

**Regular Town Board Meeting  
Town of Bermuda Run  
January 9, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, January 9, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:	Mayor John Ferguson Alan Barnett Robert Griffin Charles Quinn Ted Titsworth Chuck Whitman
Also Present:	Town Manager Beth Dirks Town Attorney Warren Kasper
Members Absent:	

Call to Order

Mayor John Ferguson called the meeting to order.

Approval of the Minutes

*Councilman Ted Titsworth moved to approve the minutes of the December 12, 2000 meeting. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

Adoption of the Agenda

Beth Dirks stated that there was an addition to the agenda under new business item "b". Dirks stated that Bermuda Village should be added to the item and read "Street Lighting at Kinderton, Bermuda Run West, and Bermuda Village".

*Councilman Charlie Quinn moved to adopt the agenda for the January 9, 2001 Town Board Meeting with the addition. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

Old Business

**Bar Code System**

Beth Dirks stated that the bar code system is working fine. Last month there was a problem downloading from the three gates that has now been repaired. On Friday, the 158 gate experienced some minor problems that was quickly corrected.

### **Roads Update**

Dirks stated that Town Attorney Warren Kasper received a list of the collector roads from Engineer John Grey last week. The list included information regarding the amount of right-of-way as well as the road owners. Mr. Kasper is reviewing the information and is planning on having the collector roads, the gate houses, post office and fence deeds ready for approval at the February 13, 2001 meeting.

### **Street Lighting**

Dirks stated that she had a meeting Thursday, January 11, with Jim Edmonds and Jerry Blankenship with Duke Power to discuss street lighting for the remainder of the town. The first step of the meeting is to look at the areas that need lighting and get a cost estimate. Dirks stated that in this fiscal year's budget there is \$60,000 budgeted for putting lighting in the original Bermuda Run. That budgeted amount, in addition to the refund for overpayment on street lights, coupled with the reduction in cost as a result of the switch from OL to PL will help fund the new lighting project. Like most projects, street lighting will probably be preformed in phases.

### **Street Signs**

Dirks stated that the stop signs are in and she has spoken with Danny Smith about putting them up. The remainder of the signs should be shipped around the middle of January. The effort is to get the stop signs in and at a later date put the street signs in as weather permits. Dirks reminded the Council that before any signs can be put in, the utility lines must be located and the ground needs to thaw.

### New Business

#### **Resolution Approving the Release of State Funds to the Northwest Piedmont Council of Governments**

Mayor Ferguson stated that the Town received a resolution approving the release of state funds to the Northwest Piedmont Council of Governments. This is the same resolution that the Board approved last year.

*Councilman Chuck Whitman moved to approve the Resolution Approving the Release of State Funds to the Northwest Piedmont Council of Governments. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

#### **Street Lighting at Kinderton, Bermuda Run West, and Bermuda Village**

Dirks stated that the Council needs to approve the portion of lights that will be considered public lighting before Duke Power can switch them from OL to PL. Dirks stated that the Council has already determined that 48 lights in Bermuda Run West are PL and after careful consideration she recommended that four more lights be added to the PL count. The four lights that are proposed are the three that is located at the entrance to the club house and the one light that is located in the grass that was installed to give light to the guard house.

Dirks also stated that Jim Edmonds with Duke Power came down and performed a count on the lights that are located at Kinderton. According to the Town standard, 23 lights fall within the density standard. Keeping in mind that the Council approved this standard for street lighting

safety, Dirks recommended that the Council consider approving 27 lights as PL lights. The 27 includes the 23 that fall within the density guidelines and 4 additional lights that should be considered street lighting.

Dirks stated that the situation at Bermuda Village is unique in the fact that the Village owns their own lights. Currently the Village is billing the Town for 66 lights at the rate of \$6.50 per light in addition to any maintenance charges that incur. Dirks recommended that the Town pay the Village the standard rate of \$11.04 per light for 66 lights, which keeps with the standard created by the Council.

Councilman Whitman pointed out that the Town is making concessions for each entity in order to make it fair.

*Councilman Chuck Whitman made a motion to adopt the four additional lights at Bermuda Run West making the total 52 public lights, 27 public lights in Kinderton, and the Town pay \$11.04 per light for 66 lights in Bermuda Village. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

#### **Damaged Property Policy**

Dirks stated that the Council discussed at the last Town Board Meeting whether to bill individuals for running into the gate arms at the entrances the cost to replace the arm. From that discussion it was decided that the Town should have a Damaged Property Policy that includes all municipal property. Dirks reviewed three options that were discussed by the Council. The options were as follows:

1. The Town of Bermuda Run will not seek to recover reimbursement to damaged property.
2. The Town of Bermuda Run will seek to recover the actual cost to any damaged municipal property.
3. The Town of Bermuda Run will exercise a "forgiveness" policy regarding the damage to gate arms. This policy entails that the Town will absorb the cost of a damaged gate arm the first time an individual damages it. The second time, or any incidents following, will result in the damager reimbursing the Town for the actual cost to make needed repairs. On any other municipal property, the Town will seek reimbursement for actual cost.

The Council discussed the three options.

*Councilman Charlie Quinn made a motion to adopt that the Town of Bermuda Run will seek to recover the actual cost to any damaged municipal property as a Damaged Property Policy. Councilman Al Barnet seconded the motion and the motion was approved with four in favor and one opposed.*

**Resolution Adopting the Official Map of the Town of Bermuda Run Corporate Limits**  
Dirks stated that the Town needed an official map of the corporate limits. Dirks reviewed the Resolution Adopting the Official Map of the Town of Bermuda Run Corporate Limits. The resolution is attached with the minutes.

*Councilman Chuck Whitman made a motion to approve the Resolution Adopting the Official Map of the Town of Bermuda Run Corporate Limits. Councilman Al Barnet seconded the motion and the motion was approved unanimously.*

#### **Addressing Ordinance**

Dirks stated that at the December board meeting the Council discussed the need to enforce Davie County's Addressing Ordinance. The Town Attorney advised the Council that the Town of Bermuda Run should have their own policy. Mr. Kasper is drafting a policy that the Council will review. Due to Mr. Kasper's illness, the ordinance is not ready for review and approval.

*Councilman Ted Titsworth made a motion to table the addressing ordinance until the February board meeting. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

#### **Overhead Cost for the Utility & Law Enforcement Fund**

Dirks stated that the Council discussed several times the fact that the Town's auditors have required the town to incorporate the cost of overhead in each of the Utility and Law Enforcement funds. The Town is currently in the process of auditing each fund to see what the portion of overhead should be.

In regards to the Law Enforcement fund, Mayor Ferguson stated that instead of having an across the board increase in the law enforcement fee, the town should consider charging for bar codes. Currently, the town charges five dollars for permanent guest bar codes and the bar codes for residents and members are free. The Council discussed the option of charging for bar codes instead of increasing the monthly fee. Councilman Quinn stated that the actual cost for each bar code was between four to five dollars. If the objective is to increase fees to account for overhead for that fund, then the council should consider charging ten dollars per bar code.

Dirks stated that the Council has been looking into the bulk water contract since the County's notification of a 23% increase. The Town asked the County to research two options. The first being to dissolve the bulk water contract and the second to amend it. Dirks stated that she is waiting to hear back from the County therefore the overhead figures for the Utility fund are not complete.

*Councilman Chuck Whitman made a motion to account for the Law Enforcement fund overhead by charging ten dollars for all bar codes effective March 1, 2001 and to table the Utility Fund portion until the February Meeting. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

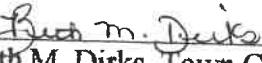
Councilman Whitman stated that as part of the Utility Fund review the Council has discussed on several occasions the option of seeking a sewer permit for three quarters of a million gallons.

*Councilman Chuck Whitman made a motion to authorize Dirks to apply for a permit for three quarters of a million gallons of sewer capacity for a municipal plant outside the gated area. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

Adjournment

*Upon a motion duly made by Councilman Chuck Whitman and seconded by Councilman Bob Griffin, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Town of Bermuda Run  
Agenda Meeting  
January 23, 2001  
10:00 a.m.**

The Town Council of Bermuda Run held an agenda meeting on Tuesday, January 23, 2001 at 10:00 a.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:	Mayor John Ferguson Alan Barnett Robert Griffin Charles Quinn Ted Titsworth Charles Whitman
Also Present:	Town Manger Beth Dirks Town Attorney Warren Kasper Don Angell Susan Bjorke Wyche Bryce George Hollidick

**Call to Order**

Mayor John Ferguson called the meeting to order.

**BRCC Contract**

Dirks stated that she has spoken with Susan Bjorke and Don Angell on several occasions regarding the ownership of the west and 158 entrance as well as the fence, roads and post office. Dirks stated that there may be a way to get the above mentioned property deeded over and perform the construction on the 158 entrance. The council spoke with the representatives from the country club regarding a contract for managing the entrances and fence. Several ideas were discussed. Both parties will research the possibility of a contract including a fee for services provided.

**Landscaping Contract**

Dirks stated that she received a letter from Ted Pogram that indicated that the cost of the landscaping contract would be increasing in March of 2001. Dirks stated that the council needs to decide if they would like to renew the contract or re-bid.

**Law Enforcement Contract**

Dirks stated that she received notification from Loss Prevention services regarding a cost of living increase in the guard services contract. The contract is an open ended contract therefore does not require re-bidding unless the council feels the increase is unreasonable. Dirks stated that she talked to Larry McClellan with LPS and he stated that the increase as between three to three and a half percent for a salary increase for the guards.

### **Priority List**

Dirks stated that the Council should establish a priority list of projects that they would like to see accomplished. Dirks asked the council to begin brain storming ideas and projects and she would write them down. Below is a list of items mentioned

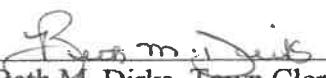
- Deeding of the roads, gates, post office and fence
- Street lighting
- Repair roads
- Sewer
- Town hall office space
- Street signs
- Municipal accounting software
- Storm drains
- Bulk water

Dirks stated that the street signs were already in progress. Municipal software should be tied into getting Town hall office space because the computers will need to be networked. The deeding of the roads, gates, post office and fence need to occur first before the town can proceed with repairing any roads etc. Street lighting is the easiest of the projects and is already in progress. The contracts cannot be let until the town owns the streets however the engineer can begin mapping out the location. Under roads falls overlay, curb and gutter, and storm drain work.

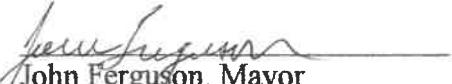
### **Bulk Water**

The council discussed the bulk water rates. The council discussed increasing the fees to cover administrative overhead, the 23% increase in rates as well as build a reserve fund. It was suggested that the single family homes should pay \$50 per month, the condos remain at \$30 per month, the village and laundry remain the same, and each association with irrigation would pay \$20 per month. The Council wanted more detail regarding the meter readings for the bulk water to determine where the water was going.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Regular Town Board Meeting  
Town of Bermuda Run  
February 13, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, February 13, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:	Mayor John Ferguson Alan Barnett Robert Griffin Charles Quinn Chuck Whitman
Also Present:	Town Manager Beth Dirks Town Attorney Warren Kasper
Members Absent:	Ted Titsworth

Call to Order

Mayor John Ferguson called the meeting to order.

Approval of the Minutes

*Councilman Chuck Whitman moved to approve the minutes of the January 9, 2001 meeting. Councilman Al Barnett seconded the motion and the motion was approved unanimously with four in favor and none opposed.*

Adoption of the Agenda

Beth Dirks stated that there was an addition to the agenda under new business item "e". Dirks stated that Duke Power brought a consolidated street lighting bill by the office today and before they can enact the consolidated bill the Town Council must give their approval.

*Councilman Bob Griffin moved to adopt the agenda for the February 13, 2001 Town Board Meeting with the addition. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously with four in favor and none opposed.*

Old Business

**Roads Update**

Dirks stated that the Town is working diligently on trying to get the roads deeded over and hope to have that completed soon. In the mean time, the Town went ahead and, for safety of the residents, fixed some pot holes on Ivy Circle, Bermuda Run Drive and Riverbend Drive.

### **Street Lighting**

Dirks stated that Jerry Blankenship, an engineer for Duke Power, has been out staking the location for new street lights. The Town asked Blankenship to stake off the most feasible and economical location for new street lights. Once these stakes are in place, the Town will look at the locations and if there are some amendments that could be discussed. Dirks stated that Duke Power has been working on switching all the lighting bills from OL to PL. As she mentioned earlier, she received a sample consolidated bill today that the Council needs to review.

### New Business

#### **Resolution to Support the Location of a Post Office in the Town of Bermuda Run**

Dirks stated the purpose of the resolution. The developers of the Kinderton property asked the Town Council if they would be in favor of locating a post office in that development. Since the Advance Post Office is asking for an expansion and with the growing residential developments in eastern Davie, the Kinderton developers thought it would be a good time to actively seek the location of a post office. Dirks continued by reading the resolution. She stated that the location of a post office across the street would not affect Bermuda Run's existing post office with the exception of the package room. The Bermuda Run residents will still collect their mail at the Bermuda Run Post Office, however they would go to the full service post office across the street to get their packages.

*Councilman Bob Griffin moved to approve the Resolution to Support the Location of a Post Office in the Town of Bermuda Run. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously with four in favor and none opposed.*

#### **Addressing Ordinance**

Mayor Ferguson stated that Town Attorney Warren Kasper has been preparing an addressing ordinance for the Town of Bermuda Run. Kasper stated that the ordinance would be ready for review at the next Town Council Meeting.

*Councilman Al Barnett made a motion to table the Addressing Ordinance until the March Town Board Meeting. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously with four in favor and none opposed.*

#### **Bulk Water**

Dirks stated that the Council has discussed several options of how to handle the bulk water contract with Davie County. After careful research, it was discovered that a large portion of the water purchased from the County is unaccounted for. The Council began analyzing the bulk water contract when they received a notice informing them of a 23% increase in the rates. In addition to the increase, the council must account for administrative overhead. Dirks stated that the Council needs to discuss the options available to them.

Councilman Chuck Whitman stated that he did not feel comfortable deciding on an solution until they could find out where the unaccounted water was going. Dirks stated that the best thing to do is ask Davie County to calibrate the bulk water meter to make sure it is registering correct.

Councilman Griffin stated that Danny is in the process of looking for leaks that may have contributed to the missing water.

*Councilman Chuck Whitman made a motion to table the decision on the Bulk Water Contract until the Council can calibrate the meter and gather more information. Councilman Bob Griffin seconded the motion and the motion was approved unanimously with four in favor and none opposed.*

#### **Overhead Cost for the Utility Fund**

Dirks stated that much like the Law Enforcement fund, the Council must allow for administrative overhead as well as build a reserve fund in the utility fund. Dirks reminded the Council that last month they voted to begin charging \$10 for all bar codes instead of increasing the monthly law enforcement fees. Dirks stated that currently the sewer fee is \$15 per month. Dirks stated that the Council needed to account for 15% of administrative cost which is \$27,437 as well as build a reserve fund for large expenditures that are not budgeted for. Dirks stated that an increase from \$15 to \$20 would cover both the administrative cost and build a moderate reserve. Councilman Barnett asked if this was a reasonable price to pay for sewer. Dirks stated that the Town of Bermuda Run was unique in that they did not bill sewer fees based on actual water usage. Generally the rule of thumb for sewer fees is that for every dollar in water usage the sewer cost two. Dirks stated that she felt that \$20 per month was reasonable.

*Councilman Chuck Whitman made a motion to approve the increase in sewer fees from \$15 to \$20 per month effective April 1, 2001. Councilman Charlie Quinn seconded the motion and the motion was approved four in favor and none opposed.*

#### **Consolidated Duke Power Street Lighting Bill**

Dirks stated that as mentioned earlier, Duke Power brought a consolidated street lighting bill by the office today. Dirks asked each councilman to review the bill. Dirks explained that the \$10.94 charge was for the two nema lights across the street from both the 158 and 801 entrance. The \$1044.77 charge was the energy charge for 191 traditional lights at a PL rate. The \$1264.33 is the charge for the decorative adder while the \$112.55 was the underground charge. Dirks added that at the bottom of the bill is the addition of the 27 lights at Kinderton in the amount of \$622.35. The total monthly cost for street lighting would be \$3054.94. Dirks pointed out that in November the Town paid \$4515.68 and in December the cost was \$4220.85. The difference is anywhere from \$1000 to \$1500 per month. Dirks also stated that once the Town can get the contract for the associations and/or developers to sign agreeing to pay the decorative adder charge that is in excess of the Town standard, that will be an even larger savings. Dirks informed the council that in order to switch to this consolidated bill the Council must first approve it.

*Councilman Bob Griffin made a motion to approve the consolidated Duke Power street lighting bill in the amount of \$3054.94. Councilman Charlie Quinn seconded the motion and the motion was approved four in favor and none opposed.*

**Executive Session**

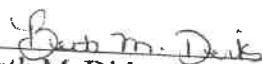
Mayor John Ferguson stated that the Council has been dealing with some personnel issues and would like to suggest that the council call a closed session for discussion.

*Councilman Chuck Whitman made a motion to hold a closed session to discuss a personnel matter. Councilman Bob Griffin seconded the motion and the motion was approved unanimously with a vote of four in favor and none opposed.*

**Adjournment**

*Upon a motion duly made by Councilman Bob Griffin and seconded by Councilman Al Barnett, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Town of Bermuda Run  
Agenda Meeting  
February 27, 2001  
10:00 a.m.**

The Town Council of Bermuda Run held an agenda meeting on Tuesday, February 27, 2001 at 10:00 a.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth  
    Charles Whitman

Also Present:                    Town Manger Beth Dirks  
    Town Attorney Warren Kasper

Call to Order

Mayor John Ferguson called the meeting to order.

**ABC Delegate**

Dirks stated that the town needs to establish an ABC delegate. It was initially done during the interim board and the resolution had Clyde Gardner's name on it. Dirks stated that it needed to be updated. It can have either a name or position designated on it. Dirks stated that it should have a position so it would not require updating. She asked the Council to consider who they wanted as the delegate. This delegate would be responsible for giving final approval for an ABC permit after it is approved by the ABC Board. This person would serve as the official signature representing the Council and their wishes.

**Northwest Piedmont Council of Governments Delegate**

Dirks stated that the Council needed to designate a delegate to be on the Northwest Piedmont Council of Governments. They have monthly meetings at 7:00pm. These meetings are informational and networking meetings. Dirks asked the Council to consider who they wanted to represent them at these meetings.

**Town Hall Office Space**

Dirks stated that she received some information from Phil Doyle, the realtor for the Battery Park Building in Kinderton. Doyle stated that they would like the Town of Bermuda Run to locate their town hall in this facility. Dirks asked the council to consider the request and let her know if they would like to pursue the option. Dirks also stated that Image Matters called back to counter the Town's offer. They would take \$2,700 a month with a two years lease. Dirks asked the Council if they were interested in this location. Several councilman expressed interest in looking at the space. Dirks stated she would call and see if they could go see it later that afternoon.

### **Redistricting**

Dirks stated that the Council may want to consider redistricting before the next election in November. The Board has two districts that are up for re-election, both of which need to be redistributed. Currently the Charlie Quinn's district includes "all other" which includes Bermuda Run West, Kinderton, and any other additions to the corporate limits. The Council suggested moving Bermuda Run West to District 2 and putting all commercial area in District 5.

