

**CITY OF ST. GABRIEL**

**REGULAR MEETING OF THE MAYOR AND CITY COUNCIL**

**THURSDAY, JANUARY 17, 2019 - 6:00 P.M.**

**ST. GABRIEL CITY HALL COMPLEX - 5035 IBERVILLE STREET - ROOM 32**

**ST. GABRIEL, LOUISIANA**

**MEETING MINUTES**

**CALL TO ORDER**

The meeting of the Mayor and City Council was called to order at approximately 6:10 pm.

**ROLL CALL**

Present: Councilwoman Deborah R. Alexander

Councilman Ronald Grace, Sr.

Councilman Melvin Hasten, Sr. /Mayor Pro-tempore

Councilman Kelvin York, Sr.

Absent: Councilman Freddie Frazier, Sr.

4 of 5 Council Members were in attendance for a quorum.

Presiding: Mayor Lionel Johnson, Jr.

Recording: Constance Barbin, City Clerk

**PRAYER & PLEDGE OF ALLEGIANCE**

A moment of prayer was led by Mayor Lionel Johnson, Jr. followed by the Pledge of Allegiance.

**PUBLIC FORUM – 3 minute limit (Please register with the City Clerk prior to the beginning of the meeting indicating your topic of discussion.) Topics should be on agenda items and/or city government concerns.**

Bob Manirik – Stated that he sought opinions from 7 attorneys concerning Title 33:109 and the approval of the Riverstone Subdivision by the planning commission and ultimate tie vote from the council board. Mr. Manirik stated that all of the attorneys believed the statute was used improperly during the November 2018 council meeting.

City Attorney Phil Canova – Explained that the statute says that the approval from the planning commission gives the authority to start construction. He further explained that approval from council was not warranted because the planning commission had already approved it. He further explained that a 2/3 vote is required to override the approval of the planning commission.

Councilman Grace – Stated that he had asked Mr. Canova to get the opinion of the attorney general regarding the statute and that Mr. Canova had not done so and is now saying that the Mayor had to request that information in writing.

City Attorney Phil Canova – Apologized for not being aware that the request had to be made by the mayor and that since then it has been requested by the mayor.

Councilman Grace – Asked how this would affect the approval of the November minutes.

City Attorney Phil Canova – Stated that the approval of the minutes doesn’t affect the decision made by the council during the November meeting. The minutes simply reflect what action was taken by the council. He also mentioned the 60 day rule regarding the approval of the minutes and that the minutes would still need to be published whether approved or not.

Councilman Grace – Mentioned what Mr. Canova stated earlier regarding Title 33:109 and how it states that the developer has the authority to begin construction following the approval from the planning commission.

City Attorney Phil Canova – Responded by saying that he was simply reciting how Title 33:109 reads with regard to the approval of the board on this proposal.

Councilman Grace – Stated that some assurance should be provided that the flood plan for the development will hold up.

Councilman York – Requested to set up a committee to monitor the trees near the development to ensure that the laws of the city are being adhered to.

Councilman Hasten – Asked how many members should make up the committee.

Councilman York – Responded by saying the committee should be made up of 5 members.

On a Motion by Councilman York and Second by Councilman Hasten with one absent, request to form a committee of 5 to monitor tree removal in the Riverstone Subdivision development was approved.

Councilman Hasten – Requested a modification to make this a standing committee that would monitor the removal of trees for all new developments.

Councilwoman Alexander – Asked for clarification on the purpose of the committee and if it was the developer who initiated the proposal to save the trees.

Councilman Hasten – Responded by saying that the City has an ordinance that states that any new developer should attempt to save as many trees as possible during the construction phase.

Councilwoman Alexander – Sought clarification on the process of deciding which trees would be saved.

Councilman Hasten – Responded by saying that the committee would make that decision. He went on to say that he would like the members of the committee to hold their position for 3 years.

On a Motion by Councilman York and a Second by Councilman Hasten, request to amend the formation of the committee to include a 3 year term for each member was approved.

ROLL CALL: 4 YEAS

Tyrone Williams - Stated that he supports Mr. Manirik’s stance regarding Title 33:109

Ms. Susan Landry – Wanted to make sure that the City’s ordinance is clear on what trees can and cannot be cut and the size requirement of the trees. Stated that she wants to be on the committee to ensure that the ordinance is followed.

Councilman Grace – Asked if it was a good idea to change out all 5 members after they’ve served on the committee for 3 years.

Councilman Hasten – Responded by saying that they would offset it and not totally change out all members after 3 years.

Bob Manirik – Asked when he can expect to hear something on the Attorney General’s response.

Mayor Johnson – Stated that the timing of the response lies with the office of the attorney general and that Mr. Manirik would be contacted as soon as the City receives a response.

Councilman Grace – Addressed City Consultant John Chumba in mentioning that Mr. Derrick Murphy stated he had been in St. Gabriel for over a year working and that council was unaware of this. Asked why council wasn’t made aware of his presence in the community.

