



PROPOSED AGENDA
Bermuda Run Town Council Meeting
Tuesday, August 9, 2022
6:00PM

Bermuda Run Town Hall

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 July 12, 2022, Town Council Meeting Minutes

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

6. Citizens' Comments

7. Proposed Action Items

A. Resolution to further endorse Code of Ethics

Town of Bermuda Run Code of Ethics provides those public officials be independent, impartial and responsible to the public; those governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and in keeping with the ethical standards of conduct for town public officials, disclosure of interest in legislative action must be stated for the public record. The mayor or any member of the town council who has an interest in any official act or action before the council shall publicly disclose on the record of the council the nature and extent of such interest, and shall withdraw from any consideration of the matter if excused by the council pursuant to G.S. 160A-75.

The purpose of this Resolution is to further establish guidelines for ethical standards of conduct for the Town Council of Bermuda Run including a conflict-of-interest statement.

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

B. Resolution of Intent to close Peachtree Lane Ext. (Winmock Road)

Town has received a request from Ariston Place LLC to permanently close Peachtree Ext. (Winmock Road) as part of the Ariston development project.

The Town Council may act tonight to adopt the Resolution as presented to declare its intent to close the street, **Peachtree Lane Ext. (Winmock Road)**, and call for a Public Hearing on the question on September 13, 2022.

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

8. Town Manager Report/Comments

9. Council / Mayor Comments

10. Adjourn

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

Town of Bermuda Run

Town Council Meeting Minutes

July 12, 2022 – 6:00 PM

The Town Council of Bermuda Run held its scheduled meeting on Tuesday, July 12, 2022 at 6:00 PM. The meeting was held at the Bermuda Run Town Hall.

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

Council Members Absent: Curtis Capps

Also Present: Andrew Meadwell, Town Manager; Cindy Poe, Town Clerk; and 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 Heather Coleman made a motion to approve the agenda. Council Member Mike Ernst seconded the motion. The motion was approved by a vote of four (4) in favor and none opposed.

Approval of the June 14, 2022 Town Council Meeting Minutes

Council Member Mike Brannon made a motion to approve the June 14, 2022 meeting minutes. Council Member Melinda Szeliga seconded the motion. The motion was approved by a vote of four (4) in favor and none opposed.

Citizens' Comments

Patricia Williams of 124 Parkview Lane (Kinderton Village) – Has lived in KV for 11 years and loves the neighborhood. Stated that #1 concern is the issue of conditional zoning. Complained of sidewalk issues and people falling and getting injured, and lack of attention regarding snow removal in the past. Said that she feels the town wants more “rooftops” but should be concerned with “steam building underneath existing rooftops”.

Tim Deegan of 353 Town Park Drive (Kinderton Village) – Still concerned regarding conditional rezoning and that the developer wants high-density apartments. Spoke of possible traffic and run-off issues. Thanked the Council/Mayor for listening (again) to his thoughts.

Oath of Office – Town Manager Andrew Meadwell

Town Clerk Cindy Poe administered the Oath of Office to newly appointed Town Manager Andrew Meadwell.

Adoption of Resolution Designating Town Manager Andrew Meadwell as Designee for ABC Permit Local Government Opinion Form

Council Member Melinda Szeliga made a motion to adopt the resolution as presented. Council Member Heather Coleman seconded the motion. The motion was approved by a vote of four (4) in favor and none opposed.

Council/Town Manager/Mayor Comments

Mike Brannon – Thanked speakers for their thoughts. Welcomed new Town Manager Andrew Meadwell. Thanked the Bermuda Run Garden Club for their presentation of Christmas tree to the Town (prior to the meeting). Praised work of Community Officer Mike Foster (absent), stating that residents have seen positive changes.

Melinda Szeliga – As a Bermuda Run Garden Club member, she has seen how much the group contributes through fundraisers and support of the community and she thanked them for their work.

Mike Erst – Glad to see everyone in attendance. Reminded all that it's Summer and more kids and families are out and about on streets – keep neighborhoods safe.

Heather Coleman – Thanked all in attendance and the ones that spoke, adding that they are being heard. Complimented Officer Mike Foster and his dedication to his job as Community Officer. Wished everyone a happy Summer.

Andrew Meadwell – Kinderton Village emergency access easement to RISE has started.

Decommissioning of the Waste Water Treatment Plant – project starting July 20.

