

207 West Second Street
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**May 08, 2023 – 7:00 p.m.
Regular Town Council Meeting
Minutes**

COUNCIL PRESENT:

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

STAFF PRESENT:

Tony Sears, Interim, Town Manager
Tymeeka Williams, Town Clerk
James Ayers, Chief of Police
Phillip Smith, WW Plant Director
Leigh Gotshall, Librarian
Marcus Burrell, Town Attorney Partner
Janie Holland, Code Enforcement Officer
Dana Youst, Parks & Recreation Director
Paul Whitehurst, Fire Chief

COUNCIL ABSENT:

None

1. CALL TO ORDER

- Call to Order – *Mayor Herbert Hales, II*
- Invocation – *Council Member Keith Hales*
- 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. Ted Godwin (JoCo Commissioner) stated that on May 29th at 11am in the Atrium of the Courthouse in Johnston County, there will be a Memorial Day Celebration/Dedication

3. ADJUSTMENT/ADOPTION OF THE AGENDA

1. Adjustments to the Agenda
Discussion and vote for the Municipal Funding Agreement, between Town of Kenly and Johnston County.
2. Adoption of the Agenda

ACTION: Motion to adopt the Agenda as Presented
Motion: Council Member Peele
Second: Council Member Davis
Vote: Unanimous 4-0

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
 - April 10, 2023 – Regular Session
 - March 13, 2023- Closed Session *

**Closed Session DRAFT minutes will be provided to council in a sealed envelope and following the meeting they will be returned to the Town Clerk for destruction.*

ACTION: Adoption of Consent Agenda as Presented
Motion: Council Member Davis
Second: Council Member Smith
Vote: Unanimous 4-0

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

1. Introduction & Oath – Chief of Police
 - *Presenter:* James Ayers – Town of Kenly Chief of Police
- a. Corey Bullock (Major) Kenly Police Department
- b. Tabitha Pierce (Detective Sergeant) Kenly Police Department
- c. Tajeldin Alshohatee (Patrol Officer) Kenly Police Department
- d. Tamia Odom (Patrol Officer) Kenly Police Department

Chief Ayers introduced the new Police Officers to the Town of Kenly. He explained that all the new officers have a deep need to serve. Over the next few weeks KPD will be working to provide 24-hour coverage in the area. The Sheriff Department will discontinue providing coverage in early/mid-June.

6. PUBLIC HEARINGS

- a. Rezoning: R-20 to I-1
 - North/West Corner of intersection of Old Route 22 and Bay Valley Rd-Parcel #03-Q-03-035

Presenter Tony Sears, Interim Town Manager

This item is continued from April 10, 2023 council meeting. At that time the public hearing was opened and information shared. Council tabled the item in order to gather more information.

Councilmember Smith: looked at property and potential growth. Councilmember Peele: wanted to know the stipulations for the rezone. There are no potential buyers at this time and feels this a marketable process. Town of Kenly will assist as they will not be breaking ground immediately. Approval/Denial is limited. Change what is permitted/not permitted. Permitted- doesn't have to get a special permit. Water/Sewer is not a right. Councilmember Davis asked about what is allowed in the light industrial zone. Unless this property is annexed; sewer and water doesn't apply.

ACTION: Adoption of Ordinance #2023-0401
Motion: Council Member Smith
Second: Council Member Neal
Vote: Unanimous 4-0

- b. Annexation: Voluntary Annexation
 - Parcel #03020009; 9.64 acres

Presenter: Tony Sears, Interim Town Manager

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

Action: Open Public Hearing at 7:24 pm

Motion: Council Member Neal

Motion: Council Member Peele

Vote: Unanimous 4-0

There have been preliminary conversations with a developer. Contractors present and looking to develop 24 lots; Engineers; the streets will be paved eventually.

Action: Close Public Hearing at 7:26 pm

Motion: Council Member Neal

Motion: Council Member Peele

Vote: Unanimous 4-0

Action: Adoption of Ordinance #2023-0501

Motion: Council Member Davis

Motion: Council Member Neal

Vote: Unanimous 4-0

c. Rezoning: R-20 to B3; § Section 156.202

- 8450 US HWY 301

Presenter: Tony Sears, Interim Town Manager

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

7. NEW BUSINESS

1. February 2023 “All in Red” Proclamation

Presenter: Tony Sears, Interim Town Manager

The proclamation stresses that the well-being of our community is of paramount importance and maintaining excellent health among our citizens is a top priority, February marks the county wide heart health awareness campaign entitled “ALL IN RED” presented by Johnston Health and organized by the Johnston Health Foundation. Cardiac arrests are very prominent lately and needs to be addressed.

