

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
TUESDAY, JANUARY 12TH, 2010
CHAIR RONNIE SMITH
VICE CHAIR CHERYL MILLET

The Council of the Parish of St. John the Baptist, State of Louisiana, met in Regular Session in the Rudolph S. Soraparu Chambers, Edgard, Louisiana on Tuesday, January 12th, 2010, at 6:30 PM.

CALL TO ORDER:

PRESENT AT ROLL CALL: Haston Lewis, Councilman District I, Darnel Usry, Councilwoman District V, Danny Millet, Councilman District II, Steve Lee, Councilman-at-Large, Div. B, Cheryl Millet, Councilwoman District VII, Dale Wolfe, Councilman-at-Large, Div. A, Charles Julien, Councilman District III, Ronnie Smith, Councilman District VI

ABSENT: Jaclyn Hotard

Councilman Julien led the Prayer. Councilman Millet led the Pledge.

Legal Counsel Kerry Brown was present.

Dale Wolfe/Dollwyn Pierre - Presentation - Proposed West Bank Equestrian Center

The above mentioned item will be carried over to the February 9th, 2010 Council meeting.

Consent Agenda

Items: Approval of Minutes December 22nd, 2009, Regular Meeting; Parade Permit Approval - Martin Luther King Parade - 1/18/10 beginning at Noon in Edgard; Parade Permit Approval - Krewe of Tohwahaphash - 2/13/10 - Beginning at 1:00 PM; Authorization to sign off on annual Christmas tree program

MOTION: Councilman Lewis moved and Councilman Millet seconded the motion to approve the consent agenda items consisting of approval of Minutes December 22nd, 2009, Regular Meeting; Parade Permit Approval - Martin Luther King Parade - 1/18/10 beginning at Noon in Edgard; Parade Permit Approval - Krewe of Tohwahaphash - 2/13/10 - Beginning at 1:00 PM; Authorization to sign off on annual Christmas tree program. The motion passed with Councilwoman Hotard absent.

PUBLIC HEARING ON ORDINANCES:

09-41 An ordinance to provide for certain fees to be assessed for certain transactions in accordance with Louisiana Revised Statute 33:2933, in order to allow payments by approved credit, debit cards and online payments. Each customer transaction paid for by credit card, debit card, online or similar device shall be subject to a transaction processing fee of \$2.00 per transaction, said fee to apply to the collection of any "local charges" as defined in La. R.S.

33:2933. (P. McTopy)

The administration request that this ordinance be withdrawn from the agenda.

INTRODUCTION OF ORDINANCES:

10-01 An ordinance authorizing the issuance of \$15,000,000 of Public Improvement Bonds, Series ST-2010, of the St. John the Baptist Parish Sales Tax District; and providing for other matters in connection therewith. (P. McTopy)

10-02 An ordinance ratifying and confirming the levy of the one percent (1%) sales and use tax currently being levied and collected in the St. John the Baptist Sales Tax District. (P. McTopy)

COMMITTEE REPORTS:

Councilman Lee stated, *"At 6:00 PM this evening the finance committee met. I would ask that we get a motion by my fellow council members to endorse such actions taken."*

MOTION: Councilwoman Millet moved and Councilman Millet seconded the motion to accept the recommendation of the finance committee. The committee approved to accept administration's recommendation and award the bid for Chlorine & Sulfur Dioxide to DPC Enterprises, approved to accept administration's recommendation and award the bid for Culverts and PVC to F&G Supply, approved to accept administration's recommendation and award the bid for Fuel to Waguespack Oil Co, approved to accept administration's recommendation and award the bid for asphalt and street repairs to Coastal Bridge Company, approved to throw out all proposals and bids and extend the existing contracts through May of 2010 on the janitorial and grass cutting services, approved too accept the recommendation of the engineer and award the bid for the water storage tank and rehab project to Blastco Texas Inc, approved to renew the health, dental and life insurance for career fire fighters with Humana Option II, approved to authorize administration to give a 2% merit increase raise to all of the long term employees that are maxed out at step 15, approved to grant administration authorization to give a 5% increase to Mr. Tom Livingston, Parish ADA Coordinator, approved to grant administration authorization to reject and rebid the Reserve Boat Launch Project, approved to grant change order #1 in the amount of \$20,756.00 for the Ruddock 400K ground storage tank, approved to grant administration authorization to sign the amendment to work order #11 for the Za Montz Lift station with URS, approved to grant final acceptance and Certificate of Substantial Completion for the Za Montz sewer lift station, approved to authorize administration to go out for bids on the drainage excavation service contract, approved to grant administration authorization to go out for bids for the Lions Water Plant Expansion as related to the 2009 Bond Issue, and approved to grant administration authorization to renew the contract with Pyrotechnics for the 4th of July celebration. The motion passed with Councilwoman Hotard absent.

