

207 West Second Street
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**April 12, 2025- 7:00 p.m.
Regular Town Council Meeting
Minutes**

COUNCIL PRESENT:

Herbert Hales II, Mayor
Garrett Stancil, Council Member
Keith Davis, Council Member
Beverly Knight, Council Member
Mark Smith, Mayor Pro Tem

STAFF PRESENT:

Tony Sears, Interim, Town Manager
Tymeeka Williams, Town Clerk
Marcus Burrell- Town Attorney Partner
James Ayers- Police Chief
Leigh Gotshall- Librarian
Dana Youst- Parks and Recreation Director
John Pitts- Public Works Director
Bonita Renfrow-Utilities Clerk

COUNCIL ABSENT:

Garrett Stancil, 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 7:00 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.*

- **NO PUBLIC COMMENTS AT THIS TIME**

**This time may be adjusted based on the number of citizens who wish to speak.*

3. ADJUSTMENT/ADOPTION OF THE AGENDA

- a. Adjustments to the Agenda
- **7 (2). Adjustment for New Business: Resolution to Accept Legislative Funds:** Approval needed to accept \$847,371 in legislative funds already awarded, prior to an upcoming bid next month.
- b. Adoption of the Agenda
- ACTION:** Motion to adopt the Agenda as Presented
Motion: Council Member Davis
Second: Council Member Neal
Vote: 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.)

- a. Draft Minutes
 - **March 10, 2025 – Regular Session**

ACTION: Adoption of Consent Agenda as Presented
Motion: Council Member Knight
Second: Council Member Neal
Vote: 4-0

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. **Paul Whitehurst – Fire Department Chief**
Presenter: Tony Sears, Interim Town Manager / Proclamation Issued By: Mayor Hales
 - April 30, 2025, declared "Gregory Paul Whitehurst Day" in Kenly, honoring over 40 years of service, leadership, and community impact.

6. PUBLIC HEARINGS

- a. **1. Rezoning—Achraf Saber -- Ordinance 2025-04-01**
Rezoning from B-3 to B-2 to allow for vehicle repairs (102 Hershey Drive Kenly NC, 27542)
Presenter: Tony Sears, Interim Town Manager

ACTION: Council to Enter Public Hearing
Motion: Council Member Smith
Second: Council Member Neal
Vote: 4-0

- Petition to rezone from B3 to B2 for a vehicle repair shop (truck/tractor-trailer repair).
- Unanimous planning board support.
- Water system responsibility clarified: property owner responsible from meter box to main.
- New ordinances prevent unsightly accumulation of unrepairable vehicles.

ACTION: Council to Exit Public Hearing
Motion: Council Member Knight
Second: Council Member Neal
Vote: 4-0

ACTION: Approval of Rezoning Request (Achraf Saber -- Ordinance 2025-04-01)
Motion: Council Member Smith
Second: Council Member Davis
Vote: 4-0

2. Special Use Permit- Don Kei Meight Land Trust (313 S Gardner, Kenly NC 27542)
Joshua Craig, Petitioner, requests a Special Use Permit for the property located at 313 S Gardner Street

Presenter: Tony Sears, Interim Town Manager

ACTION: Council to Recess Regular Session and Enter Public Hearing as Board of Adjustment

Motion: Council Member Smith
Second: Council Member Davis
Vote: 4-0

ACTION: Board of Adjustment Public Hearing Open

Motion: Council Member Knight
Second: Council Member Davis
Vote: 4-0

ACTION: Board of Adjustment Approval or Denial of Multi Family Unit

Motion: Council Member Neal
Second: No Second Motion
Vote: FAILED

- Joshua Gibson (sworn in Under oath) sought to restore multifamily use and add a seventh apartment to a non-conforming structure vacant over 180 days.
- Discussion on sewer capacity and need for upgrades.
- Motion to approve failed due to lack of a second; property remains R6 unless resubmitted.
- Legal review required to determine reapplication eligibility (typically a one-year wait after denial).

ACTION: Board of Adjustment Approval or Denial of 7th door implementation

Motion: NONE
Second: NONE
Vote: FAILED

ACTION: Board of Adjustment to Exit Public Hearing and Enter into Council Regular Session

Motion: Council Member Neal
Second: Council Member Smith
Vote: 4-0

ACTION: Council Reconvenes into Regular Session

Motion: Council Member Davis
Second: Council Member Neal
Vote: 4-0

7. NEW BUSINESS

1. **Resolution to Approve Tentative Award – Wastewater Treatment Plant (WWTP) Improvements.**

Project No. SRP-W-ARP-0099- Eberhart Construction, Inc.

