the size of vegetation removed. For buffer areas, understory plantings may also be required to restore the disturbed area to meet ordinance requirements.
 - iii. **Trees:** Any tree with a caliper of at least twelve inches that is damaged or removed shall be replaced with one or more trees, as determined by the Arborist, that have a caliper of at least 2.5

Commented [TA2]: The section clarifies the processes and standards governing replacement of disturbed or damaged plantings. It largely includes text already existing in the DPO that has been reorganized.

inches and a cumulative caliper equal to or greater than the original tree. Trees less than twelve inches in diameter in developments subject to an approved plan and damaged or destroyed shall be replaced to meet ordinance requirements.

Specimen Trees: Any Specimen Tree removed or damaged such that removal is required, as determined by the Arborist, shall be replaced by one 5-inch caliper tree or three 2.5-inch caliper trees at the discretion of the Arborist.

Commented [TA3]: This standard comes from CLT and has been adapted to require 2.5-inch replantings (rather than 2-inch), consistent with the DPO's minimum caliper requirement.

C. Approval:

1. **Plan:** All new trees and vegetation must be approved by the Planning Director, in consultation with the Arborist. A replanting plan denoting the proposed installation(s) shall be submitted to the Planning Director for approval in consultation with the Arborist. The plan shall take into consideration the development condition of the site, significant vegetation remaining within landscaped areas, and the required replacement of plant materials.
2. **Board of Adjustment:** The Planning Director may elect to present the replanting plan to the Board of Adjustment for final approval, as necessary.

- D. **Timeframe:** The responsible party shall replace the required vegetation within the current planting season, next planting season, or as approved by the Arborist. If such replacement does not occur within the specified time period, the Landscape Maintenance Bond may be drawn upon in order to pay for the cost of replacement. In such case, the replacement tree(s) and vegetation shall be installed by or at the direction of the Arborist.

Commented [TA4]: This provision affords flexibility in determining what timeframe works best for the site based on planting conditions, availability of plants, etc.

15.3.1.C PENALTIES

A. General:

1. **Responsible Parties:** Any person or entity who violates any of the sections of this ordinance, or rules or orders adopted or issued pursuant to these sections, shall be subject to civil penalties as prescribed by this section. The person performing the work, the property owner and the person contracting for the performance shall be jointly and severally liable for any penalty or other enforcement action imposed pursuant to this chapter or other provisions of law on account of work performed in violation of this ordinance.
2. **Scope:** Penalties assessed under this chapter are in addition to and not in lieu of compliance with the requirements of this ordinance.

Commented [TA5]: This section lays out the monetary and non-monetary options for assessing a landscaping violation(s).

- B. Penalties:** Civil penalties for violations of this chapter shall be assessed pursuant to the following:

1. **Required Installations:** Failure to plant original or replacement trees and vegetation in accordance with this chapter shall be \$100.00 for each tree and \$50.00 for each shrub/other vegetation not planted. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation as provided in Section 15.1. In the event of a failure to comply with the Replacement provisions, the failure to plant each individual tree and/or shrub/vegetation shall

Commented [TA6]: This enables the penalty amount to be levied on both the property owner and the party that executes the work order.

constitute a separate, daily and continuing violation from the day the notice of violation is received.

Commented [TA7]: This is intended to take effect only if the violator does not go through with the Replacement process.

2. **Total Loss:** The intentional or grossly negligent injury or damage to, or destruction of, trees and shrubs/vegetation protected by this ordinance that result in the total loss of the tree or shrub/vegetation shall be assessed according to the following:

Penalties for losses in areas regulated by approved plans (Master Plans, Conditional Master Plans, Individual Building or other site plans); in designated tree save or preservation areas; or, within the public right-of-way:

Commented [TA8]: These penalties apply in areas that were required to be preserved as part of an approved plan but were not executed correctly (i.e. work was incorrectly done in these areas resulting in tree/shrub loss). The values are derived from data available in the Davidson Street Tree Inventory completed in 2018.

- Tree: \$500 per Caliper Inch
- Shrub: \$100 per Shrub
- Vegetated Cover: \$10 per SF of Disturbed Area
- Specimen Tree: \$500 Caliper Inch up to 24 inches; \$800 per Caliper Inch over 24 inches.

Commented [TA9]: Example: A 36-inch tree is removed; the Arborist determines it was a specimen tree (per the Environmental Inventory). The violator pays \$500 x 24 for the first 24 inches (\$12,000) and \$800 x 12 for the next 12 inches (\$9,600) for a total of \$19,600.

Note: The maximum civil penalty for each tree injured, damaged or destroyed shall not exceed \$25,000. No notice of violation is needed prior to the assessment of a civil penalty issued pursuant to this subsection.

Commented [TA10]: Other communities also employ maximum amounts and their values are likewise within this range.

Penalties for losses in areas not regulated by an approved plan, including permits (i.e., permits filed after cutting or permits incorrectly executed):

Commented [TA11]: These penalties apply in areas that were not subject to an approved plan (i.e. a building permit for which a tree permit was not also filed as required, or when a tree permit's approved scope of work is not executed correctly). The values are derived from data available in the Davidson Street Tree Inventory completed in 2018.

- Tree: \$500 per Tree
- Specimen Tree: \$1,000 per Tree.

3. **Partial Damage:** The intentional or grossly negligent injury or damage to, or destruction of, trees and shrubs/vegetation protected by this ordinance that do not result in the total loss of the trees or shrub/vegetation shall be assessed according to the following:

Penalties for partial damage in areas regulated by approved plans (Master Plans, Conditional Master Plans, Individual Building or other site plans); in designated tree save or preservation areas; or, within the public right-of-way:

Commented [TA12]: These values mirror the preceding values but are calibrated to be based on each tree - not caliper - due to the Partial Damage nature of this penalty; the Vegetated Cover was reduced to \$5.00/SF. The Specimen Tree values were unchanged based on the value of these trees.

- Tree: \$500 per Tree
- Shrub: \$50 per Shrub
- Vegetated Cover: \$5 per SF of Disturbed Area
- Specimen Tree: \$1,000 per Tree

No notice of violation is needed prior to the assessment of a civil penalty issued pursuant to this subsection.

4. **Insufficient Replanting Area:** If the tree violation occurred in a preservation area in which it is determined that the required replacement tree(s) cannot be adequately replanted due to insufficient area, a replacement fee equal to \$100 per caliper inch of each replacement tree shall be paid to the Tree Fund.

Commented [TA13]: This concept comes from Raleigh. This would be in addition to any other applicable violation penalty.

5. **Tree Protection Measures:** Failure to install or maintain required tree

protection measures in accordance with Section 9 shall be punishable up to \$1,000 per violation. No civil penalty shall be assessed until the person has been notified of the violation as provided in Section 9. If the site is not brought into compliance within the time specified in the notice of violation, a civil penalty may be assessed from the date the notice of violation is received until it is adequately corrected, as confirmed by inspection. The failure to install the required tree protection measures shall constitute a separate, daily and continuing violation. Injury or damage to, or destruction of, trees in the tree protection zone and tree save area resulting from the failure to install or maintain required tree protection measures in accordance with Section 9 constitutes a separate violation which may subject the violator to any other applicable penalty set forth in this section.

6. **Miscellaneous Violations:** Any other action that constitutes a violation of this chapter may subject the violator to a civil penalty of \$50, and each day of continuing violation shall constitute a separate violation. However, the maximum amount of the penalty shall not exceed \$1,000.
7. **Non-Monetary Penalties:** At the discretion of the Planning Director in consultation with the Arborist, alternative non-monetary penalties or replanting strategies may be assessed in addition to or in lieu of any monetary penalties prescribed under this section. Plantings shall be approved in accordance with the Replacement provisions of this ordinance.
8. **Penalties Cumulative:** The civil penalties provided for in this Section 9.10 may be assessed cumulatively. By way of example only, if a Specimen Tree and the vegetated cover surrounding it are damaged due to inadequate tree protection measures, a total of at least three separate penalties may be assessed: (i) one for partial loss of the Specimen Tree; (ii) one for partial loss of the vegetative cover; and (iii) one for the failure to install or maintain required tree protection measures.
- C. **Assessment, Notice of Violation, & Payment:** The Planning Director, in consultation with the Arborist, shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty. The notice of violation shall be served as provided in Section 15.1 and shall direct the violator to either pay the assessment or contest the assessment as specified in this ordinance. If payment of assessed penalties is not received within thirty (30) days after it is due, or if no request for a hearing has been made as provided in this ordinance, the assessment shall be considered a debt due and owing to the Town, and the matter shall be referred to the town attorney for institution of a civil action to recover the amount of the debt. The civil action may be brought in the Mecklenburg County Superior Court or in any other court of competent jurisdiction.
- D. **Civil Action for Unpaid Assessment:** A civil action must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of violation. A violation that is contested is due at the conclusion of the administrative

Commented [TA14]: This provision is new and affords flexibility in levying a penalty wherein financial hardship exists or unintentional/not grossly negligent actions result in a violation; it allows alternative approaches to replacement and payment.

Commented [TA15]: This section makes clear the process for issuing and resolving a violation.

and judicial review of the assessment.

- E. **Use of Civil Penalties Collected:** Civil penalties collected pursuant to this section shall be credited to the Tree Fund as a nontax revenue and shall be used to further the purposes, intent and requirements of this ordinance as prescribed by the Board of Commissioners resolution establishing the Tree Fund.
- F. **Criminal Penalties:** Any person who knowingly or willfully violates any section of this chapter shall be guilty of a class 2 misdemeanor and may, upon conviction thereof, be subject to punishment as provided in section 2-21. This remedy is in addition to any civil penalties that may be assessed.

15.3.1.D **APPEALS & VARIANCES**

- A. **General:** Any party dissatisfied with a decision of the Town adversely affecting such party in the application or enforcement of this ordinance, including notices of violations and assessments of civil penalties, may request a public hearing before the Board of Adjustment.
- B. **Request:** The issuance of a decision, including a notice of violation or assessment of a civil penalty by the Town, shall entitle the party subject to the decision or responsible for the violation (petitioner) to a hearing before the Board of Adjustment if such party submits a written request for a hearing to the Planning Director within thirty (30) days of the receipt of a decision, notice of violation or assessment of a civil penalty.
- C. **Procedure:** Appeals and variances shall follow the rules and procedures set out in NCGS Section 160 A-388, as amended, and Section 14.18 of the Davidson Planning Ordinance.

Commented [TA16]: This section clarifies the process for seeking relief from the assessed violation. It links to existing processes in the DPO, namely Board of Adjustment procedures.

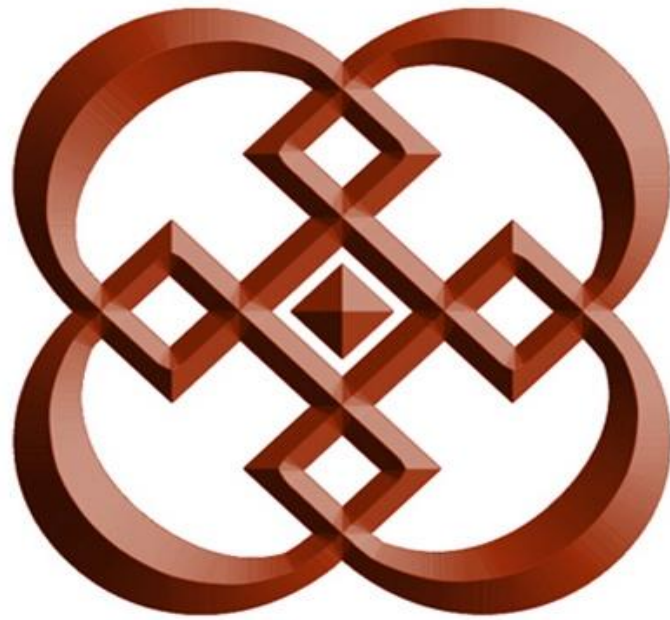


Agenda Title: **Public Hearing - Proposed 2019 G.O. Bonds for Public Facilities**
Assistant Town Manager Karen Whichard and Finance Director Pieter Swart
Summary: The proposed \$14 million G.O. Bond issuance will fund the renovation of the historic 251 South Street building for a new town center and reconfigure the current town hall to better accommodate the needs of the Davidson Police and Fire Departments. This public hearing was posted in the Mecklenburg Times on Friday, July 12, 2019.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
▢ Presentation - Proposed 2019 G.O. Bonds for Public Facilities 07.23.19	7/23/2019	Presentation



The Town *of* Davidson

College Town. Lake Town. *Your Town.*

Public Hearing 2019 GO Bond Public Facilities



College Town. Lake Town. *Your Town.*

2019 GO Bond Public Hearing
Piet Swart, Finance Director
July 23, 2019

Presentation Overview

- Project Overview
- GO Bond Calendar
- Education V. Advocacy
- Funding the Project
- Public Hearing



Project Overview

- Town community center at 251 South Street
 - Half community space/half town administrative offices
 - Preserves historic structure for the community to use
- Public safety renovation of current town hall
 - Provides adequate space for current and future police operations
 - Adds forensic evidence storage and secure exterior space
 - Adds living quarters and improves the restrooms and kitchen in Fire Station 1



Bond Order

BOND ORDER AUTHORIZING THE ISSUANCE OF \$14,000,000 GENERAL OBLIGATION PUBLIC FACILITIES BONDS OF THE TOWN OF DAVIDSON, NORTH CAROLINA

Provide funds to pay the capital costs of acquiring, constructing, expanding, renovating, equipping and furnishing public facilities to be used for municipal services, including town hall that incorporates community meeting space; police; firefighting; and other administrative services; and the acquisition of land, rights-of-way and easements therefor.



G.O. Bond Calendar

7/23/19	Board holds public hearings on adoption of the Bond Order
8/13/19	Board (1) adopts the Bond Order and (2) adopts the Resolution setting a Special Bond Referendum
11/5/2019	Election Day



Education vs. Advocacy

- Town funds may only be spent to provide voters with information on bond orders
- Elected officials may advocate for bond orders at non-Town sponsored events, activities or meetings



Funding the Project

- The tax rate equivalent for the \$14.0 million is 3.5 pennies
 - Combination of funds the Board has set aside for debt service and timing of the debt results in a projected 2 penny increase to the projected ad valorem tax rate
- If the Continuum sale proceeds as planned, staff recommends:
 - Dedicating the current \$1.0 million annual contribution for Continuum to public facilities debt service
 - Leaving the tax rate flat



Questions

Public Hearing



College Town. Lake Town. *Your Town.*

2019 GO Bond Public Hearing
Karen Whichard, Assistant Town Manager
Piet Swart, Finance Director
July 23, 2019



Agenda Title: **Consider Approval of Draft June Meeting Minutes**
Summary: Draft Meeting Minutes from June 6 Quarterly Q&A Session, June 11 work session and June 25 regular meeting.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
❏ Draft Meeting Minutes 06-06-19	7/19/2019	Backup Material
❏ Draft Meeting Minutes 06-11-19	7/19/2019	Backup Material
❏ Draft Meeting Minutes 06-25-19	7/19/2019	Backup Material



June 6, 2019

**INFORMAL MEETING – QUARTERLY Q&A SESSION
TOWN OF DAVIDSON BOARD OF COMMISSIONERS**

The Town of Davidson Board of Commissioners meet on Thursday, June 6, 2019 from 6:00 p.m. to 7:15 p.m. for the Quarterly Q&A Session at Davidson Presbyterian Church. Present were Mayor Rusty Knox and Commissioners Jane Campbell, Matthew Fort, Autumn Rierson Michael, and David Sitton. Commissioner Jim Fuller was absent. Town Manager Jamie Justice and Assistant Town Manager Karen Whichard were also in attendance.

Topics discussed during the session included Mobility, the Potts-Sloan-Beaty project, communication to citizens besides electronic means, Veterans Monument and proposed Sensory Garden, Roosevelt Wilson Park Sign, entrance to Lakeside Park, and gentrifications/land trust/affordable housing. No actions were taken.

Attest:

Elizabeth K. Shores
Town Clerk

Rusty Knox
Mayor



June 11, 2019

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

The Town of Davidson Board of Commissioners held its regularly scheduled meeting on Tuesday, June 11, 2019 in the Town Hall Board Room. Present were Mayor Rusty Knox and Commissioners Jane Campbell, Matthew Fort, Jim Fuller, and David Sitton. Commissioner Autumn Rierson-Michael was present by phone. Town Manager Jamie Justice, Assistant Town Manager Karen Whichard, Economic Development Manager Kim Fleming, Finance Director Pieter Swart, Fire Chief Bo Fitzgerald, Human Resources Director Megan White, Parks and Recreation Director Kathryn Spatz, Planning Director Jason Burdette, Police Chief Penny Dunn, Special Projects Manager Dawn Blobaum, Town Attorney Cindy Reid and Town Clerk Betsy Shores were also present.

- **CALL TO ORDER**

Mayor Knox called the meeting to order at 5:03 p.m.

- **CLOSED SESSION**

Commissioner Campbell made a motion to move to closed session per NCGS §143-318.11. (a) (9) – Mecklenburg County Emergency Operations Plan and NCGS § 143.318.11(a)(3) Consult with Attorney. The motion passed unanimously (4-0). Commissioner Rierson-Michael joined by phone in the closed session.

At 6:00pm, Commissioner Campbell made a motion to return to open session. The motion passed unanimously (5-0).

- **ANNOUNCEMENTS**

Town Clerk Betsy Shores read the following announcements:

Due to the weather this past weekend, Band of Oz was rescheduled from Sunday, June 9 to Sunday, June 16. The music starts at 6:00pm and more information is online at www.concertsonthegreen.com

Join the Davidson Police Department for “Cone with a Cop” on Saturday, June 22 from 11:00 a.m. to 12:30 p.m. at Whit’s Frozen Custard located at 428 S. Main Street to talk about safety. A complimentary frozen custard will be provided to elementary school aged children.

The Police Department is also starting a new program for residents called Dog Walker Watch. Dog Walker Watch encourages neighbors to assist local enforcement by acting as extra eyes and ears while out walking their dogs. The program enhances the partnership between police and the community while

providing resources for neighbors to be more aware of their surroundings and how to effectively observe and report suspicious activity.

The first training session of the Dog Walker Watch will be held on Thursday, July 11, at 6:30 p.m. here in the Town Hall Board Room. It is open to the first twenty-five (25) Davidson residents who register. Please email Officer Kanita Boone at kboone@townofdavidson.org with your name, contact number, neighborhood, and address. More information can be found under the Police Department page on the Town Website.

