

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
TUESDAY, SEPTEMBER 14th, 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 Rudolph Soroparu Chambers, Edgard, Louisiana on Tuesday, September 14th, 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, Ronnie Smith, Councilman District VI, Danny Millet, Councilman District II, Dale Wolfe, Councilman-at-Large Div. A

ABSENT: Jaclyn Hotard & Cheryl Millet

Councilman Julien led the Prayer. Councilman Millet led the Pledge.

Legal Counsels Jeff Perilloux, Kerry Brown and Tom Daley were present.

Board of Review

Councilman Smith stated, *"For a period of fifteen (15) days, beginning August 16, 2010 and ending August 30, 2010, this Board of Review has been opened to receive any written or oral complaints from taxpayers who wish to protest their assessment as determined by the assessor. Complaining taxpayers must comply with Act 705 of 1976 in order for the board of review to consider any protest. The Board of Review is now opened to consider any protest."*

There were no written or oral complaints. Chairman Smith closed public hearing.

Consent Agenda

Items: Approval of Minutes August 24th, 2010, Regular Meeting; Permit Approval – Block Party – The Lakes Subdivision – 10-30-10 from 7:00 until 10:00; Permit Approval – St. Peter School Festival – October 8th, 9th & 10th, 2010

MOTION: Councilman Millet moved and Councilman Julien seconded the motion to approve the amended consent agenda items consisting of Approval of Minutes August 24th, 2010, Regular Meeting; Permit Approval – Block Party – The Lakes Subdivision – 10-30-10 from 7:00 until 10:00; Permit Approval – St. Peter School Festival – October 8th, 9th & 10th, 2010. The motion passed with Councilwoman Hotard & Cheryl Millet absent.

PUBLIC HEARING ON ORDINANCES:

There were no ordinances to be addressed.

INTRODUCTION OF ORDINANCES:

10-27 An ordinance introducing the operating budget for the St. John the Baptist Parish Land Escrow fund for the 2010 fiscal year. (N. Robottom)

10-28 An ordinance amending ordinance 10-05 relative to the Annual Operating Budgets for the St. John the Baptist Parish Public Works Fund, Sales Tax District and LaPlace Volunteer Fire Department for the fiscal year beginning January 1, 2010 and ending December 31, 2010. (N. Robottom)

10-29 An ordinance amending ordinance 09-36 relative to the Annual Operating Budgets for the St. John the Baptist Parish General Fund, Airport Authority, Ambulance Fund, ARC Maintenance Fund, Communications District, Convention Center, Criminal Court, Economic Development, Reserve Volunteer Fire Department, Garyville Volunteer Fire Department, West Bank Volunteer Fire Department, Office of Fire Services, Health Unit, Juvenile Detention, Mosquito Abatement, Parishwide Sewerage Construction, Public Safety, Senior Citizens, Solid Waste, Street Lights, Wastewater, Water Distribution System and Recreation Fund for the Fiscal year beginning January 1, 2010 and ending December 31, 2010. (N. Robottom)

10-30 An Ordinance amending Chapter 107 of the St. John the Baptist Parish Code of Ordinances by adding or deleting language to various sections and to adopt the Federal Emergency Management Agency's 2010 Flood Insurance Rate Maps (FIRM). (N. Robottom)

COMMITTEE REPORTS:

Councilman Lee stated, *"At 6:15 PM this evening the finance committee met. At this time I would ask for a motion from one of my fellow council members to ratify the actions taken by the finance committee."*

MOTION: Councilman Lewis moved and Councilwoman Usry seconded the motion to accept the recommendation of the finance committee. The committee approved to take the bids for the water & sewer fitting, materials and supplies under advisement, approved a substitute motion for administration to take the bids for Riverlands Drainage improvements under advisement and if we see that there is insufficient funds that the bids be totally rejected and the project be put out for bid again, approved to grant administration authorization to go out for bids on the Country Club Bridge replacement, approved to grant change order #1 for the 40th Judicial Court Building in the amount of \$13,336.00, and approved to grant administration authorization to renew Medicare-eligible retiree health coverage with Humana for the 2011 Plan Year. The motion passed with Councilwoman Hotard & Cheryl Millet absent.

DEPARTMENT/ENGINEER REPORTS:

Dale Wolfe - Personnel Matters

There were no personnel matters at this time.

Dale Wolfe - (Carry over 8-10-10) SWDI Contract

Councilman Wolfe requested that this item be removed from the agenda.

Haston Lewis - Speed bumps on W. 13th Street, Wallace

Councilman Lewis stated, *"My biggest problem with speed bumps in this parish is the way the parish puts the speed bumps down. On this particular street I think I had about twenty speed bumps. If you get an ambulance or a fire truck to go down that street they would be almost crawling to get way down there. The speed bumps are built so high. I have some people in my area on the East Bank that have a lot of trouble with speed bumps. I have a petition that I want you to read. We don't have to read out the names just to let you know that they want some speed bumps over there. If we are going to put speed bumps any where in the parish I think we need to look at starting to buy speed bumps. I think it is either Dove Street or Robin Street. We have a person over there that bought a speed bump themselves or paid half on it. I don't know if you call it a hump or a bump."*

Councilwoman Usry stated, *"He has a hump."*

Councilman Lewis stated, *"Well I tell you we need some more humps throughout the parish because when you look at those bumps we have that is exactly what they are. This one here is nice. It will slow you down but it is nice to cross. The speed bumps that we have will tear your car apart. So when we put some more speed bumps down we need to make sure that it doesn't tear up peoples cars. When you go down some of those streets those people are dodging our speed bumps and going on somebody's property or in the field. If you check the news tonight I think somebody was having trouble with speed bumps. You need to listen to the news tonight when you go home."*

Natalie Robottom, Parish President, stated, *"We would be happy to get with Mr. Lewis and discuss speed bumps or humps for his district and the parish as well."*

Councilman Smith stated, *"I would like to get with you on a speed hump or bump issue."*

OLD BUSINESS:

Charles Julien - (Carry Over 8-24-10) Usage of the St. John Community/Civic Center

Councilman Julien stated, *"I had a chance to speak with administration briefly. They are still working out some details because we still have a production company that wants to rent it but we also have the Lion's Club in attendance tonight. I think that they would represent the*

sentiments of the community and I want to see what they have to say if that is okay with administration."

