

**Village of Folsom
General Meeting
December 10, 2012**

Present: Mayor Phillip Bickham
Alderwoman Jill Mathies
Alderman Lance Willie
Alderman Donald Burris
Attorney Delbert Talley

The meeting was called to order and a quorum established. The invocation and pledge were led by Alderman Burris. The Agenda was amended by Alderman Willie by adding discussion of Town Financial/Discussion back on agenda from last meeting that was tabled which was second by Alderwoman Mathies. (3 Yeas, 0 Nays) The motion carried.

OLD BUSINESS:

Item No. I - A – Utility Red Tags:

Alderwoman Mathies stated that last month there was a suggestion that due to the significant increase of red tags being hung on doors we look at a fee charge. Alderwoman Mathies stated, we average about 30 red tags a months with about 182 tags hung in 6 months. At the moment our ordinance doesn't have much about a late charge nor a red tag charge so they brought this number to our attention to look into, right now we are charging a 10% late fee. Alderwoman Mathies also stated that her suggestion is that we charge a monthly late charge fee. Alderwoman Mathies asked Clerk Willie to explain the process for water shut off at the moment, Clerk stated that usually after the second month or if they exceed their \$100 deposit water is then turn off. Alderwoman Mathies stated that if we readjust our late charge that will accommodate the man time thru a flat rate or increased rate and continue to charge the \$25 fee to turn water back on. Alderman Willie asked if she had come up with a suggestion on the amount of late fee? Alderwoman Mathies stated, "no, not yet", but she will check with other municipalities and see how they are charging. Mayor stated ok, so we will check into flat rate or an increase rate. A resident asked if we have considered an automatic draft? Clerk stated that we do except online, over phone, walk-in payments, and also your personal bank can make a deduction from your account automatically. Alderman Willie stated that we table until next meeting so that we can come up with a solution.

Item No. I – B – Adjustments/Credits:

Alderwoman Mathies stated, "it has been brought to her attention and asked to be addressed on credit's and adjustments there are concerns in reference to adjustments I don't have answers for. In reference to adjustments for board members when we've denied several others that is probably the biggest dispute and question that has been brought to me. I have reviewed adjustment and charges over multiple months there are some others but this one is in question and I don't know how to answer it because of the comments that are in there, I don't understand a CPA adjustment." Alderman Burris then spoke and stated "I see my name on here, I can understand if there were some questions which there is a right to be people have a right especially with public officials, I don't have city water and before we took office they came and took my garbage cans, so I only asked for, I don't have city water which I was being charged for and I was continuing to pay for my services, and that's it. Everybody knows me and I'm not trying to do or did not try to do anything out of pocket." Alderwoman Mathies, stated "I hope I asked appropriate un-judgmental questions, but I hope the questions give us answers, so you never asked then why were these things adjusted. Alderman Burris stated I never asked for them to be adjusted I just said I never got those services and I'm still paying my bill." Mayor then stated that he spoke to Mr. Burris on this before and what I was told that previously the city had took Mr. Burris's

