

Minutes of the Meeting of  
The Liberty Town Council  
Held on December 2, 2024 5:30 pm

Present

Mayor : The Honorable Filmore York

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

Town Manager: Scott Kidd

Town Clerk: Jessica Brown

Town Attorney: Robert Giles II

Staff: Library Director; Brenda Heindl-Hornsby, Parks and  
Recreation Director; Kolby McPherson, Public Works  
Director; Joseph Walsh, Finance Director; Kathy Bond,  
Assistant Town Manager; Janie Phelps, and Police Officer;  
Luis Torres

To Order

The Mayor welcomed everyone and called the meeting to order at 5:30PM.. He also welcomed everyone who was watching on Facebook. He reminded everyone this will be our only Council Meeting in December due to holiday activities.

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 removal of 5.2 Sandy Creek Property Access Discussion in Old Business. Council Member Larry Coble seconded the motion which passed unanimously: Council Member Don Herndon voted yes, Council Member Larry Coble, Council Member Tyson Nixon voted yes, Council Member Greg Carpenter voted yes, and Council Member Terry Caviness voted yes. The agenda was approved.

Public Hearing - Text Amendments subdivision requirements, a relief to parking requirements, and language for arts an murals December 2, 2024 5:30 PM

The Public Hearing was opened by the Mayor at 5:35 PM. Janie Phelps came forward to give a report. Upon review the Town has determined there are several amendments necessary to modernize the ordinance as well as keep up with current planning and zoning trends. The Planning Board met on November 13, 2024 to discuss the proposed amendments. They recommended that Council have a review of mural submittals but this could negatively impact freedom of speech. Council Member. Ms Phelps went over each section. The first for Basic changes in subdivisions would just require one copy for

design standards. Parking relief would add flexibility with requirements. The arts and murals review does raise concerns for the first amendment. Attorney Robert Giles said we could have Planning and Zoning approved and then sent to Council for approval of murals. Council Member Nixon said he thinks we do need a two party system and they are the only elected officials. Council Member Herndon suggested a committee maybe made up of people in the Arts Guild, Garden Club and the Liberty Museum. Ms Phelps said it would be best practice to have a committee made up of five to seven members to decide - an advisory board to be approved by the Council. The Hearing was closed at 5:58 PM.

Council Member Tyson Nixon made a motion to approve the text amendments to subdivision requirements and relief to parking requirements and found them consistent with the LDP. Council Member Greg Carpenter seconded this motion with the consistency with the LDP which passed unanimously with Council Members: Larry Coble, Terry Caviness, Don Herndon, Tyson Nixon, and Greg Carpenter voting to approve.

Public Hearing - Legislative review request by applicant John Elafield, for Clifton Smith for a rezoning request from R12 to R6 parcel 8737115790, approximately 13.16 acres, located at 5484 Old 421 December 2, 2024 5:30 PM

Mayor York opened the Hearing at 6:00 PM. Janie Phelps came forward to give a staff report. She said the applicant is here and prepared to give a presentation. She compared this to the townhomes on Hinshaw Country and said both are multifamily projects. This applicant has been talking to staff for several months and this is preapproved by Police, Fire, and DOT. NC DOT said a left turn lane could be accommodated on 421 and Toyota would not have access on the back end. The maximum would still be under one hundred dwellings. A loop around Liberty for trucks has been submitted. Council Member Nixon asked about the maximum number of lots. Ms Phelps said R12 is forty three and R6 would be eighty seven.

John Delafield came forward to give a power point presentation. Carrie Dellinger was with him. She is an investment associate from Alambama. Mr. Delafield said he was raised in Greensboro. He raised his family in Chatham County and currently lives in Pittsboro. He is requesting rezoning from R12 to R6. He shared a picture of Powell Place in Pittsboro. It is an attractive streetscape. His request is based on Town Planning documents. The Future Land Use Map shows this area as primary growth and high density. Lots this size can create a cohesive neighborhood. The flexibility in design allows for broader appeal with options tailored to different homeowners needs. Impervious surfaces of 24% will limit the size of houses. It would be more like fifty seven lots. The higher density does not mean sacrificing the visual appeal of the neighborhood. Fixed costs are shared in this type of neighborhood. Many homes are needed due to the Toyota plant opening. The Planning Department agrees with the R6. This would be a puzzle piece to economic development. It gives other options for people wanting to settle here. Council Member Nixon asked if he did not think it would be eighty lots and Mr. Delafields said it was more likely in the high fifties because of the roadway and impervious surfaces.

Attorney Robert Giles read Public Comment rules before other speakers came forward. David Fogleman of 215 E Butler said he is opposed to this request because in January 2023 the same issue came up and was denied. R12 is more suitable for the neighborhood. That is very dense and out of place for this neighborhood. Kyle Sandore 5506 Old 421 said this is up to his property on both sides and it is a very small design with one entrance that goes by his house. He does not think this will be in line with a small town. Wendy Jones of 1021 Pineknoll St. said she can see from her back yard and will affect the

aesthetics of the neighborhood which is very quiet and causes a lot of congestion. It is already difficult to make a left turn at certain times of the day and already having sewer issues. JR Beard of 603 Oakdale Avenue it would put over one hundred vehicles in that strip. Ellen Luck of 522 Edgewood said John Scotton was killed in that intersection and it is bad. She has lived here for sixty six years and thinks traffic will only get worse. There are already sewer problems in that area. Angela Vernon 1000 Pineknoll Street says it takes her fifteen minutes to turn in when returning home now and she is concerned about accidents. Jonathan Ritch of 1017 Pineknoll said it is in his back yard and bought his home for privacy. He has had his house listed. Kathy Shelton said she does a lot of walking near there and worries about the animals and the small town atmosphere. Janie Phelps came forward again to address the comments. She said they adopted the LDP and it says this could be a high density area since we pushed growth to outer Liberty. We have approved two general use zoning developments. One does have two routes in and out.

