

**STATE OF LOUISIANA
PARISH OF LAFOURCHE**

**L A F O U R C H E P A R I S H C O U N C I L
G O V E R N I N G A U T H O R I T Y**

AGENDA FOR MEETING TO BE HELD: Tuesday, December 14, 2004

**PLACE: Lafourche Parish Council Barrios Center, 1612 HWY. 182,
Suite 100, Raceland, LA.**

TIME: 5:30 p.m.

CALL TO ORDER: Mr. Lindel Toups, Chairman

ROLL CALL: Mr. Tyrone Williams
Mr. Michael Delatte
Mr. Michael Matherne
Dr. Tommy Lasseigne
Mr. Mark Atzenhoffer
Mr. Lindel Toups, Chairman
Mr. L. Phillip Gouaux, II
Mr. Brent Callais, Co-Chair
Mr. Daniel Lorraine

PRAYER: Mr. Michael Matherne

PLEDGE OF ALLEGIANCE: Dr. Tommy Lasseigne

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NOTICE TO THE PUBLIC: If you wish to address the Council, please complete the "Public Wishing to Address the Council" form located on the desk at the back of the meeting room and return it to the Council Chairman or Council Clerk prior to the beginning of the meeting.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the Lafourche Parish Council Clerk's Office at (985) 446-8427 describing the assistance that is necessary.

A. PROCLAMATIONS:

1. Proclamation honoring the winners of the Paralyzed Veterans of America 2004 Veteran's Day Poster and Essay Contest as follows:
 - a) Mr. Jean Paul Malcombe for winning the National 1st/2nd Grade Category
 - b) Ms. Jenna Orgeron for being the National 1st/2nd Grade Category Finalist
 - c) Ms. Ashlynn Besson for being the National 1st/2nd Grade Category Finalist
 - d) Holy Rosary Catholic School in Larose for encouraging their students to participate in the contest.

B. APPROVAL OF MINUTES:

2. November 4, 2004, Special Session.
3. November 9, 2004, Regular Session.
4. November 23, 2004, Special Session.

C. APPROVAL OF MINUTES AND RECOMMENDATIONS OF COMMITTEE MEETINGS:

5. November 4, 2004 and December 1, 2004 Solid Waste Subcommittee.(P. GOUAUX, CHAIR)
6. November 23, 2004, Public Works and Solid Waste Committee. (M. DELATTE, CHAIR)
7. November 23, 2004, Board of Appointment and Permits Committee. (M. MATHERNE, CHAIR)

(PLEASE NOTE THAT THE DEADLINE FOR BOARD APPLICATIONS IS 12:00 NOON ON MONDAY, DECEMBER 13, 2004. ANY APPLICATIONS RECEIVED IN ADDITION TO THESE ATTACHED WILL BE FORWARDED TO YOU ON MONDAY)

- a) Motion to fill five vacancies on the Fire District No. 7 Board (Thibodaux) due to all members terms expired/advertised/(5) applications.
- b) Motion to fill two vacancies on the Lafourche Parish Game and Fish Commission(parish wide) due to the resignations of Leonard Toups and Leon Richard/advertised/3 applications.
- c) Motion to fill a vacancy on the Recreation District No. 5 Board (Ward 6) due to the resignation of Eves Bourgeois/advertised/1 application.
- d) Motion to fill a vacancy on the Library Board of Control Board (parish wide) due to the resignation of Beverly Arabie/advertised/2 applications.

8. November 23, 2004, Finance and Legislative Committee. (T. LASSEIGNE, CHAIR)

D. EXECUTIVE SESSION:

Motion by _____, seconded by _____, to open Executive Session.

9. Executive Session to discuss the following:

- a) Lafourche Real Estate and Associates, et al versus Lafourche Parish Council, No. 83939
- b) Smithport Planting versus Suard Barge Services, No. 95364

Motion by _____, seconded by _____, to close Executive Session and reconvene the meeting.

