

Minutes of the Meeting of
The Liberty Town Council
Held on June 17, 2024 5:30 pm

Present

Mayor : The Honorable Filmore York

Council: Don Herndon, Tyson Nixon, Larry Coble, Greg Carpenter,
and Terry Caviness

Town Manager: Scott Kidd

Town Clerk: Jessica Brown

Town Attorney: William Flowe

Staff: Police Chief; David Semrad, Assistant Town Manager;
Janie Phelps, Public Works Director; Joseph Walsh,
Interim Parks and Rec Director; Kolby McPherson, Finance
Specialist; Adrian Abbott, and Fire Chief; Matt Talbott

To Order

The Mayor welcomed everyone and called the meeting to order at 5:00 PM. He said all Council Members are present.

Closed Session 5:00 PM NC GS 143-318.11 (a) (6)

Council Member Tyson Nixon made a motion to go into Closed Session per General Statute 143-318.11 (a) (6). Council Member Don Herndon seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, Tyson Nixon, and Greg Carpenter voting yes. The Council went into Closed Session at 5:00 PM.

With no further business to be discussed in Closed, Council Member Tyson Nixon made a motion to come out of Closed Session. Council Member Larry Coble seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, Greg Carpenter, and Tyson Nixon voting yes. The Council came out of Closed Session at 5:12 PM and recessed until 5:30PM.

Pledge of Allegiance/Invocation

Mayor Filmore York led the Pledge of Allegiance and then 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 Public Hearing for text amendment Public Nuisance, removal of Finance Report and addition of Contract for Robert Giles II firm as Town Attorney. Council Member Tyson Nixon 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 Terry Caviness voted yes, and Council Member Greg Carpenter voted yes. The agenda was adopted with changes.

Public Hearing Proposed Budget FY 2024/2025

Town Attorney Bill Flowe read Public Comment Rules and the Mayor called the Hearing to order at 5:36 PM.

Pamela Ingool of 463 E Raleigh Avenue came forward to speak. She said Liberty residents' property taxes went sky high with the reassessment from the County. She gave out a spreadsheet with a sampling. She wants to know where this money is going. We still went into reserve. She said we do not need a Town Hall to attract residents. Town Attorney Flowe stopped her at three minutes.

Mary Bartell of 205 S Valley Street came forward to speak. She wants to know when doing the proposed budget how do we calculate the percentages for each department? What company does our sanitation pick up? Why can't we reduce the \$17.00 per can? Are tax dollars appropriated to this? Citizens pay city and county taxes.

The Public Hearing was closed at 5:42 PM.

Public Hearing - Budget Appropriations FY 2024/2025

This is an advertised Public Hearing for requested budget appropriations to the non profit entities listed for economic development purposes unrelated to real property or business location incentives: \$6,600 to Randolph County Economic Development Corporation, \$4776 to the Liberty Chamber of Commerce, and \$26,122 to the Randolph Senior Adults Association.

The Mayor opened the Hearing at 5:42 PM No one signed up to speak and the Hearing was closed.

Council Member Terry Caviness made a motion to approve the Budget appropriations for FY 2024/2025. Council Member Greg Carpenter seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, Tyson Nixon and Greg Carpenter voting yes. The 2024/2025 Budget appropriations were approved.

Public Hearing proposed Text amendments Public Nuisance

Mayor York opened the Hearing at 5:42PM. Assistant Town Manager Janie Phelps said these were only required to be reviewed by Council since a matter of public safety. This expedites the abatement process for Code Enforcement.

The Hearing was closed at 5:42 PM.

Council Member Terry Caviness made a motion to approve the Text amendments for Public Nuisance and finds them consistent with the LDP (Land Development Plan), Council Member Greg Carpenter seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, Greg Carpenter, and Tyson Nixon voting yes.

The text amendments for Public Nuisance were approved.

Public Hearing - Zoning Text Amendments - Remove FAR (floor to area ratio) Requirement, add language to allow conditional zoning for zoning districts, and specify regulations for accessory dwellings

The Mayor opened the Hearing at 5:43 PM.

