

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
TUESDAY, NOVEMBER 10th, 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 Rudolph S. Soroparu Sr. Chambers, Edgard, Louisiana on Tuesday, November 10th, 2009, at 6:30 PM.

CALL TO ORDER:

PRESENT AT ROLL CALL: Haston Lewis, Councilman District I, Charles Julien, Councilman District III, Richard "Dale" Wolfe, Councilman-at-Large, Div. A, Danny Millet, Councilman District II, Jaclyn Hotard, Councilwoman District IV, Steve Lee, Councilman-at-Large, Div. B, Cheryl Millet, Councilwoman District VII

ABSENT: Ronnie Smith & Darnel Usry

Councilwoman Hotard led the Prayer. Councilman Millet led the Pledge.

Legal Counsels Kerry Brown and Barry Landry were present.

Proclamation - "Tyrell Fenroy Day" - Friday, October 13th, 2009

Pat McTopy, Acting Parish President, stated, "Whereas, it is a privilege and honor to give special recognition to "Tyrell Fenroy" for his outstanding accomplishments as a young athlete; and Whereas, we realize that participation in organized athletics helps to build character and teaches a wholesome sense of fair play and good sportsmanship among our young people; and Whereas, to really excels in any one sport, a young person must demonstrate, in addition to a great deal of natural ability, an outstanding spirit of dedication, enthusiasm, and hard work; and Whereas, a striking example of this has been brought to our attention in the achievement of "Tyrell Fenroy", a 2005 graduate of St. Charles Catholic High School who was named to the all Sun Belt Conference team each of his four seasons at the University of Louisiana; he earned Second Team all conference honors after his freshman year and First Team all conference following the 2006, 2007 and 2008 seasons and was honored with the Conference Player of the Year Award in 2008; he was honored as one of ten semi-finalists for the 2008 Doak Walker Award and before the final game of his career, Tyrell had his jersey retired by the University, an honor reserved for players that have finished their career. Now, therefore I, Patrick McTopy, Acting Parish President in conjunction with St. John the Baptist Parish Council Members extend our sincere congratulations. We appreciate his athletic powers, we are proud of him and wish him well in his future life. Be it further resolved, that we hereby proclaim Friday, November 13, 2009 as "Tyrell Fenroy Day" in St. John the Baptist Parish."

Mark Dejarnette - Presentation - Garyville/West Bank Historic Plan

Councilwoman Millet stated, "I have been informed that Mr. Dejarnette

will not be here tonight so we will carry this item over to the next meeting."

Consent Agenda

Items: Approval of Minutes October 27th, 2009, Regular Meeting; Permit Approval - ESJ - Wildcat Winter Fest - 12-5-09 from 10:00 AM until 7:00 PM; Authorization for the Acting Parish President to enter into an agreement with the Pontchartrain Levee District to participate in the 2009 annual bonfire program; Permit Approval - SCC - Fireworks display - November 13th, 20th & 27th; It was noted that in the last set of minutes there is a change in the Proposition from the amount of \$2,478,400 to \$294,000,000.

Councilman Lee stated, "There is an issue involving the approval of the minutes. I think we all have in front of us a letter from Foley & Judell, which is our bond attorney, a request or a note to change in the Proposition the amounts from \$2,478,400 to \$294,000 and substitute this from the motion that we approved from the last meeting. I believe the proper way to do this is to have an amendment to the minutes. So that would be my motion. That is under Resolution R09-30, that being the millage renewal election resolution."

MOTION: Councilman Lee moved and Councilman Millet seconded the motion to approve the amended consent agenda consisting of the approval of Minutes October 27th, 2009, Regular Meeting; Permit Approval - ESJ - Wildcat Winter Fest - 12-5-09 from 10:00 AM until 7:00 PM; Authorization for the Acting Parish President to enter into an agreement with the Pontchartrain Levee District to participate in the 2009 annual bonfire program; Permit Approval - SCC - Fireworks display - November 13th, 20th & 27th; AMENDMENT TO MINUTES OF THE REGULAR COUNCIL MEETING OF OCTOBER 27, 2009, to change in the Proposition the amounts from \$2,478,400 to \$294,000 and substitute this from the motion that we approved from the last meeting in Resolution R09-30. The motion passed with Councilman Smith and Councilwoman Usry absent.

