 March 6th 2018

The following minutes were taken at a Special Council Meeting of the Mayor and the Board of Aldermen on March 6, 2018 at the Town Hall in Pearl River. Mayor McQueen called the meeting to order at 6:10p.m.

Alderman Bennett gave the invocation; the pledge of allegiance was led by Mayor McQueen.

**ROLL CALL:**

Aldermen Walsh, Bennett, Phillips, Cutrer, and McGregor were present. Also present were Deputy Chief Danny Hunter, Attorney Mathison, Attorney Daigle and Town Clerk, Madeline Campbell.

Mayor McQueen introduced special guest Mr Timmy Lemoine, Mayor Village of Moreauville, population 929. He is LA Rural Water Association President.

**PUBLIC WORKSHOP:**

Mayor McQueen called for a public workshop regarding the up-coming changes in our Sewer and Water rate structure. Mr. Lemoine brought his presentation of rate studies.

He began with usage analysis based on national amounts because Pearl River has only had meter readings for three months prior to today. The national average is 6,000 gallons.

Commercial amount vary depending upon the nature of the business. One month usage was metered then averaged over the commercial customers in Pearl River. So much for the first 2,000 gallons used, then so much metered rate for every additional 1,000 gallons depending upon what The Council decides.

First variable in the study, is whether the town has loans; yes, for $100,000 payment a year, which is $8,333 per month. Second variables in the study are Actual 2016, & 2017 expenses and 2018 budgeted expenditures. Third variables are the Actual 2016, & 2017 water fees collected. His presentation showed a loss for 2016 and a loss for 2017; current structure expenses exceeding fees collected.

892 residential, 138 commercial customers; 6,000 gallons usage residential average estimate, 19,050 gallons usage commercial average estimate. He showed a presentation estimating various amounts charged for ceiling and over rates.

Mayor asked a question regarding customers outside town limits, being charged differently.

Alderman Phillips brought up our economic demographic, and asked for 3,000 gallons as the ceiling amount plugged into Mr Lemoine’s presentation. Gain dropped to estimate of $116,000; estimate need to get out of “red” is at least $269,000 in collection of water fees. Stay on 6,000 average usage for these figures to be accurate.

Alderman Bennett asked how many years has town been in “red”.

Atty Daigle brought up issue to consider, separation of sewer and water in this presentation, and our budget is not ready to estimate how much in the “black” because we do not have the proper data separating these expenditures.

Alderman Phillips asked cost per gallon; answer more than $.27. Figure 80% of water usage is sewer usage. Several more scenarios were introduced through Mr. Lemoine’s study.

Most of the meters already installed; several left for installation so not much expected to be expended on meters. The new subdivision, Magnolia Trace, will install their own meters, so no more expense to the Town regarding new subdivision water meters.

Batteries are out in some of the new meters; change the head to change the battery.

Question from the floor regarding sprinkler usage being metered; how many may go back to their water well because of these changes.

Alderman Phillips reminded that water wells require electricity.

Public Hearing to come next on this issue to decide the ceiling and rates to charge for that and rates to charge for water used above the ceiling. Mayor reminded the council this is a workshop to get information so that decisions can be made later.

Alderman Phillips asked about businesses who close with an outstanding water bill. Mr. Lemoine gave his experience to combat this happening with his residential customers, since his village has no real commercial businesses.

Ordinance in Pearl River says the owner of the property is liable for outstanding bill.

Concern from the floor, Mr Joe Lee, has a water line through another’s property; he cannot control his neighbor’s lack of care for any water line issues. The water line does not run down his street nor to his property, and he feels subject to another man’s care, or lack of care to be diligent with the water line, and possibly costing him large amounts of money when future issues occur due to the other property owner’s negligence.

Mr Tim Lemoine closes his presentation at 6:52pm

Mayor McQueen opens discussion on Ordinance #145A, Parade; then Alderman Bennett moved up for discussion Event Ordinance, for Jessica Gauley, owner of Pearl River Clean Sweep, a Non-Profit. She brought up her volunteer events not able to pay a detail officer for their presence. Alderman Phillips asked if her organization serves alcohol; no they do not, but they advertise after party that does serve alcohol at another location.

Atty Matt Daigle suggested continue discussion back on Parade. Alderman Bennett explains her desire to discuss the following three ordinances simultaneously because they are all somewhat related, and her concern is the discretion of Police Chief may not always be objectively applied. She believes Parade Ordinance simplified through eliminating the closing time of 5:00 – 7:00 and eliminating the application of establishments not on the parade route. She suggested marking off the areas on parade route with an uniformed officer present to be visibly clear what areas are affected. Private parties should be roped off as well. So anyone wishing to have a party, live music entertainment during or after the parade would need to rope off the section so many feet from the highway and once the parade has passed, the party would need to be moved indoors or there would be a commissioned officer required for property owner to provide.