Assistant Town Manager Janie Phelps said conditional zoning allows us to apply conditions such as wider buffers and come with a site plan. The zoning follows the property and not the owner. Accessory dwellings will provide affordable housing. Calculations are based on primary dwellings. Council Member Nixon asked if this is

approved could anyone with a house have another dwelling. Ms. Phelps said yes, if they meet all the requirements. She said Pittsboro and Chatham do this as well. It is proposed to remove FAR (floor to area ratio). This is typically done in larger cities and does not make much sense for us since we already have a watershed.

The Hearing was closed at 6:05 PM.

Council Member Terry Caviness made a motion to approve the text amendments to remove FAR Requirement, add language to allow for conditional zoning for zoning districts, and specify regulation for accessory dwelling and finds them consistent with the LDP (Land Development Plan). Council Member Larry Coble seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, Greg Carpenter and Tyson Nixon voting yes. The text amendments were approved.

Code Enforcement Report

We were unable to get the report due to technical issues. 122 W Swannanoa is under civil penalties of \$500.00 per day. They have heard nothing from the owners and are proceeding with the attorney.

Approval of Minutes

Council Member Larry Coble made a motion to approve the minutes from the Budget Retreat May 13, 2024, Work Session May 20, 2024, and the Council Meeting May 28, 2024. Council Member Don Herndon seconded the motion which passed unanimously : Council Member Don Herndon voted yes, Council Member Tyson Nixon voted yes, Council Member Greg Carpenter voted yes, Council Member Terry Caviness voted yes and Council Member Larry Coble voted yes. The minutes were approved.

Consent Agenda

The Consent Agenda includes: Road Closure Request - July Festival and Fireworks and Budget Amendment # 24 for the Fire Department. Council Member Tyson Nixon made a motion to approve the Consent Agenda. Council Member Terry Caviness seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, Greg Carpenter and Tyson Nixon voting yes.

Old Business

Budget Ordinance FY 2024/2025

This is to adopt the Budget Ordinance for the new Fiscal Year.

Council Member Greg Carpenter made a motion to adopt the Budget Ordinance for FY 2024/2025. Council Member Don Herndon seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, Greg Carpenter, and Tyson Nixon voting yes. The Budget Ordinance was adopted.

Fee Schedule FY 2024/2025 and Resolution to Adopt

Council Member Tyson Nixon made a motion to approve the 2024/2025 Fee Schedule and the Resolution to Adopt. Council Member Larry Coble seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, Greg Carpenter, and Tyson Nixon voting yes. The Resolution to adopt the 2024/2025 Fee Schedule was approved.

New Business

Contract Robert C. Giles II Town Attorney

Council Member Tyson Nixon made a motion to approve the contract for Robert C. Giles II to take over as the Town Attorney. Council Member Larry Coble seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, Greg Carpenter, and Tyson Nixon voting yes.

Administrative Reports

Manager's Report

The Town Manager thanked everyone for all the time spent on the Budget.

Council Comments

Bill Flowe said he has served as the attorney since 1993 and the Councils should be commended for their public service. He has enjoyed working with the managers and staff throughout the years.

Mayor Comments

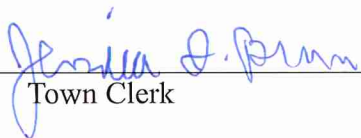
Mayor York thanked Town Attorney Bill Flowe for his service to the Town.

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, Council Member Greg Carpenter voted yes, Council Member Terry Caviness voted yes, and Council Member Larry Coble voted yes. The meeting was adjourned.



