

Town of Boonville
March 2, 2021, Regular Meeting Minutes
Harvey E. Smith Municipal Building

The following were in attendance at the 3/2/21 regular meeting: Mayor Vaughn Benton, Mayor Pro-tem Justin Phillips, Commissioners David Cox, Monica Craver, and Tim Driver. Also in attendance were Finance Officer/Town Clerk Kim Wells, Public Works Director Jeff Jones, Police Chief Jeff Hobson, Administrative Assistant Steve Hutchens, and Police Officer Ezequiel Rojas-Alonso. Town Attorney James Freeman was present through Zoom. Commissioner Dwaine Dobbins was absent.

- I. Call to Order and Welcome:** Mayor Benton called the 3/2/21 meeting to order at 7:01 p.m.
- II. Conflict of Interest Issues and Approval of Agenda:** Commissioner Craver motioned to add to New Town Business: Duty Lounge for Public Works and Police Department, and to add a closed session per NCGS 143-318.11(a)(3). Commissioner Cox seconded, and the motion passed unanimously.
- III. Pledge of Allegiance and Prayer:** Mayor Benton led the Pledge of Allegiance and the prayer.
- IV. Adoption of minutes:** The Board members discussed the 2/2 closed session minutes and recommended corrections. Commissioner Craver motioned to adopt the 2/2 regular minutes as written and the closed session minutes as amended. Mayor Pro-tem Phillips seconded, and the motion passed unanimously.
- V. Public Comments:** Finance Officer/Town Clerk Wells reviewed the written Public Comment/Complaint for Fletcher/Maple Street and Sunset Drive. Discussion followed. It was stated that the issue falls within the purview of Zoning, and Steve Hutchens is addressing the issue.
- VI. Old Town Business:**
 - A. Update on Water and Sewer Projects:** Public Works Director Jones reported on the delay by the electrician. They are currently finishing the last well house and testing the well. Mayor Benton asked about the drainage issue around D & J Galaxy. Mr. Jones reported on the discussion he has had with Department of Transportation (DOT) personnel.
 - B. CARES Funding:** Commissioner Craver reported that the mailbox for Town Hall had arrived but had not been installed. The credit card machine is now operational. Police Chief Hobson asked the Board members to consider using some of the CARES Act funds to purchase additional hand-held radios so the officers would not have to share them. He stated that he was looking for additional quotes, but the current price is approximately \$2,600 each. Discussion followed. Commissioner Craver motioned to purchase additional hand-held radios at a cost of up to \$8,000. Commissioner Cox seconded, and the motion passed unanimously.
- VII. New Town Business:**
 - A. Proposed Budget Amendments:** Finance Officer/Town Clerk Wells reviewed the 3/2/21 proposed budget amendments. Commissioner Craver motioned to accept the proposed budget amendments as presented. Mayor Pro-tem Phillips seconded, and the motion passed unanimously.
 - B. Budget Workshop Date:** Finance Officer/Town Clerk Wells asked the Board members to consider possible dates and times for the first Fiscal Year 2021-2022 budget workshop. Discussion followed.
 - C. Resignation of Police Officer Dallas Hale:** Police Chief Hobson presented the Board members with a resignation letter from part-time Police Officer, Dallas Hale. Mayor Pro-tem Phillips motioned to accept Dallas Hale's resignation. Commissioner Cox seconded, and the motion passed unanimously.
 - D. Duty Lounge for Public Works and Police Department:** Commissioner Craver expressed the need for out-of-town employees to have a place to go during inclement weather situations and/or for employees who work after 10:00 p.m. Since there are no establishments available in town, a lounge would provide a space where meals could be prepared. Discussion followed on the amount of funds needed as well as the items that would be purchased with the funds. Commissioner Cox motioned to use General Funds revenues up to \$2,000. Mayor Pro-tem Phillips seconded, and the motion passed unanimously.
- VIII. Reports and announcements:**
 - A. Mayor's report:** Mayor Benton did not give a report.
 - B. Finance Officer's report:** Finance Officer/Town Clerk Wells reported on the utility billing for March and reviewed the Budget vs. Actual report.

C. Public Works Director's report: Public Works Director Jones reported on the reason Waste Management did not complete trash pick-up. He also reported on the DOT work being performed on NC 67, and that it would be approximately two weeks before the registers would be in for the water meters.

D. Police Chief's report: Police Chief Hobson introduced new Police Officer, Ezequiel Rojas-Alonso.


E. Departmental Commissioner's Reports: Commissioner Craver reported on the complaint on Fletcher Street and the garage on Sunset Drive. She stated that letters had been sent to the property owners and is waiting on responses per the Zoning Ordinance timeline.