Intent to be for outdoor party on the parade route on parade day with band or live entertainment and serving alcohol should be required to have a detail officer.

Alderman Phillips asked for clarification regarding food and alcohol service on parade day as applied to restaurants versus bars. Mayor McQueen brought up the point that when ordinances were established, many bars were on the parade route, which is no longer true. Shutting businesses down is not good practice for our town. Atty Matt Daigle clarified, discussion now is because we are trying to eliminate shutting down any business; noting that time of shut down should not be before 10:00pm. Also discussion is whether to include restaurants as well as bars.

Alderman Phillips asked Deputy Chief how many officers are on clock after 6:00pm. He explained circumstances make that consistent determination difficult. Atty Matt Daigle pointed out that all officers around the area St Tammany Parish are exhausted due to many parades all throughout the parish. Alderman Bennett discussed her concerns about the number of officers available and that effective planning & follow up with outside police forces should make staffing our events easier. Alderman Phillips brought up reserve officer force availability.

Alderman Phillips brought up concerns over staffing events and covering possibilities of other needs for police force.

Alderman Walsh asks when meetings occur with St Tammany Parish police force to plan events and parish wide coverage; Deputy Chief answered the meeting is set and notification through St Tammany Parish usually month before Mardi Gras. Planning is set only with paid not reserve officers. Deputy Chief answers that there are paid currently 11 full time Pearl River officers.

Discussion from the floor regarding pull for officer time.

Discussion from all council members regarding clarifying closing time, and whether agreement is set at 10:00pm and issue of private parties versus commercial establishments; main issue is whether alcohol is served and this is for safety reasons.

Alderman Phillips brought up Cajun Mike’s property with an outdoor section towards the building of First Baptist Church Pearl River. Atty Daigle brought up noise ordinance for use in these cases.

Disturbing the peace ordinance in effect; put reference to this in parade ordinance.

Atty Daigle clarified that after the Parade, bring celebration inside unless your celebration is roped off in a designated area.

Atty Mathison brought up section 3 wording “primarily” as an issue. Alderman Walsh brought up wording in section 4 to address bringing celebration outside. Wording change for “hire” to “commissioned” and no specific reference to particular force officer associated with. Alderman Phillips brought up concern for clarification between “bouncer/doorman” versus commissioned police officer. His family member in Shreveport, who works in this field, has advised him to clarify duties between these two types of security persons.

Atty Daigle brought up next discussion to reference types of parade throws and to specify drivers of the vehicles not to throw anything, to concentrate on driving/operating the actual vehicle. Alderman Walsh introduced a document from Slidell, LA allowable throws; she is representing concerned citizens who have voiced their desire to not see certain types of throws. Alderman Bennett brought up concern over recruiting parade participants and this listing may further limit participation. Discussion from the floor agreed with Alderman Bennett that limiting throws by particular offensive to one is difficult because of everyone not having the same level of offense with these throws. Alderman Walsh brought up handling such limits within the organization parading not through the town ordinance. Alderman Phillips brought up possibility of concealing more risqué throws as a solution. Alderman Walsh suggested going to meetings of each club parading to discuss in-house limits.

Atty Daigle brought up next discussion regarding current Ordinance Commercial Establishment Serving Alcohol and has a Band or Special Activity, required to have detailed officer hired, and this is left to discretion of the Chief. Amended wording suggested: security personnel, clearly designated, and to not be consuming any alcohol, this person would be the one to call police if needed. If three or more calls to same establishment within a 3 month period prior to this event; this would necessitate having a paid detail officer during this event. Discussion from the floor regarding someone at the establishment calling; Alderman Bennett clarified that the call would have to result in an arrest to qualify in this rule. Atty Daigle clarified that discussion to include what events prompt/define the discretion of the Chief. Alderman Cutrer brought up concern why council should be regulating business operations; her concern is that we become too far reaching into an establishment’s right to conduct business and there is not much precedent of such action in other governing bodies. Atty Daigle said thought process to include coverage of establishments with recurring issues for law enforcement; not to have a requirement for paid detail for all and every special activity or live band event, and to lessen the affect of ordinance we choose to “keep”. Discussion from the floor to consider circumstances of trouble beginning within patrons’ calls; bar owner wants to have discretion of shutdown because his concern was Chief’s definition of an “unsafe & unruly” crowd.

