

**OFFICIAL PROCEEDINGS**  
**ST. JOHN THE BAPTIST PARISH COUNCIL**  
**TUESDAY, DECEMBER 14<sup>TH</sup>, 2010**  
**CHAIR RONNIE SMITH**  
**VICE CHAIR CHERYL MILLET**

The Council of the Parish of St. John the Baptist, State of Louisiana, met in Regular Session in the Joel McTopy Chambers, LaPlace, Louisiana on Tuesday, December 14<sup>th</sup>, 2010, at 6:30 PM.

**CALL TO ORDER:**

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

**ABSENT:** None

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

Legal Counsels Judge Tom Daley, William O'Reagan and Kerry Brown were present.

**Natalie Robottom – Presentation – United Way – 211 Get Connected Program**

Dean Torres, United Way Director, was present and commented on the 211 get connected program offered by United Way throughout the state of Louisiana. There were representatives present explaining the free service that is offered to all parishes and what exactly they helped people with. They are open 24 hours a day, 7 days a week, 365 days a year. They just wanted to make the parish aware of the service offered to them.

**Consent Agenda**

**Items:** Approval of Minutes November 23<sup>rd</sup>, 2010, Regular Meeting

**MOTION:** Councilman Millet moved and Councilwoman Millet seconded the motion to approve the consent agenda items consisting of Approval of Minutes November 23<sup>rd</sup>, 2010, Regular Meeting. The motion passed unanimously.

**PUBLIC HEARING ON ORDINANCES:**

**10-37** (Public Hearing Held) An ordinance by adding definitions and additional regulations concerning animal control. (C. Millet)

**MOTION:** Councilwoman Millet moved and Councilwoman Usry seconded the motion to approve Ordinance 10-37. The motion passed unanimously.

**INTRODUCTION OF ORDINANCES:**

**10-38** An ordinance providing for the rededication of a sales tax within St. John the Baptist Parish Sales Tax District, of a one percent (1%) sales and use tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and upon the sale of services in said District, authorized at an election held in said District. (N. Robottom)

**10-39** An ordinance to add the nomenclature "Stella C. Tasso" to the existing N.W. 15<sup>th</sup> Street in Reserve, LA (N. Robottom)

**10-40** An ordinance amending ordinance 10-33 relative to the Annual Operating Budgets for the St. John the Baptist Parish Utility System Fund and Sales Tax District for the fiscal year beginning January 1, 2011 and ending December 31, 2011. (P. McTopy)

**COMMITTEE REPORTS:**

Councilman Lee stated, *"The finance committee met at 6:00 this evening and I would say that it probably wasn't quite early enough. We probably needed fifteen or twenty more minutes to conduct all of the business that we had. There were three items that we had to carry to this agenda. I have gone over the administrative report and these items were not requested or commented on. They also were not on the finance agenda. So that is why I was not in favor of taking them up at the finance meeting rather let's roll them over to the full council meeting and see if the council chooses to take action on those items. I believe that this was something that probably occurred as a result of the end of the year. A lot of items need to be addressed which is why our finance committee meeting was so long. It is the end of the fiscal year. We had a lot of bid awards. We probably had more bid considerations to take place at the end of our fiscal year. So this finance chairman certainly understands this is out of the ordinary. I would ask in the future when we have items like this, I have mentioned to our Council Secretary and Administration that we allocate more time because it doesn't do justice to the system unless we give all these items enough time. Before we adjourn this meeting we do have several items that were requested by administration that I ask be brought up and delivered to this council to see if we choose to take action on it. At this point I would ask for a motion from one of my fellow council members to ratify the actions taken by the finance committee."*

**MOTION:** Councilwoman Millet moved and Councilman Morris seconded the motion to accept the recommendation of the finance committee. The committee approved to take the bids for drainage excavation of parish canals under advisement, approved to take the bids for the HHS building renovations under advisement, approved to take the two bids for HVAC repairs in conjunction with ARRA Weatherization Program and/or DOE Program under advisement, approved to take the bids for Electrical repairs in conjunction with ARRA Weatherization Program and/or DOE Program under advisement, approved to take the proposals for Plumbing repairs in conjunction with ARRA Weatherization Program and/or DOE Program under advisement, approved to take the bids for concrete, sidewalks, streets & driveway repairs under advisement, approved to award the bid for Reserve Area Drainage improvements to the low bidder,

LA Contracting, Enterprises of Thibodaux, LA for \$2,370,213.00, approved to award the bid for corrugated metal, polyethylene (PE) and polyvinylchloride (PVC) Culverts to F&G Supply of Kenner and Cimsco of Metairie, approved to award the bid for 2011 Pumps to General Mill Supply of Jefferson, Fluid Process of New Orleans, Delta Process of Metairie and Johnson equipment of Metairie, approved to award the bid for liquid chlorine and sulfur dioxide to DPC of Reserve, approved to award the bid for fuel to SIARC, Inc. of Gramercy at .09315 per gallon over rack price, approved to award the bid for the granular chlorine to Thatcher Chemical of Florida and the 3" disinfecting tablets to Southern Chemical of Reserve, approved to award the bid for the three Ford F-250 trucks to Hixson Autoplex of Alexandria at a cost of \$20,820.00 per truck, approved to reject all bids for the West Bank Airnasium and re-bid the project, approved to grant administration authorization to go out for bids for MATERIALS for the Energy program in conjunction with the ARRA Weatherization Assistance Program, approved to grant administration authorization to go out for bids for Labor/Service and materials for INSULATION repairs in conjunction with the ARRA Weatherization Assistance Program, approved to accept administration's recommendation and grant change order #1 – Sewer Manhole restoration project phase 1 – increase of \$5,700.00, approved to grant change order #1 FY 2009 CDBG/ARRA NW 2<sup>nd</sup> Street, Reserve, LA at an increase of \$22,988.56, approved to grant administration authorization for a local match (20%) in the amount of \$5,749.00 for the development and conduct of an origin and destination post card traffic survey in connection with the Environmental Impact Statement for a proposed I-10 connector in Reserve, and approved to award the bid for Riverlands Drainage Improvements to BLD Services, including alternate 1, at a cost of \$1,191,348.00. The motion passed unanimously.

**DEPARTMENT/ENGINEER REPORTS:**

**Jaclyn Hotard – Foxwood Drainage Improvements**

Councilwoman Hotard stated, *"I would like to get an update from administration on the Foxwood Drainage Improvements."*

Mike Carmouche, Capital Projects Administrator, stated, *"The parish plans to construct a levee North of Foxwood Subdivision from the LaPlace Plantation Canal to the LaPlace Park Canal and raise the elevation on the entrance road to Foxwood."*

Councilwoman Hotard asked, *"Do you know when we plan on doing this and where is the money coming from and has it already been designed?"*

Mike Carmouche stated, *"The funding will be one million dollars and it is being funded by the LRA. The pre-application is expected to be approved by January of 2011."*

Councilwoman Hotard asked, *"What does the pre-application cover?"*

Marie Brown-Mercadel, CAO, stated, *"Actually all of the projects have been approved but there is a process for the LRA where you still have to submit a pre-application. It goes through your budget, specifications, design. We had a public hearing on this issue that I want to say was on June 26<sup>th</sup>, but because this is federal funding there is a long process that you have to go through. We have seven projects*

*that were financed to the tune of about seven million dollars. So this is one of the seven. Those pre-applications go through a process. They go through a committee before they are actually approved and we expect that to happen in January of 2011."*

Councilwoman Hotard asked, *"Has this project already been designed?"*

Marie Brown-Mercadel stated, *"It has been conceptionally designed but once the final approval of the pre-application is done by the LRA then we would go back and have the engineers design the project."*

Councilwoman Hotard asked, *"Do we have anything set up or set aside in case this project is not approved?"*

Marie Brown-Mercadel stated, *"There is no indication that the project will not be approved."*

Councilwoman Hotard asked, *"Okay so once the project is approved in January, then what kind of time line do we have for design and going out for bid, until we can actually start construction?"*

Marie Brown-Mercadel stated, *"Well I am anticipating that at a minimum at the end of the first quarter we should be able to go out for bids on this project."*

Councilwoman Hotard stated, *"Okay, thank you."*

Councilman Lee stated, *"As Ms. Hotard's partner on this, I totally support her interest in it and also the administration's interest and we will be watching this very closely. It is very important and it is something that is long overdue."*

#### **Jaclyn Hotard – Carrollwood Road Repairs**

Councilwoman Hotard stated, *"This item has actually been taken care of. I would like to thank our Public Works Department. Thank you so much for taking care of that."*

