

Minutes of the Meeting of
The Liberty Town Council
Held on October 28, 2024 5:30 pm

Present

Mayor : The Honorable Filmore York

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

Town Manager: Scott Kidd

Town Clerk: Jessica Brown

Town Attorney: Robert Giles II

Staff: Finance Director; Kathy Bond, Assistant Town Manager;
Janie Phelps, Parks and Rec Director; Kolby Mcpherson
Police Chief; David Semrad, Police Detective; William
Hargrove, Police K9; Chip, and Public Works Director;
Joseph Walsh

To Order

The Mayor welcomed everyone and called the meeting to order at 5:30 PM.

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 7.3 Budget Amendment #9 under New Business. Council Member Tyson Nixon seconded the motion which passed unanimously: Council Member Don Herndon voted yes, Council Member Larry Coble voted yes. Council Member Tyson Nixon voted yes, Council Member Greg Carpenter, and Council Member Terry Caviness voted yes. The agenda was approved with addition.

Public Hearing - Request by applicant Stanhope Johnson, on behalf of property Owner Mary Franklin Whitt Johnson, for a SNIA (Special Nonresidential Intensity Allocation) to properties at 6988 Kinro Rd.

Mayor York read the quasi judicial script. The Town Clerk swore in all speakers. There was no exparte communication among the Council. Assistant Town Manager Janie Phelps came forward to give the staff report. This property is currently annexed into the town. The Town of Liberty Ordinances require a SUP for all SNIA requests. The applicant has applied for this due to the site size and needing to develop over the maximum 24% BUA. The County maintains a tracking list of the SNIA requests and BUA in the County. As of September 9, 2024, the Town has 19,141,757.581 square feet,

or 439.43 acres, remaining to utilize the 10/70 rule in the Rocky River watershed, where this project is located. The project is proposed to develop approximately 529,254 square feet, or 12.15 acres, which is approximately 70% BUA of this project area. This would leave a new total for the Rocky River watershed to allow 18,612,503.581 square feet or 427.28 acres. The applicant appears to meet the four standards required to be met to approve an SUP.

Amanda Hodierna of 804 Green Valley Road in Greensboro, NC came forward to speak on behalf of the applicant. She was a land use planner in Cary and now specializes 90% in land use law. This is a quasi judicial SNIA. The applicant is asking permission to exceed the built upon area. They will not be discussing use. This is the mechanism that the DEQ allows for more impervious surfaces. Should you approve, there are still 427.28 acres to utilize in the watershed. This is for both parcels and they are counting on future expansion. The request meets the four standards as referenced in the staff report.

Allan Hill of 4807-C Koger Blvd. Greensboro, NC. came forward to speak. He has been a civil engineer for Triad Design in Greensboro since 1985. He had a slide of the site plan. There are fire lanes around both buildings. The plan will comply with ordinances and be submitted to the DOT and the NCDEQ. The use meets all required conditions it is permitted by right, no waivers, no variances, no conditions, and has been internally reviewed. The next step would be to submit the site plan.

Marcus Orr, a certified general appraiser of 724 Oakgrove Dr. in Graham came forward to speak. He said he had previously worked as a reserve officer in Liberty. He referenced his impact study of surrounding property on page 16 of the prepared report. He said it will not injure the value of adjoining properties. Pages 17 and 18 are listing prices for new construction. Page 18 shows interest rates went up a couple of years ago. Page 18 shows median housing. and pages 19 and 20 show other areas. You can look at other areas with a half mile radius to industrial and there were no negative impacts. It is difficult to get affordable housing. If you look at page 23, there are different areas of the county where industrial development and rent and sale prices have gone up. There is not a lot of retail in this area. He submits that industrial growth is positive for the community and the properties around it.

Amanda Hodierna came forward again. She said the use will be in harmony with the surrounding community. The SNIA process is permitted by right. They have Planning Report Documentation and existing Land Use pattern, She referenced a slide to show the existing land use pattern is zoned and embraces this. She referenced a slide of the zoning map for the land use pattern. She referenced a slide of the Land Use Plan and said this will embrace opportunities for growth. This is clearly the highest and best use for this property and cannot be that at just 24%. She said all witnesses are available for questions. Council Member Tyson Nixon asked Janie Phelps if the site plan changed would they have to come back before the Council. Attorney Giles said they can change the plan to a certain extent. Mayor York said they are voting on expectations for 70% built upon. Ms. Phelps said we do have mechanisms in place already. They have shown there will be a buffer and it will be administratively reviewed. Council Member Larry Coble asked if there were any other businesses in the area at 70%. Ms Phelps said not that she can see and her professional opinion is that we should not have to pick and choose in the next ten years.

