

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
TUESDAY, DECEMBER 13TH, 2011
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, December 13th, 2011, at 6:30 PM.

CALL TO ORDER:

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

ABSENT: None

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

Legal Counsel Billy O'Regan was present.

Consent Agenda

Items: Approval of Minutes November 22nd, 2011, Regular Meeting; Councilman Danny Millet - Re-appointment of Mr. Norris J. Millet to the Library Board of Control

MOTION: Councilman Millet moved and Councilman Lewis seconded the motion to approve the consent agenda items consisting of Approval of Minutes November 22nd, 2011, Regular Meeting; Councilman Danny Millet - Re-appointment of Mr. Norris J. Millet to the Library Board of Control. The motion passed with 7 yeas and 2 abstaining (Hotard & Lee).

PUBLIC HEARING ON ORDINANCES:

11-49 (Carry Over 11-8-11) 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 Funds for the fiscal year beginning January 1, 2012 and ending December 31, 2012 (N. Robottom)

Natalie Robottom, Parish President, stated, "The budget was introduced a couple of months ago and we have had the opportunity to meet with the current council members as well as incoming council members to discuss what was presented. It reflects budget proposals based on projected revenue and historical spending throughout the last several years. It is a sound budget with a lot of thought and work going into it including input from all of our directors. Administration recommends approval."

Councilman Julien asked, "Does the parish president's salary, is it

tied to the Sheriff's salary in what you are recommending?"

Natalie Robottom stated, "The recommendation in this proposed budget reflects the 2010 salary for the Sheriff. There has not been an increase since 2010. There wasn't one in 2011 and there is not one projected for 2012. So the number reflected in this budget is the 2010 salary."

Councilwoman Millet stated, "I guess I have been pretty much anti-parish president raise person since I got on the council. I just personally have issues with it that the increase in a four year period of time is almost doubled. The budget is great except for that. I just have an issue with that one item. So I am going to have to refrain from voting on this."

Councilman Julien asked, "As it is tied to the Sheriff's salary, are you at this point getting paid the same salary as the sheriff? I was under the impression that the two weren't matching."

Natalie Robottom stated, "They weren't."

Councilman Julien asked, "So would this match it?"

Natalie Robottom stated, "Yes."

Councilman Lee stated, "I have one comment regarding this issue. It has been an issue for the 23 years I have been on this council. It is always an issue. I want to say that my position for 23 years has always been you get what you pay for. We want the best qualified people to run for Parish President and we want them to be able to do it. So the job has got to be enough for that person to justify not only going through a campaign which is brutal because we have all done it but it needs to be a job that is commensurate with the job itself of running a 50 to 60 million dollar budget and I think that we have made it. It took us 20 years to get to this point. That is my position on it and I can only look back to the last 2 elections and look at the quality of candidates that we had run. I believe it is working and that is just something that I felt that I had to say because it has been going on for a long time. I think the position and certainly Mrs. Robottom merits that salary."

Natalie Robottom stated, "Just to add to that Mr. Lee, what this budget reflects is what this council approved. This was not Natalie's budget. This is what was approved by this council. As far as I was concerned when I was elected I walked into what was here and what I have asked for and will continue to ask for is to be treated fairly. I bring the qualifications, the experience and for the past 20 months I have worked 12 to 14 hour days through the weekends. I think the people of this parish decided that the job that I was doing allowed me or was good enough that they wanted me to continue. Again this issue should have been a non-issue. As with most of you this is not mine. I walked into something that was decided by this council. However my only request is treat me fairly."

MOTION: Councilwoman Hotard moved and Councilman Gauff seconded the motion to approve Ordinance 11-49. The motion passed with 8 yeas and 1 against (Cheryl Millet).

11-50 (Public Hearing Held) An ordinance granting approval to further extend the valid period of time of Conditional Subdivision approval for an additional twelve (12) months for Coles Landing Subdivision, Phase IV, lots 148 through 208, and Parcels D, F, G & H, situated in Section 91, T-11-S, R-7-E, LaPlace, St. John the Baptist Parish for 12 months (N. Robottom)

Councilman Lee stated, "We have another one very similar, which will be the next ordinance. We have done this before. Times are tough out there and I think this is the least we can do to help our home builders and our business people out here as well. So I am strongly in favor of the motion."

Councilman Smith stated, "I do have one comment. I spoke to one of the incoming council members today and they had some concerns with a couple of things. It isn't that they are against extending this or anything. Their concern is that they would like to hold this over for two meetings until they take office because they want to discuss some issues with the builders of the subdivisions. I don't know if this would affect this. Does it have to be extended right now? Can it wait that long or not? My only advice to that council member was that I would ask to have this tabled if it didn't cause any problems for the home builders."

