

JANUARY 11, 2005
RACELAND, LOUISIANA

STATE OF LOUISIANA
PARISH LAFOURCHE

A REGULAR MEETING OF THE LAFOURCHE PARISH COUNCIL, PARISH OF LAFOURCHE, STATE OF LOUISIANA, WAS SCHEDULED FOR TUESDAY, JANUARY 11, 2005, AT 6:00 P.M., IN THE COUNCIL MEETING ROOM AT THE LAFOURCHE PARISH COUNCIL BARRIOS CENTER, 1612 HWY. 182, SUITE 100, RACELAND, LOUISIANA.

The Lafourche Parish Council was duly convened as the governing authority of said Parish by Mr. Lindel Toups, Chairman, who then stated that the Lafourche Parish Council was ready for the transaction of business at 6:00 p.m.

Chairman Toups announced that the opening prayer would be led by Council Member Michael Delatte. The Council then recited the Pledge of Allegiance led by Council Member Daniel Lorraine. Proceedings of the meeting were called to order with the following:

PRESENT: 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-Chairman
Mr. Daniel Lorraine

ABSENT: None

Mr. Brent Callais requested a moment to speak. He thanked Chairman Toups, in behalf of all the Lafourche Parish Council Members, for a year of dedicated service to the Council and Lafourche Parish, as the 2004 Chairman. Mr. Callais stated that it was great to have a veteran to take the time and effort to lead the Council because a lot was learned from under his leadership.

APPOINTMENTS/ELECTIONS OF OFFICERS FOR 2005

The first item (1) on the agenda was a motion to appoint a Chairman for the Fiscal Year 2005. Mr. Brent Callais nominated Mr. Michael Matherne. Mr. Daniel Lorraine nominated Dr. Tommy Lasseigne. A **motion** was made by Mr. Mark Atzenhoffer and seconded by Mr. Phillip Gouaux to close the nominations. The motion *carried* to **appoint Mr. Michael Matherne as Chairman** for the Fiscal Year 2005 by a vote of six (6) yeas and three (3) nays, that being of Mr. Michael Delatte, Dr. Tommy Lasseigne, and Mr. Daniel Lorraine.

Mr. Lindel Toups thanked the Lafourche Parish Council, the Parish President and Administration, and the District Attorney's Office for all their assistance. He said it was a great pleasure to serve. Mr. Toups then offered to assist the new Chairman, Mr. Michael Matherne.

The next item (2) on the agenda was a motion to appoint a Vice-Chair for the Fiscal Year 2005. Mr. Brent Callais thanked everyone for his nomination as 2004 Vice-Chair and said that it was indeed an honor to serve with Mr. Toups. He then nominated Mr. Mark Atzenhoffer as the 2005 Vice-Chair, seconded by Mr. Lindel Toups, and *carried* with no opposition by a vote of nine (9) yeas and zero (0) nays.

APPROVAL OF COUNCIL MINUTES

The next item (3) on the agenda was a motion to accept the minutes of the December 14, 2004, Regular Session Meeting. A **motion** was offered by Mr. Phillip Gouaux and seconded by Mr. Mark Atzenhoffer to accept the December 14, 2004 minutes. The minutes were **approved** by a vote of nine (9) yeas and zero (0) nays.

A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Brent Callais, and **carried** by a vote of nine (9) yeas and zero (0) nays, to **open** the Two-Thirds Agenda.

TWO-THIRDS AGENDA

The first item (1) on the Two-Thirds Agenda was a resolution requesting that all flags in Lafourche Parish fly half-mast in honor of the soldiers that have paid the ultimate sacrifice on January 6, 2005. Mr. Mark Atzenhoffer began to read the resolution and Mr. Brent Callais continued. A **motion** was offered by Mr. Mark Atzenhoffer, unanimously seconded, to accept the resolution, and **carried** by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 05-001 FLAGS TO FLY HALF-MAST IN HONOR OF SOLDIERS

A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Michael Delatte, and **carried** by a vote of nine (9) yeas and zero (0) nays, to **close** the Two-Thirds Agenda.

PROCLAMATION

The next item (4) on the agenda was a Proclamation recognizing the work and dedication of Mrs. Sybill Ledet and the Harvest of Thanks volunteers for their years of dedication assisting the needy of Lafourche Parish and Grand Isle through the Harvest of Thanks Annual Brunch. President Randolph recognized Mrs. Sybill Ledet, read and then presented the Proclamation to her. Mrs. Sybill Ledet said that it was a great honor to represent the Harvest of Thanks Organization. She was pleased to accept the honor in the name of all of the people who helped to make the Organization the success that it had become. Mrs. Ledet spoke of the many people who donated their time, talent, and money to raise an excess of \$200,000 which help fund organizations to assist people of the area that are in need. She gave background of the Organization and what they achieve. Mrs. Ledet thanked God for allowing for the work to be done and also the Lafourche Parish Council for the recognition.