On July 4th, the Town of Davidson will celebrate Independence Day! Please join us at 251 South Street at 5:15 p.m. to walk down to the town green to for the concert, featuring the Da Throwback Band. The concert will begin at 6:00 p.m. Show your patriotic spirit by decorating your bike, scooter, and wagon in red, white and blue!

Mayor Knox read a proclamation for National Police Week from May 12-18, 2019 and recognized Chief Dunn and the Davidson Police Department.

Town Manager Justice announced the retirement of Special Projects Manager Dawn Blobaum. After 20 years of service with the Town of Davidson, Dawn is retiring this month. As the former Assistant Town Manager, we commend Dawn for all she has done for the Davidson community and thank her for years of service.

Mayor Knox read a proclamation for Pride Month 2019.

- **CHANGES TO THE AGENDA**

No changes to the agenda.

- **DISCUSSION**

(a) Planning Director Jason Burdette and **Lake Forest Church** representative Bill Worsley reviewed the proposed **Conditional Planning Area Map Amendment** for +/- 3.9 acres currently zoned Village Edge and Village Infill Planning Areas (Parcel IDs: 00324111, 00324107, & 00324170). The Davidson Planning Ordinance (DPO) allows the Conditional Planning Area as an option for developers/property owners to ask for exceptions from the ordinance in a manner that is mutually agreeable to the developer and the Town of Davidson. The applicant received feedback from the board and will continue through the application process.

(b) Planning Director Jason Burdette, Senior Planner Trey Akers, and Planning Board Ordinance Committee Members Dave Cable and Ellen Donaldson presented the **draft text amendments to Davidson Planning Ordinance Section 9: Trees**. The discussion included completed sections, a comparison of the current ordinance and proposed ordinance, remaining work, and next steps. The board will be presented with another update during the July 9 work session.

(c) Affordable Housing Manager/Town Attorney Cindy Reid and Matt Gallagher with Blue Heel Development presented a **proposed affordable housing recommendation for Summers Walk Phase 6**.

Currently builders and developers have the option to pay a fee in lieu of building the Affordable Housing units. The Davidson Board of Commissioners, Planning Board, Affordable Housing Steering Committee, and numerous citizens have indicated a strong preference for homes being built rather than a payment in lieu. Blue Heel Development's proposal is to build 3 homes, exactly like the market rate version, to sell at a discounted rate to income qualified households. The homes will be added to Davidson Housing Coalition's land trust in partnership with the Town of Davidson.

Commissioner Fort made a motion to approve the recommended model as presented and to move forward with the proposal. The motion passed unanimously (5-0).

(d) Special Projects Manager Dawn Blobaum, Brent Green of Creech and Associates, Andy Aldridge of Edifice, Inc and Steve Blashfield of Glavé & Holmes Architecture presented an **updated conceptual design and preliminary pricing of Phase I and II of the public facilities project**. The board discussed the three different options presented and to initiate the GO Bond referendum process at \$14 million.

Commissioner Rierson-Michael made a motion to approve Resolution 2019-27 Authorizing the Application to the Local Government Commission for Approval to the Town's Proposed General Obligation Bonds and to submit such application to the Local Government Commission; Resolution 2019-28 Making Certain Statements of Fact Concerning the Proposed Bond Issue; and Resolution 2019-29 Directing the Publication of the Notice of Intention to Apply to the Local Government Commission for Approval of Bonds. The motion passed (4-1), with Commissioners Campbell, Fort, Fuller, and Rierson-Michael voting yes and Commissioner Sitton voting no.

(e) Town Manager Justice and Senior Planner Travis Johnson presented the proposed **I-77 Peak-Period Shoulder Lanes** plan, funding, and schedule for Charlotte Regional Transportation Planning Organization (CRTPO) coordination. The proposed plan includes usage of the outside shoulder lanes during peak travel periods. This project has also been recommended by the I-77 Local Advisory Group that has been convened of municipal representatives along the corridor by NCDOT to recommend improvements to the I-77 Express Lanes project. At the June 25 meeting, the board will consider directing Commissioner Campbell to vote in support of the I-77 Peak Period Shoulder Lanes at the July CRTPO meeting.

(f) Finance Director Piet Swart and **Town Manager Justice** discussed the proposed FY2020 budget with the board. The **recommended** FY2020 Budget was \$12.7 million in revenues and expenditures. The **recommended** tax rate was set at \$0.29 per \$100 of assessed value.

Commissioner Campbell made a motion to approve Ordinance 2019-02 FY2020 Budget and the fee schedule as presented. The motion passed (3-2) Commissioners Campbell, Rierson-Michael, and Sitton voting yes and Commissioners Fort and Fuller voting no.

(g) During **Miscellaneous/Open Discussion**, Town Manager Justice reviewed the topics discussed at the June 6 Quarterly Q&A Session held at Davidson Presbyterian Church. The board would like to see the proposed Veteran's Monument project accelerated.

- **ADJOURN**

Commissioner Fuller made a motion to adjourn. The motion passed unanimously (5-0).

The meeting adjourned at 9:47p.m.

Attest:

Elizabeth K. Shores
Town Clerk

Rusty Knox
Mayor

DRAFT



June 25, 2019

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

The Town of Davidson Board of Commissioners held its regularly scheduled meeting on Tuesday, June 25, 2019 in the Town Hall Board Room. Present were Mayor Rusty Knox and Commissioners Jane Campbell, Matthew Fort, Jim Fuller, and Autumn Rierson Michael. Commissioner Sitton was absent. Town Manager Jamie Justice, Assistant Town Manager Karen Whichard, Economic Development Manager Kim Fleming, Finance Director Pieter Swart, Deputy Fire Chief Joel Cherry, Planning Director Jason Burdette, Police Chief Penny Dunn, Public Works Director Doug Wright, Town Attorney Cindy Reid, and Town Clerk Betsy Shores were also present.

- **CALL TO ORDER**

Mayor Knox called the meeting to order at 5:07 p.m.

- **CLOSED SESSION**

Commissioner Campbell made a motion to move to closed session per NCGS § 143.318.11(a)(3) Consult with Attorney. The motion passed unanimously (3-0). Commissioner Fuller was not present for the vote but attended closed session. Commissioner Rierson-Michael joined by phone in the closed session.

At 6:00pm, Commissioner Campbell made a motion to return to open session. The motion passed unanimously (4-0).

- **ANNOUNCEMENTS**

Town Clerk Betsy Shores made the following announcements:

On Thursday, July 4th, the Town of Davidson will celebrate Independence Day! Meet at 251 South Street at 5:15 p.m. to walk down to the town green. Following the parade, stay for the Concert on the Green, featuring the Da Throwback Band, starting at 6:00 p.m.

Show your patriotic spirit by decorating your bike, scooter, and wagon in red, white and blue! We hope you'll join us!

The Town of Davidson offices, including town hall and the Parks and Recreation department, will be closed on Thursday, July 4th in observance of the holiday. Waste Pro will be operating on a normal garbage pick-up schedule on Thursday, July 4.

The new Dog Walker Watch program with the Davidson Police Department filled up so quickly that we added another session on Thursday, July 11 at 10:00 a.m.

Dog Walker Watch encourages neighbors to assist local law enforcement by acting as extra eyes and ears while out walking their dogs. Registration is required and limited to 25 Davidson residents so please email Officer Kanita Boone at kboone@townofdavidson.org with your name, contact number, neighborhood, and address.

Mayor Knox recognized the Davidson Police and Fire Departments, on behalf of the Town of Mooresville, for their assistance after the line of duty death involving Mooresville Police Officer Jordan Sheldon. Mayor Knox shared remarks and appreciation from Mooresville Mayor Miles Atkins to the Town of Davidson and other local agencies for quickly stepping in to assist the Mooresville Police and Fire Departments

- **CHANGES TO THE AGENDA**

Commissioner Rierson-Michael requested to add a closed session at the end of the meeting for NCGS § 143.318.11(a)(6) Personnel.

- **PRESENTATIONS**

Bob Cameron, Davidson Representative for the **Airport Community Roundtable**, provided an update on recent changes to flight patterns at Charlotte Douglas International Airport. At the request of the Federal Aviation Administration (FAA), Charlotte Douglas International Airport (CLT) convened the Airport Community Roundtable (ACR) in 2017. The ACR provides input into airport related noise impacts and finds, where possible, practical solutions and recommendations for the FAA to consider when determining aircraft operating procedures at CLT.

- **PUBLIC COMMENTS**

The public comments period opened at 6:20 p.m. and closed at 6:21 p.m. No citizens spoke.

- **PUBLIC HEARING**

Commissioner Rierson-Michael made a motion to open the public hearing at 6:27 p.m. The motion passed unanimously (4-0).

A public hearing was held on the **proposed voluntary annexation of 648 Catawba Avenue**. 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 Charlotte Observer on June 14, 2019. No one spoke during the public hearing.

Commissioner Fuller made a motion to close the public hearing at 6:30 p.m. The motion passed unanimously (4-0).

- **CONSENT AGENDA**

Meeting Minutes from May 7 special meeting, May 14 work session, and May 28 regular meeting
Resolution 2019-30 General Records Retention and Disposition Schedule
Ordinance 2019-03 to Extend the Corporate Limits of the Town of Davidson to include 648 Catawba Ave
2019 Paving Contract
Continuum Board of Directors Appointments for 2019-2021
Tax Levy Adjustment
Mecklenburg County Emergency Operations Plan
Direct Commissioner Campbell to vote in support of the I-77 Peak Period Shoulder Lanes (PPSL)
Plum Creek Greenway Easement Agreement

Commissioner Campbell made a motion to approve the consent agenda. The motion passed unanimously (4-0).

- **OLD BUSINESS**

(a) Senior Planner Trey Akers provided an update on the **What's Next Comprehensive Plan**, including a timeline, PAG (Planning Advisory Group) involvement, and next steps. The PAG is comprised of a broad cross-section of residents representing different parts of Davidson and a number of different viewpoints. Commissioner Rierson-Michael and Commissioner Sitton also serve on the PAG.

The PAG members serve as ambassadors to the community. They help make community members aware of What's Next events and answer questions about the process. The PAG meets on a consistent basis to help plan events, as well as, provide guidance on different topics related to the Comprehensive Plan. Next steps include reviewing the Draft Plan Modules and hosting a public open house for members of the community.

- **CLOSED SESSION**

Commissioner Fort made a motion to move to closed session per NCGS § 143.318.11(a)(6) Personnel. The motion passed unanimously (4-0).

- **ADJOURN**

Commissioner Rierson-Michael made a motion to end closed session and adjourn. The motion passed unanimously (4-0).

The meeting adjourned at 7:38 p.m.

Attest:

Elizabeth K. Shores
Town Clerk

Rusty Knox
Mayor



Agenda Title: **Consider Approval of naming of Park at Beaty**
Summary: At the July 9 work session, the Park at Beaty Task Force Leadership Committee and the Livability Board recommend the park officially be named Beaty Park and be dedicated to the Clontz Family. The board of commissioners will consider approval of the recommended name for the park.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
□ Agenda Memo - Recommendation for naming of Park at Beaty 07.23.19	7/18/2019	Cover Memo



Recommendation for Naming of Park at Beaty Street

Date: July 23, 2019
To: Davidson Board of Commissioners
From: Kathryn Spatz, Parks & Recreation Director
Re: Recommendation for Naming of Park at Beaty Street

1. OVERVIEW

At its September 4, 2018 meeting, the Commissioners voted unanimously to follow the process below in naming of future parks:

Livability Board's Parks Subcommittee or designee group develop 3-5 potential names based on natural features and history of park land.

- Seek public input on those potential names from citizen on Open Town Hall.
- Livability Board make recommendation to Board of Commissioners, considering citizens input.
- Board of Commissioners consider Livability Board recommendation for approval by resolution.

In April, the Park at Beaty Task Force Leadership Committee recommended the following list of four park names for consideration by the public via Open Town Hall:

- **Beaty Park:** The property is well-known with the Beaty name and some folks call it by this name already. It signifies geographic location.
- **Heron Park:** Herons visit this park on a regular basis, particularly when the pond (the park's primary water feature) is full.
- **Perennial Park:** Refers to the perennial plants, perennial streams and everlasting nature of the park.
- **Preservation Park:** Refers to the park being preserved in perpetuity.

The overwhelming choice, receiving 78.5% of the votes, on Open Town Hall was Beaty Park. Write-in ideas were permitted and several citizens expressed a desire for the park to be named Clontz Park, in honor of the family who sold the town land to the town.

The Task Force Leadership Committee and the Livability Board recommend to the Board of Commissioners that the park officially be named Beaty Park and be dedicated to the Clontz Family.

2. RELATED TOWN GOALS

N/A

3. OPTIONS/PROS & CONS

Options:

- 1) Choose one of the names recommended by the Park at Beaty Task Force Leadership Committee and Livability Board
- 2) Select another name for the Park at Beaty Street

4. FYI or RECOMMENDED ACTION

We recommend the board of commissioners approve the recommendation of the Park at Beaty Task Force Leadership Committee and Livability Board.

5. NEXT STEPS

Staff would begin using the adopted name in press for the October 5 dedication ceremony and order park sign.



Agenda Title: **Consider Approval of Budget Amendment 2020-01 for Arts Project Fund**
Summary: Budget Amendment 2020-01 recognizes the FY2020 contribution of \$40,200 from the general fund in the Arts Project Fund.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
□	Budget Amendment 2020-01 Arts Project Fund	7/19/2019	Budget Amendment

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 2020 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 23rd day of July, 2019



Agenda Title: **Consider Approval of Budget Amendment 2020-02 for down payment assistance funding**

Summary: Budget Amendment 2020-02 allows for revenue and expenditure of HOMES down payment assistance funding in the Affordable Housing fund.

Summary:

ATTACHMENTS:

Description		Upload Date	Type
□	Budget Amendment 2020-02 for down	7/19/2019	Budget
	payment assistance funding		

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, 2020:

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		\$ 35,689.00

Payments will be made to assist two 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		\$ 35,689.00

The Town will receive down payment assistance from the City of Charlotte - HOME Consortium program.

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 23rd day of July, 2019



Agenda Title: **Consider Approval of Budget Amendment 2020-03 for FY2020 Affordable Housing Fund**
Summary: Budget Amendment 2020-03 moves forward to FY2020 in the Affordable Housing fund of \$50,000 of down payment assistance which is remaining from the board's FY2019 allocation.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▢	Budget Amendment 2020-03 for FY2020 Affordable Housing Fund	7/19/2019	Budget Amendment

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, 2020:

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		\$ 50,000.00

Payment will be made to assist a low or moderate income household purchase housing in the Town with their down payment. These funds were approved

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>
52-40-3990-980	Fund Balance, Affordable housing		\$ 50,000.00

The Town will assist home buyers with down payment assistance 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 23rd day of July, 2019



Agenda Title: Consider Approval for Budget Amendment 2020-04 for Fiscal Impact Analysis Update

Summary: The Town of Davidson contracted with the TischlerBise in 2014 to develop the Cost of Land Use Fiscal Impact Analysis. A fiscal impact evaluation analyzes revenue generation and operating and capital costs to a jurisdiction associated with the provision of public services and facilities to serve development.

We would like to update the fiscal impact analysis for the Town of Davidson as there have been significant changes in our cost to serve development, such as the addition of Fire Station No. 2. Revenue estimates have also changed due to the recent countywide revaluation. It is also best practice to update this study every 5 years. Budget Amendment 2020-04 allocates \$25,000 from Fund Balance, in addition to the allocated \$20,000, to update the fiscal impact analysis report.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▣	Agenda Memo - Proposed update to Fiscal Impact Study 07.23.19	7/19/2019	Cover Memo
▣	Attachment - TischlerBise Scoping Document 2019	7/19/2019	Backup Material
▣	Budget Amendment 2020-04 for Fiscal Impact Analysis Update	7/19/2019	Budget Amendment



Proposed update to the 2014 Cost of Land Use Fiscal Impact Analysis

To: Davidson Board of Commissioners
From: Kim Fleming, Economic Development Manager
Date: July 23, 2019
Re: Proposed update to the 2014 Cost of Land Use Fiscal Impact Analysis

1. OVERVIEW

The Town of Davidson contracted with the TischlerBise in 2014 to develop the Cost of Land Use Fiscal Impact Analysis. A fiscal impact evaluation analyzes revenue generation and operating and capital costs to a jurisdiction associated with the provision of public services and facilities to serve development. A fiscal impact analysis is different from an economic impact analysis in that a fiscal impact analysis projects cash flow to the public sector while an economic impact analysis projects the cash flow to the private sector, measured in income, jobs, output, etc.

We would like to update the fiscal impact analysis for the Town of Davidson as there have been significant changes in our cost to serve development, such as the addition of Fire Station No. 2. Revenue estimates have also changed due to the recent countywide revaluation. It is also best practice to update this study every 5 years. Please see the attached scoping document for details of proposal.

2. RELATED TOWN GOALS

List core value(s):

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

3. OPTIONS/PROS & CONS

- Approving now will help sync this study with the Comprehensive Plan.
- The fiscal impact analysis helps all departments to analyze cost structure and future demands for service.

