

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
TUESDAY, FEBRUARY 9TH, 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, February 9th, 2010, at 6:30 PM.

CALL TO ORDER:

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

ABSENT: Jaclyn Hotard & Cheryl Millet

Councilman Julien led the Prayer. Lexus Smith led the Pledge.

Legal Counsel Jeff Perilloux, Barry Landry and Kerry Brown were present.

Ronnie Smith – Recognition – Lake Pontchartrain district champs Boys & Girls basketball – middle school

This item will be carried over to the next meeting.

Dale Wolfe/Dollwyn Pierre – Presentation – Proposed West Bank Equestrian Center

Dollwyn Pierre made a brief presentation to the council for a proposed West Bank Equestrian Center. She stated, *"I believe that there are a lot of equestrian/horse centers around the country where they use animals to encourage children to do the best that they can in education and in behavioral health. I have put a hand out with the power point on each of your desk. I am a 1978 graduate of West St. John High School. I hold a BS degree in Occupational Therapy from LSU Medical Center. I am an entrepreneur and I have strong ties to the community. While I live in Houston, my husband moved there with his job, in 2-3 years when he retires we plan to move back to this community. My desire for the outcome of this meeting is that once you understand the scope of this project that you would take it into consideration and see if it would be beneficial to this community. One of the things that has happened with the down turn of the economy many of the horses in our area are being neglected because it is no longer easy to buy feed because it is so costly and there is really not a facility in the area that can take care of these abandoned and neglected animals. They are wonderful animals. I think they would benefit our community tremendously if we could use them in helping our children achieve some of their educational goals if they are having difficulty. The objective is to develop an educational enrichment program utilizing equestrian studies for the students of St. John the Baptist Parish. We hope to make this*

come about by partnering with you guys and the school board and we will have a professor from Tulane University help us develop the curriculum. We also hope to partner with the United Way and the parents of the students in our community. A structure like this is a massive undertaking. It will require that we have a building, a welcome center if you will, where we will house our classrooms for the children to have their studies. We will have a lounge, a gift shop and our administrative offices. We will also have stables on the property which will also have a tack room where you keep your saddles, blankets and reigns. All that you need to take care of your horse. We will also have a veterinary treatment area to make sure that our animals are in good condition. Other buildings on the facility will include the hay barn, a covered riding arena and an observation deck so that people from the community can come and observe their children having riding lessons or just enjoy what it is that the horses have to offer as they graze on our land. The building is proposed to be built with eco friendly materials so that at some point we hope to achieve green certification which is something that everyone will be working towards in the near future. The community impact will enhance the learning ability of our children. We will use the ability to ride horses as a reward for good behavior in classes. We will also hope to provide tutoring classes so that we are not just telling our children to do well in school but giving them the tools that they can do better in school. There is only so much teachers and parents can do. I think that this would be a wonderful avenue for our children to want to work hard towards something so that they can gain the privilege of riding the horses. Our children who work at the high levels in school who are among the 10 to 20% of the higher achievers do well. Our children who are struggling to make B's, C's and D's don't always get the positive encouragement that they need. We are hoping that we will be able to provide a lot of one-on-one assistance so that we can help them in that area. One of the benefits that excite me a whole lot is that it will provide a safe haven for a lot of the horses in our area while they help us to encourage our children. If you decide that this is a good fit for the community we would ask that you would consider it and consider providing funds for a feasibility study so that we can progress and you can know that the monies that you would spend on a facility of this nature would be in the best interest of the community. We have written down just a couple of revenue possibilities that would include a St. John the Baptist Parish Equestrian Festival. This would be one of the major fund raising festivals that we would have once per year so that we could generate funds to help operate this facility independently. We would also have our equestrian summer camp where our children would come to enjoy the animals throughout the summer when they are out of school. They would also get the opportunity to have tutoring throughout the summer so that they can continue with their studies. We can also board horses for private owners, grow and sell hay, rent some of our space for meetings or parties or other gatherings for the community. We would be seeking some assistance from corporate sponsors in order to make this happen. The best part about this facility is that our children will learn that they can come to a place where there are individuals and adults who want to take the time and teach them to read and help them with their math and help them so that they can achieve to their highest level in the educational system."

