

Minutes of the Meeting of
The Liberty Town Council
Held on November 22, 2021 5:30 pm

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Present

Mayor : The Honorable Filmore York

Council: Chris Compton, Don Herndon, Tyson Nixon, Larry Coble and JR Beard

Town Manager: Scott Kidd

Town Clerk: Jessica Brown

Town Attorney: Bill Flowe

Staff: Fire Chief; Matt Talbott, Deputy Fire Chief; Jason Phillips, Finance/HR Director; Kathy Bond Public Service Director; Joe Walsh, Library Director; Brenda Heindl-Hornsby, and Code Enforcement; Chris Curry

To Order

The Mayor welcomed everyone including Department Heads, Council Members and those watching on Facebook. and called the meeting to order at 5:30PM.

Pledge of Allegiance/Invocation

Council Member Chris Compton led the Pledge of Allegiance and then the Mayor asked everyone to join in a Moment of Silence.

Adoption of Agenda

Council Member Tyson Nixon made a motion to adopt the agenda with the addition of 10A Closed Session 143-318.11 (a) (5). Council Member JR Beard seconded the motion which passed unanimously: Council Member Larry Coble voted yes, Council Member Don Herndon voted yes, Council Member Tyson Nixon voted yes, Council Member JR Beard voted yes and Council Member Chris Compton voted yes. The agenda was approved with addition.

Code Enforcement Report

Chris Curry came forward to give the Code Enforcement Report. Thirty cases have been abated, twenty three new cases, and twelve hearings issued. There are now zero cars on the property at 302 S New Street. The property at 539 S Valley had water cut off which is a minimum housing violation. The property owner paid the past due bill. He had a hearing with James Bishop regarding a dilapidated structure at 139 W Frazier on 10/27/2021. He met with him today to check progress and start a new Notice of Hearing. He thinks it will be brought into compliance. He thanked the Council for the opportunity to to serve the community. The Council thanked him for the job he is doing.

Approval of Minutes

Council Member Chris Compton made a motion to approve the minutes from the Council Meeting October 25,2021. Council Member JR Beard seconded the motion which passed unanimously : Council Member Don Herndon voted yes, Council Member Tyson Nixon voted yes, Council Member JR Beard voted yes, Council Member Larry Coble voted yes and Council Member Chris Compton voted yes. The minutes were approved.

Old Business

Chamber Budget Request

Town Manager Scott Kidd said Travis Kivett was unable to attend since he is moving his business. The Town has offered to mow around the Chamber’s sign and maintain the lot the caboose is on. He is waiting on more information.

Ordinance-Stop Sign W Bowman Update

Public Service Director Joe Walsh came forward. Council Member JR Beard brought up speed bumps. Council Member Chris Compton asked how much speed bumps were. Joe Walsh said they are about \$1,000.00 and last around five years. Council Member Beard said that may be the best solution.

Council Member JR Beard made a motion to put rubber speed bumps on N Smith Street. Council Member Larry Coble seconded the motion which passed unanimously with Council Members: Chris Compton, Larry Coble, Don Herndon, JR Beard, and Tyson Nixon voting yes.

160A - 175 -continued discussion

Town Manager Scott Kidd said the attached handout has new wording and clearly states the offense and defines the penalty. It references 1099 in our ordinances.

Council Member Chris Compton made a motion to approve each one and their specific languages. Council Member Tyson Nixon seconded the motion which passed unanimously with Council Members: Chris Compton, Larry Coble, Don Herndon, JR Beard, and Tyson Nixon voting yes.

New Business

Water Meter Proposals

The Town Manage provided two handouts: MeterSys and Core and Main. MeterSys gave a presentation in person. See page eleven for capital estimates. Both companies provide service and are about the only two in our area. MeterSys is \$927,430.00 which includes network, collectors, radio, labor and installation. Scott Kidd said that seemed pretty high to him. They saw the Neptune Meter at a business we deal with and got in touch with Core & Main. Their total is 552, 026.91. Core & Main get the meters in place and put on their system. Mayor York asked about the time frame. Public Service Director Joe Walsh said if they ordered right now they would not receive until the middle of January. It is a “plug n play” meter and is an easier way to go about. Council Member Tyson Nixon asked what meters would not be covered and the Town Manager said two and four inch meters which are less than fifty of those. Every residence will have a new meter.

Antennas can set alerts and catch leaks which will also cut down on adjustments. Council Member Tyson Nixon made a motion to go with Core & Main for Water Meters. Council Member JR Beard seconded the motion which passed unanimously with Council Members: Chris Compton, Larry Coble, Don Herndon, JR Beard, and Tyson Nixon voting yes.

Limb Ordinance Discussion

Town Manager Scott Kidd asked if he should have citizens prepay for large piles or leave as is. Council Member Chris Compton said give them a door tag which says they have

thirty days to pay or we will pick up and add to their bill. The Town Manager will get the wording together and they can vote next month.

