

Minutes of the Meeting of
The Liberty Town Council
Held on September 26, 2022 5:30 pm

Present

Mayor : The Honorable Filmore York

Council: Terry Caviness, Don Herndon, and Tyson Nixon

Town Manager: Scott Kidd

Town Clerk: Jessica Brown

Town Attorney: Bill Flowe

Staff: Finance/HR Director; Kathy Bond Public Service Director;
Joseph Walsh, Parks and Recreation Director; Logan
Maness, Police Chief; David Semrad, NC Fellow; Brice
Dalke, and Planning and Zoning Consultant; Reynolds
Neely

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. He also thanked Randolph County Commissioner David Allen for being at the meeting. He said Council Members JR Beard and Larry Coble are unable to attend the meeting tonight. He said three is a quorum and asked for motions to excuse them. Council Member Don Herndon made a motion to excuse JR Beard. Council Member Terry Caviness seconded the motion which was approved unanimously with Council Members Don Herndon, Terry Caviness, and Tyson Nixon voting to excuse him. Council Member Terry Caviness made a motion to excuse Larry Coble from the meeting. Council Member Don Herndon seconded the motion which passed unanimously with Council Members Terry Caviness, Don Herndon, and Tyson Nixon voting to excuse him.

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 Don Herndon made a motion to adopt the agenda with the addition of Budget Amendments #5 to New Business 12.1. Council Member Terry Caviness seconded the motion which passed unanimously: Council Member Don Herndon voted yes, Council Member Tyson Nixon voted yes, and Council Member Terry Caviness voted yes. The agenda was approved

Code Enforcement Report

Code Enforcement Officer Chris Curry is not feeling well and will not be here to give his report.

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

Mayor York asked if the applicant, Liberty Property Holdings, had a problem with just three Council Members being present and hearing the case. Representative for the applicant Tom Terrell said on the record they were satisfied with the three. This Hearing is for a request by Liberty Property Holdings for a Special Use Permit- SNIA (Special Non-Residential Intensity Allocation) for two parcels PIN # 8735293325 at 6988 Kinro Road, and PIN # 8735291096 which currently has no address assigned. Proposed construction will exceed the 24% impervious surface limit established by the Watershed regulations. These regulations however, may allow non residential development to exceed 24% if the Town Council approves the issuance of a Special Non-Residential Intensity Allocation (SNIA) Special Use Permit. This Hearing is being continued from July 25, 2022. The Mayor read a statement about quasi judicial hearings and reopened the Public Hearing September 26, 2022 at 5:40 PM. He asked Council members if they had any ex parte communication regarding this case which they stated they had not. Planning and Zoning Consultant Reynolds Neely came forward to give a Staff Report. He said this property is zoned industrial and which is a permitted use for the proposed asphalt plant. We have previously heard from the applicant and the opposition. More time was granted by the Council so the opposition could gather more information for their case. Todd Ferguson of 306 Butler Avenue distributed handouts to the Council and staff. It included an article that the President of Boggs Paving Inc. pleads guilty to defraud the US government and money laundering. Mayor York asked Mr. Ferguson if he had any evidence regarding the watershed. Mr. Ferguson said he is concerned about all things related to the watershed and what is done to make the community safe. Mayor York asked if there were any others opposed that would like to speak. There were none. Tom Terrell, representative for the applicant, of 529 W Parkway in High Point came forward to speak. He said they covered most things in the last meeting. The material brought forward by the opposition today does not pertain to the watershed issue. This is a small family company that gives back to communities. These parcels are surrounded by industrial uses and are next to a railroad. The asphalt plant would be allowed in this location. Paul Campbell, Civil Engineer of 1205 Main Street Kannapolis discussed some best management practices. They will direct stormwater to holding ponds and the company will have a positive impact. They will buy local and hire locals with jobs paying up to \$75,000 per year. They have met their burden of proof and done everything to meet the SNIA requirements. Council Member Tyson Nixon asked about the percentage that was requested. Mr. Terrell said it would be 40 - 70% impervious . The site is not fully developed. The 24% creates a small plant that restricts area. Council Member Terry Caviness said the trucks from the megasite are temporary and these may be more permanent. Mr. Terrell said trucks are going to find the shortest route to 421. Town Attorney Bill Flowe asked if impervious surfaces include driveways. Mr. Terrell said they can be impervious if compacted where water does not come through. Council Member Tyson Nixon asked about the watershed doubling for one property. Mr. Neely said at this point the bank is not in jeopardy and the Town Manager Scott Kidd agreed. Mayor York asked about the proposed conditions which Mr. Neely said are up to 70% and read special conditions. He also said there is a process for zoning violations. Council Member Nixon asked if we could restrict trucks on that road? Mr. Neely said that would have to be addressed through a zoning ordinance. Mr. Terrell said there could be a sign placed to

direct trucks to 421. HR Gallimore thanked the Council for their time on behalf of the owner of the property Mrs. Mary Franklin Johnson. Mayor York closed the Hearing at 6:05 PM.