4. FYI or RECOMMENDED ACTION

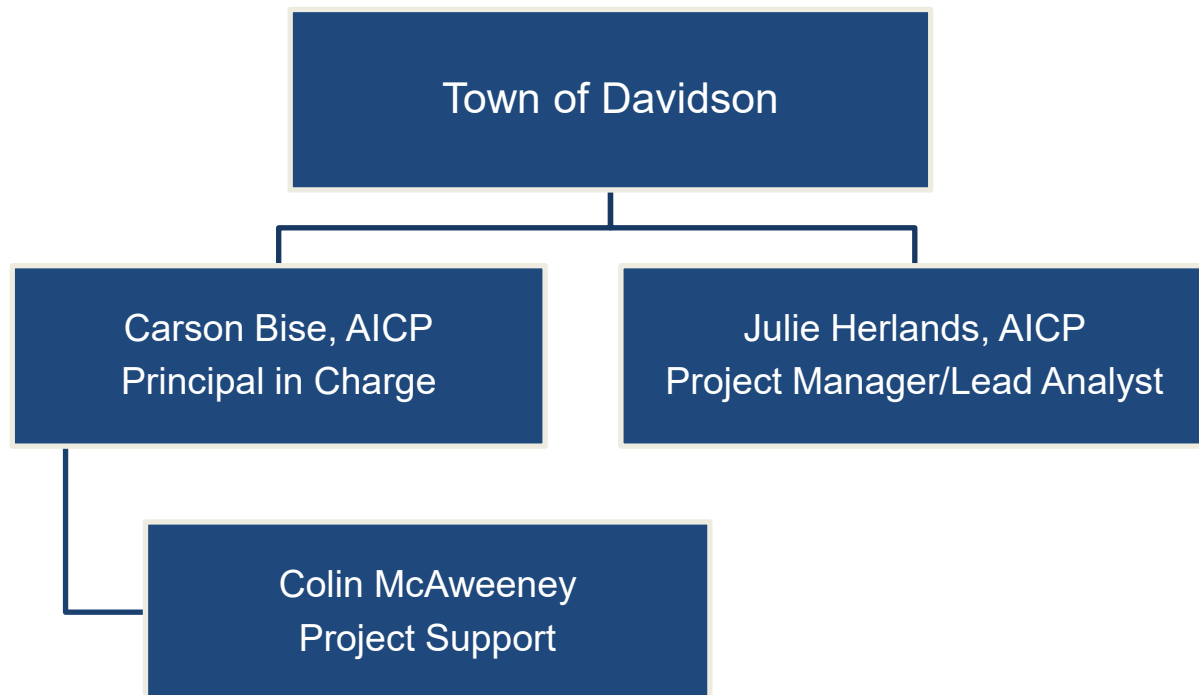
Recommended action – vote to approve budget amendment for additional \$25,000 from fund balance in addition to the allocated \$20,000.

5. NEXT STEPS

Project will take 3 months to complete.

Section 1: Project Team Organization

Our TischlerBise project team has successfully prepared similar analyses for many communities in recent years similar to this assignment. The majority of these assignments included understanding local and regional context relative to the cost to serve, evaluating multiple land uses, and evaluating the geographic differences in service provision. **Our project team for this assignment includes our most senior and experienced professionals.** We have unsurpassed experience performing projects requiring the same expertise as that needed to serve the Town.



Our project team of Carson Bise, AICP, Julie Herlands, AICP, and Colin McAweeney will provide seamless support to this assignment. Mr. Bise and Ms. Herlands of TischlerBise have successfully prepared and assisted with the implementation of fiscal analyses for over 350 communities throughout their careers.

Carson Bise, AICP, President of TischlerBise, will serve as Principal in Charge for this assignment and will coordinate our project team's interaction with the Town to ensure that all work is completed properly, on time, and within budget. Mr. Bise, who has unsurpassed fiscal impact analysis and infrastructure financing credentials, will provide quality control/quality assurance for this project.

Julie Herlands, Vice President at TischlerBise, will be the Project Manager/Lead Analyst on this assignment. Ms. Herlands has fifteen years of relevant experience and has prepared fiscal analyses and revenue strategies for local governments in over fifteen states. She has been the project manager/lead analyst on dozens of similar assignments across the country including the Study on the Fiscal Disparities Program for the Minnesota Department of Revenue .

Colin McAweeney, Fiscal/Economic Analyst, is an accomplished capital impact/impact fee Project Manager in his own right and will provide analytical support to the study. Mr. McAweeney has been with TischlerBise for five years and has developed fiscal impact models in Virginia, Texas, and Florida and impact fee experience in North Carolina, South Carolina, and Colorado.

Complete staff resumes are provided below.

L. Carson Bise, II, AICP, President

Carson Bise has 25 years of fiscal, economic and planning experience and **has conducted fiscal and infrastructure finance evaluations in 37 states, including the State of Maryland**. Mr. Bise has developed and implemented more fiscal impact models than any consultant in the country. The applications which Mr. Bise has developed have been used for evaluating multiple land use scenarios, specific development projects, annexations, urban service provision, tax-increment financing, and concurrency/adequate public facilities monitoring. Mr. Bise is also a leading national figure in the calculation of impact fees, having completed over 250 impact fees for the following categories: parks and recreation, open space, police, fire, schools, water, sewer, roads, municipal power, and general government facilities. Mr. Bise has also written and lectured extensively on fiscal impact analysis and infrastructure financing. **His most recent publications are Fiscal Impact Analysis: Methodologies for Planners, published by the American Planning Association, a chapter on fiscal impact analysis in the book Planning and Urban Design Standards, also published by the American Planning Association, and the ICMA IQ Report, Fiscal Impact Analysis: How Today's Decisions Affect Tomorrow's Budgets**. Mr. Bise was also the principal author of the fiscal impact analysis component for the Atlanta Regional Commission's Smart Growth Toolkit and is featured in the recently released AICP CD-ROM Training Package entitled The Economics of Density. Mr. Bise is currently on the Board of Directors of the Growth and Infrastructure Finance Consortium and **recently Chaired the American Planning Association's Paying for Growth Task Force**. He was also recently named an Affiliate of the National Center for Smart Growth Research & Education.



EDUCATION

M.B.A., Economics, Shenandoah University

B.S., Geography/Urban Planning, East Tennessee State University

B.S., Political Science/Urban Studies, East Tennessee State University

SELECTED FISCAL IMPACT ANALYSIS EXPERIENCE

- Anchorage, Alaska – *Fiscal Impact Analysis of General Plan Alternatives*
- Matsu Borough, Alaska – *Fiscal Impact Analysis*
- Town of Sahuarita, Arizona – *Fiscal Impact Model*
- Clovis, California – *Fiscal Impact Analysis of Annexation Alternatives*
- Napa County, California – *Fiscal Equity Study*
- Pasadena, California – *Cost of Land Uses Fiscal and Economic Analysis*
- Mesa County, Colorado – *Fiscal Impact Analysis of Growth Scenarios*
- Westminster, Colorado – *Fiscal Impact Model*
- Kissimmee, Florida – *Fiscal Impact Analysis of Annexation Areas*
- Hernando County, Florida – *Fiscal Impact Analysis*
- Hillsborough County, Florida – *Fiscal Impact Analysis of Current Land Use Trend*
- Miami-Dade County, Florida – *Fiscal and Economic Analysis of Rural and Agricultural Areas*
- Sarasota County, Florida – *Fiscal and Economic Analysis of Development Prototypes*
- Lawrence, Kansas – *Fiscal Impact Analysis of Growth Scenarios; Cost of Land Uses Study*
- Calvert County, Maryland – *Fiscal Impact Analysis of Growth Scenarios*
- Carroll County, Maryland – *Fiscal Impact Analysis of Growth Scenarios*
- Carroll County, Maryland – *Concurrency Management Model*
- Charles County, Maryland – *Cost of Land Uses Fiscal Impact Analysis*
- Howard County, Maryland – *Fiscal Impact Analysis of General Plan*
- Prince George's County, Maryland – *Fiscal Impact Analysis of Growth Scenarios*
- Washington County, Maryland – *Fiscal Impact Analysis of Growth Scenarios*
- Rockville, Maryland – *Fiscal Impact Model*
- Rockville, Maryland – *Fiscal Impact Analysis of Annexation*
- Sykesville, Maryland – *Fiscal Impact Analysis of Proposed Warfield Development*
- Coon Rapids, Minnesota – *Fiscal Impact Analysis of Growth Scenarios (Metro Council Study)*
- Cottage Grove, Minnesota – *Fiscal Impact Analysis of Growth Scenarios (Metro Council Study)*
- Minneapolis, Minnesota – *Fiscal Impact Analysis of Growth Scenarios (Metro Council Study)*
- St. Paul, Minnesota – *Fiscal Impact Analysis of Growth Scenarios (Metro Council Study)*
- Lee's Summit, Missouri – *Long-Term Financial Model*
- Town of Salem, New Hampshire – *Fiscal Impact Model*
- West Windsor, New Jersey – *Fiscal Impact Analysis of T.O.D. Project and TIF Analysis*
- Edison, New Jersey – *Fiscal Impact Analysis of T.O.D. Project and TIF Analysis*
- Wilson, North Carolina – *Cost of Land Use Analysis and Revenue Strategies*
- Wilmington, North Carolina – *Fiscal Impact Analysis of Urban Services Provision*
- Guilford County, North Carolina – *Fiscal Impact Analysis of Growth Scenarios*
- New Hanover County, North Carolina – *Fiscal Impact Analysis of Urban Services Provision*
- Dublin, Ohio – *Fiscal Impact Analysis of Land Use Scenarios*
- Oklahoma City, Oklahoma – *Fiscal Impact Analysis of Growth Scenarios; Fiscal Impact Model*
- Beaufort County, South Carolina – *Fiscal Impact Analysis of North Beaufort Plan*
- Shelby County, Tennessee – *Fiscal Equity Study*

- Germantown, Tennessee – *Fiscal Impact Analysis of Annexation Alternatives*
- Draper City, Utah – *Fiscal Analysis of SunCrest Development*
- Chesapeake, Virginia – *Fiscal Impact Model*
- Frederick County, Virginia – *Development Impact Model*

PUBLICATIONS

- “Next Generation Impact Fees,” American Planning Association Planners Advisory Memo
- *Fiscal Impact Analysis: Methodologies for Planners*, American Planning Association.
- *Planning and Urban Design Standards*, American Planning Association, Contributing Author on Fiscal Impact Analysis.
- “Fiscal Impact Analysis: How Today’s Decisions Affect Tomorrow’s Budgets,” ICMA Press.
- “The Cost/Contribution of Residential Development,” Mid-Atlantic Builder.
- “Are Subsidies Worth It?” Economic Development News & Views.
- “Smart Growth and Fiscal Realities,” ICMA Getting Smart! Newsletter.
- “The Economics of Density,” AICP Training Series, 2005, Training CD-ROM (APA).

Julie Herlands, AICP, Vice President

Julie Herlands is Vice President of TischlerBise and has over fifteen years of planning, fiscal, and economic development experience. Prior to joining TischlerBise, Ms. Herlands worked in the public sector in Fairfax County, Virginia, for the Office of Community Revitalization and for the private sector for the International Economic Development Council (IEDC), Advisory Services and Research Department. Her economic and fiscal impact experience includes a wide-range of assignments in over fifteen states. She is a frequent presenter at national and regional conferences including serving as co-organizer and co-presenter at a half-day AICP Training Workshop entitled Fiscal Impact Assessment at the APA National Planning Conference. A session on impact fees and cash proffers presented at the APA National Conference is available through the APA training series, *Best of Contemporary Community Planning*. She is the immediate past Chair of the Economic Development Division of the APA and **chaired the APA Task Force on Planning and Economic Development**.

EDUCATION

M.C.P., University of Maryland

B.A., Political Science, University of Buffalo

SELECTED FISCAL IMPACT ANALYSIS EXPERIENCE

- Town of Queen Creek, Arizona – *Fiscal Impact Analysis of Growth Scenarios; Fiscal Impact Analysis of Development Project*
- Napa County, California – *Fiscal Equity Study*
- Aurora – *Feasibility Study of City-County Formation*
- Town of Windsor, Connecticut – *Fiscal Impact Analysis of Development Project*
- Lake County Schools, Florida – *Cost of Land Use Study; Revenue Strategies*

- Shreveport Metropolitan Planning Commission of Caddo Parish, Louisiana – *Fiscal and Economic Impact Analysis of Growth Scenarios*
- Anne Arundel County, Maryland – *Fiscal Impact Analysis of Growth Scenarios; Revenue Strategies; Fiscal Model*
- Rouse Company/Howard County (Columbia), Maryland – *Fiscal Impact Analysis of Development Project*
- Town of Snow Hill, Maryland – *Fiscal Impact Analysis of Development Project*
- Worcester County, Maryland – *Tax Equity Analysis*
- State of Minnesota – *Fiscal Disparities Program Study*
- Lincoln County, Nevada – *Cost of Land Use Study; Revenue Strategies; Fiscal Model*
- North Las Vegas, Nevada – *Cost of Land Use Study*
- Nye County/Town of Pahrump/Nye County Schools, Nevada – *Cost of Land Use Study; Fiscal Impact Analysis of Growth Scenarios*
- University of North Carolina-Chapel Hill, North Carolina – *Fiscal and Economic Impact Analysis of Development Project; Fiscal Model; Multijurisdictional Study*
- Coppell, Texas – *Fiscal Impact Analysis of Development Project*
- Bluffdale, Utah – *Fiscal Impact Analysis of Development Project*
- Henrico County, Virginia – *Fiscal Impact Analysis of Growth Scenarios; Fiscal Model*
- Leesburg, Virginia – *Fiscal Impact Analysis of Growth Scenarios; Fiscal Impact Analysis of Annexation; Fiscal Model*
- Somerset Homes/King George County, Virginia – *Fiscal Impact Analysis of Development Project*

PUBLICATIONS

- “Should Impact Fees Be Reduced in a Recession?” Economic Development Now, 2009, IEDC.
- “Agreements, Fees, and CIP,” The Best of Contemporary Community Planning, 2005, Training CD-ROM, APA and Lincoln Institute of Land Policy.

Colin McAweeney, Fiscal/Economic Analyst

Colin McAweeney is a Fiscal and Economic Analyst at TischlerBise with specialties in finance and economic development planning. Prior to joining TischlerBise, Mr. McAweeney completed his M.S. at Erasmus University Rotterdam where he specialized in economic development. Here, Mr. McAweeney became knowledgeable in planning that involves fiscal, social, and environmental sustainability. In Rotterdam, Mr. McAweeney conducted several field studies of local at-risk neighborhoods and presented planning solutions to government leaders. Additionally, he brought together a team of academics and consultants to plan a biking corridor in Kenya. He finished his degree with a thesis surrounding the urban aspects that attract investment. Before pursuing his M.S., Mr. McAweeney worked in the finance sector for several years. While performing at a high level, he was able to become very familiar with financial markets and business financing.

RELEVANT EXPERIENCE

- Blue Lake, California – *Fiscal Impact Study*
- Bryan, Texas – *Fiscal Analysis of Annexation Study*

- El Portal, Florida – *Fiscal Impact Study*
- Falls Church, Virginia – *Fiscal Impact Model*
- Frederick County, Virginia – *Capital Impact Model*
- Goochland County, Virginia – *Capital Impact Model*
- Harris County, Texas – *Regional Governance Structure Study*
- Hanover County, Virginia – *Fiscal Impact (Expenditures) Study*
- Henderson, Nevada – *Fiscal Impact Study*
- Lake Tahoe, California – *Fiscal Impact Study*
- La Plata County, Colorado – *Cost of Land Use Study*
- Little Rock, Arkansas – *Fiscal Impact Study*
- Loudoun County, Virginia – *Policy Documents, Economic & Fiscal Impact Study, Cost of Land Use Study, Residential Linkage to Nonresidential Study*
- Nassau County, Florida – *Fiscal Impact Model*
- New Castle County, Delaware – *Cost of Land Use Study*
- North Myrtle Beach, South Carolina – *Fiscal Impact Study*
- Portsmouth, Virginia – *Economic & Fiscal Impact Study*
- Shreveport-Caddo Parish, Louisiana – *Revenue Structure Study*

EDUCATION

M.S., Urban Management and Development, Erasmus University Rotterdam

B.S., Economics with an emphasis on Mathematics, University of Wisconsin - Madison

Section 2: Project Approach and Scope of Work

PROJECT APPROACH

As the Town of Davidson approaches buildout and considers redevelopment opportunities, it is our understanding that the Town of Davidson would like to update and build upon the previous fiscal impact assignment completed for the Town approximately five years ago. This will include updating the previous Cost of Land Use Fiscal Impact Analysis, which focuses on the average cost methodology and provides a generalized understanding of how discrete land use prototypes impact Town revenues and costs. In addition, we are proposing an optional fiscal sustainability policy document which will provide recommendations on ensuring the fiscal viability of future land uses.

SCOPE OF WORK

The following is our suggested Scope of Work for this assignment. We have designed this work plan to be responsive to the Town's needs and specific circumstances.

TASK 1: PROJECT INITIATION / DATA ACQUISITION

During this task, we will meet with Town of Davidson staff to establish lines of communication, review and discuss project goals and expectations related to the project, review the project schedule/relevant milestones, and request data and documentation related to the project. The purpose of this initial discussion is outlined below:

- Review and refine work plan and schedule;
- Assess information needs and required staff support;
- Identify and collect data and documents relevant to the analysis;
- Identify any major relevant policy issues.

Meetings:

One on-site visit to conduct meetings with Project Manager and Project Team.

Deliverable:

Data Request Memorandum.

TASK 2: DEFINE LAND USE PROTOTYPE TYPOLOGIES TO BE EVALUATED/UPDATED

In this task, TischlerBise, in conjunction with Town staff, will discuss the residential, nonresidential, mixed use land uses to be included/updated in this evaluation. The prototype land uses can include a range of residential types (e.g., single family, multifamily) and/or density/location (e.g., infill versus elsewhere) and nonresidential land use categories (e.g., neighborhood retail, regional retail). TischlerBise will work with the Town to determine the appropriate number and type of land uses that will enable the Town to address the fiscal questions discussed as part of the Project Initiation task (Task 1).

Development of Land Use Prototype Assumptions. TischlerBise will develop/update specific assumptions for each land use prototype. For residential land uses, these factors include persons per housing unit, lot size, assessed value, street frontage, vehicle trip generation rates and trip adjustment factors, and average trip length. From a nonresidential perspective this will include employment densities, vehicle trip generation rates and adjustment factors, trip lengths, street frontage, etc. These factors will serve to refine the cost and revenue factors by land use prototype and geographic location.

Meetings:

One (1) onsite meeting with Town staff.

Deliverables:

Technical Memorandum on Land Use Prototypes.

TASK 3: DEVELOP COST, REVENUE, & LEVEL-OF-SERVICE FACTORS

Departmental Interviews. In this task, TischlerBise will review Town budget documents and data and will conduct meetings with Town service providers. The purpose of these meetings is to determine the fixed, variable, and semi-variable operating and capital costs for all relevant services and facilities. We will also determine the major demand indicators for each land use prototype, discuss and determine levels of service for each department or service, and determine the service relationship to each land use type in terms of costs and revenue factors.

Based on the information obtained during these meetings, TischlerBise will prepare a draft Level of Service Assumptions Memorandum. This memorandum will show the different cost components for the various service providers, including both facility- and non-facility-related operating expenses, methodologies for allocating capital facility costs, and associated operating expenses. The deliverable will also cover revenue sources and associated projection methodologies. The memo will be integrated into the final report.

