

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
MONDAY, OCTOBER 13TH, 2014
CHAIRMAN MARVIN PERRILLOUX
VICE CHAIR MICHAEL WRIGHT

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 Monday, October 13th, 2014, at 6:30 PM.

CALL TO ORDER:

PRESENT AT ROLL CALL: Lennix Madere, Councilman District III, Larry Snyder, Councilman District VI, Marvin Perrilloux, Councilman District IV, Art Smith, Councilman District I, Cheryl Millet, Councilwoman District VII, Ranney Wilson, Councilman District II, Michael Wright, Councilman District V, Jaclyn Hotard, Council-at-Large, Div. B, Lucien Gauff, Council-at-Large, Div. A

ABSENT: None

Councilman Gauff led the Prayer. Councilman Wright led the Pledge.

Legal Counsel Jeff Perilloux, Tom Daley and Carl Butler were present.

INTRODUCTION OF BUSINESSES

Yvonne's Boutique

The above item will be carried over to the next agenda.

Avis's Kitchen

The above item will be carried over to the next agenda.

Cheryl Millet/Benny Robichaux - Presentation - American Legion Blue Star Program

Benny Robichaux stated, "I am an 87 year old WWII Veteran and a resident of St. John the Baptist Parish. I am also an officer in the American Legion post 383. Our post has increased from 45 to 365 members in just 4 years. The American Legion family is over 2.6 million members strong and we are the largest representative of veterans in the world. We have a number of programs that take care of our veterans, their families and also the youth of our communities. I am here today to explain a little about one of these programs. It is the Blue Star/Gold Star Banner program that post 383 is reviving in St. John the Baptist Parish, and through-out the state of Louisiana. We have presented many of these banners to deserving families thus far. This program was created in 1917 and in 1928 congress saw fit to set forth guidelines concerning the banner's construction and its display. Banners were a common sight during WWI and WWII, honoring those that served in the military. Revived by the American Legion in 2001, the Blue Star Banner is proudly displayed in the window, to show that a family member is currently serving in the Armed Forces. Each Blue Star on the banner represents one family member serving. A Gold Star Banner is displayed

in reverence, to show that a family member has died while serving. Beside the Banner program, Post 383 has recently become very involved in many of our youth programs. Ladies and gentlemen of the council I would like to appeal to you for personal help in obtaining the contact information of deserving Banner families in St. John the Baptist Parish that we may present them with the proper banner to proudly display in their windows. The American Legion is a nonprofit organization, and at this time I would also like to make an appeal to all local business and corporate citizens for financial aid, to help us to defray the cost of our programs. We are an all volunteer organization and our income stream is very minimal. Any financial aid extended will help us place the banners in every deserving home and will be greatly appreciated. Please make any contributions to American Legion Post 383, P.O. Box 281, LaPlace, LA 70069. For further information please see our Facebook page, American Legion Post 383. I would like to thank the council for your kind consideration and this opportunity to come before you this evening, to make this appeal to you and the citizens of St. John the Baptist Parish, to help us with our mission's to serve this community."

The council commended Mr. Robichaux and the American Legion for what they are doing for the service people of our parish and our country and will see that this information gets placed on the parish website and government channel.

Darlene Santana - Presentation - Metropolitan Center for Women and Children

Darlene Santana was present and briefly explained the Metropolitan Center for Women and Children a center set up for domestic abuse of women and children. They are in St. John the Baptist Parish for anyone who may need their assistance.

Natalie Robottom - Proclamation - October as Domestic Violence Awareness Month

Natalie Robottom read the proclamation for Domestic Violence Awareness Month and presented it to Mrs. Darlene Santana.

Natalie Robottom - Proclamation - October as National Fire Prevention Month

The above item will be carried over to the next agenda.

Natalie Robottom - Presentation - St. John the Baptist Parish Retirees

Natalie Robottom presented a plaque to Kathy Gilmore for her 30+ years of service to the parish. There were 5 other retirees who did not show up but were acknowledged. The council thanked Ms. Gilmore for her dedication to St. John the Baptist Parish.

Natalie Robottom - Presentation - 2013-2014 Teen/Miss Andouille Queens

The above item will be carried over to the next agenda.

