

APRIL 27, 2004
RACELAND, LOUISIANA

STATE OF LOUISIANA
PARISH OF LAFOURCHE

THE LAFOURCHE PARISH COUNCIL PUBLIC WORKS AND SOLID WASTE COMMITTEE, PARISH OF LAFOURCHE, STATE OF LOUISIANA, WAS SCHEDULED FOR TUESDAY, APRIL 27, 2004, AT 6:00 P.M. IN THE COUNCIL ROOM AT THE LAFOURCHE PARISH COUNCIL BARRIOS CENTER, 1612 HWY. 182, SUITE 100, RACELAND, LOUISIANA.

Mark Atzenhoffer, Chairman, stated that the Public Works and Solid Waste Committee was ready for the transaction of business at 6:02 P.M.. Proceedings of the meeting were called to order with the following:

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

ABSENT: None

Council Member Mike Delatte led the Council and members of the audience in an opening prayer. The Council then recited the Pledge of Allegiance led by Council Member Michael Matherne

A motion was offered Mr. Lindel Toups, seconded by Mr. Mike Delatte, and *carried* deviate from the agenda and **move to a 2/3 agenda** by a vote of nine (9) yeas and zero (0) nays.

2/3 AGENDA

The first (1) item on the 2/3 Agenda was a motion to enter into Executive Session to discuss pending litigation regarding lawsuit #97300, David Heck vs Lafourche Parish Council. A motion was offered by Mr. Lindel Toups, seconded by Mr. Tommy Lasseigne, and *carried* to move to Executive Session by a vote of nine (9) yeas and zero (0) nays.

A motion was offered by Mr. Lindel Toups, seconded by Mr. Mike Delatte, and *carried* to return to the regular session by a vote of nine (9) yeas and zero (0) nays.

A motion was offered by Mr. Michael Matherne, Mr. Tommy Lasseigne, and *carried* to allow

the administration to continue with negotiations to resolve lawsuit #97300, David Heck vs Lafourche Parish Council, and report back to the Public Works and Solid Waste Committee on May 25, 2004

PUBLIC TO ADDRESS THE COMMITTEE

Chairman Atzenhoffer asked if anyone from the public wished to address the committee. Daniel Toups expressed his concern regarding item (7) Crepe Myrtle Place, specifically the quality of the community and value of property if this development, which would include trailers, were to develop in the area. He mentioned that a petition was signed by 75 people requesting the Council to reject plans for the development for Crepe Myrtle Place. Next, Preston Roddy addressed President Randolph and the Committee regarding the flooding problem in West Thibodaux and asked that the parish address this problem.

PUBLIC WORKS DIRECTOR'S REPORT

The next item on the agenda was the Public Works Director's report. First Mr. Ray Chermie addressed Mr. Preston Roddy's situation regarding the flooding in West Thibodaux, saying that a project is scheduled to begin in the near future and by the end of the year, there will be a difference in the water flow. Gary Washington, Region A Barn Superintendent, stated that they are working on increasing the water flow's volume and speed and getting the water moving toward the pump station. Mr. Chauvin then mentioned that the culverts in the area are too small and this issue is being researched. Joe Picciola stated that last year, the parish had applied for a FEMA Hazard Mitigation Grant in the West Thibodaux area and was awarded a \$650,000 grant. He elaborated more on the project. Mr. Picciola announced the schedule of the project: 4-6 weeks away to having a final design package, go out for bids--30 days, and maybe 30 days to sign contracts. He then discussed the Nolan Toups Project, stating that bids are being advertised, public bids will be taken on May 13, 2004, and the project will probably begin 4 weeks after that. More discussion ensued regarding the West Thibodaux project, particularly the specific area and the improvements to be made. Mr. Picciola stated that FEMA is auditing the Louisiana Office of Emergency Preparedness for Hazard Mitigation Grant Projects and said that his office was not informed that they were awarded the money for the Twin Oaks Drainage Project. He said that once the audit is completed, the projects would continue to be awarded, such as the Cloverly Bridge project and a project for the port in Lafourche. President Randolph then acknowledged Mr. Gary Washington and his staff for quickly responding and taking any necessary action regarding the rainstorm on Sunday night. Mr. Chermie continued with his report, addressing the following issues: installation of pumps in Matthews at FAntastic, additional pumping capacity in Edgar Guidry, the moving back of an eroding levee in Gheens at no cost to the parish, the purchase of a 15' bush-hog by the North Lafourche Levee District, and the government agencies working within the parish regarding drainage wanting to work with the parish in any way possible.

