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**September 12, 2022 – 7:00 p.m.  
Regular Town Council Meeting  
Minutes**

**COUNCIL PRESENT:**

Herbert Hales II, Mayor  
Mark Smith, Mayor Pro Tem  
Keith Davis, Council Member  
Bobby Peele, Council Member  
Trinity Henderson, Council Member

**STAFF PRESENT:**

Tony Sears, Interim Town Manager  
Kimberly Moffett, Interim Town Clerk  
Dale Holland, Interim Planning Director  
Marcus Burrell, Town Attorney

**COUNCIL ABSENT:**

Lawanda Neal, Council Member

**1. CALL TO ORDER**

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

Mayor Hales called the meeting to order at 7:02 p.m. Council Member Davis offered the Invocation and Mayor Hales led everyone in the Pledge of Allegiance.

**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.*

Mr. George Ayred owner/operator at Guest Room was present and shared his concerns about injustices or perceived injustices. He stated that he has prayed about the world and all that has been taking place in the town. He is concerned about relationships and reconciliations. He would hope to bring peace and hope to our community.

Ms. Denise Bennett was present. She stated she was native of Kenly. She shared her concerns about reasons for people to lose their jobs. She was concerned about the firing of Ms. Jones based upon the reason of her "not being a good fit". She stated the community deserves more information. She shared information about the statement of the firing and then referred back to full investigation regarding the charges of a toxic environment. She was very concerned about the complexions of those who lied and the person who was fired. She stated without information people will fill that void on their own. She shared that she felt that a great opportunity was missed. She further stated that believed the council knew in their hearts they didn't make the right decision. She asked how many council members took the opportunity to personally speak with Ms. Jones following the mass resignations, to offer their support. She felt if they did not at least do that, they were no better than those who lied to get Ms. Jones out of the way. She asked why it was so important for those who lied to get Ms. Jones out of the way. It begs the

- Tony Sears – Interim Town Manager

Mayor Hales issued the Oath of Office to Tony Sears, Interim Town Manager.

## 6. PUBLIC HEARINGS

### a. Rezoning – R-20 & R-6 to R6

- 416 S. Gardner Avenue

*Presenter:* Dale Holland, Interim Planning Director

Mr. Holland shared information about the proposed rezoning request. He stated the lot is currently split zoned and it needs to be zoned into one zoning district. This will allow the owner to move forward with any plans. He stated the Planning Board recommended approval. He further stated the requested rezoning is consistent with land use plan. There was brief discussion about the allowed uses in R-6 Zoning. It was stated there is not currently water/sewer at this location. Mr. Pitt stated it was available, but not currently there. It was stated sewer lines may need to be extended.

**ACTION:** Adoption of Ordinance #2022-09-01

Motion: Council Member Smith  
 Second: Council Member Henderson  
 Vote: Unanimous

### b. Rezoning – B-2 to R-6

- Bay Valley Road – Parcel #03q03034Y

*Presenter:* Dale Holland, Interim Planning Director

Mr. Holland shared information about the proposed rezoning request. Property is located at the southeast corner of Bay Valley Road. Mr. Holland stated request is to rezone from B-2 to R-6. He stated property directly across the street is zoned R-6. It is consistent with residential zoning in the area and comprehensive plan. He reminded it would allow for any use within the R-6 zoning. Planning Board recommends approval.

Mr. Dale Moore, JC Economic Development Kenly Board Member, was present and shared his concerns about the proposed rezoning. He stated rezoning a prime piece of commercially zoned property is not in best interest of the town. He stated it was very important that this property not be rezoned. He stated a plan had been underway with Johnston County, NC Department of Transportation and other officials. Mr. Moore stated that prior to this evening, Mr. Holland was not aware of this situation. Mr. Holland stated he did not believe this was consistent with the Comprehensive Plan.

Mr. Mark Jones, JC Economic Development, was present. He stated the proposed project is a 135-acre project. He stated he would like to be able to make an announcement shortly about this proposed project. He stated this project would create numerous job opportunities. He stated it was the responsibility of the JC Economic Development Office to share information with council about potential projects that would have a significant economic development impact. He further stated this site has prime opportunity.

Mr. Moore stated that Kenly only has a few premium sites for commercial development. Mr. Moore stated losing this site to a rezoning would mean that we might lose this opportunity. Mr. Moore requested the rezoning not be approved.

Mr. Sears asked that this item be returned to the Planning Board.

**ACTION:** No Action Taken – Item Will be Returned to Planning Board

**7. NEW BUSINESS**

- a. Stormwater Funding Resolution - Grant Application for Stormwater Study  
*Presenter:* Michael McAllister, Principal Project Manager – Municipal Engineering

Mr. Sears presented this item. He stated the Resolution would allow for grant funding application regarding stormwater. The proposed grant is for \$400,000.

