

AUGUST 9, 2005
THIBODAU, LOUISIANA

STATE OF LOUISIANA
PARISH LAFOURCHE

A REGULAR MEETING OF THE LAFOURCHE PARISH COUNCIL, PARISH OF LAFOURCHE, STATE OF LOUISIANA, WAS SCHEDULED FOR TUESDAY, AUGUST 9, 2005, AT 6:00 P.M., AT THE LAFOURCHE PARISH SCHOOL BOARD OFFICE, 805 EAST 7TH STREET, THIBODAU, 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 6:00 p.m.

Chairman Matherne announced that the invocation would be led by Mr. Michael Matherne. The Council then recited the Pledge of Allegiance led by Mr. Lindel Toups. 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
Ms. Charlotte Randolph, Parish President

ABSENT: None

APPROVAL OF COUNCIL MINUTES

The first item (1) on the agenda was a motion to accept the minutes of the July 26, 2005, Regular Session meeting. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Dr. Tommy Lasseigne to accept the July 26, 2005 minutes. The minutes were **approved** by a vote of nine (9) yeas, zero (0) nays.

PUBLIC WISHING TO ADDRESS THE COUNCIL

The next item on the agenda was the Public to address the Council. Chairman Matherne asked three times if anyone from the Public wanted to address the Council. Hearing none, Chairman Matherne moved to the next item on the agenda.

PRESENTATIONS

The next item (2) on the agenda was Mr. Joey Richard with Postlethwaite and Netterville to present the 2004 Parish Audit. Mr. Richard advised the Council that the 2004 Parish Audit was completed in June of 2005 and that a report had been submitted to the Legislative Auditor. He then went on to speak about the conduct of the audit and made comments on the financial statements. Mr. Richard mentioned that for 2005, Parish infrastructures had been added into the financial statements. He said that there were no unrecorded adjustments. Mr. Richard said that the progress of the Parish, as far as the financial statements were

concerned, was good. He said that one significant accomplishment was that \$3.5 million was paid toward debt. Mr. Richard reported that there had been an increase in sales taxes and ad valorem taxes. He stated that there was approximately \$30 million in net assets of the Parish. He went on to say that total Parish assets were \$64 million and total liability, \$34 million. Mr. Richard stated that the Parish's financial condition was good. He then discussed the findings at the management level. Mr. Richard went on to say that five findings had been found, two of which were management comments. He went on to report that findings and the severity of the findings, were on a decline from previous years.

Dr. Lasseigne questioned whether in-house projects were internally provided in order to get capitalized costs on them. Mr. Richard stated that capital costs, for the purpose of the Parish, were defined at a \$5,000 level, so that an improvement had to be made at that level, in order for the amount to be included. He went on to say that anything above \$1,000 would be recorded as an expense, and not a capital asset. Dr. Lasseigne questioned whether a pump purchased for \$40,000 would be capitalized at \$40,000 if an additional \$20,000 to \$40,000 was spent on it in-house. Mr. Richard stated that typically in-house projects were not capitalized and that only the outside purchases from vendors would be capitalized. He went on to say that there were probably additional costs that could be capitalized, that currently were not being capitalized. Dr. Lasseigne then confirmed with Mr. Richard that the various Boards of the Parish needed to supply the Council with audited financials, if an unqualified opinion was wanted. Mr. Richard responded that Dr. Lasseigne was correct. He went on to say that if an unqualified opinion was wanted for all of the Parish, and its component units, audited financials from those units would be needed.

Mr. Mark Atzenhoffer questioned the threshold amount for requesting audited financials. Mr. Richard responded that there was a dollar value, but that he could not recall the amount at the time. He went on to explain that there were three levels of financial statements, those being: compilations, reviews, and audits; each having its own required dollar amount threshold. Mr. Atzenhoffer requested that Mr. Richard supply the Council with the threshold amounts. He then asked Mr. Richard if there was anything that needed to be done in order to get a better position on getting an unqualified opinion. Mr. Richard reiterated that because of the threshold amounts, not all Boards would have to have audits, but that they would have to make their records available. Mr. Atzenhoffer again requested that the threshold amounts be supplied to the Council, to which Mr. Richard advised that he would get the same to the Finance Director, Ms. Shannon Chiasson, who would then forward them to the Council.

Mr. Lorraine questioned the reason for supplemental appropriations for the Veteran's Memorial District, which was to be discussed later in the meeting. He went on to say that the audit was done prior to his becoming Chairman of the Veteran's Memorial District in January 2005. Mr. Richard said he thought this to be the first year that the Board was included in the financial statement. He went on to say that when the budget was adopted, the Board was not included, nor was the budget amended, which caused it to be over budget.

The next item (3) on the agenda was Ms. Charlene Rodriguez with the Lafourche Parish Council on Aging to give a report. Ms. Rodriguez then gave a six month Progress Report. She went on to explain that in August of 2005 the Lafourche Council on Aging began its One Stop Shop program, which brings programs such as Food Stamps, Medicaid, Medicare Part D, Lafourche Council on Aging and Community Action, to all the seniors throughout the Parish. She went on to say that instead of having the seniors come to them, they were going to the seniors. Mr. Atzenhoffer requested that Ms. Rodriguez's report be entered into the minutes. (Exhibit 1).

The next item (4) on the agenda was South Central Planning and Development to give an update regarding the Morristown Project. Ms. Pam Roussel addressed the Council and advised that due to the Homeland Security Project taking 100% of her time, Ms. Laura Michel would be handling, among other projects, the Morristown Project. Ms. Michel then reported that property acquisition was completed and that they were currently in the process of obtaining reimbursement for the Parish for the upgrade costs incurred. She went on to say that the construction bid opening had been advertised in the Daily Comet and that bid packets were reviewed by South Central Planning and Development. Ms. Michel advised that the bid

opening was scheduled for August 25, 2005 at 11:00 a.m. She went on to say that the project engineer would then tabulate the bids, and make a recommendation for the construction contractor. Within thirty (30) days from that time, they would issue a Notice to Proceed and hold a pre-construction conference with the contractor. Chairman Matherne asked who the project engineer was, to which Ms. Michel answered as Mr. David Heck. Mr. Atzenhoffer asked for an estimated time for the project. Ms. Michel informed him that there was not an estimated time for the project because a construction contractor had not been hired. Mr. Atzenhoffer confirmed with Ms. Michel that bid opening was August 25, 2005 at 11:00 a.m at South Central Planning, to which Ms. Michel answered that the bid opening was at the Council Chambers in the Sondra Barrios Building in Raceland.

