

**Regular Town Council Meeting
Town of Bermuda Run
January 10, 2006 - 7:00 p.m.**

The Town Council of Bermuda Run held its regularly scheduled meeting on Tuesday, January 10 at 7:00 p.m. The meeting was held at the Bermuda Run Country Club.

Board Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney
Judy Thrift, Secretary
Carol Rhea, Planning Consultant

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

David Whelpley

Swearing -In Ceremony for Ron Hoth

Mayor Ferguson conducted the swearing-in ceremony for the re-elected Town Council Member, Ron Hoth, representing District 5.

Adoption of the Agenda

The Town Manager requested the addition of three resolutions for statements of consistency because of recent changes in state law that requires the Town Council to adopt a statement of consistency prior to taking action on any text amendment request to the zoning ordinance.

Council Member Ron Hoth moved to adopt the agenda with the additional resolutions for the meeting. Council Member Al Barnett seconded the motion. The motion was approved with five (5) in favor and none opposed.

Approval of the Minutes

Council Member Howard Futrell made a motion to adopt the minutes of the December 13, 2005 Town Council Meeting. Council Member Ed Coley seconded the motion. The motion was approved five (5) in favor and none opposed.

Public Hearing: Request for Amendment to the Official Zoning Map to redraw the Manufactured Housing Overlay District (MH-O) Boundary Lines

Mayor Ferguson opened the public hearing and recognized Carol Rhea, Rhea Consulting, to present comments on behalf of staff and the planning board. She noted that during the public hearing on the Zoning Map adoption in September 2005, citizens raised concerns about the extent of the manufactured housing overlay district and its location along US 158. After careful review of this area and the concerns of the citizens, she stated that the Planning Board respectfully requests that the Town Council amend the zoning map to restrict the manufactured housing overlay district to the back two lots along Shady Lane.

There were no questions of Ms. Rhea by Council. Mayor Ferguson then asked if anyone in attendance would like to speak in favor of or in opposition to this request. Ms. Debbie Pullen stated that she was one of the citizens who raised concerns about the district in September and was glad to see that the Town was addressing them. She thanked the Town for their attention to this matter. Mr. Fred McHan also spoke stating that one of the two manufactured homes in the redrawn district is no longer used for residential purposes, but is used for storage. He expressed his appreciation to the Council for considering this amendment.

There being no further comment, this public hearing was closed. Mayor Ferguson asked Ms. Rhea to review the actions required by the Council in order to approve or deny this request. Ms. Rhea explained that recent changes in State law now require the Town Council to adopt a statement of consistency prior to taking action on any zoning amendment request. She noted that drafts of this statement in the form of resolutions had been prepared for the Council's consideration for each zoning action and that this resolution with or without amendments would need to be adopted first. Afterwards, the Council could act on the request to amend the Zoning Ordinance.

Council Member Al Barnett made a motion to approve Resolution Number 2006-001. This motion was seconded by Council Member Ron Hoth. The motion was approved with five (5) in favor and none opposed.

Council Member Ed Coley made a motion to approve the zoning map amendment request affecting tax parcels 5862904361, 5862903441, 5862901450, 5862809480, 5862905199, 5862908534, 5862904632, 5862900642, 5862902622, and 5862903673. The motion was seconded by Council Member Ted Titsworth. The motion was approved with five (5) in favor and none opposed.

Public Hearing: Request for Amendment to the Official Zoning Map to Rezone a Portion of Tax Parcel # 5872773912 from Open Space (OS) to Commercial Mixed-Use (CM)

Mayor Ferguson opened the public hearing and recognized Carol Rhea to present comments on behalf of staff and the planning board. She noted that the property involved in this request is immediately adjacent to the Kinderton Commercial development site located along US 158. She explained that this property was initially zoned OS because it is a portion of a much larger tract extending east to the Yadkin River and lying almost entirely within the floodplain. This small portion of that tract is located wholly within the 100 and 500 year floodplain. The property also lies within the state regulated watershed. Therefore, Ms. Rhea noted that development of this site

shall be required to meet all floodplain, built-upon and use limitations associated these environmental constraints. To the best of staff's knowledge, no non-conformities currently exist on the property and the requested rezoning will create none. Although no formal plans have been adopted for this area by the Town, staff and the planning board feel the proximity of this site to the planned Kinderton Commercial area and its ability to integrate with that development as well as its proximity to I-40 make this a reasonable request that if approved will be in the public interest.

There were no questions of Ms. Rhea by Council. Mayor Ferguson then asked if anyone in attendance would like to speak in favor of or in opposition to this request. There were no comments. There being no further comment, this public hearing was closed.

Council Member Howard Futrell made a motion to approve Resolution Number 2006-002. The motion was seconded by Council Member Al Barnett and was approved with five (5) in favor and none opposed.

Council Member Ron Hoth made a motion to approve the zoning map amendment request affecting a portion of tax parcel 5872773912. The motion was seconded by Council Member Ted Titsworth. The motion was approved with five (5) in favor and none opposed.

Public Hearing: Request for Amendment to the Zoning Ordinance Text to Address Changes in the NC Statutes

Mayor Ferguson opened the public hearing and asked if anyone in attendance would like to speak in favor of or in opposition to this request. There were no comments. There being no further comment or questions of staff, this public hearing was closed.

Council Member Ed Coley made a motion to approve Resolution Number 2006-03. The motion was seconded by Council Member Ron Hoth. The motion was approved with five (5) in favor and none opposed.

Council Member Howard Futrell made a motion to approve the zoning text amendment request. The motion was seconded by Ted Titsworth. The motion was approved with five (5) in favor and none opposed.

Public Hearing: Request for Amendment to the Subdivision Ordinance Text to Address Changes in the NC Statutes

Mayor Ferguson opened the public hearing and asked if anyone in attendance would like to speak in favor of or in opposition to this request. There were no comments. Town Attorney Warren Kasper noted that if there were any questions about the amendment or changes in the law that Ms. Rhea or he would be available to address them. There being no further comment or questions of staff, this public hearing was closed.

Council Member Howard Futrell made a motion to approve the zoning text amendment request to the Subdivision Ordinance. The motion was seconded by Council Member Ted Titsworth. The motion was approved with five (5) in favor and none opposed.

Town Attorney Warren Kasper noted for the record that prior to the meeting a citizen had approached him and Ms. Rhea with concerns about the status of conditions placed upon zoning approvals by Davie County prior to the Town adopting its planning program and ordinances. Mr. Kasper stated that it is his opinion all conditions placed on any development by the county were carried forward and are in full effect and enforceable by the Town. He explained that according to this citizen this information is not being given out by Davie County staff and stated that he would discuss this matter with the county attorney to ensure that correct information is conveyed to the public.

Old Business and Announcements

Sewer Extension Project

John Grey, Project Engineer, presented a summary of construction bids received at a meeting on December 13, 2005 to open the bids. Seven bids were submitted, and Hickory Sand Co., Inc. was the lowest bidder. Mr. Grey had researched the company's prior utility work with municipalities and verified the company as a responsible bidder. Mr. Grey recommended that the Town Council award the construction contract to Hickory Sand Co., Inc. - following financing approval from the Local Government Commission.

Town Manager Joan Carter presented the sewer extension cost summary. Four local banks were contacted and invited to submit financing proposals for the project. The Town received three proposals. Ms. Carter recommended that the Bank of The Carolinas' proposal for lending up to \$2,600,000 be accepted pending the Local Government Commission's approval.

Council Member Ron Hoth made a motion to accept the Bank of The Carolinas' financing proposal pending approval of the Local Government Commission. Al Barnett seconded the motion, which was approved five (5) in favor and none opposed.

Town Attorney presented a resolution authorizing the Town Manager to file an application with the Local Government Commission for the sewer extension project.

Council Member Al Barnett made the motion to approve the resolution authorizing the filing of a LGC application for approval of a financing agreement for the sewer extension project – Resolution Number R2006-004. Council Member Ron Hoth seconded the motion. The motion was approved with five (5) in favor and none opposed.

New Business

The Town Manager introduced Pete Polonsky and Steve Miller, who serve on the Executive Board for the Twin City Youth Soccer Association. A brief summary of a proposed soccer facility and adjoining park along the bank of the Yadkin River was presented. Land purchases are being finalized by the association, and more details will be provided as the project progresses.

The Town Manager noted that a request was received by the Winston-Salem Urban Area Metropolitan Planning Organization to approve a memorandum of understanding that includes the addition of the Town of Wallburg, NC into the MPO and simplifies the process for additions to the membership.

Town Council Member Howard Futrell made a motion to approve the resolution authorizing the execution of the Memorandum of Understanding of the Winston-Salem Urban Area Metropolitan Planning Organization reflecting changes in Membership – Resolution Number R2006-005. Council Member Ron Hoth seconded the motion. The motion was approved with five (5) in favor and none opposed.

Town Attorney Warren Kasper requested that the Council correct an error found by the Town Manager on the Preliminary Assessment Resolution for the proposed sewer extension, which was previously approved at the September 13, 2005 meeting. In item #1 – the authorization reference should read “pursuant to Article 20.”

Council Member Ted Titsworth made a motion to correct the reference to the General Statutes in the Preliminary Assessment Resolution, adopted by Town Council on September 13, 2005, to reflect Article 20, Chapter 160A. The motion was seconded by Ron Hoth. The motion was approved five (5) in favor and none opposed.

Town Attorney Warren Kasper, noted that some members of the Council had discussed holding a planning session and recommended that this meeting be continued rather than adjourned. Joan Carter announced that the meeting could take place on Tuesday, January 17, 2006, Room 116 at the Davie Campus of Davidson County Community College – Mocksville – from 9:00am – 5:00pm. Mr. Kasper suggested that the Council provide a list of topics of interest for long- and short-term considerations for the discussions.

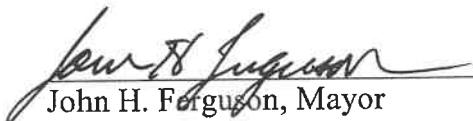
Mayor John Ferguson, hearing no objections, declared the January 10 meeting to be continued at 9:00am on January 17, 2006 at the Davie Campus – DCCC – in Mocksville.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

**Regular Town Council Meeting
Town of Bermuda Run
February 6, 2006 - 7:00 p.m.**

The Town Council of Bermuda Run held a Special Meeting and Public Hearing on Tuesday, February 6, 2006 at 7:00 p.m. The meeting was held at the Town Hall.

Board Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney
Judy Thrift, Secretary

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

None

Adoption of the Agenda

The Town Manager requested the addition of a Manager's report.

Council Member Al Barnett moved to adopt the meeting agenda with the additional Manager's report. Council Member Ted Titsworth seconded the motion. The motion was approved unanimously with five (5) in favor and none opposed.

Approval of the Minutes

Council Member Al Barnett made a motion to adopt the minutes of the January 10, 2006 Town Council Meeting. Council Member Howard Futrell seconded the motion. The motion was approved five (5) in favor and none opposed.

Council Member Howard Futrell made a motion to adopt the minutes of the January 17, 2006, a continuation of the January 10 meeting. Council Member Ron Hoth seconded the motion. The motion was approved five (5) in favor and none opposed.

Public Hearing: Resolution to Execute the Construction Contract – R2006-006

Mayor Ferguson opened the Public Hearing and asked for any comments on the resolution.

Citizen David Whelpley acknowledged his support of the sewer extension project, but has concerns with the capacity of the existing treatment plant and possible maintenance issues. He had heard that maintenance issues were noted by some citizens on the older sewer lines. He also questioned the club's allocation of the sewer cost and hoped the Town Manager would answer all the questions received by the Town Hall in the monthly newsletter allowing all the citizens to hear feedback.

With no further comments, Mayor Ferguson closed the Public Hearing. Town Attorney Warren Kasper reviewed and read the resolution noting that attachments to the contract were on file in the Town Hall for supportive documentation.

Council Member Howard Futrell moved to accept the Resolution to Execute the Construction Contract (R2006-006) pending LGC approval of the Town's application and financing contract. Council Member Al Barnett seconded the motion, which passed unanimously five (5) in favor and none opposed.

Public Hearing: Resolution to Execute the Financing Agreement – R2006-007

Mayor Ferguson opened the Public Hearing and asked for any comments. There being none, Mayor Ferguson closed the Public Hearing.

Town Attorney reviewed the LGC application process and the necessary steps to complete requirements for approval. Mr. Kasper introduced Harry Hill, Executive Vice President of the Bank of The Carolinas. After discussions with Mr. Hill, revisions to the agreement were made to remove the Deed of Trust language from the initial draft, which was forwarded to the Council prior to the meeting. The collateral for the loan financing includes installation of the lines and pump stations in the current project. Mayor Ferguson noted that 50% of the estimated cost would be paid by assessment of property owners benefited by the project. Town Manager Joan Carter commended Mr. Hill and the bank for their cooperation, assistance and funding for the project. She also noted that the agreement presented was in a final draft form to the LGC.

Council Member Al Barnett made a motion to accept the Resolution to Execute the Financing Agreement – R2006-2007 pending LGC final approval. Council Member Howard Futrell seconded the motion, which passed unanimously five (5) in favor and none opposed.

New Business:

Town Attorney Warren Kasper discussed the funding for the sewer extension project. The LGC allow the Town to appropriate 40% of the sales and use tax revenue to the utility sewer fund. Any other monies transferred from the general fund to the utility sewer fund would be considered as a loan with interest.

Council Member Ron Hoth made a motion to approve the Resolution for Transfer of Funds - R2006-008. Council Member Ed Coley seconded the motion, which passed unanimously five (5) in favor and none opposed.

Town Attorney Warren Kasper requested that the Council authorize the acquisition of the necessary easements and right of way for the sewer extension project. Mr. Kasper noted that new easements were prepared to resolve the issues concerning the right of way along Ivy Circle and to the north of Highway 158. Mr. Kasper also noted that if any Council member was to receive easement reimbursement, condemnation would be required to avoid conflict of interest. Mayor Ferguson noted the importance of treating citizens in a fair and equitable manner.

Council Member Ted Titsworth made to motion to approve the Resolution to Acquire Easements – R2006-009, and Council Member Howard Futrell seconded the motion. The motion passed unanimously five (5) in favor and none opposed.

Town Manager's Report

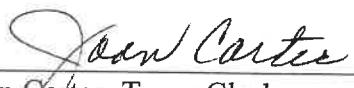
Jennifer Webb has been hired effective January 30, 2006 as the Planning Director/Zoning Administrator.

A Public Hearing was advertised in the local newspaper for Tuesday, February 14, at the Regular Town Council meeting at the Town Hall for two text amendments to the Zoning Ordinance: (1) parking requirements for restaurants and (2) single establishment maximum square foot limitations and creating a retail overlay district. The requested text amendments were approved by the Planning Board at the January 18, 2006 meeting. Warren Kasper recommended the Council consider a policy for calling for Public Hearings concerning zoning issues.

Mrs. Carter also noted that the Bermuda Run Country Club easement for the sewer extension was signed and returned. She expressed appreciation to the club for its support of the project.

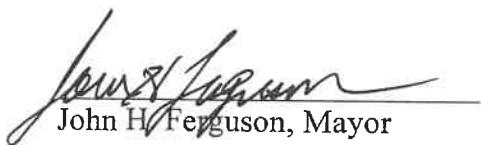
There being no further business, Council Member Al Barnett made a motion to adjourn the meeting. Council Member Ron Hoth seconded the motion, which passed unanimously five (5) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

**Regular Town Council Meeting & Public Hearing
Town of Bermuda Run
February 14, 2006 - 7:00 p.m.**

The Town Council of Bermuda Run held a Monthly Meeting and Public Hearing on Tuesday, February 14, 2006 at 7:00 p.m. The meeting was held at the Town Hall.

Board Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney
Carol Rhea, Planning Consultant

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

None

Approval of the Minutes

Council Member Ron Hoth made a motion to adopt the minutes of the February 6, 2006 Special Council Meeting. Council Member Al Barnett seconded the motion. The motion was approved five (5) in favor and none opposed.

Adoption of the Agenda

Town Manager Joan Carter requested that a Manager's Report be added to the agenda under New Business. Council Member Ed Coley moved to adopt the meeting agenda as amended. Council Member Ted Titsworth seconded the motion. The motion was approved unanimously with five (5) in favor and none opposed.

Public Hearing: Proposed Text Amendment to the Zoning Ordinance (R2006-0010) to Define Required Parking Spaces for Restaurants

Mayor Ferguson opened the Public Hearing and noted that the Public Hearing was inadvertently advertised by the staff before the Council had officially called for the Public Hearing. He suggested that the hearings be continued to the March 14, meeting.

Carol Rhea, Planning Consultant, noted that the Zoning Ordinance for Bermuda Run did not provide for the total number of parking spaces required for a restaurant. The zoning staff sees

a need to adopt a standard parking space requirement for restaurants within the zoning jurisdiction of the Town. The Planning Board approved the recommended text amendment to reflect one (1) space per 75 square feet of gross restaurant square footage.

Mayor Ferguson asked for citizens' comments concerning the proposed amendment. Having received no comments, the Mayor noted that the hearing would continue at the March 14, 2006 Council Meeting.

Public Hearing: Proposed Text Amendment to the Zoning Ordinance (R2006-0011) to Establish a Retail Overlay District in property zoned CM (Commercial Mixed Use) north of I-40 (that would allow single retail establishments of more than 60,000 square feet)

Mayor Ferguson opened the Public Hearing and noted that the Public Hearing was inadvertently advertised by the staff before the Council had officially called for the Public Hearing. He noted that the hearing would continue at the March 14, meeting.

Carol Rhea, Planning Consultant, noted that the Zoning Ordinance recommended by the Planning Board and adopted by the Town Council limited the size of retail space in the Commercial-Mixed Use District to 60,000 square feet. Discussions have taken place concerning the limitations of this requirement – specifically for properties north of I-40. The staff recommended a text amendment to adequately address quality development without the limitation of the cap of gross square footage. The Retail Overlay District would exist as a conditional district only in current CM areas north of I-40 – and also, requires a conditional rezoning review by the Planning Board prior to Council approval. This process ensures that concerns about impacts on adjacent properties, public infrastructure and the overall development of the Town would be addressed while providing options and opportunities for the Town to expand its tax base and improve its retail service to the public. The Planning Board has also recommended this text amendment at the January 18, meeting.

Mayor Ferguson asked for any citizens' comments concerning the proposed amendment: Citizen Chuck Whitman spoke in opposition.

There being no further comments, Mayor Ferguson the Mayor noted that the hearing would continue at the March 14, 2006 Council Meeting.

Sewer Extension Update

Town Manager Joan Carter provided an update on the sewer extension project. Verbal approval was received from the LGC on February 7, with minor corrections to the amortization schedule. The construction contract is ready to be awarded to Hickory Sand Co., Inc. – Hickory NC. Mrs. Carter expressed a special note of appreciation for the Project Engineer, John Grey's efforts during the past months not only to the Town but also to the citizens he has personally met with. A letter was sent in January to 39 property owners affected by the sewer extension with respect to acquiring the easements necessary for the construction. Mrs. Carter reported that an overwhelming majority of the citizens she has spoken with have expressed interest and cooperation to see the project to completion. She is also working with the Town's CPA concerning the assessment and record keeping policies.

