

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
TUESDAY, FEBRUARY 10TH, 2015
CHAIRMAN MARVIN PERRILLOUX
VICE CHAIR MICHAEL WRIGHT

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 10th, 2015, at 6:30 PM.

CALL TO ORDER:

PRESENT AT ROLL CALL: Lennix Madere, Councilman District III, Larry Snyder, Councilman District VI, Art Smith, Councilman District I, Lucien Gauff, Council-at-Large, Div. A, Michael Wright, Councilman District V, Cheryl Millet, Councilwoman District VII, Ranney Wilson, Councilman District II, Jaclyn Hotard, Council-at-Large, Div. B, Marvin Perrilloux, Councilman District IV

ABSENT: Cheryl Millet

Councilman Perrilloux led the Prayer. Councilman Madere led the Pledge.

Legal Counsel Jeff Perilloux and Keith Green, Jr. were present.

Natalie Robottom - Presentation - Matthew Sanders/NDRC Competition

There was a brief presentation by Mr. Matthew Sanders on the NDRC Competition.

PRESIDENTIAL VETO - VETO OF RESOLUTION R15-05

Councilman Wright asked, "Mrs. Robottom did you want to read your message?"

Natalie Robottom stated, "No."

Councilman Wright stated, "Real quick I just wanted to get some clarity from legal there was an opinion issued in this memo that stated or I guess kind of the basis of the message Opinion 13-0151 from the Attorney General's office and I just want some clarity because I believe this opinion is irrelevant to the actual resolution."

Jeff Perilloux, Legal Counsel, asked, "You have a question?"

Councilman Wright stated, "Yes my question was the relevancy with Opinion 13-0151 that is referencing the veto message. I believe that opinion was generally dealing with the executive branch authority overall but not specific to the resolution that was put forth."

Jeff Perilloux stated, "The opinion that you are referencing was in fact issued to St. John regarding a matter that took place in 2013 there is however a specific AG opinion that was rendered to St. John in 1997. It was rendered after the then council late in 1996 voted on a resolution imposing a hiring freeze on the then Parish President. The AG's opinion is opinion 97-133 and it specifically states in as much as

the parish president's powers and duties as identified in Article 3 Section B3A provides that he shall be responsible for carrying out the policies adopted by the Parish Council and for the administration direction and supervision of all parish departments, offices, agencies and special districts. We conclude this obligates him to follow the policy by recognizing a hiring freeze in accordance with the council's resolution. The opinion goes on to state that the Attorney General's office states that it cannot agree with the suggestion that an enactment by Resolution not having the force of law as an ordinance constitutes the matter that the administration has discretion whether or not to follow. The president shall carry out policies adopted by the Parish Council in Article 4, Section H of the Home Rule Charter provides an act of the council which is not to have the force of law may be enacted by Resolution. Resolutions which may be adopted include acts which declare a statement of public policy of the parish Council and an act ministerial in character which relates to the administrative business of the parish. Accordingly we find the imposition of a hiring freeze through a resolution is an appropriate act of the council and does not infringe upon the powers and duties of the president who is mandated to carry out the policies of the Parish Council."

Councilman Wright stated, "Thank you Mr. Perilloux for clarifying that so that the opinion really was rendered and the veto message was a little more generic but that clearly specifies the council's resolution. At this time there are two options to let the veto go through or I will accept a motion to override."

MOTION: Councilman Madere moved and Councilman Perrilloux seconded the motion to override the Presidential Veto. The motion passed with Councilwoman Millet.

Consent Agenda

Items: Approval of Minutes - January 27th, 2015, Regular Meeting

MOTION: Councilman Perrilloux moved and Councilman Smith seconded the motion to approve the consent agenda items consisting of Approval of Minutes - January 27th, 2015, Regular Meeting. The motion passed with Councilwoman Millet absent.

PUBLIC HEARING ON ORDINANCES:

15-02 (Public Hearing Held) An ordinance amending Ordinance 14-53 relative to the annual Operating budget of the St. John the Baptist Parish General Fund and Public Works Fund for the fiscal year beginning January 1, 2015 and ending December 31, 2015 (N. Robottom)

Natalie Robottom stated, "This amendment restores funding to the Executive budget for Miscellaneous and Professional Services as required to meet current parish obligations. Administration recommends approval."