Mayor Filmore York

ATTEST: 

Town Clerk



Attachment C

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF
LIBERTY**

WHEREAS, the Town of Liberty Town Council has considered the request to amend the Town of Liberty Ordinances to modernize the Ordinance text, and finds that the amendment is consistent with the Land Development Plan as described in the Consistency Statement Resolution; and


WHEREAS, the Council finds that the amendments set forth in the Application and incorporated herein by reference, if approved as pursuant to the provisions of NCGS 160D and the Land Development Plan, would be suitable for the text to be amended; and

WHEREAS, the Council finds the amendment request to meet the standards of the Land Development Plan; and

BE IT ORDAINED, by the Town Council of the Town of Liberty as follows:

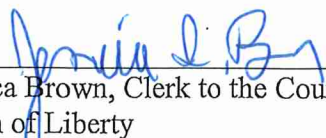
1. The application to amend all of the proposed text amendments described in the Application and as depicted in Attachments "B" and "C" is approved and the Town Ordinances are amended accordingly.
2. This ordinance shall become effective upon its adoption.

Adopted this 17th day of June, 2024



Filmore York, Mayor
Town of Liberty

ATTEST:



Jessica Brown, Clerk to the Council
Town of Liberty



Attachment D

**RESOLUTION OF THE TOWN OF LIBERTY TOWN COUNCIL
APPROVING A CONSISTENCY STATEMENT AND STATEMENT OF
REASONABLENESS FOR THE APPROVAL OF**

Town of Liberty Ordinance Amendments

WHEREAS, the Town of Liberty Town Council has received the application to amend several sections of the Town of Liberty Ordinances (the "Amendment") and finds that the same is consistent with the Town of Liberty Land Development Plan; and

WHEREAS, in addition, the Town of Liberty Town Council considers the Amendment to be reasonable and in the public interest because the bulk of the Ordinance has not been updated or modernized since 2004 and is consistent with the Land Development Plan by modernizing the text in order to properly regulate development.

NOW, THEREFORE, BE IT RESOLVED, by the Town of Liberty Town Council that, for the reasons set forth above, the Amendment and presented documentation are found to be consistent with the Town of Liberty Land Development Plan and are determined to be reasonable and in the public interest.

Adopted, this the 17th day of June, 2024

Filmore York, Mayor
Town of Liberty

ATTEST:

Jessica Brown, Clerk to the Council
Town of Liberty



**APPROVING A CONSISTENCY STATEMENT AND STATEMENT OF
REASONABLENESS FOR THE APPROVAL OF**

Town of Liberty Ordinance Amendments

WHEREAS, the Town of Liberty Town Council has received the application to amend several sections of the Town of Liberty Ordinances (the “Amendment”) and finds that the same is consistent with the effort to enhance the citizen’s way of life; and

WHEREAS, in addition, the Town of Liberty Town Council considers the Amendment to be reasonable and in the public interest because the public nuisance regulations had not been updated or modernized since 1981.


NOW, THEREFORE, BE IT RESOLVED, by the Town of Liberty Town Council that, for the reasons set forth above, the Amendment and presented documentation are found to be reasonable and in the public interest.

Adopted, this the 17th day of June, 2024



Filmore York, Mayor
Town of Liberty

ATTEST:



Jessica Brown, Clerk to the Council
Town of Liberty



AN ORDINANCE AMENDING THE PUBLIC NUISANCE ORDINANCE OF THE TOWN OF LIBERTY

WHEREAS, the Town of Liberty Town Council has considered the request to amend the Town of Liberty Ordinances to modernize the Ordinance text; and

WHEREAS, the Council finds that the amendments set forth in the Application and incorporated herein by reference, if approved as pursuant to the provisions of NCGS 160D, would be suitable for the text to be amended; and

WHEREAS, the Council finds the amendment request to enhance the citizen's way of life; and

BE IT ORDAINED, by the Town Council of the Town of Liberty as follows:

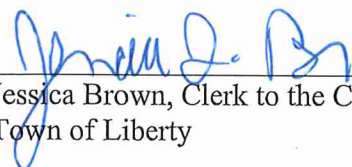
1. The application to amend all of the proposed text amendments described in the Application and as depicted in Attachment "A" is approved and the Town Ordinances are amended accordingly.
2. This ordinance shall become effective upon its adoption.