### **Utility Fund Debt**

Dirks stated that several months ago the council decided to try to move the debt inherited from the Sanitary District from the Utility fund to the General Fund. The reason for the transfer between funds was due to the purpose of the loan. The loan was received for the purpose of repairing the roads in the sanitary district and the sewer plant was used as collateral. The Council discussed the transference of the debt and agreed that the debt should remain in the general fund.

### **Dam Behind the Lakes**

Dirks stated that there is a growing concern involving the Town's sewer line located behind the Lakes Association. The Town has a ten foot sewer easement located in the dam between the middle and lower lake. The condition of the dam is worsening and could present a problem if it continues to wash from underneath the sewer pipe. Dirks stated that there is supposed to be a meeting with the Lakes, Golfview, the Club and the Town to discuss the matter further.

### **Sewer Increase Letter**

Dirks stated that she has prepared a letter to send to all individuals that are charged a \$15 sewer fee to explain the increase. Dirks passed the letter around and asked the Council to review it. She stated that the letter will be mailed out with the March statements.

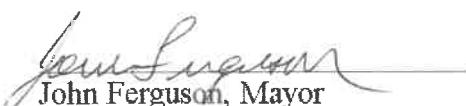
### **Street Lights**

Dirks stated that Jerry Blankenship with Duke Power has been out staking the proposed location of street lights. He has staked River Road and River Buff and is continuing down Bermuda Run Drive and then will proceed down Riverbend and Boxwood. Dirks stated that she told Blankenship to stake the most feasible and economical location for the street lights to give the Council a starting point. Dirks asked the Council to look at the lights. If anyone has any concerns about the proposed location please let her and Chuck Whitman know.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Town of Bermuda Run  
Agenda Meeting  
March 27, 2001  
10:00 a.m.**

The Town Council of Bermuda Run held an agenda meeting on Tuesday, March 27, 2001 at 10:00 a.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth  
    Charles Whitman

Also Present:      Town Manger Beth Dirks  
    Town Attorney Warren Kasper

Call to Order

Mayor John Ferguson called the meeting to order.

**Street Lights**

Dirks updated the Council on the progress of getting Duke Power to switch the street lights from an OL rate to a PL rate. She also discussed with the Council the location of the new street lights on the original side of Bermuda Run. Dirks stated that there has been a lot of discussion concerning the density and location of the new lights. Dirks stated that she needed some direction to give Jerry Blankenship, the engineer for Duke Power, before he does any more work. The Council decided to delegate the street lighting project to Councilman Al Barnett and Councilman Chuck Whitman.

**Census**

Dirks stated that the census numbers are back and the number has dropped. The Town's reported population was 1849 and, according to the 2000 census, it is now 1431. The Council expressed concern regarding the accuracy of the number and instructed Dirks to see if all areas were reported. Dirks stated that she has contacted the Census Department and looked at the map of the corporate boundaries and found that Bermuda Run West was left off the map and she would keep looking for errors.

**Fed Ex Ordinance**

Dirks stated that she received a letter from the Piedmont Triad Partnership asking the Town of Bermuda Run to adopt an ordinance supporting the Fed Ex Hub location at the Piedmont Triad International Airport. Dirks read a list of counties, municipalities and organizations that have already shown support.

### **Retirement Ordinance**

Dirks stated that the Council voted back in September of 2000 to become a member of the NC Governmental Employees' Retirement System. Since that time the State has performed an audit of the Town and determined the percentage that the Town of Bermuda Run would need to pay. Now that the audit is complete, the Town needs to adopt a resolution which the Retirement System has provided.

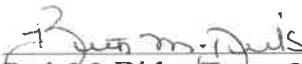
### **Right and Left Turn Lane**

Dirks stated that the Council has discussed several times the issue of a right and left turn lane at the Hwy. 158 entrance. Dirks asked the Council to consider if they wanted to vote on this issue at the April Town Board Meeting

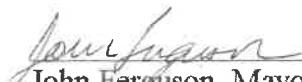
### **Deed of the Roads**

Dirks stated that the Town is very close to having the roads deeded over from Don Angell. Attorney Kasper is drafting the final deed and it should be presented to George Hollidick within ten days. The Council stated that they wanted the deed ready to approve at the April 10, 2001 Town Board Meeting. Attorney Kasper stated that he will do his best to have it ready.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Regular Town Board Meeting  
Town of Bermuda Run  
March 13, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, March 13, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth  
    Chuck Whitman

Also Present:      Town Manager Beth Dirks  
    Town Attorney Warren Kasper

Members Absent:

Call to Order

Mayor John Ferguson called the meeting to order.

Approval of the Minutes

*Councilman Charlie Quinn moved to approve the minutes of the February 13, 2001 meeting. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

Adoption of the Agenda

*Councilman Bob Griffin moved to adopt the agenda for the March 13, 2001 Town Board Meeting. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

Old Business

**Roads Update**

Dirks stated that the Town has directed John Grey of Grey Engineering to prepare mapping and surveys of the roads within the Town of Bermuda Run to be deeded over. Dirks stated that she asked Grey to come to the meeting to give the Council an update on the progress, explain what was complete and indicate the next step.

John Grey stated that there are three maps. The first map shows the constraints, metes and bounds, etc. for the collector roads to support the deeding over of the roads. The second map is a

collection of work on Ivy Circle. This indicates easements along Ivy Circle and contains detailed mapping of each parcel lining Ivy Circle. The third map is a collection of maps on the association roads. These maps can be used as a basis when negotiating with various associations regarding the right-of-ways, etc. Grey pointed out that the various mapping includes some 10,000 measurements and will serve as the foundation for the legal work needed to transfer the roads over to the Town.

Councilman Whitman questioned if Grey was preparing a priority list that describes the condition of the roads. Grey stated that he has a rough spreadsheet yet needs more direction from the Council. Grey stated that he does have a complete set of DOT guidelines for roads and will compare our roads to DOT standards.

Councilman Barnett stated that the next step is to have a special called meeting to deal with the roads. At this meeting Grey can sit down with the Council and explain each map in detail. Mayor Ferguson suggested that this be done at the scheduled agenda meeting.

#### **Sewer Update**

Dirks stated that she asked Grey to research a quote give to the Town from Ramey Construction. This quote was performed in 1998 and includes all the roadway work, a new fence and sewer for \$5.3 million. Dirks stated that she gave Grey this quote to use as a comparison. Grey stated that he compared his numbers with the ones generated by Ramey and found that the roadway estimates were very close to his estimates. When looking at the sewer, Grey found that Ramey had put a lot of preliminary work into the estimate and their unit cost was very similar. Grey did stated that the difference in the total amount was due to a different variable. Where Grey is allowing for 208 connections, Ramey only allowed for 115 connections.

Councilman Barnett stated that this is something that should be talked about further at the agenda meeting.

#### **Street Lighting**

Dirks stated that Jerry Blankenship, an engineer for Duke Power, has been out staking the location for new street lights. Blankenship needs some direction as to the density and placement. The Town first asked Blankenship to stake off the most feasible and economical location for new street lights. One area in question was on Bermuda Run Drive where all the street lights were placed on one side of the street. Several Councilman felt it was too many lights in a straight line. Blankenship went back out and placed flags that depicted a staggering of the lights. Dirks asked the Council to please look at the lights and give her some direction. Dirks stated that Councilman Barnett went and looked at seven or eight different locations with similar lighting. Barnett wrote a summary of his findings and distributed to each councilman. Dirks asked each councilman to read the summary and if there was any question, go look at the same areas and give their opinion. Dirks stated that the density could be adjusted if the Council felt that it was too close.

#### **Bulk Water**

Dirks stated that the Council has been dealing with the bulk water contract with the county for several months now. The last action that was taken was to request that the County calibrate the

bulk water meter to see if it was correct. The County could not remove the existing meter and calibrate it because there was not an adequate by-pass line. The County has since ordered a new meter that can be calibrated up to twice a year and is sending the old meter off to be calibrated by an independent company. Councilman Whitman asked how long that would take. Dirks stated that they had to special order a meter and it would take about two to three weeks to arrive.

#### New Business

##### **ABC Delegate**

Dirks stated that the Town Council needed to update the Resolution indicating the Town of Bermuda Run's Official ABC Delegate. The resolution is already in effect yet needed to be updated. The Official serves as the voice of the Council and signs the ABC Permit once the ABC Board approves it. The Council decided that the Mayor should be the ABC Delegate because he was the only at large member of the Council.

*Councilman Charlie Quinn moved to designate the Mayor as the official to make recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC permit applications. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

##### **Northwest Piedmont Council of Governments Delegate**

Dirks stated the Northwest Piedmont Council of Governments holds a monthly meeting where representatives from surrounding governmental entities can network and share information. Dirks stated that this was beneficial for the Town of Bermuda Run to participate in and the Council needed to appoint a delegate who would attend a monthly meeting.

*Councilman Chuck Whitman made a motion to appoint Mayor John Ferguson as the Town of Bermuda Run's delegate to the Northwest Piedmont Council of Governments. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

##### **District 2 & 5 Clarification**

Dirks stated that the Council needed to clarify the distribution of the districts. Dirks stated that currently, the districts are as follows:

###### Current Districts

###### District 1

Councilman: Ted Titsworth

Area: Bermuda Village

###### District 2

Councilman: Bob Griffin

Area: James Way, River Hill, St. George, Bing Crosby, Warwicke, Pembroke, Hamilton Court

###### District 3

Councilman: Chuck Whitman

Area: Golfview, Spyglass, Lakes, Maisonettes

District 4

Councilman: Al Barnett

Area: Juniper, Fairway, Ivy, Rotunda, Helleri, Fescue, Riverbend

District 5

Councilman: Charlie Quinn

Area: Holly Azalea, Bermuda Run Drive, Riverbend, River, River Bluff, Boxwood, Tifton, Bent, Kinderton, BR West

Since both districts are up for re-election, they need to be clarified. Dirks stated that the districts are proposed to be amended as follows:

Proposed District Changes

District 2

Councilman: Bob Griffin

Area: James Way, River Hill, St. George, Bing Crosby, Warwicke, Pembrooke, Hamilton Court, **BR West**

District 5

Councilman: Charlie Quinn

Area: Holly Azalea, Bermuda Run Drive, Riverbend, River, River Bluff, Boxwood, Tifton, Bent, Kinderton, **BRCC, all commercial area**

*Councilman Charlie Quinn made a motion to re-distribute the voting districts as indicated above. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

**Hwy. 158 Entrance**

Dirks stated that the Council has discussed several times the issue with the right and left turn lane for the Hwy 158 entrance. Dirks stated that currently, DOT has plans to reconstruct the Hwy 158 bridge as well as the Hwy 801 bridge. There are no plans in the current TIP (transportation improvement plan) to widen Hwy 801 or 158. The talk is to four lane both bridges. Dirks stated that she has had discussion with DOT regarding fixing the Hwy 158 entrance. DOT has stated that the Town can fix the entrance only if they will construct a right hand turn lane that is estimated to cost around \$70,000. NCDOT has stated that they will construct the left turn lane when they perform the construction on the 158 bridge in 2004. In order to construct the right hand turn lane, the Town must place \$90,000 in reserve for DOT to do the left hand turn lane in 2004. The Council discussed the turn lane issue and stated that it was a safety issue that must be considered further.

**Landscape Contract**

Dirks stated that the landscaping contract that the Town currently has with the Bermuda Run Country Club was up for renewal. The Town received a letter from Ted Pegram indicating an increase in the landscaping cost. Dirks stated that the cost was anticipated to increase by 23% and asked the Council if they would like to re-bid the contract. Dirks reminded the Council that

the Bermuda Run Country Club was the lowest bidder last year and was able to offer the service at a lower cost because they were already on the premise and did not have extensive transportation cost. The Council discussed the landscaping contract and decided to re-bid it based on the price increase. Councilman Al Barnett stated that Dirks should contact the Club and ask for a one month extension until the spec can be established. Barnett stated that the specs should include a more detailed calendar and schedule for maintenance.

#### Citizen's Comments

Les Halverson addressed the council regarding the sewer rate increase. Halverson asked the Council how much of a reserve they wished to create and questioned if they would ever consider decreasing the rate once the reserve was established. Halverson stated that the average water fees in Forsyth County are \$10.84 per month.

#### **Executive Session**

Councilman Chuck Whitman stated that the Council needed to discuss a legal issue and would like to call a closed session for further discussion.

*Councilman Chuck Whitman made a motion to hold a closed session to discuss a legal issue. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

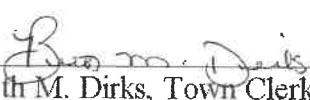
#### **Spending Limit on a Sewer Line**

*Councilman Chuck Whitman moved to allow Manager Dirks to spend up to \$5,000 to protect the integrity of the Town's sewer line. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

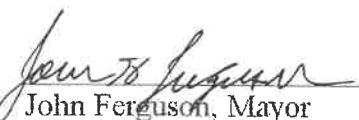
#### Adjournment

*Upon a motion duly made by Councilman Al Barnett and seconded by Councilman Bob Griffin, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Executive Session**  
**Town of Bermuda Run**  
**March 13, 2001**  
**8:00 p.m.**

The Town Council of Bermuda Run held an executive session immediately following the regular scheduled meeting on Tuesday, March 13, 2001 at 8:00 p.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:     Mayor John Ferguson  
                                   Alan Barnett  
                                   Bob Griffin  
                                   Charles Quinn  
                                   Ted Titsworth  
                                   Charles Whitman  
                                   Town Manager Beth Dirks  
                                   Town Attorney Warren Kasper

Call to Order

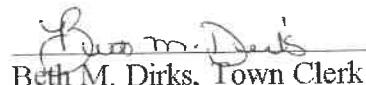
Mayor John Ferguson called the meeting to order.

Attorney Warren Kasper stated that he received a draft deed from George Holidick regarding the deeding of the three entrances, post office, roads and fence. Kasper stated that it appeared to be the same deed that the Council has been negotiating on for the past several months. Kasper reviewed the deed item by item and the council agreed on the items that should be removed. Kasper stated that he will take the revisions back to Holidick for comments.

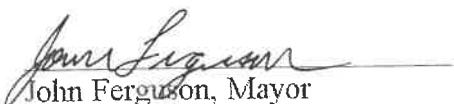
Councilman Chuck Whitman stated that the Council needed to discuss what the Town's stand would be concerning the sewer easement located behind the Lakes Association. Kasper stated that it would be easier for the Town to be a good neighbor and try to work together and get it fixed. Dirks stated that the quote was to fix it permanently for \$5000. Whitman stated that the Council needed to give Dirks a spending limit.

The meeting was concluded and the council went back into open session.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Regular Town Board Meeting  
Town of Bermuda Run  
April 10, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, April 10, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth  
    Chuck Whitman

Also Present:                    Town Manager Beth Dirks  
    Town Attorney Warren Kasper

Members Absent:

Call to Order

Mayor John Ferguson called the meeting to order.

Approval of the Minutes

*Councilman Charlie Quinn moved to approve the minutes of the March 13, 2001 Town Board Meeting and the March 13, 2001 Executive Session Meeting. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

Adoption of the Agenda

*Councilman Bob Griffin moved to adopt the agenda for the April 10, 2001 Town Board Meeting. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

Old Business

**Roads Update**

Dirks stated that the roads would be dealt with under new business.

**Street Lighting**

Dirks stated that they are still working with Duke Power in resolving the refund issue. Duke Power has succeeded in consolidating the 14 different street lighting bills; however, the Town is still getting old bills on a OL rate. Dirks stated that she has talked to Randy Britton with Duke Power and he is working on getting the franchise tax that is due to the Town for two, possibly three quarters back. Britton stated that there is a case precedence set and he did not think it would be extremely difficult.

Councilman Whitman stated that initially Duke Power was only going to go six months back regarding the refund because that is all the utilities commission requires. Since that time, Duke Power has decided to attempt to go back as far back as the Town can show intent to switch the lights from OL to PL.

### **Landscaping Contract**

Dirks stated that the Council decided at the last Town Board Meeting to re-bid the landscaping contract. The specs have been developed for the contract and Dirks asked the Council to review the information provided to them and make any corrections necessary. Dirks suggested that the Council consider dividing the work into two separate contracts, one for the general mowing, leaf removal etc. and the other for spreading pine needles and planting flowers. The Council discussed the contract and suggested that Dirks bid out all the labor as one contract. At a later date, a material contract can be bid.

### **New Business**

#### **Deeding of the Roads, Post Office, Gates and Fence**

Town Attorney Warren Kasper made a presentation to the Council regarding the deeding of the roads, post office, gates and fence. Kasper stated that there are three deeds that need to be accepted tonight by the Council. The first deed is a deed for the common areas at Bermuda Run West while the second deed is granting the Town a permanent easement over the roads in Bermuda Run West. These two deeds were recorded several months ago and never accepted by a formal resolution. Kasper also explained that the third deed was the deed that included the roads, post office, West Gate, 158 Gate and the fence line.

Kasper explained that there are five tracts included in the third deed. Tract one is the post office and includes the triangle that the post office is located on and the first row of parking spaces directly in front of the building. The second tract is the west gate house. The third tract is the Hwy. 158 gate house while the fourth tract is the fence line with three feet in front and behind the fence. The fifth tract is the roads, which includes a 60 foot right-of-way on all roads with the exception of one that has a 50 foot right-of-way. Kasper stated that roads are typically 20 feet in width and there is an additional 20 foot of right-of-way on each side of the road.

Councilman Barnett questioned if the West fence line was included in the deed. Kasper answered that it was not and it only included 150 feet at the longest point. After thorough discussion, Kasper stated that the Council would need to approve a resolution accepting the three deeds and read the resolution.

*Councilman Al Barnett moved to approve the Resolution Accepting the Property Deeded to the Town of Bermuda Run with the effective date of April 10, 2001. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

### **Street Lighting Standard Amendment**

Dirks stated that Councilman Al Barnett, Councilman Chuck Whitman, Jerry Blankenship and she went out last week and looked at the location of the staked street lights. Dirks stated that a resolution amending the street lighting standard was drafted and she read the resolution. The resolution is attached to these minutes.

*Councilman Chuck Whitman made a motion to accept the Resolution Amending the Town of Bermuda Run Street Lighting Standard. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

### **Town Hall Office Space**

Dirks stated that the Council has looked at various locations for Town Hall office space. Dirks stated that they have found a location that will subdivide the bottom floor. It includes approximately 1940 square feet and the rent is \$12 a square foot full service. Full service means that the rent includes utilities and janitorial services. Dirks stated that they were able to negotiate a 12 month lease with a rolling 90 day notice. Dirks stated that most of the Council has seen the location and it is the best they could find to accommodate their growing needs. Dirks also stated that this new office space will provide a location for their bi-monthly Town Council meetings as well as storage space.

*Councilman Chuck Whitman made a motion to approve the terms and price of the lease for the Salem Center located at the corner of Yadkin Valley Road and Hwy. 801 pending review and approval from the Town Attorney. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

### **Resolution Supporting the Location of the Federal Express Mid-Atlantic Hub at Piedmont Triad International Airport**

Dirks stated that the Town of Bermuda Run received a letter from the NC Piedmont Triad Partnership asking for all Towns and Counties that are in support of the Federal Express Mid-Atlantic Hub to locate at the Piedmont Triad International Airport to adopt a resolution to that effect. Dirks read the resolution and it is attached with the minutes.

