

**AUGUST 23, 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 23, 2005, AT 6:00 P.M., AT TALBOT AUDITORIUM, NICHOLLS STATE UNIVERSITY CAMPUS, 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 6:01 p.m.

Chairman Matherne announced that the invocation would be led by Mr. Mark Atzenhoffer. The Council then recited the Pledge of Allegiance led by Mr. Phillip Gouaux. Proceedings of the meeting were called to order with the following:

<b>PRESENT:</b>	Mr. Tyrone Williams	Mr. Lindel Toups
	Mr. Michael Delatte	Mr. Phillip Gouaux
	Mr. Michael Matherne - Chairman	Mr. Brent Callais
	Dr. Tommy Lasseigne	Mr. Daniel Lorraine
	Mr. Mark Atzenhoffer - Vice Chairman	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 August 9, 2005, Regular Session meeting. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Brent Callais to accept the August 9, 2005 minutes. The minutes were **approved** by a vote of nine (9) yeas, zero (0) nays.

**PROCLAMATIONS**

The next item (2) on the agenda was a proclamation congratulating the Louisiana Chi Chapter of Sigma Alpha Epsilon Fraternity at Nicholls State University for receiving the Harry S. Bunting Outstanding Colony Award at the National Leadership School. Chairman Matherne read the proclamation. Chairman Matherne and President Randolph then presented the proclamation to the Sigma Alpha Epsilon Fraternity.

**PUBLIC WISHING TO ADDRESS THE COUNCIL**

The next item on the agenda was the Public to address the Council. Chairman Matherne asked if anyone from the Public wanted to address the Council. Mr. Cecil Watts, Jr. addressed the Council regarding Ordinance 2748 pertaining to the numbering of buildings, houses or mailboxes in the Parish. He went on to explain the specifics of the Ordinance, including the size of the numbers required, and the amount of the penalties for offenses. Mr. Watts explained that he had contacted the Sheriff's Office, but had not seen any results. He went onto speak about some of the problems incurred because of not having numbering and urged that everyone number their houses as required. Chairman Matherne asked two more times if anyone from the public wanted to address the Council. Hearing none, Chairman Matherne moved to the next item on the agenda.

Chairman Matherne then read a handout from the Lafourche Council on Aging, Inc. regarding upcoming events. (Exhibit 1)

### **PRESENTATIONS**

The next item (3) on the agenda was Mr. Butch Richardson, Manager of Development, to give a presentation regarding the proposed Abbey Glen Project, north of the Forty Arpent Road in Thibodaux. Mr. Richardson began by giving a brief background on Olympia Construction & Development. He went on to explain that the Alabama company was a developer of various types of housing for eight (8) states in the Southeast for the past thirty (30) years. Mr. Richardson went on to say that the company had worked extensively in Louisiana for many years and currently had several ongoing projects. He said that on the August 23, 2005 Agenda that there was a resolution for support, which he was asking that the Council approve. Mr. Richardson said that the resolution was supportive in nature only and was not obligatory in any way. He then went on to explain that the reason for requesting the support of the Council was that it strengthened their company's financial position and allowed them to go forward and seek funding. Mr. Richardson explained that they were trying to leverage private investors, and further that a private investor had committed to invest in the current project in exchange for housing credit. He went on to say that in exchange for the housing credit, equity in excess of \$2 million would be given. Mr. Richardson explained that in order for that to happen, his company had to seek to earn that right by submitting to Louisiana Housing for the credits to build the homes in Lafourche Parish. He stated that the supportive resolution would help them to be more competitive. He then directed the Councilmen to the yellow folders, which were contained in their meeting packets. Mr. Richardson explained that thirty-two (32) brick, 3 or 4 bedrooms, homes were proposed. He explained that the pictures of the homes contained in the yellow folders would be very similar to the ones to be built. Mr. Richardson stated that they were working with Mr. Roy Sternfield regarding the development of the land. He then gave specifics on the location of the proposed development. Mr. Richardson stated that this project was very preliminary and funds would be sought between the present and the end of the 2005 year. He went on to say that a marketing study was being done by Gibson Consulting, out of Shreveport, Louisiana. Mr. Richardson concluded by stating an expected time line of getting the needed funds together, by the spring of 2006, and further that construction would take at least one year. Dr. Lasseigne asked the location of the proposed development and Chairman Matherne explained the same to Dr. Lasseigne.

### **ADMINISTRATIVE REPORT(S)**

The next item (4) on the agenda was an update regarding Pictometry, as requested at the August 9, 2005 Council meeting. Mr. David Poincon of the Lafourche Parish Department of Public Works addressed the Council regarding Pictometry and stated that it was fairly new to the Parish. He went on to explain that Pictometry was aerial photos and a software program that could be manipulated to create different layers by a variable. He continued to speak about Pictometry, but it was inaudible.

Dr. Lasseigne questioned if the Council could access Pictometry, and if so, how. Mr. Poincon advised that the Council could not access it at this point and time. Dr. Lasseigne said that he had understood that they were supposed to be able to access it. President Randolph advised that a special server was required for Pictometry. Mr. Cullen Curole stated that a computer server was being purchased, in order to store the information, and that Pictometry would be available only on certain computers. He went on to say that there were three (3) or four (4) computers in Thibodaux and three (3) or four (4) computers in the Raceland office, where Pictometry could be accessed. Mr. Curole advised the Council that if one was wanted at the Council Clerk's office, that could be set up. Dr. Lasseigne stated that when the salesman discussed Pictometry with the Council, the Council was told that they would be able to access Pictometry. Mr. Curole said that they could speak to the salesman again. He went on to say that he agreed that the salesman had said that it would be publically available, but had said prior to that, it was not.

Chairman Matherne asked if photographs had been taken, to which Mr. Curole stated yes. Mr. Curole explained that one server was needed to store the information, and then that information could be tapped into, via the network. He went on to say that he was not sure if it would be available on the internet.