Woody Norsworthy, 117 Devon Road, stated, "I was chosen last night as a spokesman for the DuMonde committee of the LaPlace Lion's Club. We put on the DuMonde Ball. We follow that with a parade. It is a well liked well attended social event here in the parish. We feel like it is probably the largest social event of its type in the area. Our committee feels like we are left out of consideration in regards to the Community Center. I feel that a lot of the public, a lot of civic organizations are left out of consideration for the use of the civic center. I could stand up here and go through a whole list of things that we feel are true but my point is that I feel like this was built as a community center or civic center not as a profit center and that the public is being shut out of it. They are being shut out of the negotiations part and they are not being considered when it is rented on a long term basis what we would tend to lose or what we stand to take away from the community in collateral spending and donations to our charities. It distresses us that it is not there for us. We feel it was intended to be there for us. As I said I could go on and on. I would welcome any questions that you had regarding this if I am prepared to answer them in any discussion other than what I said. We have some numbers that when we take our ball out of town we are going to lose quite a bit, we feel, of our profits that we turn and give to our charities. We had a time a few years back where there was no ball and the parade suffered and the income from the parade decreased down to about a hundred thousand dollars where we are doing a quarter of a million or three hundred thousand dollars with those two events these days. Taking them out of the parish is going to significantly decrease that. The collateral spending that we do in the community is not a great amount of spending but it is several thousand dollars at one time and it is significant to those small businesses. I wish that the parish would consider local groups, such as us, other people that use the community center when they are negotiating these long term contracts and bring us into consideration for our events. If we take this event, which I am sure most of you attend, out of this parish it is going to die. Soon after that the parade will die and a social event that all of us are really happy with, Mardi Gras is going to change in this community forever. I don't know if we will be able to bring it back again. If anyone else would like to ask me anything I believe I have made my point."

Councilman Julien asked, "Where do you all go to have your ball now?"

Woody Norsworthy stated, "We feel that we are going to have to go to Kenner to the Pontchartrain Center. The expenditures I am not really clear on how they are going to match up but I do believe that the attendance will significantly suffer and that we will either lose or be at a break even point which means that our charities and things that we share our money with are going to suffer."

Councilman Smith asked, "I have a question Woody, before the civic center was there about five years ago where were you holding your ball?"

Woody Norsworthy stated, "For a while there was no ball, before that it was at East St. John's gym. I feel like the size of that building is

comparable but the design of the building and such would lend it not to be as good as the civic center. I don't know any other way to put it."

Councilman Smith stated, "I understand that sir and I have a reason for asking that question because I want to get with administration on something at a later date and I needed that information from you. Also let me clarify something for you and for the public. After the last meeting I went over to the civic center to find out exactly what type of equipment these people were trying to store in the civic center. I want the public to know they are not trying to store equipment. They have a movie set that is built in the civic center and it is a million dollar set that they built and they would have to tear that whole set down and the reason they are trying to store it there is because it is all built together. If they pull it out and have to come back then they have to spend another million dollars to rebuild that set. If it comes back to re-film next year which I am hearing it is supposed to. I do feel like the civic center was built for constituents of the parish to use. The only problem with that is the only reason this council had anything to do with a movie industry was because the civic center could not even pay for itself. The fund that we have cannot pay to keep the lights on in the civic center. I want you to understand that this is not being done, especially not by the council or administration to harm Krewe of DuMonde or anybody in the parish. We looked at it and did it that way because we were trying to keep the lights on in the civic center."

Woody Norsworthy stated, "I understand that. I don't know all the options. I haven't sat and done due diligence on my claim. My claim remains. It was built as a community center not to make a profit. That is my claim and the evidence is clear nobody gets to use it when somebody is filming movies."

Councilman Smith stated, "And I agree with you sir."

Councilman Julien stated, "I would just like to echo the sentiments of the Lion's Club. I think that when I voted on this I voted for a civic center. Now we have a building that our constituents, the tax payers, the people who paid for the building can't even use. So at this point I think that we have to find a way to come up with a happy medium. The bottom line is that if I had to side, I would side with the tax payers at this point."

Councilman Smith stated, "Mr. Julien I am not trying to debate this in any kind of way. I understand that. Maybe administration needs to look at is there another medium on how we can keep the civic center open for the public to use without having the movie industry here. I will tell you right now what I was talking about earlier. There were some plans that were being discussed before moving the parish building to the civic center. So that is something else that I wanted to sit and talk with administration about because that is one thing that we need to move forward on one way or the other also. I want you to understand members of the Lion's Club and Krewe DuMonde I want you to have your ball here in the parish. I want us to be part of your ball so that we can have the parade because I attend it every year. So we will definitely get together with administration and have some type of dialogue to see what we can do to keep it open for the public."

