

MAY 10, 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, MAY 10, 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. Michael Matherne, Chairman, who then stated that the Lafourche Parish Council was ready for the transaction of business at 6:01 p.m.

Chairman Matherne 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 Phillip Gouaux. Proceedings of the meeting were called to order with the following:

PRESENT: Mr. Tyrone Williams
Mr. Michael Delatte
Mr. Michael Matherne - Chairman
Dr. Tommy Lasseigne
Mr. Mark Atzenhoffer - Vice Chairman
Mr. Lindel Toups
Mr. Phillip Gouaux
Mr. Brent Callais
Mr. Daniel Lorraine

ABSENT: None

Chairman Matherne also recognized Parish President Charlotte A. Randolph as being present.

Chairman Matherne briefly mentioned that the Council had previously passed a resolution asking the Louisiana Department of Transportation and Development if red blinking lights could be installed at several intersections in the Tenth Ward. He said that the Resolution was discussed at a meeting (which was held earlier that day) with the Transportation Committee. Chairman Matherne said that he had met Representative Loulan Pitre there and that they had testified on behalf of the Council. He said that the Transportation Committee had passed it and that it would be soon on the House Floor.

APPROVAL OF COUNCIL MINUTES

The first item (1) on the agenda was a motion to accept the minutes of the April 26, 2005, Regular Session meeting. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Dr. Tommy Lasseigne to accept the April 26, 2005 minutes. Mr. Brent Callais requested that the minutes reflect that Mr. Danny Cavell (in Public Wishing to Address the Council on page 2) is indeed Mr. Daniel Cavell (which had been nominated to fill the vacancy on the Hospital Service District No. 3 Board. The minutes were **approved**, with the request made by Mr. Brent Callais, by a vote of nine (9) yeas and zero (0) nays.

PROCLAMATIONS

The next item (2) on the agenda was a proclamation honoring the Raceland Bidy Basketball team and coaches for their accomplishments. Mr. Lindel Toups read the proclamation. He then presented the proclamations and certificates, along with Mr. Mark Atzenhoffer and Mr. Phillip Gouaux, to the Raceland Bidy Basketball team and their coaches. Coach Cantrell thanked the Council for the proclamation and agreed that they had a great year. He said that they had participated in a lot of tournaments, did well, and that the kids had something to do with a purpose. Coach Cantrell said that the kids had the privilege to go to Pennsylvania, visit Philadelphia, see the Liberty Bell, and may had never done so if it was not for their hard work on the team to qualify for the tournament. Mr. Toups asked the Coach how many teams had competed because it was hard to believe that two teams from South Louisiana would meet and play against each other. The team responded that it was 24 teams. Mr. Toups requested that everyone give a big hand to Raceland and Golden Meadow.

The next item (3) on the agenda was a proclamation proclaiming the week of May 15-21, 2005 as "Emergency Medical Services Week" in the Parish of Lafourche and honoring all Lafourche Ambulance District No. 1 Emergency Medical Technicians for their dedication and professional services they render to the citizens of Lafourche Parish. Mr. Brent Callais read the proclamation and then recognized Ms. Debbie Gautreaux from the Lafourche Ambulance District and Mr. Dean Savoie which was a Board Member of the Lafourche Ambulance District.

A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Michael Delatte to *deviate* to the **Executive Session**. Dr. Tommy Lasseigne quickly asked District Attorney Morvant why was there an executive session on the agenda because he thought that there were no pending litigations with the Parish. District Attorney Morvant responded that he thought it would be best to discuss the issue because there was a threat of a litigation. He explained a letter which his office had received. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Michael Delatte, to *open* the **Executive Session**, and *carried* by a vote of nine (9) yeas and zero (0) nays.

Chairman Matherne requested that the Parish Administrator, Mr. Cullen Curole, attend the Executive Session.

EXECUTIVE SESSION

The next item (5) on the agenda was an Executive Session to discuss possible litigation regarding the Danos Subdivision variance.

Next, a **motion** was offered by Mr. Lindel Toups, seconded by Mr. Phillip Gouaux, to *close* the **Executive Session** and reconvene the meeting, and take any action necessary from Executive Session. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Michael Delatte, to give the District Attorney the ability to negotiate the possible litigation regarding the Danos Subdivision, and *carried* by a vote of nine (9) yeas and zero (0) nays.

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

PUBLIC WISHING TO ADDRESS THE COUNCIL

The next item on the agenda was the Public to address the Council. Mr. Arthur Matherne addressed the Council regarding the noise ordinance. Mr. Matherne said that he was present to defend himself, like he had been for the last three to five years, about the noise issues. He estimated that he had spent \$30,000 to \$40,000 in props, transmissions, and anything else that would keep the air boats as quiet as possible. Mr. Matherne continued explaining how he was legal and abides by the quarter mile request. He said that he had to cancel his 30 minute tours because of the time it takes to do a tour. Mr. Matherne stated that he felt that he had done more than his share in compromising the issue. Mr. Daniel Lorraine asked Mr. Matherne if there were camps or houses that were being built. Mr. Matherne responded that a new subdivision was coming up. Mr. Lorraine asked if it was further out than his place of business. Mr. Matherne responded that it would not be much further out because the new development actually goes away from where he leaves from. Mr. Phillip Gouaux asked Mr. Matherne if he could move the air boat at 1,000 RPM's. Mr. Matherne responded that it would depend on the wind; one day he could travel down the canal at 8 or 9 RPM's and idling down the canal good, but 10 to 15 MPH winds would cause him to go backwards. He said that he could guarantee that 20 RPM's would not bust 70 decibels and anybody could go out to check it out. Mr. Gouaux asked Mr. Matherne if anyone from the Sheriff's Office had gone out to inspect his operations. Mr. Matherne replied, "yep, several times". Mr. Gouaux asked if it was Officer Granier who had gone out for an inspection. Mr. Matherne replied, "yep, I know that Officer Granier came out and another one had come out, they might have had the boy scout, the girl scout, or God knows who they would have called, because I think that they called everybody in the world, the Coast Guard, they call everybody". Mr. Matherne added that he also works for the St. Charles Parish Rescue Operations. He explained that he ran his air boats faster in emergency cases to save lives.