Mr. Mark Atzenhoffer requested that the Council Clerk prepare the previous conversation, as verbatim, regarding the purchasing of Pictometry, and to then distribute it to the Council within two weeks. He stated that he believed, just as Dr. Lasseigne did, that they were told that they could do certain things, but was not told that extra fees and extra services would be needed. He went on to say that he would like to have the verbatim of the conversation within two weeks, in order that may have the salesman present at the September 13, 2005 meeting. Mr. Curole stated that he thought that would be a good idea, and that with regards to the costs of the server, it would be under \$1,000. He explained that the server would store the data within the computer network.

The next item (5) on the agenda was an update regarding the Bayou Banks Stabilization Project as requested at the August 9, 2005 Council meeting. Mr. Ray Cheramie began by stating that he had met with the Corps and that they had suggested mitigation. He went on to explain that this issue came from past bank stabilization, where the Parish agreed to have cut-grass planted along the bank that was stabilized. He said that it had helped tremendously, but now it was considered wetlands. Mr. Cheramie said that the Parish had to look at doing mitigation, by replacing the cut grass. He said that they were working to have the Corps agree with the moving of the cut grass further out or replacing it somewhere else.

Mr. Gouaux stressed that this project was really needed. He said that it seemed like Bayou Lafourche was getting closer and closer to Highway 308 and Highway 1. Mr. Gouaux also addressed that north of the Intracoastal in Bayou Lafourche, that there was a serious problem with bulkheading. Mr. Cheramie advised Mr. Gouaux that he had contacted Mr. Bret Hair on the issue, and went on to say that he was not sure if that would be a project that the Corps could help the Parish with, because it was along Bayou Lafourche. Mr. Cheramie went on to say that he was in the process of trying to set up a meeting with Mr. Hair, to which he said that Mr. Gouaux would be invited. Mr. Gouaux recalled that approximately four years ago, that an engineer from the Corps had looked at the project and said that it had qualified for funding through the Corps. Mr. Cheramie said that he would get together with Mr. Gouaux, to get the name of the engineer he was referring to.

President Charlotte A. Randolph then reported that there was new asphalt on the roads in Bayou Blue. She went on to say that the repairs in the Kramer area were underway and that Notices to Proceed on many of the projects had gone out throughout the Parish. She also stated that the Parish was close to budget and that the residents of the area had waited a long time for the projects.

President Randolph next spoke about the budget process moving along smoothly, with new technology. She went on to say that a final draft of the budget was expected to be presented to the Administration by September 1, 2005 for final adjustments prior to presentation to the Council.

President Randolph then advised that she would be joining a caravan from New Orleans to Houma on August 24, 2005, along with Senator Landrieu, Governor Blanco, DNR Secretary Angelle, and other PACE members for a new campaign to raise awareness about the coastal fight. She went on to say that on August 26, 2005 she would testify before a Senate Committee in New Orleans, hosted by Senator Vitter. President Randolph also reported that on August 13, 2005 that she testified before a House Subcommittee in Fourchon about the energy industry and coastal concerns. She went on to say that it was important to note that the attention that they were getting was catching Washington's attention, to the extent that they were now "coming to us." She went on to recall that Mr. Mark Atzenhoffer had previously requested a coastal summit in Lafourche, and further stated that now was the time to plan such an event. She said that they would supply proposed dates to set up the proposed summit, in the near future. President Randolph said that they were partnering with Texas at a coastal conference on September 13, 2005 through September 15, 2005. She remarked that several Councilmen had expressed a interest in attending the conference.

President Randolph then expressed disappointment of not hearing from FEMA regarding the Presidential Disaster Declaration. She went on to say that Lafourche Parish was one of the five parishes that had qualified early on, and that approximately \$300,000 was incurred as expenses for the event.

President Randolph then reported that Lafourche Parish Government was hosting a Public Bid Law Seminar at Nicholls State University and that over 80 people from Lafourche and Terrebonne parishes had registered to attend.

President Randolph then stated that the Council had recently passed a new nuisance ordinance and that a Compliance Officer had been hired. She reported that the ROP Process had been completed for derelict structures and finalized the process for taking action. She went on to say that they could now move forward and remedy the problems which had been identified.

President Randolph then said that they had been addressing the problems with servitudes through a series of meetings. She went on to report that the Compliance Officer had been working with them to identify those who were obstructing the Parish's ability to service areas around them. President Randolph said that an education campaign was being put together and that it is hoped that this would prevent future problems.

President Randolph then spoke about the most frequent complaint, as being tall grass. President Randolph said that after consulting with the Department of Public Works, it was decided that the best course of action would be to hire a contractor, who was fully equipped and licensed to deal with the problem. She went on to explain that the Parish did not have the personnel, nor the equipment, to maintain the many miles of ditches and canals that need regular maintenance. President Randolph said that she would have information on a contractor for the September 13, 2005 meeting.

President Randolph concluded by saying that constituent, Mr. Gilbert Fauchaux, had sent information regarding an organization that was really interested in welcoming home the young men from Iraq and Afghanistan, and having a yellow ribbon presentation. President Randolph informed the Council that the squadron that came from Lafourche and Terrebonne Parish was anticipated to arrive in mid to late September, 2005.

Dr. Lasseigne asked if a draft of the budget would be ready for the Administration on September 1, 2005. He then asked for a copy of it or access to it. He then questioned when the Council would receive it. President Randolph then explained that it was not anticipated that the budget would be submitted to the Council on October 1, 2005, as Dr. Lasseigne had suggested.

### **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. John Plaisance, J. Wayne Plaisance, Inc., then spoke about the Oakridge Park Levee Road overlay project in Golden Meadow. He went on to report that they had recently obtained all the contracts, and the change orders had been signed, and that they had been discussing with the Administration when the contractor should began working.

