

PROPOSED AGENDA

Bermuda Run Town Council Meeting Tuesday, October 11, 2022 6:00PM

Bermuda Run Town Hall

Mission: "The Town of Bermuda Run exists to provide core public services that enhance the quality of life for its residents and an environment for the business community to thrive".

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Moment of Silence

'It is the intent of the Town Council to solemnize the proceedings of this meeting and the business brought before the governing board, to offer the opportunity for a reflective moment of silence."

- 4. Town of Bermuda Run Code of Ethics Statement-Town Attorney Brian Williams
- 5. Adoption of the Agenda

	Motion:	Second:	In Favor:	Opposed:		
6.	Approval of the September 13, 2022, Town Council Meeting Minutes					
	Motion:	Second:	In Favor:	Opposed:		

- 7. Citizens' Comments
- 8. Presentation E-911 Addressing

Staff will discuss structure addressing posting requirements of the Addressing and Road Naming Ordinance. Mike Foster, Community Officer and Staff from Davie County 911 Communications and Emergency Services will share how responses to E-911 calls are made and emergency personnel are dispatched.

9. Proposed Action Items

A. Bermuda Run Tourism Development Authority Appointments

The TDA Board was established by Town Council Resolution to be comprised of no less than three (3) members and no more than seven (7) members. State law requires the one-third (1/3) of the seats shall be reserved for individuals affiliated with business that collects the tax within the Town and one-half (1/2) of the seats shall be reserved for individuals who are active in promoting travel and tourism in the Town. The Town Manager is an ex-officio member of the Board.

Current TDA Board Members – Chair –Scott Wollaston, Executive Director, Twin City Soccer; Wayne Thomas, WinMock; Jeffery Woods, Hampton Inn; Andrew Meadwell, Town of Bermuda Run, Ex-officio member; Caroline Moser, Davie County Chamber of Commerce, Exofficio member.

The BR TDA is requesting:

The following to be considered for Regular Member appointment:

Drew Stevens-RISE; 3-year term Landon Lynch-Atrium Wake Forest Baptist/Davie Medical Center; 3-year term Janice Karthanas-Hampton Inn; 3-year term

The following to be Re-Appointed for Regular Member appointment:

Scott Wollaston, Chairman-2 year term Wayne Thomas, 2 year term Jeffery Woods, 2 year term

The following be appointed and reappointed as Ex-Officio Members:

Caroline Moser, Andrew Meadwell, and Dora Robertson

	Staff is requesting that these appointments be considered:					
	Motion:	Second:	In Favor:	Opposed:		
10.	0. Town Manager Report/Comments					
11.	1. Council / Mayor Comments					
12.	Adjourn					
	Motion:	Second:	In Favor:	Opposed:		

Town of Bermuda Run

Town Council Meeting Minutes

September 13, 2022 – 6:00 PM

The Town Council of Bermuda Run held its scheduled meeting on Tuesday, September 13, 2022 at 6:00 PM. The meeting was held at Calvary Baptist Church/West Campus, 136 Medical Drive.

Council Members Present: Mayor Rick Cross, Mike Brannon, Curtis Capps, Heather Coleman,

Mike Ernst, and Melinda Szeliga

Council Members Absent:

Also Present:

Andrew Meadwell, Town Manager; Cindy Poe, Town Clerk; and Brian

Williams, Town Attorney

Call to Order

Mayor Rick Cross called the meeting to order.

Pledge of Allegiance

Moment of Silence

It is the intent of the Town Council to solemnize the proceedings of this meeting and the business brought before the governing board, to offer the opportunity for a reflective moment of silence.

Town of Bermuda Run Code of Ethics Statement - Town Attorney Brian Williams

Adoption of the Agenda

Council Member Mike Ernst made a motion to approve the agenda. Council Member Curtis Capps seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Approval of the August 9, 2022 Town Council Meeting Minutes

Council Member Melinda Szeliga made a motion to approve the August 9, 2022 meeting minutes. Council Member Heather Coleman seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Citizens' Comments - None

Public Hearing – Zoning Map Amendment 2022-05

RLM Development, LLC (Homes Urban) has applied to rezone a 19-acre portion of a tract of land totaling approximately 64.7 acres from Commercial Mixed (CM), WS-IV Yadkin River Watershed (WS-IV) to Village Mixed Conditional District, WS-IV Yadkin River Watershed (VM-CD), (WS-IV). The subject property is behind 196 and 190 NC Hwy 801 N and is further described as a portion of parcel of the Davie County Tax Map C80000001.

Johnny Easter with Davie County Development and Facilities Services presented the data regarding the rezoning request.

Robert Morgan with Homes Urban, Sally McGuire with the Hillsdale Group, and Attorney Hank Van Hoy presented information and data in favor of the rezoning request. *Presentation attached.

Mayor Rick Cross Opened the Public Hearing

Kinderton Village Residents Speaking in Opposition to the Request (Presentations Attached):

- Chris Bryant 104 Millstone Lane
- Chad Hedgepeth Kinderton Village
- Barton and Michelle Sexton 185 Kilbourne
- Matt Carr 136 Sweetwater Circle
- Lennie Ring 125 Kilbourne
- Dean Warren 263 Old Town
- Jim Fulgham 257 Town Park Drive
- Mark Pfundstein 155 Brookstone
- Tim Deegan 337 Town Park Drive
- Paul Dixon 120 Kilbourne
- Donna Carr 136 Sweetwater Circle
- Charlene Genaway 150 Brookstone
- Patricia Williams 124 Parkview
- Herb Schmidt 136 Brookstone
- Mary Winfrey 122 Glenmore
- Lynn Cole 255 Kilbourne

Speaking in Favor of Request:

• John Ferguson – 915 Riverbend Dr.

Mayor Rick Cross Closed the Public Hearing

Council Member Mike Brannon made a motion to deny:

"The Bermuda Run Town Council finds the proposed Conditional Use zoning amendment meets the intent of the Village Residential designation in that it brings multifamily housing in an area that is primarily single-family housing, it incorporates open space and recreational opportunities for use by the residents; however, it is not consistent with the Town of Bermuda Run Comprehensive Plan because:

- 1. The proposal does not encourage managed growth and development that is compatible with the existing character of surrounding land uses, in that the proposal calls for a density of housing that is inconsistent with abutting uses;
- 2. The proposal does not complement nearby residential and commercial land uses; and
- 3. The property as currently zoned allows for multifamily housing at 8 dwellings units per acre which is consistent with the Village Residential designation, which calls for a mix of housing types.

Therefore, the Town of Bermuda Run Town Council finds the Conditional Use zoning amendment and conditions is not reasonable and is not in the public interest. The Conditional Use zoning amendment and conditions does not address impacts reasonably associated by the use and does not allow for consistency and compatibility with the adjacent land uses.

- 1. The Conditional Use zoning amendment rezoning would not allow the property to develop in a way that is consistent with the existing Village Residential uses in the area;
- 2. The Conditional Use zoning amendment rezoning will not encourage compatible development of the property in that higher density will adversely impact the adjacent neighborhoods; and

^{**}Town Attorney Brian Williams stated that the Town Council CAN NOT discriminate against renters based on the Fair Housing Act after one speaker made comments about renters vs. owners.

3. The Conditional Use zoning amendment rezoning is not consistent with the desired character of the surrounding community.

Council Member Heather Coleman seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Town Manager Comments

Andrew Meadwell gave an update regarding:

The Blue Heron Trail, Decommissioning of the Waste Water Treatment Plant, Ariston Place Apartments, Stop Sign/Stop Bar Replacement – Kinderton Village, Road Paving/Striping

Council/Town Manager/Mayor Comments

Mike Brannon – Thanked the Hillsdale Group and Homes Urban for being "class acts"; thanked Kinderton Village residents for their energy and enthusiasm.

Heather Coleman – Thanked everyone for their attendance and involvement.

Mike Ernst – Urged everyone to attend meetings, vote, and be representative (no one from KV on Council). Personal attacks on "Next Door" could have been avoided; the Council works hard for ALL of the Town of Bermuda Run and they take their decisions seriously. He is honored to serve on the Council.

Curtis Capps – Shared that the decision tonight was a tough one. He's lived in the town for 25 years and wants to keep Bermuda Run on track.

