



Minutes of Special Called Meeting April 24, 2023

The Board of Aldermen/Alderwomen for the Town of Fremont, NC held a Special Called Meeting at 5:00 p.m. on April 24, 2023. Present were:

W. Darron Flowers, Mayor
Joyce M. Artis, Mayor Pro tem
Beatrice Jones, Alderwoman
Keith L. Spivey, Alderman
Terry Futrelle, Alderwoman
Leroy Ruffin, Alderman
Annie Lewis, Alderwoman

Also in attendance was Town Clerk Shannon Daly.

Quorum Present: Yes

Call to Order: Mayor Flowers called the meeting to order at 5:00 p.m.

Invocation: Alderman Ruffin gave the invocation.

Pledge of Allegiance: Alderwoman Lewis led all in attendance in the Pledge of Allegiance.

Approval of Agenda: Mayor Flowers asked for a motion to approve the agenda. Mayor Pro tem Artis made the motion. Alderwoman Lewis seconded it. All were in favor. Motion passed unanimously.

Closed Session: Personnel - General Statute § 143-318.11(6)

Mayor Flowers asked for a motion to go into Closed Session. Alderwoman Jones made a motion. Alderwoman Lewis seconded it. All were in favor. Motion passed unanimously.

Open Session:

Discussion:

(1) Budget Status – Alderman Ruffin

Alderman Ruffin stated that we are working on the budget and they were presented a balanced budget a week ago, but they know that it is not correct. He said he would like to ask our Town Clerk to see if she would work on our budget for 2023/2024. Mrs. Daly said that she will do whatever the Board wants her to do. He said they want a workable budget, one that will last 12 months. Mayor Pro tem Artis said that they were presented a balanced budget at the last budget workshop and they did not know how that was achieved, so she understands where Alderman Ruffin is coming from. She said that Mrs. Daly did an excellent job preparing our last budget and they had no problems, what so ever, and they know how important it is to have a completed, balanced budget to turn into the LGC by May 16th. There was some discussion about who the committee was that was working on the budget. Alderman Spivey said that the committee is himself, Mrs. Nichols, and Mrs. Daly. He said that when the CPA said our budget was balanced, it caught everyone off guard, because we did not have the correct information for the Fire Department. He said that he has received information on Friday, when he questioned the CPA, that they did have the information on the Fire Department, but the Board was not aware of it. He said that he has talked with Mrs. Daly and they have come up with a system where they will go line by line through the budget to bring something to the next budget workshop for the Board to understand it. Mrs. Daly said that her concern at the last budget workshop was when the CPA said he balanced our budget. She said that she had no idea that is what he had done and asked him what revenues he increased to balance the budget, because all the expenses had increased. She said he said he got the numbers from Mrs. Nichols and Mrs. Nichols did not have an answer to what the CPA said. There was some discussion and it was determined that Mrs. Daly will be responsible to make sure the budget is completed and balanced before May 16th.

(2) Inactive meters – Alderman Ruffin

Alderman Ruffin said that they have a problem with meters not being read in several years. He said he asked Mrs. Daly to ask the Public Works Department to read all the inactive meters and he would like to have them read every month. Mrs. Daly said that they got a report of inactive meters, which was 41, and gave them to Dylan, the water person, and he has read them and gave us back the information. She said there are some questions and she has Mrs. Brooks, our Billing and Collections Clerk, to look at and to give us a completed list on all the inactive meters. She said within a week or so we will have the information and it will be presented to the Board at the next Board meeting. It was determined that we need to read them every month for the next 3 months and if we do not find any irregular activity, then we can read them every quarter. There was some discussion about locks for the water meters.

(3) Comments from Staff – Mrs. Daly & Alderman Spivey

Mrs. Daly said this pertains to the account that we have been talking about since September. She said there have been many things that have been said and emails that have been written that are incorrect about staff. She said that if the Board wants the information, she has a lot of documentation and recordings of phone conversations with the customer to prove that what she is putting in emails to the Board is not true. She said the way things have been said and done is very unprofessional and very unfair to the staff

and Board because we have had to sit here and listen and we can't really say anything. She said that she has been here over 7 years and when she took an oath to follow the law and do what is best for the Town, she meant it and she does it every day that she comes to work. She said this particular customer has been treated the same way as anybody else and she would not do any of the things that this customer has said she has done.

Alderman Spivey said that every decision that he makes goes in line with the interview he had with the Board when he was selected to serve as Alderman for District 2. He said Mr. Ruffin asked him a question which was could he sit in this position and make decisions that will be in the best interest of the Town without any partiality and his answer then was yes and the answer is still yes. He said the very first thing they were taught in the ethics class was that the ethics resolution or policy must address at least five key responsibilities of governing board members enumerated by statute. He said the very first one says to obey all applicable laws about official actions taken as a board member. He said every decision that he has made and will make in the future as a Board member will be based solely upon the NC General Statutes, Town of Fremont Ordinances, and policy and procedures. It has this has never been personal and he refuses to make it personal, because everybody loses if he does that. He said there have been a lot of things said and he is amazed that he has been able to sit there and be quiet about it. He said the one comment he did make was that he is not going to add any more fuel to the fire that is already lit, because it will turn into an inferno. He said he lets people think what they want to because at the end of the day, he can sleep knowing that he has performed his job as an elected official without partiality or anything of that nature. He said that is all he has to say about it.

