

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
TUESDAY, JULY 8, 2008
CHAIR JACLYN HOTARD
VICE CHAIR RONNIE SMITH

The Council of the Parish of St. John the Baptist, State of Louisiana, met in Regular Session in the Edgard Courthouse, Edgard, Louisiana on Tuesday, July 8, 2008, at 6:30 PM.

CALL TO ORDER:

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

ABSENT: None

Councilman Smith led the prayer. Councilwoman Millet led the Pledge of Allegiance.

Bill Hubbard, Parish President, was present.

Legal Counsels Jeff Perilloux and Kerry Brown were present.

MOTION: Councilman Julien moved and Councilman Wolfe seconded the motion to recess and go back into the finance meeting. The motion passes unanimously.

MOTION: Councilman Lewis moved and Councilman Julien seconded the motion to go back into regular session. The motion passes unanimously.

Haston Lewis - Comcast - Presentation concerning services on the West Bank

Councilman Lewis asked, "I would like for you to bring us up to date on the service that you all have on this side of the river. As far as the cable TV, the internet and how they can get it because a lot of people complain about the service of the cable and that they can't get the internet with you all and the internet that they do have over here is from another company and it is sort of slow in that area. So we would like to know what can you do for us on this side of the river or any part of the parish that has slow internet service?"

Jacque Dugas, Comcast, stated, "As you may or may not know, when Comcast took over this system the East Bank and the West Bank services existed the way they were and they are two separate cable plants not linked together. There is no linking of the East Bank and the West Bank. It is what we call head ends. There are two separate head ends.

One serving the East Bank and one serving the West Bank. We have always been very sensitive to the differences between the two banks. There are a number of channels that are not provided on the West Bank that are provided on the East Bank and we are doing everything that we can to continually close that gap between the channel offerings that are different on the East Bank and the West Bank. We have looked for several years at linking the two banks by crossing the Mississippi River, unfortunately the costs are prohibiting. It would approximately cost us \$800,000.00 to link both banks and being sensitive to the costs of the services that we provide, it would just not be a good business proposition for us. We continue to look at anything that we can do to minimize the difference in services between the East Bank and the West Bank and we will continue to do that."

Councilwoman Hotard asked, "You said it would cost \$8,000.00 to cross the Mississippi?"

Jacque Dugas stated, "No, \$800,000.00."

Councilman Lewis asked, "I am not really familiar with the internet and what it takes for it to work or to put it in use. Are you all doing any type of internet on this side of the river at all?"

Jacque Dugas stated, "No sir we do not provide the internet service on that side of the river."

Councilman Lewis asked, "Do you all have any intentions in the future?"

Jacque Dugas stated, "I would not say that we don't have any intention of doing it. We are constantly looking at ways that we can increase the amount of services that we provide to all of our subscribers, including those on the West Bank."

Councilman Lewis stated, "You know what hurts me to see and I know this parish has one contract with you all not two contracts. You have a contract for the entire parish. Would you have any type of date of maybe when you can do something for this side of the river or how long will it be before you are able to do something on this side?"

Jacque Dugas stated, "I can promise you that I will continue to look into it, to propose it, but as far as being able to commit, I am not able to commit at this time."

Councilman Lewis stated, "I hope you all can put a deadline on it since we are all under the same contract."

Councilman Wolfe stated, "When we first entered into a contract with the cable company it was understood that the services would be on both sides of the river. This doesn't make any sense for us to enter into an agreement and have one part of the parish differently from the other part. It is good to stand up and say that we are going to consider it and look into it. That can take forever. I need a deadline as to when your company can come back to this council and give us an update and let us know exactly when you are coming back and exactly what you want to do. You are making money off of the public. You are making money off of the folks on the West Bank and on the East Bank. If you cannot service the whole parish, than I don't see a need for cable vision. I

represent the West Bank. I intend to represent them well. I intend for this cable company to come back to this council within six months and give us an update on how we are going to solve this problem, because it is a problem. The people on the West Bank are being cheated severely."

Jacquie Dugas stated, "When the franchise was first negotiated, it was for the cable company at that time to provide services to the East Bank of St. John the Baptist Parish. A while after that franchise was granted, the cable company at that time was approached and asked to provide cable for the West Bank. We agreed to do that and did state that we would be building a separate cable plant to serve the West Bank of St. John Parish. I do understand your concern. I share the concern. This is something that I address consistently, trying to get the services equal on both banks. We understand that every house in St. John Parish has a choice as to who they want to use for their entertainment provider, internet provider and phone provider. We understand that and we take this quite seriously."