Councilman Lee stated, "I would be happy to make a comment on that. My motion stands. Time is money and business and I believe as Mrs. Robottom said treating everybody fairly. I think that we have done this no less than a half a dozen times and I want to make sure that this is in my division and that this particular home builder is treated fairly. So my motion is going to stand."

Natalie Robottom stated, "I actually spoke with at least one council member today and I think I provided some clarity. Regardless of whether it is tabled or passed there is not an opportunity to do anything with that subdivision as it is approved. The purpose for the extension is as we know the home building business has been depressed and this allows them to continue their process without being penalized but just delaying when completion is necessary. So I did have a conversation explaining and it was my understanding that that was clear whether we table or vote tonight and obviously our recommendation is to vote. There is no opportunity to alter anything in that plan by holding it over. This is something that we have done before. We have done it because the economy has been depressed and it allows our builders to continue to move forward with their project."

Councilman Smith stated, "Thank you for that information Mrs. Robottom. Just to clarify this, I have absolutely nothing against moving forward with this. The incoming council member that we are speaking of simply wanted to make sure that the home builder provided some type of green space that the parish could put some type of park or something in that subdivision for the kids and families to enjoy. So that was the only reason. If that isn't going to change anything if we vote now or two meetings from now then I would like to just go ahead and move forward."

Councilwoman Millet stated, "I also spoke with one of the council members today and he assured me that it was fine and he asked me to

give you the message that it was okay."

MOTION: Councilman Lee moved and Councilwoman Hotard seconded the motion to approve Ordinance 11-50. The motion passed unanimously.

11-51 (Public Hearing Held) An ordinance granting approval to further extend the valid period of time of Conditional Subdivision approval for an additional twelve (12) months for Praise Place Subdivision, Lots 27 through 83 and parcels V-1, V-2 and V-3, on East 22nd Street, situated in Section 46 and 47, T-11-S, R-7-E, Reserve, St. John the Baptist Parish (N. Robottom)

Councilman Smith stated, *"I just wanted to go on record as saying the council member that we spoke of earlier didn't just want it in one, he wanted it in both subdivisions but because of the prior discussions I am ready to move forward with this item also."*

MOTION: Councilwoman Hotard moved and Councilman Julien seconded the motion to approve Ordinance 11-51. The motion passed unanimously.

11-52 (Public Hearing Held) An ordinance to provide for sale of adjudicated properties. (N. Robottom)

Angelic Sutherland, Assistant to the Parish President, stated, *"Administration recommends approval of this ordinance which was amended to address concerns of administration and the management company."*

Councilman Julien stated, *"I just wanted to congratulate the Baloney's and commend them for taking us through this process. I thought that was going on last week but this week we know it is true. So thank you for the hard work that you have put in."*

Councilman Gauff stated, *"I just want to say thanks. This is something that we need to help the parish move forward. Thanks to the Baloney's also."*

Councilwoman Millet stated, *"I want to thank administration for all of their hard work for putting this together because I know it was a process and I know I had my questions and concerns about it as well and you all have addressed everything and I thank you for finally getting this to us so that we can once again move forward and take care of these adjudicated properties."*

Councilman Lewis stated, *"I am going to support this but you know this is not one of my favorite projects. I might be out of office but I will be watching very closely."*

Councilman Smith stated, *"I started this project with Mr. Rainey about 7 years ago. I want to commend administration for moving this forward and finalizing it and getting it on the table before I got out of office. Thank you."*

MOTION: Councilman Gauff moved and Councilwoman Hotard seconded the motion to approve Ordinance 11-52. The motion passed unanimously.

INTRODUCTION OF ORDINANCES:

- 11-53** An ordinance for re-subdivision of tract BZ-1-1A of Whitney Plantation into tracts herein designated as BZ-1-A2, BZ-1-A3 and BZ-1-A4, Wallace, St. John the Baptist Parish, Louisiana (PZS-11-1021) (N. Robottom)
- 11-54** An ordinance to rezone Whitney Plantation newly created tract BZ-1-A4 from C-1 to R-1, located in Sections 16, 17 & 18, T-12-S, R-18-E, Wallace, St. John the Baptist Parish (PZR-11-1009) (N. Robottom)
- 11-55** An ordinance to add the nomenclature "Walter Stevens, Sr." to the existing Historic East Street in Garyville. (N. Robottom)
- 11-56** An ordinance authorizing approval for the Parish President to accept the transfer of immovable property by Act of Donation, a copy of which is attached hereto, from John Tran, and to execute the Act of Donation and all other documents necessary for the Parish of St. John the Baptist to acquire title to the property (N. Robottom)
- 11-57** An ordinance to amend the Home Rule Charter of St. John the Baptist Parish with respect to the compensation received by Council members, whereas, the St. John the Baptist Parish Home Rule Charter, Article III, Section A-2 sets forth the compensation of the Parish Council members. The purpose of this ordinance is to authorize a referendum during the next general election with the following proposition: Council Members compensation (H. Lewis)
- 11-58** An ordinance requesting a re-zoning of Lot 1 of the Guy Donaldson Tract to show the change in current zone of Zone C-1 to Zone C-3, situated in Section 47, T-11-S, R-6-E, 944 La. Hwy 44, Reserve, St. John the Baptist Parish, Louisiana (C. Julien)

