

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



Telephone: (919) 284-2116
Fax: (919) 284-5229
Website: www.townofkenly.com

**January 13, 2025 – 7:00 p.m.
Regular Town Council Meeting
Minutes**

COUNCIL PRESENT:

Herbert Hales II, Mayor
LaWanda Neal, 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- TOK Librarian
Dana Youst- Parks & Recreation Director
John Pitts- Public Works Director

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 L Hales II

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.*

- **Linda Simon @ 200 S Wilson Street, Kenly NC 27542-** Ms. Simon thanked the Kenly praised the destruction and cleanup of the old school, noting it was a long-awaited improvement

3. ADJUSTMENT/ADOPTION OF THE AGENDA

1. Adjustments to the Agenda
 - **Section 6.1- Add Annexation to Section 7.3- Tentative Award Generators**

2. Adoption of the Agenda

ALL ITEMS ON AGENDA WERE ADOPTED BY COUNCIL

ACTION: Motion to adopt the Agenda as Presented

Motion: Council Member Smith

Second: Council Member Neal

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: **January 13, 2025 – Regular Minutes**

**** January 13, 2025: The consent agenda, including draft minutes from previous meetings, was adopted without a closed session. ****

ACTION: Motion to adopt the Agenda as Presented

Motion: Council Member Davis

Second: Council Member Stancil

Vote: Unanimous: 4-0

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

1. NO INTRODUCTIONS OR SPECIAL PRESENTATIONS PRESENTED

6. PUBLIC HEARINGS

1. Annexation & Rezoning- Clara James Properties LLC

Resolution #2025-01; Ordinances 2025-01-01 & 2025-02

Presenter: Dale Holland, Interim Planning Director; Tony Sears, Interim Town Manager

ACTION: Open Public Hearing at 7:07pm

Motion: Council Member Neal

Second: Council Member Stancil

Vote: Unanimous: 4-0

ACTION: Close Public Hearing at 7:08pm

Motion: Council Member Davis

Second: Council Member Smith

Vote: Unanimous: 4-0

*****Discussed the rezoning of one lot from R20 to R11, adjacent to an existing R zoning district. The planning board unanimously recommended approval. A public hearing was conducted, and the rezoning was approved... *****

ACTION: Rezoning was approved by Town Council

Motion: Council Member Smith

Second: Council Member Davis

Vote: Unanimous: 4-0

2. Special Use Permit- Sheila Hooks (Hickory Crossroads Road)

Presenter: Dale Holland, Interim Planning Director; Tony Sears, Interim Town Manager

ACTION: Open Public Hearing at 7:10pm

Motion: Council Member Smith

Second: Council Member Davis

Vote: Unanimous: 4-0

ACTION: Close Public Hearing at 7:11pm

Motion: Council Member Davis

Second: Council Member Stancil

Vote: Unanimous: 4-0

***** Discussed the relocation of a manufactured home for Ms. Sheila**

Hooks, in line with the ordinance. The planning board unanimously recommended approval. A public hearing was conducted, and the special use permit was approved ***

ACTION: Special Use Permit was Approved

Motion: Council Member Smith

Second: Council Member Davis

Vote: Unanimous: 4-0

3. Cottonfield Phase II-Dees Construction LLC.

The purpose of the hearing is to solicit public input regarding the proposed major subdivision,

