



TOWN OF DAVIDSON
BOARD OF COMMISSIONERS
4th Tuesday Regular Meeting - 6:00 pm
Town Hall Board Room - 216 S. Main Street
January 22, 2019

-
- I. CALL TO ORDER**
- II. ANNOUNCEMENTS**
- III. CHANGES TO AGENDA**
- IV. PUBLIC COMMENTS - The Board shall provide at least one period for public comment per month at a regular meeting.**
- V. QUARTERLY COMMISSIONER REPORTS - Each board member provides an update on the outside board to which they have been appointed.**
- (a) **Centralina Council of Governments**
Commissioner Autumn Rierson Michael
- Lake Norman Chamber of Commerce**
Commissioner Matthew Fort
- Visit Lake Norman**
Commissioner Jim Fuller
- Lake Norman Regional Economic Development Corporation**
Commissioner David Sitton
- North Mecklenburg Alliance**
Commissioner David Sitton
- Charlotte Regional Transportation Planning Organization**
Commissioner Jane Campbell
- Lake Norman Transportation Commission**
Commissioner Jane Campbell
- Metropolitan Transit Commission**
Mayor Rusty Knox
- VI. CONSENT - Consent items are non-controversial and routine items. Prior to the board's adoption of the meeting agenda the request of any member to have an item moved from the consent agenda to old business must be honored by the board. All items on the consent agenda must be voted on and adopted by a single motion.**
- (a) **Consider Approval of Draft Meeting Minutes**
Summary - Draft Meeting Minutes from the September 20 Mini Retreat, December 4 Work Session and December 11 Regular Meeting.

- (b) **Consider Approval of Resolution 2019-02 Retiring Canine Agreement**
Summary: Davidson Police K9 Maky has officially retired after 5 years of service with the Davidson Police Department. Maky's handler, Sergeant Greg Frostbutter, will adopt her and relieve the Town of Davidson of all obligations according to this agreement.
- (c) **Consider Approval of Financing on Purchase of Fire Department Pumper Apparatus - Resolution 2019-03 and Budget Amendment 2019-20**
Summary: In September 2017, the Board approved the construction of a customer pumper apparatus for the fire department. Staff issued an RFP to solicit bids to finance the pumper, and related equipment for a maximum of \$625,000 with an 8-year maturity.
- (d) **Consider Approval to Direct the Clerk to Investigate a Voluntary Contiguous Annexation Petition of 19905 Davidson-Concord Road - Resolution 2019-04**
Summary: The property owners are requesting a voluntary contiguous annexation of 19905 Davidson-Concord Road, Parcel # 00728105.
- (e) **Consider Approval of Tax Levy Adjustments Finance Director Piet Swart**
Summary: The Town received tax levy adjustment refund check requests from Mecklenburg County Assessor's Office (As approved by the Board of Equalization and Review (BER)) for \$6,639.97, on 19 parcels including interest. The Town also received Solid Waste Fee refunds on 5 parcels totaling \$3,910.46. These refunds will be issued directly by the Town. Details regarding these refund requests are available in the Finance Office.
- (f) **Consider Approval of Resolution 2019-05 To exempt the TeamSummit Foundation Twilight Racing Series from Section 54-1 of the Municipal Code on March 16 and November 2, 2019**

VII. NEW BUSINESS

- (a) **Consider Approval for Historic Landmark Designation Special Project Manager Dawn Blobaum**
Summary: Appropriate funds to landmark two properties and survey two properties.

On October 22, 2018 we held a public information meeting regarding potential designation of landmark properties in Davidson. Property owners with potential landmarks (determined by the Charlotte-Mecklenburg Historic Landmarks Commission) were notified of the meeting.

Subsequent to the meeting, several property owners who are interested in designating their properties approached the staff of the Charlotte-Mecklenburg Historic Landmarks Commission (CMHLC) asking to move forward with the designation process. The CMHLC would like to move ahead with three properties, and consider studying several more.

VIII. SUMMARIZE MEETING ACTION ITEMS

IX. CLOSED SESSION

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

X. ADJOURN



Agenda Title: Centralina Council of Governments
Commissioner Autumn Rierson Michael
Lake Norman Chamber of Commerce
Commissioner Matthew Fort
Visit Lake Norman
Commissioner Jim Fuller
Lake Norman Regional Economic Development Corporation
Commissioner David Sitton
North Mecklenburg Alliance
Commissioner David Sitton
Charlotte Regional Transportation Planning Organization
Commissioner Jane Campbell
Lake Norman Transportation Commission
Commissioner Jane Campbell
Metropolitan Transit Commission
Mayor Rusty Knox

Summary:

ATTACHMENTS:

Description	Upload Date	Type
☐ Quarterly Commissioner Reports 01.22.2019	1/23/2019	Presentation



Pre-Conference Workshop

Love Where You Live: Putting Emotional Engagement into Practice

Thursday, March 7, 2019, 9 a.m. – Noon

CCOG, 9815 David Taylor Drive, Charlotte, NC 28262

Join Alliance for Innovation Senior Fellow Peter Kageyama, award-winning author of *For the Love of Cities* and *Love Where You Live*, for a workshop on creating emotionally-engaging places. This workshop is designed for community leaders who are looking to take simple, immediate and largely inexpensive steps towards a better, more interesting and lovable community. Don't miss your opportunity for community-specific attention from a national expert!

Highlights Include:

- How to marshal your co-creators, inspired people in your midst that are making things happen in your city
- The importance of starting small
- Finding your way to "yes"
- Embracing temporary
- Finding your FUN

Who Should Attend:

- Elected Officials
- Planning Board Members
- City/County Managers and Community/Civic Leaders
- Department leaders in Economic Development, Planning, Parks and Recreation, Transportation, Public Works, Law Enforcement



Cost is \$90/person. Registration includes lunch and a complimentary copy of Peter's latest book. Communities are encouraged to bring staff teams representing multiple disciplines and experience levels to enhance the discussion. Space is limited. AICP credits are available.

Details and registration at www.centralinathrivingcommunities.com.