Alderman Phillips brought up section 1 wording, regarding after parade party becoming a Special Event which would fall under this ordinance; footprint of business includes outdoor should be determining factor versus under beam qualification. Atty Daigle says indoor versus outdoor would determine whether Special Events ruling kicks in. Atty Mathison says simplest to repeal #83-02. All agree.

Atty Daigle moves discussion to #94-04A Closing time of Bars. Currently reads section 1, all close at 2:00am until 6:00am. Section 2 says employees and cleanup crew can remain. Section 3 addresses closure by discretion of town administration. Section 7 added references the closures during special events and parade out of respect for nearby churches. April 2006 another amendment of ordinance, 3A changed to include Chief of Police having discretion as well; section B says all establishments closed parade day 5;00 to 7:00. Current law changes: repeal section 7 regarding parade day closing time; let the Parade Ordinance be ruling document; repeal 3B regarding 5:00 to 7:00 closing. Section 3A change to have rewording saying be it further ordained that the Mayor and Board of Alderman have the right to close or to revoke any licenses of an establishment where “unsafe & unruly conduct” with discretion of Chief of Police to revoke license should be limited to only 24 hours unless a documented unsafe event has occurred and the Mayor fully agrees. The revoking must be agreed upon by Council to be enforced. Atty Mathison referenced Alcohol & Tobacco Title 26 conduct upon which licenses can be revoked by such agency; do we want to be more restrictive than this entity? Unfettered discretion by Chief is an issue; law enforcement event and unruly & unsafe are too vague terms for use.

Atty Daigle stresses the need for a tool usable to shut down an establishment where activity occurs with a pattern of unsafe environment for citizens. Agreed by all to look up other case law to define such behavior for use in Pearl River ordinances. Repeal license is only in the power of the town council, who is the governing body giving the license in the first place. Atty Daigle points out that police should have some tool to enforce law when there is a true public safety concern, and the point of this workshop is to define in more clear terms when this is a proper authority for Police Dept to exert. Deputy Chief explains climate of their general operating procedure in this type of situation regarding clear instances. Atty Mathison stresses there is case law to define operation of an unruly establishment. Mayor McQueen points out state of LA has legislation town of Pearl River adopted that gives Police Chief authority to shut down for 24 hours. Atty Mathison will research and provide such examples for council to use in choosing town of Pearl River’s ordinance.

Alderman Phillips brought up restaurants with no alcohol in their operations, but calls for an event with “BYOB” style. Atty Mathison brings up wording that probably covers this situation, where the establishment handles the consumption of alcohol regardless of the source of the alcohol. Alderman Walsh asked Atty Mathison about LA law and precedent to apply in directing the council’s decision in writing this ordinance. Title 14 Legislation not relevant here because it refers to parishes with populations much larger than our town.

Atty Daigle opens discussion for Special Events Ordinance and clarifies reason and promptings for the ordinance guiding Special Events: he states elements to consider as size of crowd expected, that when an large event is scheduled to notify the town. Mayor states he is not the one to bring about the need for this ordinance, just that he asked Atty Mathison for research about it. Atty Daigle guides the council in how to approach by considering the right elements so the town can be prepared for the event and ensure smooth operations with traffic, and public safety. Alderman Cutrer brings up volunteer style events and when a CEA may be the best option to ensure town operations are prepared. Atty Daigle mentions scenario where a film production comes into the town, we need a tool to enforce the cooperation with our town. Alderman Walsh brings up concern when there is an after party, volunteer event or film production. Elements to consider, more than 250 people and serving of alcohol. Deputy Chief brings up location that has children crossing a major road; discussion from the floor from Miss Samantha about an event with a toy give-away. Alderman Cutrer brings up difficulty in defining numbers with an event open to the public; number of guests cannot be the defining factor. Alderman Walsh brings up food give-away at Precious Pearls, and that the reserve officer was requested and provided because the event organizers chose to do so. Atty Daigle points out that the number cannot limit or require detail presence; works both ways so number cannot be the determining factor just one to consider in concert with other elements.

Alderman Phillips brings up that street blockage is a definite situation to let the town know regardless of any other factor. Agreed. Alderman Walsh brings up a campaign party in the park as a meet and greet event. Alderman McGregor interjects idea of letting town know in case where event is on public property. Factors discussed summed up include: public property, alcohol, street impediment, children involved, and number of guests. Also all believe event organizers should consider town cooperation regardless of specifics simply out of professionalism and respect. Alderman Bennett brings up her concern about the Chief of Police’s actions she deems unprofessional; he seems to have a pattern of behavior that involves last minute changes affecting others and their hard work. Alderman Phillips brought up a conversation with the Chief requesting him to let people know his involvement in town events to mitigate the last minute response feel/perception. Alderman Walsh also comments on Chief’s actions to reach out and communicate to all the council of his schedule ahead of time; she requests that we all act on a personal level before we publically air our problems with one another. Through the Town Clerk is an advisable communication point, however considerations must be made currently because of her newness to this position. Be more clear with directions and information dissemination directions. Discussions continue about the past bad planning decisions and last minute changes.