(4) Customer Account – Mayor Pro tem Artis

Mrs. Artis stated that she has passed out a handout that had information that she had obtained from our Town attorney, Brian Pridgen. The following is the information that she read to the Board:

A Motion to Reconsider

Fellow Board Members,

After our meeting on Tuesday, April 18, 2023, I have been thinking constantly about the Board's to decision regarding a customer's account. I mainly thought about my part in the decision, and I therefore regret how I voted. I reached out to our attorney, Brian Pridgen, and because of the suggestions and concerns that he gave me concerning this matter, I would like to ask that the Board to reconsider its action for the following reasons:

- 1. A repayment plan agreement comes with a contract especially since it is out of the norm, and due to the fact that the customer used water without paying for it during a 4 year period.*
- 2. If we don't have an agreement, it could be easily forgotten, especially if there is change in the Board and staff.*

- 3. Having an agreement would be for the best interest of the customer; it would eliminate the guessing aspect of it, and the contract would state the terms and the conditions.*
- 4. He has a gut feeling that we are going to regret our decision to allow the customer to pay half of the amount owed and not charging a meter tampering fee.*
- 5. If the State Auditor's Office obtains knowledge of this, we need to come with a good reason as to why we are allowing her to pay half of what she owes the Town. We need to remember that we have the State Auditor's Office in our Town Hall, and just because they are here to investigate one thing, does not mean that can't investigate another.*
- 6. A email is does not serve as binding agreement.*
- 7. We have set a precedent that is going to be hard for us to defend to the public.*
- 8. It's going to appear to the public that we did the customer a favor because of the relationship that she has with a Board member.*
- 9. The wording "Customer Accounts on the agenda may give the public the impression that we are working on this issue again.*
- 10. We need be concerned with the procedure and not the person.*
- 11. If we decide to charge her the entire amount this is the wording "Based on further investigation, polices and state law, we do not feel that a compromise on the total bill can be made."
If nothing else, we should have made it necessary that the customer should have signed an agreement that with the Town.*

After reading the statements, Mayor Pro tem Artis said that she would like to make a motion that the Board would reconsider the decision that was made on April 18th to not allow the customer to not sign a contract with the Town and to not accept the amount that the customer wants to pay. Mayor Flowers said that there is something in the law pertaining to a proper process when making motions. Mayor Pro tem Arits said that she has spoken with Mr. Pridgen and the person that has to make a motion to reconsider a previous motion, has to be someone that voted for it and she did vote for it. Alderwoman Futrelle said that she voted for it and would like to reconsider her vote as well. She asked who else voted for it and Alderman Ruffin raised his hand. Mayor Pro tem Artis stated that she has done her leg work and would not have brought up this situation to the Board without doing so and she found out that she could bring up a motion to reconsider for the various reasons that she listed. Mayor Flowers said his concern is that they do not have a full Board and Mayor Pro tem Artis and Alderwoman Futrelle said that we have the majority here. Mayor Pro tem Artis said that she asked Mr. Pridgen if the person that made the motion had to be at the meeting and he said no. She said she was not aware until she got the email this morning that Alderwoman Jones would not be here. Mayor

Flowers asked if there was a second to the motion. Alderwoman Futrelle seconded the motion. Alderman Ruffin stated that we need to make sure we reconsider the first motion in order to go to the second motion. He said we are trying to turn a leaf so let's get on the right side of it. There was some discussion and Mayor Flowers asked the Board if they would allow Mrs. Daly to write the motion that was made at the last meeting. Mrs. Daly asked if they wanted the motion to be the exact wording of the motion they made on April 18th and the Board said yes. The motion that was made by Alderwoman Jones, seconded by Alderman Ruffin and approved by Mayor Pro tem Artis and Alderwoman Futrelle was that the customer pay \$25 a month as stipulated in the written email to the Board. Mayor Flowers said that there is a motion to reconsider the motion and a second if they agreed to that. All were in favor. Motion passed unanimously.

Mrs. Daly stated that since they have reconsidered the last motion, where are we at in dealing with the customer, because cut-off is tomorrow at 1:00. Mayor Pro tem Artis said that she does not think that the customer needs to be on the cut-off list tomorrow and they needed to discuss the situation at the next meeting or they could discuss it now. Alderman Spivey said that the policy states that if a customer has an outstanding balance and it has not been rectified, the utility services will be discontinued until payment has been satisfied. He said in light of the reconsideration, is this going to drag on for another month until a contract is made with the customer. Mayor Pro tem Artis said she feels that the customer needs to be contacted immediately to let her know that the motion has been reconsidered and she needs to come in sign a contract with the Town, but she does not feel that she should be cut-off tomorrow because she did make an extra payment. Alderman Spivey said that the customer did make a payment but she does not have a valid contract and he will talk with Mr. Pridgen tomorrow about it. He said that she does not have a legal contract and she doesn't have a leg to stand on, and he thinks by all rights that the services should be discontinued until payment is satisfied.