PRESENTATIONS

The next item (4) on the agenda was a presentation by Mr. Windel Curole to give a presentation regarding hurricane issues. President Randolph explained that the presentation was part of the Parish guidelines for hurricanes. Mr. Windel Curole stated that the hurricane season was approaching and that he and Mr. Chris Boudreaux was new in dealing with the issues. He handed out information on hazard plans. Mr. Curole said that he presented the Council with the information for them to review and to get back with him if they saw any necessary changes that needed to be made. He gave examples of some hurricane emergencies and did a presentation showing their effects.

a.) Video presentation regarding coastal erosion. Mr. Daniel Lorraine explained that he had received the video from Ms. Gloria Callais, which she had brought back from her visit to the Netherlands. He said that he felt that the video would assist in showing the effects of coastal erosion. Mr. Lorraine thanked Ms. Callais for letting him borrow the video to raise awareness to the Council and the Public that the coastal erosion issues could also be fixed here in South Louisiana.

ADMINISTRATIVE REPORT(S)

The next item on the agenda was a presentation of any reports on the Parish. Parish President Charlotte A. Randolph requested that the Councilmen look at the booklets that they had received from Mr. Windell Curole. She mentioned that meetings were being held in concern of the Special Needs Shelter, it has a different/new policy, and that it would be open in case of emergencies.

Mr. Ray Cheramie, Director of the Department of Public Works presented a report on some of the accomplishments in his department:

Bayou L'Ours Bridge (Bridge over 40 Arpent Canal between Breton & Valerie): Installation Completed. Replaces two 72 " culverts. Culverts were continuously clogged with debris.

Memorial Veterans Property: Completed.

John Egle Outfall: Added drainage from Wal-mart connection & West 122nd - West 123rd.

Jerry Savoie: Added drainage to West 20th Street and surrounding area to include 22 houses and three businesses.

Edgar Guidry Pump Station: Completed. Added two 36' pumps increasing pumping capacity by 60,000 gallons per minute.

Delaune Property: Installation completed. Replaces wooden bridge. Lawsuit agreement.

New Excavator: To be used to clean around pump stations & other small projects. Can be trucked in-house at \$ 0.00 trucking.

Natural Gas Additional Pump Station Site: Pump Station work scheduled to begin work in about a week.

Oak Point Road (Lower Point Au Chene): Completed. Prevent tidal waters from flooding residential areas.

Timberland Levee (Upper Point Au Chene):Completed. Added in prevention of tidal water flooding residential areas.

Midway Subdivision Outfall Canal: Completed. Drains Midway Sub. & St. John Community.

Emerald Park Subdivision North: Drains Emerald Park Sub. & St. John Community.

Lil Al Brule Road: Completed. Tidal water flood protection Brule Guillot. Work done by North Lafourche Levee District.

Box Culverts at LA 3185: Installation completed. Replaces two 36" culverts.

Finished Box Culverts Talbot Ave.: 5' x 8' box culverts, replaced two 36" culverts. Complements of the West Thibodaux FEMA Drainage Project.

Emerald Park South: Drains Emerald Park and Half of St. John Community.

Choctaw Levee LBLD: Completed. Cheney Bayou Bridge to Legendre Canal Bridge 2.2 miles

Tauzin Pump Station: Relocation of site - designing platform- received bids for driving pilings.

LaButte Pump Station: Completed. Additional 24" pump.

President Randolph stated that Ms. Shannon Chiasson, Finance Director had distributed the financial information to the Councilmen.

Mr. Ray Cheramie added that there were current bid advertisements for a long reach excavator and a dozer, bids expected to be open on May 26, 2005.

Mr. Brent Callais asked the Administration how did they feel about Thibodaux's first chemical spill and how it went. President Randolph said that she felt that everything had gone well, that the Parish was well equipped with magnificent equipment through the Office of Emergency Preparedness funds. She stated that it was a dangerous situation for a moment and that she was pleased with OEP and their reaction. President Randolph said that she had attended a meeting the morning before with all of the agencies involved to review emergencies.

ENGINEERING REPORT(S)

The next item 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. Joe Picciola with Picciola & Associates, Inc. presented an engineering report and also handed out copies to the Council:

The FEMA Hazard Mitigation Plan: The plan was revised and submitted to Louisiana OEP. Once they have reviewed the plan, it would be submitted to FEMA for final review.

The FEMA Hazard Mitigation Grant Program, West Thibodaux Drainage Project: Byron Talbot Contractors, Inc. was the contractor. The Contractor had installed the box culverts at LA Highway 3185 and Talbot Avenue. They were currently working on installing culverts along Parish Road.

The FEMA Hazard Mitigation Grant Program, Twin Oaks Drainage Project: Project bid was on April 12, 2004. Sealevel Construction was the low bidder in the amount of \$487,173 for the base bid, plus alternates. A recommendation of the Contract Award would be presented at the next scheduled Council meeting.

The FEMA Hazard Mitigation Grant Program, Clovelly Bridge Drainage Project: The project bid on November 18, 2004. Sealevel Construction were the low bidders, in the amount of \$211,028.00. The Contractor would be issued a Notice to Proceed within a few weeks.

Fantastic Acres Pump Station Upgrades: The bids were received on January 19, 2005 at 10:00 a.m. LL&G Construction was the low bidders, in the amount of \$214,460.00. Awaiting final approval of right-of-ways before awarding the contract.