#### **Jaclyn Hotard – New Purchasing and Procurement Procedures**

Councilwoman Hotard stated, *"I put this item on the agenda because there have been a lot of new purchasing procedures that I am not sure if the council or the public is aware of. I just wanted to bring all of the information to everyone's attention in case there were questions from them. I know I have had a lot of questions. I have been having a lot of dialogue with the administration on all of the new procedures. So I just wanted to get something from the administration to bring the council and the public up to speed on what are the new procedures and how they were developed. Is there a handbook that we are operating from and how is the administration moving along day to day with the new procedures?"*

Angelic Sutherland, Assistant to the Parish President, stated, *"Administration is currently developing procurement operating guidelines for the dissemination of Requests for Quotations, Requests for Qualifications, Requests for Proposals, and the awarding of*

professional service contracts. One of the main components that we have included is the addition of evaluation/scoring criteria which are used by a source selection committee to evaluate and score each submission. Upon completion of the guidelines, administration will conduct workshops for the council, we have not completed the handbook or operating guidelines as of yet. We have been going along as the need arises or as we feel the need to use one of these mechanisms. We developed the procedure however we do plan on conducting workshops for the council as well as the public and current and prospective vendors of the parish. The guidelines will also be posted when completed at our website at [www.sjbparish.com](http://www.sjbparish.com). As recommended by the 2010 Legislative Audit, administration has revised the credit card purchasing policy to require that itemized receipts are provided to support the public purpose for purchases and charges. In addition we have met with the Council Chair and the Finance Chair to discuss a development of policies and procedures for authorizing purchase orders, requisitions and credit card purchases for council member's and staff. I could go on and on. It would take a long time I don't know if you wanted to do this here but if you have any specific questions on the process I can answer them."

Councilwoman Hotard asked, "You said that you guys are currently developing a process. So the changes that you have made so far, I know we have had a couple of requests for proposals that have used the scoring system. So what guideline are you using or what road map are you using? How does everyone in the administration know exactly what policy they are following if there isn't one just yet?"

Angelic Sutherland stated, "Okay the requests for proposals are actually the same policy that administration has been using. The only thing different is the scoring criteria and the method of scoring this with the source selection committee. So that is really the only thing. I don't have all of it with me, that part of it is in writing, I can forward that to you after the meeting but just briefly what happens is once the submittals are received the committee who consists of individuals with relevant subject matter expertise get together and they independently and objectively evaluate each one of the submittals that are received. There is a score card that they follow for each one of the evaluation criteria and each criterion has a weighted amount. The total would be 100 points. So if you have five and each of them are worth twenty you are going to score it that way. Each person scores it independently and then the scores are averaged and then you get the highest score. That is the basic procedures and set of guidelines and I believed I forwarded them to you because you specifically asked for them even though understanding that they are still a work in progress. They are given a set of brief instructions to follow when the RFQ's or RFP's go out all of the prospective vendors are aware of the evaluation criteria that they are being scored on as well as the amount for each."

Councilwoman Hotard asked, "So you said that they score them independently. So each person takes the proposals back to their office and then they score them or how does that work?"

Angelic Sutherland stated, "We are in the same room but we get the submittals ahead of time so you can read through it and we set up a meeting and when we meet we convene and we go through independently on our own. Of course in the event that some outside individual that has

*expert knowledge on something that no one else in the committee can answer, we can bring that person in to answer any technical questions that we may have but yes we score them independently of each other and then at the end we submit our score sheets to the chair person who is our Director of Purchasing."*

*Councilwoman Hotard asked, "So when we go out for proposals, qualifications and things like that and then we set up these scoring committees is that the final thing if you have four companies and one has 20, 21, 22 or 23 points is the company with 20 points is that the one that is awarded the contract or purchase order or is there something that happens after that?"*

*Angelic Sutherland stated, "In that case it would depend on what was submitted. If when we score the procedure if we decide that we are going to pursue that via purchase order, we turn in our scores, the director of purchasing is going to report all of that information to the CAO, the CFO and the Parish President and then at that point they are going to decide and issue it via purchase order. If it is a contract then the administration will come to the council with their recommendation to award based on the points."*

*Councilwoman Hotard stated, "That is what I am asking. It is totally based on the points? Once you have five companies and you have the one with the highest amount of points. Is that the one you select or does the administration or someone in the administrative staff also say well this person also did this or is it only based on points?"*

*Angelic Sutherland stated, "The procedure is supposed to be based on points because in the evaluation criteria you have all the other, you are not just weighing price, you are also weighing their knowledge, their ability to complete the project in a timely manner, their experience in projects similar to this type of project. So it is a lot of back ground information that you are soliciting in these requests for qualifications. So you are basing it on many different factors and when they are scored, they are scored. Whoever has the highest score, based on all of those different factors, that is who is recommended for the project."*

*Councilwoman Hotard asked, "Who decides who is on each of the scoring committees?"*

*Angelic Sutherland stated, "The scoring committee is basically comprised of the CAO or her designee if she decides not to serve on this committee. She would appoint someone to serve on her behalf based on if they have greater knowledge of this project than she does or whoever it may be, the CFO or his designee, the director of purchasing and procurement, the employee or whoever is managing the project, also the director of the department who solicited the project."*

*Councilwoman Hotard asked, "So you have an employee? Would that be the parish engineer?"*

*Angelic Sutherland stated, "Oh I am sorry also the parish engineer is also on the committee."*

*Councilwoman Hotard asked, "So if you have a project that is under the*

*public works department, would you include that director to score?"*

*Angelic Sutherland stated, "It would either be the director or his designee if there is someone on his staff that he would feel to have greater knowledge of this project."*

*Councilwoman Hotard asked, "Would that be in addition to the parish engineer?"*

*Angelic Sutherland stated, "Yes. It could be."*

*Councilwoman Hotard stated, "It could be and I am asking these questions because I want to understand. You say it could be well as the council I want to know when it can be and when it can't be. I want to understand so that when I get asked a question from a constituent or from a person who wants to do business with the parish they want to understand we have these new procedures well how do I navigate through the system now. How do I understand how to do business in St. John Parish? How as a council person can I understand the process if it could be or these things can change? I want to understand the process that you guys are using so that I can pass that along to someone who may ask the question. So I want to have just something definitive because this is a process that we are currently using. It is not something that we are developing right now. It has been implemented. It has been used already. We have scored certain proposals and I am asking about that because one that we had that was clearly a public works project there was no one from that department that was involved in the scoring. We only had the parish engineer. So to me that kind of caught me off guard and when I called other parishes and asked how their scoring system worked and they said okay if it is a public works project or recreation we have that director or his designee and in this case it wasn't so I am just trying to understand what direction we are going in. I think it is a good idea to add these things in there and it is bringing things forward but we need to understand what is going on and what we can expect. The public wants to know what they can expect on these types of proposals and quotes when they submit information. How is it going to be treated? Is it going to be done fairly? How are the points going to be given out? Who is going to be on the committee? When is it going to be done? All of these things from A to Z and we don't really have that and that is what I am trying to understand."*

*Marie Brown-Mercadel, CAO, stated, "Okay let me make sure that I am answering all of your questions. I think it depends on the complexity of the project. In the two RFQ's that we have scored, in the one that you are referencing there was not the director of public works but there was a parish engineer that has extensive experience and background in canal maintenance and drainage, that is a huge part of his expertise, so therefore we thought it was appropriate for him to be on that committee. So it is going to depend on the complexity of the project. Obviously, the RFQ and based on what we are trying to purchase you are going to have individuals on that committee that have that expertise or the best knowledge of that project. So in some cases it may be the parish engineer that has the best knowledge of that project. It may not be our public works director. It may not be our utilities director but it may be our parish engineer based on his expertise and his contract and his scope of work for what he currently provides for the parish."*

Councilwoman Hotard asked, "Whenever we get these proposals and these other things, at what point do we decide when we are going to issue a contract to these individuals or we are going to proceed with just a purchase order? Is there a dollar amount or how do you guys determine?"

Marie Brown-Mercadel stated, "We looked at doing the RFQ when there are any projects over \$10,000.00. If there is a professional service then we would come to the council and make a recommendation for the contract but if it is a maintenance contract such as our drainage and canal cleaning we have routinely done those with a purchase order and not a professional contract. A professional contract is typically for the longer term services and for the short term services we evaluate if a purchase order would be more appropriate."

