

TOWN OF LIBERTY

239 S. Fayetteville Street | PO Box 1006 | Liberty, NC 27298

Office (336) 622-4276 | Fax (336) 622-2665

www.Liberty-NC.com

AGENDA

Town Council Work Session

March 20, 2023 5:30 P. M.

- 1. Call to Order**
- 2. Adoption of Agenda**
- 3. Information**
 - 3.1 Monthly Reports
- 4. Old Business**
 - 4.1 Public Hearing RZ-23-2 - R. Lineberry - South Side East Lowe Avenue between 801 S. Garden St. and 216 East Lowe Ave- rezone R12 - R6 Residential
- 5. New Business**
 - 5.1 Road Closure Discussion
 - 5.2 Road Closure Request and Resolution - Downtown Festival
 - 5.3 Budget Amendment - ARPA Funds
 - 5.4 Consent Agreement
 - 5.5 Public Hearing - Annexation Request 6988 Kinro Road March 27, 2023 5:30 PM
 - 5.6 Water Shortage Plan Discussion and Resolution
- 6. Manager's Report**
- 7. Committee Report**
- 8. Citizen Comments**
- 9. Council Comments**
- 10. Mayor Comment**
- 11. Adjourn**

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

Agenda Item Cover Sheet

Meeting Date:	March 20, 2023
Item:	Monthly Reports

Attachment:	Yes
-------------	-----

Brief Description:

Each Department's Monthly Reports are included for review.
--

Staff Recommendation:

Review and discuss if needed.

PUBLIC WORKS MONTHLY REPORT



PREPARED BY PUBLIC SERVICE DIRECTOR – JOSEPH WALSH

3/16/2023

LIMBS- The Street Department is actively picking up limbs and debris inside the town limits.

LEAF- Michael has cut back the leaf pickup to once a week.

LANDFILL- The Street Department is still currently picking up landfill waste every week with a pretty good collection rate averaging 1.5 tons a week.

MOWING- Mowing has slowly began at all town locations.

WATER- The town has roughly a little of 100 meters to change out and complete the meter upgrade. Currently reviewing the fees and a policy for reconnection.

SEWER- DEQ completed an annual inspection of the collection system with no major issues.

STREETS- Public works building questions.



LIBERTY PUBLIC LIBRARY RANDOLPH COUNTY PUBLIC LIBRARIES

March 2023
Town Council Meeting

Monthly Report for
February 2023

2008 Items Were Checked Out in February. Here are some of the Community Savings with those checkouts-

199 DVDs - \$796.00
654 Adult Books- \$11,118.00
895 Childrens Books-
\$15,215.00

24 Hour Free Wifi Use

WiFi had 113 unique users in February.

Computer Users at the Library

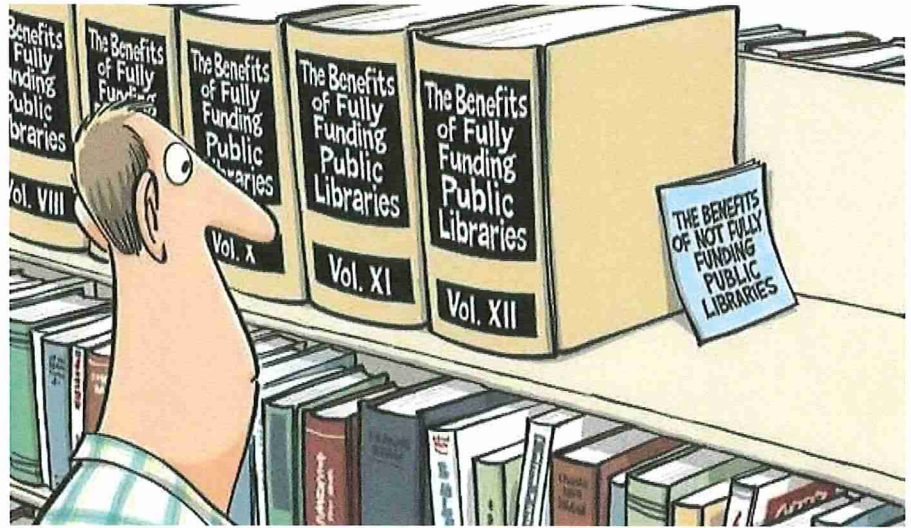
There were 97 computer uses over the month of February.

Online Resource Use

Our February EBook use was 139, EMagazines was 14, and EAudio was 59.

Service Population

While preparing for the March budget retreat and working on several grants, Brenda Heindl was prompted to report the population of our service area. The service area of a library, according to County Library Director Ross Holt, is typically five miles. Ross informed Brenda that the last time a survey of all of the service populations for the 7 library branches was done was in 2014. At that time, the service population was 6,674. Working with an online radius and population estimator, Brenda found that the service population for the Liberty Public Library was now about 9,750. So, even though the population of the Town of Liberty has not changed drastically since 2014 (2,651 in 2014 to 2,678 in 2022), the population of the surrounding area has grown significantly.



