

**OFFICIAL PROCEEDINGS**  
**ST. JOHN THE BAPTIST PARISH COUNCIL**  
**TUESDAY, SEPTEMBER 22<sup>nd</sup>, 2009**  
**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 Joel McTopy Chambers, LaPlace, Louisiana on Tuesday, September 22, 2009, at 6:30 PM.

**CALL TO ORDER:**

**PRESENT AT ROLL CALL:** Haston Lewis, Councilman District I, Charles Julien, Councilman District III, Darnel C. Usry, Councilwoman District V, Richard "Dale" Wolfe, Councilman-at-Large, Div. A, Ronnie Smith, Councilman District VI, Danny Millet, Councilman District II, Jaclyn Hotard, Councilwoman District IV, Steve Lee, Councilman-at-Large, Div. B

**ABSENT:** Cheryl Millet

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

Bill Hubbard, Parish President, was present.

Legal Counsels Kerry Brown, Barry Landry and Jeff Perilloux were present.

**Bill Hubbard - Proclamation - Alcohol and Drug Addiction Recovery Month in St. John the Baptist Parish**

Pat McTopy, Chief Administrative Officer, stated, "Whereas, on behalf of the residents of St. John the Baptist Parish, we are pleased to join with the River Parishes Addictive Disorders Clinic, U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Louisiana Department of Health and Hospitals in celebrating the month of September, 2009 as Alcohol and Drug Addiction Recovery Month, and; Whereas, acknowledging the month of September as Alcohol and Drug Addiction Recovery Month offer those involved in substance abuse prevention, education, and treatment an opportunity to educate the Public Community Organizations, Public Officials and Civic Leaders about the effectiveness, prevention, education, and treatment both societal and financial, and; Whereas, substance abuse disorders are major public health problems that affect millions of Americans of all ages, race and ethnic backgrounds, and; Whereas, thousands of health care providers have dedicated their lives to the recovery process and to the education of the public about alcoholism, drug dependence, co-occurring disorders, and treatment issues, and; Whereas, people with substance abuse disorders can and do recover; Now, therefore, I, Bill Hubbard, Parish President, in conjunction with St. John the Baptist Parish Council Members do hereby proclaim the month of September 2009 as: Alcohol and Drug Addiction Recovery Month in St. John the Baptist Parish."

## **Consent Agenda**

**Items:** Approval of Minutes September 8, 2009, Regular Meeting; Permit Approval - East St. John High School - Homecoming Parade, Bonfire and Fireworks display - Thursday - 10-22-09; Councilman Danny Millet - Appointment of Quenten Nicholas to the Recreation Board; added Permit Approval - St. Charles Catholic High School - Homecoming Fireworks display - Friday - 10-09-09

**MOTION:** Councilwoman Hotard moved and Councilman Julien seconded the motion to approve the amended consent agenda consisting of the approval of Minutes September 8, 2009, Regular Meeting; Permit Approval - East St. John High School - Homecoming Parade, Bonfire and Fireworks display - Thursday - 10-22-09; Councilman Danny Millet - Appointment of Quenten Nicholas to the Recreation Board; Permit Approval - St. Charles Catholic High School - Homecoming Fireworks display - Friday - 10-09-09. The motion passed with Councilwoman Millet absent.

## **PUBLIC HEARING ON ORDINANCES:**

**09-34** (Public Hearing Held) An ordinance authorizing Bill Hubbard, President of St. John the Baptist Parish to execute an Act of Donation accepting the following described property on behalf of St. John the Baptist Parish, and under such other terms and conditions deemed fit and proper by the Parish President in his discretion, and upon review by legal counsel. (B. Hubbard)

Councilman Lee stated, *"One quick comment and then if the administration would care to elaborate I would appreciate it. I think we know what piece of property or building we are actually talking about. It is the River Road Historical Godchaux property which we know is in pretty bad shape right now. It is my understanding from the administration that this is a project that is going to benefit St. John Parish but it is not something that is deemed to cost the tax payers money. I think it is intended to be handled under grants and so on. This is how it was presented to the council members."*

Councilwoman Hotard asked, *"Who does the property belong to now?"*

Pat McTopy stated, *"The River Road Historical Society."*

**MOTION:** Councilman Millet moved and Councilwoman Usry seconded the motion to approve Ordinance 09-34. The motion passed with Councilwoman Millet absent.

