

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
TUESDAY, SEPTEMBER 22nd, 2020
CHAIRMAN LENNIX MADERE
VICE-CHAIR KURT BECNEL

The Council of the Parish of St. John the Baptist Parish, State of Louisiana, met in Regular Session in the St. John the Baptist Parish Government Complex Chambers, LaPlace, Louisiana on Tuesday, September 22nd, 2020, at 6:30 PM.

CALL TO ORDER:

PRESENT AT ROLL CALL: Lennix Madere, Jr., Councilman-at-Large, Div. A, Kurt Becnel, Councilman District I, Warren Torres, Jr., Councilman District II, Tammy Houston, Councilwoman District III, Tyra Duhe-Griffin, Councilwoman District IV, Robert Arcuri, Councilman District V, Tonia Schnyder, Councilwoman District VI, Thomas Malik, Councilman District VII, Michael Wright, Councilman-at-Large, Div. B

ABSENT: None

Councilman Wright led the Prayer. Councilman Arcuri led the Pledge.

Legal Counsel Christopher Cortez and Legal Clerk Kennilyn Schmill were present.

PUBLIC COMMENT - AGENDA ITEMS ONLY (90 seconds per citizen)

There was no public comment at this time.

Tonia Schnyder/Pastor Antoine Jasmine - Introduction - Choice Market Place

The introduction can be viewed in its entirety at www.sjbparish.com.

Jaclyn Hotard - Proclamation - October as Breast Cancer Awareness Month

Jaclyn Hotard, Parish President, read the proclamation for October as Breast Cancer Awareness Month.

Jaclyn Hotard - Proclamation - October as Fire Prevention Month

Jaclyn Hotard, Parish President, read the proclamation for October as Fire Prevention Month.

Tammy Houston/Dr. Lynett Hookfin/Jaz Thompson - Presentation - Principal of the Day Program

The presentation can be viewed in its entirety at www.sjbparish.com.

CONSENT AGENDA:

ITEMS: Approval of Minutes - September 8th, 2020, Regular Meeting; Resolutions - Annual Sewer Plant Audits (R20-06, R20-07 and R20-09 through R20-14); Appointment

of James Duhe Jr. to the St. John Civil Service Board (Tulane University appointment)

MOTION: Councilman Wright moved and Councilman Malik seconded the motion to approve the consent agenda items consisting of Approval of Minutes - September 8th, 2020, Regular Meeting; Resolutions - Annual Sewer Plant Audits (R20-06, R20-07 and R20-09 through R20-14); Appointment of James Duhe Jr. to the St. John Civil Service Board (Tulane University appointment). The motion passed unanimously.

REPORTS:

President's Report:

The President's Report can be viewed in its entirety at www.sjbparish.com.

Jaclyn Hotard - Monthly Financial Report (August 2020)

Jaclyn Hotard stated, "This item is just a placeholder noting that we have submitted the report."

Michael Wright - Finance Committee Report

Councilman Wright stated, "Thank you Mr. Chairman. The finance committee met at 6:00 this evening, and the entire Council was present."

NEW BUSINESS:

20-24(Public Hearing Held)An ordinance approving the re-subdivision of Lot 24 and the North half of Lot 25, Block 1, Lakeshore Estates into Lot 24A, Block 1, Lakeshore Estates, located in the area generally bounded by the Rue St. Martin, Rue St. Charles, and Highway 643, Vacherie, as shown in a survey prepared by Stephen P. Flynn, P.L.S. on June 18, 2020 (PZS-20-1247) (J. Hotard)

Rene Pastorek stated, "This re-subdivision request to further use the property for a residential camp was recommended with unanimous approval by the Planning Commission at its August 31, 2020 meeting. The request was also recommended for approval by the Utility Board at its July 7, 2020 meeting. The Planning and Zoning Department finds this request is consistent with the surrounding neighborhood development pattern and the goals of the Comprehensive Plan and meets the technical sufficiency for consideration by the Parish Council."

MOTION: Councilman Becnel moved and Councilwoman Houston seconded the motion to approve Ordinance 20-24. The motion passed unanimously.

20-25(Public Hearing Held)An ordinance approving the re-subdivision of Parcel E of the Antoine Picou Tract into Lots E-1, E-2, E-3, E-4 of the Antoine Picou Tract, located in the area generally bounded by the Y&MV Railroad, W. 2nd Street, Persimmon Street and Pine Street, LaPlace, as shown in a survey prepared by Stephen P. Flynn, P.L.S. on June 26, 2020 (PZS-20-1250) (J. Hotard)

Rene Pastorek stated, "This re-subdivision request to enable further development was recommended with unanimous approval by the Planning Commission at its August 31, 2020 meeting. The request was also recommended for approval by the Utility

Board at its August 18, 2020 meeting. The Planning and Zoning Department finds this request is consistent with the zoning district requirements, the surrounding neighborhood development pattern and the goals of the Comprehensive Plan and meets the technical sufficiency for consideration by the Parish Council."