Town was awarded \$400,000.00 grant for wastewater (map existing system).

NCDOT – Landscaping I-40/801 – will consult with our landscaper as the Town will maintain.

Comprehensive Plan update – moving forward with Planning Board fully engaged.

Blue Heron Trail update – in full swing – with bridge arriving late August. Lighting will be on each side of the tunnel, and 2 extra light poles will be added to the flag project (Vision Committee project).

Chick Fil A update – they have applied for permits and have not obtained them.

Mayor Rick Cross – Thanked all in attendance. Wonderful presentation/tree ceremony by the Bermuda Run Garden Club. State Budget signed by the Governor on Monday. Sam's Ice Cream has opened beside of Davie Tavern – Ribbon Cutting planned for July 28 at 4:30 pm. Two more concerts in August, starting with "Trial by Fire" – Journey Tribute Band. Offered to hang around after the meeting for anyone that needed to talk.

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 four (4) in favor and none opposed.

Approved

Respectfully Submitted

Rick Cross, Mayor

Cindy Poe, Town Clerk



Resolution
Code of Ethics
Town of Bermuda Run Council

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s state motto, *Esse quam videri*, “To be rather than to seem,” and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of the town and with obeying the law, and

NOW, THEREFORE, in recognition of our blessings of liberty and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Town of Bermuda Run of Bermuda Run, North Carolina, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Town Council of the Town of Bermuda Run do hereby adopt the following General Principles and Code of Ethics to guide the board of commissioners in its lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon reasonable exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Board members must be able to act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent.
- Board members must always remain aware that at various times they play distinct roles:
 - As advocates, who must strive to advance the legitimate needs of their citizens
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions
 - As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.

- Board members must know how to distinguish among these roles to determine when each role is appropriate, and to act accordingly.
- Board members must be aware of their obligations to conform their behavior to standards of ethical conduct that warrant the trust of their constituents.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Town Council of the Town of Bermuda Run and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1. Board members should obey all laws applicable to their official actions as members of the board. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Board members should endeavor to keep up to date, through the board's attorney and other sources, about ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day advice the board may receive concerning specific situations that arise.

Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Behaving consistently and with respect toward everyone with whom they interact
- Exhibiting trustworthiness
- Living as if they are on duty as elected officials regardless of where they are or what they are doing
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinion and ideas of others
- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other board members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Not reaching conclusions on issues until all sides have been heard
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and that the board must take official action as a body

Section 3.a Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinion may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

Section 3.b. If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4. Board members should faithfully perform the duties of their offices. They should function as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the government unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purposes for which they were called.

This General Principles and Code of Ethics Policy became effective November 9, 2010. Adopted and further endorsed by the current Town Council this the 9th day of August 2022.

Attest:

Cindy Poe, Town Clerk

Rick Cross, Mayor

**A RESOLUTION DECLARING THE INTENT
OF THE TOWN COUNCIL OF BERMUDA RUN
TO CONSIDER THE CLOSING
OF PEACH TREE EXTENSION (WINMOCK ROAD)**

WHEREAS North Carolina General Statute 160A authorizes the Town Council to permanently close public streets and alleys; and

WHEREAS, the Town has received a request to close Peach Tree Ext. (Winmock Road) located between NC Hwy 801 and Ivy Circle. The surrounding properties are owned by Ariston Place LLC; and

WHEREAS the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to permanently closing the aforementioned street right of way.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BERMUDA RUN, NORTH CAROLINA:

Section 1. That a public hearing will be held at 6:00 p.m. on September 13, 2022, in Council Chambers located at 120 Kinderton Blvd, Suite 100 Bermuda Run, North Carolina, to consider an order to permanently close said street right of way.

Section 2. The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four (4) successive weeks prior to the Public Hearing in the Davie Enterprise.

Section 3. The Town Clerk is hereby further directed to transmit by Registered or Certified Mail, to each owner of property abutting on said street right of way, a copy of the Resolution of Intent, and shall cause a notice of the Public Hearing to be prominently posted in at least two places along the street.

Section 4. This Resolution of Intent shall become effective upon its adoption and approval.

Adopted and approved this the 9th day of August 2022.