garbage cans, he wasn't getting garbage, he wasn't getting water, so I looked at what he owed in 2011 and the discrepancy on his bill and not only was his bill but there were others with discrepancy there were checks that bounce. Alderwoman then stated these credits were done in 2011 this was after we sat at a board meeting and denied other people for other reasoning, for instance the ball park they were using waster for irrigation and they were discrepancy for sewer. We have had multiple meeting in reference to credits and adjustments and a week later it was never brought to the board's attention of the credit but others were. Alderman Burriss stated I don't want anything to escalate I rent the property I am on and it doesn't have a sewer clean out anywhere. "I have never tried to get out of anything," Burriss stated and I'm going to pay for what I'm getting, but I'm not going to pay for what I'm not receiving. Mr. Talley stated "I have said several times under article 7 section 14A of the constitution you can't give away funds or municipal property the Attorney General has repeatedly held that you waive a fee or write off a fee or write up a tax or write up a charge basically he considers that donation of public property." Alderwoman Mathies stated that the adjustment and credit list she has is several pages long and the list before them is a very short list some are appropriate and other aren't, we need to all be on the same page if we are not going to give credits and adjustments and before we do let us know monthly or weekly however we feel is a business reason that we all be in constant understanding not blind sided by questions. Mr. Talley said one thing I didn't not say that the board of Alderman are the ones that set the rates and if there are any write offs it needs to be done by the board of Alderman. Mayor said previously the clerks were doing the write offs, and since then questioned how things are being handled. I then told our clerks that we need to take a look at all these outstanding bills and we need to figure what's going on so we can get up-to-date on our water billing. Since there is no policy in place, I told them when it get's close to their deposit we will send out a red tag and we will shut the water off until they can pay their water bill. We need to get a handle on these water bills and my understanding with the sewer is if they had a leak and the maintenance crew went there and saw this leak and residents weren't aware of that leak we would adjust the sewer bill. Mayor stated I am aware that we can't adjust a water bill and so I told the clerks there will be no adjustment on water. Alderwoman Mathies commented that after continually months being told the same thing over and over again and even our Attorney stated several times that we would not and yet it continued and then it brought to question on who it continued on. Alderman Burriss said that whatever this board decides you all want to do with me, that's fine so we can continue to move forward this is a Donald Burriss issue. Alderwoman said I agree we need to decide how we as a board will handle this for the future in reference to every citizen and then. Alderman Willie stated well I think Mr. Talley has said it, it's illegal to give free goods. Alderwoman Mathies said "I agree but I'm asking that anything as a suggestion that anything credited or adjusted that every board member be made negligible from here on out. Mayor stated that a lot of these credits and adjustments were meters misread. Alderwoman Mathies stated we need to review this matter so that we can come to a closure. Mr. Prevost question Mr. Burriss did you or did you not ask the previous Mayor to adjust these charges also? Mayor said we need to table this and refer it with our attorney and look at this I don't have knowledge of what the previous Mayor has said. Alderwoman Mathies you need to get with me and the clerk and we need to set a policy in place concerning the water. Alderwoman Mathies stated we have a policy already in place. I think we need to table this over the next month with you or if it's not a quorum and were okayed or whether in front of the attorney, I don't mind seating with Mr. Burriss so that we can get to a solution. There were a few more questions asked to the board then Alderman Willie stated that the reason he brought this issue to a meeting to be handle and not behind closed doors was because when he called the Attorney General, District Attorney's Office, Sheriff Strain and Legislative Auditor and got professional opinions and they said to bring it out in a public meeting so I felt it was my public duty to do so. Mayor said we will get with our attorney and we will all meet and look at these things. Alderwoman tabled for a resolution at a later date, Mayor agreed.

Item No. II – Town Financial Discussion:

Alderman Willie stated I felt I needed to put this back on the agenda we had a debated discussion in your office in which you told me two months ago that you had a notebook with records of your whereabouts and that you would get back with me but then the other day in your office you stated that you had no records or proof of what you were doing or why you were there for town business. Mayor you asked me to sit down with you and the attorney to see how to go about this so you can pay back in order to get this right. Mayor stated you told me that I need to have written proof on what business for the town I had in different places, let me say this I have went to numerous places for the town do I have a log of where I have went, no I do not. Alderman Willie stated the reason I'm bring this up because we need to bring this out in the opening not closed doors. Mayor stated that on the 16th it shows the Mayor using the credit card but Mayor stated that Mr. Giddens our maintenance guy had town car to get a sticker on it and he had the car, I was at a conference with my own car and you made accusations. As for the cross guard I don't have to get the chief's permission to work if I need him. Mayor then stated no, Mr. Willie no I don't have a log of where I have been for the town but if your going to come after me, then do the Chief or police officers have a log of where they've been? Alderwoman Mathies stated but you do preview and sign off on checks for fuel so you are aware of the invoices. I feel as an elected official we are not being told of day to day issues and we would probably work better together if we were. Mayor said I agree. Alderman Willie stated your sitting here telling me that I'm falsely accusing you but I've asked you specifically about specific dates that there was a repetitive issue of your whereabouts each month around the same month. I'm not falsely accusing you I have my facts, I have my credit card statements, exact dates, times and locations of gas stations, we don't have that much town business. Mayor said you might not think its town business but I do, I'm checking other municipalities to see how they bring in revenue into their towns. We are just not going to look at me we are going to look at everybody and see where all these vehicles have been at and if they were on town business. Alderwoman Mathies stated that we table this as resolution to find our solutions.