Mayor John Ferguson requested the Council appoint a representative to the MPO Transportation Advisory Council. Ted Titsworth was willing to continue serving as an alternate.

Council Member Ron Hoth moved that Howard Futrell be appointed as the Town's representative to the TAC. Ed Coley seconded the motion, which passed unanimously – five (5) in favor and none opposed.

Discussion followed concerning the procedure for calling for public hearings for zoning issues. Town Attorney Warren Kasper noted that often towns authorize the staff to advertise the public hearings following the Planning Board meeting to more efficiently respond to the individuals or companies requesting consideration. He also noted that the Town Council would have information available to them at the agenda meeting – approximately two weeks before the Public Hearing and regular Council meeting.

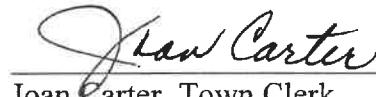
Council Member Al Barnett made a motion to continue the current policy of the Town Council calling for all public hearings. Council Member Howard Futrell seconded the motion, which passed unanimously five (5) in favor and none opposed.

Mayor Ferguson announced that Sam Krause was officially approved by the Forsyth Municipal ABC Board as the Town's representative. The Board also approved a name change to the Triad ABC Board to reflect the regional approach to include other municipalities outside of Forsyth County.

Town Manager Joan Carter announced that the Triad ABC Board president was in tentative discussions with CVS to sublease the current store for an ABC Store within the Town limits. The total space is approximately 8,400 square feet. CVS was tentatively not opening the new store until after January 2007, but will consider a move within the next 60 days if property is subleased.

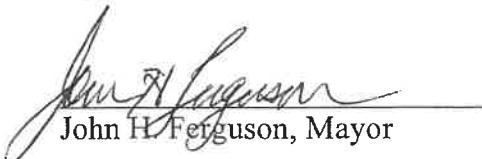
There being no further business, Council Member Al Barnett made a motion to adjourn the meeting. Council Member Ed Coley seconded the motion, which passed unanimously five (5) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

Regular Town Council Meeting & Public Hearing

Town of Bermuda Run
March 14, 2006 - 7:00 p.m.

The Town Council of Bermuda Run held its regularly scheduled meeting on Tuesday, March 14, 2006, at 7:00 p.m. The meeting was held at the Bermuda Run Country Club.

Board Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney
Judy Thrift, Secretary
Carol Rhea, Planning Consultant

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

None

Approval of the Minutes

Council Member Ron Hoth made a motion to adopt the minutes of the February 14, 2006 Town Council Meeting. Council Member Ted Titsworth seconded the motion. The motion was approved five (5) in favor and none opposed.

Adoption of the Agenda

Council Member Howard Futrell moved to adopt the agenda. Council Member Al Barnett seconded the motion. The motion was approved with five (5) in favor and none opposed.

Public Hearing: Proposed Text Amendment to the Bermuda Run Zoning Ordinance to Define Required Parking Spaces for Restaurants

Mayor Ferguson opened the public hearing and recognized Carol Rhea, Rhea Consulting, to present comments on behalf of the staff and the planning board. She noted that the current zoning ordinance does not provide specific direction for total number of parking spaces required for a restaurant. The zoning staff and planning board recommend a text amendment to require a minimum of one parking space per 75 square feet of gross restaurant footage. There were no questions of Ms. Rhea by Council. Mayor Ferguson asked for citizens' comments. There being no further comments, Mayor Ferguson closed the public hearing.

Council Member Al Barnett made a motion to adopt Resolution R2006-010 to approve the Text Amendment to Bermuda Run Zoning Ordinance that requires a minimum of one parking space for 75 square feet of gross restaurant footage. The motion was seconded by Council Member Ed Coley. The motion was approved with five (5) in favor and none opposed.

Public Hearing: Text Amendment to Create Retail Overlay District North of I-40 and Remove 60,000 Square Foot Limitation on any Single Retail Establishment

Mayor Ferguson opened the public hearing and recognized Carol Rhea, Rhea Consulting, to present staff comments. Mrs. Rhea noted that the issue of limiting retail space to a maximum of 60,000 square feet had been discussed during the original planning committee meetings and in presentations to the Council. The staff has recommended that a text amendment to the zoning ordinance be established to create a retail overlay (RO) district to eliminate the 60,000 square foot limitation on properties currently in the Commercial Mixed Use (CM) district - north of Interstate 40. The text amendment is written to require a conditional (special) use permit; thereby, providing staff and planning board review and recommendations prior to any action of the Town Council. The planning board also passed a resolution to support the text amendment at the January 18, 2006 meeting.

Mrs. Rhea felt the RO would provide the Town with the most scrutiny and control over future development in this district. This process is a voluntary process initiated by the property owner or their legal representatives. Conditional zoning does not require a quasi-judicial review, and all conditions imposed on the development by the Town must be agreed to by the petitioner. Conditional rezoning requires the petitioner to disclose all of the detail regarding the development plan, which becomes part of the rezoning record and is binding on the property until such time as the council takes further action to amend or change the zoning. Mrs. Rhea also noted that nothing in the commercial mixed use district would change with regard to what is currently permitted.

Citizens' Comments

George Peterson

John Guglielmi

Chuck Whitman

Larry Foulds

Carl Carney

Glenn Fleming

Following the citizens' comments, Mayor Ferguson closed the public hearing.

Council Member Al Barnett noted that while looking at other developments around the area, he felt development could be managed with specific standards that would also provide advantages to the citizens of Bermuda Run and the surrounding community. He felt that further review and clarification from the planning board to address the concerns heard from the citizens may be needed.

Council Member Ed Coley questioned Mrs. Rhea with regard to limiting the size of any single development to a specific percentage of the total square footage of the development. Mrs. Rhea expressed reservations to recommend this approach. She felt such a percentage may not be practical or reasonable and may not accomplish the intent the Town wishes to maintain.

She would provide further research to discuss with the planning board and Council. Mr. Coley agreed with the Council having control and thought the planning board could be given more time to research limiting large stand-alone stores.

Council Member Al Barnett made a motion that Resolution R2006-011 to amend the zoning ordinance to create a retail overlay district North of I-40 be referred back to the planning board for further review. The motion was seconded by Council Member Howard Futrell. The motion was approved with five (5) in favor and none opposed.

Old Business

Sewer Extension Project

Town Manager Joan Carter reported the construction contract was awarded to Hickory Sand Company, Inc. – the lowest, acceptable bidder. On March 13, 2006, the Financing Agreement with the Bank of The Carolinas was signed, and new accounts will be opened with BOTC as part of the loan agreement. Property owners were being contacted to acquire the right-of-ways and easements for private properties affected by the sewer extension project. She noted that an overwhelming majority of those contacted have supported the project, and the cooperation has been excellent.

Mrs. Carter also noted that several construction crews with Hickory Sand will be working simultaneously with an aggressive completion schedule. Work is to begin on March 20 – focusing on the golf course crossings first. A proposed 6-month preliminary completion schedule was presented – pending weather conditions. Yadkin Valley Telephone has requested Hickory Sand to install fiber optics during the extension to avoid disturbing properties at a future date. A meeting was held with all franchise and utility companies to assess underground lines and develop communication among the companies.

New Business

None

Adjournment

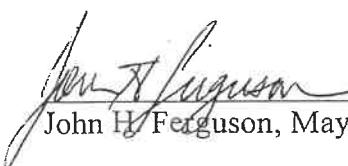
Council Member Howard Futrell made a motion to adjourn. The motion was seconded by Ted Titsworth. The motion was approved with five (5) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

**Bermuda Run Town Council
AGENDA MEETING - NOTES
Tuesday, March 28, 2006
9:00 a.m. – Town Hall**

Council Members Present

Mayor John Ferguson
Al Barnett
Ron Hoth
Ted Titsworth
Howard Futrell
Ed Coley

Also Present

Joan Carter, Town Manager
Warren Kasper, Town Attorney
George Peterson, Citizen

Town Manager's Update

Joan Carter reminded the Council that the Ground Breaking Ceremony for the Twin City Youth Soccer Association Park was taking place on Friday, March 31, and encouraged the Council to attend. Park officials have applied to DOT for a new driveway permit and have received permission to use existing entrance to begin construction until final approval for new entrance is received.

Mrs. Carter noted that the Town's sprinklers in the common areas were being checked to turn on for brief periods of time to improve the appearance of the areas. Mayor Ferguson expressed concern with not having sprinklers in all common areas and with the cost that would be incurred.

Sewer Extension Update

Mrs. Carter announced that the notice to proceed was signed on March 20, 2006 – to Hickory Sand Company. The Phase I work has gone very well on the golf course and surrounding properties. Mayor John Ferguson and Al Barnett commended the efforts of the HCS crews. Mrs. Carter noted that five property owners have not agreed to voluntarily accept the Town's appraisal offer and sign the necessary easement and/or right-of-way for the construction. Final attempts to reach an agreement would be made prior to the condemnation procedure.

Mrs. Carter noted that paving the Maisonettes area was scheduled for upgrading this spring; however, she felt that with the sewer construction underway, a fall time frame after the sewer is completed would be better. However, due to safety issues, some minor road repair work to James Way and Hamilton Court was needed this spring.

Residents have requested a list of plumbers, which Mrs. Carter noted was published in the "Questions and Answers" document concerning the sewer extension. Town Attorney advised that the Town should not recommend one company over another and suggested homeowners could call the County Inspector's office and receive a list.

Appointment of the Board of Adjustment

Mrs. Carter requested that the Council consider appointing a Board of Adjustment to replace the Planning Board members, who are serving in both capacities since September. The Planning Board had previously expressed the desire to not serve as both boards. Mayor Ferguson noted that a resignation would be needed from the Planning Board prior to appointment.

Mayor Ferguson suggested that redistricting be discussed at a future meeting since no Town elections are scheduled this year. Ed Coley also noted that the Council should consider garbage pickup for residents and include a time limitation for pickup in new contract. Since Mayor Ferguson would be out of town for the April agenda meeting, the Council agreed to meet on Tuesday, May 2, at 9:00am –1:00pm.

With no further discussions, the meeting closed.

Respectfully submitted,



Joan Carter, Town Clerk

**Regular Town Council Meeting & Public Hearing
Town of Bermuda Run
April 11, 2006 - 7:00 p.m.**

The Town Council of Bermuda Run held a Monthly Meeting and Public Hearing on Tuesday, April 11, at 7:00 p.m. The meeting was held at the Town Hall.

Board Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Ron Hoth
Ted Titsworth

Board Member Absent: Howard Futrell

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney
Judy Thrift, Secretary

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

None

Approval of the Minutes

Council Member Ron Hoth made a motion to adopt the minutes of the March 14, 2006 Town Council Meeting. Council Member Al Barnett seconded the motion. The motion was approved four (4) in favor and none opposed.

Adoption of the Agenda

Town Manager Joan Carter requested that an item be added under New Business to consider the Council's appointment for the Board of Adjustment.

Council Member Ted Titsworth moved to adopt the agenda as amended. Council Member Al Barnett seconded the motion. The motion was approved with four (4) in favor and none opposed.

Public Hearing: Text Amendment to the Bermuda Run Zoning Ordinance to Permit a Retail Establishment that would Provide Minor Service for Passenger Vehicles in the Town Center (TC) Zoning District

Mayor Ferguson opened the public hearing. There being no comments, Mayor Ferguson closed the public hearing.

Town Manager Joan Carter noted that the proposed amendment to include a passenger service center for minor repairs in the Town Center was approved by the staff and Planning Board. She provided the Council with the preliminary design for a service center, which was requested by Todd Bailey. This parcel will also require a special use permit according to the zoning ordinance.

Council Member Al Barnett made a motion to adopt Resolution R2006-012 to approve the Text Amendment to the Bermuda Run Zoning Ordinance to permit a retail establishment that would provide minor service for passenger vehicles in the Town Center Zoning District. The motion was seconded by Council Member Ron Hoth. The motion was approved with four (4) in favor and none opposed.

Public Hearing: Text Amendment to Allow Lighting to the Face of an Outdoor Sign
Mayor Ferguson opened the public hearing. There being no comments, Mayor Ferguson closed the public hearing.

Joan Carter noted that the text amendment specifies white light only and it must be directed toward the sign and shielded so as to illuminate only the face of the sign. Both the staff and Planning Board recommended approval of the amendment.

Council Member Ed Coley made a motion to adopt the Text Amendment to Allow Lighting to the Face of an Outdoor Sign. Council Member Ron Hoth seconded the motion. The motion was approved four (4) in favor and none opposed.

Old Business

Sewer Extension Update

Joan Carter reported that the sewer project is going well and on schedule. Citizens' concerns have been minimal, and the contractors have expressed their appreciation to the citizens for their continued cooperation. Right-of-ways required for the sewer extension have been obtained for Ivy Circle properties from all but five owners. Council Member Al Barnett requested that those individuals be contacted by letter to inform them of the pending condemnation before the proceedings began.

Mrs. Carter advised that an agreement had been reached with Yadkin Valley Telephone to install conduit within the trenches along with the sewer extension per the attached agreement. Council Member Ron Hoth inquired if Piedmont Natural Gas had considered using the open trenches for extending the gas lines. Joan Carter noted that they were not able to use the same trenches. Mayor Ferguson noted that the difficulty of the large number of dead wires and unexpected objects underneath the area could create delays in the installation. He commended the efforts by Grey Engineering and Hickory Sand for the work completed to date. Mr. Hoth suggested John Grey, the Town engineer, attend agenda meetings to give an update on the entire sewer extension project.

Town Manager's Report

- Mrs. Carter noted that she had spoken with nine citizens within the club residential area who have agreed to serve on the Bermuda Run Appearance Committee to discuss projects and improvements within the residential area.
- The Twin City Youth Soccer Association Park's grand opening was well attended by local officials and the Town Council. A budget proposal is being considered by Davie County in 2006-2007 for a contribution of \$250,000 for this project. The County will also provide the services of the County grant writer, Kim Harris. She will apply for matching grants on behalf of the Town of Bermuda Run to fund the development of a passive park along the Yadkin River.
- The Triad Municipal ABC Board has submitted a lease proposal for the current CVS space to provide a local ABC store within the Town limits.
- Mrs. Carter recommended that the April agenda meeting be scheduled for the first week in May due to a meeting conflict.

Council Member Al Barnett made a motion to approve the meeting change to Tuesday, May 2, at 9:00am in the Town Hall. Council Member Ted Titsworth seconded the motion. The motion was approved (4) in favor and none opposed.

- Mrs. Carter advised the Council that local commercial property owners were being advised in writing of the Town's new sign guidelines and stricter enforcement of the regulations. Stacey Cornatzer will be removing the temporary signs out of compliance on a weekly basis. Efforts will also be made to contact repeated offenders to make them aware of the Town's ordinance.

New Business

Recommendation for Bermuda Run Board of Adjustment

Town Manager Joan Carter presented a slate of names for consideration by the Council for the Bermuda Run Board of Adjustment. Mayor Ferguson noted that a letter of resignation has not been received from the Planning Board, who was appointed to serve as the Board of Adjustment.

Town Attorney Warren Kasper suggested that summaries of the Planning Board discussions would be helpful on recommended resolutions. Council Member Al Barnett questioned if the Board of Adjustment could approve minor changes to the ordinance, but Mr. Kasper noted that only the Council could approve text amendments to the ordinance.

Town Manager Joan Carter announced that arrangements have been made for the Spring Clean-Up to take place on Saturday, May 20, 2006, on the same lot as last year – 8:00am – 1:00pm for residents only.

Budget Amendment – Authorization to Payoff Loan

Town Manager Joan Carter requested that a budget amendment be approved to payoff the existing loan with Bank of America with a maturity date of April 2007.

Council Member Al Barnett made a motion to adopt a budget ordinance amendment to transfer \$108,000 from the General Fund Balance in order to pay off the current loan with Bank of America. Council Member Ted Titsworth seconded the motion. The motion was approved four (4) in favor and none opposed.

Authorization for Town Attorney to Proceed with Condemnation Process

Town Attorney Warren Kasper proposed to file condemnation proceedings in Davie County by April 20, 2006, or shortly thereafter, to the five (5) property owners on Ivy Circle who have been unwilling to accept the Town's acquisition offer for the necessary right-of-way. Owners would be notified with papers served by the Sheriff's Department.

Council Member Al Barnett made a motion for the Town Attorney to proceed with the condemnation process by April 20, 2006, or shortly thereafter, to acquire the necessary right-of-way for the sewer extension from the five affected property owners on Ivy Circle. Council Member Ron Hoth seconded the motion. The motion was approved four (4) in favor and none opposed.

Adjournment

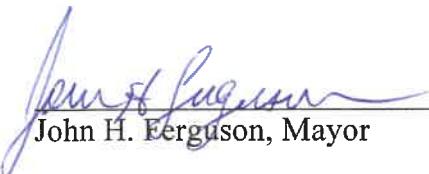
With no further business, Council Member Ted Titsworth made a motion to adjourn. The motion was seconded by Al Barnett and was approved with four (4) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

**Regular Town Council Meeting
Town of Bermuda Run
May 9, 2006 - 7:00 p.m.**

The Town Council of Bermuda Run held their monthly meeting on Tuesday, May 9, 2006 at 7:00 p.m. The meeting was held at the Town Hall.

Board Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell
Ted Titsworth

Board Member Absent: Ron Hoth

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney
Judy Thrift, Secretary

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

Glen Fleeman

Approval of the Minutes

Council Member Howard Futrell made a motion to adopt the minutes of the April 11, 2006 Town Council Meeting. Council Member Ted Titsworth seconded the motion. The motion was approved four (4) in favor and none opposed.

Adoption of the Agenda

Council Member Howard Futrell moved to adopt the agenda for the May 9, 2006 Town Board Meeting. Council Member Al Barnett seconded the motion. The motion was approved with four (4) in favor and none opposed.

Old Business:

Appointment of the Bermuda Run Board of Adjustment

Mayor Ferguson acknowledged the resignation letter from the interim Board of Adjustment effective May 1, 2006. Joan Carter presented a list (attached) of recommended citizens and proposed term limits to serve on the Board of Adjustment for the Town of Bermuda Run. In accordance with the zoning ordinance, the Board consists of three representatives and an alternate from the Town of Bermuda Run and two representatives and an alternate from the extraterritorial jurisdiction (ETJ).

Council Member Ted Titsworth moved to adopt the recommended list of citizens from Bermuda Run and the list of citizens from the (ETJ) to be appointed to the Bermuda Run Board of Adjustment. Council Member Howard Futrell seconded the motion. The motion was approved with four (4) in favor and none opposed.

Sewer Extension Update

Warren Kasper presented an Escrow Agreement for approval, which requires signatures by the property owner(s) and Town Manager for early connection to the sewer lines. Joan Carter also presented a procedure for the Town for early sewer connections.

Warren Kasper suggested adding the procedure for an inspection from Davie County Development Services Department, which requires the work be performed by a State-licensed plumbing contractor. Mrs. Carter noted that the additions would be added to the procedure and affected residents would be notified (attached).

Council Member Howard Futrell made a motion to adopt the proposed Escrow Agreement for early connection to Bermuda Run Sewer Extension – 2006 (attached). Council Member Al Barnett seconded the motion. The motion was approved with four (4) in favor and none opposed.