PRESENTATIONS

The first item (1) on the agenda was a presentation from Ms. Lori LeBlanc with Restore or Retreat regarding an update on coastal issues. Ms. LeBlanc, the Executive Director, provided the

Committee with handouts of her presentation. She began by giving a brief background on Restore or Retreat (ROR), then proceeded with her presentation by giving the organization's mission statement: *Realizing that the Barataria and Terrebonne basins are the two most rapidly eroding estuaries on the earth, and understanding that an economic and ecological travesty is occurring, the members of ROR seek to identify, expedite, and aggressively engage in solutions to urgently achieve comprehensive coastal restoration.* She further discussed the following: the Louisiana Land Loss Crisis, the Delta Complexes, Coast 2050 Plan, the Third Delta Conveyance Channel, Wax Lake Outlet, and the Louisiana Coastal Area Study. Mr. Phillip Gouaux asked how the parish and Council could help. Ms. LeBlanc suggested that the council issue a resolution supporting the Third Delta and its continuance in the LCA Feasibility Study.

MOTIONS

The next item (2) on the agenda was a motion to submit Ellen DeCuir Mobile Home Park (3) mobile home spaces, District 8, Ward 10, to be presented before the April 29, 2004, Planning Commission meeting.

Mr. Michael St. Martin stated that items (2) through (14) are to be presented to the Planning Commission Thursday evening. Items (3) through (14) are listed below.

Item (3) on the agenda was a motion to submit Rachel Plantation, Addendum No. 3, Phase "D", (6) lots, District 4, Ward 11, to be presented before the April 29, 2004, Planning Commission meeting.

Item (4) on the agenda was a motion to submit Prairie Ridge Subdivision, Phase II (14) lots, District 5, Ward 3, to be presented before the April 29, 2004, Planning Commission meeting.

Item (5) on the agenda was a motion to submit Pelican Way Subdivision (48) lots, District 6, Ward 4, to be presented before the April 29, 2004, Planning Commission meeting.

Item (6) on the agenda was a motion to submit Algiers Commercial Subdivision, Addendum No. 1 (8) lots, District 1, Ward 1, to be presented before the April 29, 2004, Planning Commission meeting.

Item (7) on the agenda was a motion to submit Crepe Myrtle Place (9) lots, District 2, Ward 1, to be presented before the April 29, 2004, Planning Commission Meeting.

Item (8) on the agenda was a motion to submit Prairie Lake Subdivision, Addendum No. 2 (22) lots, District 5, Ward 3, to be presented before the April 29, 2004, Planning Commission Meeting.

Item (9) on the agenda was a motion to recommend a variance to the Council for the minimum side yard side set back for existing mobile home on Lot B, on the Redivision of 1.118 Acres into Lots A, B, and C Belonging to Jason Rodrigue, District 2, Ward 1, to be presented before the April 29, 2004, Planning Commission Meeting.

Item (10) on the agenda was a motion to submit Redivision of 1.118 Acres Into Lots A, B & C Belonging to Jason Rodrigue (3) lots, District 2, Ward 1, to be presented before the April 29, 2004, Planning Commission Meeting.

Item (11) on the agenda was a motion to submit Resubdivision of a Portion of the James & Elizabeth McGrew Property Into Lot A (1) lot, District 5, Ward 3, to be presented before the April 29, 2004, Planning Commission Meeting.

Item (12) on the agenda was a motion to submit Lee Leger Subdivision (3) lots, District 9, Ward 10, to be presented before the April 29, 2004, Planning Commission Meeting.