*Councilman Chuck Whitman made a motion to approve the Resolution Supporting the Location of the Federal Express Mid-Atlantic Hub at Piedmont Triad International Airport. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

### **Resolution Enrolling in the NC Local Governmental Employees' Retirement System**

Dirks stated that the Town has already approved the enrollment into the NC Local Governmental Employees' Retirement System several months ago with the adoption of the Town's employment policy. Now that the audit is complete, the Council must approve a resolution enrolling in the NC Local Governmental Employees' Retirement System. Councilman Whitman stated that this is a requirement of local governments to offer retirement to their employees. Whitman asked what employees were eligible. Dirks stated that all full-time employees and any part-time employees who work more than 1000 hours.

*Councilman Chuck Whitman made a motion to approve the Resolution Enrolling in the NC Local Governmental Employees' Retirement System. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

### **Hwy. 158 Entrance – Turn Lanes**

Dirks stated that the Council has discussed several times the issue with the right and left turn lane for the Hwy. 158 entrance. DOT has stated that the Town can fix the entrance only if they will construct a right hand turn lane that is estimated to cost around \$70,000. NCDOT has stated that they will construct the left turn lane when they perform the construction on the 158 bridge in 2004. In order to construct the right hand turn lane, the Town must place \$90,000 in reserve for

DOT to do the left hand turn lane in 2004. The Council discussed the turn lane issue and stated that the turn lanes need to be installed for safety of the residents.

*Councilman Charlie Quinn made a motion to appropriate money to construct a right and left hand turn lane at the Hwy. 158 entrance with attempt to negotiate for the switch in the NCDOT right-of-way from the South side of Hwy. 158 to the North side. Councilman Chuck Whitman seconded the motion and the motion was approved unanimously.*

#### **Addressing Ordinance**

Attorney Warren Kasper stated that he modeled the Town of Bermuda Run's Addressing Ordinance after Davie County's. The purpose of having a separate ordinance is for enforceability regarding the posting of house numbers at each resident's home. Kasper reviewed the ordinance with the Council.

*Councilman Bob Griffin made a motion to approve the Town of Bermuda Run Addressing Ordinance. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

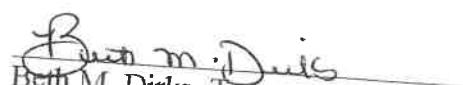
#### Citizen's Comments

None

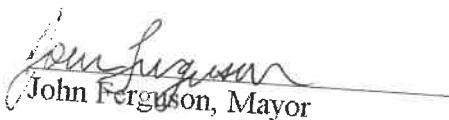
#### Adjournment

*Upon a motion duly made by Councilman Ted Titsworth and seconded by Councilman Al Barnett, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Town of Bermuda Run  
Agenda Meeting  
April 24, 2001  
10:00 a.m.**

The Town Council of Bermuda Run held an agenda meeting on Tuesday, April 24, 2001 at 10:00 a.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Charles Quinn  
    Ted Titsworth  
    Charles Whitman

Also Present:                    Town Manger Beth Dirks  
    Town Attorney Warren Kasper

Absent:                            Robert Griffin

**Call to Order**

Mayor John Ferguson called the meeting to order.

**Landscaping Bids**

Dirks stated that the Town received five bids on the landscaping contract. Dirks reviewed each bid with the Council. The Council stated that the bids did not seem to be consistent because some of the bidders included the pine needles and flowers in the total price while some did not. Dirks stated that she would call each bidder and ask them to break this price out. She stated that the specs were for the general mowing and upkeep, they were not to be inclusive of the flowers and pine needles. The purpose of asking a per bale and per flat price was to get comparison figures. Dirks stated that she would contact the bidders regarding the confusion. The Council stated that the bid should be awarded to the lowest responsible bidder. Attorney Kasper suggested that Dirks check references before awarding the contract.

**River Bluff and River Road**

Attorney Kasper stated that he was ready to work on getting River Road and River Bluff deeded over. Kasper stated that Don Angell owns the roads, however the individual residents own the property on either side of the road. Kasper asked the Council how much of a right of way they would prefer to have. The Council responded by saying they would like to comply with DOT standards and asked what the minimal standard was. Kasper responded by saying that DOT required at least a 40 foot right of way. Normally the road is 20 feet in width and there is an additional 10 feet on each side. Dirks stated that in order to put street lights in, Duke Power required a six foot setback therefore there must be a minimum of six feet on either side of the road. The Council instructed Kasper to attempt to receive a 40 foot right of way. Kasper stated that he needed a legal description from John Grey in order to proceed.

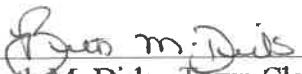
### **Past Due Balances**

Dirks stated that several months ago the Town's Attorney sent letters to residents who have excessive balances due requesting payment on these delinquent accounts. The letter stated that if these balances were not paid, a lien would be placed on the property. Several Councilman stated that the Town should follow through on these letters in order to collect this past due balance. Mayor Ferguson stated that he was not sure if the Town would be able to collect the fee. Attorney Kasper stated that he did not see a problem with collecting the fee because it was for a service that is being provided to all residents in the Town and 98% of the residents are paying the fee.

### **Budget Workshop**

Dirks stated that she and Councilman Whitman have prepared a budget for the up coming 2001-2002 fiscal year. Dirks reviewed the budget in depth with the Council. Each line item in each fund was discussed and Dirks stated that the budget would be presented at the May 8, 2001 Town Board Meeting. The general practice was to schedule the Public Hearing for the June Town Board Meeting.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Regular Town Board Meeting  
Town of Bermuda Run  
May 8, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, May 8, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth  
    Chuck Whitman

Also Present:                    Town Manager Beth Dirks  
    Town Attorney Warren Kasper

Members Absent:

Call to Order

Mayor John Ferguson called the meeting to order.

Approval of the Minutes

*Councilman Ted Titsworth moved to approve the minutes of the April 10, 2001 Town Board Meeting. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

Adoption of the Agenda

Councilman Chuck Whitman asked that a update on the Franchise Agreements be added to the agenda because he would like to know what the progress is on Duke Power and Time Warner Cable.

*Councilman Al Barnett moved to adopt the agenda for the May 8, 2001 Town Board Meeting with the addition. Councilman Chuck Whitman seconded the motion and the motion was approved unanimously.*

Old Business

**Roads Update**

Dirks stated that the main roads have been deeded over and the next process is to begin working on getting River Bluff and River Road deeded over as well as Ivy Circle. Once these roads have been deeded over the Town will begin negotiations on the association roads.

### **Street Lighting**

Dirks stated that they are having a meeting with five representatives from Duke Power concerning the billing process. The goal of the meeting is to rectify the billing procedures and clear up the refund that is due to the Town.

Dirks stated that they have signed two contracts for the installation of new street light so far. The first contract is for the two street lights at the Hwy. 158 entrance that are already in place. The damage that was done to the ground in installing the street lights has been addressed and Dirks stated that she was assured that the installation of the remaining lights would be done with a trencher or plower. The only holes that would be dug will be where they will bore under the street. The second contract is for street lighting along the back side of Riverbend, Bent and part of Tifton Street. The start date should be after the completion of the Crosby.

### **Landscaping Contract**

Dirks stated that they received five bids for the Landscaping contract. The bids ranged from 31,000 to 40,000. Dirks stated that the lowest bidder was My Yard Specialist. All the references have been checked and came back very good. The bid was awarded to My Yard Specialist and they will begin the landscaping contract in May of 2001 that will continue through May of 2002.

### **Franchise Agreements**

Councilman Whitman asked what the progress was on the franchise agreement with Time Warner Cable and Duke Power. Dirks stated that she has had several meetings with Duke Power regarding the gross sales receipts from Duke Power and she is hoping that Duke Power will have a resolution to the problem at next week's meeting. Attorney Kasper stated that he has spoken with Time Warner regarding the franchise contract and they are still under negotiations.

### New Business

#### **Presentation from John Guglielmi**

John Guglielmi was unable to attend the meeting, however Chuck Kupsky was there to make a presentation to the Council. Mr. Kupsky stated that back in November of 2000 the Bermuda Run Homeowners' Association voted to dissolve. The Association agreed to give all the funds that were remaining in their account to the Town of Bermuda Run for the purpose of planting Leland Cypress trees along the Hwy. 158 fence line. Kupsky stated that he would like to present a check in the amount of \$4,204.69 to Mayor John Ferguson.

Mayor Ferguson thanked Mr. Kupsky and stated that the Town appreciates all the efforts of the Homeowners' Association.

#### **Memorandum of Understanding for the Northwest Piedmont Rural Planning Organization for Davie, Stokes, Surry and Yadkin Counties**

Dirks stated that they received a memorandum of Understand from the Northwest Piedmont Rural Planning Organization asking Davie, Stokes, Surry and Yadkin Counties to support a rural planning committee. Dirks stated that the Planning Organization is an effort to consolidate views and opinions from all entities involved in the four counties. At a later date the participating parties will need to appoint a representative to participate on a committee to address needs such as transportation, etc. Councilman Whitman asked if that representative would speak for the council or be an information gatherer who would come back to the council for guidance. Attorney Kasper stated that who ever is appointed will speak for the council at the meetings.

*Councilman Bob Griffin made a motion to accept the Memorandum of Understanding for the Northwest Piedmont Rural Planning Organization for Davie, Stokes, Surry and Yadkin Counties. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

### **Budget Amendment**

Attorney Warren Kasper presented the budget amendment to the Town Council. Kasper explained that the amendment transfers all assets and liabilities associated with the debt that was carried over from the sanitary district from the utility fund to the general fund. Kasper stated that the amendment was drafted by the Town's Auditor, inspected by the Town's Attorney and Finance Officer and approved by the Local Government Commission.

*Councilman Chuck Whitman made a motion to approve the Budget Amendment transferring all assets and liabilities associated with the debt carried over from the sanitary district from the utility fund to the general fund. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

### **Budget Presentation**

Dirks reviewed the steps to adopting the budget for the new fiscal year. First, the budget should be presented and made available for public inspection. A date for the public hearing should be set and advertised in the local paper. Then, a public hearing must be held and then the budget should be adopted. Dirks stated that the hearing and adoption of the budget can be done at the same time.

Dirks stated that the Town of Bermuda Run operates on a rolling fiscal year from July 1 to June 30. Dirks presented the proposed fiscal year budget for 2001-2002 to the Council and explained each line item. She pointed out line items that had increased or decreased from the previous year's budget and explained the fluctuation. Dirks reviewed the budget by fund beginning with the general fund then the utility fund and ending with the law enforcement fund. The Council had a few questions for clarification. Dirks instructed the Council that their next step would be to set a date for the public hearing and she recommended that it be set for the regular scheduled Town Council Meeting on June 12, 2001.

*Councilman Al Barnett made a motion to set the date for the Budget Public Hearing for June 12, 2001. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

### **Properties with Past Due Balances**

Dirks stated that the Council discussed several times the issue of a few residents that have not paid their monthly fees. There were six people that had excessive balances that go as far back as the date of incorporation. The Council voted several months ago to send the residents a letter stating that if they did not contact the Town Hall and make some type of arrangement for paying this balance, the Town would be forced to place a lien on the individual. Dirks stated that the time limit has expired and three of the six individuals have not contact the Town. Attorney Kasper recommended that the Town place a lien on the three individuals that have not made arrangements. Kasper also stated that the Council should establish a policy for dealing with people with excessive balances. Kasper recommended that the Council send a letter to all

individuals that are 90 days past due and a lien be placed on all individuals that are 180 days past due.

*Councilman Bob Griffin made a motion to establish a policy to send a letter to customers that have a balance that is 90 days past due and to place a lien on customers that are 180 days past due. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

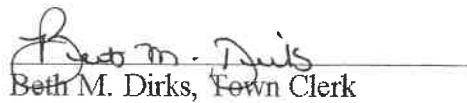
Citizen's Comments

None

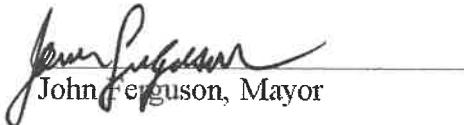
Adjournment

*Upon a motion duly made by Councilman Ted Titsworth and seconded by Councilman Bob Griffin, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Town of Bermuda Run  
Agenda Meeting  
May 22, 2001  
10:00 a.m.**

The Town Council of Bermuda Run held an agenda meeting on Tuesday, May 22, 2001 at 10:00 a.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:     Mayor John Ferguson  
                                   Alan Barnett  
                                   Robert Griffin  
                                   Charles Quinn  
                                   Ted Titsworth  
                                   Charles Whitman

Also Present:                 Town Manger Beth Dirks  
                                   Town Attorney Warren Kasper

Absent:

Call to Order

Mayor John Ferguson called the meeting to order.

**Letters for Liens**

Dirks stated that the Town notified six residents that were past due on their account several months ago regarding the Town's collection policy that called for legal action on accounts 180 days past due. Dirks gave the Council an update on the status of these accounts and stated that three of the six accounts are still past due. The Council discussed that the Town should continue with legal action as previously stated.

**Primary Election – Public Hearing**

Dirks stated that several months ago the Council decided not to have a primary election. The next step to this process is to adopt a resolution and hold a public hearing. After the public hearing, a resolution must be adopted stating that the Town advertised in the local paper and a public hearing was held. The Council expressed an interest to do away with the primary however they wanted to wait until after the November 2001 election.

**Bids for Road Repairs**

Dirks stated that they have received bids on the road repair project and the lowest bidder was Thomas Arthur Paving. Once the contract is awarded to the paving company the road repair project will occur shortly after. Some councilmen conveyed that some residents were interested in having their driveways resurfaced in conjunction with the paving of the roads. Dirks stated that they are more than welcome to contact the paving crew and work out a deal for the paving of their driveways; however, the Town would not be involved in that process. The Council also expressed that during the mean time, they should continue fixing pot holes on municipal streets.

### **Sewer**

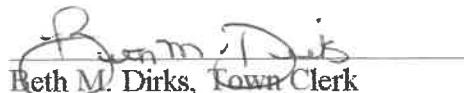
Dirks stated that the Council has discussed several times the four individuals that connected onto the sewer system and were not billed an assessment fee. The Council discussed at length the fact that these individuals connected onto the system right before or during the transition from the Sanitary District to the Town. The Council discussed options of how to handle the four individuals. The Council expressed the desire to place this topic on the agenda for the June Town Board Meeting to discuss further.

### **Budget – Capital Projects**

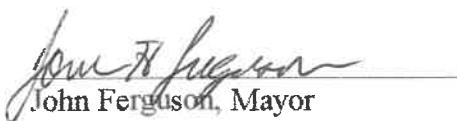
Dirks stated that the proposed 2001-2002 fiscal year budget is nearing completion and the Council needs to make a decision regarding the capital projects for the upcoming fiscal year. Dirks stated that the Town does not have enough money to accomplish all the projects therefore they must prioritize them. The projects that are proposed for the 2001-2002 fiscal year are to replace the fence and construct a wall at the Highway 158 entrance and along Highway 158, Construct a right and left hand turn lane, install street lights on the original side of Bermuda Run and reconstruct the Highway 158 entrance including a new guard house.

The Council discussed at length each project and asked Dirks how much money was available. Dirks stated that approximately \$250,000 to \$300,000 could be used from the general fund reserve. The reason she recommended that the amount not exceed this was because the Town needed to keep a moderate balance in the reserve to aid in refinancing the loan that will be due in 2003.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Regular Town Board Meeting  
Town of Bermuda Run  
June 12, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, June 12, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth  
    Chuck Whitman

Also Present:                    Town Manager Beth Dirks  
    Town Attorney Warren Kasper

Members Absent:

Call to Order

Mayor John Ferguson called the meeting to order.

Approval of the Minutes

*Councilman Charlie Quinn moved to approve the minutes of the May 8, 2001 Town Board Meeting. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

Adoption of the Agenda

Manager Beth Dirks stated that she had one addition to the agenda. Tuesday afternoon she received a Resolution from the North Carolina Local Governmental Employees' Retirement System that enacts a tax shelter of Employees' Contributions as a member of the retirement system. She asked the Council to added it to the agenda under New Business item "e".

*Councilman Al Barnett moved to adopt the agenda for the June 12, 2001 Town Board Meeting with the addition. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

Old Business

Mayor Ferguson announced that District Two, represented by Bob Griffin, and District Five, represented by Charlie Quinn, were up for election. The filing period is July 23 through August 10, 2001. Mayor Ferguson encouraged all those who are interested, to file with the Board of Elections Office.

## Budget Public Hearing

Mayor John Ferguson called the budget public hearing meeting to order and stated that Town Manager Beth Dirks would be making a budget presentation. Dirks stated that the concept behind the presentation (see attached) was not only to help explain the proposed 2001-2002 budget but to also recap the projects performed by the Town since incorporation in July of 1999. Dirks began by listing and briefly describing the projects and continued by reviewing the proposed 2001-2002 fiscal year budget. Dirks described the revenue and expenditure of each of the three funds and concluded the presentation. Mayor Ferguson opened the floor for public comments.

- Robert Farne of 141 Golfview

Farne questioned the installation of the new fence along Hwy. 158. He stated that if the State was going to widen Hwy. 158 it seemed pointless to spend the money to put up a new fence and then have it removed by DOT. He also stated that if they were going to widen the bridge why not get them to do the right and left hand turn lane as well as widen Hwy. 158 all together.

Dirks stated that she has had several conversations with NCDOT and they stated that they have no plans in the current TIP (transportation improvement plan) to widen Hwy. 158 and that plan carried through the year 2008. She stated that DOT has granted the Town of Bermuda Run and encroachment agreement to maintain what is currently in the right of way which includes replacing the fence as long as it is with something similar in nature. In relation to the timing with the bridge replacement and right and left turn lanes, Dirks explained that all bridge replacement money is Federal money and road money was State money. The two are budgeted separately therefore they are not related.

- Ralph Cornwell of 236 Bermuda Run Drive

Cornwell stated that the Town has done a very good job on all the projects they have performed. He especially pointed out the bar code system and the post office in their success. Cornwell continued by asking if he could receive a copy of the official Town Map. Dirks responded that they have copies that are available at the Town Hall free of charge.

Cornwell asked about the progress with the Town installing curb and gutter. Dirks stated that the number one priority was recon structuring the roads to make them safe for the residents. Dirks continued by stating that the Council was in agreement that the first priority that should be addressed was the condition of the roads and bringing them up to standard. Constructing curb and gutter is more of an aesthetics issue would may be dealt with at a later date after the road reconstruction project is complete. Dirks stated that the road project would take several years to complete because the Town had roughly seven and a half miles of road. Each year the Town would appropriate money for repairs and hope to have the project complete in four to five years. Dirks added that the reconditioning of the roads was going to be taken out of general fund money. Installing curb and gutters would be a project that the residents would be assessed for and the cost of the assessment is much more than the original estimate.

Cornwell asked if the house number needed to be directly on the house. Dirks stated that it must be visibly displayed either on the home or by the curb.

Cornwell asked if the property tax revenue figure of \$385,000 included the revaluation figures. Dirks answered that it did.