The next item (5) on the agenda was Mr. Kevin Ghirardi with South Central Planning and Development to give a presentation regarding the West Thibodaux Corridor Project. Mr. Ghirardi explained that he was part of the staff of the Houma/Thibodaux Metropolitan Planning Organization (MPO). He began his visual presentation with a brief explanation of what the Houma/Thibodaux MPO was. Mr. Ghirardi explained that an MPO was a consortium of governments, the present being, Lafourche, Terrebonne, and the City of Thibodaux. He explained that the 2000 Census designated Thibodaux as part of the Houma urbanized area. He explained that the MPO was a transportation planning organization that planned for all aspects of transportation, primarily to use Federal Transportation funding. He then gave a brief explanation of the make-up of various committees of the MPO and their functions. Mr. Ghirardi said that the MPO had three primary products, one of which was the Metropolitan Area Transportation Plan, which he reported was completed one year ago. He then explained that it was a large comprehensive transportation plan, over a 25 year period, that also involved a computerized model that predicted future traffic flows and demands. He said that the second product was the Transportation Improvement Plan, which he explained to be the first stage of implementation of the master plan. He then said that the third product was the Unified Work Plan, which would be the staff's plan for the upcoming year regarding activities to be conducted. He explained that the Metropolitan Transportation Plan was 25 years, fiscally restrained. Mr. Ghirardi pointed out that the budgets and the funding sources included in the plan were realistic. He added that the plan included transit, pedestrian and all forms of transportation, and that it was updated every two years. Mr. Ghirardi then went on to explain that the West Corridor Project was the first major project programed by the Houma/Thibodaux MPO, since expanding to Thibodaux. He explained that they had been accumulating and would continue to accumulate funds for the project. He said that the present was the appropriate time to begin the project. He explained that the project would involve LA Highway 20 (Canal Blvd.) to the West By-Pass Road (LA Highway 3185) and provide an east/west arterial or major roadway. Mr. Ghirardi explained the Council needed to envision an approximately 1.95 mile long, four-lane divided roadway, that followed the Parish Road Corridor and the abandoned Rail Road right-of-ways. He said that lighting, sidewalks, landscaping, and improved drainage projects could be included. He said that the West Corridor Project was predicted to have a long range traffic volume of 14,000 vehicles per day, in the year 2010. He explained that the funding for the project would be approximately 80% federal money and a 20% local match. Mr. Ghirardi then explained that the 2005 TIP (Transportation Improvement Program) programed \$6 million, with a letting date of approximately 2009. He then recited the predominant stages of the project and explained the same. Mr. Ghirardi then expanded on the details regarding the budget for the project, stating that the engineering phase would take approximately two years, and that a total of \$1 million was programed for that phase. He went on to say that the second major phase, the Right-Of-Way Acquisition phase, was programed at approximately \$700,000. He explained that an additional \$300,000 would be programed for "Utility Relocation". Mr. Ghirardi then stated that the Construction Phase would be programed at approximately \$4 million. He urged the importance of not under-estimating the funds needed for the project and having adequate funding. He explained that they had requested that the Department of Transportation and Development construct a city/state agreement or contract between the State and the local government in order to utilize federal funds.

Dr. Lasseigne asked how long the MPO had been working on the project. Mr. Ghirardi explained that the MPO had expanded to include Thibodaux in 2001.

Chairman Matherne asked if the \$6 million included the purchase of property and adjacent property, and also asked approximately how many homeowners would have to be displaced. Mr. Ghirardi responded by stating that information was usually determined at the beginning of the Engineering Phase. He went on to say that there was a federal process that governed the acquisition of right-of-ways, which protected the landowners as much as possible.

Dr. Lasseigne then asked Mr. Ghirardi if the recent FEMA project completed in that area was figured in. Mr. Ghirardi asked if it was regarding drainage, and went on to explain that it would have to be determined that the roadway met with State standards and that would be handled in the engineering phase.

Chairman Matherne recognized Mayor Charles Caillouet, and the City of Thibodaux's Councilman Jerome "Dee" Richard, as being present.

Due to a need to use the equipment previously used by Mr. Ghirardi, Mr. Ray Cheramie of the Department of Public Works next presented his report on some the accomplishments of his department:

West Thibodaux FEMA: (No slide presented), 99% completed, check-list compiled

Valerie Connection from the Twenty Arpent to the Forty Arpent Canal: (No slide presented), digging 100% completed, clearing of 40 Arpent Canal from the Valerie to East 40th was approximately 85% completed

LaButte Pump Station: old pump was repaired and shed was re-built over it

Sanchez Boat Launch: light controlled by solar panel installed

North Lafourche Golf Rentals Canal: marsh buggy drag-line work completed, marsh buggy being moved to the Lockport area for work to be done in Bayou Lafourche on a plugged culvert on Highway 1

Tregre Ditch: drains into Parish Road ditch, which leads to Tregre Ditch and a main outfall for the West Thibodaux area, turns and exits into the 80 Arpent Canal and ultimately pumped by the Leighton Pump Station.

Twelve Cedars Subdivision: right-of-way recently cleared in preparation for digging, main out fall canal for Twelve Cedars Subdivision

Thoroughbred Pump Station Addition: Sheriff's Office cleaned and primed pilings and discharge pipe for instillation; natural gas engine in; approximately two (2) to four (4) weeks for delivery of pump

Green Acres/Pelican Drive Outfall: in Raceland area, will help a large subdivision in the area

Natural Gas Pump in Gheens: expected to be online by the end of the week of August 8, 2005

Barrios Pump Levee: dirt hauled in to close gap in levee that usually had to be sandbagged

Harris Compeaux: Outfall canal that leads from Highway 1 to 40 Arpent Canal

T-Bois: Lafourche Basin Levee District working to recap levees in the community, marsh buggies have been working in the area for a number of weeks, regular buggies to complete work being brought in

Bayou L'Ours Development: right-of-way cleared, East 40th to Valerie Canal, South Lafourche Levee District long-reach excavator being brought into the area within two (2) weeks to sweep out the canal

Dick Guidry Outfall Canal: expected to be completed in one (1) to two (2) weeks

Mobley Levee: general maintenance on levee in Golden Meadow, problems had, dirt hauled. Approximately after October will try and fill in reservoir and just have a small swell ditch

Chairman Matherne inquired as to whether the Tregre Ditch was being dug all the way to the 80 Arpent Canal, to which Mr. Cheramie responded as yes.

President Charlotte A. Randolph stated that clarification was needed on the North Lafourche Golf Rentals Canal. She explained that there had been some concerns regarding the amount of work being done and that there had been published reports that indicated that more extensive work was being performed, then of what was actually being done. She stated that what was being done was simply maintenance work and that it was not expected to increase the flow of water to anywhere, except away from people's homes. Mr. Cheramie advised that the only increase in the area would be to get the water away from the homes in the area, to the pump stations, at a faster rate. He pointed out that the newspaper had been incorrect in attempting to show that more water would be dumped onto Terrebonne Parish.

Chairman Matherne asked if the Thoroughbred Pump Station Addition would be installed side by side with the existing pump. Mr. Cheramie responded by saying that the pump would be added to the back side

and that once the new pump was put online, the old pump would be removed from the tunnel it was in and placed on a platform. He went on to explain that problems with the build up of weeds and debris were being had in the tunnel where the pump was presently located.

Mr. Atzenhoffer inquired as to the status of the long reach boom, to which Mr. Cheramie responded that he had spoke with H& E Equipment. He reported that the excavator was in, but that the long reach boom had to be built because no one kept them in stock. He said that he was informed that the boom should be built within two (2) to three (3) weeks.

ADMINISTRATIVE REPORT(S)

The next item on the agenda was a presentation of any reports on the Parish. President Randolph advised the Council that Ms. Shannon Chiasson, Finance Director, had distributed the financial reports.

Mr. Callais requested that a status of the Pictometry project be given by the Administration at the next Council meeting, being that of August 23, 2005.

Dr. Lasseigne questioned whether the Lafourche Parish Employees were going from a 35 hour work week to a 40 hour work week. President Randolph stated that the topic was being discussed, but that nothing would be done without the input of the Council.

Mr. Gouaux requested that an update be given at the next Council meeting (August 23, 2005) on the Bayou Banks Stabilization Project.

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. Larry Picciola of Larry J. Picciola, Inc. gave a brief report on the Road Sales Tax District 3, 5, and 6 projects. (Attached as Exhibit 2).

Mr. Atzenhoffer questioned how Project 6A, a proposed 70 day project, became a six month project. Mr. Picciola explained that it should be 70 days from the date that the Notice to Proceed was issued, which would be August 15, 2005. Mr. Atzenhoffer then asked about Project 3B, and inquired as to when the engineer would be issued a Notice to Proceed. Mr. Picciola advised that he had meet with Administration.

Dr. Lasseigne asked about the progress of concrete panels. Mr. Cullen Curole stated that a "wish list", approximately seven pages long, which he reviewed with President Randolph, had been culled down. He went on to explain that it was still a rather pricey list and that they should be coming before the Council at the next meeting of August 23, 2005 with their ideas on what streets should be proceeded with first and the possibility of creating a third package later in the Letting Schedule. (Attached as Exhibit 3) Dr. Lasseigne requested that a copy of the list be given to the Councilmen, prior to the August 23, 2005 meeting, in order that they may have time to view them. Chairman Matherne asked if the Leighton curb improvements were included on the list, and Mr. Curole responded that they were.

