

207 West Second Street
Post Office Box 519
Kenly, North Carolina 27542



Telephone: (919) 284-2116
Fax: (919) 284-5229
Website: www.townofkenly.com

August 8, 2022
Regular Town Council Meeting
Agenda

1. CALL TO ORDER

- Call to Order – *Mayor Herbert Hales, II*
- Invocation – *Council Member Keith Hales*
- Pledge of Allegiance – *Mayor Herbert Hales, II*

2. PUBLIC COMMENT

This portion of the meeting is an opportunity for citizens to speak on any issue concerning the Town of Kenly. Please note that each citizen is limited to a total of 3 minutes. Please direct all comments/concerns to the entire council rather than individual members. Further, it should be noted that the Town Council reserves the right to not act on items first presented at this meeting.*

**This time may be adjusted based on the number of citizens who wish to speak.*

3. ADJUSTMENT/ADOPTION OF THE AGENDA

- a. Adjustments to the Agenda
- b. Adoption of the Agenda

POTENTIAL ACTION: Adoption of Agenda

4. CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Board may request to have an item removed from the consent agenda for further discussion.)

- a. Draft Minutes
 - July 11, 2022
- b. Certificate of Sufficiency - Annexation # 1-2022
 - Phase II – Cottonfield Subdivision – Parcel #03Q02010E
- c. Set Public Hearing for September 12, 2022 - Rezoning
 - Parcel #03R01032
- d. Set Public Hearing for September 12, 2022 - Consider Revision to Town of Kenly UDO
 - Section 159.203 – General Use Districts

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Issuance of Oath to Interim Town Clerk
Presenter: Mayor Herbert Hales, II

7. PUBLIC HEARINGS

- a. Annexation #01-2022
- Phase II – Cottonfield Subdivision – Parcel #03Q02010E
- Presenter:* Dale Holland, Interim Planning Director

POTENTIAL ACTION: Adoption or Denial of Ordinance #022-07-01

- b. Zoning – R-11
- Phase II – Cottonfield Subdivision – Parcel #03Q02010E
- Presenter:* Dale Holland, Interim Planning Director

POTENTIAL ACTION: Adoption or Denial of Ordinance #2022-07-02

8. NEW BUSINESS

- a. Advertising of Public Hearings Discussion
- Presenter:* Dale Holland, Interim Planning Director

9. OLD BUSINESS

10. TOWN MANAGER / STAFF REPORTS

- a. Town Manager
- Presenter:* Justine Jones, Town Manager
- Update on Utility Billing Mailing
- b. Town Clerk
- Presenter:* Kimberly A. Moffett, Interim Town Clerk
- Proposed Utility Billing Adjustments
- d. Town Attorney

11. OTHER BUSINESS

- a. Informal Discussion
- b. Council Member Comments

12. CLOSED SESSION

13. ADJOURNMENT

- a. Adjourn the Meeting

POTENTIAL ACTION: Motion to Adjourn

2022. Motion was made by Mayor Pro-Tem, second by Councilman Henderson to set the public hearing on August 8, 2022. Motion carried 5-0.