Consent Agenda

Items: Approval of Minutes - September 23rd, 2014, Regular Meeting;

Permit Approval - SJB Parish Andouille Festival Run - 10/19/14; Permit Approval - ESJ Homecoming Parade - Thursday, 10/30/14; Permit Approval - WSJ Homecoming Parade - Friday, 10/17/14

MOTION: Councilwoman Millet moved and Councilman Wright seconded the motion to approve the consent agenda consisting of Approval of Minutes - September 23rd, 2014, Regular Meeting; Permit Approval - SJB Parish Andouille Festival Run - 10/19/14; Permit Approval - ESJ Homecoming Parade - Thursday, 10/30/14; Permit Approval - WSJ Homecoming Parade - Friday, 10/17/14. The motion passed unanimously.

PUBLIC HEARING ON ORDINANCES:

14-41 (Public Hearing Held) (Tabled 9/9/14) An ordinance amending ordinance 13-48 relative to the annual Operating budgets for St. John the Baptist Parish General Fund, Special Revenue Funds, Enterprise Funds and Parishwide Sewerage Construction fund for the fiscal year beginning January 1, 2014 and ending December 31, 2014. (N. Robottom)

The administration requests that this item remain tabled.

14-46 (Public Hearing Held) An ordinance granting approval to Re-zone Lot "X" of the Estate of Philomine Songy (Formerly) to show a change in zoning classification to C-2 District from C-1 District in Section 13, T-12-S, R-19-E, Edgard, St. John the Baptist Parish, Louisiana (N. Robottom)

Angelic Sutherland-Keller stated, *"This rezoning was approved by the Planning Commission at the September 15th meeting and Administration recommends approval."*

MOTION: Councilman Snyder moved and Councilman Gauff seconded the motion to approve Ordinance 14-46. The motion passed unanimously.

14-47 (Public Hearing Held) An ordinance to amend Section 16:50 of the St. John the Baptist Parish Code of Ordinances as follows: By amending paragraph (2) to read as follows: (2) No permit shall be issued to construct a Bonfire any closer than 1,000 feet from any petro-chemical business operating within the boundaries of the parish. (R. Wilson)

Jobe' Boucvalt stated, *"As a matter of public safety, Administration, the Pontchartrain Levee District and the LEPC (Local Emergency Planning Committee) which is composed of industry representatives recommends against this ordinance. The opinion of legal counsel is also recommended as this change may expose the parish to additional liability."*

Councilman Perrilloux stated, *"I am wondering why if it is all these people I mean I work at a chemical plant and I know I don't want a bonfire across the street from it. I can't see bringing it any closer than what it is our ordinance now is 2,500 feet and we want to bring it within 1,000 feet?"*

Councilman Wilson stated, *"Yes but that is from the property line."*

Councilman Perrilloux stated, *"Personally that is just too close for me I can't see bringing it that close to a chemical or gasoline plant. I*

just can't support it that close not for me."

Councilman Gauff stated, "I made many of the LAPC meetings and I had talked with them also they are against this. The industry is against it and I definitely would not want to go against what industry is telling us until they get more information and they would like to form a group I will defer to Cain because he knows a little more about it but they would like to put a group together to possibly see what we could do to maybe change it if it can be changed but right now there is not enough information and I would stick with industry and I am against this also."

Councilman Wilson stated, "You were against it before we even voted but from W. 19th Street in Reserve all the way to Little Emily Street in Garyville is all industry. There is nobody living there anymore. It is all industry and we are talking about 2,500 feet from the property line. I mean they have hundreds and hundreds of acres of land before they even get to these units. It is not anywhere close to that I mean if they want to put something by Dupont by the curve right here they can't put anything and look how far Dupont is away from the curve. I mean some of this is over reacting and pretty soon Marathon is going to own all of Garyville and there won't be anything left anyway but 1,000 feet from the property line I think is reasonable because you are going to be thousands of feet from the actual unit. I don't know what the scare is all about the only one that I am concerned about is the one in Mt. Airy and NALCO had no problem with it last year they wrote a letter stating that they didn't have a problem because after you pass that property line you still have to go another couple of thousand feet before you get to any of the units anyway. I am asking you all to consider this. Either that are let's just cut the bonfires out altogether. I mean what is the problem? What do you think is going to happen?"