Mayor Johnson – Responded by stating the property had been looked at for development use since before he was Mayor and that drainage had long been an issue with it. Stated that it’s possible that Mr. Murphy had been conducting a drainage impact study during this time.

Councilman Hasten – Asked what the outcry was during the zoning committee concerning this property.

Council Grace – Responded by saying that the community concerns were the same as stated during council meeting.

Councilman Hasten – Asked what the outcome was.

Councilman Grace – Stated that the planning commission approved the proposal.

Mayor Johnson – Stated that with any development that comes through there is prerequisite criteria that must be met before conversations about development can begin such as water, gas, wetlands, etc.

Pete Lasavio – Manager of Riverstone LLC stated that he wanted to remind council on what had taken place thus far in order to bring the development before council. It includes a 750 page report that has been reviewed by City and Parish engineers. Mr. Ourso chose an independent engineer who also reviewed the report. The cost of the report was paid by Mr. Kevin Nguyen. According to the engineers who conducted the study, flooding should be reduced and drainage improved. The front part of the property is zoned as commercial but Mr. Nguyen is developing it as residential. Mr. Nguyen is putting in a turning lane on Bayou Paul Lane and on Nicholson Drive.

Councilman Hasten – Stated that he hasn’t seen the drainage impact study and he’s not sure if the residents have seen it. Says he would be concerned if he were a neighboring resident to the development.

Councilman Grace- Stated that he heard Mr. Lasavio mention something regarding underwater.

Pete Lasavio – Stated that there is a drainage problem that exists between University Club South and this property. The drainage issue was created by the fact that when University Club South was developed the property was built up such that the water flows downward. This new development was built 19 to 20 feet below sea level which means it will not flow through the Riverstone property. The water can only flow so far and then it has to come back. To rectify that problem Mr. Nguyen is putting in an underground drainage system. As far as the trees are concerned, an architect firm has been hired and approved by the planning commission. The architect has determined which trees need to be removed and which ones can remain.

Councilman Hasten – Asked Mr. Lasavio if he was relaying that council didn’t have a say so in the removal of the trees since an architect had been hired to determine that. Council simply wants a second set of eyes to ensure the necessity of any possible tree removal.

Pete Lasavio – Responded by saying that experts conducted the study.

Councilman Hasten – Stated that he simply wants the citizens to be happy.

Pete Lasavio – Responded by saying that Mr. Nguyen has spent a lot on this study and that he is a first class developer.

Councilman Grace – Stated that he believes the council should have been informed prior to the studies being conducted. It should have been council’s decision to give Mr. Nguyen that authority.

Pete Lasavio- Responded by saying the Mr. Nguyen followed the process that the city has in place.

Mayor Johnson – Stated that he often reminds people that St. Gabriel had no issues from the initial rains of the flood of 2016. The city’s issues came from the backflow of water from Baton Rouge. Asked Mr. John Chumba to speak about the city’s tree ordinance.

City Consultant John Chumba – Clarified that the city has an existing tree conserver ordinance that was designed to ensure that new developments works to preserve the city’s native trees. Due to the existing ordinance, the city cannot make rulings unfounded in the ordinance unless the ordinance is changed.

**MOTION TO APPROVE** – Minutes for Regular Meeting dated November 15, 2018

On a motion by Councilwoman Alexander with no second and one absent, minutes for regular meeting dated November 15, 2018 were not approved.

Mayor Johnson – Asked City Attorney Phil Canova to reiterate the legal obligation of publishing the minutes.

City Attorney Phil Canova – Stated that even if the minutes are not approved they can still be published. The minutes will just be unapproved. The approval of the minutes has nothing to do with the substance of the action but simply what action was taken.

**MOTION TO APPROVE** – Minutes for Regular Meeting dated December 20, 2018

On a Motion by Councilman Hasten and a Second by Councilman York with one absent the minutes for regular meeting dated December 20, 2018 was approved.

**MOTION CONSIDERATION**– **To BEGIN Public Hearing**

* 1. The City’s intent to acquire full ownership of a certain lot or parcel of ground identified as Lot Peterville, Front Island Cut Off Road, North by Canal Street, South by Thirty Lane, E by Jackson, 135x297, adjudicated to the City May 14, 2014 by Sheriff’s Deed recorded in Conveyance Records in the Clerk of Court’s Office for the Parish of Iberville.
  2. Final Plat andAcceptance of Improvements – Meadow Oaks Subdivision Phase 1 (First Filing - 119 Lots, 30.1 acres).
  3. Final Plat andAcceptance of Improvements – Meadow Oaks Subdivision Phase

II (Second Filing - 127 Lots, 38.74 acres).

**MOTION CONSIDERATION** – **To END Public Hearing Session and RETURN to Regular Meeting**

On a Motion by Councilman Hasten and a Second by Councilman Grace with one absent Public Hearing ended.