Cornwell questioned when will they change the census population number. Dirks explained that the Town will have to appeal the census findings and they will not receive an official appeal packet until the end of June. The appeals will not be reviewed until late July or early August. Mayor Ferguson stated that every year the population numbers are adjusted to keep up with growth.

Cornwell questioned if the Town had a lot of delinquent accounts and if so what is being done about them. Ferguson stated that there is only about five or six accounts that are

delinquent. The Town set a policy to notify the customer in writing if the account is over 90 days past due and then a lien will be placed in the property when it reaches 180 days past due.

- Loyd Davis of 162 Tifton

Davis stated that the United States Flag at the post office is too small. It should be larger than all the other flags.

- Les Halverson of 153 Riverhill

Halverson asked if the consent from the Department of Transportation to replace the fence was in writing. Dirks stated that they do have a written encroachment agreement and a letter stating that the Town may maintain what is currently on DOT right of way and repair or replace the fence as long as it is with a similar material.

Halverson asked if the road project was tied into the sewer project. He stated that he would hate for the Town to spend a lot of money on the roads and tear them up when they put the sewer in. Dirks stated that the sewer will not be placed in the roads. It will be located in the street right-of-way along the sides of the streets or in the rear of the homes.

Halverson asked if the issue of having to hire a full time officer for Bermuda Run was solved since there was only \$2,000 in the proposed budget for law enforcement. Dirks answered the Davie County Sheriff's Department provides protection to Bermuda Run and occasionally drives through. The \$2000 in the budget is for roving patrols above and beyond the standard patrols. Dirks stated that the Town hires off duty officers to patrol the Town from 8:00pm to midnight during Halloween and this would be paid for out of the law enforcement line item.

- Joseph Sanfilipo of 840 Riverbend Drive

Sanfilipo questioned the income of \$4,000 for ABC Revenue and \$2,000 for Beer and Wine Revenue. He questioned what happened to the projected numbers before incorporation. Mayor Ferguson answered that the \$50,000 projection came from town's of Bermuda Run's size that had an ABC store. Bermuda Run's revenue comes from the liquor sales to the club and that is all. Ferguson stated that in order to get the \$50,000, the Town would have to have an ABC store and there is risk involved. Ferguson stated that the Council was equally surprised at the returns.

Sanfilipo stated that he was confused on the Law Enforcement Fund. He questioned what the income labeled BR West in the amount of \$54,000 and BRCC Entrance in the amount of \$37,000 was. Ferguson answered that BR West was the income from the \$30 per 152 lots in west. The reason it was broken apart was the desire to keep the income from west separately from the original side of Bermuda Run. The BRCC entrance is the income from the 10% that the club pays. Ferguson stated that an agreement was made back before incorporation that the club would pay 10% of the total law enforcement fund expenses. Attorney Kasper stated that the agreement was reaffirmed in the deed for the roads, post office, gates and fence.

Sanfilipo questioned who owned the post office. Dirks stated that the Town does. It was deeded along with the main roads and gates back in April of 2000.

Sanfilipo questioned the entrance expense. He stated that if it were divided by three it would total approximately \$700 per entrance per month. Mayor Ferguson stated that a large majority of the expense is in heating and cooling the guard houses.

Councilman Whitman asked Sanfilipo if he was satisfied with the ABC income and asked if he felt that Bermuda Run should have an ABC Store. Sanfilipo answered that the Town should have worked out a deal with the developer during the annexation for a piece of property to put the ABC store on or exchanged land for sewer.

- Robert Farne of 141 Golfview

Farne asked when will the Town take over the roads and welcome Golfview aboard as part of the town because they were paying taxes. Ferguson stated that there will be an opportunity for homeowners' associations to talk to a representative from the Council as well as John Grey regarding their roads. Councilman Barnett stated that they want to take the roads over as quickly as possible but there is a lot of work that needs to be done first. Barnett stated that last year they met with every association and set a time table of 12 months to begin taking the association roads over. It took much longer to get the main roads deeded over therefore they are approximately a year behind schedule. Golfview is a problem area and there needs to be a lot of work done on those roads. Each association and their roads have different needs. Barnett stated that they will be ready to begin talking to the associations within the next few months.

- Ralph Cornwell of 236 Bermuda Run Drive

Cornwell stated that Boxwood Drive is a shame to look at. He appreciates the priorities that have been placed on the roads and thinks that the Council is doing a good job.

- Robert Farne of 141 Golfview

Farne stated that he also thinks the Council is doing a good job.

Mayor Ferguson asked if any one else had comments about the proposed 2001-2001 budget. Ferguson then closed the budget public hearing and asked if the Council had any discussion. Dirks stated that each member of the Council was given a budget ordinance. Dirks explained that the council will be adopting the budget in an ordinance form and stated that the ordinance recaps the totals of all three funds and holds the tax rate constant at \$.15 per 100.

*Councilman Chuck Whitman made a motion to approve the budget ordinance by fund for the fiscal year 2001-2002. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

#### Roads Update

Dirks stated that the information regarding the roads was already covered during the budget presentation and she had nothing further to add.

#### Street Lighting

Dirks stated that Duke Power began installing street lights along the back side of Riverbend Drive, Bent Street and part of Tifton on Tuesday, June 12, 2001. Dirks stated that the Town Hall has mailed out notices to all the residents that are involved in the installation process. Dirks explained that the street lights will be placed in the Town right-of-way along these roads and will be set back approximately six feet from the pavement. She explained that the roads that have been deeded over to the Town have a sixty (60) foot right-of-way, which is thirty feet to the left and thirty feet to the right from the center line of the pavement. All installation will be kept in the Town right-of-way and all public utilities have already been located. Dirks stated that if any property owners have private irrigation lines in this right-of-way to please have them marked to avoid any damage to the lines.

#### Franchise Agreements

Attorney Warren Kasper stated that he met with Ed Powell several times regarding the Time Warner Franchise Agreement. The agreement is ready to be placed in the agenda for the

following month for the first reading and approval. Kasper stated that under previous direction from Town Attorney Don House, the Council requested a seven year contract. Kasper stated that the minimum Time Warner will accept is 15 years and they would prefer to have 25. Kasper stated that he did not see a problem with approving 15 years because the contract was non-exclusive.

Councilman Whitman questioned if they would have to go through two more public readings of the agreement and Kasper stated that he would check with Ed Powell. Whitman cautioned against delaying the approval of the contract and asked if the Town would be able to go back to the date of incorporation and get franchise tax. Dirks stated that her understanding was that Time Warner and Piedmont Natural Gas do not pay franchise tax until they have a signed contract. Duke Power is different in the sense that they pay a portion of gross sales receipts regardless of whether there is a contract in place or not.

#### New Business

##### **Award Bid for Road Reconstruction**

Dirks explained that since the Town received the main roads in Bermuda Run they are going to begin the reconstruction project. Dirks stated that John Grey with Grey Engineering compiled a priority list on the condition of the roads. The three roads that were at the top of the list were Holly, Azalea and Boxwood Circle. Dirks stated that in the current 2000-2001 fiscal year budget there is approximately \$50,000 left under road repairs. The Town was able to request informal bids on the road project and sent them to seven different companies. Three bids were returned and the lowest bidder was APAC Co. John Grey explained the details of the work that would be performed and stated that all the road work would be done to State standards. Dirks stated that the bids were in the form of unit cost instead of by road. This allowed the Council to work with a given amount of money and do as many roads as possible with the funds available. Dirks recommended that the Council approve APAC as the lowest bidder on the road reconstruction project with a not to exceed price of \$50,000.

*Councilman Chuck Whitman made a motion to accept the bid from APAC Co. on the road reconstruction project with a not to exceed price of \$50,000. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

##### **Sewer Plant Noise**

Dirks stated that they have received a few complaints on the noise from the sewer plant. Dirks asked John Grey to inform the Council on what can be done to muffle the noise. Grey stated that they can put different silencers on the three blowers and construct a baffle on the intake on the outside of the plant. Danny is building the baffle and they can equip one of the blowers with the silencer and see how it works before they do the other two blowers. The Council asked how bad the noise was. Grey stated that it depends on the wind direction and elevation. Councilman Griffin asked Les Halverson, a resident in Riverhill, if he noticed the noise. Halverson answered that he lived across from the plant yet never noticed the noise. Mayor Ferguson stated that the houses in the Highlands and Bing Crosby seem to hear the noise more. The Council asked for more research.

##### **Sewer Assessment**

Dirks stated that there were four people that connected onto the sewer system that were never billed for the sewer assessment fee and connection fee. Dirks commented that these four individuals connected on during the transition from the sanitary district to the Town and "slipped

through the cracks". After discussion, the Council decided to bill the four residents \$6000. This fee covers the \$4000 assessment fee, a connection fee and a CPI allowance. The residents will be sent a letter and bill explaining the charge and they will be given options regarding payment.

*Councilman Bob Griffin made a motion to bill the four residents who connected onto the sewer system the connection fee of \$6000. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

#### **Voting Procedure**

Attorney Warren Kasper stated that several months ago the Council decided not to hold a primary election. This decision was made, however there are several steps that must be accomplished before the process is final. Kasper stated that the best solution is to hold a primary this year and proceed with the public hearing and notification of dissolution of the primary next year and the Council agreed.

#### **North Carolina Local Governmental Employees' Retirement System Resolution**

Dirks stated that the Council voted several month ago to become a member of the North Carolina Local Governmental Employees' Retirement System. There are several steps and resolutions that must be completed and adopted before this can take place. Dirks stated that they received another resolution in the mail that must be approved. This resolution is a tax sheltering resolution which allows the contributions to be tax deferred.

*Councilman Bob Griffin made a motion to approve the North Carolina Local Governmental Employees' Retirement System Resolution. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

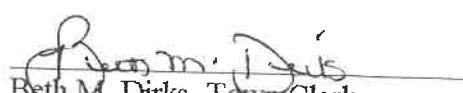
#### Citizen's Comments

None

#### Adjournment

*Upon a motion duly made by Councilman Bob Griffin and seconded by Councilman Al Barnett, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Town of Bermuda Run  
Agenda Meeting  
June 26, 2001  
10:00 a.m.**

The Town Council of Bermuda Run held an agenda meeting on Tuesday, June 26, 2001 at 10:00 a.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Charles Quinn  
    Ted Titsworth  
    Charles Whitman

Also Present:                    Town Manger Beth Dirks  
    Town Attorney Warren Kasper

Absent:                            Robert Griffin

Call to Order

Mayor John Ferguson called the meeting to order.

**Logo**

Dirks stated that there has been interest in changing the Town Logo. Dirks showed the Council several logos and asked for feed back on each one. The Council stated that they like the originality of the one they had however it was slightly controversial. Dirks expressed her feelings on the logo and stated that the Town is now much more than a gated area and the Town logo should not reflect one portion of the Town especially the most controversial part. Dirks asked for suggestions on the logo.

**Street Lights**

Dirks stated that they are working on the street lighting project. Jerry Blankenship has run into a few problems requiring easements from residents and from the Country Club. The primary issue with the Club is having street lights long Fairway 10 that will be located within the boundaries of play. Dirks stated that they are working on a compromise and would keep the Council informed.

**Annexation**

Dirks stated that there have been some inquiries regarding annexation of surrounding commercial property. Dirks also informed the Council that there was approximately two acres that is included in the Kinderton Project that was left off the original annexation request. She has talked to the Kinderton Developers who now own the property and they would like to have it included in the Town to clean up the boundary lines. Dirks does not know when they will petition for this however she wanted to inform the Council of the possibility.

### **Leash Law**

The Council discussed the issue of a leash law in the Town. The general rule is to have dogs on a leash however if the Town began to enforce the law they would have to contract with Animal Control with Davie County for the enforcement and would have to pay an additional fee because it is more than the County Services.

### **Law Enforcement Policy**

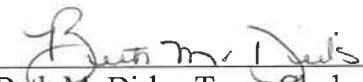
The Council reviewed in detail the Law Enforcement Policy and Dirks asked for any feedback regarding the procedures for the letter relating to Club Employees, Village Employees, Non-Resident Members and Residents.

### **ABC Store**

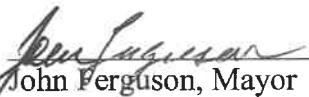
James Waddell with the Forsyth ABC Board came to speak to the Town Council regarding the procedures necessary if the Town was interested in an ABC Store. Waddell stated that the Council can do one of things. The first is to form their own ABC Board that would consist of three members independent from the Town Council. They must next find a location for a store, and notify the placement of the store on that parcel with signs for 30 days. A petition must be sent to the commission in Raleigh, and once approval is granted the construction must begin within a 60-90day time frame once funds are secure.

The second way is by joining the Forsyth County ABC Board. The Forsyth Board will build the store and will pay back the mortgage on the building through the profits generated. The only thing the Town must do is pass a resolution requesting membership in the Forsyth ABC Commission and they commission must agree to build the store. If the Town joined with Forsyth County there would be no incurred liability.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Regular Town Board Meeting  
Town of Bermuda Run  
July 10, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, July 10, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth  
    Chuck Whitman

Also Present:                    Town Manager Beth Dirks  
    Town Attorney Warren Kasper

Members Absent:

Call to Order

Mayor John Ferguson called the meeting to order.

Approval of the Minutes

*Councilman Bob Griffin moved to approve the minutes of the June 12, 2001 Town Board Meeting. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

Adoption of the Agenda

Manager Beth Dirks suggested that the Council call a closed session at the end of the citizen's comments section to discuss the terms of a previously approved contract.

*Councilman Chuck Whitman moved to adopt the agenda for the July 10, 2001 Town Board Meeting with the addition. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

Old Business

**Roads Update**

Dirks stated that the first phase of the road reconstruction project on Holly Circle, Azalea Circle and Boxwood Circle was complete. The road repair and reconstruction project was around \$35,000 and was taken out of the 2000-2001 fiscal year budget. The project turned out very well and several residents have complimented the work of the paving crew.

Councilman Whitman questioned when the association roads were going to be included in the repair project. Dirks stated that they cannot include roads that the town does not own. Once the association roads can be deeded over they will be placed on the priority list along with the other municipal roads. Whitman expressed concern about when the association roads will be deeded over. Councilman Barnett stated that since it took approximately 18 months to get the main roads deeded over it through the process back a year. Once River Bluff and River Drive can be deeded over, the Town will begin on the association roads. Meetings must be scheduled with each association to discuss the specific roads. The hope is to have this complete within the next 12 months.

### **Street Lighting**

Dirks stated that Duke Power is still installing street lights along the back side of Riverbend Drive, Bent Street and part of Tifton. They have approximately 50 percent of the wires installed and poles set. The Town has a landscaper that will go behind Duke Power and reseed the yards. He will begin reseeding when the poles are set. Dirks stated that Jerry Blankenship, engineer for Duke Power, has been given a new full-time job which consists of several projects, one of which is Bermuda Run. Councilman Whitman expressed dissatisfaction on the progress of the work performed by Duke Power and the lag time between the engineering and actual installation. Whitman asked what the Town can do to get Blankenship back on the job to complete the street lighting project. Dirks stated that she has spoken to Blankenship as well as his supervisor John Walsh. They have both assured her that he will be back in a few weeks as soon as he completes the Hanes Commons Project. Whitman asked if they could call the Utilities Commission to complain. Dirks answered that was an option.

### **New Business**

#### **Road Reconstruction Project**

Dirks explained that since the Town now owns the main roads in Bermuda Run they have begun the reconstruction project. Dirks stated that John Grey with Grey Engineering compiled a priority list on the condition of the roads. The three roads that were at the top of the list were Holly, Azalea and Boxwood Circle and were completed in the last fiscal year. Dirks stated that since the Town bid the road reconstruction project out by unit cost they are able to continue with the project by beginning the next roads on the priority list. Dirks stated that John Grey gave her a list of three roads and the estimated cost of repairs that are the next priority. Fescue Drive was the first on the list with an estimated price of \$50,000. Tifton was second at \$67,200 and Bent Street was third at \$36,000. Dirks stated that the Council approved money in the 2001-2002 road repairs budget to cover the repair work. The next step is to set another spending limitation for her to work within in order to continue the road repairs. The Council stated that they would like for Dirks to phase in the road repairs as individual projects to avoid cash flow difficulties and not to exceed the 2001-2002 budgeted amount for road repairs.

*Councilman Bob Griffin made a motion to continue the road reconstruction project with the next roads that are on the priority list on a project basis and not to exceed the 2001-2002 budgeted amount in the for road repairs. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

#### **NC 401 (k) Resolution**

Dirks stated that back in September the Town Council adopted a NC 401 (k) Resolution to become a member of the NC 401 (k) program. The Town could not become a member of the 401 (k) program without first becoming a member of the NC Governmental Employees

Retirement System. The Town became a member of the retirement system effective July 1, 2001. Since the resolution was approved nearly ten months ago the Council needs to approve the resolution again with a July date.

*Councilman Chuck Whitman made a motion to approve the NC 401 (k) Resolution becoming a member of the 401 (k) program. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

#### **Time Warner Franchise Contract**

Attorney Warren Kasper stated that this is the first reading of the Time Warner Franchise Contract. He stated that several months ago the Council reviewed a contract and wished to grant the franchise agreement for seven years. Kasper stated that after discussion with Ed Powell, Attorney for Time Warner Cable, the minimum time limit that will be acceptable by Time Warner is 15 years. Kasper stated that this is not a major issue because the contract is non-exclusive. Kasper stated that Powell will be present at the August Board Meeting for the second reading to answer any questions the Council may have. Councilman Barnett asked if there was a provision that could be added to the contract requesting them to notify the Town of any construction or installation that may occur. Kasper suggested that a letter be written requesting that they notify the Town Hall of any impending work.

#### **Municipal Records Retention and Disposition Schedule Amendment**

Mayor Ferguson stated that this is merely a formality that the Town needs to approve stating that they agree to abide by the guidelines established by the State in regards to the length of time a municipality is required to keep records.

*Councilman Ted Titsworth made a motion to approve the Municipal Records Retention and Disposition Schedule Amendment. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

#### **Interlocal Agreement with Davie County**

Dirks stated that they have received a new Interlocal Agreement with Davie County. This is the same type of agreement that the Town approved for the last two years. Dirks stated that the only change in the agreement is an increase in the tax collection rate per bill to \$5.50.

*Councilman Bob Griffin made a motion to approve the Interlocal Agreement with Davie County. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

#### **Citizen's Comments**

Tracy Welch spoke to the Town Council concerning a bill she received in March of 2001 in the amount of \$480. This bill was for Law Enforcement fees that had not been paid since October 1999. Welch commented that neither the previous owner nor the real estate agent informed her of the monthly fee and she did not feel that they should be responsible for something they were unaware of. Welch commented that they received one bill in November for \$30 and thought it was a yearly fee therefore paid it. They later received a bill with a zero balance which also indicated that they did not owe anything. It was not until her husband came into the office to get another bar code until it was noticed that they were not being billed the monthly law enforcement fee. She spoke with the Town Manager and Town Attorney regarding the bill and she was told that she must speak with the Council if she desired an amendment in the policy. The Council asked several questions regarding the issue and Mayor Ferguson stated that it was a clerical error

yet the amount still needed to be paid. He stated that there were a few other people that had not been billed that were sent bills and they paid them. The Council thanked her for coming to speak with them and told her she would be contacted regarding their decision.