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Plymovent Exhaust Budget Amendment

Council Member JR Beard made a motion to approve the Budget Amendment #12. Council Member Larry Coble seconded the motion which passed unanimously with Council Members: Chris Compton, Larry Coble, Don Herndon, JR Beard, and Tyson Nixon voting yes.

Letter regarding employment of relative - Parks & Rec Logan Maness

Parks and Recreation Director Logan Maness would like to ask for permission for her sister to work part time in admissions and concessions. her direct supervisor would be Parks and Recreation Coordinator Kolby Riddle. Town Manager Scott Kidd said he wanted to inform the Council and see if they had any objections. The Consensus of the Council was for Logan's sister to be hired. They thought it would be a good fit and saw no conflict of interest.

Approve finance for potential PD building

The Town Manager provided two handouts: one from BB & T and one from Fidelity for the loan amount of \$500,000. Fidelity is offering 2.29% interest 80/20 loan value. BB & T is offering 1.47% interest with a governmental type loan and one time documentation legal fee.

Council Member Tyson Nixon made a motion to go with BB & T. Council Member Chris Compton seconded the motion which passed unanimously with Council Members: Chris Compton, Larry Coble, Don Herndon, JR Beard, and Tyson Nixon voting yes.

Administrative Reports

Manager's Report

Town Manager Scott Kidd gave his report. He has received a couple of complaints about the gaming facilities in town and has spoken with Planning and Zoning Consultant Reynolds Neely about it. Approval runs with land and property, not the owner of the property. The business must be closed for six months to not be allowed to stay a gaming establishment. The state has passed a budget and the Megasite has generated a lot of questions. There will be a Community Clean Up Day sponsored by the Rotary Club Saturday December 18th

Library Director Brenda Heindl came forward to discuss grant for Paul Henry Park. She said community members would like to get a water fountain at the park.

Fire Chief Matt Talbott came forward and presented a plaque to former Fire Chief and Council Member JR Beard for fifty years of service to the Fire Department.

Finance Report

Finance Director Kathy Bond came forward to give Finance Reports for September and October. We had three payrolls in October. Town Manager Scott Kidd said the second page amounts in October are in negative now but still trending higher overall than the last couple of years. More tax payments should come in. The audit has taken longer than expected due to the software conversion and putting information in spreadsheets. The auditor should be here for about a week in December.

Council Comments

Tyson Nixon said we should look at our water leak adjustment policy of just one a year. He has had three separate leaks that led to very high bills. He is impressed by the teamwork with different departments in Town.

Mayor Comments

Mayor York said the Town received \$75,000 for downtown in the new state budget and \$50,000 will go towards the new museum. The Christmas Parade is December 4th and Representative Allen McNeil will be at the December meeting on the sixth to swear in new members.

Closed Session GS 143-318.11 (a) (5)

Council Member Chris Compton made a motion to go into Closed Session per NC GS 143-318.11 (a) (5). Council Member Don Herndon seconded the motion which passed unanimously with Council Members: Larry Coble, Chris Compton, Don Herndon, JR Beard, and Tyson Nixon voting yes. The Town Council went into Closed Session at 7:05PM.

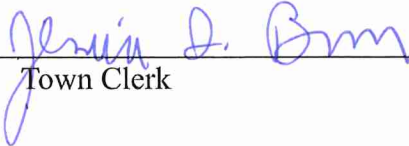
Council Member Tyson Nixon made a motion to come out of Closed Session. Council Member Chris Compton seconded the motion which passed unanimously with Council Members: Larry Coble, Chris Compton, Don Herndon, JR Beard, and Tyson Nixon voting yes. The Town Council came out of Closed Session at 7:22PM.

Adjourn

There being no further business to discuss, Council Member Tyson Nixon made a motion to adjourn. Council Member Chris Compton seconded the motion which passed unanimously with a vote: Council Member Don Herndon voted yes, Council Member Tyson Nixon voted yes, Council Member JR Beard voted yes, and Council Member Chris Compton voted yes. The meeting was adjourned.



Mayor Filmore York

ATTEST: 

Town Clerk

Meeting Date: November 22, 2021

Town of Liberty Budget Amendment (FY 2021-2022 #12) Council Approval Needed

BE IT ORDAINED, by the Liberty Town Council that the Town of Liberty Budget Ordinance for fiscal year 2021-2022, which was adopted on June 28, 2021, be amended as follows:

This amendment is to move funds from Capital Reserve General (71 Fund) to Fire Dept Contracted Services. This amendment is for grant writing through Plymovent System for the Fire Dept.