Lake Norman Chamber of Commerce

Visit Lake Norman

Lake Norman Regional Economic Development Corporation

North Mecklenburg Alliance

Metropolitan Transit Commission

January Meeting – January 9, 2019

- ***Review of the Draft Locally Administered Projects Policy & Discussion**
 - ✓ This is a DRAFT CRTPO policy for allocating discretionary \$\$s
 - ✓ Projects must be federal funds eligible
 - ✓ This draft policy proposes a very tight annual schedule for proposing, scoring, and funding projects
 - ✓ Policy designed to preclude losing any federal funding
 - ✓ NOTE: The area of local municipality concern is related to the requirement that proposed projects have a line item cost estimate prepared by a professional engineer, the plan may be no older than 6 months at date of submittal.
 - ✓ With the completion of these preliminary engineering/designs – a municipality would have to set aside 45% for contingency
 - ✓ Scaled down to 30% with engineering & design, but without right of way (ROW) acquisition.
 - ✓ Bottom tier is a proposed 25% if engineering, design, and ROW.
 - ✓ *NOTE: Cornelius Deputy Town Manager/Director of Planning Wayne Herron sent an email to LNTC suggesting that he was willing to join in the effort to place the cap of the upper tier at 35%.*
- **Review of the Scope of the I-77 Corridor Study Planning Project**
- ***NOTE – this topic was discussed at LNTC and CRTPO, highlighting the importance of participation in both organizations**

January Meeting

- **January 16, 2019**

- **Public Comment Period – one comment from a local man who drives Greyhound buses for a living: he requested that CLT/Mecklenburg county do more to build the infrastructure for better lighting**
- **Busy & long meeting, but primarily information briefs, including:**
 - **CRTPO Discretionary Policy***
 - **CRTPO Staffing Assessment****
 - **U.S. 74 Express Lanes Project Update**
 - **Metrolina Regional Travel Demand Model & Analysis**
 - **Draft 2020 Unified Planning Work Program**
 - **2020-2029 State Transportation Improvement Plan**
 - **Performance-Based Planning: 2019 Safety Targets**
- ***NOTE: Based on discussion at the previous week’s LNTC meeting, I spoke up regarding the letter from LNTC regarding the CRTPO “Draft” Discretionary Policy**
 - **Specifically – the concern is that the requirement to hold all municipalities to a standard that will disproportionately impact smaller municipalities**
 - **Chair acknowledged that CRTPO was in receipt of the LNTC letter**
- ****The staffing assessment including the potential of offering internships, which is something that local college students might find interesting.**



Agenda **Consider Approval of Draft Meeting Minutes**

Title: **Summary** - Draft Meeting Minutes from the September 20 Mini Retreat, December 4 Work Session and December 11 Regular Meeting.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
□	Draft Meeting Minutes 09-20-18 Mini Retreat	1/18/2019	Backup Material
□	Draft Meeting Minutes 12-04-18 Work Session	1/18/2019	Backup Material
□	Draft Meeting Minutes 12-11-18 Regular Meeting	1/18/2019	Backup Material



College Town. Lake Town. *Your Town.*

September 20, 2018

**MINI RETREAT
TOWN OF DAVIDSON BOARD OF COMMISSIONERS**

The Town of Davidson Board of Commissioners held its Mini Retreat meeting on Thursday, September 20, 2018 in the Town Hall Board Room. Present were Mayor Rusty Knox and Commissioners Jane Campbell, Matthew Fort, Jim Fuller, Autumn Rierson Michael and David Sitton. Staff present included: Town Manager Jamie Justice, Assistant Town Manager Dawn Blobaum, Town Attorney Cindy Reid, Planning Director Jason Burdette, Public information Officer Cristina Shaul, Senior Planner Trey Akers, Senior Planner Travis Johnson, Planning Technician Lindsay Laird and Town Clerk Betsy Shores.

The meeting began at 11:30 a.m.

The purpose of the retreat was to provide an opportunity for the Board and Staff to review and discuss Strategic Plan Initiatives related to growth and affordable housing.

- I. **Planning and Zoning Decisions and Growth Management Tools**
Adam Lovelady, Associate Professor of Public Law & Government from the UNC School of Government gave a presentation and led a discussion on land use and growth management tools.
- II. **Affordable Housing Strategy**
Cindy Reid, Affordable Housing Manager and Mike Kessler, Affordable Housing Committee Member, led a discussion on the strategic plan goals for the affordable housing program including partnership with the Davidson Housing Coalition and the Ada Jenkins Center.

The meeting adjourned at 4:30 p.m.

Attest:

Rusty Knox, Mayor

Elizabeth K. Shores
Town Clerk



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December 4, 2018

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

The Town of Davidson Board of Commissioners held its regularly scheduled meeting on Tuesday, December 4, 2018 in the Town Hall Board Room. Present were Mayor Rusty Knox and Commissioners Jane Campbell, Matthew Fort, Autumn Rierson Michael and David Sitton. Mayor Pro Tem Jim Fuller was absent. Town Manager Jamie Justice, Assistant Town Manager Dawn Blobaum, Communications Director Cristina Shaul, Fire Chief Bo Fitzgerald, Police Chief Penny Dunn, Town Attorney Cindy Reid, and Town Clerk Betsy Shores were also present.

- **CALL TO ORDER**

Mayor Knox called the meeting to order at 6:02 p.m.

- **ANNOUNCEMENTS**

Communications Director Cristina Shaul announced the following:

Community members are invited to learn about and provide input on the current public facilities proposal to master plan the property at 251 South Street for public facilities and other uses, and renovate our existing town hall for the police and fire departments, on the following date:
Monday, December 17 from 6:00 to 8:00 p.m. in the Davidson Town Hall Board Room or Hopewell Baptist Church Fellowship Hall (18841 Davidson-Concord Road). The session will be an open house drop-in format where we'll share renovation plans for the school building at 251 South Street, previous plans to construct a new town hall in front of the existing town hall, and renovation plans for our existing town hall to house our police and fire departments. Attendees will have the opportunity to speak with town staff to share feedback or fill out a comment card.