## **INTRODUCTION OF ORDINANCES:**

**09-35** An ordinance for Final Approval of Coles Landing Phase 3A, situated in Section 91, T-11-S, R-7-E, LaPlace, St. John the Baptist Parish, Louisiana. (PZ-09-014) (B. Hubbard)

## **COMMITTEE REPORTS:**

Councilman Lee stated, *"At 6:15 this evening the finance committee met to conduct the financial business of the parish. At this time I would ask for a motion of full council to endorse the actions taken by the"*

finance committee."

**MOTION:** Councilman Millet moved and Councilman Lewis seconded the motion to accept the recommendation of the finance committee. The committee approved to grant change order #3 - Walnut Street - Phylway Construction, LLC, granted approval of invoice order No. 9079 - Walnut Street - Phylway Construction, LLC and granted approval of the renewal of the contract with ACT Technologies. The motion passed with Councilwoman Millet absent.

**DEPARTMENT/ENGINEER REPORTS:**

**Dale Wolfe - Personnel Matters**

There were no personnel matters at this time.

**Haston Lewis - (Carry Over) Discussion regarding Comcast internet service on the West Bank**

Councilman Lewis asked, "Is anyone here from Comcast?"

Councilman Smith stated, "Let the record show no one answered."

Councilman Lewis stated, "Let's leave that on the agenda. Let's find out what the hold up is. There is no reason that we have them on the agenda twice and then they have a contract with this parish and they won't even come to a meeting to discuss anything."

Councilman Wolfe asked, "Legally what can we do? I am ready to run them out of town, to disrespect us like that."

Pat McTopy stated, "I have been in contact with the parish's attorney representing the parish in our cable TV matters and there are some things that we can do. I will get back with him and again study the correspondence that he has sent within the last two weeks. I will then advise the council on what actions we can take."

Councilman Wolfe stated, "If you can get it before the next meeting, we will call a special meeting to do what we have to do. If they are going to disrespect us that way, we need to go to RTC."

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**Pat McTopy - Resolution - R09-27 - A Resolution providing for the employment of special counsel, designating their fee and providing for the payment thereof, and providing for other matters in connection therewith**

Pat McTopy, Chief Administrative Officer, stated, "In connection with the recent bond issue that passed this past spring, the parish is going to be performing many different contracts from street projects to water lines to recreation projects, annex buildings, etc. There is going to come a time when we are going to need the services of local bond

*counsel to assist us in various matters. We are recommending at this time that the resolution be adopted for submittal to the state bond commission for approval appointing Mr. Perilloux and Mr. Kerry Brown as your local bond counsels."*

*Councilman Julien asked, "What types of services would be rendered by the attorneys that we are hiring that our attorneys couldn't do?"*

*Pat McTopy stated, "They are our attorneys."*

*Councilman Julien stated, "Oh I am sorry. I thought we were hiring another firm. I misunderstood."*

*Councilwoman Hotard stated, "I just have a quick comment. We tried to get some information a little bit earlier and I just wasn't clear as to what the attorney's that we have already, the scope of the work that they do, if this is something in addition to it because just reading through the resolution it said to correspond with the council members and read over contracts. I thought that is what we had our legal counsel for."*

*Pat McTopy stated, "This would be contracts specific to the bond issue. I think the bulk of the work would entail if there is any litigation with any of the contractors and as you know that rarely happens but it does. If there are any right-of-ways or land acquisition that has to be obtained to construction in the projects we would need special bond counsel to do that. The resolution lists a variety of services, many of them I don't know if they are necessary and we can handle them ourselves but there are certain things that may crop up that we would need assistance on, legal assistance on. They are enumerated in the agreement, resolution rather."*