Meetings:

Two (2) on-site visits with various Town departments.

Deliverables:

Draft and Final Level of Service Assumptions Technical Memorandum.

TASK 4: DEVELOP COST OF LAND USE FISCAL MODEL AND PRODUCE INITIAL RESULTS

Calculate Preliminary Cost of Land Use Results. Based on the above tasks TischlerBise will update the cost of land use fiscal impact model developed as part of our previous engagement with the Town and will calculate the fiscal impact results by prototype land use. Preliminary results will be produced and discussed with Town staff.

Meetings:

Meeting with Project Manager and Project Team to discuss initial results and comments.

Deliverables:

Initial Cost of Land Use Fiscal Results.

TASK 5: PREPARE DRAFT COST OF LAND USE FISCAL IMPACT REPORT

TischlerBise will prepare a draft Cost of Land Use Fiscal Impact Report that describes in a succinct fashion the findings from our analysis of the various land use prototypes. It is anticipated the report will have the following sections:

- Executive Summary
- Annual Fiscal Results by Land Use Prototype
- Major Revenue Findings by Land Use Prototype
- Major Capital Cost Findings by Land Use Prototype
- Major Operating Expense Findings by Land Use Prototype
- Level of Service Assumptions Appendix

The report will be a stand-alone document, which will be clearly understood by all interested parties. The report will present the major findings by component area and the reasons for the results.

Meetings:

None

Deliverables:

Draft Cost of Land Use Fiscal Impact Report.

TASK 6: FINALIZE COST OF LAND USE FISCAL IMPACT REPORT

Based on comments received on the Draft Cost of Land Use Fiscal Impact Report, TischlerBise will prepare a Final Cost of Land Use Fiscal Impact Report.

Meetings:

One (1) meeting to discuss the findings from our analysis.

Deliverables:

Cost of Land Use Fiscal Impact Report

TASK 7: SERVICE DELIVERY AND FISCAL SUSTAINABILITY POLICY DOCUMENT (OPTIONAL)

The fiscal findings—together with our experience working for other communities—will enable relevant fiscal sustainability and implementation recommendations to be developed for consideration. This will include zoning and land use strategies that may reduce costs, ideas for revenue enhancement/diversification, issues related to levels of service, staging of capital improvements, and other relevant topics/strategies.

Revenue Enhancement. The fiscal impact analysis is likely to indicate that the Town will be faced with the challenge of ensuring Town revenue streams are adequate to provide essential Town services and facilities, sufficiently diversified to withstand economic cycles, and appropriate and competitive when compared with other similar communities. TischlerBise will make recommendations regarding revenue enhancement opportunities that are consistent with sound economic and financial policy, and in keeping with best practices and approaches implemented by other communities to address similar circumstances.

“Right Sizing” Regulations. TischlerBise will also prepare a review of relevant land use regulations and policies that influence development type, densities, location, and overall development patterns. Combined, the findings from this review will reveal the extent to which current regulations, policies, and practice are influencing location decisions and types of development.

Fiscal Sustainability Audit. It is important for a local government to fully understand the different elements of the fiscal equation and how they influence the fiscal results for various land uses. These factors include but are not limited to the local revenue structure, local levels of service, capacity of existing infrastructure, as well as the demographic and market characteristics of new growth. TischlerBise will prepare:

- An overview of the local government revenue structure in the State of North Carolina and it impacts the fiscal equation.
- An overview of the elements and the variety of factors comprising the fiscal sustainability equation (e.g. revenue structure, demographics, levels of service, etc.)
- Decreasing revenue trends—at local, state, and federal levels—resulting from the recent economic downturn and how they impact the fiscal sustainability of various land uses in Davidson.
- An understanding of how the different services provided by the Town impact the fiscal equation.
- Discussion of the impact of density on the fiscal results.
- Discussion of residential revenue generation relative to costs.
- An analysis of current financial and land use policies that have an impact on location decisions and development patterns.

Implementation Strategy. The three subtasks discussed above will allow for meaningful implementation recommendations to be made from a balanced, three-dimensional perspective. This will include 1) specific revenue enhancement options; 2) suggested regulatory changes; and 3) recommendations related to optimizing land use mix, recognizing every community has contributors and recipients.

Meetings:

See Task 8.

Deliverables:

Draft and Final Service Delivery and Fiscal Sustainability Policy Document.

TASK 8: PRESENT FINDINGS

TischlerBise will present the findings from the analysis at a public meeting at a time to be determined in conjunction with the Town.

Meetings:

One (1) public presentation to discuss the findings from our analysis.

Deliverables:

Presentation materials as appropriate.

Section 3: Price Proposal

The fixed fee cost proposal for this assignment is \$42,680. The price includes all labor, materials and other expenses. The price proposal shall remain valid for 120 days from the date of this proposal. We bill on a percentage complete basis.

PROPOSED COST FOR TOWN OF DAVIDSON COST OF LAND USE FISCAL IMPACT ANALYSIS					
Project Team Member:	Bise	Herlands	McAweeney	Total	
Hourly Rate*	\$210	\$200	\$190	Hours	Cost
Task 1: Project Initiation / Data Acquisition	8	8	0	16	\$3,280
Task 2: Define Land Use Prototypes to be Evaluated	4	8	16	28	\$5,480
Task 3: Develop Cost, Revenue, and Level of Service Factors	4	14	8	26	\$5,160
Task 4: Develop Cost of Land Use Fiscal Model and Produce Initial Results	0	16	16	32	\$6,240
Task 5: Prepare Draft Cost of Land Use Fiscal Impact Report	0	14	20	34	\$6,600
Task 6: Finalize Cost of Land Uses Fiscal Impact Report	2	8	8	18	\$3,540
Task 7: Service Delivery and Fiscal Sustainability Policy Document (Optional)	24	16	0	40	\$8,240
Task 8: Present Findings	16	2	2	20	\$4,140
Total Cost:	58	86	70	214	\$42,680

* Hourly rates are inclusive of all costs.

Section 4: Schedule

The Cost of Land Use Fiscal Impact Study for the Town of Davidson would take approximately 3 months.

TischlerBise

FISCAL | ECONOMIC | PLANNING

Principal Office

4701 Sangamore Road, Suite S240 |

Bethesda, MD 20816

301.320.6900 x12 (w) | 301.320.4860 (f) |

carson@tischlerbise.com



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, 2020:

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>
10-40-4950-440	Contract Services		\$ 25,000.00

Budgeted expenditures will fund the update of the fiscal analysis report.

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		\$ 25,000.00

Fund the fiscal analysis report update with fund balance.

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 23rd day of July, 2019



Agenda Title: Consider Approval of Rapid Rectangular Flashing Beacons (RRFBs) Agreement with NCDOT and Budget Amendment 2020-06

Summary: With this agreement, the town will be reimbursed \$100,000 for the installation of Rapid Rectangular Flashing Beacons (RRFBs) at four NCDOT intersections: Main St & Walnut St, Main St & Catawba Ave, Concord Rd & Faculty Dr, and Concord Rd & Thompson St. These devices have been shown to improve motorist yielding behavior at all locations in town where they have been installed. The devices greatly increase the awareness of pedestrians in the crosswalks at night. If the agreement is approved, and the budget amended, the town can combine this project of 4 intersections with a town-funded project of 4 intersections, for a total of 8 intersection improvements.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
□	Attachment - RRFB Agreement with NCDOT 07.23.19	7/17/2019	Backup Material
□	Budget Amendment 2020-06 for RRFB's	7/19/2019	Budget Amendment



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

July 10, 2019

TO: Jamie Justice
Town of Davidson
P.O. Box 579
Davidson, NC 28036

FROM: Cindy Iorlano
Administrative Officer I

A handwritten signature in cursive script that reads "Cindy Iorlano".

SUBJECT: **REVISED** Traffic – Construction By Others Agreement With Town of
Davidson
WBS Element No. 48735

Attached please find duplicate **REVISED** originals of the above-mentioned Agreement. Please execute these agreements by signing both originals, affixing your seal, and returning both originals **within thirty (30) days** of the date of this letter to NC Division of Highways, Attention: Cindy Iorlano, 716 West Main Street, Albemarle, NC 28001.

The Agreement verbiage has been pre-approved by the NC Attorney General's Office and is not open to modifications. If you have an issue with any of the actual **terms** of the Agreement, we will discuss those requests. However, most change requests to Agreement verbiage will either be rejected by the Raleigh Transportation Program Management office or will require approval by the Attorney General's Office, which will add a minimum of six weeks to the processing time for the Agreement.

Thank you for your assistance in this matter. Please call me at the number below if you need additional information.

Enclosures

CAI

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 10
716 WEST MAIN STREET
ALBEMARLE, NC 28001

Telephone: (704) 983-4400
Fax: (704) 982-3146
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
716 WEST MAIN STREET
ALBEMARLE, NC 28001

NORTH CAROLINA
MECKLENBURG COUNTY

**TRAFFIC –CONSTRUCTION BY OTHERS
AGREEMENT**

DATE: 7/10/2019

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 48735

TOWN OF DAVIDSON

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Davidson, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements under WBS Element 48735, in Mecklenburg County; and,

WHEREAS, the Department and the Municipality are authorized by the following legislation, as applicable: G.S. 136-66.1 and 136.66.3 to participate in the planning and construction of a project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the Department and the Municipality have agreed that the jurisdictional limits of the Municipality, as of this date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

NOW, THEREFORE, in consideration of the premises and the benefits accruing to the Department and the Municipality as the result of the construction of the Project it is agreed as follows:

SCOPE OF THE PROJECT

1. The Project consists of the installation of Rectangular Rapid Flashing Beacons (RRFB) at four crosswalk intersections:
 - Concord Road (SR 2693) and Faculty Drive
 - Concord Road (SR 2693) and Thompson Street

- Main Street (NC 115) and Walnut Street
- Main Street (NC 115) and Catawba Avenue

DESIGN AND EQUIPMENT PROCUREMENT

2. The Municipality shall prepare the environmental and/or planning document, including any environmental permits, and the plans, contractor specifications and estimates (PS&E package) needed to construct the project. All work shall be done in accordance with Departmental standards, specifications, policies and procedures.
3. If the Municipality causes the professional engineering services required by this Agreement to be performed by contracting with a private engineering firm and seeks reimbursement for said services under this agreement, it is agreed as follows:
 - A. The Municipality shall ensure that an engineering firm is obtained through an equitable selection process and that prescribed work is properly accomplished in a timely manner, at a just and reasonable cost.
 - B. The Municipality when procuring architectural, professional and engineering services, must adhere to Title 23 of the Code of Federal Regulations, Part 172. The Municipality shall comply with the policies and standards for negotiated contracts as contained in the Federal-Aid Policy Guide, Part 172; said policies and standards being incorporated in this Agreement by reference (www.fhwa.dot.gov/legregs/legislat).
 - C. The Municipality shall submit all professional services contract proposals to the Department for review and approval prior to execution of any professional services contract by the Municipality. In the event that the professional services contract proposal (engineering) exceeds \$30,000, a pre-negotiation audit must be requested from the Department's External Audit Branch.
 - D. Reimbursement for construction administration costs cannot exceed fifteen percent (15%) of the total construction cost. This applies to private engineering firms and/or work performed by the Municipality and/or the Department. The Municipality, and/or its agent, shall perform project administration in accordance with all Departmental and Federal policies and procedures.
4. The Municipality shall purchase or furnish from stock all traffic signal equipment and other materials necessary for the completion of the project. The purchase of the equipment and materials used on the project shall be solely the responsibility of the Municipality. However, the

Department reserves the right to reject the use of any traffic signal equipment and materials deemed by the Department to be functionally inferior to equipment and materials normally used by the Department on its own projects.

UTILITIES AND RIGHT OF WAY

5. It is understood by all parties hereto that all work shall be contained within existing right of way. However, should it become necessary, the Municipality shall provide any required right of way and/or construction easements at no cost or liability whatsoever to the Department. Acquisition of right of way shall be accomplished in accordance with State procedures. The Municipality shall indemnify and save the Department harmless from any and all claims for damages that might arise on account of the right of way acquisition, drainage and construction easements for the construction of the project.
6. The Municipality, without any cost or liability whatsoever to the Department, shall relocate and adjust all utilities in conflict with the project. Said work shall be performed in a manner satisfactory to the Department prior to the Municipality beginning construction of the project.

CONSTRUCTION

7. The Municipality shall construct, or cause to be constructed, the project in accordance with the plans and specifications of said project as filed with, and approved by, the Department. The Municipality shall enter into and shall administer the construction contract for said project and the procedures set out herein below shall be followed:
 - A. The construction engineering and supervision will be furnished by the Municipality without cost to the Department.
 - B. The Department's Division Engineer may assign a resident engineer to the project who shall have the right to inspect any portion of the work being performed by the Municipality or Municipality's contractor to ensure compliance with the provisions of this Agreement. The resident engineer will furnish the Municipality with any forms that may be needed in order to follow standard Department practices and procedures in the administration of the contract.
 - C. Letting of contracts for construction and purchases shall be in accordance with North Carolina General Statute 143-129.
 - D. The Department's Division Engineer shall have the right to inspect, sample or test, and approve or reject any portion of the project during construction.

- E. The Municipality shall sample and test all materials in reasonable close conformity with the Department's Guide for Process Control and Acceptance Sampling and Testing.
- F. Upon completion of the project, the Municipality will furnish the Division Engineer with two (2) complete sets of Plan of Records.
- G. Prior to the final acceptance and payment by the Department, the Division Engineer shall make a final inspection of the completed work. The Division Engineer will be responsible for final acceptance of the completed work on behalf of the Department.
- H. During construction of the project, the Municipality shall, at no cost to the Department, provide and maintain adequate barricades, signs, signal lights, flagmen, and other warning devices for the protection of traffic in conformation with standards and specifications of the Department latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration.
- I. The Municipality shall complete said work within 1 year of execution of this agreement. If the Municipality has not completed its responsibilities, or in the opinion of the Department, satisfactory progress has not been made, the unexpended balance of funds may be recalled by the Department and assigned to other projects by the Board of Transportation.

SUBCONTRACTOR REQUIREMENTS

- 8. Any contract entered into with another party to perform work associated with the requirements of this agreement shall contain appropriate provisions regarding the utilization of Minority Businesses and Women Business Enterprises (MBE/WBE), or as required and defined in G.S. 136-28.4 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html
 - The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
 - If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

FUNDING

9. Subject to compliance by the Municipality with the provisions set forth in this Agreement, the Department shall participate in the costs of the project in an amount not to exceed \$100,000. Costs, which exceed this amount, shall be borne by the Municipality.
 - A. The Municipality may bill the Department for actual costs as herein stated. Reimbursement to the Municipality shall be made upon completion upon approval of said invoice by the Division Engineer and the Department's Financial Division.
 - B. Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than contract awarded by competitive bidding process. Written approval from the Division Engineer is required prior to the use of force account by the Municipality. Said invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/a087/a087.html). Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Municipality or its project partners. Reimbursement rates for equipment owned by the Municipality or its project partners cannot exceed the Department's rates in effect for the time period in which the work is performed. If a contractor performs the work, said invoices shall show the contract cost.
 - C. In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (www.whitehouse.gov/OMB/circulars/a133/a133.html), dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.
 - D. The Municipality shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of final payment under this Agreement, for inspection and audit by the Department's Financial Division.
 - E. The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs.

- F. Failure on the part of the Municipality to comply with any of these provisions will be grounds for the Department to terminate participation in the costs of the project.
- G. All invoices must be submitted within one (1) year of completion and acceptance of the project by the Department.

MAINTENANCE

- 10. Upon completion of the project, the Municipality shall own and maintain the RRFB's and maintenance will be accomplished by the Municipality in the same manner as maintenance of other Municipally owned and maintained state system signalized intersections within the municipal limits.

ADDITIONAL PROVISIONS

- 11. All traffic operating controls and devices shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and Departmental criteria.
- 12. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by a Federal or State Department or Agency.
- 13. The Department shall have the right to abandon the project at any time before the Municipality has been called upon to perform any part of its agreement. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or any person or to the public at large.
- 14. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST:

TOWN OF DAVIDSON

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

Approved by _____ of the local governing body of the Town of Davidson as attested to by the signature of Clerk of said governing body on _____ (Date)

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Federal Tax Identification Number

(SEAL)

Remittance Address:

Town of Davidson

Attn: Jamie Justice

PO Box 579

Davidson, NC 28036

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____

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, 2020:

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		\$ 100,000.00

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>
10-00-3434-315	Grants		\$ 100,000.00

These funds are from a state awarded grant

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 23rd day of July, 2019



Agenda Title: Consider Approval for a Noise Ordinance Variance - Fall Fling at Davidson College

Summary: Davidson College is requesting a noise ordinance variance for the Fall Fling during Homecoming Weekend on Saturday, September 28, 2019 from 10:00 p.m. - 1:00 a.m. on Old Tennis Court Lane. The Police Chief has reviewed this request and recommends approval.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
▢ Attachment - Noise Ordinance Variance Request - Fall Fling at Davidson College	7/18/2019	Cover Memo



July 17, 2019

Town of Davidson Board of Commissioners
216 South Main Street
Davidson, NC 28036

Dear Board of Commissioners:

As the advisor to the Davidson College Union Board, I work with student leaders to help them plan successful and safe events each year at the College. One of their signature events, Fall Fling, is an all-campus semi-formal and takes place during Homecoming Weekend. This event is held outside on Old Tennis Court Lawn because we do not have an indoor space to accommodate the number of attendees, both students and alumni who come back for Homecoming Weekend. This year, Fall Fling will be held on Saturday, September 28 from 10pm-1am. This year we are having a professional, local cover band perform during this event. Because the music from this event could go over the decibel limit of 60 dBa for the Town of Davidson's sound ordinance, we would like to request a variance for this event.

In addition to requesting the variance, we also plan to notify neighbors within a three-block radius of campus by placing notecards on their doors with a warning about the additional noise well in advance of this event. We are also happy to increase the area that we notify residents. Thank you for your consideration of this variance request and please let me know what questions you have.