ReadDavidson has selected their 2019 book selection – *Varina* by Charles Frazier. The author will be in Davidson on Sunday, April 28.

The What's Next survey to help guide the comprehensive plan deadline is December 14. A community-wide kick-off workshop entitled "Conversation on What's Next" will be held on January 17 from 6:30 to 8:30 p.m. in the Lilly Family Gallery on Davidson College's campus.

Mayor Knox thanked everyone that worked on Christmas in Davidson and recognized the start of Hanukkah.

- **CHANGES TO THE AGENDA**

No changes to the agenda.

- **DISCUSSION**

(a) Communications Director Cristina Shaul and the Board of Commissioners finalized the 2019 Citizen Survey questions.

(b) Fire Chief Bo Fitzgerald and Police Chief Penny Dunn presented the proposed equipment requests for the grant received from the State of North Carolina for \$100,000 for each department. Commissioners were supportive of what was requested and the item will be added to the December 12 consent agenda.

(c) Town Attorney Cindy Reid provided an overview of federal and state legislation on the installation of small cell facilities in the public right of way. Staff will work on recommended municipal code amendments for the Board to approve at a future meeting.

(d) Town Manager Jamie Justice reviewed upcoming agenda items.

(e) During the Miscellaneous/Open Discussion, Commissioner Michael, Commissioner Sitton and Assistant Town Manager Dawn Blobaum gave an update on the Local Historic District meeting that was held on November 28, 2018 at Davidson United Methodist Church with a presentation from consultant Mary Ruffin Hanbury. Commissioner Michael shared that she attended the first Charlotte-Mecklenburg Schools Municipal Advisory Committee Meeting, to encourage collaboration between the School Board and town officials. Commissioner Fort inquired about the Mecklenburg Property Revaluation timeline and Manager Justice said the town and citizens should receive information by mid-February. Commissioner Campbell mentioned the Boy Scout that was in attendance at the meeting for his Citizenship in Committee badge. Commissioner Campbell also noted the police department angel tree in the lobby and the Davidson Housing Coalition luminaries will be displayed on Saturday or Sunday, weather permitting. Commissioner Sitton recommended the Board review 2018 accomplishments and the top three initiatives the Board wants to achieve in the next twelve months.

- **SUMMARIZE ACTIONS ITEMS**

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

- **ADJOURN**

Commissioner Fort made a motion to adjourn. The motion passed unanimously (4-0).

The meeting adjourned at 7:12 p.m.

Attest:

Elizabeth K. Shores
Town Clerk

Rusty Knox
Mayor



College Town. Lake Town. *Your Town.*

December 11, 2018

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

The Town of Davidson Board of Commissioners held its regularly scheduled meeting at 5:00 p.m. on Tuesday, December 12, 2018 at Davidson Town Hall. Present were Mayor Rusty Knox, Mayor, Commissioners Jane Campbell, Matthew Fort, Jim Fuller, Autumn Rierson Michael and David Sitton. Town Manager Jamie Justice, Assistant Town Manager Dawn Blobaum, Communications Director Cristina Shaul, Economic Development Manager Kim Fleming, Finance Director Pieter Swart, Human Resources Director Megan White, Parks and Recreation Director Kathryn Spatz, 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 5:00 p.m.

- **CLOSED SESSION** – Consult with Attorney NCGS § 143-318.11 (a) (3) – Davidson Acquisition Company, et. al v. Town of Davidson, et. al.

Commissioner Fuller made a motion to move to closed session. The motion passed unanimously (5-0).

At 5:58pm, Commissioner Campbell made a motion to end the closes session. The motion passed unanimously (5-0).

- **ANNOUNCEMENTS**

Communications Director Cristina Shaul shared the following announcements:

Spots still available for the upcoming Civics 101 class. All of the information is available on our website at www.townofdavidson.org/Civics101.

The developer for the Mayes Hall project is hosting a public input session on Thursday, December 13, 2018, 5:00-7:00 p.m. in the Davidson Town Hall Board Room.

Community members are invited to learn about and provide input on our current public facilities proposal to master plan the property at 251 South Street for public facilities and other uses, and

renovate our existing town hall for the police and fire departments, on Monday, December 17 from 6:00 to 8:00 p.m. at Davidson Town Hall Board Room or Hopewell Baptist Church Fellowship Hall. This session will be an open house drop-in format where we'll share:

- Renovation plans for the school building at 251 South Street,
- Previous plans to construct a new town hall in front of the existing town hall, and
- Renovation plans for our existing town hall to house our police and fire departments.

Attendees will have the opportunity to speak with town staff to share feedback or fill out a comment card. Applications for the 251 South Street Task Force will be available on December 14.

News Flash from the North Pole: Santa contacted the Davidson Fire Department to help him scope out his delivery route for Christmas Eve. They will take him all around town on two nights – Tuesday, December 18 from about 6:00 to 8:00 p.m. (for Town of Davidson locations EAST of the East Rocky River roundabout) and Wednesday, December 19 from about 6:00 to 8:00 p.m. (for Town of Davidson locations WEST of the East Rocky River roundabout).

What's Next survey deadline is December 14 and community-wide kick-off workshop on January 17th from 6:30 to 8:30 p.m. in the Lilly Family Gallery on Davidson College's campus. Please visit www.whatsnextdavidson.com for more information.

The Park at Beaty Street Task Force has rescheduled its next public input meeting to allow for the plan to include crucial hydrology information. Instead of seeking feedback on January 14, the task force now will be seeking final public input on Tuesday, February 19, 2019, in the Davidson Town Hall Board Room, from 5:30 - 7:30 p.m.

On Christmas Day at 5:45 p.m., Officers from the Davidson Police Department will gather for a moment of silence at the Davidson Town Hall flag pole and memorial to remember Officer Mark Swaney. Anyone is welcome to join the officers in honoring Officer Swaney on the anniversary of his death in the line of duty occurring on December 25, 1997.