F. Committee reports as needed: Commissioner Craver reported that Kristin Johnson has been elected the new president of the Boonville Business and Downtown Development Association, Inc. (BBDDA). The BBDDA is currently organizing the spring yard sale, a food truck event on June 5, and the Melon Festival on August 14. Duck Doughnuts also plans to come to Boonville monthly.

IX. Closed Session per NCGS 143-318.11(a)(3) – To consult with the attorney: Commissioner Craver motioned to go into closed session per NCGS 143-318.11(a)(3) to consult with the attorney. Mayor Pro-tem Phillips seconded, and the motioned passed unanimously at 7:47 p.m.

Commissioner Craver motioned to return to open session. Commissioner Cox seconded, and the motion passed unanimously at 8:02 p.m.

X. Recess: Commissioner Craver motioned to recess until March 19 from 7:00 p.m.-9:00 p.m. for a budget workshop. Mayor Pro-tem Phillips seconded, and the motioned passed unanimously. The meeting ended at 8:03 p.m.



R. Devaughn (Vaughn) Benton, Mayor



Kim Wells, Finance Officer/Town Clerk

February 24, 2021

HAND DELIVERED

Honorable Mayor and Town Commissioners
Town of Boonville
Boonville, NC

RE: That certain personal residence and dilapidated outbuilding situated on a tract of land located at 107 Fletcher Street (the "subject property") that extends from the pavement on the southern side of Fletcher Street to the pavement on the northern side of Walnut Street. The personal residence faces Fletcher Street and the rear of the outbuilding faces Walnut Street.

Upon information and belief, the subject property is located in an area that is zoned R-15, a zoning classification that restricts usage to residential housing.

We want to make you aware of what we believe is non-conforming use of the subject property and by this letter:

1. File an official complaint as to its non-conforming use,
2. Request written confirmation of the current zoning classification for the subject property including a descriptive list of the allowable uses of property in its current zoning classification,
3. Request written confirmation that a non-conforming special use permit has or has not been issued to the owner of the subject property and if such a permit has been issued, the date of the permit and the non-conforming use that has been permitted, and
4. Assuming that our allegation of non-conforming use is correct, request that the Town of Boonville take immediate action to force the occupants and/or owner of the subject property to cease and desist the non-conforming use.

Evidence in support of our allegation as to the non-conforming use of the subject property includes, but is not limited to, the following descriptive items:

1. A significant number of inoperable and/or unlicensed vehicles being routinely or permanently parked on the subject property,
2. The periodic entry into and exit from the subject property of trucks with trailers and a roll-back truck, which is a special purpose vehicle, normally used to haul disabled vehicles,
3. The sound of revving engines coming from the outbuilding, often late at night,
4. The general nature of the activity being routinely observed in and about the outbuilding at all hours of the day we believe is confirmation that the outbuilding is being used for a commercial enterprise, namely a vehicle repair shop/garage and that the open land in the subject property is being used as

a junk yard to park or store inoperable vehicles for the purpose of having access to or selling used vehicle parts.

On February 19, 2021 at approximately 12:00 noon, the following items were visually observed on the subject property which we also submit as additional evidence to support our allegation that the subject property is being used for a vehicle repair shop/garage and a junk yard:

1. A hydraulic lift of the type commonly used to remove engines from vehicles was setting in the personal residence carport,
2. A hatch lid/rear door removed from a white SUV was leaning against a bush beside the personal residence carport,
3. An inoperable pickup truck (flat tires, hood open) was parked near the personal residence carport with its bed filled with junk and/or bags of trash,
4. A small older looking dump truck was parked at the west end of Fletcher Street that may have had an expired license plate or otherwise been inoperable,
5. There were several vehicles (one with the hood up and another one partially covered with a blue tarp) parked between the personal residence and the outbuilding.

The occupants of the subject property routinely use Walnut Street to enter and leave the outbuilding area. Such constant traffic has worn down the grassy berm area that for years was left in place by the prior owner of the subject property to filter flowing surface water before it reached Walnut Street. Compression of the berm has created a muddy mess that residents of Walnut Street and Coram Avenue have to endure and maneuver around if they use Walnut Street to go to and from US Hwy 601. Normal rainfall also adds to the muddy mess because muddy surface water flows from the subject property into Walnut Street where it then flows westerly down Walnut Street to its intersection with Coram Avenue and from there flows in a southwesterly direction into a small fresh water creek. As the muddy water flows down Walnut Street, mud and debris accumulates in an area some 2 – 3 feet wide along the north side of Walnut Street and across the concrete driveway at the south end of the residence located at 106 Coram Avenue. The muddy water flowing into Walnut Street likely also contains contaminants (oil, grease, antifreeze) released from the vehicle repair shop/garage which, in addition to being a violation of surface water erosion control regulations, would be a violation of various environmental laws and regulations, especially if the muddy water containing contaminants does make it into the small fresh water creek.