The Town Council instructed Town Attorney Warren Kasper to handle the matter with the Welchs.

#### Executive Session

*Councilman Al Barnett made a motion to go into closed session to discuss the terms of a contract already approved by the Town Council. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

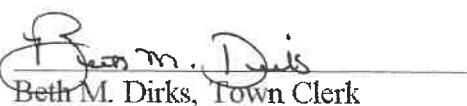
#### Sewer Assessments

Dirks informed the Council that one of the four individuals that were sent a bill for the \$6000 sewer assessment stated that they had an agreement with the sanitary district to connect to the sewer system. After discussing the matter with the Sanitary District Representatives, the verbal agreement was confirmed. Since the Town of Bermuda Run inherited all assets and liabilities of the Sanitary District, the Town Council agreed by consensus to honor the commitments previously made by the Sanitary District. This will serve as a connection to the motion made at the June 12, 2001 Town Council Meeting regarding the sewer assessments.

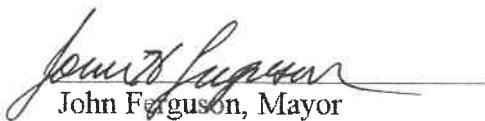
#### Adjournment

*Upon a motion duly made by Councilman Bob Griffin and seconded by Councilman Al Barnett, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Executive Session  
Town of Bermuda Run  
July 10, 2001  
8:30 p.m.**

The Town Council of Bermuda Run held an executive session immediately following the regular scheduled meeting on Tuesday, July 10, 2001 at 8:30 p.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Bob Griffin  
    Charles Quinn  
    Ted Titsworth  
    Charles Whitman  
    Town Manager Beth Dirks  
    Town Attorney Warren Kasper

Call to Order

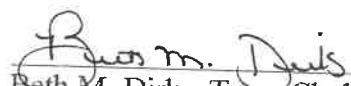
Mayor John Ferguson called the meeting to order.

Beth Dirks stated that the Council approved a contract for landscaping services in May of 2001 that lasts for one year. The contract did not include laying pine needles once a year in November and the planting of flowers twice a year. These two items are performed by the Bermuda Run County Club. There has been an issue of the weeds in the flower beds at the three entrances and who is responsible for the maintenance. Dirks stated that the Council needs to discuss the issue of the weeds and decide if it is the responsibility of the landscaper or the Club.

The Council stated that the original intent of dividing the landscaping up was to have the actual mowing etc. performed by the landscaper and the beds, which includes planting, weeding, and maintenance, would be performed by the club. The initial amount that was decided upon was \$10,000 annually. Dirks stated that she has talked to Wyche Bryce and Ted Pegram and they have stated that they will do the weeding for an additional \$300 per month which is \$3,600 per year.

After discussion the meeting was concluded and the council went back into open session.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Town of Bermuda Run  
Agenda Meeting  
July 24, 2001  
10:00 a.m.**

The Town Council of Bermuda Run held an agenda meeting on Tuesday, July 24, 2001 at 10:00 a.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:      Mayor John Ferguson

Alan Barnett

Charles Quinn

Ted Titsworth

Also Present:      Town Manger Beth Dirks  
Town Attorney Warren Kasper

Absent:      Robert Griffin  
Chuck Whitman

Call to Order

Mayor John Ferguson called the meeting to order.

**Legislative Breakfast**

Dirks handed out a reminder about the legislative breakfast and asked the Council if they have not responded to please do so by the end of the week.

**Rural Planning Organization**

Dirks stated that several months ago the Town passed a resolution to participate in a rural planning organization. Dirks stated that the Council needs to appoint a representative from the Council to serve on this board at their August Town Board Meeting.

**8K Run for The Special Children's School**

Daughn Eagan and Philip Warshauer came to talk to the Council regarding the possibility of having an eight k run in the Town of Bermuda Run. Warshauer was a staff member of the Special Children's School while Eagan was a member of the Track Club. Both discussed the Special Children's School and explained the benefits it offered to the community. They must depend very heavily on fund raisers for funds to operate the school. As one of their fund raisers that would like to have an 8 k, 4.96 miles, run. They selected three possible dates in March being the 9<sup>th</sup>, 16<sup>th</sup> and 30<sup>th</sup>. Their request is merely for the permission to utilize the roads in Bermuda Run one Saturday for approximately 2 hours. The Council stated that everything must be coordinated through the Bermuda Run Country Club concerning using their parking lot etc. The Council stated that they will discuss the run.

**River Drive & River Bluff**

Dirks stated that the Town is ready to begin the deeding of River Drive and River Bluff. The street lighting has already been engineered on these roads and are ready for installation once the

road as well as a 40 foot right-of-way can be deeded. Warren Kasper will provide the deed with the written description from John Grey.

#### **Association Roads**

Dirks stated that she has talked to John Grey regarding the status of having the association roads deeded over. There seems to be a communication gap between the Attorney and Engineer.

Dirks stated that she has asked Grey to prepare maps of the association roads that show what the platted easement is, if any, and if there is a 40 foot easement available. She stated that she has told Grey that if the 40 foot easement is not available to please show what the obstructions are. Once these maps are prepared, the Town Council will review them, agree on a reasonable compromise, and begin meeting with the associations again.

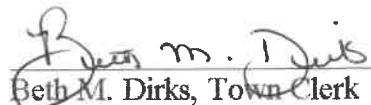
#### **Kinderton Annexation**

Dirks stated that Hank Van Hoy contacted her last week concerning approximately two acres that is part of the Kinderton Commercial property located at the corner of Interstate 40, Highway 801 and Yadkin Valley Road that was not included in the original annexation. It was excluded because it was not owned by the petitioning party at the time of annexation. The two acres borders Interstate 40 and Van Hoy expressed that at some time they would like to have it annexed into the corporate limits of Bermuda Run to clean up the lot lines. Dirks informed the Council that a formal petition has not been submitted and she was not sure when it would be but she wanted to inform the Council of the situation.

#### **Landscaping**

Dirks stated that Bermuda Run Country Club stated that they would begin charging for the weed maintenance at the three entrances as well as Bridge Street and the Post Office. They would perform the weed maintenance for \$300 per month. The Council was concerned with the price and questioned why they would charge for winter months. The Council expressed the interest in getting estimates from various landscaping companies regarding the planting at all three entrances as well as weed maintenance of all plant beds. Dirks stated that she would call around and get some quotes.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Regular Town Board Meeting  
Town of Bermuda Run  
August 14, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, August 14, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth  
    Chuck Whitman

Also Present:      Town Manager Beth Dirks  
    Town Attorney Warren Kasper

Members Absent:

Call to Order

Mayor John Ferguson called the meeting to order.

Approval of the Minutes

*Councilman Ted Titsworth moved to approve the minutes of the July 10, 2001 Town Board Meeting. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

*Councilman Ted Titsworth moved to approve the minutes of the July 10, 2001 Executive Session Meeting. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

Adoption of the Agenda

Manager Beth Dirks stated that the second reading of the Time Warner Franchise Agreement was inadvertently left off the agenda. Attorney Kasper stated that he has not received a revised copy from Ed Powell and would prefer to hold the second reading at the September Meeting.

*Councilman Charlie Quinn moved to adopt the agenda for the August 14, 2001 Town Board Meeting. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

Old Business

### **Roads Update**

Councilman Barnett presented the Council with a rough draft/ working document regarding the 2001-2002 Roads Initiative. Barnett stated that this document was created after a brief meeting with John Grey and Beth Dirks regarding the association road maps. The document attempts to set some goals and objectives as well as time frames to accomplish the road deeding project. Barnett read that the objective is to provide a well maintained/cost effective roads systems that provides safe/unencumbered access to residential homes and commercial enterprises within the Town of Bermuda Run. He continued by reviewing the strategies and preliminary tactical plan. Barnett was very clear to caution that this is just a working document. The 2001-2002 Roads Initiative is attached to these minutes for review.

### **Street Lighting**

Dirks stated that Duke Power has installed street lights along the back side of Riverbend Drive, Bent Street and part of Tifton. They have three street lights left to install and have had a small problem boring across the street. She spoke with Jerry Blankenship regarding the light location and Blankenship stated that the resident that lived there suggested they place the light beside her driveway on the same side of the road. The Town's objective was to place the light in the lot lines and this particular light will not be on the lot line; however, the resident is fine with the placement. Dirks stated that they have tried to bore under the road nine times and have been unsuccessful. She instructed them to try one more time and if they still were unsuccessful to place the light in the alternate location.

Dirk stated that Blankenship is back performing the engineering and will begin back on Riverbend, finish up Tifton and then from Riverbend down Boxwood.

### **New Business**

#### **Rural Planning Organization Delegate**

Dirks explained that several months ago the Town voted to participate on a Rural Planning Organization Committee. The Northwest Piedmont Council of Governments is preparing to move forward with the formation of a Rural Planning Organization for transportation in Davie, Stokes, Surry and Yadkin Counties. They have asked that each participant appoint one elected official to sit on the County committees. Councilman Chuck Whitman asked when the meetings will be. Dirks responded that the delegates from Davie County would establish a time that accommodated their schedule. Whitman stated that he would be willing to serve as Bermuda Run's Delegate.

*Councilman Al Barnett made a motion to appoint Chuck Whitman as the Town of Bermuda Run's Delegate to serve on the Rural Planning Organization Committee. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

#### **Road Survey and Mapping Presentation**

Dirks stated that the Town has been working diligently on the road project. The project involves two prongs. The first task is the deeding of the roads while the second task is the road reconstruction process. Dirks stated that the main or collector roads have been deeded over yet the Town still has the association roads to complete. Dirks stated that the Town has been working on the road deeding project for several months and have finally reached the stage where the second round of meetings should occur with the associations. The first step was to survey all the roads, which is complete. Dirks stated that the second step was to have John Grey prepare maps of the association roads depicting the available right of way and the obstructions that may

be in the way. Dirks stated that the Council would go over each association road map at the upcoming agenda meeting and make sure that everyone was agreeable to the conditions and proposals of the Town and then the association meetings would occur.

John Grey presented the maps to the Council. Grey stated that the target was to achieve a 40-foot easement when possible with a minimum of 20-feet. Grey cautioned that in order to complete the deeding project, compromises must be made. Councilman Whitman asked if the Town would use a variable standard. Grey answered that their job was to evaluate what is currently there and with that information try to establish a standard. Grey stated that this compromise is only good for maintaining the road that is already there. If there are any improvements necessary such as widening of the road, curb and gutter, etc. additional easement must be required. Whitman asked about the brick curbing in the Village of Masionettes and who's responsibility it would be. Grey answered that if it is in the platted right of way it stays. The responsibility would fall on the Village of Masionettes much like it does on the Town of Bermuda Run and NCDOT regarding Ivy Circle. Currently, DOT gives an encroachment agreement to maintain something that is in the right of way. The same would apply between the Town and Masionettes. Councilman Barnett stated that the goal was to establish a standard and have reasonable compromise with each association and he felt that could be achieved.

### **Long Range Planning**

Manager Beth Dirks stated that the Town has received some questions regarding future annexation. Some developers in the area, as well as commercial property owners, have questioned the possibility of annexation. Dirks stated that currently, the council has expressed that they would like to digest what has already been annexed. Dirks stated that during this time, the council should consider the creation of a Long Range Plan. This plan would not only look at surrounding property, its zoning, tax base and ownership but they will be able to compare this to the Town's boundaries. Dirks stated that it is a good idea to always plan ahead. With a plan in place it will be easier to handle formal annexation requests when the time comes.

Councilman Chuck Whitman cautioned that the idea sounded like a marketing plan. Dirks stated that it would only be a means of information. This is not a plan of action for future forced annexation but a step towards being prepared and informed. Dirks stated that both Davie County and the Town of Mocksville have performed such plans and it is necessary to ensure that informed decisions are made.

Attorney Kasper stated that there are special requirements necessary when dealing with satellite annexation. It would be much easier for the Town to perform contiguous annexations. Kasper cautioned against creating a doughnut hole and stated that this long range plan would help. Kasper stated that forced annexation of residential property was guarded against in the Town's Incorporation Documents; however, the Institute of Government's opinion is that it does not apply to commercial property.

The Council agreed that formulating a long range plan was a good idea and Councilman Whitman stated that he would help Dirks in the research.

### **State Reimbursements Update**

Dirks stated that each month the Davie County Chamber of Commerce hosts a legislative breakfast. The purpose of the meeting is to ensure that communication lines remain open with Julia Howard, House of Representatives, and Stan Bingham, State Senator. Dirks stated that at the last meeting those present discussed the status of the State's Budget and the local

reimbursements. Both Howard and Bingham stated that the budget is not balanced; yet, they hope to have it balanced and approved by late September. The status of the local reimbursements is still undetermined. Some members of the house and senate feel that taxes should be increased to compensate the down fall in the budget and to cover the reimbursements while others feel that frivolous spending should be cut first. Rep. Howard stated that they should go back and review each program and determine the benefit as well as cost of the program.

#### Citizen's Comments

##### David Whelpley

Mr. Whelpley stated that several years ago restrictive covenants were established that ran with the property in Bermuda Run. In December of 2000, the original covenants expired and the Bermuda Run Country Club renewed those covenants for another thirty years with several consecutive 10 year renewals. There are 13 different associations in Bermuda Run and Mr. Whelpley is speaking for the old Bermuda Run. Whelpley stated that the club is in an awkward position and must approve or disapprove variances to the covenants. The club is willing to reinforce the covenants and is in favor of the creation of an independent, non-regulated committee comprised of residents of the 217 total lots affected. The Club agrees to a committee of two to three people. Whelpley asked that if new or existing residents call inquiring about the covenants that they are directed to call him for a copy of the covenants. He also suggested that the Town keep a copy of the covenants on file at the town hall to hand out to new residents. The Council commended him on his efforts and thanked him for the information.

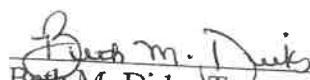
##### Don Welch

Mr. Welch spoke to the Town Council concerning the Council's consensus not to deviate from the Town's policy concerning monthly fees. The Welch's received a bill in March of 2001 in the amount of \$480. This bill was for Law Enforcement fees that had not be paid since October 1999. Mr. Welch questioned the Council's decision and referenced a letter that they received informing them of the decision. Welch stated that he was told that he did not have to pay the \$480 however the letter he received stated differently. The Council explained that the \$480 is an amount that is due and cannot be forgiven. The Council has a collection policy that will not apply to this past balance because it resulted from an error on the Town's part.

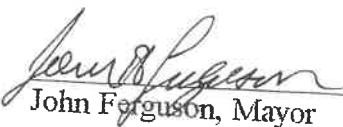
#### Adjournment

*Upon a motion duly made by Councilman Chuck Whitman and seconded by Councilman Bob Griffin, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Town of Bermuda Run  
Agenda Meeting  
August 28, 2001  
10:00 a.m.**

The Town Council of Bermuda Run held an agenda meeting on Tuesday, August 28, 2001 at 10:00 a.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
   Robert Griffin  
   Charles Quinn  
   Charles Whitman

Also Present:                    Town Manger Beth Dirks  
    Town Attorney Warren Kasper

Absent:                            Ted Titsworth

Call to Order

Mayor John Ferguson called the meeting to order.

**Caddy's Tournament**

Dirks stated that the Chamber of Commerce holds an annual Caddy's Tournament that will be on Tuesday, September 11, 2001. Dirks stated that she has checked with the Town Attorney and he said that if the Council wanted to play as a team that should be fine as long as they do not discuss business. Dirks handed out the registration form in case the Council was interested in participating.

**Golf Cart Regulations**

Dirks commented that a few residents have called regarding the rules and regulations for golf carts being used on the roads. Dirks stated that this is a topic that has been discussed before and the Council decided, at that time, not to regulate golf carts within the residential side of Bermuda Run because it is a golf course community and several residents have their own golf carts that they use instead of their cars. The complaint that she received was about a young child operating the golf cart that nearly run into a car. Dirks stated that she recommended that they put a write up in the Town Newsletter concerning golf cart regulations. The paragraph should include that all ***motorized*** vehicles on the roads within the Town of Bermuda Run must be operated by a licensed driver. This includes, but is not limited to, golf carts, etc.

**Davie Leadership**

Dirks stated that every year the Davidson County Community College has a Davie Leadership Class. The vision of this program is based on the belief that it is important to have quality leadership at all levels and in all types of organizations throughout the community. Dirks stated that the college has sent a letter asking for a representative from the Town of Bermuda Run.

Dirks stated that she has already been through the program but wanted to extend the invitation to the Council.

### **Sewer Assessments**

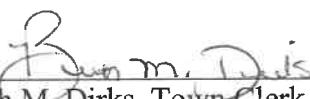
#### **Vehicular Access Policy**

The Town Council discussed again in detail the Vehicular Access Policy letters and made suggestions. The Council expressed that they would like to approve the letters at the September Town Board Meeting and mail out the letters as quickly as possible.

#### **Association Road Maps**

The Council discussed the progress on the associations road maps. Dirks stated that she has spoken with John Grey and he is generating maps depicting if a 40 foot right of way is available and if not what obstructions are in the way. Dirks stated that these maps should be complete by the September Town Board Meeting.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Regular Town Board Meeting  
Town of Bermuda Run  
September 18, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, September 18, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
   Robert Griffin  
   Charles Quinn  
   Ted Titsworth  
   Chuck Whitman

Also Present:                    Town Manager Beth Dirks  
   Associate Jill Frankel

Members Absent:                Town Attorney Warren Kasper

Call to Order

Mayor John Ferguson called the meeting to order.

Approval of the Minutes

*Councilman Ted Titsworth moved to approve the minutes of the August 14, 2001 Town Board Meeting. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

Councilman Al Barnett stated that in light of the terrorist attack on the nation last Tuesday, September 11, 2001 he would like to observe a moment of silence in memory and honor of the victims and their families.

Adoption of the Agenda

Manager Beth Dirks stated that they will not be able to have the second reading of the Time Warner Franchise Contract because Attorney Warren Kasper has not received a final draft of the contract from Time Warner.

*Councilman Al Barnett moved to adopt the agenda for the September 18, 2001 Town Board Meeting with the deletion of item "C" under Old Business and Announcements. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

Old Business

## Roads Update

Beth Dirks stated that the paving of Fescue is set to occur by the end of this week or the beginning of the next. She had a meeting with John Grey regarding the priority of the roads last week. Grey expressed desire to rearrange the priorities of the roads. Grey commented that of all the roads that the Town currently owns, Fescue is next on the priority list. Initially the priority for this fiscal year was Fescue, Tifton and Bent streets. These roads were chosen for several reasons including the actual condition, amount of traffic and the desire to complete the entire road. Grey stated last week that he felt there were portions of Riverbend Drive that needed more attention than Tifton and Bent and recommended that the priority list be amended to include Fescue then Riverbend Drive from Bermuda Run Drive to Fescue. Dirks stated that the projects will have to be broken out for cash flow purposes. Fescue would be project one to be complete within the next two weeks and Riverbend, from Bermuda Run Drive to Fescue, would be the second project. In the spring, money allowing, it is recommended to continue the paving on Riverbend from Fescue around the loop to tie into the new patching already in place. The Council all agreed by consensus that the priorities should be amended.