PUBLIC HEARING ON ORDINANCES:

09-36 (Public Hearing Held) An ordinance introducing the Annual Operating Budgets for the St. John the Baptist Parish General Fund, Special Revenue Funds, Enterprise Funds and Parishwide Sewerage Construction Fund for the fiscal year beginning January 1, 2010 and ending December 31, 2010. (P. McTopy)

Pat McTopy stated, "This is the annual operating budget for St. John Parish for next year. As you recall in the home rule charter we are required to introduce it in a timely fashion and we have."

Councilman Lee stated, "I think this is an excellent budget put together very well by the administration however we just received it recently and all my fellow council members know that it is our obligation to approve this budget prior to December 31st, by no means is this request to table any opposition to the budget. I find it to be done very well. But all that being said in the short period of time that we received it and the amount of time that we have to approve it I would like to make a motion to table it."

MOTION: Councilman Lee moved and Councilwoman Hotard seconded the motion to table Ordinance 09-36. The motion passed with Councilwoman Usry and Councilman Smith absent.

09-37 (Public Hearing Held) An ordinance to amend Section 26:156 of the St. John Parish Code of Ordinances as follows: Culvert Permit (D. Wolfe)

Councilman Millet asked, "On that ordinance for the culverts, is that going to be just the \$25.00 fee for this?"

Councilman Wolfe stated, "That is what it is. We are going back to the original ordinance."

Councilman Millet stated, "I have a little problem with that. I know Clifford Bailey and them don't have enough people to do the work. We are already having problems digging ditches and everything. I think that we should maybe come up with some other type of fee that would make it more reasonable for us."

Councilman Lewis asked, "How much are we charging right now?"

Pat McTopy stated, "I didn't bring the old ordinance. My recollection and it was a graduated scale so many feet for so much price followed by the next length of feet for an additional price and so on. As I recall when we presented it to the council over a year ago it was to try to make the cost or the fee commentary with the cost of insulation."

Councilwoman Millet asked, "Is there some sort of compromise in there from one extreme to the other?"

Pat McTopy stated, "It is something that could be considered yes."

MOTION: Councilman Wolfe moved and Councilman Lewis seconded the motion to approve Ordinance 09-37. The motion passed with 4 yeas (Wolfe, Lewis, Julien, Hotard), 3 neas (Lee, Cheryl Millet, Danny Millet) and 2 absent (Smith & Usry).

INTRODUCTION OF ORDINANCES:

09-38 An ordinance to amend Section 27:535 of the Code of Ordinances Book: Chapter J, lines 2 & 3 to read as follows: 2. Public Street signs shall be white with 4" blue high intensity reflective lettering along with Parish logo. The size of sign shall be 6" x 36" or 6" x 48" depending on the length of the street name. 3. Private street signs shall be blue with 4" white high intensity reflective lettering. The size of sign shall be 6" x 36" or 6" x 48" depending on the length of the street name. (B. Boe)

09-39 An ordinance to add the nomenclature "Jack S. Snowdy" to the existing W. 4th Street in Reserve, LA. (P. McTopy)

COMMITTEE REPORTS:

Councilman Lee stated, "At 6:15 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: Councilman Millet moved and Councilman Lewis seconded the motion to accept the recommendation of the finance committee. The committee approved to take the fifteen bids for the Ruddock water station No. 3 lift station under advisement, granted administration authorization to enter into an agreement with Meyer's for the road, parking and walking path to be located at the West Bank Park as part of the 2009 Bond Issue, granted administration authorization to enter into an agreement with Chenevert Architects relative to the expansion and renovation of the Edgard Courthouse as part of the 2009 Bond Issue, granted administration authorization to go out for bids for the parish concrete repairs, granted administration authorization to terminate the lease agreement with Baruch Enterprises, granted administration authorization to go out for proposals for fire department employee insurance, and authorized administration to go out for RFP's for the grass cutting services of the parish at our recreational, public works and utilities facilities and the parish janitorial services. The motion passed with Councilwoman Usry and Councilman Smith absent.