The current use of the subject property has already had and, if something is not done to stop the current use, will continue to have a material negative impact on the market value of the surrounding residential properties located on Walnut Street, Coram Avenue, Sunset Drive, and Fletcher Street, the majority of which are owner occupied personal residences. In all probability, the unsightly non-conforming use of the subject property has also had a material negative impact on the market value of residential properties located even further away from it and the herein named streets.

From our perspective, the current nonconforming use of the subject property is a public nuisance that has had a material negative financial impact on the owners of the surrounding residential properties. It is a well known fact that for most home owners, their personal residence is their most valuable asset.

In summary, including and also repeating some of the reasons described herein above, obvious reasons for the material negative financial impact on the owners of the surrounding residential properties caused by the nonconforming and unsightly visual appearance of the subject property include, but are not limited to, the following:

- (1) Noise of engines being revved up in a residential community, often late at night,
- (2) Storage of inoperable or junk vehicles in full public view,
- (3) Operation of a commercial enterprise in a residential community,
- (4) General unsightly curb appeal of a residential neighborhood that contains an un-kept nonconforming eyesore like the subject property,
- (5) Walnut Street being constantly marked with muddy vehicle tracks plus an accumulation of mud and debris two or more feet wide along its northern side down to its intersection with Coram Avenue. As specific examples, occupants of the personal residence located at 115 Walnut Street which is located directly across from the muddy mess and occupants of the personal residence located at 117 Walnut Street which is adjacent to the west side of the muddy mess have difficulty backing out of their respective driveways without getting into the muddy mess created by the occupants of the subject property.

Attached as exhibits to this letter are a number of representative pictures that were made on the following recent dates which we believe strongly support our allegations in the complaint(s) described herein above:

- (1) January 30, 2021 (10 pictures)
- (2) February 4, 2021 (2 pictures)
- (3) February 7, 2021 (6 pictures)
- (4) February 14, 2021 (3 pictures)
- (5) February 22, 2021 (3) pictures)

We are also asking for written answers to the following questions:

1. Has the Town of Boonville previously taken any type of official action to address the issues contained in this complaint?
2. If the Town of Boonville has previously taken any type of official action to address the issues contained in this complaint, what action was taken and has the occupant and/or owner of the subject property complied with any of the previous official orders or directives issued to them by the Town?

As property owners, taxpayers and citizens who take pride in the appearance of our personal residences as well as the neighborhood in which our residences are located, we are hereby requesting your immediate

help in removing the public nuisance described hereinabove. It is our sincere belief that allowing the nonconforming use of the subject property to continue will continue to expose us to unrecoverable reductions in the market value of our respective personal residences. Your prompt response to this request will be greatly appreciated.

If you have questions or need additional information to support our complaint, please do not hesitate to let us know.