Cain Dufrene, Fire Department, stated, "Well just because we are going from the property line the docks expand pass the property line in most places. Marathon docks covers their property just because the facility itself doesn't sit on the property line there is exposure elsewhere in those facilities and the docks are right on the river I mean that is right on the levee so if we put bonfires within 1,000 feet of a dock."

Councilman Wilson asked, "What do you think is going to happen within 1,000 feet?"

Cain Dufrene stated, "We are not sure what is going to happen within 2,500 feet but we don't want to reduce it."

Councilman Wilson asked, "How long do you think an ash is going to stay live from the bonfire?"

Cain Dufrene stated, "That depends on conditions. With a good wind it could stay alive."

Councilman Wilson stated, "It is not going to go that far. You know that and I know that."

Councilman Snyder asked, "Where did the 2,500 feet come from? I can see from the unit but is that something that someone just came up with off

of their head?"

Jobe' Boucvalt stated, "I did a little research checking back with the councilman who introduced the ordinance back when it was introduced they had a committee and the committee was a few industry type people along with the director of public safety and they were looking at all of the issues with flammable materials like we have to be away from the Port because of flammable materials but anyway they looked at the entire thing and decided that they needed to put something in for industry and this was industry people and they looked at it and said hey you are right we cannot say how far an ember from a bonfire is going to go but it can carry a ways. So they actually looked at it and put all of their heads together to come up with the best number that they could and they came up with 2,500 and that was introduced many years ago by another council with the Port and industry people who got together to come up with a feasible number. The thing that everybody needs to remember is that we don't want to increase our liability. If you go ahead tonight and reduce this you are increasing liability because you are a little bit closer and that vapor cloud gets to that bonfire it is getting there a little bit quicker and the other thing that you have to remember is these guys right here when we have an event we are trying to take care of people we shouldn't have to worry about going to put out a bonfire really quick because it is burning and we had a release. A lot of things and a lot of people put their heads together, we put our heads together this wasn't Jobe', or the assistant director or Cain. We got together with the LEPC industry type people and they sat and talked about it for a lengthy time and discussed all these same things."

Cain Dufrene stated, "We did discuss it. They said that they wouldn't be opposed to meeting and seeing or getting everyone's consensus on it and coming with a good figure just not a rhyme or reason out of the sky."

Councilman Snyder asked, "Doesn't the fire department make rounds to all of these bonfires to assure that the wind is not too high and then gives them permission to start? Would that help any to get that thing lowered from 2,500 feet?"

Cain Dufrene stated, "We do that now right before they burn it we issue the permit. They get their permit from the parish but they are not allowed to light it until we actually present them with the permit the night of."

Councilman Snyder stated, "Well I realize what this means to some of the people in the parish. It is their heritage and how long this has been going on in the parish and I wouldn't want to see anyone get rid of them either but I do know for a fact that plants run air compressors in the plants, they run welding machines, diesel and they put out as much fire sometimes out of the exhaust pipe inside the plant."

Councilman Gauff stated, "I think we are missing the point here in that suppose there is a release while there is a bonfire burning then that increases if we are within that 1,000 feet we have already minimized or decreased from the 1,500 feet further that the wind could possibly blow so yes we would look at decreasing this or put a group together to decrease maybe from 2,500 to something maybe 2,000 but I think we keep

saying that something can't fly that far yes chemicals can fly that far if the wind is right or if the wind changes or there is a release then all of a sudden we are all in danger whether it is Dupont, Marathon, Nalco or any of the plants we are all in danger if there is a release when a bonfire is lit. What we are trying to do is to keep that distance from that chemical getting to the fire not from the fireworks getting to the chemical or to the plant and I think that is the importance of this."