Gheens Pump Station Upgrades: LL&G Construction was the Contractor. They were currently fabricating the pump station platform and have mobilized the equipment on-site to begin construction shortly.

The Road Sales Tax District No. 2 - Phase IV: The project was currently being advertised for bids. The bid date was set for May 17, 2005.

Coastal Zone Management - Small Dredge Demonstration Project: Manson Gulf Contractors, Inc. was the Contractor. They would begin planting the Marsh Platform within two weeks.

Mr. Brent Callais asked Mr. Picciola for an estimated date for Road Sales Tax District 2 project, if the bids would be received on the next Tuesday. Mr. Picciola responded that it would be approximately 45 days, if it would be approved at the next Council meeting.

Mr. Callais then asked for an update on the Cut Off Elementary project, which a FEMA Grant was applied for. Mr. Picciola responded that they had indeed applied for a Pre-Disaster Mitigation Grant and had also applied for Statewide Flood Control.

Mr. Lindel Toups asked if the right-of-way was done for the Fantastic Acres project. Mr. Picciola responded that they had to wait for an elevation study to see how the additional pumping capacity would affect the marsh area. He said that they had received the study, it was sent to Mr. Culver, and assumed that the right-of-way was ready to be signed. Mr. Ray Cheramie further explained that the project was on hold because the study was presented to Jack's family and they have determined to send the study to someone else for review. He said that he spoke with Mr. Jack earlier in the day and that he said that he would contact the group, get back with everyone shortly, and that he did not feel that there would be a problem.

Mr. Toups asked Mr. Picciola for an update for the Gheens project because the equipment was moved and if they had 90 days. Mr. Picciola responded that they had started the project and a schedule was received with an estimated date of completion as late June or early July.

LEGAL ADVISOR REPORT

The next item on the agenda was to relinquish time to the Lafourche Parish Legal Advisor. Chairman Matherne stated that Mr. Camille Morvant had already left the meeting.

ORDINANCES FOR DISCUSSION AND RATIFICATION

The next item (6) on the agenda was an ordinance rewriting Chapter 15 of Sub-chapter "F" of the Code of Ordinances deleting Sections 15:100 through 15:115 and creating sections 15:130 through 15:141 relative to strengthening and providing a more enforceable noise ordinance. (*Public Hearing was held on April 26, 2005.*) A **motion** was offered by Mr. Michael Delatte and seconded by Mr. Brent Callais. Dr. Tommy Lasseigne asked if the ordinance would allow for an existing shop/business/manufacturer to be grand-fathered in and not have to be relocated. Mr. Michael Delatte said that was a good question, but the District Attorney was not present to answer. Mr. Brent Callais stated that he had an amendment to offer, but decided to hold off because of conversations he had with President Randolph and Councilman Delatte. He explained that they would propose another item separately. Dr. Lasseigne said that he was in support of the ordinance because it was important that they start somewhere and that they could amend it later. President Randolph said that she had distributed a newspaper article from last week regarding Jefferson Parish's attempt to enact an ordinance pertaining to air boat operations. She asked that the Councilmen note that the article stated that local governing bodies can not set enforcement levels on state waterways. President Randolph said that it may be an opportunity for Lafourche Parish to "piggy back" on Jefferson's attempt, to be able to control the vessels in some sort of way. She suggested contacting Senator Reggie Dupre about the issues for Lafourche Parish to be included, rather than waiting until next year. Mr. Daniel

Lorraine said that he would support the ordinance, to adopt and proceed with it. Mr. Delatte explained why a separate “idle only” ordinance was being looked at, versus a sound ordinance. He gave a few examples why it would be more enforceable. The ordinance *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3598 STRENGTHENING AND PROVIDING A MORE ENFORCEABLE NOISE ORDINANCE

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 (7) on the agenda was an ordinance creating a policy that requires the Parish logo imprinted on both sides of all parish vehicles and equipment. Chairman Matherne asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Matherne moved for a motion. A **motion** was offered by Mr. Daniel Lorraine and seconded by Dr. Tommy Lasseigne.

An **amendment** was offered by Mr. Brent Callais to add more stipulations to the policy, to be more defined, which he copied some guidelines from the state statute.

Mr. Phillip Gouaux expressed that he thought that the Parish logo was needed on both sides of parish vehicles, but was concerned with adding another law to the books which would not be enforced. He suggested asking the Administration to do so, rather than making it law and penalizing the Parish for non-compliance.

Mr. Lorraine said that it was a state law (R.S. 49:121, part VI, page 39) with state statutes. He said that he had provided the Councilmen with copies of the Revised Statutes, referred to page 40, paragraph G, and then page 42, S.S. 123 regarding penalties. Mr. Lorraine said that he had waited to put penalties, but the state law has them. He stated that it was his opinion that the Parish should abide by the state law. Mr. Lorraine said that all Parish vehicles should have logos because the Public does not know who is doing all the work throughout the Parish. He passed out copies and then read Resolution 04-227 (which was passed at the December 14, 2004 Regular Session of the Council meeting) to remind the Council and Administration of the laws because nothing was ever done. Mr. Lorraine said he had decided to look up the state law because the Parish Council can not supercede them, so that was why he decided to put the fines for penalties as the state’s.

a.) AMENDMENT - to add a penalty clause to the ordinance (Section 4). The **amendment** was offered by Mr. Daniel Lorraine.