Councilman Wolfe stated, "Well seemingly we will act accordingly."

Councilman Smith asked, "Is the cost for cable on the East Bank the same on the West Bank?"

Jacquie Dugas stated, "Yes sir it is."

Councilman Smith asked, "If you are not providing the same services, why is it the same cost?"

Jacquie Dugas stated, "The services are minimally different."

Councilman Smith stated, "Then it should be a minimal difference in costs."

Jacquie Dugas stated, "The costs are the same on the East Bank and the West Bank, for the video services there is a minimal difference."

Councilman Smith stated, "Again that is one of my concerns and I have been here going on five years now and since I have been here we have been as they say in negotiations before you even became Comcast. Another concern that I have is we are not doing anything to improve the service but yet I know for sure I have received two letters since Comcast has come in saying that the rates are increasing."

Jacquie Dugas stated, "We do improve our service."

Councilman Smith stated, "Not to the West Bank."

Jacquie Dugas stated, "We have added channels to the West Bank."

Councilman Smith stated, "Here is my concern Mrs. Dugas, not to beat a dead horse. My major concern is that if you are not going to provide the same service to the West Bank that you are providing to the East Bank than there should be some type of rate adjustment given to the West Bank."

Jacquie Dugas stated, "We are, as you know, we send out the rate increase notices and we will be launching a discounted pricing for

subscribers and that should include some additional channels to West Bank subscribers that will not be included to the East Bank subscribers. The package will not be the same there will be more channels to the West Bank subscribers."

Councilman Smith stated, "If that is as fair as we can get I will have to accept that."

Jacque Dugas stated, "We are trying to do everything that we can to address it and correct it as quickly as possible, but by the same token the 1,700 homes pass on the East Bank and 1,300 hundred homes on the West Bank we have to make good business choices or no one would be able to afford the cable services."

Councilman Smith stated, "I understand that but like I am saying if I am receiving a different service I should be receiving a different cost attached to it. That is all."

Councilman Lee stated, "If I might I would like to ask our attorney to elaborate. We this council have employed a special council to negotiate on our behalf because this is a very complex issue. Perhaps Mr. Perilloux can explain a little bit about this and also have our council come to our next executive session and give us a report on this and let us know where we stand in our negotiations."

Jeff Perilloux, Parish Attorney, stated, "I was just going to suggest that the council a number of years ago did in fact employ a law firm to handle the franchise negotiation agreements on behalf of St. John the Baptist Parish, which is to include both East Bank and West Bank services. I have not received a report from them lately to find out or to know exactly what progress if any has been made, but I think it would be appropriate for us to bring it up in executive session at the next meeting, put it on the agenda and invite our attorney's who we hired to be here and to give us a report. That way you all can have a sense of what direction we are going in."

Councilman Lee asked, "Can I ask that that be put on the agenda for the next meeting?"

Councilman Wolfe stated, "Ms. Hotard lets make a date six months from today, that Comcast should come and give a report and be sure it is on the agenda for that date."

Consent Agenda

Items: Approval of Minutes June 24, 2008, Regular Meeting; South Central Planning and Development Commission Board Appointment

Councilwoman Hotard stated, "I am not positive that we actually have the appointment. I had sent out the information to the members on the council for us to get an appointment to this commission but I didn't get anything back from anyone. We will go ahead and remove this item from the consent agenda. If anyone has someone that they would like to appoint, I believe their request was that it be a minority appointment to the South Central Planning and Development Commission. We can take that up at the next meeting."

MOTION: Councilman Smith moved and Councilman Julien seconded the motion to approve the amended consent agenda consisting of Approval of Minutes June 24, 2008, Regular Meeting. The motion passes unanimously.

PUBLIC HEARING ON ORDINANCES:

08-36 (Public Hearing held) An ordinance amending Ordinance MM1-02 Computer Technology and Upgrade Transaction Fee: *There shall be a transaction fee (10.00) dedicated solely to computer technology and computer upgrade on all permitting, filing, and recording transactions, including ordinance violations, and occupational license renewal. Notwithstanding any other provision, this section shall pertain to all no-re-occurring Service Center and Department of Public Safety transactions.* (B. Hubbard)

Remy Amedee, Garyville, asked, "Ms. Hotard, could you explain the amended part of this ordinance, exactly what is being amended?"