Mr. Toups asked Mr. Picciola about Project 3A (Mathews to Valentine). He asked if the streets listed in the Letting Schedule were all the streets that had not been completed and whether Farmers Market Street was included. Mr. Picciola informed Mr. Toups that Farmers Market was not included. Mr. Toups asked why Farmers Market Street was not included, to which Mr. Picciola replied that it may be in another project in the future. Mr. Toups stated that the street was used a lot. Mr. Curole said that the area where houses were present was well paved or had been recently paved, and with regards to the area where there were no residents, that was not on the schedule at that time. Mr. Toups again asked why it was not on the schedule and whether it was going to be done with the other streets. Mr. Curole stated that the street would not be done at the present time and that it may be done at some future date. He went on to say that possibly after all the other roads were completed, it could be reviewed again. He reiterated that there were no residents in that area. Mr. Toups stated that the street was used everyday. He said that he could show several roads which were black topped, that had no residents. Mr. Toups went onto explain that the road was often used when there was an accident on Highway 308. President Randolph stated it could be looked at. Mr. Toups

requested that he be informed at the August 23, 2005 meeting of when the street would be done. President Randolph told Mr. Toups that the project was probably a million dollar project, to which Mr. Toups then questioned the amounts being spent in the Kraemer and the Bayou Blue areas.

Dr. Lasseigne asked if they expected to be within budget for the projects scheduled. Mr. Picciola said that they had looked at the concrete panels, and warned that a lot of care should be taken in order that the project does not go over budget. He said that hairline cracks could possibly be left alone and that they may last another seven or eight years. He said that with the prices coming in, he believed that they were very close to budget. Mr. Curole added in that the progress on the Morristown Project was one example of something that would reduce costs because there were streets on the list that could be removed because they were included in the sewage project.

Mr. Cheramie voiced his belief that the streets were being broken when they had cracks in them and inquired whether it was possible to seal the hairline cracks in the cement panels, so that water could not enter them. Mr. Picciola added in that old joints in roads, like in old subdivisions, could be cleaned and sealed, saving the roads. Mr. Cheramie pointed out that this could save the Parish money in the long run.

Mr. Joseph Picciola of Picciola and Associates, Inc. presented a brief update on current engineering projects. (attached as Exhibit 4). Mr. Lorraine asked whether Project 4B would be bid out shortly. Mr. Picciola stated that a number of plans were completed for Project 4B and that he believed a meeting with Mr. Cullen Curole was needed. Mr. Lorraine said that he was informed that Project 4B would be done after Project 4A. Mr. Curole reminded Mr. Lorraine about a change order that was done at the July 26, 2005 meeting, including the streets of Project 4B, and went on to agree that a meeting was needed. Mr. Lorraine explained he was asking because the majority of the streets to be done were seal coating, for which good weather was needed. He went on to say that he did not want it to wait until winter, or have it wait until the summer of 2006. Mr. Lorraine stated he wanted it done and that whatever needed to be done, should be done.

Mr. Heather Klingman of the Duplantis Design Group, gave a report on two projects: the Marydale Community Waterline Improvement project and the Tom Foret Outfall Canal Levee Improvement project. She first reported that there was still one servitude that was not obtained, with regards to the Marydale Community Waterline Improvement project. She explained that they were looking at alternate routes to get the water supply into Marydale. She then spoke about the Tom Foret Outfall Canal Levee Improvements project, stating that the survey had been completed and that soil borings had been completed. She went on to explain that they were in the preliminary stage of the design.

Dr. Lasseigne asked whether they were handling the Sondra Barrios Building study. Ms. Klingman responded that nothing had been finalized on that matter. Mr. Curole explained that he had spoken to 911 about paying for the study, to which 911 had responded as no, and also explained that the Council had agreed to have the study done, but wanted 911 to pay for it.

Mr. Joseph Caillouet stated that he represented the Parish as the architect on the Lafourche Parish Health Unit and Library. He began with a status on the Health Unit projects. Mr. Caillouet gave a detailed description of the work that had been accomplished to date. He went on to explain that the final slab pour was anticipated to be done the week of August 8, 2005. Mr. Caillouet said that the steel which was needed would be soon arriving and that many shop drawings had been approved. He said he did not expect any time delays occurring on the job. He went on to say that some interior work had been started. Chairman Matherne inquired as to who the contractor was on the project, to which Mr. Caillouet responded as BETCO.

Mr. Caillouet then began discussing the Choctaw library project and stated that work could not be started while the school board contractor was at the site. He said that he had conferred with Councilman Delatte, the School Board, the School Board architect and contractor, and Mrs. Beverly Arabie, who all had agreed to delay the project. He then went on to speak about the Thibodaux Library project and stated that there was a legal issue on the August 9, 2005 agenda, that a ruling was needed on. Mr. Caillouet said that

they had taken bids on the Galliano Library project on July 28, 2005 at 3:00 p.m and that there was resolution regarding the matter on the August 9, 2005 agenda. With regards to the Larose Library project, Mr. Caillouet said that the surveyed site had been looked at, in order to decide what property would be associated with the project.

LEGAL ADVISOR REPORT

The next item on the agenda was to relinquish time to the Lafourche Parish Legal Advisor. District Attorney Camille Morvant was not present.

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

PUBLIC HEARING AND ORDINANCES FOR RATIFICATION

The next item (6) on the agenda was an ordinance providing for a supplemental appropriation for the Lafourche Parish 2005 Operation and Maintenance Budget as provided for by Article VI of the Lafourche Parish Home Rule Charter, as it pertains to the Veteran’s Memorial District and adjustments as a result of the annual audit. 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, seconded by Mr. Brent Callais, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3651 SUPPLEMENTAL APPROPRIATION; 2005 OPERATION AND MAINTENANCE BUDGET; VETERAN’S MEMORIAL DISTRICT

The next item (7) on the agenda was an ordinance establishing a policy regarding permanent parish servitudes dedicated to Lafourche Parish; and providing for penalties for violations thereof. 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, seconded by Mr. Brent Callais, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3652 PERMANENT PARISH SERVITUDES POLICY

The next item (8) on the agenda was an ordinance accepting into the parish system the subdivision known as the “Rodney Daigle Subdivision”, Ward 9, District 6. 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. Lindel Toups, seconded by Mr. Mark Atzenhoffer, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3653 ACCEPT INTO PARISH SYSTEM, RODNEY DAIGLE SUBDIVISION

The next item (9) on the agenda was an ordinance approving a servitude agreement between Lorraine M. Larousse and Lafourche Parish for drainage work in the Kraemer area; and authorizing the Parish President to sign, execute and administer said agreement. 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. Michael Delatte, seconded by Mr. Tyrone Williams, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3654 SERVITUDE AGREEMENT, LORRAINE M. LAROUSSE

The next item (10) on the agenda was an ordinance approving servitude agreements between Allied Shipyard, Inc. and Lafourche Parish for drainage work in the Larose area, Ward 4, District 7; and authorizing the Parish President to sign, execute and administer said agreement. 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, seconded by Mr. Lindel Toups, and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3655 SERVITUDE AGREEMENTS, ALLIED SHIPYARD, INC.