President Randolph stated that she agreed with Mr. Lorraine. She said that the Administration had begun the inventory process of equipment last August or September. President Randolph also expressed her concerns that the Public was not aware of the work being done by the Parish and its equipment. She said that there was 157 pieces of equipment in the inventory and that the intentions were to mark everyone of them. President Randolph said that it would probably cost \$15 to 20,000 to do so. She questioned if anyone would agree that any equipment supplied for a project in another district should be marked as such to show participation. President Randolph suggested a magnetic type logo to be placed on the sides of the vehicles. She also mentioned that they were working for identification for Parish employees as part of the Homeland Securities.

Chairman Matherne referred to Mr. Lorraine’s amendment and asked who would get sited if they would not be in compliance. Mr. Lorraine explained that the ordinance states that it would be whoever was in charge of distributing the vehicle. *The amendment was seconded by Dr. Tommy Lasseigne.* Mr. Ray Cheramie asked for better clarification to who would be fined because the Department of Public Works has close to 80% of all the equipment and vehicles in the Parish. Mr. Lorraine said it would be the

person in charge. A brief debate ensued regarding the reasons for the ordinance. Mr. Mark Atzenhoffer stated that it should be done incrementally to better serve the Parish. He said that no logos were on order and that would cause a lot of fines. Mr. Atzenhoffer suggested passing the ordinance without a penalty or with a later effective date. Mr. Lorraine said that he understood what Mr. Atzenhoffer was saying, he was flexible, and that he could compromise. He said that he would wait three or four months to come back if need be. Mr. Lorraine **removed** his amendment and Dr. Lasseigne his second.

Mr. Callais read and explained his amendment for the record. *The amendment was seconded by Mr. Mark Atzenhoffer.* Mr. Toups asked what would be the penalty. Mr. Callais explained that it would be up to the District Attorney to enforce such violations. A brief discussion continued. The **amendment carried** by a vote of eight (8) yeas and one (1) nay, that being of Mr. Lindel Toups.

Mr. Phillip Gouaux offered an **amendment** to require that all Boards operating Parish equipment must also carry the Parish logo. Chairman Matherne asked for clarification on which Boards would be obligated to do so. Mr. Gouaux responded that it should be any equipment that is operated and doing work in/for the Parish. Chairman Matherne asked if it would have to be a sub-agency of the Parish. Mr. Gouaux replied as yes. *The amendment was seconded by Mr. Lindel Toups.*

Mr. Lorraine suggested not using the magnetic type logos because they could be stolen or forgotten to be put on the vehicle.

Mr. Gouaux continued with an explanation of his amendment. Mr. Callais asked about donated equipment which is operated by the Parish and of cooperative endeavor agreements. Mr. Toups said that he agreed with Mr. Callais. A brief discussion ensued regarding the Boards. Chairman Matherne reinstated that Mr. Gouaux's amendment was to state "requires that all Board equipment and political subdivisions of Lafourche Parish Government working for the Parish must also have a Parish logo". The **amendment carried** by a vote of nine (9) yeas and zero (0) nays.

The original ordinance **carried** by a vote of eight (8) yeas and one (1) nay, that being of Mr. Michael Matherne.

ORD. NO. 3599 PARISH LOGO IMPRINTED ON BOTH SIDES OF ALL PARISH VEHICLES AND EQUIPMENT

The next item (8) on the agenda was an ordinance amending Section 12:3 and adding Sections 12:3.1 through 12:3.8 of the Code of Ordinance of Lafourche Parish to provide for particular seats and definite terms for members of the Library Board of Control. Chairman Matherne asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Matherne moved for a motion. A **motion** was offered by Mr. Brent Callais and seconded by Dr. Tommy Lasseigne.

An **amendment** was offered by Mr. Brent Callais, seconded by Mr. Mark Atzenhoffer, to include the two new appointments: Section 12.3.3 to include Ms. Teresa Simoneaux and Section 12.3.7 to include Ms. Judy Babin, and **carried** by a vote of nine (9) yeas and zero (0) nays.

Mr. Callais explained that the ordinance would assist in setting and clarifying the terms for the Library Board of Control because the Board was eliminated twice and every person was removed in the last five years.

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

ORD. NO. 3600 PROVIDING FOR PARTICULAR SEATS AND DEFINITE TERMS FOR MEMBERS OF THE LIBRARY BOARD OF CONTROL

The next item (9) on the agenda was an ordinance amending and re-enacting Section 2:302 of Sub-Chapter "C" of Chapter 2 of the Code of Ordinance of Lafourche Parish as it pertains to the By-Laws and Operating Procedure of the Parish Council; Board Appointments. Chairman Matherne asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Matherne moved for a motion. A **motion** was offered by Mr. Phillip Gouaux and seconded by Mr. Lindel Toups.

Mr. Mark Atzenhoffer expressed his feelings regarding the Official Journal and the fact that it does not reach the Southern part of the Parish, nor the outline area (Bayou Blue), which needed to be addressed.

He suggested that the ordinance not be accepted until all the residents of Lafourche Parish could be reached and involved in the process.

An **amendment** was offered by Mr. Brent Callais to also include the Lafourche Gazette for the advertising of vacancies for lower Lafourche Parish. He said that the Daily Comet was delivered to roughly 250 residents in the Tenth Ward, out of over 20,000 people. *The amendment was seconded by Mr. Daniel Lorraine.* A discussion ensued regarding the advertising and suggestions were made for less costly ways of doing so.

Mr. Gouaux explained why he thought that the board vacancies should be advertised for more than one day. He stated that the Parish has to go with the Official Journal and that hopefully the cost could be reduced by consolidating the number of boards. Mr. Toups agreed with sticking with the Official Journal, that Councilmen could find people to fill vacancies, and to look at the cost of advertising.

President Randolph added that at one time the Council would alert the Civic and Social Clubs in the area of vacancies, so they could send it out to their membership. She offered a suggestion that would be a free opportunity, it could be sent via email, and they could send it out in their publications.