Our painting program in February used liquid watercolors and wax resist using crayons as well as adding salt to the surface which made a fun tie-dye effect.

LOCAL MURDER LEGEND A POPULAR TOPIC!

The murder of Naomi "Omie" Wise, who was drowned by her lover in the waters of nearby Deep River in 1807, has been remembered in ballads and stories for over 200 years. We were happy to host authors (and potters!) Hal Pugh and Eleanor Minnock-Pugh to share about their new book highlighting the records, songs and stories that document the life and death of Naomi Wise. Hal Pugh, ever the good public speaker, did a wonderful presentation with a good crowd followed by both authors signing books.



**IF THE LIBRARY COULD DOUBLE
OR TRIPLE IN SIZE, WHAT YOU
WANT TO SEE INSIDE?**

**WE ARE EXPLORING AN EXPANSION,
HELP BUILD YOUR LIBRARY!**

**WHAT IMPROVEMENTS WOULD
YOU LIKE AT YOUR LOCAL LIBRARY?**



**FILL OUT OUR
ONLINE SURVEY**



ENGLISH



**LIBERTY PUBLIC LIBRARY
RANDOLPH COUNTY PUBLIC LIBRARIES**

EN ESPANOL

ENG [HTTPS://FORMS.GLE/HO2ZBEESPCRD4U3K7](https://forms.gle/HO2ZBEESPCRD4U3K7)

ESP [HTTPS://FORMS.GLE/ZGEFTGCQP1UFP3DQ5](https://forms.gle/ZGEFTGCQP1UFP3DQ5)

"Frozen" Fun at the Library!

We have decided to run movies on the big screen every other month outside of the summer. So we had a back to back Frozen movie marathon with wand and tutu making, fresh popcorn, and treats! It was well attended and great to see so many Disney fans.

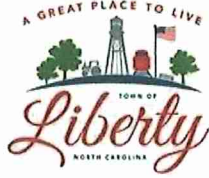


Black History Hall of Fame

Thanks to the Friends of the Library, we were able to host a live theatre show performed by Bright Star Theatre. It was such a great highlight of famous African-Americans from history and was thoroughly enjoyed!



We hosted several conversations in February and started an online survey to learn what things people may want to see if we were to expand as we look toward the future of the library more as a community center.



Town of Liberty Safety Department Report February 2023

Employee Safety

There were no reported injuries by employees during the month of January.

New Employee Hazardous Communication Training

The Safety Department conducted one new employee hazardous communication training with one new employee during the month of December.

Bloodborne Pathogens Training

The Safety Department will begin doing mandatory bloodborne pathogens training for employees of the Police, Fire, Public Works and Parks and Rec Departments. Because of the possibility of injuries or illnesses occurring at any town facility, this program is expanding to cover all employees and departments. This is an annual requirement by OSHA.

PD Monthly

This Police Department Monthly covers from Feb 12, 2023 to March 14, 2023.

Stats

Traffic stops 155, resulting in 79 citations (avg speed over limit, 21.6mph), 121 total charges, 107 warnings. We had 23 domestics and 7 accidents, 409 daily logs, 5 processes served and 5 processes secured.

Detectives:

First Degree Rape, Larceny of 15 firearms, Larceny by Employees, Bank Fraud, Unlicensed Armed Security (Bonus Spins), Breaking and Entering (7 Firearms stolen), Counterfeit Money (multiple stores), Elder Exploitation, 2 Weapons of Mass Destruction Violations, 2 Death Investigations.

SIRT team:

2/17: Secure suspect ref. 1st deg murder. Randolph.

2/22: Search Warrant ref. PWISD Methamphetamine x5 suspects. Randolph.

3/12: Hostage Rescue turned barricaded suspect ended as a mental commitment. Archdale.

Caller advised a mentally ill subject took a 3 year old hostage with a butcher knife. On initial contact by Archdale, the suspect came to the door with a butcher knife, slammed the door in the officer's face and made comments to the effect of "she doesn't want to have to hurt the child."

QRF-HR, medics, negotiator established. Ultimately it was determined there was no child and the team deactivated after a 4 hour on-scene standoff.

3/8: Training: marksmanship fundamentals/CGB.

Other Crimes of note:

Assault on Government Official, Violation of Domestic Violence Protective Order, First Degree Forcible Trespass,

Vehicles:

We are still waiting on some of the equipment for the second Mustang. Officer Elder and Chief Semrad have completed all the upfit to this point that is possible.

Grants:

We have no current or pending grants.

Current Police Department building:

Chief Semrad cleaned the building and fence, hopefully this will be the last time this needs to be done.