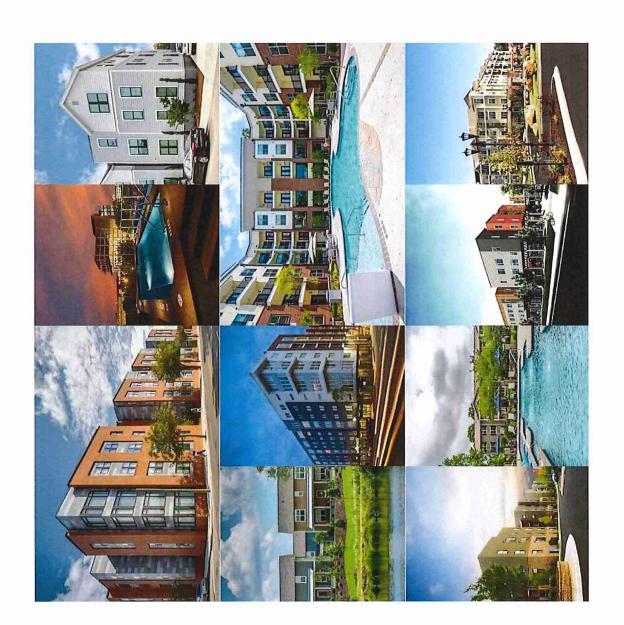
Melinda Szeliga – Stated that before the meeting tonight, she met with both sides – for and against, doing her due diligence in the process. She assured the attendees that the Council did listen to them. Mayor Rick Cross – Commended everyone for their commitment to this "difficult and arduous journey". Stressed that he wants to continue to meet with areas of the entire community. He acknowledged: Planning Board, Town Staff, Homes Urban and Hillsdale Group for their professional conduct, and the Town Council who were fully engaged. Shared that two seats on the Town Council and the Mayor seat will be up for vote in 2023 – encouraged everyone to vote. Last concert will be on Friday, October 14 at 6:30 pm – Special Occasion Band.

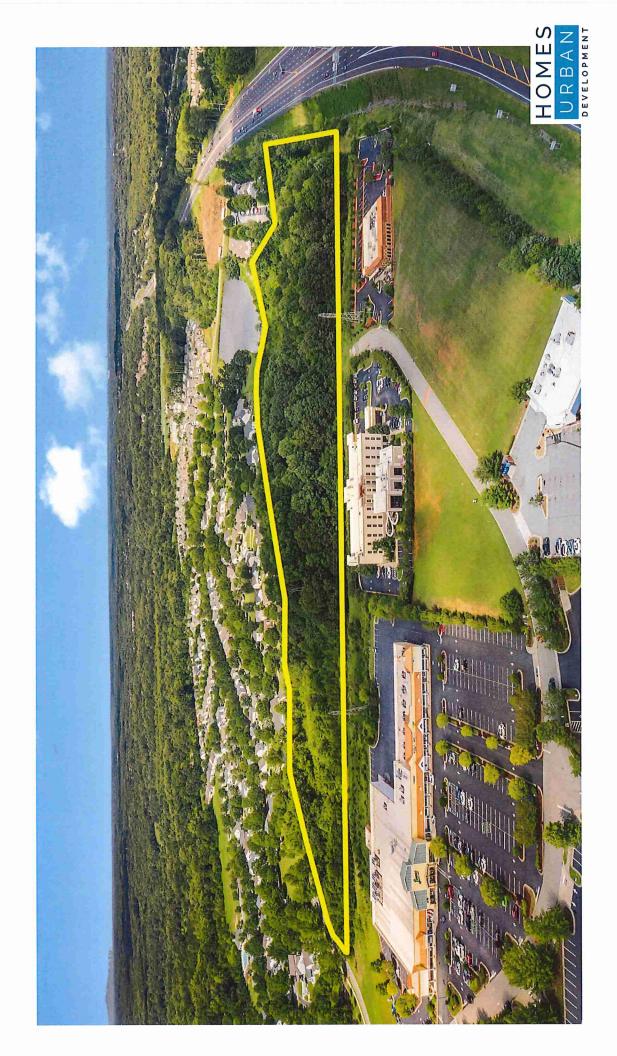
Adjourn

With no further business to discuss, Council Member Mike Ernst made a motion to adjourn. Council Member Mike Brannon seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Approved	Respectfully Submitted	
Rick Cross, Mayor	Cindy Poe, Town Clerk	

HOMES EVELOPMENT





Class A Multifamily Community

Proposed Community:

270 Apartment Homes

19 Acre Site (14.2 units to the acre)

9 three story buildings, approx. 45' tall

Building scale similar to Kinderton Village Condominiums

Exterior materials: brick and HardiPlank

Community clubhouse with leasing office, resident lounge, and fitness center

Resort-style swimming pool with sundeck, pavilion and grilling area

Site will include dog park, garages, and sidewalks

Fulltime staff will operate community

Residents must pass background checks & are required to abide by community rules





Village Mixed: An Appropriate Land Use

The Request:

Village Mixed (VM) with conditions from Commercial Mixed (CM)

VM is actually more restrictive with respect to uses, but allows 15 multifamily units to the acre

The Result:

Highly amenitized Class-A multifamily community

Consistent with land-use patterns in Bermuda Run, this community will allow for an appropriate moderate density transition and buffer between the heavily trafficked retail/commercial center and the residential neighborhood

This land-use will fulfill the Kinderton masterplan and finalize the Village Residential use, per the Bermuda Run Comprehensive Plan The community will provide a type of housing that does not exist on the north side of Bermuda Run

This walkable/bikeable housing will bolster the retail and commercial village center of northern Bermuda Run

This project will utilize existing infrastructure, per the Comprehensive Plan, as roads, stormwater, water & sewer, and schools can accommodate this housing community



Site Plan #1: April 6, 2022











Site Plan #2: April 18, 2022





DEVELOPMENT URBAN









 \boxtimes



Site Plan #3: July 28, 2022

Site Plan #3: July 28, 2022



KINDERTON APARTMENTS
HOMES UBBAN
BERMUNDA BUN NO
SCHOOL BOOK OF THE PART NO PROPERTY OF THE PART NO PR

HOMES

DEVELOPMENT URBAN







Proposed Conditions:

The number of residential multifamily units on the property will be limited to 270

'n

on-site to provide water quality treatment for Built comparative downstream stormwater analysis of contributing to the road crossing at Lakeside Crossing Drive and will be analyzed to show the proposed on-site detention pond system and the development area. Water Quality treatment will be provided for the 1-inch water quality volume, in accordance with the NCDEQ BMP Manual. Peak flow attenuation will be provided for the 2-/ear and 10-year 24-hour storm events to meet Stormwater detention facilities will be provided during the Technical Review Committee (TRC) Upon Areas and peak flow attenuation for the detailed calculations and assumptions for the effects of the proposed development on the existing pond. A drainage report showing provided to the Town of Bermuda for review pre-development flow rates. Additionally, a existing pond system will be provided. The the predevelopment and post development comparative downstream analysis will be analysis will include the drainage basin

- A community amenity area comprising of a clubhouse and swimming pool will be provided for the multifamily residents.
- The community clubhouse will be oriented to face Ring Road (depicted on the included site plan).
- 5. As allowed by government authorities, the community's secondary entrance at Old Towne Drive will be sited to the western part of the property (depicted on the included site plan).
- 6. A 30-foot buffer will be provided along Old Towne Drive and will be left in a natural undisturbed state, with the exception of the project entrance connecting to Old Towne Drive or any required utility crossings (depicted on the included site plan as Buffer 1).



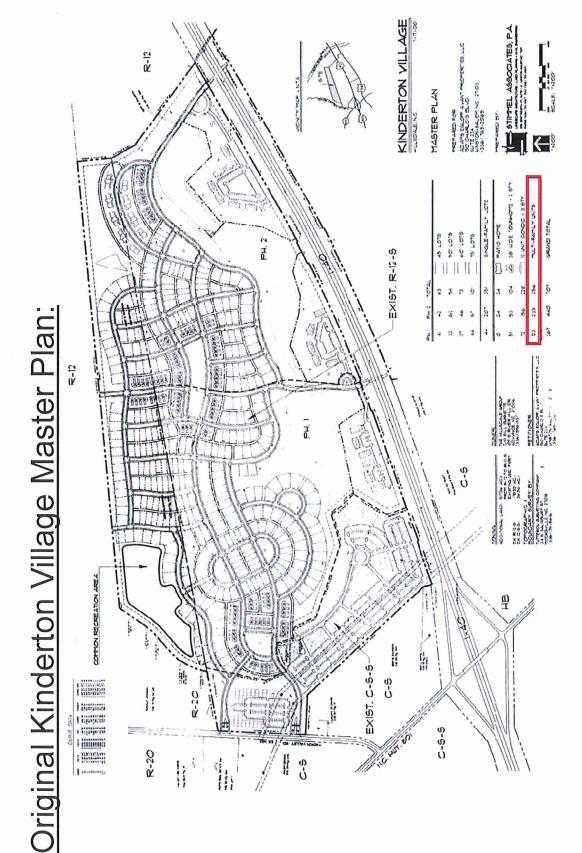
Proposed Conditions (continued)