The next item (11) on the agenda was an ordinance approving a servitude agreement between Rebecca Robichaux and Lafourche Parish for drainage work in the Raceland area, Ward 3, District 6; and authorizing the Parish President to sign, execute and administer said agreement. 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. Lindel Toups, seconded by Mr. Phillip Gouaux, and **carried** by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3656 SERVITUDE AGREEMENT, REBECCA ROBICHAUX

The next item (12) on the agenda was an ordinance defining terms for use in the Capital Outlay Projects for the annual Lafourche Parish Operations and Maintenance and the Capital Outlay Budgets. 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. Michael Matherne and seconded by Dr. Tommy Lasseigne. Dr. Lasseigne asked if the budget was being amended or whether the budget called it “Capital Outlay”. He said that he understood why Mr. Matherne wanted this and that he agreed with it, but he was questioning whether it was changing what the Home Rule Charter intended. Mr. Curole stated that he would be providing numerous amendments to this topic and would ask that the matter be deferred to the next meeting of August 23, 2005. He went on to say the he would like to hear the discussion of the Council about the topic and advised that the intent was not to change the Home Rule Charter, but to clarify it. Mr. Curole stated that there was not a threshold for the definition of Capital Outlay Budget. He stated he thought the intent was regarding major projects. Mr. Curole pointed out that the auditor had said that anything over \$1,000 was considered an asset and was put on the books as inventory. He went on to say that he did not believe the Council wanted them to come before them with every item over \$1,000. He reiterated that he would like to hear the Council’s thoughts on the topic. Dr. Lasseigne stated that he would like to make sure that the matter was not changing the Home Rule Charter in any way. He suggested \$15,000 as being the threshold amount set. Mr. Atzenhoffer relayed that he had read the Home Rule Charter and had not seen any language that defined terms. He stated that he agreed in that the amounts suggested could be lowered. Mr. Atzenhoffer said that how this was handled with political subdivision would have to be watched since the Code of Ordinances set a threshold for the subdivisions coming before the Council for approval. He went on to warn that those two things should be in agreement and not be contradictory to each other. He agreed that the matter should be deferred so that it could be worked on. President Randolph urged that the Council review it and make recommendations. Mr. Gouaux said that it should be deferred to the next meeting. Dr. Tommy Lasseigne *withdrew* his second and Mr. Michael Matherne *withdrew* his motion. Mr. Phillip Gouaux offered a **motion** to *defer* the ordinance to the August 23, 2005 meeting, seconded by Mr. Mark Atzenhoffer, and **carried** by a vote of nine (9) yeas and zero (0) nays.

ORDINANCE WAS DEFERRED UNTIL THE AUGUST 23, 2005 LPC MEETING

The next item (13) on the agenda was an ordinance setting a threshold for settlement of liability and workers’ compensation settlements. 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. Michael Matherne and seconded by Dr. Tommy Lasseigne. Dr. Lasseigne asked whether the District Attorney was being by-passed in the settlement process. He then went on to ask how settlements were currently being handled. Mr. Curole advised that the Risk Management Office was the first place claims were filed and that eventually those claims went to either the District Attorney or the Parish’s insurance companies. He pointed out that the District Attorney did not handle every case and that at the July 26, 2005 meeting, five attorneys had been approved to work their overage. Mr. Curole explained that if a lawsuit had been filed, it would still go through the District Attorney’s office. He stated that they were looking for guidance to determine when the matter should be brought before the Council. Dr. Lasseigne suggested a threshold of \$5,000. Mr. Curole explained that the amount included in the ordinance was suggested by the Risk Manager, which came from an average of what came across. Mr. Atzenhoffer asked if there was a list of what had already been paid out, in order that they could determine would could be done in-house and what could be done through litigation. Mr. Curole informed Mr. Atzenhoffer that whether a matter went to

litigation or not was determined by whether a lawsuit was filed or not. Mr. Atzenhoffer voiced his concern that if a \$15,000 threshold was set, that several claims would be filed for \$14,999.99. Mr. Curole said that before his arrival, there may have been a “file a claim and the Parish will pay it” attitude. He went on to say that at that time there was no claim form to be filled out. Mr. Curole stated that at present, there was a process and that the Parish says “no” and would continue to say “no” to many bogus claims. He said that he wanted it made clear to the Council and to the audience that the Parish was not saying yes to every claim. Dr. Lasseigne pointed out that the dollar amount was a concern and that a protocol for how it was handled should set up. Dr. Lasseigne *withdrew* his second and Mr. Matherne then *withdrew* his motion. Mr. Phillip Gouaux offered a *motion* to *defer* and was seconded by Mr. Mark Atzenhoffer. Mr. Curole asked Mr. Atzenhoffer for a list of additional things that were being requested. Mr. Atzenhoffer then requested a copy of what Mr. Curole presently had. Mr. Curole suggested that maybe a listing of the claims that had been paid under the threshold could be presented monthly. The motion to *defer* **carried** by a vote of nine (9) yeas and zero (0) nays.

ORDINANCE WAS DEFERRED

The next item (14) on the agenda was an ordinance amending Ordinance No. 1599 to reduce the speed limit from twenty-five (25) miles per hour to fifteen (15) miles per hour on East 23rd Street, Ward (10), District (7). 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, seconded by Mr. Brent Callais, and **carried** by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3657 AMEND ORDINANCE NO. 1599, REDUCE SPEED LIMIT, EAST 23RD ST.

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

PROPOSED ORDINANCES

The next item (15) on the agenda was a proposed ordinance establishing a fifteen (15) miles per hour speed limit on East 146th Street, Ward 10, District 9; authorizing the installation of signs; and providing for penalties. A *motion* was offered by Mr. Daniel Lorraine to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE 15 MPH SPEED LIMIT ON EAST 146TH STREET

The next item (16) on the agenda was a proposed ordinance establishing a twenty-five (25) miles per hour speed limit on Donald Drive, Ward 2, District 4; authorizing the installation of signs; and providing for penalties. A *motion* was offered by Dr. Tommy Lasseigne to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE 25 MPH SPEED LIMIT ON DONALD DRIVE

The next item (17) on the agenda was a proposed ordinance establishing a “establishing a “No Parking” zone on both sides of Louise Lane in Thibodaux, Ward 2, District 4; authorizing the installation of signs; and providing for penalties in Thibodaux, Ward 2, District 4; authorizing the installation of signs; and providing for penalties. A *motion* was offered by Dr. Tommy Lasseigne to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE ESTABLISH NO PARKING ZONE, LOUISE LANE

The next item (18) on the agenda was a proposed ordinance approving a servitude agreement between 5-K Inc. represented by Roman Guidry and the Lafourche Parish Council for drainage work in the Cut Off area, Ward 10, District 8; and authorizing the Parish President to sign, execute and administer said agreement. A *motion* was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT BETWEEN 5-K INC

The next item (19) on the agenda was a proposed ordinance approving a servitude agreement between Robert Neil and the Lafourche Parish Council for drainage work in the Bayou Blue area, Ward 11, District 5; and authorizing the Parish President to sign, execute and administer said agreement. A *motion* was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT, ROBERT NEIL

The next item (20) on the agenda was a proposed ordinance approving a servitude agreement between Dick Guidry and the Lafourche Parish Council for drainage work in the Galliano area, Ward 10, District 9; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Daniel Lorraine to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT, DICK GUIDRY

The next item (21) on the agenda was a proposed ordinance approving a servitude agreement between Johnny Callais and the Lafourche Parish Council for drainage work in the Cut Off area, Ward 10, District 8; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT, JOHNNY CALLAIS

RESOLUTIONS

The next item (22) on the agenda was a resolution filling three (3) vacancies on the Lafourche Parish Fire Protection District No. 1 Board due to the expired terms of Mr. Ralph Melancon, Mr. Bobby Saffel, and Mr. Terry Lyle. Due to issues regarding this matter, Mr. Atzenhoffer requested that it be *pulled* from consideration, and therefore resolution *died* for a lack of a motion.