- **Manager Comments.** Manager Jones told Council each month department heads would be giving reports on what's going on in their department. The website is currently being updated. She is assessing the effectiveness of operations, will advertise the Parks and Recreation Director and Parks maintenance position. There is a meeting on July 13, 2022, with the representative of Laserfiche. This company scans documents and stores them. National Night Out will be scheduled in August. A part-time Planning position is needed. Manager Jones said she plans to see if the part-time code enforcement officer would take this position also. The Town's Land Use Plan and UDO plan needs to be in place by 7-1-23. She is also implementing a purchase policy.
 - **Department Head Reports.** Library-Leigh Gotshall. The Library has two part-time ladies, Libby Mozingo and Sue Hicks. Activities include Summer Reading Programs, Adult Book Club, Knitting/Crocheting club, story times and horse and buggy rides. Two computers were purchased along with 8 new chairs. The door count is increasing since COVID with the highest being 810 patrons. Public Works-John Pitts. The water tank project had a surplus of around \$300,000. With that money, we have purchased new computers, new meter software, asphalt roller, residential meters, 4inch meters, 6inch meters and 2inch meters, a mower, valves for fire hydrants and a fence at the water tank. We have an AIA grant for water and sewer, 347 ft of sewer lines replaced, 13 sewer cleanouts, 9 water/sewer taps, Nitrogen is under control and there were no NOV's last year. Police Department-Josh Gibson. Kenly PD worked through COVID, had 3 officers to resign, low crime rate, worked a sex trafficking case on a 12-year old girl with SBI, drug cases, federal counterfeit check ring, robberies, juvenile problems, and currently working a death investigation with a train with the SBI.
- **Council Comments.** Mayor Pro-Tem Smith, said in the May 9, 2022 closed session minutes, it was stated the he made the motion to offer the Town Manager job to Justine Jones. Mr. Smith said he didn't make that motion and the vote was 4-1, not unanimous. Mr. Smith asked how was the hiring of police officers going. Chief Gibson said there was 1 interview scheduled. Mr. Smith said we need officers bad and need to get this done.
- **Closed Session.** Mayor Hales asked for a motion to go into closed session to discuss a personnel matter. Motion was made by Mayor Pro-Tem Smith, second by Councilman Peele. Motion carried 5-0. 7:36pm. Motion was made by Mayor Pro-Tem Smith, second by Councilwoman Neal to adjourn the closed session. No Action taken. Motion carried 5-0 at 8:38pm.

Respectfully submitted,

Sharon Evans, Town Clerk

Council Member

Tooie Hales, Mayor



STAFF REPORT – AGENDA ITEM 4B

TO: Mayor and Town Council

SUBMITTED BY: Kimberly A. Moffett, Interim Town Clerk

SUBJECT: Certificate of Sufficiency

DATE: August 8, 2022

SUMMARY STATEMENT: Attached please find Certificate of Sufficiency with reference to Annexation #01-2022 – Cottonfield Subdivision, Phase II.

ANNEXATION PETITION #1-2022
Cottonfield Subdivision Phase 2
Parcel: O3Q02010E
Owners: Dee's Construction LLC / G. Thomas Dees Jr.
Non Contiguous; 39.34 +/- acres

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Kenly, North Carolina:

I, Kimberly A. Moffett, Interim Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with 160A-58(c).

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Kenly, this the 8th day of August, 2022 while in regular session.

Kimberly A. Moffett, CMC, NCCMC
Interim Town Clerk



STAFF REPORT – AGENDA ITEM 4C

TO: Mayor and Town Council

SUBMITTED BY: Dale Holland, Planning Department

SUBJECT: Schedule a Public Hearing for the rezoning of Parcel #03R01032 to R-6.

DATE: August 8, 2022

SUMMARY STATEMENT: The parcel is currently split zoned with one-half R-6 and one -half R-11. A public hearing should be scheduled for the September 12, 2022, Town Council Meeting.

REVIEW: This request has not been previously acted upon by the Town of Kenly.

RECOMMENDATION: The Planning Board unanimously recommended at its July 21, 2022, meeting that property, in its entirety, be zoned R-6.

ATTACHMENT(S) : Parcel map is attached.



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Result 1

id: 03R01032

Tag: 03R01032

NCPin: 265720-81-7409

Mapsheet No: 265720

Owner Name 1: CLAIRE PROPERTIES, LLC

Owner Name 2:

Mail Address 1: 2256 CROCKERS NUB RD

Mail Address 2:

Mail Address 3: MIDDLESEX, NC 27557-8740

Site Address 1: 416 S GARDNER AVE

Site Address 2: KENLY, NC 27542-

Book: 05672

Page: 0775

Market Value: 15530

Assessed Acreage: 0.330

Calc. Acreage: 0.336

Sales Price: 14500

Sale Date: 2020-08-14

Scale: 1:2515 - 1 in. = 209.58 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)





STAFF REPORT – AGENDA ITEM 4D

TO: Mayor and Town Council

SUBMITTED BY: Dale Holland, Planning Department

SUBJECT: Schedule a Public Hearing to consider a revision to Section 159.203 of the Town of Kenly UDO, General Use Districts.

DATE: August 8, 2022

SUMMARY STATEMENT: The Town of Kenly has received inquiries concerning the need for flexibility to reduce the lot size in the R-6 zoning district. In response, the Planning Department drafted a proposed amendment to Section 156.203 of the UDO, which would allow limited subdivision of some R-6 zoned parcels.