New Police Department building:

The non reusable HVAC system has been removed, unnecessary or broken plumbing removed, demolition completed and new upstairs framing is complete. The quote for the integrated doors and cameras was much higher than expected. The initial company is reworking its quote, a second company contacted for their opinion and, as a last resort, we are looking into doing this work ourselves. During the heavy rains last week we had water infiltration into the basement from under the rollup door.

ICAC investigations

Things of note this month:

The Liberty Police Department ICAC Detective assisted Randolph County Sheriff's Office ICAC in executing a search warrant and charges are pending a forensic review of the suspect's digital devices.

Detective Hargrove traveled out of state, to assist in an multi-agency operation, which included numerous federal, state, and local agencies. This operation resulted in the arrests of multiple individuals that were travelling for the purposes of having sex with minors. Detective Hargrove's travel and involvement was fully funded through his task force position with the Department of Homeland Security. One individual arrested had traveled over 13 hours to meet with a minor for sex. A copy of the press release will be forwarded when officially released.

Detective Hargrove was requested to assist with a search warrant in Reidsville NC. The search warrant resulted in several devices being seized, and Detective Hargrove performed the digital forensics of the seized devices using the ICAC grant funded equipment. As a result, Arique Montez McCollum was arrested and charged with 3rd degree sexual exploitation of a minor by the Reidsville Police Department. During the digital forensics, Detective Hargrove located evidence of the suspect being an "in person" offender and identified 3 local child victims. Continued review of digital forensics and interviews are being conducted to locate any additional victims. The suspect is currently being held under a \$75000 secured bond. More charges are expected, with the potential of this case becoming a federal prosecution. The Reidsville Police Department was assisted by the Department of Homeland Security, Rockingham County Sheriff's Office, and the Liberty Police Department.

Training:

Detective Hargrove attending training hosted by the Child Rescue Coalition at the NC SBI in Raleigh to further assist in locating local offenders of child sexual abuse material. Chief Semrad attended North Carolina Conference of District Attorneys training, "Lessons from the Holocaust", a review of police and state actions to enable the NAZI regime. Chief Semrad and Sgt Scala attended the Comprehensive AR15 Armorers course (renewal for Semrad).



2:37



< **Reidsville Police Department**  

Posts About Videos More ▾



Reidsville Police Department ✓ 
Feb 20 · 

MEDIA RELEASE

Reidsville Police Department- Third Degree Sexual Exploitation of a Minor

Reidsville Police Department Investigators, assisted by Investigators with US Department of Homeland Security, conducted a joint child pornography investigation. As a result of the investigation, a warrant for 3rd Degree Sexual Exploitation of a Minor was obtained for Arique Montez McCollum, 611 Apt. B, Thomas Street, Reidsville NC. On February 17, 2023, McCollum was arrested by Rockingham County Sheriff's Office and placed in Rockingham County Jail under a \$75,000.00 secured bond. Additional charges will be forthcoming as the investigation progresses.

This investigation is ongoing and anyone with any information is asked to contact Investigator Menard at 336-347-2305 or anonymously contact Rockingham County Crime Stoppers at 336-349-9683.



Home



Friends



Watch



Marketplace



Notifications



Menu

Staffing levels:

Yesterday we received an application from a promising reserve officer candidate. The detectives will begin his background investigation next week.

--

Chief DJ Semrad
Liberty Police Department
Liberty, NC
336-622-2323

Liberty Fire Department

February Monthly Report

March 10, 2023

Call Volume: 83, YTD 184

Training Hours: 388 , YTD 786

Notable Events

1. On February 17th LFD held a promotion ceremony and banquet for our firefighters and their families at town hall.
2. After almost 3 months Engine 33 is back in service. It required a radiator replacement and a new transmission.
3. On February 25th LFD personnel used Ladder 3 to raise the American flag as the funeral procession for Senator Tillman passed through town.
4. LFD responded to 3 separate fires in the month of February, a structure fire on E. Swannanoa, an electrical fire on E. Starmount and as mutual aid with Julian Fire on a structure fire on Old 421 at Macedonia Loop.

For the month of February Liberty Fire responded to 4 structure fires, 1 vehicle fires, 2 outside fires, 5 fire alarms, 6 motor vehicle accidents, 1 Haz-Mat incidents, 55 medical calls, 0 utility/lines down, 8 service calls and 1 calls canceled en route.

Matt Talbott
Fire Chief

Jason Phillips
Deputy Fire Chief



Liberty Parks and Recreation



February 2023 monthly report

Last month the recreation department finished up all regular season basketball games and tournament games.

We entered 3 teams into the swac tournament so had to work closely with the booster groups to get all their team information such as birth certificates, rosters, etc.

We closed baseball registration and ended up having 2 6u teams, 2 8u teams, 1 10u team and 1 12u team. This is the most teams we have had since I started here in 2020.