RESOLUTION *DIED* FOR A LACK OF A MOTION

The next item (23) on the agenda was a resolution requesting the Third District Congressman, The Honorable Charlie Melancon, to proceed with the request of having a rural route established with the United States Postal Service for the Ward 6 (Chackbay) area, 70301. A **motion** was made Mr. Michael Delatte, seconded by Mr. Michael Matherne, and *carried* by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 05-203 ESTABLISH RURAL ROUTE, U.S. POSTAL SERVICE, WARD 6
(CHACKBAY) AREA**

The next item (24) on the agenda was a resolution requesting the Third District Congressman, The Honorable Charlie Melancon, to proceed with the request of having a rural route established with the United States Postal Service for the Ward 11 (Bayou Blue) area, 70364. A **motion** was made Mr. Mark Atzenhoffer and seconded by Mr. Michael Matherne. Mr. Toups inquired as to whether the same issue was coming up in the Larose area. Mr. Lindel Toups said he would like to *amend* this item to include the whole parish. Chairman Matherne asked Mr. Toups for clarification of his motion. Mr. Atzenhoffer elaborated on his intentions with this agenda item by stating that what was happening in the Bayou Blue and Chackbay areas was that they were served by the Houma and Thibodaux Post Offices. He went on to say that he was listed in Houma, more than Bayou Blue. He expanded to say that Chackbay was often listed as Thibodaux. Mr. Toups stated that Lockport was often listed as Larose. Mr. Atzenhoffer reminded Mr. Toups that the Council had previously tried to do those areas as a group before and was told to do them individually. Chairman Matherne said that his concern with this matter was when big ticket items, such as vehicles, were purchased in these areas, sales taxes were being missed out on. Mr. Gouaux voiced that it should be done parish wide because if it was done only in certain areas, that postal employees would be effected and may lose their jobs. He suggested that the Administration do a study to see how many areas, and what areas, would be affected by the problem. He reiterated that he would not want to see any jobs affected because rural routes were trying to be established in some areas and not in others. Mr. Toups stated that there were people who lived in Larose who had a Lockport address and a Larose telephone number. He then spoke of the people who lived in Matthews who had a Lockport telephone number and Raceland address. Chairman Matherne confirmed with Mr. Toups that his *amendment* was to add in other incorporated areas of the Parish and was *seconded* by Mr. Phillip Gouaux. Mr. Atzenhoffer said that he did not disagree that something needed to be done, but reminded the Council that combining all of the areas was attempted before and that it was shot down. He said that it was suggested that each one be taken individually. Mr. Atzenhoffer voiced his concerns in that the amendment would affect Bayou Blue's chance of passing the resolution, and that another resolution addressing the entire Parish could be introduced at the August 23, 2005 meeting. Mr. Toups stated that he

thought that a better chance was had with combining the areas parish wide, than as to one rural area. The amendment *carried* by a vote of eight (8) yeas and one (1) nay, that being of Mr. Mark Atzenhoffer. The resolution as amended *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-204 ESTABLISH RURAL ROUTE WITH U.S. POSTAL SERVICE, PARISH WIDE

The next item (25) on the agenda was a resolution requesting the assistance of the State of Louisiana Department of Transportation and Development to stabilize the south west bank of the Intracoastal Water Ways at Bayou Lafourche, west to the Louisiana Highway 1 Bridge in Larose. A **motion** was made by Mr. Phillip Gouaux, seconded by Mr. Lindel Toups, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-205 REQUEST ASSISTANCE FROM LA. DOTD, STABILIZE BANK OF INTRACOASTAL WATER WAYS, LAROSE

The next item (26) on the agenda was a resolution approving a Cooperative Endeavor Agreement between the Lafourche Parish Council and the Lafourche Parish Recreation District No. 1 to provide improvements to the recreation district's tennis courts; and authorizing the Parish President to sign, execute and administer said agreement(s). A **motion** was made by Mr. Lindel Toups and seconded by Mr. Phillip Gouaux. Mr. Atzenhoffer offered a **motion** to *amend* the resolution to have Lafourche Parish Recreation District No. 1 agree to provide financial information to the Parish Council in accordance with Ordinance 3565, and was *seconded* by Mr. Brent Callais. Mr. Gouaux explained that the property being discussed was Parish-owned and a non-profit organization. He said that all of the finances went through the Parish and that he did not see the benefit of auditing the financials. Mr. Mark Atzenhoffer reminded the Council that Ordinance 3565 had been passed unanimously on March 22, 2005 and that he would be making the same amendment to every cooperative endeavor on the August 9, 2005 agenda. Mr. Atzenhoffer emphatically stated that the Council had voted to have these entities provide this information in March of 2005 and that they should do what they said they would do. Mr. Gouaux told Mr. Atzenhoffer that he was not in disagreement because he had authored the original ordinance, but that he was pointing out that the item was Parish property and that they were already audited through the Parish System. Dr. Lasseigne then questioned the difference in the amounts listed in Section 2 of the Amendment to Item No. 26 offered by Mr. Atzenhoffer, stating it as being \$30,000, and in the original resolution, as being \$80,000. Discussions then ensued regarding the changing of \$80,000 to \$30,000. Mr. Curole suggested that the original resolution contained \$30,000 and that it was his understanding that the amount was changed to \$80,000. He went on to explain that in the attempt to amend the resolution to include Mr. Atzenhoffer's amendment, the original amount of \$30,000 was used. Mr. Curole stated that Mr. Toups had also pointed out that the address included in the amendment was not correct as the Lockport Recreation District was not located in Cut Off. Mr. Toups asked Mr. Curole whether he could tell him who had changed the amount from \$80,000 to \$30,000, to which Mr. Curole responded that he did not know. President Randolph stated that when it was submitted to the Council Clerk the amount was \$30,000 and that the amount was changed after that. Mr. Toups stated that he believed that President Randolph was saying that the amount had been changed from \$30,000 to \$80,000. He said that they had asked for \$80,000. Dr. Lasseigne questioned whether \$30,000 or \$40,000 had already been approved. He confirmed that the money being used was being redistributed from a "bird" project. Mr. Toups said that this was only being brought up because later in the August 9, 2005 agenda the Council would be asked for \$80,000 for the Larose Civic Center and an additional \$80,000 for the Cut Off Youth Center. He went on to say that in the future that the Lafourche Parish Recreation District would be requesting \$100,000 for lighting. Mr. Toups said that it was put on at \$80,000 and that someone had changed it to \$30,000. President Randolph reiterated that when the Administration initially submitted it, the amount was \$30,000 and that it was later changed on the resolution. She went on to say that the amendment was obviously taken from the original agreement, that was sent down because it included \$30,000. President Randolph said that the amount was not changed back to \$30,000, and that the amendment was obviously drafted from the original resolution containing \$30,000. Chairman Matherne reminded the Council of what the amendment on the floor was and then asked for any further discussion on that amendment. Mr. Atzenhoffer clarified that the amendment was only concerning the area that was bolded and underlined in the