MOTION: Councilman Becnel moved and Councilwoman Duhe-Griffin seconded the motion to approve Ordinance 20-25. The motion passed unanimously.

20-26(Public Hearing Held) An ordinance approving the re-zoning of a portion of Lot 2-JE of the John Esparros Tract, located in the area generally bounded by the Mississippi River, the Y&MV Railroad, McReine Road, and Miya Lane, LaPlace from the Residential District Four(R-4)to the Commercial District Two(C-2)with the Following stipulations:(1)Future development plans for the site must include a vegetative buffer with a minimum height of eight(8)feet along both sides of the development which fully screens the site from view of the adjacent residences as shown in Exhibit 1 attached(PZR-20-1250) (J. Hotard)

Rene Pastorek stated, "The rezoning request to develop an office building was recommended with unanimous approval by the Planning Commission with the stipulation that the developer include a vegetative buffer to fully screen the site from adjacent residences. The Planning and Zoning Department finds this request and the added stipulation is consistent with the zoning district requirements and the goals of the Comprehensive Plan and meets the technical sufficiency for consideration by the Parish Council."

MOTION: Councilman Arcuri moved and Councilwoman Duhe-Griffin seconded the motion to approve Ordinance 20-26. The motion passed unanimously.

20-27(Public Hearing Held)An ordinance approving the re-subdivision of the Frank Miano Lot, the Victor Miano Lot and portions of the Guissepina and Antonia Miano Tract of Farm Lot 18 of Hope Plantation located in the area generally bounded by Garyville Northern, Esperance Street, Highway 44 and Historic Main Street, Garyville, as shown in a survey prepared by Stephen P. Flynn, P.L.S. on May 15, 2020. (PZS-20-1246) (J. Hotard)

Rene Pastorek stated, "This re-subdivision request to enable the transfer of property was recommended with unanimous approval by the Planning Commission at its August 31, 2020 meeting. The request was also recommended for approval by the Utility Board at its July 7, 2020 meeting. The Planning and Zoning Department finds this request is consistent with the surrounding neighborhood development pattern and goals of the Comprehensive Plan and meets the technical sufficiency for consideration by the Parish Council."

MOTION: Councilman Torres moved and Councilwoman Houston seconded the motion to approve Ordinance 20-27. The motion passed unanimously.

20-28(Public Hearing Held)An ordinance approving the extension of Conditional Subdivision Approval for an additional twelve(12)months for Praise Place Subdivision, Lots 27 through 83 and parcels V-1, V-2 and V-3, on East 22nd Street, situated in Section 46 and 47, T-11-S, R-7-E, Reserve, St. John the Baptist Parish, Louisiana; which was originally approved on November 8, 2005(J. Hotard)

Rene Pastorek stated, "This ordinance extends the valid time for Conditional

Approval of this subdivision for 12 months. According to the developer, an extension is requested due to economic times and a slowdown in the local real estate market. Administration recommends approval."

MOTION: Councilwoman Houston moved and Councilwoman Duhe-Griffin seconded the motion to approve Ordinance 20-28. The motion passed unanimously.

Jaclyn Hotard - Resolution - R20-23 - A Resolution authorizing the Parish President to complete and submit all documents and agreement required in connection with the FY14 EPA Grant through the Lake Pontchartrain Basin Restoration Program to purchase a stormwater quality sampler and associated accessories

Jaclyn Hotard stated, "This resolution is needed to accept and administer funds from the University of New Orleans Research and Technology Foundation for purchase of stormwater sampling equipment. The equipment will be used to test and monitor future green infrastructure projects (LA SAFE) and their effect on improving pollution entry into local wetlands and the Parish drainage system. The grant funds \$11,210 with a local match of \$8,946.67 is funded through the Public Works budget. Administration recommends approval."

MOTION: Councilman Wright moved and Councilman Torres seconded the motion to approve Resolution - R20-23. A resolution authorizing the Parish President to complete and submit all documents and agreement required in connection with the FY14 EPA Grant through the Lake Pontchartrain Basin Restoration Program to purchase a stormwater quality sampler and associated accessories. The motion passed unanimously.