Mayor Flowers said you have an issue with good faith here as well. He said he assumes that the interested parties thought that after the last meeting, the issue was over. He said it has been brought up to today in a Special meeting that was called for a special purpose and it was added on in a very nefarious way. He said the Board member that is affected is not here. Mayor Pro tem Artis asked why would she need to be here? Mayor Flowers said he is not talking about law or anything and he doesn't disagree with what is being done, but the question is about cut-off. He said a suitable notice should be given. He asked Mrs. Daly how much time is there from the time the customer gets their bill until they have to pay before cut-off day and she said about 3 weeks. He said how would it be fair to give only one day notice then? Mayor Pro tem Artis said that is the reason she does not want to cut her utilities off. Alderman Spivey said that he will get with Mr. Pridgen in the morning to find out the proper cause of action to take, because there is an outstanding balance. Mayor Flowers said there is no question to have the water cut off, the question he has is what is fair to the customer for notification.

Mrs. Daly asked if they were going to look at the customer paying the whole bill, because if that's the case they will need to have another meeting to discuss that. Mayor Pro tem Artis said that the attorney suggested that they go into Closed Session to discuss that.

Alderman Spivey said that we have a budget workshop on Monday, May 1st at 3:00. Mayor Flowers asked what the budget workshop had to do with anything. There was some discussion about the Board having time to meet to determine what action they need to take to collect the unpaid debt. Alderman Ruffin said that he doesn't want to do anything that is questionable and if we need to wait a week or so, then we will. He said we are going to get it right and when we get it right, we are going to put a cap on it. Alderwoman Futrelle said yes we are.

Mayor Flowers had questions about what the Board was wanting to do. Mrs. Daly stated that she thought that the Board was stating that they want to look at the entire situation again and determine what action they need to take.

Mayor Flowers stated that he tries to put himself in the shoes of others and in this case the Board had made a decision and the customer did this and then the Board didn't like it so now the Board is wanting to do something different. Mrs. Daly said that after Mayor Pro tem Artis has spoken with the attorney and found out what the General Statutes and other things are, his concern was that maybe the Board needs to relook at it. Mayor Flowers said that he questions Board members contacting the attorney because he thinks it is Mr. Spivey's job at this time to talk to the attorney. Mayor Flowers said he doesn't talk to the attorney. Mayor Pro tem Artis said she had a question for the attorney and the attorney had no problem talking with her. Mayor Flowers said as Mayor he has a problem with a Board member contacting our attorney and he doesn't think they should and that's Darron Flowers talking. Mayor Pro tem Artis said she normally does not call the attorney, but something as serious as this she wanted to make sure that her feelings lined up with his and they did. Mayor Flowers said that he thinks that Mr. Spivey should have been contacted and ask him to call the attorney to ask him the questions and that is what he thinks should be done. Mayor Pro tem Artis said you said you are Darron Flowers right, I'm Joyce Artis. Mayor Flowers said he respects that and Mayor Pro tem Artis said thank you.

Mayor Flowers said that he sees nothing but anguish coming out of this, especially with Ms. Jones being absent and her making the motion. He said he sees a split Board coming out of it, but maybe I am wrong. Mrs. Daly addressed the Mayor and stated that a couple of meetings ago, you told Ms. Jones that she would have to recuse herself from the situation, but then she was able to make a motion. She said this is a personal situation for Ms. Jones and I would be upset as well.

Alderman Ruffin addressed the Mayor and said as for as he knows this Board is supposed to take care of the business of the Town, regardless of how you think, I think or Mr. Spivey thinks. We are supposed to take care of the business of the Town, and it doesn't have to be a unanimous decision, but it has to be a majority. That is the way you have to do it. He said we have to put our heads together and take care of the business of the Town regardless of what we think about it. Mayor Flowers said he does not disagree with him and whenever the Board meets they can put it on the agenda to discuss. He said that he heard the Board say when are they going to cut the water off and Mrs. Daly heard

whether or not we are going to continue with the amount we are going to charge her. He said that is two people in the same room, listening to the same thing, with different ears, and with two different interpretations.

Motion to Close Regular Meeting:

Alderman Spivey made a motion to adjourn. Mayor Pro tem Artis seconded it. All were in favor. Motion passed unanimously.

Encouraging Quote: “A genuinely happy person is one who has rendered others happy. “

–Daisaku Ikeda, Japanese philosopher

The meeting ended at 5:40 p.m.

W. Darron Flowers, Mayor

Shannon L. Daly, Town Clerk