

# Town of Bermuda Run

## Town Council Meeting Minutes

March 8, 2016 – 7:00 PM

The Town Council of Bermuda Run held its scheduled meeting on Tuesday, March 8, 2016 at 7:00 PM. The meeting was held in the Davie Room at WinMock Event Center.

**Council Members Present:** Mayor Kenneth A. Rethmeier, DrPH; Ken Bateman; Shirley Cagle; Ed Coley; John Guglielmi and Jerry West

**Council Members Absent:** None

**Also Present:** Lee Rollins, Town Manager; Brian Williams, Town Attorney; Erin Burris, Zoning Administrator; Janet Smith, Planning Board Chair

**Call to Order** Mayor Rethmeier called the meeting to order.

**Pledge of Allegiance**

**Moment of Silence**

**Adoption of the Agenda**

*Council Member John Guglielmi made a motion to adopt the agenda as presented. Council Member Jerry West seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.*

**Approval of the February 9, 2016 Meeting Minutes**

*Council Shirley Cagle made a motion to approve the February 9, 2016 meeting minutes as amended. Council Member Ken Bateman seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.*

**Citizens Comments**

There were none wishing to speak.

### **Public Hearing: TA 2015-03 Temporary Sign Amendments to the Zoning Ordinance**

Zoning Administrator Erin Burris provided an overview for the Town Council and those in attendance. The purpose for the administrative text amendments are intended to update the temporary sign regulations to comply with the recently established U.S. Supreme Court case law *Redd vs. Town of Gilbert, Arizona*. The proposed amendments will change how all temporary signs are regulated and how sign provisions are enforced.

Mayor Rethmeier asked the Town Council if there were questions for Erin. There were none.

Mayor Rethmeier opened the public hearing to receive public comment on the proposed text amendments. There being none in attendance wishing to speak, Mayor Rethmeier closed the public hearing.

*Council Member Shirley Cagle made a motion that the amendments are consistent with the Town of Bermuda Run Comprehensive Plan and considers the action to be reasonable and in the public interest. Council Member Ed Coley seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.*

### **Public Hearing: TA2016-01 Removal of Single-Family and Two-Family Residential Design Standards**

Zoning Administrator Erin Burris provided an overview for the Town Council and those in attendance. The purpose of the proposed text amendments are intended to remove the single-family and two-family residential design standards to comply with North Carolina Session Law 2015-86, which passed in June 2015.

Mayor Rethmeier asked the Town Council if there were questions for Erin. Council Member John Guglielmi asked if the Town Council could defer action on the proposed amendments. Town Attorney Brian Williams stated that towns are only authorized to act if given explicit authority in state law. He further stated that Erin Burris is required to administer zoning and planning based on state law.

Mayor Rethmeier opened the public hearing to receive public comment on the proposed text amendments. There being none in attendance wishing to speak, Mayor Rethmeier closed the public hearing.

*Council Member Jerry West made a motion to approve the proposed text amendments, finding that the amendments are not fully consistent with the Town of Bermuda Run Comprehensive Plan, but the amendments are recommended in order to comply with state law. Council Member Ed Coley seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.*

## 2016 – 2017 Landscape Maintenance Contract – Kinderton Village Residential

Town Manager Lee Rollins presented a one year renewal landscape maintenance agreement from Blakley Landscape Service for maintenance of Kinderton Village entrances and postal kiosk areas. An overall landscape maintenance agreement between Blakley and the Kinderton Village Master Board has already been approved. The agreement with the Town, which would begin April 1, 2016, is for \$951 a month.

*Council Member Ken Bateman made a motion to approve the landscape maintenance agreement with Blakley Landscape Service as presented. Council Member Jerry West seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.*

### Council/Mayor Comments

- Jerry West: Mentioned the damage done on the west side landscaping of the roundabout.  
John Guglielmi: Upset with state lawmakers and lobbyists who continue to erode local control.  
Ed Coley: No comments.  
Ken Bateman: Expressed his extreme disappointment in a Davie County Commissioner not opening their emails from citizens regarding the sales tax distribution issue.  
Shirley Cagle: Thanked Erin for her work in keeping the Town up to date to stay in compliance with existing laws. Encouraged residents to turnout for the April 4, 2016 meeting of the Davie County Commissioners. Expressed concern about the landscape of future Town services.  
Mayor Rethmeier: Expressed his appreciation to Terry Bralley and the Davie County Economic Development Commission spearheading a retail recruitment and existing retail enhancement strategy for Davie County and the three municipalities. Expressed his appreciation to the two Cooleemee and one Bermuda Run Speaker that articulated disapproval of any change to the distribution of sales tax that penalizes the towns. Expressed appreciation to his wife as they celebrate their 47<sup>th</sup> wedding anniversary on this day.