Adopted this 17th day of June, 2024



Filmore York, Mayor
Town of Liberty

ATTEST:



Jessica Brown, Clerk to the Council
Town of Liberty

AN ORDINANCE DENYING THE ZONING ORDINANCE AMENDMENTS OF THE TOWN OF LIBERTY

Town of Liberty
P. O. Box 1006
239 South Fayetteville Street
Liberty, North Carolina 27298
(336) 622-4276 phone (336) 622-2665 fax

RESOLUTION 2024-20

**RESOLUTION AUTHORIZING A TEMPORARY STREET CLOSING IN
ACCORDANCE WITH THE LIBERTY CODE OF ORDINANCES § 90.33**

WHEREAS, the Town of Liberty is willing to accommodate temporary street closures for civic events; and

WHEREAS, the Town Manager will have appropriate traffic control devices installed to give notice of the temporary street closing; and

WHEREAS, the Town of Liberty Chief of Police has received a written request for a temporary street closing from Parks and Recreation Director Kolby McPherson for the July Street Festival and Fireworks display and recommends said closing per the attached map; and

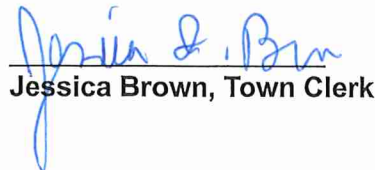
WHEREAS, this event will benefit the community and not hamper other Town of Liberty activities on the date of request; and

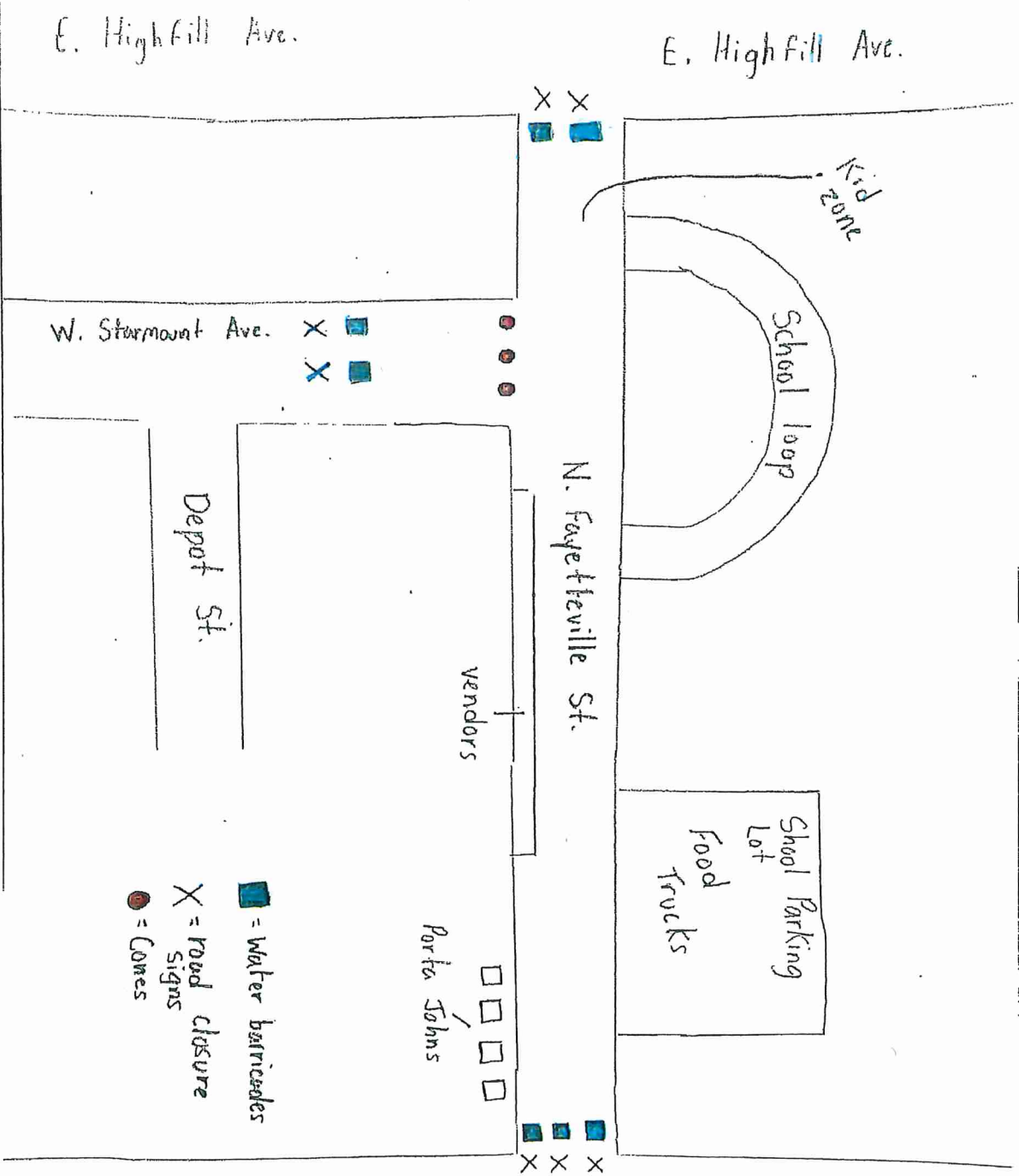
NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Liberty, North Carolina, meeting in regular session on the 17th day of June, 2024 allow the temporary street closing below:

On Saturday July 13, 2024 for the purpose of the Liberty July Festival and Fireworks to occur there will be closure of a portion of N Fayetteville Street and W Starmount Avenue closed per attached map from 1 PM - 10 PM.


Filmore York, Mayor

ATTEST:


Jessica Brown, Town Clerk



E. Highfill Ave.

E. Highfill Ave.

W. Stormount Ave.

N. Fayetteville St.

School loop

Kid zone

Depot St.

vendors

School Parking Lot
Food Trucks

Porta Johns

- = Water barricades
- X = road closure signs
- = Cones

W. Swannanoa Ave

Meeting Date June 17, 2024

Town of Liberty Budget Amendment (FY 2023-2024 #24) Council Approval Needed

BE IT ORDAINED, by the Liberty Town Council that the Town of Liberty Budget Ordinance for fiscal year 2023-2024, which was adopted on June 21, 2023, be amended as follows:

This amendment is to move funds from multiple departments to move to the Fire Dept Salary, FICA and Hosp Insurance line item.

Section 1: The following expenditures in the multiple departments shall be increased and decreased by the amounts indicated:

| 10 Fund | | | | |
|----------------------------|-------------|------------------|------------------|------------------|
| General Fund | Line Item | Budget | Change | Amended Budget |
| FD Salaries | 10-5300-020 | 424,000 | 103,950 | 527,950 |
| FD FICA | 10-5300-050 | 35,000 | 6,350 | 41,350 |
| FD Emp Hosp Ins | 10-5300-060 | 45,000 | 2,700 | 47,700 |
| Total Expenditures | | 504,000 | 113,000 | 617,000 |
| 10 Fund | | | | |
| General Fund | Line Item | Budget | Change | Amended Budget |
| Adm Salaries | 10-4200-020 | 329,580 | (5,000) | 324,580 |
| Adm Emp Hosp Ins | 10-4200-060 | 50,000 | (5,000) | 45,000 |
| Adm Emp Adm Emp Retirement | 10-4200-070 | 37,000 | (12,000) | 25,000 |
| St Salaries | 10-5600-020 | 255,000 | (10,000) | 245,000 |
| St Emp Hosp Ins | 10-5600-060 | 48,000 | (10,000) | 38,000 |
| St Emp Retirement | 10-5600-070 | 23,000 | (4,000) | 19,000 |
| St MR Land & Bldg | 10-5600-150 | 12,000 | (5,000) | 7,000 |
| St DeIcing Salt | 10-5600-320 | 1,000 | (1,000) | 0 |
| St Equipment Rental | 10-5600-470 | 7,000 | (3,000) | 4,000 |
| Rec FICA | 10-5600-050 | 16,000 | (3,000) | 13,000 |
| Rec Emp Hosp Ins | 10-6200-060 | 21,000 | (3,000) | 18,000 |
| Rec Emp Retirement | 10-6200-070 | 18,000 | (9,000) | 9,000 |
| LE Salaries | 10-5100-020 | 707,000 | (10,000) | 697,000 |
| LE FICA | 10-5100-050 | 60,000 | (8,000) | 52,000 |
| LE Emp Retirement | 10-5100-070 | 82,000 | (25,000) | 57,000 |
| Total Revenues | | 1,666,580 | (113,000) | 1,553,580 |