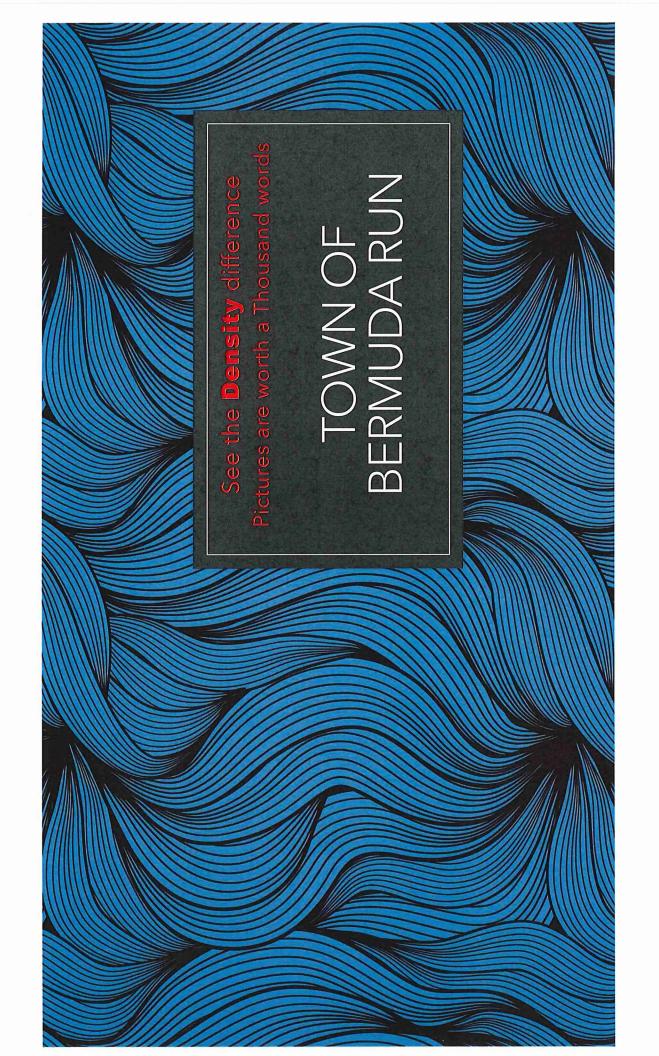
- 7. A 30-foot buffer along the eastern property line running parallel with Brookstone Drive will be provided and it will be left in a natural undisturbed state with the exception of any required utility crossings. In addition, a 20-foot planted buffer area will be provided to create a total buffer of 50 feet (depicted on the included site plan as Buffer 2).
- 8. A 30-foot buffer along the eastern property line near Pinewood Lane will be left in a natural undisturbed state with the exception of any required utility crossings (depicted on the included site plan as Buffer 3).
- 9. Residential multifamily Building 1 will be located at least 250 feet from Old Towne Drive and at least 75 feet from the nearest single-family residential property line (depicted on the included site plan).
- 10. All residential multifamily buildings, with the exception of Building 1, will be located at least 150 feet from the nearest single-family residential property line (depicted on the included site plan).

11. A traffic study will be prepared and will assess the following intersections: the new proposed apartment community street with Old Towne Drive, Ring Road with Old Towne Drive, and the intersection of Old Towne Drive with Yadkin Valley Road. All pertinent elements of intersection design and performance shall be taken into consideration. Reports shall include diagrams, calculations, and assumptions. The study shall be reviewed by Town of Bermuda Run as part of the Technical Review Committee (TRC) process and recommended for approval if the intersections are able to operate at acceptable levels of service.





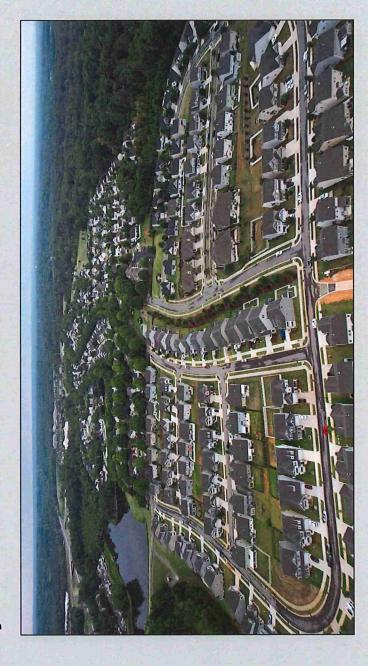




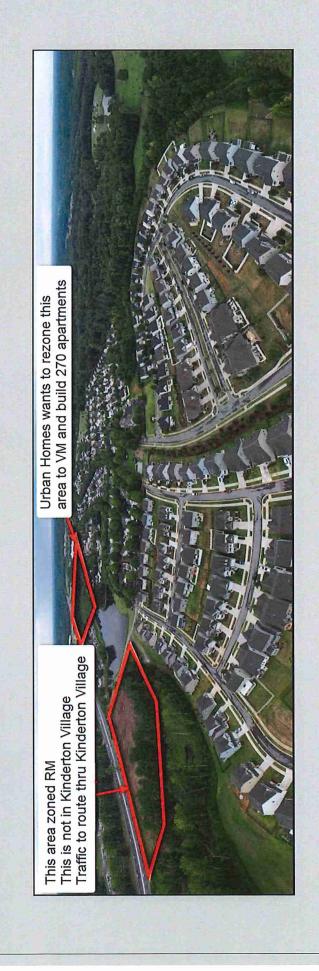
Bermuda Run East with 786 housing units Sparse Density - Ratio ?



Kinderton Village with 526 housing units Density Ratio?



Red boxes showing Future Housing areas



COMET with 224 Apartments in 11.36 acres Density Ratio?



Overlay of 244 COMET apartments in 8 buildings behind Lowes Foods



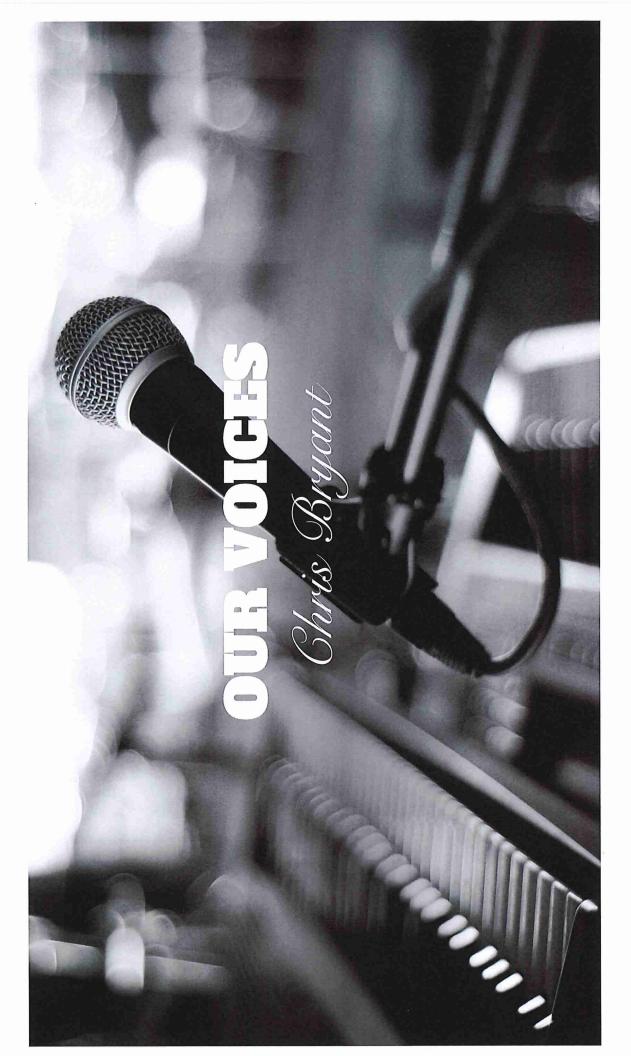
Is more housing really needed inside Kinderton Village?

VOTE No to Homes Urban Rezoning Request

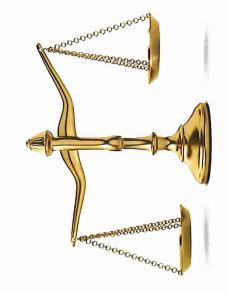


Dunne

PETITION FOR DENIAL OF THE HOMES URBAN CONDITIONAL REZONING REQUEST 13 September 2022



The entire problem summed up in a single word:





Bermuda Run

HAS A DENSITY PROBLEM

If the Town Council were to approve this request for rezoning, Kinderton Village and contiguous apartments would be an

astounding 949% DENSER Bernuda Run than the rest of



Rinderton Village + HOMES URBAN

6.0

Persons per acre (949% denser)

Bermuda Run

W. 000

Persons per acre



Typical American Subdivisions

Special Studies, September 2, 2014
By Paul Emrath, Ph.D.
Economics and Housing Policy
National Association of Home Builders



Housing Units per Acre is the Median

Data collected during a 2014 survey allow NAHB to compute, for the first time, summary statistics for the typical residential subdivision being built in the United States. The summary statistics for development projects with at least 4 housing units (a conventional threshold for defining subdivisions) are as follows:

- •Median size: 24 acres.
- •Median number of housing units: 60.
- Share that include retail space: 12%.
- •Share that include other (non-retail) commercial space: 11%.



Homes Urban proposed density



Higher than the National Median!

National Median Score

0.0

Housing Units per Acre is the Median

%©

National Median

Kinderton Village (Now)

3

Housing Units per Acre

30°C

Higher than the National Median!

Rinderton Village + HOMES URBAN

4.6-

KV + Homes Urban proposed density

84%

Higher than the National Median!