The Public Hearing was closed at 6:20 PM.

Council Member Tyson Nixon made a motion to approve the SNIA request with the consistency statement with the LDP. Council Member Terry Caviness seconded the motion which passed unanimously with Council Members: Terry Caviness, Don Herndon, Tyson Nixon, Larry Coble, and Greg Carpenter voting yes.

Finance Report

Finance Director Kathy Bond came forward to give her report. . She went over Payroll and Accounts Payables. She gave the top three checks that were paid. Sales and Use tax is up 0.74%. DMV taxes are up 15.47%. Property taxes are up 49%. Council Member Larry Coble made a motion to approve the Finance Report. Council Member Tyson Nixon seconded the motion which passed unanimously with Council Members: Terry Caviness, Don Herndon, Larry Coble, Greg Carpenter and Tyson Nixon voting yes.

Approval of Minutes

Council Member Terry Caviness made a motion to approve the minutes from the Work Session September 16, 2024, Closed Session September 16, 2024, Council Meeting September 23, 2024, and the Closed Session September 23, 2024. Council Member Greg Carpenter seconded the motion which passed unanimously : Council Member Don Herndon voted yes, Council Member Tyson Nixon voted yes, Council Member Terry Caviness voted yes, Council Member Larry Coble voted yes, and Council Member Greg Carpenter voted yes. The minutes were approved.

Old Business

Road Closure Resolution # 24 - Chamber Christmas Parade Saturday December 7, 2024

The Liberty Chamber of Commerce is requesting road closures for the annual tree lighting and Christmas Parade Saturday December 7, 2024.

Council Member Don Herndon made a motion to approve. Council Member Terry Caviness seconded the motion with Council Members: Larry Coble, Don Herndon, Terry Caviness, Greg Carpenter and Tyson Nixon voting yes.

Randolph County Animal Control Contract

This is a continued discussion of Randolph County taking over Animal Control for the Liberty PD. An animal control officer is here to answer any questions. They do not have an average response time but Liberty is in zone 4 and it should take fifteen to twenty minutes. They are growing and serving more towns. Council Member Nixon asked if there are animals they do not attend to. The Animal control officer said some wildlife. Council Member Don Herndon made a motion to enter into a contract with Randolph County Animal Control. Council Member Greg Carpenter seconded the motion which passed with Council Members: Larry Coble, Terry Caviness, Don Herndon, and Greg Carpenter voting yes. Council Member Tyson Nixon voted no. The motion passed with a 4 - 1 majority.

New Business

Budget Amendment # 7 - Library

This amendment is to move funds from General Fund Appr to the Library Dept expenditures line items to pay for invoices. (Donations and Memorial Funds were received during the months of July 2024 through September 2024).

Council Member Nixon made a motion to approve. Council Member Herndon seconded the motion with Council Members: Larry Coble, Don Herndon, Terry Caviness, Greg Carpenter, and Tyson Nixon voting yes.

Budget Amendment # 8 - Police Department

This amendment is to move funds from General Fund Appr to the Police Dept expenditures line items to pay for invoices. (Reimbursements to Travel and Donations to K9 needs received in August 2024.)

Council Member Caviness made a motion to approve the amendment. Council Member Nixon seconded the motion which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, Greg Carpenter, and Tyson Nixon voting yes.

Budget Amendment # 9

This amendment is to move funds from the Zoning and Planning Dept to the NC Commerce Grant (93 Fund to cover travel expenses which are not covered by the Grant. Since, this amount has been paid and not reimbursed this amount needs to be covered). Council Member Don Herndon made a motion to approve this amendment. Council Member Nixon 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

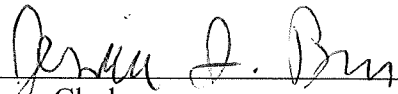
Town Manager Scott Kidd said they are moving forward with grants. He then had Police Detective William Hargrove bring new K9, Chip forward. Chip is imported from Europe and trained to detect odor from electronic devices. He is also trained in emotional support. His goal is to search for missing devices.

Adjourn

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



Mayor Filmore York

ATTEST: 

Town Clerk



ATTACHMENT B

AN ORDINANCE APPROVING A SUP FOR A SNIA FOR THE TOWN OF LIBERTY
Stanhope Johnson, on behalf of Mary Franklin Whitt Johnson

WHEREAS, the Town of Liberty Town Council has considered the request for a Special Use Permit (SUP), being approximately 17.36 acres, being all of parcels 8735291096 and 8735293325, located at 6988 Kinro Rd, 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 (SNIA), 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. 8735291096 and 8735293325, and being approximately 17.36 acres, is approved and the zoning map is amended accordingly.
2. This ordinance shall become effective upon its adoption.

