

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



Telephone: (919) 284-2116  
Fax: (919) 284-5229  
Website: [www.townofkenly.com](http://www.townofkenly.com)

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

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**COUNCIL PRESENT:**

Herbert Hales II, Mayor  
Mark Smith, Mayor Pro Tem  
Keith Davis, Council Member  
Bobby Peele, Council Member  
LaWanda Neal, Council Member

**STAFF PRESENT:**

Tony Sears, Interim Town Manager  
Tymeeka Williams, Town Clerk  
Marcus Burrell, Town Attorney Partner

**COUNCIL ABSENT:**

Trinity Henderson, 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 7:01 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.*

**No Public Comments**

**3. ADJUSTMENT/ADOPTION OF THE AGENDA**

- a. Adjustments to the Agenda

\*Tony Sears made a motion to adjust the agenda and add the Planning Board applicants to New Business\*

\*Tony Sears made a motion to adjust the agenda to include the Audit in Old Business\*

- b. Adoption of the Agenda

**ACTION:** Motion to adopt the Agenda as Presented (with adjustments)

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

#### 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

- November 14, 2022 – Regular Session
- November 14, 2022 – Closed Session\*
- November 30, 2022 – Regular Session
- November 30, 2022 – Closed Session \*

*\*closed Session DRAFT minutes were provided to council in a sealed envelope and following the meeting they were returned to the Town Clerk for destruction.*

**ACTION:** Adoption of Consent Agenda as Presented

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

#### 5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. ➤ NONE

#### 6. PUBLIC HEARINGS

a. Special Use Permit -416 S. Gardner Avenue – **Quasi-Judicial**  
*Presenter:* Dale Holland, Interim Planning Director

*A quasi-judicial hearing resembles a court trial where testimony is presented. Citizens may give testimony in a quasi-judicial hearing after they have taken an oath. Town Council acts like a court of law and receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented. The Town Council refrains from "ex parte communication" about these cases, as the Town Council must decide based solely on the evidence presented at the hearing itself.*

Attorney Burrell gave notice that LLCs need to have an attorney present at Quasi-Judicial meetings. They can't represent themselves and can be charged with a Felony.

**ACTION:** Item set aside for Town Council Meeting January 2023 meeting

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

#### 7. NEW BUSINESS

a. Planning Board Applicants

There are 8 citizens that would like to be appointed to the Planning Board:  
Tom Gregorski; Josia Jackson; Chris Manning; Joann Medlin; Patricia M Shaw; Mark Smith; Jamey Wilkinson & Tom Wood

There can only be 7 members on the Planning Board including the Planning Board Director (Dale Holland) and one staff Member (Janie Holland). The terms for the board members are to be staggered in length. 3 members will serve 3 years; 2 members will serve 2 years and 2 members will serve 1 year. Board members will be chosen by Town Council members.

**ACTION:** Item set aside for Town Council Meeting January 2023

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

## 8. OLD BUSINESS

- a. Audit Update  
*Presenter:* Tony Sears, Interim Town Manager

**ACTION:** Informational Only

Audit scheduled to begin on January 6th and to be completed by S. Preston, Douglas and Associates. The cost of the audit will be \$22,500.00.

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

## 9. TOWN MANAGER / STAFF REPORTS

- a. Town Manager
  - *Utility Bill Adjustment Document*

Mr. Sears reported on two sewer utility adjustments as follows:

- 202 E Baily Avenue- Recommended Adjustment of \$220.21
- 707 E Second Street- Recommended Adjustment of \$193.58

**ACTION:** Approval of Adjustment(s) as Requested

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

- b. Town Clerk

N/A

- c. Town Attorney  
N/A

## 10. OTHER BUSINESS

- a. Informal Discussion  
N/A
- b. Council Member Comments

Council member Peele praised the staff with the Town of Kenly for the 2022 Christmas Parade. There was talk about how well the parade was executed. The participants and lineup were well organized. The spectators and citizens were very pleased with the parade and it was the talk of the town.

## 11. CLOSED SESSION

- a. Closed session pursuant to NCGS 143-318.11 (a)(3) & NCGS 143-318.11 (a)(6)

Council went into Closed session at 7:20p.m.

**ACTION:** Motion to go into Closed Session

Motion: Council Member Smith

Second: Council Member Peele

Vote: Unanimous

## 12. ADJOURNMENT

- a. Adjourn the Meeting

Council returned from Closed Session at 8:07 p.m.

With there being nothing further, the meeting was adjourned at 8:10 p.m.

**ACTION:** Motion to Adjourn

Motion: Council Member Davis

Second: Council Member Peele

Vote: Unanimous

Duly adopted this the 9th day of January, 2023 while in regular session.

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Herbert L. Hales II  
Town of Kenly Mayor