Councilman Al Barnett reviewed the status of the road deeding project. Barnett stated that the recent tragedy shocked the entire nation and temporarily slowed progress on the deeding. Everything is back on track now, however the schedule is one to two weeks off. Barnett stated that letters have been sent to the Residents of River Bluff and River Drive informing them of the need to have everyone sign the deed granting the Town an easement on the roads. The letters were mailed out Friday, September 14, 2001 and included a letter as well as a copy of the deed, signature page and map. The deadline for the residents to come and sign the deed is September 28, 2001.

Dirks stated that she received written descriptions for James Way, River Hill and Highlands from Grey that afternoon and faxed them to Kasper. Dirks stated that within the next few weeks those three roads will be ready to deed over. Barnett continued by reviewing the time line and procedures for taking over the association roads. Barnett introduced a draft "Rules for the Road" guideline sheet that recapped various guidelines the Town will operate within when negotiating the deeding over of the association roads. A copy of these Rules are attached to the minutes.

## Street Lighting

Dirks stated that the Town has signed another contract for street light installation beginning at Boxwood Circle and continuing down Riverbend to Tifton. This is a small run however it keeps the crews on the job. Dirks stated that the next goal is to finish down Boxwood Circle, then complete Tifton and then finish the back loop of Riverbend. Once that is complete they will begin engineering the other side of Riverbend Drive.

## New Business

### Reimbursement Agreement with NCDOT – Right Hand Turn Lane

Dirks stated that several months ago the Town Council voted to construct a right hand turn lane at the Highway 158 entrance. Once that decision was made the Council commissioned John Grey to create construction plans for the improvement and Dirks made a request to the North Carolina Department of Transportation to perform the actual construction of the turn lane. NCDOT stated that they would construct the turn lane for \$55,000. Dirks stated that this was lower than the original estimate of \$70,000. DOT can begin construction within the next month. Actual construction will last three to four weeks and Dirks stated that it is important for all the residents to know that a portion of both the fence and Cypress Trees will need to be removed.

Dirks asked if everyone had read the contract and asked if there were any questions. The Council stated that this is a good step and they are pleased with the progress.

*Councilman Al Barnett made a motion to approve the Reimbursement Agreement for the Right Hand Turn Lane with the North Carolina Department of Transportation. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

#### **Vehicular Access Policy**

Dirks stated that the Council has been drafting and reviewing various policies relating to the access into the community. After careful consideration the Council has arrived at a Vehicular Access Policy. Dirks commented that this policy is more or less the existing practice that has been used for years. The only difference is that it will now be in writing and each resident, member, or employee may refer back to them. Dirks stated that there is one amendment to the letter addressing Bermuda Run Country Club Employees. Under Country Club, Golf, Tennis & Pool Members section the third bullet after "supply evidence of club membership" add "(member number)". A copy of these policy letters are attached to the minutes.

*Councilman Bob Griffin made a motion to adopt the four Vehicular Access Policy Letters relating to Club Employees, Bermuda Village Employees, Non-resident Club Members and Bermuda Run and Bermuda Village Residents with the recommended addition. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

#### Citizen's Comments

##### **David Whelpley**

Mr. Whelpley stated that next year when the phone book is published it would be great if the addresses were divided up by district. Dirks stated she could add a list of roads divided into districts with no trouble.

Whelpley suggested that who ever writes the Town Newsletter should sign it. Ted Titsworth, author of the newsletter, stated that is was not signed because it was not merely from him but from the entire Council and Town. Whelpley stated that maybe it should be signed by the Town Council.

Whelpley stated that he learned more from reading the Davie County Enterprise than being at the Town Council Meeting. He wondered if the paper was being told of things that the Council is not aware of. Dirks stated that the Council is in constant conversation and communication at all times through e-mail, telephone calls and weekly visits to the Town Hall to discuss various issues. Dirks stated that a large part of her job was to make sure that the Council is informed and aware of each and every thing. The Council confirmed that nothing is told to the paper without the Council's prior knowledge. Councilman Whitman stated that a lot of discussion occurs at the Agenda Meetings that are held on the fourth Tuesday of the Month at 10:00am. Dirks added that no decisions are made at these meetings, it is merely a time to get together and discuss topics for the next Town Board Meeting.

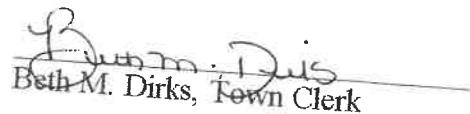
Whelpley suggested that the Council amend the format of the Citizen's Comments Section of the agenda to allow anyone to say what is on their mind regardless of whether they sign up at the Town Hall. Mayor Ferguson stated that the reason this format was chosen was to allow the Council to conduct business. Dirks stated that a person can call the day of the meeting and be placed on the agenda. Councilman Barnett stated that it is important to remember that the Town

Board Meeting is not a "Town Hall Meeting" but rather a meeting for the Council to conduct business. Whelpley commented on the ending time for the meeting being 8:00pm. The Council responded that there is no ending time for the meeting, it continues until business is concluded regardless of the time.

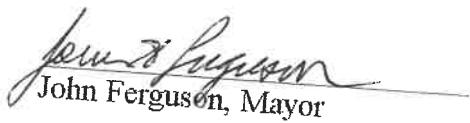
Adjournment

*Upon a motion duly made by Councilman Chuck Whitman and seconded by Councilman Al Barnett, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Town of Bermuda Run  
Agenda Meeting  
September 25, 2001  
10:00 a.m.**

The Town Council of Bermuda Run held an agenda meeting on Tuesday, September 25, 2001 at 10:00 a.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present: Mayor John Ferguson  
Alan Barnett  
Robert Griffin  
Ted Titsworth  
Charles Whitman

Also Present: Town Manager Beth Dirks  
Town Attorney Warren Kasper

Absent: Charles Quinn

## Call to Order

Mayor John Ferguson called the meeting to order.

## **Office Space**

Dirks stated that Jeff Harrison contacted her regarding a new office he is building in the Hillsdale Area. Dirks showed the Council proposed plans of the building and stated that the building will be divided into four rent able offices spaces. The bottom floor will consist of two areas that are 1900 square feet each while the top floor will be 900 each. Pennington and Company is interested in one half of the bottom floor and Harrison wanted to know if the Town was interested in the other half. The rent would be around \$12 per square foot. The Council discussed the option of the new office space and expressed that the current accommodations were adequate and they really wanted to own the next office location.

## **Dealer Bar Codes**

Dirks stated that a few car dealers have questioned if they have to purchase a bar code for each dealer car they drive. Dirks stated that she informed them they did not have to purchase a bar code at all and could enter the residential area through the guard lane. Mayor Ferguson stated that he felt the car dealers should be able to use the bar code lane like all the other residents. The Council asked if there was something else that the Town could issue to the Car Dealers to allow them access through the bar code lane that could be transferred from car to car. Mayor Ferguson stated that Fence Builders had an electronic remote control. Dirks stated that she would check into the remote and see if it was feasible.

## **Association Road Deeding**

Dirks stated that she still has people on River Bluff and River Drive that have not signed the deed. Dirks reminded the Council that the dead line is Sept. 28, 2001. The paving of Fescue and portions of Riverbend are complete and she has received several complements regarding the new

condition of the roads. Dirks stated that a meeting with Fairway Villas is scheduled for Monday, October 1<sup>st</sup> and a meeting with Masionettes and Spyglass is scheduled for October 22<sup>nd</sup>. Dirks stated that this is just the beginning of the meetings with the homeowner's associations and the reason these three were chosen was due to time constraints with the boards and the information is already available. Dirks stated that meeting with Golfview, etc. will be more involved and additional information – i.e. quotes etc. will be necessary before they can hold a meeting.

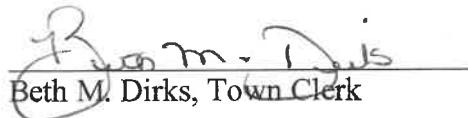
### **Backhoe**

Dirks stated that she talked to Ted Pegram with the Club and he stated that they are selling the backhoe and buying a skid steer instead. Dirks stated that Danny Smith uses the back hoe often and it may be a good investment for the Town to purchase. Pegram offered to keep up the maintenance of the backhoe, keep it fueled, and store it if the Town would like to purchase it. Dirks stated that she is going to check and get estimates to see if the purchase was a good deal. She also stated that any of the Council objected to the concept to please let her know.

### **Minute Taking**

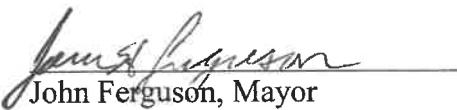
Chuck Whitman stated that Dirks spends a great deal of time writing the minutes for the Town Board and Agenda Meetings. Whitman expressed the desire to look for someone who can take the minutes for the Town Board Meetings. Dirks stated that she does spend a great deal of time on the minutes and if someone was found who could do the Town Board Meeting Minutes she would continue doing the minutes for the agenda meetings and closed sessions.

Respectfully Submitted,



Beth M. Dirks, Town Clerk

Approved:



John Ferguson, Mayor

**Town of Bermuda Run  
Agenda Meeting  
October 23, 2001  
10:00 a.m.**

The Town Council of Bermuda Run held an agenda meeting on Tuesday, October 23, 2001 at 10:00 a.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Ted Titsworth  
    Charles Whitman

Also Present:                    Town Manger Beth Dirks  
    Attorney Jill Frankle

Absent:                            Town Attorney Warren Kasper  
    Charles Quinn

Call to Order

Mayor John Ferguson called the meeting to order.

**Office Space**

Dirks stated that she conveyed the Council's feelings regarding the desire to own the next office space that is occupied by the Town. Dirks stated that Harrison responded that he would be willing to lease with an option to buy if the Town decided to do so. Dirks stated that the timing is probably off; however, she wanted to convey the option to the Council. They expressed the same concerns that were conveyed last month and would like to wait.

**Road Deeding**

Dirks gave an update on the road deeding process. The James Way, Highlands and River Hill written descriptions are complete and they have been given to Kasper to prepare the deeds. John Grey is currently preparing the written descriptions for Fairway, Bermuda Village and Warwicke.

**Annual Status Report**

Dirks stated that it is time to do the annual status report and she reviewed the topics that she was going to cover in the report. She asked the Council if they had anything to add. She stated that she will e-mail the report out to all the Council for them to read and critique before she mails it to the residents.

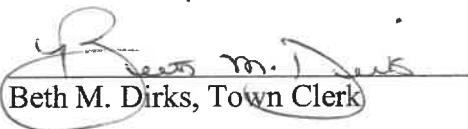
**Annexation Public Hearing**

Dirks stated that the Council will need to hold a public hearing at the November Town Board meeting and once the hearing is closed, the Town Council will have the opportunity to vote on

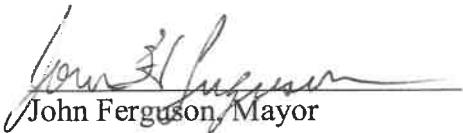
the small two acre Kinderton Annexation issue. Dirks stated that she will have all the necessary documents prepared if the council wishes to vote on the annexation that night. Dirks reminded the Council that the November Town Council meeting will be held at the Bermuda Run Country Club due to the public hearing.

There will be no agenda meeting for the month of December due to the Christmas Holidays.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

AGENDA  
TOWN COUNCIL MEETING  
THE TOWN OF BERMUDA RUN  
OCTOBER 9, 2001  
7:00 PM

1. Call to Order
2. Approval of the Minutes  
September 18, 2001 Town Board Meeting Minutes
3. Adoption of the Agenda
4. Old Business & Announcements
  - a. Roads Update
  - b. Street Lighting
  - c. State Reimbursements Update
  - d. Time Warner Franchise Contract – 2<sup>nd</sup> reading
5. New Business
  - a. Audit Presentation
  - b. Voluntary Petition for Annexation
6. Citizen's Comments
7. Adjournment

**Regular Town Board Meeting  
Town of Bermuda Run  
October 9, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, October 9, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth  
    Chuck Whitman

Also Present:      Town Manager Beth Dirks  
    Town Attorney Warren Kasper  
    Town Auditor Eddie Carrick

Members Absent:

Call to Order

Mayor John Ferguson called the meeting to order.

Approval of the Minutes

*Councilman Ted Titsworth moved to approve the minutes of the September 18, 2001 Town Board Meeting. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

Adoption of the Agenda

Councilman Whitman stated that he would like to add a review of the financials to the agenda as item "c" under New Business.

*Councilman Al Barnett moved to adopt the agenda for the October 9, 2001 Town Board Meeting with the addition of item "c" under New Business. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

Old Business

**Roads Update**

Beth Dirks stated that the paving of Fescue and portions of Riverbend Drive are complete. The price of the paving was approximately \$90,000. Dirks stated that this left approximately \$110,000 in the road repair budget for this coming spring. If the Town is able to have any more roads deeded over to them before the spring, the priority list that John Grey has created will be re-arranged to include the new municipal roads. Dirks reminded the Council that the priority list

is created with two concepts in mind, the first is the actual condition of the road while the other is the amount of traffic the road encounters. Even if the Town has some of the association roads, it does not necessarily mean that those roads will be reconstructed in the spring.

Dirks stated that there were still four households that have not signed the deed for River Drive and River Bluff. The residents were given until September 28th to respond and there are still four that have not. Dirks stated that several residents, who have already signed, have called to check on the status. She has told them the individuals that have not signed and informed them that until 100 percent of the residents agree to grant the town an easement, they will be unable to take the road over as municipal and maintain them as well as install street lights. The dead line was merely a cut off time for the Town. Residents can still sign the deed but the Town will not exhaust any more time on that project.

Dirks informed the Council that they have already had one of the homeowner's association meetings and they have two scheduled for the 22<sup>nd</sup> and two more for the 29<sup>th</sup>.

### **Street Lighting**

Dirks stated that the Town has completed the second street lighting contract. The next step is to complete Tifton, Boxwood and finish the back loop of Riverbend Drive. Dirks stated that she met with Randy Britton from Duke Power and expressed concern about the pace of the street light installation. Dirks stated that the goal is to have all the new street lights installed by the end of this fiscal year, which is June 30, 2002. Britton stated that with in the next few weeks they would sit down and compile a project list with projected completion dates. If the projects are not completed on time, Duke Power would be responsible not the Town.

### **State Reimbursements Update**

Dirks stated that there was finally a decision on the local governmental reimbursements. The local reimbursements will end effective July 1, 2003, and the statewide one-half cent sales tax will sunset July 1, 2003. County Boards of Commissioners will have the authority to levy a one-half cent local option sales tax on sales on or after July 1, 2003. If a County Board does not decide to levy this tax, the local governments will not receive any reimbursements after July 1, 2003.

### **Time Warner Franchise Contract – 2<sup>nd</sup> Reading**

Town Attorney Warren Kasper stated that he has received the final Time Warner Franchise Contract from Ed Powell and it is ready for final approval. The first approval was done over a year ago. The only change to this contract is the 15 year time frame and a non-exclusive clause. Kasper stated that everything else is the same.

*Councilman Chuck Whitman moved to approve the Time Warner Franchise Contract with the two changes being the addition of a non-exclusive clause and the adjustment to 15 years. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

### New Business

### **Audit Presentation**

Eddie Carrick from Daniel, Taylor and Carrick CPAs presented the 2000-2001 fiscal year audit to the Town Council. Carrick gave the highlights of the audit and said that the Town had a very good year. He stated that this past year was a fairly normal year as far as the Town of Bermuda Run was concerned and stated that it was a good indication of what future years will be. The

fund balance for the general fund was an increase of \$270,000 with an overall cash position of a \$383,000 increase, which includes all three funds. The major difference from this year and last year was the transfer of debt from the utility fund to the general fund. The general fund now has a debt service item, which will remain there until it is paid off. Both the Law Enforcement and Utility fund, even after administrative allocation, showed a profit.

Councilman Whitman questioned the comment in the back of the audit about the system of checks and balances. Carrick stated that he must audit the Town of Bermuda Run using the same guidelines as he would use for the City of Winston-Salem. Anytime he sees an internal control that can be improved he is obligated to point it out. He also stated that with a town the size of Bermuda Run it was not possible to have several employees and that was merely an observation that was not practical at this time.

*Councilman Al Barnett made a motion to accept the 2000-2001 Audit as presented by Town Auditor Eddie Carrick. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

#### **Voluntary Petition for Annexation**

Dirks stated that the Town has received a Voluntary Petition for Annexation of approximately two acres on the Kinderton Project. The two acres border the I-40 exit ramp and the reason they were not included in the original annexation was that the petitioners did not own the property. The petition is merely asking for the Town to clean up the boundaries of the 20 acre commercial tract. Dirks stated that the Council needs to approve the resolution direct the Clerk to investigate the petition, accept the certificate of sufficiency and set a date for the public hearing. She recommended that they set this date for the next regularly scheduled Town Board Meeting on November 13, 2001.

Councilman Whitman asked if the public hearing had to be held at the Country Club. Councilman Barnett answered that the Town has said that public hearings will be held at the club to accommodate more attendees and we should stick with that decision.

*Councilman Al Barnett made a motion to approve the resolution direct the Clerk to investigate the petition, accept the certificate of sufficiency and set the date for the Annexation Public Hearing for Tuesday, November 13, 2001 at the next regularly scheduled Town Board Meeting to be held at the Bermuda Run Country Club. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

#### **Review of Quarterly Financials**

Dirks reviewed the Town's financial standing after the completion of the first quarter. She stated that in regards to revenue for the general fund the majority of the property taxes will come in February and March of 2002. ABC Revenue, Franchise Tax, and sales tax are quarterly while Beer and Wine is in May and Inventory tax is in September and April. Intangible tax should have arrived in August yet with the condition of the State's budget it will not be released until October. This was something that the Town did not budget because there was uncertainty of whether the Town would receive it at all.

Dirks stated that under the expense side, the main expenditure is the capital expense of \$270,000. This is comprised of the right hand turn lane construction estimated at \$70,000; the left hand turn lane construction at \$90,000; a new fence along Highway 158 for \$70,000 and the street light installation for \$40,000. Dirks stated that roughly \$71,000 has already been spent and that

includes \$55,000 for the right hand turn lane \$6,000 for moving street lights and power poles for the turn lane construction and the construction cost for the street lights that have already been installed. Dirks stated that the road reconstruction project does not come out of the capital expense line item. It will be paid out of road repairs and approximately \$90,000 is already committed, which leaves approximately \$110,000 left for the spring. Dirks pointed out that some items in the budget are one time expenditures and gave the audit expense as an example. She stated that the Council knows that they need to take a closer look at the bulk water yet they are waiting for the November meter readings.

Mayor Ferguson stated that financially, the town is in the same position that they were in last year.

#### **New Council Swearing In**

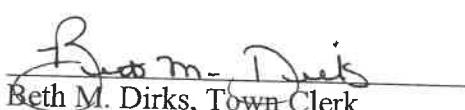
The Council discussed when the swearing in of the new council should occur. Attorney Kasper stated that Clemmons uses the December Town Board Meeting as a brief meeting with an informal social and the new members are sworn in at that time.