DEPARTMENT/ENGINEER REPORTS:

Dale Wolfe - Personnel Matters

There were no personnel matters at this time.

Haston Lewis/Dale Wolfe - Comcast internet service on West Bank

There was no one present from Comcast.

Buddy Boe - Homewood area drainage action plan

Buddy Boe, Acting Chief Administrative Officer, stated, "At the last meeting you directed the administration to come to you with an action plan for the Homewood drainage situation that was very evident in the month of December where we received over 20 inches of rain in the month of December. So I would like to go through the steps the administration has taken in the past two weeks. What we are currently doing and we are going to be asking for some action from the council if you so choose to go with it. We have been cleaning ditches throughout the Homewood area for the past 2 ½ to 3 weeks with parish crews. Those are the regular ditches and canals along the sides of the streets in addition to those that run along the railroads in Homewood. We have also cleaned out the canal north of Airline Highway to allow the water to move faster and out of the area quicker. We will be blowing out the culverts in the next week and a half under Airline Highway again to allow the water to move out faster. Those are the short term solutions. We plan on expanding the small drainage ditch that runs behind what is known as Lasseigne Rentals in the Homewood area again to carry more water out of the area. Through discussions with the public works department and the director of public works and our drainage engineer we would like direction from the council and authorization to enter into an agreement with Shread Kurkyendal, who is the drainage engineer for the parish, to study and perform a drainage survey of the pumping stations at Reserve Relief Canal and the Trosclair Canal and the surrounding drainage areas. The reason for that survey would be so that we can determine if a second pump is needed at the Reserve Relief Canal to move more water out of the Homewood area. How large we need to increase the retention area prior to the Reserve Relief Canal pump and also feasibility and the size that would be needed at a pumping station on the Trosclair Canal. The Trosclair Canal services the middle of Reserve. The Reserve Relief Canal services the eastern portion of Reserve. The intention is to move the water out of each of those areas independently and get it out of the neighborhoods and the streets. So we are asking for authorization to sign an agreement with Shread to do a drainage survey and come back to the council with a task order so that we can design, if necessary, the pumping station on the Trosclair Canal and the second pump on the Reserve Relief Canal."

MOTION: Councilman Julien moved and Councilman Wolfe seconded the motion for discussion.

Councilman Julien stated, "Is the director of public works in? I was wondering if he could come and answer when the ditches were cleaned in Homewood north of the Airline. When we got this stuff done because I don't know if this is stuff that was done before the heavy rain or they had completed this work after. Do you know Mr. Boe?"

Buddy Boe stated, "The work was completed in the past three and a half weeks but perhaps our director of public works can elaborate more on

this."

Clifford Bailey, Director of Public Works, stated, "Mr. Julien in the last couple of weeks we did the canal on the west and south side of the KC Railroad tracks, Homewood, E. 16th with our own crew and we are trying to get as much work done with our public works department before we go out for bids for the Homewood. So we are digging between 16th and we will have crews there this week as well as next week."

Councilman Julien stated, "When we look at work that has been done in Reserve, what have you all done to alleviate the water that is coming down Central and over towards let's say from 16th Street to 29th Street where we have a lot of flooding? So what has been done to alleviate some of the water build up or do you know what has been done?"