Mrs. Carter advised that the five property owners, who have been unwilling to accept the Town's acquisition offer for the right-of-way, received a final correspondence from the Town Hall. Town Attorney, Warren Kasper, advised the Council that the condemnation process would proceed as planned. A notice of intent to institute an action to condemn real property would be sent.

Town Manager's Report

- Mrs. Carter noted that letters had been sent to area businesses regarding the removal of temporary signs. Mayor Ferguson asked if a specific day had been established for the removal of temporary signs out of compliance, and she has requested that Monday was the preferred date. Any signs in the right-of-way would be removed. Permits for temporary signs may be obtained at no cost at the Town Hall.
- Financial Report – as of April 30, 2006 was presented for review. Mrs. Carter advised that she had spoken with Eddie Carrick , CPA, prior to preparing this review.

New Business

Public Hearing for Proposed 2006-2007 Budget Ordinance – June 13, 2006

Council Member Al Barnett made a motion to hold a Public Hearing for Proposed 2006-2007 Budget Ordinance on June 13, 2006 at the Town Hall. Council Member Howard Futrell seconded the motion. The motion was approved four (4) in favor and none opposed.

Adjournment

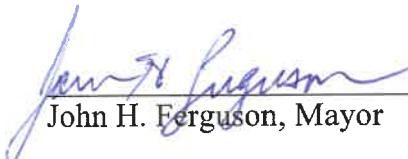
With no further business, Council Member Ted Titsworth made a motion to adjourn. The motion was seconded by Ed Coley and was approved with four (4) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

Bermuda Run Town Council
AGENDA MEETING - NOTES
Tuesday, May 23, 2006
9:00 a.m. – Town Hall

Council Members Present

Mayor John Ferguson
Al Barnett
Ron Hoth
Ted Titsworth
Howard Futrell
Ed Coley

Also Present

Joan Carter, Town Manager
Warren Kasper, Town Attorney
Jennifer Webb, Planning & Zoning
Gerry Mignacca, Planning Board
Bette Krause, Planning Board
Dick Heriot, Planning Board
Danny Smith, Public Works
John Grey, Engineer

Planning Board Chairman, Gerry Mignacca, presented a recommendation to add two conditions to the proposed text amendment establishing the Retail Overlay District. Several members of the Planning Board had visited developments in the Charlotte area, and saw first-hand what many of the large retailers were building architecturally to avoid the stand-alone “big box” image which had been previously discussed. Mayor Ferguson commended the Planning Board for their efforts.

Joan Carter reported that several of the St. James Planning Board visited one-half day at the Town with Jennifer and her to hear what steps had been taken to develop and approve the Zoning Ordinance. She also noted that the Appearance Committee held a brief meeting to discuss some of the areas of concern. The overall appearance of the entrances, 801 fencing and maintenance contract were considered high priorities. She noted that Miller Landscaping was still in the process of recommending an initial rendering for the fencing along 801 to be compatible with the Bermuda Run West fencing.

Ms. Carter noted that several businesses have expressed interest in annexation to the Town. No official documentation has been received. Several Council members expressed concern with spot annexation. Dick Heriot, President of the Transition Committee of the Kinderton Homeowners Association, was present to determine any interest from the Town in taking over the existing pump station. Very preliminary discussions concerning Town annexation had been discussed with some Kinderton residents, but no decisions have been made. More sewer capacity has been granted to the developers, but the initial phases are almost 75% built out and will be turned over to the HOA. The takeover date has been postponed from the developers.

Joan Carter noted that St. James HOA, as well as the Highlands and River Hill, have requested changing future water/sewer billings directly to the homeowner rather the association. An appointment with Beth Dirks, Assistant County Manager, will be set to

discuss the homeowner associations' request and the need for the master meter readings for the Town.

Danny Smith, Public Works contractor and John Grey, Town Engineer, discussed with the Council areas of required sewer line maintenance (behind Spyglass) where obstructions were found during the recent camera inspection of the lines. The cost for the additional work was estimated at \$25,000. Also, several repairs were being made to the WWTP blowers. John Grey noted that the sewer extension continues to be on schedule; however, with the problems incurred in the Tifton/Bent areas some delay in the schedule may be made.

The proposed 2006-2007 Budget was discussed. Ms. Carter noted that several line adjustments were still needed with regard to consideration of residential garbage pickup, fence improvements and right-of-way acquisitions. A proposed petty cash policy was presented for review. The Interlocal Government Agreement with Davie County was presented, which did not include code enforcement.

The Public Hearing for the 2006-2007 Budget Ordinance would be advertised for the June 13, 2006 Town meeting at the Town Hall.

With no further discussions, the meeting closed.

Respectfully submitted,



Joan Carter, Town Clerk

MINUTES
Regular Town Council Meeting & Public Hearing
Town of Bermuda Run
Tuesday, June 13, 2006 - 7:00 p.m.

The Town Council of Bermuda Run held a monthly meeting and public hearing on Tuesday, June 13, at 7:00 p.m. The meeting was held at the Bermuda Run Town Hall.

Council Members Present: John Ferguson, Mayor
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Council Member Absent: Al Barnett

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney
Judy Thrift, Secretary

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

None

Approval of the Minutes

Council Member Howard Futrell made a motion to adopt the minutes of the May 9, 2006 Town Council Meeting. Council Member Ed Coley seconded the motion. The motion was approved four (4) in favor and none opposed.

Adoption of the Agenda

Mayor Ferguson requested that the Budget Ordinance Amendment Nos. 2006-002 and 2006-003 be placed under new business. Town Manager Joan Carter also requested the approval of the Interlocal Agreement with Davie County for shared services be added to New Business.

Council Member Ron Hoth made a motion to adopt the agenda for the June 13, 2006 as amended. Council Member Ted Titsworth seconded the motion. The motion was approved with four (4) in favor and none opposed.

Town Manager's Update

Joan Carter reported that the sewer extension project - 2006 is going well; however, due to numerous unforeseen utility lines located underground in older, established

neighborhoods and with deeper lines needed in the Tifton/Bent Street area, it has become necessary to revise the schedule. The Project Engineer estimates that the schedule was delayed approximately two weeks. A revised map has been prepared and will be announced in the newsletter as well as posted on the Town bulletin boards.

Mrs. Carter reported that nine containers, as opposed to the four containers last year, were filled on "Clean-Up Day" and many positive comments had been received. Garbage pickup is being considered as a Town service for the coming year.

Additional pruning of the trees and shrubbery is continuing around the gate areas. Mayor Ferguson recommended, with the current construction and tree removal/trimming underway, that it would be a good time for a DOT representative to ride through the neighborhood and suggest additional trimmings needed in the Town's right-of-way.

Mrs. Carter also noted that several commercial property owners have expressed interest in annexation. Mayor Ferguson reiterated the Town's position in the past to not spot annex single properties and ensure that properties are contiguous to the current Town limits.

Old Business

Text Amendment to Zoning Ordinance for Establishment of Retail Overlay District – Resolution No. R2006-001

Town Manager, Joan Carter commended the Planning Board, Consultant Carol Rhea and Jennifer Webb, Zoning Administrator, for the work that went into the proposed text amendment. Following a site visitation to Mecklenburg County by several of the Planning Board members, two additional items concerning architectural considerations were noted in the proposed conditions for this amendment. Council Member Ted Titsworth noted a correction under Section 3, 4-1.9.65 - Retail Establishment should be I-40 rather than I-10.

Council Member Ted Titsworth made a motion to approve Resolution No. R2006-001 for the establishment of a Retail Overlay District north of I-40. Council Member Howard Futrell seconded the motion. The motion was approved with four (4) in favor and none opposed.

New Business

Budget Ordinance Amendment No. 2006-002 – Sewer Repairs

Town Manager Joan Carter reported that following a camera inspection of a section of the sewer line (located behind Spyglass to the waste water treatment plant), approximately 250 feet of existing lines require repairs due to blockage and buildup. An estimate of \$25,000 was received to make the necessary repairs. Mrs. Carter requested that \$22,000 be transferred from the Utility Fund Balance to complete this maintenance.

Councilman Howard Futrell moved to approve the Budget Ordinance Amendment No. 2006-002, and Council Member Ron Hoth seconded the motion. The motion was approved four (4) in favor and none opposed.

R2006-001

Budget Ordinance Amendment No. 2006-003 – Right of Way Acquistion

Mrs. Carter reported due to the unbudgeted costs of the Ivy Circle right-of-way acquisitions, a budget amendment ordinance was requested in the amount of \$32,000.

Council Member Ted Titsworth moved to approve the Budget Ordinance Amendment 2006-003 and Council Member Howard Futrell seconded the motion. The motion was approved four (4) in favor and none opposed.

Public Hearing for Proposed 2006-2007 Budget Ordinance – June 13, 2006

Mayor John Ferguson opened the Public Hearing and asked if anyone would like to speak. Having received no comments or questions, Mayor Ferguson closed the public hearing.

Town Manager Joan Carter presented the proposed Budget for FY 2006-2007. During the discussions, Mayor Ferguson expressed his opposition to excluding the budget amount for Traffic Enforcement. Discussion followed concerning what services the Town was currently receiving and renegotiating those services for the safety of the citizens. Following discussions, \$11,500 for Traffic Enforcement was added back in the budget for Community Services.

Mayor Ferguson also expressed concern with the inclusion of the Fund Balance requests for improvements totaling \$200,000 in a new Capital Project. He felt the money should not be appropriated until final plans, costs and recommendations were completed and approved by the Council. Mrs. Carter noted that during the January planning session, the Council prioritized upgrades for appearance improvements. She also confirmed that this money would not be spent without a final plan and approval by the Council. Eddie Carrick, CPA, noted that setting aside the capital funding does not specify a time frame for completion, but does indicate that this money has been appropriated in a capital project for improvements until the Council approves spending or transfers the money back to the appropriate funds.

Council Member Ron Hoth made a motion to adopt the Fiscal Year Budget 2006-2007 Ordinance as presented. Council Member Ted Titsworth seconded the motion, which was approved four (4) in favor and none opposed.

Adoption of a Petty Cash Policy

Joan Carter requested the Council's approval of a petty cash policy to provide \$50 cash on hand for making change for customers and reimbursement of incidental expenses incurred.

Council Member Howard Futrell made a motion to adopt the petty cash policy as presented. Council Member Ted Titsworth seconded the motion, which passed unanimously with four (4) in favor and none opposed.

Interlocal Agreement with Davie County

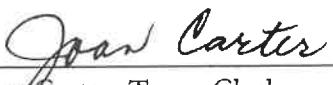
Joan Carter presented the proposed Interlocal Agreement with Davie County for Shared Services for Tax Collections, Building Inspections, Flood Plain Management and Fire Protection. The term of the contract is three years.

Council Member Howard Futrell made a motion to approve the Davie County Interlocal Agreement for three years. Council Member Ron Hoth seconded the motion, which was approved four (4) in favor and none opposed.

Adjournment

With no further business, Council Member Ted Titsworth made a motion to adjourn. The motion was seconded by Ron Hoth and was approved with four (4) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

**Bermuda Run Town Council
AGENDA MEETING - NOTES**
Tuesday, June 27, 2006
9:00 a.m. – Town Hall

Council Members Present

Mayor John Ferguson
Al Barnett
Ron Hoth
Ted Titsworth
Howard Futrell
Ed Coley

Also Present

Joan Carter, Town Manager
Warren Kasper, Town Attorney
Jennifer Webb, Planning & Zoning
Beth Dirks, Assistant County Manager
George Peterson, Citizen

Joan Carter welcomed Beth Dirks, Assistant County Manager, to the meeting. Ms. Carter noted that the Highlands, James Way and River Hill Homeowners Associations have requested a change in billing -- that the individual homeowners be billed for water and sewer services rather than a lump sum billed to each association. Ms. Dirks discussed options and noted a feasibility study would be needed to determine the Town's cost to add the homes (which will have individual meters) to the county water line. She felt Lybrook Drive would provide easy access to the county water line. The county will require current maps of the water lines from these three areas. Ms. Carter noted that other HOA's would continue with the current billing system.

Jennifer Webb presented the proposed Nuisance and Civil Penalties Ordinance and requested the Council to consider calling for a Public Hearing at the July 11, Council Meeting. Enforcement is the difficult issue. She will be meeting with John Ganus in July to begin discussions of enforcement.

Warren Kasper noted a certificate of sufficiency will be provided to the Town Manager for the petition for annexation from Hubbard Properties and Commercial Oil Properties and a Public Hearing could be scheduled for August at the July 11, Council Meeting to vote on the annexation.

Howard Futrell expressed an interest in the Town installing American Flags at the three gates to celebrate the 4th of July holiday – as well as future patriotic holidays. An estimate of the cost is less than \$500 for approximately 32 flags, which she thought would be sufficient.

Ms. Carter provided a sewer update – in addition to the loss of services, issues concerning incomplete landscaping and drainage problems are the main topics of complaints from citizens. Mayor Ferguson suggested that this would be a good time to clean up the Town right-of-ways. A meeting with Duke Energy is scheduled to discuss concerns and to determine a better way to locate the utility lines - hopefully to avoid so many delays and

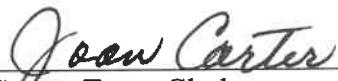
danger to the construction crew. Also, on the agenda with the power company is the delay in repairing and returning the missing street lights along Riverbend Drive and perhaps other areas – due to wire cuts from the sewer extension. Approximately 53% of the gravity sewer line is installed – including Tifton and Bent Streets.

Al Barnett requested the Town Manager to contact Vernon Foster concerning the “flooding” in his front yard following a heavy rain storm.

Prior to the closing of the meeting, Mayor Ferguson requested a closed session with just the Town Council to discuss a personnel issue. Following discussions, the Town Manager was asked to return. Ron Hoth noted that the Council members were to complete a performance evaluation of her to be discussed at the next agenda meeting. He requested Ms. Carter to also complete the same performance evaluation of her work and bring the comments to the next agenda meeting for further discussion.

With no further business, the meeting was adjourned.

Respectfully submitted,



Joan Carter, Town Clerk

MINUTES
Regular Town Council Meeting
Town of Bermuda Run
Tuesday, July 11, 2006 - 7:00 p.m.

The Town Council of Bermuda Run held a monthly meeting and public hearing on Tuesday, July 11, at 7:00 p.m. The meeting was held at the Bermuda Run Town Hall.

Council Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney
Beth Dirks, Assistant County Manager
Judy Thrift, Secretary

Call to Order

Mayor John Ferguson called the meeting to order and welcomed Beth Dirks, Assistant County Manager.

Citizens' Comments

None

Approval of the Minutes

Council Member Ted Titsworth made a motion to adopt the minutes of the June 13, 2006 Town Council Meeting. Council Member Howard Futrell seconded the motion. The motion was approved five (5) in favor and none opposed.

Adoption of the Agenda

Council Member Al Barnett moved to adopt the Agenda. Council Member Ron Hoth seconded the motion. The motion was approved with five (5) in favor and none opposed.

Town Manager's Update

Joan Carter reported that the sewer extension project is approaching 60% completion. A break in a main gas line - just prior to the Town Council Meeting - created an emergency situation for the area. Repairs to the line were delayed due to the difficulty in locating the cutoff valve. No injuries occurred.

Mrs. Carter noted that all three entrance gates were bedecked with American flags for the July 4th weekend, and the columns and fencing had been power washed. Many residents expressed appreciation of the display of patriotism.

Mrs. Carter advised that Eddie Carrick, CPA, would be working at the Town Hall for the next two days on the 2005-2006 Audit. Mr. Carrick will submit a final report once the Audit is complete.

Joan Carter noted that the new ABC Store, to be operated by the Triad Municipal ABC Board, is scheduled to open by the 1st of September, 2006 in the former CVS location next to Food Lion - Tanglewood Crossing Shopping Center.

Condemnation Process Update of Properties for Right-of-Way along Ivy Circle.

Town Attorney, Warren Kasper, reported the 30-day condemnation period had expired for properties on Ivy Circle. He was prepared to proceed with the process of condemning a total of five properties on Ivy Circle for the right-of-way.

Council Member Ron Hoth moved to proceed with the right-of-way condemnation process for five properties along Ivy Circle. Council Member Al Barnett seconded the motion. The motion was approved with five (5) in favor and none opposed.

Old Business

None

New Business

Water / Sewer Billing Requests

Beth Dirks, Assistant County Manager, spoke to the Council concerning a request for direct billing of water/sewer services in James Way, Highlands and River Hill areas. The Town would need to complete a feasibility study to determine requirements and costs for connection to the County water lines. The County would also require current maps of the water lines in the designated areas. The Town would continue to read the meters for County billing in other homeowner association areas not having individual meters.

Council Member Ed Coley made a motion to proceed with the feasibility study for direct billing by Davie County for water/sewer services in James Way, Highlands and River Hill areas. Council Member Ted Titsworth seconded the motion. The motion was approved with five (5) in favor and none opposed.

Petition for Annexation

A resolution to direct the Town Clerk to investigate a Petition for Annexation under G.S. 160A-31 for the Town of Bermuda Run – R2006-014 was presented by Joan Carter.

Councilman Al Barnett made a motion authorizing the Town Clerk to investigate a Petition for Annexation, and Councilman Howard Futrell seconded the motion. The motion was approved with five (5) in favor and none opposed.

Town Attorney Warren Kasper noted that he had found no discrepancies to prevent issuing a certificate of sufficiency for the proposed annexation, and the Council could adopt a resolution calling for the Public Hearing at the August 8, 2006 Town meeting.

Councilman Ron Hoth made a motion to approve a resolution requesting a Public Hearing on August 8, 2006 for a Petition for Annexation under G.S. 160A-31 in the Town of Bermuda Run – R2006-015 - for properties owned by H&V Construction Company and Commercial Oil, Inc. along NC Highway 801S and US Highway 158. Council Member Howard Futrell seconded the motion. The motion was approved with five (5) in favor and none opposed.

Request for Public Hearings for Nuisance Ordinance O-2006-01 and Civil Penalties Ordinance O-2006-02

Town Manager Joan Carter noted that previous discussions have taken place concerning the adoption of a new Nuisance Ordinance and a Civil Penalties Ordinance. Mrs. Carter requested separate Public Hearings at the August 8, 2006 Town Council Meeting to hear and receive comments for (1) Nuisance Ordinance – O-2006-01 and for (2) Civil Penalties Ordinance O-2006-02.

Council Member Howard Futrell made a motion to approve the request for a Public Hearing for Nuisance Ordinance 0-2006-1 and a Public Hearing for Civil Penalties Ordinance 0-2006-02 at the August 8, 2006 Council meeting.. Council Member Al Barnett seconded the motion. The motion was approved with five (5) in favor and none opposed.