Rick Cross, Mayor

Town of Bermuda Run



May 12, 2022

H. Lee Rollins
Town Manager
Town of Bermuda Run
120 Kinderton Boulevard
Suite 100
Bermuda Run, NC 27006

Subject: **Ariston Place, Bermuda Run, NC ("Project")**
Request for Road Closure – Peachtree Lane Extension

Lee,

On behalf of the Ariston Place team, please find this letter as our request to the Town of Bermuda Run ("Town") to permanently close the Peachtree Lane Extension and deed the associated land to Ariston Place, LLC.

Ariston Place, LLC, c/o Kelley Properties, Inc, is currently under contract to acquire all land parcels that are adjacent to the Peachtree Lane extension. Given the road will dead-end into our future property, the parcel will no longer serve the public interest and will not deprive Ariston Place of any reasonable means of ingress and egress. Furthermore, closing the street will relieve the Town's burden from any future costs associated with maintaining the public right of way as Ariston Place, LLC intends to privately maintain this road for access to the rest of the property.

Signet and Kelley Properties understand the Town must follow standard municipal procedures for closure and are happy to address any questions during this process. Please let us know if you have any questions and are happy to discuss further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Spencer Hyatt", with a long horizontal flourish extending to the right.

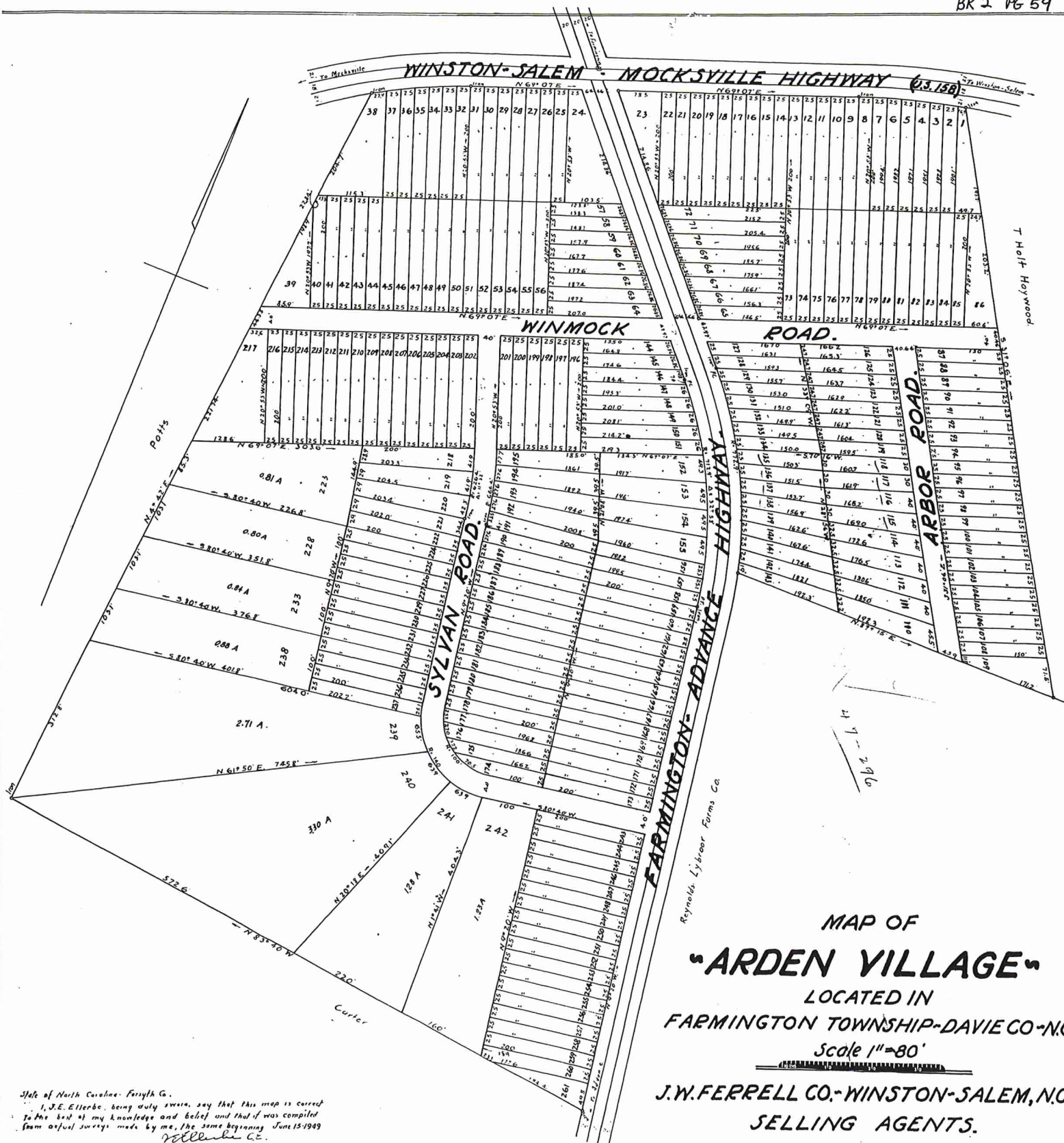
Spencer Hyatt
Ariston Place, LLC

Cc: Mike Kelley, Kelley Properties, Inc
Aaron Brooker, Signet
Scott Miller, MLA Design Group, Inc

Exhibit A

WINMOCK ROAD STREET CLOSURE

BEGINNING at an existing rebar and cap (having North Carolina Grid Coordinates of North 823,465.93. East 1,574,701.14, said iron being in the southwest intersection of N. C. Highway 801 and Winmock Road and also being the northwest corner of Lois B. Barney Trustee Property as recorded in Deed Book 1141, Page 696; thence crossing said Winmock Road and with N. C. Highway 801 N. $44^{\circ}05'36''$ W. 43.62' to a point on a telephone pedestal the northern right-of-way of said Winmock Road and the southwest corner of H & V Construction Co. Property as recorded in Deed Book 164, Page 32; thence with the northern right-of-way of said Winmock Road S. $67^{\circ}46'11''$ E. 532.75' to an existing rebar the eastern perimeter