Council Member Terry Caviness made a motion to deny the Special Use Permit - SNIA (Special Non-Residential Intensity Allocation) for PIN# 8735293325 and #8735291096 at 6988 Kinro Road. He said they can do the 24%. He does not think the economic benefit outweighs the negatives. They can still use the sign based on requirements but that does not stop trucks from coming through Liberty. Council Member Tyson Nixon seconded the motion. Council Members Terry Caviness and Tyson Nixon voted to deny the request. Council Member Don Herndon voted no to denying the request. The request was denied.

Mayor York called a recess until 6:15 PM.

The meeting was reconvened at 6:15 PM.

Annexation Public Hearing 6988 Kinro Road September 26, 2022

The annexation petition was withdrawn since the Special Use Permit for this property was denied.

RZ 22-1 D. Staley Public Hearing September 26, 2022

The Mayor stated this is a Legislative Rezoning case. He stated that this is not a full Council and if anyone had any objections to hearing the case tonight to please let it be known. No one objected. Mayor York opened the Public Hearing at 6:20 PM. Planning and Zoning Consultant Reynolds Neely came forward to give the Staff Report. This is a request from applicant David R. Staley to rezone the property at the intersection of Old 421 Road and Liberty Grove Road from R40 Residential to I Industrial. Water and Sewer hookup are potentially available to this property. It is in proximity to the Greensboro/Randolph Megasite. The staff recommendation is to approve this request. 160 D requires a consistency statement when making a motion. The Mayor asked if there were any more questions. The applicant, Mr. Staley did not wish to speak. Council Member Tyson Nixon asked if they could ask what this is for. Mr. Neely said they could not question the specific use. Harry J. Brace of 4668 Liberty Grove Road came forward to speak. He said he hopes the Town does not approve this request without knowing what it is for. He said Liberty Grove already has a lot of traffic and speeding and it is already a tight intersection. There could be fatal consequences. Mayor York asked if there were any questions for this citizen. There were none and he closed the Public Hearing at 6:26 PM. Council Member Don Herndon made a motion to approve the rezoning request for the intersection of Old 421 Road and Liberty Grove Road from R40 Residential to I Industrial having reviewed and considered the proposed rezoning, Case RZ22-1, the accompanying documents, the analysis of the planning staff, the Town of Liberty Planning and Zoning Board adopts this statement of consistency. The proposed rezoning is consistent with the Town of Liberty Land Use Plan and Zoning ordinance. The Planning and Zoning Ordinance describe goals for growth in such a manner to provide economic development, while at the same time maintaining Liberty's small town character. Council Member Terry Caviness seconded the motion which passed unanimously with Council Members: Don Herndon, Terry Caviness, and Tyson Nixon voting yes to approve. The rezoning request was approved

RZ-22-2 EHC Builders, LLC Public Hearing September 26, 2022

This is a Public Hearing on the rezoning request from applicant EHC Builders, LLC to rezone the intersection of North Asheboro Street and West Luther Avenue Pin #

8726987574 from R12 Residential to RMF Multi-Family Residential. Mayor York asked if any interested parties felt it brought an undue burden to their case since there was not a full Council present. Shorty Colbentz applicant with EHC Builders, LLC came forward to ask for a continuance. Council Member Terry Caviness made a motion to approve continuing the Hearing to the Council Meeting Monday October 24, 2022 at 5:30 PM. Council Member Tyson Nixon seconded the motion which passed unanimously with Council Members: Terry Caviness, Don Herndon, and Tyson Nixon voting to approve. The Public Hearing for RZ-22-2 EHC Builders, LLC is moved to the regular Council Meeting Monday October 24, 2022 at 5:30 PM.