We attended the Randolph County farmers market meeting which was located at millstone creek orchards.

We organized a farmers market kick off event which will take place April 1st from 9am-3pm. We are still accepting vendors for this event.

We assisted closely with Joan who is over the run for lily which took place Saturday the 18th at Freedom Park

We ordered all dog park amenities which include a bench, leash holder, trash can, sign and a dog debris bag stand. (All amenities pictured below)



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

Agenda Item Cover Sheet

Meeting Date:	March 20, 2023 and March 27, 2023
Item:	Public Hearing RZ-23-2 - R. Lineberry - South Side East Lowe Avenue between 801 S. Garden St. and 216 East Lowe Ave rezone R12 - R6 Residential

Attachment:	No
-------------	----

Brief Description:

There was an advertised legislative Public Hearing in relation to a rezoning of a property From R12 Residential to R6 Residential scheduled Monday January 23, 2023 5:30 PM at the regular Council Meeting. The Planning Board requested additional information from this applicant and met in February but then continued this matter until their March 8, 2023 meeting so the Public Hearing is now scheduled for the March 27, 2023 Council Meeting at 5:30 PM. A Staff Report will be presented and then any interested party can comment at the Hearing.

Staff Recommendation:

Discuss and approve.

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

Agenda Item Cover Sheet

Meeting Date:	March 20, 2023 and March 27, 2023
Item:	Road Closure Discussion

Attachment:	Yes
-------------	-----

Brief Description:

This is to discuss and consider charging a fee for road closures for non town sponsored events. It takes two employees to put up our barricades. Due to on-call time each employee will be paid six hours - three to put up and three to take down even if it does not take that long. That would be a total of twelve hours counting both employees at \$30.00 per hour which totals \$360.00. The staff recommendation is to have the \$360.00 paid prior to the road closure.

Staff Recommendation:

Discuss and approve charging the fee.

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

Agenda Item Cover Sheet

Meeting Date:	March 20, 2023 and March 27, 2023
Item:	Road Closure Resolution Downtown Festival

Attachment:	Yes
-------------	-----

Brief Description:

This resolution is for the temporary road closure for the Saturday April 29, 2023 Downtown Festival from 9 AM - 5 PM.

Staff Recommendation:

Discuss and approve.

Town of Liberty, NC Parade Permit Application

Name of Organization Town of Liberty Parks & Rec
Address 239 S. Fayetteville St
Phone Number 336-622-4276
Person in Charge Lynn Mancress / Bret Pedigo
Address 239 S. Fayetteville St
Phone Number 336-622-4276
Date and Time of Event 0900 - 1400 Apr. 29, 2023

Please provide a sketch map showing:

1. The area where the event is to take place
2. Any streets to be closed or obstructed
3. Any barriers or traffic control devices that will be erected
4. The location of any concession stand, booth or temporary structures
5. The location of proposed fences, stands platforms, benches, or bleachers

Approximate Number of People Expected to Attend 3000

This application does not guarantee issue of permit. Upon receipt of this completed application, the Administrator (Town Manager) will give to Police Chief, the Fire Chief, the Public Works Director, and other appropriate persons for their comment. The Administrator may arrange to have a conference on the application with applicant and one or more department heads. Based on the outcome of the conference, the Administrator shall prepare a recommendation to Council regarding the permit application. The Council may require the applicant to pay to the town (before permit is issued) a fee sufficient to reimburse the town for the costs of any extraordinary services or equipment provided unless the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred. The Council will make final determination.

The applicant understands and agrees to this process.



Applicant signature and date

Liberty Downtown Festival, April 29, 2023, 9 am to 5 pm.

Requested Road Closures

- Depot Street from West Swannanoa Avenue to Starmount Ave.
 - Street will contain vendors, food trucks, a children's area with multiple play areas and portajohns. Metal barricades at the north end, monitored by a volunteer to assist the vendors and food trucks with traffic flow for setup and takedown.
- North Fayetteville Street from West Swannanoa Avenue to Highfill Street
 - Street will contain fire trucks for water wet down, multiple water bounce houses, food trucks, portajohns and vendors. Water barricades will be across the entrance at W. Swannanoa. Metal barricades at the north end at Highfill St., monitored by a volunteer to assist vendors to allow vendor access.
- Starmount Avenue from Depot Street to N. Fayetteville Street.
 - This street may be used for transit. Metal barricades at the entrance from Depot St. Entrance to school will be open due to barricades at Highfill St and Fayetteville St/Swannanoa Ave.

Greensboro St.

Starmount Ave.