Mr. Callais stated that he could not understand how the Parish could have boards and commission vacancies that were strictly for the Tenth Ward and would not be advertised in the largest subscribed/read newspaper of the area. He furthered his explanations. Dr. Lasseigne said that he would support adding the Lafourche Gazette, but not the original amendment. Mr. Lorraine suggested advertising in the Lafourche Gazette when there would be a parish wide vacancy. Mr. Toups then suggested that an amendment be proposed, if a board was from the Tenth Ward, that it be advertised in the Lafourche Gazette. Mr. Gouaux also suggested a possible amendment to provide for multiple advertisements in the area's local paper when a vacancy was available.

The **amendment** to add "*the Lafourche Gazette*" **carried** by a vote of seven (7) yeas and two (2) nays, that being of Mr. Michael Matherne and Mr. Lindel Toups.

a.) **AMENDMENT** - to add a sentence to (A) stating that "*All vacancies must be advertised for a minimum of five (5) times in the Official Journal of the Lafourche Parish Council.*" The **amendment** was offered by Mr. Phillip Gouaux and *seconded* by Mr. Mark Atzenhoffer. Mr. Gouaux again explained why he thought that advertising for only one day was inadequate. Mr. Toups said that he could support advertising vacancies three times, but not five, because of the cost. He suggested that the Council review the cost of advertisements before coming to a decision because he agreed that one day was not sufficient.

Mr. Atzenhoffer stated that the Parish had paid the Daily Comet over \$80,000 to \$90,000 for the cost of advertisements for last year. He suggested that the Parish save the money that it would cost for the additional advertisements because there was no need for it.

Mr. Cullen Curole made a couple of comments on the boards and its advertisements, that his department had recently inherited. He said that extending the time frame may not be a bad idea, but advertising for five times would be a huge expense. Mr. Curole requested that the Council give him and his department a chance, for approximately three to six months, to get the advertisements into more people's hands without having to pay additional papers for the advertisements.

Chairman Matherne asked Ms. Shannon Chiasson, Finance Director, if there was enough money in the budget to advertise for the recommended five times. Ms. Chiasson replied that it would be a long reach excavator. Mr. Curole said that he could provide the cost information, per item, to the Council.

Mr. Toups requested that everyone remove their amendments and the original ordinance to give the Administration a chance to get some prices and come back to the Council with their findings. Mr. Gouaux **removed** his **amendment** "(a)" and Mr. Atzenhoffer his second.

The original ordinance **carried** by a vote of seven (7) yeas and two (2) nays, that being of Mr. Michael Matherne and Mr. Lindel Toups.

**ORD. NO. 3601 BY-LAWS AND OPERATING PROCEDURE OF THE PARISH COUNCIL;
BOARD APPOINTMENTS**

The next item (10) on the agenda was an ordinance levying millages on the 2005 tax roll on all property subject to taxation by the Lafourche Parish Council (parish wide). Chairman Matherne asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Matherne moved for a motion. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Phillip Gouaux.

a.) AMENDMENT - to change the millage amount for Special Service District No. 1 to 1.63. The **amendment** was offered by Mr. Daniel Lorraine. He explained the reasons to do so and why it would save the tax payers money. *The amendment was seconded by Dr. Tommy Lasseigne, and carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent from the room, that being of Mr. Brent Callais.

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

ORD. NO. 3602 LEVYING MILLAGES ON THE 2005 TAX ROLL, (PARISH WIDE)

The next item (11) on the agenda was an ordinance levying millages on the 2005 tax roll on all property subject to taxation by the Lafourche Parish Council (underlying districts). Chairman Matherne asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Matherne moved for a motion. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Lindel Toups. Mr. Atzenhoffer stated that a letter was received from the Lafourche Parish Fire District No. 1 regarding their intentions of their millages and explained their request. He said that the Sinking Fund was reduced from 2.9 to 1.4 and the Maintenance and Operations Account was raised from 9.9 to 10. He explained two reasons why the 9.9 could not be raised to 10: the state law (R.S. 47:1705, Chapter one) requires that everything be returned to the Assessor no later than June 1st of each year; and the Louisiana State Constitution (Article 7, Section 23, C) says that publication must be done twice, two separate days, no less than 30 days before the hearing, to be published in the Official Journal and in another newspaper with a larger circulation, if there is one. Mr. Atzenhoffer said that the information was not received until May 9th, it could not be advertised and still meet the June 1st deadline. He said that the Sinking Fund could be addressed at a later date because the Bond Attorney was not present to clarify the bond ratings. Mr. Atzenhoffer said that Drainage District No. 12 was reabsorbed into the parish system by the Council, was zeroed out, and would be saving the tax payers millages in that area. The ordinance *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3603 LEVYING MILLAGES ON THE 2005 TAX ROLL, (UNDERLYING DISTRICTS)

The next item (12) on the agenda was an ordinance providing for the third supplemental appropriation for the Lafourche Parish 2005 Operation and Maintenance Budget as provided for by Article VI of the Lafourche Parish Home Rule Charter. Chairman Matherne asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Matherne moved for a motion. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Dr. Tommy Lasseigne.

a.) AMENDMENT - to remove the \$200,000 from Fund 114, Special Service District No. 1, until an opinion is rendered from the legal advisor. The **amendment** was offered by Mr. Daniel Lorraine. He explained the causes for the amendment. *The amendment was seconded by Dr. Tommy Lasseigne. A detailed discussion ensued regarding the funds. The amendment carried* by a vote of seven (7) yeas and two (2) nays, that being of Mr. Michael Matherne and Mr. Mark Atzenhoffer.