Pat McTopy stated, "The fee that has been in effect for the last several years has been set at \$1.00. That one dollar isn't generating nearly the amount of money needed to keep up with advancing technology. We have computers that we need to buy, software programs, we have the parish website that is generating hits constantly, electronic document management, planning and zoning permitting system that we are computerizing, purchasing software and I am not going to read them all but extensive computer networks that we need and it would help to pay for some of this to provide additional services to the tax payers."

Remy Amedee stated, "I personally feel that this is another vehicle to extract unnecessary money from the citizens and the private businesses that operate in St. John Parish. I think it is unnecessary. I think it increases the cost of living. I would like to challenge each of you to totally eliminate this ordinance because I think it is unnecessary."

MOTION: Councilman Lee moved and Councilman Smith seconded the motion to accept Ordinance 08-36. The motion passes unanimously.

08-37 (Public Hearing held) An ordinance to re-zone Lot 6, of Fagot Subdivision from C-3 to R-1, situated in Section 19, T-11-S, R-7-E, LaPlace, St. John the Baptist Parish, Louisiana. (B. Hubbard)

Mike Henderson, Planning and Zoning, stated, "The applicant is requesting a re-zoning from C-3 to R-1. It has been in use for some time as a residential area. It has a trailer on the property. Although the area on one side is zoned C-3, its use is residential. The re-zoning meets the criteria that we use in selecting a re-zoning effort. This lot would exceed the normal lot size for R-1 and the applicant plans to build a home there, it currently does have a trailer on it in that spot."

MOTION: Councilman Smith moved and Councilwoman Usry seconded the motion to table Ordinance 08-37. The motion passes unanimously.

08-38 (Public Hearing held) An ordinance to re-zone Lot 58, of River Road Terrace, Annex "B" from R-1 to R-3, situated in Section 28, T-11-S, R-7-E, LaPlace, St. John the Baptist Parish, Louisiana. (B. Hubbard)

MOTION: Councilwoman Usry moved and Councilman Lee seconded the motion to table Ordinance 08-38. The motion passes unanimously.

INTRODUCTION OF ORDINANCES:

08-39 An ordinance amending Ordinance 97-16 to read it is unlawful for any owner, developer, lesser, lessee or owner's agent of any property to erect, construct, locate or maintain any basketball goal, batting cage, football goal post, volleyball net, or any other like athletic equipment (movable or immovable) within fifteen (15') feet of a public highway, street or roadway. (R. Smith)

08-40 An ordinance stating that we the members of the St. John the Baptist Parish Council, do hereby name our meeting chambers in the St. John the Baptist Parish Courthouse building as "The Rudolph S. Sorapuru, Sr. Chambers. (D. Wolfe)

08-41 An ordinance to accept Hurricanes Katrina & Rita surge inundation and advisory base flood elevation maps as issued by FEMA as the Parish's official flood elevation reference as they pertain to the unincorporated areas of St. John the Baptist Parish. (B. Hubbard)

COMMITTEE REPORTS:

Councilman Smith stated, *"I would like to ask that the council accept the recommendation of the Finance Committee."*

MOTION: Councilman Smith moved and Councilman Lewis seconded the motion to accept the recommendation of the finance committee. The motion passes unanimously.

DEPARTMENT/ENGINEER REPORTS:

Dale Wolfe - Personnel Matters

There were no personnel matters at this time.

Jaclyn Hotard/Ronnie Smith/Montgomery Watson/GE - Report on the NANO filtration project

Councilman Smith stated, *"I requested them to come to the meeting. At least I received a letter from Montgomery Watson at the last minute saying they can't come. GE didn't even have the audacity to contact me at all. So what I want to do at this time, if the council agrees with me, I want to cease all payments to Montgomery Watson and GE until they come in here and give me a date on when my water system is going to be fixed and completed. We are almost a year and a half behind schedule and I am tired of buying bottled water and having the people in the public hearing every month, next month, next month. So if I have to put it in the form of a motion and it is already seconded. Thank you."*

Councilwoman Hotard stated, *"I asked the administration a few months ago if it was possible for us to fine them. I know in most of our contracts there are some performance clauses and things like that. I*

would like to make that request to administration to look into the performance clauses and things like that in these contracts and see what availability we have to issue fines, stop payments, whatever we need to do to let them know that we are serious. This is a year behind. I don't know whose fault it is but we need to get to the bottom of it."