Councilman Smith asked, "You asked for some funds to help you to do a feasibility study. Do you have a price tag on the cost of that?"

Dollwyn Pierre stated, "I don't have a price tag but I will be working with Dr. Lewis at Tulane and most feasibility studies are based on a percentage of the proposed overall project but I do expect that it will be at least in the starting range of \$20 to \$30 thousand dollars."

Councilman Smith stated, "So once you get that price and everything that you need are you going to come back to us and request that?"

Dollwyn Pierre stated, "If you all would invite me, I would love to get that for you and come back."

Councilman Smith stated, "The thing is that and I am assuming that you didn't just come here to tell us that you like horses. I am assuming you need our assistance to get this off the ground. So please come back. It sounds like a great idea to me. It is going to add lots of enrichment to the West Bank or wherever it may land. So please come back to us when you have your figures where you need them and let us see what we can do to help you get this off of the ground. This is something different. It is something new to the community and I think it is something that would really benefit our kids especially with the education tied into it with the tutoring and everything."

Councilman Julien stated, "I want to commend you and say I think this is a fresh idea for the West Bank and keep up the good work."

Dollwyn Pierre stated, "Thank you so much. My mom still lives on the West Bank and I am so looking forward to coming back and working in the community and giving back to my community here."

Buddy Boe stated, "I just want to state that once we get some sort of plan together, we met with the USDA about two weeks ago and they have plenty of funds and grants available especially with it possibly being located on the West Bank for rural type of activities like this. So our grant department would love to work with Mrs. Pierre and with the council to help make this a reality."

Consent Agenda

Items: Approval of Minutes January 26th, 2010, Regular Meeting; Resolutions – Annual Sewer Plant audits (R10-05 through R10-11)

MOTION: Councilman Wolfe moved and Councilman Millet seconded the motion to approve the consent agenda items consisting of Approval of Minutes January 26th, 2010, Regular Meeting; Resolutions – Annual Sewer Plant Audits (R10-05 through R10-11). The motion passed with Councilwoman Cheryl Millet & Hotard absent.

PUBLIC HEARING ON ORDINANCES:

10-03 (Public Hearing Held) An ordinance for Preliminary/Conditional approval of a proposed RV Park located on Lot C-2, Peavine Rd., LaPlace, St. John the Baptist Parish, Louisiana (PZ-09-13) (P. McTopy)

Louis Lipps, 131 Peavine Road, stated, "I started this project, Lighthouse RV Park, on June 24th, that's nine months ago. We passed all

the Planning & Zoning, Fire Marshall, Wetlands Determination and Board of Health approvals. There have been many changes requested by the various agencies. I have met these changes and have made improvements to make this a successful business for me and for the parish. I am a law abiding citizen. I pay my taxes. I just want an opportunity to run a business in this part of the parish that I call home. In fact nearly a decade ago I built my current home and business right next to this particular project. As it is next to my home I have every reason to make this business a success and to ensure that its grounds are well maintained. There is another RV Park within 100 yards of this project. We are in a rural area. While these are maintained adequately and are very successful, although I feel this process has been a little unfair I do not know that I have met every requirement, jumped through every hoop, paid every fee and met every task in an effort to open what I am sure will be a successful business. I am hoping that the promise that you made to us when running for office were real. I am hoping that you really will try to abide and promote more businesses and more growth in Frenier. I am hoping that the heavy burden that you placed on me in the last nine months was just a test of my determination. This is a wonderful opportunity for the parish, Frenier fishing community and my family. I am hoping you will make the right decision tonight and allow me to have this tax revenue business that I promise it will be. Thank you."