Stinderton Village +
HOMES URBAN

4.6

KV + Homes Urban proposed density

Rinderton Village + HOMES URBAN

Housing Units per Acre



.V + Homes Urban proposed density

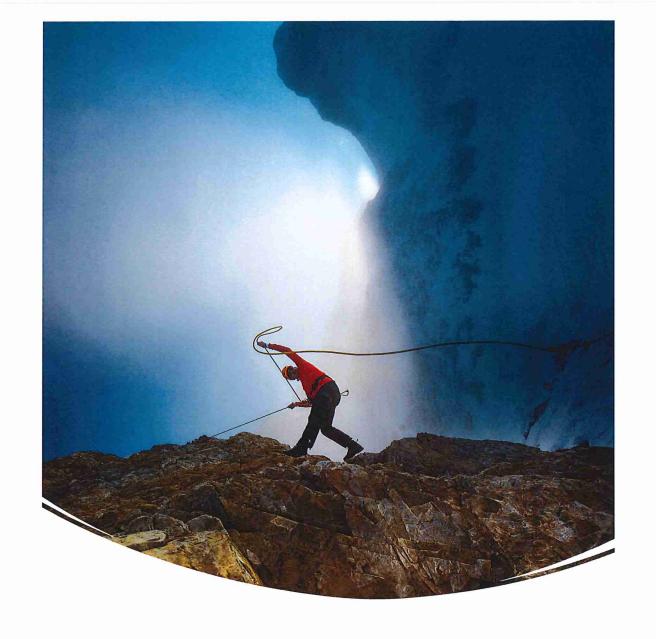
36%



84%

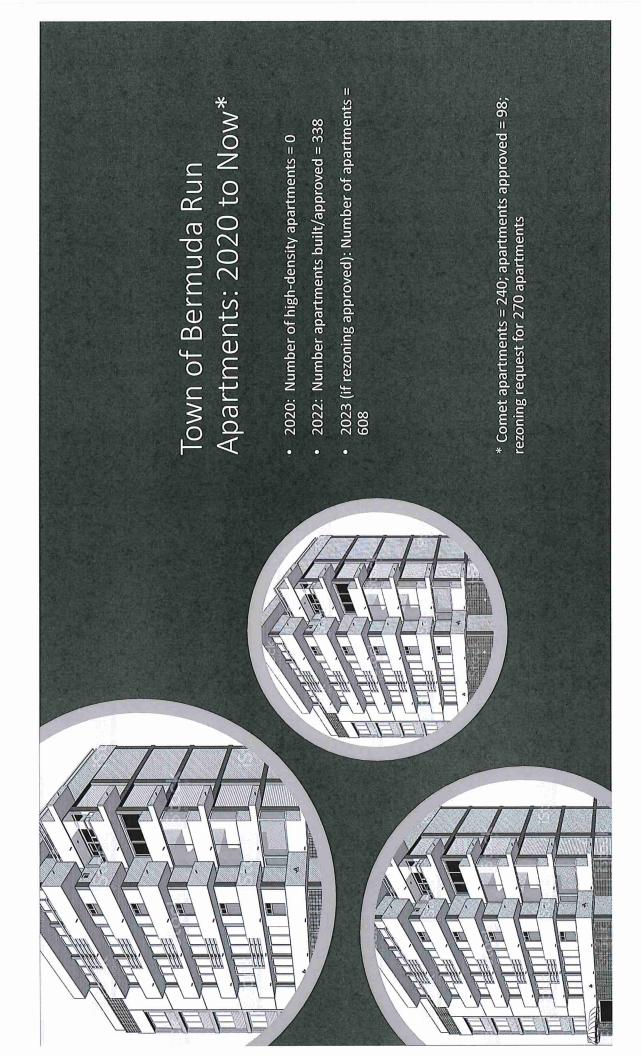
48%

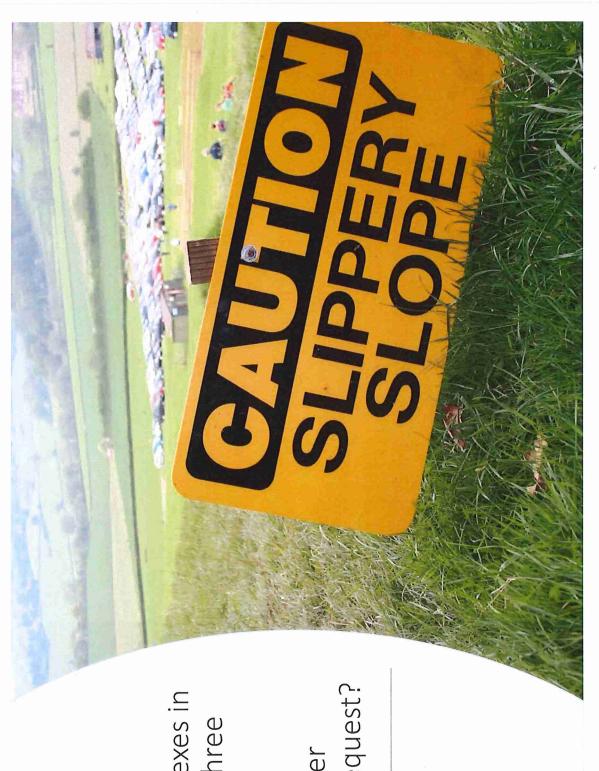
NET DENSITY INCREASE



Michelle Sexton

SEPERATE STOPE





Third request for apartment complexes in Bermuda Run in three years

Will this be another "Yes" to rezone request?



Are we a community? Or are we a rental community?

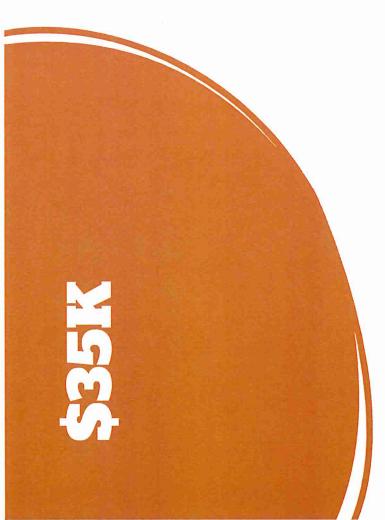
- A vote to rezone to high-density opens the door for more apartment developers to request rezoning and change the landscape of our small town community.
- Rezoning and allowing the construction of 270
 apartments means 30% (almost 1/3 of our town)
 will be composed of apartments.
- O% to 30% in three years is not smart growth, nor managed growth. It is a pattern of "yes" and a slope there is no turning back from once it is in motion.



From the Town of Bermuda Run webpage

"As a resident of **Bermuda Run**, you are an **important** part of an incredible population of individuals and families. We hope you **feel at home** here and that you take pride in the **community that you call home**."

125, 124,5 a dec VON . # oct das ane m 101,962 102,747 Ini m m jun W FFLOY 101,684 99,011 M 3DK かいい 様 97,511 95,054 150,000 35,000 83,000 45.000 110,000 56,845 154,568 86,502 125,487 Matt & Donna Carr nvestment No Retur



• It has been conveyed to us that the current development being considered for the rezoning would bring in an additional 35k dollars to the town of Bermuda Run if the rezoning request is granted and the project moves forward.

What the future holds

- It has also been shared that this is about bringing in additional revenue for current and or future needs for the town.
- If this is what is driving this decision for the city council to vote in favor of this rezoning request, we feel that you are doing a disservice to the people of Kinderton Village.

A sum greater than the whole?

development, but this type of high-density type Please understand that we are not opposed to construction **changes the face of our village** and the city of Bermuda Run as a whole.

that you are not fulfilling your obligation to us development for future revenue, we believe If you, the city council needs this type of as your constituents.

we the people can best decide how we support bring it to the attention of your constituents so Be forthcoming about the town's needs and those needs of this town as a community.