of said Winmock Road and the southeast corner of said H. & V. Construction Co.; thence with the eastern perimeter of said Road S. $25^{\circ}37'25''$ E. 38.47' to a point the southeast perimeter of said Road; thence with the southern right-of-way of said road S. $67^{\circ}32'25''$ W. crossing a rebar with cap 165.25' and continuing 20.41' to a 1 $\frac{1}{2}$ " iron and 333.11' for a total of 518.78' to the place of BEGINNING and containing 0.4763 Acres more or less.



MAP OF
"ARDEN VILLAGE"
 LOCATED IN
 FARMINGTON TOWNSHIP-DAVIE CO.-N.C.
 Scale 1"=80'
J.W.FERRELL CO.-WINSTON-SALEM, N.C.
 SELLING AGENTS.

State of North Carolina, Forsyth Co.
 I, J.E. Ellerbe, being duly sworn, say that this map is correct
 to the best of my knowledge and belief and that it was compiled
 from actual surveys made by me, the same beginning June 15, 1949
 J.E. Ellerbe, C.E.

Sworn to and subscribed before me this 10th day of July, A.D. 1949
 H. Egert, Notary Public
 My Commission Expires, Aug. 2, 1949

REVIEW OFFICER'S CERTIFICATE

I, John C. Gray, Review Officer of Davie County, Georgia, certify that the map or plat to which this certification is attached meets or exceeds all statutory requirements for recording.

John C. Gray
Date 6/10/05
Review Officer

FILED FOR REGISTRATION

6-10-2005
and recorded in Plat Book 8, Page 178
M. Brent Shoof, Register of Deeds
Davie County, NC
BY M. Brent Shoof
Date 6/10/05
Register of Deeds

SURVEYOR CERTIFICATE FOR DIVISION OF LAND

DAVIE COUNTY, NORTH CAROLINA

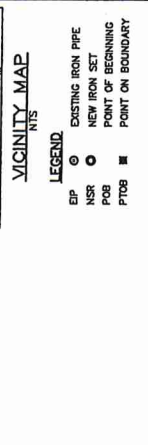
I, John C. Gray, Registered Land Surveyor, Number L-3513, certify that this plat is of a survey made under my supervision and that the boundaries shown on this plat are correct and that the land shown on this plat is in accordance with the deed or deeds to which this plat is attached. I am not aware of any other claims or interests in the land shown on this plat.

John C. Gray
Date 6/10/05
Surveyor

CERTIFICATE OF SURVEY AND ACCURACY

I, John C. Gray, certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the survey was made in accordance with the provisions of the laws of North Carolina; that the boundaries shown on this plat are correct and that the land shown on this plat is in accordance with the deed or deeds to which this plat is attached. I am not aware of any other claims or interests in the land shown on this plat.