Respectfully submitted,

Nolan G. Brown
Signature

NOLAN G. BROWN
Printed name

106 CORAM AVENUE
Street address

Phillip Chase Alexander
Signature

Phillip Chase Alexander
Printed name

117 Sunset Dr.
Street address

NGB Enterprises, Inc.
Signature

NGB ENTERPRISES, INC.
Printed name

107 CORAM AVENUE
Street address

Ryan Norman
Signature

Ryan Norman
Printed name

115 Walnut Street
Street address

Courtney Haynes
Signature

Courtney Haynes
Printed name

117 Walnut Street
Street address

Signature

Printed name

Street address

Signature

Printed name

Street address

Signature

Printed name

Street address

Signature

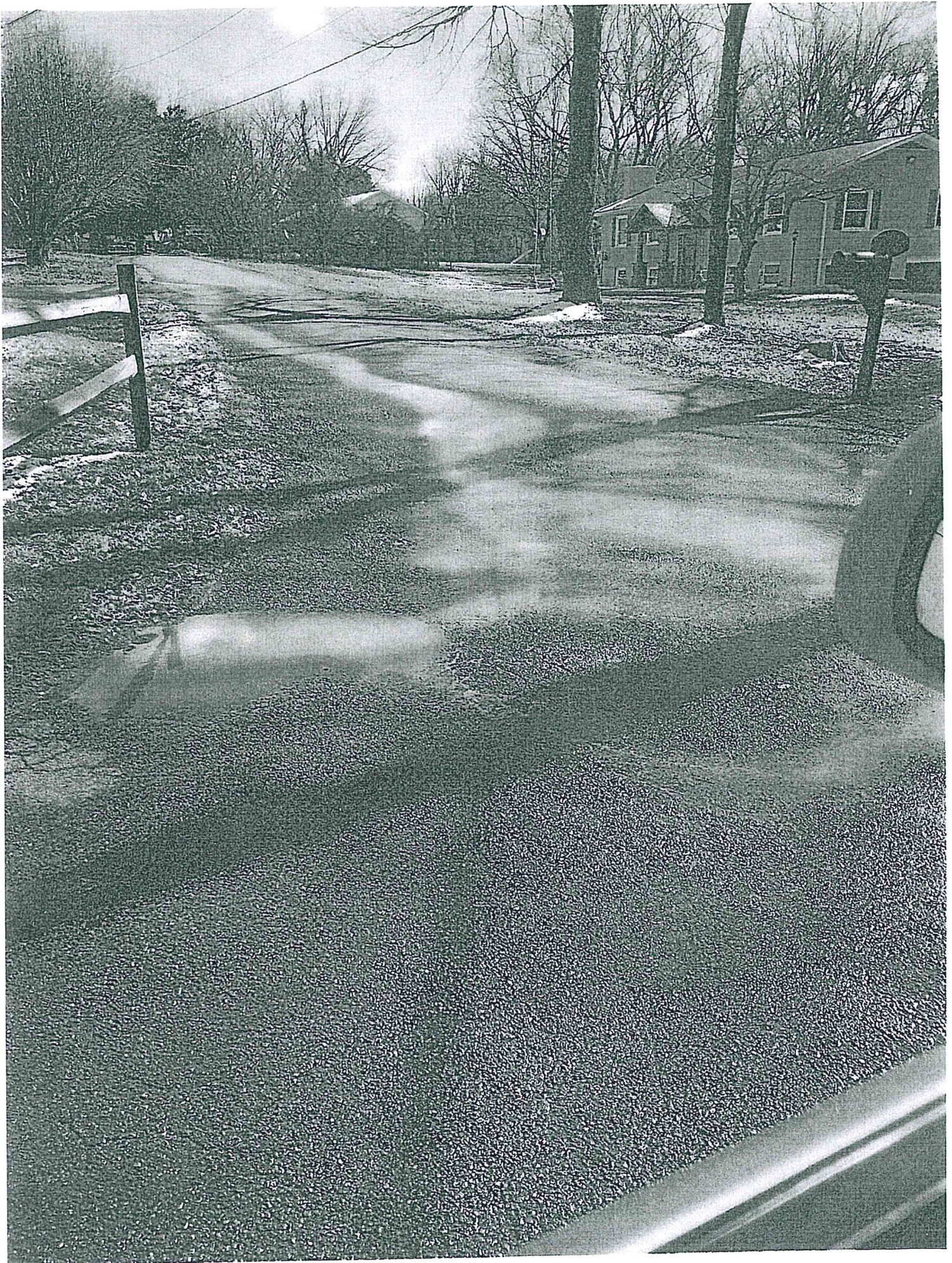
Printed name

Street address



2/4/2021









Proposed Budget Amendments - March 2, 2021

By Kim Wells, Finance Officer

General Fund		Account Number	Description	Current Budget \$	Amendment	Ending Budget \$	
Revenues							
		100 - 400 - 40001 -	30001 Taxes Adv - 1st year	2,000	2,000	4,000	Projected for Year End
		100 - 400 - 40001 -	30004 Taxes Adv - 4th prior year	2,000	2,000	4,000	Projected for Year End
		100 - 402 - 40002 -	31100 Tax Discount	(4,025)	(110)	(4,135)	Adj to actual
		100 - 406 - 40006 -	33500 Miscellaneous Revenue	1,000	200	1,200	Projected for Year End
		100 - 408 - 40857 -	34300 Powell Bill Allocation	37,599	(2,219)	35,380	Adj to actual
		100 - 415 - 40010 -	36701 Sales Tax Refund	4,350	(264)	4,086	Adj to actual
		100 - 422 - 40022 -	39910 Beginning Fund Balance	-	4,649	4,649.00	To balance budget
					6,256		
Expenses							
Governing Body							
		100 - 410 - 50400 -	40027 Election Expense	-	500	500	Adj to actual
		100 - 410 - 50400 -	40004 Professional Expense	33,600	(500)	33,100	Move funds to cover other uses
Admin							
		100 - 420 - 50400 -	40015 M&R Building	3,100	800	3,900	To record FYE 2020 project carry over to current fiscal year - new front glass
Cares Funds							
		100 - 440 - 50400 -	40002 Salaries	2,024	8,497	10,521	Adj to actual
		100 - 440 - 50400 -	40010 Broadband	4,476	1,575	6,051	Adj to actual + project park wifi through 12/31/21
		100 - 440 - 50400 -	40074 Capital Outlay	33,941	(15,553)	18,388	Move funds to cover other uses
		100 - 440 - 50400 -	40075 Computer Expense	16,356	4,099	20,455	Adj to actual
		100 - 440 - 50400 -	40157 Safety	4,418	1,382	5,800	Projected for Year End
Police							
		100 - 510 - 50400 -	40002 Salaries	200,500	(18,000)	182,500	Move to cover part time overage - G. Gibson
		100 - 510 - 50400 -	40006 Salaries - Part Time	5,000	18,000	23,000	Projected part time overage - G. Gibson
		100 - 510 - 50400 -	40033 Supplies & Materials	1,600	1,000	2,600	Projected for Year End
		100 - 510 - 50400 -	40058 Unemployment	1,200	2,672	3,872	Adj to actual for Officer Payout of Employment