DEPARTMENT/ENGINEER REPORTS:

Councilman Lewis stated, *"I would like for Mr. Savoie to bring us up to date on the Edgard water plant intake line."*

C.J. Savoie, Parish Engineer, stated, *"The Edgard water plant intake line the work is started there, they drove the sheet piles in which they are constructed in a coffer dam. They also sent in divers to cut the pipe down below the water so that they can bring it in and put a valve there. This line is the suction line that will be going into the concrete wet well. The concrete wet well looks like a culvert but it is a 8 x 10 concrete cylinder that is going to be going down there but it is going to be going down in joints before they can do that they have to drive some pilings and they have to pour a slab and then they are going to place these concrete cylinders and joints down on top of this. I don't know if you all know but unexpectedly the river came up. It went over the top of the coffer dam. So I will not let them continue work. They wanted to put these pilings down, even under water and I wouldn't allow them to do it until the water comes down again. We have been told that the water has crested. I don't know if this recent storm is going to have any affect on that or not. I don't have a crystal ball on that but hopefully the water will be coming down because this was an unexpected rise in the river. It doesn't usually come up at this time. It usually comes up around February when the snow starts melting and so forth up north. We expect it to come back down and as soon as it does I am going to allow them to go back in and finish the job."*

Councilman Lewis stated, *"Thank you. I appreciate that Chuck."*

Dale Wolfe - Personnel Matters

There were no personnel matters at this time.

Haston Lewis - (Carry Over until Edgard Mtg. 11-10-09) Discussion regarding Comcast internet service on the West Bank

Councilman Lewis stated, "I received a call from Jacquie Dugas stating that they could not make it to the meeting. She said it was due to bad weather. So I would like to have this placed on the agenda for the next Edgard Council meeting. (The next meeting in Edgard is January 12th, 2010.)"

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

There was no new business.

CORRESPONDENCE/COUNCIL BRIEFS

Councilman Lewis stated, "We have a polling place in the Wallace area which is in District I and precinct I that has been out of service for the last four years. They claim they have trouble with the heating system and the bathrooms. According to the law it is the council's job to see that they have polling places. I want to ask the council whatever it takes to get that place back in operation. I would like to see it go back into operation. I don't know if I need to put that in the form of a motion but if I do I would like to go ahead and do that. They said they didn't have any heat so they changed it. They have two polling places in the same precinct and that is against the law as it is. Every precinct should have its own polling place. We are going to have to get with the Clerk of Court and the Registrar of Voters to set that up. They have been complaining to me that they didn't have heat or bathrooms. According to the law, that is our job to set that up. It shouldn't have been out for four years that those people have to drive twelve to fifteen miles to go vote."

Buddy Boe stated, "Councilman Lewis we will get with the Clerk of Court to see what is needed to be done to get that polling place opened possibly before the March 27th election but definitely by any elections next fall. She will tell us what it will take to get that building back open. So we will get with her."

Councilman Julien stated, "I have a letter here in response to a request that I had made about the ordinance for women and minority set aside from District Attorney Tom Daley. It reads 'In response to your request dated October 13th, 2009, I have reviewed Ordinance No. 87-20 and make the following general observations. I would ask that legal give us some advice after I read this and tell me which way we need to be going. 'The provision under Article (1) A. stating that at least 50% of all contract and procurement of suppliers and services be awarded to bona fide Parish residents, is on its face constitutionally prohibited as violating the Interstate Commerce Clause of the Federal Constitution. Number 2. Paragraphs (1) B and C of the Ordinance, which addresses minorities and women set asides, is subject to constitutional challenge and must be narrowly tailored to meet legitimate and purposeful government needs. Number 3. Ordinance 87-20 required the Parish Council to appoint a Jobs Equity Committee to promulgate rules and regulations to implement the ordinance. To date, to the best of my knowledge, no Jobs Equity Committee has ever been adopted by the