Councilman Wilson stated, "Well take into consideration what Mr. Snyder said what goes on during the day when they are out there welding and they have a release with everything else running in that plant this is just an overkill and especially when they say to the property line and I am only interested in this one particular area because all the way from Reserve to Garyville there is nothing left but when you get to the other end of Mt. Airy they are putting the tank farm then there is another tank farm a little bit down so they are not going to be able to do anything. I mean you have nothing between Reserve and the parish line. This is something that has been going on for over 100 years and it is just overkill especially when you are talking about from the property line and I keep saying the property line because there are buffer zones, all of the industries have them that are much further than 1,000 feet. This is just a complete total overkill and the particular place that I am talking about near Nalco and Nalco in their letter stated that they didn't have a problem and they have been doing it for years now all of a sudden you want to enforce it."

Councilwoman Hotard stated, "I think we have some good dialogue going on here of course we want to protect a 100 year tradition but I do agree a safety factor needs to be considered. I thought Cain had a really good suggestion let's get together and have a meeting of the minds with people who specialize in doing this and let's find out what the number really is instead of just pulling one out of the sky to accommodate a specific situation let's find out exactly what it is so I mean if the council is even open to that let's allow them to do their due diligence. Mr. Wilson if you want to be involved in that it would be good but then we will really know what we are working with and can make an informed decision on how we can try to protect the integrity of this 100 year tradition without having to jeopardize the safety of residents. I think that is what everyone is concerned with. So if that sounds acceptable to you Mr. Wilson and you can be part of that and let's come back with a recommendation."

Councilman Wilson stated, "There is a fire station probably less than 500 feet from where this is."

Councilwoman Hotard stated, "I understand that but again I am not a fire expert."

Councilman Wilson stated, "Once the tank farm is in you are not going to have anything all the way from W. 10th Street in Reserve going to the parish line we just won't be able to have bonfires in St. John Parish anymore."

Councilwoman Hotard stated, "That is a valid point. It is something that we definitely need to consider as we are moving forward with some of these plants to consider all of those things but we definitely won't

get that here tonight but I do think that the spirit of what you are trying to do is good we just want to make sure that we are not jeopardizing the safety of anyone."

MOTION: Councilman Wilson moved and Councilman Madere seconded the motion to table Ordinance 14-47. The motion passed unanimously.

COMMITTEE REPORTS:

Councilwoman Millet stated, *"I would like to make a motion to accept the recommendations of the finance committee."*

MOTION: Councilwoman Millet moved and Councilman Gauff seconded the motion to accept the recommendations of the finance committee. The motion passed unanimously.

DEPARTMENT/ENGINEER REPORTS:

Dana Milioto gave a brief update on the Andouille Festival this weekend.

Ranney Wilson/Lennix Madere - Water bill issues

The above item will be carried over to the next agenda.

Lennix Madere - Railroad concerns canal ownership

The above item will be carried over to the next agenda.

Lennix Madere - Recreation Director

The above item will be carried over to the next agenda.

Lennix Madere - Status on Ameba issue in Water District I

The above item will be carried over to the next agenda.

Larry Snyder - Discussion Lions Water Plant Phase VIII design

The above item will be carried over to the next agenda.

Ranney Wilson - Discussion Planning and Zoning Department

The above item will be carried over to the next agenda.

Jaclyn Hotard - Park Maintenance

The above item will be carried over to the next agenda.

OLD BUSINESS:

Ranney Wilson/Lennix Madere - Drainage and Drainage equipment

The above item will be carried over to the next agenda.

NEW BUSINESS:

Jobe' Boucvalt - LNO - Cypress Gas Pipeline, LLC - proposed 16-inch Marathon Garyville Lateral St. James and St. John the Baptist Parishes, Louisiana

Jobe' Boucvalt stated, "This item has been reviewed by all departments, Legal Counsel, and the Parish Engineer. Administration recommends approval."

MOTION: Councilman Wilson moved and Councilman Smith seconded the motion to approve a LNO for Cypress Gas Pipeline, LLC - proposed 16-inch Marathon Garyville Lateral St. James and St. John the Baptist Parishes, Louisiana. The motion passed unanimously.

Larry Snyder/Ranney Wilson - Resolution - R14-21 - A resolution authorizing administration to renew the contract with C.J. Savoie Engineering for parish engineer services for an additional four (4) years with a 3% increase per year for a total of 12% for four (4) years and otherwise under the same terms and conditions stated in the existing contract

Natalie Robottom stated, "Basically we really haven't had any discussion with either of the motion makers and 12% does seem excessive. We have not budgeted or accounted for this and this contract actually expires in December so we have time to do that so if all of you are in support of this 12% increase?"