10. Any action necessary from Executive Session.

E. PRESENTATIONS:

11. Mr. John Nix with IESI and Mr. Dave Hartman with Belle Co. regarding the proposed Subtitle "D" Non-Hazardous Solid Waste Belle Landfill.

F. PRESIDENT'S REPORT:

12. Presentation of monthly report on parish finances as required by the Lafourche Parish Home Rule Charter.

G. PUBLIC HEARING & ORDINANCES FOR RATIFICATION:

Motion by _____, seconded by _____, to open public hearing.

- 13. ORDINANCE abolishing Lafourche Parish Drainage District No. 12 (Raceland), rescinding and repealing an ordinance adopted by the Police Jury of the Parish of Lafourche, State of Louisiana, on May 15, 1913, providing for the creation of the District; and providing for other matters necessary in connection therewith. (M. ATZENHOFFER)
- 14. ORDINANCE authorizing the Parish President to enter into a contract with SWDI, LLC, the term to begin on January 1, 2005 and terminate on December 31, 2009; authorizing the Parish President to enter into amended Intergovernmental Agreement with the Towns of Lockport and Golden Meadow relative to said contract; and authorizing the Parish President to sign said contract with SWDI, LLC and said amended Intergovernmental Agreements with the Towns of Lockport and Golden Meadow. (P. GOUAUX)

15. ORDINANCE enacting Sections 15:36, 15:37, 15:38, and 15:39 of Sub-Chapter “C”, entitled Peddlers, Hawkers, and Sales from Portables Displays and Vehicles, of Chapter 15 of the Code of Ordinances of the Lafourche Parish Council as it pertains to peddler licenses and mobile seafood vendors. (M. ATZENHOFFER)
16. ORDINANCE to repeal Sub-Chapter “C” of Chapter 2 entitled “Administration and Organization” of the Code of Ordinances of the Lafourche Parish Council as it pertains to provisions governing operations of the parish governing body; and to further restructure and enact new provisions regarding said matter. (P. GOUAUX)
 - a) AMENDMENT - regarding Section 2:207(A)2a to add “Legislative Officials shall obtain the approval of the Parish President or the Parish Administrator.” (B. CALLAIS)
 - b) AMENDMENT -to add 2d in Section 2:207(A) to state “Any out-of-state travel for all Council members, Parish Employees and the Administration, must be approved by the Council.” (B. CALLAIS)
 - c) AMENDMENT -regarding Section 2:207(A)3b to remove “.....or within the Parish when over 30 miles away from a person’s domicile that....” (B. CALLAIS)
17. ORDINANCE to authorize a second sale of adjudicated property by sealed bids to sell adjudicated property located at Lot 127 Guichetville Subdivision, Raceland, Louisiana; to reject all bid(s) made under the original authority to proceed to sale made via Ordinance No. 3200 in 2003; to authorize and approve an Act of Cash Sale; and to authorize the Parish President to sign all necessary documents related to said sale; and to provide certified copies to all involved parties. (L. TOUPS FOR ADMINISTRATION)
18. ORDINANCE rescinding Ordinance No. 3463 as it pertains to a moratorium on all future aviation facilities from the Intracoastal Canal South to Louisiana Highway 3161 (Cote Blanche Connection) and from Louisiana Highway 1 West to the South Lafourche Levee District Levee, consisting all property adjacent to Louisiana Highway 3235 until December 31, 2005. (T. LASSEIGNE)
19. ORDINANCE establishing a load limit of ten (10) tons on Brocato Lane, Triple Oaks Drive, and Williams Street, Ward 3, District 6 of Lafourche Parish; requiring the placement of “Load Limit” signs; and providing for penalties for violations thereof. (L. TOUPS)
20. ORDINANCE prohibiting “Loitering” on West 58th Street and West 59th Street, Ward 10, District 8 of Lafourche Parish. (B. CALLAIS)

21. ORDINANCE providing for the incurring of debt and issuance of not exceeding \$15,000,000.00 of Road Bonds, Series 2005 of the Parish of Lafourche; prescribing the form, terms and conditions of the Bonds; designating the date, denomination and place of payment thereof in principal and interest; authorizing the agreement with the Paying Agent; providing for the acceptance of an offer for the purchase of the Bonds; and providing for other matters in connection therewith. (T. LASSEIGNE)

Motion by _____, seconded by _____, to close the public hearing.