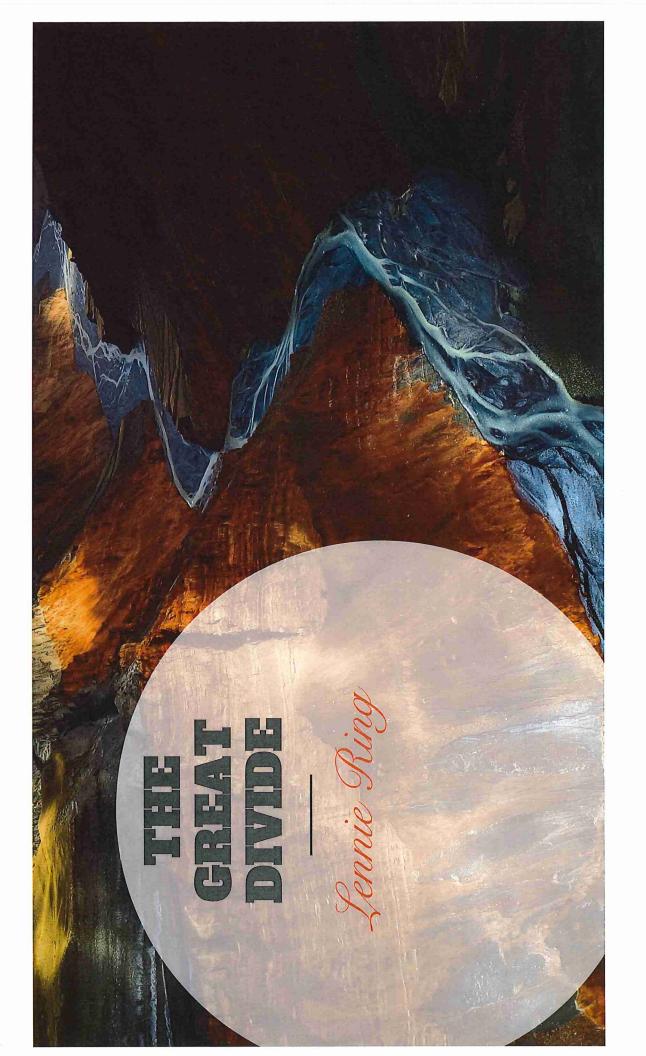


Stakeholder Considerations

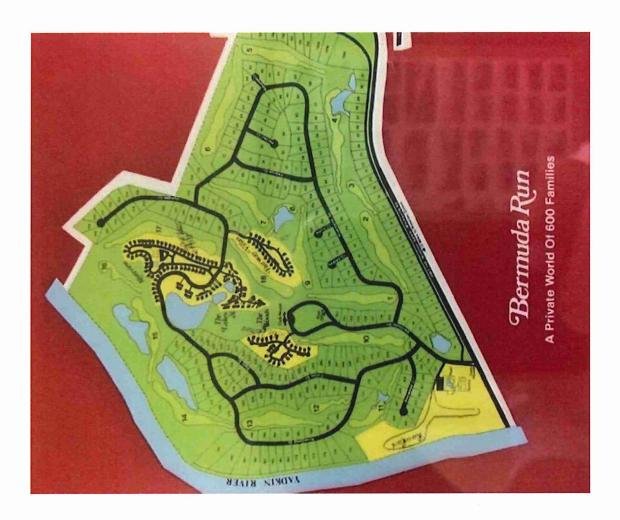
- Furthermore, studies that show this type of construction often has a negative impact on nearby single-family residential home values.
- If this holds true, your short-term gain will be **offset** by lower tax value assessments.
- This would then **lower the town's revenue** by those houses affected by this type of development.

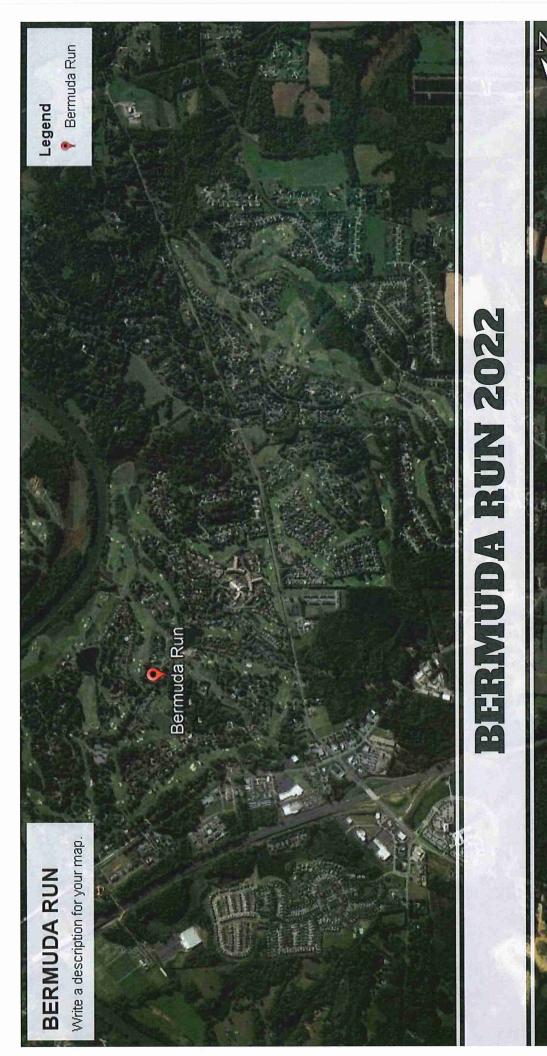
The vote is NO!

- In closing we would ask that you, the City Council
- deny this rezoning request and
- have an open dialogue with your constituents on how we deal current and future revenue needs and
- how we **best address** those issues.
- This is not the way!

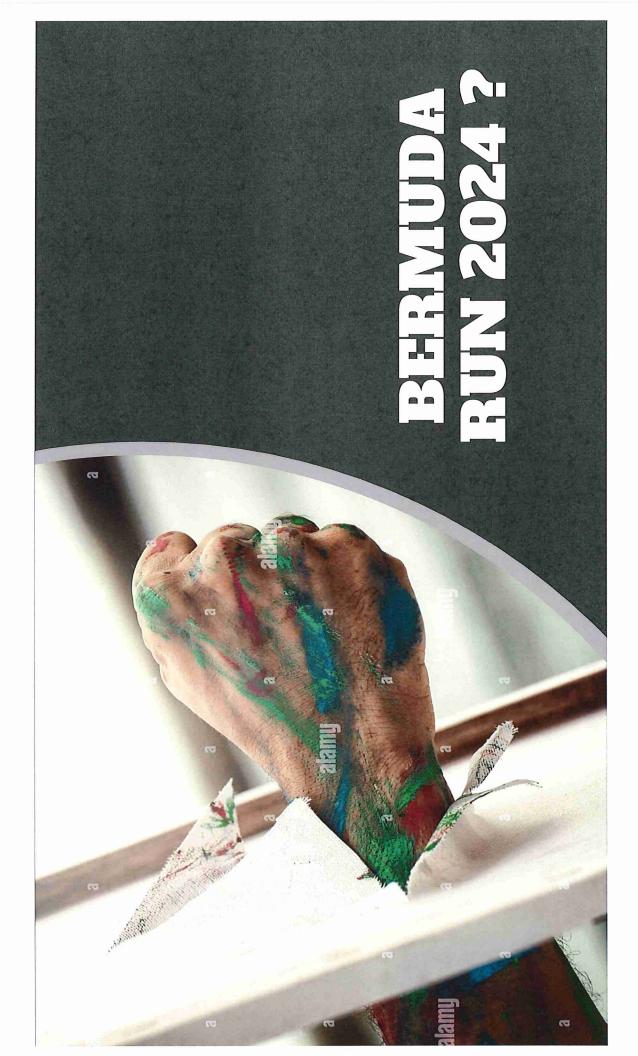


BERMUDA RUN COUNTRY CLUB 1969-1970





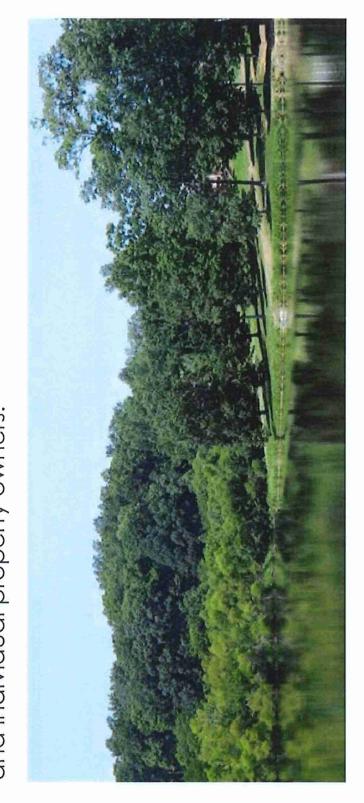
Google Eart



SUMIMARY Sean Marren Dermuda Chum just be.



Strategy 7.3 Map and evaluate the existing stormwater system, remedy problem areas within Town-maintained rights-of-way, and adhere to the Stormwater Drainage and Maintenance Policy that sets forth the responsibilities of the Town, developers, and individual property owners.



WATER RUN OFF

CURRENT WATER FLOW



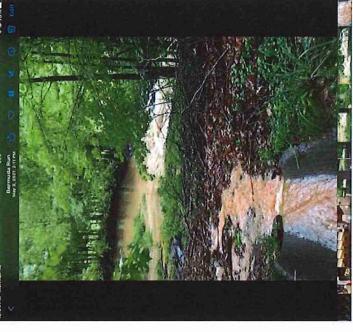
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HEAVY RAIN RUN OFF

PRIOR TO RAIN

MAY 3, 2021





LAKE IN OVERLOAD STREET FLOODING 8/6/2020







ADDRESSING AND ROAD NAMING ORDINANCE OF BERMUDA RUN, NORTH CAROLINA

Adopted April 10, 2001

Town Council of Bermuda Run

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ADDRESSING ORDINANCE

ARTICLE I

Introductory Provisions

1.01 Purpose

The purpose of the Bermuda Run addressing and road naming ordinance is to provide for the orderly assignment of city addresses, and to protect the safety and welfare of the general public by facilitating the location of individual dwellings and businesses by emergency response personnel.

1.02 Enactment and Authority

The Town Council of Bermuda Run do enact this ordinance to establish a detailed, permanent, uniform, addressing system, pursuant to authority provided in Chapter 160-A, General Statutes of North Carolina.

1.03 Short Title

This ordinance shall be known as the "Addressing and Road Naming Ordinance of Bermuda Run, North Carolina," and may be referred to as "Addressing Ordinance," and a map referred to is identified by the title "Official Road Name and Structure Numbering Map, Davie County, North Carolina," and may be known as the "Addressing Map".

