

Minutes of the Meeting of
The Liberty Town Council
Held on July 25, 2022 5:30 pm

Present

Mayor : The Honorable Filmore York

Council: Terry Caviness, Don Herndon, Tyson Nixon, Larry Coble
and JR Beard

Town Manager: Scott Kidd

Town Clerk: Jessica Brown

Town Attorney: Bill Flowe

Staff: Finance/HR Director; Kathy Bond, Public Works Director;
Joseph Walsh, Police Sergeant; Andre Murphy, Fire Chief;
Matt Talbott, Safety Director; Bret Pedigo, Library
Director; Brenda Hornsby Heindl, and Planning and Zoning
Consultant; Reynolds Neely

To Order

The Mayor welcomed everyone in Council Chambers and those watching on Facebook. He called the meeting to order at 5:35 PM, a slight delay due to internet trouble.

Pledge of Allegiance/Invocation

Mayor Filmore York led the Pledge of Allegiance and then the Mayor asked everyone to join in a Moment of Silence.

Adoption of Agenda

Council Member JR Beard made a motion to adopt the agenda with the removal of number 4 - Code Enforcement Report, due to the passing of Code Enforcement Officer Chris Curry's mother.. Council Member Tyson Nixon seconded the motion with the change 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 Terry Caviness voted yes. The agenda was approved.

Special Use Public Hearing for Special Use Permit 22-1 for Watershed SNIA

The Town Clerk swore in speakers for the Hearing. Mayor York called the Hearing to order at 5:39 pm. He clarified that no Council Members had a conflict of interest or ex parte communication that needed to be exposed. Planning and Zoning Consultant Reynolds Neely came forward to present a Staff Report. This would be a permit for two parcels: parcel # 8735293325 and #8735291096. The Landing Development Plan labels this area as industrial referencing page 2 of 4. This property is located on a state maintained road. Maps are on the third page. The notification requirement has been met

and a notice was posted on the property. Town Manager Scott Kidd agreed that notification and posting requirements have been met. Mr. Neely handed out a revised page three. He went over the suggested conditions on page four. Page four is the findings and the rest is maps. He is glad to answer any questions.

Council Member Tyson Nixon asked if this property is currently connected to the town's water/sewer system. Mr. Neely replied they are not at this time but do want to connect. Council Member JR Beard asked about traffic from Old 421. Mr. Neely said they left that open. Council Member Larry Coble asked if the facility was looked at per fire standpoint as far as hydrants. Mr. Neely said that would be more applicable in the annexation process.

Town Attorney Bill Flowe read Public Comment rules. Since this is a quasi judicial Hearing the three minute time limit does not apply.

Tom Terrell of 529 W Parkway in High Point came forward to speak. He works with Liberty Property Holdings. He placed a notebook at everyones desk which he said had a substantial amount of evidence. He remarked this application is part of things to come. Growth is coming our way. He referred to the notebook which includes findings of three experts. An engineer will present the site plan. Mr. Terrell said there is no material impact on health and safety. There are one hundred fifty asphalt plants in North Carolina. Asphalt is ninety five percent rock. The National Institute of Safety and Health says asphalt fumes are not a carcinogen. There is no association with lung cancer and that is why employees there do not wear respirators. They will address the twenty four percent to forty percent SNIA standards. It will create fifteen to twenty new jobs paying \$75,000.00 annually. The community builds an economic base and the Use does meet standards. The market impact study is the exact same standards an appraiser uses. The formative plans of development are in harmony with the area. It is in the middle of an area that is zoned industrial. There is no problem with the conditions and we cannot control trucks we don't own. He is glad to answer questions. Council Member JR Beard asked if they couldn't tell truck drivers when scheduling which route to take. Trucks are coming to the mega site 24/7 and it is a concern. Tom Terrell responded that they would accept that condition.