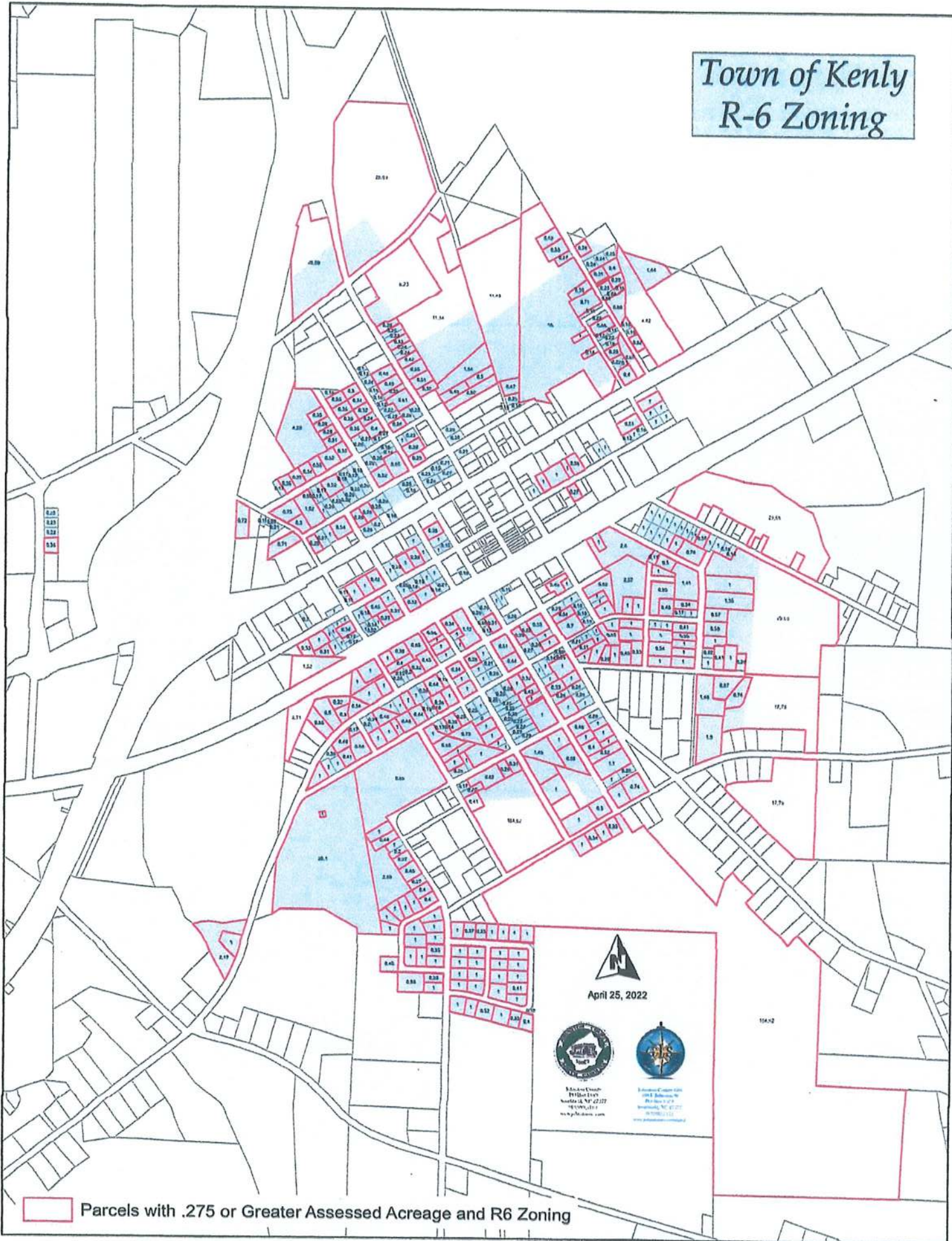
REVIEW: The proposed UDO text amendment was reviewed by the Planning Board on July 19, 2022. The proposed text amendment is attached. There was concern expressed about the 5,500 minimum lot size and the minimum lot frontage of 50 feet.

It should be noted that the R-6 zoning district currently has a minimum lot frontage of 50 feet. In addition, numerous existing lots contain less than the required 11,000 square feet.