Food Trucks

Bounce Houses

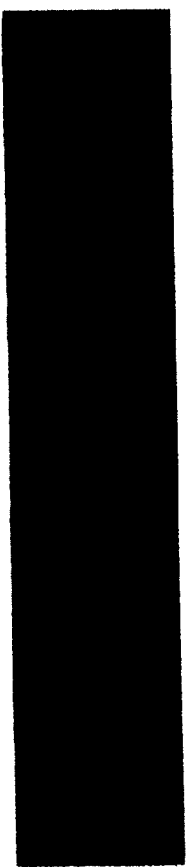
Depot St.

Vendors

Portajohns

Portajohns

W. Swannanoa Ave.



Fayetteville St.

Food Trucks

Vendors

Bounce Houses



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

Agenda Item Cover Sheet

Meeting Date:	March 20, 2023 and March 27, 2023
Item:	Budget Amendment

Attachment:	No
-------------	----

Brief Description:

This amendment is to move ARPA funds to Salaries.

Staff Recommendation:

Review and approve.

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

Agenda Item Cover Sheet

Meeting Date:	March 20, 2023 and March 27, 2023
Item:	Consent Agreement

Attachment:	No
-------------	----

Brief Description:

This is a vote to issue a permit to Liberty Property Holdings LLC pursuant to Consent Agreement. The Council will vote at the regular Council Meeting March 27, 2023.

Staff Recommendation:

Review and approve.

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

Agenda Item Cover Sheet

Meeting Date:	March 20, 2023 and March 27, 2023
Item:	Public Hearing - Annexation Request 6988 Kinro Road March 27, 2023 5:30 PM

Attachment:	Yes
-------------	-----

Brief Description:

This is an advertised Public Hearing to discuss the petition requesting annexation for 6988 Kinro Rd. Liberty on Monday March 27, 2023 at 5:30 P.M. Interested parties will be heard at this time.

Staff Recommendation:

Discuss

NOTICE OF PUBLIC HEARING ON REQUEST FOR ANNEXATION

Notice is hereby given that on the 27th day of March, 2023, at 5:30 P.M., at Town Hall, Liberty, North Carolina, the Town Council of the Town of Liberty will conduct a public hearing on the question of annexing the following described property, requested in a petition filed pursuant to North Carolina General Statute 160A-31.

The property of Mary Franklin Whitt Johnson. Located at 6988 Kinro Road, more specifically identified by Randolph County as Parcel Identification Numbers (PIN) 735293325 and 8735291096.

Interested parties will be heard on the above request at the time and place set forth.

This the 8th day of March 2023.

Publish once: March 16, 2023.

Bill to: 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

Agenda Item Cover Sheet

Meeting Date:	March 20, 2023 and March 27, 2023
Item:	Water Shortage Plan Discussion and Resolution

Attachment:	Yes
-------------	-----

Brief Description:

This is to discuss and review the Town's Water Shortage Plan which is included in our Town Ordinances and to approve a resolution to approve the plan.

Staff Recommendation:

Receive Report and Discuss

CHAPTER 52: WATER SHORTAGE RESPONSE

Section

- 52.01 Definitions
- 52.02 Purpose
- 52.03 Water shortage
- 52.04 Declaration of voluntary conservation
- 52.05 Mandatory conservation
- 52.06 Water shortage emergency
- 52.07 Rationing
- 52.08 Water use classes
- 52.09 Metered residential water customers and allotments
- 52.10 Excess use; monies collected
- 52.11 Enforcement
- 52.12 Public comment
- 52.13 Variance protocols
- 52.14 Effectiveness
- 52.15 Revision

- 52.99 Penalty

§ 52.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLOTMENT. The maximum quantity of water allowed for each customer over any applicable period as established in the water rationing provisions of this chapter.

BRACKISH WATER. Water containing more than 1,000 parts per million as dissolved salts.

CUSTOMER. Any person using water for any purpose from the municipality's water distribution system and for which either a regular charge is made or in this case the bulk sales, a cash charge is made at the site of delivery.

EMERGENCY. That water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

EXCESS USE. The usage of water by a water customer in excess of the water allotment provided under the water rationing provisions of this chapter for that customer, over any applicable period.

FRESH WATER. Water withdrawn from surface or groundwater which has not been previously used, other than brackish water.

MANDATORY CONSERVATION. That raw water supplies (i.e., streamflow, reservoir levels or ground water levels) are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

NON-RESIDENTIAL CUSTOMERS. Commercial, industrial, institutional, public and all other users, with the exception of hospitals and health care facilities.

RATIONING. Procedures established to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

(Ord. passed 4-26-1999)

§ 52.02 PURPOSE.

The purpose of this chapter is to provide for declaration of official phases of water supply shortage and the implementation of voluntary and mandatory water conservation measures throughout the Town of Liberty in the event a shortage is declared.

(Ord. passed 4-26-1999)

§ 52.03 WATER SHORTAGE.