John C. Gray
Date 6/10/05
Surveyor



LEGEND

- EP EXISTING IRON PIPE
- NSR NEW IRON SET
- POB POINT OF BEGINNING
- PTOB POINT ON BOUNDARY

TRACT 'J'

LINE	DISTANCE	BEARING
J-1	20.40'	N 88° 41' 21" E
J-2	142.19'	S 32° 35' 48" E
J-3	20.98'	S 74° 46' 51" W
J-4	139.92'	N 32° 35' 48" W

AREA BY COORDINATES = 0.065 ACRES

DAVID EUGENE ROBERTSON, Date 3/25/05
RUTH DUNN ROBERTSON, Date 3/25/05

TRACT 'K'

LINE	DISTANCE	BEARING
K-1	200.11'	N 32° 35' 48" W
K-2	20.32'	N 67° 32' 11" E
K-3	20.32'	S 32° 35' 48" E
K-4	20.32'	S 68° 41' 21" W

AREA BY COORDINATES = 0.092 ACRES

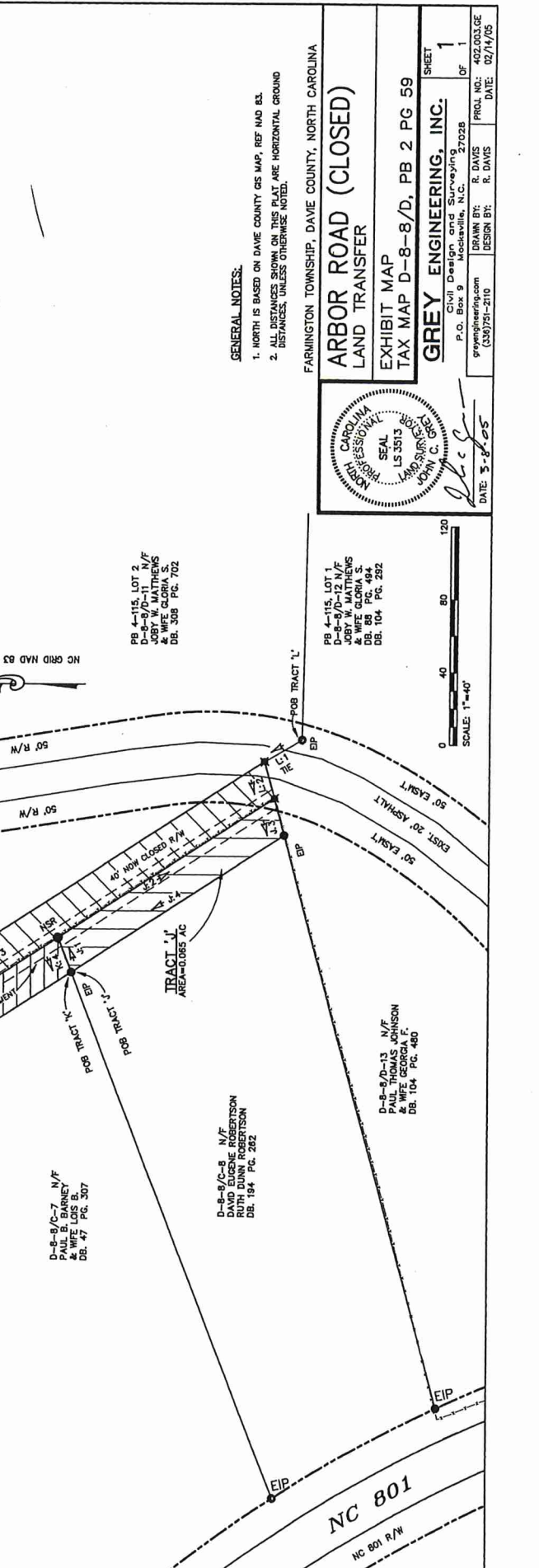
PAUL B. BARNEY, Date 3-25-05
LOIS B. BARNEY, Date 3-25-05

TRACT 'L'

LINE	DISTANCE	BEARING
L-1	24.28'	N 30° 17' 24" W
L-2	24.28'	N 30° 17' 24" W
L-3	342.71'	N 32° 35' 48" W
L-4	20.32'	N 67° 32' 11" E
L-5	345.40'	S 32° 35' 48" E

AREA BY COORDINATES = 0.158 ACRES

JOBY W. MATTHEWS, Date 5-4-05
GLORIA S. MATTHEWS, Date 5-4-05





§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)