Councilwoman Hotard asked, "Is there a certain money amount that you cap a purchase order and then say we need to enter into a contract or do you have purchase orders that just keep going at any dollar amount?"

Marie Brown-Mercadel stated, "Typically we would like to enter into long term services with a contract. There have been a couple of instances where we have had estimates for instance for the canal cleaning for the Hope Canal we had one estimate on the project going in and as they went into it of course this is a FEMA reimbursable project, as they continued to clean they discovered that there was additional work because they were not able to determine with the original estimate how much debris or trash was in the Hope Canal and so that purchase order for instance increased from the original amount. What we would like to do with these RFQ's because what we don't want is for someone to come in with a low bid and then continue to try to give us change orders to get to a certain amount and so we are routinely evaluating not just the cost for these services but also their background, the previous contract that you are referencing, the company that we wanted to award to gave us information about other state, local and federal contracts that indicated to us that they stayed within their stated price I want to say 90% of the time and those are the things that you look at when you make decisions to evaluate who you are going to award a contract or a purchase order to. What I also want to add is that we have a lot of federal dollars and projects, often times we have to go out for services for design, engineering and what they say to us is that you have to follow a federally approved process for procurement. I will give you another example the LRA is asking for us to go out when we procure these services that we just received the seven million dollars for. They sent us a copy of their RFQ's that also have the same or similar scoring criteria or similar. When we developed this process we looked at other parishes across the state. We looked at the state of Louisiana and found out that the majority of these parishes use the scoring criteria. We did not have an objective criteria for scoring RFP's or RFQ's in the past. So this is our effort to take the subjectivity out of the process in awarding contracts and to be more objective in terms of this is exactly what we are looking for, exactly how we are scoring and this is how we are awarding."

Councilwoman Hotard asked, "When you mention the Hope Canal, do you think we would have benefited and maybe saved more money if we would have gotten RFP's on Hope Canal like we did on the other canals?"

Marie Brown-Mercadel stated, "If we got RFQ's probably so but that was really new into the administration and we had not yet started to establish our procedures. If you recall I want to say that the PO might have been done maybe three months ago or so. We had not started to develop our process but I am glad you brought that up because actually when we started receiving the quotes for that type of work and other work we recognized that we didn't have an objective manner in which to score for these quotes. The manner that the quotes were being awarded for in the past or the purchase orders we were not comfortable with that because there was no set criteria. So we wanted to establish that criteria because we wanted it to say this is why we gave this contract, this is why we gave this purchase order, it isn't based on anything else except qualifications, history, background and service and no other factors would be considered."

Councilwoman Hotard asked, "Do you know how much longer they have to clean the Hope Canal? I am looking at the PO's and the amount that we have paid them so far and it seems like it is a lot."

Marie Brown-Mercadel stated, "I am thinking that the estimate is probably going to hit about \$135,000.00 once it is complete. I am told that the machine that they were using to work on the Hope Canal was done for about three weeks. We are looking for that to be up again at the beginning of next week and we estimate that they have about two to three weeks left before completion."

Councilwoman Hotard stated, "I am looking at the purchase requisition here. At first it says not to exceed \$90,000.00 and then it looks like someone scratched it out and put not to exceed maybe \$160 or \$180,000.00 was that you or maybe your staff?"

Marie Brown-Mercadel stated, "No that was not me but I did have a discussion with the capital project administrator because what happened was as I indicated the original estimate that was given was an estimate of \$90,000.00 but as they got into the work and I understand the Hope Canal has not been cleaned in decades and so once they got into it they discovered that the process was much more extensive than they had originally anticipated. There is an hourly rate for that work. So we came back to the table and said wait a minute we had an estimate in the beginning. How far did that exceed that estimate and what is the ultimate cost going to be because although it is reimbursable we know that we have to pay those cost and get reimbursed by FEMA which can sometimes take up to twelve months."

Councilwoman Hotard asked, "Do you know how long it had been on the other four canals? I guess I am making the comparison because we just went out for proposals on I-10, there were four canals and we got \$47,000.00 to clean those four and this one looks like it is going to cost us \$130,000.00 to clean one. So I am just trying to figure this out."

Marie Brown-Mercadel stated, "As I referenced earlier, this particular company that proposed the \$47,000.00 that has not been awarded yet because we are still working out some servitude issues. I was able to look at the historical work that they did with about ten other federal contracts that they did across the state because when we saw the \$47,000.00 we wanted to make sure because that is a good price for four

canals and so we looked at the history for that company and saw where they had only come in over what they stated. So I wanted to take a look to make sure that this wasn't going to be a case where we got a PO for \$47,000.00 and it ended up being \$80,000.00 worth of work and in fact I did indicate that I want them to walk those canals to make sure that his estimate is truly what he gave us at \$47,000.00."

Councilwoman Hotard asked, "Do they work in any type of weather? I am looking at these invoices and it says ten hours a day, every single day, they don't miss a day?"

Marie Brown Mercadel stated, "Apparently not, actually we have cameras to verify their work because FEMA is very particular about their documentation for reimbursement. So we actually had cameras out there that we can go in and log into at anytime to see when they are working and if they are working to verify their work."

Councilwoman Hotard stated, "Let me just go back really quick, because I know we got off track, so how many times have you all set up the scoring committee?"

Marie Brown-Mercadel stated, "Twice."

Councilwoman Hotard stated, "Twice okay do we have anymore that we are working on now?"

Marie Brown-Mercadel stated, "We are working on a few right now. We have a lot of engineering design projects that are out. We have a lot that are in the conception phase so I am anticipating that probably some of those will likely be finalized in January but we have many design projects. We have many relating to sewer, waste water and the river road treatment expansion so we have several for design. Now what I will say is that for the design contracts, obviously engineering contracts those will not be based on cost but there is an engineering curve that we will have to follow for those but we have several that we anticipate going out in January."

Councilwoman Hotard stated, "Also I had requested, from you and your staff, that whenever you have these scoring selection committee's going on that if anyone from the council chooses to just sit in and listen and learn that we be notified of when that is going on but I haven't gotten any of that. Do you think moving forward we can do that?"

Marie Brown-Mercadel stated, "We haven't had any since you made that request."

Councilwoman Hotard stated, "But I made the request before you actually scored these two."

Marie Brown-Mercadel stated, "Actually I think you and I had a conversation and I know we kind of disagree but we had a conversation and I believe I did provide you with a date and time. I know that we disagree."

Councilwoman Hotard stated, "I have the text messages still you told me when they would be completed by. You didn't tell me the date and time that it would actually be taking place. You said it would be completed

by I believe the date was the 16th I can go back but it wasn't it is this date and this time. It was just it was going to be completed by this day and not just for me for the entire council as well they might want to sit in as well I don't want to keep information or have information that everyone else isn't privileged to I want whoever wants to be able to sit in and learn and educate themselves on the process so that we can understand it better to be able to do that. If I don't learn as much as I can about the process than I am not really doing a service to myself or to my constituents."

Marie Brown-Mercadel stated, "So again I think we disagree on our communication but in the future we will be happy to notify you in advance of when that scoring is going to be held in fact..."

Councilwoman Hotard stated, "I would like for you to notify the council, not just me."

Marie Brown-Mercadel stated, "I will be happy to notify the council in advance of when those meetings will be held. You are more than welcome to sit in on those at anytime."

Councilwoman Hotard stated, "It says here Jaclyn...I told you it would be completed by the 16th."

Marie Brown-Mercadel stated, "I am sorry Councilwoman Hotard I will be happy to go back and pull up my text conversations for this that I gave you actually a time and a location because it was not my intention to not include you all in this process. I think it makes it more transparent when we are all there together understanding what the criteria is that we are looking for. So I will be happy to make sure that the council is notified in the future."

Councilwoman Hotard stated, "Thank you."

Councilman Julien stated, "I forgot my question. Since we are talking about transparency, since that is the last thing that you all spoke about and maybe this is something that you all need to consider but I don't know that it would be appropriate for us council members to sit in because maybe it might influence and I don't think that is what is intended. I think that the procurement, the procedures that you all are coming up with I think that is great because we have to have integrity in the process. So in saying that when we look at the \$135,000.00 that will be spent on the canal is that money that is coming from the parish or is that money that will be refunded from FEMA once we are finished?"

Marie Brown-Mercadel stated, "Yes it is FEMA reimbursable, most of our canals are FEMA reimbursable we actually have gone out for a RFQ that we will be scoring within the next week to permit twenty-four other canals that are funded by the LRA for cleaning as a result of Gustav and Ike. So yes we will get reimbursed by FEMA for the Hope Canal dollars."