Bill Hubbard, Parish President, stated, "For the record, I support this motion. I think it is a good motion and we as the administration have been frustrated. I want to provide good quality water to the residents of our parish too. I am fully in support of this motion."

Councilwoman Hotard stated, "I guess it is unfortunate for you, you sort of inherited this because they told us that this would be done in August. So to think another August is coming up and we are still talking about it is quite frustrating."

Jeff Perilloux, stated, "I was just going to say that certainly I think you are free to make that motion. I would just ask that you amend it and have it subject to approval by legal counsel. We need to obviously review the contract and make sure that we are not doing anything that would cause a problem for the parish if in fact we withhold a payment improperly. So we want to make sure obviously that it is within the contract. So you can make the motion, I would just ask that you make sure that it includes upon review by legal counsel."

Councilman Smith stated, "Mr. Perilloux I totally agree with you. I should have added that to the motion. I will gladly amend my motion to read that way."

Councilwoman Hotard stated, "I would like to make a request of legal counsel that whatever we can do in the contract, give that recommendation to the council. If it is fines, withholding payments, going after subs whatever it is that we can do to send a message that this is unacceptable. They have been paid money to do a job. The least that they can do is show up. They could have pulled somebody off of the street and said here go in and say you are with Montgomery Watson, that would have been better than a letter the day of the meeting. That is a slap in the face and this is not a small contract. So whatever we can do, let's do it."

Councilman Wolfe stated, "We can also remind them that we have a 30 day clause on all contracts."

MOTION: Councilman Smith moved and Councilman Wolfe seconded the motion upon review by legal counsel to cease all payments to Montgomery Watson and GE until they come here and give this council a date on when the water system is going to be fixed and completed. The motion passes unanimously.

Charles Julien - Complete/Incomplete work orders in District III

Councilman Julien stated, "I have a couple of questions as far as trash barrels. I was wondering if I can get some trash barrels placed in my district. I did put in a work order and I am trying to check on that. Administration, I need signs for no littering, small things. The lights if you can check on the lights on 3127 for me. Then maybe, just maybe since my parish president has been working with me, but maybe if we can

look into seeing if we could pave about three streets in my district. Check on the price and see if we have it in the budget to be able to get that done."

Councilman Wolfe stated, "Every year we have three streets that we use as priority streets that administration overlays and we are committed to some streets. We can get with the parish president and Mr. Howard if we need to, but those three streets come from the District Councilman and the Councilman-at-Large. Three streets per district, that is the way it has been working."

Councilman Julien stated, "He has given us some. In my district, he has done good in terms of paving in the district. I have one street for sure that there are a lot of trailers on it, but it just has never been paved, it was an oversight by me. Otherwise he is getting stuff done."

Councilman Wolfe asked, "Mr. Hubbard, are you open to a discussion on that if we come in and talk to you about the priority list for the streets?"

Bill Hubbard stated, "Yes I am."

Julia Remondet, Director of EDC, stated, "I just wanted to give the council a little update. For the Independence Day celebration on the river we had approximately 8,000 people in attendance. I wanted to thank the council members who assisted during the day with the activities. Ms. Hotard, Mrs. Usry and Mrs. Millet for helping serve our veterans for the luncheon, there were 320 people in attendance for the luncheon and that is the biggest that we have had so far. It is truly appreciated by the veterans for your assistance. I would also like to thank Mr. Smith, Mr. Julien and Mrs. Millet and Mrs. Usry for assisting us with the opening event for the fireworks display. We are always glad when you come but it was really nice to have you all participate this year. We do appreciate it. In the next month I will be meeting on the East Bank and West Bank to encourage more local groups to participate. I know since we have the East Bank at St. Peter's the church has a heavy involvement and does so much for us. We would like to get the same thing going on the West Bank. It has been taking place at the courthouse but we need to pull in some local groups to help out so I will be meeting with Mr. Lewis to try and get that going on the West Bank."

Chuck Savoie, Parish Engineer, stated, "Administration had asked me to put together an electrical specification to go out to bids for an electrical contractor to complete minor electrical things around the parish. They are trying to maintain some conformity into that instead of getting that contractor or this contractor, they want to get a bid on it. So I prepared a specification for it and what I am asking of you all here tonight is for permission to go out for bids on behalf of administration."

Councilwoman Millet asked, "Can you please explain to me exactly what you just said?"