Councilman Snyder stated, "It is 12% over 4 years at 3% a year which the entire council approved 3% per year and this raise will be for 3% with 12% for the last four years and it goes like this for four years and the next four years we will look at it again. This contract has historically been put together four or five months before the expiration date, that is what the old council did and I spoke with a few old council members and they all have nothing but good things and praise to say about C.J. Savoie and his business and those are people who have a lot of respect for him and who brought this parish to where it is right now and I don't see anything wrong with going forward and approving this contract and if you look at the money that he has saved us on projects sure we pay him \$100,000.00 a year this is \$12,000.00 increase for the next four years that is a pretty good deal for my money if I had to spend it especially somebody that we can work with and I don't think there is anyone on this board that has had any problems with C.J. Savoie and his company and that is why I say let's get this thing done and get it out of the way and let's go on with our business."

Councilman Madere stated, "I would just like to echo what Mr. Snyder is saying and that 3% increase is in line, it is not out of line like a 5% or 6% increase, it is a 3% increase every year for the next four years to total 12%. It is not 12% at one particular time it is 3% which is basically almost a cost of living raise."

C.J. Savoie, Parish Engineer, stated, "Can I explain that? Years ago when Arnold Labat first started this he didn't give us a raise of 3% per year what he did was waited because he wanted the contract to remain level for four years because we had so many underlings in there, there are so many subs for me that work for drafting and so forth and so it stays uniformed for four years so we keep it level instead of

giving me a raise of 3% say back in 2011 and then a 3% in 2012 and 2013 and then now we would be at this level now but instead he waited the four years and then at the end of that four years he gave us the 12% which will remain level for the next four years so you actually average out to about 3% after every two years you get back to even again but it is an average it is based on 3% for each year if it is too confusing you all can table it and we can discuss it again and bring it back up and I will explain it better but I thought I had explained it in the contract but that is not a 12% per year, it is based on a 3% at 12% for four years but it is after the fact. I don't know if everyone understands what I am saying."

Natalie Robotom stated, "Actually because of this lack of clarity I know Vince attempted to calculate it a couple of ways based on the resolution and what was proposed and came out with different numbers because I think the plan was to do the total amount and start paying it in equal amounts which means that the 12% would be spread over equally over the four years. This is problematic for us and as a tax payer I think it should be problematic for everybody so I am asking you to table this and give us an opportunity to access and evaluate what exactly is being proposed. We all know that in addition to this retainer contract there are numerous other contracts that this firm works on so to say it is a mere 136 is really not necessarily correct. We can pull together the total amounts paid but this and the way it was presented without necessarily talking to any of us is a problem for us so we are requesting that you table it."

Councilman Gauff stated, "My concern was the length of this proposal or resolution. I think C.J. has the knowledge and experience and he works well with us I just question the length of this and why we are doing this now. I heard Mr. Snyder say it is usually done 4-5 months ahead of time but I did question the length of the time and why we are doing at this point in time. As far as not possibly entertaining other engineering firms I guess I just didn't understand why this came up right now."

Councilman Wright stated, "Mr. Savoie I just want to thank you for your work you have 30+ years of knowledge of St. John Parish and frankly I've seen this administration spend more money in a second so you have my support on this."

MOTION: Councilman Wilson moved and Councilman Snyder seconded the motion to approve Resolution R14-21. A resolution authorizing administration to renew the contract with C.J. Savoie Engineering for parish engineer services for an additional four (4) years with a 3% increase per year for a total of 12% for four (4) years and otherwise under the same terms and conditions stated in the existing contract. The motion passed with 8 yeas and 1 against (Gauff).

MOTION: Councilman Madere moved and Councilwoman Hotard seconded the motion to go into executive session to discuss the parish water/ameba issue. The motion passed with Councilwoman Millet absent.