*Councilwoman Hotard asked, "So what about some of the things that are in the resolution that are already included under what we have special counsel for now? Are we going to be billed separate if we talk to the attorneys about something as it relates to the bond issue? That is what it states in the resolution."*

*Pat McTopy stated, "As it relates to items in the bond issue yes."*

*Councilwoman Hotard asked, "Is there any cap on the amount that we can be billed for?"*

*Pat McTopy stated, "No there is no dollar cap on it but I can tell you that in all the years that I been affiliated off and on with the parish on all of the bond issues we have had local bond counsel and the fees have not been extravagant. They have been very reasonable and they have been judicious in the time that they put forth and the effort that they put forth."*

Councilwoman Hotard stated, "The reason I am asking is that I looked back to the only bond issue that we had passed when I was on the council and we didn't pass a resolution similar to this one. So maybe they did it in the past but in the last six years we didn't have a resolution similar to this one that we could find. So that is why we tried to get some of the information that we were unsuccessful in getting from either the administration or the DA's office. So I will have to abstain from this."

Councilman Wolfe asked, "We need to select a local bond counsel tonight?"

Pat McTopy stated, "We are recommending that the parish appoint or designate local bond counsel on the bond issue. Yes."

Councilman Wolfe asked, "Is it in order for me to do it now?"

Councilman Smith stated, "They named them in the contract. It is Jeff Perilloux and Kerry Brown."

Councilman Wolfe stated, "10-4."

Councilman Lewis stated, "We always did that in the past. I was here twelve years ago and we always did that."

Councilman Lee stated, "To elaborate on what Haston and Dale said this is something that probably twenty years ago we started doing it. We recognize Hugh Martin as Bond Counsel for the parish. We do have jobs that require somebody on site. I remember one of the big deals obtaining right-of-ways on some of those things took hours and hours so as I recall the council decided to within those fees that are being charged by bond counsel a portion was being cut off and given to local bond council to provide these services to make sure that they are handled more expediently and that the local knowledge of having our local attorneys who live here can expedite some of these matters. So it has been common practice in the past. I think Jaclyn is probably right. I am sure she is right as a matter of fact. The last bond issue was a much smaller bond issue and I think it didn't require as much money or nearly the possible action be taken on a local level. So I support it."

Councilwoman Hotard asked, "Do we have to name two specific attorneys? Can we include some other local attorneys in on that?"

Pat McTopy stated, "It is within the council's discretion to appoint or designate whoever they want."

Councilman Smith stated, "On top of that let me ask this question, just to add on to what Ms. Hotard just asked. If we decided two weeks from now to add additional counsel,

are we allowed to do that or do we have to come back with another resolution?"

Pat McTopy stated, "I would think you would need another resolution. The primary reason for the resolution is to present it to the bond commission for approval."