Item (13) on the agenda was a motion to submit C-Port 2 Mobile Home Park No. 2 (Phase 1,2,3,4,5,& 6) (20) mobile home spaces, District 9, Ward 10, to be presented before the April 29, 2004, Planning Commission Meeting.

Item (14) on the agenda was a motion to recommend a variance to the Council from not having to hard surface the cross streets and only leave a right-of-way for future access- French Turn Subdivision, Addendum No. 4. District 8, Ward 10, to be presented before the April 29, 2004, Planning Commission Meeting.

Mr. St. Martin He noted that **items (9) and (14)** are variance requests. He also mentioned that public comments were made on **item (7)**, Crepe Myrtle Place, adding that the gentleman has been speaking to the engineer of the development after he addressed the Committee. Mr. St. Martin stated that the Council and Planning Commission do not have much control over the exact type of residence that is placed on a lot, but does have control over the size of the lot, the drainage, and the infrastructure. He then said that the Planning Commission will listen to, address, and take into consideration his other issues, such as the quality of life. Mr. St. Martin addressed **item (5)**, saying the development is being handled by the engineering firm of David Waitz and Superior Land Developers. He continued by saying this development will have its own drainage system; it will not drain off any of the other subdivisions. Mr. Brent Callais referred to **item (2)**, which had problems with a fire hydrant not working and was originally turned down by the Planning Commission. Mr. St. Martin mentioned that the plat had been revised and read a letter from the Water District, which stated that there were no problems with the fire hydrant. At the request of Mr. Tommy Lasseigne, Mr. St. Martin explained **item (9)**, saying that a variance is being requested in the event that the mobile home remains on the lot permanently. A discussion ensued regarding the property line and the potential hazards. Mr. St. Martin mentioned that the basis for the variance is that the mobile home is a temporary unit and that the individual living on the property has no objection to the mobile home being so close to his residence; however, someone could buy the property tomorrow and have a problem with it, being a point of consideration when thinking about a variance. Mr. St. Martin stated that the Planning Commission is **not recommending** the variance. Next, Mr. Lasseigne requested information regarding **item (14)**, French Turn Subdivision. Mr. St. Martin stated that this subdivision does not meet the cross street and cul-de-sac requirements and was denied as presented at last month's Planning Commission meeting. He continued by saying that a representative of the developer, who originally agreed to put the cross street in the proper location, requested a variance from the cross street instead. He mentioned that the developer has also shown right-of-ways where future cross streets could possibly be built. Mr. St. Martin concluded that the Planning Commission would normally **not recommend** this variance request. Mr. Phillip Gouaux reminded the Committee that variances still have to come before the Council for final approval. Mr. St. Martin stated that the Planning Commission makes recommendations to the Council whether to deny or approve a variance, which can only be approved by the Council. A **motion** was offered by Mr. Lindel Touns and seconded by Mr. Tommy Lasseigne to send items (2) through (14) to the Planning Commission on April 29, 2004. The Committee **approved** the motion by a vote of nine (9) yeas and zero (0) nays.

The next item (15) on the agenda was a motion to enter into discussion regarding the Louisiana Community Development Block Grant Programs for community sewerage. Mr. Lindel Toups stated that when the parish receives a grant from the federal government to build a sewerage plant, the parish is then left to maintain the sewerage plant, which needs to be replaced within 15-20 years. He added that the replacement is not necessarily funded through grant monies and the cost ends up falling on the parish. Mr. Cullen Curole, Parish Administrator, mentioned that Mr. Jerome Danos, Solid Waste Director, thought that the parish was to pursue these types of Sewerage District projects and is looking for the direction of the council on whether or not to continue to pursue these types of projects. A **motion** was offered by Mr. Lindel Toups and seconded by Mr. Brent Callais ***requesting that the Administration look into the feasibility of the parish continuing to receive these grants and give a report at the next full Council meeting.*** Mr. Tommy Lasseigne inquired about the Rita Sewerage Project and how it ties into the street projects. A discussion ensued regarding the issue of the parish no longer accepting grant money for sewerage projects and also the issue of sewerage fees and sewerage services. The Committee ***approved*** the motion by a vote of nine (9) yeas and zero (0) nays.