Paul Campbell, engineer for Alley Williams of 1205 Main Street Kannapolis came forward to speak. He has thirty one years experience and is a graduate of NC State. He is addressing the storm water. He said if you look at the flow off the property now that is the flow allowed off after the site is built. The water will go through best practices. It will be caught in a pond and slowly released. It will be caught and treated. The first inch is what catches oils. They can divert the storm water through ponds. He is glad to answer questions. There were no questions.

Molly Chisolm of 902 W Lexington Avenue High Point came forward to speak about the Market Impact. She works all over the state in a variety of industries and is a NC appraiser. She is part of the National Appraiser Standard Board and has tested over many decades with standards relied upon by almost every financial institution in our country. She was asked if the proposed plant would affect adjoining property owners. She compared properties close to similar asphalt plants. Data showed objectively how people invest in their homes. The operation of an asphalt plant is shown not to substantially injure value of properties. Council Member Don Herndon asked Ms. Chisholm to walk through the process on page 14. Sales are compared to other properties not located near asphalt plants. Council Member Tyson Nixon asked if there were any comparable sales in rural North Carolina. She said she had two in Catawba County. Council Member asked if country club or asphalt plant made no difference? She said she was asked to compare properties near asphalt plants versus those that were not. She compared similar homes that would appeal to the same buyers and got no negative input.

Todd Ferguson of 306 Butler Avenue asked if she asked the people that live near asphalt plants. Ms. Chisolm said no it would be awkward to go door to door but houses got the same amount of money as those not in close proximity. Mr. Ferguson said he worked for an asphalt company and should ask people about the noise, traffic, and smell. Ms. Chisolm said she strictly deals with numbers. Jose Guevera of 3689 Old 421 Road said he has thirty nine acres and is concerned about bombardment from companies doing business here. They have no concern for citizens. Everyone will be affected. Ms Chisolm said she has had a professional license for thirty years and houses in Conover near an asphalt plant are selling as quickly as they are built. Council Member Nixon asked what the population is in Conover. and she said she doesn't know but it is a very rural area. Guy Corman of 610 Hilltop Drive Lexington Avenue High Point came forward to speak. He retired in December 2020 after working in Planning and Zoning for thirty four years. It helps you to understand harmony and general conformity. He has already determined that the plant would be allowed in an industrial district. He referenced the last section of the Notebook that was handed out and the ordinance table of permitted uses 154.06. It allows for the manufacturing of certain substances. Projects must minimize built upon surface area and direct storm water away from surface waters. Projects must incorporate best management practices to minimize quality impacts. Projects must be connected to Town water and sewer and must provide a positive economic benefit to the community. It is a large site with 17.3 acres and has adequate screening and buffering as required by ordinances. Harmony does not mean similar in use or appearance. Adjoining uses can coexist. There are no effects on property and nature. They have coexisted with industrial uses for several years. There is a railroad and trucks nearby and this ordinance has zoned the area industrial since 1999. It is in compliance with ordinance and Land Use Plan. It will bring jobs to the area and workers will contribute to the local economy. Greensboro is the closest asphalt company. Council Member Don Herndon said his two concerns are sound and odor. Does it meet federal specifications? Mr. Neely said there are performance standards in all ordinances and their plan will conform with those. Tom Terrell concluded the evidentiary portion.

H.R. Gallimore represents Mrs. Johnson , the seller. He said look at how property is zoned, LDP, and there are watershed requests in almost every case. Forty percent is the best and safest most consistent use they can get to. He understands concerns. With the price of fuel trucks will use the interstates as much as they can.

Jesse Bowman of 6835 Kinro Road came forward to speak. He said the Town has a problem with overflow when there is a big rain. It comes out of the manholes. and you cannot get through there in the mornings. These people do not live here and do not know what goes on. No one wants this.

Mr. Gallimore said the project will open during daylight hours and there are a lot of other industries that could use this property.

Todd Ferguson came forward again and said for people to please do their research on asphalt plants. You would not want one next to your house. Think of the Kinro Road residents.

There were no more comments.