Clifford Bailey stated, "Again we have people on the south side and we are cleaning the ditches on the south side along the railroad tracks. We are looking at the north side to look at putting a pump station there also. That is why Mr. Boe asked for the bid to go ahead and do an engineering study to see if we need an additional pump for the Reserve Relief Canal."

Councilman Julien stated, "I would like to make a motion to have Crescent do the study for us."

Clifford Bailey asked, "Instead of Shread?"

Councilman Julien stated, "Instead of Shread."

Buddy Boe stated, "Councilman Julien, Shread Kurkyendal and Associates holds the drainage engineering contract for St. John Parish. So therefore drainage projects usually run through Shread."

Councilman Julien asked, "How long have they held this contract?"

Clifford Bailey stated, "I spoke to some of the other council members also. Some of the council said that if we weren't satisfied with the contract or with the study that we had a thirty day clause that we could look at revoking or looking at someone else to bring in. So we are looking at a bunch of parish contracts."

Councilman Julien stated, "Thirty days may seem like a small amount of time but it is thirty, then sixty, then ninety and we continue to go."

Clifford Bailey stated, "Even though we are doing the study, we do have people working in those areas. If you want to come by the office tomorrow I will take you out there myself and show you what we are doing. We are doing work there as well as in Garyville Mr. Danny."

Councilman Julien stated, "I am going to be honest with you. What is disturbing me is and I could be wrong but how long has Shread held the contract that we are talking about here?"

Buddy Boe stated, "They have held it since 1996. The reason that our intention to bring you all Shread to perform that drainage area survey is that they are the ones that did the master drainage plan for the parish. They are the most familiar with the existing system. The instructions to the administration were to expedite this work. So in

order to get the solution to the people of the Homewood area and the greater Reserve area we intended to go to the people most familiar with the situation with our ideas on the table such as the second pump at Reserve and the additional pump at the Trosclair Canal so that we can move forward with this project fast. The parish has the funds available in the 2009 bond issue and the intention again was to expedite this in the fastest manner working with you Councilman Julien from the last meeting."

Councilman Julien stated, "Well I appreciate what you are trying to do but if they have held the contract since 1996 that is approximately fourteen years. The drainage issue that we have hasn't been rectified. It hasn't been tackled or dealt with. I would just feel a little more comfortable if we had someone else take a new look. Someone else with fresh eyes to come and look at this thing and say okay this is what I think or propose that we do as opposed to just going with someone who has been there and they feel that they know but we haven't resolved this issue, it has been fourteen years. Maybe it seems like I am pushing for a lot but I think to the people in district III it means a lot to them when they can't flush their toilets when we have the heavy rain. I think that when we act on it and when we act on it properly then I think we can get something done. Again the people from Central and all the flooding from 16th to 29th Street, I think the best thing to do even if we have to wait. If we have to wait awhile to do a study with someone else or to check and see what it would take. I think that is better than just entering into a contract with someone who has been there for fourteen years and we still have the same problem that we have always had."

Councilman Lewis stated, "I remember when I was on the Police Jury. We had a problem with the Reserve Relief Canal along with Homewood. I think we even went to court concerning that subdivision. I think what we need to do is look back and see what we did a long time ago. What really happened with the engineer there and what really went on with that subdivision because we should be able to find some records on there to see what they had recommended. If Fred was there, Fred should have some drawings of it already. I remember having some maps a while back in Reserve on this side of the river and the other side of the river. I think we need to look and see what he has already. Maybe he proposed something for that already. Our biggest problem I think is that we didn't have the money to do the project. That is why a lot of things aren't going on. Maybe we need to move some projects around. It is hard to say to do that but we may need to do that to give some people relief. There maybe another area that is not in as much trouble as the Reserve area and we might need to be spending the money in that area there to give those people some relief."

Councilman Wolfe asked, "Why can't Shread do this under their present contract?"

Pat McTopy, Acting Parish President, stated, "Mr. Julien is right the existing contract goes back many many years. However there have been at least two extensions, the most recent of which was approved by the council in January or February of 2008. So they did get an extension at that time. Administration will work with whoever is selected by the council to do the work. I feel Shread has a contract. If you all desire us looking into another firm, I would suggest that we have our legal counsel render an opinion before we award additional work to someone

else."