A water shortage shall be deemed to exist when the reserve supply shall have reached a point where it has been so reduced that the water system users cannot be supplied with water to protect their health and safety without curtailing substantially the demand for water or:

- (A) The water source shows a 20% reduction in each of 3 or more high production yield wells (100 to 130 GPM) after a 6-hour pumping cycle;
- (B) When the water drawn down activates the automatic low water cut off once during a scheduled 6 hours of pumping operation;
- (C) When well water level recovery time to normal static level is longer than 12 hours;
- (D) Un-located usage source of water causing insufficient water storage;
- (E) Act of nature destruction of water storage; or
- (F) Loss of power source more than 48 hours.
- (G) *Notification.*

(1) The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills, and on the town website homepage.

(2) Required water shortage response measures will be communicated through the *Asheboro Courier-Tribune*, *The Liberty Leader*, notices at municipal buildings, and on the town website.

(H) *Trigger authority.* The Town Manager or any agent assigned has the authority and he/she will declare when triggers are met for the following stages: voluntary conservation, mandatory conservation, water shortage emergency, and rationing.

(I) *Reverse triggers.* Once a trigger has been declared, it will only be rescinded when the Town Manager can certify that the static water levels at pump intake has recovered to the next lesser stage.

(Example: to rescind mandatory conservation, static levels would have to recover to the voluntary conservation level.)

(Ord. passed 4-26-1999; Am. Ord. passed 3-22-2010)

§ 52.04 DECLARATION OF VOLUNTARY CONSERVATION.

(A) Voluntary conservation shall be declared when there is a 20% reduction in seasonal normal distance from static water levels and pump intake.

(B) In addition, the Mayor or Town Manager or any agent assigned by them is authorized to call upon all water customers to employ voluntary water conservation measurers. This resolution shall be published in a newspaper or general circulation in the area, which qualifies under G.S. § 1-597.

(Ord. passed 4-26-1999; Am. Ord. passed 3-22-2010)

§ 52.05 MANDATORY CONSERVATION.

(A) Whenever it is found that the Town of Liberty water supply is below seasonal averages and are continuing to decline and may not be adequate to meet normal needs, the same measurers defined under the voluntary conservation declaration and further shall impose a ban on all Class 3 water uses for the duration of the shortage until it is declared ended by the governing board. Mandatory Conservation shall be declared when there is a 40% reduction from static water levels and pump intake.

(B) Publication of these ordinances shall be the same as in § 52.04 above.

(Ord. passed 4-26-1999; Am. Ord. passed 3-22-2010)

§ 52.06 WATER SHORTAGE EMERGENCY.

(A) Whenever it is found that the Town of Liberty water supplies are below the level necessary to meet normal needs and that serious shortage exist; it shall be empowered to declare by this chapter that a water shortage emergency exists. A water shortage emergency shall be declared when there is a 70% reduction from static water levels and pump intake.

(B) Class 1, essential uses shall be identified, in specific, as targets for voluntary conservation initiatives. Also Class 2 socially or economically important uses shall be banned in addition to the Class 3 nonessential uses.

(C) These restrictions shall continue until the emergency is declared ended by the governing body. Publication of these ordinances shall follow the provisions in § 52.04 above.

(Ord. passed 4-26-1999; Am. Ord. passed 3-22-2010)

§ 52.07 RATIONING.

Whenever the Town Council has declared a water shortage emergency and finds a need to provide an equitable distribution of critically limited water supply to preserve public health and safety for the Town of Liberty water customers. It shall be empowered to provide for mandatory rationing by this chapter. Rationing shall be declared when the water level is at pump intake elevation.

(Ord. passed 4-26-1999; Am. Ord. passed 3-22-2010)

§ 52.08 WATER USE CLASSES.

(A) *Class 1: essential water uses:*

(1) Domestic use: water necessary to sustain human life and the lives of domestic pets and to maintain minimum standards of hygiene and sanitation;

(2) Health care facilities: patient care and rehabilitation, including swimming pools used for patient care and rehabilitation;

(3) Public use: fire hydrants used for fire fighting and certain testing and drills, if performed in the interest of public safety and approved by the Town Manager; and

(4) Flushing of sewers as needed to ensure public health and safety if approved by the Town Manager.

(B) *Class 2: socially or economically important use of water:*

(1) All domestic use other than those included in Classes 1 and 3;

(2) Home water use including kitchen, bathroom and laundry use;

(3) Minimal watering of vegetable gardens and watering of trees when necessary to preserve them;

(4) Filling and operation of swimming pools;

(5) Commercial car and truck washes;

(6) Commercial laundromats;

(7) Restaurants, clubs and eating places; and

(8) Schools, churches, motels, hotels and similar commercial establishments.

