

Minutes of the Meeting of
The Liberty Town Council
Held on July 22, 2024 5:30 pm

Present

Mayor : The Honorable Filmore York

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

Assistant Town Manager: Janie Phelps

Town Clerk: Jessica Brown

Town Attorney: Robert Giles II

Staff: Finance Director; Kathy Bond, Police Sergeant; Hubert Elder and Library Director; Brenda Heindl

To Order

The Mayor welcomed everyone and called the meeting to order at 5:30 PM. Council Member Greg Carpenter is unable to attend. Assistant Town Manager Janie Phelp is sitting in for Town Manager Scott Kidd who is on vacation. He introduced new Town Attorney Robert Giles II.

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 Larry Coble made a motion to adopt the agenda with the addition of 11.1 Flagpole Discussion. Council Member Don Herndon seconded the motion which passed unanimously: Council Member Larry Coble voted yes, Council Member Don Herndon voted yes, Council Member Tyson Nixon voted yes, and Council Member Terry Caviness voted yes. The agenda was approved.

Public Hearing requested by the Town for text amendments to the Town of Liberty Watershed Protection Ordinance July 22, 2024 5:30 PM

Mayor York opened the Public Hearing at 5:36 P5. Janie Phelps gave the staff report. The Town of Liberty, upon review of adopted ordinances, has determined there are several amendments necessary to modernize the ordinance as well as keep up with current planning and zoning trends. The majority of the ordinances have not been updated since 2004. These updates are to amend the watershed ordinance to allow for the utilization of adopted zoning districts R6 and R12 in accordance with the state adopted watershed ordinance, and remove cluster developments for lack of this being utilized. Other amendments provide use of the built upon area requirements for single -family detached dwellings, only for the R6 and R12 zoning districts. Per the current watershed ordinance

and state watershed ordinance , these amendments are only required to be reviewed by Town Council. No one signed up to speak and there was no further discussion. The Public Hearing was closed at 5:36 PM.

Council Member Terry Caviness made a motion to approve the text amendments and stated they are consistent with the LDP. Council Member Tyson Nixon seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, and Tyson Nixon voting yes. The text amendments were approved.

Public Hearing - requested by applicant EHC Builders LLC, for a SNIA (Special Non Residential Intensity Allocation) to four parcels - July 22, 2024 5:30 PM

Mayor York opened the Public Hearing at 5:40 PM and read the script for a quasi-judicial hearing with rules and explanation. The Town Clerk swore in Shorty Coblentz the applicant, Jeremy McNeill, the engineer for the site and Rodney Hollar of 442 Frances Drive. Mayor York asked if anyone had any disclosures and there were none. Janie Phelps gave the staff report. This is a quasi-judicial review request by applicant EHC Builders, fo a SNIA (Special Non residential Intensity Allocation) request to develop over the maximum 24% BUA (Built Upon Area) on parcels 8727816041, 8727802663, and 8727802663, and 8727808644, approximately 8.59 acres, located at West Butler Avenue Extension, proposed Subdivision name of Hunters Point TownHomes. The Town's ordinances require a SUP for all SNIA requests. There is an ample amount of watershed available and the staff sees no issues. Applicant Shorty Coblentz came forward to speak. She said these are TownHomes for people who are looking to downsize. She is asking to use more than 24% of impervious surface. Attorney Robert Giles asked Ms. Coblentz if she will abide by all requirements and codes, add growth to the community, be convenient to Liberty and other areas. She answered yes. Ms. Phelps said the Town as of July 8, 2024 has 19,141,757.581 square feet. This project is proposed to develop approximately 190,981.68 square feet or 4.38 acres , which is approximately 51% BUA on this site.

Rodney Hollar of 442 Frances Drive said he is against being urbanized and would like to know about the creek. Engineer for the project Jeremy McNeill said he has submitted permitting to Army Corp of Engineers and they must minimize impacts.

There was no Council discussion and the Hearing was closed at 5:50 PM.

Council Member Larry Coble made a motion to approve the SNIA for the four parcels requested by EHC Builders and found the request to be consistent with the LDP (Land Development Plan.) Council Member Tyson Nixon seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, and Tyson Nixon voting yes.