COMMITTEE REPORTS:

Councilman Lee stated, *"The finance committee met this evening at 6:00. We had a total of 10 items that involved our normal annual bid process and the acceptance of awards for numerous items. Administration made us aware there were a couple of changes in the low bidding process. I make this part of the minutes because our motion to accept these were to accept the lowest qualified bid. I think it is important that the public recognizes that when we take these bids under advisement the administration does, they along with our legal counsel and the experts in each department go over to make sure that it truly is the lowest bid and that it is a bonafied bid. So they did a good job on that and a good job correcting it. We were able to make a very lengthy agenda in 29 minutes so that we can start our meeting on time. At this time I would ask that one of my fellow council members would make a motion to approve the actions taken at the finance committee."*

MOTION: Councilwoman Millet moved and Councilman Lewis seconded the motion to accept the recommendation of the finance committee. The committee approved to take the bids for the Excavator under advisement,

approved to award the bid for water & sewer fittings to the lowest qualified bidders, approved to award the bid for Pumps & materials to the lowest qualified bidder. 28 items would go to Fluid Process & Pumps, 12 items would go to Delta Process, 23 items would go to Johnson Equipment, approved to award the bid for Granular Chlorine & Bio Sanitizer Tablets to Southern Chem of LaPlace, approved to award the bid for Fuel to Robert Oil of Gonzales, approved to award the bid for Culverts to Quality Site Works & Materials and Coburn's both being lowest qualified bidders in their category, approved to award the bid for Liquid Chlorine & Sulfur Dioxide to DPC of Reserve, approved to grant administration authorization to award the Parish's Dental Insurance Policy to Delta Dental, through the Kennedy Financial Group. The plan reflects a 6.5% decrease in the premium and is for two years commencing January 1, 2012 and concluding December 31, 2013, approved to grant administration authorization to award the Parish's Medical Insurance to Coventry Health Care of Louisiana, Inc. through Tatje Insurance and Financial Products. The plan is for 1 year and commences on January 1, 2012 and ends December 31, 2012, approved to grant administration authorization to award the Parish's Life Insurance Policy to Sun Life Financial through agent Frank Smith. The plan begins January 1, 2012 and ends December 31, 2013, approved to grant administration authorization to award the St. John Airport General Liability Insurance to National Union Fire Insurance Company of Pittsburg, PA for 2012, approved to grant administration authorization to execute change order No. 3 in the amount of \$31,980.00 with J.A. "Jack" Julius Jr., Inc of Marrero, LA for the Central Library Addition in LaPlace, approved to grant administration authorization to terminate the contract with Science Applications International Corporation (SAIC) of Orlando, FL, formerly known as Beck Disaster Recovery, Inc., for administration of CDBG Consulting Services, approved to grant administration authorization to execute Task Order No. 2011-2 with Meyer Engineers, Ltd. for engineering & design services for the Mississippi River Multi-Purpose Trail Phase III, and approved to grant administration authorization to execute change order No. 2 with Lanco Construction, Inc. for additional items required to complete the Health and Human Services building renovation in the amount of \$2,865.00. The motion passed 6 yeas and 3 abstaining (Hotard, Lee & Cheryl Millet).

DEPARTMENT/ENGINEER REPORTS:

Haston Lewis - (Carry Over 11-8-11) Update West Bank Courthouse

Councilman Lewis stated, "I will probably put the West Bank and East Bank together instead of going through both of them. I want to bring you all up to date on my way back on this council. You know when I first had a little meet the candidates on the West Bank everybody was saying about the East Bank how I was one and there were eight over there. The first thing I mentioned I understand one thing when you have your hand in the lion's mouth, don't pinch his tongue, rub his head. So I know what I was getting into. You follow me? Secondly, I am going through 3 councilmen at large and 3 parish presidents. I know that too. Let me tell you something when they passed the tax for the courthouse, I never went in there one time to recommend what needed to be done in the courthouse. I never went to one meeting. I didn't want to go to a meeting. Do you know why? I didn't want to say it was my idea. My idea would have been to build a new courthouse on the West Bank. Nobody wants to hear that. I know that already. Let me tell you something we

