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**March 13, 2023 – 7:00 p.m.
Regular Town Council Meeting
Minutes**

COUNCIL PRESENT:

Herbert Hales II, Mayor
Bobby Peele, Council Member
Keith Davis, Council Member
LaWanda Neal, Council Member

STAFF PRESENT:

Tony Sears, Interim Town Manager
Tymeeka Williams, Town Clerk
James Ayers, Police Chief
G. Paul Whitehurst, Fire Chief
Marcus Burrell, Town Attorney Partner
Dana Youst, Parks & Recreation Director
John Pitts- Public Works Director
Leigh Gotshall- Librarian

COUNCIL ABSENT:

Mark Smith, Mayor Pro Tem

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 7:00 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.***

1. George Avant from KAM (Kenly Area Ministries) announced Easter events for the Town. Sunrise Service, Easter Egg hunt. Free to the Public; All are Welcome
2. Eddie Radford; 405 Church Street Kenly NC wants to sell his property but wants the town to consider rezoning the area in order for the property to be more appealing to potential buyers.

3. ADJUSTMENT/ADOPTION OF THE AGENDA

- a. Adjustments to the Agenda: Closed Session pursuant to 143-318.11 (a)(5)
- b. Adoption of the Agenda
ACTION: Motion to Adopt Agenda as Presented
Motion: Council Member Davis
Second: Council Member Peele
Vote: Unanimous (3-0)

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.)

1. Draft Minutes
 - March 13, 2023 – Regular Session
 - March 13, 2023 – Closed Session*

ACTION: Adoption of Consent Agenda as Presented
Motion: Council Member Neal
Second: Council Member Davis
Vote: Unanimous (3-0)

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Introduction & Oath – Dana Youst; Parks and Recreation Director
Presenter: Tony Sears, Interim Town Manager /
 - Dana comes from The City of Raleigh Parks and Recreation Department after 18 years where she was the Community Coordinator for Programs for Middle and High School Programs. She has a passion for Youth and Senior Citizens. She wants to develop a Kenly Youth Council and a Senior Citizens Club.

6. PUBLIC HEARINGS

1. Text Amendment – Code of Ordinance
 - Section 156.202

Presenter: Dale Holland, Interim Planning Director

Attachments:

 - Staff Report
 - Application
 - Map
 - Newspaper Advertisement
 - Ordinance

**** Meeting entered Public Hearing at 7:10pm****

ACTION: Findings of Fact
Motion: Council Member: Davis
Second: Council Member Peele

Allow automobile sales in the B2 district. Planning Board suggested it be denied. Residential/Commercial established before current UDO was established. Supportive of denial of request. Non-conforming, diversity businesses on 301. Two ways to address text amendment: Rezone Property (B3) allowed by right. Changing B2/B3; current zoning ordinances don't allow. Cease operations for 180 won't be allowed to continue operation.

Mayor: Business already set up as a car dealership; hard sale for any other business; traffic on I-95 will increase.

Patsy Poole (petitioner) says that this will be 2 separate business. Mechanic Shop and Car Sales; considerable improvement; will generate revenue and bring people to Kenly. The business is not an eye sore and will be kept decent and in order.

Eddie Radford (resident) 405 Church Street: if this amendment is allowed, he will be able to sale and have someone purchase his current property. Law offices are ready to move forward with the process.

Ellie Johnson (resident) 1067 Scotts Road: Several car lots in Kenly. Ready for public to purchase, will be presentable and have an impact to Kenly. Will be perspective prospects for other businesses and residents to Kenly.

Councilman Davis: Building structure needs work. Justification: Do for One; Do for All

ACTION: Adoption of Text Amendment; Ordinance 2023-03-01
Motion: Council member Peele
Second: Council member Davis
Vote: Unanimous (3-0)

2. Special Use Permit -300 S College 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.

Attachments:

- Application
- Map
- Newspaper Advertisement

Mark Hale: Attorney for sellers (**Kenly Community Church**) contract to sale property. Potential buyer of property **Mohammed Haleem (Applicant)**- Star Christian Academy. School is currently in Wilson’s Mills; 85 students; 25% of those students are from Kenly. School is growing and can’t take any more students. Would like to have 125/150 students enrolled and the building is the perfect size for the capacity. Operations K-12 Christian school; smaller setting to learn. Prospective buyers are former public-school teachers. They have 4 vehicles available to pick up and drop off students. They have a basketball team, tennis and Chess Clubs. Planning board voted unanimously to approve SUP. No negative evidence of the Findings of Facts. All have been met. Requires a single blanket motion.