"Amendment to Item No. 26", which was included in the Councilmen's agenda packets. Chairman Matherne then read the amendment offered by Mr. Atzenhoffer. Mr. Curole stated that as a point of order, what was included in the amendment, regardless if it was underlined or not, was a different figure than what was contained in the agenda packets. Chairman Matherne reiterated that the only amendment being discussed was to have the Lafourche Parish Recreation District No. 1 agree to provide financial information to the Parish Council in accordance with Ordinance 3565. Mr. Callais offered that the correct recreational district address be added on to Mr. Atzenhoffer's amendment, along with changing the \$30,000 amount to \$80,000. Chairman Matherne asked Mr. Atzenhoffer whether he was including that as part of his amendment. Chairman Matherne then clarified that Mr. Atzenhoffer only wanted to include the address change to his original amendment, to which Mr. Atzenhoffer said that was correct. Chairman Matherne and Mr. Atzenhoffer again clarified that the amendment being voted on was what was in bold in the "Amendment to Item No. 26", and to correct the address of the Recreation District. The amendment *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Michael Delatte. Mr. Atzenhoffer then asked what number of tennis courts were being built if \$80,000 was being asked for, to which Mr. Toups stated "one". Mr. Gouaux corrected Mr. Toups by stating that it was two tennis courts. He went on to explain that there were currently tennis courts there, that were in need of having the foundation re-done and the fencing removed and replaced. Mr. Atzenhoffer advised Mr. Gouaux that the Parish owned a bulldozer and that state of the art tennis courts could be built for \$16,000 to \$20,000 each. He stated that the original \$30,000 requested had been reasonable. Mr. Atzenhoffer went on to calculate that of the \$150,000 that was being divided, a shortage of at least \$10,000 would be incurred. He voiced his concerns regarding that shortage affecting the walking track planned for Bayou Blue. He said that the people deserved a place to play tennis. Mr. Atzenhoffer stated that a tennis court could be put in someone's backyard for \$15,000 and that there was no reason for the Parish to spend \$80,000 on tennis court, just because it was the government. He went on to say that Parish equipment could be used for the deconstruction. Mr. Atzenhoffer pointed out that the Home Rule Charter required a finite list of things for a specific dollar amount. He concluded by asking the Council to vote the resolution down. Mr. Callais asked Mr. Toups and Mr. Gouaux whether an engineer or contractor had looked at the project and whether the payment of the engineer would come out of the \$80,000 being requested. Mr. Gouaux clarified that the Recreation District had an engineer to do an assessment and estimate on re-doing the tennis courts. He explained that without money in hand, the project would not be bid out, but that once money was committed, it was possible that the project could be done for \$30,000. Mr. Gouaux said that money would be dedicated for the tennis courts and that if it only cost \$30,000, then \$50,000 would be put back into recreation. He went on to say that some consideration should be given because they were board members and that he did not want to micro-manage. Mr. Gouaux said that if it could be done cheaper, he was all for it. He said that he agreed with Mr. Atzenhoffer that \$80,000 was a bit much for a tennis court, but that was what the engineers had come up with. Mr. Gouaux said that if Parish equipment could be used to remove the old tennis court and reduce the price, he was for it. Mr. Atzenhoffer voiced his disbelief that an engineer was hired to advise them that the cement needed to be broken up and that new cement needed to be poured. He asked why they were not doing what the Home Rule Charter requested, that being a finite project with a specific list. Mr. Atzenhoffer suggested going to bid to find out how much the project would cost and then at that time come back before the Council. He said that if \$80,000 was given and only \$30,000 was used, \$50,000 would not be coming back. He stated that this was not being a good steward of the public's money. Dr. Lasseigne voiced his reasons for agreeing that \$80,000 was pricey for a tennis court, and that the resolution reading Lafourche Recreation District No. 1 was not in-line with the Home Rule Charter. He elaborated that not enough specifics were given, and that if the District was given \$80,000, it would be spent. Mr. Gouaux said that within talking to the Recreation District that he understood that the engineer came up with an amount of \$110,000. He pointed out that the Lafourche Recreation District said that they would make certain that the project would be done for no more than \$80,000. Mr. Gouaux said that the Lafourche Recreation District would commit to giving back to the Parish any money not spent. Mr. Toups reiterated that the only reason this matter was being brought up was because he saw that money was

being given to the Larose Civic Center, Cut Off Youth Center, and other projects. He said that if the Councilmen looked back in their agenda packet that the money was coming out of maintenance. Mr. Toups said that he was against that, and that the money should be used for maintenance. He said that he hated to take money out of maintenance and put it into recreation. Mr. Toups urged that all of the items should be voted down and that the money be put where it was needed. The resolution as amended *carried* by a vote of five (5) yeas, those being of Mr. Daniel Lorraine, Mr. Phillip Gouaux, Mr. Lindel Toups, Mr. Brent Callais, Mr. Michael Delatte; and four (4) nays, those being of Dr. Tommy Lasseigne, Mr. Tyrone Williams, Mr. Michael Matherne and Mr. Mark Atzenhoffer.

RES NO. 05-206 COOPERATIVE ENDEAVOR AGREEMENT, LAFOURCHE PARISH RECREATION DISTRICT NO. 1

The next item (27) on the agenda was a resolution approving a Cooperative Endeavor Agreement between the Lafourche Parish Council and the Lafourche Parish Water District No.1 to fund improvements on the Marydale Water line; and authorizing the Parish President to sign, execute and administer said agreement(s). A **motion** was made by Mr. Tyrone Williams and seconded by Mr. Michael Matherne. Mr. Cullen Curole clarified that an amendment was offered because the amount of \$188,000 for a total project cost should have been \$376,000. He went on to say that an additional \$25,000 would be needed to re-route the waterline extension. Mr. Curole recited the problems being had with obtaining a right-of-way, and that the waterline would have to be re-routed to get water to the Marydale Subdivision. Mr. Curole went on to say that the agreement with the Water District had not yet been done and that it would have to be done before the project could go to bid. A **motion** to *amend* to change the amount of \$188,000 for a total project cost to \$376,000 was offered by Mr. Tyrone Williams and seconded by Mr. Michael Matherne. Discussion then ensued regarding the amendment. Mr. Callais recalled that the Morristown project had already been delayed 8 months for a similar situation for a cost of \$5,600. He suggested that the expropriation process begin and that he could not see how the Parish could just spend \$25,000 to get the project done. Mr. Callais said that he was against doing so, and that the Administration should look more into the matter, and also that the District Attorney should be involved. Mr. Callais informed the Council that the Supreme Court of Louisiana had recently ruled that a private developer could take someone's land to build an improvement that would benefit the public. Mr. Williams said that there had been discussion with the landowner and that the landowner originally wanted the Parish to purchase the entire property for \$250,000. Mr. Williams informed the landowner that the Parish would not buy the entire property. Mr. Williams stated that he had asked the landowner if there was any other way he would allow the Parish to go through his property. Mr. Williams said that he had also spoken with the engineers to see if there was another way to accomplish the project. He vocalized that the people in Marydale needed the waterline improvement and further that they had been waiting for it for too long. Mr. Curole said that as with the Morristown project, the District Attorney's office had been contacted, who then commented that the expropriation process would be more expensive than re-routing the waterline. He went on to say that the expropriation costs would basically equal to the Parish's one half of the \$25,000. Dr. Lasseigne expressed that he could not envision the expropriation process costing more than \$25,000. He stated that he believed in property rights and that Marydale needed their waterline. Dr. Lasseigne commented on the idea of the Parish giving \$25,000, when the Parish had already fought 8 months for \$5,600 for the Morristown project. Mr. Curole clarified that the cost of the expropriation would be more than half of the amount to be paid by the Parish, not more than the \$25,000. Mr. Curole stated that the intent was not to pay an unruly landowner \$25,000 but to re-route the waterline. Dr. Lasseigne questioned why the landowner could not be paid \$8,000 and told that the Parish was going to bore under his land, regardless if he wanted them to or not. He voiced his opinion that the Parish would win, if it went to court. Dr. Lasseigne said he understood that the landowner would have to be paid something, but that he could not imagine the landowner winning an expropriation of more than of \$5,000 or \$10,000. Mr. Curole said that was also his first thought, but that the District Attorney's office had said differently. The amendment *carried* by a vote of nine (9) yeas and zero (0) nays.

Mr. Atzenhoffer then began questioning Section 1 of the Cooperative Endeavor Agreement, asking