Mr. Richard Weimer, Architect, then reported on the status of the animal shelter. He went on to say that the office building part of the project, which was being built by the Louisiana Technical College, was approximately 1,800 square feet and was 35% complete. He went on to say that the building was completely framed, the roof structure was on, and that very shortly the shingles were going to be put on the roof. Mr. Weimer explained that school had resumed on August 22, 2005, after being out for approximately three weeks. He went on to say that the project speed would be determined after it was figured out on how many carpentry students they had and their qualifications. He stated that the completion date was roughly mid to late 2006. Mr. Weimer then reported on the kennel building, which was being constructed at the Detention Center site. He said that the contractor was Sea Level Construction. He reported that the 1,550 square foot building would have 26 kennels and that it was 30% complete. Mr. Weimer said that building was completely closed in, concrete block walls were in place, the roof structure was on, and that presently the

shingles were being installed. Mr. Weimer then spoke of the pumping station, as being started soon. He then gave a completion date of October 18, 2005.

Ms. Heather Klingman, Duplantis Design Group, then reported on two projects: the Marydale Waterline Improvements and the Tom Foret Outfall Canal Levee redesign. She first spoke regarding the Marydale Waterline Improvements, by stating that at the August 9, 2005 Lafourche Parish Council Meeting, the Council had approved an alternate route to supply the water to the area. Ms. Klingman reported that at present, that they were in the process of getting all the information needed together. She then advised the Council that with regards to the Tom Foret Outfall Canal, that they had all the survey data and was analyzing that. Ms. Klingman stated that they were working on the preliminary design and anticipated getting that design to the Council by the end of September, 2005.

President Randolph then reported that she had an incomplete report from Mr. Picciola and preferred not to present it to the Council because it was incomplete.

### LEGAL ADVISOR REPORT

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

### ORDINANCES FOR DISCUSSION AND RATIFICATION

The next item (6) 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. A **motion** was offered by Mr. Michael Matherne and seconded by Mr. Mark Atzenhoffer. Mr. Phillip Gouaux then offered an **amendment**, seconded by Mr. Mark Atzenhoffer, to accept the following changes:

#### ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO DEFINE TERMS FOR USE IN ~~THE~~ CAPITAL OUTLAY PROJECTS FOR THE ANNUAL LAFOURCHE PARISH ~~OPERATIONS AND MAINTENANCE~~ OPERATING AND ~~THE~~ CAPITAL ~~OUTLAY~~ BUDGETS.**

**BE IT ORDAINED**, by the Lafourche Parish Council, convened in Regular Session on August 23, 2005, that:

#### SECTION 1.

**WHEREAS**, In preparation for the 2006 ~~Operations and Maintenance~~ Operating Budget and the 2006 Capital ~~Outlay~~ Budgets, the Lafourche Parish Government administration feels that it is necessary to define certain term to clarify the classification of proposed capital budget items in accordance with the separate budgets as outlined in the Home Rule Charter determine where to place proposed budget items now that we have two separate sections to the parish budget; and

**WHEREAS**, current finance department processes and generally accepted accounting principals provide that any and all purchases valued at \$1,000 or more be considered a Capital Assets and included on the parishes list of assets and all Capital Assets valued at \$5,000 or more are depreciated;

**WHEREAS**, the Charter provides for a separation of Capital Outlay items from other Operations and Maintenance items with ~~no~~ nothing to determine what is to be considered Capital Outlay; and

**THEREFORE BE IT ORDAINED THAT**, the following policy and definitions in accordance with generally accepted accounting principles be used for budgetary purposes in the preparation and administration of the annual ~~Operations and Maintenance~~ Operating and Capital Budgets:

- ~~-Acquisition of Land – the acquisition of land shall always be considered a capital outlay regardless of the costs.~~
- ~~-In the Five Year Capital Budget, Capital Outlay will be defined as any and all expenditures with an estimated price tag of over thirty thousand dollars (\$30,000) fifteen thousand dollars (\$15,000) that are required by ordinance and the Home Rule Charter to come before the Council for prior contract approval.~~
- ~~-In the Operating Budget, Capital Outlays will be defined as any and all expenditures that are valued over five thousand (\$5,000) and above that are to be depreciated.~~
- ~~-Capital Outlay – any and all purchases of land and buildings plus any project or item with an estimated price tag of over thirty thousand dollars (\$30,000);~~
- ~~-Capital Construction – any new construction where contract, labor and materials exceed five thousand dollars (\$5,000);~~
- ~~-Capital Renovation – a planned updating or improvement to an existing parish structure where the cost of the renovation exceeds thirty thousand dollars (\$30,000);~~
- ~~-Capital Maintenance and Repair – maintenance or repair to an existing parish structure where the maintenance or repair cost exceeds thirty thousand dollars (\$30,000);~~
- ~~-Capital Equipment – a purchase of new or used equipment, vehicles or other device with a purchase price that exceeds thirty thousand dollars (\$30,000);~~

~~=Repair— an unplanned expenditure to fix, renew or restore an item or fixture where the cost of repair does not exceed thirty thousand dollars (\$30,000);~~

~~=Maintenance— a planned or scheduled serve or replacement of an item, fixture, building or piece of equipment where the cost does not exceed thirty thousand dollars (\$30,000);~~

~~=Equipment— for purposes of purchase, a piece of equipment, vehicle or other device with a purchase price that does not exceed thirty thousand dollars (\$30,000);~~

It is the policy and preference to use parish employees, community service or voluntary labor when feasible for new construction, renovation, repair or maintenance of buildings, infrastructure or equipment. When this occurs as a part of a capital outlay project and contracts are not required to complete the project, the administration shall follow the public bid laws and the parish's requisition process and shall not be required to obtain supplementary council approval for individual purchases of material, parts and supplies necessary to complete capital outlay project.