1.04 Territorial Jurisdiction

The Road Naming and Addressing Policies set forth in this ordinance shall be applicable to all of the area within the municipal limits of Bermuda Run, North Carolina.

1.05 Incorporated Areas

Any incorporated area within the county that is being provided radio/communications services by the county's Communications/E-9-1-1 Center, shall bear the responsibility of adhering to the Road naming and Addressing Policies set forth in this ordinance and/or adopt a compatible ordinance by their governing Board.

This ordinance is adopted by the Town of Bermuda Run to comply with the compatible ordinance requirement of Section 1.05 of the Addressing Ordinance of Davie County, North Carolina.

ARTICLE II

Addressing Map

2.01 Official Road Name and Structure Numbering Map

The address numbering map shall be entitled, "Official Road name and Structure Numbering Map, Davie County, North Carolina", as adopted by the Davie County Board of Commissioners. All addresses assigned shall be assigned in accordance with this map.

2.02 Maintenance and Storage

The Addressing Map shall be the map on file in the County Planning and Zoning Department. This map may be maintained and updated in data processing storage systems.

ARTICLE III

The Numbering System

3.01 Uniformity of the System

All roads that are officially designated on the Addressing map whether public or private, shall be numbered uniformly and consecutively along the roadway centerline. Numbers shall be assigned along the entirety of all named thoroughfares.

3.02 Origin Point

The origin point, or vertex, of the numbering system shall be located at the intersection of U.S. 64, and 601 and Main Street in Mocksville, N.C.

3.03 North-South and East-West Axes

The county shall be divided by two axes. The north-south axis shall be U.S. 158, Main Street, and U.S. 601 south. The east-west axis shall be U.S. 64, from the Davidson County line in the east to the Iredell County line in the west.

3.04 Road Naming and Numbering Criteria

All roads, both public and private, shall be named, numbered and have road name signs installed if two or more addressable structures, including mobile homes, are located on and accessed by them.

3.05 Numbering Method

A pair of numbers, each being either a three, four, or five digit natural number -- called a structure number -- shall be assigned at intervals of 13.00 feet along a roadway centerline. Odd natural numbers shall be assigned to the left side of the road by ascending numbers moving away from the axes or origin point. Even natural numbers shall be assigned to the right side of the road in a like manner.

3.06 Dead End Roads

All dead end roads and cul-de-sacs shall begin with ascending numbers at the open end, that being the end connecting to another road.

3.07 Roads Connecting to Both Axes

Roads which connect to both axes shall begin ascending numbers on the end stemming from the north-south axis.

3.08 Numbers Begin with 100

The first potentially assignable structure number on a given road shall be the number 100.

3.09 N.C. 801

N.C. 801, due to its length, shall be bisected and designated into north and south portions at its intersection with U.S. 158. County addressing numbers or structure numbers on N.C. 801 shall originate in ascending order in both directions from its intersection with U.S. 158.

ARTICLE IV

The Addressing System

4.01 Method of Assigning a Number

Each structure shall be assigned a structure number based on the number of the appropriate segment of roadway centerline. The structure number shall be determined by the line perpendicular to the road centerline, which intersects the centerline of the house or driveway leading to the structure. In cases where a structure has a loop driveway, the structure number of the centerline segment at the point of perpendicular intersection shall be the number of the structure.

4.02 Corner Lots

Structures on corner lots shall be assigned a structure number either from the road which intersects the addressable driveway to that structure, or from the road in which the main access or entrance to the structure is oriented. The number will be assigned using the method in section 4.01 above and will be assigned in the manner as determined by the ordinance administrator or his designee.

4.03 Road Name of Address

The road name for an address shall be the name of the road from which the structure is numbered.

4.04 Requirements for Road Naming and Numbering

If development on a private road exceeds the minimum structure regulation (Section 3.04), said road shall be named and numbered and structures readdressed according to the requirements herein.

4.05 Duplex and Multi-Family Dwellings

One structure number shall be assigned to each structure whose units share a common

roof. Each unit within the structure shall be assigned a unit designator. Allowed unit designators include apartment numbers for apartments, and numbers for commercial buildings. The unit designator shall be a number, and shall not include alphabetic characters, except as stated in section 4.06 of this ordinance. This section specifically applies to multi-family dwellings.

4.06 Assigning of Unit Designators

Residential unit designators shall be as follows: ground-level floor numbers -- #101, #102, #103, ..., second floor numbers -- #201, #202, #203, ..., etc., etc. All floor levels are to follow this scheme. Underground floor designators shall follow the same scheme with the exception of having a "U" for a prefix, for example #U 101, #U 102, ..., etc.

Unit designators shall be assigned in a logical manner, with increasing unit numbers corresponding to increasing road centerline numbering wherever possible.

4.07 Mobile Homes

Manufactured housing or mobile homes shall be assigned individual street addresses according to the requirements herein, whether they are located on individual lots or in developments or parks.

ARTICLE V

Posting Requirements for Structures

5.01 Time Constraints

Within 90 days after written notification of the assignment of or change of a structure number, the owner of said structure shall post the assigned structure number in compliance with the requirements herein.

5.02 Number Specifications

All structure numbers shall be constructed of a durable material. The color shall contrast with the color scheme of the structure, and if mounted on glass, shall contrast with the background and be clearly visible.

The minimum number size for residential structures or units shall be four (4) inches in height. The minimum size for all other structure numbers shall be six (6) inches in height. In all cases, a number size large than the minimum size may be required in any instance where the minimum size does not provide adequate identification.

5.03 Posting Locations

For single family residential or duplex structures, the structure number shall be posted and maintained within a three (3) feet perimeter of the front entrance of the structure, in a location visible and readable from the road. For all other structures, the structure number

shall be posted on a building face most readily visible from the road from which the number is assigned. Unit designators shall be posted at each unit within a three (3) feet perimeter of the front entrance of the unit.

In the event that a structure or its posted number is not visible from the road from with its number is assigned, the assigned structure number shall also be posted on property adjacent to the road. This number shall be located at the primary driveway access point.

In all cases, the structure number shall be clearly displayed in such a way that the structure number can easily be identified from the street or road during both day or night.

5.04 Maintenance of Structure Numbers

Following the posting of the assigned number as required herein, the owner shall maintain the structure number at all times in compliance with the requirement of this article. Structure numbers and unit designators, as viewed from the road, shall not be obstructed from view.

ARTICLE VI

Road Naming

6.01 Approval of Names

The ordinance administrator shall have authority to approve road names within the unincorporated areas of the county, subject to the requirements of this article.

6.02 Deceptively Similar Names

The ordinance administrator shall maintain a database of existing road names, such that duplicate or "deceptively similar" road names are neither approved nor assigned.

6.03 New Road Names

New road names that relate to the history, location, or scale of a project area, shall be given consideration.

6.04 Desirable Names

Road names that are pleasant sounding, appropriate, easy to read, and add pride to home ownership, shall be promoted.

6.05 Undesirable Names

The following kinds of names shall be avoided: numerical, alphabetical, complicated names and names which tend to offend the community. The ordinance administrator is hereby given authority to refuse to accept any road name which in his opinion violates the provisions of this article.

6.06 Suffixes

The following road name suffixes are allowed: Avenue (AV), Boulevard (BLVD), Circle (CIR), Court (CT), Drive (DR), Highway (HWY), Lane (LN), Loop (LP), Parkway (PKWY), Place (PL), Road (RD), Street (ST), Trail (TR), and Way.

Private roads shall be assigned the suffixes Trail, Lane or Way. All other suffixes shall be reserved for public roads.

6.07 Road Segments

Each road shall bear the same and uniform numbering along the entirety of the road. Segments of roads shall not be allowed to have different or separate names. The ordinance administrator shall determine what constitutes a road or way.

6.08 Offset Intersections and Split Routes

Split routes, also known as "dog-leg" on offset intersections, shall be treated as separate roads with different names and numbering to preserve the integrity and continuity of the numbering system.

6.09 Impasses

Impasses or sections of a road that are impassable shall be assigned different names and numbering to each portion of the road on ether side of the impasse ro preserve the integrity and continuity of the numbering system.

6.10 Existing Road Names

The ordinance administrator shall whenever possible, consistent with the provisions of this ordinance, retain road names already established.

ARTICLE VII

Road Name Signs and Standards

7.01 Installation and Maintenance

All public and private road name signs required by this ordinance shall be installed and maintained by the Town of Bermuda Run.

ARTICLE VIII

Administration

8.01 Ordinance Administrator and Responsibilities

The duly appointed Town Manager of Bermuda Run, or designee, is hereby given authority to administer and assign county addresses, and to enforce the provisions of this ordinance. Questions arising from the enforcement of this ordinance shall be interpreted

by the Town Manager or designee.

Interpretation of this ordinance shall be accomplished by the Town Manager or designee.

The ordinance administrator shall report to the town Council at their scheduled meetings as needed to keep the members of the boards informed of any pertinent addressing related matters and to provide them with a summary of any such matters.

8.02 Applications and Petitions

The ordinance administrator shall accept and examine all applications, road naming petitions, signage variances and initial appeals.