PUBLIC WISHING TO ADDRESS THE COUNCIL

The next item (5) on the agenda was Mr. Robert Schoen to address the Council regarding fireworks and road paving. Mr. Schoen stated that he was a resident of Ward 6 and owned property in Lafourche Parish for 27 years. He said that he worked with his Councilman in regards to ordinances on fireworks. He asked what constituted as a bottle rocket because they were being sold throughout the parish. Mr. Schoen stated that the Police told him that they could not do anything about the bottle rockets that were being discharged onto his property because they did not have any laws to enforce. He requested that such an ordinance be created and to give the legal people of the parish a way to enforce it. Also, he asked for consideration for an ordinance to restrain people from shooting fireworks, which should be breaking the laws of littering. Chairman Matherne requested that Mr. Schoen review the existing firework ordinance and to make recommendations to the Council. Mr. Toups said that the Law should enforce the existing ordinance of it being illegal to sell bottle rockets. Chairman Matherne requested that Ms. Boudreaux, Council Clerk, put it on the next agenda as a discussion item, so any necessary action can be taken, and forward it to the Sheriff. Mr. Phillip Gouaux requested that the Council get a

legal opinion from the District Attorney as to what should be included to make the ordinance legally stand. President Randolph and Mr. Daniel Lorraine responded that an opinion was rendered last year.

PRESENTATIONS

The next item (6) on the agenda was Mr. David Hiegel with FEMA, Region 6, to give a status report regarding Lafourche Parish. Mr. Hiegel stated he was from the Region 6 Office in Denton, Texas where his job assignment was to work with the State of Louisiana and all the Communities of Louisiana that are in the National Flood Insurance Program. He stated that investigations of concerns began approximately two years ago because of variances that were granted through the Parish and Administration of the local permitting system concerning development in the local flood plains. He said that FEMA had determined that a set of variances that have been done through various procedures at the Parish were determined a violation of the National Flood Insurance Program Regulations. Mr. Hiegel said after reviewing a couple of hundred variances, FEMA had determined 48 of them were of serious concern and was officially in violation. He stated that the Parish had done a lot of work since then and that he wanted to congratulate the Parish on doing a good job because 40 of the property owners have addressed the concerns at their sites. Mr. Hiegel said that only 8 property owners were not responding to the Parish permit officials. He said that the next step was to utilize Section 1316 (which the Parish can declare property of a violation of its ordinance and to request that FEMA deny future flood insurance on the property) to urge compliance. Mr. Hiegel said with all the improvements, that he was looking forward to closing the case file within weeks. He said that the Parish could reapply to join the Community Rating System (which were dropped from last May) twelve months later. Mr. Hiegel then stated that his colleagues and FEMA's engineering department would be contacting the Parish to formerly start the remapping effort to revise the flood maps of the area in April. He encouraged participation regarding a two day workshop concerning coastal construction techniques which was tentatively scheduled for the second week of March.

PRESIDENT'S REPORT

The next item (7) on the agenda was Presentation of monthly report on parish finances as required by the Lafourche Parish Home Rule Charter. President Randolph stated that with all the changes that were made and having two meetings a month that she would like suggestions from the Council to which meeting they would like the reports given. Mr. Mark Atzenhoffer suggested the Financial Report at the first meeting of the month and the Public Works Report at the second meeting. A brief debate pursued. It was then decided to have the Public Works Report at the first meeting of the month and the Financial Report at the second meeting. Chairman Matherne requested that it be put on the agenda as such.

Next, a **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Brent Callais, to **open the Public Hearing & Ordinances for Ratification**, and *carried* by a vote of nine (9) yeas and zero (0) nays.

PUBLIC HEARING & ORDINANCES FOR RATIFICATION

The next item (8) on the agenda was an 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. Dr. Tommy Lasseigne pulled this item from the agenda.

ORDINANCE WAS PULLED

The next item (9) on the agenda was an ordinance approving the holding of an election in Lafourche Parish Fire Protection District No. 8-C on Saturday, April 23, 2005, to authorize the levy of a parcel fee therein. A **motion** was offered by Mr. Michael Delatte and seconded by Mr. Brent Callais. Mr. Mark Atzenhoffer asked why would there be two separate election dates (referring to items 9 and 10) due to costs and were they state-wide election dates. Chairman Matherne stated that the cost of the election would be passed on to the District requesting the election. A brief discussion and explanations ensued. The ordinance **carried** by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3522 FIRE PROTECTION DISTRICT NO. 8-C ELECTION, TO AUTHORIZE THE LEVY OF A PARCEL FEE

The next item (10) on the agenda was an ordinance approving the holding of an election in Lafourche Parish Fire Protection District No. 7 on Saturday, April 2, 2005, to authorize the levy of a special tax therein. A **motion** was offered by Dr. Tommy Lasseigne, seconded by Mr. Mark Atzenhoffer, and **carried** by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3523 FIRE PROTECTION DISTRICT NO. 7 ELECTION, TO AUTHORIZE THE LEVY OF A SPECIAL TAX

The next item (11) on the agenda was an 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. Mr. Danny Mayet, Chairman of Recreation District No. 2, explained the ordinance and then asked the Council to support the issue. A **motion** was offered by Mr. Lindel Toups, and seconded by Mr. Mark Atzenhoffer. The ordinance **carried** by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3524 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005, RECREATION DISTRICT NO. 2

The next item (12) on the agenda was an ordinance to amend and re-enact Section 12:3 of Chapter 12 of the Code of Ordinances of the Lafourche Parish Council as it pertains to the membership of the Lafourche Parish Library Board of Control. A detailed discussion ensued. Mr. Daniel Lorraine requested a legal opinion from the District Attorney. Mr. Lindel Toups requested this item to be deferred. A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Phillip Gouaux, to **defer** this item, and **carried** by a vote of nine (9) yeas and zero (0) nays.