Adjournment

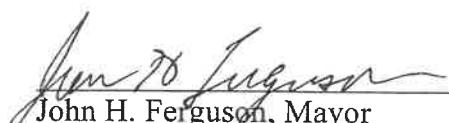
With no further business, Council Member Ted Titsworth made a motion to adjourn, which was seconded by Ed Coley and approved with five (5) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

Bermuda Run Town Council
AGENDA MEETING - NOTES
Tuesday, July 25, 2006
9:00 a.m. – Town Hall

Council Members Present

Mayor John Ferguson
Al Barnett
Ron Hoth
Ted Titsworth
Howard Futrell
Ed Coley

Also Present

Joan Carter, Town Manager
Warren Kasper, Town Attorney
Jennifer Webb, Planning & Zoning
George Peterson, Citizen

Joan Carter noted that the sewer extension gravity line is approximately 65% complete, and installation of the 4" force main is underway – approximately 31% complete. Work has progressed well along Ivy Circle and Fescue Drive. Several inquiries for follow-up were presented from the Council for follow-up – mostly concerning landscaping and the importance of returning affected areas to the original site quality. Mayor Ferguson suggested that right-of-way issues/obstructions could also be looked at since most of the areas cleaned up were needed improvements.

Jennifer Webb reviewed the three items scheduled for the public hearings at the August 8, Council meeting – (1) Petition for Annexation - of the commercial properties at the southeast of Hwy 158/801 – owned by Hubbard Properties, Commercial Oil and Todd H. Carter, DDS. (2) Adoption of revised Nuisance Ordinance and (2) Adoption of Civil Penalties Ordinance. Both ordinances were drafted by John Ganus at Benchmark CMR, Inc. and reviewed by Carol Rhea.

Ms. Carter also noted that the FY 2005-2006 audit is underway - conducted by Eddie Carrick, CPA. He began July 11-12 and will return in August. She is meeting with Richard Ratcliff, former City of Lexington Finance Director, for consultation concerning fund accounting and changes in report presentations to the Council.

Ms. Carter discussed the Debt Set-Off Program, established by the state, which was approved by the Council in September 2002. Judy Thrift will be attending a workshop in September and has forwarded one account for consideration. Warren Kasper discussed the difficulty in collecting funds from unwilling citizens and was not certain of the success of this program.

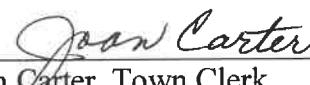
Al Barnett noted that a citizen had called and presented pictures to him of the flooding that took place in his front yard on Ivy Circle after the recent storm. Ms. Carter was to follow-up and contact the residents to ensure the sewer extension did not cause the flooding.

Al Barnett suggested that the Town's role in the opening of the new ABC Store should be minimized; the Municipal Triad ABC Board was responsible for opening and management of the new store.

Howard Futrell noted that he recently attended the TAC meeting. NCDOT construction has begun to strengthen the shoulders along I-40 at the Harper Road exit for the west off/on ramps. Completion is scheduled for July 2008.

With no further discussions, the meeting closed.

Respectfully submitted,



Joan Carter, Town Clerk

MINUTES
Regular Town Council Meeting & Public Hearings
Town of Bermuda Run
Tuesday, August 8, 2006 - 7:00 p.m.

The Town Council of Bermuda Run held a monthly meeting and public hearings on Tuesday, August 8 at 7:00 p.m. The meeting was held at the Bermuda Run Town Hall.

Council Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney
Judy Thrift, Secretary
Jennifer Webb, Planning & Zoning Director
Ray Collins, Collins Commercial Properties, Inc.

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

None

Approval of the Minutes

Warren Kasper, Town Attorney, noted a correction to the July 11, 2006 minutes. The second paragraph, page 3, should be "certificate of sufficiency" rather than "certificate of proficiency."

Council Member Howard Futrell made a motion to adopt the minutes of the July 11, 2006 Town Council Meeting with the noted correction. Council Member Al Barnett seconded the motion. The motion was approved five (5) in favor and none opposed.

Adoption of the Agenda

Council Member Ted Titsworth moved to adopt the Agenda. Council Member Ron Hoth seconded the motion. The motion was approved with five (5) in favor and none opposed.

Old Business and Announcements

Sewer Extension Project Update

Joan Carter, Town Manager, reported that 74% of the sewer extension gravity line has been completed. Fescue Drive is also completed; Ivy Circle gravity line should be complete within the next week. Paving of Ivy Circle will follow the first week in September – weather permitting. Construction crews will move back to Riverbend, as well and begin River Road and Boxwood Circle construction. Another notice in the newsletter will be sent to residents asking for their continued cooperation as crews work to fine tune the necessary cleanup once the construction phase is complete.

Feasibility Study to Remove Master Meters for Water/Sewer Services

Joan Carter advised that John Grey, Town Engineer, is conducting a feasibility study to present the Town's options for three homeowner associations' requests to have the County bill individual homeowners for water/sewer services rather than master billing to the respective associations in Highlands, James Way and Riverhill. Mr. Grey would present findings and consideration for constructing a new line to connect to the County water system as well as the review of the current bulk rate contract with the County.

Certificate of Sufficiency for Proposed Annexation under G.S. 160A-31 for the Town of Bermuda Run

The Town Manager presented a Certificate of Sufficiency and reported that the Town Attorney had investigated the proposed request for annexation. All owners have signed the petition for annexation, and the necessary documentation had been submitted to the Zoning Administrator.

New Business

Public Hearing for Adoption of Nuisance Ordinance – No. O-2006-01

Mayor Ferguson opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the proposed Nuisance Ordinance. Jennifer Webb presented the recommendation from the staff and Planning Board. The Ordinance was drafted by Benchmark, Inc. and was also reviewed by Carol Rhea, Planning Consultant. John Ganus, CMR Benchmark, is scheduled to begin code enforcement once the ordinance is adopted. Mayor Ferguson noted the difficulty in enforcing the ordinance especially in the extraterritorial district. With no further discussion, the public hearing was closed.

Council Member Howard Futrell made a motion to approve the Adoption of Nuisance Ordinance – No. O-2006-01. The motion was seconded by Ron Hoth. The motion was approved five (5) in favor and none opposed.

Public Hearing for Adoption of Civil Penalties Ordinance – No. O-2006-02

Mayor Ferguson opened the public hearing and asked if anyone had any questions or comments. Jennifer Webb presented the recommendation from the staff and Planning Board. The Ordinance was drafted by CMR Benchmark, Inc. and was reviewed by Carol Rhea, Planning Consultant. John Ganus, CMR Benchmark, is scheduled to begin code enforcement once the ordinance is approved. Mayor Ferguson suggested deleting reference to "his or her" on Page 2, Section B – and change to "Town Manager or designee." Warren Kasper noted that if the penalties were determined to be too expensive, the ordi-

nance could be amended. Hearing no further discussion, Mayor Ferguson closed the public hearing.

Council Member Al Barnett made a motion to approve the Adoption of Civil Penalties Ordinance – No. O-2006-02 with the reference change. Council Member Howard Futrell seconded the motion. The motion was approved five (5) in favor and none opposed.

Public Hearing for Adoption of Ordinance – No. O-2006-003 - Petition to Extend the Corporate Limits of the Town of Bermuda Run under G.S. 160A-31 - for Properties Owned by H & V Construction Company, Todd H. Carter, DDS, Commercial Oil, Inc. and Advance Southstar, LLC - along NC Hwy 801S and US Hwy 158

Mayor Ferguson declared the public hearing open. Hearing no comments, Mayor Ferguson closed the hearing. Jennifer Webb provided the map of the properties being considered. She also noted that the developer has submitted a much improved drainage and water run-off plan into the existing County lines.

Council Member Ted Titsworth made a motion to approve the Adoption of Ordinance – No. O-2006-003 – Petition for Annexation. Councilman Howard Futrell seconded the motion, which was approved five (5) in favor and none opposed.

Ray Collins, Collins Commercial Properties – broker for the sale of the property, expressed appreciation on behalf of the owners for the Town's assistance and consideration.

Warren Kasper discussed his recent legal conference in Asheville. A topic of interest for high-traffic areas was regulating pan handling (solicitation) and the difficulties in providing equal treatment to all individuals. New requirements for tree preservation in new developments, along with the easing of some requirements for Phase II Storm water areas, were also discussed.

Adjournment

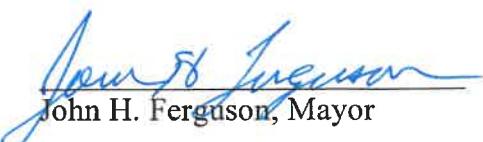
With no further business, Council Member Ron Hoth made a motion to adjourn. The motion was seconded by Al Barnett and was approved with five (5) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

Bermuda Run Town Council
AGENDA MEETING - NOTES
Tuesday, August 22, 2006
9:00 a.m. – Town Hall

Council Members Present

Al Barnett, Mayor Pro-Tem
Ron Hoth
Ted Titsworth
Howard Futrell
Ed Coley

Also Present

Joan Carter, Town Manager
Warren Kasper, Town Attorney

Dick Heriot, Kinderton Village
John Grey, Town Engineer
Jennifer Webb, Zoning Administrator

Council Member Absent

John Ferguson, Mayor

Joan Carter introduced BR Planning Board member, Dick Heriot, who also serves as the president of the transition committee for the Kinderton Residential Association. Mr. Heriot discussed with the Council the feasibility of volunteer residential annexation. He spoke previously with Mayor John Ferguson, who suggested he speak to the Council. He understood that if area is annexed, the Town would take over maintenance of the roads (if DOT standards were in place), public (right-of-way) areas for landscaping, street lights and sewer pump maintenance. Joan Carter noted that the projected increase in tax revenue would double the current sales tax annual revenue (projected population of approximately 1,500 citizens when all phases completed 4-5 years) – in addition to the ad valorem tax revenues (estimated build out of 700-750 homes averaging \$200,000 per home). Warren Kasper would seek clarification on the Charter's wording "*The Town of Bermuda Run shall not annex any property without the vote or consent of a majority of the residents of any such property.*" Was a formal election (by the County) required and what percentage of a petition would it take to make process voluntary?

John Grey presented the findings from a meeting held the day before with Joan Carter, County water representatives - Beth Dirks and Chris Nuckolls, and him to discuss the Town's loss of revenue in water collections. The established rate in 2002 with the County was \$3.41 for over 3,000 gallons usage (note County increased its rates to \$3.61 for over 3,000 gallons in January 2006). No one was aware that the County provided a payment break for large users (over 200,000 gallons in two-month billing). Many of BR's large water users, such as HOA's and the BR Village, have received reduced bills after the County took over billing in January 2005. The Council suggested that the Town Manager provide a recommendation for establishing a Town water rate after discussion with the Mayor.

Mr. Grey also noted that a recommendation was made by Danny Smith that the Town adopt a grease policy for commercial users (as well as residents) to avoid future problems with excess grease in the sewer system. A draft policy proposal is to be presented at a later date.

Jennifer Webb presented two requests to call for a public hearings at the September Council meeting: (1) consideration of 10/70 provision for property located on southeast corner of 158/801 and (2) approval of a text amendment concerning Streetyard requirements for buildings in close proximity to the sidewalk in the CM District. The staff and Planning Board had approved the allocation and text amendment. The Council would call for the hearings at the September meeting.

Ms. Carter announced that the audit was complete and is waiting LGC approval before presentation to the Council. She also suggested a change to the personnel policy concerning the holiday schedule to reflect the State's holiday schedule. She noted a couple of meetings of interest were to be held with Doug Jewell – concerning Phase II, Stormwater plan and a meeting with NCDOT representative to discuss traffic concerns and removal of Hillsdale signage in the Town limits.

With no further discussions, the meeting closed.

Respectfully submitted,



Joan Carter, Town Clerk

**Regular Town Council Meeting
Town of Bermuda Run
September 12, 2006 - 7:00 p.m.**

The Town Council of Bermuda Run held their monthly meeting on Tuesday, September 12, 2006 at 7:00 p.m. The meeting was held at the Town Hall.

Council Members Present: John Ferguson, Mayor

Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present:

Joan Carter, Town Manager
Julie McDaniel, Assistant to Town Attorney
John Grey, Town Engineer
Judy Thrift, Secretary

Call to Order

Mayor John Ferguson called the meeting to order and welcomed Julie McDaniel, who was attending in the absence of Warren Kasper, Town Attorney.

Citizens' Comments

None

Approval of the Minutes

Mayor John Ferguson noted a correction to the August 8, 2006 minutes. The first paragraph, page 2, should be "Construction crews will move back to Riverbend."

Council Member Ron Hoth made a motion to adopt the minutes of the August 8, 2006 Town Council Meeting with the noted correction. Council Member Ted Titsworth seconded the motion. The motion was approved five (5) in favor and none opposed.

Adoption of the Agenda

Council Member Howard Futrell moved to adopt the agenda. Council Member Ed Coley seconded the motion. The motion was approved with five (5) in favor and none opposed.

Town Manager's Report

Mrs. Carter noted that 90% of the sewer extension gravity line has been complete, and the pump stations were under construction. The construction goal is to complete the project by the end of September weather permitting with cleanup activities

remaining. Paving on Ivy Circle is underway and includes widening the curves in certain areas as an added safety precaution. Pavement is also scheduled to be lined. Duke Energy has been contacted concerning (1) the placement of new street lights on Ivy Circle and (2) replacement of lights disconnected during the sewer construction. Mayor Ferguson commended the construction crews and believed the project had been a positive one.

The Town Manager recommended a change to the Bermuda Run Personnel Manual – Article VII – Section 1, Holidays - “When a holiday – other than Christmas Day – occurs on Saturday or Sunday, the holiday shall be observed in accordance with the State of North Carolina schedule.”

Council Member Ron Hoth made a motion to adopt the change to the Personnel Manual – Article VII - Section 1, Holidays, as presented. The motion was seconded by Council Member Howard Futrell. The motion was approved with five (5) in favor and none opposed.

Old Business

Feasibility Study to Remove Master Meters for Water/Sewer Services

John Grey, Town Engineer, discussed the feasibility of billing individual homeowners for water/sewer services in the James Way, Highlands and Riverhill areas. He had met with Beth Dirks, Assistant County Manager, Chris Nuckolls, Public Utilities Director and Joan Carter to review the overall feasibility of the homeowners associations' request. Several considerations were discussed: the cost of providing direct connection to the county water system was estimated at approximately \$50,000; changing the current bulk water contract with the county prior to expiration (2008) would result in \$42,000 penalty fees to the Town; and a discrepancy between current county billing and BR rate was identified since the county began billing for the bulk water system (March 2005). Following discussions, the Town Manager was asked to meet with the three homeowner associations to update the findings and make a recommendation back to the Council.

New Business

The Town Manager requested the Council to call for a Public Hearing on Tuesday, October 10, 2006 to consider a 10/70 Provision Allocation for a developer of the southeast corner of US Highway 158 and NC Highway 801. She noted that the Planning Board and staff had recommended this request.

Council Member Ron Hoth made a motion to call for the Public Hearing as requested. The motion was seconded by Al Barnett and approved five (5) in favor and none opposed.

The Town Manager also requested the Council to call for a Public Hearing at the October 10, 2006 Council Meeting to consider a Text Amendment to the Zoning Ordinance concerning Streetyard requirements for buildings in close proximity to

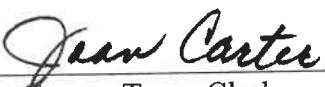
the sidewalk in the Commercial Mixed-Use (CM) District. Mrs. Carter noted that the Planning Board and staff had recommended this amendment.

Council Member Ed Coley made a motion to call for the public hearing as requested. Council Member Ted Titsworth seconded the motion. The motion was approved five (5) in favor and none opposed.

Adjournment

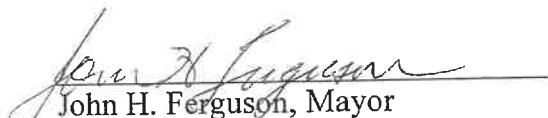
With no further business, Council Member Ron Hoth made a motion to adjourn. The motion was seconded by Ed Coley and was approved with five (5) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor
1-4-07

**Bermuda Run Town Council
AGENDA MEETING - NOTES
Tuesday, September 26, 2006
9:00 a.m. – Town Hall**

Council Members Present

John Ferguson, Mayor
Al Barnett
Ron Hoth
Ted Titsworth
Howard Futrell
Ed Coley

Also Present

Joan Carter, Town Manager
Warren Kasper, Town Attorney

Joan Carter announced that the annual leaf pickup was scheduled for the following times - Wed., Oct. 25; Wed., Nov. 15; and Wed., December 6. No debris or tree limbs should be included for pickup – only leaves.

Warren Kasper noted that the Theda Lamb property is being sold. The new purchaser has assumed the debt, but has requested relief from the accrued interest and wanted to address the council. The full debt amount was disclosed prior to closing, and Warren noted the Council's policy had been for full payment of the debt. The Council felt no action was necessary; but new owner was welcome to attend a meeting and address the matter.

Relocation of Town Hall was noted by Mayor Ferguson. He would speak to Tom Browder concerning his office building if the Council desired. No objections were noted.

Ms. Carter provided a copy of Miller Landscaping's proposal for a preliminary master plan of the pending Town park adjacent to the new soccer fields. Since this was a design proposal, she noted that formal bids were not required. Warren Kasper suggested obtaining additional bids as a good practice even though there was a short amount of time for preliminary work – in order to complete the PARTF grant application. Ms. Carter would seek additional bids or estimates for the proposal.

Ms. Carter noted that the County of Davie was compiling a proposed Interlocal Agreement with the Town to establish the water rates for Bermuda Run, read the meters and establish the County as Agent for the Town to cut off water of overdue accounts. The agreement will be presented to the County Commissioners at the November meeting, November 6. Ms. Carter and Ed Coley met with the Riverhill HOA board members, who were inclined to keep current system of billing to the HOA. Ms. Carter also met with James Way and Highlands representatives (Susan Bjorke and Dick Zeitvogel, respectively). She indicated that James Way preferred having meters read individually at each resident; Mr. Zeitvogel would get back to the Town after discussing with his board.

Ms. Carter noted a need for policies concerning the installation and maintenance of low-pressure (Town-permitted) pumps needed on some properties to have sewer availability. A timeline will be developed for the assessment process once final costs are determined. Preliminary numbers should be available by the end of October.

Ms. Carter further noted that two public hearings were scheduled to take place at the October 10 council meeting – (1) Consideration of 10/70 provision for property located on southeast corner of 158/801 and (2) Text amendment concerning Streetyard requirements for buildings in close proximity to the sidewalk in the CM District. These topics were presented by the Zoning Administrator at last month's meeting. Eddie Carrick, Town CPA, would also present the Audit for FY 2005-2006.

Due to a conflict in schedule with the Town Manager attending the Municipal Administration Course at the Institute of Government in Chapel Hill during the fourth week in October, the Council agreed to postpone the October agenda meeting until Tuesday, the 31st of October, 2006 at the Town Hall, 9:00am.

Ms. Carter reminded the Council that the Grand Opening of the new ABC Store in Bermuda Run would take place at 10:00am on Tuesday, October 3. The Mayor will speak, along with local and visiting state officials.

With no further discussions, the meeting closed.

Respectfully submitted,



Joan Carter, Town Clerk

**Regular Town Council Meeting
Town of Bermuda Run
October 10, 2006 - 7:00 p.m.**

The Town Council of Bermuda Run held its regularly scheduled meeting on Tuesday, October 10, 2006 at 7:00 p.m. The meeting was held at the Town Hall.