Public Hearing requested by applicant Duke Energy Progress, LLC, for a wireless Telecommunications facility on two parcels July 22, 2024 5:30 PM

Mayor York opened the Public Hearing at 6:55 PM. The Town Clerk swore in Amy Crout and Nick Kirkland the speakers for Duke Energy. The Mayor read the quasi judicial script. There were no disclosures. Janie Phelps came forward to give the staff report. This is a quasi-judicial review request by applicant Duke Energy Progress, LLC, for a SUP (Special Use Permit) request on parcels 8726940940 and 872690797, approximately 1.15 acres, located at W Brower Avenue. The Town of Liberty ordinances require a SUP for wireless communications facilities. This property was rezoned from TOWN to Industrial. It is a wireless communication tower that will only be used by Duke Energy Progress. Amy Crout, attorney for Duke Energy, handed out a presentation. This is for two pin numbers. The neighboring property is vacant. It has been there over twenty years and was recently rezoned so meets provisions. There is a temporary mobile station that is

totally enclosed and will be removed when the rebuild is complete. This is a public necessity and referenced site plan highlights.

Nick Kirkland with Kirkland Appraisers came forward to speak. He handed out an impact study. He looked at similar substations with poles and found no impact on property values. In his professional opinion this is in harmony with the surrounding area and will not impact property values. Council Member Larry Coble asked about safety measures and referenced that substations have been attacked in the past. A representative from Duke Energy said they are constantly monitored and there are internal structures in place. There is a seven foot fence with barbed wire that still allows employees and law enforcement to see in. Further safety measures are confidential. Council Member Tyson Nixon asked if there will be flashing lights but the representative said there will be none. Ms Phelps said it is now a felony to tamper with power grids. The Hearing was closed at 7:15 PM.

Council Member Terry Caviness made a motion to approve Duke Energy Progress's SUP for a wireless communication facility and finds it consistent with the LDP (Land Development Plan). Council Member Tyson Nixon seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, and Tyson Nixon voting yes.

Code Enforcement Report

Paul Fuller with State Code Enforcement, Inc. came forward to give the report. They are getting calls from citizens about what they need to do. There is still no response from 122 W Swannanoa. They did not claim their certified letter. The next step is a lien on the property.

Finance Report

Finance Director Kathy Bond came forward to give her reports on the months of May and June. She was not here in May. She went over her reports and said next month will include year end. The auditors should be here from September 4- 5. Council Member Don Herndon made a motion to approve the Finance Reports for May and June. Council Member Larry Coble seconded the motion which passed unanimously with Council Members: Larry Coble, 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 June 10, 2024, Closed Session June 10, 2024, Closed Session June 17, 2024 and the Council Meeting June 17, 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 Terry Caviness voted yes and Council Member Larry Coble voted yes. The minutes were approved.

Consent Agenda

The Consent Agenda includes: Budget Amendment #1 -Library, Budget Amendment #2 Library, Budget Amendment # 3- Library, Budget Amendment #4 - Fire Department, and 24/25 Fee schedule addition of backflow fees. 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: Larry Coble, Terry Caviness, Don Herndon, and Tyson Nixon voting yes.

New Business

Flagpole Discussion

Eric Clay of 235 E. Dameron requests that a flagpole be put at Paul Henry Smith Park where the American Flag would fly year round with the Juneteenth flag underneath during the month of June. He stated parks are everyone and Freedom Park has a flagpole and Paul Henry Smith park needs one too. He said the community needs to come together. Council Member Herndon said we need to focus on helping kids and not just symbolism. No one made a motion.

Administrative Reports

Manager's Report

The Town Manager is on vacation so there is no report.

Mayor Comments

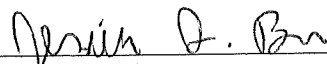
Mayor York thanked Mr. Eric Clay for his military service.

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



Mayor Filmore York

ATTEST: 

Town Clerk



Attachment C

**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 and State Watershed Ordinance by modernizing the text in order to properly regulate development.

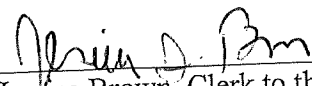
NOW, THEREFORE, BE IT RESOLVED, by the Town of Liberty Town Council that, for the reasons set forth above, the Amendment and presented documentation are found to be consistent with the Town of Liberty Land Development Plan and are determined to be reasonable and in the public interest.