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: SKK

Filmore York
Filmore York, Mayor

ATTEST:

Jessica J. Bm
Town Clerk

Date: 6/17/2024

Date: 6/17/2024

2024-2025 Budget Ordinance - Liberty, North Carolina

Be it ordained by the Town Council of Liberty, North Carolina in regular session assembled:
June 17, 2024

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the town government and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this town:

| | |
|---------------------|--------------|
| Governmental Body | \$ 31,550 |
| Administration | \$ 795,283 |
| Election | \$ 1,000 |
| Planning and Zoning | \$ 52,500 |
| Police | \$ 1,169,700 |
| Fire | \$ 803,872 |
| Streets | \$ 598,620 |
| Sanitation | \$ 321,000 |
| Recreation | \$ 315,557 |
| Library | \$ 219,470 |
| Cemetery | \$ 20,475 |
| | <hr/> |
| | \$ 4,329,027 |

2024-2025 Budget Ordinance - Liberty, North Carolina.

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

| | |
|----------------------------------|--------------|
| Current Year's Property Tax | \$ 1,835,000 |
| Prior Year's Property Taxes | \$ 9,300 |
| Vehicle Tax | \$ 170,000 |
| Tax Penalties and Interest | \$ 4,000 |
| CATV Franchise | \$ 30,000 |
| Interest Income on Investments | \$ 46,502 |
| Cemetery (Grave opening & Sales) | \$ 18,000 |
| Recreation Revenue | \$ 19,800 |
| ABC Store Rent | \$ 24,000 |
| Utility Franchise Tax | \$ 147,000 |
| Tax Beer & Wine | \$ 14,000 |
| Powell Bill | \$ 105,500 |
| Sales Tax | \$ 1,035,000 |
| ABC Revenue | \$ 52,000 |
| County Fire Tax | \$ 365,000 |
| Municipal Solid Waste | \$ 265,000 |
| Randolph Library Supplement | \$ 12,000 |
| Other Revenue | \$ 176,925 |
| General Fund Bal Approp | |
| General Fund Capital Reserve | |
| | <hr/> |
| | \$ 4,329,027 |

2024-2025 Budget Ordinance - Liberty, North Carolina

Section 4. The following amounts are hereby appropriated in the Water/Sewer Fund for the operation of the Water and Sewer utilities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore approved for the Town:

| | |
|----------------|--------------|
| Administration | \$ 440,100 |
| Water | \$ 616,550 |
| Sewer | \$ 345,325 |
| | <hr/> |
| | \$ 1,401,975 |

Section 5. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

| | |
|-----------------------------|--------------|
| Debt Set Off | \$ 2,275 |
| Water Receipts | \$ 664,700 |
| Sewer Receipts | \$ 650,000 |
| Water/Sewer Tap | \$ 30,000 |
| Late Fees | \$ 22,000 |
| Interest Income | \$ 12,000 |
| Water/Sewer Non Payment Fee | \$ 21,000 |
| Water/Sewer Capital Reserve | |
| Water/Sewer Fund Balance | <hr/> |
| | \$ 1,401,975 |

2024 - 2025 Budget Ordinance - Liberty, North Carolina

Section 6. There is hereby levied a tax at the rate of sixty four cents (\$.64) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2024 for the purpose of raising the revenue listed as "Current Year's Property Taxes" in the General Fund in Section 3 of this ordinance.

