



PROPOSED AGENDA
Bermuda Run Town Council Meeting
Tuesday, November 12, 2019
Town Hall – 6:00PM

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

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

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

4. **Adoption of the Agenda**

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

5. **Approval of the October 10, 2019 Town Council Meeting Minutes**

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

6. **Public Comments**

7. **Powell Bill Reimbursement Agreement**

Agreement with NCDOT consisting of the removal of decorative landscaping and capping of roundabout splitter islands with asphalt. The reimbursement to NCDOT shall come from Powell Bill funds.

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

8. **Appointment: Paul Howard to the Bermuda Run Tourism Development Authority**

The Bermuda Run Tourism Development Authority has recommended that Paul Howard be appointed to serve on the TDA Board. Mr. Howard is the Membership Director at Bermuda Run Country Club and has spent his career in sales and events planning. If appointed, Mr. Howard would replace Justin Massey, the General Manager of Zaxby's, Bermuda Run.

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

9. **Resolution Directing the Town Clerk to Investigate A Petition Received Under G.S. 160A-31**

Bermuda Run Owner, LLC, has submitted a petition for contiguous annexation for property associated with Comet at Bermuda Run apartments.

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

10. **Mayor and Town Council Comments**

11. **Town Manager Comments**

12. **Adjourn**

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

Town of Bermuda Run

Town Council Meeting Minutes

October 8, 2019 – 6:00 PM

The Town Council of Bermuda Run held its scheduled meeting on Tuesday, October 8, 2019 at 6:00 PM. The meeting was held at Bermuda Run Town Hall.

Council Members Present: Mayor John Guglielmi, Rick Cross, Mike Ernst, Chris Fowler, and Jerry West

Council Members Absent:

Also Present: Lee Rollins, Town Manager; Cindy Griffith, Town Clerk; Brian Williams, Attorney

Call to Order Mayor John Guglielmi called the meeting to order.

Pledge of Allegiance

Moment of Silence

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

Adoption of the Agenda

Council Member Mike Ernst made a motion to approve the agenda. Council Member Rick Cross seconded the motion. The motion was approved by a vote of four (4) in favor and none opposed.

Approval of the September 10, 2019 Town Council Meeting Minutes

Council Member Jerry West made a motion to approve the September 10, 2019 meeting minutes. Council Member Mike Ernst seconded the motion. The motion was approved by a vote of four (4) in favor and none opposed.

Public Comments - Jane Blue with the Davie County Public Library shared upcoming events with the Council.

Appointment of Susan Barrette to the Bermuda Run Tourism Development Authority

The Bermuda Run Tourism Development Authority bylaws state that at least one third of the members of the Authority must be from those entities that collect tourism tax. Mrs. Barrette is the new Director of Sales & Marketing for the Hampton Inn in Bermuda Run.

Council Member Rick Cross made a motion to approve Susan Barrette's appointment. Council Member Jerry West seconded the motion. The motion was approved by a vote of four (4) in favor and none opposed.

Proclamation – Family Promise of Davie County

Family Promise of Davie County is celebrating its second year, having graduated 15 families (35 children) into secure, affordable housing, with a success rate of 88%. Family Promise of Davie County would like the Town of Bermuda Run, as well as Cooleemee, Mocksville, and Davie County to proclaim the week of October 20-27 as *Family Promise Week*.

Council Member Mike Ernst made a motion to approve the Proclamation with Council Member Jerry West seconding the motion. The motion was approved unanimously.

Council/ Mayor Comments

Chris Fowler – No further comment.

Rick Cross – Thanked Jane Blue with the library for her service while in her current position. Also, recognized the Davie County Senior Center for their recent award saying it is a pleasure to serve on that Board.

Mike Ernst – No further comment.

Jerry West – No further comment.

Mayor Guglielmi – Thanked the Town Staff for their work.

Town Manager

Lee Rollins shared that the Yadkin Valley sidewalk project should begin next week. Also, the DOT is going to remove the rocks from the islands at the roundabout and fill them in. Leaf pickup is set to begin the week of November 4, but crews should be out before that date.

Adjourn

With no further business to discuss, Council Member Jerry West made a motion to adjourn. Council Member Chris Fowler seconded the motion. The motion was approved by a vote of four (4) in favor and none opposed.

