

**Town of Boonville**  
**September 3, 2019, Regular Meeting Minutes**  
**Harvey E. Smith Municipal Building**

The following were in attendance at the 9/3/19 regular meeting: Mayor Vaughn Benton, Commissioners William Paul Baity, Monica Craver, Richard Lasky, Justin Phillips, and Tony Reece. Also in attendance were Town Attorney James Freeman, Finance Officer/Town Clerk Kim Wells, Public Works Director Jeff Jones, and Police Chief Jeff Hobson.

- I. Call to Order and Welcome:** Mayor Benton called the 9/3/19 meeting to order at 7:01 p.m.
- II. Conflict of Interest Issues and Approval of Agenda:** Mayor Benton asked the Board to add to New Town Business item B- Golf Cart Ordinance. Commissioner Baity motioned to approve the agenda as amended. Commissioner Reece 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:** Commissioner Baity motioned to approve the 8/6 regular minutes and 8/6 closed session minutes. Commissioner Phillips seconded, and the motion passed unanimously.
- V. Public Comments:** Bruce Nanney, 208 E. Main Street, spoke of concerns for the recent paving on Main Street by D.O.T. Mr. Nanney expressed concern about the contracted services by D.O.T., the manholes left behind and the patches to the road. It was stated that Public Works would contact D.O.T. about Mr. Nanney's concerns.

**VI. Old Town Business:**

- A. Update on Water and Sewer Projects:** Public Works Director Jones updated the Board members on the status of the sewer plant and Phase II of the water project.
- B. Policy for Public Works Uniforms:** Public Works Director Jones asked that the policy be tabled.

**IX. New Town Business:**

- A. A.O.C. Form 257:** Police Chief Hobson spoke about the A.O.C. Form 257. He informed the Board that sending in the form would not keep the town from getting court fees but would eliminate the town getting the monthly notice. It was stated the form must be submitted by the town attorney. Discussion followed. Commissioner Craver motioned to check B-1, A-2 and allow town attorney to take care of on our (town's) behalf. Commissioner Baity seconded, and the motion passed unanimously.
- B. Golf Cart Ordinance:** Mayor Benton stated the topic was brought up during the August meeting in public comments. He asked the Board on their thoughts on the topic. Commissioner Baity stated that he like the idea of it but that he did not think it would work because the town was not set up for it and would not be equal to all residents. Discussion followed on the lack of areas in town that would allow direct crossing on 601 and 67. Commissioner Craver spoke of the multiple individuals that she had spoken too, including Southland Trucking that was not in favor of the ordinance. Discussion followed. Many citizens, both in-town residents and out-of-town residents, spoke on the topic. Police Hobson expressed his concerns from a police standpoint. Commissioner Craver motioned to table the topic until Board can get more research; table ordinance and form a committee to see if we (town) could work out the bugs with the Golf Cart Ordinance that we (Board) feel comfortable passing. Commissioner Phillips seconded. Commissioner Lasky asked about out-of-town representative for committee. Consensus was no. The motion passed unanimously.


**X. Reports and announcements:**

- A. Mayor's report:** Mayor Benton had nothing to report.
- B. Finance Officer's report:** Finance Officer/Town Clerk Wells had nothing to report.
- C. Public Works Director's report:** Public Works Director Jones reported on the sidewalk edging and the current water line replacements.
- D. Police Chief's report:** Police Chief Hobson had nothing to report.
- E. Departmental Commissioner's Reports:** Commissioner Craver reported on the great job the Town Hall employees were doing. Commissioner Reece stated everything was in good shape. No other commissioner had anything to report on.
- F. Committee reports as needed:** None was given.

**XII. Closed Session per NCGS 143-318.11(a) (3)-consult with attorney in order to preserve the attorney-client privilege:** Commissioner Baity motioned to go into closed session per NCGS 143-318.11(a) (3). Commissioner Phillips seconded, and the motion passed unanimously at 7:53 p.m.

Commissioner Baity motioned to return to open session. Commissioner Phillips seconded, and the motion passed unanimously at 8:24p.m.

**XIII. Adjourn:** Commissioner Baity motioned to adjourn. Commissioner Reece seconded, and the motioned passed unanimously. The meeting adjourned at 8:25 p.m.