This rate is based on a total valuation of property for the purposes of taxation of \$294,266,656 and an estimated rate of collection of 98%.

Section 7. The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions

- a. He/She may transfer amounts between objects of expenditures within a department without limitation and without a report being required.
- b. He/She may transfer amounts up to \$5,000 between departments of the same fund with an official report on such transfers at the next regular meeting of the Town Council
- c. He/She may not transfer any amount between funds nor from any contingency appropriation within any fund.

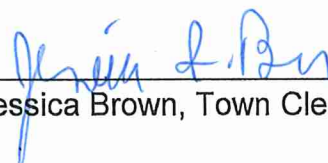
Section 8. Copies of the Budget Ordinance shall be furnished to the Finance Officer and to the Budget Officer of this town to be kept on file by them for their direction in the disbursement of funds.

Adopted this 17th day of June, 2024

Attest:



Mayor, Filmore York



Jessica Brown, Town Clerk

Town of Liberty
P. O. Box 1006
239 South Fayetteville Street
Liberty, North Carolina 27298
(336) 622-4276 phone (336) 622-2665 fax

RESOLUTION 2024-19

WHEREAS, The Town of Liberty wishes to establish a fee schedule for the General Fund and Water and Sewer Fund for the Fiscal Year 2024-2025; and

WHEREAS, The Town of Liberty wishes to establish this fee schedule in advance to better estimate upcoming Fiscal Year revenues; and

WHEREAS, Public enterprises tend to be funded mainly by user fees; and

WHEREAS, Municipalities have parallel authority to impose “schedule of rents, rates, fees, charges, and penalties for the use of services furnished by any Public Enterprise; and

WHEREAS, Municipalities may include in such rates and charges the capital costs associated with actual or anticipated growth, as well as operating expenses and depreciation; and

WHEREAS, Fees may be assessed on all users of the enterprise funds, regardless of their property status; and


NOW, THEREFORE, BE IT RESOLVED that the Town Council of The Town of Liberty North Carolina hereby:

ADOPT THE 2024-2025 FISCAL YEAR FEE SCHEDULE EFFECTIVE
JULY 1, 2024 FOR THE TOWN OF LIBERTY GENERAL FUND, AND
WATER AND SEWER FUND, RESPECTFULLY, AS PRESENTED
THIS MONDAY, JUNE 17, 2024.



Filmore York, Mayor

ATTEST:



Jessica Brown, Town Clerk

MEMORANDUM OF UNDERSTANDING

1. Parties The Parties to this Memorandum of Understanding (“Memorandum”) are the Town of Liberty (the “Town”) and Robert C. Giles, II (the “Town Attorney”).

2. Purpose The purpose of this Memorandum is to set forth the understanding between the Parties concerning the nature of the relationship under which Robert C. Giles, II shall serve as the Town Attorney.

3. Scope of Service In consideration of the compensation set forth below, Robert C. Giles, II shall perform for the Town legal services as set forth herein and by NCGS 160A-173 and Chapter 30.04 (Attorney) of the Town of Liberty, NC Code of Ordinances. Such services shall include the following:

- a. Routine legal advice, including consultation and opinions to the Town Council and staff on areas such as zoning and land use, general municipal law, civil and criminal enforcement, personnel law, contract law, tort liability, and risk management;
- b. Preparation and review of ordinances, resolutions, agreements, contracts, and related documents;
- c. Review of Town Council agenda packets and attendance at regularly scheduled Town Council meetings;
- d. Attendance at other meetings as deemed necessary.