Presenter: Tony Sears, Interim Town Manager

- Only one bid received (Everhart Construction Inc.) for \$962,378, funded by \$6.1 million ARPA funds. Project includes upgrades (dissolved oxygen/pH probes, floating aerators, weather station, SCADA system) and equipment replacement. Approval contingent on DEQ

POTENTIAL ACTION: Adoption of Resolution

Motion: Council Member Smith

Second: Council Member Davis

Vote: 4-0

2. **Resolution to Accept Legislative Funds: 2023 Appropriations Act Directed Projects**

Grant: Water & Wastewater Reserve

Presenter: Tony Sears, Interim Town Manager

- Directed Projects Grant from the 2023 Appropriations Act Session Law 2023-134;
- NCDEQ has offered a grant in the amount of \$847,371.

POTENTIAL ACTION: Adoption of Resolution to Accept Grant Funds

Motion: Council Member Smith

Second: Council Member Davis

Vote: 4-0

8. OLD BUSINESS

a. **1. Sixth Street Repair- Tabled from March 2025**

Current Condition: The road is deteriorating, with subsurface failure; The repair will be funded by Powell Bill money.

Presenter: Tony Sears-Interim Town Manager

**Fulford and Jones: Two options, \$13,650 for an overlay and \$22,425 for milling and paving.

**Ralph Hodge Construction: \$12,200 for milling and paving, considered more cost-effective.

- Site visit confirmed need for road and ditch repairs at Garner & 6th Street intersection.
- Plan: Mill and repave failed asphalt, re-establish ditches, add pipe under driveway, address drainage issues.
- Contractor: Ralph Hodge (\$12,243.33), with 15% contingency for additional work.
- Additional minor ditch work to be handled within budget.

ACTION: Adoption of Ralph Hodge Construction Bid for Sixth Street Repairs

Motion: Council Member Knight

Second: Council Member Smith

Vote: 4-0

9. TOWN MANAGER / STAFF REPORTS

1a. **Town Manager: Utility Adjustments-**

- 200 E Bailey Ave Kenly NC 27542: Water Leak resulting in disconnecting line and replacing \$208.79 adjustment requested

ACTION: Approval of Adjustment as Requested

Motion: Council Member Smith
Second: Council Member Davis
Vote: 4-0

- **1b. Audit Progress:**
 - FY22 audit nearing completion; new auditor double-checking prior work.
 - Audit approval expected within 60 days, with immediate start on next audit.
 - Goal: Complete four audits within a year to become current
- **Budget Meeting Scheduled:** April 29, 12:30 PM, for budget retreat and planning.
- **County Revaluation:** Johnston County property values up ~72% countywide; awaiting appeal results to finalize town numbers.

2. Town Clerk- **NONE**
3. Town Attorney- **NONE**

4. STAFF- DIRECTORS/EMPLOYEES:

POLICE DEPARTMENT:

- **Police Department Monthly Report:**
 - 26 criminal incidents, 6 accidents, 14 criminal summonses served, 5 domestic disturbances, 1 vehicle recovered, 4 trespassing charges, 17 drug/paraphernalia charges, 21 citations, 2 felony charges.
 - 192 business checks, 74 residential checks.
 - Community engagement: Car seat donation/distribution, plans for officer certification in car seat installation.
 - Operation Easter Basket: Distribution to seniors and children, with photo ops and Easter Bunny appearance.
- **Public Works:**
 - High-risk part replacement to start in 30 days (50 initially, aiming for 78).
 - Sewer contracts ready for signature and submission.
 - Utilities completed for town subdivision; road work ongoing.
- **Library Events:** Wildlife event (April 25), author visit (April 28),
- **Parks and Recreation:** ongoing sports and senior programs. T Ball beginning May 2025; Indoor Soccer Completed

10. OTHER BUSINESS

- a. Informal Discussion
 - **Town Hall Dinner:** Johnston County Town Hall Dinner, hosted by Town of Clayton, June 5 (RSVP by May 9).
 - **Town Hall Closure:** Closed Good Friday (April 18) for Easter
- b. Council Member Comments
 - **Special Use Permit Reapplication:** Legal review to determine reapplication timeline after failed motion.
 - **Communication with Applicant:** Staff to update Dr. Craig on next steps and utility requirements.
 - **Ongoing Monitoring:** Staff to keep council informed on audit progress, infrastructure projects, and budget developments.

11. CLOSED SESSION

NO CLOSED SESSIONS

12. ADJOURNMENT

- a. Adjourn the Meeting

ACTION: Motion to Adjourn (8:13pm) -RECESSED UNTIL APRIL 29 @ 12:30pm

Motion: Council Member Knight

Second: Council Member Davis

Vote: 4-0