Adopted, this the 22nd day of July, 2024

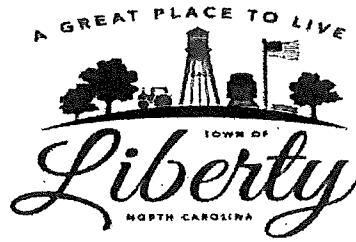


Filmore York, Mayor
Town of Liberty

ATTEST:



Jessica Brown, Clerk to the Council
Town of Liberty



Attachment B

**AN ORDINANCE AMENDING THE WATERSHED PROTECTION 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; and

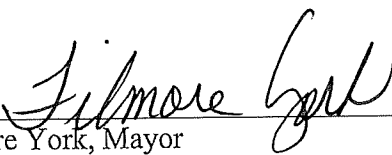
WHEREAS, the Council finds that the amendments set forth in the Application and incorporated herein by reference, if approved as pursuant to the provisions of NCGS 160D and the Land Development Plan, would be suitable for the text to be amended; and

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:

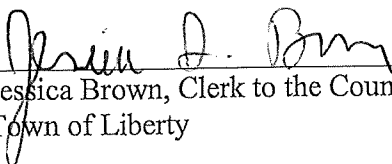
1. The application to amend all of the proposed text amendments described in the Application and as depicted in Attachment "A" is approved and the Town Ordinances are amended accordingly.
2. This ordinance shall become effective upon its adoption.

Adopted this 22nd day of July, 2024



Filmore York, Mayor
Town of Liberty

ATTEST:



Jessica Brown, Clerk to the Council
Town of Liberty



ATTACHMENT C

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

EHC Builders, LLC

WHEREAS, the Town of Liberty Town Council has received the application to apply a Special Use Permit (SUP) to Parcels 8727816041, 8727802663, 8727805663, 8727808644, and a portion of W Butler Ave Extension (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 SUP for a Special Nonresidential Intensity Allocation is consistent with the Land Development Plan, zoning ordinance, and watershed development ordinance by meeting specified standards as required with quasi-judicial hearings.

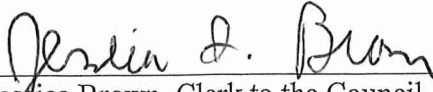
NOW, THEREFORE, BE IT RESOLVED, by the Town of Liberty Town Council that, for the reasons set forth above, the Amendment and presented documentation are found to be consistent with the Town of Liberty Land Development Plan and are determined to be reasonable and in the public interest.

Adopted, this the 22nd day of July, 2024

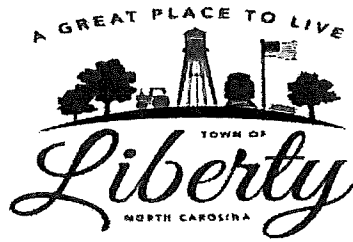


Filmore York, Mayor
Town of Liberty

ATTEST:



Jessica Brown, Clerk to the Council
Town of Liberty



ATTACHMENT B

**AN ORDINANCE APPROVING A SUP FOR A SNIA FOR THE TOWN OF LIBERTY
EHC Builders, LLC**

WHEREAS, the Town of Liberty Town Council has considered the request for a Special Use Permit (SUP), being approximately 8.59 acres, being all of parcels 8727816041, 8727802663, 8727805663, 8727808644, and a portion of W Butler Ave Extension, located off W Butler Ave Extension, Liberty, NC 27298, to develop the site as needed in accordance with the Town of Liberty Ordinances to account for future growth of the Town and to exceed the maximum built upon area of 24% by granting a Special Nonresidential Intensity Allocation, and finds that the request is consistent with the Town of Liberty ordinances; and

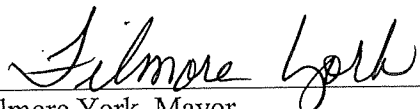
WHEREAS, the Council finds that the SUP request set forth in the Application and incorporated herein by reference, if approved as pursuant to the provisions of the zoning ordinance, would be suitable for the property proposed for the SUP; and

WHEREAS, the Council finds the SUP request to meet the standards of the zoning ordinance and the Land Development Plan; and

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

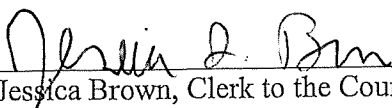
1. The application to apply a SUP to all of the property described as Parcel No's. 8727816041, 8727802663, 8727805663, 8727808644, and a portion of W Butler Ave Extension, and being approximately 8.59 acres, is approved and the zoning map is amended accordingly.
2. This ordinance shall become effective upon its adoption.