8.03 Petitioning for a Road Name

Roads eligible for naming by means of section 3.04 of this ordinance, may be named by submitting a petition sgned by all of the land ownersalong the road and upon approval by the ordinance administrator.

8.04 Building Permits

No building permit shall be issued for any building or structure until the owner or developer has been issued a structure number with a corresponding road name from the ordinance administrator.

8.05 Certificate of Occupancy

Final approval for a Certificate of Occupancy of any structure or building erected or repaired after the effective date of this ordinance shall be withheld until permanent and proper structure numbers have been posted in accordance with the requirements herein.

8.06 Procedure Upon Denial

Any person denied a request directed to the ordinance administrator may protest as provided in Section 9.04.

ARTICLE IX

Amendments

9.01 General

The Town Council of Bermuda Run may, from time to time, on its own motion or on petition, after public notice and a hearing, as provided by this ordinance, amend, supplement, change, modify, or repeal the addressing regulations and assignments.

9.02 Letter of Notification

Whenever there is a proposal for a change in the addressing system involving any portion of an address, the land owner of that parcel's address as shown on the county tax listing

and the land owners of all the parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed change in the addressing system. The notice shall be mailed by first class mail to the last addresses listed of the land owners according to the county tax abstracts.

9.03 Protesting a Petition or Proposal of Amendment

No protest against any change in, or amendment to, the addressing ordinance, regulations, proposals or the addressing system, shall be valid or effective unless it is in the form of a written petition. The petition shall bear the names and signatures of the opposing propert owners and shall affirm and state the nature of protest to the proposal.

9.04 Application for Amendment

Applications for an amendment to the addressing ordinance shall be filed with the Ordinance Administrator at least ten (10) days prior to the date on which it is to be presented to the Town Council. The ordinance administrator shall be responsible for presenting the application to the Town Council of Bermuda Run. Each application shall be signed, be in a duplicated form, and shall contain the following:

- (a) The applicant's name and address in full.
- (b) In the case of a text amendment, it shall set forth the new text to be added and the existing text to be deleted and any other text changes that will have to be made as a result to the effect on the remaining articles, sections, definitions, diagrams or attachments.
- (c) If the proposed amendment will change the Addressing map a copy of the addressing Map shall be marked to indicate the impact of the proposed amendment to the existing map and shall be presented with the application for amendment.

A public hearing shall be held by the Town Council of Bermuda Run before the adoption of any proposed amendments to the addressing ordinance. When the Town Council shall have denied any application for the change of a portion or matter of the addressing ordinance, it shall not thereafter accept any other application for the same change involving that portion or matter of the ordinance until the expiration of six (6) months from the date of such previous denial.

ARTICLE X

Legal Status Provisions

It shall be unlawful for any person to use or display a different address or portion thereof

except as provided by this ordinance or the "Official Road Name and Structure Numbering Map, Davie County, North Carolina."

It shall be unlawful for any person to name or designate the name of any private road, street, drive, cartway, easement, right-of-way, access area or any other thoroughfare, except as provided by this ordinance.

It shall be unlawful for any person to establish or erect any road sign that does not comply with the standards set forth in this ordinance.

It shall be unlawful for any person to intentionally destroy, mar or deface any county road name sign.

Punishment for violations provided for in this article shall be as set forth in section 11.01.

ARTICLE XI

Violations and Enforcemenet

11.01 Posting Structure Numbers

Violation of this ordinance is a misdemeanor as provided by N.C. General Statute 14-4 and may be punished as provided therein.

Civil penalties may be imposed in accordance with the following procedure:

- (a) Initial notification of violation, in writing by first class mail, to the last known address of the person to be notified.
- (b) If not correct within ten days, a warning citation may be issued.
- (c) If not corrected within seven days of issuance of a warning citation, a second citation including a fine of \$25.00 may be issued.
- (d) Each day the violation continues shall constitute a separate violation of this ordinance.

11.02 Notification of Violation Shall:

- (a) Be issued by the ordinance administrator or his designee.
- (b) Be in writing, directed to the name and address of the owner of the structure by certified mail return receipt.

(c) Set forth the action necessary for the offender to be in compliance with this ordinance.

11.03 Road Name Signs

Violations of Article XI of this ordinance shall be punishable by maximum fines of up to \$250.00 for each violation.

11.04 Legal Prosecution

Nothing herein contained shall prevent the Town of Bermuda Run from taking other such lawful action as is necessary to prevent or remedy any violation.

ARTICLE XII

Appeals and Requests for Variance

Road naming appeals and appeals for signage variance, shall adhere to the procedures below:

12.01 First Appeal or Request for Variance Shall:

- (a) Be in writing, directed to the ordinance administrator.
- (b) Be dated and describe the reasons for the appeal.
- (c) Appeals shall clearly state that all property owners along said road are aware that any road name sign posting variance may hinder emergency response personnel in their efforts to locate a particular address.
- (d) Contain the signatures of all the property owners along said road.

12.02 Second Appeal Shall:

(a) Be in writing, directed to the Town Council of Bermuda Run.

ARTICLE XIII

Definitions of Specific Terms or Words

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

Avenue (AV) - a major road that runs generally in an east/west direction.

Boulevard (BLVD) - an unusually wide street typically in residential areas; often with

central, dividing median.

Circle (CIR) - a short road that returns to itself.

Court (CT) - a dead end right of way often ending as a cul-de-sac.

Drive (DR) - a curving secondary road.

Highways (HWY) - a designated state or federal highway.

Interstate (I#) - a thoroughfare of the highest order and federally designated as an Interstate.

Lane (LN) - a short private road that branches off of another road and ends or connects

to another secondary road.

Loop (LP) - a short road that starts and ends on the same street or road.

Parkway (PKWY) - a special scenic route or park drive.

Place (PL) - a cul-de-sac or permanent dead end road.

Private Road Any road which is not maintained by a governmental entity or agency through the use of public funds. Road name suffixes for private roads include Trail, Lane and Way.

Public Road Any road which is maintained by a governmental entity or agency through the use of public funds.

Radio/

Communications

Services Includes any radio comunications, transmissions, dispatching or future Enhanced

911 communications that may involve police, emergency, fire or rescue

operations, but are not limited to these aforesaid operations.

Road (RD) - a well-traveled secondary road often connecting with a U.S. or state

primary highway.

Street (ST) - A major road that runs generally in a north/south direction.

Street

Address A unique identifier for each addressable structure within the County. The

minimum adequate street address shall be defined as the assigned structure number and the officially adopted road name. Where required by this ordinance, the street address shall also include the assigned unit designator.

Structure Any-building, whether residential, commercial, industrial, or institutional in nature and use.

Structure Number The numerical portion of the street address, as assigned by the ordinance administrator or his designee, in accordance with the Official Road Name and Structure Numbering Map of Davie County, N.C.

Thoroughfare A general all inclusive term for: roads -- public or private, street, drive, cartway, easement, right-of-way, or any other word or words that means a way of access.

Trail (TR) - a local, private road that serves as a connector for larger roads.

Unit Designator The portion of the street address used to distinguish individual units within the same structure.

Way (WAY) - a minor private road that begins and ends on the same road.

ARTICLE XIV

Closing Provisions

14.04 Conflict with other Laws

All other ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed. Where the provisions of this ordinance are more stringent or restrictive provisions shall apply.

14.02 Severability

Should any section, subsection, sentence, clause, phrase or provision of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof other than that so declared to be unconstitutional or invalid.

ARTICLE XV

Effective Date

This ordinance shall take effect and be in force from and after its adoption. Duly adopted

by the Town Council of Bermuda Run, North Carolina, this 10 day of 2001.

TOWN OF BERMUDA RUN TOURISM DEVELOPMENT AUTHORITY BY LAWS

ARTICLE I. ESTABLISHMENT OF TOWN OF BERMUDA RUN TOURISM DEVELOPMENT AUTHORITY

The Bermuda Run Town Council, for the purpose of advertising and promoting tourism in the Town established the Town of Bermuda Run Tourism Development Authority (Authority) on December 1, 2010.

ARTICLE II. OFFICE, BOOKS AND RECORDS

Section 1. Principal Office: Mailing Address

The principal office of the Authority shall be the Town of Bermuda Run Town Hall building, 120 Kinderton Boulevard, Suite 100, and its mailing address shall be Town of Bermuda Run Tourism Development Authority, c/o Town Finance Officer, 120 Kinderton Boulevard, Suite 100, Bermuda Run, NC 27006.

Section 2. Books and Records

Except as may otherwise be provided by resolution of the Tourism Development Authority, or as may be required by the business of the Authority, all records of the Authority shall be kept at the principal office of the Authority. Financial records will be kept in the office of the Town of Bermuda Run Finance Officer.

ARTICLE III. TOURISM DEVELOPMENT AUTHORITY

Section 1. Appointment of Membership

The Authority shall consist up to three (3) but no more than seven (7) members appointed to three (3) year terms by the Bermuda Run Town Council. The Town Council shall designate the term of each initial Authority member.

Section 2. Tenure of Membership

- Authority members shall serve terms of three years, with the exception of the original appointees.
- b. Authority members desiring to resign should submit their resignation in writing to the Town Council.
- c. Membership in the Authority is not transferable or assignable.