Section 1: The following revenue and expenditures in the General Fund shall be increased by the amounts indicated:

71 Fund				
General Fund	Line Item	Budget	Change	Amended Budget
S/A Transfer to General Fund	71-6900-890	194,000	5,000	199,000
Total Expenditures		194,000	5,000	199,000

71 Fund				
Capital Reserve	Line Item	Budget	Change	Amended Budget
S/A Fund Bal Appr	71-3990-000	194,000	5,000	199,000
Total Revenues		194,000	5,000	199,000

10 Fund				
General Fund	Line Item	Budget	Change	Amended Budget
Transfer from Gen Fund Cap Reserve	10-3980-000	194,000	5,000	199,000
Total Reserve		194,000	5,000	199,000

10 Fund				
General Fund	Line Item	Budget	Change	Amended Budget
Fire Dept Contracted Services	10-5300-450	5,000	5,000	10,000
Total Expenditures		5,000	5,000	10,000

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: SK

Filmore York
Filmore York, Mayor

ATTEST:

Date: 11-22-2021

Jessica A. Bond
Town Clerk

Date: 11-22-2021



Branch Banking & Trust Company

Governmental Finance

5130 Parkway Plaza Boulevard
Charlotte, North Carolina 28217
Phone (704) 954-1700
Fax (704) 954-1799

November 18, 2021

Mr. Scott Kidd
Town of Liberty, NC
PO Box 1006
Liberty, NC 27298-1006

Dear Mr. Kidd:

Truist Bank ("Lender") is pleased to offer this proposal for the financing requested by the Town of Liberty, NC ("Borrower").

PROJECT: Future Police Station Building

AMOUNT: \$500,000.00

TERM: 59 months

INTEREST RATE: 1.47%

TAX STATUS: Tax Exempt – Bank Qualified

PAYMENTS: Interest: Annual
Principal: Annual

INTEREST RATE CALCULATION: 30/360

SECURITY: First lien security interest on the real property purchased, financed, constructed, or renovated with financing proceeds

PREPAYMENT TERMS: Prepayable in whole at any time without penalty

RATE EXPIRATION: November 30, 2021

DOCUMENTATION/ LEGAL REVIEW FEE: \$5,900

FUNDING: Proceeds will be deposited into an account held at Lender at closing pending disbursement for project costs.

DOCUMENTATION: Lender and its counsel shall prepare the deed of trust and all documentation for the Borrower. We shall provide a sample of all required documentation to you and your counsel if Lender is the successful proposer. Lender will not require a survey or title insurance. [Evidence of LGC approval is required when applicable. At a minimum, Lender shall require flood insurance, if applicable.

The financing documents shall include provisions that will outline appropriate changes to be implemented in the event that this transaction is determined to be taxable or non-bank qualified in accordance with state statutes or the Internal Revenue Service Code. All documentation must be deemed appropriate by Lender before closing.

REPORTING

REQUIREMENTS: Lender will require financial statements to be delivered within 270 days after the conclusion of each fiscal year-end throughout the term of the financing.

Should we become the successful proposer, we have attached the form of a resolution that your governing board can use to award the financing to Lender. If your board adopts this resolution, then Lender shall not require any further board action prior to closing the transaction.

Lender shall have the right to cancel this offer by notifying the Borrower of its election to do so (whether this offer has previously been accepted by the Borrower) if at any time prior to the closing there is a material adverse change in the Borrower's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the Borrower or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to Lender.

Costs of counsel for the Borrower and any other costs will be the responsibility of the Borrower.

The stated interest rate assumes that the Borrower expects to borrow no more than \$10,000,000 in the current calendar year and that the financing will qualify as qualified tax-exempt financing under the Internal Revenue Code. Lender reserves the right to terminate this bid or to negotiate a mutually acceptable interest rate if the financing is not qualified tax-exempt financing.

We appreciate the opportunity to offer this financing proposal. Please call me at (803) 413-4991 with your questions and comments. We look forward to hearing from you.

Sincerely,

Truist Bank



Andrew G. Smith
Senior Vice President

Resolution Approving Financing Terms

WHEREAS, the Town of Liberty, NC (“Borrower”) has previously determined to finance the purchase of an existing building that will be converted to a new police station (the “Project”), and the Finance Director has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Truist Bank (“Lender”) in accordance with the proposal dated November 18, 2021, or as such proposal may be supplemented or amended by Lender and the Borrower verbally or in writing. The amount financed shall not exceed \$500,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.47%, and the financing term shall not exceed fifty-nine (59) months from the date of closing.

2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and such other documents as Lender may request. Pursuant to the Financing Agreement and Deed of Trust, (a) Lender will advance moneys to the Borrower to pay the costs of the Project and the financing costs related thereto, and the Borrower will repay such advance in installments, and (b) the Borrower will grant a lien on the site of the Project, or portions thereof, together with all fixtures and improvements located thereon, to Lender as security for such advance.

3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to the Finance Director’s satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower’s official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower’s general fund or any other Borrower fund related to the Project, for costs of the Project may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this ___ day of _____, 2021

By: _____

By: _____

Title: _____

Title: _____

SEAL