Adopted this 22nd day of July, 2024



Filmore York, Mayor
Town of Liberty

ATTEST:



Jessica Brown, Clerk to the Council
Town of Liberty



ATTACHMENT B

AN ORDINANCE GRANTING A SUP IN THE TOWN OF LIBERTY

Progress Energy Carolinas, property addressed off W Brower Ave

WHEREAS, the Town of Liberty Town Council has considered the request for a Special Use Permit (SUP), being all of parcels 8726940940 and 8726940797, located off W Brower Ave, Liberty, NC 27298, approximately 1.15 acres, to construct a wireless telecommunication tower and allow a public use facility in accordance with the Town of Liberty Ordinances; and

WHEREAS, the Council finds that the SUP request set forth in the Application and incorporated herein by reference, if approved as pursuant to the provisions of the zoning ordinance, would be suitable for the property proposed for the SUP; and

WHEREAS, the Council finds the SUP request to meet the standards of the zoning ordinance and the Land Development Plan; and

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

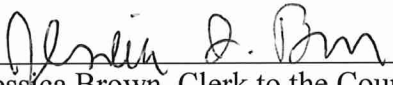
1. The application to apply a SUP to all of the property described as Parcel No's. 8726940940 and 8726940797, and being approximately 1.15 acres, located at W. Brower Ave, is approved and the zoning map is amended accordingly.
2. This ordinance shall become effective upon its adoption.

Adopted this 22nd day of July, 2024



Filmore York, Mayor
Town of Liberty

ATTEST:



Jessica Brown, Clerk to the Council
Town of Liberty



ATTACHMENT C

RESOLUTION OF THE TOWN OF LIBERTY TOWN COUNCIL

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

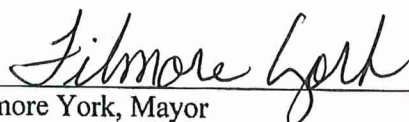
Progress Energy Carolinas, property addressed off W Brower Ave

WHEREAS, the Town of Liberty Town Council has received the application to apply a Special Use Permit (SUP) to Parcels 8726940940 and 8726940797 (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 SUP is consistent with the Land Development Plan and zoning ordinance by meeting specified standards as required with quasi-judicial hearings.

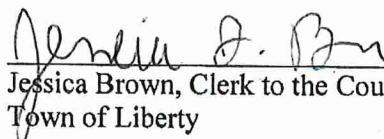
NOW, THEREFORE, BE IT RESOLVED, by the Town of Liberty Town Council that, for the reasons set forth above, the Amendment and presented documentation are found to be consistent with the Town of Liberty Land Development Plan and are determined to be reasonable and in the public interest.

Adopted, this the 22nd day of July, 2024



Filmore York, Mayor
Town of Liberty

ATTEST:



Jessica Brown, Clerk to the Council
Town of Liberty



ATTACHMENT C

RESOLUTION OF THE TOWN OF LIBERTY TOWN COUNCIL

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

Progress Energy Carolinas, property addressed off W Brower Ave

WHEREAS, the Town of Liberty Town Council has received the application to apply a Special Use Permit (SUP) to Parcels 8726940940 and 8726940797 (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 SUP is consistent with the Land Development Plan and zoning ordinance by meeting specified standards as required with quasi-judicial hearings.

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 22nd day of July, 2024

Filmore York, Mayor
Town of Liberty

ATTEST:

Jessica Brown, Clerk to the Council
Town of Liberty

Meeting Date: July 22, 2024

Town of Liberty Budget Amendment (FY 2024-2025 #01) Council Approval Needed

BE IT ORDAINED, by the Liberty Town Council that the Town of Liberty Budget Ordinance for fiscal year 2024-2025, which was adopted on June 17, 2024 be amended as follows:

This amendment is to move funds from General Fund Appr to the Library Dept expenditure line item. (These are donations that was received April 1, 2024 through July 1, 2024.)