Council Member Nixon asked if they could table to wrap their heads around all they were presented with. Council Member Tyson Nixon made a motion to continue hearing on September 26, 2022. Council Member Don Herndon seconded the motion which was unanimously approved with Council Members: Larry Coble, Terry Caviness, Don Herndon, JR Beard, and Tyson Nixon voting yes. The Hearing will be continued September 26th.

Tom Terrell asked if there was any other information requested. Council Member Nixon asked how long did adjacent property owners know about the Hearing? Tom Terrell said

they knew about it for a month and he provided his personal phone number and email and no one reached out to him.

Reynolds Neely said he will be available for the September meeting and remember no ex parte communication. Council Member Larry Coble asked if it was their responsibility to vote on what the owner presented? Mr. Neely said the Special Use process requires show of evidence to four findings. An asphalt plant is a permitted use. Watershed is the Special Use issue.

H.R. Gallimore said they did not ask for seventy percent watershed. Council Member Coble said that was the point he was trying to make. Did they meet that requirement? We were presented with a good solution for the watershed. Council Member Nixon asked should we not give them the opportunity to present their objections? Council Member Coble said he does not think the watershed issue will change. Council Member Beard said the asphalt plant is coming no matter what. What if they go ahead and start. Mr. Gallimore said it would take a completely different engineering plan. He understands the residents but they are going to see ten fold in traffic no matter what. He recommends voting tonight and having it good with the developer.

Town Attorney Bill Flowe said those property owners have an opportunity to come back with relevant and competent evidence. Mr. Neely said the staff report continues to be available on the website and he is available to answer any questions. Town Attorney Bill Flowe then reminded them ex parte communications include conversations between yourselves. you have good materials in front of you. A lay person probably didn't have these materials so they are given notice to bring evidence.

Finance Report

Finance Director Kathy Bond gave the report for June and went over highlights. Council Member JR Beard made a motion to approve the Finance Report. Council Member Don Herndon seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, JR Beard, and Tyson Nixon voting yes.

Approval of Minutes

Council Member JR Beard made a motion to approve the minutes from the Work Session June 13, 2022, Closed Session June 13, 2022, Council Meeting June 20, 2022 and Closed Session June 20, 2022. Council Member Tyson Nixon 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 Terry Caviness voted yes. The minutes were approved.

Consent Agenda

The Consent Agenda includes: Budget Amendment #1 and Appointment of Gail Emerson to the Planning Board/Board of Adjustment. Council Member Don Herndon made a motion to approve the Consent Agenda. Council Member Terry Caviness seconded the motion which passed unanimously with Council Members: Terry Caviness, Larry Coble, Don Herndon, JR Beard and Tyson Nixon voting yes.

New Business

Annexation Petition 6998 Kinro Rd. Liberty

This is a petition requesting annexation for 6998 Kinro Road Liberty. The Council requests the Town Clerk to certify the petition and present findings at the August Council Meeting. Council member Terry Caviness made a motion for Town Clerk to certify. Council Member Larry Coble seconded the motion which passed unanimously with

Council Members: Larry Coble, Don Herndon, Terry Caviness, JR Beard, and Tyson Nixon voting yes.

Pay Proposal

Town Manager Scott Kidd said he spoke with most of you this week. He wants to know which direction to go. He gave an option with benefits or without. Benefits include FICA, retirement, and 401K with 3% match. Council Member Nixon said he appreciates the Town Manager looking at this and they can't continue to kick down the road or they will never reach the Pay Study. Council Member Tyson Nixon made a motion to let Town Manager allocate \$70,000.00 in merit increases as he sees fit. Council Member Terry Caviness seconded the motion. Council Member Tyson Nixon then withdraws his motion and Council Member Terry Caviness withdraws his second to the motion.

Council Member Larry Coble makes a motion to set aside \$15,000.00 for bonus to be used at the Town Manager's discretion to those employees who do not benefit from the Police Department's increase. Council Member JR Beard seconded the motion which passed unanimously with Council members: Larry Coble, Terry Caviness, Don Herndon, JR Beard and Tyson Nixon voting yes.