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

ORD. NO. 3604 THIRD SUPPLEMENTAL APPROPRIATION FOR THE LAFOURCHE PARISH 2005 OPERATION AND MAINTENANCE BUDGET

Next, a **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Daniel Lorraine, 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 (13) on the agenda was a proposed ordinance accepting a servitude agreement between Sylvia Riche' Naquin and the Lafourche Parish Council in order to construct, operate and maintain a thirty (30') foot maintenance servitude 22 miles below the City of Thibodaux; and authorizing the Parish President to sign, execute and administer all documents. A **motion** was offered by Mr. Phillip Gouaux to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT, SYLVIA RICHE' NAQUIN

The next item (14) on the agenda was a proposed ordinance accepting a servitude agreement between Jean Plaisance Chiasson and the Lafourche Parish Council in order to construct, operate and maintain a thirty (30') foot drainage and maintenance servitude plus the width of the ditch and a temporary servitude in the Larose area; and authorizing the Parish President to sign, execute and administer all documents. A **motion** was offered by Mr. Brent Callais to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT, JEAN PLAISANCE CHIASSON

The next item (15) on the agenda was a proposed ordinance accepting a servitude agreement between Albert Henry and Velma Henry and the Lafourche Parish Council in order to construct, operate and maintain a fifteen (15') foot drainage and maintenance servitude plus the width of a small ditch in the New Mount Zion Subdivision area; and authorizing the Parish President to sign, execute and administer all documents. A **motion** was offered by Mr. Brent Callais to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT, ALBERT HENRY AND VELMA HENRY

The next item (16) on the agenda was a proposed ordinance accepting a servitude agreement between David Michael Carey and the Lafourche Parish Council in order to construct, operate and maintain a thirty (30') foot drainage and maintenance servitude plus the width of the ditch and a temporary servitude in the Larose area; and authorizing the Parish President to sign, execute and administer all documents. A **motion** was offered by Mr. Brent Callais to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT, DAVID MICHAEL CAREY

The next item (17) on the agenda was a proposed ordinance accepting a servitude agreement between Delores Custella Mack and the Lafourche Parish Council in order to construct, operate and maintain a fifteen (15') foot drainage and maintenance servitude plus the width of a small ditch 38 miles below the town of Thibodaux; and authorizing the Parish President to sign, execute and administer all documents. A **motion** was offered by Mr. Brent Callais to introduce the above stated proposed ordinance.

Mr. Touns asked for clarification on the last four proposed ordinances and if they had existing right-of-ways for the ditches. Mr. Callais responded that two of them were new and that Mr. Ray Cheramie could elaborate more. Mr. Cheramie said that the Henry and the Mack are a connecting ditch from one street to an outfall canal and was new. He said that the others were existing ditches that do not have right-of-ways.

PROPOSED ORDINANCE SERVITUDE AGREEMENT, DELORES CUSTELLA MACK

The next item (18) on the agenda was a proposed ordinance establishing a fifteen (15) miles per hour speed limit on Aucoin Lane in Thibodaux, Ward (1), District (2) of Lafourche Parish; requiring the installation of speed limit and children at play signs; and providing for penalties of violations thereof. A **motion** was offered by Mr. Michael Delatte to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE ESTABLISHING A 15 MPH SPEED LIMIT AND CHILDREN AT PLAY SIGNS ON AUCOIN LANE IN THIBODAUX

The next item (19) on the agenda was a proposed ordinance ordering and calling a special election to be held in the Parish of Lafourche as it pertains to tax renewals for the Lafourche Parish public library; to authorize the levy of special taxes therein, making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith. A **motion** was offered by Mr. Daniel Lorraine to introduce the above stated proposed ordinance.

Mr. Toups asked if this was the only thing on the October 15th ballot and if there were any elections to be held in November. Mr. Lorraine replied that he did not know what elections were to be held in the entire Parish, but he did know that “Down the Bayou” would have the Ambulance, the Hospital, and the Levee District. Mr. Callais added the Library to the lower Lafourche area elections and that it was the date that the State had designated.

Mr. Atzenhoffer said that the tax renewals would not expire for another 16 to 18 months and then asked why it was being done ahead of time. Mr. Lorraine explained why it was beneficial to do so.

Mr. Gouaux expressed his feelings of non-support for special elections. He said that it does not have good turn outs for the area or the Parish. Mr. Lorraine responded that other organizations would be out there for millages and that he was anxious to see how the voters would vote on saving the tax payers and the whole Parish about \$1.5 million.

Chairman Matherne asked Mr. Lorraine if this was approved by the Library Board. Mr. Lorraine replied that it was, at two Committees, in January and just recently. He said that it was approved by the Finance Committee on January 31st, with an unanimous vote to be sent to the Parish Council; and was again approved a couple of weeks ago to be sent to the Parish Council.

Mr. Callais said that he would provide the Council with copies of the Library Board’s projected ten year plan. He recognized Ms. Lynette Folsom, as the newly elected President of the Library Board.

PROPOSED ORDINANCE ORDERING AND CALLING A SPECIAL ELECTION, TAX RENEWALS, LAFOURCHE PARISH PUBLIC LIBRARY

The next item (20) on the agenda was a proposed ordinance authorizing the parish to dedicate a parish drainage servitude located on the northern boundary line of Delta Woods Subdivision to the Town of Lockport; and authorizing the Parish President to sign, execute and administer all necessary documents. A **motion** was offered by Mr. Phillip Gouaux to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE DEDICATING A PARISH DRAINAGE SERVITUDE

RESOLUTIONS

The next item (21) on the agenda was a resolution approving a Cooperative Endeavor Agreement between South Lafourche Levee District and Lafourche Parish Government for an initial release of \$1,250,000 to begin construction on the locks on Bayou Lafourche, south of Golden Meadow, and up to \$2,000,000 in future funding over the next three (3) years; and authorizing the Parish President to sign, execute and administer all related documents. A **motion** was offered by Mr. Brent Callais and seconded by Mr. Mark Atzenhoffer to adopt said resolution.