Economic Development Manager Kim Fleming announced the winners of the **Davidson Main Street Business Grant**. The Board of Commissioners allocated \$15,000 in this year's budget to fund the grant to further their strategic goal of historic preservation. The goals of the program are to provide direct financial benefit to small businesses; retain and create jobs in association with small businesses; and spur private investment in association with small businesses located in our local historic district. The three recipients were Moxie Mercantile (202 South Main Street), Davidson Wine Shop (121 Depot Street), and Summit Coffee (128 S. Main Street).

- **CHANGES TO THE AGENDA**

No changes to the agenda.

- **PUBLIC COMMENTS**

The public comments period opened at 6:09 p.m. and was closed at 6:09 p.m. No citizens spoke.

- **PRESENTATION**

Finance Director Pieter Swart and Lead Auditor Ann Craven of Rowell, Craven and Short, PA presented the **FY2018 Audited Financial Statements** for the Town of Davidson. The NC Local Government Commission has also approved the financials. The auditor shared that the Town of Davidson finances are stable, monitored closely, and well-run, and operations are compliant with policies and statutes.

- **CONSENT AGENDA**

Consider Approval of Draft Meeting Minutes from November 6, November 13, and November 27
Consider Approval of 2019 Meeting Schedule

Consider Approval of Budget Amendment 2019-16 Affordable Housing Contribution to 335 Sloan Street and Budget Amendment 2019-17 Purchase of 335 Sloan Street

Consider Approval of NC Grant requests for Police and Fire and Budget Amendment 2019-18

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

- **OLD BUSINESS**

(a) Town Attorney Cindy Reid provided additional information about the **Affordable Housing Action Plan**. The Affordable Housing Steering Committee recommends allocating \$60,000 to continue the down payment assistance program to help those earning 80-120% of the area median income, allocating \$200,000 for proposed repairs and renovations to four identified homes owned and occupied by lower income households, and a partnership better the town and the Ada Jenkins Center to lease the town-owned home located at 825 Shearer St. as a teaching house for their clients. The Commissioners would like to have additional conversations with the Ada Jenkins Center regarding the terms of the lease. Cindy Reid recommended inviting Janice Hinton with Ada Jenkins to attend the January 8 work session to provide a presentation on the program.

Commissioner Campbell made a motion to approve the fund allocations as identified. The motion passed unanimously (5-0).

(b) Planning Director Jason Burdette and Communications Director Cristina Shaul provided an update on the **What's Next Davidson? Comprehensive Plan**. There are two key groups to help with the What's Next? process. The Plan Advisory Group, a sounding board to guide the development of the plan and the Publicity & Outreach Committee, to help encourage participation in the process. Over 480 survey responses have been completed to date and they encourage community members to complete it at www.WhatsNextDavidson.com by the December 14 deadline. Hard copies are available at Davidson Town Hall. All community members are invited to attend the community-wide kick-off workshop entitled "Conversation on What's Next" on Thursday, January 17 from 6:30 to 8:30 p.m. in the Lilly Family Gallery on Davidson College's campus.

- **NEW BUSINESS**

(a) Town Attorney Cindy Reid and Public Works Director Doug Wright presented an overview on **Small Cell Wireless Facilities Ordinance**. The NC General Assembly passed House Bill 310, "An Act to Reform Collocation of Small Wireless Communications Infrastructure to Aid Deployment of New Technologies" in June 2017, and it became effective in July 2017. The legislation significantly limits municipal authority regarding the siting of small cell installations and opens up the public right of way for installation of

these facilities. Although the legislation is restrictive, the Town may still adopt and enforce reasonable design guidelines, spacing and safety requirements, additional protections for rights of way in the historic district, and requirements that the providers collocate on existing poles rather than install new poles. Because most of the small cell facilities will now be located in town or NCDOT ROW, a new Article (also referred to as ordinance) should be added to Chapter 66 the Municipal Code followed by amendments to Planning Ordinance. The new regulations will permit small cell facilities to be located in the public right of way but will require that small cell antenna be “stealth” or and that associated equipment boxes blend in with the natural surroundings to lessen their visual impact. The amendments will include height limits that are the most restrictive permitted by the legislation. Installation of new poles will be prohibited in areas where other utilities are required to be underground. Utility poles may only be modified or replaced to accommodate the small cell facilities. A new utility pole will require a variance due to the Town’s undergrounding requirement for new utilities. The Board of Commissioners will be asked to approve municipal code amendments at a future meeting, likely in February or March. The deadline to adopt aesthetic guidelines is April 15.

(b) Town Manager Jamie Justice provided a report on the **2018 Strategic Plan Accomplishments** and the progress made toward accomplishing the goals in the strategic plan. The 2018-2019 strategic plan adopted in March 2018 focuses on land use, community engagement, affordable housing, economic development, historic preservation, greenways, open space and parks, mobility/transportation, operations, and partnerships.

- **SUMMARIZE ACTIONS ITEMS**

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

- **ADJOURN**

Commissioner Fort made a motion to adjourn. The motion passed unanimously (4-0).

The meeting adjourned at 7:56p.m.

Rusty Knox
Mayor

Attest:

Elizabeth K. Shores
Town Clerk



Agenda Title: **Consider Approval of Resolution 2019-02 Retiring Canine Agreement**
Summary: Davidson Police K9 Maky has officially retired after 5 years of service with the Davidson Police Department. Maky's handler, Sergeant Greg Frostbutter, will adopt her and relieve the Town of Davidson of all obligations according to this agreement.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
□ R2019-02 Retiring Canine Agreement	1/22/2019	Resolution Letter



**Resolution 2019-02
RETIRING CANINE AGREEMENT**

This agreement shall be entered between The Town of Davidson and Sergeant Greg Frostbutter of the Town of Davidson Police Department.

WHEREAS, the Davidson Police Department shall retire police canine Maky on January 22, 2019; and

WHEREAS, Maky is personal property of the town and will no longer be of use or value to the Town of Davidson and its police department from this date forth; and

WHEREAS, due to Maky's specialized training as a police canine, the canine will not be safe for public adoption; and

WHEREAS, Sergeant Frostbutter is Maky's handler, has bonded with, worked with the canine and is willing and able to provide immediate care for Maky; and

WHEREAS, Sergeant Frostbutter will adopt and take full responsibility for Maky and relieve the Town of Davidson of all obligations and responsibilities of the canine in accordance with the provisions of this agreement; and

WHEREAS, this agreement is intended to be a full and complete agreement between the Town of Davidson and Sergeant Frostbutter; and

WHEREAS, Sergeant Frostbutter is not being coerced, forced, or inappropriately encouraged by the Davidson Police Department to adopt this canine; and

WHEREAS, this agreement is intended to be in effect until such time as the canine, Maky, is no longer living.