Mayor McQueen asks that discussions focus back on the ordinance. Atty Daigle asks if focus of ordinance is on public events not private, and needs to have specifics to determine if and when town should be notified in such a way to plan police presence and traffic direction. Use public property, notify town. Difficulty lies in events that may impact the town. How do you define impact on public safety? Atty Mathison asks council to define their intent so he and Atty Daigle can codify their intent. Alderman Cutrer does not want to invade private events. Alderman Walsh wants to cover parking and street crossing elements. Atty Mathison brings up LMA offers a service to Blog issues and get feedback. Discussion from the floor that there are many thin lines the council is trying to draw/cross. Atty Daigle brings up setting up of a large temporary structure and whether this initiates need to let the town know. Mayor McQueen points out that so far every project coming into Pearl River has had the professional curtesy to come in voluntarily and bring documents and follow proper procedure. There is no law requiring it therefore enforceable in the situation where the group does not do so voluntarily. Alderman McGregor asks for simplicity in the ordinance. Atty Mathison brings up wedding reception with 1,000 invitations. Alderman Cutrer wants to clearly stay out of private rights. Public safety is the concern, not origination of the event (public versus private). Atty Daigle says council needs to determine factors that define what elements make the event of concern to the town.

Alderman Walsh asks for discussion to turn towards Billy Burkett and all the issues regarding his contract. Motions to take this off the floor, second by Alderman Cutrer, Mayor McQueen “so moved”. Discussion to amend budget to pay for 2017 work already done and not paid for to date. Atty Daigle brings up his reading of the existing contract with Global Disaster Recovery, Billy Burkett. Atty Daigle is asking what is the exact action the council is requesting, considering the contract ending/continuing; thus pointing out that the town did not engage continuing the contract. Billy from the floor points out the state is requesting more information, so he continued; Atty Daigle says that sounds like information Billy left out we should not have to pay additionally for. Billy points out the additional work requested to back up prior damage proof. Alderman Walsh wants to pay for these additional work requests to back up the prior damage and the proof of said damage. Atty Daigle says stop working covers all of this. Alderman Walsh brings up lack of notification to council members when Billy comes in. Atty Daigle said before work is engage, and before expenses are incurred and before these are paid, Billy should provide an estimate of the amount to budget, then receive approval, not to continue working without this approval. Atty Daigle points out approximately $600,000 paid under disaster relief so far; not clear how amounts to budget are determined or what amounts have been paid to which disaster. The council engages Billy to work. Where is the engagement for Billy to work then directing money to be moved in budget; apparently the money was not moved in the budget for 2017. Alderman Walsh asked if the town gave Billy information regarding “the flood” disaster, which she feels is an engagement because he is being given the information to file then get reimbursement for the town; so his services are expressly to file our documentation so we receive reimbursement.

Alderman Cutrer believes the confusion of whether engaged or not comes from a lack of documentation to substantiate engaging. Atty Mathison gave an example of a Master Services Agreement with a “not to exceed” clause. He points out Billy’s contract does not give any such details; his contract does not provide any information to assist budgeting his costs and appears to be open-ended. Billy further explains the paperwork flow and the process to get reimbursement. Atty Daigle shows the confusion comes from vague understanding of where engagement of Billy comes into play when we believe we are simply providing documentation for reimbursement. Atty Mathison asks if FEMA caps what will be allowable as reimbursable expenditures. Billy says Federal Government determines the reimbursable percentage by disaster; he assures that the minimum amount will be 75% of his costs and any costs submitted. Billy stresses this is why time is being spent re-submitting receipts that had not been submitted total up to approximately $800,000; and that cost reasonableness is assessed on percentages and rates charged per hour not total dollar amounts. Atty Mathison further states that the council needs some way to budget for these costs, to have a sense of budgetary certainty, and the fact that there is no cap (which Atty Mathison does not understand there not being a cap) on expenditures… means that the town can pay as much as they want they just won’t get reimbursed for it? Billy says the state and FEMA are waiting on the secondary of the other 40% of the town to get done with smoke tests, and “I will submit for reimbursement on that”. The other part of that project is the S&W Treatment plant to be built; also any improvements in the system to connect to the new treatment plant. Site survey scheduled next week. Stage is a dual process: first related to flooding disaster, second related to new project to prevent further disaster kind of results.