Mr. Atzenhoffer stated that the Council, at the last meeting of August 9, 2005, had voiced concerns regarding the dollar value to be used, and further that Mr. Gouaux's amendment clarified a lot of those issues. He went on to say that he was still concerned with political subdivisions in that the Code of Ordinances, Section 2:305, Paragraph C, stated that capital expenditures for political subdivisions in excess of 25% of their annual budget shall be ratified by the Parish Council. He went on to explain that at some point in the future the Council should look at amending Section 3:04 in order to have them balance. Mr. Gouaux stated that the amendment was basically bringing everything in line with the Home Rule Charter. Chairman Matherne inquired if the amount was being left at \$30,000. The amendment *carried* by a vote of nine (9) yeas and zero (0) nays. Dr. Lasseigne then offered an **amendment** to change the amount from "\$30,000" to "\$15,000", and was seconded by Mr. Mark Atzenhoffer. Mr. Atzenhoffer then mentioned to Dr. Lasseigne that he was thinking of things that would be \$15,000 that the Council may not want to have come before them. He gave an example of leasing two copy machines for two years, at a price tag of \$15,001. Dr. Lasseigne pointed out that was not capital outlay. He pointed out that he was thinking more along the lines of vehicles. He went on to state that it would be hard to get a vehicle under \$15,000 and that would be in the budget. Dr. Lasseigne then said that it was possible that a pump station could be done for under \$30,000. He said that he thought \$30,000 to be too high and \$15,000 to be reasonable. Mr. Atzenhoffer then pointed that anything under \$15,000 would be depreciated. Dr. Lasseigne stated that he was only changing it for the prior approval of the contract. Chairman Matherne clarified Dr. Lasseigne's amendment by stating that his amendment would read as follows: "*In the Five Year Capital Budget, Capital Outlay will be defined as any and all expenditures with an estimated price tag of over ~~thirty-thousand dollars (\$30,000)~~ fifteen thousand dollars (\$15,000) that are required by ordinance and the Home Rule Charter to come before the Council for prior contract approval.*" Mr. Gouaux said that \$15,000 seemed a little light. He went on to explain that when you were operating a Parish, \$15,000 could be spent on a pump station. The amendment *carried* by a vote of eight (8) yeas and one (1) nay, that being of Mr. Phillip Gouaux. The original ordinance as amended *carried* by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3658      DEFINING TERMS, CAPITAL OUTLAY PROJECTS**

The next item (7) on the agenda was an ordinance setting a threshold for settlement of liability and workers' compensation settlements. A **motion** was made by Mr. Michael Matherne and seconded by Mr. Mark Atzenhoffer. Dr. Lasseigne stated that the handout that was given to the Councilmen showed that the majority of the claims were under \$5,000. He went on to say that he wanted the Administration to resolve these claims. Dr. Lasseigne offered an **amendment** to change all amounts in the ordinance to five-thousand dollars (\$5,000), and was seconded by Mr. Brent Callais. Mr. Curole advised the Council that Mr. Seth Holloway, Lafourche Parish Government Risk Manager, was present and available to answer any questions. The amendment *carried* by a vote of nine (9) yeas and zero (0) nays. The resolution as amended *carried* by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3659      SETTING A THRESHOLD FOR SETTLEMENT OF LIABILITY AND WORKERS' COMPENSATION SETTLEMENTS**

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 AND ORDINANCES FOR RATIFICATION

The next item (8) on the agenda was an ordinance establishing a fifteen (15) miles per hour speed limit on East 146<sup>th</sup> Street, Ward 10, District 9; authorizing the installation of signs; and providing for penalties. 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. 3660 15 MPH SPEED LIMIT, EAST 146<sup>TH</sup> STREET**

The next item (9) on the agenda was an 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. 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 Dr. Tommy Lasseigne, seconded by Mr. Mark Atzenhoffer, and **carried** by a vote of nine (9) yeas and zero (0) nays.

### **ORD. NO. 3661 25 MPH SPEED LIMIT, DONALD DRIVE**

The next item (10) on the agenda was an ordinance establishing a “No Parking” zone on both sides of Louise Lane in Bayou Blue, Ward 11, District 4; authorizing the installation of signs; and providing for penalties. 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 Dr. Tommy Lasseigne and seconded by Mr. Phillip Gouaux. Mr. Gouaux mentioned this was strictly “No Parking” and not “No Parking Fire Lane.” He suggested that one side be made a “No Parking Fire Lane”, as that would make the public understand that a fire truck had to be able to pass. Dr. Lasseigne said that this street had come under discussion a lot. He went on to say that it was a very narrow street, with limited parking and school buses had problems when someone parked on one (1) side of the road. He said that this would make it safer. Mr. Gouaux offered an **amendment** to make one (1) side of Louise Lane a “No Parking Fire Lane”, seconded by Dr. Tommy Lasseigne, and **carried** by a vote of nine (9) yeas and zero (0) nays. The ordinance as amended **carried** by a vote of nine (9) yeas and zero (0) nays.

### **ORD. NO. 3662 “NO PARKING ZONE” & “NO PARKING FIRE LANE” ON LOUISE LANE**

The next item (11) on the agenda was an 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. 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, seconded by Mr. Mark Atzenhoffer, and **carried** by a vote of nine (9) yeas and zero (0) nays.

### **ORD. NO. 3663 SERVITUDE AGREEMENT, 5-K INC.**

The next item (12) on the agenda was an 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. 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, seconded by Dr. Tommy Lasseigne, and **carried** by a vote of nine (9) yeas and zero (0) nays.