Sincerely,

Emily Eisenstadt

Assistant Director for Programs- Alvarez College Union
Davidson College



**Agenda Title: Mobility Plan Update
Senior Planner Travis Johnson**

Summary: The Davidson Mobility Plan is a local comprehensive transportation plan that provides a town-wide vision and coordinated recommendations for multi-modal travel and access within and through town. It is a continuation of Davidson's long history of multi-modal transportation planning that has allowed the town to develop as a place where people can drive, walk, access transit, and bicycle easily and comfortably — and where quality of life is one of the highest in the Charlotte metro area. This item is for discussion purposes only. The board will consider adoption of the Mobility Plan at the August 13 meeting.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
□	Agenda Memo - Mobility Plan Update 07.23.19	7/19/2019	Cover Memo
□	Presentation - Mobility Plan Update 07.23.19	7/19/2019	Presentation

Davidson Mobility Plan



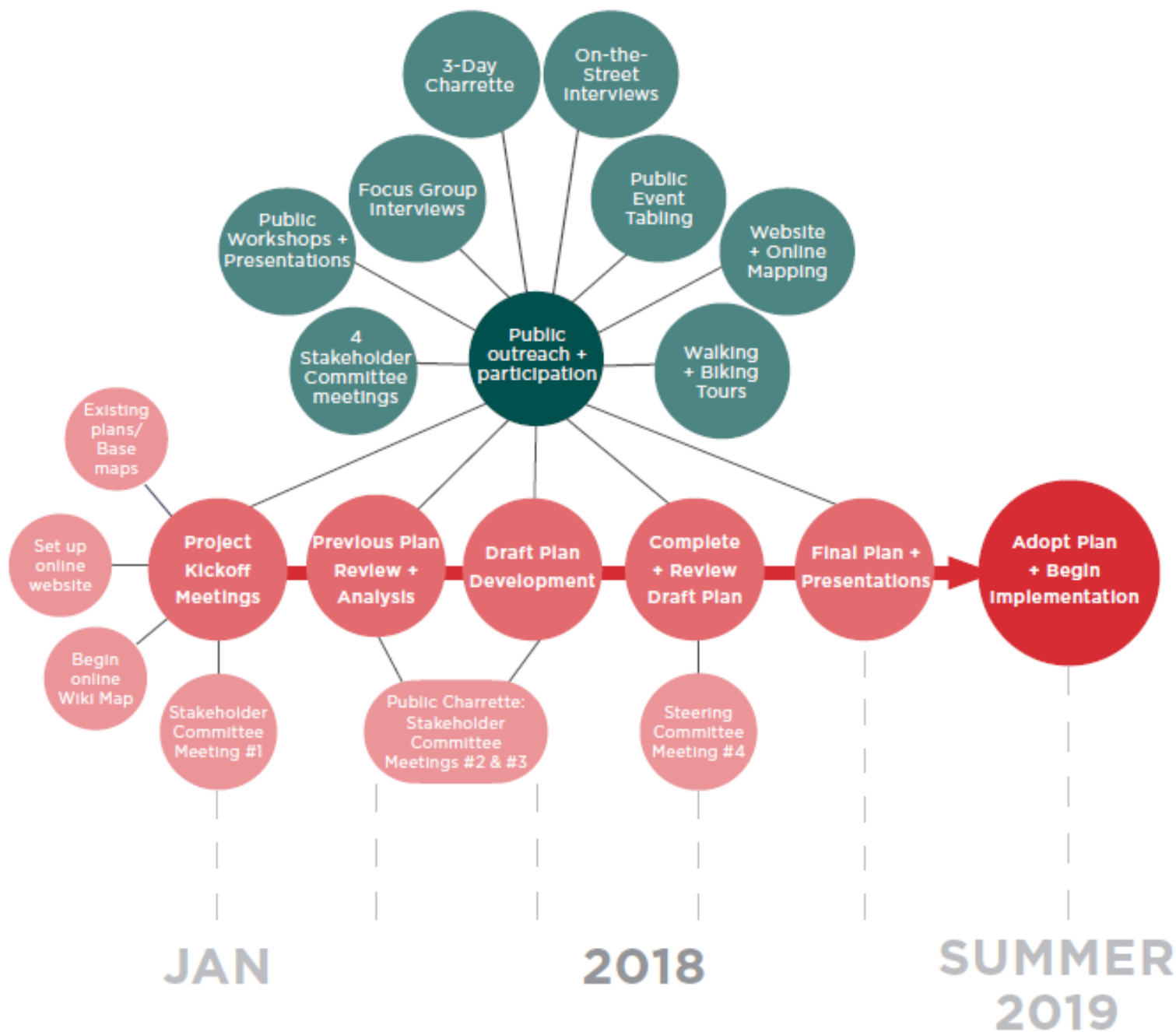
Recap

- What and Why?
- Timeline and Public Input
- Results
- Implementation
- Next Step

Comprehensive Transportation Plan



PLANNING PROCESS TIMELINE



Public Input



Public Input

**More
GREENWAYS +
SIDEPATHS!**

A greenway
connection to
Fisher Farm Park.

Bike Facilities
along Grey Road!

**Make
bicycling
safer for ALL**

Traffic at Main +
Concord Road
needs to be
fixed.

**We walk
EVERYWHERE: we
want to be able to do
it SAFELY!**

Need to prioritize
filling sidewalk
gaps + improve
crossings

Beaty St,
Concord Rd,
and Grey Rd
needs pedestrian
facilities

Recommended Mobility Network



Evaluation Criteria

Safety

Connectivity

Public Significance

Reduced Travel Time

Cost

Value

Health/
Environmental
Quality

Implementation &
Useful Life

Regional
Significance



Project Prioritization Score

PEDESTRIAN MOBILITY



BY THE NUMBERS

Davidson's Vision for Pedestrian Mobility, when fully realized, will include:

50+

Miles of Sidewalks

26

Miles of Greenways and Trails

21

Miles of Sidepaths

2

Miles of Bike-Ped Connectors

10

Miles of new sidewalks and pathways in the Town by 2023

BICYCLE MOBILITY



BY THE NUMBERS

Recommendations, when implemented, will result in:

18

Total Miles of Bike Lanes

19

Total Miles of Family Friendly Bike Routes

27

Total Miles of Wide Shoulders and Shared Use Markings

49

Total Miles of Greenways, Trails, and Shared Use Paths

94

Additional Miles of Bicycle Facilities in the Town

STREET AND VEHICULAR MOBILITY



BY THE NUMBERS

Recommendations, when implemented, will result in:

5

Miles of Additional Town Street Connections

37

Miles of Rural Connections Recommended in the Rural Area Plan

2

Miles of Streets with New Developments

1

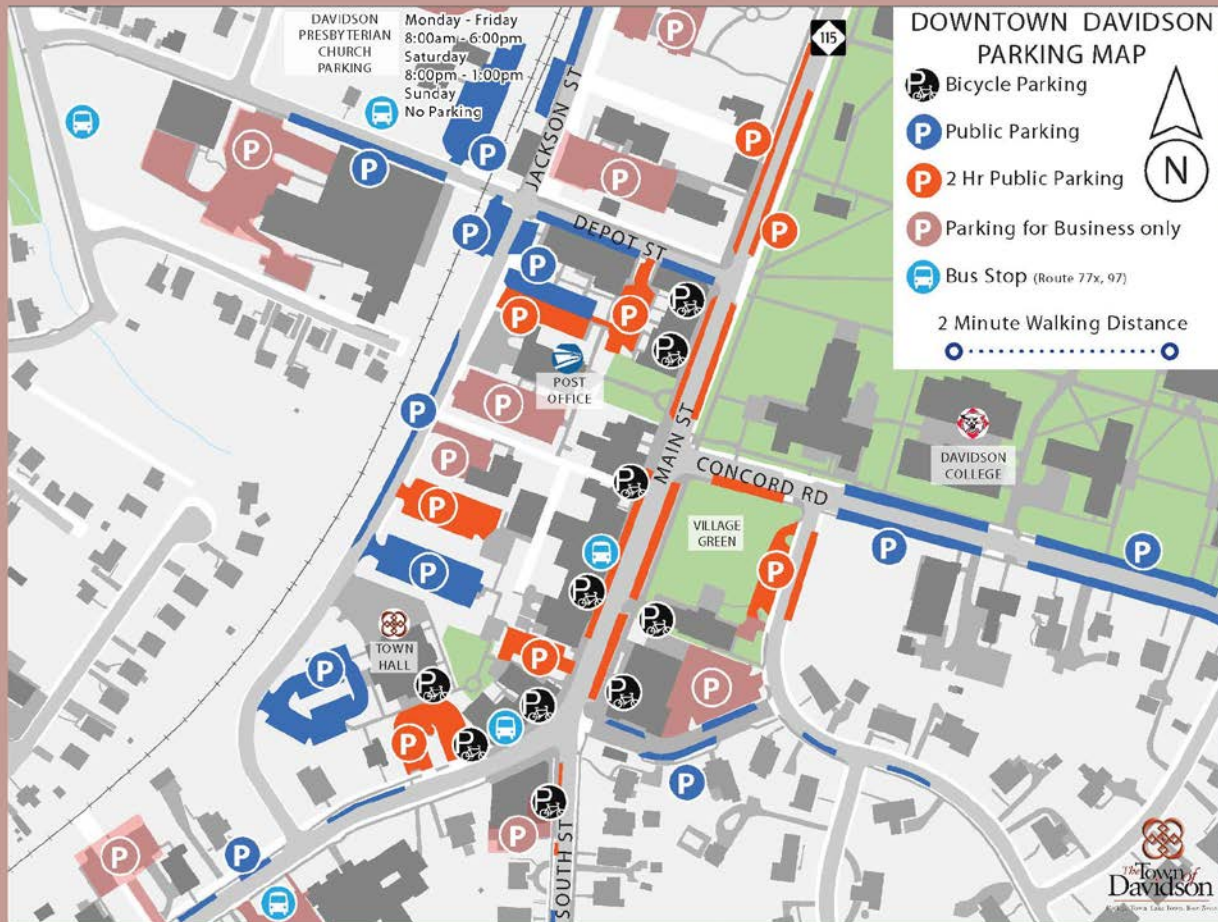
Shared Use Street Focus Project (Festival Street/Woonerf)

44

More Miles of Street Connections



PARKING RECOMMENDATIONS



BY THE NUMBERS

2,034

Parking Spaces Available within Downtown Core

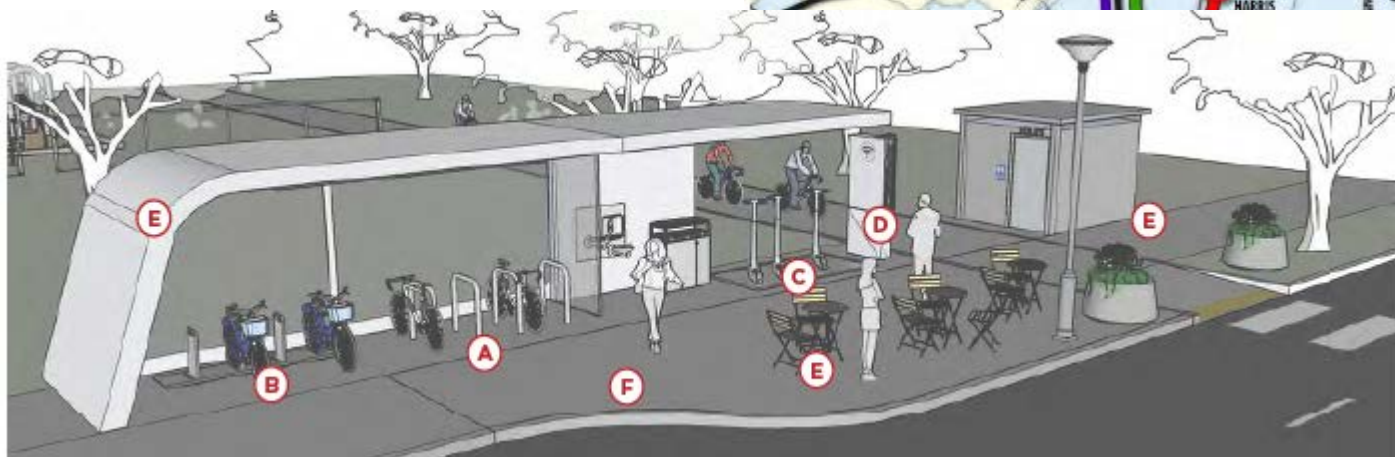
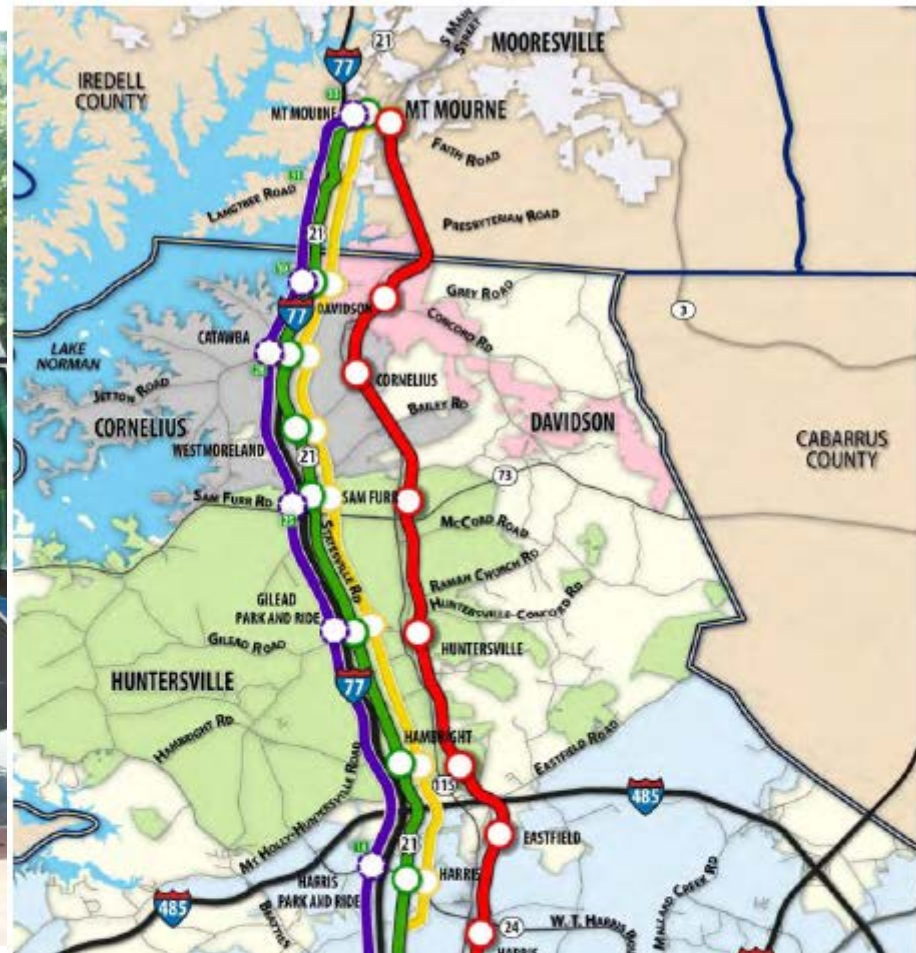
1,699