Board Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present: Joan Carter, Town Manager
Eddie Carrick, Town CPA
Warren Kasper, Town Attorney
Jennifer Webb, Planning & Zoning
Judy Thrift, Secretary

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

George Clark
Glenn Fleeman

Approval of the Minutes

Council Member Al Barnett made a motion to adopt the minutes of the September 12, 2006 Town Council Meeting. Council Member Howard Futrell seconded the motion. The motion was approved five (5) in favor and none opposed.

Adoption of the Agenda

Council Member Ted Titsworth moved to adopt the agenda. Council Member Howard Futrell seconded the motion. The motion was approved with five (5) in favor and none opposed.

Town Manager's Report

Mrs. Carter reported that there would be a Fall Leaf Pickup again this year. Three Wednesdays - October 25, November 15 and December 6, 2006 - have been designated as the deadlines for leaves on the curb for pickup during that week.

Sewer Extension - The Town Manager thanked Earlene and John Ferguson for hosting a barbecue lunch at their home to express appreciation from the Town for the hard work performed by the crews of Hickory Sand, Grey Engineering, and other contractors toward the completion of the sewer extension project. Sewer line construction is complete, and testing on forcemain and gravity sewer lines continues. Some residents have signed up for early sewer connection. Procedures are in place with Davie County Development Services to help ensure new customers are correctly setup for billing. Once the project is declared complete and final project cost is determined, a timetable for the assessment process will include notification to affected residents for a public

hearing and the levy of the assessment. Mrs. Carter noted that cleanup is still underway and requested that the Council let the staff know of concerns that have not been addressed. Marking for street lights along Ivy Circle have been made; plans are being finalized by Duke Energy.

Veterans' Day – The American flags will be used again in honor of Veterans' Day. The flags will be displayed at the three gate areas from November 6 through November 17, 2006.

Preliminary Master Plan - Joan Carter presented a proposal for the design of a Preliminary Master Plan to be considered by the Town for a passive park adjacent to the new soccer complex under construction. A proposal for services was outlined by Miller Landscape Architecture and organized into three sections: Project Understanding, Proposed Scope of Services, and Fee Proposal – which will include meetings with citizens, staff and the Council. Mrs. Carter noted that a formal bid process was not required to adopt the proposal since this was an architect/design service. She was confident in the professional qualifications of Miller Landscape Architecture and explained that two other companies were contacted for project proposals. One company was not interested in undertaking the project due to current work schedule, and the other proposal had not been received in writing prior to the Town Council Meeting. She received a verbal quote earlier in the day, which exceeded Miller's cost by \$2,500, and would forward the second proposal in writing to the Council as soon as it was received. Mayor Ferguson noted that the Council had requested other proposals but did not receive them for consideration.

Council Member Ron Hoth made a motion to adopt the proposal submitted by Miller Landscape Architecture. The motion was seconded by Ted Titsworth. The motion was approved with four (4) in favor and one (1) opposed.

Water Billings - Following previous discussions concerning billings for bulk water meters, Joan Carter noted that an Interlocal Agreement was drafted between the Town of Bermuda Run and the County of Davie for shared services for water billing/collection, meter reading and cut-off authority. The County is scheduled to consider approval of the agreement at the November 6, 2006 Commissioners' meeting – which would then need Town approval.

Old Business

None

New Business

Town Manager introduced Eddie Carrick, CPA, who presented the audit for the fiscal year ending June 30, 2006. He commended the Council and staff for the timely maintenance of Town assets, more stringent collection policy and continued conservative approach to spending. The Town's net assets were increased and no decrease in revenue was expected for 2006. Mr. Carrick reminded the Council water and sewer rates should be set to cover the Town's expenses in this area as mandated by the state.

Council Member Ron Hoth made a motion to adopt the FY 2005-2006 Audit as presented. The motion was seconded by Howard Futrell. The motion was approved with five (5) in favor and none opposed.

Public Hearing to Consider Resolution No. R2006-016 concerning proposed Text Amendment to the Bermuda Run Zoning Ordinance for Streetyard requirements in the Commercial Mixed Use (CM) District

Mayor Ferguson noted that the Planning Board had recommended the proposed text amendment on July 19, 2006, and opened the public hearing for comments. There being no comments, Mayor Ferguson declared the hearing closed.

Council member Ted Titsworth made a motion to approve Resolution No. R2006-016 as presented. This motion was seconded by Council Member Ed Coley. The motion was approved with five (5) in favor and none opposed.

Public Hearing to Consider Request for 10/70 Provision Allocation – Approved by Planning Board July 19, 2006:

Mayor Ferguson opened the public hearing for any comments. There being none, Mayor Ferguson closed the public hearing.

Council Member Al Barnett made a motion to approve Resolution No. R2006-017 concerning the Town of Bermuda Run 10/70 Provision Allocation of 0.056 acres. This motion was seconded by Council Member Ed Coley. The motion was approved with five (5) in favor and none opposed.

Adjournment

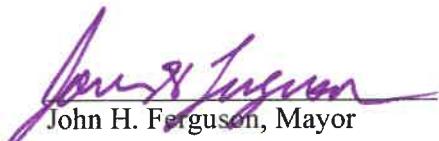
With no further business, Council Member Ed Coley made a motion to adjourn. The motion was seconded by Ted Titsworth and was approved with five (5) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

**Regular Town Council Meeting
Town of Bermuda Run
November 14, 2006 - 7:00 p.m.**

The Town Council of Bermuda Run held its regularly scheduled meeting on Tuesday, November 14, 2006 at 7:00 p.m. The meeting was held at the Town Hall.

Council Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

George Clark noted his concerns with the proposed NCDOT construction of the 801 and 158 bridges that are scheduled simultaneously sometime in 2007.

Approval of the Minutes

Council Member Ron Hoth made a motion to approve the minutes of the October 10, 2006 Town Council Meeting as presented. Council Member Howard Futrell seconded the motion. The motion was approved five (5) in favor and none opposed.

Adoption of the Agenda

Council Member Ted Titsworth moved to adopt the agenda. Council Member Howard Futrell seconded the motion. The motion was approved with five (5) in favor and none opposed.

Town Manager's Report

Sewer Extension – Ms. Carter noted that the citizens' concerns were still being addressed, but very few remain – some paving, landscaping and brick work issues are to be completed. The two new pump stations are awaiting completion of the electrical and gas hookups – as well as the inspections from the county. She met with Fence Builders concerning a quote for the fencing at the 158 pump station. She also spoke with the insurance company, which does not require a fence around the pump station. She is still awaiting quotes on the proposed landscaping.

Street Lights - The repairs to the street lights are still not completed – after the Town had marked every light that was not working properly. It was noted that many of the lights put back up were not cleaned and had debris and dirt inside of the globe; Ms. Carter would make Duke Energy aware. Ivy Circle street lights are to be installed within the next few weeks – pending good weather. A letter will be sent to affected residents on Ivy Circle to assure them that trenching would be necessary (again), but the areas will be landscaped shortly thereafter.

Mayor Ferguson suggested that main streets be lined again since much of the lining had faded. It was also noted that the Town should continue to cleanup the right-of-ways – removal of trees, etc.

Old Business

Interlocal Agreement with County of Davie

Joan Carter reported that on Monday, November 6, 2006, the County Commissioners approved the Interlocal Agreement with the Town of Bermuda Run to authorize collections and meter readings and to establish cut-off authority to the County for bulk-meter customers. Homeowners in the James Way and Highlands neighborhoods have installed individual meters and will receive direct billing commencing in January, rather than billing the homeowner associations.

Council Member Howard Futrell made a motion to accept the Interlocal Agreement with the County of Davie for Shared Services for water billings and collections, meter readings and cut-off authority. Council member Ed Coley seconded the motion, which passed unanimously five (5) in favor and none opposed.

Policy for Low-Pressure Pumps

Joan Carter noted that a letter will be sent to approximately 10 homeowners whose property requires a low-pressure pump for connection to the sewer system. Residents were contacted by Grey Engineering representative during construction, but only three homeowners expressed a desire at this time to connect. These special pumps must be permitted and maintained by the Town. To determine the final costs of the sewer extension, the Town must identify how many are to be purchased and installed. The letter will explain that the Town must be notified in writing by December 15, 2006 if the homeowner wants the pump installed – at a cost to the Town of \$7,500 each. After December 15, 2006, those homeowners, who chose not to install pumps during the extension, will be responsible for the installation costs, but the Town will be responsible for the permit and maintenance. For those requesting pumps by December 15, 2006, the Town will purchase, store, if needed, and install no later than May 31, 2007. Ms. Carter also stated that she would make telephone calls to the affected residents, prior to the 15th of December, to make sure there was no misunderstanding.

Council Member Ted Titsworth made a motion to adopt Resolution No. 2006-018 establishing policy for the installation costs of low-pressure sewer pumps. Council Member Howard Futrell seconded the motion, which was approved five (5) in favor and none opposed.

New Business

Request for a Public Hearing – The Town Manager requested that the Council call for a Public Hearing on Tuesday, January 9, 2007, to Consider Sewer Extension Project Costs and Amount of Assessment to be Levied.

Council Member Ed Coley made a motion to call for a Public Hearing on Tuesday, January 9, 2007, to consider the costs and amount of assessment to be levied to affected homeowners for the sewer extension project. Council Member Ron Hoth seconded the motion, which passed five (5) in favor and none opposed.

Resolution to Acquire Rights of Way – Town Council, Warren Kasper, noted that authorization should be given to the Town Manager and Town Attorney to acquire the rights of way for the western portion of Ivy Circle.

Council Member Howard Futrell made a motion to approve Resolution No. R2006-019 authorizing the Town Manager and Town Attorney to acquire the rights of way for the western portion of Ivy Circle as noted. Council Member Ted Titsworth seconded the motion, which passed with five (5) in favor and none opposed.

There being no further business, Mayor Ferguson requested a closed session for the purpose of giving staff instructions concerning lease or purchase options for future considerations by the Town Council.

Council Member Al Barnett made a motion to go into a closed session. Council Member Howard Futrell seconded the motion, which passed with five (5) in favor and none opposed.

[Closed Session]

Council Member Howard Futrell made a motion to adjourn the Closed Session. Council Member Al Barnett seconded the motion, which passed with five (5) in favor and none opposed.

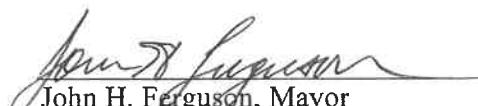
Adjournment

With no further business, Council Member Ed Coley made a motion to adjourn the Council Meeting. The motion was seconded by Ron Hoth and was approved five (5) in favor and none opposed.

Respectfully submitted,

Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor
4-12-07

**Regular Town Council Meeting
Town of Bermuda Run
December 12, 2006 - 7:00 p.m.**

The Town Council of Bermuda Run held its regularly scheduled meeting on Tuesday, December 12, 2006 at 7:00 p.m. The meeting was held at the Town Hall.

Council Members Present: John Ferguson, Mayor

Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present:

Joan Carter, Town Manager
Warren Kasper, Town Attorney
Gerry Mignacca, Planning Board Chairman

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

No citizens' comments were received.

Approval of the Minutes

Mayor Ferguson noted a correction to the Closed Session meeting minutes of November 14 – first line of the third paragraph – should read “Ms. Carter provided the Council with comparisons ...”

Council Member Ted Titsworth made a motion to approve the minutes with the recommended correction for the November 14, 2006 Town Council Meeting and Closed session as presented. Council Member Howard Futrell seconded the motion. The motion was approved five (5) in favor and none opposed.

Adoption of the Agenda

Council Member Al Barnett moved to adopt the agenda. Council Member Ted Titsworth seconded the motion. The motion was approved with five (5) in favor and none opposed.

Conceptual Design for Town Center

Gerry Mignacca, Chairman of the Bermuda Run Planning Board, reported to the Council the process that was taken by the Planning Board to identify an architectural design firm to provide a conceptual design for the proposed Town Center. Eight responses were received from the formal Request for Proposal. The Fuller Architectural/Miller Landscaping proposal was selected by the Board to proceed with further discussions and

contract negotiations for the conceptual design. Mayor Ferguson noted that even though the process may be a slow one, he felt having a conceptual design was a good plan to have in moving forward.

Council Member Howard Futrell made a motion to authorize the Planning Board and staff to further discuss and negotiate a contract for approval of a conceptual design study for the Town Center with contract cost not to exceed \$25,000. Ed Coley seconded the motion, which passed with five (5) voting in favor and none opposed.

Town Manager's Report

Joan Carter provided the Council with an update on the following items:

- **Sewer Extension** – Efforts were still actively underway to complete the remaining citizens' concerns from the sewer construction. Project Engineer, John Grey, had notified Ms. Carter that the testing for the two new pump stations exceeded expectations and went very well. Landscaping bids were still being received by Ms. Carter for the pump stations. A recommendation would be made upon completion of the proposals. Ms. Carter reported that final project costs should be completed for a February public hearing. Letters to homeowners needing a low-pressure pump were mailed, and follow-up telephone calls were made. Even though some confusion existed among a few homeowners, all but two have requested the pumps be installed by the Town before May 31, 2007. The Council discussed the need for installing the special pumps on three (3) vacant lots - without the owners' desire to sell the lots at this time. The lots are located at 571 Ivy Circle, 581 Ivy Circle and (adjacent to) 146 River Drive.

Council Member Ron Hoth made a motion that the Town of Bermuda Run pay for the installation of a low-pressure pump on a vacant lot (requiring the low-pressure pump to connect to the sewer system) if a house was built on the lot within five years following the assessment levy. Council Member Ted Titsworth seconded the motion, which passed with five (5) in favor and none opposed.

- **Street Lights** – Duke Energy has been actively repairing 38 street lights ... and approximately 7 have not been repaired due to underground cable problems. Installation of Ivy Circle street lights is underway. Two lights at the BR West gate area are being considered following requests by several residents who expressed safety concerns with difficulty in seeing the gate easily along Highway 801 South.
- **Waste Water Treatment Plant Upgrade** - Installation is underway to upgrade the flow meters for composite sampling. The cost is estimated at \$7,600 from CTS (Carolina Tech Services), which is a turnkey price for the new flow meters and the sampling device – both budgeted in the FY 2006-2007. The State is requiring this upgrade in order to perform sampling only when plant is discharging effluent (clean water) rather than on a time basis.

- **Right-of-Way Acquisitions** – The Town Manager is sending letters to residents along the western portion of Ivy Circle to acquire the road right-of-way.
- **New Employee** – Ms. Carter noted that a new Accounting Clerk, Ruth Ann Diehl, was hired and is scheduled to begin employment with the Town on Tuesday, January 2, 2007.

New Business

Request Planning Board Appointment

Ms. Carter noted that the Planning Board currently has an open position – being filled by John Russell. Mr. Russell had initially agreed to serve one year, but is willing to serve an additional three-year term if the Town Council approved. Mayor Ferguson noted that the initial Board had staggered terms to provide continuity in future boards and commended Mr. Russell for his service.

Council Member Al Barnett made a motion to appoint John Russell to a three-year term to serve on the Bermuda Run Planning Board through June 30, 2009. Council Member Howard Futrell seconded the motion, which was approved with five (5) voting in favor and none opposed.

Request for Public Hearing to Consider Text Amendment to the Zoning Ordinance for posting of Non-Profit Banners

Joan Carter reported that the Bermuda Run Planning Board unanimously approved a text amendment to the Zoning Ordinance which would address the posting of banners for non-profit organizations. There are no limitations to the number of banners annually a non-profit organization may place within the Town and ETJ area (as there are with for-profit organizations). Paper banners are prohibited by for-profit organizations but not addressed for non-profit organizations.

Council Member Al Barnett made a motion to call for a Public Hearing on Tuesday, February 13, 2007 to consider a Text Amendment to the Zoning Ordinance for addressing the posting of non-profit banners. Council Member Ron Hoth seconded the motion. The motion was passed with five (5) voting in favor and none opposed.

The Town Manager also requested the Council to consider re-scheduling a Public Hearing to hear the final sewer extension project cost and to determine the amount of assessment to be levied. She suggested that the Council postpone calling for the Public Hearing until the January 9, 2007 meeting.

Town Council Meeting Schedule for 2007

Council Member Howard Futrell made a motion to accept the 2007 schedule for regular Town Council meetings and Agenda meetings as presented by the Town Manager. Ted Titsworth seconded the motion, which was passed five (5) in favor and none opposed.

Mayor Ferguson continues to hear good reports from the new ABC Store. Al Barnett suggested that Sam Krause, the Town's representative to the Municipal Triad ABC Board,

provide an update to the Council on a periodic basis. The Town Manager will contact him with the request.

Mayor Ferguson noted that a request for proposal had not been developed for garbage pickup within the Town even though funding was included in the current budget. Ms. Carter reported that several project considerations had been postponed until final costs were determined for the sewer extension project and for items to be prioritized by the Council from the recent planning session.

Mayor Ferguson noted that due to the holiday schedule, there would be no December agenda meeting. Mayor Ferguson requested a closed session for the purpose of instructing staff concerning lease or purchase options for future considerations by the Town Council.

Council Member Ed Coley made a motion to go into a closed session. Council Member Ted Titsworth seconded the motion, which passed with five (5) in favor and none opposed.

[Closed Session]

Council Member Al Barnett made a motion to adjourn the Closed Session. Council Member Ed Coley seconded the motion, which passed with five (5) voting in favor and none opposed.

Adjournment

Council Member Howard Futrell made a motion to adjourn the Council Meeting. The motion was seconded by Ted Titsworth and was approved five (5) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

**Regular Town Council Meeting
Town of Bermuda Run
January 9, 2007 - 7:00 p.m.**

The Town Council of Bermuda Run held its regularly scheduled meeting on Tuesday, January 9, 2006 at 7:00 p.m. The meeting was held at the Town Hall.

Council Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney
John Grey, Sewer Extension Project Engineer

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

George Clark – 216 Sycamore Drive - informed the Council that Bermuda Run West residents have been notified that the developer was completing the percentage of lots developed, and the citizens are in the process of meeting to elect officers for the Homeowners Association.

Several citizens were present to express concerns to the Town Council concerning the low-pressure pumps required on their properties for sewer service:

Rocky Orrell – 136 River Drive

Judy Thompson – 126 River Bluff Drive

Ken Burnette – 172 River Drive

William Davis (Pfafftown resident) and Bryan Thompson – 152 Spyglass - spoke on behalf of Judy Thompson.

Concerns included:

- Requirement for assessment to the sewer system due to working septic system;
- Providing the Town a “blanket easement” for future maintenance and service;
- The power reliability of the low-pressure pumps during power outages – need for generators;
- Future maintenance and who is responsible for damages;
- Need for connecting to the sewer with working septic system;
- Why sewer connection was not available in the rear of their sloping properties where a pump would not be needed in a gravity system;
- Lot with pump may devalue their property;
- Placement of the pumps; and
- Short time given to have pumps installed at the Town’s expense;

Mayor Ferguson requested time be given by the Project Engineer and Town Attorney to address the concerns and to reiterate the Council's decisions and actions in preliminary discussions, resolutions and public hearings before beginning the construction of the sewer extension. John Grey discussed the maintenance issues and noted that a representative would speak directly with each homeowner for proposed pump placement prior to beginning construction.