### **ORD. NO. 3664 SERVITUDE AGREEMENT, ROBERT NEIL**

The next item (13) on the agenda was an 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. 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. 3665 SERVITUDE AGREEMENT, DICK GUIDRY**

The next item (14) on the agenda was an 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. 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, seconded by Mr. Daniel Lorraine, and **carried** by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3666      SERVITUDE AGREEMENT, JOHNNY CALLAIS**

Next, a motion was offered by Mr. Mark Atzenhoffer, seconded by Mr. Brent Callais, 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 approving a servitude agreement accepting the private street known as Clancy Lane between the Clancy Percle et al and the Lafourche Parish Council; accepting Clancy Lane into the parish system; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Michael Delatte to introduce the above stated proposed ordinance. Mr. Delatte clarified that Clancey Lane, Bayou Choupic Lane, and Murphy Lane were lanes that were blacktopped by the Parish, in their entirety, approximately 25 years ago. He went on to say that the Parish had also maintained the roads for the last 25 years. Mr. Delatte said that they were simply trying to go back and correct paperwork that could not be found, so that future problems were not incurred. He went on to say that the streets met the Parish requirements to be accepted in the Parish System. Mr. Toups questioned why the word “private” street was included in the proposed ordinance. Mr. Delatte stated that Mr. Curole had written the ordinance in a way that was open and honest. Mr. Toups told Mr. Delatte that he would like to meet with him before the next Council meeting, in order to get more information on the matter. Dr. Lasseigne said that he understood that streets may have been accepted by a previous Council, but may have been done so in an invalid format. Mr. Delatte confirmed that years ago, that there was paperwork, that was not done correctly, and further what was trying to be done, was to correct some of the mistakes made in the past. Dr. Lasseigne questioned if these streets meet the guidelines for the Parish system, to which President Charlotte A. Randolph and Mr. Delatte responded as yes.

**PROPOSED ORDINANCE      SERVITUDE AGREEMENT, ACCEPTING CLANCY LANE**

The next item (16) on the agenda was a proposed ordinance approving a servitude agreement accepting the private street known as Bayou Choupic Lane, between Todd C. Martinez, Melissa L. Martinez, John D. Adams, Ruby L. Adams, Jerry J. Landry, and Nettie K. Landry and the Lafourche Parish Council; accepting Choupic Lane into the parish system; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Michael Delatte to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE      SERVITUDE AGREEMENT, ACCEPTING BAYOU CHOUPIC LANE**

The next item (17) on the agenda was a proposed ordinance approving a servitude agreement accepting the private street known as Murphy Lane, between the Joseph J. Morvant et al and the Lafourche Parish Council; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Michael Delatte to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE      SERVITUDE AGREEMENT, ACCEPTING MURPHY LANE**

The next item (18) on the agenda was a proposed ordinance approving a servitude agreement between the Lafourche Parish Council and the Allan 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      SERVITUDE AGREEMENT, THE ALLAN COMPANY**

The next item (19) on the agenda was a proposed ordinance amending Section 3 and 5 of Ordinance No. 3177 as it pertains to the creation of the Veteran's Memorial District, so as to change the governing authority of the District from the Council to a Board of Commissioners, to appoint such Board members and designate their terms of office; and change the domicile of the District. A **motion** was offered by Mr. Daniel Lorraine to introduce the above stated proposed ordinance. President Randolph questioned the meaning of the changing of the domicile. Mr. Lorraine advised that it meant where the Committee would be meeting.

**PROPOSED ORDINANCE                    AMENDING ORDINANCE NO. 3177, CHANGES TO BE MADE TO THE VETERAN'S MEMORIAL DISTRICT**

The next item (20) on the agenda was a proposed ordinance accepting into the parish system a subdivision known as "The Redivision of Lot 6 of Uncle Peter Subdivision". A **motion** was offered by Mr. Lindel Toups to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE                    ACCEPT INTO PARISH SYSTEM, REDIVISION OF LOT 6 OF UNCLE PETER SUBDIVISION**

The next item (21) on the agenda was a proposed ordinance accepting into the parish system a subdivision known as "The Division of Property belonging to Charlene Griffin, et al", Ward 3, District 5. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE                    ACCEPT INTO PARISH SYSTEM, DIVISION OF PROPERTY BELONGING TO CHARLENE GRIFFIN, ET AL**

The next item (22) on the agenda was a proposed ordinance accepting into the parish system a subdivision known as "The Redivision of Tract 5 of the Estate of Wallace Marcel", Ward 11, District 5. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE                    ACCEPT INTO PARISH SYSTEM, REDIVISION OF TRACT 5, ESTATE OF WALLACE MARCEL**

The next item (23) on the agenda was a proposed ordinance amending Section 19:652 of Sub-Chapter I of Chapter 19 of the Code of Ordinances to include that any company doing seismic work in Lafourche Parish shall have to provide a copy of their "land work" to the parish to be used in conjunction with the Lafourche Parish Assessor's Office. A **motion** was offered by Mr. Phillip Gouaux to introduce the above stated proposed ordinance. Chairman Matherne asked Mr. Gouaux to elaborate on the matter. Mr. Gouaux said that it meant that any time a company did seismic work, they would have to get permission from the landowner to utilize the property and in doing so, they would have to do research on ownership. He went on to say that he had spoken with Mr. Michael Martin, Lafourche Parish Assessor, who said it would be helpful in backing up his records. Mr. Gouaux went on to report that it would not cost the oil companies to provide this service, other than the cost of another copy of the records. Mr. Atzenhoffer noted that there was not a definition of "landwork". He went on to request that a definition be written and added into the definition section of the Code. Mr. Gouaux had agreed.