MOTION: Councilman Perrilloux moved and Councilman Snyder seconded the motion to approve Ordinance 15-02. The motion passed with Councilwoman Millet absent.

COMMITTEE REPORTS:

Councilman Madere stated, "I would like to make a motion to accept the recommendations of the finance committee."

MOTION: Councilman Madere moved and Councilman Snyder seconded the motion to accept the recommendations of the finance committee. The motion passed with Councilwoman Millet absent.

DEPARTMENT/ENGINEER REPORTS:

Larry Snyder - (Carry Over 10-13-14) Discussion Lions Water Plant Phase VIII design

Councilman Snyder asked that this item be carried over.

Ranney Wilson - Planning & Zoning issues and complaints

Councilman Wilson stated, "I have some issues and it is nothing against the Department of Planning & Zoning or the employees it is laws that we have on the books now that is very hard especially for the historical districts 1, 2, 3 and part of 4. We can't live by the rules that you have for north of Airline Highway in LaPlace. They have property lines that have been drawn for 250 years people are getting refused to place a trailer and we are telling them they cannot use their property and even a concrete slab or just a plain slab. Mr. Perilloux is there anything that we can do to take those areas out and make new rules?"

Jeff Perilloux stated, "What you can do honestly is we can look at some of the laws and make recommended changes the council has the ability through legislation to amend the existing ordinances and what not some of them I will agree are probably antiquated and certainly some of them are very difficult to apply in some of the more rural areas of the parish having said that I am not aware of any specific way that you could eliminate certain parts of the parish from the applicable zoning laws. The can be zoned differently and there are different rules that apply to areas depending on how they are zoned for example there are different rules that apply if you are rural zoned area these are the residential, commercial, industrial or so on and so forth those are things that the council has the authority to deal with and those are the things that we can revisit going forward. I do know and Angelic can correct me if I am wrong but there is right now a study being done to make some recommendations on redoing some of the zoning ordinances and what not. I am not sure what stage they are in in terms of progress but it is my understanding that they are going to eventually be coming back to us with some recommended changes and that in some way may modernize the code and allow it to be more functional from a practical stand point. So again the council has the ability to modify some of these rules my suggestion would be that we look at the laws and make recommendations based on what is working and what is not working."

Councilman Madere asked, "I was told one time I had an ordinance there was a law that we found concerning grass cutting and at one time I was told that the law didn't apply in the Reserve area because we were considered to be a rural area. I don't know if you remember that situation and they said that the ordinance didn't apply in fact it was on 31st Street and there was a lot that was overgrown and I know as a young man growing up it was maintained and cut and now it is out of

control. I found an ordinance that says regardless if a building or a house is within 300 feet of any building you have to maintain it and cut it and I think the parish is fighting that but it says what the law says that it has to be cut regardless if it is a field or not. Now since that was said in here it has not been executed or carried out and we said right here at the mike that it says what it says and those things now have to be cut especially if someone complains about it and I know someone has been complaining for several years and this has not taken place or the individuals have never been approached about cutting this property and I also was told in rural areas. Now what would be considered a rural area so that we could change some of these rules?"

Jeff Perilloux stated, "I think the law that you are specifically talking about is a law that is in fact specific to maintenance and grass cutting type ordinance and if I recall correctly the ordinance deals with developed versus undeveloped property off hand I don't remember the specifics of the ordinance I would have to look at it again there is a state law that coincides with that ordinance I would be glad to look at it I do recall the conversation and offering an opinion and going out and actually looking at the site with you but I don't recall all of the specifics however at this time having said that again rural area isn't the same as a rural zoning area ultimately the entire parish has parish wide zoning that I think was adopted in 1984 or 1985 approximately 30 years ago and some of the rules not some all of the rules that apply to the parish that relate to zoning are dependent upon the districts that you are zoned in. So when you talk about rural a rural area is not necessarily always zoned rural and conversely rural zoned areas are not necessarily always rural for that matter but ideally the laws that P&Z are obligated to enforce are laws on the book that this council has passed are specific to the zone of that specific area and the parish wide zoning ultimately determines that."