Ken Burnette also requested why the road was not paved in front of his house at the end of River Drive. Mayor Ferguson requested the Town Engineer and Town Manager to review the records for an explanation to the request.

Approval of the Minutes

It was noted in the December 12 minutes that Al Barnett suggested that Sam Krause be invited to make periodic presentations to the Council regarding the ABC Store progress. *Ed Coley made a motion to approve the minutes with the notation change, and Al Barnett seconded the motion. The motion was approved five (5) in favor and none opposed.*

Adoption of the Agenda

Council Member Ron Hoth made a motion to adopt the agenda. Council Member Al Barnett seconded the motion. The motion was approved with five (5) in favor and none opposed.

Town Manager's Report

- **Road Stripping** – Ms. Carter reported that re-striping of the major roads within the residential area would be completed in March when chances of snow and colder weather diminish. She met with Triad Road Maintenance, the company that was used for Ivy Circle stripping, and received a cost estimate of approximately \$6,400. Two sections are included that were not previously paved: (1) James Way and (2) Bermuda Run Drive to the Maisonettes entrance.
- **Water Billings** – The transition of billing individual homeowners in the Highlands and James Way areas for water/sewer services – formerly billed to the homeowners' associations – is underway by the County. The River Hill association is beginning meetings with residents to discuss individual homeowner billing.
- **Soccer Park** - Application for the PARTF grant has been postponed until next fiscal year. There were unresolved road issues with NCDOT. The preliminary feasibility study is underway, and Miller Landscaping representatives met with the Appearance Committee with initial ideas and renderings for discussions and feedback.
- **Staff Update** – Ruth Ann Diehl, new accounting clerk, began employment with the Town on Tuesday, January 2, 2007. Judy Thrift's position will become full-time in February.

Old Business:

(1) Sewer Extension Update

Project Engineer John Grey provided a summary of the low-pressure pump installations: five have been installed; two owners did not desire the Town to install the new pumps; two vacant lots are not being developed at this time; and six low-pressure pumps are to be installed when weather permits. Mr. Grey reiterated that the Town was responsible for permitting, installing and maintaining the pumps.

Mr. Grey also presented Change Order No. 2 from Hickory Sand Company in the amount of \$50,800.00. After reviewing the request for additional funds, he recommended payment approval out of the contingency budget for such improvements/changes.

Council Member Al Barnett made a motion to approve the Change Order No. 2 to Hickory Sand Company in the amount of \$50,800.00. Council Member Ed Coley seconded the motion, which passed five (5) in favor and none opposed.

Warren Kasper reviewed the assessment procedures and timeline with the Town Council as required by State law. Joan Carter reported the total cost of the project has been determined to be \$2,580,700.00. As approved by the Town Council on October 11, 2005, fifty (50%) of the total extension cost would be assessed upon benefited properties (197 lots) on the basis set out in the General Statutes 160A-218(4) – the number of lots served, or subject to being served, at an equal rate per lot. Therefore, the assessment against each lot would be \$6,550.00.

The Town Manager noted the subcontractors are continuing with minor repairs and landscape improvements. Ms. Carter requested feedback concerning the need for fencing around the new pump station at the 158 gate. The State does not require a fence due to the existing community gates and the close proximity to the Highway 158 security gate. The Town insurance does not require a fence. Four landscaping proposals were received ranging from \$4,250 to \$9,165 for both pump stations without a fence. Mayor Ferguson noted that having a fence would provide protection for the children and the Town's assets. Al Barnett noted that the area was located in such a visible place and believed a fence could be added later if necessary. Ron Hoth also believed the area could be concealed with landscaping and was assured that all equipment was under lock. The Town Manager will proceed with the landscape improvements to the two pump stations and will also consider some type of deterrent at the entrance to the 158 station.

(2) Correction to November 14, 2006 Council Meeting Minutes

Joan Carter noted an omission was made in the Minutes for the November 14, 2006 Council meeting to include the approval of the Shared Services Interlocal Agreement with the County of Davie for water billings.

Council Member Ron Hoth made a motion to revise the minutes for Council meeting held November 14, 2006, to reflect Town Council's unanimous approval to accept the Interlocal Agreement with the County of Davie for Shared Services for water billings and collections meter readings and cut-off authority, which was omitted from the minutes. Ted Titsworth seconded the motion, which passed unanimously five (5) in favor and none opposed.

New Business

Request for a Public Hearing to Consider Sewer Extension Project Cost and Amount of Assessment

Council Member Al Barnett made a motion to adopt Resolution No. R2007-001 declaring cost and ordering preparation of preliminary assessment roll, and setting time and place for a Public Hearing on the preliminary assessment roll for Tuesday, February 13, 2007. Council Member Ron Hoth seconded the motion with five (5) in favor and none opposed.

There being no further business, Mayor Ferguson requested a closed session for the purpose of giving staff instructions concerning lease or purchase options for future considerations by the Town Council.

Council Member Ted Titsworth made a motion to go into closed session. Council Member Al Barnett seconded the motion, which passed with five (5) in favor and none opposed.

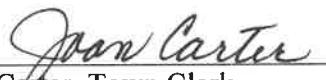
[Closed Session]

Council Member Ed Coley made a motion to adjourn the Closed Session. Council Member Ted Titsworth seconded the motion, which passed with five (5) in favor and none opposed.

Adjournment

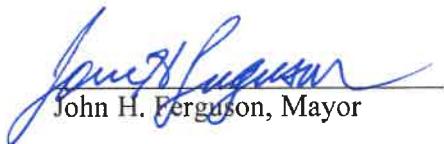
With no further business, Council Member Ron Hoth made a motion to adjourn the Council meeting. The motion was seconded by Ted Titsworth and was approved five (5) in favor and none opposed.

Respectfully submitted,



Joan Carter, Town Clerk

Approved:



John H. Ferguson, Mayor

Bermuda Run Town Council
AGENDA MEETING - NOTES
Tuesday, January 23, 2007

The Town Council met on Tuesday, January 23, 2007 at 9:00am in the Town Hall.

Council Members Present

John Ferguson, Mayor

Al Barnett

Ron Hoth

Ted Titsworth

Ed Coley

Howard Futrell

Also Present

Joan Carter

Warren Kasper

Jennifer Webb

Sam Krause

Mayor John Ferguson welcomed Sam Krause, Triad Municipal ABC Board Member for the Town of Bermuda Run. Mr. Krause noted that the new ABC Store in Bermuda Run was a success and performing better than predicted. A check was presented to the Town Manager totaling \$14,472 – proceeds from gross sales of \$355,107 since the store opened in October 2006. Some upfit costs for the new store are being deducted. Ted Titsworth commended the excellent customer service the store staff was giving.

Other topics were discussed for potential agenda items for the February 13, 2007 Council meeting:

- BR West HOA is in the process of electing officers/directors. The Town Attorney reviewed previous plats recorded with the Register of Deeds. The Town is responsible for the maintenance of roads, islands, mailbox areas, entrance gate with adjoining lot and sidewalks. Mr. Kasper noted that original HOA documents did not reflect landscaping requirements (edging) along the sidewalks.
- Town Manager reported that new landscape maintenance contract is being drafted for early March selection. New street map being revised to include BR West house numbers and golf course layout.
- Guidelines and timeline for the assessment process were presented by the Town Attorney. Town Manager provided a copy of the assessment roll, which will be placed in the Town Hall for public reviewing and updating until February 13.
- Need to schedule budget meetings.
- Town Manager requested the Council to number their favorite Top Ten uses and activities from the preliminary list submitted by Miller Landscape for the proposed Town Park.

Agenda Items for February 13 Council Meeting

- Public Hearing - to consider a Text Amendment to the Zoning Ordinance regarding guidelines for signs and banners for non-profit organizations.
- Certification of mailing notices of preparation of preliminary assessment roll.
- Public Hearing - to hear comments on assessment roll and assessment levy.

Mayor Ferguson requested a closed session for the purpose of instructing staff concerning purchase options for future considerations by the Town Council. Council Member Ed Coley made a motion to close the agenda meeting and go into an executive session. Howard Futrell seconded the motion, which passed unanimously.

[Closed Session]

Council Member Al Barnett made a motion to adjourn the closed session and return to the agenda meeting. Howard Futrell seconded the motion, which passed unanimously.

With no further discussions, the agenda meeting was adjourned.

Respectfully submitted,


Joan Carter
Town Manager

**Town Council Meeting and Public Hearings
Town of Bermuda Run
February 13, 2007**

The Town Council of Bermuda Run held its regularly scheduled meeting and public hearings on Tuesday, February 13, 2007 at 7:00 p.m. The meeting was held at the Bermuda Run Country Club.

Council Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell

Council Member Absent: Ron Hoth
Ted Titsworth

Also Present: Joan Carter, Town Manager
Warren Kasper, Town Attorney
John Grey, Sewer Extension Project Engineer

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

Mayor Ferguson asked if any citizen would like to speak regarding matters not related to the upcoming public hearings scheduled. David Whelpley – 165 Boxwood Circle - requested that consideration be given to plant taller shrubs on each side of the gravel entrance into the new pump station on Boxwood Circle. Hearing no further comments, Mayor Ferguson closed the citizens' comments.

Adoption of the Agenda

Council member Al Barnett made a motion to adopt the agenda as presented. Council member Howard Futrell seconded the motion, which passed with three (3) voting in favor and none opposed.

Manager's Report

Joan Carter reported that since the weather was getting warmer, Hickory Sand would return to complete minor repairs and landscaping from the sewer extension where needed. She noted several items underway for landscaping upgrades and repairs. The fence easement from G. Johnson was recorded, and estimates for fence replacement and repair as well as shrubbery along the 801 fence, north of the guard house are being reviewed. Estimates for pruning the overgrown Leyland Cypress trees along Hwy 158 are being received. The Appearance Committee reviewed and revised a scope of work for

proposal requests to interested companies for the Town's landscape maintenance contract to begin in March.

Old Business:

Sewer Extension Project

John Grey, Project Engineer reported that all systems were ready to go. The placements of the low-pressure pumps were completed for citizens requesting the installation of the pumps. Minor paving and landscape repairs were still underway. Council Member Al Barnett commended Grey Engineering for their efforts in completing the difficult project in such a smooth and professional manner and for the diligence in keeping the costs in line with the budget.

New Business:

Public Hearing to Consider Text Amendment to the Zoning Ordinance

Mayor Ferguson opened the Public Hearing for comments to consider a text amendment to the Zoning Ordinance to enhance the requirements for non-profit organization banners.

Joan Carter, Town Manager, noted that the Zoning Ordinance currently allows for non-profit organizations to place banners in the community, but there is currently no limitation to the number of times each calendar year the banner or sign may be posted (as the ordinance limits for-profit organizations).

Council Member Howard Futrell made a motion to adopt Resolution No. R2007-003 for a Text Amendment to the Zoning Ordinance to limit a non-profit organization to one banner per establishment at any one time; to disallow paper banners; to limit placement to no more than six such signs per calendar year; and to provide no banner to extend above the second occupiable floor level of a building. Council member Ed Coley seconded the motion, which passed with (3) three voting in favor and none opposed.

Certificate of Mailing

The Town Clerk, Joan Carter, certified to the Mayor and Town Council that on the 24th day of January, 2007, notices of preparation of the preliminary assessment roll and the public hearing were mailed by first-class mail to all owners of real property benefited by the sewer extension – indicating to each such owner the amount of the assessment against such owner's property.

Public Hearing to Consider Confirming Assessment Roll and Levying Assessments

Mayor Ferguson opened the Public Hearing for comments. Having heard no comments, Mayor Ferguson closed the public hearing.

Council Member Al Barnett made a motion to adopt Resolution No. R2007-002 confirming the assessment roll, levying the assessment, and charging the Finance Officer with the collection of the said assessment in accordance with the procedure established by law. Council member Howard Futrell seconded the motion, which passed at 7:25 p.m. with three (3) voting in favor and none opposed.

Prior to the closing of the meeting, a citizen, Glenn Fleeman – residing at 485 Ivy Circle – commended the Town staff for their efforts in keeping the citizens informed and providing assistance to the residents during the sewer extension.

There being no further business, Mayor Ferguson requested a closed session for the purpose of giving staff instructions concerning lease or purchase options for future considerations by the Town Council.

Council Member Al Barnett made a motion to go into closed session. Council member Ed Coley seconded the motion, which passed with three (3) voting in favor and none opposed.

[Closed Session]

Council Member Ed Coley made a motion to adjourn the closed session. Al Barnett seconded the motion, which passed with three (3) voting in favor and none opposed.

Adjournment

With no further business, Al Barnett made a motion to adjourn the meeting. Howard Futrell seconded the motion, which passed with three (3) voting in favor and none opposed.

Respectfully submitted,

Town Manager

Attest:



Mayor

Prior to the closing of the meeting, a citizen, Glenn Fleeman – residing at 485 Ivy Circle – commended the Town staff for their efforts in keeping the citizens informed and providing assistance to the residents during the sewer extension.

There being no further business, Mayor Ferguson requested a closed session for the purpose of giving staff instructions concerning lease or purchase options for future considerations by the Town Council.

Council Member Al Barnett made a motion to go into closed session. Council member Ed Coley seconded the motion, which passed with four (4) voting in favor and none opposed.

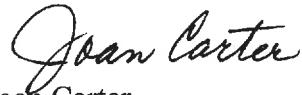
[Closed Session]

Council Member Ed Coley made a motion to adjourn the closed session. Al Barnett seconded the motion, which passed with four (4) voting in favor and none opposed.

Adjournment

With no further business, Al Barnett made a motion to adjourn the meeting. Howard Futrell seconded the motion, which passed with four (4) voting in favor and none opposed.

Respectfully submitted,


Joan Carter
Town Manager

Attest:

John H. Ferguson, Mayor

**Bermuda Run Town Council
AGENDA MEETING - NOTES
Tuesday, February 27, 2007
9:00 a.m. – Town Hall**

The Town Council met on Tuesday, February 27, 2007 at 9:00 am in the Town Hall.

Council Members Present

John Ferguson, Mayor
Al Barnett
Ron Hoth
Ed Coley
Howard Futrell

Council Member Absent

Ted Titsworth
Also Present
Joan Carter
Warren Kasper

Discussion of agenda topics for March 13, 2007:

Mayor Ferguson noted he would not be attending the March meeting due to a trip to visit family in Germany. Al Barnett agreed to preside at the meeting in his absence.

The revised scope of work for the landscape maintenance contract was forwarded to seven companies. Proposals are due back by noon on March 2, 2007; staff will make recommendation to the Council.

Confirmation of the sewer assessment process will be published in the Davie County Enterprise-Record – March 8. Assessment invoices are scheduled for mailing on Monday, March 5.

Preliminary budget workshop will begin at the next agenda meeting – March 27.

Town Manager update:

- Spring cleanup for residents is scheduled for Saturday, May 5 – and the vacant lot owned by the country club at the corner of Riverbend Drive and Juniper Circle was suggested for the site.
- Zoning Administrator received request from the developers of Kinderton Village, AEA Development Co., LLC, to postpone final paving of the next section until better weather conditions. The Town's Zoning Ordinance provides authority to the Zoning Administrator to approve requests with a letter of credit to ensure completion of work. The Town Attorney and Town Engineer have reviewed the request; estimated construction cost \$87,463 and inclusion of 25% contingency - \$21,866 for a total of \$109,329 to be issued in the letter of credit.

- River Hill residents voted to approve the installation of individual meters for future water billings by the county.
- Staff is working on an estimate of the residential population; received over 70% response from the recent survey mailed to the citizens. Howard Futrell noted that there may be a discrepancy in District 3 total count.
- Al Barnett requested that the street area from the main gate to the post office area be kept cleaner – due to high visibility into the residential area.

Discussion of priority issues from November 2006 planning session

David Long facilitated brief discussions regarding several high-priority items from the November planning session – consideration of Charter changes: clarification of residential annexation language – feasibility of a municipal service district for the gated community – relocation of the Town Hall.

Mayor Ferguson requested a closed session for the purpose of instructing staff concerning purchase options for future consideration. Council Member Ed Coley made a motion to close the agenda meeting and go into an executive session. Council Member Howard Futrell seconded the motion, which passed unanimously.

[Closed Session]

Council Member Ed Coley made a motion to close the executive session. Council Member Howard Futrell seconded the motion, which passed unanimously.

Respectfully submitted,

Joan Carter
Town Manager

**Regular Town Council Meeting
Town of Bermuda Run
March 13, 2007 - 7:00 p.m.**

The Town Council of Bermuda Run held its regularly scheduled meeting on Tuesday, March 13, 2007 at 7:00 p.m. The meeting was held at the ~~Bermuda Run~~ Town Hall.

Council Members Present: Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Council Members Absent: Mayor John Ferguson

Also Present: Joan Carter, Town Manager
 Warren Kasper, Town Attorney

Call to Order

Mayor Pro Tem Al Barnett called the meeting to order.

Citizens' Comments

Glen Fleeman commented on problems with Time Warner Cable

Adoption of the Agenda

Council Members unanimously adopted the agenda with four (4) in favor and none opposed.

Approval of the Minutes

Council Members unanimously approved, four (4) in favor and none opposed, the Minutes of the February 13, 2007 Council Meeting.

Manager's Report

Town Manager Joan Carter brought the Council up to date on the sewer condemnation status, Twin City Soccer project, and the need to follow up on Peachtree Lane road markings.

Old Business

Town Manager Joan Carter updated the Council on the overall sewer extension project. She also informed Council of the delay in striping the roads in the residential area and rescheduling for the first of April.

New Business

Public Hearing: The Town Council unanimously approved, four (4) in favor and none opposed, scheduling a Public Hearing on April 10, 2007 for the purpose of considering the purchase and authorization for initiating financial requirements for the new Town Hall building.

The Council Members unanimously approved, four (4) in favor and none opposed, a Landscape Maintenance Contract with the Budd Group.

Adjournment

Respectively Submitted

Ruth Ann Diehl

Town Clerk

Approved:



Al Barnett, Mayor Pro Tem

**Regular Town Council Meeting
Town of Bermuda Run
April 10, 2007 - 7:00 p.m.**

The Town Council of Bermuda Run held their monthly meeting on Tuesday, April 10, 2007 at 7:00 p.m. The meeting was held at the Town Hall.

Council Members Present: John Ferguson, Mayor

Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present: Warren Kasper, Town Attorney
Ruth Ann Diehl, Town Clerk

Call to Order

Mayor John Ferguson called the meeting to order and welcomed Ruth Ann Diehl. Mayor John Ferguson noted postponement of Public Hearing regarding relocation of Town Hall.

Citizens' Comments

Mr. V.B. Lougee expressed concern with the 801 Gate security personnel.

Approval of the Minutes

Council Member Ron Hoth made a motion to adopt the minutes of the March 13, 2007 Town Council Meeting. Council Member Ed Coley seconded the motion. The motion was approved five (5) in favor and none opposed.

Adoption of the Agenda

Council Member Al Barnett requested the addition of three items to the agenda; Renewal of Town Hall building lease
Proposal for Planning and Zoning to be administered by Davie County
Amendment to February 13, 2007 Town Council meeting minutes

Council Member Ed Coley moved to adopt the amended agenda. Council Member Howard Futrell seconded the motion. The motion was approved with five (5) in favor and none opposed.