Parking Spaces in Demand in Downtown Core

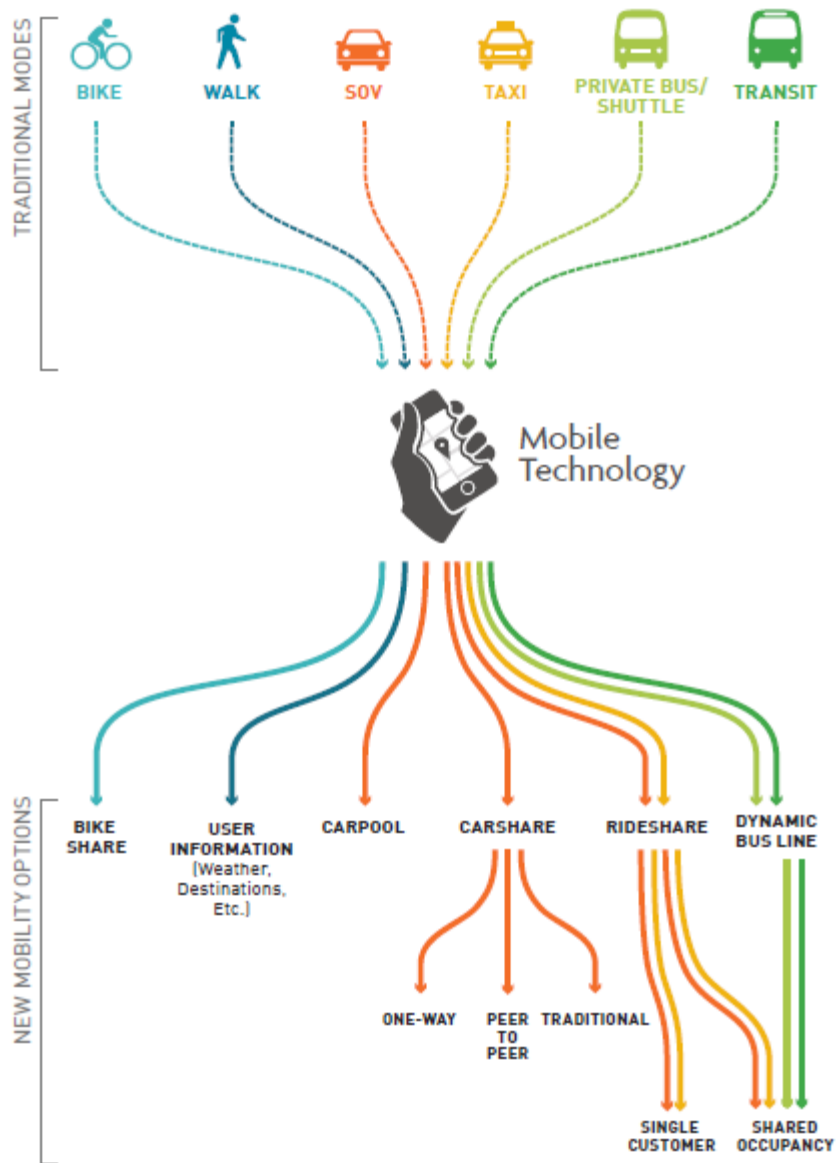
16%

Overall Parking Surplus in Downtown Core

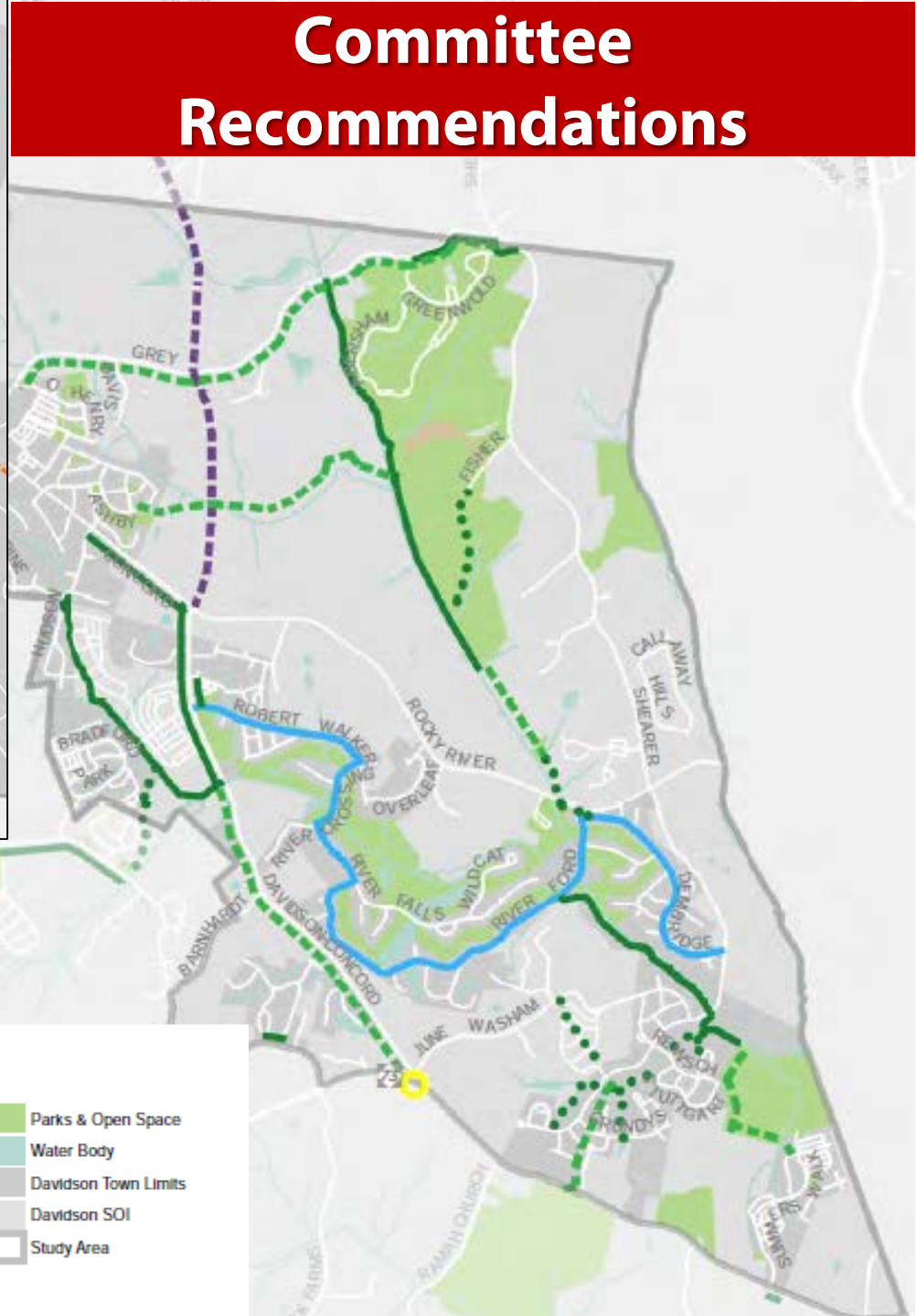
TRANSIT RECOMMENDATIONS



NEW MOBILITY SOLUTIONS



Committee Recommendations



PRIORITY PROJECTS

Proposed Facilities

- Intersection Improvement
- Multi-Use Path
- Bike-Ped Connector
- New Roadway Connection

Existing Facilities

- Greenway
- Greenway (Funded)
- Bike-Ped Connector
- Shared Lane Marking
- Bike Lane
- Unpaved Trail





- Davidson College
- Grocery Store
- School
- Community Center
- Railroad

- Parks & Open Space
- Water Body
- Davidson Town Limits
- Davidson SOI
- Study Area







Committee Recommendations






PRIORITY PROJECTS






Proposed Facilities

-  Intersection Improvement
-  Multi-Use Path
-  Bike-Ped Connector
-  New Roadway Connection

Existing Facilities

-  Greenway
-  Greenway (Funded)
-  Bike-Ped Connector
-  Shared Lane Marking
-  Bike Lane
-  Unpaved Trail

-  Davidson College
-  Grocery Store
-  School
-  Community Center
-  Railroad





-  Parks & Open Space
-  Water Body
-  Davidson Town Limits
-  Davidson SOI
-  Study Area









Committee Recommendations






PRIORITY PROJECTS






Proposed Facilities

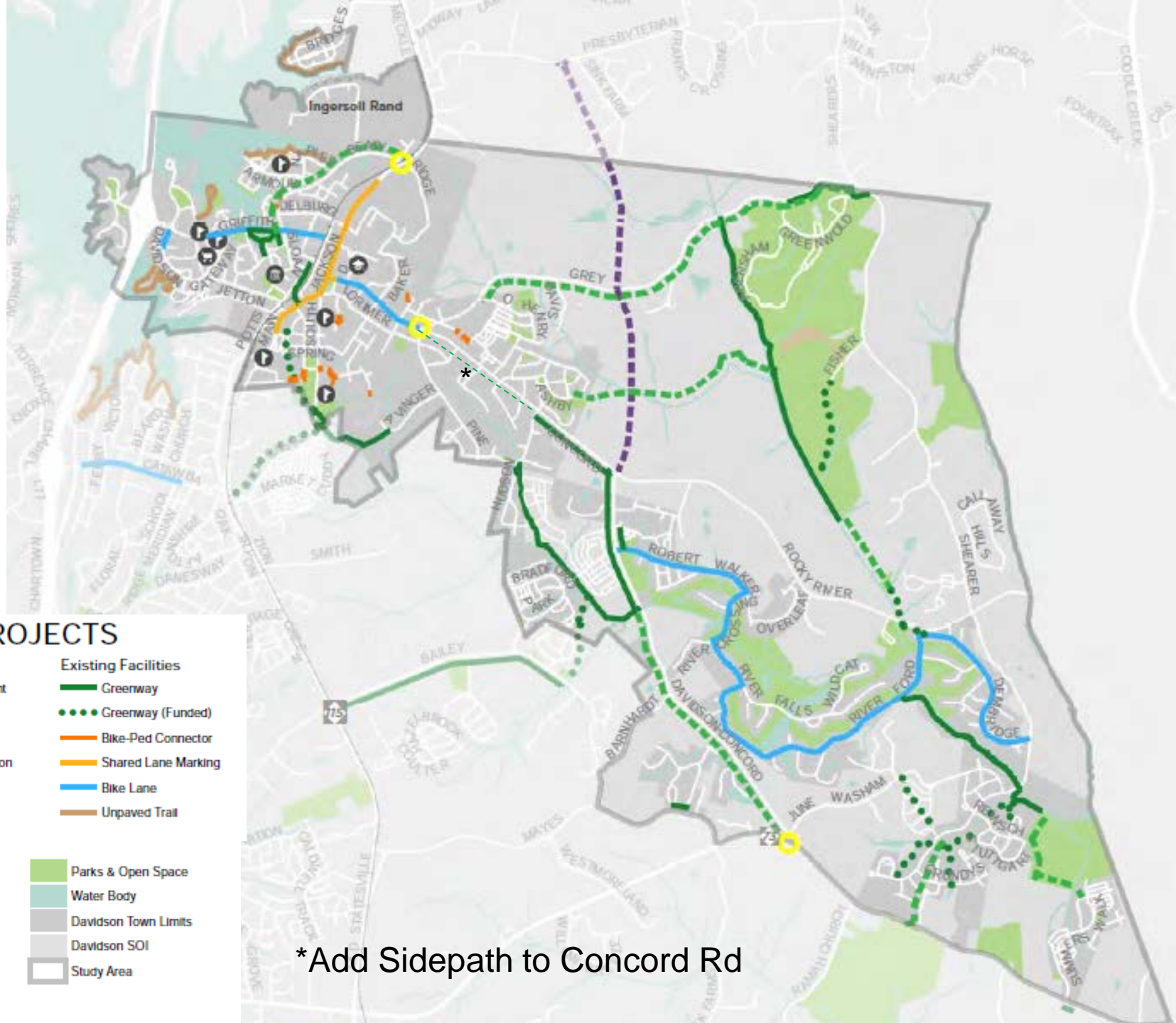
-  Intersection Improvement
-  Multi-Use Path
-  Bike-Ped Connector
-  New Roadway Connection

Existing Facilities

-  Greenway
-  Greenway (Funded)
-  Bike-Ped Connector
-  Shared Lane Marking
-  Bike Lane
-  Unpaved Trail

-  Davidson College
-  Grocery Store
-  School
-  Community Center
-  Railroad

-  Parks & Open Space
-  Water Body
-  Davidson Town Limits
-  Davidson SOI
-  Study Area



*Add Sidepath to Concord Rd

Implementation

*The **three** main ways to improve mobility conditions in Davidson are through transportation facility construction and improvement, program implementation, and policy/regulatory changes and evaluation*

Key Partners

- Town of Davidson Board of Commissioners
- Planning Board
- Livability Board
- Planning Department
- Public Works Department
- Parks and Recreation Department
- NCDOT
- Police Department
- Charlotte Regional Transportation Planning Organization (CRTPO)
- Cabarrus - Rowan MPO
- Lake Norman Transportation Commission (LNTC)
- Developers
- Local Residents, Clubs, and Advocacy Groups
- Charlotte Area Transit System (CATS)
- Davidson College
- Neighboring Jurisdictions

Project Selection and Updating

- Reviewed Annually
- Modified as needed
- Joint Livability / Planning Board
- Board of Commissioners
- Every Five years
- Action Plan

Recommendations

Livability Board

Recommend for Approval: No modifications

Planning Board

Recommend for Approval: Add Side Path to
Concord Rd.

Next Steps

August 13th

Town Board Adoption

2019

Comprehensive Plan

Call for Projects (CRTPO)

Beginning 2020

Return to Town Board with
Policies, Projects, and
Programs.

Questions

Davidson Mobility Plan



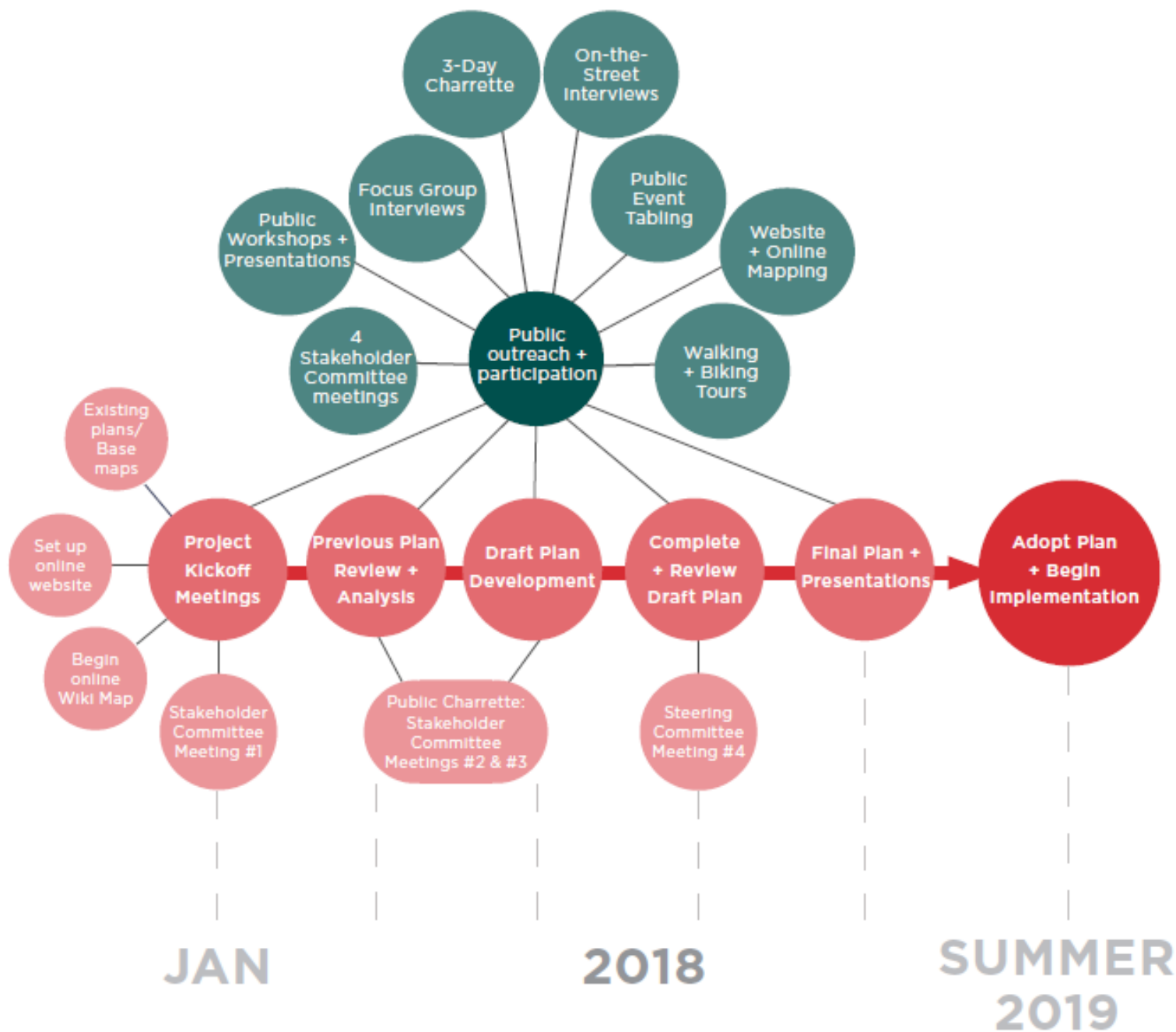
Recap

- What and Why?
- Timeline and Public Input
- Results
- Implementation
- Next Step

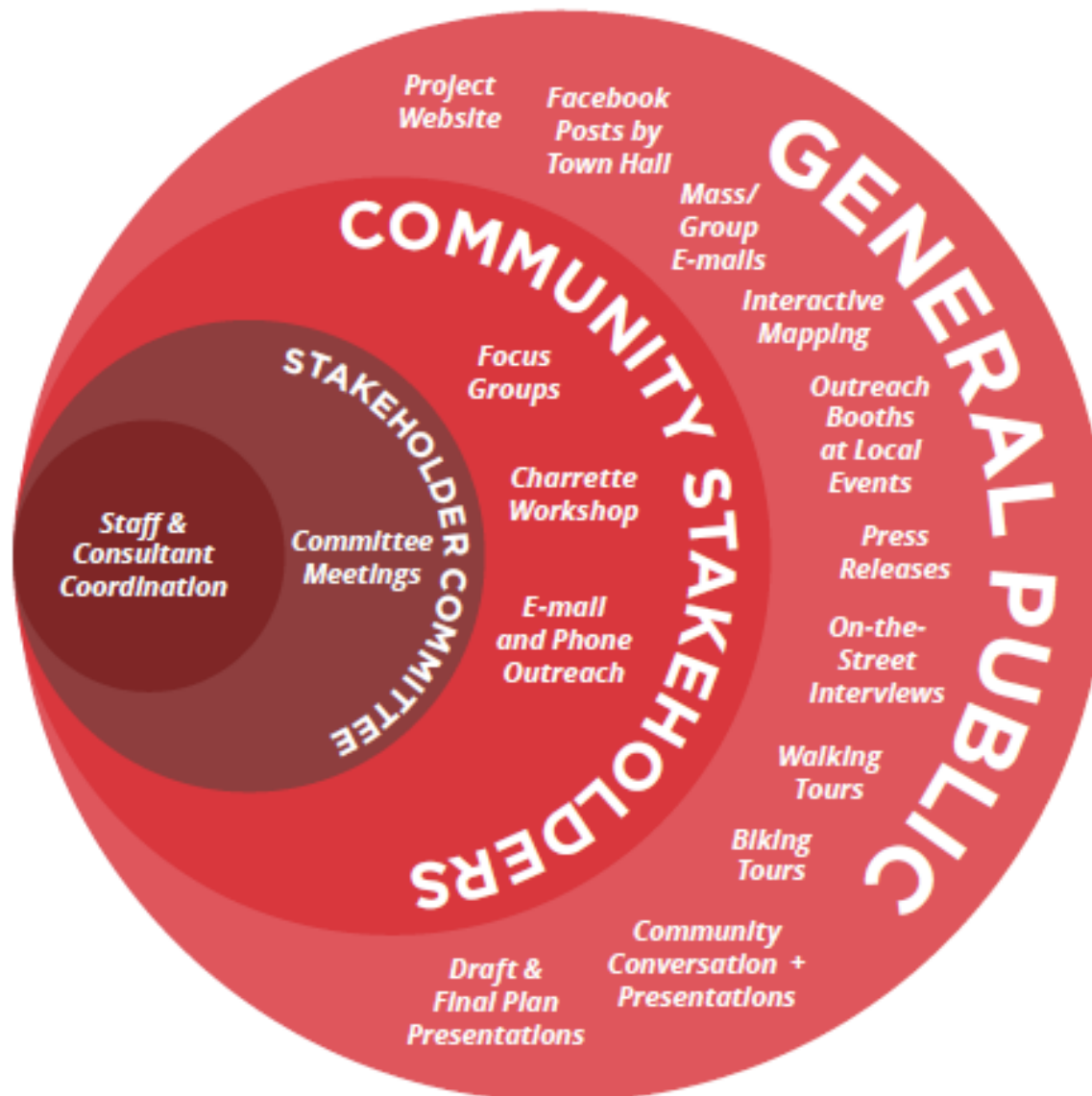
Comprehensive Transportation Plan



PLANNING PROCESS TIMELINE



Public Input



Public Input

**More
GREENWAYS +
SIDEPATHS!**

A greenway
connection to
Fisher Farm Park.

Bike Facilities
along Grey Road!

**Make
bicycling
safer for ALL**

Traffic at Main +
Concord Road
needs to be
fixed.