Councilman Wolfe stated, "I need my question answered. Why can't Shread do it under their present contract?"

Pat McTopy stated, "They can. What we can do is get a proposal from them, a task order proposal to do the survey and come back to this council at the next meeting. In fact we are meeting with them on Thursday at 9:30 AM."

Councilman Smith asked, "Didn't we just add a pump in Homewood a few years back under the last administration?"

Pat McTopy stated, "It is my understanding that at some point the pump was upgraded for a larger capacity, yes."

Councilman Smith stated, "The reason I am asking that question, if we have the same exact engineers that recommended that the problem would be solved by upgrading or putting a larger pump in two or three years ago, they didn't fix the problem the last time they looked at it. What is going to say they are going to fix the problem this time? That is why I was mentioning to Mr. Boe earlier. I don't care who does the work. I want the work done properly. I don't want to keep going around and around in circles and the people in Homewood the problem isn't resolved. My other concern is do we want to spend all this money on putting another pump station in if we are guessing again? Or do we want to possibly take their advice and rent a pump, stick it in for a minute to see if it even works. Something like that maybe an option, I am not sure I am not an engineer. So I think, my opinion again is before we just jump into a contract with somebody and spend a whole bunch of unnecessary money like Mr. Lewis said earlier, we have a master drainage plan and some recommendations may have been made in that plan that can fix the problem. If that is the case we need to get our parish engineer to look at that master drainage plan or get Shread to go back and research his master drainage plan that he did for us and have him look at it and see if there were any recommendations in there that we should do. I mean if we already have him on contract and he already had a plan in place to fix this problem let's see what his recommendation back then was and see if that fixes it instead of paying somebody to do that same work all over again. It sounds to me like we are wasting money. I had a motion for discussion on the table. Are there any other comments by the council? If I see none I either need a motion to take action, table this item or something."

Councilman Wolfe stated, "I withdraw my second."

Councilman Julien stated, "I withdraw my motion."

Councilman Lee stated, "I am not interested in making a motion. I think that this council is on the same page here. If there is a contract in place, as you eloquently said, let's get with the engineering firm that did the master drainage plan. Direct administration, this doesn't require a motion, direct them to have them supply us with what solutions were provided under that master drainage plan some fourteen years ago or perhaps since then and report back to this council before we take any type of contractual action. I think that we are all on the same page."

Councilman Smith asked, "Mr. McTopy and Mr. Boe would it be possible for administration to get back with us at the next meeting and let us know where we are at on this item?"

Pat McTopy stated, "My first correspondence through email after the last meeting to Shread was for him to evaluate or to determine if he had already done a drainage study of the Homewood area. It was my thinking that since we had upgraded that pump station fairly recently several years ago that he must have done some type of study at that point. So I emailed him and asked him if that was the case. We are meeting again Thursday. No one hates studies more than I do. It may be throwing away more money just telling someone to design a project that might not solve the problem. We need somebody, an engineer, that can do the mathematics and the calculations to tell us what is needed there to solve the problem. Fortunately we are at a time now where we have a few dollars that perhaps we can solve the problem once and for all. This area as you know has been a problem for thirty years. Many administrations have tried to fix the problems but no one has had enough money to do the job right. That has been one of the issues. We are very fortunate to have one of the leading people in the parish with experience and knowledge on drainage working for us now, Mr. Labat. He has been helping Clifford's department quite a bit with drainage areas. So I would suggest that we verify if a study had been prepared in the past. If not we will have Shread present a proposal to get to the council in advance prior to the meeting and we can consider taking action on it."

Councilman Smith stated, "Thank you Mr. McTopy. I think that is the best thing to do."

Clifford Bailey stated, "The amount of rain we had, the pump capacity couldn't keep up. That is from a study that my guys did. The pump that is there couldn't handle the amount of rain that came down. We had blockage on the north and the south side and my guys are cleaning all of that up."