don't have money to do a good job with none of the courthouses because I look at the money that we have and what needs to be done and every time I read one of them little books I see you are looking for money. So that tells me that we have a big problem there. I don't see where you can find it. I don't know where to help you find it. If you all do I wish you could tell us so that she can move from where she is at. Do you follow me? That is the only reason I want to know about the courthouse. It looks like nobody wants to mention nothing so I figured I would bring it up and talk about it but something needs to be done. If you look at St. Charles and St. James they all hold on to their parish seat in their little town. Look at on 44 & 10th Street in Reserve there is a house that has been sitting up there for 15 years, what are they trying to do protect it. That is what I want to do with that courthouse across the river. I am trying to protect the parish seat in Edgard. That is the only reason. I have no reason for nothing else. I heard somebody say there are more people over here. Let me tell you something that isn't a schoolhouse, it is a courthouse. I could see if you were bringing a bunch of children there but you aren't. Everybody has their own business in the courthouse. I don't care if it is in St. John, St. Charles or New Orleans you have to go where you have to go. What is wrong with going to Edgard? Nothing just some people they got stuck here and that is where they want to stay. As long as I am around I am going to fight. I will do anything I can over here. All I have is one vote but that is all anyone up here has is one vote and we have to work together. I might have been born in Wallace but I live in St. John and as long as I am here you will hear me yelling for District 1. I told Mrs. Robottom when I came on I told her 80% of the time you are going to get my vote 20% is for me. Nobody is going to rubber stamp me. I have been that way as long as I have been here and I will continue to be that way. I am going to work with everybody. I am not going to give up anything when it comes down to District 1. District 1 is not just on the West Bank no more, I done got over on this side now. So it travels all over the parish. That is all I have to say concerning the courthouse."

Haston Lewis - (Carry Over 11-22-11) Update on Water Plant clarifier on West Bank

Councilman Lewis stated, "Let's get back to the clarifier. I know it was rough three weeks ago and you all know what happened so there is no use going through that. What happened with the clarifier when they ran the bond issue the clarifier was in the bond issue to be repaired. The clarifier almost went out so they had to go ahead and fix it as fast as they could and patch it. I heard Mrs. Robottom say she had her team and we were spending bad money but let me tell you the deal I had was the deal from the engineer that you had who said that is what needed to be done. Not my idea, his idea. He said the reason for the two clarifiers was that when one had trouble we could repair the other one or when one is dirty you can wash the other one. I went with Mrs. Millet to go out there and talk to the engineer who did it and he said what happened was that it was going out and it had to be repaired. It was an emergency repair. It still needs to be painted. To paint it or coat it you have to take it out. I know we are talking about going across the river with a line, let me tell you how I look at that line. When I first ran for the council this time they had a pump problem on the other side all of

you know that. I begged you to help me fix it and you all did a good job helping me fix it. In fixing everything it took 4 ½ years by the time it was finished. If it took that long to put a pipe in the river how long is it going to take us to cross the river? You tell me. Also that is another thing we don't have the money. The bond issue that we passed for 29 million dollars we could have used all that in drainage if we wanted to use it besides doing those other projects we didn't have the amount of money. We have too many projects for the money. That is all I have to say. Thank you."

Haston Lewis - (Carry Over 11-22-11) Update on East Bank Government Complex

Councilman Lewis addressed two issues at once, please see above.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Hugh Martin - Resolution - R11-54 - A Resolution giving preliminary approval to the issuance of not to exceed \$5,500,000.00 aggregate principal amount of Water Revenue Refunding Bonds of the Parish of St. John the Baptist, State of Louisiana; providing certain terms of said bonds; making application to the State Bond Commission for approval of said Bonds; and providing for other matters in connection therewith

Hugh Martin, Bond Attorney, stated, "We had a previous resolution to authorize the refunding of two of the four issues of the outstanding bonds that the parish has for water work construction table from the revenues. It is now possible to refund all of these bonds and there is an advantage in doing it. The interest savings would go up to about a half a million dollars in interest over the life of the bond without extending the 16 years that it is supposed to run but the other big thing is by doing this it gives us a chance to rearrange the re-payment schedule so that we can reduce the amount that has to be paid in some years by a significant amount so that overall the average reduction in the amount you pay per year for these bonds goes down \$270,000.00 now we all know the waterworks system has been running very tight just barely meeting its obligations over the bond resolution, this will help that a lot. It will also put the parish in a better position in the future to perhaps do some improvements to the waterworks system. It won't solve all the problems but it certainly will help to do this in the future. So the resolution is a preliminary resolution applying to the bond commission. We get that approval then we will be back to you with the final details."