4. Services Performed by Robert C. Giles, II The parties acknowledge and agree that the services covered under this Memorandum shall be performed by Robert C. Giles, II. However, Robert C. Giles, II is allowed to seek assistance from other lawyers, either within or outside the firm, but Robert C. Giles, II shall be responsible for the quality of work.

5. Meeting Conflicts and Absences Robert C. Giles, II will attend as Town Attorney all Town Council meetings. In the event that the Town Attorney will be absent for health or vacation purposes, he shall provide the Town Manager with as much notice of such absence as is reasonable under the circumstances. If legal representation is still needed by the Town, Robert C. Giles, II shall appoint one of his staff to provide representation. Robert C. Giles, II shall not represent the Town in any matter in which there exists a conflict as that term is defined by the North Carolina Rules of Professional Conduct.

6. Annual Continuing Education Robert C. Giles, II shall commit to six (6) hours per year of continuing education in topics related to local government and municipal government. The Town will reimburse Robert C. Giles, II for costs related to these six (6) hours of continuing

education. This reimbursement shall be a cost share between contracted municipalities. Robert C. Giles, II shall provide an invoice of the class(es) and the percentage to be paid by the Town.

7. Professional Liability Insurance Robert C. Giles, II shall have adequate professional liability insurance and shall provide the declaration of coverage to the Town each year.

8. Conflicts In the event that a conflict arises in the representation of the Town as determined by Robert C. Giles, II, he shall immediately notify the Mayor of the Town and the Town Manager and cease all consideration of that matter. At the next following regularly scheduled meeting of the Town Council, the Council shall determine the attorney to fill the role of the Town Attorney for that particular 'conflicting' matter.

9. Rules of Professional Conduct Robert C. Giles, II shall agree to strictly abide by the Rules of Professional Conduct with all his clients and he shall be required to report to the Town if there is a claim or report by anyone against him.

10. Compensation The Town of Liberty shall pay to Robert C. Giles, II at an hourly rate of \$160.00 per hour for attorney and \$80.00 per hour for Paralegal Certified by the NC State Bar, billed in twelve (12) monthly increments at the end of each month. These hourly rates will compensate Robert C. Giles, II for the services set forth above. This MOU prohibits the Paralegal Certified by the NC State Bar from billing time that was actually a communication with the attorney or inside the office. Any expense with a cost of more than \$200.00 will be preapproved by the Town of Liberty, NC. The Town agrees to reimburse Robert C. Giles, II the cost for reasonable expenses, for any filing fees, service of process fees, or any other fees associated with litigation. Robert C. Giles, II will provide detailed billing to the Town monthly for all such work and expenses incurred, with payment to follow within thirty (30) days. If travel is required for such services, the Town agrees to reimburse Robert C. Giles, II for mileage at the standard IRS mileage rate.

11. Duration, Termination This Memorandum shall take effect on July 1, 2024 and shall govern the relationship between the parties on an annual basis, and shall end June 31, 2025. A new contract shall be provided no later than April 30 each year for review of potential changes. Either party may terminate the contract upon ninety (90) days' written notice to the other party for any reason. Payment shall be made for services rendered through the date of termination. This agreement will supersede any prior agreements between the Parties with respect to the terms and conditions set forth herein.

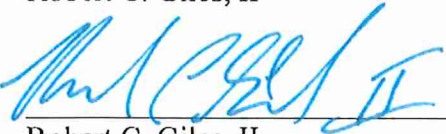
This Memorandum of Understanding is executed by the parties this the ___ day of July, 2024.

Town of Liberty

BY: *Filmore York*
Filmore York, Mayor

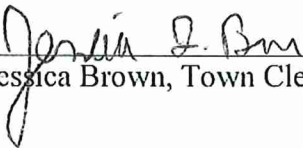
Robert C. Giles, II

BY:



Robert C. Giles, II

ATTEST:



Jessica Brown, Town Clerk

Provision for payment has been made by an appropriation duly made or bonds or notes duly authorized, pursuant to the Local Government Budget and Fiscal Control Act.



Kathy Bond, Finance Officer