RECOMMENDATION: The Planning Board, recommended by a four-to-three vote, to schedule a public hearing and approve this proposed text amendment.

ATTACHMENT(S) : The proposed text amendment is attached.

Town of Kenly R-6 Zoning



April 25, 2022



Planning Commission
1001 S. Highway 96
Kenly, NC 27127
www.planning.com

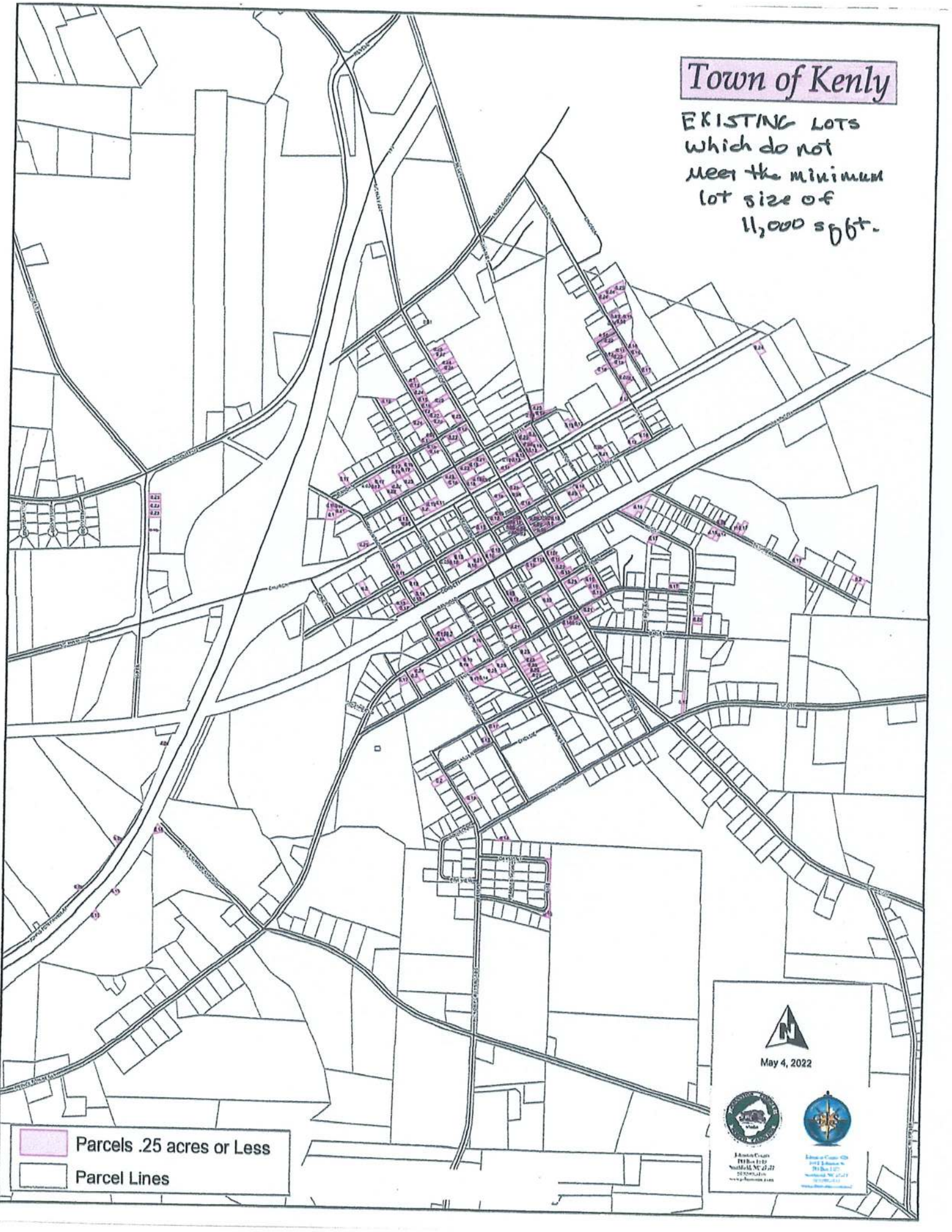




Town of Kenly
1001 S. Highway 96
Kenly, NC 27127
www.townofkenly.com

Parcels with .275 or Greater Assessed Acreage and R6 Zoning

Town of Kenly

EXISTING LOTS
which do not
meet the minimum
lot size of
11,000 sqft.