Town Update

Council Member Al Barnett noted that all items regarding the Sewer Extension Project were being addressed. He also reported that the street lights being installed

in Bermuda Run West developed a problem and Duke Power stopped work at this time. The street lights in the Ivy Circle area have been completed.

Council Member Al Barnett also noted that general community response to Budd Group landscaping has been favorable. Spring Clean up is scheduled for May 5, 2007 at the corner of Juniper Circle and Riverbend Drive.

Old Business

Amend February 13, 2007 Town Council meeting minutes to reflect absents of Council Member Ted Titsworth. Noted absents reflected in vote count.

Council Member Howard Futrell moved to adopt the amended Town Council meeting minutes from February 13, 2007. Council Member Ron Hoth seconded the motion. The motion was approved with five (5) in favor and none opposed.

Sewer Assessment Update

Ruth Ann Diehl reported that 197 (one hundred ninety-seven) sewer assessment invoices were issued March 8, 2007. At this time 128 (one hundred twenty-eight) sewer assessments have been paid in full. 32 (thirty-two) residents have indicated payment in scheduled installments. Total sewer assessment monies collected to date is \$885,131.29.

New Business

Resignation of Town Manager -

Council Member Ted Titsworth made a motion to accept Joan Carter's resignation as Town Manager effective March 30, 2007. The motion was seconded by Council Member Ed Coley and approved five (5) in favor and none opposed.

Appointment of Financial Officer and interim Town Clerk –

Council Member Al Barnett made a motion to appoint Ruth Ann Diehl as Financial Officer of the Town of Bermuda Run and the interim Town Clerk. Council Member Ron Hoth seconded the motion. The motion was approved five (5) in favor and none opposed.

Resolution of support for Davie County School Bond Referendum –

Council Member Al Barnett made a motion to support the Davie County School Bond Referendum. Council Member Ed Coley seconded the motion. The motion was approved five (5) in favor and none opposed.

Approve Agreement with Davie County Board of Elections to conduct r
elections –



Council Member Ron Hoth made a motion to approve an agreement with Davie County Board of Elections to conduct municipal elections. Council Member Ted Titsworth seconded the motion. The motion was approved five (5) in favor and none opposed.

Resolution for approval Absentee Voting –

Council Member Howard Futrell made a motion to approve resolution for absentee voting. Council Member Ron Hoth seconded the motion. The motion was approved five (5) in favor and none opposed.

Renew lease agreement for current Town Hall building –

Mayor John Ferguson noted that the current lease was due to expire April 30, 2007 for the Town Hall building. Conversation between Mayor Ferguson and Hi Lo Enterprises resulted in the following offers; Twelve (12) month lease - \$2,458.00/monthly with the option for sixty (60) day notice, eleven (11) month buyout. \$2,758.00/monthly for an eight (8) month lease. Council Member Howard Futrell and Ed Coley expressed concern over the time table for the completion of the new Town Hall building. Al Barnett explained that Local Government Commission (LGC) approval process has yet to begin.

Council Member Howard Futrell made a motion to approve renewing the Town Hall building lease for a period of twelve (12) months at the cost of \$2,458.00/monthly with the option of 60 days notice, eleven (11) month buyout. Council Member Ron Hoth seconded the motion. The motion was approved five (5) in favor and none opposed.

Davie County Planning and Zoning to provide the Town of Bermuda Run with administration and technical assistance with all planning and zoning –

Mayor John Ferguson noted that Davie County Planning and Zoning would provide the same services that they are currently providing for Town of Mocksville. They do not provide zoning enforcement, the Town of Bermuda Run currently uses another source for that function.

Council Member Ted Titsworth made a motion to approve agreement for Davie County Planning and Zoning to provide the Town of Bermuda Run with administrative and technical assistance with the Town's planning and zoning. Council Member Al Barnett seconded the motion. The motion was approved five (5) in favor and none opposed.

Public Hearing to consider text amendment to the Zoning Ordinance of the Town of Bermuda Run approved by the Planning Board on March 21, 2007 –

Recommended action is to approve resolution for a text amendment which allows fuel dealers as a use with the conditions as stated in the ordinance in the TC, CM and GB districts.

Mayor John Ferguson declared the Public Meeting open for discussion. Council Member Al Barnett noted that the original Zoning Ordinance failed to allow fuel dealers as a use with the conditions as stated in the three different districts as noted. With no further discussion Mayor John Ferguson declared the Public Meeting closed.

Council Member Ed Coley made a motion to approve Statement of Consistency. Council Member Ted Titsworth seconded the motion. The motion was approved five (5) in favor and none opposed.

Council Member Howard Futrell made a motion to approve the resolution text amendment which allows fuel dealers as a use with the conditions as stated in the ordinance in the TC, CM and GB districts. Council Member Ed Coley seconded the motion. The motion was approved five (5) in favor and none opposed.

Public Hearing to consider text amendment to the Zoning Ordinance of the Town of Bermuda Run approved by the Planning Board on March 21, 2007 – Recommended action is to approve resolution for a text amendment which allows temporary structures in the CB and GB districts to be issued a permit based on clearly defined considerations stated in the Zoning Ordinance of the Town of Bermuda Run.

Mayor John Ferguson declared the Public Meeting open for discussion. With no discussion Mayor John Ferguson declared the Public Meeting closed.

Council Member Ron Hoth made a motion to approve Statement of Consistency. Council Member Howard Futrell seconded the motion. The motion was approved five (5) in favor and none opposed.

Council Member Howard Futrell made a motion to approve the resolution for a text amendment which allows temporary structures in the CB and GB districts to be issued a permit based on clearly defined considerations stated in the Zoning Ordinance of the Town of Bermuda Run. Council Member Ted Titsworth seconded the motion. The motion was approved five (5) in favor and none opposed.

Council Member Al Barnet made a motion to go into a closed session. Council Member Ron Hoth seconded the motion, which passed with five (5) in favor and none opposed.

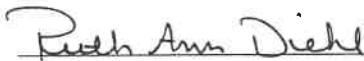
[Closed Session]

Council Member Al Barnett made a motion to adjourn the Closed Session. Council Member Ed Coley seconded the motion, which passed with five (5) voting in favor and none opposed.

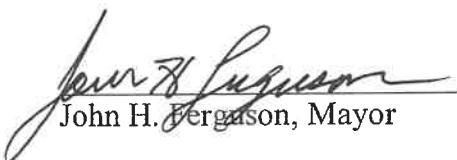
Adjournment

With no further business, Council Member Ron Hoth made a motion to adjourn. The motion was seconded by Ed Coley and was approved with five (5) in favor and none opposed.

Respectfully submitted,


Ruth Ann Diehl, Town Clerk

Approved:


John H. Ferguson, Mayor

**Regular Town Council Meeting
Town of Bermuda Run
May 8, 2007 - 7:00 p.m.**

The Town Council of Bermuda Run held their monthly meeting on Tuesday, May 8, 2007 at 7:00 p.m. The meeting was held at the Town Hall.

Council Members Present: John Ferguson, Mayor
Al Barnett
Ed Coley
Howard Futrell
Ron Hoth
Ted Titsworth

Also Present: Warren Kasper, Town Attorney
Ruth Ann Diehl, Interim Town Clerk

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

No citizens' comments were received.

Approval of the Minutes

Council Member Howard Futrell made a motion to adopt the minutes of the April 10, 2007 Town Council Meeting. Council Member Ed Coley seconded the motion. The motion was approved five (5) in favor and none opposed.

Adoption of the Agenda

Council Member Ron Hoth moved to adopt the agenda. Council Member Ted Titsworth seconded the motion. The motion was approved with five (5) in favor and none opposed.

Public Hearing

The Town of Bermuda Run Council to receive and consider public comments regarding the purchase of a Town Hall facility located within the Town limits of the Town of Bermuda Run.

William Seymour, P.E. with Windsor Commercial Development Services, LLC presented an overview of the Kinderton Place Office Condominium located on Kinderton Boulevard and Dornach Way and the proposed Bermuda Run Town Hall. Mayor John Ferguson declared the Public Meeting open for discussion.

Mr. Chuck Whitman requested clarification regarding the purchase of land and building. Mr. Whitman also requested information that would uphold the need for a Town Hall.

Mayor John Ferguson explained that Windsor Commercial Development Services, LLC has purchased three (3) acres of land that will makeup Kinderton Place Office Condominiums and will construct four (4) single story buildings offering space within those buildings for sale or lease. The Town of Bermuda Run would be purchasing developed office space (turnkey) of approximately four thousand nine hundred fifty-eight (4,958) square feet within the first building in the development. Mayor Ferguson went on to explain that the continuing growth in this area of the county, along with the development of the extra territorial jurisdiction (ETJ), we need to grow and develop to meet the demands of the Town. Mr. George Clark requested an explanation of the process for the Town of Bermuda Run to purchase the purposed Town Hall. Warren Kasper, Town Attorney explained the procedure as follows; the Town Council approves the Resolution to Purchase Town Hall Facility R-2007-006, an application for purchase will be completed and submitted to the Local Government Council (LGC), upon LGC approval the Town of Bermuda Run will secure financing (Resolution R-2007-07.) Mr. Whitman inquired as to the plans for the Town Hall being located within the planned Town Center. Council Members Ron Hoth and Ted Titsworth stated that the proposed Town Center was several years in the future and the need for the Town Hall was immediate. Mayor John Ferguson and Council Member Howard Futrell indicated that during the annual financial audit it has been suggested by the auditor that purchase of a Town Hall would be to the Town of Bermuda Run's financial advantage. With no further discussion Mayor John Ferguson declared the Public Meeting closed.

Council Member Ted Titsworth made a motion to approve the resolution R-2007-06 to authorize its Mayor/Manager/Financial Officer on behalf of the Town, upon receipt of Local Government Commission's approval of its loan, to execute the contract to purchase the described Town Hall facility, located at Windsor Place in Kinderton, from Windsor Commercial. Council Member Howard Futrell seconded the motion. The motion was approved five (5) in favor and none opposed.

Public Hearing

The Town of Bermuda Run Council to receive and consider public comments regarding amending the Town of Bermuda Run's schedule of fees for Planning and Zoning services.

Mayor John Ferguson declared the Public Meeting open for discussion.

Mayor John Ferguson indicated that the change in fees would be consistent with the current rates being charged by Davie County.

With no discussion Mayor John Ferguson declared the Public Meeting closed.

Council Member Ron Hoth made a motion to approve the Town of Bermuda Run amended schedule of fees for Planning and Zoning. Council Member Ed Coley seconded the motion. The motion was approved five (5) in favor and none opposed.

Old Business

Council Member Al Barnett reported that the Spring Clean up was an over all success. There were problems with regards to early dumping and yard waste (limbs, brush, and tree trimmings.) Council Member Howard Futrell reported that nine (9) loads of waste were hauled out.

Council Member Al Barnett reported that the road stripping had been completed. Mr. Barnett also reported that he had met with Guy Powell from The Budd Group (landscaping) and conducted a visual tour of areas of concern within Bermuda Run. Mr. Powell will contact Ted Pegram from The Bermuda Run Country Club and coordinate with him the Town of Bermuda Run's landscaping needs.

Council Member Al Barnett reported that we have received resumes for the position of Town Manager. The advertisement will appear in the North Carolina League of Municipalities (NCLM) publication this week.

Council Member Ed Coley reported that the irrigation lines have been marked at the Bermuda Run West Gate. Mr. Coley will contact Duke Power with regards to the completion of the street lights project in the Bermuda Run West Gate area.

Council Member Ron Hoth inquired as to the progress of fixing the fence along Highway 158. He was informed that Stacey Cornatzer had been contact and repairs would be made.

Sewer Assessment Update

Financial Officer Ruth Ann Diehl reported that 67% of the assessed properties have paid their assessment in full, 27% are scheduled for installment payments and 6% have not responded. A certified collection letter has been sent to all property owners who have not made arrangements for payment. Further action will be taken by the Town Attorney, Warren Kasper after the May 15, 2007. Due to the overall positive response the Town of Bermuda Run was able to reduce the amount of the loan. This will allow the Town of Bermuda Run to budget for a five (5) year repayment option instead of the original ten (10) year plan.

Ms. Diehl reported that The Budd Group has agreed to a twelve (12) month extension to the current security service contract. Current rates and conditions will remain in effect until June 30, 2008.

Council Member Al Barnett made a motion to accept the extension of the current contract with The Budd Group for security services. The motion was seconded by Council Member Howard Futrell and approved five (5) in favor and none opposed.

New Business

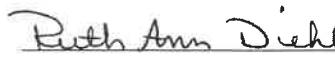
Schedule a Public Hearing on June 12, 2007 regarding the 2007-2008 Budget for the Town of Bermuda Run.

Council Member Al Barnett made a motion to schedule a Public Hearing on June 12, 2007 regarding the 2007-2008 Budget for the Town of Bermuda Run. The motion was seconded by Council Member Ted Titsworth and approved five (5) in favor and none opposed.

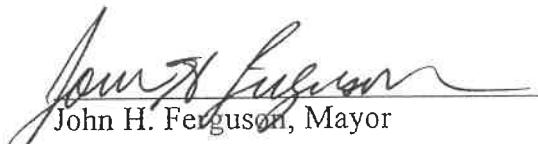
Adjournment

With no further business, Council Member Ron Hoth made a motion to adjourn. The motion was seconded by Ed Coley and was approved with five (5) in favor and none opposed.

Respectfully submitted,


Ruth Ann Diehl, Interim Town Clerk

Approved:


John H. Ferguson, Mayor

Regular Town Council Meeting

Town of Bermuda Run

June 12, 2007 - 7:00 p.m.

The Town Council of Bermuda Run held their monthly meeting on Tuesday, June 12, 2007 at 7:00 p.m. The meeting was held at the Town Hall.

Council Members Present: John Ferguson, Mayor

Ed Coley

Howard Futrell

Ron Hoth

Ted Titsworth

Council Members Absent: Al Barnett

Also Present: Warren Kasper, Town Attorney

Ruth Ann Diehl, Interim Town Clerk

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

No citizens' comments were received.

Approval of the Minutes

Council Member Howard Futrell made a motion to adopt the minutes of the May 8, 2007 Town Council Meeting. Council Member Ed Coley seconded the motion. The motion was approved four (4) in favor and none opposed.

Adoption of the Agenda

Council Member Ron Hoth moved to adopt the agenda. Council Member Howard Futrell seconded the motion. The motion was approved with four (4) in favor and none opposed.

Old Business

a) Adjustment to FY 2006-2007 Sewer Capital Project Budget

Amendment need to reflect the sewer assessment payments and the reduction of the sewer project principal balance.

Council Member Ted Titsworth moved to accept the Amendment to the FY 2006-2007 Capital Project Budget. Council Member Howard Futrell seconded the motion. The motion was approved with four (4) in favor and none opposed.

b) Election of Planning / Zoning Board Members

Mayor John Ferguson explained that the recommendation would clarify and bring unity to the Planning/ Zoning Board Members term of office. Warren Kasper, Town Attorney questioned the reappointment of board member whose term is scheduled to expire June 30, 2007. Mr. Kasper also inquired about advertising available seats on the Planning / Zoning Board. Mayor Ferguson indicated that the Council would reappoint the

Board Member who had a June 30, 2007 term date. The advertising of available seats would be addressed at another time due to Planning / Zoning current issues. This recommendation was strictly to unify terms of office.

Council Member Howard Futrell moved to accept the Recommendation for Bermuda Run Planning / Zoning Board. Council Member Ed Coley seconded the motion. The motion was approved with four (4) in favor and none opposed.

New Business

- a) **Public Hearing regarding the petition of W. Todd Surratt for the approval of a 10/70 provision for 2.128 of property located off Peachtree Lane and further described as Davie County Parcel D8080A006.**

Mayor John Ferguson declared the Public Meeting open for discussion.

The Mayor explained that W. Todd Surratt was petitioning for approval of a 10/70 provision. This would allow Mr. Surratt to develop Professional Offices on the property located off Peachtree Lane. Warren Kasper, Town Attorney stated that the Town of Bermuda Run may want to delay granting approval until such time that the Council was able to review a site plan. Once the 10/70 provision was granted the developers have two years to obtain an approved site plan. Mr. Kasper voiced a concern that 10/70 approved land could set vacant for up to two years; in the interim the possibility of other properties being considered for 10/70 provision maybe delayed due to restrictions set forth by North Carolina watershed administrative codes. Council Member Ron Hoth voiced apprehension that it appeared the land would be developed at the full 70% allowed. Mr. Hoth did not want the Council to set a precedent that would cause future problems. Glen Fleeman declared that when you lower environmental standards it can lead to the down grade of the community. If the Town of Bermuda Run has current regulations, they should be followed. Mr. Fleeman was troubled that the developer was not present to offer additional information. He also shared that when Kinderton was being developed there were problems getting the developer to conform to appearance restrictions. Mayor Ferguson reiterated that the petition was for a 10/70 provision allowing 70% of the property to be developed instead of the 24% currently allowed. Council Member Ron Hoth inquired if the developer would be able to repetition with a site plan if the Town Council voted against the petition at this time. Further discussion was had between Council Members Ted Titsworth, Ron Hoth, Mayor Ferguson and Warren Kasper with regards to procedures and the responsibility of Planning & Zoning. With no further discussion Mayor Ferguson declared the Public Hearing closed.

Council Member Ron Hoth moved to table the request for the 10/70 provision until further clarification was provided. Council Member Ted Titsworth seconded the motion. The motion was approved with four (4) in favor and none opposed.

- b) **Public Hearing regarding the proposed Fiscal Year July 1, 2007 through June 30, 2008 Budget for the Town of Bermuda Run.**

Mayor John Ferguson declared the Public Meeting open for discussion.

Mr. Ralph Cornwell inquired if the proposed budget included funds to replace or upgrade the existing 158 Guard House. Mayor Ferguson indicated that the proposed 2007-2008 Budget has allocated monies to repair and replace needed areas of the 801 fence. The budget has also allocated funds to landscape along the fences. Currently the Department of Transportation has plans to widen Highway 158. When the plans for that project have been finalized the Town of Bermuda Run will look at Guard House options. Currently the Highway 158 entrance does not allow enough room of adequate "stacking" of cars; this prevents the installation of a traffic light. Mayor Ferguson indicated that the DOT has agreed to lower the speed limit along the section of Highway 158 that runs in front of Bermuda Run to 45 miles per hour. The Mayor also indicated that the Council would revisit the issue with the Guard House once the DOT had established a plan.

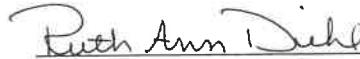
With no further comments, Mayor John Ferguson declared the Public Hearing closed.

Council Member Ron Hoth moved to approve the Fiscal Year 2007-2008 Budget as proposed. Council Member Ed Coley seconded the motion. The motion was approved with four (4) in favor and none opposed.

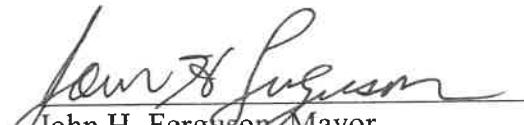
Adjournment

With no further business, Council Member Howard Futrell made a motion to adjourn. The motion was seconded by Ted Titsworth and was approved with four (4) in favor and none opposed.