Councilman Julien stated, "So while we are cleaning we definitely need to do a good job and clean as many as we can because that will be monies that won't be coming out of the tax payers pocket and once again I want to commend you all and keep up the good work."

Councilman Millet stated, "I just wanted to let Ms. Hotard know that the Hope Canal will be funded through FEMA after it is over with. So it is not an expense off of the parish."

Councilwoman Hotard stated, "I understand it is not an expense but we still just because someone else is paying for it don't want to say oh let's spend three times the amount."

Councilman Millet stated, "No but the canals haven't been cleaned in probably 25 to 30 years."

Councilwoman Hotard stated, "Neither have the other ones, I was just making a cost comparison."

Natalie Robottom stated, "Just for clarification purposes and I agree with Ms. Hotard and Mr. Millet, regardless of who is paying for the canals there is a process. What we are doing is providing a process in place to deal with I guess making sure that the work we are paying for is being done regardless of if it is FEMA or our dollars, we are putting cameras on the machines to make sure that they are working the amount of hours they are saying. Now the Hope Canal, compared to many of the others, is totally different that was one of the canals that you couldn't even get to determine how much work was going to be done. It was not our intent to increase that purchase order by that amount and what we are trying to do moving forward is to have a better assessment of what is going to be needed for each job but specific to the Hope because there were trees underground and things you could not see once they were able to make their way through. We are not taking advantage of our FEMA reimbursable situation. We are holding the contractor to doing what they said they would do. Obviously we had very good pricing but we are expecting them to do what they said they would do and of course we are monitoring that as they move along. We welcome all of you in the process however it is a learning process and as Mrs. Mercadel said we are determining as we go along and of course we frequently communicate with our legal counsel before we take any step and our intent is not to exclude however there are day to day operations that we are working through and we want to make the best decisions and be able to defend those with concrete facts. So again we will share with you what you are requesting. We will obviously have the need to meet off line. It is a new process. It is new to the council and new to our vendors. So our goal is to have educational seminars to make sure that everybody is aware of what the processes are, what their involvement will be and how decisions will be made."

Councilman Lewis stated, "You know a while back about maybe 7 or 8 months ago, I had gotten the Lafourche Levee Board to try to work with you all over here with those canals and the Lafourche Levee Board gave a really good price on those canals and it looks like the parish backed off. Now I can tell you on the other side I have trouble getting a permit, it looks like over here you don't have any problems and I can get the canal dug over there for nothing because the levee board will do them but I am not making any headway over there period. No more than just snagging but as far as digging the canals I can't get a canal dug. I know there is a certain process when you are fooling with some of those permits if you don't come up with x number of dollars you won't get those permits or you have to give a certain amount of land. We had Bayou Becnel one time just about to get dug and it looked like the

parish back off of it because they thought it was going to cost them x number of dollars to do it but the people had a land bank and everything and they just left us hanging over there."

Natalie Robottom stated, "Well Mr. Haston we want to thank you for helping with the Lafourche Levee Board and we actually were in conversations with them they are one of the levee districts that are very helpful in cleaning the canals that do not require permits but there are a couple still on the West Bank that one of our latest RFQ's will deal with and that is securing those additional 23 permits. Some are on the West Bank and some are on the East Bank but our goal is to get as much done as possible, use the money that we have to do as much as possible and to proceed in a way that gets us the best deal for our dollars."

#### **Jaclyn Hotard/Haston Lewis – Update on the East Bank Complex and West Bank Courthouse**

Councilwoman Hotard stated, "I just wanted to get an update and tonight is probably a good indicator of how much we need additional space just with the amount of people here. I know that was something that the voters had approved in the last year or so and we also looked once the project had come in so over budget we looked at the possibility of retro fitting the civic center to fit the needs so that it would be a little bit more affordable. So I just wanted to find out where we were. I know Mr. Haston had some questions maybe about the West Bank courthouse but to just try to figure out where we are on the East Bank and West Bank."

Natalie Robottom stated, "From the initial time that we met with the architects and received the designs that exceeded both budgets by an amount that we would not be able to meet, we met with our stake holders as well both on the East and West Bank to discuss what the plans were previously and looking at how much space they have now versus how much space they would need and looking at what our dollars were and how much space we would be able to afford. We have made a little more progress on the West Bank. We had a meeting there with the stake holders there as well as Chenevert Architects. They went back and met with the individual stake holders there to see what they had and what they would need and they have since come back with a design in line with our budget and what funds we had available and possibly some additional funds we may be able to use to complete the project and they have created a design that we think will work for everyone. Before moving forward we are going to go back to the stake holders to make sure that Chenevert has encompassed all of their recommendations in that plan. We feel very comfortable that the design that they have come back with will work out very well. We will remain within our budget and it will be a project that everyone will be proud of. With regards to the East Bank, we also had a meeting with Murray Architects and stake holders here in this building. We were charged with going back and meeting with all of our staff to determine what their current space is and the space needs that they would have. At the recommendation of Murray Architects, we were directed to try and position people according to the people they work closely with and again going based on a dollar rate in terms of what we could obtain for the dollars that we had, we cut down on the ten million dollar building and we cut down the square footage and in doing so we are determining what we can fit where and so our meetings

*internally have been handled by our project manager, met with all of our staff, looked at the number of people they have and the square footage that they have and how much they would see themselves needing moving forward. We also had the Assessor, Jackie Landeche represented the council in this meeting, the Clerk of Courts so again we are in the process with Murray like we did with Chenevert and that is going back to them with this is what we need can you fit this in this building. The plans that Murray provided us he suggested that he would be able to do that. So we are a little bit ahead on the West Bank one, we are working and should be finalizing this beginning of January for the East Bank."*

*Councilman Lewis stated, "I'm glad we got a little bit of answers tonight because the last time I made my little speech nobody answered. I see we got some people who learned how to talk a little bit. You know it is a shame to see that courthouse in the condition that it is in and we are talking about how much money we got but we are not talking about the needs. You need to go over there and check it out. Even if you build a new one over here by the time you get to the records they are going to be demolished. That is how bad it is and we are sitting here not worrying about it. We need three to half way do something you all need another four to put on the six. We are short of money all the way around. What we need to do is keep what we have and look at another tax and try to find the money to get the right type of building that we need to operate this parish because let me tell you something even if we build that building they have a courthouse tax and a jailhouse tax. I don't know how we are going to keep up all those buildings. It is \$351,000.00. We keep putting buildings and we can't maintain one building that we need to maintain. I think we need to look at what we are going into so we don't get caught like we did with that monster on 51 where we can't pay the light bill on it."*

*Councilman Morris stated, "It seems to me that in the future when we have this type of project we should put a time frame on it because once it takes over a year and we have limited amount of funds. So as the project is pushed back we get less for our bucks. So whenever we have this type of project we should put a time frame on it so that they can come back and give us something and we can look at it. The longer the project takes, the less we get for our bucks."*

*Councilman Smith asked, "Are we still looking at possibly using the civic center?"*

*Natalie Robottom stated, "Actually we looked at both designs and the one that works out best for the square footage and the additions to the building is actually in front of this building."*

**OLD BUSINESS:**

**Marie Brown-Mercadel – (Tabled 11-23-10) Authorization to execute a lease agreement between St. John the Baptist Parish/Port of South Louisiana and ITT Corporation for installation of an eighty foot radio tower at St. John Airport**

**MOTION:** Councilman Millet moved and Councilman Morris seconded the motion to remove the above mentioned item from the table. The motion passed unanimously.

Paul Oncale, Director of Public Safety, stated, "I think this item was tabled at the last meeting because I was questioned about the location of the radio tower. This particular tower is a FAA project. It is going to be East side of the T-hangers right off of Airport Road in direct line with the current beacon. It is not going to interfere with any air traffic or any development around the airport and therefore administration recommends approval."

**MOTION:** Councilman Morris moved and Councilman Millet seconded the motion to grant administration authorization to execute a lease agreement between St. John the Baptist Parish/Port of South Louisiana and ITT Corporation for installation of an eighty foot radio tower at St. John Airport. The motion passed with 8 yeas and 1 abstaining (Lee)."

#### **Raydel Morris – Capt. G. Bourgeois – Update**

Councilman Morris stated, "At the last meeting I asked administration to go back and re-evaluate the use of the property and contact the land owners in the area and give a report back and be prepared to answer questions."