ORDINANCE WAS DEFERRED

The next item (13) on the agenda was an 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 per year in order to construct a portable building measuring 24' x 40' for a cost not to exceed \$50,000, in order to increase the boundaries of said land; and to authorize the signing of all pertinent documents associated with the ordinance. A **motion** was offered by Mr. Lindel Toups and seconded by Mr. Brent Callais. Mr. Lindel Toups explained the intent of the ordinance. The ordinance **carried** by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3525 AMEND ORDINANCE NO. 3407

The next item (14) on the agenda was an ordinance accepting into the parish system the subdivision known as the Oak Grove Park Subdivision, Phase III, Ward 11, District 4. A **motion** was offered by Dr. Tommy Lasseigne, seconded by Mr. Lindel Toups, and **carried** by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3526 OAK GROVE PARK SUBDIVISION, PHASE III

The next item (15) on the agenda was an ordinance accepting into the parish system the subdivision known as the Lot Extension and Redivision of Property Belonging to Todd Brady, Ward 10, District 8. A **motion** was offered by Mr. Brent Callais, seconded by Mr. Daniel Lorraine, and **carried** by a vote of

nine (9) yeas and zero (0) nays.

ORD. NO. 3527 PROPERTY BELONGING TO TODD BRADY

The next item (16) on the agenda was an ordinance accepting into the parish system the subdivision known as the Wally G. Rodrigue Subdivision, Ward 6, District 2. A **motion** was offered by Mr. Michael Delatte, seconded by Mr. Mark Atzenhoffer, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3528 WALLY G. RODRIGUE SUBDIVISION

The next item (17) on the agenda was an ordinance accepting into the parish system the subdivision known as Tracts ‘A’ and ‘B’, a Redivision of Property Belonging to Octave J. Sommers, III, Ward 9, District 6. A **motion** was offered by Mr. Lindel Toups, seconded by Mr. Brent Callais, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3529 PROPERTY BELONGING TO OCTAVE J. SOMMERS, III

The next item (18) on the agenda was an ordinance accepting into the parish system the subdivision known as the Allen Thibodaux Lot Extensions, Ward 10, District 8. A **motion** was offered by Mr. Brent Callais, seconded by Mr. Daniel Lorraine, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3530 ALLEN THIBODAU LOT EXTENSIONS

The next item (19) on the agenda was an 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. Mr. Mark Atzenhoffer stated that after receiving an opinion from the Louisiana Ethics Department through the District Attorney that he would recuse himself from the conversation. Mr. Lindel Toups stated he had received the same opinion. Mr. Chris Rivere stated that he was a lawyer from Thibodaux representing the developers of the Breaux and Duplantis matter that was addressed before the Council at the last meeting. He made the Council and the Public aware that a lawsuit had been filed and a temporary restraining order was granted from Judge Johnnie Leblanc. Mr. Rivere spoke of the hearing that was sent/held earlier that day in Judge Larose’s Courtroom and made everyone aware that the outcome was that the temporary restraining order was lifted. He then addressed the Council in reference to the proposed ordinance on behalf of his clients which was against passage of the ordinance. Mr. Rivere spoke of concerns and then requested that the ordinance be voted against. Ms. Ann Barker stated her opinions on the truck stop issues and gave figures that were provided to her from the Louisiana Gaming Board. She urged the Council to vote for the ordinance. A **motion** was offered by Mr. Brent Callais and seconded by Mr. Phillip Gouaux. Dr. Tommy Lasseigne said that he spoke with Ms. Barker and explained to her that you can not pass in ordinance just for a test case, it would not be enforced. Mr. Brent Callais stated that he was a big proponent of zoning in the Parish. He gave examples and then stated that he would do anything necessary to pass this ordinance if it would assist the Parish in getting closer to installing a master plan. Mr. Phillip Gouaux stated his opinions on truck stops and gambling. He also explained how they affect people and business ventures. The ordinance *failed* by a vote of three (3) yeas, that being of Mr. Brent Callais, Mr. Phillip Gouaux, and Mr. Tyrone Williams; four (4) nays, that being of Dr. Tommy Lasseigne, Mr. Daniel Lorraine, Mr. Michael Delatte, Mr. Michael Matherne; and two (2) abstained, that being of Mr. Mark Atzenhoffer and Mr. Lindel Toups.

ORDINANCE FAILED

The next item (20) on the agenda was an 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. A **motion** was offered by Mr. Lindel Toups, seconded by Mr. Phillip Gouaux, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3531 SOUTH CENTRAL CLEAN WATER ACTION PLAN PARTICIPATION

The next item (21) on the agenda was an ordinance authorizing up to an additional \$2,000,000 in parish funding to supplement the construction of locks on Bayou Lafourche to be appropriated over a three year period beginning in 2005. Mr. Windell Curole of South Lafourche Levee District explained the benefits of passing this ordinance. A detailed discussion ensued. A **motion** was offered by Mr. Brent Callais and seconded by Mr. Daniel Lorraine. Mr. Lindel Toups asked how this project was to be funded. President Randolph replied that the purpose for rededication last fall was because there was money in fund balances that could have been used for other projects which made money available in the General Fund. She spoke of the South Lafourche area and specifically of Port Fourchon which generated a large portion of the economy of the Parish. President Randolph stated that 8 out of 10 Lafourche Parish tax payers were located at Port Fourchon. Discussions continued. The ordinance *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3532 CONSTRUCTION OF LOCKS ON BAYOU LAFOURCHE