Presenter: Tony Sears, Interim Town Manager; Steven Sanders, Engineer

ACTION: Open Public Hearing at 7:10pm

Motion: Council Member Smith

Second: Council Member Davis

Vote: Unanimous: 4-0

ACTION: Close Public Hearing at 7:11pm

Motion: Council Member Smith

Second: Council Member Davis

Vote: Unanimous: 4-0

- **Presented the site plan for Phase 2 of Cottonfield, reducing lots to 48, each three times the size required by Y11 zoning. The planning board approved the preliminary plat. Steven Sanderson explained the need for various permits, including sewer, water extension, and driveway permits, which require town signatures. He clarified there are no riparian buffer impacts on the property. Sanderson provided an explanation of riparian buffers, noting there are none on the property in question. Phase 2 Units: 47 new units are part of Phase 2. Phase 1 Units: Initially 27 lots, but due to combining two lots for one house, there are 26 houses.**
- **The property is zoned R11, requiring a minimum lot size of 11,000 square feet. Average lot size in Phase 2 is over 33,000 square feet. The smallest lot is over 16,000 square feet, located at lot number 49 on Bloom's Way. A geological phenomenon affecting lot sizes, particularly lots 61 and 62 in the southwest corner. Originally planned for 61 lots, but 14 lots were removed to prevent flooding issues. Larger lots will fetch a premium price and prevent flooding.**
- **Road and Construction Impact: Existing roads are 19 years old and were built correctly, expected to withstand construction traffic. Preference to limit traffic through the subdivision, with construction**

- Entrances planned for Bell Drive and Earnest Way. A video and walk-through with town officials are suggested to document road conditions before construction. Current plans use Johnston County and DOT specifications due to lack of Town of Kenley specs at the start. Recently discovered specs will be reviewed and potentially incorporated into future plans.
- Agreed to hold a conference to align on expectations. Pre-construction inspection and video documentation of existing streets to be conducted. Current approval is for the preliminary plat. Final plat can be signed off by designated officials after necessary adjustments.
- The council discussed the timeline for the project, agreeing on a 30-month duration. Council confirmed agreement with the 30-month timeline, expressing initial confusion about a 60-month duration. The timeline aligns with the current stage of the project, extending through May 2025. Sewer Permit and Allocation: The state requires the sewer permit to be signed to lock in the allocation permanently. Sanderson confirmed that the 30-day requirement to prepare for the permit signing has been met. Once the permit is signed, the allocation is secured indefinitely.
- The state requires the sewer permit to be signed to lock in the allocation permanently. Sanderson confirmed that the 30-day requirement to prepare for the permit signing has been met. Once the permit is signed, the allocation is secured indefinitely.
- The urgency to expedite the approval process was emphasized to avoid delays until March. The Mayor and council were asked for any concerns or the need for more time before approving the plan. The Mayor expressed confidence in the plan, noting that both he and Mark, who are experienced in such matters, had no issues with it. A motion was made and seconded to approve the preliminary plan, which was passed unanimously.

ACTION: Preliminary Plat Approved

Motion: Council Member Smith

Second: Council Member Neal

Vote: Unanimous: 4-0

4. Re-Advertisement for Bids

Wastewater Treatment Plant Improvements SRP-W-ARP-0099

Resolution#2025-02

- **Re-advertisement for Bids: Recent bids has required re-advertisement due to lack of bidders. The wastewater plant bid is scheduled for January 14, 2025 at 11am. The Wastewater treatment plant upgrades include adding**

aerators, supplemental oxygen, and replacing controls and analyzers from 2010. The estimated cost for the project is around \$6.6 million, which was higher than expected by approximately \$900,000.

- **The lowest bid left a significant gap compared to the next highest bidder, raising concerns about the bid's competitiveness. The project involves rehabbing pump stations and sewers, including relining and replacing services as needed.**
- **The project faced delays due to procurement conditions differing from regular projects. After 60 days of negotiations, the project was aligned with requirements, and contracts are being processed. Permits are pending, and once received, the project will proceed to the state for bidding authorization. Significant utility work is planned for 2025, including fire hydrants and water lines, with a focus on sewer improvements. The upgrades aim to reduce total nitrogen levels and extend the operational lifespan of the plant.**

Presenter: Tony Sears, Interim Town Manager; Municipal Engineering

ACTION: Informational Only

7.

NEW BUSINESS

11. Town of Kenly Planning Board Appointment- David Pope to represent The Town of Kenly

Presenter: Tony Sears- Interim Town Manager & Dale Holland, Interim Planner
David Pope Appointment (Town of Kenly Council)

- **Mr. Pope was the sole applicant for the Town of Kenly planning board position. Recommended by Janie Holland, his appointment was motioned and seconded, with unanimous approval.**

ACTION: Approval for David Pope to join Planning Board

Motion: Council Member Smith

Second: Council Member Davis

Vote: Unanimous: 4-0

2. Resolution of Tentative Award- Ralph Hodge Construction Company

Resolution#2025-03

Presenter: Tony Sears-interim Town Manager & Municipal Engineering

- **Concerns were expressed about contractors overbidding, suggesting that some left approximately \$2.5 million on the table. Contractors may intentionally overbid, anticipating a lack of competition, allowing them to adjust bids in subsequent rounds. Speaker 2 noted that contractors often skip initial bidding rounds**

if they anticipate being the sole bidder later, as evidenced by Ralph Hodges' representative attending without bidding initially.

