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**April 10, 2023 – 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
LaWanda Neal, Council Member

STAFF PRESENT:

Tony Sears, Interim Town Manager
Tymeeka Williams, Town Clerk
John Pitts, Public Works Director
James Ayers, Chief of Police
Dana Youst, Parks & Rec Director
Leigh Gotshall, Library Director
Marcus Burrell, Town Attorney Partner

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.*

No Public Comments

3 ADJUSTMENT/ADOPTION OF THE AGENDA

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

ACTION: Motion to adopt the Agenda as Presented

Motion: Council Member Davis

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

➤ April 10, 2023 – Regular Session

ACTION: Adoption of Consent Agenda as Presented

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

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Introduction & Oath – NO Introductions or Special Presentations

6 PUBLIC HEARINGS

Rezoning Permit

1.
 - § Section 156.202

Presenter: Dale Holland, Interim Planning Director

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

**** Public Hearing opened at 7:08pm****

ACTION: Motion to Open Public Hearing

Motion: Council Member Davis

Second: Council Member Peele

Vote: Unanimous

Holland: Rezoning request went before Planning Board in March 2023. The rezoning request was denied unanimously by the Board 7-0. Using the future land use map has the property zoned in R-20 (rural residential) but requests to zone it into I-1 (light industrial) two categories. No developer at the time only for future land uses, hard to tell because there's no scale on map.

Dale Moore- Business owner and Chairman- Economic Development for Johnston County.

This rezoning will provide jobs; tax base for Kenly. Kenly should fight for businesses to build and provide economic growth for Kenly. The allowed use will be for the enrichment of the community. Utilities increase if businesses aren't allowed in Kenly. If Businesses/Industries aren't allowed in the community, residents will consume the cost.

Randy Jones- Economic Development for Johnston County (Pine Level) Johnston County growth is #1 in the state. The county is purchasing Four Oaks Business Park. The county needs commercial and industry to grow. Allocate the zoning with restrictions. Property must be rezoned. The county will use grant money from North Carolina to build infrastructure. There needs to be a comprehensive study and Planning. There could be mixed uses of property at NO cost to Kenly. It's a No-lose situation. The capacity issue with Cottonfield Housing Development. Project will not alleviate any problems with water/sewer.

Ted Godwin- Johnston County Commissioner is a 32-year resident. Would like for Kenly to remain viable and achieve healthy growth. There should freedom from adjustments and perimeters.

Travis Narron- 879 Bay Valley Road Kenly NC- no more traffic; three cleared fields of wetlands. It will cost about \$10K or more for the septic system. There will be runoff and the whole house can possibly be underwater. Kenly is rezoning for the unknown.

Johnathan Ferrell of Ferrell Farms; family has been in Kenly for 220 years on family land. Family members buried on this land. The concrete from the concrete plant hasn't been cleared out. This move is not a win/win. There's been no surveyor of to determine the soil type, wetlands. The D.O.T has found that there are wetlands present and the delineation hasn't been completed. \$220K is expensive for the rezoning cost and cleanup of property. The land is beneficial to property owner because of trees. How much is enough?

Chris Ferrell- Water run off; ponds and contingency plans won't help. He wants to have Crawfish ponds installed and will die if this rezoning occurs.

Peggy Batten- 415 E second Street Kenly NC (Petitioner) Stated that County came to her about purchasing/annexing her land. Howell family owns land and no one doing or using that land. Kenly needs to pass the rezoning.

Dale Moore: There is little to no properties in the area that has 100 acres of land on one track. There are water ways, flooding and Hurricane season issues in consideration. Johnston County will foot the bill for contingencies necessary.

Resa Ferrell- consideration of letters presented to the Planning Board. Issues with traffic and school buses. The town is dealing with gentrification and displaced residents; Kenly needs to take care of its residents first. Expense of people already in Town of Kenly.

Current Zoning maps and Future Land use maps are not consistent. Large tracks are not available or developed and aren't being used

****Public Hearing Closed and Return to Regular Session****

ACTION: Motion to Close Public Hearing

Motion: Council Member Neal

Second: Council Member Davis

Vote: Unanimous

Council Member Smith (Mayor Pro-Tem)- too many discrepancies; requires further discussion as details are not clear, needs more information.

Council Member Davis- The information is not clear and can't make an informed decision. Additional answers are necessary and further clarity is needed.