Councilman Madere stated, "Okay just a few more statements. I do remember the particulars of that conversation and it was agreed upon that the ordinance should be enforced in the Reserve area. In other words parish wide if someone complains about it. So that was rural and I think it was mentioned that they should inform the code enforcement officer about that policy and that they should start writing these properties up especially if someone complains about it. I have been concerned about it since that meeting and nothing has been put in place so I want to check into that and make sure that the code enforcement officers check that and my last question is I was also told that in the LaPlace area where you have all of these different subdivisions that they can make their own home rule charter as to what they want in and out of their subdivision is that correct?"

Jeff Perilloux stated, "No many subdivisions that were developed as residential subdivisions particularly north of Airline Highway there may be a few frankly that are south of Airline Highway but most of those are developed north of Airline Highway within the development process the developers created restricted covenants, those are not enforceable by the parish they are actually enforceable by the property owners who live in those developments and or the association that governs their home owners group and those restrictive covenants are deed and go with the land meaning if you buy a lot in that particular neighborhood those restricted covenants would apply to you those

restricted covenants can be more restricted then the parish ordinances however they cannot be less restricted then the parish ordinances meaning the parish ordinance for example regarding grass cutting would be applicable if the subdivision restrictions within that particular subdivision were less restrictive then the parish but to the extent that they are more restrictive the parish has no authority to enforce this and it is not a home rule charter it is restricted covenant's."

Councilman Madere stated, "Okay and the last question is it possible for an area like Reserve because I was told before I got on the council that any area in the parish say like E. 19th, E. 20th or E. 21st Street where the residents can get together can they form their own association?"

Jeff Perilloux stated, "I think it is possible. We would have to look at some of the real estate laws that apply to those areas and there are things that really the parish doesn't have anything to do with it is through or really up to the individual home owners or what not if they want to form an association and have restrictive covenants vote on restricted covenants to be deed restrictions on their property frankly I am not familiar with any areas that are not already developed in a subdivision that was preplanned and developed by developers for having such restrictive covenants but it may be possible I would have to look into that."

Councilman Madere stated, "Okay thank you."

Councilman Snyder asked, "Is there any time that the covenant can be voided? Or is it always there regardless of it is being enforced or not?"

Jeff Perilloux stated, "It depends actually on the deed restrictions themselves sometimes they have it stated for life or 25 years is often in a restricted covenant if they are not modified or amended or re-executed if you will going forward but for the most part most of the subdivisions that we have in St. John again north of Airline Highway particularly in LaPlace to my knowledge the restricted covenants are still applicable again that is not something that the parish we don't have a dog in that fight so to speak. Sometimes there are restrictive covenants that are deemed to be illegal certain parts and often times what will happen is the covenant itself, the portion that is deemed to be improper or illegal will be stricken if you will from the overall restrictive covenants. So those covenants that are legal will still apply to the property. I think that answers the question you initially had with perhaps a little more detail."

Councilman Snyder stated, "Yes it did and I appreciate that. One other question pertaining to the rezoning if a community in a rural area, I know we are considered a rural area here in St. John Parish, if say for instance Bourgeois Town in District II if they all come together and decide that they want to make their area and they all sign documents saying they want to make it rural is that possible?"

Jeff Perilloux stated, "We would have to look into that. Do you mean as far as the zoning?"

Councilman Snyder stated, "Right rural zoning."

Jeff Perilloux stated, "We would have to look at that in terms of what could be done to accomplish that. Generally it is up to the council to vote to declare an area the council can amend the zoning ordinances pretty much at any time to change in fact only the council has the authority to actually do that with the support of the Planning and Zoning committee."

Councilman Snyder stated, "I have a large piece of property about 40 acres and I want to rezone it to be rural."

Jeff Perilloux stated, "Then you come to the council with a petition to rezone it to rural and then the council considers it. It would actually go to the Planning Commission first."