**MOTION:** Councilman Lee moved and Councilman Millet seconded the motion to approve Resolution R09-27. A resolution providing for the employment of special counsel, designating their fee and providing for the payment thereof, and providing for other matters in connection therewith. WHEREAS, the Parish Council (the ACouncil@) of the Parish of St. John the Baptist, State of Louisiana (the AParish@) has heretofore employed Mr. E. Jeffrey Perilloux and Kerry Brown, Attorneys at Law, as co-local counsel in connection with carrying out the projects financed by the issuance of \$29,500,000 of General Obligation Bonds, Series 2009 of the Parish (the ABonds@); and WHEREAS, under the guidelines established by the office of the Attorney General of the State of Louisiana with respect to employment of counsel in cases such as this, it is necessary that a formal employment resolution be adopted by this Council and forwarded to the Attorney General for his approval; WHEREAS, this Council, after due deliberation, deems it necessary to protect the public interest and a real necessity exists therefore, to formally employ co-local counsel to perform legal services in connection with the abovementioned projects financed by the Bonds; and WHEREAS, Mr. E. Jeffrey Perilloux and Mr. Kerry Brown, Attorneys at Law, of LaPlace, Louisiana, are eminently qualified to serve as co-local associate counsel; and WHEREAS, it is now the desire of this Council to employ E. Jeffrey Perilloux and Kerry Brown, as co-local associate counsel in connection with the projects financed by the Bonds; and NOW, THEREFORE, BE IT RESOLVED by the St. John the Baptist Parish Council: SECTION 1. Mr. E. Jeffrey Perilloux, Attorney at Law, LaPlace, Louisiana, be and he is hereby employed as local counsel of the Parish, and Mr. Kerry Brown, Attorney at Law, LaPlace, Louisiana, be and he is hereby employed as co-local counsel, to perform all legal services as local associate counsel in connection with the proposed program financed by the Bonds, including, but not limited to the following: (1) continuing day to day consultation with public officials and handling of supervision of the local administrative details involved in the program; (2) drafting or review of contracts for engineering, architectural or other professional services, as well as specifications, legal advertisement and construction or equipment purchase contracts for expenditure of bond proceeds; (3) preparing applications for Federal and/or State grants or contributions and joint venture contracts required thereby; (4) obtaining sites or right-of-way, including title opinions and litigation; (5) supervising the award of contracts and the handling of legal disputes and liens which may arise there from; (6) handling any litigation or validation proceedings; (7)

generally rendering opinions as required on the foregoing and other similar matters; and (8) reviewing all legal documents in connection with the program. The fee for such services shall be computed at an hourly rate not exceeding the amount provided by the guidelines for such services as approved by the Attorney General of the State of Louisiana, plus out-of-pocket expenses. Said fee shall be contingent and payable solely from the proceeds to be derived from the sale of the Bonds. SECTION 2. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated as required by law. SECTION 3. The Council is hereby empowered, authorized and directed to issue vouchers to said co-local associate counsel in payment for the work herein provided for upon completion of the work herein specified and under the conditions herein enumerated. The motion passed 7 yeas, 1 absent (Cheryl Millet) and 1 abstaining (Hotard).

**Pat McTopy - Resolution - R09-28 - A Resolution authorizing the application for a grant from the Office of Community Development**

Pat McTopy stated, "Tonight we ask that you adopt this resolution. As the council knows, the council and the administration has been very aggressive in pursuing various grants and so far we have been successful in getting some. This is another grant that we would like to apply for. It would be in the amount of \$151,831.00. Some of it would go towards the new Annex Building. The remainder of it would go to the Office for the Department of Health and Human Services. Elois has been asking that we assist her in getting the office expanded and this is one of the avenues that we are looking at to do that."

Councilman Wolfe stated, "Go through that one more time for me please."

Pat McTopy stated, "Yes, Elois's department in Reserve has been asking for additional office space at her facility. One of the avenues that we are pursuing to expand that office would be through grants and we would like to be able to apply for this grant to help them expand their office."

Councilman Wolfe asked, "How much money are you talking about?"

Pat McTopy stated, "The total grant would be \$151,831.00."

Councilman Wolfe asked, "How much to that office?"

Pat McTopy stated, "\$31,831.00."

Councilman Wolfe asked, "What are we going to do buy lights for the building? To me you aren't talking about much money..."

Councilman Smith asked, "Mr. Wolfe can we get a motion on this first so that we can keep talking about it?"

Councilman Wolfe stated, "Yes indeed."

**MOTION:** Councilman Millet moved and Councilwoman Usry seconded the

motion to approve Resolution R09-28. A Resolution authorizing the application for a grant from the office of Community Development. **WHEREAS**, the Governor's Office of Community Development Local Government Assistance Program provides funds to local governments for needed infrastructures and long-term capital improvements in rural areas; and, **WHEREAS**, St. John Parish Council is seeking fund for the new construction of the St. John Parish Council's Government Building and also for the upgrade of the Health and Human Services Building; and, **WHEREAS**, the Office of Community Development requires an authorizing resolution as part of its application process, **NOW, THEREFORE BE IT RESOLVED**, that the St. John the Baptist Parish Council does hereby authorize the Parish President to execute any and all documents in connection with an application to the Louisiana Office of Community Development for \$120,000.00 toward the improvements and construction of the government building and \$31,831.00 toward the improvement and upgrade of the Health and Human Services Building, total funding requested is \$151,831.00. The motion passed

Councilman Wolfe asked, "What are we going to do with that \$31,000.00?"