Respectfully submitted,


Ruth Ann Diehl, Interim Town Clerk

Approved:


John H. Ferguson, Mayor

Regular Town Council Meeting

Town of Bermuda Run

July 10, 2007 - 7:00 p.m.

The Town Council of Bermuda Run held their monthly meeting on Tuesday, July 10, 2007 at 7:00 p.m. The meeting was held at the Town Hall.

Council Members Present: John Ferguson, Mayor

Al Barnett

Ed Coley

Howard Futrell

Ron Hoth

Ted Titsworth

Also Present:

Warren Kasper, Town Attorney

Ron Bell, Town Manager

Ruth Ann Diehl, Financial Officer

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

No citizens' comments were received.

Approval of the Minutes

Council Member Ron Hoth made a motion to adopt the minutes of the June 12, 2007 Town Council Meeting. Council Member Ted Titsworth seconded the motion. The motion was approved five (5) in favor and none opposed.

Adoption of the Agenda

Council Member Ed Coley moved to adopt the agenda. Council Member Howard Futrell seconded the motion. The motion was approved with five (5) in favor and none opposed.

Old Business

a) Election of Planning Board Member

A list of recommendations was given to the Town of Bermuda Run Council to fill a vacancy on the Planning Board for review. Janet Smith, Dick Hilton, Frank Little, Bob Griffin and Beverly Supple were named to that list.

Council Member Al Barnett made a motion to appoint Janet Smith to the vacant seat on the Town of Bermuda Run's Planning Board. Council Member Howard Futrell seconded the motion. The motion was approved with five (5) in favor and none opposed.

New Business

- a) Status and timetable for new Town Hall
Mayor John Ferguson, Council Member Ed Coley, Town Manager Ron Bell and Financial Officer Ruth Ann Diehl will meet with the Local Government Commission (LGC) on July 12, 2007 for a preliminary conference. The timetable and requirements will be determined at that time. Warren Kasper, Town Attorney indicated that the purchase agreement with Windsor Commercial Development Services, LLC could be signed with the added prerequisite that the Town of Bermuda Run receives final approval from the LGC for private placement financing.
- b) Tri County Youth Soccer Association (TCYSA) update
- c) Department Of Transportation (DOT) municipal agreement
DOT will be using part of the proposed park area off from US Highway 158 for equipment staging. The US Hwy 158 bridge project is scheduled to begin in the fall of this year (2007) and estimated to take twelve (12) to eighteen (18) months. The TCYSA is still in conversation with the DOT regarding the entrance to the TCYSA fields onto US Hwy 158.
- d) Town Manager Agreement

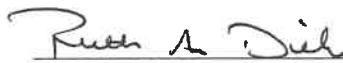
Council Member Howard Futrell moved to approve the Town Manager Agreement and appoint Ronald Bell, Town Manager as Town Clerk. Council Member Ron Hoth seconded the motion. The motion was approved with five (5) in favor and none opposed.

Council Member Al Barnett made a motion to reduce to three (3) months the waiting period for health insurance coverage, currently at six (6) month for Ron Bell, Town Manager. The motion was seconded by Ron Hoth and was approved with five (5) in favor and none opposed.

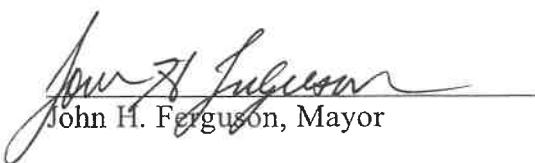
Adjournment

With no further business, Council Member Ted Titsworth made a motion to adjourn. The motion was seconded by Howard Futrell and was approved with five (5) in favor and none opposed.

Respectfully submitted,


Ruth Ann Diehl, Interim Town Clerk

Approved:


John H. Ferguson, Mayor

Town of Bermuda Run

Town Council Meeting Minutes

August 14, 2007 - 7:00 p.m.

The Town Council of Bermuda Run held its regularly scheduled meeting on Tuesday, August 14, 2007 at 7:00 p.m. The meeting was held at the Town Hall.

Council Members Present: John Ferguson, Mayor; Al Barnett; Ed Coley; Howard Futrell; Ron Hoth; Ted Titsworth

Also Present: Warren Kasper, Town Attorney; Ron Bell, Town Manager

Call to Order

Mayor John Ferguson called the meeting to order.

Citizens' Comments

There were no citizen's comments.

Approval of the Minutes

Al Barnett made a motion to approve the minutes as submitted and Howard Futrell seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Adoption of the Agenda

Council Member Al Barnett made a motion to adopt the agenda as presented and Council Member Ted Titsworth seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Town Manager's Report - Attached and included by reference.

The Town Council expressed a desire that the Town Manager respond to letter from Grey Angel requesting that the Town accept the driveway into the front of Bermuda Village (as shown on a map attached to his letter dated March 13, 2007) into the Town's roadway system and decline the request since the driveway does not provide sole access to any Town street and only services the parking and entrance to Bermuda Village.

Old Business:

There was no Old Business to be discussed.

New Business

a. Appointment to the Board of Adjustment

Mike Leamon, whose seat is to be filled, is eligible for another term. Council Member Howard Futrell offered to contact him to determine if he would be willing to serve.

The Appointment was tabled until after Mr. Leamon is contacted.

b. Resolution Regarding Bermuda Run Alleyway Status

A proposed Resolution was presented to the Council that clarified the status of the "alleyways" in Bermuda Run West to include them in the Town's roadway system.

Council Member Ed Coley made a motion to approve the Resolution and Council Member Al Barnett seconded the motion. The Resolution was approved by a vote of five (5) in favor and none opposed.

c. Discussion : Master Plan for curbs, gutters, drainage and sidewalks

The Town Manager, Ron Bell, proposed that the Council consider the development of a Master Plan for the residential area that would evaluate the whole community and develop a plan that would guide the Town's efforts to provide adequate stormwater control and the basis for doing any such work in compliance with any future stormwater regulations that might be required by the state. In addition, it was suggested that this Master Plan identify areas where it may be desirable and feasible to place sidewalks – working in conjunction with the efforts of the Planning Board in developing a Sidewalk Plan to map possible areas for consideration of sidewalks in the future.

The Town Council requested that the Town Manager get an estimated cost and schedule from John Grey, the Town's engineer, to develop a Master Plan of this type.

d. Resolution Regarding Property Owned by J.B. Harrison and Watershed Regulations

A proposed amendment was submitted to the Town Council regarding a property on Peachtree Lane owned by J. B. Harrison – Deed Book 9, page 179. The Resolution accepts that a statement by Grady Tutterow, PLS regarding the graveling of said property in 1986 is true and factual and that, due to this fact, that the property would be exempt from the Watershed Regulations adopted in 1994.

Council Member Al Barnett made a motion that this resolution be approved and Council Member Ron Hoth seconded the motion. The Resolution was approved by a vote of five (5) in favor and none opposed.

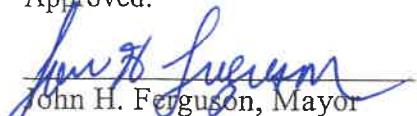
Adjournment

With no further business, Council Member Ron Hoth made a motion to adjourn the Council meeting. The motion was seconded by Howard Futrell and was approved by a vote of five (5) in favor and none opposed.

Respectfully submitted,

Ron Bell, Town Clerk

Approved:


John H. Ferguson, Mayor

TOWN OF BERMUDA RUN

Manager Update

August 14, 2007 Council Meeting

1. Town hall Construction

- Construction is on schedule – the current projected “window” for completion is from the first part of November to the first part of December.
- Work has started on selecting the interior finishes for the building. The contract price includes amounts for floors, walls and hardware, but not window treatments. I plan to use the services of an interior decorator to coordinate the colors and patterns. I will prepare estimates for the decorating services and any additional items proposed.
- We will also be preparing a list of furniture to be purchased as well and will prepare an estimate for that as well.
- Current plans for requesting bids for the financing are to issue the request by the end of August – which will allow us to submit the funding to the LGC for approval in their November meeting so that we will have the funds available by the first of November to tie in to the completion window. Ruth Ann is compiling the information needed and the packets to send to the banks.

2. 801 Fencing Project

- As discussed in the July Agenda Meeting, I have signed the contract for the surveying work needed for the landscape architects to develop their design and the contract for Miller Landscape Architects to develop the plan with input from the Town.
- The preliminary project schedule includes following items:

o Public meetings	September 10
o Final Design	October 1
o Award Project	November 1
o Construction Complete	December 15 – 31
- There are several outstanding issues with respect to the design that will be addressed as Miller develops the concept further – level of “match” or “blending” with Bermuda Run West’s fencing, the cart path, etc.
- There is no commitment for any construction at this time – only the design and construction documents that will put us in position to request bids.

Bermuda Run Town Council

AGENDA MEETING MINUTES

Tuesday, October 23, 2007
9:00 a.m. – Town Hall

The Town Council met on Tuesday, October 23, 2007 at 9:00 am in the Town Hall.

Council Members Present: John Ferguson, Mayor; Al Barnett; Ed Coley; Howard Futrell; Ted Titsworth (arrived after the Public Hearings); Ron Hoth

Also Present: Eddie Carrick, Town Auditor; Ruth Ann Diehl, Finance Officer; Ron Bell, Town Manager

Call to Order

Mayor John Ferguson called the meeting to order.

Adoption of the Agenda

Council Member Ron Hoth made a motion to adopt the agenda as presented and Council Member Al Barnett seconded the motion. The motion was approved by a vote of four (4) in favor and none opposed.

Approval of the Minutes

Howard Futrell made a motion to approve the minutes as submitted and Ed Coley seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Public Hearing: Purchase of the new Town Hall

The Mayor opened the Public Hearing. Hearing no requests to speak, the Public Hearing was closed.

Public Hearing: Proposal to pay for the Town Hall by installment financing
Agreement and Application to the Local Government
Commission for approval of such contract.

The Mayor opened the Public Hearing. Hearing no requests to speak, the Public Hearing was closed.

Town Manager Update - Attached and included by reference.

New Business:

a. **Presentation of the 2006-07 Town Budget**

Town auditor, Eddie Carrick presented the results of the audit of the 2006-07 Fiscal Year's finances. He noted some changes required by the state that will take effect in this report and next years, including a change in the way that the date on the audit is determined. He noted that all the Town's funds were in good shape, that the planned payback on the Town's 10 year sewer loan would probably be paid off in five (5) years and that the sewer project had ended up costing only \$2.6mm vs. the \$2.8 mm budget. He also noted that he felt that the Town had done a good job of planning well and of being conservative financially. (Note: This report was presented before the Town Manager Update as a courtesy for the auditor – who is from out-of-town.)

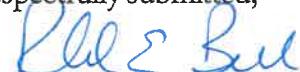
b. **Consideration of a Resolution authorizing the filing of an application for approval by the LGC of a financing agreement for Town Hall**

Howard Futrell made a motion to approve the Resolution and Ron Hoth seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Adjournment

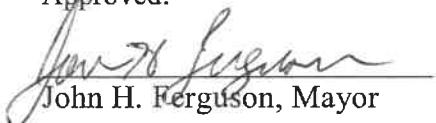
With no further business, Council Member Ed Coley made a motion to adjourn. The motion was seconded by Ron Hoth and was approved by a vote of five (5) in favor and none opposed.

Respectfully submitted,



Ron Bell, Town Clerk

Approved:


John H. Ferguson

I, Ronald E. Bell, Town Clerk of Bermuda Run, North Carolina, do hereby certify that this is a true and correct copy of the draft for approval of the minutes of a meeting of the Bermuda Run Town Council which was held on the 23rd day of October, 20 07.

WITNESS my hand and seal this the 24th day of October, 20 07.

Town of Bermuda Run

Town Council Meeting Minutes

November 13, 2007 - 7:00 p.m.

The Town Council of Bermuda Run held its regularly scheduled meeting on Tuesday, November 13, 2007 at 7:00 p.m. The meeting was held at the Town Hall.

Council Members Present: John Ferguson, Mayor; Al Barnett; Ed Coley; Howard Futrell; Ron Hoth; Ted Titsworth

Also Present: Ron Bell, Town Manager

1. Call to Order

Mayor John Ferguson called the meeting to order.

2. Adoption of the Agenda

Council Member Al Barnett made a motion to adopt the agenda as presented and Council Member Ted Titsworth seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

3. Approval of the Minutes

Ron Hoth made a motion to approve the minutes of the September 11, 2007 meeting as submitted and Howard Futrell seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Ted Titsworth made a motion to approve the minutes of the October 9, 2007 meeting as submitted and Al Barnett seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

4. Citizens' Comments

Glen Freeman spoke and requested that the Agenda continue to be posted at the Post Office as it has been in the past. He also questioned whether the Kinderton Development was following the proper regulations with regard to placing a berm in the buffer area. Mayor Ferguson indicated that the regulations require either a berm or shrubbery dense enough to shield the view.

5. Town Manager's Report

The report is attached and included by reference.

6. Old Business:

a. Stormwater Project Review

The Council was given a handout summarizing the status of the project which has taken longer to design due to the complexity of the situation. The Town Manager reviewed a chart showing the elevations along this section of Riverbend which illustrated how flat it is which makes it difficult to design a solution. John Grey will provide a contractor's estimate for the December Council Meeting to provide confirmation for his estimate.

b. 801 Fence Project

The Council was given a handout that summarized the status of this project and provided cost estimates for the two sections in the proposed first phase of construction. The Town Manager reviewed the design of each on two charts provided by Miller Landscape Architects. The Council directed the Manager to proceed with the section just south of the 801 gate and to replace the fence in its current location in the section north of the 801 gate (if DOT will approve) and limits the landscaping to the northernmost end where the ROW is not a problem. The Council also asked for a cost estimate for the total length along 801.

c. Attorney Search

After some discussion, the consensus of the Council was to direct the Manager to contact the law firm of Martin and Van Hoy regarding a 6 month "trial" arrangement to provide legal services for the Town of Bermuda Run.

7. New Business

a. Board of Adjustment Replacements for Frank Sweeten and John Guglielmi

The Council needs to identify two people to appoint to the Board of Adjustment as replacements.

b. Trash Collection

The Council was given a handout providing background information and summarizing the status of this project. The Manager is to get Waste Management's quote and provide a recommendation for the December Council Meeting.

c. Gate Vehicle Access Control Policies

The Council was given a handout with background information and a summary of the progress to-date on this project. A final proposal is planned for the December Council.

8. Adjournment

With no further business, Council Member Ted Titsworth made a motion to adjourn. The motion was seconded by Howard Futrell and was approved by a vote of five (5) in favor and none opposed.

Respectfully submitted,

Ron Bell, Town Clerk

Approved:



John H. Ferguson Mayor

Town of Bermuda Run

Town Council Meeting Minutes

December 11, 2007 - 7:00 PM

The Town Council of Bermuda Run held its regularly scheduled meeting on Tuesday, December 11, 2007 at 7:00 PM. The meeting was held at the Town Hall.

Council Members Present: John Ferguson, Mayor; Al Barnett; Ed Coley; Ron Hoth; John Guglielmi; Frank Sweeten

Also Present: Judge Jimmy L. Meyers; Outgoing Council Members Ted Titsworth and Howard Futrell; Ron Bell, Town Manager; family members of newly elected Council Members

1. Call to Order

Mayor John Ferguson called the meeting to order.

2. Adoption of the Agenda

Council Member Ron Hoth made a motion to adopt the agenda as presented and Council Member Howard Futrell seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

3. Approval of the Minutes

Council Member Howard Futrell made a motion to approve the minutes of the November 13, 2007 meeting as submitted and Council Member Ted Titsworth seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

4. Installation of newly elected officials

Judge Jimmy L. Meyers administered the Oath of Office to the newly elected officials: Mayor John Ferguson; Council Member Al Barnett; Council Member John Guglielmi; Council Member Frank Sweeten. After the swearing in, the newly elected officials took their seats on the Council. Outgoing Council Members Ted Titsworth and Howard Futrell were thanked for their service to the Town and given commemorative plaques.

5. Election of the Mayor Pro-Tem

Council Member Ed Coley made a motion to elect Ron Hoth as Mayor Pro-Tem and Council Member Al Barnett seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed with Council Member Ron Hoth abstaining.

4. Citizens' Comments – There were no citizen's comments received.

5. Town Manager's Report - The report is attached and included by reference.

Additional issues discussed included fencing around pools – specifically the one at the house being built on Juniper and the notification of citizens about the state and county bans on open flames that include luminaries.

6. Old Business:

a. Proposal to Contract for Garbage Collection

A handout summarizing the bids received for the trash collection contract was reviewed by the Town Manager. It included an analysis showing the two bids and the impact of the compensation to Republic required by the state if they were displaced from their current area of service in Bermuda Run.

The Council directed the Town Manager to develop a contract with Republic Waste based on their proposal to be considered at the January Council Meeting.

b. Proposed Riverbend Stormwater Project

The Town Manager reviewed the status of the proposed Riverbend stormwater project. John Grey had obtained a proposal from Fuller Contracting Company for the project design presented in the November Council Meeting which it totaled over \$248,000. The Town Manager also suggested that we look into the possibility of improving the stormwater problems with some reworking of ditch lines and inlets to improve the water flow to the current drainage pipes.

The Manager noted that he had worked with Tim Fox, the project manager for Tony Golding's construction and showed him the results of the survey that John Grey had provided. Mr. Fox also talked with John Grey and the Town had the property staked so that Mr. Fox could align the contours of the property with those that would be used should any work be undertaken along the front of the property. Mr. Fox also installed a drop inlet near the west end of the property beside the driveway to collect water at that point. In addition, the Town Manager noted that he had talked to Mr. Golding about the situation and Mr. Golding seemed to be satisfied that the landscape and drainage issues appeared to be adequately dealt with at this point.

7. New Business

a. Appoint Two New Members to the Board of Adjustment

Council Member Al Barnett made a motion to appoint Bill Holdgrafer and Chuck Whitman to the Board of Adjustment to fill the remaining terms of Frank Sweeten and John Guglielmi respectively. Council Member Ron Hoth seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

b. Approve the 2008 Schedule of Meetings

Council Member John Guglielmi made a motion to approve the 2008 Schedules of Meetings as presented. Council Member Ed Coley seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

c. Appoint a Council Member as the DOT Metropolitan Planning Organization TAC Representative

Council Member John Guglielmi made a motion to appoint Council Member Ed Coley as the Town's representative to the TAC and Council Member Ron Hoth seconded the motion. The motion was approved with five (5) in favor and none opposed.

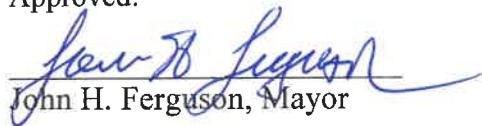
8. Adjournment

With no further business, Council Member Ed Coley made a motion to adjourn. The motion was seconded by Council Member Al Barnett and was approved by a vote of five (5) in favor and none opposed.

Respectfully submitted,

Ron Bell, Town Clerk

Approved:


John H. Ferguson, Mayor