Councilman Snyder stated, "Thank you."

Ranney Wilson - Constituent complaints - Iron Ore dust

There was a very lengthy discussion from the constituents and Mr. Morgan on complaints they had involving iron ore dust all over their vehicles and homes. They also complained about the trucks not having covers or being covered when they are transporting dust or sand back and forth. The council thanked them for coming to the meeting and voicing their concerns and the council committed to doing everything in their power to help get them the answers they were looking for. A meeting will be set up with Jobe' Boucvalt with Civil Defense and the people from the Port to address this in the very near future.

Larry Snyder - Update on Council Chamber renovations in LaPlace

Natalie Robottom stated, "Murray Architects are finalizing renovation designs and completing a summary of construction costs for presentation to the Council before going out for bids."

Larry Snyder - Discussion regarding the next step - LaPlace Water Supply

Mike Coburn stated, "Based on recent meetings of the Water Infrastructure Team, several items in the conceptual plan are being finalized for presentation to the Council. Additional time was needed to identify potential property for acquisition, property owners, and information on permitting requirements for sludge discharge to the river."

Larry Snyder - Update on the "In God We Trust" sign for the Council Chambers

Daron Cooper stated, "The addition of this sign was included in the Chamber renovations, but a temporary sign can be installed in the interim."

Larry Snyder - Salute to local, African American, mentors

Councilman Snyder and most of the council members voiced their salutes to the local African American mentors or our parish. There were numerous names given and all were recognized by our council members for

what they have done and given to the parish for many years.

Larry Snyder - Update on post Isaac mitigation programs

Councilman Snyder said that he had received this information already.

Larry Snyder - Update/Current status of drainage pumps for Districts I, IV, V, & VI

Brian Nunes stated, "All contracts for drainage improvements throughout the parish have been executed and are being designed. This includes, Belle Pointe, Airport Rd., Homewood, Mt. Airy, River Forest, McReine Rd., Vicknair Canal, Reserve Phases II & III, and Haydel Canal. Bid specifications are being finalized for the Foxwood Levee Project."

Cheryl Millet - Todd Clement, Justice of the Peace, law books

This item has been handled.

Michael Wright - Update on the Peavine Boat Launch

Brian Nunes stated, "The permit for the Peavine Boat Launch project is anticipated this week. This permit will allow for dredging as part of the project scope. The project will also address lighting and extension of the dock."

OLD BUSINESS:

Ranney Wilson/Lennix Madere - Drainage and Drainage equipment

This item will be carried over to the next agenda.

NEW BUSINESS:

Natalie Robottom - Resolution - R15-06 - A Resolution adopting a Louisiana Compliance Questionnaire as a required part of St. John the Baptist Parish's annual financial and compliance audit

Natalie Robottom stated, "This resolution enables the Parish President to complete the Compliance Questionnaire as a required component of St. John Parish's 2014 financial and compliance audit."

MOTION: Councilwoman Hotard moved and Councilman Madere seconded the motion to approve Resolution R15-06. A Resolution adopting a Louisiana Compliance Questionnaire as a required part of St. John the Baptist Parish's annual financial and compliance audit. **WHEREAS**, the Legislative Auditor requires that a Louisiana Compliance Questionnaire be completed by the Parish and adopted by the Parish Council; and, **WHEREAS**, the questionnaire must be presented to the auditor at the beginning of the annual audit; and, **WHEREAS**, the auditor will test the accuracy of the response to the questionnaire during the course of his audit; **NOW, THEREFORE BE IT RESOLVED**, that the St. John the Baptist Parish Council do hereby resolve that the attached Louisiana Compliance Questionnaire for St. John the Baptist Parish be and is hereby adopted. The motion passed with Councilwoman Millet absent.

MOTION: Councilman Madere moved and Councilman Snyder seconded the

motion to go into Executive Session to discuss Hurricane Preparation Plans and water bill issues. The motion passed with Councilwoman Millet absent.

MOTION: Councilman Gauff moved and Councilman Snyder seconded the motion to go back into regular session. The motion passed with Councilwomen Hotard, Millet and Councilman Perrilloux absent.