MOTION: Councilman Lewis moved and Councilman Julien seconded the motion to approve Resolution R11-54. A Resolution giving preliminary approval to the issuance of not to exceed \$5,500,000.00 aggregate principal amount of Water Revenue Refunding Bonds of the Parish of St. John the Baptist, State of Louisiana; providing certain terms of said bonds; making application to the State Bond Commission for approval of said Bonds; and providing for other matters in connection therewith. The motion passed unanimously.

Charles Julien - Overturn Planning & Zoning's denial for Valencia Haley - Request a re-zoning of Lot 1 of the Guy Donaldson Tract to show the change in current zone of zone C-1 to zone C-3 situated in Section 47, T-11-S, R-6-E, 944 La. Hwy. 44, Reserve, St. John the Baptist Parish and allow it to be introduced as an ordinance

Councilman Julien stated, "The tract of land that we are talking about has been in our community for about 50 to 60 years. I am asking my fellow council members to overturn Planning and Zoning so that we will be able to introduce this item as an ordinance. So I would like to make a motion at this time. Again I am asking this because these people have worked in our community. They have invested in our community for 50 to 60 years. They have met the obligations that were put before them time and time again they were turned down. They are here at the council basically the last stand. At this point I would like to make that motion."

Councilwoman Usry asked, "What is administration's recommendation?"

Mike Henderson, Planning & Zoning, stated, "Mrs. Usry this did go to the Planning Commission and it was denied at the Planning Commission and administration's recommendation is that we uphold the Planning Commission's recommendation for denial."

Councilwoman Usry asked, "Why was it denied?"

Mike Henderson stated, "There are four criteria that are used to identify whenever we should recommend re-zoning. The administration does not recommend the re-zone change for this property for the following reasons. The re-zoning potentially creates undue congestion of streets and traffic access. The re-zoning does not meet the requirements of location along a federal or major state highway. After reviewing the planned usage as a bar, the applicant cannot meet the required 28 parking spaces, now that is more of a permitting issue than a re-zoning issue and I explained that to the Planning Commission at the time of the meeting. I had not had a parking plan however they have since supplied one. There is an oversupply of this type of land use or zoning in proportion to population, land use and public facilities in the neighborhood. I understand there is a bar across the street. So those were my recommendations and that went to the Planning Commission."

Councilman Julien asked, "So because they have a bar across the street the individuals, the barge company that came in and propositioned these people to purchase their property, did they not have a parking issue at that point? Did they prepare or come with a plan to make a parking lot? When we think about congestion it is on Hwy. 44. The bottom line is that this bar has been there for 60 years. We didn't have those issues. We had two bars in the community right there for 50 years and I don't mean to attack you."

Mike Henderson stated, "That is fine Mr. Julien. This is my recommendation based on how I read the ordinance. That is why I present it to the folks at the Planning Commission and I supply them with copies of the ordinance. I do a complete land use analysis to the best of my ability. I do not have any problems or questions with you questioning my decision."

Councilman Lee stated, "The handling of this particular issue is somewhat different than what I am accustomed to. I have dealt with this issue no less than three times over 20 years and it has always been a tough one but I believe what Mr. Julien is asking for here, let me preface this anybody including Mr. Julien, Mr. Lewis, if Wolfe was there I don't think I have done it for Mr. Gauff yet. If anybody has asked for an override because they are the elected official and they felt that their judgment represented the majority of the people and I dare say I agree because they were elected 51%. I have always supported that council member 100% of the time. This is one that I have been burnt on, on a couple of occasions. I must say over the years but the way we are handling it is somewhat different so I would like to get a little better understanding. What Mr. Julien is asking for is for this council to overturn the recommendation of the Planning & Zoning committee so that it can be introduced as an ordinance. I don't ever recall dealing with it in this fashion. In other words I am thinking if I vote no tonight then I am not allowing Councilman Julien to bring this to us in the form of a motion. I am not adhering to any of his comments or thoughts and I don't want to do that. I have an issue, as I told Mr. Julien, just overriding and all of a sudden this becomes law and they are able to operate. So I hate to put legal counsel on the spot so perhaps I won't. I would like to have discussion with the council on this. I feel like saying yes I am going to vote for it then let it come in the form of an ordinance because it is two separate votes."

Councilman Smith stated, "Mr. Lee I don't think this has to come in the form of an ordinance."

Councilman Lee stated, "But that is what the request is."