 Parcels .25 acres or Less
 Parcel Lines


May 4, 2022

Johnston County
1000 S. 10th St.
Smithfield, NC 27577
www.johnston.com

Johnston County GIS
1012 Johnson Ave.
PO Box 1207
Smithfield, NC 27577
www.johnston.com



STAFF REPORT – AGENDA ITEM 5A

TO: Mayor and Town Council

SUBMITTED BY: Kimberly A. Moffett, Interim Town Clerk

SUBJECT: Oath

DATE: August 8, 2022

SUMMARY STATEMENT: Attached please find Oath of Office to be administered to Interim Town Clerk. Mayor Hales will administer the oath.

Town of Kenly
Johnston County, NC

Oath of Office

Interim Town Clerk

I, Kimberly A. Moffett, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

Kimberly A. Moffett

Oath issued this the 8th day of August 2022.

Herbert Hales, II
Mayor
Town of Kenly



STAFF REPORT – AGENDA ITEM 7A

TO: Mayor and Town Council

SUBMITTED BY: Dale Holland, Planning Department

SUBJECT: Public Hearing – Voluntary Annexation of Parcel #O3Q02010E – Cottonfield Subdivision Phase II

DATE: August 8, 2022

SUMMARY STATEMENT

Following conclusion of the Public Hearing, action is required by Town Council to either approve or deny the petition for annexation. If the petition is approved, the Town Council must set a date for the annexation to be effective immediately.

REVIEW:

The petition for annexation was submitted on April 25, 2022. The ownership of the property to be annexed has been certified. The item was duly noticed by advertisement in The Johnstonian.

At the public hearing, only owners of the property with the area of the annexation have standing.

RECOMMENDATION:

The Planning Board reviewed the request at their June 21, 2022 meeting and recommended approval of the annexation of the property.

A map of showing the area to be annexed is attached.

Ordinance #2022-07-01

An Ordinance to Extend the Corporate Limits of the Town of Kenly, North Carolina

WHEREAS, the Town Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Kenly Town Hall at 7:00 p.m. on August 8, 2022 after due notice by The Johnstonian; and

WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Kenly;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Kenly;

c. The area described is so situated that the Town of Kenly will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Kenly; and

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Kenly and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Kenly, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Kenly, as of August 8, 2022.

Section 2. BEGINNING at an iron stake in the right of way of North Carolina Secondary Road No 2163, said stake being South 72 degrees 31 minutes West 31.80 feet from an iron stake located in the eastern right of way of said Secondary Road, also a common corner of the Everett Holland and Atsy Long Properties, and running thence with the southern line of the Everett Holland property North 72 degrees 31 minutes East 1529.65 feet to an iron stake within the right of way of North Carolina Secondary Road No. 2159; thence with the centerline of the right of way of North Carolina Secondary Road South 7 degrees 51 minutes East 764 feet to a point; thence continuing down Road South 10 degrees 24 minutes East 304 24 feet to a point; thence continuing down said Road South 25 degrees 49 minutes East 345.05 feet to a point; thence continuing down said road South 15 degrees 652.32 feet to a point; thence crossing the western portion of the right of way of North Carolina Secondary Road No. 2519 and with the line of Simon Barnes and Marvin Tedder properties North 83 degrees 10 minute West 2072 feet to an iron stake, a corner of the Atsy Long property; thence with the Atsy Long line North 4 degrees 58 minutes East 1293.6 feet to an iron stake, the point of BEGINNING, containing 64.80 acres, more or less, as more particularly described according to plat of Property of Henry Alton Howes by Ragsdale Engineers, dated March 22, 1868, to which reference is hereby made for a more particular description and being the same tract of land conveyed to Henry H. Howes and wife, Rosalyn H. Howes, by deed from Robert A.

SECTION 3.

That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

Duly adopted this 8th day of August, 2022, while in regular session.

Herbert Hales II
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Interim Town Clerk



STAFF REPORT – AGENDA ITEM 7B

TO: Mayor and Town Council

SUBMITTED BY: Dale Holland, Planning Department

SUBJECT: Request for Public Hearing for the zoning of parcel #03Q02010E to R-11.