Section 3. Qualifications of Authority Membership

- a. At least one third of the members of the Authority must be individuals who are affiliated with businesses that collect the occupancy tax levied by the Town of Bermuda Run.
- b. At least one half of the members of the Authority must be individuals who are then currently active in the promotion of travel and tourism in the Town of Bermuda Run.

Section 4. <u>Vacancies of Board Membership</u>

The Bermuda Run Town Council shall fill vacancies occurring in the Authority for the remainder of the unexpired term.

Section 5. Officers of the Authority

The Bermuda Run Town Council shall appoint a Chairperson, who will vote only in the event of a tie and the Authority members may choose a vice-chairperson if so desired. The Finance Officer of the Town of Bermuda Run shall serve ex officio as finance director for the Authority. The Chairman shall be the executive officer of the Authority, calling and presiding over all meetings, developing the agenda, and signing all bonds, contracts, checks, and other instruments to be executed on behalf of the Authority.

Section 6. Compensation of Authority Members

No compensation shall be paid for services to members of the Authority.

ARTICLE IV. RULES AND CONDUCT

- (A) Faithful attendance at all meetings of the Authority and conscientious performance of the duties required of members of the Authority shall be considered a prerequisite of continuing membership on the Authority Board. If a member misses more than two (2) consecutive meetings, he/she may be replaced at the recommendation of the Authority, and at the discretion of the Bermuda Run Town Council.
- (B) No Authority member shall take part in the consideration and determination of any matter in which he/she has a direct personal or financial interest.
- (C) Each Authority member shall maintain the confidential nature of confidential material, which members may become privy to as a member of the Authority.
- (D) No Authority member shall directly or indirectly solicit any gift, or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which a reasonable person would believe that the gift was intended to influence him/her in the performance of his/her duties, or was intended as a reward for any official action on his or her part.
- (E) The Authority may terminate the membership of any of its appointed members by majority vote of its members and the approval of the Bermuda Run Town Council.

ARTICLE V. POWERS AND DUTIES

The Authority shall study the tourism industry of the Town of Bermuda Run and the most effective means of enhancing and promoting that industry and recommend any plans, actions and programs, which will, in accordance with the powers granted herein, serve to enhance and improve the tourism industry of the Town of Bermuda Run. To this end, the Bermuda Run Town Council confers upon the Authority the following powers and duties:

- (A) To promote travel, tourism, and corporate travel in the Town of Bermuda Run, sponsor tourist-related events and activities in the district, and finance tourist related capital projects in the Town;
- (B) To contract with and/or hire an individual, agency or organization to advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, and engage in or sponsor similar promotional activities that attract tourists or business travel to the area;

- (C) To make recommendations to the Bermuda Run Town Council for the efficient and effective enforcement of the Town of Bermuda Run Room Occupancy Tax;
- (D) To conduct such market research as it deems necessary in order to devise and develop the goals and plans necessary to create an effective marketing plan to promote the travel and tourism industry in the Town;
- (E) To make tourism-related expenditures that, in the judgment of the Authority, are designed to increase the use of lodging facilities, recreational facilities, and business establishments in the Town or to attract tourists or business travelers to the Town;
- (F) To recommend tourism and resident-related capital expenditures including expenditures required to improve and increase the recreational facilities located in the Town and maintain the attractiveness of the Town and its green areas;
- (G) To select appropriate goals for the enhancement and development of the tourism industry in the Town;
- (H) To seek, evaluate, and choose proposals from appropriate organizations which will address the established and approved goals of the Authority;
- (I) To evaluate the effective and efficient implementation of the officially adopted plans of the Authority and of the Bermuda Run Town Council;
- (J) To submit reports quarterly and at the close of the fiscal year, to the Bermuda Run Town Council regarding its receipts and expenditures for the preceding quarter and for the year in such detail as the Council may require;
- (K) To make recommendations to the Bermuda Run Town Council regarding persons nominated to serve new terms or to fill vacant terms on the Town of Bermuda Run Tourism Development Authority.

ARTICLE VI. MEETINGS

Section 1. Regular and Special Meetings

The Authority shall meet at least quarterly. The Chairperson may call special Meetings of the Authority at any time. At least ninety-six (96) hours written notice of the time and place of Special Meetings shall be given by the Secretary or by the Chairperson to each member of the Authority. All Authority meetings, with the exception of closed sessions, are to be open to the public and held in accordance with Article 33C of Chapter 143 of the General Statutes of North Carolina, commonly referred to as the Open Meetings Law. The Secretary of the Authority shall keep a record of its members' attendance and the minutes of the Authority's meetings.

Section 2. Quorum

A quorum shall consist of a majority of the members of the Authority.

Section 3. Voting

All actions taken by the Authority are done so by majority vote of the members of the Authority present and voting at a regular or special meeting of the Authority. Each member of the Authority is entitled to one vote. There shall be no voting by proxy. All members may vote on an issue properly before the Authority unless a member has a direct personal or financial interest in the matter before the Authority.

ARTICLE VII.

FISCAL YEAR END BUDGET

Section 1.

Fiscal Year

The Fiscal Year for the Authority shall begin July 1 and end June 30. The Authority shall develop and approve a budget for each fiscal year in accordance with the Local Government Budget and Fiscal Control Act.

Section 2. Expenditures

The Authority shall use at least two-thirds of the funds remitted to it each year by the Bermuda Run Town Council to promote travel and tourism in the Town of Bermuda Run and shall use the remainder of the funds remitted to it for tourism-related expenditures.

ARTICLE VIII. AMENDMENTS

Except as otherwise provided by law, these By Laws, or any part thereof, may be amended, added to, altered or repealed at the pleasure of and by a majority affirmative vote of the members of the Authority and with the approval of the Town of Bermuda Run Town Council.

Adopted this the 1st day of December, 2010

ATTEST:

H. Lee Rollins
Town Clerk

John H. Ferguson

Town of Bermuda Run

Resolution #2010-02

RESOLUTION IMPLEMENTING A THREE PER CENT (3%) TOURISM OCCUPANCY TAX WITHIN THE TOWN OF BERMUDA RUN

WHEREAS, the North Carolina General Assembly authorized the Town of Bermuda Run to levy a room occupancy tax of up to three per cent (3%) with the ratification of Session Law 2009-1298 on July 9, 2010;

WHEREAS. NCGS 160A-215 provides for the levy of an occupancy tax and the establishment of the Town of Bermuda Run Tourism Development Authority;

NOW, THEREFORE BE IT RESOLVED THAT the Town Council for the Town of Bermuda Run hereby implements a three per cent (3%) occupancy tax of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the municipal limits of the Town of Bermuda Run that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3); and

BE IT FURTHER RESOLVED THAT the Town Council hereby creates the Bermuda Run Tourism Development Authority (Authority), which shall operate as public authority under the Local Government Budget and Fiscal Control Act; and

BE IT FURTHER RESOLVED THAT the Authority shall be comprised of no less than three and no more than seven members serving staggered two and three-year terms as appointed by the Town Council. One-third (1/3) of the seats shall be reserved for individual's affiliated with businesses that collect the tax within the municipal limits of the Town of Bermuda Run and one-half (1/2) of the seats shall be reserved for individuals who are active in promoting travel and tourism in the Town of Bermuda Run. The Bermuda Run Town Council shall select a Chairperson from one of the members who shall vote as a tie breaker. The Town of Bermuda Run Finance Officer shall serve as the ex officio finance officer for the Authority. Vacancies may be filled by the Town Council at any official meeting of the Council; and

BE IT FURTHER RESOLVED THAT the occupancy tax shall become effective on December 01, 2010.

ADOPTED this the 12th day of October 2010.

Attest:

H. Lee Rollin Town Clerk Bermuda Run Town Council

Mayor

BERMUDA RUN TOURISM DEVELOPMENT AUTHORITY

Said Authority shall consist of at least three (3) but no more than seven (7), members. Members of the Authority shall be appointed by the Bermuda Run Town Council. Initial terms of office shall be staggered as follows: If three (3) members are appointed, one (1) member will be appointed for three (3) years, one (1) member will be appointed for two (2) years, and one (1) member will be appointed for one (1) year. If the Authority initially consists of seven (7) members, then Four (4) members appointed for 3 years; three (3) members appointed for 2 years. At least one-half of the members must be individuals who are affiliated with promoting travel and tourism within the municipal limits of Bermuda Run. At lease one-third of the members must be individuals that collect the tax.

The Bermuda Run Town Council shall designate one member of the Authority as Chairperson and shall determine the compensation, if any to be paid to members of the Authority.

PROCEEDINGS OF THE AUTHORITY

The Authority's Chairperson shall be appointed by the Town Council. The Authority shall elect a vice-chairperson and secretary from its members. Meetings of the Authority shall be held at the call of the Chairperson and at such other times as the Authority may determine. The Authority shall adopt rules of procedure to govern its meetings. The Finance Officer of the Town of Bermuda Run shall serve as the ex-officio finance officer of the Authority.

Members associated promoting travel and tourism within the Town of Bermuda Run;

3 Year term
 2 Year term

Members associated with collecting the tax;

1. 1 Year Term

Ex-officio member;

1. Town of Bermuda Run Finance Officer