why the costs of engineering and design was not being split with the Water District. Mr. Curole explained that was what was agreed to in 2004. Mr. Atzenhoffer then pointed out that he was not opposed to the project and that he knew it was a necessity, but he felt that a precedent was being set. He said that the Parish needed to use the expropriation route because it was an important process. Mr. Atzenhoffer urged that the expropriation process be chosen before beginning a re-design. He went on to say that additional costs were being incurred with every engineering re-design. President Randolph suggested that the District Attorney be present at the August 23, 2005 meeting to discuss his suggestion of not expropriating. Mr. Callais stated that after hearing the discussion had, he would suggest to have the matter studied more and that the matter should be tabled. Dr. Lasseigne said he was in agreement with Mr. Callais because he could not believe that \$25,000 additional dollars was going to be spent. He voiced that for \$25,000, the matter should be pursued more. Dr. Lasseigne said that he was not going to vote for it, but wanted the waterline and he wanted Mr. Williams to be aware of that. He stated that he thought there was a better way to accomplish this. Mr. Williams questioned Mr. Curole regarding a twenty (20) year old right-of-way for the original waterline. Mr. Curole explained that the waterline that currently crossed the landowner's property was on a right-of-way, but that the right-of-way had by the Water District was worthless, as it was not notarized nor filed. Mr. Curole asked that the Council give some type of direction on the matter, be it expropriation or re-routing. He went on to express that tabling the matter or doing nothing about it would not help the people of that area. Dr. Lasseigne also recommended that the matter be expropriated. Mr. Atzenhoffer suggested tabling the matter, with the ability to begin expropriation or tabling it until the District Attorney's explanation of his suggestion of not expropriating. Mr. Williams asked the Council to understand that the people of the area had been waiting on the waterline all their lives and that he was also a resident of the area. He went on to recall fires in the area which had caused a wait for use of water by the residents for washing and cleaning because there was not enough pressure. Mr. Williams said that the area had two (2") waterlines. He went on to say that water from the St. John area has had to be used. He went on to question what would happen if there was not enough water to put out a fire when a small child would be trapped in a bedroom. Mr. Williams inquired as to what was better, \$25,000 to save a life or losing a life for \$25,000. Mr. Williams said he had always voted for everything that was good for the Parish and that he wanted to see the Parish upgraded. He emphatically stated that the people of the area wanted the project now and that they would not wait, adding that they too paid taxes. The resolution *carried* by a vote of six (6) yeas and three (3) nays, those being of Mr. Phillip Gouaux, Dr. Tommy Lasseigne, and Mr. Brent Callais.

RES NO. 05-207 COOPERATIVE ENDEAVOR AGREEMENT, LAFOURCHE PARISH WATER DISTRICT NO. 1

The next item (28) on the agenda was a resolution approving a Cooperative Endeavor Agreement between the Lafourche Parish Council and the Cut Off Youth Center, Inc. to provide continued recreational services in exchange for funding covered recreational area; and authorizing the Parish President to sign, execute and administer said contract(s). Mr. Brent Callais *abstained* from voting and discussing the matter on the advice of the District Attorney. A **motion** was made by Mr. Phillip Gouaux and seconded by Mr. Mark Atzenhoffer. Mr. Mark Atzenhoffer *offered* an **amendment** that the Cut Off Youth Center be in accordance with Ordinance 3565 and was *seconded* by Dr. Tommy Lasseigne. Mr. Gouaux voiced that the amendment was good, but that after reading the ordinance, it stated that prior to voting the Board's financial department should supply a report on their financials. Mr. Atzenhoffer stated that it was prior to the Parish transferring funds. Chairman Matherne asked if that could happen after Council approval, and before the transfer of funds. Mr. Curole stated that it was his understanding that it was before the money had transferred and not necessarily before the vote. Mr. Gouaux stated that it served no purpose to have the financials after the approval of the money. Mr. Atzenhoffer pointed out to Mr. Gouaux that he had written the ordinance and further that the ordinance stated "prior to the Parish transferring funds". He went on to explain that if problems were had, it could be brought back to the Council before the transfer of funds. After voicing additional comments, Mr. Atzenhoffer stated that it was also required that a report be given on what was done with the funds given. Chairman Matherne voiced his understanding that when Ordinance 3565 was passed,

that the request of the financials was not to determine the need, but to make the financials transparent so there would be better examination of the need in the future. Mr. Gouaux agreed that was the original intent of the ordinance and added that more needed to be added to the ordinance. Mr. Curole mentioned that in situations like the present item, when funds were given for projects, a form requesting the money and receipts showing where the money was spent was required. He stated he did not want it to be thought that a check was simply being mailed. The amendment **carried** by a vote of eight (8) yeas, zero (0) nays, and one (1) abstention, that being of Mr. Brent Callais. Discussions then began on the resolution. Mr. Toups questioned who owned the Cut Off Youth Center, where the \$40,000 was coming from, and whether the Lafourche Recreation District No. 3 was aware of the resolution being addressed. He stated that the Lafourche Recreation District No. 3 would be coming to the Council in the future requesting \$100,000. He stated that the Board in that area knew nothing about the request being made. Mr. Toups said that he wanted it noted that he was informed by the Administration that the money would be coming from "Recreation" and not "Maintenance", as he understood it would be. Mr. Atzenhoffer went on to voice his reasons for stating that the facility being discussed provided the most services compared to the other facility helped. Mr. Toups then gave an explanation of his reason for having to vote this matter down, adding in that this was not a Parish building and that he could not see giving them Parish money. Mr. Daniel Lorraine then recalled that money was distributed several years ago for recreation throughout the Parish, and that for some reason the Cut Off area Councilman at the time had not requested anything. Dr. Lasseigne stated that the money being re-distributed was money which had been allocated to the lower part of the Parish, so he saw no problem with it, other than a little more money than what was originally allocated was being re-distributed. Mr. Gouaux said that he had received calls from some of the Board members of Lafourche Recreation District No. 3, advising him that they had not been notified of this spending and that they felt there were other needs in the Parish, such as a ballpark, in need of new lighting and lighting poles with an approximate costs of \$100,000. He stated that he hoped that all future recreational funding would go through the Boards and that approval was received from those Boards prior to the matter coming before the Council. Mr. Brennan Matherne, Director of the Department of Parks, Recreation and Public Facilities, began by stating that the funds were being drawn from the recreation funding made available by the termination of the Nature Study Park. He then went on to state that there was \$150,000 allocated and that more money was being spent, than was available. Mr. Matherne then voiced that he was not aware that the Lafourche Recreation District No. 3 would be requesting in 2005, approximately \$100,000. Mr. Toups stated that as the Recreational Director, Mr. Matherne should have informed the Board. Mr. Williams questioned whether the Cut Off Youth Center could request a grant or not. The resolution **failed** by a vote of four (4) yeas, those being of Mr. Daniel Lorraine, Dr. Tommy Lasseigne, Mr. Mark Atzenhoffer, Mr. Michael Delatte; four (4) nays, those being of Mr. Lindel Toups, Mr. Phillip Gouaux, Mr. Tyrone Williams, and Mr. Michael Matherne; and one (1) abstention, that being of Mr. Brent Callais.

RESOLUTION FAILED

The next item (29) on the agenda was a resolution approving a Cooperative Endeavor Agreement between the Lafourche Parish Council and the Bayou Civic Club, Inc. (Larose Civic Center) to provide continued recreational and emergency preparedness services in exchange for funding assistance in the construction of a canopy over the entrance and the regrouting of the facade; and authorizing the Parish President to sign, execute and administer said contract(s). A **motion** was made Mr. Phillip Gouaux and seconded by Mr. Brent Callais. Mr. Mark Atzenhoffer **offered** an **amendment** to have the Bayou Civic Club, Inc. provide financial information to the Parish Council in accordance with Ordinance No. 3565, **seconded** by Mr. Phillip Gouaux, and **carried** by a vote of nine (9) yeas and zero (0) nays. Mr. Atzenhoffer then gave a detailed recalculation of the money allocated, re-distributed and spent. He then read from the Cooperative Endeavor Agreement, stating that in return for the money being requested, the Parish was not getting half of what had just been voted down for the Cut Off Youth Center. He urged everyone to vote this agenda item down. Mr. Gouaux said that the difference between the current facility and the facility previously discussed, was that the Larose Civic Center was considered a Shelter of Last Resort for evacuations, and was open