Councilman Julien stated, "The people of district III, administration I would ask that you work a little harder on trying to resolve this problem. Buddy you have to work harder and try to work with us. I have called you several times. I have probably called you eight times. I hadn't had a chance to talk to you so in my opinion you are not working hard enough. The people of district III need you to work harder for us Buddy."

Pat McTopy asked, "May I respond to that?"

Councilman Julien stated, "I am not talking to you. I am talking to Buddy."

Pat McTopy stated, "Buddy isn't even the director of public works."

Councilman Julien stated, "Obviously Buddy is doing a lot of the work."

Pat McTopy stated, "We have been working very diligently on all the problems in the parish, not just Homewood.."

Councilman Julien stated, "Mine has been thirty years running, thirty-one because we turned the New Year."

Pat McTopy stated, "We are starting with contractors this week as soon as we get them to locate the gas and utility lines and telephone lines. We cannot turn these contractors loose and start digging up lines and then having them sit idle at several hundred dollars an hour. So we are working very diligently with the contractors. Public works is working very diligently with their in-house forces in digging the ditches. We have an entire parish to address. We cannot just concentrate 100% of our efforts on one area in the parish. We understand it is an important area but there are other areas that flooded as well Mr. Julien. There are areas in other councilmen's districts that flooded from Garyville all the way to LaPlace. I understand I am not arguing the importance of Homewood. It is important. We have spent a great deal of time in these last three weeks on Homewood and we are going to continue to spend a great deal of time and money as necessary to address the problem."

Councilman Julien stated, "As you said you haven't spent 100% of the time, it is obvious that 100% of the time..."

Pat McTopy stated, "I am not going to spend 100% of the time in one area."

Councilman Smith stated, "Listen, if you want to have a discussion about this please take it outside. We cannot have this during a meeting. Thank you."

Councilman Wolfe asked, "Pat we talked earlier this week about digging some of our ditches. Is that plan still in?"

Clifford Bailey stated, "Yes. We are going throughout the parish, East Bank and West Bank and we located the streets that needed some attention. We are going to forward to the council each area and get your approval. We are going to call a meeting tomorrow with our contractors and give them the plan to go ahead and start digging. The process should start this week."

Councilman Wolfe stated, "Thank you."

Charles Julien - SWDI - request information concerning hiring practices

Councilman Julien stated, "I will remove that item. I ask that the chair would write a letter inquiring or asking them for some information concerning that to see if they have some documentation."

Councilman Smith stated, "How about this Mr. Julien? How about you call the owner of SWDI and ask him to provide that for you. I have a number for you."

Councilman Julien stated, "Okay."

Councilman Smith stated, "If you don't get any results, let me know."

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Buddy Boe - Resolution - R10-01 - A Resolution authorizing the submission of an application under the FY2010-2011 Louisiana Community Development Block Grant (LCDBG) Program for the Housing Rehabilitation/Reconstruction Program

Buddy Boe stated, "We are asking for your approval of this resolution. We have a \$700,000.00 grant that we were recently made aware of that the deadline is this Friday. The grant will be used to rehab homes on one street in St. John Parish. South Central Planning and Development Commission has been out surveying the streets to determine which one fits the needs of this grant and there is no local match. The management of the grant and the actual work will be paid for by the \$700,000.00."

MOTION: Councilman Wolfe moved and Councilman Lewis seconded the motion to approve Resolution R10-01. A Resolution authorizing the submission of an application under the FY2010-2011 Louisiana Community Development Block Grant (LCDBG) Program for the Housing Rehabilitation and Reconstruction Program. **WHEREAS**, St. John the Baptist Parish has conducted a public hearing to obtain comments relative to planning for and the submission of an application for funding under the FY2010-11 LCDBG Program; and **WHEREAS**, St. John the Baptist Parish may submit one application for a Housing Rehabilitation/Reconstruction Program; and **WHEREAS**, after considering all comments received, it has been determined that the activity, which would derive the greatest benefit to the low/moderate income population of St. John the Baptist Parish would be the FY2010-2011 LCDBG Program for Housing Rehabilitation/Reconstruction Program, and **NOW, THEREFORE BE IT RESOLVED**, by the St. John the Baptist Parish Council, convened in regular session on January 12th, 2010, that South Central Planning and Development Commission be hereby authorized to submit an application to the Louisiana Division of Administration, Office of Community Development, for funding under the FY2010-2011 LCDBG Program for Housing Rehabilitation/Reconstruction Program, and **BE IT FURTHER RESOLVED**, that a certified copy of this resolution be sent to South Central Planning and Development Commission at P.O. Box 1870, Gray, LA 70359. The motion passed with Councilwoman Hotard absent.