The next item (22) on the agenda was an ordinance rescinding and repealing Ordinance No. 2455, and thereby reinstate the levy and collection throughout the boundaries of Sales Tax District No. 4 of the Parish of Lafourche, State of Louisiana (the "District"), 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. Mr. Steve Leray stated he was resident on the westside of Thibodaux and that he was in opposition of the ordinance passing. He explained why he did not recommend the tax. A **motion** was offered by Mr. Phillip Gouaux and seconded by Dr. Tommy Lasseigne. Dr. Tommy Lasseigne spoke of the Fund Balance, having \$3.27 million at the end of 2004. He said that the balance should carry for approximately three years, with the adjustments that were made. Mr. Lasseigne asked why should this tax be passed at the moment and not in a year or so when it would be closer to depletion. He gave further explanations on why the ordinance should not pass at the present moment. Mr. Phillip Gouaux gave statistics on the deficit spending. He gave examples of problems that may occur and then the Parish would fall into a crisis situation. Mr. Gouaux highly recommended that the ordinance pass now or be brought back to the Council in the near future. Mr. Brent Callais stated that it was his opinion that the tax money collected should be spent and not saved as a "nest egg". He suggested more time to study the situation. President Randolph gave statistics and figures (for informational purposes) of the Fund balance at the end of 2006. A brief discussion ensued. The ordinance *failed* by a vote of two (2) yeas, that being of Mr. Phillip Gouaux and Mr. Michael Matherne; six (6) nays, that being of Mr. Tyrone Williams, Mr. Michael Delatte, Dr. Tommy Lasseigne, Mr. Mark Atzenhoffer, Mr. Lindel Toups, and Mr. Brent Callais; and one (1) abstained, that being of Mr. Daniel Lorraine.

ORDINANCE FAILED

The next item (23) on the agenda was an 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. A **motion** was offered by Mr. Brent Callais and seconded by Mr. Mark Atzenhoffer. Mr. Lindel Toups asked for the specific portion of Highway 1 which was to be considered. Mr. Callais responded that it was from the newly constructed exit ramp on the west side of Bayou Lafourche at Leeville to the intersection of State Route LA 3090 at Fourchon. A brief discussion ensued. President Randolph stated that it was a highway exchange, the road will no

longer be used after the construction of the new overpass over Leeville. She said that the Leeville Bridge was going to be removed and it would lead to Bayou Lafourche on either side. Discussions ensued. The ordinance *carried* by a vote of eight (8) yeas and one (1) nay, that being of Mr. Lindel Toups.

ORD. NO. 3533 ACCEPTING OWNERSHIP, PORTION OF HIGHWAY 1

The next item (24) on the agenda was an 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. A **motion** was offered by Mr. Lindel Toups, seconded by Mr. Mark Atzenhoffer, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3534 ACCEPTING OWNERSHIP, PORTION OF HIGHWAYS 652, 653, 657, and 307

The next item (25) on the agenda was an 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. A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Michael Delatte, and *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent from the room, that being of Mr. Phillip Gouaux.

ORD. NO. 3535 ACCEPTING OWNERSHIP, PORTION OF HIGHWAY 656

The next item (26) on the agenda was an ordinance to provide 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. Dr. Tommy Lasseigne asked the Administration to explain why the numbers did not match in part 10 and part 11 of the ordinance. Mr. Cullen Curole, Parish Administrator, said that they would have to be checked into before they could give a true answer. A brief discussion ensued. Mr. Curole suggested that the ordinance be deferred to the next meeting. A **motion** was offered by Mr. Phillip Gouaux, seconded by Dr. Tommy Lasseigne, to *defer* this item to the next meeting. The ordinance *carried* by a vote of nine (9) yeas and zero (0) nays.

ORDINANCE WAS DEFERRED

The next item (27) on the agenda was an 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. A **motion** was offered by Mr. Lindel Toups, seconded by Mr. Tyrone Williams, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3536 TRANSFER OF PROPERTY DUE TO THE SEPARATION OF LAFOURCHE AND TERREBONNE HEAD START

The next item (28) on the agenda was an ordinance declaring property belonging to the Lafourche Parish Council Head Start Program as disposable property. A **motion** was offered by Mr. Lindel Toups and seconded by Mr. Tyrone Williams.

a.) AMENDMENT - to include in the title and in Section 1, “...and other various departments of the.....” A **motion** was made by Dr. Tommy Lasseigne, seconded by Mr. Phillip Gouaux, to accept the amendment, and *carried* by a vote of nine (9) yeas and zero (0) nays.

b.) AMENDMENT - to add items to the surplus list (new items are in bold on attachment) A **motion** was made by Dr. Tommy Lasseigne, seconded by Mr. Phillip Gouaux, to accept the amendment, and

carried by a vote of nine (9) yeas and zero (0) nays.

The original ordinance *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3537 DECLARING PROPERTY AS DISPOSABLE PROPERTY

The next item (29) on the agenda was an 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. A **motion** was offered by Mr. Phillip Gouaux, seconded by Mr. Lindel Toups, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3538 PROHIBITING LOITERING, ROMY DR. AND SIXTEENTH ST.

Next, a **motion** was offered by Mr. Brent Callais, seconded by Mr. Mark Atzenhoffer, to **close the Public Hearing & Ordinances for Ratification**, and *carried* by a vote of nine (9) yeas and zero (0) nays.