The next item (16) on the agenda was a motion to enter into discussion concerning parking on public streets. Mr. Phillip Gouaux discussed complaints he received from residents who say it is difficult to back out of their driveway due to people parking on the street. Mr. Gouaux requested that at the next full council meeting that an ordinance be introduced stating that it will be illegal to park directly across from a driveway or within 10' of the driveway on the same side of the street. A discussion ensued regarding cross streets, being that they are parish property. Mr. Mark Atzenhoffer requested that the ordinance also include all unimproved, shouldered streets. Mr. Gouaux mentioned that this ordinance would help in decreasing the amount of fire zone signs being installed.

The next item (17) on the agenda was a motion to enter into discussion concerning the Highway Exchange Program with the Department of Transportation and Development. Mr. Mark Atzenhoffer mentioned that this issues was discussed at previous meetings. He said that due to Hwy. 3235, other state highways, and the upcoming expansion of LA 1, the parish will face a deficit with lane miles for the state, adding that the parish will need to make up some of that millage. Mr. Cullen Curole referred to the handouts that were given to the Committee, saying that the list was provided by Louisiana Department of Transportation and Development (DOTD) as a suggestion of what low volume state streets the parish should consider taking back into the parish system. He added that the streets listed are not likely to be resurfaced by the state in the future, but as a part of the Exchange Program, the state provides a 2" asphalt overlay to bring these low volume streets up to standard. Mr. Curole suggested that the Committee review and recommend any negotiations the parish should make with DOTD, adding that overpasses and bridges over Hwy. 90 will not be considered for or included in the Exchange Program. Chairman Atzenhoffer requested that ***each councilman present at the next full council meeting what streets from their district should be sent to DOTD for consideration in the Exchange Program.*** A discussion ensued regarding the 2" asphalt overlay, which is subject to negotiation. Mr. Lindel Toups mentioned that this issue is similar to the sewerage systems, saying that the parish will be responsible for these streets in the future. He then suggested that the parish only accept roads that will not be used much. Mr. Gouaux mentioned that according to Mr. LeBlanc, the state engineer, any roads substandard to state speculation would be brought back to state specification before any overlay is placed on the road.

The next item (18) on the agenda was a motion to enter into discussion concerning speed bumps. A **motion** was offered by Mr. Lindel Toups and seconded by Mr. Mike Delatte requesting that the Administration, along with the Sheriff's Department, look into the use of speed bumps to control speeding. He suggested that Public Hearings be held throughout the parish before any decisions are made. Mr. Daniel Lorraine mentioned that an ordinance pertaining to speed bumps already exists and has been revised. He stated that residents who want speed bumps have to hire an engineer and pay for the speed bumps themselves. Chairman Atzenhoffer requested that the Council Clerk provide a copy of the ordinance to all council members.

The next item (19) on the agenda was a motion to enter into discussion concerning out fall canals on Laris Drive in Mathews. Mr. Lindel Toups discussed the need for out fall canals on Laris Drive but said that a right-of-way is needed to run the out fall canal, since all the water comes from Laris Drive to Central Lafourche and is flooding the new roads. He requested that the Administration check the status of the possibility of getting a right-of-way on Laris Drive. Mr. Ray Cheramie said that if the parish can get a right-of-way, a ditch can be cut. He then announced that the parish is getting two new excavators within the next three weeks.

The next item (20) on the agenda was a motion to enter into discussion concerning trees along the highways. Mr. Daniel Lorraine mentioned the frequent occurrence of accidents. He said that he did not know if the parish could do something regarding this situation, but asked if the council could help to remedy this problem. Mr. Dwayne LeBoeuf then mentioned there are also tree problems on streets, saying no one wants to claim the trees. President Randolph said that the Administration can research the situation to see what can be done and report back to the Council.