EXECUTIVE SESSION:

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

Lennix Madere - 205 E. 30th Street

Larry Snyder - Building at Cambridge and Airline Hwy. graffiti removal

Parish Buildings - Security

Water bill issues

Lennix Madere - St. John the Baptist Parish vs. Myrtle F. Victor, Roba Inc., and Adair Asset Management, LLC, 40th JDC, #63827

Lennix Madere - Code Enforcement

Any and all pending legal matters

INTRODUCTION OF ORDINANCES

14-48 An ordinance to amend Section 109-75 of the St. John the Baptist Parish Code of Ordinances as follows: Parish Coastal Zone Management committee (N. Robottom)

Introduction of an Emergency Ordinance

14-49 An ordinance granting approval for the Parish President enter Into a Cooperative Endeavor Agreement and an Act of Transfer, Copies of which are attached hereto, transferring to LCTCS FOUNDATION, property belonging to this Parish described on Exhibit 2, which is determined to be not needed for public Purposes. The economic benefit to the Parish is equal to or Exceeds the appraised value of \$857,000.00 (N. Robottom)

Councilwoman Hotard stated, *"I want clarification we have had some disagreement with internal legal and so just to provide some cover to the council and administration of what we are doing is legal can you just say that now for the record so that all of the votes that we make after this everybody can at least be on the same page."*

Jeff Perilloux, Legal Counsel, stated, *"You have the right to suspend the rules. In terms of an emergency ordinance the parish charter actually has language that deals with the council's ability to pass an emergency ordinance to meet an emergency affecting life, health, property or public safety. The parish council by a 2/3 vote of its members may adopt an emergency ordinance at the meeting at which it is introduced and may make it effective immediately. There are limits however those limits apply to ordinances that deal with leveeing taxes or granting, extending or modifying a franchise which the ordinance that is before you now does not."*

Councilwoman Hotard stated, *"Thank you I just wanted to have that clarification because again we had some internal issues with legal and I just wanted to make sure that was said. This is not a challenge to the votes that we are going to take it is just making sure that we at least have somebody up here from the legal department that is stating that all of these actions will be legal."*

Jeff Perilloux stated, "Ultimately if you all decide to pass the ordinance it will need to be done so with a 2/3 vote and you will be declaring it to be an emergency of importance. If that fails then obviously it doesn't pass but you all have the right to declare it an emergency ordinance."

Councilwoman Hotard stated, "Thank you very much."

MOTION: Councilman Wright moved and Councilman Snyder seconded the motion to suspend the rules and take up ordinance 14-49. The motion passed unanimously.

Natalie Robottom stated, "Thank you guys for taking it up we received the amended version last week and considered advertising and we appreciate that you are considering it the emergency that it appears to be. This was approved by the council some time ago but there is a discrepancy in who the donation was made to for bonding purposes and so all the documents have been amended and reviewed by all legal counsel from both sides and this action will actually make the donation to a foundation so that they can bond out the dollars. The emergency is related to bond commission and being able to meet the deadlines required to get this moving. Expansion of the Technical College is very important to all of us and thanks for working with us to try to move this through."

Earl Moder, Director of South Louisiana Technical College, stated, "We appreciate the council taking the time to put this as an emergency ordinance to get it done tonight. We have actually been on a deadline with the bond commission so this action can go forward what happens is that if we don't get this done within the next ten days or within this week we have actually held the bond commission off they have been holding what they call the book it is a little out of my league when we talk about bond sales but I know we have been on a deadline for weeks now and they have held it open because this is important to the state and it is important to this parish. If we do not make this sale of bonds we are at least on a two year minimum delay which means a lot of impact on the community and the students involved. So we appreciate your consideration on this and we appreciate your support."

Cindy Poskey stated, "We have come a long way and this is the last of the move as Dr. Moder says we are on a time line right now we are trying to get in on these bond sales this first round if you remember Act 360 was a three year endeavor and we were able to get it in the first round so we are asking for your support so that we can get into the sales thank you."

MOTION: Councilwoman Hotard moved and Councilman Gauff seconded the motion to approve Ordinance 14-49. The motion passed unanimously.

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

There was no action taken as a result of the executive session.

ADJOURNMENT:

At 8:15 PM, Councilman Wilson moved and Councilman Madere seconded the motion to adjourn. The motion passed with Councilwoman Millet absent.

/s/Marvin Perrilloux
COUNCIL CHAIRMAN

/s/Jackie Landeche
Council Secretary