H. PROPOSED ORDINANCES:

22. PROPOSED ORDINANCE rescinding and repealing Ordinance No. 2455, and thereby reinstating the levy and collection throughout the boundaries of Sales Tax District No. 4 of the one percent (1%) sales and use tax for solid waste collection and disposal purposes which was authorized to be levied by the voters voting in an election held within the District on September 27, 1986; and authorizing the executive officers of this Parish Council and the Parish President to take any and all action necessary to provide that the levy and collection of the full one percent (1%) sales and use tax for the aforesaid purposes shall be reinstated and be in effect on April 1, 2005. (P. GOUAUX)
23. PROPOSED ORDINANCE providing for participation in the South Central Clean Water Action Plan and to further provide for a portion of the local match in the amount of \$161,722.00; and that the Parish President be authorized to execute any Intergovernmental Agreements required for participation in the project. (L. TOUPS FOR ADMINISTRATION)
24. PROPOSED ORDINANCE approving the holding of an election in Fire Protection District No. 8-C of the Parish of Lafourche, to authorize the levy of a parcel fee therein. (M. DELATTE)
25. PROPOSED ORDINANCE prohibiting loitering at the intersection of Romy Drive and Sixteenth Street, Nolan Toups Subdivision, Lockport, Louisiana; providing for penalties of violators; and authorizing the installation of the "No Loitering" signs. (P. GOUAUX)
26. PROPOSED ORDINANCE authorizing the Parish President to sign a purchase agreement for the purchase of the Whitney Bank Building by the Lafourche Parish Council to house the District Attorney's Office and a portion of the Lafourche Parish Sheriff's Office, at the appraised value of \$2,500,000.00 with a deposit of \$20,000.000 due on January 15, 2005. (L. TOUPS FOR ADMINISTRATION)
27. PROPOSED ORDINANCE declaring property belonging to the Lafourche Parish Council Head Start Program as disposable property. (L. TOUPS FOR ADMINISTRATION)

28. PROPOSED ORDINANCE accepting into the parish system the subdivision known as the “Allen Thibodaux Lot Extensions”, Ward 10, District 8. (B. CALLAIS)
29. PROPOSED ORDINANCE accepting into the parish system the subdivision known as the “Tracts “A” and “B”, a redivision of property belonging to Octave J. Sommers, III”, Ward 9, District 6. (L. TOUPS)
30. PROPOSED ORDINANCE accepting into the parish system the subdivision known as the “Wally G. Rodrigue Subdivision”, Ward 6, District 2. (M. DELATTE)
31. PROPOSED ORDINANCE accepting into the parish system the subdivision known as the “Lot Extensions and redivision of property belonging to Todd Brady”, Ward 10, District 8. (B. CALLAIS)
32. PROPOSED ORDINANCE accepting into the parish system the subdivision known as the “Oak Grove Park Subdivision, Phase III”, Ward 11, District 4. (T. LASSEIGNE)
33. PROPOSED ORDINANCE approving the holding of an election in Fire Protection District No. 7 of the Parish of Lafourche to authorize the levy of a tax renewal therein. (T. LASSEIGNE)
34. PROPOSED ORDINANCE to amend Ordinance No. 3407 to amend the lease agreement with Lafourche Parish Recreation District No. 8 for a plot of land in Gheens for ninety-nine (99) years at a cost of \$100.00 per year in order to construct a portable building measuring 24' x 40' for a cost not to exceed \$50,000.00 in order to increase the boundaries of said land; and to authorize the signing of all pertinent documents associated with the ordinance. (L. TOUPS)
35. PROPOSED ORDINANCE to amend and re-enact Section 12:3 of Chapter 12 of the Code of Ordinances as it pertains to the membership of the Lafourche Parish Library Board of Control. (M. ATZENHOFFER)
36. PROPOSED ORDINANCE to enact regulations and establish definitions regarding truck stop developments and truck stops with gaming devices in Lafourche parish; and to provide for related matters. (L. TOUPS)
37. PROPOSED ORDINANCE approving the issuance, sale and delivery of not exceeding \$650,000.00 of General Obligation Refunding Bonds, Series 2005, of Recreation District No. 2 of the Parish of Lafourche, and other matters relating thereto. (L. TOUPS)