Jaclyn Hotard - Resolution - R20-24 - A Resolution in accordance with Section 2(B) (3) of Proclamation Number JBE 2020-117 issued by Governor John Bel Edwards, for St. John the Baptist Parish to affirmatively concur to "opt-in" to allow businesses located in the Parish to operate within the guidelines and restrictions more fully set forth in Section 2(B) (3) of Proclamation Number JBE 2020-117, since St. John the Baptist Parish has reached the threshold of less than 5% of positivity for two consecutive weeks

Jaclyn Hotard stated, "Yes, thank you Mr. Chairman. The residents of St. John have made great progress, by complying with local and state mandates. And I thank them for working together for the health of our community. Our positivity rate is less than 5%, due to our strict compliance. Therefore, we are able to move into Phase 3, without restrictions, and should I numbers warrant a change to these restrictions, we can immediately make adjustments for the safety of our community. As we all saw with the Governor's Phase 3, there's an "opt-in" for parishes that do have less than 5% positivity, and this is the Council's opportunity to formerly concur with my recommendation to move forward with opting into Phase 3 without restrictions."

MOTION: Councilwoman Houston moved and Councilwoman Duhe-Griffin seconded the motion to approve Resolution - R20-23. A resolution in accordance with Section 2(B) (3) of Proclamation Number JBE 2020-117 issued by Governor John Bel Edwards, for St. John the Baptist Parish to affirmatively concur to "opt-in" to allow businesses located in the Parish to operate within the guidelines and restrictions more fully set forth in Section 2(B) (3) Proclamation Number JBE 2020-117, since St. John the Baptist Parish has reached the threshold of less

than 5% of positivity for two consecutive weeks. The motion passes unanimously.

Jaclyn Hotard - Appointment of Parks & Recreation Director Michael Sanders

Jaclyn Hotard stated, "Thank you. Yes, and I will be making a recommendation to the Council to appoint Michael Sanders, as the Director of Parks & Recreation, just a little bit about Mr. Sanders. He's a native of DeRidder, LA; Mr. Sanders has played sports on a Collegiate and a Professional level, and he's also been a coach for 14 years as well. Mr. Sanders is a member of the Louisiana Sports Hall of Fame, and he's also no stranger to our Parish Department of Parks & Recreation. He's currently serving in a capacity with St. Charles Parish Recreation, and it is an honor and privilege to be able to recommend to the Council for this position of Director of Parks & Recreation, Mr. Michael Sanders."

MOTION: Councilwoman Houston moved and Councilwoman Duhé-Griffin seconded the motion to confirm the appointment of Parks and Recreation Director Michael Sanders. The motion passed unanimously.

Tammy Houston/Kurt Becnel - David Gendron - Constituent complaint regarding Wayne Jacob smoke house emissions

Councilwoman Houston stated, "Yes, I'm going to yield to Councilman Becnel, because the Smokehouse is actually in his district. But, the reason why I'm involved in it is because the constituent who filed the complaint or who wants to talk about the complaint was in my district. So, I'll yield to Councilman Becnel."

Councilman Becnel stated, "And what I would like to say is, we'd like to carry this over to the next one, carry it over."

Rene Pastorek - Council consideration of a request to appeal the Planning Commission's denial of application number PZR-20-1177 to place a mobile home at 168 E. 9th Street, Reserve

Rene Pastorek stated, "Placement of this mobile home was unanimously denied by the Planning Commission at its April 20, 2020 meeting. The Planning Department finds this request is not consistent with the surrounding neighborhood and intent of the Land Development Code. Council consideration is required to move forward with placement of an appeal on the next Council agenda if you vote to do so."

Councilman Malik stated, "Mr. Pastorek, please explain to us the process. If I own, if Tom Malik owns a piece of property and I want to put a trailer there, tell me about the process."

Rene Pastorek stated, "So, the code does not allow placement of a mobile home by right in the Residential District 1, what the code does allow is the Planning Commission, which is the Board of Appointees, to approve placement of a mobile home in any zoning district if it's compatible. This mobile home went through that process it was placed without the approval first. You know to remediate the violation, it does have to go to the Planning Commission, that was denied, some moving through the process the appeal or the request for appeal is the last step before a judgement can be issued to actually have them legally removed."

Councilman Malik stated, "So you said he...before, before the a... this process was completed, is it two (2) trailers were placed on the property?"

Rene Pastorek stated, "Yes, these were placed..."

Councilman Malik interrupting asked, "Did you speak to the gent, the gentleman that put the trailers there?"

Rene Pastorek stated, "Yes I did."

Councilman Malik stated, "And, tell me tell us about that conversation."

Rene Pastorek stated, "So, there's actually two (2) items on the agenda..."