Adopted this 28th day of October, 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**

Stanhope Johnson, on behalf of Mary Franklin Whitt Johnson

WHEREAS, the Town of Liberty Town Council has received the application to apply a Special Use Permit (SUP) to Parcels 8735291096 and 8735293325 (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.

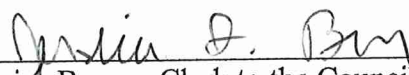
NOW, THEREFORE, BE IT RESOLVED, by the Town of Liberty Town Council that, for the reasons set forth above, the Amendment and presented documentation are found to be consistent with the Town of Liberty Land Development Plan and are determined to be reasonable and in the public interest.

Adopted, this the 28th day of October, 2024



Filmore York, Mayor
Town of Liberty

ATTEST:



Jessica Brown, Clerk to the Council
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 2024-24

**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

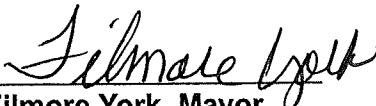
WHEREAS, the Town Manager will have appropriate traffic control devices installed to give notice of the temporary street closing; and

WHEREAS, the Town Manager has received a written request for a temporary street closing reviewed from Amanda Pabst of the Liberty Chamber of Commerce for the purpose of the annual Liberty Christmas Parade/Tree Lighting and recommends said closings per the attached map; and

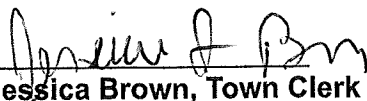
WHEREAS, this event will benefit the community and not hamper other Town of Liberty activities on the date of request; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Liberty, North Carolina, meeting in regular session on the 28th day of October 2024 allow the temporary street closing below:

From 11:00 AM to 7:00PM Saturday December 7, 2024 for the purpose of the Liberty Christmas Tree Lighting/Christmas Parade to occur and with closure of sections of Streets per attached map.


Filmore York, Mayor

ATTEST:


Jessica Brown, Town Clerk

Randolph County Animal Services

1370 COUNTY LAND RD RANDLEMAN, NORTH CAROLINA 27317



Intake (336) 683-8235

Adoption (336) 683-8240

Fax (336) 629-5965

This Agreement, entered into on, _____ by and between the TOWN OF LIBERTY and RANDOLPH COUNTY ANIMAL SERVICES shall commence on Nov 1st, 2024 and continue until June 30th, 2025 or until being amended in writing or terminated with thirty-day notice by either of the parties. This agreement shall be for the purpose of providing animal control services.

Randolph County Animal Services agrees to:

1. Provide animal control services as outlined by the Ordinance Governing Animal Services in Liberty, Randolph County and North Carolina General Statutes.
2. Request payment from the Town of Liberty quarterly for services provided.

The Town of Liberty agrees to:

1. Adopt an Ordinance Governing Animal Services in Liberty.
2. Pay a total of \$7,640.19 for costs associated with animal control field operations (broken into quarterly payments payable upon receipt).

Both parties hereby agree that, in the event that the enforcement of this contract leads to complex or protracted litigation or expense, the County has the opportunity to terminate the contract or renegotiate with the City for a different price.

Termination:

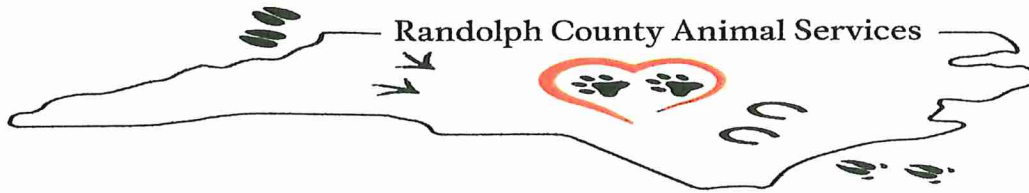
This Agreement may be terminated by either party upon advance written notice to the other party by certified mail at least thirty (30) days prior to the termination.

Indemnity:

The Town of Liberty will indemnify and save harmless the Randolph County Animal Services from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, and reasonable attorneys' fees to the extent resulting from the enforcement of provisions in Liberty's ordinance that differ from those in Randolph County's ordinance as well as from any negligent act or omission of the Town of Liberty, its employees or agents in the

Randolph County Animal Services

1370 COUNTY LAND RD RANDLEMAN, NORTH CAROLINA 27317



Intake (336) 683-8235

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performance of services under this agreement; provided, however, that the Town of Liberty shall not be obligated to indemnify Randolph County Animal Services from and against any suits, actions, legal proceedings, claims, demands, costs, expenses or attorneys' fees to the extent arising out of any negligent act or omission of Randolph County Animal Services or any of its officers, agents, servants, employees or contractors, unless said act or omission was committed pursuant to provisions in Liberty's ordinance that differ from those in Randolph County's ordinance.