NOW THEREFORE, the parties agree to the following provisions:

- (1) Sergeant Frostbutter shall assume full care and responsibility of the canine, Maky, including, but not limited to:
 - (a) Providing adequate food, water, and shelter to the canine for the duration of her life; and
 - (b) Providing the canine with adequate health care; including but not limited to vaccinations, medication, and all other medical necessities as needed or as required by the county's animal control requirements; and
- (2) Sergeant Frostbutter shall assume all liability that may result from the canine's actions occurring subsequent to the time this agreement becomes effective, including but not limited to those actions and behaviors learned as a result of the canine's specialized training as a police canine provided by the Town of Davidson; and

- (3) Sergeant Frostbutter shall not purposefully, negligently, or knowingly use the canine's special skill set developed as a result of its career as a police canine either for profit, personal gain, or in any capacity, whether this would put others in danger or not; and
- (4) Sergeant Frostbutter hereby releases the Town of Davidson from liability from any sickness or health deficiencies that resulted from the canine's work with the Town of Davidson Police Department; and
- (5) Sergeant Frostbutter shall not lend, give away, or sell the canine without the written approval of the Town of Davidson, provided, however, that nothing shall prohibit Sergeant Frostbutter – without the necessity of approval of the Town of Davidson – from temporarily placing the canine in the custody or care of third parties for the purpose of veterinary care and/or temporary boarding, so long as such third parties are professionals engaged in such services.
- (6) In the event that Sergeant Frostbutter shall predecease the canine, the canine shall be placed with an agency or organization specializing in the adoption of canines retired from law enforcement and/or military service; and
- (7) Ownership of any and all personal property equipment assigned specifically to Maky (collar, leashes) and any shelter previously constructed on Sergeant Frostbutter's property is hereby conveyed and transferred to Sergeant Frostbutter. This does not include specialized police equipment (protective equipment, special police issued equipment); and
- (8) Sergeant Frostbutter shall become the canine's primary caregiver as evidenced by his signature of this agreement and notarization by the proper authority.

**TOWN OF DAVIDSON,
A North Carolina Municipal Corporation**

ATTEST: (SEAL)

By: _____
Rusty Knox, Mayor

Elizabeth K. Shores,
Town Clerk

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Owner

Pieter Swart, Finance Officer
Town of Davidson

Greg Frostbutter

Approved as to form on behalf of the Town of Davidson.

Notary (SEAL)

Cindy Reid
Attorney for the Town of Davidson



Agenda Title: **Consider Approval of Financing on Purchase of Fire Department Pumper Apparatus - Resolution 2019-03 and Budget Amendment 2019-20**
Summary: In September 2017, the Board approved the construction of a customer pumper apparatus for the fire department. Staff issued an RFP to solicit bids to finance the pumper, and related equipment for a maximum of \$625,000 with an 8-year maturity.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▣	Resolution 2019-03 Custom Fire Apparatus Purchase	1/18/2019	Resolution Letter
▣	BA 2019-20 Custom Fire Apparatus Purchase	1/18/2019	Budget Amendment



RESOLUTION 2019-03

Approving Financing Terms for Custom Pumper Apparatus and Related Equipment

WHEREAS, The Town of Davidson (the "Town") has previously determined to purchase a Fire Department custom pumper apparatus from Smeal Holding, LLC, and equip said pumper apparatus (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Zions Bank, in accordance with the proposal dated December 19, 2018. The amount financed shall not exceed \$620,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.86%, and the financing term shall not exceed September 26, 2026 approximately eight (8) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Zions Bank financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted this 22nd day of January, 2019.

Rusty Knox
Mayor

Elizabeth K. Shores
Town Clerk

AMENDMENT TO THE BUDGET ORDINANCE

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

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

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
10-10-4340-552	C/O Apparatus		\$ 620,000.00

Budgeted expenditures will be used to purchase a pumper apparatus and related equipment for the fire department

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

<u>Acct. No.</u>	<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
10-60-3493-910	Loan Proceeds		\$ 620,000.00

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

Adopted this 22nd day of January, 2019



Agenda Title: **Consider Approval to Direct the Clerk to Investigate a Voluntary Contiguous Annexation Petition of 19905 Davidson-Concord Road - Resolution 2019-04**
Summary: The property owners are requesting a voluntary contiguous annexation of 19905 Davidson-Concord Road, Parcel # 00728105.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
□	Petition Requesting Annexation - 19905 Davidson-Concord Road	1/18/2019	Exhibit
□	19905 Davidson-Concord Road Metes and Bounds	1/18/2019	Exhibit
□	19905 Davidson-Concord Road Polaris Map	1/18/2019	Exhibit
□	19905 Davidson-Concord Road Adjacent Parcels	1/18/2019	Exhibit
□	19905 Davidson-Concord Road Charlotte Water Letter - Connection	1/18/2019	Exhibit
□	Draft Resolution 2019-04 Directing Clerk to Investigate Sufficiency	1/18/2019	Exhibit

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

DATE: 11.27.18

PETITION FOR VOLUNTARY CONTIGUOUS ANNEXATION

TO THE HONORABLE MAYOR AND TOWN BOARD OF COMMISSIONERS OF
THE TOWN OF DAVIDSON, NORTH CAROLINA:

1. We, the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S 160A-31 and respectfully request that the area described in paragraph 2 below be annexed to the Town of Davidson.
2. The area to be annexed is contiguous to the Town of Davidson, and the boundaries of such territory are as follows:

(A legally acceptable description of the property must be inserted here, after it has been approved by the Town Attorney.)

WHEREFORE, your petitioner(s) respectfully requests that the aforementioned property be annexed by the Town of Davidson, North Carolina.