NEW BUSINESS:

Item No. I – Town Ordinance – Town Vehicles:

Alderman Burris stated that he would like to make a motion that Ordinance for establishing Policies and Procedures for use of Vehicles owned by the Village of Folsom that Mr. Talley presented us be introduced. Alderwoman Mathies suggested that we add to the Ordinance being introduced that the Fleet gas card be provided by the Police Chief, Police Officer designated to a particular vehicle, maintenance and town clerk, my suggested is that we incorporate board officials in emergency bases sign out if the card is needed thru the town clerk and then be given a 24hr timely manner to be returned with receipt. This will give the board member the right in case of an urgent base if needed to be able to have that usage. Mr. Talley stated this ordinance only applies to vehicles we don't have an ordinance on credit cards, we need one it would have to be an separated ordinance we can only have one subject per each ordinance, this deals strictly with vehicles. Alderman Willie stated that on page 2 where it states, "Employees who are assigned Village vehicles may not carry passengers other than co-employees or persons assisting in the performance of their official duties." What about for instance Mr. Killingsworth is at work in his work vehicle and there is a family emergency at the school he shouldn't have to run home to pick up his personal car. Mayor stated that is understandable. Chief Killingsworth stated that the Police department does have a policy on their vehicles. Mr. Talley said he can add in the case of an emergency and Mayor said that's fine. Motion of Alderwoman Mathies to have this ordinance introduced and changes of fuel card and emergency of passengers second by Alderman Willie (3 Yeas, 0 Nays), the motion carried.

Item No. I = Growth Management & Revenue Sharing Agreement/Sales Tax Enhancement Plan:

Mr. Talley gave detail that this is an agreement that he thinks is an annual bases that come up for review as an amendment, what they are asking for us to advise whether or not we have any amendments. I looked over it and didn't have any suggestions as to anything that needs to be amendment. The only thing they are asking now that you review it and advise whether you have any amendments or any changes you want to make in March agreement must be sign. Mr. Talley did remind board that any revisions be made by December 28th, 2012. Motion of Alderwoman Mathies that Agreement be tabled for review and make a decision next month of any changes, second per Alderman Willie. (3 Yeas, 0 Nays), the motion carried.

Item No. II = Beer & Liquor License 2013 Renewal:

Clerk Willie informed board that Veer Off contacted us this morning they are delinquent on a couple months behind on Sales taxes, Mr. George said he will get it caught up then send in his application. Energy Express is up to date on Sales tax but is in the process with her accountant to get the proper paperwork and checks cut she said she will have that in the next few days. El Milagro is delinquent on Sales taxes, didn't pay occupational license for last year and even after several attempts to contact, letters and one-on-one conversation over the phone it was never taken care of or handled. Alderwoman Mathies asked how should we handle this, should we contact the state? Mayor stated he has a license for a year and once it expires in January and the Town doesn't approve it, then it expires with the state. Clerk stated that El Milagro is on the delinquent list each month where he is behind every three to four months then falls behind again. Motion of Alderwoman Mathies stated she will approve the Beer and Liquor license that have come before us with the exception of the two that remain in the process second per Alderman Willie, (3 Yeas, 0 Nays), the motion carried.

Also, in other business Alderman Burris stated that the Fire Marshal sent us back some suggestions on our plans for our sprinkler system on the Senior Center so we will get that accommodated. Alderwoman Mathies stated that on December 21, 2012, we are having our toy drive at the Magnolia Park, any donations, suggestions to help bring this together is greatly appreciated. Donation drop offs are here at the Town Hall or can be pickup by Alderwoman Mathies.

The meeting was adjourned on motion of Alderman Burris, seconded by Alderman Willie. (3 Yeas, 0 Nays) The motion carried.

Respectfully submitted,

Phillip Bickham, Mayor

I attest that the above is a true and correct copy of the minutes taken at the General Meeting held December 10, 2012.

Attest:

Susan Willie
Municipal Clerk