Councilman Lewis stated, "It looks like we built a building without finding out how we are going to keep it open. Even if you go into business you always have some money for start up cost because you know the first few months you are not going to make any money. It looks like we don't have any money. We built a building without figuring out how we are going to bring our people in there and how we are going to pay the light bill. The way it is going now if anybody goes in that building if they don't have some money or something to pay us and we get rid of these other contractors who is going to keep the lights burning? I don't have a problem lending it to the community. We should have put some money some kind of way that we finance this building so that the community can use it. It looks like we built a building without lights on. I don't know a cold storage or self storage place because that is the way it is. You are going to need some kind of money to keep the doors open. We are going to have to look at that."

Natalie Robottom stated, "Mr. Smith, Council and the Lion's Club we have been in communications with representatives from the Lion's Club and it is an unfortunate situation. The contract was signed last year. The movie production company did produce a successful series and they have been renewed for this coming year. What we talked about and I was very hesitant to make any decisions with regards to the center without having something in writing from the production company which we received this Friday that the series was continued. What we have done and what we will continue to do is work with the production company in making sure that they understand that DuMonde, the parade and the ball is historical and a community event and displacement even though it is for funding and at a price that was agreed to previously it is significant to us and for this year we are going to continue to work with them to work with DuMonde and us to maybe try and off set some of the inconvenience that they are experiencing. In the long run we have to make some decisions as a group in terms of what we can do with the facility. Of course had they not had the set built in there we may have been able to postpone a renewal or try to schedule around events that we know are going to occur regularly which we know is Mardi Gras and our proms and graduations. So moving forward those are considerations we can give. We know when Mardi Gras is ten years out. Had the set not been built and we went to do the same thing Mr. Smith. We went in because we were under the assumption that they could take it down for three or four days and allow DuMonde to come on in but they can't. It is a very expensive set. It was built based on a contract that was previously signed and it is still there based on that contract. So it hasn't worked out this year. That isn't to say that it won't. We want to work with the Lion's Club and DuMonde as well as keeping the production company in for at least this year but moving forward as was said earlier we need to consider the time frames that we rent it out for. We know when Mardi Gras is. We know when our graduations and balls are that is something to consider. Of course we have to have a meeting to discuss what might be some long term solutions. What may be some options out of generating funds through it as a sound stage that we may be able to provide an actual community or civic center that is available for our residents."

Councilman Julien stated, "It takes money to make money. The production company is here. They are making money. Why don't we try to find them a piece of land so that they can build something down here instead of holding our tax payers hostage. Now maybe if they wanted to build

something down here they could build a place where they could store the props or whatever they have to store in there. That might be what we are looking for everybody would be happy then."

Councilman Lee stated, "Great point but I would not be one of those that would be happy and here is why. I heard Mrs. Usry say sell them the building. I would love to sell the building. Like the Lion's Club and the administration I agree that it doesn't work. Our plan didn't work. Mr. Lewis we can't keep the lights on. We over built what was intended to be a community center has ended up being something so much more. So I can tell you that similar to what you are saying Mr. Julien that a sale to these people, to this industry makes a lot more sense to me and then we can build something that I do believe the people intended originally which was a usable community center to accommodate not only functions like DuMonde but weddings and proms and so on and so forth. We are caught in a catch 22 here. This isn't the first year we have dealt with it. It is distasteful to me just as it is many of the other council members that sit up here. It just doesn't work as a community civic center. We cannot make it work. It just doesn't function. So that is what I have offered before. I can tell you that previous administrations have made some attempts to negotiate with that industry so that we could sell it and get it off of our books and have about seven million dollars to play with. We could build a lot of stuff with seven million dollars. So I would rather see us look towards that. This isn't the first time I have mentioned it. I do believe that something it is the only workable solution I have seen since I have been back on the council the last eight or nine years."

NEW BUSINESS:

Paul Oncale – Authorization for the Parish President to sign a Cooperative Endeavor Agreement between St. John Parish and South Central Planning and Development for a new emergency response communications system at no cost to the parish

Paul Oncale, Director of Public Safety, stated, "Back in 2002 the parish started receiving funds from the Department of Justice for Homeland Security Emergency Preparedness. They deal with terrorism, weapons of massive destruction and so forth. Every year when we purchased items it was furnished through South Central Planning which is still funneled through South Central Planning but we used to do act of donations. The rules have changed and now they are requiring a cooperative endeavor agreement in order for these funds to be funneled through South Central Planning to the parish to purchase equipment, communications, consoles, whatever we need. This particular money that we are using for this one is for the state 700 mega hertz inner operability system. Therefore we are asking for the council to authorize the parish president to sign this agreement."

MOTION: Councilman Millet moved and Councilwoman Usry seconded the motion to grant the Parish President authorization to sign a Cooperative Endeavor Agreement between St. John Parish and South Central Planning and Development for a new emergency response communications system at no cost to the parish. The motion passed with Councilwoman Hotard & Cheryl Millet absent.

Paul Oncale – Resolution – R10-33 – A resolution authorizing the Parish

President to execute an agreement with the Louisiana Department of Transportation and Development (LA DOTD) for improvements at the St. John the Baptist Parish Airport

Paul Oncale stated, *"The Louisiana DOTD aviation division is funding up to ten thousand dollars for the improvement of our existing beacon light at the airport. They are going to replace the gear driven one with a belt driven one. This is at no cost to the parish. They already have contracted a company to do this through the state contract. Therefore in order to get this accomplished the state requires a resolution. We are asking that the council adopt this resolution."*