ACTION: Adoption of Proclamation #2023-01

Motion: Council Member Neal
Second: Council Member Peele
Vote: Unanimous 4-0

2. Planning Board Meeting for February 21, 2023- first meeting of 2023

Presenter: Tony Sears, Interim Town Manager

The first Planning Board meeting of 2023 will be held on February 21, 2023. All appointed members will be sworn in at this meeting. Johnston County appointed the ETJ candidate for the board.

POTENTIAL ACTION: Informational Only

8. OLD BUSINESS

1. NO OLD BUSINESS PRESENTED AT THIS TIME

9. TOWN MANAGER / STAFF REPORTS

- a. Town Manager

➤ *Utility Bill Adjustment Document*

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

➤ 606 E Second Street, Kenly NC 27542- Recommended Adjustment \$264.11

ACTION: Approval of Adjustment(s) as Requested

Motion: Council Member Davis

Second: Council Member Neal

Vote: Unanimous 4-0

- b. The 2021 Audit has been completed and submitted to the LGC. 2022 audit not together and needs to be completed and submitted.
- c. CDBG- project has been scaled back and wrapped up on 2/10/2023. Sixth and Seventh Streets are complete. There will be a Public Hearing in March concerning this grant. Town will have to file for an extension in order to complete this project. Project may not be completed if 2022 audit isn't done in a timely manner. Audit has to be completed and submitted and LGC can review and not have any particular findings in order to keep grant. CDBG requirements say the Town of Kenly must pause the project and file paperwork for an extension. And the grant must be spent by 2026. Resume the project in and complete the audit by August/September 2023, since it's tax season. Current auditor impressed with information submitted. Rebids for slip lining project is possible. KRG may honor and refresh current cost. CDBG site inspection due 03/31/2023. Final invoice hasn't been submitted by KRG. The town is carrying the balance in two budgets currently. If the company works beyond date, the town will be holding the debt. The town can't get a bridge loan as the LGC has to approve. Councilman Davis asked about the town purchasing materials upfront so the cost won't increase if we prolong the project. Tony Sears stated that purchasing materials won't help because there may just be materials on hand that can't be used. Prices will rise on materials and labor.
- d. Public Works department is searching for employees. The town will be hiring a Parks & Recreation Director. Budget line items are outstanding and bills are 60-90 days past due. The new Wastewater Plant will be built across from the old

Plant. 24 new homes are being built in the Cottonwood Community and the town has to make sure there is sewer capacity available for those new residences. Rain impacts the lift stations and there will be no issues as long as the pump holds up.

2. Town Clerk
NO COMMENTS AT THIS TIME
3. Town Attorney
NO COMMENTS AT THIS TIME

10. OTHER BUSINESS

1. Informal Discussion
 - a. Mayor Hales hosted the Johnston County Mayors Association. They discussed Wastewater Treatment and other countywide issues. Towns in the county are growing and municipalities and towns are directly involved with county activities. A hot topic with other mayors on what to do concerning waste water treatment. They will not give up on say on capacity now or in the future. They also discussed pavement projects, trash collection and traffic/roads and other ways to save money for the towns and county.
 - b. Trinity Henderson has resigned from Town Council due to Family and Work obligations. There is a vacancy left and there can be an appointment to the council. There is a 4-year term for the vacant seat. The next election is November 2023. Marcus Burrell stated that he can rescind his resignation if he chooses to until Council votes on accepting resignation. The council does not have to immediately fill the vacancy.

ACTION: Accept Trinity Henderson's Resignation from Town Council

Motion: Council Member Davis

Second: Council Member Neal

Vote: Unanimous 4-0

2. Council Member Comments
NO COUNCIL MEMBER COMMENTS AT THIS TIME

11. CLOSED SESSION

N/A

12. ADJOURNMENT

- a. Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 8:27 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Smith

Second: Council Member Davis

Vote: Unanimous 4-0

Duly adopted this the 13th day of March, 2023 while in regular session.

Herbert L Hales II
Mayor: Town of Kenly