Mike Henderson, Director of Planning and Zoning, stated, "We did go back and do some investigative work with the help of code enforcement and some of the parish inspectors to verify that the property is a legal non-conforming use. We verified with the owner that it is being cleaned and we documented that fact. I did speak with the owner and he is going to create a swale to make sure that we have adequate drainage and he is also going to secure a fence which is required."

Councilman Morris asked, "Mr. Henderson did you meet with the property owners?"

Mike Henderson stated, "I didn't. I had a couple of the inspectors to go over there and meet with the property owners that were adjacent to the drainage. They told me that they did speak with the people there. I went one time and I wasn't able to get the property owner but we did speak with them and inform them of the changes and the moves that the new owners were making."

Councilman Morris stated, "I have some of the property owners here. I would like for them to come forward at this time and allow them to be heard."

Audrey Mason, 124 Mason Lane, stated, "I live behind the fence off of 425 Captain Bourgeois. I fear for the safety of my handicap mother and grandchild who are both in wheel chairs. If there is an explosion how do I get them both to safety? We don't know what kind of fumes that are going on over there on that land. They are cutting up metal, iron and everything over there. The big trucks make all kind of noise. The neighbors are complaining about the traffic back and forth. There was an 18-wheeler that hit the light post on W. 2<sup>nd</sup> and 5<sup>th</sup> Street about 2 months ago. It popped the pole in half. The light people came and strapped the cracked pole to the new pole – go figure I don't know why they didn't take it down but we were out of lights for hours. Then about a month ago, 2 18-wheelers went in the ditch by the track on Fir

Street trying to make the turn to go to 425 Capt. Bourgeois. This is not safe for the entire community. We live here. We have been here since the early 1940's. Why should we give up our rights for a business that we don't want in a residential area? The property looks like a gigantic hog pen. It is unbelievable. It makes the entire community look trashy. The owners do not live where we live. They go home at the end of the day. We have to fight snakes and rats all through the day. I am just tired of it. I have been fighting these people back and forth since 2008. I have gotten no conditions from nobody that gave me any help but the people that own this building behind me now, they go back to their houses that are neat and clean because they have to abide by the rules of their parish. Well what about us? The owners already have a scrap metal yard located on the Airline in Kenner. So I am asking each one of you if it was in your community, if it was in your back yard would you approve it or disapprove it. Thank you."

Delores Martin, 218 Pine Street, stated, "Good evening, one thing I know about this council, if you don't come in numbers, you don't get anywhere. I have been to Audrey's house several times. One time we were in there and there was a big black snake curled up on her patio. There was no man there to help us. All she could do was keep the door closed and call for help. That is sad. I went and rode around to look at it. They have tires, big drums, flat bed trailers, a half of a truck camper in that yard. That is not sanitary. Whatever they are doing it has an odor to it. I have asthma. I have four grandchildren with asthma. I just went to Dr. Montegut to get my medicine re-filled. So I am asking you, we have started petitions already. So the next time if we have to come before the council, we will have the full support of everybody in old LaPlace. Riverlands Estates is over there. That is going to affect them too. It is going to bring the value of their property down. So why are we letting this come into our area? So would you all please take a stand and help us to secure our area to keep it safe and decent?"

Keith Jones, 383 Capt. Bourgeois, stated, "I live right next door to the property in question. This is public record. The name of the property is LaPlace Industrial Properties, LLC. The address listed on the tax form is 608 Little Farms Ave., River Ridge, Louisiana. This was printed on our tax form December 2, 2010 and it says parcel items class description country lot non-exempt improvement. I am not Mr. Joseph but this is zoned residential. This is zoned residential and just to be clear what they are doing there is basically a scrap yard. It is not zoned Industrial. We have done our homework. If this was zoned Industrial, we wouldn't be here tonight. This is going on in a residential area. There is noise all day long. There are a bunch of kids and we have had enough of it. We were here 2 weeks ago. We were advised by legal not to comment on this but we are up to here and we are asking this council to please take some action on this. A correction Mrs. Mason, I haven't been there since the 40's but we are asking that you please take some action on this. As I stated, I own a business and I had to go through the proper channels. We are not trying to take any food off of anybodies tables but I had to go through the proper channels and we would like this person to do this also. We just don't want this in our neighborhood. Thank you."

Mike Madere, Old 51, stated, "I own three houses on Hwy. 628, Sycamore Loop and I live on Old 51. Zoning came into effect in this parish in 1984 or 1985. Whatever business was there at that time was zoned R-1

grandfathered in, if I am correct. Since then I think maybe 2 or 3 other businesses may have operated there and if they did they did it illegally because for any other business to operate in a grandfathered R-1 zone it should have had a zoning change. So you all allowed that to go on or whoever was responsible. So that is a problem. Then the last business that was there was closed from the records that I saw 182 days. So if you read your ordinances it goes back to R-1 after 182 days which was not enforced. So that is another problem. I think also that a drainage ditch that there is probably a parish servitude to keep that drainage ditch up; it might be in recorded in the courthouse. So I think the parish made one mistake, which led to another mistake and now here we are and usually the problems with these kind of businesses they are not even from this parish. This is not the first time. I have been here all of my life also. We are not enforcing the ordinances like we should and we are allowing people from outside of the parish to mess up our neighborhoods that have been here since day one. We are speaking as residents and this is the only protection that we have."

Councilman Morris stated, "To give you the history of the property, this was the old state warehouse. They sold it. In between the time the state left and the parish purchased the property was a year and a half. So whatever it was grandfathered in at, it should revert back. Then the parish sold the property. The last tenant that the parish sold the property to from my research, they didn't have water, lights and I don't think they had an occupational license. So my point is what constitutes an active business to be grandfathered in if the time span elapsed? I take issues with what Mr. Henderson said that it is illegal. I had a meeting with Mr. Henderson about a week ago. He basically told me that some of the activity that is going on there, which was a depot for containers that he was going to make the property owner aware that he should cease and desist. So what part is legal and what part is illegal? So if one part of it was illegal, then that entire site should be. If you go there now there is no fire protection. So if they are using it as scrap and they are using torches and they have a fire then the residents are in danger. They live here. This is their home. The property borders the back and side of their houses. So if we allowed this to happen, I asked Mr. Henderson to go out and meet with the residents. They are here. To my knowledge he never talked to them. They received a phone call and were asked to come but if you go out and see you can see what is going on. You don't have to get a phone call. I think sometimes we need to get out the office and go see what is happening. That was my request. The neighbors are here. None of them met with Mr. Henderson. We had three weeks. My question is why? The report that he gave me tonight is the same report he gave me at the last meeting. So did he do what I asked him to do? My answer is no. So therefore I would like to make a motion that administration order this land owner to cease and desist immediately."

Councilman Lewis stated, "I second."

Councilman Smith stated, "Gentlemen the only thing I would request is our attorney's to please give us the legal on what we are authorized to do."

Tom Daley, District Attorney, stated, "Mr. Henderson did meet with me on two occasions to discuss his assessment of this property. There are some serious legal questions with regards to the grandfathering status."

*The most complicated of those questions is are the occupational permits that have been issued to this property since the parish sold it for uses that clearly are not residential and clearly that the parish had notice of and took no enforcement action. We are in a difficult legal position when we issue people licenses and permits to do things and then try and shut them down. So I would request, my office is prepared to study the matter and give you a legal opinion. We can't give you one tonight but Mr. Henderson has shown me that this government has issued a number of permits and has active occupational licenses issued for this property for non-residential use putting us on notice of that use and then there is a statute of limitations issue with regards to our notice and as to if and when we can take corrective action. I would be happy to study and analyze it and have Mr. O'Reagan and Mr. Brown give you a report at the next meeting. I would request though until we make that analysis that we not attempt to issue some cease and desist order unless you are prepared to incur the liability exposure involved in that."*

*Councilman Smith stated, "Mr. Daley my concern is, if we have done something incorrectly. I don't think that we should continue to do something incorrectly. I am saying that Sir if we have already messed up and did something that we shouldn't have done why am I going to allow those people to continue to do wrong until we straighten it out?"*

*Tom Daley stated, "Mr. Smith go ahead and make your motion. I am legally obligated to advise you that you have some financial exposure if the parish has issued permits for the current activity."*

*Councilman Smith asked, "So do I have financial exposure if I don't do what's right? I think I have that exposure to or from the residents. Am I correct?"*

*Tom Daley stated, "If they are materially damaged by the parish's mistake, yes you have some exposure. I think you have exposure both ways."*

*Councilman Smith stated, "That was my question. That is what I wanted to hear. So your motion Mr. Morris?"*