Council Member Peele- Both affirmative and negative sides have great points. Best interest is to receive more information. Do It Right

Council Member Neal: Industry and growth is necessary but in backyard. Needs more information about the Light Industry district and what is included and excluded.

Light industry can include restaurants, self-storage facilities, warehouses and office parks. There are a small number of wetlands in the zoning area, not full. Decision needs to be

made about moving forward. Johnston County has done preliminary look. Permitted use has to be done according to zoning rules. Potential uses no development/developer. Qualifications limited. No new evidence can be presented as Public Hearing is closed. This issue will be tabled but no new evidence can be presented. 105 acres and 7 of those acres are farmed.

This issue may go back to the Planning Board as a new petition with further evidence. If there is a flood plan it can be entered into evidence but soil analysis can't be considered. Water on property does not make it Wetlands. Everyone is for property rights until it's your neighbor. Opportunity for town council still has say in what can be developed on land. House bill 252- allows property owner developers in Counties and Municipalities to stick to their own plans. Farm Land has been lost in Kenly. Growth can't be stopped. Council can control the next 10 years but opportunities need to be supported.

ACTION: Ordinance #2023-04-01 discussion TABLED until May 2023 Meeting; Clarification No new information

Motion: Council Member Smith

Second: Council Member Neal

Vote: Unanimous

Recess was called at 7:58am

Meeting called back into session at 8:00pm

7 NEW BUSINESS

- a. NO NEW BUSINESS PRESENTED

8 OLD BUSINESS

- a. 1. Resolution by Governing Body of Applicant- Stormwater AIA Study
Presenter: Michael McAllister; Principal Project Manager, Municipal Engineering, Inc./Tony Sears Interim Town Manager

- Staff Report
- Resolution

Not outside of the budget for the Town of Kenly reaffirm

ACTION: Adoption of Resolution 2023-04

Motion: Council Member Peele

Second: Council Member Neal

Vote: Unanimous

9. TOWN MANAGER / STAFF REPORTS

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

Mr. Sears reported on one utility adjustments as follows:

- 604 W Seventh Street Kenly NC - Recommended Adjustment of \$254.56

ACTION: Approval of Adjustment(s) as Requested

Motion: Council Member Davis

Second: Council Member Neal

Vote: Unanimous

Future land use plan- commitment from Johnston county to help with map being in compliance.

Holland: recommends to move forward by July 1, 2023.

Budget Process: Sears suggest that the Town of Kenly recycles the Budget for FY24. Current budget is sound and fiscally responsible. There will be tweaks and small changes and there will be relief on health insurance; retirement contribution will increase. Adopt June 30, 2023, changes can't be made after July 1, 2023. Money in budget that hasn't been spent. Budget in surplus as the Town of Kenly is understaffed. It's imperative to review budget and recycle. Administration will speak with department heads and receive information for needs of department. Sears will reach out to council members for dates and times concerning budget discussion.

- b. Town Clerk
- *Parks & Recreation Department Community Meeting*
 - *Bi Annual Town of Kenly Spring Clean Up*
 - *UNC School of Government: Ethics for Elected Officials*

ACTION: INFORMATIONAL ONLY

- c. Chief of Police: Hiring Officers training and standards. Will be hiring four officers;2

officers in the next two weeks and 2 officers sworn in within the next month. Partnering with McDonalds, Parks and Recreation and Library for programs with kids and the community. It should take about eight weeks to transition from Johnston County officers to Kenly Police Department. Primary goal is to hire great officer. Hope to hire and have a total of seven officers in order to have a full staff.

d. Parks and Recreation Director: Community meeting April 18th at 7pm. Interactive meeting. Feedback from the community. Rebuilding foundation. Open trails and open spaces. Rebuild Youth Athletics and indoor pickleball courts. The baseball fields provide an economic impact to the Town of Kenly.

10. OTHER BUSINESS

- a. Informal Discussion – Empty Council Member seat that needs to be filled. Will discuss at May 2023 meeting.
- b. Council Member Comments

11. CLOSED SESSION

12. ADJOURNMENT

- a. Adjourn the Meeting

With there being nothing further, this meeting was adjourned at 8:44pm.

ACTION: Motion to Adjourn

Motion: Council Member Davis

Second: Council Member Neal

Vote: Unanimous

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

Herbert L Hales II
Mayor: Town of Kenly