Wes Miley, Chef and Owner of Frenier Food Services, which operates Frenier Landing Restaurant at the end of Peavine Road next to the boat launch, stated, "I have also got the permission of Murray Daniels, business partner of mine and landowner and resident there of Frenier Fishing Village to speak on his behalf. We are both in agreement that we are not in support of this project for another RV Park. We do not believe that this is going to enhance the community. We do not believe this is going to bring valuable transient individuals into the area. We believe that the adjacent properties may suffer in the long run and hurt their property values. I, like others that have businesses down there, am a viable tax beneficiary to the community and the parish and we respectfully request that you deny any approval to pursue a RV Park for Frenier Fishing Village. Thank you."

Jeff Coleman, 2140 Augusta Drive, stated, "I am representing Peavine Home Properties. We have the property adjacent to the land that Louis is planning on building. For the same reasons we are against it. We already have one park back there. What it is is parks where the plant workers come and park their trailers and they stay there. We feel that if you look back there you have a good opportunity to make it something really nice. Murray Daniels with the restaurant and all it is a very nice restaurant. All of the homes that are coming up are very nice. We just feel that we would like you all to consider what you are doing for the future back there."

Rita Bohan, Legal Counsel for Mr. Lipps, stated, "I have helped him and been involved in various parts of his project including reviewing the plans. I know that he worked with many different areas of the city and the parish trying to meet all of the requirements and really, I believe, going above and beyond what was even required just to make sure that it was aesthetically pleasing as well as functioned properly and met all the legal requirements that the parish had instilled on him. It is my understanding that just last meeting there was someone

who didn't necessarily meet the requirements of Planning and Zoning but yet this council graciously approved them and let them pursue their business endeavor but Mr. Lipps here has met those approvals. He has all the appropriate blessings from all the city agencies the Board of Health, Planning and Zoning and is coming today before this council asking for their help in letting him pursue his dream of running his other business there. Mr. Lipps is a longtime resident of that area. He literally has his home next to this project. He also has an additional business next to this project. He has every reason to make sure that home values are increased by this project as well as it being a pleasant place in the neighborhood. It will be parked, it is really beautiful if you haven't seen his plans, I would encourage you to do that before making a decision based just on that issue alone. There are some arguments from the neighbors that they don't want another RV Park. Like Mr. Lipps said, there is one 100 yards from this exact area that he is looking at. I have been out there myself. It literally is across the street. So to prohibit or the question about do you want another RV Park is like asking do you want another Burger King next to your McDonalds. The question for you is, is it legal? Will it be an asset to the community not just aesthetically pleasing to some of the neighbors and here we will have a tax revenue producing business in a lot that is basically vacant right now. So we would ask that you give Mr. Lipps all consideration. He has graciously met with all the agencies and done his part and now we are asking this council to do their part in letting him run a successful business and a pleasant addition to the neighborhood."

Mike Madere, 117 Matthew, stated, "I am a member of Peavine Camp. There are nine of us. We feel that this is not the place for a RV Park or it could turn into a trailer park. I don't know how the other RV Park got in there but it is mostly camps and homes and right now we have two restaurants and we are going to have three restaurants. I feel that this is a very bad location for a RV Park. Especially with three restaurants, then you have the boat launch. When you have shrimp season, crabbing and fishing you have cars parked all the way up and down that road. It is going to cause a real confusion and congestion and it is more of a family type place back there. It is taking away from the camps and the families. You put too much stuff back there and before long it is really just a commercial village. We are getting ready to reclaim our land. We just got our permit. We are thinking about maybe subdividing lots and allow people a chance to buy front water lots. This is just going to take away from everything. As a member of the camp we feel that this is definitely not the right place for a RV Park. In fact the land that he wants to build it on, he could sell it and somebody could build a beautiful camp and there would be no problem. So that is the way we feel about this."

Councilman Lee stated, "I would like to yield to your wisdom on this. I do want to have administration's input on this to give us back ground. Would you want my motion first and then bring them to the table?"

Councilman Smith stated, "Yes."