Pat McTopy stated, "Well that and we can plan on subsidizing it with other grants and other general funds such that we can make a modest expansion that would accommodate her and her staff."

Councilman Wolfe stated, "It is not about Elois nor her staff. It is about the building and if we are talking about doing any type of work to that building \$31,000.00 isn't going to buy the nails that would provide for the expansion. I just think that administration needs to come back to this council with a fair and reasonable amount of money. That is an insult to even come here and ask that we support something like this and we are talking about expanding an office with \$151,00.00 and only giving them \$31,000.00 or whatever it is. I would just ask administration to come back to this council with a fair and reasonable amount of money. You all must think we come to this council to shoot marbles or something. That isn't even reasonable."

Councilman Lewis stated, "I had a chance to visit Elois's office and I wish every one of you could go over there and look at that office and see if it needs renovations and if \$31,000.00 would even put a good roof on that building. She needs room in there bad. You have to go in there. She needs room. I talked to her one day and she said she was going to come before this council and ask for an expansion. I was glad when I saw that Pat had that on the agenda. She can use all of that grant plus more. It needs to be torn down and build a new one."

Councilman Wolfe asked, "Pat, who came together to make that recommendation that you are making here tonight?"

Pat McTopy stated, "Administration did."

Councilman Wolfe asked, "Any particular people from administration?"

Pat McTopy stated, "Administration decided that we would go after the grant and saw that as an avenue to expand the office. We are receptive to going back and reworking some budget numbers and reworking the resolution and determining if there are other sources of funding than come up with something that would address the needs of the department."

Councilman Wolfe stated, "My recommendation to administration is whoever got in that little huddle, get back in that little huddle and come back to this council with a reasonable amount of money. That insults our integrity."

Councilman Julien stated, "The building is in bad shape if you have ever visited so the \$31,000.00 really wouldn't be enough money to get done what would have to be done to the building Mr. McTopy."

Pat McTopy stated, "I agree. As I studied the resolution this past week I realized that. I also realize that we would have to come up with some additional funding to do anything."

Councilman Smith stated, "If they are applying for \$151,000.00, we just got a bond issue passed to build the annex building. Am I correct?"

Pat McTopy stated, "That is correct."

Councilman Smith stated, "That was millions of dollars. If we have millions of dollars already set up to build the annex building I think we can spend \$151,000.00 or whatever we need out of that to fix the building that they are in or we are never going to be able to get it fixed. I mean that would be the logical way to look at this from my point of view."

Pat McTopy stated, "That is one way to look at it."

Councilman Julien stated, "I agree with you."

Councilman Wolfe stated, "I would like to make a substitute motion that we go for this grant and if we are successful 100% of that grant goes towards that building in Reserve."

Councilman Julien stated, "Second."

**SUBSTITUTE MOTION:** Councilman Wolfe moved and Councilman Julien seconded the motion to approve R09-28. A Resolution authorizing the application for a grant from the office of Community Development. **WHEREAS**, the Governor's Office of Community Development Local Government Assistance Program provides funds to local governments for needed infrastructures and long-term capital improvements in rural areas; and, **WHEREAS**, St. John Parish Council is seeking funds for the upgrade of the Health and Human Services Building; and, **WHEREAS**, the Office of Community Development requires an authorizing resolution as part of its application process, **NOW, THEREFORE BE IT RESOLVED**, that the St. John the Baptist Parish Council does hereby authorize the Parish President to execute any and all documents in connection with an application to the Louisiana Office of Community Development for \$151,831.00 towards the improvement and upgrade of the Health and Human Services Building, total funding requested is \$151,831.00. The motion passed with Councilwoman Millet absent.