IN WITNESS WHEREOF, your petitioner(s) has caused this instrument to be executed on the 27th day of November, 20 18.

PETITIONER(S)

(This petition must be signed by the owners of each parcel proposed for annexation; attach additional sheets, if necessary)

Name
Jacob Palillo
South Creek Construction

Address
19905 Davidson-Concord Rd
mailing: 18611 Star Creek Drive
Cornelius, NC 28031

(NOTE: If the property is owned by a corporation or entity other than a private individual, a responsible corporate officer must sign as petitioner with an attestation by a second corporate officer and the corporate seal affixed. In addition, the execution of the **petition must be notarized.**)

Accuracy of Legal Description Approved:

Town Attorney

PETITION FOR VOLUNTARY CONTIGUOUS ANNEXATION

Submittal Checklist – All items on the checklist must be submitted in order for the petition to be accepted and scheduled for consideration. If any items are not included, the Town Clerk will reject the petition.

Annexation petition, signed by either property owners or residents.

If the deed has multiple owners, such as a husband and wife, then all individuals must sign this petition form. Attach the copy of the deed of each property to the corresponding petition sheet. The original copies with signatures must be submitted to the Town Clerk. If the property is owned by a corporation or entity other than a private individual, a responsible corporate officer must sign as petitioner with an attestation by a second corporate officer and the corporate seal affixed.

Metes and bounds description, APPROVED BY TOWN ATTORNEY.

Annexation petition fee.

List of parcels to be annexed, including the tax parcel number, property owner, and property owner mailing address for each parcel.

List of parcels adjacent to those proposed to be annexed, including parcels separated from the annexation property by a street or rail right-of-way.

Two sets of business-size envelopes pre-addressed to the adjacent property owners with the Town's return address (PO Box 579, Davidson, North Carolina 28036). All envelopes must have postage and metered postage must be *undated*.

A current to-scale copy of a Mecklenburg County tax map highlighting the petitioned property and the current town limits.

Map to be recorded with the Mecklenburg County Register of Deeds.

Letter from Charlotte Water (or other utility) stating that sufficient capacity exists to serve the proposed development and whether an extension or connections is required.

SURVEY DESCRIPTION

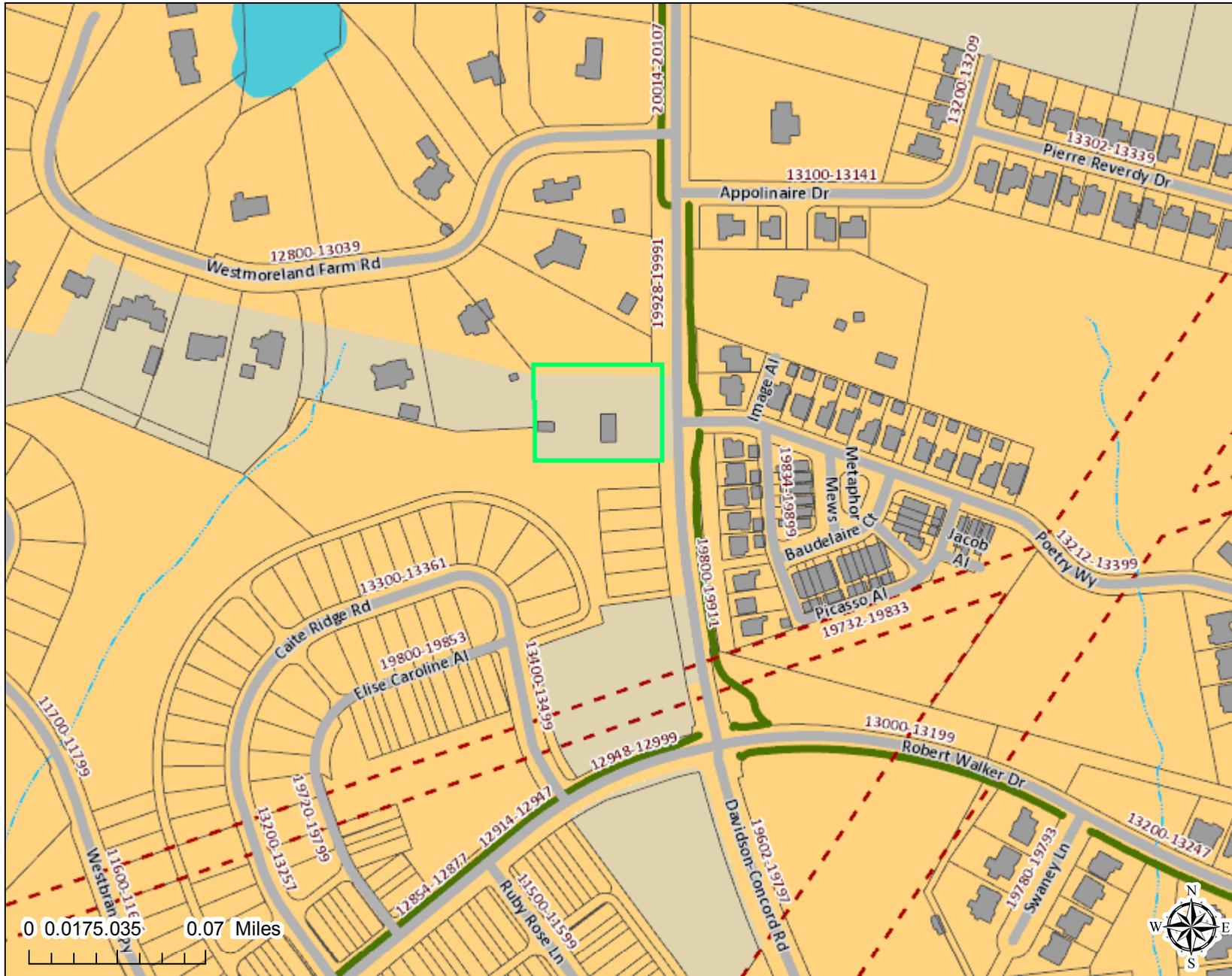
Commencing at a found #4 rebar, at the north easterly corner of Lennar Carolinas, LLC of Deed Book 31512, Page 251 (now or formerly) of Lot 199 of Map Book 65, Page 176; thence with a curve to the right following the right of way margin of Davidson-Concord Road (S.R. 2693), with a radius of 5174.26 feet, and having a length of 57.21 feet, and a chord bearing of $N00^{\circ}21'25''W$, and chord distance of 37.03 feet to a point on the common line of South Creek Construction, Inc. found in Deed Book 32843, Page 67 (now or formerly) and the **POINT OF BEGINNING**; thence continuing on said common line $N87^{\circ}33'38''W$, a distance of 261.47 feet to a found #4 rebar; thence $N02^{\circ}35'25''E$, a total distance of 200.30 feet to a found #4 rebar (passing a #4 rebar at 67.93 feet, and 186.65 feet) to a common corner with William H. & Anne W. Storey of Deed Book 24275, Page 657 (now or formerly); thence $S87^{\circ}28'41''E$, a distance of 299.57 feet to a point in the center of Davidson-Concord Road (passing a #4 rebar at 270.04 feet); thence continuing with the center of road $S02^{\circ}28'07''W$, a distance of 199.86 feet to a point; thence leaving road $N87^{\circ}33'38''W$, a distance of 38.53 feet to a found #4 rebar (passing a #4 rebar at 29.56 feet) to the **POINT OF BEGINNING**, being 59,981 sq.ft. (1.377 acres) as shown on a survey map entitled "Boundary Survey of 19905 Davidson-Concord Road, dated August 10th, 2018 by Daryl W. Long, PLS L-4918.