Finance Report

Finance Director Kathy Bond came forward to give the Finance Report for August 2022 activity. Processed payroll was \$165,060.39. Utilities were \$91,143.16 and final bills \$579.41. Processed Accounts Payables were \$251,823.59. Sales and Use taxes were up 16%. Property taxes were up 63% and DMV taxes were up 36%. We have received additional money from the debt setoff. There is an addition of a Budget Amendment for the library this month.

Council Member Tyson Nixon made a motion to approve the Finance Report. Council Member Don Herndon seconded the motion which passed unanimously with Council Members: Terry Caviness, Don Herndon, and Tyson Nixon voting yes.

Approval of Minutes

Council Member Tyson Nixon made a motion to approve the minutes from the Work Session August 15, 2022 and Council Meeting August 22, 2022 . Council Member Don Herndon seconded the motion which passed unanimously : Council Member Don Herndon voted yes, Council Member Tyson Nixon voted yes, and Council Member Terry Caviness voted yes. The minutes were approved.

Old Business

Budget Amendment # 4

This amendment is to move funds from Misc Revenue to the Library Program line item. The funds were received from Berea College.

Council Member Terry Caviness made a motion to approve and Tyson Nixon seconded the motion with Council Members Terry Caviness, Don Herndon and Tyson Nixon voting unanimously to approve the amendment.

New Business

Budget Amendments # 5

This amendment is to move funds from General Revenue Appropriation to the Library program line item. These funds were approved for construction. Council Member Don Herndon made a motion to approve. Council Member Tyson Nixon seconded the motion which passed unanimously with Council Members: Don Herndon, Terry Caviness, and Tyson Nixon voting yes. The Budget Amendments were approved.

Administrative Reports

Manager's Report

The Town Manager has asked Reynold Neely to give an update on the LDP (Land Development Plan) to the Council. They have done a lot of work and are almost at the point to involve the Public. It is more specific and more modern. Mr. Neely is also working on updating the ordinances to comply with 160D.

Mayor Comments

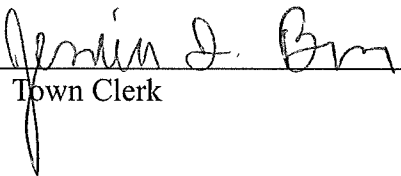
Mayor York said he appreciates Mr. Neely's help with moving forward and also thanked Logan Maness and Bret Pedigo for all their work on the Downtown Festival.

Adjourn

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



Mayor Filmore York

ATTEST: 

Town Clerk

Meeting Date: September 26, 2022

Town of Liberty Budget Amendment (FY 2022-2023 #4) 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 Misc Revenue to the Library Program line item. The funds were received from Berea College (Ck#20278675).

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
Misc Revenue	10-3350-000	5,000	(5,000)	0
Total Revenues		5,000	(5,000)	0
10 Fund Expenditures				
General Fund	Line Item	Budget	Change	Amended Budget
Lib Programs	10-6300-565	6400	5,000	11,400
Total Expenditures		6,400	5,000	11,400

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: SKK

ATTEST:

Filmore York
Filmore York, Mayor

Date: 9/26/2022

Jenica J. Burr
Town Clerk

Date: 9/26/2022

Meeting Date: September 26, 2022

Town of Liberty Budget Amendment (FY 2022-2023 #5) 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 Revenue Appr. to the Library Program line item. These funds were approved for construction.

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

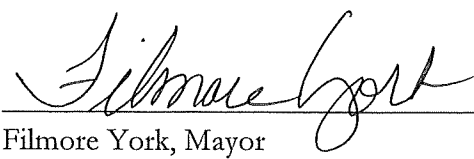
10 Fund Revenues				
General Fund	Line Item	Budget	Change	Amended Budget
General Fund Appr	10-3990-000	0	21,051	21,051
Total Revenues		0	21,051	21,051

10 Fund Expenditures				
General Fund	Line Item	Budget	Change	Amended Budget
Lib- Lowe Tran Outlay Bldg	10-6300-781	52,721	21,051	73,772
Total Expenditures		52,721	21,051	73,772

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

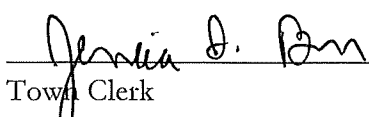
Town Manager Initials: SKK



Filmore York, Mayor

Date: 9/26/2022

ATTEST:



Town Clerk

Date: 9/26/2022