*There being no further business, Council Member Ken Bateman made a motion to adjourn. Council Member Jerry West seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.*

Approved



Kenneth A. Rethmeier, DrPH – Mayor

Respectfully Submitted



H. Lee Rollins – Town Clerk

**RESOLUTION 2016-03**  
**ACCEPTING STREETS INTO THE PUBLIC STREET SYSTEM**  
**OF THE TOWN OF BERMUDA RUN**

WHEREAS, Kinderton Village Residential Homeowners Master Association, Inc., a North Carolina Corporation (hereinafter referred to as the "Association") has, at the request of the Town of Bermuda Run, dedicated to the Town certain streets described in its street dedication instrument and granted easements to the Town as set forth in Exhibit "A" attached hereto (referred to collectively as the "Streets and Easements");

WHEREAS, the Town is satisfied that the Streets have been constructed in accordance with standards meeting the requirements of the Town;

WHEREAS, the dedication instrument applies only to the streets lying within Kinderton Village from the back of the curb on either side of such streets. This dedication applies to paved streets only and does not include alleyways, sidewalks, parking areas and areas within grass medians;

WHEREAS, the Town desires (i) to accept the Streets into its street system to provide for uniformity of maintenance and street lighting and (ii) to have the easement rights set out in the dedication instrument which include easements to maintain street lights abutting the Streets for the purpose of repairing and maintaining the street lights, an easement to allow the maintenance of the sidewalks, an easement for the right to install and maintain within the paved area of the Streets lying between the back of the curb to the back of the curb public utilities including, but not limited to, public phone lines, fiber optic lines, gas, sewer and water lines, and all rights set forth in NCGS 160A-296 (collectively the "Easement Rights"); and

WHEREAS, it is in the interest of the Town and its citizens that the Streets be incorporated into the street and road system of the Town of Bermuda Run together with the Easement Rights.

NOW THEREFORE, be it resolved that Streets described in Exhibit "A" attached hereto be accepted into the public street system of the Town of Bermuda Run and that the Town of Bermuda Run immediately assume the public maintenance and begin to exercise the Easement Rights as necessary from time to time to further the public interest.

BE IT FURTHER RESOLVED, that this resolution and the instrument of dedication be recorded in the Office of the Register of Deeds of Davie County, North Carolina.

ADOPTION PAGE FOLLOWS

ADOPTION PAGE

Unanimously adopted by the Town Council of the Town of Bermuda Run on the 12<sup>th</sup>  
day of April, 2016.



\_\_\_\_\_  
Kenneth A. Rethmeier, DrPH, Mayor

Attest:



\_\_\_\_\_  
Lee Rollins, Town Clerk

**EXHIBIT "A"**

DESCRIPTION OF STREETS BEING DEDICATED TO THE TOWN OF BERMUDA RUN FROM KINDERTON VILLAGE RESIDENTIAL HOMEOWNERS MASTER ASSOCIATION, INC.

THE DEDICATION OF EACH STREET BEING FROM THE BACK OF CURB ON ONE SIDE OF THE STREET TO THE BACK OF THE CURB ON THE OPPOSITE SIDE OF THE STREET, AND THE DEDICATION OF THE STREETS EXPRESSLY EXCLUDES ALLEYS, SIDEWALKS, PARKING AREAS (INCLUDING BUT NOT LIMITED TO THE EXCLUSION OF PARALLEL PARKING BESIDE THE STREETS THAT ARE BEING DEDICATED AND ALL PARKING ALONG PINEWOOD LANE) AND AREAS WITHIN GRASS MEDIANS.

<u>NAME OF STREET BEING DEDICATED</u>
Old Towne Drive
Glen Arbor Drive
Town Park Drive
North Forke Drive
Bellhaven Drive
Windsor Circle
Avalon Street
Sweetwater Circle
Waverly Street
Brookstone Drive
Lakepoint Drive
Rosewalk Lane
North Field Drive
Millstone Lane

Bridgewater Drive
Parkview Lane
Lakeside Crossing
Pinewood Lane
Fieldstone Drive
Oak Wind Drive
Kilbourne Drive
Glenmoor Avenue

### **GRANT OF EASEMENTS**

The Association grants to the Town, to the extent it has the right to do so, perpetual and permanent easements as follows:

- A. The right to access the street lights abutting the Streets for the purpose of repairing and maintaining the street lights.
- B. The right to maintain the sidewalks.
- C. The right to install and maintain within the paved area of the Streets lying between the back of the curb to the back of the curb public utilities including, but not limited to public phone lines, fiber optic lines, gas, sewer and water lines.
- D. Easements encompassed within NCGS 160A-296.