  
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R. Devaughn (Vaughn) Benton, Mayor  
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Kim Wells, Finance Officer/Town Clerk





ADMINISTRATIVE OFFICE OF THE COURTS

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August 15, 2019

TOWN OF BOONVILLE  
PO BOX 326  
BOONVILLE, NC 27011

Re: Notice to Government Entities Receiving Court Costs and Fines

To Whom It May Concern—

The North Carolina Administrative Office of the Courts (NCAOC) is sending you this notice because you have been identified as a state or local government entity that may receive court costs or fines imposed in criminal and infraction cases. Effective December 1, 2017, government entities “directly affected” by any waiver or remission of court costs and fines are entitled to notice and the opportunity to be heard, through counsel, on any such waiver or remission.<sup>491</sup>

By this notice, you are advised that at any setting of criminal court, a court may waive or remit costs and fines. Below is a link to the NCAOC’s online criminal calendars webpage, searchable by county.

<http://www1.aoc.state.nc.us/www/calendars/Criminal.html>

If an entity chooses to send counsel to a session of criminal court, counsel shall notify the courtroom clerk that he or she is present and requests the opportunity to be heard on any waiver.

In the interest of providing both (i) an efficient mechanism for government entities to express their preferences on such waivers without appearing in court and (ii) a single resource that trial court officials may consult about each entity’s position, the NCAOC will maintain a statewide registry of entity responses generated from the form on the back of this notice. The registry will be made available online on February 16<sup>th</sup> at: <http://nccourts.org/costwaiver>

Any entity wishing to register a standing objection or a lack of objection to waivers/remissions may do so by completing the form on the back of this notice, by and through counsel for the entity, and returning it by mail or email. Entities may also note if they would like to stop receiving these notices from the NCAOC. Entities that do not waive future mailed notices will continue to receive notices monthly. Any objection or lack of objection can be rescinded and replaced at any time by subsequent submission of this form. An electronic copy of this form will be available on the same website as the registry of entity responses.

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<sup>491</sup> See Session Law 2017-57, Sections 18B.6.(a) and (b) (<https://www.ncleg.net/EnactedLegislation/SessionLaws/HTML/2017-2018/SL2017-57.html>) for further details.

Name And Address Of Submitting Agency (type or print)

**GOVERNMENT AGENCY  
STANDING RESPONSE TO WAIVER / REMISSION  
OF COURT COSTS AND FINES**

G.S. 7A-304(a)

**Notes to Submitting Counsel:**

1. Counsel should submit standing responses only for agencies or political subdivisions for which counsel has clear authority to represent the agency's interests before the trial division, and this response must identify clearly the agency(ies) on whose behalf it is submitted. *E.g.*, a standing response by counsel for a county school board should identify the county board of education clearly as the agency in interest, not merely "County X," as it is unclear whether or not such a response purports to represent the county's interests for court costs to which it might be entitled under G.S. 7A-304 that are not disbursed for the use of the schools.
2. Responses should be submitted by **legal counsel for the agency, only**. To the extent this response may be considered by a court of the trial division, in order to avoid potential unauthorized practice of law by agency personnel not authorized to represent the agency before the courts, responses from non-counsel will not be included in the online registry.
3. Return completed forms with ink signature via mail or email to:  
NCAOC – Office of General Counsel  
Attn: Court Cost Waiver Standing Response  
PO Box 2448  
Raleigh, NC 27602  
Email Address:  
Waiver.Response@nccourts.org
4. Agencies may change their standing response at any time by submission of a subsequent response form, by and through appropriate counsel. A registry of current standing responses will be available online at: <http://nccourts.org/costwaiver>.

**AGENCY RESPONSE**

Now comes the above-named government entity, by and through counsel, and requests that the following standing responses concerning waivers or remissions of court costs or fines pursuant to G.S. 7A-304(a) be provided to the trial courts as the agency's position on any waiver/remission of a cost or fine to which the agency may be entitled. This standing response is subordinate to personal appearance by agency counsel at any individual hearing at which such waiver or remission may be considered, in which case the agency's position shall be the one expressed at such hearing, notwithstanding any content of this standing response to the contrary.

- ☐ 1. **Standing Objection/Waiver of Objection.** The above-named agency hereby registers its (*check one*)
- ☐ a. objection to waiver or remission of any cost under G.S. 7A-304 or fine that may be due the agency.
  - ☐ b. lack of objection to any waiver or remission, for which the agency defers to the court's discretion.
- ☐ 2. **Waiver/Request for Notice.** The agency hereby requests that mailed notices under G.S. 7A-304(a) from the Administrative Office of the Courts be (*check one*)
- ☐ a. **Discontinued.** The agency no longer wishes to receive monthly notices.
  - ☐ b. **Continued/Resumed.** The agency wishes to continue receiving mailed notices, or to resume receipt of notices for which receipt was previously discontinued.

Signature		Date
Counsel Name (type or print)	Title	Bar No.
Firm Name (if applicable)	Address (if different from above)	
Telephone No.		