MOTION: Councilman Millet moved and Councilwoman Usry seconded the motion to approve Resolution R10-33 – A resolution authorizing the Parish President to execute an agreement with the Louisiana Department of Transportation and Development (LA DOTD) for improvements at the St. John the Baptist Parish Airport. **WHEREAS**, Act 451 of the 1989 Regular Session of the Louisiana Legislature authorized the financing of certain airport improvements from funds appropriated from the Transportation Trust Fund; and **WHEREAS**, St. John the Baptist Parish Council of St. John the Baptist Parish is requesting funding assistance from the LA DOTD for the purchase and installation of a L-862 rotating beacon belt drive system and painting of the rotating beacon support structure to serve the airport; and **WHEREAS**, the LA DOTD is agreeable to the implementation of this project and desires to cooperate with the St. John the Baptist Parish Council of St. John the Baptist Parish according to the terms and conditions identified in the attached agreement; and **WHEREAS**, the LA DOTD will reimburse the sponsor up to \$10,000.00 of the actual purchase and installation of the airport rotating beacon belt drive system and painting of the rotating beacon support structure for the St. John the Baptist Parish Airport. **NOW, THEREFORE BE IT RESOLVED**, that the St. John the Baptist Parish Council does hereby authorize the Parish President to execute an agreement for improvements to the St. John the Baptist Parish Airport identified as State Project No. 977-99-0122, more fully identified in the agreement attached hereto. The motion passed with 6 yeas, 2 absent (Hotard & Cheryl Millet) and 1 abstaining (Lee).

Pat McTopy/Buchart Horn – Authorization to execute an agreement with the Louisiana Department of Transportation and Development for improvements on Highway 61 – U.S. 61 & Belle Terre Boulevard improvements

Pat McTopy, CFO, stated, *"The next three items pertain to agreements that are going to start the process leading towards construction of these improvements but we must take them one at a time. As you know Buchart Horn has been hired by this council to design the improvements at U.S. 61 and Belle Terre Boulevard, U.S. 61 and Hemlock and U.S. 61 and Old 51. This would move the project one step forward. It will provide for the obligations of the various parties during the construction phase and essentially the federal government and the DOTD will pay for the construction."*

MOTION: Councilman Wolfe moved and Councilman Julien seconded the motion to grant administration authorization to execute an agreement with the Louisiana Department of Transportation and Development for improvements on Highway 61 – U.S. 61 & Belle Terre Boulevard

Improvements. The motion passed with Councilwoman Hotard & Cheryl Millet absent.

Pat McTopy/Buchart Horn – Authorization to execute an agreement with the Louisiana Department of Transportation and Development for improvements on Highway 61 – U.S. 61 & Old 51/LA Highway 44 (Main Street) improvements

Please see above.

MOTION: Councilwoman Usry moved and Councilman Julien seconded the motion to grant administration authorization to execute an agreement with the Louisiana Department of Transportation and Development for improvements on Highway 61 – U.S. 61 & Old 51/LA Highway 44 (Main Street) improvements. The motion passed with Councilwoman Hotard & Cheryl Millet absent.

Pat McTopy/Buchart Horn – Authorization to execute an agreement with the Louisiana Department of Transportation and Development for improvements on Highway 61 – U.S. 61 & Hemlock Street improvements

Please see above.

MOTION: Councilman Wolfe moved and Councilman Millet seconded the motion to grant administration authorization to execute an agreement with the Louisiana Department of Transportation and Development for improvements on Highway 61 – U.S. 61 & Hemlock Street improvements. The motion passed with Councilwoman Hotard & Cheryl Millet absent.

Pat McTopy/Meyers Eng. – Authorization to issue a Certificate of Substantial Completion for Hubbard Enterprises for work performed on the St. John Community Center Playground

Pat McTopy stated, *"This is a project that was publicly bid some time back. The work has been completed. The engineer has said that the work has been performed satisfactorily. This item will begin the process towards releasing the final retainage on the job. The contract originally was for \$118,361.00, 10% of that amount has been retained. Once the certificate has been approved by the council and filed in the clerk of courts office and the 45 day lien period has expired we can pay the retainage."*

Councilman Julien asked, *"Do you have on record when this was bid out?"*

Pat McTopy stated, *"It was bid back in 2007."*

MOTION: Councilman Millet moved and Councilwoman Usry seconded the motion to grant administration authorization to issue a Certificate of Substantial Completion to Hubbard Enterprises for work performed on the St. John Community Center Playground. The motion passed with 6 yes, 2 absent (Hotard & Cheryl Millet) and 1 abstaining (Lee).

Pat McTopy/Mitch LeBas – Presentation by Backflow Prevention Services, L.L.C.

Mitch LeBas, Backflow Prevention Services, stated, *"I am here tonight to kind of touch base with you all and give you an update on where we*

are on this project. As most of you know it has been ongoing for quite sometime and right now we have gotten into the stage where the development of the program is in place and has been. The project is essentially ready for release to the customers and notifying them on who will be required to have backflow preventers. The requirement basically comes down from the state and the mandate if you will is put down on the water purveyor. As the water purveyor we have gone through the process and determined who needs the backflow preventers and that is where we are right now. Our next step in the process is to provide notification. That will be coming shortly. The exact dates I don't know but in the very near future. Once we start the notification process we will do it in phases. It is going to be extensive in that not everyone can have these back flow preventers put in at the same time. It is just too much work. To back up for just a moment, the installation of the backflow preventers is to protect your potable water system. There are instances where water can possibly come back into the main lines that supply your customers with water. This is a means and the methods to protect the potable water supply system. The state has identified, there are certain criteria and it is quite extensive so I won't get into it right now but as to what type customers it is all based on the usage of what type water usage is going on that determines who gets the backflow preventers. As I said before, we have gotten to that part where we have made that determination. So once we start the process notifying we anticipate it will take six to nine months to have the backflow preventers installed. The burden will be a burden from the cost stand point by law is on the water customer. That is very well stipulated in the law. That burden for the installation, testing, etc. is all to be born by the customer. Once these letters go out we do anticipate it will make some noise in the community so to speak so we anticipate having a town hall meeting if you will to where we can go through a more thorough explanation as to why a particular customer will be required to have a backflow preventer or why not. We will get into a lot more detail in the town hall meeting to where we can explain to them what the situation is. We would invite all of the council members and anyone from administration to attend the meeting as well. The program is not voluntary. In essence if you are required by law to have this backflow preventer installed then you must comply. The penalty for non-compliance is having your water shut off. These are all very well documented requirements. So again that is what the situation is. Unfortunately this is state wide and should have been going on for many, many years now. The enforcement has picked up significantly. St. John has been charged with getting this program implemented and up and running. So that is pretty much a summary. If you have any questions of it I would entertain them now."