Polaris 3G Map – Mecklenburg County, North Carolina

19905 Davidson-Concord Road

Date Printed: 11/27/2018 4:24:49 PM



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

Base Map

- Interstate
- Highways
- Thoroughfare
- Streets
- Railroads
- Lynx Blue Line Stations
- Lynx Blue Line
- Utility ROW
- Railroad ROW
- Greenway
- Streams
- Lakes
- Ponds
- Parcels

Park Property status

- Developed
- Greenway
- Undeveloped
- Charlotte
- Cornelius
- Davidson
- Huntersville
- Matthews
- Mecklenburg
- Mint Hill
- Pineville
- Stallings

Parcel to be Annexed: 007-28-105

Parcel Owner: South Creek Construction, Inc
18611 Starcreek Drive, Cornelius, NC 28031

Adjacent Parcels:

007-423-03 / William H. Storey & Anne W. Storey

007-423-04A / William H. Storey & Anne W. Storey

007-282-86 / Lennar Carolinas, LLC

007-27-218 / Piyapong Varavalai & Megawaty Tan

007-27-336 / INC Bradford Homeowners Association

William H. and Anne W. Storey
12932 Westmoreland Farm Drive
Davidson, NC 28036

Lennar Carolinas, LLC
11230 Carmel Commons Blvd
Charlotte, NC 28226

INC Bradford Homeowners Association
PO Box 26844
Charlotte, NC 28221



CHARLOTTE WATER

WATER/SEWER DETERMINATION REQUEST

DATE:

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: Jake Pavillo, South Creek Construction, LLC
Address: 18611 Starcreek Drive, Cornelius, NC 28031
Tel: 704-896-0606
Email: jpavillo@aol.com ; ~~je~~ jenesta@colejeneststone.com

PROJECT INFORMATION

Name: 19905 Davidson Concord Rd
Parcel ID: 007281-05
Description (Acreage, Dwelling Units, Building Types, Road Frontage, Access, etc.):
1.377 acres on Davidson Concord road, designated neighborhood general, being subdivided from 1 lot into 3 separate lots

DETERMINATION

Water (Please Circle)	Connection <input checked="" type="checkbox"/>	Extension
Sewer (Please Circle)	Connection <input checked="" type="checkbox"/>	Extension

Jason Jarrett
Charlotte Water (Printed)

Charlotte Water (Signature)

11-5-18
Date



RESOLUTION 2019-04
DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
19905 Davidson-Concord Road

WHEREAS, a petition requesting annexation of an area described in said petition was received on November 27, 2018 by the Board of Commissioners; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Board of Commissioners of the Town of Davidson deems it advisable to proceed in response to this request for annexation;

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

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Board of Commissioners the result of her investigation.

Adopted on the 22nd day of January, 2019.

Rusty Knox, Mayor

Attest:

Elizabeth K. Shores, Town Clerk



Agenda Consider Approval of Tax Levy Adjustments

Title: Finance Director Piet Swart

Summary: The Town received tax levy adjustment refund check requests from Mecklenburg County Assessor's Office (As approved by the Board of Equalization and Review (BER)) for \$6,639.97, on 19 parcels including interest. The Town also received Solid Waste Fee refunds on 5 parcels totaling \$3,910.46. These refunds will be issued directly by the Town. Details regarding these refund requests are available in the Finance Office.

Summary:

ATTACHMENTS:

Description	Upload Date	Type
No Attachments Available		



Agenda Title: Consider Approval of Resolution 2019-05 To exempt the TeamSummit Foundation Twilight Racing Series from Section 54-1 of the Municipal Code on March 16 and November 2, 2019

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
□	Resolution 2019-05 To exempt the TeamSummit Foundation Twilight Racing Series from Section 54-1 of the Municipal Code on March 16 and November 2, 2019	1/22/2019	Resolution Letter



RESOLUTION 2019-05
TO EXEMPT THE TEAMSUMMIT FOUNDATION TWILIGHT RACING SERIES FROM SECTION 54-1 OF THE MUNICIPAL CODE ON MARCH 16 AND NOVEMBER 2, 2019

WHEREAS, a request has been made to exempt the TeamSummit Foundation Twilight Racing Series on March 16 and November 2, 2019 from Section 54-1 of the Davidson Municipal Code; and

WHEREAS, Section 54-1 (a) of the Town of Davidson Municipal Code states it shall be unlawful for any person to possess an open container of malt beverage or unfortified wine, or to possess or consume fortified wine, spirituous liquor or mixed beverages on property owned and operated by the town; and