Mr. Callais explained that this item was deferred at the last Council meeting because the cooperative endeavor agreement was not finalized. He said that they now have the agreement, and then explained the matches between the Lafourche Parish Council, the Greater Lafourche Port Commission, South Lafourche Levee District, and the State of Louisiana. Mr. Callais said that he would greatly appreciate the Council’s support.

Dr. Lasseigne asked if it would be approximately \$6 or \$700 a year for over the three years or if it would hit at \$2 million next year. President Randolph responded that it would probably be closer to \$2 million over two years, it was actually approved in 2005 and may be 2006 and 2007. Mr. Toups then asked President Randolph if the Parish was giving 1.2 million now and if so, did the Parish have the money. President Randolph clarified that the 1.2 million was Federal money and was just flowing through

the Parish. Mr. Toups asked President Randolph if she saw any problems with the Parish coming up with the \$2 million in the next three years. President Randolph replied that she did not foresee any problems. The resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-123 COOPERATIVE ENDEAVOR AGREEMENT, SOUTH LAFOURCHE LEVEE DISTRICT, CONSTRUCTION ON THE LOCKS

The next item (22) on the agenda was a resolution accepting the recommendation of and appointing Darlene Perry as the City of Thibodaux's appointment to the Lafourche Parish Home Mortgage Authority Board. A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Dr. Tommy Lasseigne, to adopt said resolution, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-124 DARLENE PERRY, HOME MORTGAGE AUTHORITY BOARD

The next item (23) on the agenda was a resolution requesting that all Council Members receive a copy of all agreements and/or contracts that refers to an ordinance or resolution on the Council agenda before having to vote on said item at a meeting. A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Dr. Tommy Lasseigne, to adopt said resolution, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-125 RECEIVING A COPY OF ALL AGREEMENTS AND/OR CONTRACTS

The next item (24) on the agenda was a resolution requesting the Louisiana Department of Transportation to install road signs identifying Choctaw Road along Louisiana Highway 307 and Highway 20, Ward 6, District 2 of Lafourche Parish. A **motion** was offered by Mr. Michael Delatte, seconded by Mr. Tyrone Williams, to adopt said resolution, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-126 INSTALLING ROAD SIGNS IDENTIFYING CHOCTAW ROAD

The next item (25) on the agenda was a resolution requesting the Louisiana Department of Transportation to install road signs identifying Choctaw Road along Louisiana Highway 307 and Highway 20, Ward 6, District 2 of Lafourche Parish. This item was *pulled* from the agenda.

RESOLUTION WAS PULLED

The next item (26) on the agenda was a resolution approving a cooperative endeavor agreement between the Town of Lockport and the Lafourche Parish Government for a release of \$60,425 of funding as a match to a FEMA grant for drainage improvements in the Lockport area; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Phillip Gouaux and seconded by Mr. Lindel Toups to adopt said resolution.

Dr. Lasseigne asked for clarification because he thought that this was to be done with in-kind services. He asked if there was a reason because he believed that the Parish would have come out ahead if it would have been done as in-kind. President Randolph explained why they were offering up the money, that the in-kind services would cost more than expected and it would have used a lot of equipment.

Mr. Gouaux stated that the servitude would be turned over to the Town of Lockport as an agreement and that there would be no future headaches. He said that the project was promised and agreed upon in the previous Administration, and that they would be fulfilling it by contributing the \$60,000.

Mr. Lorraine said that he would support the resolution.

Mr. Atzenhoffer asked if the Town of Lockport was participating in the project and to what extent. Mr. Gouaux explained that it was on a Parish servitude.

A brief discussion ensued regarding the funding. Mr. Curole said that it was not budgeted in the original budget, but he said that he had some ideas of where the money can be found. Mr. Atzenhoffer asked if the Administration would come before the Council letting them know how the \$60,000 would be funded. Mr. Curole replied that they can and that if it would need to be transferred that it would have to.

Dr. Tommy Lasseigne asked if it may have been budgeted as in-kind services in the 2003 Budget because of the previous agreement. President Randolph said that it was her understanding that it was only a verbal agreement. Mr. Gouaux explained the projected plan. Mr. Lorraine suggested going along with the project because it was needed to assist the people in Mr. Gouaux's district.

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

RES NO. 05-127 COOPERATIVE ENDEAVOR AGREEMENT, DRAINAGE IMPROVEMENTS

DISCUSSIONS

The next item (27) on the agenda was a discussion concerning the Morristown Project. This discussion item was *pulled*.

The next item (28) on the agenda was a discussion concerning Road Sales Tax Districts 3, 5, and 6. Dr. Lasseigne said that he was satisfied because the projects were moving along and going to bid.

Mr. Toups asked who was the Engineer that was doing most of the work in District 3, 5, and 6. President Randolph replied that it was Mr. David Heck. Mr. Toups then asked how much money did it involve. President Randolph said that it was about 7.2 million. Mr. Toups then asked if the Parish was giving one engineer over \$7 million. President Randolph stated that the Parish was not giving the money, that they were required to.

A debate ensued regarding the outcome of the litigations between the Parish and Mr. David Heck. President Randolph stated that there were discrepancies of what had actually happened during the discussion of the Executive Session.

Mr. Toups asked if Mr. Heck had the right insurances that were required to do the work. President Randolph said that they had received the insurance papers. Debates continued. Mr. Toups requested that the records reflect that he was against one engineer receiving that much money.

Mr. Gouaux mentioned the contract that was executed between the Parish and Mr. Heck. He said that Mr. Heck had signed the contract which gave him \$2.5 million and that he would go away. Mr. Gouaux said that he could not tolerate being held hostage because the Parish would be afraid that it would cause a lawsuit or a project to be delayed. He requested that the records reflect that he totally opposed giving one engineering firm half of the upcoming work.