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

EXECUTIVE SESSION:

Legal Options regarding litigation against the Parish President for Charter violation and the hiring of special legal counsel

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

Larry Snyder - Hurricane Preparation plans

Lennix Madere - 205 E. 30th Street

Larry Snyder - Building at Cambridge and Airline Hwy. graffiti removal

Water bill issues - 133 Beechgrove, Reserve, LA

Lennix Madere - St. John the Baptist Parish vs. Myrtle F. Victor, Roba Inc., and Adair Asset Management, LLC, 40th JDC, #63827

Lennix Madere - Water bills - amoeba update

Water District #1 System issues/State DHH order

Any and all pending legal matters

INTRODUCTION OF ORDINANCES

15-03 An ordinance to amend the St. John the Baptist Parish Code of Ordinances, Chapter 113, Article V. Supplementary Regulations, By adding Section 113-484, as follows: Sec. 113-484. Special Regulations for Automobile Sales Establishments - New, Used, and Rental (N. Robottom)

PARISH PRESIDENT REPORT

Natalie Robottom stated, *"Good Evening - I'd like to send our condolences to the family of Mr. Tom Daley, our former District Attorney, and Judge and community leader. Tom was the epitome of a public servant and we are grateful for his service to our parish. He will be missed. Condolences also go out to our HHS Director Rhonda Lemons and her family on the unexpected loss of their young son Lance. Any loss is difficult, but the loss of a child can be very difficult. Please keep Rhonda and her family in your prayers. I'd like to remind everyone that February is "Black History Month" and "Heart Health Awareness Month". This month, we especially, we encourage everyone to celebrate the contributions of African Americans to our Parish and*

Country. Voice of Truth Fellowship Church in Laplace is hosting a "Black History Live Wax Museum" on Friday, February 20th from 2:00pm-7:00 pm. The church is located at 2925 New Highway-51 Suite A. Replicas of Parish representatives including the Parish President will be reflected in the museum. This program is geared to inform and publicize the achievements of famous and renowned African Americans who have and are still making history in our cities and nation. Also, we encourage everyone to wear red every Friday to help raise awareness to heart disease and healthy habits to prevent heart disease. In recognition of National Wear Red Day - my staff and I wore red to work last Friday and we encourage everyone to wear red on Fridays throughout the month of February. I would like to congratulate Jovanda Fields, a resident of St. John, for being named the 2015 Louisiana National Guard Spouse of the Year as selected by Military Spouse magazine. She was selected from 1,600 nominations submitted from across the country. A Guard member described Jovanda as excellent in maintaining her household and fulltime support of her spouse and his platoon and always engaged to help soldiers and family members at the drop of a hat. Thank you Jovanda for your leadership and to all members of our armed forces. We look forward to honoring you at a council meeting the next council meeting. Congratulations to San Francisco Plantation in Garyville and staff on being named the 2015 recipient of the Louey Award as Attraction of the Year presented by LA Travel Promotion Association. The award showcases individuals and organizations that have made outstanding contributions to Louisiana tourism. This is well-deserved and we encourage you to keep up the great work as an important historical landmark nationwide. Our Miss Andouille Queen Erin Duhe spent the weekend competing at the Louisiana Association of Fairs and Festivals Queens of Queens Pageant in Baton Rouge. Erin seemed to thoroughly enjoy herself and represented St. John with grace and class. Great job, Erin, Teen Miss Riley Edwards and everyone on my staff and volunteers who helped make Erin's experience one she will not forget. St. John Andouille was also represented at the Taste of Louisiana event Thursday night. We distributed a small taste of our sultry staple prepared as Andouille pasta salad to those who attended the event that evening. It was a great representation of our culinary expertise. Congratulations to Ms. Mary Victor on celebrating her 104th birthday on January 30th. Most people don't get to celebrate such an important milestone in their life with family and friends. Happy Birthday Ms. Victor and we are grateful that you are a member of the community. Last week I attended a meeting of the River Region Caucus to discuss upcoming legislation and legislative priorities. We also discussed the path forward for the West Shore Levee Project as well as capital outlay requests and EPA water standards. Myself, Mr. Coburn, Ms. Saulny and Council Members Millet and Gauff also participated in the Police Jury Convention in New Orleans two weeks ago in addition to public servants from around the state. Various workshops aimed at inspiring and influencing public officials to gain the effective tools needed to improve their communities were highlights. Thank you to the business owners who attended our town hall meetings last week on the small business loan and grant program. The Economic Development Department staff will be getting in touch with you in the next few weeks to move forward with the application process. The information will also be available on our website at sjbparish.com if anyone was unable to attend the meeting. Small Businesses are invited to attend a free seminar on business certifications and programs on Thursday, February 26, 2015 from 5:30 pm - 7:30 pm at the Business Training Center located