(C) *Class 3: non-essential use of water:*

(1) Ornamental purposes: fountains, reflecting pools and artificial waterfalls, outdoor non-commercial watering (public or private), gardens, lawns, parks, golf courses, (except greens), playing fields and other recreational areas;

(2) Filling and operation of recreational swimming pools which serve fewer than 25 dwellings or 75 people;

(3) Non-commercial washing of motor vehicles;

(4) Serving water in restaurants, clubs or eating places, except by specific request; and

(5) Air-conditioning: refilling cooling towers after draining, except as specified in Class 1.

(Ord. passed 4-26-1999)

§ 52.09 METERED RESIDENTIAL WATER CUSTOMERS AND ALLOTMENTS.

(A) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.

(B) Each dwelling unit (household) shall be allotted 40 gallons per day for each resident of the household. Households with only 1 permanent resident will have a daily allotment of 55 gallons.

(C) (1) Residential water customers are required to provide municipality and utility personnel with a reasonable access to read meters as necessary to this rationing declaration.

(2) Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry

to read the meter after reasonable efforts to arrange for access, the dwelling unit (household) allotment will be reduced to 55 gallons per day.

(D) (1) If it is found that the residential water allotment provided under this section would create an extraordinary hardship for individual customers, as in the case of special health-related requirements, a revised allotment for the particular customer may be established.

(2) Any person aggrieved by a decision relating to a like exemption or variance may file a complaint with the Town Manager (or Clerk) in accordance with the town's normal administrative procedures.

(Ord. passed 4-26-1999)

§ 52.10 EXCESS USE; MONIES COLLECTED.

(A) Excess use civil penalties will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration, computed in accordance with the following schedule.

<i>Excess Usage per Month</i>	<i>Civil Penalty for Excess</i>
First 2,000 gallons or portion thereof	\$7 per 1,000 gallons or portion thereof
Each 1,000 gallons, or portion thereof, thereafter	\$15

(B) Any monies collected through excess-use civil penalties shall not be accounted for as income, but shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

(C) In addition to the excess-use civil penalty, non-compliance with the water rationing provisions of this chapter will result in the following:

(1) For the first excess use, a warning of possible discontinuation shall be issued to the customer; and

(2) For the second or subsequent excess use, service to the customer may be interrupted or shut off for a period not to exceed 40 hours or a flow restrictor may be installed in the customer's service line for the duration of the emergency. The cost incurred to interrupt or shut off or reinstate service, or to install and remove a flow restrictor, shall be assessed to the water customer. Before service to an individual may be terminated under this provision, actual notice of the intent to discontinue shall be given, which shall include notice that the customer may appear at a designated time and place (within 24 hours) for an informal hearing to show why service should not be discontinued.

(D) Meter reading schedules are authorized to assure adequate monitoring of compliance.

(E) Any customer or other person aggrieved by a decision or action imposing an excess-use civil penalty or other remedy for non-compliance with the requirements of this chapter may proceed in accordance with the following provisions:

(1) The municipality shall adopt procedures which provide an opportunity for the customer or aggrieved party to rebut the finding of a violation, or provide evidence of circumstances beyond the customer's control which resulted in the violation; and

(2) A record of evidence regarding disputed violations shall be kept and a written notice of the town's final decision and action in those cases shall be provided to the customer or aggrieved party.

(F) Shortage water rates upon the declaration of a water supply shortage, the Town Council shall have the power to adopt shortage water rates by ordinance designed to conserve water supplies.

Rates may provide for, but not be limited to:

- (1) Higher charges per unit for increasing usage (increasing block rates);
- (2) Uniform charges for water usage per unit of use (uniform unit rate);
- (3) Extra charges for use in excess of a specified level (excess demand surcharge); or
- (4) Discounts for conserving water beyond specified levels.

(G) Regulations during the effective period of any water supply shortage, the Town Council is empowered to promulgate by ordinance the provisions and requirements as may be necessary to carry out the provisions of this chapter, any water supply shortage declaration ordinance, or water shortage rate ordinance. The ordinances may be adopted at a special or emergency meeting of the governing body, if statutory requirements are met.

(Ord. passed 4-26-1999)

§ 52.11 ENFORCEMENT.

The provisions of the water shortage response plan will be enforced by town Public Works Department and police personnel. Violators may be reported to the town's website (www.Liberty-NC.com). Citations are assessed according to the penalties outlined in § 52.99.

(Ord. passed 3-22-2010)

§ 52.12 PUBLIC COMMENT.

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be published in The Asheboro Courier and on the town website. A public hearing will be scheduled with notice printed in all customer water bills to collect comments on the draft. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by the Town Council.

(Ord. passed 3-22-2010)

§ 52.13 VARIANCE PROTOCOLS.

Applications for water use variance requests are available from the town website and Town Hall office. All applications must be submitted to the Town Hall for review by the Town Manager or his or her designee. A decision to approve or deny individual variance requests will be determined within 4 weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e., necessary use of drinking water) and the prevention of structural damage.