DATE: August 8, 2022

SUMMARY STATEMENT

The property is outside of the Town's ETJ and is not currently zoned by the Town. The property is proposed for voluntary annexation. If annexed, the property must be zoned under the Town of Kenly UDO.

REVIEW:

The zoning request was reviewed on June 21, 2022, by the Planning Board. No opposition to the R-11 zoning was voiced.

RECOMMENDATION:

The Planning Board unanimously recommended zoning of the property to R-11.

ATTACHMENT(S)

A map of the area to be zoned R-11.

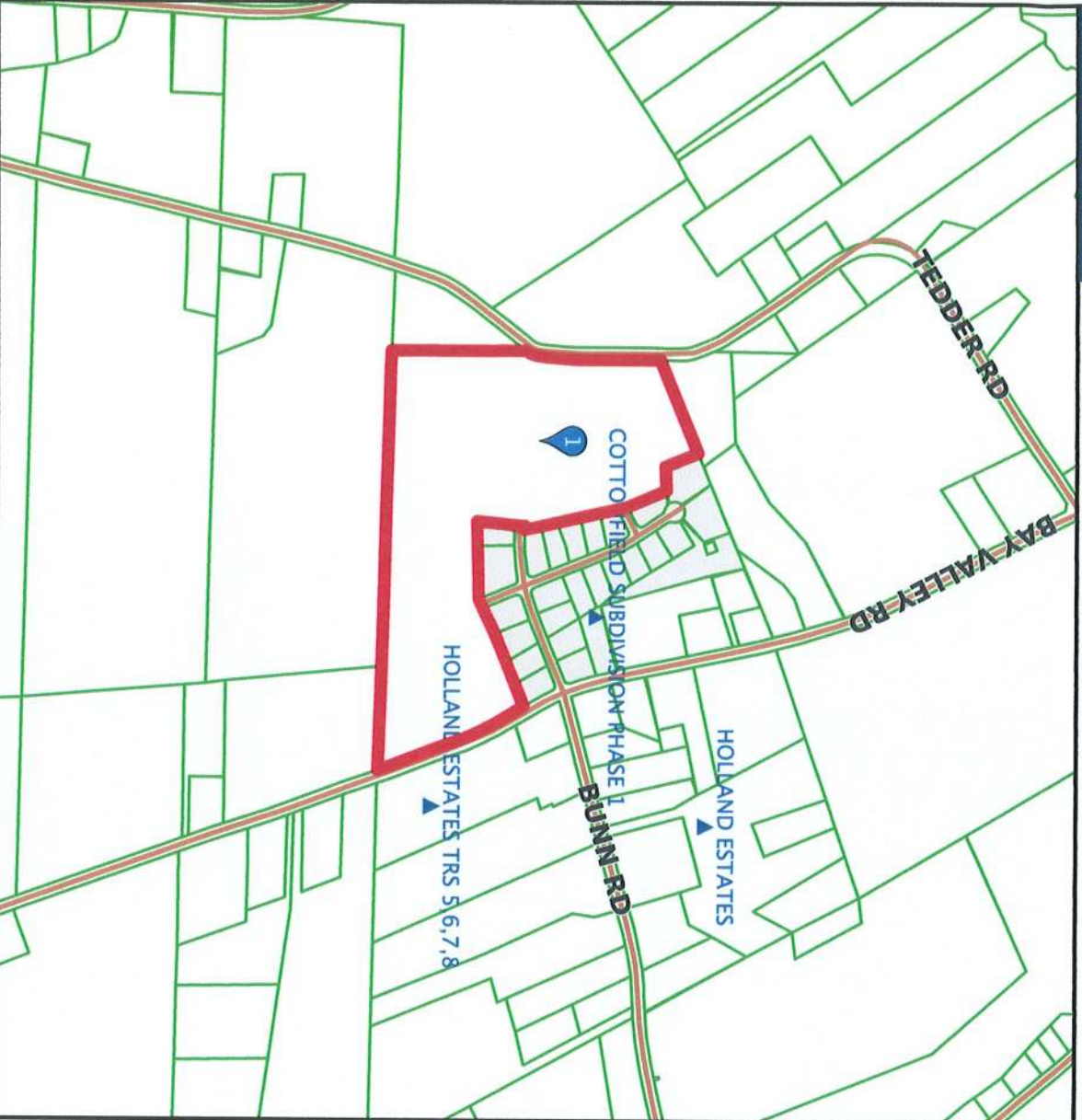


Johnston County assumes no legal responsibility for the information represented here.