council.' So that is one thing that I don't know if it has ever been done but needs to be considered. 'So no rules or regulations concerning implementation have ever been adopted. Since there are no rules and regulations for implementation of the ordinance, the ordinance has never been unitized and/or effectuated. A similar Louisiana State law entitled Minority and Women's Business Enterprise Act, La. R.S. 39:1951, required similar set asides, as does Ordinance 87-20, and was declared unconstitutional in 1996. The state currently has a law to assist small and disadvantaged businesses and women owned businesses, which is set forth in La. R.S. 39:1731 through 1738. Providing set asides to economically disadvantaged businesses is a more constitutional favorable method available to remedy past discriminatory practices. I recommend that the State Procurement Code be used as a guide for any future Ordinances and/or regulations concerning the implementation or amendment of Ordinance 87-20.' In going over this I am assuming that legal has a copy of this as well so I would ask that you put it on the next agenda that you all can come to the next meeting and give us some information on it. Could you give me a little interpretation of where we could go?"

Kerry Brown, Legal Counsel, stated, "Charles, commissioner Daley and I have met concerning the procurement policies that we had in place. You did raise the question at our last council meeting. I am definitely 100% going to defer to what Mr. Daley has written because he has also forwarded us copies after we sat and discussed it. As it relates to how soon it would take for us to put that procurement policy together, the state already has one in place and all I would do is review it and encourage you to adopt what the state is already doing with all of its current procurement with all contracts that are going out as far as the economic or disadvantaged businesses compared to defining a specific group and saying we want this particular group to get it. I would encourage you to do exactly what the state of Louisiana has already ratified. I will pull that and also adopt a structuring ordinance with Jeff and I will report back to you."

Councilwoman Millet stated, "I just want to remind everyone that tomorrow is Veteran's Day and if you see a veteran just say thank you for all their services. Also all parish buildings will be closed tomorrow in honor of that holiday."

PRESIDENT'S REMARKS

Pat McTopy stated, "It is official St. John Parish Fire District II has maintained its class 3 rating for fire insurance purposes for both residential and commercial. I want to thank this council. I want to thank the fire departments both paid and volunteers. We were very concerned with this matter. As you recall the last time we were rated we had some significant issues but we are maintaining our 3 so that is great news. We are continuing to work with the LRA to develop our program for the funding that has been allocated to St. John Parish as a result of last years hurricane. St. John's proposal is far ahead of most other parishes. In fact our proposal is being used as a model to demonstrate to other communities. We are continuing to aggressively seek grants from various state and federal agencies. The county agent, Rene Schmidt, brought to our attention that there is a Corp of Engineers program that encourages access and facilitate access to recreational fishing opportunities. We see the sunset park in the

Manchac area as a prime site where we could perhaps build a pier with this grant to get access to crabbing and fishing there. We are finalizing the transfer of the running of the airport to the Port Commission. Lastly our community service program has been in operation for the last few months, perhaps six weeks and each week we progress in terms of the number of workers that are showing up and participating and the amount of work that we are getting. It is a positive thing for the community and we hope to get it in higher gear."

Councilwoman Millet stated, "Congratulations Mr. McTopy on the fire rating. I think most home owners would be very appreciative of that. It keeps their home owner policies down."

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) Coverages, any/all material changes

Any and all pending legal matters

ADJOURNMENT:

At 6:56 PM, Councilman Lee moved and Councilman Millet seconded the motion to adjourn. The motion passed with Councilwoman Usry & Councilman Smith absent.

/s/Cheryl Millet
COUNCIL VICE-CHAIR

/s/Jackie Landeche
Council Secretary