Councilman Smith stated, "We can get past the request. I think right now we need to simply discuss and decide whether we want to override Planning & Zoning. I don't think this has to be in the form of an ordinance. That is my opinion. Once we decide yes or no if we are going to override then I will defer to legal counsel for them to tell me if this needs to be in an ordinance form or not. Then if it has to be in an ordinance form then we do what we have to do and take it that way."

Councilman Lee stated, "If it passes then you would have to introduce an ordinance."

Councilman Smith asked, "But why?"

Councilman Lee stated, "Because that is the request of this council member."

Councilman Julien asked, "If this has never been dealt with in 6 terms then we have to ask ourselves how come this one is being dealt with like this? Just a question throwing it out there, don't expect an answer. How come we have had so many problems when they are in compliance? How come reasons are found to deny them? So at this point that is my question."

Councilman Smith stated, "I don't, when Mr. Lee says it hasn't been dealt with like this it is not that we haven't overridden Planning &

Zoning. We have never overridden them and then put it in the form of an ordinance. That is why I keep saying I don't think we need an ordinance."

Councilman Julien stated, "So what we don't have to do is bring this in the form of an ordinance. We can really put it to vote tonight. So I would like to put it in a motion to override Planning & Zoning."

Councilman Lee stated, "Okay, I hate to make this a confusing issue but it is confusing to me. Mr. Julien it was your item and this is how it was written. So you chose to write it that way. So you are asking this council to change their minds and merely override Planning & Zoning and by doing that they will be able to open and operate. Is that accurate?"

Councilman Julien stated, "Yes, that was my intent when this was written up."

Councilman Gauff stated, "First off I don't think this was properly handled through Planning & Zoning. That is my opinion. To deny them the right to operate under those four criteria, which it seems like they have met all of them because I have heard and discussed with them. The parking issue is a non-issue. For lack of competition, we always want competition. We have competition between Burger King and McDonald's so having two bars there that isn't really competing they are just trying to co-exist. As far as being on a highway, as long as they have parking and as long as they are going to come back with security and try to have a better business I don't think that is a reason. Now I do have an issue with the re-zoning. I have an issue with the rezone of C-1 to C-3 that I have an issue with and I discussed that with them also. I thought from reading the different criteria I thought it should have been C-1 to C-2 not that it is a big difference but bars are allowed in C-2. So that was what I had an issue with. Not with them passing this or becoming able to have their business."

Councilman Lee stated, "I am going to make a comment that I believe is going to answer why it was put in this form by Councilman Julien. Most of the overriding of Planning & Zoning we know, have been trailer placements. It went right over my head and the reason that it is being written like this I do believe and we can ask legal counsel on it is because a zoning change according to our ordinances must be in the form of an ordinance. So that is why it was done that way. It isn't like the general trailer changes that we make left and right to accommodate each other. That is why it has to be done. So I say this is an official meeting. Those are my thoughts. I believe I am right but I am going to ask that we get a legal explanation on that before we move forward."

Billy O'Regan, Legal Counsel, stated, "Mr. Lee is correct in that the changing of a zoning classification does involve a change to the zoning map which is pursuant to an ordinance and in order to amend the zoning map there has to be an ordinance. However the council does need to take action on Mr. Julien's motion tonight by either approving what the Planning Commission did or overriding it followed by the introduction of an ordinance. To override it requires 2/3 vote, so 6 votes would be necessary to do the override."

Councilwoman Hotard asked, "You said that we have to vote one way or the other and then Councilman Julien has to introduce this ordinance."

We know that an ordinance has to be introduced to accomplish what it is that he is trying to accomplish and I am just asking Charles for clarification. He can remove what he has here and introduce an ordinance and then we don't have to vote on this item here?"

Billy O'Regan stated, "I think that the council does have to take action tonight. The ordinance requires action by the council within 45 days."

Councilwoman Millet asked, "I understand that we have to take action on the motion but on our ordinances don't we have to advertise those prior to voting? So we are just going to introduce it if this is overturned?"

Councilman Smith stated, "Correct."

Councilman Lee stated, "To clarify I do believe in order to introduce an ordinance we must take action to override Planning & Zoning. So Mr. Julien's motion is that simple to override then we can move forward on that. If it passes then we can introduce."

Councilman Smith stated, "I usually don't get like this. What I can't understand is we have given our Planning board that much control and that much power to come up with those four you know what excuses to stop these people from opening their business. There is a bar sitting next door to this location and you are going to tell these people that you cannot open because there is too much competition. First it was because you don't have enough parking spots. We fixed that problem. Now it is because it was on a highway. Well the other bar is on a highway. Y'all come on. Guess what these people need to eat and feed their families like everybody else does. I cannot tell my fellow council members what to do but I am going to sit here and tell you, the audience, the public and the family that is trying to get this done I am in support of you 100%. If they have some other issues with your bar room opening up then those issues need to be dealt with there and I think you know what I am talking about. I am just going to leave it at that. So at this time I would like to ask the council to vote on Mr. Julien's motion to override Planning & Zoning. That is all we are voting on right now."