**ACTION:** Adoption of Resolution #2022-03

Motion: Council Member Henderson  
Second: Council Member Peele  
Vote: Unanimous

- b. Resolution Authorizing Deputy Finance Officer – Bank Signatory  
*Presenter:* Tony Sears, Interim Town Manager

This Resolution will authorize Mr. Sears to become a bank signatory on all bank accounts and will include access to on-line services.

**ACTION:** Adoption or Denial of Resolution #2022-04

Motion: Council Member Smith  
Second: Council Member Henderson  
Vote: Unanimous

- c. Resolution Preliminary Authorization of Sewer Capacity  
*Presenter:* Dale Holland, Interim Planning Director

Mr. Holland presented this item. He stated this request is for preliminary authorization for sewer capacity for Cottonfield Phase II. He provided background and history. The property was recently annexed and the applicant requested capacity. Mr. Holland stated he advised that he felt confident was that unless the state first approved the request then the town would not be able to grant said request. The applicant has reached out to NCDEQ. Mr. McAllister, municipal engineer, was contacted by the applicant's engineer and it was stated we have the capacity to commit the requested amount. However, if they cannot get approval from the state, there would be no project to move forward. Applicant is requesting contingent allocation upon approval from the state.

Mayor Pro Tem Smith shared his concerns. Mr. Holland stated that the plans for Cottonfield Phase II has yet to be submitted. Mayor Hales stated he would like to see additional stipulations prior to council approval.

There was discussion regarding the size of the proposed project, which includes 182 plus homes and the request for sewer capacity was for 22,340.

Mr. Holland stated that prior to the state approving the application there were numerous tests that would be required to take place.

Mayor Pro Tem asked who would pay for these tests. Mr. Holland stated the applicant would be responsible, however the town would have engineering costs involved.

Mr. Sanderson, Sanderson Engineering, was present to represent the applicant. He provided details about the project and capacity. He provided details about gallons per minute that are being pumped.

Council Member Davis asked if there would be an increase in school enrollment.

Mr. Sanderson stated the applicant was nervous to spend \$200,000 + without knowing he had sewer capacity available.

Mayor asked if a time limit could be placed on sewer allocator. Mr. Sanderson stated he was hoping to go to construction in 2024. There was discussion regarding current economic situation.

Mr. Sears asked about proposed time frame. Mr. Sanderson stated he felt a 10-year time frame would be more than fair. Mr. Sears asked if they were open to a 5-year time frame with a 5-year renewal. Mr. Sanderson stated that was very fair. It was agreed the attorney would draft such language. All contingent upon state approval.

Citizen asked if residents would see increase to their bills. Mr. Sears stated that would not be the case.

**ACTION:** Table for Additional Information/Consider at October Council Meeting

Motion: Council Member Smith  
Second: Council Member Henderson  
Vote: Unanimous

**8. OLD BUSINESS**

**9. TOWN MANAGER / STAFF REPORTS**

a. Town Manager

**Utility Bill Adjustments:**

- 108A Railroad Avenue
- 410 East First Street

Mr. Sears presented and provided additional information about these utility billing adjustments.

**ACTION:** Approval of Request Utility Billing Adjustments as Presented

Motion: Council Member Davis  
Second: Council Member Peele  
Vote: Unanimous

- b. Town Clerk
- d. Town Attorney

**10. OTHER BUSINESS**

- a. Informal Discussion
  
- b. Council Member Comments

Mayor Hales spoke about the audit and not wanting to jeopardize grant funding. The Mayor further stated there may be a need to hold special meeting for approval of audit.

Mayor Hales requested that late fees for utility bills this month be postponed by an additional 10 days. Mr. Sears suggested that late fees will be applied on September 19.

**ACTION:** Approval of Request Extension of Date for Utility Bill Late Fees

Motion: Council Member Henderson  
Second: Council Member Peele  
Vote: Unanimous

**11. CLOSED SESSION**

- a. Closed Session Pursuant to NCGS 143.318.11(a)(3)

**ACTION:** Motion to Go into Closed Session at 8:33 p.m.

Motion: Council Member Smith  
Second: Council Member Davis  
Vote: Unanimous

**12. ADJOURNMENT**

- a. Adjourn the Meeting

Council returned from closed session at 9:22 p.m.

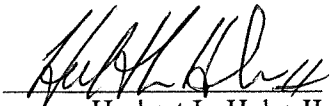
With there being nothing further, the meeting was adjourned at 9:22 p.m.

**ACTION:** Motion to Adjourn

Motion: Council Member Henderson  
Second: Council Member Davis  
Vote: Unanimous

Duly adopted this the 10<sup>th</sup> day of October, 2022 while in regular session.



  
Herbert L. Hales II  
Mayor  
Town of Kenly