		100 - 510 - 50400 -	40238 Medical Expense	800	400	1,200	To record new monthly service with DRS
		100 - 510 - 50400 -	40254 Group Insurance	40,400	(4,072)	36,328	Move excess funds to cover other uses
Streets							
		100 - 560 - 50400 -	40033 Supplies & Materials	2,000	200	2,200	Projected for Year End
		100 - 560 - 50400 -	40036 Uniform	1,500	(200)	1,300	Projected part time overage - G. Gibson
Powell Bill							
		100 - 570 - 50400 -	40073 Other Improvements	3,500	1,500	5,000	Projected for Year End
		100 - 570 - 50400 -	40074 Capital Outlay	-	2,550	2,550	Adj to actual
		100 - 570 - 50400 -	40145 Right of way/spraying	-	500	500	Projected for Year End
		100 - 570 - 50400 -	40573 Maintenance of Streets	29,000	(6,769)	22,231	Move funds to cover other uses / tie to actual appropriation
Sanitation							
		100 - 580 - 50400 -	40033 Supplies & Materials	200	100	300	Projected for Year End
		100 - 580 - 50400 -	40038 Tipping Fees- Landfill	9,000	3,400	12,400	Projected for Year End
		100 - 580 - 50400 -	40254 Group Insurance	2,500	1,550	4,050	Projected for Year End / record higher workers comp rate than planned
Non Departmental							
		100 - 660 - 50400 -	40052 Bank Charges	1,500	500	2,000	Projected for Year End
		100 - 660 - 50400 -	40095 Christmas Decorations	2,000	2,625	4,625	Adj to actual
		100 - 660 - 50400 -	40894 Parks and Rec Adv Committee	500	(500)	-	Adj to actual
					6,256		

-- Enterprise Fund

Revenues

300 - 415 - 40010 - 36701 Sales Tax Refund
300 - 422 - 40022 - 39910 Beginning Fund Balance

6,000 (2,857) 3,143 Adj to actual
84,422.00 49,245 133,667.00 To balance budget

46,388

Expenses

Water

300 - 810 - 50400 - 40031 Gas and Oil
300 - 810 - 50400 - 40057 Miscellaneous Expense
300 - 810 - 50400 - 40074 Capital Outlay

3,500 9,200 12,700 To record actual gas used for Sunset Well Generator
300 1,700 2,000 To cover Centurylink Damage claim + Employee vehicle accident payout (in lieu of deduct
6,000 11,365 17,365 To Record FYE 2020 project that overlapped fiscal years (rock bin at shop)

Sewer

300 - 820 - 50400 - 40057 Miscellaneous Expense
300 - 820 - 50400 - 40074 Capital Outlay
300 - 820 - 50400 - 40174 Debt Service

200 600 800 To cover Employee vehicle accident payout (in lieu of deductible)
6,000 11,365 17,365 To Record FYE 2020 project that overlapped fiscal years (rock bin at shop)
18,919 (2,159) 16,760 Adj to actual

Sewer Plant

300 - 830 - 50400 - 40053 Dues and Subscriptions
300 - 830 - 50400 - 40057 Miscellaneous Expense
300 - 830 - 50400 - 40575 Debt Service

1,100 1,225 2,325 Adj to actual
200 3,200 3,400 To record civil penalty and January fine
58,710 9,892 68,602 Projected for Year End

46,388