Councilman Lee stated, "With that in mind, I am prepared to make a motion to reject Ordinance 10-03 granting preliminary/conditional approval of a proposed RV Park located on Lot C2."

Councilwoman Usry stated, "Second."

Councilman Lee stated, "I would ask that the administration be recognized at this time."

Mike Henderson, Director of P&Z, stated, "The applicant has submitted an application for proposed consideration for an RV Park with twelve spots with a 30 x 21 central road. It has been determined that the proposed activity has no direct or significant impact on coastal waters and a coastal use permit will not be required from DNR through the coastal management division. The developer did request and receive variances for patio slabs, which is part of the ordinance, from 180 square feet to 100. He requested a central road variance of 30 to 15 feet. He did receive that from the variance board; however DNR accepted his plans with a 30 foot road. Mr. Savoie, Parish Engineer, reviewed the plans and pointed out that the drainage did not include any flow data in the drain pipe and culvert which is something he could easily provide to us if you approve this. He did receive a waiver from DH & H for a service center, which is required by state law, he did get that. DH & H did stipulate that the owner would only allow self contained travel trailer sites, rentals for temporary abode for camping purposes only. Camping in other words is vacation or recreational not to be used as a residence and not to be used as lodging for permanent work. DH & H recommends the plans be drawn, sealed and signed by a Louisiana Professional Engineer, licensed by the state of Louisiana. We haven't received that but quite honestly in talking to Mr. Lipps I suggested that we come to the council and if you approve this then he will have to supply that to us. We do feel that it conflicts with our CRS statement and standards and places a burden on local managers to enforce the 180 day on-site highway regulations for vehicles in a remote area in what is being classified as a V-zone which is one of the hazard flood zones that has been designated by the state. St. John the Baptist Parish administration is supportive of encouraging local development that is compatible and supportive of cost efficient expansion of our public service infrastructure based on concerns of residents and property owners. The proposed development does not meet the vision owners have for the development in the area. There are concerns for roads, drainage, police and fire protection services and this suggests that the development may not be a cost efficient expansion of the public infrastructure and we recommend denial."

Councilman Lee stated, "I appreciate the brief synopsis but I have gone through quite a few files and quite a few minutes of the various meetings and what needs to be said by the administration, of course we heard that their recommendation was for denial, so it is a conflicted issue. Fellow council members this is not the first time we have dealt with this. Some things go to the boards. Some things get passed by the boards. Some things get recommended by administration and never gets passed by the board. In every instance that I have reviewed the minutes and the recommendations of administration there were one after the other recommendation of denial. I want to make that clear. In many instances these boards after some time did grant approval but the recommendation by administration was consistent to deny this specific project. I have one other comment to make that being that there is another park that has been discussed by numerous people tonight. I would like to make a comment on that. I discussed it with a majority of the council members at one point and time over the last several months. This has been a very difficult decision and a very difficult project. I

totally respect what Mr. Lipps is attempting to do here. I firmly believe that this is an area in our zoning ordinance that even someone who has been here as long as I have and perhaps Wolfe, Lewis and others, it involved something different other than the typical looking for a re-zoning. This was not a re-zoning request as many people had heard that it was. It is a request simple. It is an ordinance for preliminary/conditional approval of a proposed RV Park. That is the bottom line. Under our ordinance there are some gray areas that would permit this to be done. This previous RV site, I am assuming that is how it was requested under originally was approved by the administration. So I want the council to hear me. I am going to repeat this one more time. As long as we have been here this was not an issue that came to this council for approval. It was at a time that I thought I had no idea how it happened, I just knew that it hadn't come to the council for approval. It was decided by a previous administration and by a number of people at an administrative meeting that this particular site was granted the necessary approval. The point I am making here is that it wasn't heard by the council. In my opinion it should have been heard by the council but this is a separate issue. The only responsible approach is for us as a council to make a decision collectively as to what we think is the best thing for St. John Parish and our residents. So that needed to be said because it was somewhat confusing compared to other similar issues that we have had in the past and after much consideration and much soul searching, much thought on this entire process, this is why I came to the conclusion that the responsible approach would be for a council to make a decision on this. I am willing to step up to the table because it is my at large territory as well as my partner, Mrs. Usry's territory. As hard as it is to make this recommendation because I feel that I am hurting someone here. I feel that it is that necessary to recommend denial against this because the vision of this particular piece of property had unlimited potential. I do believe that this particular RV Park would commit a downside to that particular vision. Thank you."