Approved

Respectfully Submitted

John Guglielmi, Mayor

Cindy Griffith, Town Clerk



(#1)

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

November 5, 2019

Mr. Lee Rollins, Town Manager
Town of Bermuda Run
120 Kinderton Blvd., Suite 100
Bermuda Run, NC 27006

SUBJECT: Powell Bill Reimbursement Agreement
WBS Element: 36248.434
Davie County

Dear Mr. Rollins:

Enclosed are duplicate originals of a Powell Bill Reimbursement Agreement consisting of the removal of decorative landscaping and capping of roundabout splitter islands with asphalt. The reimbursement shall come from Powell Bill funds. You have forty-five (45) days from the date of receipt to sign and return the Agreement to our office.

After you have reviewed and signed the original copies please return them to Denise Ketcham for Departmental execution. One fully executed agreement will be sent back to you.

If you have any questions, please call Division Maintenance Engineer John Rhyne at 336-747-7800. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "S. P. Ivey", is written over a printed name.

S. P. Ivey, P.E.
Division Engineer

SPI/ddk

Enclosure

NORTH CAROLINA
DAVIE COUNTY

POWELL BILL REIMBURSEMENT AGREEMENT

DATE: 10/31/2019

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 36248.434

TOWN OF BERMUDA RUN

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Bermuda Run, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Municipality is eligible under the provisions by the General Statutes of North Carolina, Section 136-41.2 to receive the funds provided for in General Statute 136-41.1; and,

WHEREAS, the Municipality has a population of less than 5,500 as defined in General Statute 136-41.1, and has, in accordance with the provisions of General Statute 136-41.3, for the Department to perform certain construction, maintenance, or improvement work on non-system streets within the Municipality; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF WORK

1. The Project consists of the removal of decorative landscaping and capping of roundabout splitter islands with asphalt. The reimbursement shall come from Powell Bill funds
2. The Department shall be responsible for phases of the project which include planning, design, construction and contract administration. All work shall be done in accordance with departmental standards, specifications, policies and procedures.

FUNDING

3. The Municipality shall reimburse the Department one hundred percent (100%) of the actual cost, including administrative costs, of the work performed by the Department and associated with said work. All work shall be charged against the Powell Bill number assigned to the Municipality. The Municipality shall reimburse the Department for said costs from the Municipality's Powell Bill funds as follows:
 - A. On a monthly basis the Department shall submit an itemized invoice to the Municipality for cost incurred. Billing will be based upon the contract unit cost and actual quantities used.
 - B. Payment shall be received within sixty (60) days of invoicing by the Department. In accordance with General Statutes 147-86.1, 147-86.21 and 105-241.1(l), the Department shall charge interest on any unpaid balance from the date the account receivable was due until it is paid.
 - C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, the City hereby authorizes the Department to withhold so much of the Municipality's share of funds allocated to said City by the General Statutes of North Carolina, Section 136-41.1, until such time as the Department has received payment in full.

MAINTENANCE

4. Upon completion of the work, the Municipality shall assume all maintenance and liability responsibilities for the non-system streets within the City limits.

ADDITIONAL PROVISIONS

5. The Department shall not be liable and shall be held harmless from any and all claims that might arise on account of the Municipality negligence and/or responsibilities under the terms of this agreement and/or project.
6. The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.
7. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this

Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

8. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST:

TOWN OF BERMUDA RUN

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Federal Tax Identification Number

(SEAL)

Remittance Address:

Town of Bermuda Run

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____



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

WHEREAS, a petition requesting annexation of and area described in said petition was received on October 24, 2019 by the Bermuda Run Town Council; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Bermuda Run that:

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

John Guglielmi, Mayor

ATTEST:

Cindy Griffith, Town Clerk

PETITION REQUESTING A CONTIGUOUS ANNEXATION

PROPERTY NAME: Bermuda Run Caper, LLC DATE: 10/24/19

To the Town Council of the Town of Bermuda Run, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Bermuda Run, North Carolina.
2. The area to be annexed is contiguous to the primary limits of the Town of Bermuda Run, North Carolina and the boundaries of such territory are as follows:


See Attached Map and Metes & Bounds Description

3. This petition is signed by all property owners of the area to be annexed.

4. Check ~~one~~:

✓ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160A-385.1 or G.S. 153A-344.1, and provide proof of such rights by attachment hereto.

_____ The undersigned owners hereby declare that no such vested rights have been established and that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property.

<u>Name</u> (print or type)	<u>Address</u>	<u>Signature*</u>
1. <u>Seth Coker</u>	<u>PO Box 116 Cdfax, NC 27235</u>	
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

*Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.