**MOTION TO APPROVE -** The City’s acquisition of full ownership of a certain lot or parcel of ground identified as Lot Peterville, Front Island Cut Off Road, North by Canal Street, South by Thirty Lane, E by Jackson, 135x297, adjudicated to the City May 14, 2014 by Sheriff’s Deed recorded in Conveyance Records in the Clerk of Court’s Office for the Parish of Iberville

On a Motion by Councilman Hasten and no second with one absent, the city’s attempt to acquire full ownership of a certain lot or parcel of ground identified as Lot Peterville, was not approved.

**MOTION TO APPROVE –**Final Plat andAcceptance of Improvements – Meadow Oaks Subdivision Phase 1 (First Filing - 119 Lots, 30.1 acres).

City Consultant John Chumba – Explained the completed work on this project and that all necessary requirements including final inspections have been met by the city and parish. A 2 year bond is in place which protects the city and after approval it will be filed in accordance with the law with Iberville Parish.

On a Motion by Councilman Grace and Second by Councilman York with one absent, Final Plat andAcceptance of Improvements – Meadow Oaks Subdivision Phase 1 (First Filing - 119 Lots, 30.1 acres) was approved.

**MOTION TO APPROVE -** Final Plat andAcceptance of Improvements – Meadow Oaks Subdivision Phase II (Second Filing - 127 Lots, 38.74 acres).

City Consultant John Chumba – Explained the work completed on this project and that all necessary requirements including final inspections have been met by the city and parish. A 2 year bond is in place which protects the city and after approval it will be filed in accordance with the law with Iberville Parish.

With no Motion presented with one absent, Final Plat andAcceptance of Improvements – Meadow Oaks Subdivision Phase II (Second Filing - 127 Lots, 38.74 acres) was not approved for lack of a Motion.

**Introduction** – An ordinance declaring property surplus and authorizing the Mayor of the City of St. Gabriel to offer for sale a portion of TR FR MISS RIVER, W CARVILLE, N CANAL, E ANGLEN, SEC. 83, T9SR1E (LESS LOTS SOLD ///CB 498 E 135 and other matters related thereto.

Mayor Johnson – Stated that this is an agenda item of Councilman York’s and that the property would need to be declared as surplus then bid publicly.

On a Motion by Councilman Hasten and a Second by Councilman Grace with one absent, a public hearing and vote to be held during the next regularly scheduled council meeting was approved.

**MAYOR’S REPORT**

* Tony Ruiz of Diez, Dupuy & Ruiz, LLC– City’s CPA Firm speaks on the results of the 2017-2018 audit report.
  + Mayor Johnson spoke on the city’s intention to address the concerns with the audit.
* Prescott Bailey of Meadow Oaks Subdivision – Informed council that his team met all of the requirements authorized by the city and asked if the council has any issues or needs clarification on anything related to Phase II.
  + Councilman Hasten – Stated that he was not sure why Phase II wasn’t approved.
  + Councilman Grace – Requested clarification on how the property is broken down by phases.
  + Mr. Bailey – Explained the status and location of each phase.
* Attorney Phil Canova suggested that a motion be rendered to bring the item back up on the agenda.
  + On a Motion by Councilman Hasten and a Second by Councilman Grace, motion to reintroduce Final Plat and Acceptance of Improvements – Meadow Oaks Subdivision Phase II (Second Filing - 127 Lots, 38.74 acres) on the agenda was approved.
  + ROLL CALL: 4 YEAS
  + On a Motion by Councilman Grace and a Second by Councilman Hasten, Final Plat and Acceptance of Improvements – Meadow Oaks Subdivision Phase II (Second Filing - 127 Lots, 38.74 acres) was approved.
* Tony Arikol – Gave a briefing on the force main projects for the Carville and Delta Wastewater Treatment Facilities.
  + Councilman Grace – Asked if the sewer improvements to the Sunshine Wastewater Treatment Facility were being addressed.
  + Mayor Johnson – Responded by saying that the city has received approval and is looking at securing the 25% necessary to facilitate the improvements.
  + Councilman Grace – Asked for a timeline.
  + Tony Arikol - Informed Mr. Grace that it depends on when the financing becomes available.
* Mayor Johnson – Asked council to approve a resolution asking for the Attorney General’s opinion on Title 33:109.
  + On a Motion by Councilman Grace and Second by Councilman Hasten, resolution was approved.
* Mayor Johnson gave kudos to staff for the significant decrease in the number of motor vehicle accidents and reports as reported in the City’s summary loss report from LWCC.
* Complimented council on the 2018 toy drive.
* Councilman Grace – Asked when the Sunshine road project is scheduled to start.
  + Mayor Johnson – Responded by saying that the project will begin when the river levels recede.
* Mayor Johnson - Announced that the City will have soon have exciting news to announce with regard to Eastman Chemical Company.
* Councilman York – Asked Mayor Johnson if he had any input on the drainage issue on Maryland.
* Mayor Johnson – Responded that he does not have a recent update on the drainage issue.

Adjournment

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**Constance Barbin Lionel Johnson, Jr.**

**City Clerk, City of St. Gabriel Mayor, City of St. Gabriel**