Chuck Savoie stated, "There is a need for completing some minor electrical work around the parish on an annual basis. They always need to be able to call somebody, just like you call them in for repairs to

the sidewalks or the streets and so forth. They need to do repairs throughout the parish to electrical lift stations, panels in the buildings and so forth. What they want to do is to maintain some conformity with the other bids and so forth and they asked me to prepare a specification for getting such a contract on a general basis if they need it. So they would like to go out and advertise for this so that they can get some competitive bids."

MOTION: Councilman Smith moved and Councilwoman Usry seconded the motion to authorize administration to go out for bids for an electrical contractor to complete minor electrical things throughout the parish. The motion passes unanimously.

OLD BUSINESS:

There was no new business.

NEW BUSINESS:

Pat McTopy - Resolution - R08-20 - A Resolution in support of Nucor steel

Pat McTopy stated, "As you know, Nucor steel is contemplating construction of a massive steel facility in St. James Parish. Our parish's economical development committee has recommended that we adopt a resolution of support under the theory that this facility will produce economic opportunities for all the surrounding areas and not just our neighboring parish. So we have prepared a small resolution for the council's consideration."

MOTION: Councilwoman Usry moved and Councilman Lee seconded the motion to accept Resolution R08-20 THE ST. JOHN THE BAPTIST PARISH COUNCIL HEREBY ADOPTS THIS RESOLUTION IN SUPPORT OF THE NUCOR CORPORATION ("NUCOR") PROJECT TO BE LOCATED IN ST. JAMES PARISH, LOUISIANA: **WHEREAS**, the St. John the Baptist Parish Council and Administration support the Nucor Corporation ("Nucor") Project, which is considering the location of a state-of-the-art iron and steel facility in St. James Parish. **WHEREAS**, it is important for the surrounding Parishes to support this facility in our region; **WHEREAS**, Nucor will create 500 permanent jobs and 1,000 construction jobs; **WHEREAS**, this facility will foster businesses related to the steel industry in our area. **NOW, THEREFORE, BE IT RESOLVED**, that the Parish President and members of the St. John the Baptist Parish Council urge and request every member of the St. John the Baptist Parish Legislative Delegation to vigorously **SUPPORT** Nucor Steels efforts to locate in St. James Parish. The motion passes unanimously.

CORRESPONDENCE/COUNCIL BRIEFS

Councilman Julien stated, "I just want to say that St. John is growing. St. John is doing great things. Shaping young minds, I want to thank Choice again. They are doing great things. Keep up the good work."

Councilman Smith stated, "I do work for the school board and registration is going on presently. Anyone out there that needs to register their kids, the hours are from 8:00 AM to 11:30 than 1:00 till 3:00 PM. Please come by the school board and do that now so that we can

get your kids in school and on time."

Councilwoman Millet stated, "I just wanted to thank administration and the EDC Board for the 4th of July celebration that they put forth. It was well attended and well run and I thank you for all your efforts."

Councilwoman Hotard stated, "I just wanted to commend administration on the VA luncheon. It is something that is growing every year and it seems like the veterans really do appreciate it and really enjoy it. I hope it is something that we will continue. I am sure you will President Hubbard and I am sure it is just going to continue to grow."

PRESIDENT'S REMARKS

Bill Hubbard stated, "Not too much tonight. I just wanted to let everybody know that July 19th there is an important election. It is concerning our bond issue which covers a wide variety of things from Hurricane Protection, new office building over on the East Bank for our Government Complex, Courthouses, renovations, and the quality of water is at stake there also. I am just asking the people let us not forget. Go out and vote on July 19th. Just to piggy back on what we said about the VA luncheon the other day. It was a great event. Thanks to the veterans for what they did. Freedom is not free. Let us just not forget our veterans."

There was no executive session.

EXECUTIVE SESSION:

Employee Back Pay

Dale Wolfe - Personnel Matters

Jaclyn Hotard - Personnel Policy for Administrative Officers and Department Directors

Property/Casualty Insurance Agent - 1) Claims, any/all property, casualty, and Workman comp claims 2) Claims, procedures and disposition 3) Coverage's, any/all material changes

Any and all pending legal matters.

ADJOURNMENT:

At 7:35 PM, Councilwoman Millet moved and Councilman Smith seconded the motion to adjourn. The motion passes unanimously.

/s/Jaclyn Hotard
COUNCIL CHAIR

/s/Jackie Landeche
Council Secretary