

Town of Bermuda Run

Town Council Meeting Minutes

February 8, 2022 – 6:00 PM

The Town Council of Bermuda Run held its scheduled meeting on Tuesday, February 8, 2022 at 6:00 PM. The meeting was held at the Bermuda Run Town Hall.

Council Members Present: Mayor Rick Cross, Mike Brannon, Curtis Capps, Heather Coleman, Mike Ernst, and Melinda Szeliga

Council Members Absent:

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

Call to Order Mayor Rick Cross called the meeting to order.

Pledge of Allegiance

Moment of Silence

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

Adoption of the Agenda

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

Approval of the January 11, 2022 Town Council Meeting Minutes

Council Member Mike Ernst made a motion to approve the January 11, 2022 meeting minutes. Council Member Curtis Capps seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Proclamation: Recognition of Black History Month

Mayor Rick Cross and the Bermuda Run Town Council recognize the month of February, 2022 as Black History Month in the Town of Bermuda Run.

Attorney Brian Williams reviewed the guidelines for public hearings.

Public Hearing: Petition for Annexation of 139 and 155 South NC Hwy 801

On December 20, 2021, the Town received a petition for contiguous annexation from the property owners of 155 S. NC Hwy 801 and 139 S. NC Hwy 801. On January 11, 2022, the Town Council adopted a Resolution directing the Town Clerk to investigate the petition. On January 11, 2022, the Town Clerk presented a Certificate of Sufficiency of the petition. The Town Council declared a public hearing on the issue for voluntary contiguous annexation be held at Town Hall on Tuesday, February 8, 2022 at 6:00pm.

Mayor Cross Opened the Public Hearing

Scott Miller with MLA Design Group on behalf of the petitioners spoke, offering assistance to anyone that had questions.

Mayor Cross closed the Public Hearing

Council Member Curtis Capps made a motion to approve the annexation of 139 S. NC Hwy 801 and 155 S NC Hwy 801 and to extend the town limits. Council Member Heather Coleman seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Public Hearing: Zoning Text Amendment 2021-01 Food Trucks

The Town Council will review text amendments of the Zoning Ordinance in sections 3.5, 9.61 and 12.3 regarding food trucks. Amy Flyte, Senior Planner with Davie County Development and Facility Services, reviewed that the purpose of this text amendment is to consider adding a definition for food trucks, allowing temporary uses in all zoning districts, and specifying conditions for the operation of food trucks.

Mayor Cross opened the Public Hearing

There were no public comments.

Mayor Cross closed the Public Hearing

Council Member Heather Coleman made the following motion to approve: The Board finds that the amendment is consistent with the Town of Bermuda Run Comprehensive Plan and considers the action to be reasonable and in the public interest. Council Member Mike Brannon seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Public Hearing: Zoning Map Amendment 2022-01. Michael Kelley has applied to rezone 6 tracts of land totaling approximately 6.54 acres from Commercial Mixed (CM) and Club Residential (CR) to Village Mixed (VM). The subject properties are located east of NC Hwy 801 South and West of Ivy Circle.

Mayor Cross opened the Public Hearing

Georgia Maner of 160 Warwicke Place read a letter from Gary LeBlanc of 168 Warwicke Place expressing his support of the rezoning.

Bobbie Thacker of 133 N. Bermuda Run Drive expressed concerns about traffic and stormwater. Scott Miller of MLA Design Group, 120 Club Oaks Ct. Suite 100, Winston-Salem NC will make himself available for questions.

Lindsay Tedder of 133 River Hill Drive – Shared negativity of residents that live “in the country club”, stating that “nobody cares about us”. Feels that since the property is not on the golf course, it will not be taken care of.

Mike Kelley of 290 James Way – the applicant – spoke of the proposed project, stressing that he does not want anything else “commercial” on the property.

Doug Arfmann of 120 Warwicke Place agrees with the Planning Board’s decision. Feels project would be an eye-sore and would rather see medical offices there.

Keith Joyce of 283 Orchard Park Drive – Traffic concerns. Has no confidence in the NCDOT.

Ginger Baldwin of 120 Pembroke Ridge Court shared concerns over control of the zoning; compared to Forsyth County.

Mayor Cross closed the Public Hearing

Council Member Mike Ernst made the motion to approve – The Town Council finds that the proposed general use rezoning is consistent with the Town of Bermuda Run Comprehensive Plan, specifically the objective to support steady, managed growth with additional residential and retail development and considers the action reasonable and in the public interest. Council Member Heather Coleman seconded the motion. The motion was approved by a vote of four (4) in favor and one (1) (Mike Brannon) opposed.