*** DISCLAIMER ***

Result 1

id: 03Q02010E
Tag: 03Q02010E
NCPin: 265700-37-4332
Mapsheet No: 2657
Owner Name 1: DEES CONSTRUCTION LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 400
Mail Address 3: FOUR OAKS, NC 27524-0400
Site Address 1: 1131 BAY VALLEY RD
Site Address 2: KENLY, NC 27542-
Book: 06235
Page: 0637
Market Value: 154230
Assessed Acreage: 41.010
Calc. Acreage: 39.340
Sales Price: 400000
Sale Date: 2022-04-14



Scale: 1:10060 - 1 in. = 838.33 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

**ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP
OF THE TOWN OF KENLY, NORTH CAROLINA**

WHEREAS a petition has been filed with the Town Council of the Town of Kenly requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Kenly to include in the R-11 one the property described below; and

WHEREAS said property is owned by Dees Construction LLC; and

WHEREAS the Planning Board of the Town of Kenly has reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in The Johnstonian, a local newspaper, as required Section 160D-602 of the North Carolina General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings and to the owners of all parcels of land abutting (that) those parcel(s) of land within 100 feet of the subject parcel(s) of land as shown on the County Tax listings, by depositing a copy of the same in the United States Mail, first class postage as required by Section 160A-384 of the General Statutes;

WHEREAS the said public hearing was actually conducted at 7:00 p.m. on August 8, 2022 wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

THEREFORE, after duly considering the matter, THE TOWN COUNCIL OF THE TOWN OF KENLY DOES HEREBY ORDAIN:

SECTION 1. That the Unified Development Code of the Town of Kenly is hereby amended to include in the R-11 zone the following described property:

General Description:

Bay Valley Road

Specific Description:

NC Parcel TAG Number: O3Q02010E

SECTION 2. That the official Town of Kenly Zoning Map is hereby amended to include in the R-11 zone the above-described property and will be so marked.

Spence, Commissioner, dated March 27 1968 and recorded in Book 665, Page 551, Johnston County Registry.

LESS AND EXCEPT: from the above described tract 1.5 acre tract conveyed to Melba F. Balance by deed dated March 5, 1987, recorded in Book 1044, Page 226, Johnston County Registry, the 0.13 acre tract conveyed to Melba F. Balance by deed dated March 16, 1987, recorded in Book 1945, Page 475, Johnston County Registry, and the 4.83 acre tract conveyed to Bobby C. Coker and wife, Janice I. Coker, dated March 16, 1987 recorded in Book 1046, Page 643, Johnston County Registry.

LESS AND EXCEPT: All that tract of land containing 17.30 acres, more or less, and also known as Cottonfield Subdivision Phase 1, containing Lots 1-27, as shown on a map entitled "Cottonfield Subdivision, Phase 1", dated 10-20-06, prepared by Jimmy C. Barbour, PLS and recorded in Plat Book 70, Page 139-141, Johnston County Registry.

Upon and after August 8, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Kenly and shall be entitled to the same privileges and benefits as other parts of the Town of Kenly. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Kenly shall cause to be recorded in the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, and accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Johnston County Board of Elections as required by G.S. 163-288.1.

Duly adopted this the 8th day of August, 2022 while in regular session.

Mayor's Signature

APPROVED AS TO FORM:

Town Attorney's Signature

ATTEST: _____
Clerk's Signature



STAFF REPORT – AGENDA ITEM 8A

TO: Mayor and Town Council

SUBMITTED BY: Dale Holland, Planning Department

SUBJECT: Authorize Town Staff to schedule and advertise public hearings for planning related matters.

DATE: August 8, 2022

SUMMARY STATEMENT: There has not been any known procedure by the Town Council to identify who should schedule and advertise required public hearings. The responsibility should be clarified.

REVIEW: The Town Planning Staff requests Town Council approval to schedule and advertise public hearings. Such approval would expedite the process and save applicants time and expense.

The negative aspect of the staff scheduling the public hearing is that the hearing could be scheduled on a date which would not be convenient for the Town Council.

RECOMMENDATION: Town staff recommends approval of this request.

ATTACHMENT(S): None.