**** Public Hearing Closed at 7:30pm****

ACTION: Motion to Close Public Hearing
Motion: Council Member: Davis
Second: Council Member Peele
Vote: Unanimous (3-0)

ACTION: Findings of Fact
Motion: Council Member: Davis
Second: Council Member Neal
Vote: Unanimous (3-0)

ACTION: Approval of Special Use Permit
Motion: Council Member Neal
Second: Council Member Davis

Vote: Unanimous (3-0)
**** Meeting entered Public Hearing at 8:00pm****

ACTION: Findings of Fact
Motion: Council Member: Davis
Second: Council Member Neal
Vote: Unanimous (3-0)

**** Public Hearing Closed at 8:03pm****
ACTION: Motion to Close Public Hearing

Motion: Council Member: Davis
Second: Council Member Neal
Vote: Unanimous (3-0)

3. FY19 COMMUNITY DEVELOPMENT BLOCK GRANT INFRASTRUCTURE (CDBG-I) PROGRAM

Presenter: Tony Sears, Interim Town Manager

Attachments:

- Map
- Website Advertisement

Monica Chevalier: WitherRavenel project manager; presented information concerning the CDBG Grant. The slip lining project on Sixth and Seventh street partially completed but postponed to ask for an extension. Reduction in scope due to time limitations. Intent moving forward. 1.9 million CDBG, NC-DENR; Public Hearing; Citizen Participation; Favorable bid process, prices for materials may increase as well as the price for labor. Funds are temporarily frozen until the 2022 audit is completed. There is a 6 month change order period. The Town of Kenly doesn't have enough capital to subsidize. There have been multiple auditors and staff transitions. The state doesn't give extensions for late audits. Paperwork for extension hasn't been submitted but needs to be completed by 03/31/2023. DWI encouraged Town of Kenly to submit extension.

POTENTIAL ACTION: INFORMATIONAL ONLY

7. NEW BUSINESS

1. Language Access Plan

Presenter: Tony Sears, Interim Town Manager

The purpose of the Language Access policy and plan is to ensure compliance with the Title VI of the Civil Rights Act of 1964 and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency. (LEP) In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the Town of Kenly must take adequate steps to ensure that their policies and procedures don't deny or have the effect of denying LEP individuals with equal access to benefits and services for which such person's quality. This policy and plan is effective March 13th, 2023.

ACTION: Adoption of Language Access Plan
Motion: Council Member Peele
Second: Council Member Davis
Vote: Unanimous (3-0)

8. OLD BUSINESS

N/A

9. TOWN MANAGER / STAFF REPORTS

a. **Town Manager** (NONE)

➤ *Utility Bill Adjustment Document*

ACTION: Approval of Adjustment(s) as Requested

Motion: Council Member Davis

Second: Council Member Peele

Vote: Unanimous (3-0)

b. **Town Clerk**

➤ *Town of Kenly Spring Clean Up*

Attachments:

- Staff Report

This event happens twice a year; This service is free to in town residential households with trash services with the Town. The Town of Kenly will pickup its residents discarded items. This event will take place April 24th-April 30th 2023.

c. **Town Attorney:** N/A

10. OTHER BUSINESS

1. Informal Discussion: The Johnston County Reginal Authority met recently and discussed some issues they are experiencing in their prospective towns. Johnston County mayors are not going to allow the County to take lead on Waste Water Treatment.

2. Council Member Comments

11. CLOSED SESSION

1. Closed Session pursuant to NCGS 143.318 (a) (b)

Council went into Closed Session at 8:13p.m.

ACTION: Motion to Go into closed session

Motion: Council member Peele

Second: Council member Davis

Vote: Unanimous (3-0)

12. ADJOURNMENT

1. Adjourn the Meeting

Council returned from Closed Session at 8:39 p.m.

With there being nothing further, the meeting was adjourned at 8:46pm

ACTION: Motion to Adjourn

Motion: Council member Neal

Second: Council member Peele

Vote: Unanimous (3-0)

Duly adopted this the 10th day of April, 2023 while in regular session.

Herbert L Hales II
Mayor: Town of Kenly