Councilman Julien stated, "Well Mr. Lipps I am an advocate for the little man. I sat in your position many times. In this instance I think that neighbors do have the right to decide what they want. As your attorney came and said that some of the neighbors don't want it. In this instance from an emotional stand point I want to side with you but from a humanistic aspect I think that the neighbors and the businesses in the area do have a right to say what they want to tolerate. What they want in their areas. What they want to live with and don't want to live with. So in saying that I am going to side with Mr. Lee in this instance because I think that the community has a right and they have spoken. So that is my stand."

MOTION: Councilman Lee moved and Councilwoman Usry seconded the motion to reject Ordinance 10-03. The motion passed with 6 yeas, 1 abstaining (Smith) and 2 absent (Hotard & Cheryl Millet).

INTRODUCTION OF ORDINANCES:

10-04 An ordinance to re-zone the Old Wallace School Lot Area 1 from R-1 to C-1 and Area 2 from R-1 to C-1, Wallace, St. John the Baptist Parish, Louisiana (PZ-09-005) (P. McTopy)

COMMITTEE REPORTS:

Councilman Lee stated, "At 6:15 PM this evening the finance committee met. I would ask that we get a motion by my fellow council members to endorse such actions taken."

MOTION: Councilwoman Usry moved and Councilman Millet seconded the motion to accept the recommendation of the finance committee. The committee approved to award the bid for the Concrete, Sidewalks & Driveways Parish wide removal and replacement to Data Management Corp. in the amount of \$202,300.00, approved to grant administration authorization to execute an agreement with CJ Savoie Consulting Engineers, Inc. in connection to the 2009 Bond Management Contract, approved to grant administration authorization to execute an agreement with Crescent Engineering in connection to the 2009 Bond Management Contract, approved to authorize administration to enter into an agreement with Shread Kurkendall for engineering services in connection with the Persimmon Street and St. Joan of Arc area drainage project as part of the 2009 Bond Issue, approved to grant administration authorization to sign a contract extension with Buchart Horn for Airline Hwy improvements in connection with the 2009 Bond Issue, and approved to grant administration authorization to auction off surplus equipment. The motion passed with Councilwoman Cheryl Millet & Hotard absent.

DEPARTMENT/ENGINEER REPORTS:

Dale Wolfe - Personnel Matters

There were no personnel matters at this time.

Dale Wolfe/Alfred Songy - Family Estate

Councilman Wolfe stated, "Let me just make a statement. In my district or my division when someone calls and asks to be placed on the agenda it is automatic as far as I am concerned. I have no right to refuse anyone from the agenda. The agenda is printed and given time to either get with that individual or those individuals or organizations so that so that we can settle the matter before the meeting. This piece of business I think needs to be discussed and aired out and make a final decision on. I have no right to tell an individual if he or she can get on the agenda. The agenda is the people's agenda."

Jeff Perilloux, Legal Counsel, stated, "I just wanted to say a couple of things to advise you guys about. This particular matter has been being dealt with basically and I don't want to get into a whole lot of details about it. I don't think this is the proper forum for me to do that. This is essentially a civil matter between heirs of a particular individual who owned some property on the West Bank. Without getting into all the details it is my advice that you all not take up the issue as a council. I believe that the proper recourse for the parties involved is to seek their rights in front of a judge in court and that the council should not be involved in this particular matter. I will leave it at that except to say that if you all do wish to discuss it I think it should be discussed privately with me and not in an open forum."