Dr. Lasseigne stated that Mr. Heck was rewarded by the Supreme Court to complete all of the work. He said that the Council agreed to the additional \$2.5 million to finalize things. Dr. Lasseigne continued with the explanation of the projects and of the engineering services.

Debates continued regarding Mr. David Heck and the projects to be done. Mr. Toups said that he was disappointed that the Council was not informed that the Parish was signing a contract for 7.5 million. President Randolph said that the Councilmen had received the letter from Mr. Heck's attorney and that the Administration did not award the \$7.5 million to Mr. Heck. She said that the Administration allowed Mr. Heck to finish the work that he had already started (approximately \$4.4 million) and then the \$2.5 above that amount. President Randolph continued with further explanations on what was necessary to get the projects accomplished. Mr. Toups asked if that had anything to do with the Rita area being left out. President Randolph said that it was not left out and that it may be done in four months. Discussions and debates continued regarding the contracts and the ownership of the plans.

The next item (29) on the agenda was a discussion concerning an update on all Lafourche Parish libraries and requesting a copy of all invoices submitted by JBC/AIA since the last Council meeting held on April 26, 2005. Mr. Atzenhoffer requested an update on the Gheens project change orders, and then dates for Bayou Blue, Raceland, and Choctaw Library projects. Ms. Beverly Arabie made comments from the audience. She said that there was a building committee meeting to be held on May 23rd at 6 o'clock in Lockport at the Town Hall to discuss the situations with all the libraries.

Mr. Atzenhoffer asked that the Council Clerk submit a letter to JBC/AIA requesting that they attend every Lafourche Parish Council meeting, until further notice.

Dr. Lasseigne mentioned that he thought that bids were being received for the three libraries. Ms.

Arabie said that the pre bids were scheduled for Thursday and to be opened the Thursday of the following week on the 19th. Dr. Lasseigne asked how many architects were involved in the \$10million worth of work. Ms. Arabie responded as one.

The next item (30) on the agenda was a discussion concerning a status report on the highway exchange program with the State. Mr. Gouaux requested an update on the status of the highway exchange program. President Randolph replied that she had a discussion with Mr. Diaz with the Department of Transportation and Development and that he told her that he would be providing the Administration with something in writing within the next two weeks.

The next item (31) on the agenda was a discussion concerning an audit update by the audit liaison. Mr. Gouaux mentioned that a liaison was appointed and that he thought that all liaisons should report to the Council on a regular basis to update the Council. Dr. Lasseigne gave an update on the Parish audit. He said that the audit team would probably complete their onsite items this month, they would leave to compile the gathered information, and then begin the interviews. Dr. Lasseigne stated that the audit was going well and expected that it would be even better next year with the new computer software being installed. He said that the Parish may be on the way to a clean audit.

Mr. Gouaux asked Dr. Lasseigne if the Council had requested anything of the auditors. Dr. Lasseigne said that all he asked them was how they did their testings.

Mr. Callais asked what was the term of the contract with the present firm. Dr. Lasseigne said that he believed it was for this year and the next. Chairman Matherne asked Mr. Lorraine who was the auditors before these. Mr. Lorraine replied that there were a bunch of different ones and then named a couple.

Dr. Lasseigne asked that the Council consider that in order to receive an unqualified opinion that the Parish would have to continue with the same firm for a couple of years and he explained why.

A **motion** was offered by Mr. Phillip Gouaux, seconded by Mr. Lindel Toups, to **open** the **Two-Thirds Agenda**, and **carried** by a vote of six (6) yeas and three (3) nays, that being of Dr. Tommy Lasseigne, Mr. Mark Atzenhoffer, and Mr. Michael Matherne.

TWO-THIRDS AGENDA

RESOLUTIONS

The first item (1) on the Two-Thirds Agenda was a proposed ordinance approving a right-of-way agreement between Lafourche Parish Government and the Allan Land Company for flowage easement in the Fantastic Acres Pump Station Outfall area west of Mathews. A **motion** was offered by Mr. Lindel Toups to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE RIGHT-OF-WAY AGREEMENT, THE ALLAN LAND COMPANY FOR FLOWAGE EASEMENT

PROCLAMATION

The next item (2) on the Two-Thirds Agenda was a proclamation giving Parish wide recognition of the "Emergency Medical Services Week" as May 15-21, 2005, which honored all Emergency Medical Technicians in the Parish for their dedication and professional services they render to the citizens of Lafourche Parish. Chairman Matherne stated that they would be distributed to the appropriate people and Mr. Gouaux then read the proclamation.

DISCUSSION

The next item (3) on the Two-Thirds Agenda was a discussion concerning the street light funds. Mr. Callais said that he has spoke with President Randolph regarding the street light funds and wanted to bring it to the Council's attention. He explained that there was a large back log on the street light requests being turned in and were not being turned on as quickly as hoped. Mr. Callais requested a way to clear up the process because he was having a lot of problems getting lights turned on. He said that Entergy had told him that it should not take more than eight days. Mr. Callais asked President Randolph if there was anything that they could do to assist the situation and to speed up the process. President Randolph said that she was assured by Amy Martinez with Entergy that there was not long of a time since the street lights have been turned in. She said that she would look into it and try to expedite the process. President Randolph explained that they are requesting that the list be turned in weekly, rather than monthly.

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

ADJOURNMENT

On **motion** by Dr. Tommy Lasseigne, seconded by Mr. Brent Callais, and with no further business, the Lafourche Parish Council Meeting of May 10, 2005 **adjourned** at 8:51 p.m.

**MICHAEL MATHERNE, CHAIRMAN
LAFOURCHE PARISH COUNCIL**

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