ACTION: Approval of Tentative Award for Ralph Hodge Construction Company

Motion: Council Member Neal

Second: Council Member Davis

Vote: Unanimous: 4-0

8. OLD BUSINESS

1. Adoption of Auxiliary Police Ordinance (§ 160A-282)

a. Ordinance 2024-10-01 (NCLM Insurance Coverage)

Presenter: Tony Sears, Interim Town Manager/ James Ayers TOK Police Chief

- **TOK Reserve Police Ordinance: The ordinance aims to provide workers' compensation for reserve officers, as requested by the insurance carrier, North Carolina League of Municipalities. To ensure reserve officers meet current standards and provide insurance coverage. Ordinance reviewed by Town Attorney and approved of the Policy.**

ACTION:

Motion: Council Member Stancil

Second: Council Member Davis

Vote: Unanimous: 4-0

9. TOWN MANAGER / STAFF REPORTS

a. Town Manager: Utility Adjustments—NONE

- **Councilman Davis raised concerns about utility adjustments for water leaks spanning multiple billing cycles. Current policy allows only one adjustment per leak, regardless of duration. Further discussion scheduled for February.**

b. Town Clerk --- **Scheduled for January 20, with the walk starting at 7:30 a.m. and breakfast at 8:00 a.m. Road closures approved by NCDOT, with KPD providing support.**

c. Town Attorney---**NONE**

d. Department Directors:

Parks and Recreation-

- Indoor Soccer will begin in February
- One 10-E basketball team starting their first game on January 4th.
- T-Ball and Baseball Registrations being accepted for Youth Spring Athletics

Kenly Police Department-

- **23 incidents, 8 criminal summons, 3 misdemeanor arrests, and 2 additional arrests. Conducted 5 community events, including support for cancer patients and holiday events for children. Ongoing investigations to address a series of car break-ins, with property recovery underway.**

Public Works

- **Contractor Regulations:** Need for stricter regulations on contractors, particularly regarding road usage and erosion control. Addressing ordinances to protect town infrastructure and residents.
- **Regulation in Small Towns:** There is a significant amount of regulation involved in new construction, especially in smaller towns like Kenly. The growth of Johnson County is expected to bring more development to the area. There is a need for local regulations to ensure consistency with larger areas like Cary, North Carolina.
- **Enforcement and Compliance:** The importance of having enforceable regulations was emphasized to prevent non-compliance. Examples were given of how larger towns handle violations, such as issuing warnings and fines. The need for a system to manage construction impacts, like road damage from hauling soil, was discussed.
- **Pre-Construction Agreements:** Pre-construction agreements can help mitigate issues by setting expectations upfront. Clauses can be included to ensure contractor compliance, such as withholding payment for non-compliance.
- **Contractor Compliance:** There are challenges in enforcing compliance with private developers due to the lack of control over retainers. Retainers are typically a mechanism between contractors and developers, not the town. The town can leverage payment as a tool for ensuring compliance.

Planning Board

- **Planning Board Education:** Plans for additional training sessions for new and existing planning board members.

Kenly Library

- **Creative Social Groups:** Meetings every Monday and Thursday.
- **Adult Book Club:** Held every other Saturday.

10. OTHER BUSINESS

2. Council Member Comments
Councilman Keith Davis brother passed away and he expressed gratitude for the professionalism of the responding officers to his home after the incident.

11. CLOSED SESSION

1. **NO CLOSED SESSIONS DURING THE MONTH OF JANUARY**

12. ADJOURNMENT

a. Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 8:06p.m.

ACTION: Motion to Adjourn
Motion: Council Member Davis
Second: Council Member Knight
Vote: 4-0

Duly adopted this the 10th day of February, 2025 while in regular session.

Herbert L Hales II
Mayor: Town of Kenly