(Ord. passed 3-22-2010)

§ 52.14 EFFECTIVENESS.

The effectiveness of the town water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained, and evaluation of demand reductions compared to the previous year's seasonal data.

(Ord. passed 3-22-2010)

§ 52.15 REVISION.

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every 5 years in conjunction with the updating of the local water supply plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to the Town Council. The Town Manager is responsible for initiating all subsequent revisions.

(Ord. passed 3-22-2010)

§ 52.99 PENALTY.

Any person who violates the provisions of this chapter, who fails to carry out the duties and responsibilities imposed by this chapter or who impedes or interferes with any action undertaken or ordered pursuant to this chapter shall be subject to the following penalties.

(A) If the Mayor, Manager, Water Superintendent or other town official or officials charged with implementation and enforcements of this chapter, or a water supply shortage resolution, learns of any violation of any water use restriction imposed pursuant to this chapter, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record and to any other person known to the town who is responsible for the violation or its correction.

(B) The notice shall describe the violation and order that it be corrected, cured or abated immediately or within the specified time as the town determines is reasonable under the circumstances. If the order is not complied with, the town may terminate water service to the customer subject to the following procedures:

(1) The town shall give the customer notice by mail that, due to the violation, water services will be discontinued within a specified time and that the customer shall have the opportunity to appeal the termination by requesting a hearing scheduled before the Town Council or an official designated as a hearing officer by the Council;

(2) If a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The Town Council or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(C) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to divisions (A) and (B) above. In the event of subsequent violation the reconnection fee shall be \$200 for the second violation and \$300 for each additional violation.

(D) Any customer may also be charged with violation of this chapter and prosecuted in District Court. Any person so charged and found guilty of violating the provisions of this chapter shall be guilty of a misdemeanor. Each day's violation shall constitute a separate offense. The penalty for violation shall be a maximum fine of \$50 or imprisonment for not more than 30 days.

(E) In addition to, or in lieu of, criminal prosecution, violation of this chapter may subject the offender to civil penalties in the amounts provided, or otherwise in an amount of \$25 per day, collectible in a civil action in the nature of debt.

(Ord. passed 4-26-1999)

RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN 2023-4

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service or that plans to provide public water service and each large community water system shall, either individually or together with other units of local government and large community water systems, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Liberty, has been developed and submitted to the Liberty Town Council for approval; and

WHEREAS, the Liberty Town Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Liberty, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Liberty that the Local Water Supply Plan entitled, Liberty Ordinances Chapter 52 : Water Shortage Response _____ dated April 26, 1999, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 27th day of March, 2023.

Name: _____

Title: _____

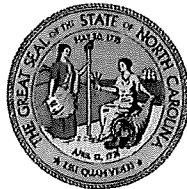
Signature: _____

ATTEST:

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

RICHARD E. ROGERS, JR.
Director



NORTH CAROLINA
Environmental Quality

February 16, 2023

Scott Kidd, Town Manager
Town of Liberty
P.O Box 1006
Liberty, NC 27298

Subject: LWSP Meets Minimum Criteria
Town of Liberty
PWSID#: 02-76-025
Randolph County

Dear Mr. Kidd,

This letter is to notify you that our staff has reviewed the information contained in the 2022 Local Water Supply Plan (LWSP) update submitted by your office. Since all the required information is complete, the LWSP for the Town of Liberty hereby meets the minimum criteria established in North Carolina General Statute 143-355 (l).

Your water system's 2022 LWSP is now viewable online from the LWSP website found at https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/search.php. The plan has been made available after our best efforts to screen any errors. As a final check, please review and report any mistakes or omissions to the review engineer. Unless notified otherwise, the Division of Water Resources considers your 2022 LWSP complete.

The 2022 LWSP must next be adopted by your water system's governing board; a model LWSP resolution is available online on the right side of the page in the Forms and Docs section at: https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/learn.php. A copy of the signed resolution must be submitted to Linwood Peele, Water Supply Planning Section Supervisor, at the address printed at the bottom of this letter. The LWSP cannot be considered compliant with the requirements of NCGS 143-355(l) until an adopted resolution is received.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Vardry E. Austin at vardry.austin@ncdenr.gov or (919)707-9002, or Linwood Peele at linwood.peele@ncdenr.gov or (919) 707-9024, if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Linwood E. Peele".

Linwood E. Peele, Supervisor
Division of Water Resources
NCDEQ



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1611 Mail Service Center | Raleigh, North Carolina 27699-1611
919.707.9000

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

Agenda Item Cover Sheet

Meeting Date:	March 20, 2023
Item:	Manager's Report

Attachment:	No
-------------	----

Brief Description:

<ul style="list-style-type: none">○ Audit Update○ RFQ Engineer ASADRA
--

Staff Recommendation:

Receive Report and Discuss