*Councilman Al Barnett moved to set the date for swearing in the new council members for December 11, 2001 at the regularly scheduled Town Board Meeting. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

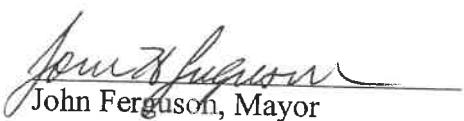
#### Adjournment

*Upon a motion duly made by Councilman Bob Griffin and seconded by Councilman Charlie Quinn, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

#### Citizen's Comments

David Whelpley  
Mary Ann Farne

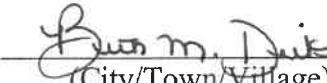
**CERTIFICATE OF SUFFICIENCY**

To the Board of Commissioners of the Town of Bermuda Run, North Carolina:

I, Beth M. Dirks, Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Bermuda Run, this 9 day of October, 2001.

(SEAL)

  
\_\_\_\_\_  
(City/Town/Village) Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION**  
**OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Bermuda Run, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Bermuda Run Country Club at 7:00 pm on November 13, 2001.

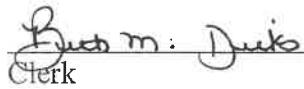
Section 2. The area proposed for annexation is described as follows:

Metes and Bounds Description is Attached

Section 3. Notice of the public hearing shall be published in the Davie County Enterprise, a newspaper having general circulation in the Town of Bermuda Run, at least ten (10) days prior to the date of the public hearing.

  
John H. Ferguson  
Mayor

ATTEST:

  
Barbara J. Davis  
Clerk

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE**  
**A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on Sept. 27, 2001 by the Board of Commissioners of the Town of Bermuda Run; 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

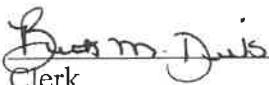
WHEREAS, the Board of Commissioners of the Town of Bermuda Run deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Bermuda Run 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.

  
\_\_\_\_\_  
Jen M. Ferguson  
Mayor

ATTEST:

  
\_\_\_\_\_  
B. M. Davis  
Clerk

**Annexation Public Hearing  
Town of Bermuda Run  
November 13, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held a Public Hearing for a voluntary petition for annexation on Tuesday, November 13, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Country Club, Bermuda Run, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth  
    Chuck Whitman  
    Town Manager Beth Dirks  
    Town Attorney Warren Kasper

Members Absent:                 none

Call to Order

Mayor John Ferguson called the meeting to order and explained the procedure for the public hearing.

Presentation from the Petitioning Party

Hank VanHoy, attorney for the petitioning party, made a brief presentation regarding the details of the approximate two acre tract of commercial property that has been petitioned for annexation. VanHoy stated that it is merely for the purpose of correcting the boundary on the North side of the property that borders the Interstate 40 exit ramp. The annexation would straighten the boundary line and consists of two triangular shaped pieces. The tax value of the property is approximately \$138,600 and the Town will collect roughly \$207.90 in taxes each year. The cost to the Town will be a one time fee payable to Smith Grove Fire District in the amount of \$44.60. VanHoy concluded by stating that he would answer any questions the Council may have regarding the petition request.

Al Barnett questioned if the property bordered the Interstate 40 exit ramp and VanHoy responded yes and noted that it ran from the power line to the ramp. Chuck Whitman questioned what was planned for the property. VanHoy responded that part of the property will be used to accommodate the required 50-foot buffer while a portion of the other part will be included in the parcel that a restaurant is planned to occupy. VanHoy pointed out that the plans for this property are no different than what is planned for the attached 20 acres. Ted Titsworth questioned the need for the property to be annexed. VanHoy stated that there is a need due to the location of a planned restaurant. VanHoy stated that the property will grow rapidly with retail/commercial tracts on the exterior. Chuck Whitman questioned if the road and street light commitments would change as a result of the annexation. Manager Dirks responded that the road and street lighting commitments that were made applied only to the 85 acre tract located on Highway 158. The Town does not own or maintain any roads or street lights in the 20 acre tract.

## **Public Hearing**

Mayor Ferguson stated that the general format of the public hearing was to have those who are in favor of the annexation to speak first followed by those who are in opposition to the annexation. Mayor Ferguson stated that each speaker would have up to three minutes to voice his or her ideas and concerns. Ferguson stated that no one was signed up to speak in favor of the annexation and proceeded to call upon the one person who signed to speak in opposition to the petition.

### Speakers in Favor of the Proposed Annexation

none

### Speakers in Opposition to the Proposed Annexation

David Whelpley – 165 Boxwood Circle

Whelpley asked that once the Town annexed this property how would it be affected if the State needed it to expand their right-of-way on the Interstate 40 exit ramp. VanHoy responded that the North Carolina Department of Transportation has required the developer to make all road improvements to both Highway 801 and Yadkin Valley Road which totals to be well over one million dollars. The State has already taken any improvements or widening to the exit ramp into consideration and the Town will not be affected.

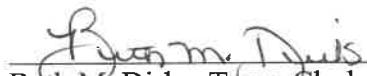
Whelpley questioned what the Town's plan was for development and growth. Mayor Ferguson stated that the topic of the public hearing is to discuss the petitioned property and the Town's plan for development and growth was not pertinent to the public hearing.

Whelpley stated that he is against the annexation because he does not know what the Town's plan is. Attorney Kasper stated that if the property is not annexed it may create a "doughnut hole" and the property owner may not offer it up for annexation again.

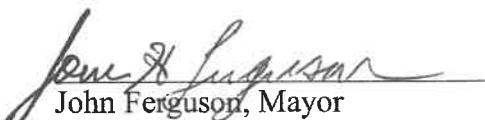
### Adjournment

*Upon a motion duly made by Councilman Ted Titsworth and seconded by Councilman Charlie Quinn, the public hearing was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Regular Town Board Meeting  
Town of Bermuda Run  
November 13, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, November 13, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Country Club, Advance, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth  
    Chuck Whitman

Also Present:                    Town Manager Beth Dirks  
    Town Attorney Warren Kasper

Members Absent:

Call to Order

Mayor John Ferguson called the meeting to order.

Approval of the Minutes

*Councilman Bob Griffin moved to approve the minutes of the October 9, 2001 Town Board Meeting. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

Adoption of the Agenda

*Councilman Charlie Quinn moved to adopt the agenda for the November 13, 2001 Town Board Meeting. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

Old Business

**Roads Update**

Beth Dirks stated that the paving reconstruction project was complete until next spring. The Council has met with several homeowner's associations regarding the deeding of their roads to the Town. Dirks pointed out that the Town is not requiring the associations to deed the roads over yet are extending the option. The meetings have gone very well and there are approximately two associations left to meet with. Many of the associations have been very receptive and the time table is up to them. The Town is merely presenting the findings from the survey performed by Grey Engineering and sharing the options and conditions necessary for deeding to occur. The Associations must decide when and if they would like to deed the roads over.

The right hand turn lane has taken longer than anticipated. The Department of Transportation began the project and when they started to move the drain that is located directly in front of the Bar Code Lane, there was a collection of water around the drain. This water created mud that made it difficult to dig out the drain. The water came from a leak at the Highway 158 entrance that occurred several months ago that has since been fixed. Dirks stated that the construction should be complete within the next two weeks.

### **Street Lighting**

Dirks stated that she met with Randy Britton and John Walsh with Duke Power on Tuesday, November 6<sup>th</sup> to discuss a schedule for the street light installation. Dirks stated that within the next few weeks they will be able to generate a time table for the installation; however, they felt comfortable that all lights would be in by the end of this fiscal year being June 30 , 2002. They were able to tell her that the contract for the rest of Tifton, Boxwood and the east side of Riverbend Drive would be complete by January 1, 2002.

Dirks also stated that they expressed concern about the amount of time spent on the engineering of street lights for Ivy Circle which were not installed. John Walsh suggested that they locate a few "test" lights. He felt that if the Council and residents could see the type of lights that the Town planned on mounting on the existing wooded poles along Highway 158, they would like them. Walsh suggested that Dirks mark a few locations for test lights. Duke Power would mount the lights and leave them up for a few weeks to allow enough time to pass for feedback. If the feedback is negative they will remove the lights. If it is positive they will install the remaining lights. Dirks stated that she thought it was a good idea and questioned the Council's feeling on the idea. The Council agreed by consensus that it would be beneficial to try.

### New Business

#### **Voluntary Petition for Annexation Public Hearing**

Please review the attached minutes for the Annexation Public Hearing.

Councilman Al Barnett stated that after hearing all the information regarding the voluntary petition for annexation of the two acre tract, he had difficulty finding a reason to delay the vote on the annexation petition.

*Councilman Al Barnett made a motion to approve the annexation petition of approximately two acres, which borders the Interstate 40 exit ramp effective November 13, 2001. Councilman Bob Griffin seconded the motion and the motion was approved unanimously.*

#### **Resolution Approving the Release of State Funds to the Northwest Piedmont Council of Governments**

Mayor Ferguson stated that the Town received a resolution approving the release of state funds to the Northwest Piedmont Council of Governments. This is the same resolution that the Board approved for the past two years.

*Councilman Chuck Whitman moved to approve the Resolution Approving the Release of State Funds to the Northwest Piedmont Council of Governments. Councilman Ted Titsworth seconded the motion and the motion was approved unanimously.*

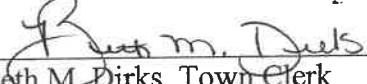
## Road Deeding of James Way, River Hill & Highlands

Attorney Warren Kasper stated that the deeds for James Way, Highlands and River Hill are prepared and ready for the Homeowner's Associations to sign. Kasper stated that he felt comfortable with the deeds; however, wanted Grey to review them since he prepared the written descriptions. Once Grey was able to review the deeds they would be ready for the Homeowner's Associations to sign. Kasper stated that at the December Board Meeting the Town should be ready to accept deeds from James Way, River Hill, Highlands, Bermuda Village and Fairway Villas.

### Adjournment

*Upon a motion duly made by Councilman Bob Griffin and seconded by Councilman Ted Titsworth, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

### Citizen's Comments

David Whelpley

mail to: Warren Kasper  
3626 Clemmons Rd  
Clemmons, NC 27012-9104

09841

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF  
BERMUDA RUN, NORTH CAROLINA**

WHEREAS, the Town Board has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Board has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Bermuda Run Country Club at 7:00pm on November 13, 2001; and

WHEREAS, the Town Board finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Bermuda Run, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Bermuda Run as of November 13, 2001.

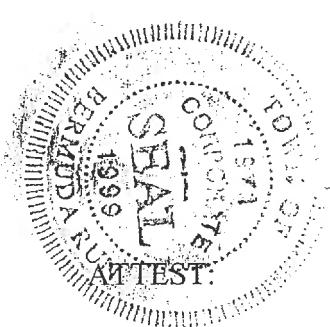
(Metes and Bounds Attached)

Section 2. Upon and after November 13, 2001, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Bermuda Run and shall be entitled to the same privileges and benefits as other parts of the Town of Bermuda Run. Said Territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Bermuda Run shall cause to be recorded in the office of Register of Deeds of Davie County, and in the office of the Secretary of State at Raleigh, North Carolina, and accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a news paper having general circulation in the Town of Bermuda Run.

Adopted this 13 day of November, 2001.



ATTEST:

Beth M. Dirks  
Clerk

James A. Ferguson  
Mayor

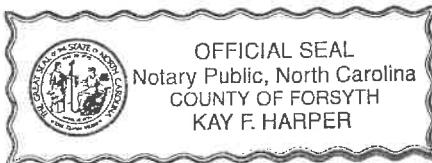
APPROVED AS TO FORM:

Wm E K  
Town Attorney

Swear to and subscribed before me,  
this 13th day of November, 2001.

I, Kay F. Harper, a Notary Public of Forsyth County and North Carolina, certify  
that James A. Ferguson, Mayor, personally appeared before me this day and acknowled-  
ged the due execution of the foregoing Ordinance to Extend the Corporate Limits  
of the Town of Bermuda Run, North Carolina, and also witnessed the attestation by  
Kay F. Harper  
Beth M. Dirks, Clerk. Witness my hand and official seal this 13th day of November,  
2001.  
Kay F. Harper  
Notary Public

My Commission Expires: 3/8/2003



#### STATE OF NORTH CAROLINA, DAVIE COUNTY

The foregoing certificate of Kay F. Harper, Notary Public of Forsyth  
County is certified to be correct. This instrument was presented for regist-  
ration on December 12, 2001. At 12:00 Noon and recorded in Book 399 page 383.

M. BRENT SHOAF, REGISTER OF DEEDS

BY: Doris C Williams Assistant

PETITION FOR VOLUNTARY ANNEXATION

CONTIGUOUS AREA - NCGS 160A-31 ET. SEQ.

TO: The Honorable Mayor and Commissioners of the Town of Bermuda Run

1. We the undersigned being all of the owners of the real property described in the attached Exhibit "A", (the "Property"), respectfully request that the Property be annexed to the Town of Bermuda Run.

2. The Property to be annexed is contiguous to the Town of Bermuda Run and the boundaries of such Property are set forth in the attached Exhibit "A".

3. The tracts owned by the undersigned which are a part of the Property and the deed references thereto are set forth in the attached Exhibit "B".

This 31 day of July, 2001.

**BURNFAM LIMITED PARTNERSHIP**  
(A North Carolina Limited Partnership)

BY: William A. Burnette  
WILLIAM A. BURNETTE, Partner

**TALBERT GROUP, LLC**  
(A North Carolina Limited Liability Company)

BY: John B. Talbert Jr.  
JOHN B. TALBERT, JR., Manager

## EXHIBIT "A" TO PETITION FOR VOLUNTARY ANNEXATION

## Description of Property to be Annexed

TRACT #1

**BEGINNING** at an iron in the Southwest corner of the herein-described tract in the Northern right of way margin of Interstate 40, said iron being located North 45° 53' 21" East 59.83 feet from an iron in the Eastern right of way margin of North Carolina Highway 801; thence with the line of Burnfam Limited Partnership et al (DB 329, page 116) North 45° 53' 21" East 297.70 feet to a 1 inch iron found at a fence corner; thence continuing with Burnfam's line South 43° 02' 51" East 224.76 feet to a 1 inch iron found at a fence corner and being the western corner of tract #2 described herein; thence with the line of an unknown owner South 45° 53' 21" West 53.07 feet to an iron in the Northern right of way margin of I-40; thence continuing with the Northern right of way margin of I-40 South 88° 57' 04" West 329.12 feet to the **POINT AND PLACE OF BEGINNING**, containing 0.905 acre, more or less, as surveyed by Grady L. Tutterow, Professional Land Surveyor, on July 5, 2000, (drawing #19500-3, file BurnPott).

TRACT #2

**BEGINNING** at a stone in the Northeast corner of the herein described tract, said stone being in the Southern right of way margin of a Duke Power Company easement and being located South 72° 41' 20" West 3,594.49 feet from monument 'Log Barn N=826047.518; E=1577595.434; thence with the eastern line of the herein-described tract South 14° 34' 44" East 71.57 feet to a right of way monument being located in the Northern right of way margin of I-40; thence continuing with the Northern right of way margin of I-40 South 81° 01' 10" West 167.35 feet to a right of way monument; thence continuing with I-40's Northern right of way margin South 88° 22' 50" West 325.11 feet to an iron; thence with the eastern line of an unknown owner North 40° 00' 27" West 46.60 feet to a 1 inch iron at a fence corner and being the easternmost corner of Tract #1 as described above; thence with the line of Burnfam Limited Partnership et al (DB 329, page 116), North 47° 29' 33" East 60.58 feet to a 0.5 inch iron found at a fence corner; thence continuing with Burnfam's line North 86° 30' 15" East 458.42 feet to the **POINT AND PLACE OF BEGINNING**, containing 0.907 acre, more or less, as surveyed by Grady L. Tutterow, Professional Land Surveyor, on July 5, 2000, (drawing #19500-3, file BurnPott).

**TRACT #3**

**BEGINNING** at an iron located in the Northern Right of Way margin of Interstate 40 and being the Southwest corner of a 0.907 acre tract to be conveyed to Burnfarm Limited Partnership and Talbert Group, LLC; thence with the western line of the 0.907 acre tract North 40° 00' 27" West 46.60 feet to an iron, said iron being at the intersection of the 0.907 acre and a 0.905 acre tract; thence with the eastern line of the 0.905 acre tract South 45° 53' 21" West 53.07 feet to an iron in the right of way margin of Interstate 40; thence continuing in an easterly direction following the northern right of way margin of Interstate 40 to the **POINT AND PLACE OF BEGINNING**, being a triangular tract designated as having an unknown owner as shown on a survey of Grady L. Tutterow, Professional Land Surveyor, (drawing 19500-3, file Burnpott).

**SUBJECT** to easement and restrictions of record.

**FOR BACK TITLE**, see Deed Book 112, page 274; Deed Book 72, page 89; and Deed Book 46, page 584, Davie County Registry.

**SEE ALSO** the Estate of Roy L. Potts, 00 E 57, located in the office of the Clerk of Superior Court of Davie County, North Carolina. See also Tax Map D-8, parcels 1 and 2, located in Farmington Township, Davie County, North Carolina.

**EXHIBIT "B" TO PETITION FOR VOLUNTARY ANNEXATION  
OF CONTIGUOUS AREA**

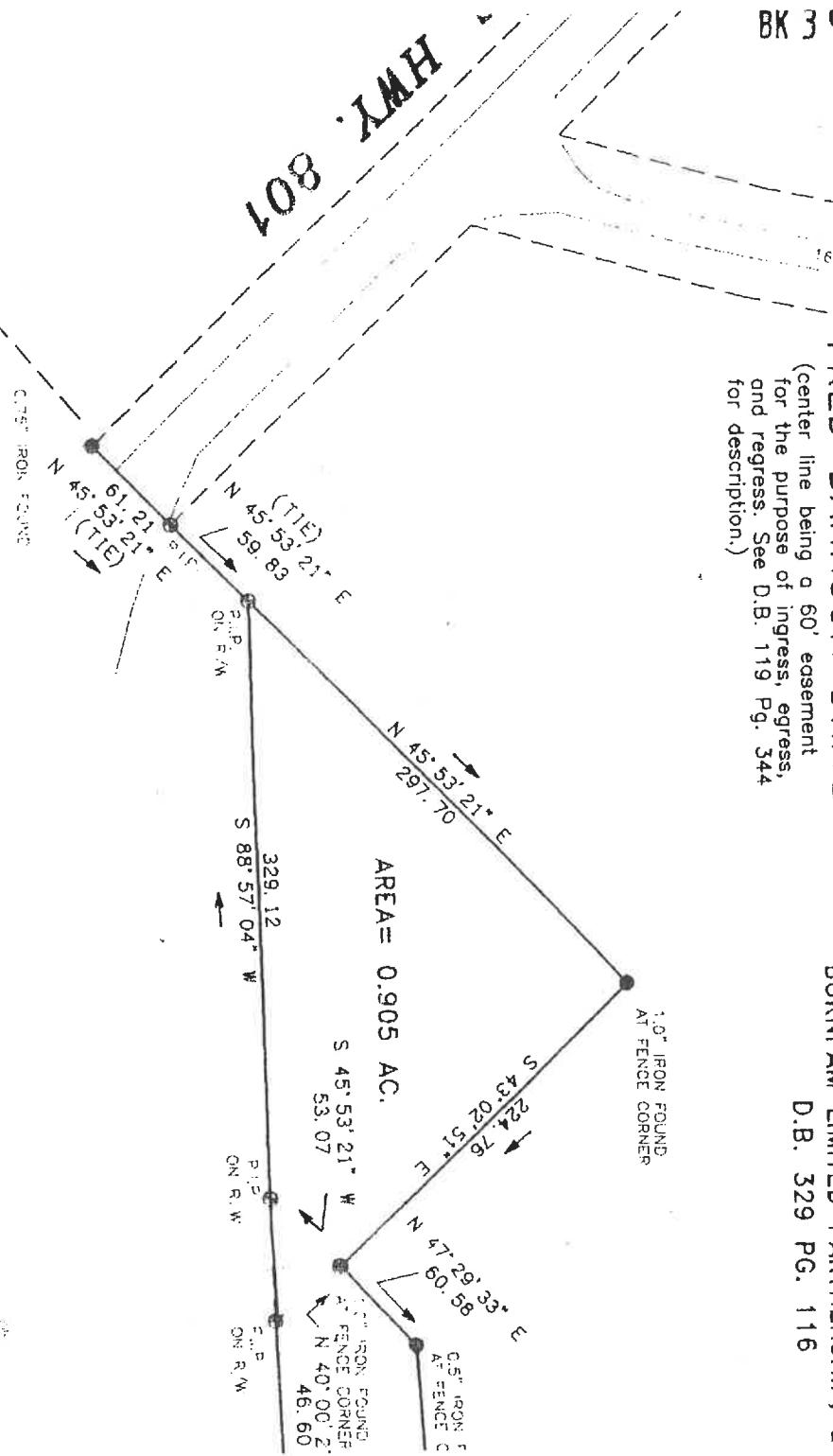
Table of Owners and Property Owned

OWNER	PROPERTY OWNED	DEED REFERENCE
Burnsam Limited Partnership and Talbert Group, LLC	All of the Property set forth in Exhibit A	Deed Book 349, Page 373; Deed Book 349, page 381

## FRED BAHNSEN DRIVE

(center line being a 60' easement  
for the purpose of ingress, egress,  
and regress. See D.B. 119 Pg. 344  
for description.)