WHEREAS, Section 54-1 (f) authorizes the town board of commissioners to exempt outdoor festivals or events of a national, state, or local significance if notice received at minimum of 30 days prior to the event; and

WHEREAS, Section 50-7 (d) authorizes the town board of commissioners to exempt a series of events; and

WHEREAS, a request has been made within said notice requirement; and

WHEREAS, the Summit Coffee Racing Series are events of local significance for the town bringing economic development to downtown with expected attendance in excess of 300; and

WHEREAS, no public hearing is required to allow the use of the Town owned parking lot adjacent to Summit Coffee for the consumption of alcohol and the possible sale of alcohol until 11:00 p.m. on March 16 and November 2, 2019; and

WHEREAS, staff have taken appropriate measures to ensure Downtown business owners' support of the event;

NOW, THEREFORE BE IT RESOLVED that the Town of Davidson Board of Commissioners do hereby conditionally authorize the exemption of the TeamSummit Foundation Twilight Racing Series on March 16 and November 2, 2019 from Section 54-1 of the Davidson Municipal Code in order to allow the consumption and sale of alcohol on the town owned parking lot located adjacent to Summit Coffee contingent upon staff approval of the event.

Adopted on the 22nd day of January 2019.

Attest:

Rusty Knox, Mayor

Elizabeth K. Shores, Town Clerk



**Agenda Title: Consider Approval for Historic Landmark Designation
Special Project Manager Dawn Blobaum**

Summary: Appropriate funds to landmark two properties and survey two properties.

On October 22, 2018 we held a public information meeting regarding potential designation of landmark properties in Davidson. Property owners with potential landmarks (determined by the Charlotte-Mecklenburg Historic Landmarks Commission) were notified of the meeting.

Subsequent to the meeting, several property owners who are interested in designating their properties approached the staff of the Charlotte-Mecklenburg Historic Landmarks Commission (CMHLC) asking to move forward with the designation process. The CMHLC would like to move ahead with three properties, and consider studying several more.

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▣	Agenda Memo - Landmarks Designation 01-22-19	1/22/2019	Cover Memo
▣	Presentation - Landmarks Designation 01-22-19	1/3/2019	Presentation



Landmarks designation

To: Davidson Board of Commissioners
From: Special Projects Manager Dawn Blobaum
Date: January 22, 2019
Re: Request for funding for studies of potential landmarks

1. OVERVIEW

On October 22, 2018 we held a public information meeting regarding potential designation of landmark properties in Davidson. Property owners with potential landmarks (determined by the Charlotte-Mecklenburg Historic Landmarks Commission) were notified of the meeting.

Subsequent to the meeting, several property owners who are interested in designating their properties approached the staff of the Charlotte-Mecklenburg Historic Landmarks Commission (CMHLC) asking to move forward with the designation process. The CMHLC would like to move ahead with three properties, and consider studying several more.

The first step is documentation of the property and its historic significance to the Town of Davidson. The cost to survey/document a property is approximately \$3500. Typically, the survey committee of the CMHLC determines which properties will be surveyed, reviews the resultant Survey and Research Report, and provides a recommendation for or against designation to the board of CMHLC. The report is used as legal findings of fact by the CMHLC board, the Davidson Historic Preservation Commission, and the Davidson Board of Commissioners to judge the significance of the properties.

Following the approval of the Survey and Research Report by the survey committee, the CMHLC board votes to recommend (or not) the landmark designation. The Survey and Research Report is sent to the State Historic Preservation Office for review and comment, and the CMHLC then sends the report and their recommendation, in the form of a landmark designation ordinance, to the town. The Davidson Historic Preservation Commission also provides a recommendation to the Davidson Board of Commissioners prior to a public hearing and vote.

The properties under consideration are:

310 Concord Road: The documentation (Survey and Research Report) has been completed, and needs no action from the Davidson Board of Commissioners until the public hearing and vote, if it is recommended by the CMHLC board. It will be presented to the CMHLC survey committee in January. Picture below.



603 North Main Street: Documentation (Survey and Research Report) required. We are requesting \$3500 to complete the study for this property. The CMHLC will recommend a consultant to complete the report. If the board of commissioners agrees, it can be presented to the CMHLC survey committee in February. Picture below.



21525 Shearer Road farmhouse: Documentation required. The CMHLC staff has recommended that CMHLC fund the study for this property and review it at their February survey committee meeting. Picture below.



At their meeting on January 16, the Davidson Historic Preservation Commission endorsed moving forward with the process to designate these properties as historic landmarks.

2. RELATED TOWN GOALS

Strategic Plan: Historic Preservation Strategy, Goal 3: The Town of Davidson will preserve our historically significant structures to retain our authenticity as a historic, small college town.

Tactical priority 2: Investigate historic preservation tools.

Core values: Davidson's traditional character is that of a small, historic college town, so land planning will reflect its historic patterns of village-centered growth including connection of neighborhoods, preservation of our historic resources, conservation of rural area, and provision of public spaces.

Constituents: All Davidson residents.

3. OPTIONS/PROS & CONS

CMHLC will proceed with the designation process on 310 Concord Road whether or not the board approves funding for 603 North Main Street. Town funding for the North Main property may encourage the preservation of other properties in our endangered areas.

4. FYI or RECOMMENDED ACTION

We recommend approving funding (\$3500) for the required Survey and Research Report on 603 North Main Street to designate the structure as a Charlotte-Mecklenburg Historic Landmarks.

5. NEXT STEPS

The CMHLC survey committee will meet to approve studies on which to move ahead. They will assist the town in finding consultants to complete the documentation process. When complete, the information is sent to the CMHLC board for a recommendation, to the State Historic Preservation Office (SHPO) for review and comment, and to the Town of Davidson for recommendation by the HPC, a public hearing, and vote by the Davidson Board of Commissioners on the designation ordinance.

310 Concord Road
Martin-Henderson House



603 North Main Street Helper House



21525 Shearer Road





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

Summary:

ATTACHMENTS:

Description	Upload Date	Type
No Attachments Available		