Councilman Millet asked, "How many businesses are involved with that and what was the cost per business?"

Mitch LeBas stated, "Let me stipulate that it is not necessarily although most of it is business, the regulations look at the use of water. What type of use? There are certain residential customers, not many that will require a backflow preventer such as those with an irrigation system. I am not going to get into the full requirement here. What we have identified and I don't have the exact number but I think we have identified somewhere around 1,150 to 1,200 customers. We are not differentiating between industrial, residential and commercial of which approximately 150 have backflow preventers already. It is

going to be a significant increase in the number of backflow preventers installed. The cost associated with that is going to be determined by the plumbers. There are certain qualified plumbers that can install the backflow preventers. Not just any plumber, they have to have the training according to the state plumbing code. We have identified in this area about a dozen local plumbers maybe a little bit more than that who are qualified to do the installation. If we had a hundred plumbers with this qualification we could release all these at once and everybody would be busy but you have to feed it out to the community so to speak simply because the plumbers wouldn't keep up."

Councilman Smith stated, "Mr. LeBas if I am not mistaken and refresh my memory, the last time we talked about this or voted on this didn't you say something about because you worked for the parish or something like that, that you could offer that service at a lower rate at a savings to the customer?"

Mitch LeBas stated, "We don't do installations. We can do testing. In fact we do have an agreement with the parish if they would like us to do the testing then yes we offered. It is more economical that way."

Councilman Smith stated, "That was one way to save the customer who has to put a backflow preventer in some money on the testing and stuff. Am I correct?"

Mitch LeBas stated, "Especially long term because another comment that I neglected to make that I really do need to make is that once these backflow preventers are installed they must be tested annually. Every year they will need to be tested. That is the state regulations."

Councilman Smith asked, "That's where the savings would come in?"

Mitch LeBas stated, "Yes basically."

Councilman Lee stated, "I have one comment regarding this. I recognize that we are seeing Mr. LeBas tonight and he is making a presentation for backflow prevention services. He is not asking for action. This council has taken action. I am thinking approximately three years ago. So something happened. It slipped through the cracks but we are back on top of it. This administration recognized that and they have it moving forward. It is mandated by the state. I want to say that one more time. Mitch said it once but he talks low and nice and sweet. This is not something that this council is happy that they are going to have to initiate on their 1,150 people but it is absolutely necessary to protect our water system and it is state mandated. Those are my only comments."

Marie Brown-Mercadel – Authorization to amend the agreement with the Tourist Commission

Jeff Perilloux, Parish Attorney, stated, "The administration asked that I handle this simply because the issue involved a contractual discrepancy between the contract that had been executed by the parish prior with the Tourist Commission as far as the cooperative endeavor agreement is concerned and the one that was recently executed. We left off the language erroneously that allowed the tourist commission to actually book the facility. So they had language that allowed them to

market the facility but not to book it as in the past. So this change is to allow the Tourist Commission to continue to book the Community Center of course it needs to be signed off on by the Parish President like we have done in the past."

Councilman Smith asked, "So am I correct to say Mr. Perilloux that you are only bringing the contract back to where it was before?"

Jeff Perilloux stated, "Yes. We are basically correcting an oversight."

Councilman Julien asked, "In terms of the Tourist Commission, they are in control of the civic center right?"

Jeff Perilloux stated, "Well they are not in control of it but they have the authority to market, book and whatever they bring to the table the Parish President signs off on."

Councilman Julien asked, "How long will this contract be binding? How long is it for?"

Jeff Perilloux stated, "One year. We already have a contract in place with them. All we are doing is correcting the contract that was signed because there was an error. So we are just modifying it."

MOTION: Councilwoman Usry moved and Councilman Millet seconded the motion to grant administration authorization to amend the agreement with the Tourist Commission. The motion passed with Councilwoman Hotard & Cheryl Millet absent.

Marie Brown-Mercadel – Cancellation of contract for LTB and Associates

Marie Brown-Mercadel, CAO, stated, "This contract was executed in February of 2008 for minority liaison services. The current administration does not feel that we need this contract. We are asking to cancel it at this time."

Councilman Smith asked, "Those services, will they continue to be provided to the minority public?"

Marie Brown-Mercadel stated, "Yes. It will be handled by the administration."

MOTION: Councilman Lewis moved and Councilman Millet seconded the motion to grant administration authorization to cancel the contract with LTB and Associates. The motion passed with 5 yeas, 2 absent (Hotard & Cheryl Millet) and 2 against (Wolfe & Julien).

Marie Brown-Mercadel – Resolution – R10-35 – A resolution authorizing St. John the Baptist Parish Council to submit an application for a grant from the Office of Community Development

Marie Brown-Mercadel stated, "We are requesting to be able to submit a grant application to the office of community development division of administration for the state of Louisiana for \$139,000.00 in LGAP funding. We are going to utilize \$67,000.00 of that for the construction of the walkway at the Edgard water treatment plant. The

additional \$72,000.00 will be utilized for the phase II renovations of the health and human services building."