*Councilman Morris stated, "Discussion, I think after this issue was brought up, I think we went ahead and issued an occupational license. My question is since because in the discussion it was said that they didn't have a license for this property but since the discussion afterwards someone issued an occupational license. My question is if this property was in discussion for the use than that license should have been held. I know we have a motion on the floor but there is more than one way to skin a cat. If the residents have a problem with the vehicles coming then we can put a weight limit on the street. We can make the street one way and we can contact the sheriff's office to enforce it. He can still have his property. I can limit how he gets there."*

*Councilman Lewis asked, "Has anyone talked to the land owner?"*

*Mike Henderson stated, "Currently the owner is Mr. Renton who has plans to lease the property to the three owners who were originally there, Cypress Landscaping, Sanders LLC and Mr. Kimble. Those people were*

*there. So he has applied for an occupational leasing."*

*Councilman Lewis asked, "You don't know when they purchased the land?"*

*Mike Henderson asked, "What land?"*

*Councilman Lewis stated, "Where the dump is that over there?"*

*Mike Henderson stated, "The property was sold in August of 2010."*

*Councilman Lewis stated, "I'm trying to find out when he bought the land and when he got the license. That is what I am trying to find out."*

*Mike Henderson stated, "He just recently applied for the license. Just this month."*

*Councilman Lewis stated, "And that's because he found out we were going behind him right?"*

*Mike Henderson stated, "Right."*

*Councilman Lewis stated, "I think what we need to do is take a look at it and get all of the information that we need on this without even discussing this in the open. I don't think it is wise if you have a legal problem to be discussing it in the open."*

*Councilman Morris stated, "One additional comment, I discovered today when I was in the office that a letter was issued by Mr. Henderson to the previous land owner and it had a list of uses. I would like to know why was that letter issued."*

*Mike Henderson stated, "He had a legal non-conforming use piece of property. You use the zoning to identify what uses can be permitted, if you will, in that area. For instance if it is a book store that is in a residential district and it is non-conforming then it would fall under C-3. So if anyone purchased that property they would be able to use that property according to the zoning of C-3. Whatever you could put in C-3 you could legally put in that non-conforming use."*

*Councilman Morris asked, "When did it switch to C-3?"*

*Mike Henderson stated, "I am using it as an example. In this particular case it is I-1."*

*Councilman Morris stated, "It seems to me that the letter was issued to the previous owner so that he could sell it to the present owner because it had a whole list of uses and some of the uses where from my understanding that it should have been storage. That is all the property was used for. It is what the parish used it for, that is what it has been used for. On that letter it states for disposal and a whole list of things. So to me that seems like the letter was issued so the new owner can say if I buy it this is what I can do with it. I think Mr. Henderson you know that this property was up for discussion. If this property usage was up for discussion."*

*Mike Henderson stated, "No the previous owner had requested a letter*

*for me for his bank."*

Councilman Morris asked, *"When was the letter issued?"*

Mike Henderson stated, *"In like July."*

Councilman Morris asked, *"When was the property bought?"*

Mike Henderson stated, *"In August."*

Councilman Morris stated, *"Thank you. So he had it for 2 or 3 years and a month before the property is sold you give the letter with a whole list of uses. It seems like it was for the bank for the new owner. I understand the legal problem. I understand what Mr. Daley is saying. I think we need to look at our legal options and if the residents don't get any satisfaction they need to seek an attorney because I think the parish has made some mistakes here and I think you need to protect your rights."*

Councilman Julien asked, *"I am trying to find out Mr. Henderson how long has it been I-1?"*

Mike Henderson stated, *"It is not actually I-1. It is zoned R-1. It has a legal non-conforming use of I-1 if you will since 2007."*

Councilman Julien stated, *"Well my position is that we made a mistake and I don't think that as Mr. Smith said either way would be legal. I just don't think that we should force this upon the people of the area. I think that is wrong. We made a mistake. This is not an indictment against Mr. Henderson or whoever made the mistake. The bottom line is that it is a mistake. We need to correct it and not to continue to force this upon the people of that community."*

Councilwoman Hotard stated, *"If the District Attorney tells us that we are exposing ourselves to financial liability. I think we are responsible to the citizens and not to this land owner. So if I have to pick who I am going to expose my financial liability to then I say let the land owner come and sue me instead of putting that on the residents and forcing them to sue the parish when we made the mistake. So if I have to pick my battle it is going to be with the land owner and not with the residents. I am representing them I am not representing Mr. Renton, he doesn't even have a first name. I am not representing him. I am representing the residents. So I support your motion and I think that we need to do everything that we can even if we made a mistake we need to try and make it right. I know we had a similar situation and a lot of the same faces that are here can remember with a non-conforming use of a trailer park on W. 5th Street and we did everything that we could do and the parish did make the mistake but we did fix it. We were not going to just put that on the back of the residents and I think this is the same situation. We made a mistake but we are not going to put it on the back of the residents. We are going to say okay if we are going to fight this fight we are going to fight for the residents and not have them fight us to make it right."*

Councilman Lee stated, *"We are talking about a lot of legal issues here. Our District Attorney has asked to make a comment here."*

Tom Daley stated, "I just want to clarify my position on this. There is a factual question with regards to the grandfathering and I acknowledge that we heard from Mr. Henderson from his study and we heard from the residents from their study. The question is has the current use expanded the grandfathered use and if it has then it is improper but that is a factual question that has to be analyzed. I understand that the residents contend that it has expanded. Mr. Henderson questions that and we have to look at those two positions before I can make a recommendation to you. The second question that has come up is has the property lost its grandfather status. It can lose that by non use. So the question is evaluating the period of non use and then the period of resurrected use. Should there have been one for a sufficient period of time to re-establish the grandfather status. My office can analyze those facts and be in a position to make an objective recommendation based on the residents, the zoning department and whatever letters were issued and be prepared to report back to you at the next meeting. I am not asking you to not vote to take enforcement action. I am asking you to allow us to analyze that so that you can make an objective decision. I want to clarify one particular point because it is very important. The fact that the property was used by a maintenance storage yard by the DOTD which we are all very aware of and then for a similar use by the parish does not expand it to all permissible uses within that applicable zoning classification. That is not what grandfathered is. Using Mr. Henderson's example, if it was a book store then it can be a book store or similar or less commercial activity. If it had a light industrial use, which again I haven't studied it but that is the general classification that it seems to fit into. It wouldn't permit all light industrial uses. It would permit a similar or less offensive light industrial use that is why we have to analyze exactly what is going on and compare it to what went on before and see if it is an expansion. It is an objective factual evaluation. If it has expanded and we haven't extended that use through some official action then I think we can take some enforcement action but my office needs some time to evaluate those facts, that is all I am asking for."

Councilman Smith stated, "Mr. Daley you made a recommendation earlier and I understand being the parishes legal counsel I am kind of bound to follow your lead. So my question is would your recommendation be that we table this item for two weeks until we come back to give you the two weeks to address this issue?"

Tom Daley stated, "Are you can go forward on the motion to take action subject to the recommendation of my office. You can approve the action subject to the approval of your legal counsel but if I study it and find some real encumbrance I am going to put everybody on notice as soon as I find it."

Councilman Smith stated, "Okay that way if it is done in three days we can take whatever action is necessary in three days."

Councilwoman Millet stated, "I am very glad that we have taken this action tonight. I know the residents, if it was in my neighborhood I would be screaming with you. I believe you 100% but at the same time we have to be responsible as council members and do it according to the law and fix it as a permanent fix, not a temporary fix so that we can come back next week and fix it again. I would like to follow Mr. Daley's recommendation that we research it and find out how we can fix

it, how we can get rid of it and do it on a permanent basis."

Delores Martin stated, "At night they are using blow torches, all the grass back there is really dry. If there is a fire who do we call? They don't even have a fire hydrant within that area. There are many things that you all need to consider as our representatives."

Keith Jones stated, "We are being very patient with the parish as it relates to fire hydrants in that area. I am just going to touch on it. There is supposed to be a fire hydrant within every 500 feet but there is probably about a half a mile where there isn't a fire hydrant and this particular business falls within that diameter. We want you guys to know that. If this was legal we wouldn't even be here tonight but he is doing it. Believe me there are some illegal things going on over there as it relates to permits."

Councilman Morris stated, "I did speak with administration about the fire hydrants. They have assured me that they are going to look into the area that there is no hydrants from Fir Street to Persimmon Street there is only a 2 inch water line that is serving the residents. So they will be looking into that."