CORRESPONDENCE/COUNCIL BRIEFS

Councilman Wolfe stated, "I would like to put this council on notice of my intention to override the Planning and Zoning board and grant a trailer placement to Mrs. Dwanda Perrilloux, 130 W. 19th Street, Reserve, LA 70084 at the January 26th meeting."

Councilman Julien stated, "We have a Dr. Martin Luther King march. The theme is 'remembering the past while celebrating the future'. The key note speaker will be Mayor Omar O'Neal of Tuskegee, Alabama. The march will begin promptly at 9:00 AM at East St. John Elementary and conclude at the Percy Hebert Building. All of the council members and administration are invited. The line up will start at 8:00 AM. If you want to participate or if you know someone from a civic organization that wants to participate please be there at 8:00 AM. I want to start early. I am urging my people to go out and vote on March 27th."

PRESIDENT'S REMARKS

Pat McTopy stated, "For the benefit of the public and the council, I

know many of you are getting questioned about the Hope Canal in Garyville and why it is not being cleaned which is effecting the drainage in that area. Administration and Mr. Savoie have been working very diligently in getting a permit. I want the public to know the obstacles that we face whenever we try to get a permit. We got a response to the application from the Corp of Engineers. They are referencing comments that they are required by law to get from the EPA, the US Fisheries and Wildlife and the Louisiana Department of Natural Wildlife and Fisheries. These agencies are questioning the need. Why does it need to be cleaned out? How much sediment? Are we going to have to sound it to see how much sediment is in there? They are going to require us to get a boat down there and sound it. They are questioning, where is the spoil going to be put? They don't like it being put along the canal banks. They are asking that we take the spoil, put it on a barge and transport it out. I just want the public to know that it isn't easy anymore to get these permits. We had one many years ago but it was allowed to expire. So Danny you got the answer for your people. Dale you have the answer. We are working but we are fighting these agencies. We plan on getting a meeting with the Corp at their office in New Orleans next week or the week after and we are going to present our case on that area and any others that we may have. We expect Mr. Savoie will be available to attend that meeting with us. The other item is that we are working on many different projects. As you know we have the largest capital outlay budget that we have ever had in St. John Parish, water, sewerage, buildings, drainage, recreation, etc. We appreciate the cooperation that we are getting from the council to make these projects move forward. Thank you."

MOTION: Councilman Wolfe moved and Councilman Millet seconded the motion to go into executive session. The motion passed with Councilwoman Hotard absent.

EXECUTIVE SESSION:

Dale Wolfe - Personnel Matters

Property/Casualty Insurance Agent - 1) Claims, any/all property, casualty, and Workman comp claims 2) Claims, procedures and disposition 3) Coverages, any/all material changes

Cable Franchise Agreement

Any and all pending legal matters

MOTION: Councilwoman Millet moved and Councilman Millet seconded the motion to go back into regular session. The motion passed with Councilwoman Hotard absent.

MOTION: Councilman Millet moved and Councilman Wolfe seconded the motion to accept the recommendation of our attorney and settle the Saterlee case. The motion passed with 7 yeas, 1 abstaining (Cheryl Millet) and 1 absent (Hotard).

ADJOURNMENT:

At 7:08 PM, Councilman Lee moved and Councilman Wolfe seconded the motion to adjourn. The motion passed with Councilwoman Hotard absent.

/s/Ronnie Smith
COUNCIL CHAIR

/s/Jackie Landeche
Council Secretary