RESOLUTIONS

The next item (21) on the agenda was a resolution requesting the Louisiana Department of Transportation and Development to adjust the signs regarding East/West and North/South direction along Louisiana Highway 1 and 308 to be consistent. Mr. Phillip Gouaux discussed the need for the adjustment of signs, saying that if the signs were consistent, it would help in giving directions. He then said that DOTD in Houma required that the legislature request a variance to change the road signs because the even numbered highways are East and West, and the odd ones are North and South. Mr. Gouaux said that Senator Dupre would assist in providing a variance to Hwy 308, which would be labeled correctly, if the Council passed a resolution. He requested that the resolution be sent to DOTD, Senator Dupre, and Representative Pitre. A motion was offered by Mr. Phillip Gouaux and seconded by Mr. Mike Delatte. The Committee **recommended approval** to the Council said resolution by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 04-029 ADJUST DIRECTION SIGNS ON LA 1 AND HWY 308

The next item (22) on the agenda was a resolution requesting a legal opinion from the Lafourche Parish District Attorney regarding the authority the parish has to clean roadside ditches. Mr. Daniel Lorraine mentioned that although some residents allow the digging of ditches, others do not, which can delay the completion of a project. He requested an opinion from the District Attorney in an effort to help solve the problem, adding that the opinion could then be given to the foremans at the barns. A motion was offered by Mr. Daniel Lorraine and seconded by Mr. Phillip Gouaux. Discussion ensued. The Committee **recommended approval** to the Council said resolution by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 04-030 DA OPINION REGARDING THE CLEANING OF ROADSIDE DITCHES

OTHER BUSINESS

The next item on the agenda was any other business. Mr. Michael Matherne addressed the flooding in West Thibodaux which occurred earlier in the week. He said that the ditches cannot be serviced because the parish right-of-ways in the area are being obstructed, which may be a factor of why the water got so high. Mr. Ray Cheramie said that everyone wants drainage but on someone else's property. He added that he was unsure of the legality of how the Administration could handle the situation. Mr. Matherne relinquished his time to Mr. Preston Roddy, who discussed the servitude issue, mentioning that a resident, whose property contains a servitude, should be levied a fine should they deny the parish a right-of-way to the servitude. Mr. Cheramie said that handling this the issue is not an easy task, adding that a long range solution is needed for the future. Further discussion ensued regarding right-of-ways.

Next, Mr. Phillip Gouaux discussed a street that was resurfaced in 1998 and was not accepted into the parish system. He explained that the owner wants to develop property behind that area and wants the street taken into the parish system. Mr. Gouaux relinquished his time to the engineer, Larry Picciola, who represented the owner Mr. Herman Orgeron. Mr. Picciola gave brief background regarding the subdivision and discussed the problem of why it is being held up. He requested that the street be accepted into the parish system so that Mr. Orgeron could begin with his subdivision. Mr. Gouaux mentioned a state law that automatically accepts private streets into the parish system if they have been maintained by the parish for three or more years. Mr. Brent Callais stated that the Supreme Court ruled that although a parish maintains a private street for three years, it is not automatically accepted into the parish system. A **motion** was offered by Mr. Lindel Toups and seconded by Mr. Mike Delatte to allow the *Administration to look into the situation of private streets being maintained by the parish and make a recommendation to the full Council or next committee meeting*. Discussion ensued. Mr. Curole discussed street regulations and suggested that a recommendation be made for this particular situation but be a standard for addressing other streets. The Committee **approved** the motion by a vote of nine (9) yeas and zero (0) nays.

ADJOURN

On motion by Mr. Lindel Toups and seconded by Mr. Mike Delatte and with no further business the Lafourche Parish Council Public Works and Solid Waste Committee of April 27, 2004, is adjourned at 7:55 pm.

**MARK ATZENHOFFER, CHAIRMAN
LAFORCHE PARISH PUBLIC WORKS
AND SOLID WASTE COMMITTEE**

**SHEILA B. BOUDREAUX, COUNCIL CLERK
LAFORCHE PARISH**