Severability:

If any provision of this Agreement is held to be unenforceable, then said provision will be modified to reflect the parties' intentions. All remaining provisions of this Agreement shall remain in full force and effect.

No Waiver:

The failure of either party to exercise any right granted hereunder or to insist upon strict compliance by the other party with its respective obligations shall not constitute a waiver by either party to require exact compliance with the terms hereof.

E-Verify:

Town of Liberty hereby attests that it currently complies with and shall continue to comply with, for the duration of this Agreement, Article 2 of Chapter 64 of the North Carolina General Statutes (commonly referred to as "E-Verify") and further attests that it ensures and continues to ensure that any subcontractors utilized by the Town of Liberty also comply with said Article.

Governing Law:

This Agreement shall be interpreted in accordance with the laws of the State of North Carolina. Any action brought to enforce the terms of this Agreement shall be brought in Randolph County.

Randolph County Animal Services

1370 COUNTY LAND RD RANDLEMAN, NORTH CAROLINA 27317



Intake (336) 683-8235

Adoption (336) 683-8240

Fax (336) 629-5965

Entire Agreement:

This Agreement sets forth the entire Agreement between the parties regarding this subject matter. All prior contracts, conversations or writings between the parties hereto or their representatives are merged within and extinguished.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first shown above.

Randolph County Animal Services

Town of Liberty

Signature: _____

Signature: Filmore York

Name (Printed): _____

Name (Printed):

FILMORE YORK

Town of Liberty (person authorized to sign contract)

Title: _____

Title: MAYOR

Date: _____

Date: 10-28-24

Meeting Date October 28, 2024

Town of Liberty Budget Amendment (FY 2024-2025 #7) 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 Appropriated to the Library Dept expenditure line items to pay for invoices. (Donations and Memorial Funds were received during the months of July 2024 through September 2024).

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

10 Fund Revenues				
General Fund	Line Item	Budget	Change	Amended Budget
General Fund Appropriated	10-3990-000	0	680	680
Total Expenditures		0	680	680

10 Fund Expenditures				
General Fund	Line Item	Budget	Change	Amended Budget
Library Natural Memorials	10-6300-350	0	500	500
Lib Program (Donation & Memeorials)	10-6300-577	0	180	180
Total Expenditures		0	680	680

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: *SK*

Filmore York
Filmore York, Mayor

ATTEST:

Date: 10-28-24

Jessica L. Bond
Town Clerk

Date: 10/28/2024

Meeting Date October 28, 2024

Town of Liberty Budget Amendment (FY 2024-2025 #8) 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 Appropriated to the Police Dept expenditure line items to pay for invoices. (Reimbursements to Travel and Donations to K9 needs received in August 2024.)

Section 1: The following revenues and expenditures in the General Fund and the Police line items shall be increased by the amounts indicated:

10 Fund Revenues				
General Fund	Line Item	Budget	Change	Amended Budget
General Fund Appropriated	10-3990-000	0	1,858	1,858
Total Expenditures		0	1,858	1,858

10 Fund Expenditures				
General Fund	Line Item	Budget	Change	Amended Budget
LE Travel & Development	10-5100-140	1,500	1,028	2,528
LE K9 Expenses	10-5100-465	0	830	830
Total Expenditures		1,500	1,858	3,358

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: SKR

Filmore York
Filmore York, Mayor

ATTEST:

Date: 10-28-24

Jerwin J. Bm
Town Clerk

Date: 10/28/2024

Meeting Date October 28,2024

Town of Liberty Budget Amendment (FY 2024-2025 #9) 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 the Zoning & Planning Dept to the NC Commerce Grant (93 Fund) to cover travel expense which is not covered by the Grant. Since, this amount has been paid and not reimbursed this amount needs to be covered.

Section 1: The following revenues and expenditures in the Zoning & Planning and the NC Commerce Grant line items shall be increased by the amounts indicated:

10 Fund Revenues				
General Fund	Line Item	Budget	Change	Amended Budget
NC Commerce Grant	93-4200-042	49,999	78.40	50,077.40
Total Expenditures		49,999	78.40	50,077.40

10 Fund Expenditures				
General Fund	Line Item	Budget	Change	Amended Budget
Zoning & Planning Travel	10-4900-140	500	78.40	421.60
Total Expenditures		500	78.40	421.60

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: SK

Filmore York
Filmore York, Mayor

ATTEST:

Date: 10-28-24

Jessie D. Bm
Town Clerk

Date: 10/28/2024