Council Member Tyson Nixon said we are no closer to the pay study. Council Member Terry Caviness said \$15,000 will not go very far. Council Member Coble said we took a bite off the apple and put money into CIP's. Council Member Nixon said \$70,000 is doable and sustainable, not a bonus but salary. Council Member Beard said the PD last year had over one million and eighty percent spent in their budget last year. Mayor York asked Mr. Kidd if we can make the numbers work. The Town Manager said the audit will give black and white for where we are. Our Sales and Use Tax continues to increase. There is plenty of discussion of annexation. He is not comfortable saying until the audit is complete. Mayor York said maybe we should wait until the audit comes in. Council Member Beard said he is not in favor of a tax hike. Council Member Nixon asked what the fund balance is now? Mr. Kidd said he cannot answer right now. Council Member Herndon said the twelve percent raise has kicked in and we could wait until the audit comes back, Council Member Coble said we should have waited to see before splitting the PD position. It was not fair to other departments. Council Member Herndon said the Chief made his presentation because he was losing officers.

Council Member Tyson Nixon made a motion for Town Manager Scott Kidd to use \$70,000 for merit increases in salary. Council Member Terry Caviness seconded the motion. Council members: Terry Caviness, Tyson Nixon, and Don Herndon voted yes. Council Members: Larry Coble and JR Beard voted no. The motion was passed. Council Member Coble said we cannot see accurate numbers now. Council Member Nixon said Fund balance has been above for years and will make up for this amount. We need employees for what is coming.

Council Comments

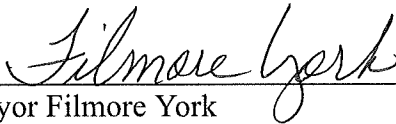
Council Member Terry Caviness asked if the annexation is contingent on the Special Use and the Town Manager said it is not.

Mayor Comments

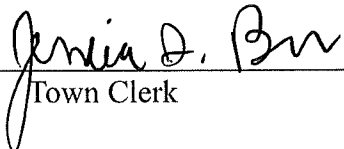
Mayor York said this has been a long meeting and let's all go away friends. A decision has been made and let's make it work.

Adjourn

There being no further business to discuss, Council Member Tyson Nixon made a motion to adjourn. Council Member JR Beard 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 Larry Coble, and Council Member Terry Caviness voted yes. The meeting was adjourned.



Mayor Filmore York

ATTEST: 

Town Clerk

Meeting Date: July 25, 2022

Town of Liberty Budget Amendment (FY 2022-2023 #1) Council Approval Needed

BE IT ORDAINED, by the Liberty Town Council that the Town of Liberty Budget Ordinance for fiscal year 2022-2023, which was adopted on June 27, 2022, be amended as follows:

This amendment is to move funds from General Fund Balance Appropriated to Library Department. These are Lowe , Grant and Construction funds that has been approved and amended to this budget.

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

10 Fund Revenues				
General Fund	Line Item	Budget	Change	Amended Budget
General Fund Balance App.	10-3990-000	0	69,015	69,015
Total Revenues		0	69,015	69,015
10 Fund Expenditures				
General Fund	Line Item	Budget	Change	Amended Budget
Lib Lowe Tran Outlay Bldg	10-6300-781	0	11,800.00	11,800.00
Lib Lowe Tran Outlay Bldg	10-6300-781	0	40,000.00	40,000.00
Lib Lowe Tran Outlay Bldg	10-6300-781	0	920.54	920.54
Lib Programs (Grant)	10-6300-567	0	2,285.04	2,285.04
Lib Capital Outlay Building	10-6300-750	0	14,009.50	14,009.50
Total Expenditures		0	69,015.08	69,015.08

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: _____

Filmore York
Filmore York, Mayor

ATTEST:

Date: 7-25-2022

Jessica D. Bon
Town Clerk

Date: 7/25/2022