MOTION: Councilman Julien moved and Councilman Gauff seconded the motion to overturn Planning & Zoning's denial for Valencia Haley - Request a re-zoning of Lot 1 of the Guy Donaldson Tract to show the change in current zone of zone C-1 to zone C-3 situated in Section 47, T-11-S, R-6-E, 944 La. Hwy. 44, Reserve, St. John the Baptist Parish and allow it to be introduced as an ordinance. The motion passed with 7 yeas and 2 against (Usry & Cheryl Millet).

Councilman Smith introduced Ordinance 11-58. (See introduction of Ordinances)

CORRESPONDANCE/COUNCIL BRIEFS

Councilman Gauff stated, "I would like to say congratulations to the high school football teams in the area. The WSJ Rams put up a great effort came up a little short but congratulations. Also St. Charles congratulations on your perfect season and Merry Christmas to the entire parish, the administration, my fellow council people and God

Bless."

Councilman Lewis stated, "I would like to wish everyone a Merry Christmas, everybody on the council and everybody that is looking at us."

Councilman Millet stated, "The same."

Councilman Julien stated, "I too would like to congratulate St. Charles and West St. John for making it to the dome. Again I want to thank the council members for helping a small business at least take another step in opening. As we are in tough times, like Councilman Smith said everyone needs to eat. I just think that my thing has been since I have been here to look out for small businesses and that is what I am trying to do. I am sure that when Mr. Madere is here he is going to try to do the same thing. Everyone have a safe and Merry Christmas."

Councilwoman Usry stated, "I just wish everyone a Merry Christmas and a safe and happy Christmas too."

Councilwoman Millet stated, "I also want to congratulate our two teams from St. John that did make it and we understand that WSJ came up a little short but they did put up the effort. Congratulations to St. Charles for their first state 3-A championship. That is an achievement that they have never had in the history of the school. I also would like to wish everyone a Merry Christmas and a safe holiday season. I would also like to say Happy Birthday to my fellow Councilman Mr. Millet. One other thing I want to tell administration thank you for all their support and all their help. I have noticed that there is some activity going on around the Belle Terre exit ramps. I see some lights getting put up and I am really excited about it. I want to thank you for all of your efforts."

Councilman Smith stated, "I would like to congratulate WSJ and St. Charles for a job well done. I would also like to wish my fellow council members a Merry Christmas and Happy Birthday Mr. Millet. I would also like to wish the public a Merry Christmas and remember you all be safe out there during the holidays. Most of all remember what the season is all about."

Councilwoman Hotard stated, "I have a couple of presentations that I want to make tonight. I was going to wait until the next meeting but as you all know our next meeting is two days after Christmas so we may be on a skeleton crew so I wanted to do this why all of the members are here."

Councilwoman Hotard presented awards to Councilmen Lewis, Danny Millet, Charles Julien, Ronnie Smith & Steve Lee and Councilwoman Usry. Each member thanked everyone for the award and was very grateful for the time served to the parish and wished all the new incoming council members the best of luck.

Councilman Smith presented an award to Ms. Hotard in recognition of her 8 years served to District IV. She thanked the Council and looked forward to her next term of serving Division B.

Councilman Lee stated, "I apologize to my fellow council members I sent

each of you a correspondence from myself. The reason it came so late is it has taken a good long while to get the intention of this motion into writing. So at this time I would like to make a simple motion. My motion being that we engage the law firm of E. Jeffrey Perilloux as special counsel to represent the Council in the following areas/issues: All zoning/subdivision related issues; all code enforcement issues; all liability issues and risk management type matters; all contracts; all public bid law matters; all public works projects; all charter and code of ordinances disputes or interpretations; all legislation review; Council meeting representation, and/or planning and zoning meetings, utility board meetings, or other council appointed board meetings as necessary. The rate for these services shall be in accordance with the Attorney General guidelines, as per statute. This is for the new council. I can assure you that there are going to be tons of questions that you are going to have and in today's political climate most of these questions involve some sort of legal issue. I will tell you that for 9 years and 9 months Perilloux was there for this council 7 days a week, 24 hours a day and Sundays because you are going to have questions. Don't hesitate to call your legal advisor before you make an issue. So this is something that I have been working with DA Tom Daley on and it seems to be the best way for us to provide a true checks and balance where the administration has the DA representing them and we also have a representation on the areas that we have always needed. So this can be altered or changed and additional things can take place but this will give this council the representation they need the new council when they take office because you are really going to need this."