**We walk
EVERYWHERE: we
want to be able to do
it SAFELY!**

Need to prioritize
filling sidewalk
gaps + improve
crossings

Beaty St,
Concord Rd,
and Grey Rd
needs pedestrian
facilities

Recommended Mobility Network



Evaluation Criteria

Safety

Connectivity

Public Significance

Reduced Travel Time

Cost

Value

Health/
Environmental
Quality

Implementation &
Useful Life

Regional
Significance



Project Prioritization Score

PEDESTRIAN MOBILITY



BY THE NUMBERS

Davidson's Vision for Pedestrian Mobility, when fully realized, will include:

50+

Miles of Sidewalks

26

Miles of Greenways and Trails

21

Miles of Sidepaths

2

Miles of Bike-Ped Connectors

10

Miles of new sidewalks and pathways in the Town by 2023

BICYCLE MOBILITY



BY THE NUMBERS

Recommendations, when implemented, will result in:

18

Total Miles of Bike Lanes

19

Total Miles of Family Friendly Bike Routes

27

Total Miles of Wide Shoulders and Shared Use Markings

49

Total Miles of Greenways, Trails, and Shared Use Paths

94

Additional Miles of Bicycle Facilities in the Town

STREET AND VEHICULAR MOBILITY



BY THE NUMBERS

Recommendations, when implemented, will result in:

5

Miles of Additional Town Street Connections

37

Miles of Rural Connections Recommended in the Rural Area Plan

2

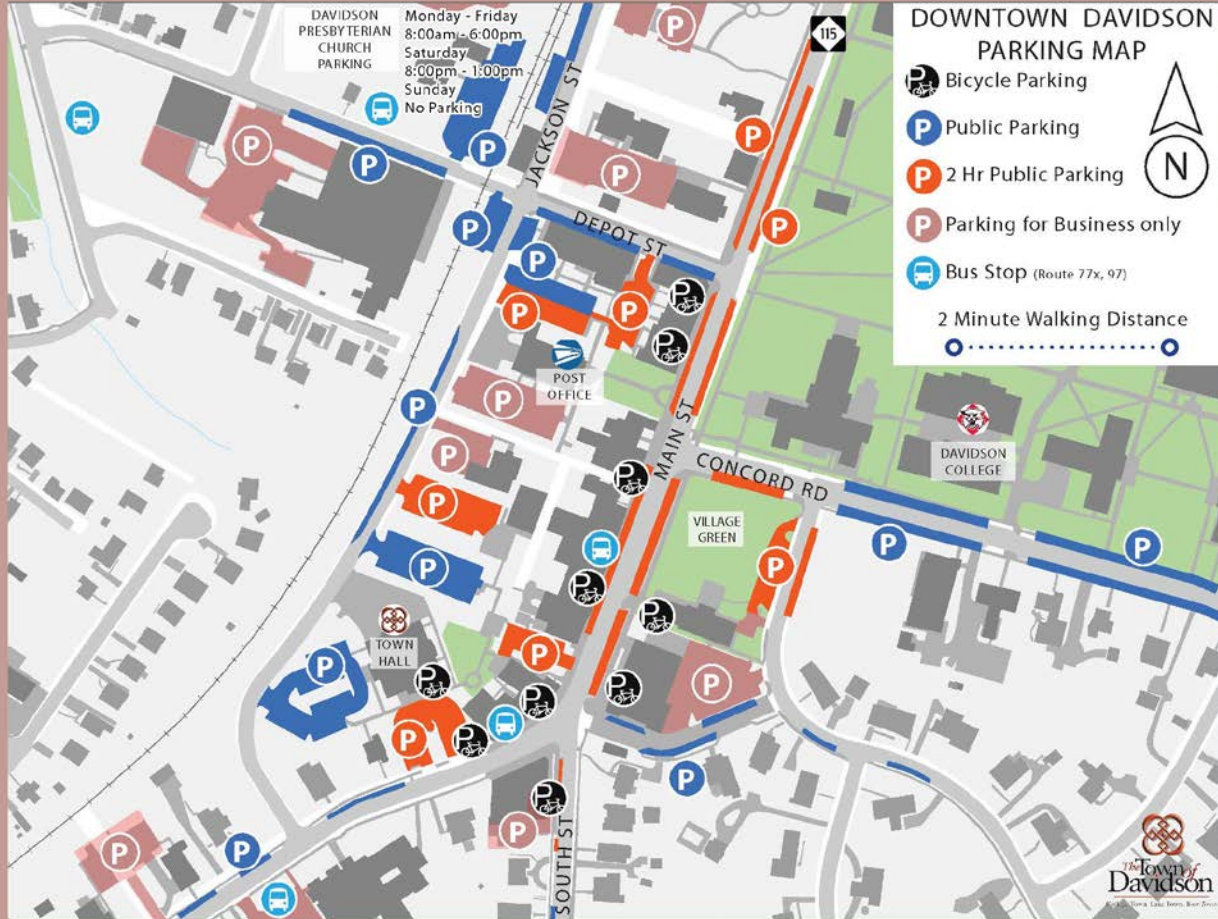
Miles of Streets with New Developments

1

Shared Use Street Focus Project (Festival Street/Woonerf)

44

More Miles of Street Connections



BY THE NUMBERS

2,034

Parking Spaces Available within Downtown Core

1,699

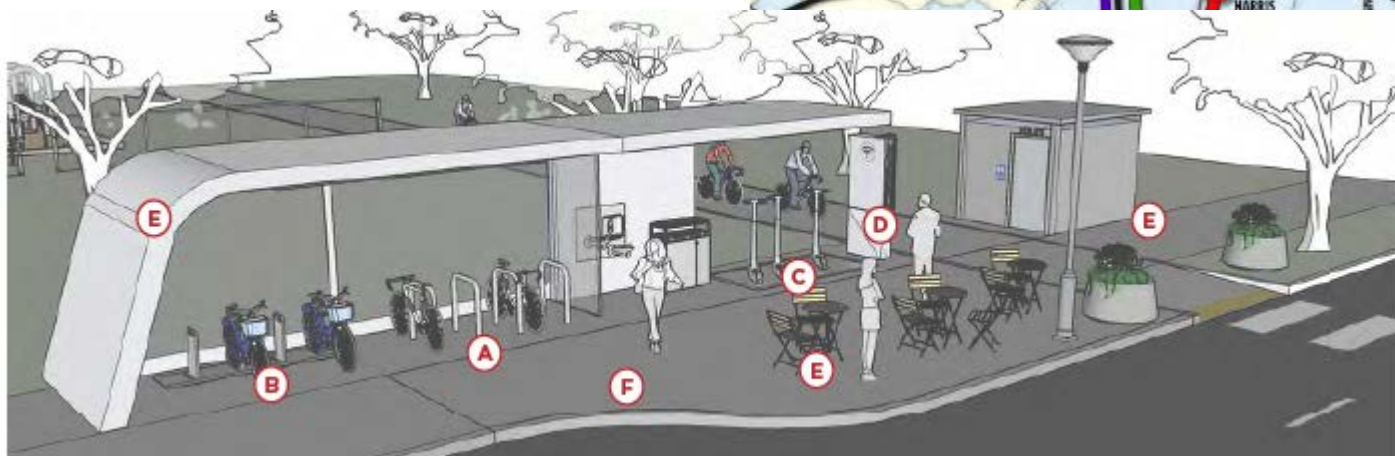
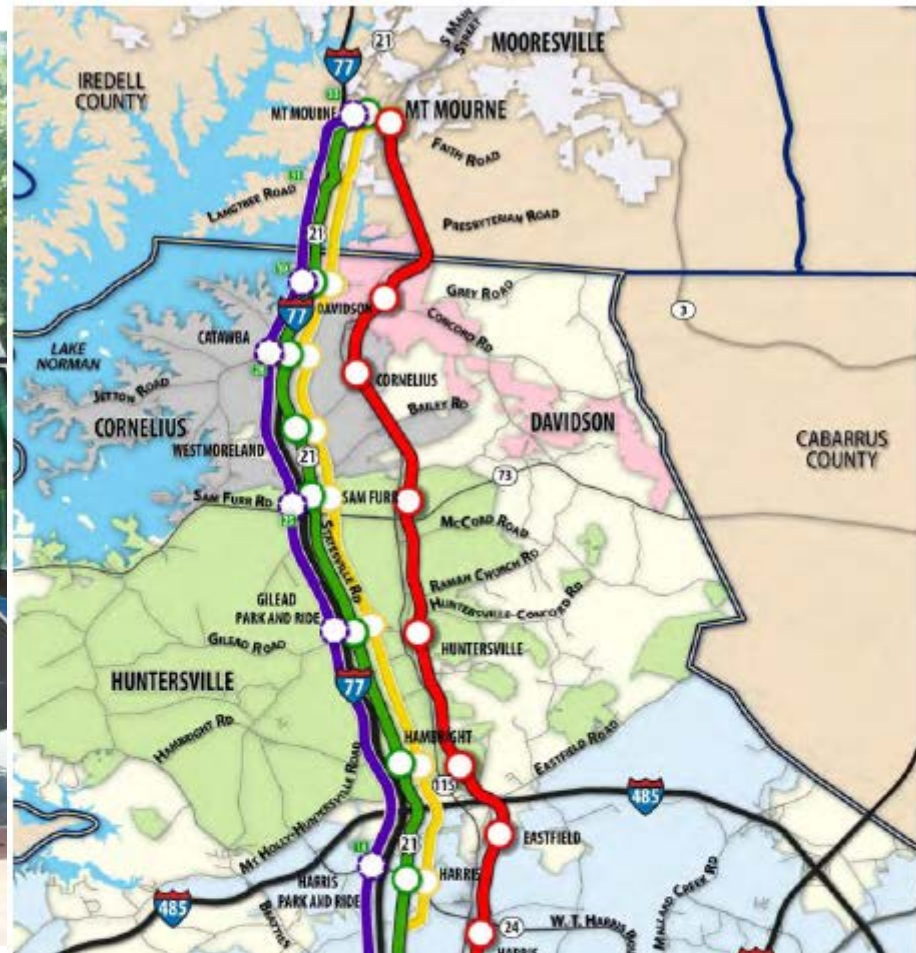
Parking Spaces in Demand in Downtown Core

16%

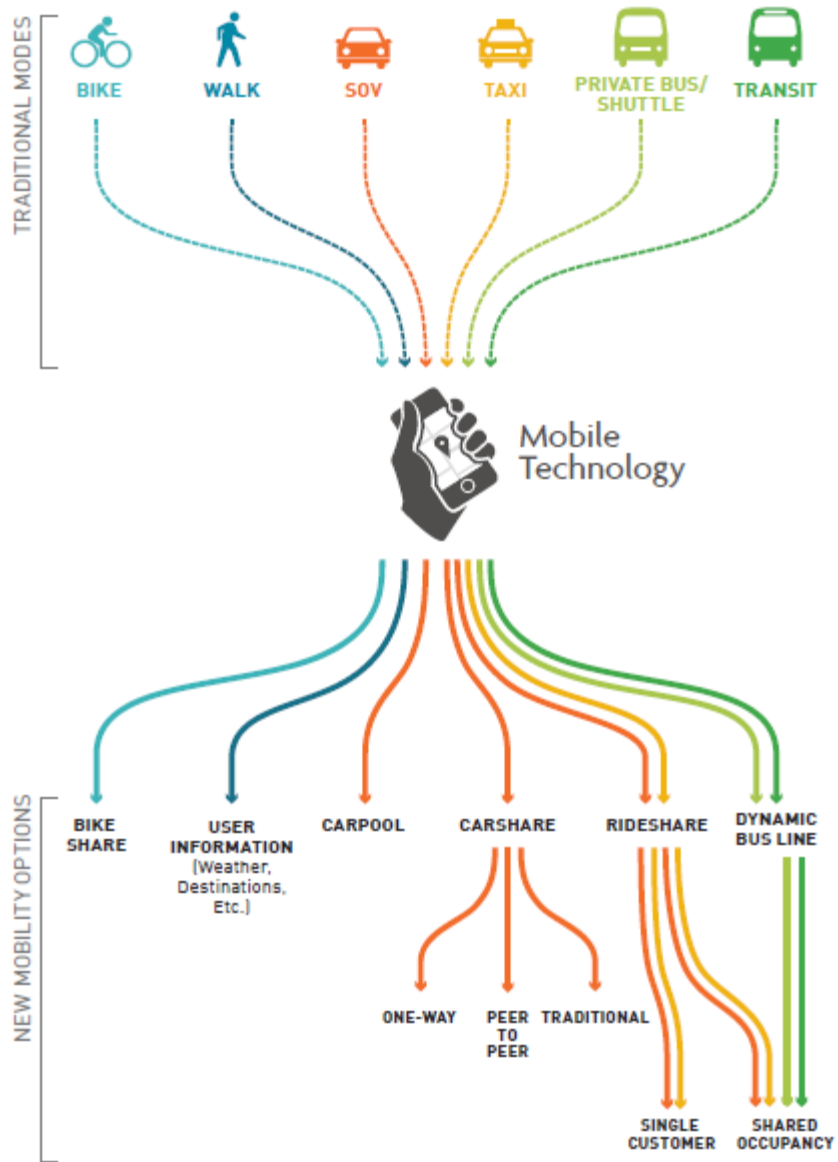
Overall Parking Surplus in Downtown Core



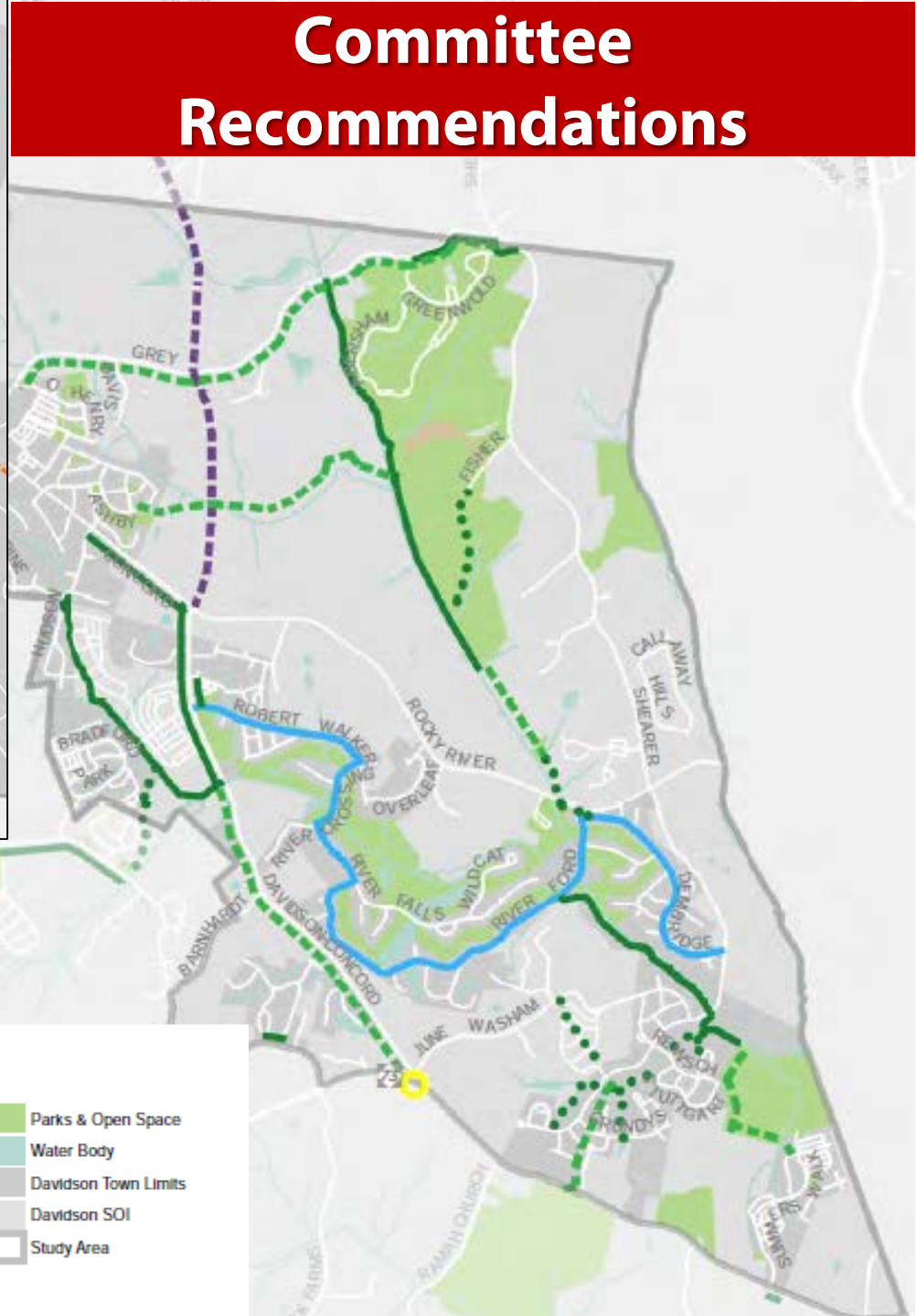
TRANSIT RECOMMENDATIONS



NEW MOBILITY SOLUTIONS



Committee Recommendations



PRIORITY PROJECTS

Proposed Facilities

- Intersection Improvement
- Multi-Use Path
- Bike-Ped Connector
- New Roadway Connection

Existing Facilities

- Greenway
- Greenway (Funded)
- Bike-Ped Connector
- Shared Lane Marking
- Bike Lane
- Unpaved Trail





- Davidson College
- Grocery Store
- School
- Community Center
- Railroad

- Parks & Open Space
- Water Body
- Davidson Town Limits
- Davidson SOI
- Study Area







Committee Recommendations






PRIORITY PROJECTS






Proposed Facilities

-  Intersection Improvement
-  Multi-Use Path
-  Bike-Ped Connector
-  New Roadway Connection

Existing Facilities

-  Greenway
-  Greenway (Funded)
-  Bike-Ped Connector
-  Shared Lane Marking
-  Bike Lane
-  Unpaved Trail

-  Davidson College
-  Grocery Store
-  School
-  Community Center
-  Railroad





-  Parks & Open Space
-  Water Body
-  Davidson Town Limits
-  Davidson SOI
-  Study Area