PROPOSED ORDINANCES

The next item (30) on the agenda was a proposed ordinance accepting into the parish system the subdivision known as the Highland Lakes Subdivision, Addendum No. 1, Ward 5, District 2. A **motion** was offered by Mr. Michael Delatte to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE HIGHLAND LAKES SUBDIVISION, ADDENDUM NO. 1

The next item (31) on the agenda was a proposed ordinance accepting into the parish system the subdivision known as the Green Acres Subdivision, Phase II-A, Ward 4, District 6. A **motion** was offered by Mr. Lindel Toups to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE GREEN ACRES SUBDIVISION, PHASE II-A

The next item (32) on the agenda was a proposed ordinance creating clerical positions in the Legislative Department and designating said clerical employees, excluding the Council Clerk and Internal Officer, as classified employees. A **motion** was offered by Mr. Brent Callais to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE CREATING CLERICAL POSITIONS

The next item (33) on the agenda was a proposed ordinance providing for the incurring of debt and issuance of not exceeding \$15,000,000 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; authorizing an intergovernmental agreement or agreements between the Issuer and Road Sales Tax District Nos. 3, 5 and 6; providing for the acceptance of an offer for the purchase of the Bonds; and providing for other matters in connection with the issuance, sale and delivery of the Bonds. A **motion** was offered by Dr. Tommy Lasseigne to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE INCURRING OF DEBT AND ISSUANCE OF
ROAD BONDS, SERIES 2005**

The next item (34) on the agenda was a proposed ordinance approving the issuance, sale, and delivery of not exceeding \$375,000 of General Obligation Refunding Bonds, Series 2005, of Fire Protection District No. 1 of the Parish of Lafourche, and other matters relating thereto. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE GENERAL OBLIGATION REFUNDING BONDS, SERIES
2005, OF FIRE PROTECTION DISTRICT NO. 1**

The next item (35) on the agenda was a proposed ordinance raising the annual salary of the Parish President to \$65,000 and according to the Home Rule Charter, said salary shall become effective upon the effective date of this ordinance. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the

above stated proposed ordinance.

PROPOSED ORDINANCE

RAISING ANNUAL SALARY OF PARISH PRESIDENT

RESOLUTIONS

The next item (36) on the agenda was a resolution amending Resolution No. 04-207 as it pertains to approving a \$2,500,000 purchase agreement to secure the purchase of the Whitney Building to house the District Attorney's Office and a portion of the Lafourche Parish Sheriff's Office; and authorizing the Parish President to sign said agreement and remit a \$20,000 deposit due on January 15, 2005. A **motion** was offered by Mr. Lindel Toups and seconded by Mr. Michael Delatte to adopt said resolution. Dr. Tommy Lasseigne asked the Administration to clarify the intent of the amendment to the ordinance. President Randolph requested that District Attorney Morvant answer Mr. Lasseigne's question. Mr. Morvant began with the appraisal of the building and said that there was to be some deferred maintenance. He gave further explanations of other costs associated with getting housed into the building. Mr. Morvant said that the amendment was to put a cap at \$500,000 and he then reminded the Council that they have the final vote. Mr. Mark Atzenhoffer requested that a typo be fixed before it would be published. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-002 AMENDING RESOLUTION NO. 04-207 (WHITNEY BUILDING)

The next item (37) on the agenda was a resolution authorizing the Financial Institutions doing business with the Lafourche Parish Government to provide information pertaining to the financial accounts held by the Lafourche Parish Government and any and all component units to the following Finance Department employees: Shannon Chiasson, Finance Director; Chastity Himel, Accounting Manager; Renita Jackson, Accountant II; and Sonya Ockman, Accountant I; and authorizing the Finance Director and/or the Accounting Manager to sign, execute and administer transfers between accounts. A **motion** was offered by Dr. Tommy Lasseigne and seconded by Mr. Mark Atzenhoffer to adopt said resolution. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-003 FINANCIAL INSTITUTIONS TO PROVIDE INFORMATION

The next item (38) on the agenda was a resolution approving the recommendation of the Administration to appoint Chris Boudreaux to replace Greg Serigny to the Lafourche Parish Communications District Board. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Phillip Gouaux to adopt said resolution. Mr. Boudreaux said that he was presently the OEP Director for about two weeks and said that he was proud to be part of the Board. He said that he knows that it will be a challenge but he would be more than happy to assist with anything. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-004 APPOINT CHRIS BOUDREAUX TO COMMUNICATIONS

The next item (39) on the agenda was a resolution approving the Cooperative Endeavor Agreement between the Lafourche Parish Government and the Louisiana Technical College for the construction of the Lafourche Parish Animal Shelter Administration Facility/Building, as per the particulars described above; and authorizing the Parish President to sign, execute and administer said cooperative endeavor agreement and all relevant documents. Mr. Eugene Dial encouraged the Council to give authorization to the Parish President to sign the agreement. He gave statistics and updates on the project. A brief discussion ensued. A **motion** was offered by Mr. Brent Callais and seconded by Dr. Tommy Lasseigne to adopt said resolution. Mr. Mark Atzenhoffer expressed his concerns. Detailed discussion ensued on the specifics of the construction agreements and of bids. Dr. Tommy Lasseigne reminded everyone of the funding that would be lost if the facility was not going to be built in Thibodaux. Mr. Lindel Toups expressed his concern on the costs. Discussions continued. Mr. Cullen Curole clarified that the funding

from the Lorio Foundation was going to be \$130,000 if the facility was in Thibodaux' City limits. He stated that \$80,000 was extended from the Governor's Office of Rural Development, but the Parish may have exhausted the extensions on the money because the money would have to be spent by May or June of 2005. Mr. Phillip Gouaux asked if the Parish had any liability exposure by having students coming onto Parish property to build. Mr. Curole stated that the students would be building at the technical school site and a moving company would then move the structures to the permanent site. The motion *carried* by a vote of eight (8) yeas and one (1) nay, that being of Mr. Mark Atzenhoffer.