BURNFAM LIMITED PARTNERSHIP, E  
D.B. 329 PG. 116



I-40

This map  
Govern  
regulat

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF  
BERMUDA RUN, NORTH CAROLINA**

WHEREAS, the Town Board has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Board has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Bermuda Run Country Club at 7:00pm on November 13, 2001; and

WHEREAS, the Town Board finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Bermuda Run, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Bermuda Run as of November 13, 2001.

(Metes and Bounds Attached)

Section 2. Upon and after November 13, 2001, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Bermuda Run and shall be entitled to the same privileges and benefits as other parts of the Town of Bermuda Run. Said Territory shall be subject to municipal taxes according to G.S. 160A-58.10.

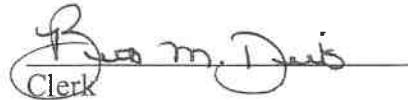
Section 3. The Mayor of the Town of Bermuda Run shall cause to be recorded in the office of Register of Deeds of Davie County, and in the office of the Secretary of State at Raleigh, North Carolina, and accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a news paper having general circulation in the Town of Bermuda Run.

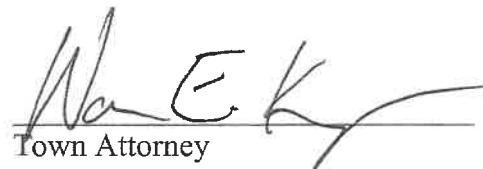
Adopted this 13 day of November, 2001.

  
John D. Liguori  
Mayor

ATTEST:

  
B. M. Davis  
Clerk

APPROVED AS TO FORM:

  
Warren E. Kuehne  
Town Attorney

**RESOLUTION APPROVING THE RELEASE  
OF STATE FUNDS TO THE  
NORTHWEST PIEDMONT COUNCIL OF GOVERNMENTS**

WHEREAS, in North Carolina, the Lead Regional Organizations, as voluntary organizations serving municipal and county governments, have established productive working relationships with the cities and counties across this state; and

WHEREAS, the General Assembly recognized this need through the appropriation of \$935,000 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and the activities deemed appropriate by their local governments; and

WHEREAS, these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS, in Region I, funds in the amount of \$54,999.99 will be used to provide grantwriting and technical assistance to member governments for community and economic development; to disseminate economic, demographic, and mapping information on the Region to member governments, media, business, developers, human service providers, and the general public; and to supplement funding for the Northwest Piedmont Development Corporation which is certified by the Small Business Administration to package loans for small businesses in the region;

NOW, THEREFORE, BE IT RESOLVED that the Bermuda Run Town Council requests the release of its share of these funds, \$198.76, to the Northwest Piedmont Council of Governments at the earliest possible time in accordance with the provisions of Senate Bill 1005, Section 20.12 of the 2001 Session Laws.

Witnessed this 13 day of November, 2001 in \_\_\_\_\_ by:

Jeanne H. Ferguson  
Signature

Rod M. Davis  
Signature of Witness

(SEAL)

MAYOR  
Title

Town Manager  
Title

**COUNCIL OF GOVERNMENT FUNDS**

**SECTION 20.12.(a)** Of the funds appropriated in this act to the Department of Commerce, nine hundred thirty-five thousand dollars (\$935,000) for the 2001-2002 fiscal year and nine hundred thirty-five thousand dollars (\$935,000) for the 2002-2003 fiscal year shall only be used as provided by this section. Each regional council of government or lead regional organization is allocated up to fifty-five thousand dollars (\$55,000) for each fiscal year, with the actual amount calculated as provided in subsection (b) of this section.

**SECTION 20.12.(b)** The funds shall be allocated as follows: A share of the maximum fifty-five thousand dollars (\$55,000) each fiscal year shall be allocated to each county and smaller city, based on the most recent annual estimate of the Office of State Planning of the population of that county (less the population of any larger city within that county) or smaller city, divided by the sum of the total population of the region (less the population of larger cities within that region) and the total population of the region living in smaller cities. Those funds shall be paid to the regional council of government for the region in which that city or county is located upon receipt by the Department of Commerce of a resolution of the governing board of the county or city requesting release of the funds. If any city or county does not so request payment of funds by June 30 of a State fiscal year, that share of the allocation for that fiscal year shall revert to the General Fund.

**SECTION 20.12.(c)** A regional council of government may use funds appropriated by this section only to assist local governments in grant applications, economic development, community development, support of local industrial development activities, and other activities as deemed appropriate by the member governments.

**SECTION 20.12.(d)** Funds appropriated by this section shall not be used for payment of dues or assessments by the member governments and shall not supplant funds appropriated by the member governments.

**SECTION 20.12.(e)** As used in this section, "Larger City" means an incorporated city with a population of 50,000 or over. "Smaller City" means any other incorporated city.

**SECTION 20.12.(f)** Each council of government or lead regional organization shall do the following:

- (1) By January 15, 2002, and more frequently as requested, report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division the following information:
  - a. State fiscal year 2000-2001 program activities, objectives, and accomplishments;
  - b. State fiscal year 2000-2001 itemized expenditures and fund sources;

**Town of Bermuda Run  
Agenda Meeting  
November 27, 2001  
10:00 a.m.**

The Town Council of Bermuda Run held an agenda meeting on Tuesday, November 27, 2001 at 10:00 a.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:     Mayor John Ferguson  
                                   Alan Barnett  
                                   Robert Griffin  
                                   Ted Titsworth  
                                   Charles Whitman

Also Present:                 Town Manger Beth Dirks  
                                   Town Attorney Warren Kasper

Absent:                         Charles Quinn

Call to Order

Mayor John Ferguson called the meeting to order.

**Bank Comparisons**

Dirks reviewed the quotes that she received from local banks concerning the deposit account and refinancing of the loan. Dirks asked if the Council had any questions regarding the quotes.

**Annexation Study**

Dirks stated that she has prepared the annexation study. It is a very informal informational tool that can be used to gather more information of the surrounding areas. She commented that the study will be in her office for review.

**Agenda Meetings**

Dirks commented that the Council decided nearly two years ago that it would be beneficial to have an agenda meeting or working session to help inform the Council as well as attempt to set the agenda for the upcoming Town Board Meeting. The Council felt that they needed to hold the meetings because there was a larger learning curve due to the recent formation of the Town. Dirks commented that if there was a desire to dissolve the monthly agenda meetings, she needed to know. The council agreed by consensus that the meetings should remain.

**Bermuda Run Park**

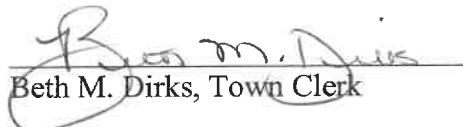
Dirks updated the Council on the status of the Ingersol Rand lots that the Town would like to have donated for a Town Park. Dirks stated that she talked to a representative from Ingersol Rand and they are not interested in donating the lots; however, they are willing to sell them. She was told that the lots were appraised. Separately the lots did not appraise high, however when

the lots are appraised as one lot, the appraisal was higher. Dirks stated that they are asking \$110,000. She stated that she will keep working on the issue but currently, it does not seem feasible.

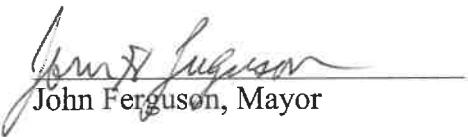
#### Bulk Water Rate

The Council discussed extensively the issue of the bulk water and the amount of missing water. Attorney Kasper stated that there needed to be an agreement with the homeowners' associations regarding the payment to the Town . The Council discussed several options including purchasing a meter for the Highland's Association out of the Water Reserve fund. There was a recommendation to have the Town auditor calculate a water rate that will be more equitable.

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

**Regular Town Board Meeting  
Town of Bermuda Run  
December 11, 2001  
7:00 p.m.**

The Town Council of Bermuda Run held their regular scheduled meeting on Tuesday, December 11, 2001 at 7:00 p.m. The meeting was held at the Bermuda Run Town Hall, Advance, North Carolina.

Board Members Present:      Mayor John Ferguson  
    Alan Barnett  
    Robert Griffin  
    Charles Quinn  
    Ted Titsworth

Also Present:                        Town Manager Beth Dirks  
    Town Attorney Warren Kasper

Members Absent:                        Chuck Whitman

Call to Order

Mayor John Ferguson called the meeting to order.

Oath of Office

Judge Lester P. Martin administered the oath of office to re-elected Town Council Member Robert Griffin.

Approval of the Minutes

*Councilman Ted Titsworth moved to approve the minutes of the November 13, 2001 Town Board Meeting and Public Hearing. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

Adoption of the Agenda

Mayor Ferguson stated that the Oath of Office was moved from the first item under new business to the first item after the meeting was called to order. That change was done to allow Council Member Robert Griffin to vote to approve the minutes and adopt the agenda.

*Councilman Al Barnett moved to adopt the agenda for the December 11, 2001 Town Board Meeting with the amendment. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

Old Business

### **Roads Update**

Beth Dirks stated that the paving reconstruction project was complete until next spring. The Council has met with all the encumbered homeowner's associations regarding the deeding of their roads to the Town with the exception of one. Dirks stated that the only one left was Golfview and they are waiting on an estimate from Grey Engineering on the price to fix the road and repair the drainage. Dirks stated that she hoped to have this estimate by the end of next week and will call the President of the association to schedule a meeting. There is still one signature left to get on the deeds for River Bluff and River Road. Dirks has spoken to the resident and they are going to sign, it is merely a matter of scheduling a time. The deeding process is moving along very well and Dirks stated that the Council will have the option to approve the deeds of five association roads tonight under new business.

The right hand turn lane at the Highway 158 entrance is complete and there have been several compliments on it. Dirks stated that the next step is to finish the fence line, construct the brick work and install the white fencing and replant the trees. She stated that they are going to construct a wall that will look similar to the one that is on the east side of the entrance to tie the entire project together.

### **Street Lighting**

Dirks stated that Duke Power is going to complete all the engineering for the street lights at once. When the engineering is complete they will be able to begin construction. The benefit of performing all the engineering before construction is to ensure that one crew will install all the street lights in a continuous manner. Some of the installation problems have been from various crews doing the work. Each time before installation, a new crew has to be instructed regarding the procedures and practices required in the Bermuda Run area. With one crew, the education process has to be performed one time and it will be easier for all those involved. With that in mind, Dirks stated that Duke Power has assured her that all the street lights will be installed by June 30, 2002.

Councilman Ted Titsworth asked if this dead line included Bermuda Village. Dirks responded that it did contingent on Bermuda Village's cooperation. Dirks explained that the lights in the Village are owned by Bermuda Village instead of leased through Duke Power. If the Council approves the deed tonight for the roads in Bermuda Village and the owner of the Village signs the deed, the roads will be owned by the Town and they can begin on the street lighting project. In order for the Town to put in the municipal lights, the lights currently in place will have to be removed at the Village's expense. Once this is done the Town can have the engineering performed and the new lights installed.

### New Business

#### **Area Analysis**

Dirks stated that a few months ago the Council decided to have her perform an area analysis relative to the Town and surrounding property. Dirks stated that the analysis is complete yet cautioned that it is in no way a marketing or formal plan for annexation. Dirks stated that it is merely a tool for information that can be used when and if a voluntary petition for annexation is presented to the Council. Dirks stated that the analysis contains three maps. The first map is the key, which contains a layout of the surrounding property with each parcel numbered. In the back of the book, is a description of each numbered parcel. The information contains everything from property owners and land value to zoning and fire district information. The second map depicts the area that is located inside the town corporate limits while the third map indicates all parcels

that are zoned residential. Dirks stated that the booklet will be at the Town Hall if anyone is interested in looking at it merely as an informational tool.

#### **Amendment to the Town of Bermuda Run Official Map**

Manager Beth Dirks stated that with the most recent annexation of approximately two acres, the Town Corporate Boundaries required modification. Dirks stated that the Official Town Map was amended and she presented it to the Council for approval. Councilman Barnett verified that the amendment of the Town Map was necessary in order to collect franchise tax on the newly annexed area. Dirks concurred that the amended map would be the map that she would file with Davie County, the State and all utility companies as the new accurate boundaries of the Town of Bermuda Run. She also stated that it is from this map that the metes and bounds are pulled that is used in calculating the amount of franchise tax that is due to the town.

*Councilman Ted Titsworth moved to approve the amendment to the Town of Bermuda Run Official Map. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

#### **Road Deeding of James Way, River Hill, Highlands, Bermuda Village & Fairway Villas**

Attorney Warren Kasper read the resolution accepting the road deeds for James Way, River Hill, Highlands, Bermuda Village and Fairway Villas. Kasper stated that the content of the deeds has been reviewed by both himself and Grey Engineering to verify their accuracy and recommended that the Council approve the deeds as written.

*Councilman Bob Griffin moved to approve the Resolution approving the deeding of James Way, River Hill, Highlands, Bermuda Village and Fairway Villas. Councilman Al Barnett seconded the motion and the motion was approved unanimously.*

#### **Resolution to contract with Daniel, Taylor & Carrick Auditors for a Water Rate Financial Analysis**

Mayor Ferguson read the resolution to contract with Daniel, Taylor & Carrick CPA's for a water rate financial analysis. Dirks asked if the Council had any questions regarding the contract. Councilman Al Barnett questioned the cost of the analysis. Dirks responded that they are going to try to factor that in as part of the audit. If that is not feasible, it should not be over \$500 and that money is in the budget under the audit expense.

*Councilman Al Barnett moved to approve the Resolution to contract with Daniel, Taylor & Carrick Auditors for a Water Rate Financial Analysis. Councilman Charlie Quinn seconded the motion and the motion was approved unanimously.*

#### **Financial Institution Proposals**

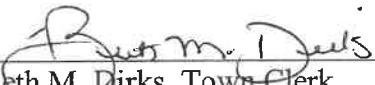
Dirks stated that the Town has a loan that balloons next year and that has prompted her to begin checking with various banks regarding a quote on refinancing the loan. Dirks stated that she had contacted Bank of America, BB&T, CCB, Bank of Davie, and Wachovia. Dirks informed the Council that she has already received a quote from BB&T, Wachovia and Bank of America and she has included that in their agenda packet. She is still waiting to hear back from the other banks and hopes to have all the information necessary to make a final decision at their January Town Board Meeting. Dirks stated that since interest rates are low, now would be an appropriate time to look at refinancing. She also stated that she has asked each bank to provide a quote on the Town's Commercial Deposits to ensure that the Town has the most competitive rates. Once

all the information is in, she will prepare a spread sheet comparing all the information which will help the Council in their decision.

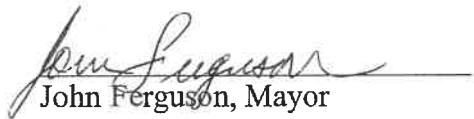
Adjournment

*Upon a motion duly made by Councilman Ted Titsworth and seconded by Councilman Bob Griffin, the meeting was adjourned.*

Respectfully Submitted,

  
Beth M. Dirks, Town Clerk

Approved:

  
John Ferguson, Mayor

Citizen's Comments

David Whelpley

**A RESOLUTION ACCEPTING DEEDS  
FOR STREETS, ROADS AND OTHER COMMON AREAS**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BERMUDA RUN, AS FOLLOWS:**

**WHEREAS** the TOWN OF BERMUDA RUN is willing to accept for public maintenance the streets and roads within the town's limits in James Way, Highlands, River Hill, Bermuda Village, and Fairway Villas; and

**WHEREAS** plats of said roadways have been duly prepared for the Town of Bermuda Run by its engineering firm, Grey Engineering, Inc., of Mocksville, N.C.; and

**WHEREAS** proposed deeds for said streets and roadways, which are attached hereto as Exhibits 1-6, have been prepared by the town's attorney following meetings with the various homeowner's associations and other parties involved; and

**WHEREAS** the originals of such deeds are now available for execution in the offices of the Town of Bermuda Run;

NOW, THEREFORE, the Town Council of the TOWN OF BERMUDA RUN does hereby acknowledge and accept the property and deeds tendered to it upon their due execution and recordation in the Office of the Register of Deeds of Davie County, N.C.

This the 12th day of December, 2001.

TOWN OF BERMUDA RUN

BY: John H. Ferguson  
Mayor

ATTEST:

Bonnie M. Davis  
Town Clerk

**RESOLUTION TO CONTRACT WITH DANIEL, TAYLOR & CARRICK  
AUDITORS FOR A WATER RATE FINANCIAL ANALYSIS**

WHEREAS, the Town of Bermuda Run has a bulk water contract with Davie County that serves the old sanitary district; and

WHEREAS, this contract price per 1000 gallons has increased to \$3.01 effective January 1, 2002; and

WHEREAS, the bulk water price has increased on two separate occasions within the past year and the increase has not been factored into the amount billed to the end users; and

WHEREAS, the Town's Auditor has pointed out that the water fund may need closer attention in the coming years with the consistent rate increases, addition of overhead, and water line repair costs;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bermuda Run, North Carolina that the Council would like for Daniel Taylor & Carrick CPA's to conduct a water rate financial analysis.

*John H Ferguson*  
\_\_\_\_\_  
Mayor

ATTEST:

*Beth M. Davis*  
\_\_\_\_\_  
Clerk

12-11-01

Date