at SCL Technical College in Reserve. The Center is also offering its Fast Trac Program for local businesses this Spring. This 10 session program provides information to help start and grow a business at a cost of only \$100. FastTrac starts March 5 and will continue for ten weeks on Thursdays. To learn more about the program or to register please contact program manager Wayne Aucoin at 985-479-1247 or through email at sjohnbtc@lsbdc.org. More information is posted on our website and government access channel. Just a reminder that the Homework Hut is off to a great start and students in 3rd through 8th grade can receive homework assistance Monday through Thursday from 3:30 to 5:30 p.m. at the following locations: the LaPlace Public Housing Office, Homer Joseph Center and all Parish libraries. For more information contact Eliza Eugene with Blessed to be a Blessing at 985-359-9954. Registration for St. John 2015 Youth Baseball season will take place February 23-March 27. New for this year is a girls' softball league! Interested participants can complete the registration form online at sjbparish.com and submit it to the Parks and Recreation Department, or contact Kerry Watkins in the Parks and Recreation Department at 985-652-9569. Coaches are also needed for this season. Anyone interested in coaching is asked to contact the Parks and Recreation Department. Marathon Petroleum Company is currently accepting applications for Operator Technicians at its refinery in Garyville. The application process will be open through Sunday, February 15th. Anyone interested in applying must complete an online application and submit a resume at www.joinmpc.com. KCS railroad crews are performing maintenance to crossings throughout the Parish this week. On Wednesday, Hemlock, Cardinal, Robin and Walnut crossings closest to Airline will be closed to through traffic from 8 am to 5 pm. The crossings on Main St. and McReine will be closed on Thursday and Bayou Steel Road on Friday for repair work. More information can be found online. Also, please save the date for our annual Spring Clean Sweep to take place on Saturday, April 11 from 8:00 a.m. until noon. You can now register your group online at www.sjbparish.com or by calling Dana Milioto at 652-9569. Congratulations to the 30 River Region players who participated in National Signing Day last Friday. St. John had 16 football players commit to college play. This is a tremendous accomplishment and we look forward to following your bright careers. Good luck! Its carnival season and we would like to congratulate all of our Kings and Queens reining over Mardi Gras. We'd also like to congratulate our school age Kings and Queens. St. John's annual parades are set to roll this weekend with the Towahpahsah at 1:00 p.m. Saturday in Reserve and the Krewe Du Monde Parade at 11:00 a.m. Sunday in LaPlace. Both parades will follow their traditional routes and streets will be closed approximately fifteen minutes before the parade arrives. Due to the Mardi Gras holiday, there will be no garbage collection on Mardi Gras Day, Tuesday, February 17. Collection will resume on Wednesday, February 18 for Tuesday and Wednesday routes. Residents are asked to please put their garbage can out by 7:00 p.m. on Tuesday, February 17. Reminder to residents - All Parish Government Offices will be closed for the Mardi Gras Holiday Monday, February 16 and Tuesday, February 17. We wish everyone a Safe and Happy Mardi Gras!"

ADJOURNMENT:

At 9:36 PM, Councilman Snyder moved and Councilman Madere seconded the motion to adjourn. The motion passed with Councilwomen Hotard, Millet and Councilman Perrilloux absent.

/s/Michael Wright
COUNCIL CHAIRMAN

/s/Jackie Landeche
Council Secretary