RES NO. 05-005 COOPERATIVE ENDEAVOR AGREEMENT

The next item (40) on the agenda was a resolution accepting a grant for \$224,000 (two \$112,000 payments) from the Lorio Foundation to fund the comprehensive preservation project for the historic courthouse in Thibodaux; and authorizing the Parish President to sign any and all pertinent documents. A **motion** was offered by Dr. Tommy Lasseigne and seconded by Mr. Michael Delatte to adopt said resolution. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-006 COMPREHENSIVE PRESERVATION PROJECT

The next item (41) on the agenda was a resolution rescinding Resolution No. 04-213 and enacting a new resolution requesting the Administration to hire a building inspector to perform an inspection of the Whitney Building in anticipation of the buildings purchase to house both the District Attorney's Office and Offices of the Lafourche Parish Sheriff and further request the Administration to highly consider Gauthier's Home Inspection Service at a cost not to exceed \$7,500; and authorizing the Parish President to sign, execute, and administer this contract and all relevant documents. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Phillip Gouaux to adopt said resolution. An **amendment** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Lindel Toups, to amend the ceiling to \$10,000. A brief discussion ensued. The amendment *carried* by a vote of nine (9) yeas and zero (0) nays. The original motion *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-007 RESCINDING RESOLUTION NO. 04-213

The next item (42) on the agenda was a resolution approving an Intergovernmental Agreement between the Lafourche Parish District Attorney and the Lafourche Parish Government whereby parish government agrees to reimburse the District Attorney's Office for a portion of salaries and fringe benefits of its Investigators; and authorizing the Parish President to sign and implement said agreement. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Tyrone Williams to adopt said resolution. Mr. Mark Atzenhoffer explained the resolution. A brief discussion ensued. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-008 INTERGOVERNMENTAL AGREEMENT, INVESTIGATORS

The next item (43) on the agenda was a resolution requesting the Administration to begin the process at a structure located on East 57th Street and verify landowners and move forward with the process of demolishing said derelict structure. A **motion** was offered by Mr. Brent Callais and seconded by Mr. Mark Atzenhoffer to adopt said resolution. Mr. Daniel Lorraine expressed his concerns and how it affects the Parish. Discussions ensued on the processes that were necessary with the issues of derelict structures. Mr. Brent Callais stated that the Board of Health requested that the building be declared as a derelict structure because it was a safety hazard to the neighborhood. An **amendment** was offered by Mr. Brent Callais, seconded by Mr. Mark Atzenhoffer, to state the exact address as 326 East 57th Street. President Randolph stated that the Administration was working on drafting an ordinance with the District Attorney's Office to submit to the Council for consideration. She stated that the ordinance would have the strength to allow for enforcement. President Randolph then said that another part of the process was to get employees tested to become certified inspectors for the Parish. Discussions continued. The amendment *carried* by a vote of nine (9) yeas and zero (0) nays. Discussions again

ensued. The original motion *carried* by a vote of seven (7) yeas and two (2) nays, that being of Dr. Tommy Lasseigne and Mr. Phillip Gouaux.

RES NO. 05-009 STRUCTURE LOCATED ON EAST 57TH STREET

The next item (44) on the agenda was a resolution requesting the Administration to begin the process at a structure located on East 93rd Street and verify landowners and move forward with the process of demolishing said derelict structure. A **motion** was offered by Mr. Brent Callais and seconded by Mr. Lindel Toups to adopt said resolution. An **amendment** was offered by Mr. Brent Callais, seconded by Mr. Lindel Toups, to state the exact address as **224** East 93rd Street, and *carried* by a vote of nine (9) yeas and zero (0) nays. Discussions ensued on the processes of declaring a structure as derelict. The original motion *carried* by a vote of seven (7) yeas and two (2) nays, that being of Dr. Tommy Lasseigne and Mr. Phillip Gouaux.

RES NO. 05-010 STRUCTURE LOCATED ON EAST 93RD STREET

The next item (45) on the agenda was a resolution requesting the Administration to hire an engineer to overlay the road in Oakridge Park located in Ward 10, District 9 and further request the Administration to highly consider J. Wayne Plaisance at a cost not to exceed \$100,000; and authorizing the Parish President to sign, execute, and administer this contract and all relevant documents. A **motion** was offered by Mr. Daniel Lorraine and seconded by Mr. Brent Callais to adopt said resolution. Mr. Daniel Lorraine stated that the money was in the Budget. Mr. Cullen Curole clarified that the \$100,000 was the total project cost and was under the Recreation section of the Budget. President Randolph stated that the contractor may bid a lower amount. Mr. Lindel Toups asked if the road was private or public. Mr. Daniel Lorraine and President Randolph responded that it was a public road in the Town of Golden Meadow. Explanations continued. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-011 HIRE AN ENGINEER TO OVERLAY THE ROAD IN OAKRIDGE PARK

The next item (46) on the agenda was a resolution moving the Tuesday, February 8, 2005 Lafourche Parish Council meeting to Thursday, February 10, 2005, due to February 8th being a holiday. A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Daniel Lorraine, to adopt said resolution, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-012 MOVING THE 2-8-05 LPC MEETING, DUE TO A HOLIDAY

A **motion** was offered by Mr. Phillip Gouaux, seconded by Dr. Tommy Lasseigne, to go back to item (5) on the agenda which was the Public Wishing to Address the Council, and *carried* by a vote of nine (9) yeas and zero (0) nays.

