



*Mayor - Phillip Bickham
Alderwoman - Jill Mathies
Alderman - Donald Burris
Alderman - Lance Willie*

*Village of Folsom
82378 June Street
Folsom, Louisiana 70437
(985) 796-5607
(985) 796-5017 Fax*

*Ronnie "Beau" Killingsworth
Chief of Police
Susan Willie, Municipal Clerk*

**Village of Folsom
General Meeting
September 8, 2014
7:30 PM**

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

The meeting was called to order and a quorum established. The invocation and pledge were led by Alderman Donald Burris. The Agenda and financial statements were approved on motion of Alderman Burris, seconded by Alderman Willie. The motion carried. (3 Yeas, 0 Nays)

New Business:

Item I = Contracted Workers:

Alderwoman Mathies stated that she had some concerns about contracted workers we are using in the Village. For instance we had a gentleman come to repair air condition system, is he licensed, insured, registered or qualified, questioned Alderwoman Mathies. Mayor stated, "You have to ask him," we have no protocol and haven't checked before. Alderwoman Mathies stated, I believe in the future that from here on out with contracted workers we need to make sure they are licensed, insured and qualified, especially liability insurance, that throws us at a very high risk. I also have concerns about our maintenance person that takes care of our cars, is he licensed in his profession? Mayor stated, "Yes he is qualified." Alderwoman Mathies then asked "is he qualified for our sewer." Mayor stated, "What you mean qualified for our sewer?" "I'm not aware he is maintaining part of our sewer system." Alderwoman Mathies stated well we did get a bill and ya'll sign off payment on his check, to drain waste and remove pump sludge, refill tanks on the pumps. Mayor stated that was oil I believe, Mr. Burris informed me of it, they work with that and I'm sure that was no sludge drained from the sewer system by a mechanic, but I believe that there was some oil that needed to be drained. "I trust the competence of our maintenance supervisor and brought someone in that was qualified that could do the work, as far as I understood."

Alderwoman Mathies then asked Mr. Talley where does that leave us in liability contracting people that are not licensed and insured on their own. Mr. Talley stated, there are several difference problems that can arise. One if you have an independent contractor, that's doing manual labor and he doesn't have insurance and he or his employees get hurt then they can bring an action against the village as a principal, and they can get workers compensation for life and we would have to pay all of their medical bills. If he gets hurt that makes him an employee, he can also under certain circumstances be a statutory employer. Then again that would be our liability for workers comp and same for liability insurance. My recommendation for the village would be if you're going to have an independent contractor doing work for the village that you have them sign an agreement stating that he either has or will obtain insurance before he does any work for the village. It just doesn't make any sense to not protect ourselves when there's so much exposure. Alderman Burris stated so our responsibility is to set policy and procedure that from this point on when it's brought to our attention that if we don't have it in place that we will put it in place. Such as an ordinance stating any contracted worker for the Village of Folsom meet requirements such as insurance, workers comp and signing a waiver that the village won't be responsible. Also that they are qualified, certified to do the work and that will keep us from being held liable. Mr. Talley stated there is a statute that was amended in 1998 or 1999 that specifically said to remove them from that status that we would have to have them sign an agreement that they have insurance, so we do need the agreement sign that they do have insurance or have independently contractor status and hold themselves out of the manual labor employer for the village even with insurance but if they sign that agreement we will be protected. Alderwoman Mathies also stated that as we review the ordinance and update it, that we make sure their paid thru a cycling payment by check disbursement.

Item II = Maintenance Supervisor Position:

Mayor Bickham stated I will be hiring a maintenance supervisor. I spoke to a couple of people with qualifications which I asked them to come in and submit an application and as the Mayor I will hire the maintenance supervisor that's qualified in waste water treatment and waste water collections. I spoke to DHH to make me aware of the qualifications. Alderwoman Mathies stated she wanted to bring to the Mayor's attention, you had sent off to the Attorney General's office about hiring policies where we fall into the Lawrason Act. For supervisors it is brought before the board. Mayor stated it's a salary position and he hasn't seen a copy. Alderwoman Mathies stated you sent off for the recommendation and it was addressed to you. Alderman Burris stated that Mr. Burris sent us a letter stating that he would like to be part of the transition of training a maintenance supervisor.

Item I = Daiquiri Shop:

Mayor stated, it went before the Planning and Zoning and from my understanding that the Planning and Zoning has the authority to approve or disapprove building plans, correct. Mr. Talley then commented no, and it was said at the meeting, they only come in if there is an appeal if you're talking about a building permit, you can talk about variances, and conditional use permits those things would go directly to them. If they are talking about a building permit there non discretionary if the person comes in and they can meet the criteria they get their permit, they can't use there own discretion as board members and turn them down. If they can't meet the criteria they don't get their permit, there's no discretion involved. I have an email from our engineer that says they missed about 5 criteria's that were not met. I went to the meeting and tried to explain it to the board it was non discretionary and told them that they can't vote based on their personal feelings or anything like that. When it comes to a building permit it's suppose to go to our building inspector, he makes the decision based strictly on whether or not they can meet the criteria in the ordinance or the law, if they can they get their permit. In this instance the building inspector would not sign off on it and the engineer said there were at least 5 key criteria's that were not met. The board decided to use their discretion but the problem with that is building permits are non discretionary and there is no discretion. Mayor then asked Mr. Talley what your saying in that meeting you attended that they didn't meet that criteria. Mr. Talley answered that in the meeting there was a discussion whether or not the ordinance was fair or whether it was to burdens on whether it would cost them to much money to meet that criteria, non of that was relevant, non of that was important either they meet the criteria or they don't. If the planning commission doesn't like the ordinance they can come back to you all and say change the ordinance, but they can't on their own say we don't like the ordinance so were not going to impose that criteria. The problem was in that particular instance they did not and could not meet the criteria. Then Alderman Burris stated so every building that has been built in Folsom it has gone before the Planning and Zoning? Mr. Talley stated it shouldn't it should have gone thru the building inspector for the permit. Were just talking about building permits and there are other reasons it can go to the board. Mr. Talley stated if they come in and meet all the criteria then that permit will be theirs. The main thing we need to remember is that if it's a building permit it goes to the building inspector, he's the person that denies or approves the plan. It only goes to the planning commission if there is an appeal. Mr. Talley read letter he drafted to the board that Mr. Bates our engineer said..... those were the 5 criteria's that Mr. Bates said that weren't met and he wouldn't sign off on it.

Mr. Talley said that in the future I would highly recommend the planning commission not be involved in these unless there is an appeal in them and it go to our building inspector and if they are involved with a building permit that they

base their opinion strictly on the criteria and not their discretion. Alderman Burris asked if the criteria's was given to the owners of the Daiquiri shop before or after? Mr. Talley stated, I think they should have the criteria when they come in, that fact though if we don't do it, you have to know the law and if we don't give it to them then it's their responsibility to find out on their own. I don't know what they had but I do know they were responsible for finding out what they had to have and the board was responsible also for what they had to have. The building inspector knew and the engineer knew. Alderman Burris said and there again that's just business friendly what can we do to get the permit to build there building. Mr. Talley stated the ordinance is online. Alderman Burris asked a few questions to the owners Kelly and Raynell Rolf of the Wacky Daiquiri Shop (review tape from 28.40 – 29.40 for further comments). Planning and Zoning Clerk Diane Sanders then commented that after Mrs. Rolf brought in her first plans that were drawn up by Mr. Arnold I gave them to the building inspector he couldn't review those he said its not expectable she has to have an engineer design. I then received the list of the things she needed from inspector, I then faxed them to Rolf on April 1st. It never said an architectural design and she went and had this whole design done that Mr. Treadaway the building inspector still could not inspect neither the town engineer Kiley Bates. This is why she is still lacking this info they should have been Civil Engineer plans as listed on the fax I sent you.

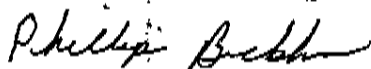
Folsom Planning and Zoning Commission member Janice Burris stated that this came up in front of the Mayor and board and it was passed to Planning and Zoning board for us to pass. We had a meeting on that we passed it. After we passed it, it was understood that these people were to get what they needed. Alderwoman Mathies stated that nothing was passed by her but a liquor license. Alderman Willie also agreed that nothing was passed by them. Folsom Planning and Zoning Commission member Bettye Boggs also stated that we want businesses in Folsom and it to grow. However, as I explained in the Planning and Zoning meeting and read verbatim we have an ordinance that states a plot drainage plan shall be provided and a building permit can not be issued unless provided. We can't do anything that was done in the past all we can as Planning and Zoning can be responsible for and all you as Mayor and board can be responsible for is what you do today. If we choose to negate the ordinance then we're setting precedent so that the next person who walks in won't need to comply with our ordinance. Ordinance 18:32 states, "the application for the building permit is made to the building inspector." We want to be sure that buildings, residence, businesses, that come into Folsom are constructing their buildings and their residence in such a way that they will not impact someone else. That's the reason for the drainage plot, and it certifies that once this building is in place it will not impact anyone around it. If we have ordinances I think we either chose to follow them or we choose to change them. Mayor stated that he's speaking with the attorney and claimed to the Rolf's you have your permit. The Raynell Rolf's said "no one has given it to us!" So then get with Mr. Bates and take care of your issues, said Mayor

Bickham. The building inspector isn't going to approve your building if you're not in compliance. Mr. Talley stated, I had a problem with the motion that was made I didn't think it wasn't a proper motion but it was cleared that the Planning Commission over road the building inspector and they granted the permit, that's what they wanted to do even though the motion didn't say that. Now the question is does the board want to revoke the permit. But at this point they have a building permit.

Mayor Bickham asked if there were any announcements, Alderwoman Mathies said September 16th next Tuesday Parish President will be here for a community question and answer at 6:00. If you know someone that isn't registered to vote the last day to change their register voter location is October 6 in order to be able to vote in November. Alderman Willie also reminded residents that September 25 we have a Candidate Forum here at Town Hall doors open at 5:30 it begins at 6:00.

The meeting was adjourned on motion of Alderman Burris, seconded by Alderman Willie. (3 Yeas, 0 Nays) 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 September 8, 2014.

Attest:

Susan Willie, Municipal Clerk