Councilman Julien asked, *"These LGAP funds once we have submitted them for a certain project are we able to move them around at all?"*

Marie Brown-Mercadel stated, *"No not once we dedicate them to these projects. They have to be allocated for these projects."*

Councilman Julien asked, *"How did administration come to dedicate the funds to these different areas?"*

Marie Brown-Mercadel stated, *"For the health and human services building redesign those plans are currently being reviewed for fire inspection and it complies with the international building code. That design came in at \$224,000.00 approximately and we had 151 or \$152,000.00 available from the first round of the LGAP funding. So we didn't have the funding available to fill in the gap between what we were originally allocated and what we needed to complete the building. Secondly we also needed additional funds to construct the walkway at the Edgard water treatment plant. So we were using these funds so that we could close out the funding for these two projects."*

MOTION: Councilman Lewis moved and Councilman Millet seconded the motion to approve Resolution R10-35. A resolution authorizing St. John the Baptist Parish Council to submit an application for a grant from the Office of Community Development. **WHEREAS**, the Governor's Office of Community Development Local Government Assistance Program provides funds to local governments for needed infrastructures and long-term capital improvements in rural areas; and **WHEREAS**, St. John Parish Council is seeking funds for the construction of an elevated walkway to the Edgard Water Treatment plant and also for the Phase 2 renovations of the Health and Human Services Building; and **WHEREAS**, the Office of Community Development requires an authorizing resolution as part of its application process, **NOW, THEREFORE BE IT RESOLVED**, that the St. John the Baptist Parish Council does hereby authorize the Parish President to execute any and all documents in connection with an application to the Louisiana Office of Community Development for \$67,000.00 towards the construction of the elevated walkway and \$72,000.00 towards the Phase 2 upgrade of the Health and Human Services Building, total funding requested is \$139,000.00. The motion passed with Councilman Smith, Councilwomen Hotard & Cheryl Millet absent.

Tom Daley – Servitude agreement – Wayne Hagan and St. John the Baptist Parish

Tom Daley, District Attorney, stated, *"I am here today to request authorization for the Parish President to accept the servitude agreement clarifying what our servitude rights are with regards to the water force main that travels from Ruddock towards LaPlace. Mr. Hagan the current property owner for a section of that property has been engaged in litigations with the department of transportation over the abandonment of the old road. That right-of-way goes back almost a hundred years with regards to that servitude and the highway department and Mr. Hagan have reached an agreement as to the new property line. So the highway department is abandoning the old road officially it hasn't been maintained I would say for almost fifty years and formerly*

abandoning it because we have substantial investments in utility improvements well, water tower and force main the servitude agreement clarifies what the parishes rights are with regards to those improvements. The servitude grants the parish the exclusive right to use the well area, the storage tank area and the force main area over the property that Mr. Hagan currently owns and has some possessor rights with regards to the abandonment. The highway department is agreeing that the new department of transportation boundary line is going to be sixty feet off of the center line of the existing Hwy. 51 road. Our water line substantially is within that highway department right of way but I thought it would be beneficial to clarify to make sure that our improvements are in fact protected. The servitude agreement that has been included in your materials has already been signed off by Mr. Hagan clarifying that we will continue to be able to utilize our improvements. We will always be able to utilize them as long as they are used as water utilities. The consideration that we are giving is not at any additional compensation but our agreement not to take over the old road which has been abandoned for some time and which the parish doesn't have any immediate desire to maintain. In fact the storage tank and the well exist on the old road and we have existing leases with the previous property owner with regards to those particular pieces of property. This servitude agreement would make it so that we don't have to pay any more rent in the future and we would continue to use our existing improvements as long as they were maintained for water services. So specifically I am asking for the council to authorize the parish president to accept the servitude and to sign a letter saying that the parish at this time does not wish to take over the old road from the Highway Department, also to sign a letter that the parish doesn't object to the abandonment."

MOTION: Councilwoman Usry moved and Councilman Millet seconded the motion to accept the administration and the District Attorney's recommendation to allow the parish president to sign the servitude agreement and to sign a letter that the parish doesn't object to the abandonment. The motion passed with Councilwomen Hotard & Cheryl Millet absent.

Mike Henderson – Resolution – R10-34 – A resolution creating and establishing an Industrial Area within and for the Parish of St. John the Baptist; prescribing the boundaries and legal effect of said Industrial area; authorizing the secretary to transmit certified copies of this resolution to certain officers and persons; and for the secretary and such persons to take such other steps as may be required to carry out the purpose and intention of this resolution

Mike Henderson, Director of Planning & Zoning, stated, "Cargill Industrial area is requesting that four parcels of land included in the area be compounded into the area. State law mandates that to move property into an industrial area mandates a resolution by the parish council. They are requesting that resolution tonight. This will enable them to move those properties that now exist can only be used for industrial purposes into that compound."