whenever there were emergencies. He went on to say that he supported the regrouting because it was a problem area with the facility. Dr. Lasseigne then said that he agreed with Mr. Atzenhoffer in questioning the voting for this item, after turning down the previous item. He voiced that he had no concern with \$40,000 of the money coming from recreation, but that the other \$40,000 was being taken from money allocated for renovations to the Whitney Building. He went on to say that there would be no money for the next budget. Dr. Lasseigne stated that renovations had already begun on the Whitney Building, some of which were more than what had been previously discussed, and that the project would be coming in over budget. He also voiced a concern about giving money to a private facility. Mr. Atzenhoffer named other facilities which were used for shelters, which had not received any funding. He went on to say that the request being made was not for necessities. Mr. Callais then commented that the Center had agreed to be considered as a Shelter of Last Resort for any kind of emergency need for the Parish, to which Mr. Gouaux said he wished that had been made aware of earlier, as his earlier vote may have been different. Mr. Gouaux then relinquished two minutes of his time to Mr. Henri' Boulet, a volunteer for the Larose Civic Center. Mr. Boulet informed Mr. Atzenhoffer that documentation had been recorded with the Clerk of Court and the Secretary of State which granted residual ownership to the Parish when the Center received funds from State Capital Outlay Funds for the re-doing of the roof. He went on to say that the Bayou Civic Club had raised as much money as what was being requested. Mr. Boulet then went on to explain the problems being had with grout. He then began speaking of the number of children who attend recreation at the Center and the fact that they have to have the children stand out or sent out to waiting vehicles in lighting storms. Mr. Boulet went on to say that this Center was the busiest Center in the 10th Ward and that he had personally unloaded in the elements, ambulances carrying bedridden people during evacuations. Dr. Lasseigne again voiced his concerns regarding having \$40,000 of the funds being requested coming from the Whitney Bank renovations, which he stated was definitely going to be used. Mr. Toups pointed out that in Lockport, 850 children were involved in recreation this past summer and that they had nothing more than a 10 x12 shed to put equipment in. The resolution as amended *failed* by a vote of one (1) yea, that being of Mr. Phillip Gouaux and eight (8) nays.

RESOLUTION FAILED

The next item (30) on the agenda was a resolution approving Change Order No. 1 to L. L. & G. Construction, Inc. as an increase in contract price by \$46,200.00 for Fantastic Acres Proposed Pump Station Upgrades; and authorizing the Parish President to sign said Change Order. A **motion** was made Mr. Lindel Toups and seconded by Mr. Mark Atzenhoffer. Mr. Atzenhoffer then pointed out that according to the change order, items had been returned at low prices, and then re-purchased at a later date for a higher price. He said that he did not believe that it was the Council's place to fund mistakes of returning items too soon. Mr. Picciola explained that none of the work had been done yet, and that nothing had been purchased, nor returned. He went on to say that the project would probably not be continued, if it was voted down, because of a right-of-way issue. Mr. Picciola explained that the landowner of the property, where the current discharge pipe was located, was refusing to sign a right-of-way unless something was done to limit the erosion and other problems caused by having the discharge pipe discharge directly into the marsh. He went on to explain that a study had been done and that the current solution would not only solve the current problem being had by the landowner, but that it would also escalate the efficiency of the existing pump and two additions. Dr. Lasseigne then questioned Mr. Picciola regarding the specifics of a box being built. Mr. Ray Cheramie voiced that he thought the landowner was trying to work with the Parish and that what was being suggested was what the landowner indeed wanted. He then voiced his surprise, that the issue was not costing more than what was being requested. Mr. Cheramie said that the pump station was needed and that it should not be delayed any further. He asked that the Councilman vote for this matter. Mr. Atzenhoffer then questioned the source of the \$46,200 being requested. The resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-208 CHANGE ORDER NO. 1 TO L. L. & G. CONSTRUCTION, INC.

The next item (31) on the agenda was a resolution accepting the low bidder for carpeting in the Lafourche Parish Council meeting room in the Sondra Barrios Building; and authorizing the Parish President to sign and administer said contracts. A **motion** was made Mr. Michael Matherne and was seconded by Dr. Tommy Lasseigne. Mr. Atzenhoffer made a **motion** to **amend**, to fill in the blanks with appropriate information, *seconded* by Mr. Phillip Gouaux, and *carried* by a vote of nine (9) yeas and zero (0) nays. Discussions then began on the original resolution. The resolution as amended *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-209 LOW BIDDER, CARPETING LAFOURCHE PARISH COUNCIL MEETING ROOM, SONDRÁ BARRIOS BUILDING

The next item (32) on the agenda was a resolution approving a Memorandum of Understanding between Lafourche Parish Council, the Assumption Parish Police Jury, the Ascension Parish Council, the City of Donaldsonville, the Village of Napoleonville, the City of Thibodaux, the Town of Golden Meadow, and the Town of Lockport to work together to produce a regional plan of recreational and eco-tourism improvements for the Bayou Lafourche Corridor; and authorizing the Parish President to sign, execute and administer said contract(s). A **motion** was made Mr. Brent Callais, seconded by Mr. Michael Matherne, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-210 MEMORANDUM OF UNDERSTANDING, BAYOU LAFOURCHE CORRIDOR

The next item (33) on the agenda was a resolution accepting the low bid of Byron E. Talbot Construction (BETCO) in the amount of \$1,785,000.00 for the construction of the Galliano Branch Library; and authorizing the Parish President to sign and administer said contracts and agreements. A **motion** was made Mr. Brent Callais, seconded by Mr. Lindel Toups, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-211 LOW BID, BETCO, CONSTRUCTION, GALLIANO BRANCH LIBRARY

The next item (34) on the agenda was a resolution requesting an opinion from the Thibodaux City Council's Attorney to determine whether or not the Lafourche Parish Public Library would be allowed to obtain a building permit for the construction of the Thibodaux Branch of the Lafourche Parish Public Library within 300 feet of an establishment that sells alcohol. A **motion** was made Mr. Michael Matherne, seconded by Mr. Tyrone Williams, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-212 OPINION THIBODAUX CITY COUNCIL'S ATTORNEY, LAFOURCHE PARISH PUBLIC LIBRARY

The next item (35) on the agenda was a resolution in support of the proposed building of Tarpon South Apartments, a 40 unit general occupancy apartment complex, at the corner of Louisiana Highway 3235 and Satsuma Street in Galliano, Louisiana. A **motion** was made Mr. Brent Callais, seconded by Mr. Daniel Lorraine, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-213 SUPPORT PROPOSED BUILDING OF TARPON SOUTH APARTMENTS

The next item (36) on the agenda was a resolution requesting South Central Planning and Development to perform a traffic study regarding excessive speeding on West 54th and West 107th Streets, Ward 10, District 8; and authorizing the Parish President to sign any necessary documents. A **motion** was made Mr. Brent Callais, seconded by Mr. Mark Atzenhoffer, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-214 TRAFFIC STUDY, SPEEDING ON WEST 54TH AND WEST 107TH STREETS

DISCUSSIONS

The next item (37) on the agenda was a discussion concerning animals. Mr. Lorraine explained that he had been contacted by constituents regarding problems with animals. He went on to say that he had searched for governing authority on the matter, but had been unable to find anything. Mr. Lorraine said that he wanted to open the topic for discussion and inquired as to whether someone knew of anything. Chairman Matherne then relinquished time to Mrs. Donna Touro. Mrs. Touro asked that the Council consider an ordinance that banned barnyard animals in established residential neighborhoods. She went on to explain the problems and health concerns that she was worried about. She then presented pictures to the Council of the animals which she was complaining of. Chairman Matherne suggested that neighboring Parishes be contacted in order to see if they had anything on the issue. Mr. Lorraine requested that the Administration review other parishes for information regarding the matter. Mrs. Touro went on to advise the Council of the steps she had taken to try and get the matter resolved, and then stressed the urgency to have something done on the matter immediately.

The next item (38) on the agenda was a discussion concerning laptop computers. Chairman Matherne inquired as to whether any Councilman, who had not do so yet, wanted to order laptop computers before the end of the fiscal year. Mr. Tyrone Williams and Mr. Lindel Toups stated that they would like to each have one. Mr. Gouaux then questioned which Councilmen did not have a laptop computer, to which Chairman Matherne stated Mr. Atzenhoffer and Mr. Gouaux did not have laptop computers.

ADJOURNMENT

On **motion** by Mr. Brent Callais, seconded by Mr. Mark Atzenhoffer, and with no further business, the Lafourche Parish Council Meeting of August 9, 2005 **adjourned** at 8:50 p.m.

**MICHAEL MATHERNE, CHAIRMAN
LAFOURCHE PARISH COUNCIL**

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