Councilwoman Hotard excused herself from the meeting at 6:55 PM

**CORRESPONDENCE/COUNCIL BRIEFS**

Councilman Millet stated, "I know we passed our bond issue a while back and we had a lot of drainage in that. I was just asking if administration could look into some of the drainage in District II. After this last rain St. Peter's was flooded again so if we can maybe rush some of this up. I would really appreciate it."

Councilman Julien stated, "After the rain I basically had the same thing, a lot of flooding. I would hope that administration could look and give me areas in District III that are considered canals. If we could maybe get some documentation or some paperwork to me so that I will know exactly what would be covered under the bond."

Councilwoman Usry stated, "I would like to congratulate Mr. Milton Brady for being chosen as the Senior Olympian from the Bayou River Region. He has been participating in Senior Olympics since 1993 and when we bring all the young children and adults in, we can see what the future holds if they continue to participate in it when they are in their 70's how many people will be involved in Senior Olympics. Secondly, would someone address the council about the water problem in the LaPlace area? Where are we and what is happening?"

Pat McTopy stated, "As everyone knows yesterday it was determined that the 24 inch water line from Ruddock to LaPlace the main transmission line. The only transmission line that services LaPlace developed a significant serious leak. Boh Brothers was immediately called in to begin repairs. They concluded those repairs at somewhere around 5:00 yesterday afternoon. We were able to maintain water service in LaPlace by utilizing the towers with the help of Public Safety and the fire department. We closed off some of the towers until later in the day. At some point we were able to open up and provide water and as a result we never ran out of water. The problem that we have with the boil order is the state sanitary code requires that whenever a water line is broken or interrupted and has to be repaired you have got to have a boil water order. We need to be on top of that. The Board of Health is working with us on that. We are going to develop standard operating procedures and train our employees. The bottom line is Mrs. Usry whenever there is a break in that line it involves a lost of pressure below 15 pounds, that is the magic number. We have got to issue a boil water order for that area. In this case because it was the main 24 inch line the area of service was all of LaPlace. Here is another example where it was a more isolated area, let's say in one of the more isolated areas, let's say Carrollwood for example and one block was blocked off then the boil order would only be in that one block. Until we can get a sample taken to the Board of Health Office and they do an analysis. They will be checking for bacteria and if the sample comes back negative then we can lift the boil order. In the case of yesterday's incident, the sample was delivered to them this morning. We hope to get the results tomorrow and we hope to lift the boil order tomorrow."

Councilwoman Usry asked, "What about the NANO filtration?"

Pat McTopy stated, "The system has not been in operation for approximately three weeks now. So essentially the residents of LaPlace are getting the water that they have been getting since the wells were originally drilled back in 1975 or 1976. The NANO system is down. We met with representatives of the design engineer. We met with a representative from General Electric, the supplier of the system. We

*sent a sample of the NANO filter and really it is not a NANO it is the reverse osmosis ore. We sent a sample of that membrane to be analyzed to determine what caused the failure. Until we get the results we don't know at this time what caused the failure. Once we determine that we will be able to take corrective action."*

Councilman Smith asked, "Would you have any idea of a time frame of when we would get that back or when we may be able to use our expensive system again?"

Pat McTopy stated, "That sample was sent week before last and we were told it would take two to three weeks. I expect the results back later this week or early next week. There are a number of things that it could be."

Councilman Smith stated, "My daughter's Birthday is Monday. That is my angel. She is nine going on nineteen or should I say eight. I would just like to wish my baby a Happy Birthday."

**PRESIDENT'S REMARKS**

There were no presidential remarks.

There was no executive session.

**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) Coverage's, any/all material changes

Any and all pending legal matters.

**ADJOURNMENT:**

At 7:05 PM, Councilman Millet moved and Councilman Julien seconded the motion to adjourn. The motion passed with Councilwomen Hotard and Millet absent.

/s/Ronnie Smith  
COUNCIL CHAIR

/s/Jackie Landeche  
Council Secretary