**PROPOSED ORDINANCE                    AMEND CODE OF ORDINANCES, COMPANIES DOING SEISMIC WORK, PROVIDE LAND WORK TO PARISH**

### **RESOLUTIONS**

The next item (24) on the agenda was a resolution filling a vacancy on the Lafourche Parish Drainage District No. 6 Board (Ward 6). A **motion** was made Mr. Michael Delatte and seconded by Dr. Tommy Lasseigne. Mr. Delatte advised that a vacancy had been created by the resignation of board member, Mr. Huey Stein. He went on to say that the only person who had applied was Ms. Stacey L. Weimer, and further that he thought she would be a benefit to the board. The motion to appoint Ms. Stacey L. Weimer to fill the vacancy *carried* by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 05-215                    VACANCY, LAFOURCHE PARISH DRAINAGE DISTRICT NO. 6 BOARD**

The next item (25) on the agenda was a resolution supporting the application of Abbey Glen, Limited Partnership in its endeavor to build the proposed complex in the Abby Heights area in Thibodaux.. A **motion** was made by Mr. Tyrone Williams, seconded by Mr. Michael Matherne, and *carried* by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 05-216      SUPPORT APPLICATION OF ABBEY GLEN, LIMITED PARTNERSHIP,  
BUILD PROPOSED COMPLEX IN THE ABBY HEIGHTS AREA**

The next item (26) on the agenda was a resolution authorizing the Council Chairman to apply/acquire for a credit card for the Lafourche Parish Council with a \$15,000.00 line of credit to be used for registrations of conferences, hotels, airfares, and office supplies for the Legislative Branch when necessary; creating a policy for its use; and authorizing the Council Chairman and Council Clerk to approve all expenditures. A **motion** was made Mr. Brent Callais and seconded by Dr. Tommy Lasseigne. Mr. Toups asked why a credit card was needed. He then stated that he had been on the Council for 12 years and that they never had one before. Mr. Toups stated that if there was a credit card, that money would be spent. He said to just have a bill sent and to then pay the bill. Mr. Toups stated he was against credit cards. Mr. Callais pointed out that when the Council goes to the Annual Police Jury Conference in New Orleans, that each Councilman would have to pay for their own hotel room, costing approximately \$300, which would then be reimbursed by the Parish, a few months later. He stated that the credit card would only be used to book hotel rooms for conferences, and for emergency supplies needed by the Council Clerk. Mr. Callais went on to state that no Councilman would be able to check out the credit card. Mr. Toups then stated that previously their hotel rooms had been prepaid. He reiterated that he did not like credit cards. Mr. Atzenhoffer said that the Home Rule Charter held the Councilmen personally responsible for doing things that were not approved by the Council. He asked who would be personally responsible for the credit card. He then questioned what limit from the budget would be used, and what fund from the budget would be used to pay for what. Mr. Atzenhoffer stated that he saw the need at some point to have a credit card, such as for conferences and the like. Mr. Callais then stated that guidelines had been set up, and added that the guidelines could be changed if needed. He went on to say that the Council Clerk could only charge up to \$1,000 for needed office supplies. Mr. Callais said that he was aware that they did not have spending guidelines and that they would come into effect on this because the Councilman could still spend whatever was needed because there were no spending guidelines. He reiterated that the credit card would basically be for going to conferences, conventions, etc. Mr. Callais then spoke about a trip to Washington, with the Parish President, for which they would have to front \$1,000 of their own money, which would not be reimbursed until two months later, from the Parish. Mr. Lorraine stated that it was probably a good thought, but asked Chairman Matherne's opinion on the issue. Chairman Matherne advised the Council that the Council Clerk, on his behalf, had contacted the City of Thibodaux, in order to find out how they handle such matters. He reported that the City of Thibodaux worked on a travel advance system. Chairman Matherne said that he would like the issue to be tweaked and that he thought that there were other ways the matter could be dealt with. Mr. Toups mentioned reasons why he thought there would be overspending. He said that he did agree with Chairman Matherne in that if there was a big function or event to be had, that a check could be requested before hand. Mr. Callais pointed out that the Councilmen would not get a credit card, but that the office would get a credit card, that would not leave the Council Clerk's office. Mr. Gouaux said that as chairman, Chairman Matherne, would have to make sure that the money was in the budget before the spending would occur. He went on to say that the current process was working fairly well and that he did not see the need for a credit card. Mr. Gouaux asked that if Chairman Matherne wanted the responsibility of the credit card to let him know, because he would vote for it. Mr. Curole then spoke on the issue and added that pre-planning was a better route. Dr. Lasseigne stated that he liked the pre-planning route, but also noted that, as Mr. Curole had pointed out, when the Councilmen went to Washington previously, everything was put on President Charlotte A. Randolph's credit card and that a problem would be caused with the Finance Department's bookkeeping. He went on to say that a credit card for the Legislative Department would make the bookkeeping easier and the guidelines proposed were strict, even though he agreed that they needed to be

tweaked. Mr. Atzenhoffer asked that the matter be deferred in order that a copy of what the City of Thibodaux and Terrebonne Parish did could be obtained, in order that a comprehensive spending plan could be created. He went on to say that Mr. Callais had brought up a good idea, but that it needed to be tweaked. Dr. Lasseigne removed his second and Mr. Callais removed his motion. Mr. Brent Callais made a **motion** to *defer*, seconded by Dr. Tommy Lasseigne, and *carried* by a vote of nine (9) yeas and zero (0) nays.