Council Member Tyson Nixon made a motion to deny this request from R12 to R6.

Council Member Terry Caviness seconded the motion to deny which passed unanimously. The rezoning is denied with Council Members Tyson Nixon, Terry Caviness, Larry Coble, Greg Carpenter and Don Herndon voting.

#### New Business

##### **Budget Amendment #14 - Police Department**

This amendment is to move funds from General Fund Appropriation to the Police Department expenditure line items to pay for invoices (Gov Deals payment for 2014 Dodge Charger has been received on November 22, 2024.)

Council Member Don Herndon made a motion to approve. 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 to approve.

#### Administrative Reports

##### **Manager's Report**

Town Manager Scott Kidd gave his report. He said we may need to have a Special Meeting later in December for bids for the WWTP grant. Christmas decorations will be going up Tuesday or Wednesday. We will talk more about ideas for Budget Retreat in January.

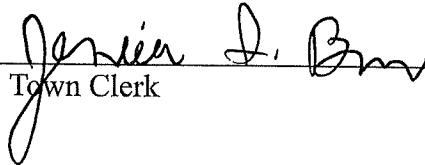
#### Mayor Comments

Mayor York reminded everyone to look at their calendars for the Special Meeting and said he would see them at the parade.

Adjourn

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

  
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Mayor Filmore York

ATTEST:   
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Town Clerk



## Attachment C

### AN ORDINANCE DENYING A ZONING MAP AMENDMENT FOR THE TOWN OF LIBERTY

Applicant John Delafield, with D TOO Development LLC, authorized agent on behalf of property owner Clifton Smith

**WHEREAS**, the Town of Liberty Town Council has considered the request to rezone approximately 13.16 acres, being all of parcel 8737115790, located at 5484 Old 421, Liberty, NC 27298, from R12 (Residential 12,000 square feet) to R6 (Residential 6,000 square feet) to develop the site as needed in accordance with the Town of Liberty Ordinances to account for future growth of the Town, 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 rezoning request set forth in the Application and incorporated herein by reference, if approved as pursuant to the provisions of the zoning ordinances, would be unsuitable for the property proposed for the rezoning; and

**WHEREAS**, the Council finds the rezoning request from R12 to R6 does not meet the standards of the zoning ordinance and the Land Development Plan; and

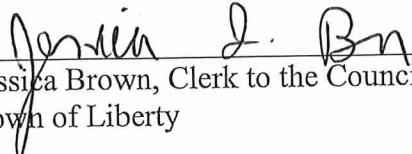
**BE IT ORDAINED**, by the Town Council of the Town of Liberty as follows:

3. The application to rezone from R12 to R6 to all of the property described as Parcel No. 8737115790, and being approximately 13.16 acres, is denied.
4. This ordinance shall become effective upon its adoption.

Adopted this 2<sup>nd</sup> day of December, 2024

  
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Filmore York, Mayor  
Town of Liberty

ATTEST:

  
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Jessica Brown, Clerk to the Council  
Town of Liberty



Meeting Date December 2, 2024

**Town of Liberty Budget Amendment (FY 2024-2025 #14) 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 General Fund Appr to the Police Dept expenditure line items to pay for invoices. (Gov Deals pmt for 2014 Dodge Charger has been received on November 22, 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	4,650	4,650
<b>Total Expenditures</b>		0	4,650	4,650

10 Fund Expenditures				
General Fund	Line Item	Budget	Change	Amended Budget
LE MR Vehicles	10-5100-170	10,000	4,650	14,650
<b>Total Expenditures</b>		10,000	4,650	14,650

Prepared By: Kathy Bond, Finance Director

Reviewed By: Scott Kidd, Town Manager

Town Manager Initials: *SKK*

*Filmore York*  
Filmore York, Mayor

ATTEST:

Date: 12/2/2024

*Jessica D. Brun*  
Town Clerk

Date: 12/2/2024





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 as depicted in Attachments "A" and "B" is approved and the Town Ordinances are amended accordingly.
2. This ordinance shall become effective upon its adoption.

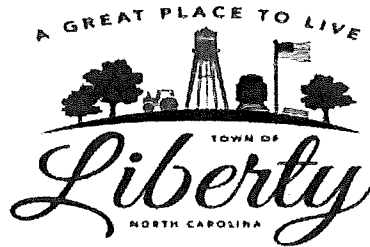
Adopted this 2<sup>nd</sup> day of December, 2024

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.

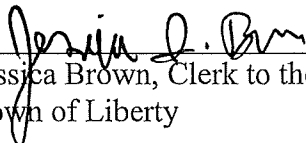
**NOW, THEREFORE, BE IT RESOLVED**, by the Town of Liberty Town Council that, for the reasons set forth above, the Amendment and presented documentation are found to be consistent with the Town of Liberty Land Development Plan and are determined to be reasonable and in the public interest.

Adopted, this the 2<sup>nd</sup> day of December, 2024

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Filmore York, Mayor  
Town of Liberty

ATTEST:

  
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Jessica Brown, Clerk to the Council  
Town of Liberty