Councilman Julien asked, "Has salary been discussed?"

Councilman Lee stated, "It is set by the Attorney General. If it passes I would advise the new council to evaluate that to make sure it is something that we are in the mode of paying now. It is just a matter of having Perilloux back representing the council again."

Councilman Gauff stated, "I had some questions about it as far as it representing the new council and I came to support this because of the experience and knowledge that Mr. Perilloux has. So after many questions I thought that this was something that if we move forward with and it is definitely needed I would support this."

MOTION: Councilman Lee moved and Councilwoman Hotard seconded the motion that we engage the law firm of E. Jeffrey Perilloux as special counsel to represent the Council in the following areas/issues: All zoning/subdivision related issues; all code enforcement issues; all liability issues and risk management type matters; all contracts; all public bid law matters; all public works projects; all charter and code of ordinances disputes or interpretations; all legislation review; Council meeting representation, and/or planning and zoning meetings, utility board meetings, or other council appointed board meetings as necessary. The rate for these services shall be in accordance with the Attorney General guidelines, as per statute. The motion passed unanimously.

PRESIDENT'S REMARKS

Natalie Robottom stated, "I would like to congratulate West St. John and St. Charles Catholic High School on their success last weekend at the LHSAA Division 1A and Division 3A playoffs. West St. John is the 2011 State Runners Up of Division 1A and St. Charles is the 2011 State Champions of Division 3A. Congratulations to both teams on your success! Congratulations to Gem Drugs and IESI on receiving the Small and Large Business of the Year award at the River Region Chamber of Commerce Annual Luncheon. Beginning Saturday, United States troops will begin to return home for the holidays. You may notice "welcome home" banners at the corridors of our parish. If you see our troops, please remember to say thank you. I would like to wish a very warm holiday season to those families who will get to spend the holidays with their family members. Courtney's Closet is now open for business on Belle Terre Blvd in the Merle Norman store. Courtney's Closet is a locally owned consignment store that accepts clothes on consignment or by donation. Visit Courtney's Closet on Monday, Tuesday, Friday - 10:00 AM - 5:30 PM, Thursday - 10:00 AM - 7:00 PM, Saturday - 10:00 AM - 1:00 PM. Due to high water levels in the Mississippi River, the levee boards have initiated restrictions. There is to be no excavation in the levee of any type; therefore if the center pole has not been excavated within the crown/top of the levee before the Carrollton Gage reaches 11' then a bonfire will not be allowed at this permit site. If the center pole has been installed, no permit holder will be allowed to drive up to the bonfire site and unload materials and/or supplies. No vehicular traffic will be allowed on the levee and all persons will be tickets. This includes 4 wheelers and dirt bikes. Bonfire will be lit upon determination of favorable weather conditions. All other guidelines/regulations will remain in full force. REMINDER: Garbage pick-up will begin at 3:00 AM on Saturday, December 24 and Saturday, December 31 due to the Christmas and New Year holiday days. This schedule is posted on Channel 15, the Parish calendar on the website at sjbparish.com. For questions or concerns please call IESI at 985-536-2750. St. John the Baptist Parish is hosting a "How and Why to Write a Business Plan" Seminar presented by Eliza Eugene Enterprises and Urban League of Greater New Orleans. The seminar will be held on December 13, 2011 beginning at 5:30PM at the St. John Parish Library. Limited space is available; please contact Eliza Eugene Enterprises at 985-359-9954 to RSVP. A ribbon cutting for the Edgard Water Plant Walkway will be held on Thursday, December 15, 2011 at 10:00 AM. All are welcome to attend. The St. John the Baptist Parish Animal Shelter will have pictures with Santa available on December 17 at the Animal Shelter located at 488 West 2nd Street from 10:00 AM to 2:00 PM. Bring your pet to take a picture with Santa Clause. Pictures are \$10 per picture to benefit the animal shelter. The River Region Chamber of Commerce is hosting a Reverse Trade Show on January 26, 2012 at the National Guard Readiness Center located on Airline Hwy in Reserve from 3:00 PM to 7:00 PM. This is an opportunity to for local businesses to meet with other businesses to discuss how to do business with a company. This is also an opportunity to network with many business representatives. For more

information, contact the Chamber at 985-359-9777. I'd like to wish everyone a Safe and Happy Holiday Season."

There was no executive session.

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

Cable Franchise Agreement

Any and all pending legal matters

ADJOURNMENT:

At 7:48 PM, Councilwoman Millet moved and Councilwoman Usry seconded the motion to adjourn. The motion passed with Councilman Julien absent.

COUNCIL CHAIRMAN

Council Secretary