**MOTION:** Councilman Morris moved and Councilman Lewis seconded the motion for administration to take action to issue a cease and desist order for the commercial operation on Capt. G. Bourgeois subject to legal counsel's approval. The motion passed unanimously.

**NEW BUSINESS:**

**Haston Lewis – Overturn of Planning and Zoning's denial of a trailer placement for Susan Degas – 164 Phoenix Lane – LaPlace**

Councilman Smith stated, "Mr. Lewis just wanted to put the council and public on notice of his intent to over turn planning and zoning."

**Charles Julien – Employee pay raises**

Councilman Julien stated, "Administration as we have been dealing with the budget and we are preparing it, I am trying to find out are the firemen a part of the paid employee system?"

Natalie Robottom stated, "The firemen are not part of the parish civil service system they have their own fire civil service system. Their raises are generated by law every other year at 2% however the parish has been paying them 2% on an annual basis. They have not been included on the scale that was previously adopted by the council however as we have moved through this budget process it has come to our attention that there maybe some concern there but there are other opportunities for them to receive raises outside of what our employees receive through supplemental pay but we will be meeting with Mr. Oncale to look at where they are with regards to their budget and what the current budget has and if there is a discrepancy or an ability to equalize what is happening with them then we will return."

Councilman Julien stated, "Would it be possible for administration to maybe come back at the next meeting and inform us on if it would be too much of a burden to give them the raise that would also be recommended

*in a motion that I make tonight?"*

*Natalie Robottom stated, "We will definitely be back. Like I said their raises are somewhat different, they are generally based on an anniversary date and 2% annually but they also receive a supplemental pay raise as well. So give us an opportunity to look very closely with our financial department as well as Mr. Oncale to look at their budgets and we will come back with a recommendation."*

*Councilman Julien stated, "I would like to make a motion to give the employees the 5% raise with the help of the council and to include the individuals who are at step 15 and above in that 5% raise."*

*Councilwoman Millet asked, "Is this the 2% plus the 3%?"*

*Councilman Julien stated, "A 2% then a 3%, which would total 5%."*

*Natalie Robottom stated, "The current scale is based on a 3% cost of living increase and for each year of experience there is a step that allows 2% and that is the 5% that is being discussed. Again it is required that we adjust the scale to reflect that and that the council adopt that. We also presented that information to the civil service board which was a step that had been lacking in the past, it is not for approval it is for presentation before bringing it to the council and that was submitted to them. When the budget was drafted it included what had been customary which was to proceed with the 3% cost of living and the 2% step. What we wanted to remind you all of is that historically the employees at step 15 are tapped out and were not necessarily receiving that 2% unless the council made a motion to include them. So that amount of money has been budgeted. We are requesting that the council take upon itself the action to adopt the scale as well as to include the 2% for the employees at step 15."*

*Councilman Smith asked, "So that is what you are asking us to do now?"*

*Natalie Robottom stated, "That is what I think Mr. Julien was addressing. That is the 5%."*

*Councilman Smith asked, "So the only thing different that we are doing is giving 2% to the people at step 15?"*

*Natalie Robottom stated, "No you usually do that too."*

*Councilwoman Usry asked, "Did we plan for that in the budget?"*

*Natalie Robottom stated, "Yes we did. We looked at historical trends and it was done in January. We ask that we do this in advance to make everything effective January 1<sup>st</sup>."*

*Councilman Lewis asked, "Getting back to the fire department are they in our civil service?"*

*Natalie Robottom stated, "They have their own civil service for the fire department."*

**MOTION:** Councilman Julien moved and Councilwoman Hotard seconded the motion to approve the pay scale and to give the employees at step 15

the 2% raise also. The motion passed unanimously.

**Danny Millet/Chris Rowe – Grain Elevator**

Chris Rowe, W. 18<sup>th</sup> Street, stated, "The problem with the grain elevator and dust is steadily getting worst. I tried to rally my neighbors and it is unbelievable. They have been fighting these people for so long. My neighbor next door is a principal at St. Joan of Arc School he said I would like to help you but I don't have the energy. He said he has spent thousands of dollars, he got committees. He said he had to give it up because it was affecting his father's health. I came to the parish they said call DEQ. I called DEQ they said they would do a surprise inspection. Well they are following all the rules. In order to get their permit they had certain requirements. One of them was to reasonably control the dust when they can. They have mist sprayers that spray off of the river to knock the dust down. It really does nothing. All it does is instead of getting dust you get misty mud on your vehicles. They don't even use that. For the last three months I have been going over there asking them to turn on their sprayers. I have to go to the guard shack, I give them my ID then they let me go back to the control room. Well now the guard shack has been ordered not to let me on the property. I call them up when I tell them who I am they hang up on me. I shouldn't have to ask them to turn on the sprayers. It is crazy. It isn't about money. I own my house and I plan on dying in that house. I am not trying to make them buy my house. This is not about money. It is about I have two grandchildren and I don't want to see either one of them die from lung disease. I am not looking to see that happen. I would like the parish to get involved. I spoke to a few attorneys. It is not easy when it is in your backyard. I would have already done it but what they are telling me that I have to do is take it out of my pocket for this testing. If I have to do it I have the means and I will do that but I don't want to. I sent an email to the states attorney and I called this morning. I am waiting on a return call. It just has to stop. There are some neighbors of mine that I see here because they knew I was going to be here and I am hoping that my neighbors see this on TV and rally around me. This has to stop. Now on the permit it says that they have to take reasonable precautions to keep the dust on their property. Well they have employees that walk around with leaf blowers. They blow the dust off of their property onto mine. That isn't reasonable precautions. If it were a vacuum instead of a leaf blower, that might work. I am just at my wits end and I appreciate your time."

Councilman Millet stated, "I would like to see if the administration can get with DEQ and with the ADM people and let's see what we can do to resolve this problem."

**Natalie Robottom – Recommendation for minority appointment to the South Central Planning and Development Commission – Dr. Henry Hardy**

Natalie Robottom, stated, "St. John Parish is a member of the South Central Planning Commission and in being so there are several appointments granted. The minority position has been vacant for some period of time now and once I was elected I received a letter requesting that we seek to fill that position. So at this point I have spoken with a few of you about Dr. Hardy. The meetings are in Gray or the Houma area and I am recommending that the council approve Dr.

Hardy."

**MOTION:** Councilman Julien moved and Councilman Morris seconded the motion to approve the Parish President's recommendation for minority appointment to the South Central Planning and Development Commission – Dr. Henry Hardy. The motion passed unanimously.

**CORRESPONDANCE/COUNCIL BRIEFS**

Councilman Julien stated, "I would just like to wish everyone a Merry Christmas."

Councilman Smith stated, "I would like to wish everyone a Happy Holiday. Please be safe."

**Raydel Morris/Housing Authority Commissioners – Request for hearing**

Councilman Morris stated, "This is my item and we have been dealing with it for roughly three meetings. I took the liberty and there have been some questions about the report. I invited the young man from HUD that wrote the report. He is here now. I would like him to come up and possibly answer any questions or to give a brief summary to the council."

Councilwoman Hotard asked, "I just wanted to ask our legal counsel is this something that should be done in executive session?"

Tom Daley stated, "No."

Oliver Rose, New Orleans, stated, "I was the lead person on the consolidated review that we just performed on the St. John Parish Public Housing Authority in June through August. I want to state that I am not here in an official HUD capacity. I am just here to answer some questions that may not be clear in the report. I think the report is very specific and detailed. It was a comprehensive review which covered three disciplines. I cover the management side of it. There is facility management that deals basically with the physical aspect of the housing authority and there is a financial analyst that looks at the operating budget. So we are looking at management, operating budget and capital funding. In capital funding the agency annually receives in excess of about \$600,000.00, the operating budget is pretty much the same roughly \$450,000.00. What was unique about 2009 is that there was an influx of additional funding, disaster funding around a million dollars. There are administrative fees. So the agency has a lot of money coming in. It is just that in doing the report we pretty much couldn't tie anything together. So when we got there, there were I think, two other financial firms there already and they pretty much couldn't put anything together. So that is where we are now. There were many findings in basically every category and that is what we are dealing with now. There were the main problem was undocumented cost at roughly a million dollars. So that is what we are trying to locate or trying to see where those funds were dispersed and expended. I think the authority right now with the help of Mrs. Claudette who was recently hired, is doing bank reconciliation right now and trying to tie invoices to expenditures. Basically it is a slow process. We are going to take it step by step. There are some concerns about the management of that agency obviously and some transactions that have happened in the last

two years. So once we get a handle on it and we will hopefully everything will pan out. Are there any specific parts of the report that you need clarification on?"