RE: PARCEL : C80000000302

BEGINNING AT AN EXISTING IRON ROD, SAID POINT BEING IN THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF INTERSTATE 40, SAID POINT ALSO BEING THE NORTHWEST CORNER OF TWIN CITY YOUTH SOCCER ASSOCIATION (DB. 654, PG. 368, DAVIE COUNTY REGISTRY);

THENCE WITH WESTERLY LINE OF TWIN CITY YOUTH SOCCER ASSOCIATION, THE FOLLOWING THREE (3) CALLS, 1) SOUTH $31^{\circ}06'07''$ EAST, 244.20 FEET TO AN EXISTING IRON ROD; 2) SOUTH $47^{\circ}44'53''$ WEST, 312.75 FEET TO AN EXISTING IRON ROD; AND 3) SOUTH $44^{\circ}50'51''$ WEST 41.79 FEET TO AN EXISTING IRON ROD, SAID POINT BEING IN THE NORTHERN LINE OF TWIN CITY YOUTH SOCCER ASSOCIATION (DB. 564, PG. 377, DAVIE COUNTY REGISTRY); THENCE NORTH $89^{\circ}28'50''$ WEST 194.63 FEET TO AN EXISTING IRON ROD, SAID POINT BEING IN THE EASTERN LINE OF BORN AGAIN (DB. 846, PG. 939); THENCE NORTH $24^{\circ}49'00''$ WEST 168.82 FEET TO AN EXISTING IRON PIPE; THENCE NORTH $56^{\circ}49'00''$ WEST 58.64 FEET TO A POINT, SAID POINT BEING IN THE SOUTHERN MARGIN OF THE RIGHT-OF-WAY OF INTERSTATE 40, SAID POINT ALSO BEING THE NORTHERN CORNER OF HILLSDALE GROUP LLC (DB. 186, PG. 303); THENCE WITH THE SOUTHERN MARGIN OF INTERSTATE 40 NORTH $59^{\circ}45'51''$ EAST 764.44 FEET TO AN EXISTING IRON ROD, SAID POINT BEING THE POINT AND PLACE OF BEGINNING, CONTAINING 3.228 ACRES, MORE OR LESS.

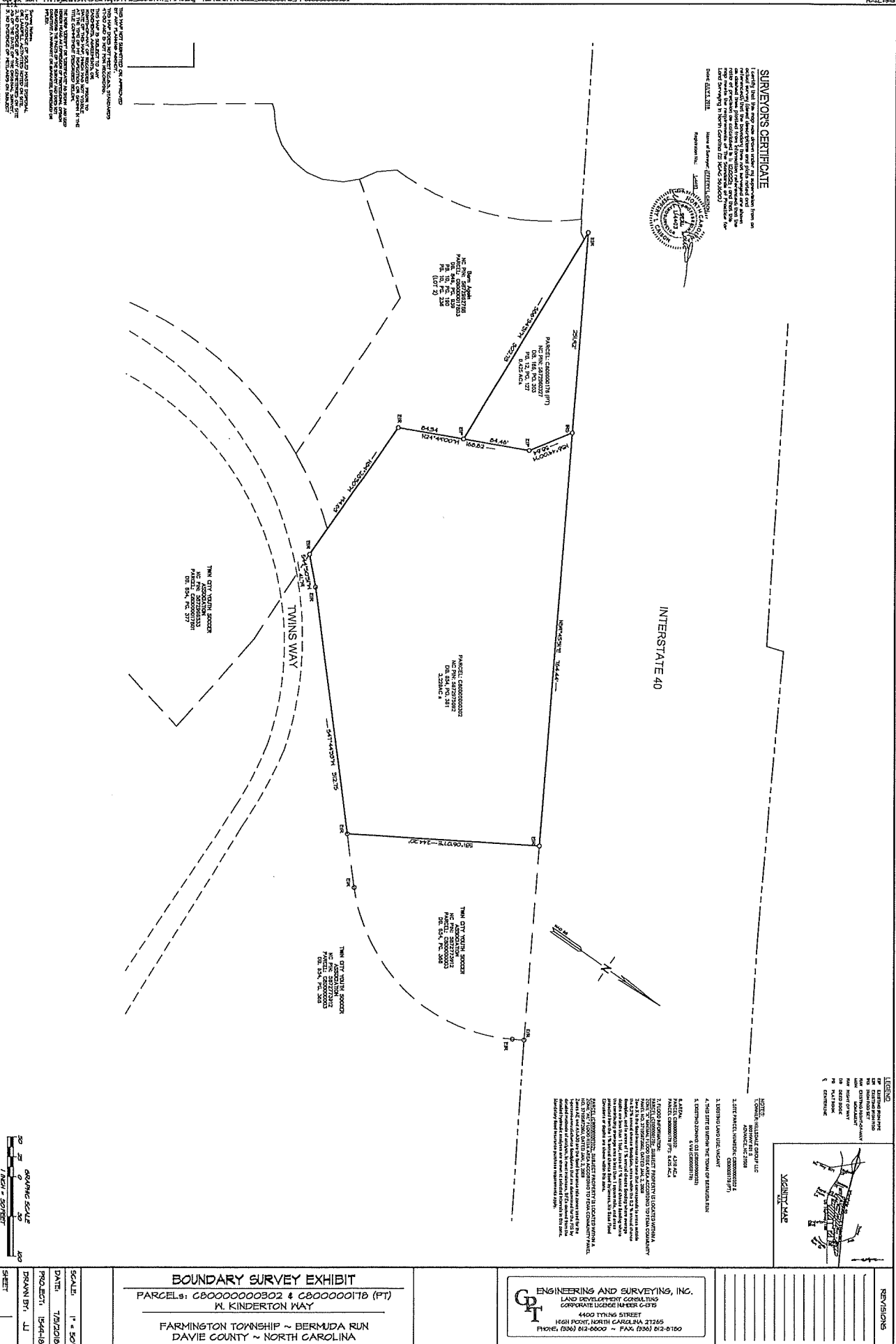
SAVE AND EXCEPT ANY PORTION THEREOF WHICH MAY HAVE BEEN PREVIOUSLY CONVEYED.