PUBLIC WISHING TO ADDRESS THE COUNCIL

Mr. Phelton Gray spoke about the Morristown Community Sewerage Project. He acknowledged that the Council had proposed a resolution to cancel the Mr. Gray. Mr. Gray said that he understood that the Parish was sending the money back to Housing and Urban Development because of certain landowners that did not want to give land rights to the Parish. He said that he did not understand why a million dollars would be sent back because of a meager \$7,000 for land rights. Mr. Gray asked that the Council reconsider giving the money back and to continue with the project. Mr. Mark Atzenhoffer explained that the appraisal of the land came back a lot lower than what the land owner was asking for and the Council could not approve the huge difference. He said that it would not be a cancellation of the Morristown Community Sewerage Project because it would be re-engineered. A detailed discussion ensued.

Mr. Terrell Breaux also spoke of the Morristown Community Sewerage Project. He said that the project was long over due, especially for health reasons because of open sewerage and septic tanks that do not work. Mr. Breaux said that he donated land with the intention of seeing the project happen. He

requested that the Council make every effort, every phone call or opportunity to make it happen.

Mr. Leray stated his opinions on the Morristown Community Sewerage Project. He then asked if a monthly fee would be assessed after the project would be complete. The Council responded as yes.

A **motion** was offered by Mr. Brent Callais, seconded by Mr. Mark Atzenhoffer, to go back to the regular agenda to item (47), **carried** by a vote of nine (9) yeas and zero (0) nays.

MOTIONS

The next item (47) on the agenda was a motion granting/denying a variance on Addendum No. 7 to Danos Subdivision, Ward 3, District 5, from having to install a fire hydrant as required by the Lafourche Parish Subdivision Regulations due to the Board of Health not allowing any fire hydrants installed on a water line less than six inches. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Lindel Toups to grant the variance. Dr. Tommy Lasseigne asked why should the Council grant the variance when the Fire Department does not recommend it. Mr. Mark Atzenhoffer explained that the Health Department would not allow a fire hydrant to be installed because the 4 inch line was not big enough. He said that the line would have to be 6 inches or larger for the Health Department to approve the installation of the hydrant. A detailed discussion ensued. Mr. Phillip Gouaux stated that a number of places in the Parish presently do not have sufficient lines for fire fighting. He said that the Water District would confirm that the lines were not created for fire protection. Mr. Gouaux agreed that the developers should promote bigger lines so that the subdivisions would be adequately protected by fire. He said that the developers should disclose to the buyers that the lines are not sufficient for fire protection. Mr. Brandon Arceneaux with David Waitz Engineering and Surveying recaptured what the project was about. He stated that the owners were not building anything and that it was an existing street and lots. He said that it would not be feasible to go to the nearest water line. Dr. Lasseigne read the Planning Commission's recommendation, which was contingent on the Developer obtaining a letter from the Fire Chief stating that fire protection could be provided to the development. He stated his concerns. The motion **carried** by a vote of five (5) yeas, that being of Mr. Tyrone Williams, Mr. Mark Atzenhoffer, Mr. Lindel Toups, Mr. Phillip Gouaux, and Mr. Brent Callais; and four (4) nays, that being of Mr. Michael Delatte, Mr. Michael Matherne, Dr. Tommy Lasseigne, and Mr. Daniel Lorraine.

DISCUSSIONS

The next item (48) on the agenda was a discussion concerning a status report from the Administration regarding the drainage of Mr. John Walls family property (behind the Forty Arpent Canal) into the parish system. Mr. Phillip Gouaux stated that Mr. Walls expressed his needs. He requested that the Administration investigate the issue to see what could be done. He said that he had the item on the agenda for an update from the Administration. President Randolph stated that Mr. Ray Cheramie, Public Works Director, would give the status report. Mr. Cheramie stated that John and Antoine Walls presently owned 96 ½ acres inside the system of the Parr Pump Station and an additional 542 acres beyond it. He said that the levee system would have to be cut through to do their proposed project. Mr. Cheramie suggested legal advice be sought by the District Attorney's Office to see if that could be done. He stated that neighboring properties were also connected in the system, gone to court and have then been added. Mr. Cheramie also said that other systems which are owned by private landowners are forced to be pumped at the owners expense. He said that the Department of Public Works should not determine who can be put into the system by cutting an enclosed area without legal advice. Mr. Cheramie requested that the Council seek legal advice. He commented that if the Council votes to do the project that it be done in a way that the Department of Public Works can control it. Mr.