Councilwoman Usry asked, "Is HUD lending assistance to help them find what they need?"

Oliver Rose stated, "To a certain extent. HUD is charged with going in and doing the review, providing technical assistance and basically point staff in a certain direction. We can't do everything but what we ask for and what we provide technical assistance on is basically cut and dry. For instance with the monies that can't be identified, it is a matter of going through each budget line item and comparing that expenditure to an invoice. So if there isn't an invoice and there should be, the money is either in another account or in someone's pocket. So it is not that difficult on each finding. There are findings dealing with rent calculation. It is a matter of getting the appropriate information to verify tenant income. There are findings in rent collection. That is obvious. The staff is not collecting rent. So it is nothing that they cannot figure out themselves. It is just that there are so many findings it is overwhelming perhaps for that staff. They are not in a position now to hire staff because there is no clear cut figure as to how much money the housing authority has at this time. The housing authority has to do an audit each year and the last approved audit is from 2007. When I go into the HUD system there is no documentation for 2008 and there is un-audited documentation for 2009. Ideally when un-audited documentation is submitted it should be within 60 days after the fiscal year ends. This agency is a 930 agency. In our system it appears that the information was submitted seven months after the fiscal year end. The agency has nine months to get an audited financial statement in. So it is not a nice picture."

Councilwoman Usry asked, "When Mr. Wolfe took over he had no idea how much money he had in the budget, in other words?"

Oliver Rose stated, "Yes. So it makes it difficult to do anything when you don't know what is in your account."

Councilman Millet stated, "In reading through the audit that you all gave it looks like they are not sure when they are supposed to hold their meetings and also they don't have any minutes of the meetings I think from June or so."

Oliver Rose stated, "That was a finding. There was a finding in every aspect of this agency regardless of the size of the problem. It is just a pervasive."

Councilman Morris asked, "You talked about a million dollars. What happens if the money was spent improperly and it was designated funds?"

Oliver Rose stated, "If the monies were spent improperly the housing authority would have to pay it back out of non federal funding."

Councilman Morris asked, "When you say non federal funding, does that mean that the only funds that is collected that is non federal funds is the monthly rent."

Oliver Rose stated, "Yes and to a certain degree administrative fees which is on the section 8 side."

Councilman Morris asked, "As of today, to your knowledge, has the board passed an operating budget for 2010 or 2011?"

Oliver Rose stated, "No. The operating budget annually can be submitted as early as five months before the fiscal year end which is September 30<sup>th</sup> and no later than ninety days before that. So that budgets date was July 1<sup>st</sup> and there is no operating budget for 2011 at this time."

Councilman Morris asked, "So the current ED operating, if I understand this, he doesn't know how much funds he has and he doesn't have a guide. So he is basically operating blind."

Oliver Rose stated, "I would say that, yes."

Councilman Morris asked, "There were some questions about my involvement in the audit. Have we met before?"

Oliver Rose stated, "No sir. I don't think so."

Councilman Morris stated, "I know so. There are some issues that involve some of the commissioners and we are not going to name names but the audit report cited I think five of the commissioners for different things two of them are minor and three of them may or may not be some legal issues. Am I correct when I say this?"

Oliver Rose stated, "Yes. There are certain requirements of a commissioner but I guess the blame, if we want to call it blame, doesn't stop there because first you have to look at who appoints the commissioners. So if we have a bad commissioner you have to look at the person who appointed them. So there is a little blame to go around but when you look at the pecking order I guess the bulk of the blame would go on the person who oversees the housing authority, which is the board of commissioners. I had the commissioners guide book and I found it interesting without going into details. The role of the commissioners and I think if anyone were to read this and read the report they can basically determine what they have, the role of the commissioner approves bylaws, resolutions, policies and procedures. They select a qualified executive director. They review and monitor the budget and other financial documents. They delegate the day to day operations and makes sure that the audit is conducted annually. They ensure that the ED operates legally and with integrity. They check insurance policies to know what is covered. They don't sign blank checks or checks that are not backed up with bills or invoices. They don't use supplies. If you read the report and you read this, it is obvious to me. I am not here to make a decision for anyone. I am just here to provide some insight."

Councilwoman Millet stated, "You did mention that part of the commissioner's job was to oversee the budget but not to provide the budget. The budget is provided by the ED. Am I correct?"

Oliver Rose stated, "Yes, that is correct."

Councilwoman Millet stated, "So we are faulting these commissioners for

*not following a budget that wasn't given to them?"*

*Oliver Rose stated, "The commissioner's hire the ED. If you hire me and I don't follow policies and procedure..."*

*Councilwoman Millet stated, "Then you remove them and that has been done. Am I correct?"*

*Oliver Rose stated, "I am not sure. I am not sure if this is the same board that has been charged with putting a budget together for 2009 or 2011 for that matter."*

*Councilwoman Millet asked, "But it is not the board's responsibility to put the budget together is what I am getting at. It is the Executive Director and the past director didn't do that and I believe that person is not there now. We have a new executive director. Am I correct?"*

*Oliver Rose stated, "Right."*

*Councilwoman Millet stated, "Thank you."*

*Councilman Julien asked, "Is the budget put together by the ED and the accountant or specifically by the ED?"*

*Oliver Rose stated, "Pretty much by the ED and accountant, they should work hand and hand."*

*Councilman Julien stated, "So at one point I think the agency accountant was not there. They didn't have one for a while."*

*Oliver Rose stated, "Well this is what they had. They had an individual that was doing accounting work. I don't know how else to put it. I don't think this gentleman had an accounting degree or experience but he was pretty much handling all the finances of the housing authority. Now I don't know who hired him but he was employed there when I got there about three months ago. Prior to him there was a firm in there up until maybe the last of 2009."*

*Councilman Julien asked, "Did this have anything to do with the present day commissioners?"*

*Oliver Rose stated, "I wouldn't be able to answer that. It was the board members present..."*

*The tape stopped taping and wasn't flipped over. There was no motion made in reference to the housing authority agenda item.*

*There were three items that were not taken up at the finance meeting because they were left off of the agenda. The council motioned to allow them to be heard at this time.*

**MOTION:** Councilman Lewis moved and Councilman Millet seconded the motion to allow the three finance agenda meeting items to be heard at this time. The motion passed with 7 yeas, 1 abstaining (Lee) and 1 absent (Morris).

*C. J. Savoie commented apologizing for this not being on the finance*

agenda in the correct way. He is requesting to take action with reference to a Certificate of Substantial completion for N.W. 2<sup>nd</sup> Street and a change order and Certificate of Substantial completion for Historic East in Garyville.

**MOTION:** Councilman Julien moved and Councilman Millet seconded the motion to grant a Certificate of Substantial Completion for N. W. 2<sup>nd</sup> Street in Reserve. The motion passed with 7 yeas, 1 abstaining (Lee) and 1 absent (Morris).

**MOTION:** Councilman Millet moved and Councilman Julien seconded the motion for a change order for Historic East Street in Garyville. The motion passed with 7 yeas, 1 abstaining (Lee) and 1 absent (Morris).

**MOTION:** Councilman Millet moved and Councilman Julien seconded the motion to grant a Certificate of Substantial Completion for Historic East Street in Garyville. The motion passed with 8 yeas and 1 abstaining (Lee).

**PRESIDENT'S REMARKS**

Natalie Robottom commented on the recent events in the parish. She wished everyone a Merry Christmas and reminded the public that the parish offices will be closed on Thursday, December 23<sup>rd</sup> at Noon and all day Friday 12/24/10 and Monday 12/27/10 and will resume regular office hours on Tuesday, December 28<sup>th</sup>, 2010.

Tom Daley stated, *"I just want to announce that we are going into executive session to discuss pending litigation Lighthouse RV Park versus St. John Parish."*

**MOTION:** Councilman Millet moved and Councilwoman Millet seconded the motion to go into executive session. The motion passed unanimously.

**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

**MOTION:** Councilwoman Hotard moved and Councilwoman Usry seconded the motion to go back into regular session. The motion passed unanimously.

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

**ADJOURNMENT:**

At 9:25 PM, Councilwoman Hotard moved and Councilwoman Millet seconded the motion to adjourn. The motion passed unanimously.

/s/Ronnie Smith

/s/Jackie Landeche

COUNCIL CHAIRMAN

Council Secretary