**RESOLUTION DEFERRED FOR FURTHER REVIEW**

The next item (27) on the agenda was a resolution approving an agreement for professional services between Duplantis Design Group, LLC and Lafourche Parish to engineer concrete streets in Road Sales Tax District No. 5; and authoring the Parish President to sign, execute and administer said contract. A **motion** was made Dr. Tommy Lasseigne and seconded by Mr. Michael Matherne. Mr. Atzenhoffer offered an **amendment** to remove number items 3, 4, 5, and 6 from Page 5 of the contract and seconded by Dr. Tommy Lasseigne. Mr. Atzenhoffer stated that number 3, “Land Surveys”, was covered under Page 6 of the contract. He went on to say that this section dealt with special services and therefore was something that could be charged out and then charged back to the Parish. He then stated that numbers 3 and 4 went together as far as surveys were concerned. He next spoke about number 5, “Technical Inspection of Construction by a Full Time Resident Engineer”, to which he stated that the Parish had hired Larry Picciola and Associates to be the engineer on the project. Mr. Atzenhoffer then spoke on number 6. “Additional Copies of Reports, Contract Drawings and Documents”, stating that this was a cost of doing business. He stated that he had worked with Mr. Curole on this issue, and that he was probably amending the contract against Mr. Curole’s will, but that the contract was better than it was before. Mr. Atzenhoffer said that his amendment would take out language that re-paid for having somebody do something that somebody was already being paid to do. Mr. Gouaux stated that he did not disagree with the need to amend the contract, but that he did not think that the Council had the authority to amend the contract. He went on to say that he thought that the Administration needed to change the contract. He said that the Council tells the Administration their wishes, they have it changed and have it come back, and then the Council could approve or disapprove it. Mr. Atzenhoffer asked how the Council was to express their wishes, if the contract could not be amended. He went on to say that they get the contract at the meeting of the Council and that was when it was supposed to be discussed. Mr. Atzenhoffer said that a way to address this type of issue needed to be found. He reiterated that what was being pulled out of the contract were things that someone was already being paid to do. Mr. Gouaux reiterated that he agreed with Mr. Atzenhoffer, and that this concern had been voiced. He went on to say that the matter should be deferred and that the Administration should go back and renegotiate the contract without the problem language in it. Chairman Matherne clarified that what Mr. Gouaux was trying to point out was that if the contract could be amended, that the person who the contract was to could be amended, the total amount of the contract could be amended and that in essence, the whole contract could be recreated. Mr. Gouaux stated that this function was a function of the Administration and not the Council. Dr. Lasseigne stated that he thought it was correct, when it was stated that the contract could be amended, because the contract was part of the resolution. He went on to say that it may be good thing to set ground work for how things proceed in the future. Dr. Lasseigne stated that the last thing he wanted to do was to hold up the work on the concrete streets. He said that he did not see the language as a large deterrent. Dr. Lasseigne then voiced his concerns over the contract, once approved, of not coming back before the Council. Mr. Gouaux asked the Administration to voice their concerns on the issue. President Randolph stated that she understood Mr. Gouaux’s point and agreed with it. She stated Mr. Atzenhoffer had paid much attention to the issue because he was trying to par down costs. President Randolph went on to point out that if the Council approved the agreement, and it was brought back to Duplantis and they did not want to sign it with the amendments, that the Administration would have to come back to the Council and suggest an engineering firm that would agree the terms. She went on to say that this could be an ongoing process. Mr. Atzenhoffer then pointed out that he had more amendments to the contract because the contract contained things that could cost the Parish a large amount of money. He went on to say that if it was decided that soil borings were needed on each street panel, that it could be done. President

Randolph stated that the purpose of employing Mr. Picciola's firm was for him to supervise these activities. She went on to say that if in Mr. Picciola's opinion bounds were being overstepped on the projects, that it was up to him, as he had been hired as the Parish's monitor on the project. She went on to say that she understood that Mr. Atzenhoffer was concerned about costs, but that Mr. Picciola was being paid to monitor and supervise projects. President Randolph went on to say that Mr. Picciola was the "go-between" and that he was the Parish's expert and further that he worked for the Parish. She stated that it was incumbent upon Mr. Picciola to monitor the projects. Mr. Lasseigne *withdrew* his second to the amendment and Mr. Atzenhoffer *withdrew* his amendment and then stated that he would not be making any further amendments. Discussion then resumed on the original resolution. Mr. Toups asked how the streets in the project had been selected. He went on to ask if District 5 was the only district that had cement streets. It was clarified that the district being discussed was Road Sales Tax District 5. Mr. Toups then went on to ask about Road Sales Tax District 3 and 6. President Randolph stated that there were other projects. Mr. Toups again asked how the streets were selected because there were at least 20 streets on the list and that they were all in one district. Mr. Curole went on to explain that the original list prepared had provided for packages in Road Sales Tax District 3 and Road Sales Tax District 5. He went on to say that the list prepared last year by Mr. Joe Picciola had no streets which were included in Road Sales Tax District 6. He said that subsequently, approximately a month or two ago, he had asked the Department of Public Works to ride through the Parish and inform him of any other streets that were being overlooked before the projects were started. Mr. Curole stated that the list was very extensive and that the reality was that all of the streets could not be repaired. He said that the list had been culled down twice and then it had been divided by Road Sales Tax Districts. Mr. Curole said that the streets listed were the worst streets in Road Sales Tax District 5. He said that there would be another package that would include Fantastic Acres and Robin Street in Road Sales Tax District 3 and that he anticipated, but did not have, a final list for Road Sales Tax District 6. Mr. Curole said that there was not a large number of concrete streets that were bad in Road Sales Tax District 6. He went on to say that it was being discussed to put out a request for proposals for a contractor to do repair work in order that the minor repairs could be accomplished. He went on to say that separate from the list that would have an engineer and contractor making major repairs, that they would try to put together something that would get the minor repairs done. Mr. Toups then questioned if the \$710,000 for the repairs was coming from Road Sales Tax District 5. Mr. Curole stated the \$15 million that was bonded out was to be used for the three Road Sales Tax Districts, but that it had not been divided per each district. Mr. Toups went on to say that he represented District 3 and 6 and that those districts were being left behind. He said that his district had been left behind on pumps and roads. He went on to say that he wanted it included in the minutes that he was advising that it was time that money was spent in District 3 and District 6. Mr. Toups said that he did not get a road, nor a blacktop, or concrete street. He went on to say that if 20 cement streets were being done, that there was no reason that a couple of them could not be done in District 3 and District 6. Mr. Curole then explained that the packaging of the streets was done in order that a contractor was not bouncing around the Parish. Mr. Toups said that Mr. Curole had just said that the Department of Public Works had traveled around and looked at the streets. Mr. Curole reiterated and then said that everything that needed to be addressed, would be addressed. He went on to say that in order to package it in a way that a contractor would be willing to bid, the streets could not be scattered all over. Mr. Curole said that the Project Letting Schedule was basically the packaging of the streets, so that a contractor would give the Parish the best bid on them. Mr. Curole advised Mr. Toups that there were many projects in the over-all list that were in his district. Mr. Toups stated that he wanted to get with someone in Administration and that he wanted to ride the streets and further that he would then bring them to view streets and take pictures in Road Sales Tax District 3 and 6. He went on to say that if the streets in Road Sales Tax District 5 were worse than in District 3 and 6, that he would go with it, but that he still felt that the money should have been switched around. Mr. Atzenhoffer asked the Councilmen, if they were in a personal business and was about to spend \$710,850, plus \$85,302 to one engineer and \$21,325 to another engineer, would they sign this contract. Mr. Atzenhoffer said that his answer would be no, because there were too many variables left in the contract.