Councilman Malik interrupting stated, "Umm...yeah."

Rene Pastorek stated, "One was placed (this is actually during the work from home, so this is all by phone). One was placed without a permit; a stop work order was issued. I did speak to the property owner, advised him of the process the needed to go to the Planning Commission for approval, and then the next day the second mobile home was placed."

Councilman Malik stated, "When you told him that he shouldn't have done that, did...what's his reply?"

Rene Pastorek stated, "He did make it clear that he believed that during the work from home...COVID restrictions that approval was not necessary."

Councilman Malik stated, "Okay that's, yeah I'm not really one to reward good behavior. So anyway, so we want to DENY motion, DENY the application number PZ...what?"

Councilman Madere interrupting stated, "Uh, have a couple of more persons what to discuss."

Councilwoman Houston asked, "What is the process for someone who does violate the code? Cause he violated the code...am I correct?"

Rene Pastorek stated, "Yes."

Councilwoman Houston stated, "Cause the trailers are, the mobile homes are on the property. So, he was told to move the property or was he told to move the property, the mobile homes?"

Rene Pastorek stated, "So anytime a violation is given for building without a permit, basically that person has two (2) options; they can demolish or remove the structure or go to the Planning & Zoning Department and go through the process. This specific instance just requires a Public Hearing where there's a you know a vote on whether, or not it could be placed. Sometimes it's just coming and get the permit, go through your inspections. So, they always have that ability to either remove it or go through the process. But, once those you know the approval is not granted, the property owner exhausted his rights or his ability to place it legally."

Councilwoman Houston asked, "So, he was not approved because he violated the code, the permit the permitting code? Is that why he wasn't approved?"

Rene Pastorek stated, "There, I mean you have to look at the minutes of the Planning Commission meeting to see exactly what the Commissioners were speaking to, but there was quite a bit of opposition from the neighboring residents."

Councilwoman Schnyder stated, "Let's get clarification Mr. Rene. You said he placed the first mobile home there first, and he was told that he was not in compliance and he placed the other one after you told him that?"

Rene Pastorek stated, "That's correct."

Councilwoman Schnyder asked, "Is Mr... what's his name?"

Rene Pastorek stated, "Mr. Miles."

Councilwoman Schnyder asked, "Is Mr. Miles here tonight?"

Councilman Madere asked, "Is he here?"

Rene Pastorek stated, "I don't know. He was notified, I don't know if he's..."

Councilwoman Schnyder asked, "Oh."

Rene Pastorek stated, "Actually never met him."

Councilman Madere asked, "Okay, hold on. I have a question concerning the trailers to. So..."

Jaclyn Hotard interrupting stated, "For a point of order, really quickly. You can have, when a council member does have the floor and they make a motion to approve or to deny an item, it doesn't end the discussion. So, you must allow that council member to make the motion, because the motion to approve or deny an item does allow the discussion to precede. It would only be a motion to table that would stop the discussion. So, just for a point of order; when a council member has the floor, their motion must be asked for a second."

Councilman Madere stated, "Okay, we had a motion and what was your motion Mr. Malik."

Councilman Malik stated, "The motion is to deny, deny application number PZR-20-1177 to place a mobile home at 168 E. 9th Street, Reserve."

Councilman Madere stated, "Okay, and do we have a second on that? Mr. Arcuri."

Councilman Arcuri stated, "Yes I'd like to second that motion."

Councilman Madere stated, "Okay, we have a second, we have a first and a second on that motion to DENY. A... let me make a comment about those motions. Okay, when before we make a motion, we should try to make sure that the Chair first say that there's no more questions and stuff, then we won't have this conflict of making a motion. Cause I think we should hear everything first, before a motion is even entertained or any possible discussion before any motion is made. Because

sometimes discussion leads people to change what they want to make, even the individual who made a motion to deny it, maybe after getting information may want to change. So, I think all those motions should be made at the end of the discussion period. I want to make a comment about this trailer placement myself because I know quite a bit about it. It seems as though the individual didn't follow the procedures, right?"

Rene Pastorek stated, "That's correct."

Councilman Madere stated, "Okay and that's the main issue. Okay I think there was one of the main reasons for denial in the first place. Okay, because we do have laws that you have to follow in order to replace...I mean to put mobile homes in areas and the individual who live down those individual streets, have every right to come and voice their opinion about it. And you know, I just want to make that perfectly clear. But I also want to make it clear moving forward, anyone that attempt to put trailers and everything must go through the process and you just can't arbitrarily go and place trailers and everything, even after they was told the first one, the second one shouldn't of been placed there. Okay, I just want to make that perfectly clear, okay?"