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

10 Fund				
General Fund	Line Item	Budget	Change	Amended Budget
General Fund Balance Appr	10-3990-000	0.00	1,785	1,785
Total Revenues		0.00	1,785	1,785

10 Fund				
General Fund	Line Item	Budget	Change	Amended Budget
Lib Memorials	10-6300-340	0	1,785	1,785
Total Expenditures		0	1,785	1,785

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: SKK

Filmore York
Filmore York, Mayor

Date: 7-22-24

ATTEST:

Jessie A. Bm
Town Clerk

Date: 7/22/2024

Meeting Date July 22, 2024

Town of Liberty Budget Amendment (FY 2024-2025 #02) Council Approval Needed

BE IT ORDAINED, by the Liberty Town Council that the Town of Liberty Budget Ordinance for fiscal year 2024-2025, which was adopted on June 17, 2024, be amended as follows:

This amendment is to move funds from General Fund Appr to the Library Dept expenditures line items. (These are monies that will be transferred from the NCCMT Lowe acct to the Truist General fund account once budget amendment is approved.)

Section 1: The following revenue and expenditures in the General Fund Appr. and Library line items shall be increased by the amounts indicated:

10 Fund				
General Fund	Line Item	Budget	Change	Amended Budget
General Fund Balance Appr	10-3990-000	0.00	1,200	1200
Total Expenditures		0	1,200	1,200

10 Fund				
General Fund	Line Item	Budget	Change	Amended Budget
Lib- Transfer Lowe for Books	10-6300-741	0	1,200	1,200
Total Revenues		0	1,200	1,200

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: SK

Filmore York
Filmore York, Mayor

ATTEST:

Date: 7-22-24

Jessie L. Bond
Town Clerk

Date: 7/22/24

Meeting Date: July 22, 2024

Town of Liberty Budget Amendment (FY 2024-2025 #03) Council Approval Needed

BE IT ORDAINED, by the Liberty Town Council that the Town of Liberty Budget Ordinance for fiscal year 2024-2025, which was adopted on June 17, 2024, be amended as follows:

This amendment is to move funds from General Fund Appr to the Library Dept expenditures line. (These are monies that will be transferred from NCCMT Coward account to the Truist General Fund.)

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

10 Fund				
General Fund	Line Item	Budget	Change	Amended Budget
General Fund Balance Appr	10-3990-000	0	2,000	2,000
Total Expenditures		0	2,000	2,000

10 Fund				
General Fund	Line Item	Budget	Change	Amended Budget
Library Coward Tran Programs	10-6300-568	0	400	400
Library Coward Tran Books	10-6300-569	0	1,600	1,600
Total Revenues		0	2,000	2,000

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: SKK

Filmore York
Filmore York, Mayor

Date: 7-22-24

ATTEST:

Angela S. Brown
Town Clerk

Date: 7/22/24

Meeting Date: July 22, 2024

Town of Liberty Budget Amendment (FY 2024-2025 #04) Council Approval Needed

BE IT ORDAINED, by the Liberty Town Council that the Town of Liberty Budget Ordinance for fiscal year 2024-2025, which was adopted on June 17, 2024, be amended as follows:

This amendment is to move funds from General Fund Appr to the Fire Dept expenditures line. (These are monies received from The Assistance to Firefighters Grants Program in the amount of \$76,190.47 received on July 5, 2024 to pay QCS invoices.)

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

10 Fund				
General Fund	Line Item	Budget	Change	Amended Budget
General Fund Balance Appr	10-3990-000	0	76,190.47	76,190.47
Total Expenditures		0	76,190.47	76,190.47

10 Fund				
General Fund	Line Item	Budget	Change	Amended Budget
FD MR Buildings	10-5300-150	5,000	76,190.47	81,190
Total Revenues		5,000	76,190	81,190

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: *SKK*

Filmore York

Filmore York, Mayor

ATTEST:

Jessie L. Bon

Town Clerk

Date: 7-22-24

Date: 7/22/2024