I. RESOLUTIONS:

38. RESOLUTION opposing the proposed Type I Solid Waste Landfill and requesting the Louisiana Department of Environmental Quality to deny any permits for the establishment of the Belle Co. Landfill. (DEFERRED TO LPC FROM 11-23-04 COMMITTEE)
39. RESOLUTION requesting the Administration to install a sulphur street light at the intersection of Louisiana Highway 3235 and the Cote Blanche Connection in Cut Off, Louisiana, due to a dangerous intersection. (B. CALLAIS)
40. RESOLUTION requesting the Lafourche Parish District Attorney to approve the hiring of Mr. Scott Schneider of Fisher and Phillips at a rate of \$150.00 per hour to advise the Parish and various Districts on personnel matters. (ADMINISTRATION)
41. RESOLUTION requesting an opinion from the Lafourche Parish District Attorney to determine whether or not family members or spouses of Council members can serve on parish boards. (M. ATZENHOFFER)
42. RESOLUTION requesting the Lafourche Parish District Attorney to approve the hiring of Mr. Leslie Clement at a rate of \$125.00 per hour to perform a title search and render a title opinion for the purchase of property from Mr. Howard Dufrene for the Jessie Dufrene Pump Station. (L. TOUPS)
43. RESOLUTION requesting the Administration to hire an appraiser for the purchase of property from Mr. Howard Dufrene for the Jessie Dufrene Pump Station. (L. TOUPS)
44. RESOLUTION approving the hiring of an Architect to perform an inspection of the Whitney Building in anticipation of the building purchase to house both the District Attorney's Office and offices of the Lafourche Parish Sheriff. (L. TOUPS)
45. RESOLUTION approving the hiring of an attorney to perform a title search and render a title opinion on the Whitney Building in anticipation of the buildings purchase to house both the District Attorney's Office and offices of the Lafourche Parish Sheriff. (L. TOUPS)
46. RESOLUTION approving an agreement offered by the Department of Health and Hospitals to implement a Beach Monitoring Program on Fourchon Beach in accordance with State requirements; and authorizing the Parish President to sign, execute and administer said agreement and all associated documents. (ADMINISTRATION)

47. RESOLUTION approving the cancellation of the Morristown Sewerage Project due to the inability to secure land rights from certain land owners; and authorizing the Parish President to forward official notice of this decision to South Central Planning and Development, the Louisiana Office of Community Development and the U. S. Department of Housing and Urban development; and authorizing the Parish President to reimburse the Federal Government all necessary expenses. (ADMINISTRATION)
48. RESOLUTION approving the acceptance of the low bid for the removal and disposal of the Region A and Region B Field Offices abandoned storage tanks; and authorizing the Parish President to sign, execute, and administer said contracts and all relevant documents. (ADMINISTRATION)
49. RESOLUTION authorizing the firm of Joseph B. Caillouet Architects, (JBC/AIA), a notice to proceed with the construction administration phase of the Gheens Library Building; and authorizing the Parish President to sign all necessary documents. (L. TOUPS)
50. RESOLUTION authorizing the firm of Joseph B. Caillouet Architects, (JBC/AIA), a notice to proceed with the construction document phase and the bidding phase of the Galliano Library Building; and authorizing the Parish President to sign all necessary documents. (B. CALLAIS)
51. RESOLUTION authorizing the firm of Joseph B. Caillouet Architects, (JBC/AIA), a notice to proceed with the construction document phase and the bidding phase of the Ward 6 Library Building; and authorizing the Parish President to sign all necessary documents. (M. DELATTE)
52. RESOLUTION authorizing the firm of Joseph B. Caillouet Architects, (JBC/AIA), a notice to proceed with the construction of the Bayou Blue Library Building; and authorizing the Parish President to sign all necessary documents. (M. ATZENHOFFER)
53. RESOLUTION recommending that all Lafourche Parish Citizens refrain from watching the CBS, NBC and ABC television national news until such time as changes are made to its mode of operation and it returns to unbiased news reporting. (M. ATZENHOFFER)
54. RESOLUTION requesting the Administration to solicit for Requests For Quotes for low speed impact barriers for the entire length (approximately 2.5 miles) of Bayou Folse Road. (M. ATZENHOFFER)
55. RESOLUTION concerning a second request to the Louisiana Department of Transportation and Development to permanently fix the sink hole on Louisiana Highway 316 between Meadowland Drive and Ozia Skyline Drive, Bayou Blue, Ward 11 of Lafourche Parish. (M. ATZENHOFFER)