MOTION: Councilman Millet moved and Councilman Julien seconded the motion to approve Resolution R10-34. A resolution creating and establishing an Industrial Area within and for the Parish of St. John the Baptist; prescribing the boundaries and legal effect of said

Industrial area; authorizing the secretary to transmit certified copies of this resolution to certain officers and persons; and for the secretary and such persons to take such other steps as may be required to carry out the purpose and intention of this resolution. **WHEREAS**, Cargill, Incorporated ("Cargill"), duly authorized to do and doing business in the State of Louisiana, has submitted a written Petition to this Parish Council asking that an area of the Parish of St. John the Baptist, State of Louisiana, an accurate legal map of which is attached hereto as Exhibit "B", be declared an industrial area and be granted the privileges and immunities appertaining thereto under the terms and conditions of Louisiana Revised Statutes, Section 33:130.11, *et seq.* and La. R.S. 51:1202 (formerly La. R.S. 33:130.15); and **WHEREAS**, petitioner owns an interest of not less than fifty-one (51%) percent of the land in the proposed industrial area (hereafter referred to as the "Cargill Industrial Area"); and **WHEREAS**, all of the land in the proposed Cargill Industrial Area is within St. John the Baptist Parish, outside the boundaries of any municipal corporation of the Parish of St. John the Baptist, and outside any newly created special service district furnishing any of the services enumerated in Louisiana Revised Statute, Section 51:1202 (formerly La R.S. 33:130.15); and **WHEREAS**, the Parish Council has determined that the land in the proposed Cargill Industrial Area is either used exclusively for industrial purposes or primarily situated for industrial development; and **WHEREAS**, this Parish Council has held one public hearing on the creation of such Cargill Industrial Area, after notifying the people of the Parish of St. John the Baptist, State of Louisiana, and all other interested parties by means of publication of a notice of such public hearing, a copy of which is attached hereto as Exhibit "C", in a newspaper of general circulation throughout the Parish of St. John the Baptist at a time not less than ten (10) days prior to the date the hearing was held, and that after the deliberations of the said public hearing and due proceedings of this Parish Council, all in accordance with law, this Parish Council believes it to be in the public interest that such Cargill Industrial Area be created: **NOW, THEREFORE BE IT RESOLVED**, by the Parish Council of the Parish of St. John the Baptist, State of Louisiana, acting in its capacity as the governing authority of the Parish of St. John the Baptist Parish, that: SECTION 1: The land, the accurate legal description of which is attached hereto as Exhibit "A" and an accurate legal map of which is attached hereto as Exhibit "B", be and is hereby designated and established as the Cargill Industrial Area under the terms and conditions of, and with all the privileges and immunities granted by Louisiana Revised Statute, Section 33:130.11, *et seq.*, and La. R.S. 51:1202 (formerly La. R.S. 33:130.15). SECTION 2: The Secretary of the Parish Council of the Parish of St. John the Baptist is instructed to file certified copies of the legal description, the map of the Cargill Industrial Area, and this resolution with such instruments attached, with the Clerk of the District Court of the Parish of St. John the Baptist in both the Mortgage and Conveyance Records of said Parish. SECTION 3: The Secretary of the Parish of St. John the Baptist is further directed to furnish a certified copy of this resolution to petitioner, Cargill, Incorporated, and to the Assessor of the Parish of St. John the Baptist and to request that the Assessor duly note the action of this Parish Council in the records of his office. SECTION 4: The Secretary of the Parish Council of the Parish of St. John the Baptist is further instructed to provide a certified copy of this resolution to the State Department of Commerce and Industry, Baton Rouge, Louisiana, and to any

other public agency as he/she may deem fit in order to carry out the purpose and intent of this resolution. SECTION 5: Industry located within the boundaries of the said Cargill Industrial Area hereby designated and established as described in Exhibits "A" and "B" attached hereto, shall be exempt from any tax levied by any new Special Services District for the purpose of providing water service after any such industry located within the Cargill Industrial Area has filed an affidavit with the Secretary of the Parish Council of the Parish of St. John the Baptist, stating that it is furnishing and maintaining at its expense, or will furnish and maintain at its expense, within its own premises, within the said Cargill Industrial Area, its own individual water service. SECTION 6: That any industry located within the boundaries of said Cargill Industrial Area as described in Exhibits "A" and "B" attached hereto shall be exempt from any tax levied by any new Special Service District for the purpose of constructing and cleaning of non-public streets after any such industry located within the said Cargill Industrial Area has filed an affidavit with the Secretary of the Parish Council of the Parish of St. John the Baptist stating that it is furnishing and maintaining at its expense, or will furnish and maintain at its expense, within its own premises, within the said Cargill Industrial Area, its individual construction and cleaning of non-public streets. SECTION 7: That any industry located within the boundaries of said Cargill Industrial Area as described in Exhibits "A" and "B" attached hereto shall be exempt from any tax levied by any new Special Service District for the purpose of street lighting after any such industry located within the said Cargill Industrial Area has filed an affidavit with the Secretary of the Parish of St. John the Baptist stating that it is furnishing and maintaining within its own premises, within the said Cargill Industrial Area, its individual street lighting. SECTION 8: That any industry located within the boundaries of said Cargill Industrial Area as described in Exhibits "A" and "B" attached hereto shall be exempt from any tax levied by any new Special Service District for the purpose of providing sewers and sewerage works after any such industry located within the said Cargill Industrial Area has filed an affidavit with the Secretary of the Parish Council of the Parish of St. John the Baptist stating that it is furnishing and maintaining at its expense, or will furnish and maintain at its expense, within its own premises within the Industrial Area, as necessary, its individual sewers and sewerage works. SECTION 9: That any industry located within the boundaries of said Cargill Industrial Area as described in Exhibits "A" and "B" attached hereto shall be exempt from any tax levied by any new Special Service District for the purpose of providing fire protection after any such industry located within the Cargill Industrial Area has filed an affidavit with the Secretary of the Parish Council of the Parish of St. John the Baptist stating that it is furnishing and maintaining within its own premises, within the Cargill Industrial Area, its individual fire protection. SECTION 10: That any industry located within the boundaries of this said Cargill Industrial Area as described in Exhibits "A" and "B" attached hereto shall be exempt from any tax levied by a new Special Service District for the purpose of providing garbage and refuse collection and disposal after any such industry located within the said Cargill Industrial Area has filed an affidavit with the Secretary of the Parish Council of St. John the Baptist Parish stating that it is furnishing and maintaining at its expense, or will furnish and maintain at its expense, within its own premises, within the Cargill Industrial Area, as necessary, its individual garbage and refuse collection and