RE: PARCEL : C00000178 (PT).

COMMENCING FROM AT AN EXISTING IRON ROD, SAID POINT BEING IN THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF INTERSTATE 40, SAID POINT ALSO BEING THE NORTHWEST CORNER OF TWIN CITY YOUTH SOCCER ASSOCIATION (DB. 564, PG. 368, DAVIE COUNTY REGISTRY); THENCE WITH THE SOUTHERLY RIGHT-OF-WAY OF INTERSTATE 40, SOUTH 59°45'51" WEST 764.44 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF HILLSDALE GROUP LLC (DB. 654, PG. 381, DAVIE COUNTY REGISTRY) SAID POINT ALSO BEING THE TRUE POINT AND PLACE OF BEGINNING;

THENCE WITH THE WESTERN LINE OF HILLSDALE GROUP LLC SOUTH 56°49'00" EAST 58.64 FEET TO AN EXISTING IRON PIPE; THENCE SOUTH 24°49'00" EAST 84.48 FEET TO AN EXISTING IRON PIPE, SAID POINT BEING IN THE EASTERN LINE OF BORN AGAIN (DB. 846, PG. 939); THENCE SOUTH 86°34'31" WEST 302.73 FEET TO AN EXISTING IRON ROD, SAID POINT BEING IN THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF INTERSTATE 40; THENCE WITH THE SOUTHERLY RIGHT-OF-WAY OF INTERSTATE 40, NORTH 59°45'51" EAST 251.92 FEET TO A POINT, SAID POINT BEING THE POINT AND PLACE OF BEGINNING, CONTAINING 0.425 ACRES, MORE OR LESS.

SAVE AND EXCEPT ANY PORTION THEREOF WHICH MAY HAVE BEEN PREVIOUSLY CONVEYED.



SCALE: 1" = 50' DATE: 7/1/2019 PROJECT: 1549-18 DRAWN BY: JJ SHEET: 1	BOUNDARY SURVEY EXHIBIT PARCELS: C80000000302 & C800000178 (PT) W. KINDERTON WAY FARMINGTON TOWNSHIP ~ BERNARD RUN DAVIE COUNTY ~ NORTH CAROLINA	ENGINEERING AND SURVEYING, INC. LAND DEVELOPMENT CONSULTING 4400 TOLINE STREET 1601 POINT, NORTH CAROLINA 27265 PHONE: (336) 812-0000 ~ FAX: (336) 812-0100	REVISIONS
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DATE: AUGUST 23, 2016

SCALE: 1" = 80'