Cheremie offered some recommendations if the Council would approve the project. First of all, to have legal advice. Then, the Department of Public Works would determine the size of the piping (to be paid by the property owners, at their expense), to be installed with a control valve to be regulated by the Lockport Field Office Supervisor. The control structure must be under lock, communications between the Pump Station pumper and the Lockport Field Office Superintendent should be the determining factors of opening the structure. Any disagreements of the opening and closing of the structure should be resolved by the Director of the Department of Public Works.

A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Phillip Gouaux, to send a resolution to the Lafourche Parish District Attorney to determine if the John Walls family property can be accepted into the Parish System, and **carried** by a vote of nine (9) yeas and zero (0) nays.

Mr. Phillip Gouaux stated that the Parish should coordinate efforts with the North Lafourche Levee District because they were in the process of building a levee system.

The next item (49) on the agenda was a discussion concerning a road priority list. Mr. Mark Atzenhoffer said that an ordinance was put forth for bonding out the \$15 million. He suggested that the Councilmen get with Mr. Cullen Curole in reference to a priority list. Mr. Atzenhoffer requested that the road priority list be put on the agenda as a resolution for the next meeting. Mr. Phillip Gouaux requested that the Councilmen receive another copy of the list.

The next item (50) on the agenda was a discussion concerning the possibility of allowing Aegis and Associates to assist the Subdivision Regulation Subcommittee on the terms of professional services. Mr. Jules Toups, Chairman of the Subdivision Regulation Subcommittee, stated that Aegis had provided the Committee with a proposal to assist with revising the Subdivision Regulations. He said that Mr. Cullen Curole volunteered his time to also help with the re-writes. Mr. Toups mentioned that the Committee agreed to give him a try, but did not know how that would be possible with everything else he has going on. President Randolph said that things have changed. Mr. Cullen Curole stated that negotiations were made with the contractor to reduce the amount of the proposal. He said that he would like the proposal to be brought before the Councilmen at the next Council meeting. Mr. Jules Toups stated that he was concerned that the Council would reject the proposal, have to advertise, that the process would take months, and that the Committee would be out of time. Mr. Michael Matherne said that he appreciated all of Mr. Toups hard work and that the Council would keep the Committee's best interest in mind. Mr. Toups reminded the Councilmen that the Committee was waiting for their inputs on any concerns that they may have. A brief discussion ensued.

MONTHLY ENGINEERING REPORTS

The next item (51) on the agenda was a Presentation of planned, presently on going, recently completed or other projects by appropriate engineering firms engaged by the Parish. Mr. Daniel Lorraine questioned Mr. Joe Picciola with Picciola and Associates, regarding the Road Sales Tax District No. 2 project. Mr. Picciola said that they were finished with the plans, ready to go out for bids, and working on the issues regarding private versus public streets. He stated that the Administration and the District Attorney was assisting him in trying to resolve the issues with the streets.

Mr. Michael Matherne then asked Mr. Picciola about the West Thibodaux FEMA project. Mr. Picciola stated that bids were received on December 21, 2004, Byron Talbot was a low bidder, bids were submitted to FEMA to get concurrence of awards. He said once he receives the award, it would be granted to the project. Mr. Matherne then asked about the cooperation of the Louisiana Department of Transportation and Development concerning the back culverts. Mr. Picciola said that they had a verbal

approval to install box culverts and he was waiting for the written approval.

Mr. Lindel Toups then asked Mr. Picciola about the Twin Oaks project in Raceland. Mr. Picciola stated that the plans were about 90% done. He wanted to go over them one more time. A brief discussion ensued.

LEGAL ADVISOR REPORT

The next item (52) on the agenda was a motion to relinquish time to the Lafourche Parish Legal Advisor. The Lafourche Parish Legal Advisor was not present to speak.

Mr. Ray Cheramie made a comment that the Planning Department falls under the Department of Public Works. He wanted the Council to be aware that a lot of thought goes into a recommendation for variances. Mr. Cheramie said that the Committee, Pat Matherne, David Poincon, and himself meets and look at all the facts. He asked that the Council put into consideration that they look at the facts for the future developments.

Mr. Mark Atzenhoffer mentioned the Bayou Soldiers Fund that was set up with Bank One to help collect money for the families of the soldiers that were killed. He said that the money would be administered by Mr. Brent Callais, Mr. Michael Matherne, and himself. He stated that all three would be in agreement on how the money would be disbursed. Mr. Atzenhoffer thanked Ms. Marilyn Duet for her donation.

Mr. Lindel Toups mentioned a call that he had received through the Administration in regards to a Thibodaux resident. He stated that Mr. Tyrone Williams was having trouble in his area concerning "No Loitering" signs. Mr. Toups said that he received pictures of the Cops from the complaining resident. He said that he was told by the resident that the Cops told them that they could not do anything, that they had to go to the Council Chairman or the Parish President, that there was no law against what the children were doing. Mr. Lindel Toups said that there was an ordinance and that he would have it on the next agenda. He requested that a letter be sent to the Sheriff's Office to patrol the area.

Mr. Michael Matherne thanked the Councilmen for his election as Chairman. He said that he looked forward into working with everyone and to conduct the business of Lafourche Parish.

ADJOURNMENT

On **motion** by Mr. Phillip Gouaux, seconded by Mr. Mark Atzenhoffer, and with no further business, the Lafourche Parish Council Meeting of January 11, 2005 **adjourned** at 9:12 p.m.

**MICHAEL MATHERNE, CHAIRMAN
LAFOURCHE PARISH COUNCIL**

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