Councilman Wright stated, "Thank you, and just want to make sure there's clarity for the Council because I know sometimes it can be confusing. The motion was to DENY, so a vote 'YES' would be to accept that motion to DENY. And a vote 'NO' would be to OBJECT."

Councilwoman Schnyder stated, "It just kind a concern me that Mr. Miles didn't think enough to even come to the meeting to speak on his behalf. So, we can't make a decision on, on his behalf if he's not even here to defend himself. We have one side of the story, I was really looking forward to hearing his side of the story as to why he would go through with this process without following a procedure, do you have a legitimate reason, I mean what your future plans are...I mean all can base my decision on...the residents."

Councilman Madere stated, "Well, I'm a put it like this. My point of view okay, the council agenda is placed on in the paper and everything, and it's made known that he was aware of it..."

Rene Pastorek interrupting stated, "He was notified."

Councilman Madere stated, "Okay, he was notified for his lack of showing up, shows of a lack of interest on my part. And this, him not being here should not interfere with the process that's going whether it's going to be approved or denied. Okay, so he had every opportunity to come and speak up. Okay he's not here, so I think that speaks loud and clear."

MOTION: Councilman Malik oved and Councilman Arcuri seconded the motion to DENY the request to appeal the Planning Commission's denial of application number PZR-20-1177 to place a mobile home at 168 E. 9th Street, Reserve. The motion passed unanimously.

Rene Pastorek - Council consideration of a request to appeal the Planning Commission's denial of application number PZR-20-1178 to place a mobile home at 176 E. 9th Street, Reserve

Rene Pastorek stated, "Placement of this mobile home was unanimously denied by the Planning Commission at its April 20, 2020 meeting. The Planning Department finds this request is not consistent with the surrounding neighborhood and intent of the Land Development Code. Council consideration is required to move forward with placement of an appeal on the next Council agenda."

MOTION: Councilwoman Houston moved and Councilman Malik seconded the motion to DENY the request to appeal the Planning Commission's denial of application number PZR-20-1178 to place a mobile home at 176 E. 9th Street, Reserve. The motion passed unanimously.

INTRODUCTION OF ORDINANCES:

- 20-29** An ordinance amending ordinance 20-10 relative to the annual operating budgets for St. John the Baptist Parish General Fund, Special Revenue Funds, Enterprise Funds, and Capital Project Funds for the fiscal year beginning January 1, 2019 and ending December 31, 2019. (J. Hotard)
- 20-30** A millage ordinance - an ordinance providing for the levy and collection of ad valorem taxes in the Parish of St. John the Baptist, to be spread upon the 2020 Assessment Roll (J. Hotard)
- 20-31** A millage ordinance - an ordinance providing for the Roll Forward Rate levy and collection of ad valorem taxes in the Parish of St. John the Baptist, to be spread upon the 2020 Assessment Roll (J. Hotard)
- 20-32** An ordinance approving the re-subdivision of Lots A-2 and A-4, Reine Subdivision into Lots A-2-A, A-4-A, Reine Subdivision, located in the area generally bounded by Highway 628, the Illinois Central Railroad, and McReine Road, LaPlace, as shown in a survey prepared by Stephen P. Flynn, P.L.S. on June 26, 2020 (PZS-20-1252) (J. Hotard)
- 20-33** An ordinance approving a re-subdivision of Tracts 660 and 661A, Blind River Campsites into Lots 660-A and 660-B, Blind River Campsites, located in the area generally bounded by Blind River, Interstate 10 and Lake Maurepas, Garyville, as shown in a survey prepared by Alvin Fairburn, P.L.S. on June 11, 2020 (PZS-20-1253) (J. Hotard)
- 20-34** An ordinance approving the re-zoning of the Rousseve Tract from the Commercial District Three (C-3), Residential District One (R-1), and Industrial District One (I-1) to the Industrial District One (I-1) zoning district located in the area generally bounded by Highway 640, Highway 3127 and the St. Charles Parish Line, Edgard, as shown in Exhibit 1 attached (PZR-20-1191) (J. Hotard)

CORRESPONDENCE/COUNCIL BRIEFS:

The Correspondence/Council Briefs can be viewed in its entirety at www.sjbparish.com.

ADJOURNMENT:

At 7:42 PM, Councilman Wright moved and Councilwoman Duhe-Griffin seconded the motion to adjourn. The motion passed unanimously.

/s/Lennix Madere, Jr.
COUNCIL CHAIRMAN

/s/Jackie Landeche
Council Secretary

The meeting can be viewed in its entirety at www.sjbparish.com.