56. RESOLUTION requesting the Department of Transportation and Development to reduce the speed limit from the Bollinger Bridge, North, to the Town Limits of Lockport, to 45 miles per hour. (P. GOUAUX)
57. RESOLUTION approving contract(s) with MBIA Asset Management Group to handle the investments for Lafourche Government; and authorizing the Parish President to sign, execute and administer said contract(s). (ADMINISTRATION)

J. DISCUSSIONS:

58. Discussion concerning truck stops. (L. TOUPS)
59. Discussion concerning street lights. (L. TOUPS)
60. Discussion concerning the erosion problem on the south side of the Intracoastal in Larose. (P. GOUAUX)
61. Discussion/Motion concerning the board application process. (M. ATZENHOFFER)
62. Discussion concerning the request the District Attorney forwarded to the Bond Attorney's regarding litigation with Lafourche Parish. (P. GOUAUX)
63. Discussion concerning the traffic on East Fontinelle Street in Lockport. (P. GOUAUX)
64. Motion to discuss responsibility of parish boards and commissions to the Council in regards to fiscal policies. (M. ATZENHOFFER)

K. MONTHLY ENGINEERING REPORTS:

65. Presentation of planned, presently on going, recently completed or other projects by appropriate engineering firms engaged by the Parish.

L. LEGAL ADVISOR REPORT:

66. Motion to relinquish time to the Lafourche Parish Legal Advisor. (L. TOUPS)

M. PUBLIC WISHING TO ADDRESS THE COUNCIL:

67. Mr. Marshall Cox, Highway 1, Lockport, to address the Council concerning the parish cutting his neighbor's fence and why his claim for payment of damages to his truck was denied.

N. ADJOURNMENT:

On motion by _____, seconded by _____ and with no further business, the Lafourche Parish Council meeting of December 14, 2004 adjourned at _____.

**LAFOURCHE PARISH COUNCIL
DECEMBER 14, 2004
TWO-THIRDS AGENDA**

PROCLAMATION:

1. PROCLAMATION recognizing the work and dedication of Mrs. Sybill Ledet and the Harvest of Thanks volunteers for years of dedication assisting the needy of Lafourche Parish and Grand Isle through the Harvest of Thanks Annual Brunch. (ADMINISTRATION)

RESOLUTIONS:

2. RESOLUTION ratifying a contract with Duplantis Engineering to engineer water line improvements in the Marydale area and the Parish President's authority to sign, execute and administer said contract and approving an Intergovernmental Agreement to cost share the cost of water line improvements with the Lafourche Parish Water District No. 1. (ADMINISTRATION)
3. RESOLUTION adopting an official parish logo for the Council and Government with artwork prepared by Grant Toups and authorizing the Parish President to begin the transition and application of this logo onto parish vehicles, stationary and other appropriate places. (ADMINISTRATION)
4. RESOLUTION approving contracts for Home Inspector and Labor Contractor for the Weatherization Program for Community Action Agency; and authorizing the Parish President to all relevant documents. (ADMINISTRATION)
5. RESOLUTION approving a contract(s) for services with Larry J. Picciola, Inc., to provide supervision and oversight of the parish's road construction projects with funding coming from road bonds being sold and/or from the appropriate Road Sales Tax Districts; also approving a contract(s) with Jerry M. Braud, a local Abstractor, to research land rights to determine public versus private streets; and authorizing the Parish President to sign, execute and administer said contract(s). (ADMINISTRATION)
6. RESOLUTION approving the cancellation of the Morristown Sewerage Project due to the inability to secure land rights from certain land owners; and authorizing the Parish President to forward official notice of this decision to South Central Planning and Development, the Louisiana Office of Community Development and the U. S. Department of Housing and Urban Development; and authorizing the Parish President to reimburse the Federal Government all necessary expenses. (ADMINISTRATION)

7. RESOLUTION approving the Parish President's appointment of Mark Atzenhoffer as the Council's liaison to the Library Board of Control. (ADMINISTRATION)
8. RESOLUTION approving contract(s) to accept the lowest bid of \$146,707.58 from Grand Isle Shipyard, Inc. for the Delmar Farm bridge and replacement; and authorizing the Parish President to sign, execute and administer said contract(s). (ADMINISTRATION)
9. RESOLUTION approving contract(s) to accept the lowest bid of \$211,028.00 from Sealevel Construction, Inc. for the Clovelly Farms area to include a bridge and drainage improvements; and authorizing the Parish President to sign, execute and administer said contract(s). (ADMINISTRATION)
10. RESOLUTION approving a contract with Nextel to purchase "fiscal blackberry PDA's" and allowing for monthly internet and phone services; and authorizing the Parish President to sign, execute and administer said contract. (M. ATZENHOFFER)

PROPOSED ORDINANCES:

11. PROPOSED ORDINANCE authorizing up to an additional \$2,000,000.00 in parish funding to supplement the construction of locks on Bayou Lafourche to be appropriated over a three (3) year period beginning in 2005. (L. TOUPS FOR ADMINISTRATION)
12. PROPOSED ORDINANCE accepting ownership of whatever rights the Louisiana Department of Transportation and Development may own in and to the aforesaid portion of **Louisiana Highway 656 (known as Lake Long Drive)** as a binding agreement between the State of Louisiana and Parish of Lafourche provided the Department of Transportation and Development complies with the conditions described herein and authorizing the Parish President to execute the instruments to transfer the aforesaid property once the conditions of this agreement are met.
(L. TOUPS FOR ADMINISTRATION)
13. PROPOSED ORDINANCE accepting ownership of whatever rights the Louisiana Department of Transportation and Development may own in and to the aforesaid portion of **Louisiana Highways (Highways 652, 653, 657, and 307)** as a binding agreement between the State of Louisiana and Parish of Lafourche provided the Department of Transportation and Development complies with the conditions described herein and authorizing the Parish President to execute the instruments to transfer the aforesaid property once the conditions of this agreement are met.
(L. TOUPS FOR ADMINISTRATION)

14. PROPOSED ORDINANCE accepting ownership of whatever rights the Louisiana Department of Transportation and Development may own in and to the aforesaid portion of **Louisiana Highways (Highway 1)** as a binding agreement between the State of Louisiana and Parish of Lafourche provided the Department of Transportation and Development complies with the conditions described herein and authorizing the Parish President to execute the instruments to transfer the aforesaid property once the conditions of this agreement are met. (L. TOUPS FOR ADMINISTRATION)
15. PROPOSED ORDINANCE authorizing the transfer of property belonging to the Lafourche Parish Council Head Start Program to the Terrebonne Parish Consolidated Government Head Start Program due to the separation of Lafourche and Terrebonne Head Start. (L. TOUPS FOR ADMINISTRATION)
16. PROPOSED ORDINANCE providing for a supplemental appropriation for the 2004 Maintenance and Operations Budget for the Lafourche Parish Council as provided for by Article V of the Lafourche Parish Home Rule Charter.
(L. TOUPS FOR ADMINISTRATION)