Atty Mathison asks again if Billy can present a budgetary figure for the council to use in making decisions. Billy responds by saying it is not up to him, that the state requires more documentation so he responds by providing the documentation. Atty Daigle states that the town needs to decide whether to let Billy put in flood related expenditures in hopes that reimbursement comes, or do they stop all work because no, or little reimbursement has come as of yet. Alderman Walsh requests an explanation on where this stands for budgetary decisions/reasons. Billy says he understood the budgetary concern was to make room for future disaster occurrences not his time submitting reimbursement documentation. Atty Daigle restates what he believes is being said by Billy: he cannot give certainty of need for dollar budget figures. Alderman Walsh wants to know what is necessary to close out for the town; Billy says approximately $100,000 more will be needed. Alderman Walsh wants this to be handled in-house so end result is we know what we will pay you for and not pay you for in the future.

Mayor McQueen definitively asks Billy “Did you tell me, Billy, that when you get through you will turn your bill in and we will get reimbursed for your payments?” Billy said yes, up to the % determined for the storm by the Fed Government. Atty Mathison again asks Billy if there is a threshold over which the government will not reimburse the town for expenditures and uses again $10,000,000 as a possible figure that would in fact be reimbursed at the storm level %. Billy responded by saying yes, they would according to the Fed government determined % to reimburse for the storm. He also pointed out that Ms Glenda Bocking is the authority that determines what he does and what he should bill for. (CFR44) Nothing to indicate anything in particular is not a reimbursable expenditure. Atty Mathison restates his desire on a prospective basis to restructure Billy’s contract to include ways to get budgetary certainty. We found $800,000; Congress changed things in 2016 to fast track monies, and that is why Billy says he continued reimbursement efforts. State is pressuring him to send receipts. His understanding is that the meeting tonight was to amend our budget to include money to pay him to continue submitting reimbursement receipts. Alderman Walsh states she thought the same thing; she understood it was a simple process to amend and ok the money. Alderman Phillips brought up task order in contract; if we wanted something to add to task orders, is that the issue? Atty Mathison added that his desire was to see benchmarks documented as they are reached, then requests submitted to permit further work before proceeding.

Billy states he often does not charge for extra items he could be charging for; he explains the current billing of $14,000 was prompted by filing his tax return and unbilled amounts were found. Billy says the Mayor called him with letters from the State requesting information so he answered the state’s letter. Alderman Phillips says he needs to know the threshold is reached in advance not after more money is due. Alderman Walsh states she should see the money threshold through the in-house statements. Atty Daigle states the problem is not that, but the amount projected, reasonably expected, is not being provided by Billy. He also states in response to Alderman Walsh’s comments about not knowing the details of reasonableness, that professional services are retained because we are not knowledgeable to provide these details. How do we close this, what do we do? Task order should include the scope and reasonableness amounts by storm. Atty Mathison asks: FEMA / GoHSEP will reimburse based on a certain amount; if we spend more in Billy’s fees, we will not get reimbursed? Billy says correct with an explanation of the reimbursement methodology. To capture costs that FEMA and GoHSEP asked for, Billy has been working to collect the receipts for submitting into reimbursement process on the Project Worksheet. He is our point of contact so the state is asking him for these submissions. Atty Daigle states that he understands somewhat “hand are tied” position Billy is in, but the town has to consider that resources are not unlimited and spending in this area has not resulted in any significant amount being reimbursed, so reasonableness to continue from that perspective is not evident in the reimbursements received as of yet. We must have some level of certainty of reimbursement to expend money; we have to see more reimbursement on these past expenditures before we can justify future allotments.

Alderman McGregor asks Billy if he looks at a project, can he provide a reasonable estimate of the cost to complete that project? Billy responds by saying he uses 10% as a rule of estimating because it is a guaranteed amount the state and the Fed government are comfortable with. He states within the twelve steps towards reimbursement, any department could ask for further documentation. This is his planning method for future storms. Thursday at 4:00 will have a meeting with two attorneys, mayor and Billy.

Mayor McQueen asks for a readout of amounts turned in so far per storm by Billy. He stated he did give that readout to town hall around the same time the money was transferred, August or September. Also commented that he needs permission to continue submitting receipts like the sand bagging machine. HMGP funding or disaster funding will give the town reimbursement. Thursday 4:00 meeting.

Meeting adjourned.

MEETING ADJOURNED

AT 10:10 p.m.

RESPECTFULLY SUBMITTED THIS 6th DAY OF MARCH 2018

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Madeline B Campbell, Town Clerk Clarence D McQueen, Mayor