Public Hearing: 10/70 Request. Michael Kelley has applied to request a 10/70 provision on 6.54 acres of land. The subject properties are located east of NC Hwy 801 South and West of Ivy Circle. The North Carolina Administrative Code states that the local governments may allow up to 10% of their watershed area to be developed and built upon up to 70% built-upon surface. The area built upon is then considered impervious. The remaining 30% that is not built upon is pervious. This is commonly referred to as the 10/70 option. Without the 10/70 option, the maximum impervious area is 24% of the total site area.

Mayor Cross Opened the Public Hearing

Scott Miller with MLS Design Group shared that the proposed project was asking for 56.1% of the 70% allowed. Council Member Mike Brannon asked for clarification.

Mayor Cross Closed the Public Hearing

Council Member Melinda Szeliga asked if the 10/70 request is for the project or for the land. The answer is the land – there is a step in the process for stormwater as part of the permitting process.

Council Member Curtis Capps made a motion to approve the 10/70 allocation. Council Member Melinda Szeliga seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

First Amendment to Landscape Maintenance Contract Effective February 13, 2022

Blakely Landscape Services was awarded a three-year agreement on February 13, 2019 for an annual price of \$74,136 in twelve -month installments of \$6,178 after a Request for Bids process. Due to the current market pricing instability and awaiting the proposed landscape plans with NCDOT for the I-40 / NC 801 quadrants, the Town Manager recommends approval of a one-year extension of the current agreement. The proposed annual price of services is \$90,000 payable in twelve monthly installments of \$7,500. *Council Member Mike Brannon made a motion to approve the one-year extension of the current agreement. Council Member Heather Coleman seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.*

Public Comments - NONE

Council/Town Manager/Mayor Comments

Mike Brannon - *Asked that everyone keep the family and friends of Trent Millslagle of Tanglewood Pizza in their thoughts as he was killed in the horrible crash on 158 last week. He explained his "NO" vote on the rezoning stating that it was "more risk than reward". He reaffirmed that he wants to listen to the voice of the residents.*

Heather Coleman – *The Council had tough decisions to make tonight and she thanked everyone for their opinions. We need places for people to live and that will help other businesses in the area. She shared that she has not experienced an increase in traffic due to Comet, etc. and feels this rezoning will make the Town a better place for us all.*

Mike Ernst – *Thankful for large crowd, even though a lot left after the vote on rezoning. Tough decisions were made, and we need to control our destiny instead of having it controlled for us. Asked all to look at area around the hospital and the probability of future development. Where will they live? We need to grow in a responsible, thoughtful way. There was a lot of homework and research before tonight's meeting.*

Curtis Capps – *This was not a popular decision tonight. In the 25 years that he's lived in Bermuda Run, a lot of changes have happened that have not affected his lifestyle. Decisions made are based on what is best for Bermuda Run, and he hopes people respect those decisions.*

Melinda Szeliga – *Gaining another lane (hopefully) at the 801/158 intersection will help with traffic flow coming from 801 South. There has been a lot of growth down Hwy. 801 toward Advance. Shared*

that she lived at Comet Bermuda Run for a while and never saw more than 2 vehicles lined up to exit onto Hwy. 158 at one time. People are afraid of what they don't know. Gary LeBlanc was very against the project until he took the time to get more information, then he did a 180 after learning more. Emphasized that the vote tonight was for rezoning and not for the actual Mike Kelley project.


***Lee Rollins** – There's not always going to be unanimous votes, and we learned that tonight. He applauded the wisdom and dedication in cooperation with the Planning Board and guidance from the Comprehensive Plan. He thanked the Town Council for the recent two half-day planning sessions, adding that it is his pleasure to serve as Town Manager.*

***Mayor Rick Cross** – Thanked the Council for the way they went about making decisions. Thanked all in attendance, adding that he strives for continued engagement and awareness. The Comprehensive Plan is looked at as our "Marching Orders" and there will be a lot of discussion and input needed from residents as we update the Comprehensive Plan this year.*

Adjourn

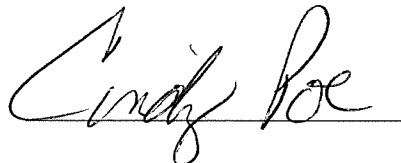
With no further business to discuss, Council Member Heather Coleman made a motion to adjourn. Council Member Melinda Szeliga seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Approved



Rick Cross, Mayor

Respectfully Submitted



Cindy Poe, Town Clerk