Councilman Smith stated, "I am going to make a recommendation that we take the advice of our attorney and not air this in a public forum. Mr. Songy as our attorney stated this isn't the right place for the council to hear it. As he stated we need to hear this basically behind closed doors. That is my recommendation. I am only one ninth of the council so I can't make that decision for us. My recommendation is that we take the advice of our counsel."

Councilman Wolfe asked, "Jeff, in your statement you are saying that we shouldn't hear from Mr. Songy?"

Jeff Perilloux stated, "I think it would be a mistake to allow one individual in a dispute to get up and air his side of the story when we really don't have the right to determine who is correct. This is a dispute among heirs and I really don't want to air anybody's dirty laundry. So I would prefer not to get into any details regarding their conflict. Suffice it to say that this is strictly a civil matter between potential co-owners."

Councilman Wolfe stated, "Okay. I can't go against our legal counsel."

Councilman Smith asked, "Mr. Songy do you understand what just took place? I just want to make it clear to you."

Alfred Songy stated, (sitting in the audience he never came to the podium) "I understand but the parish had some dealings with the property."

Councilman Smith stated, "I understand but that still isn't going to clear anything up. I just wanted to make sure you understood why we weren't allowing you to speak. My advice to you and the recommendation of our attorney is to make an appointment to speak to our attorneys. They will then guide us on when and how we should meet with you."

Alfred Songy (hard to understand still sitting in audience) asked, "So this is your attorney?"

Councilman Smith stated, "Yes our attorney."

OLD BUSINESS:

There was a brief video on the marsh buggy that the council approved at the last meeting.

NEW BUSINESS:

Paul Oncale – LNO – A letter of no objection to reclaim land to the 1926 Meander Line, as allowed by Act 645 of 1978, State of Louisiana Water Bottom Management. Property is described as Lot "L" located at 150 Gary Road, Section 8, Township 11 South, Range 8 East, of the Martin Trosclair Tract in Frenier.

Paul Oncale stated, "This is another piece of property back on the lake by Peavine off of Gary Road. We went through this a few years ago. There were a series of property that wanted to be reclaimed by the land owners. The state of Louisiana is the only one who can approve to

reclaim the land. The state also requires that the parish provide a letter of no objection to do this. After reviewing the request, administration recommends approval of this letter of no objection."

MOTION: Councilwoman Usry moved and Councilman Wolfe seconded the motion to approve a Letter of No Objection to reclaim land to the 1926 Meander Line, as allowed by Act 645 of 1978, State of Louisiana Water Bottom Management. Property is described as Lot "L" located at 150 Gary Road, Section 8, Township 11 South, Range 8 East, of the Martin Trosclair Tract in Frenier. The motion passed with Councilwoman Cheryl Millet & Hotard absent.

Dale Wolfe/Carliss Griffin – E. 27th St. Reserve...Sewerage Back Up

This item was removed from the agenda at Councilman Wolfe's request.

CORRESPONDENCE/COUNCIL BRIEFS

Councilman Millet stated, *"I would just like to invite everyone out to the Reserve Parade this Saturday. It starts at 1:00 PM. We always have a good time, just come on down."*

Councilman Julien stated, *"I want to say that I attended the East St. John Ball and it was magnificent. Our chair did a great job of hosting. I want to encourage the people of St. John the Baptist Parish to go out to vote for the special election on March 27th. Thank you."*

Councilman Smith stated, *"Who dat?"*

PRESIDENT'S REMARKS

There were no presidential remarks.

There was no executive session.

EXECUTIVE SESSION:

Dale Wolfe - Personnel Matters

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

Any and all pending legal matters

ADJOURNMENT:

At 7:14 PM, Councilman Lee moved and Councilman Julien seconded the motion to adjourn. The motion passed with Councilwoman Cheryl Millet & Hotard absent.

/s/Ronnie Smith
COUNCIL CHAIR

/s/Jackie Landeche
Council Secretary