disposal. SECTION 11: No industry located within the boundaries of this said Cargill Industrial Area shall have any of the privileges and immunities set forth in Louisiana Revised Statutes, Section 33:130.11, *et seq.* or La. R.S. 51:1202 (formerly La. R.S. 33:130.15), or of this Resolution unless and until that industry files with the Secretary of the Parish Council of the Parish of St. John the Baptist a duly executed agreement that said industry will notify the Parish Council of the Parish of St. John the Baptist in writing immediately upon the discontinuance of the furnishing and/or maintenance of any one or all of the said services hereinabove enumerated by themselves and that industry will further allow an inspection by the Parish Council of the Parish of St. John the Baptist or any agent or designee thereof of the premises on which the industry is claimed, by affidavit duly filed, that they are furnishing and maintaining at their expense, or will furnish and maintain at their expense, any or all of the above enumerated services. Such inspections shall be limited to observations of the areas and/or facilities pertinent to the services which the industries claim by duly filed affidavit to be furnishing themselves at their expense. SECTION 12: The Secretary of the Parish Council of the Parish of St. John the Baptist is further authorized and directed to file certified copies of all of the agreements filed with the Secretary by industries located in the said Cargill Industrial Area, complying with the requirements of this resolution, with the Assessor or the Parish of St. John the Baptist. The motion passed with Councilwomen Hotard & Cheryl Millet absent.

CORRESPONDANCE/COUNCIL BRIEFS

Councilman Lewis stated, *"I have a petition from Woodland quarters. There are some people complaining about speed bumps and some signs that they want up."*

Councilman Smith stated, *"I will get this to the proper people. I will forward it to Planning and Zoning."*

Councilman Lewis stated, *"I have one more thing. On Highway 18 in the Lucy area we have been having an AT&T line, telephone/cable line that has been down for about four years. It is hanging over the road really low. At least you can pass under it but if that line happens to pop it can cause a really bad accident. We have reported it a couple of times over here. They said they were going to look at it but I think it is time for us to call our public service commission then we will get some action because nothing is happening. If you go in that Lucy curve you are going to see that line hanging really low and if it falls it is going to fall right in the windshield of a car because it goes across the highway."*

Councilman Smith asked, *"Administration are you going to take care of that?"*

Marie Brown-Mercadel stated, *"Yes."*

Councilman Julien stated, *"I just would like to acknowledge two of our constituents Mrs. Verlina Simmons and Mrs. Eula Young."*

PRESIDENT'S REMARKS

Natalie Robottom stated, "I would like to thank the River Regions Chamber for hosting the parish president's forum this past week along with the sponsors. It was very well attended. St. John, St. James and St. Charles parishes are obviously dealing with some of the same issues and concerns and have vowed to continue to work very closely together. Last night Marie and I attended the River Region Caucus meeting in St. James Parish. Again the presidents of St. James and St. Charles were also there. We discussed the re-apportionment that will be taking place this coming session and the importance of that to the River Region. We also expressed and voted I think collectively to attempt as much as possible to remain in one region. We have very similar concerns and issues. We have already established a very good working relationship and any type of re-apportionment we would definitely like to remain together. I think St. Charles may have expressed some issues of possibly being joined with the New Orleans area and of course we asked that our lobbyist both for the caucus and the parish both work very hard to keep us in one area. Since our last meeting I want to thank Judge Daley for facilitating a meeting from the ethics board. It was attended by myself, my top administrators and other local elected officials and their appointments. It was very informative. We are hoping to continue to do that and possibly have some additional training for some of my top managers and just what the requirements are for them. We are continuing to design many of our drainage projects. We are very close to putting several of them at one time out to bid. We have completed the work on the Moll Canal thanks to the Lafourche basin levee district as well as work continues on the Hope Canal. It is about a third complete and the Godchaux Canal is about half way done. We are hoping to get quite a few on at the next meeting. We also drafted a memo to the Lafourche basin levee district asking for assistance in about eight other canals on the West Bank. They have been very helpful for us and move very quickly. It just requires a request from me and they should have that one tomorrow. On September the 21st the U.S. Corp of Engineers will be conducting its annual federal levee inspection. It will be from the St. Charles/Jefferson Parish line through Donaldsonville. So we are asking all of our residents and employees to on that date to stay clear of the levee not to park or leave vehicles because that will interfere with their ability to inspect and of course we have sent out copies of this to our employees who are permitted to be on the levee but on that day they are asking that we stay clear. Finally congratulations to our utility department and the fire department in Garyville. They were just rated and the classification remains a three (3) which is good news for our residents and our businesses and of course we will continue to strive to be better but at this point we are glad to maintain that rating and make sure that there is no increase to our tax payers."

Councilman Smith stated, "There are two things I forgot to mention. I would like to welcome back Mr. Virgil Rayneri who is coming back to work in our utility department. Mr. Lee you almost got away. Your birthday was last Thursday, Happy Belated Birthday."

There was no executive session.

EXECUTIVE SESSION:

Dale Wolfe - Personnel Matters

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

Cable Franchise Agreement

Any and all pending legal matters

ADJOURNMENT:

At 7:32 PM, Councilwoman Usry moved and Councilman Julien seconded the motion to adjourn. The motion passed with Councilwomen Hotard & Cheryl Millet absent.

/s/Ronnie Smith
COUNCIL CHAIRMAN

/s/Jackie Landeche
Council Secretary