Committee Recommendations






PRIORITY PROJECTS






Proposed Facilities

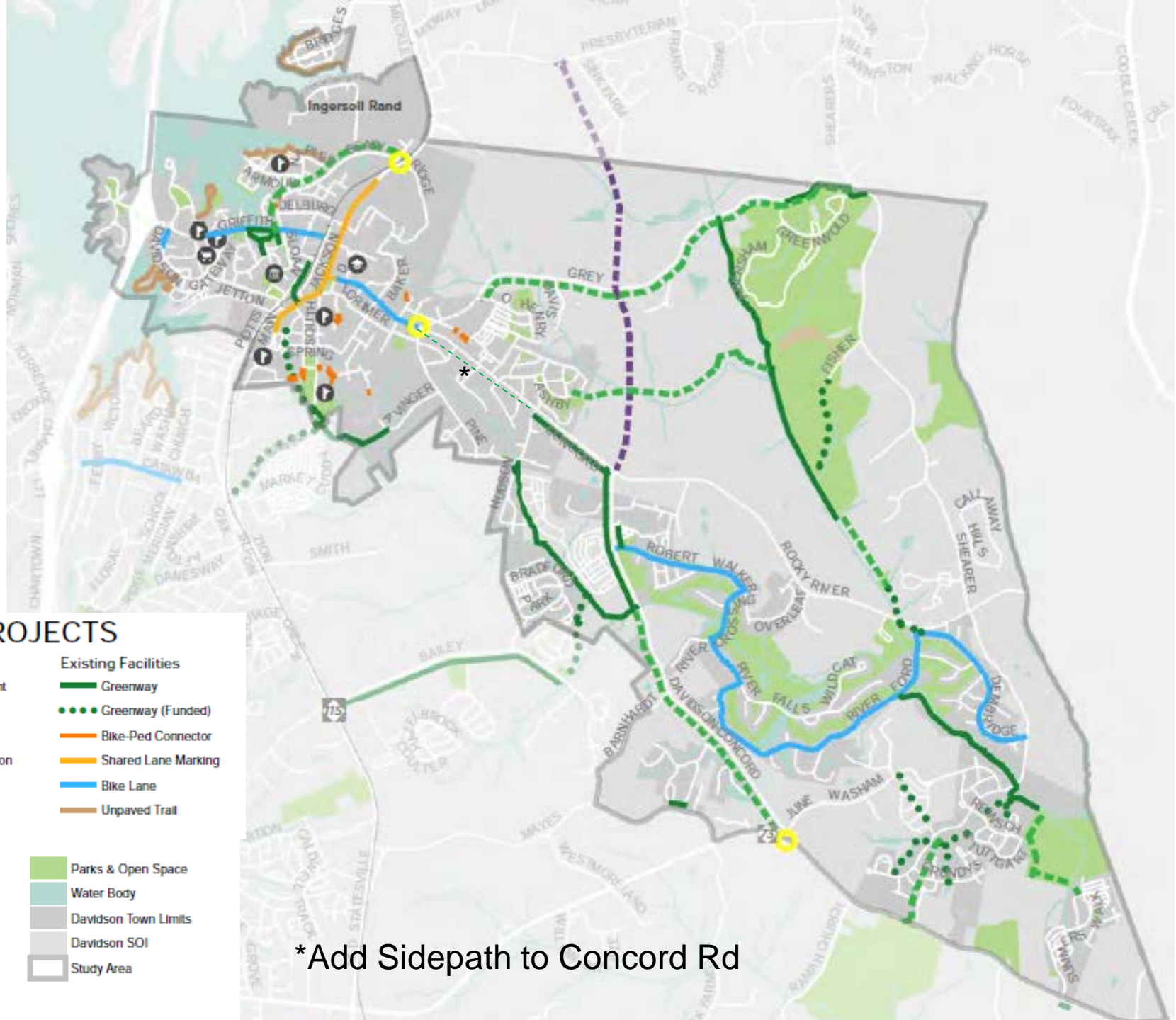
-  Intersection Improvement
-  Multi-Use Path
-  Bike-Ped Connector
-  New Roadway Connection

Existing Facilities

-  Greenway
-  Greenway (Funded)
-  Bike-Ped Connector
-  Shared Lane Marking
-  Bike Lane
-  Unpaved Trail

-  Davidson College
-  Grocery Store
-  School
-  Community Center
-  Railroad

-  Parks & Open Space
-  Water Body
-  Davidson Town Limits
-  Davidson SOI
-  Study Area



*Add Sidepath to Concord Rd

Implementation

*The **three** main ways to improve mobility conditions in Davidson are through transportation facility construction and improvement, program implementation, and policy/regulatory changes and evaluation*

Key Partners

- Town of Davidson Board of Commissioners
- Planning Board
- Livability Board
- Planning Department
- Public Works Department
- Parks and Recreation Department
- NCDOT
- Police Department
- Charlotte Regional Transportation Planning Organization (CRTPO)
- Cabarrus - Rowan MPO
- Lake Norman Transportation Commission (LNTC)
- Developers
- Local Residents, Clubs, and Advocacy Groups
- Charlotte Area Transit System (CATS)
- Davidson College
- Neighboring Jurisdictions

Project Selection and Updating

- Reviewed Annually
- Modified as needed
- Joint Livability / Planning Board
- Board of Commissioners
- Every Five years
- Action Plan

Recommendations

Livability Board

Recommend for Approval: No modifications

Planning Board

Recommend for Approval: Add Side Path to
Concord Rd.

Next Steps

August 13th

Town Board Adoption

2019

Comprehensive Plan

Call for Projects (CRTPO)

Beginning 2020

Return to Town Board with
Policies, Projects, and
Programs.

Questions



Agenda Title: Consider Approval of Downtown Community Gathering Space Project Budget Amendment 2020-05 and Resolution 2019-32 for reimbursement to use 2017 G.O. Bonds.

Economic Development Manager Kim Fleming and Finance Director Pieter Swart

Summary: At the February 12, 2019 meeting, the board reviewed the revised plan for the downtown community gathering space. Feedback from the board of commissioners at this meeting was generally positive with the exception of the discussion about artificial turf used on the fall zone for the playground. There are two issues that need to be addressed before moving forward with the project; design and funding.

Staff recommends the board move forward with the project including synthetic turf or some other unitary synthetic material such as rubber or foam surface at the tot lot and appropriate the \$275,000 from unassigned fund balance along with a reimbursement resolution (the resolution preserves the ability for the town board to decide later to use 2017 general obligation bonds but we would need to front the project with unassigned fund balance) at the July 23 meeting in order for us to move forward with implementing the project starting in the fall coinciding with the slowdown in the farmers market season.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▣	Agenda Memo - Downtown Community Gathering Space Project 07.23.19	7/19/2019	Cover Memo
▣	Budget Amendment 2020-05 Downtown Community Gathering Space	7/19/2019	Budget Amendment
▣	Draft Resolution 2019-32 2017 GO Bonds Reimbursement for Downtown Gathering Space	7/19/2019	Resolution Letter
▣	Attachment - Downtown Gathering Space Rendering Feb 2019	7/19/2019	Backup Material



Downtown Community Gathering Space

To: Davidson Board of Commissioners
From: Kim Fleming, Economic Development
Date: July 23, 2019
Re: Downtown Community Gathering Space

1. OVERVIEW

At the February 12, 2019 meeting, the board reviewed the revised plan for the downtown community gathering space. Feedback from the BOC at this meeting was generally positive with the exception of the discussion about artificial turf used on the fall zone for the playground. There are two issues that need to be addressed before moving forward with the project; design and funding.

Design:

Staff met with the Downtown merchants and Farmers' Market staff to review the revised plans on March 1, 2019. The businesses were concerned about the loss of seven (7) parking spaces. They were in favor of using turf on the fall zone. Their decision was based overwhelmingly on the fact that it had rained for a month straight and the mulch in the current Tot Lot was a mud pit.

Mayor Knox met with a turf supplier and provided samples of potential options.

During the weekend of Art on the Green (April 26-28), we canvassed people that were in the area behind Summit to ask their preference of turf vs. mulch for the fall zone of the playground area. Admittedly this was not a scientific study by any means, but the vast majority of the dozens of people surveyed preferred turf. They cited the ability to sit on it and drainage as major positives. Some children seemed to prefer mulch because they could throw it.

Funding:

Mayor Knox secured a \$100,000 grant last year from the state for this project. We need an additional \$275,000 to complete the project.

We would like to utilize unassigned fund balance to start work on the space as we've already discussed the project in multiple public meetings and solicited citizen feedback. The board of commissioners would have the option of using G.O. Bonds to reimburse the Town's fund balance.

It would also be advantageous to schedule the construction of the space during the off season of the Davidson Farmers' Market (i.e. this fall).

An alternative to synthetic turf could be rubber or foam that still falls under the unitary synthetic material category that provides the appropriate tot lot surfacing with low maintenance costs.

Staff recommends the board move forward with the project including synthetic turf or some other unitary synthetic material such as rubber or foam surface at the tot lot and appropriate the \$275,000 from unassigned fund balance along with a reimbursement resolution (the resolution preserves the ability for the town board to decide later to use 2017 general obligation bonds but we would need to front the project with unassigned fund balance) at the July 23 meeting in order for us to move forward with implementing the project starting in the fall coinciding with the slowdown in the farmers market season.

2. RELATED TOWN GOALS

Strategic Plan Goals:

Economic Development:

The town of Davidson will use existing assets and manage growth to encourage an appropriate mix of residential and commercial development.

Community Engagement:

The town of Davidson will have inclusive engagement with the community to encourage substantive, respectful, and open dialogue, increase participation, and foster a sense of belonging.

Greenways, Open Space, and Parks:

The town of Davidson will increase physical and mental health of Davidson citizens. Preserve open space and promote Greenway connectivity. Provide ample opportunities for play and discovery (active and passive).

Partnerships:

The town of Davidson will build on existing relationships to strengthen partnerships with strategic organizations and institutions.

Core Values:

- The physical, social and intellectual well-being of Davidson citizens is fundamental to our community so town government will provide and encourage enjoyable, safe, and affordable recreational and cultural lifelong learning opportunities.
- Davidson's economic health is essential to its remaining a sustainable community so town government will judiciously encourage and guide the location of new business.

Constituents served:

All citizens.

3. OPTIONS/PROS & CONS

Option 1: Approve the project as proposed.

Pros:

Creates improvements for the downtown gathering space.

Fulfills the obligation with the grant.

Cons:

Option 2: Do not approve the project as proposed.

Pros:

Saves the match funds and can be utilized in other areas.

Cons:

Does not create improvements for the downtown gathering space.

Does not fulfill the obligation with the grant.

4. FYI or RECOMMENDED ACTION

Recommend approval of the project with a unitary synthetic material as the surface for the tot lot, approve the budget amendment, and reimbursement resolution as presented.

5. NEXT STEPS

If approved, staff will move forward with implementation of the project.

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, 2020:

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

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
10-00-4190-440	Contract Services		\$ 330,000.00

Budgeted expenditures will fund design and improvements to the Downtown Gathering Space

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		\$ 330,000.00

Carry forward \$55,000 of grant funding received in FY2019 for the Downtown Gathering Space and add an additional \$275K of unassigned fund balance to complete the project.

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 23rd day of July, 2019



RESOLUTION 2019-32

RESOLUTION REGARDING THE INTENT OF THE TOWN OF DAVIDSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH PARKS AND RECREATION FROM THE PROCEEDS OF TAX EXEMPT OBLIGATIONS

WHEREAS, the Board of Commissioners (the “*Board*”) of the Town of Davidson, North Carolina (the “*Town*”) has determined that it is in the best interests of the Town to pay the costs of the construction, renovation and equipping of a downtown gathering space/park in the Town (the “*Project*”);

WHEREAS, the Town reasonably expects to receive the proceeds of the sale of tax-exempt obligations (the “*Obligations*”) to finance the Project;

WHEREAS, the Town desires to proceed with the Project and will incur additional capital expenditures (the “*Capital Expenditures*”) in connection therewith before the issuance of the Obligations; and

WHEREAS, the Town will advance money from funds currently on hand to pay for the Capital Expenditures and the Town intends, and reasonably expects, to reimburse itself for the Capital Expenditures from a portion of the proceeds of the sale of the Obligations;

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

Section 1. ***Official Declaration of Intent.*** The Town presently intends, and reasonably expects, to reimburse itself for the Capital Expenditures incurred and paid by the Town on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The Town reasonably expects to issue the Obligations to finance the costs of the Project and the maximum principal amount that the City expects to reimburse itself from the proceeds of the Obligations for the costs of the Project is \$275,000.

Section 2. ***Compliance with Regulations.*** This Resolution is a declaration of official intent of the Town under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the Town’s intent to reimburse itself for the Capital Expenditures from proceeds of the Obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Director of the Town or his designee, with advice from bond counsel, is hereby authorized, directed and designated to act on behalf of the Town in determining and itemizing all of the Capital Expenditures incurred and paid by the Town in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of issuance of the Obligations.



Section 4. ***Effective Date.*** This Resolution is effective immediately on the date of its adoption.

ADOPTED AND APPROVED this ____ day of _____, 2019.

TOWN OF DAVIDSON, NORTH CAROLINA

By: _____
Rusty Knox
Mayor

ATTEST:

Elizabeth K. Shores
Town Clerk

DRAFT

RENDERING OF DOWNTOWN GATHERING SPACE – February 2019





**Agenda Title: Consider Approval of Water/Sewer Extension Request for Kistler Farm
Town Manager Jamie Justice**

Summary: The developer requests that water and sewer extensions be granted to these parcels for the development of 15 single-family homes. The parcels included are predominately wooded. This request was previously before the board at the May 28, 2019 meeting and the board did not approve the extension and requested additional information from the developer.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
▣ Agenda Memo - Kistler Farm Water Sewer Extension request 07.23.19	7/19/2019	Cover Memo
▣ Attachment - Kistler Farm Vicinity Map	7/18/2019	Backup Material
▣ Attachment - Charlotte Water Determination Letter for Kistler Farm	7/18/2019	Backup Material



DAVIDSON FARMS (Kistler Farm Rd. Development)

To: Davidson Board of Commissioners
From: Town Manager Jamie Justice
Date: July 23, 2019
Re: Kistler Farm water/sewer extension request

1. OVERVIEW

PROJECT INFO

Owner/Applicant: Davidson Farms Holdings, LLC

Location: 19525 Kistler Farm Rd., 29.9 acres, PID# 00725116, 00725120

Description: Proposes master plan to be subdivided into 15 single-family home parcels serviced by water and sewer

Planning Area: Rural Planning Area

Within Town Limits (y/n): No

Water Determination from Charlotte Water: Extension

Sewer Determination from Charlotte Water: Extension

REQUEST

Under the town's agreement with Charlotte Water, Davidson Board of Commissioner approval is required for any water and sewer extension (extension of water and sewer lines to serve a property that is not a connection to existing lines adjacent to a property) to service a property. It has been determined by Charlotte Water that Davidson Farms requires both water and sewer extensions.

The property owner requests that both water and sewer extensions be granted to Davison Farms to allow for construction of 15 single-family homes. The parcel is currently predominantly wooded. This request was previously before the board at the May 28, 2019 meeting and the board did not approve the extension and requested additional information from the developer.

2. RELATED TOWN GOALS

Davidson Comprehensive Plan:

The hundreds of undeveloped/redevelopable acres located between future growth targets and developable areas are considered the Growth Reserve. These areas shall serve as transitions

between the more intense targets and existing low-intensity neighborhoods or protected open space.

2018-2019 Strategic Plan:

Land Use Strategy—The Town of Davidson will manage residential growth and reduce the scale of future development.

Resolution 2018-12 Water and Sewer Extension Policy:

The Board of Commissioners shall consider several factors when approving or denying water/sewer extension requests. These include compliance with the Davidson Planning Ordinance (DPO), the best interests of the community, traffic congestions, costs associated with traffic control during construction, potential effects on the existing natural environment – specifically trees, other health and safety concerns in the immediate vicinity of the proposed project, and the potential burden on existing infrastructure. This policy applies to all real property located with town limits and its extra-territorial jurisdiction (ETJ).

Davidson Planning Ordinance:

Section 6.3.1 Required Improvements for All Development: Public water supply distribution and public sewer distribution per Charlotte Water requirements, except as described in the Rural Planning Area (RPA).

Section 6.3.1.A: For master plans located in the Rural Planning Area (RPA), public water and sewer is required if the proposed project is located within 1,000 feet of an existing water or sewer line, respectively, or if located with 1,000 feet of a planned water or sewer line funded within a Charlotte Water Capital Improvement Plan.

3. OPTIONS/PROS & CONS

N/A

4. FYI or RECOMMENDED ACTION

It is recommended that the town board grant a sewer extension to Davidson Farms development due to its location within 1,000 feet of existing water and sewer lines.

5. NEXT STEPS

If the sewer extension is approved, then the applicant will begin the master plan process.

Polaris 3G Map – Mecklenburg County, North Carolina

Kistler Farm Proposed Development

Date Printed: 5/22/2019 8:44:00 AM



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.



WATER/SEWER DETERMINATION REQUEST

Updated 11.14.2018

DATE: 11/20/2018

BACKGROUND

In August 2018, the Town of Davidson formalized its water/sewer policy via resolution. The Town's 1984 agreement with Charlotte Water affirms the Town's authority to approve all water/sewer *extensions*. Charlotte Water retains the authority to approve water/sewer *connections*.

PROCESS

Any new development in Davidson shall be required to complete this form and remit to Charlotte Water for a determination.

Contacts at Charlotte Water:

- 1) Mike Garbark: mgarbark@ci.charlotte.nc.us
- 2) Chris Saunders: csaunders@ci.charlotte.nc.us

If Charlotte Water determines that any utility service is classified as an *extension*, Davidson Board of Commissioners' approval is required. Contact the Town of Davidson to determine the next step.

APPLICANT INFORMATION

Name: Davidson Farms Holdings, LLC
Address: 131 Plantation Ridge Drive Mooresville, NC 28117
Tel: 704.309.9880
Email: jshott@diamondbackllc.com

PROJECT INFORMATION

Name: Kistler Farm Road Development **Parcel ID:** 007-251-16 and 007-251-20
Description (Acreage, Dwelling Units, Building Types, Road Frontage, Access, etc.):
Subdivision of approx. 29.9 acres into 15 parcels serviced by water and sewer.
Offsite water extension will be required (approx 600 LF along E Rocky River Rd).
Is the project located within town limits? No
If located in the Rural Planning Area, is the project located within 1000' of an existing water line? Yes
Sewer line? Yes

DETERMINATION

Water (Please Circle)	Connection	Extension
Sewer (Please Circle)	Connection	Extension

Chris Saunders

Charlotte Water (Printed)

Charlotte Water (Signature)

Date