He said he understood that some of the Councilmen did not believe that the contract could be amended, but that he would ask that the resolution be voted down. He went on to say that over \$106,000 was being paid to an engineer to tell the Parish how to build a block of cement. He said that he was sure Lafarge knew how to build a concrete block and questioned why over \$106,000 was being spent to have someone tell someone how to build a concrete block. Mr. Atzenhoffer stated that \$38,000 had been spent to overlay a road in Bayou Blue and that for the \$106,000 being paid that three more streets could be paved, if the concrete streets were done in house. He said that he knew for a fact that they could be done in-house, but that the argument would be that public bid law says that the Parish has to go out on bid because it was a project over a certain amount of dollars. He pointed out that this was \$106,000 of the public's money. Mr. Atzenhoffer stated that the contract did not allow for good stewardship of the Parish's funds. Dr. Lasseigne stated that whatever final document was decided on, he was voting for this project. He went on to say that he did not like what would happen, that he agreed with Mr. Atzenhoffer, and that he would probably support him on most of the suggestions that he would have to change the contracts because he believed them to be necessary. Dr. Lasseigne stated that the problem here was that this was probably brought up approximately three months ago, and that the estimate was \$698,000 at that time and that now it was \$1.172 million. He also stated that when the estimate was \$698,000, that he had asked if the engineer's costs was included. He asked again if the engineering fee was included in the \$1.172 million estimate or not. Dr. Lasseigne said that the Parish was fortunate in one respect that the price of oil was going up in that royalty road revenues would be received, but that the Parish would also be unfortunate in that the price of the road would go up. Dr. Lasseigne said that he did not want to run short on money, and that he wanted everyone to have all the streets that were needed. He said that the Council needed to be diligent and needed to try and do the best job they could. Mr. Gouaux said that he felt like Mr. Toups did regarding District 3 and that he hated to see anyone get left out, but that he knew someone would because the money would not last. He went on to say that maybe the regulations and criteria for accepting streets should be changed. Mr. Gouaux said that included on the list was a subdivision which he said was not an old subdivision, that needed 221 panels replaced or repaired at \$1,500 per panel. He went on to say that he was not aware of the cost difference between concrete and asphalt, but that he knew asphalt was much cheaper and that in his opinion asphalt was lasting as long as the concrete streets. Mr. Gouaux said he did not know the reasoning behind the concrete panels not holding up. He went on to say that the Parish really needed an engineer to say what was more feasible and better. Mr. Gouaux then said that once an engineer advised if the same that roads in future developments should have to comply with what was the cheapest. He went on to say that he did not have concrete streets and thought them to be nice, but that if they were not holding up and they were costly, that he was against them being put in subdivisions. Mr. Toups stated he was not against the streets getting done and that he knew they had to get done. He went on to say that he did not like that Fantastic Acres would be done after the pump was in because heavy trucks would be going down there. He went on to ask if large trucks would be stopped from going on the 20 streets that were going to be done. Mr. Toups then said that he believed President Randolph when she stated that Fantastic Acres would be done. He stated that Fantastic Acres needed 221 panels and that the subdivision was probably not even 20 years old. Mr. Toups said that he agreed with Mr. Gouaux in that the Parish needed to look at how streets were taken in and that better roads needed to be built. He also said that he agreed with Mr. Atzenhoffer in that a lot of money could be saved by re-doing the contracts. Mr. Toups said that he would support this resolution, but that he did not agree with the way Road Sales Tax District 3 and 6 were left out. Mr. Gouaux offered a **motion to amend** the resolution, not the contract, to ask the Administration to look at the issues brought up by Mr. Atzenhoffer and have the contract renegotiated with those issues taken out, seconded by Mr. Michael Matherne, and **carried** by a vote of nine (9) yeas and zero (0) nays. The resolution **carried** by a vote of eight (8) yeas and one (1) nay, that being of Mr. Mark Atzenhoffer.

**RES NO. 05-217 AGREEMENT, DUPLANTIS DESIGN GROUP, LLC, ENGINEER, CONCRETE STREETS IN ROAD SALES TAX DISTRICT NO. 5**

Mr. Gouaux made a **motion** to *deviate* from the regular agenda to allow the public who had not addressed the Council at the appropriate time in the August 23, 2005 Lafourche Parish Council meeting to do so, seconded by Mr. Michael Delatte, and **carried** by a vote of nine (9) yeas and zero (0) nays.

Ms. Beverly Robichaux McBee addressed the Council by stating that she lived at 302 Four Point Drive. She went on to ask if Four Point Drive was one of the streets being discussed in the earlier resolution, and if so, whether it was going to be re-blacktopped. She went on to ask that if the side streets were also going to be redone. She explained that buses and trucks used that street. She then asked if the residents were going to be notified when the streets were going to be redone in order that they could make appropriate actions for their vehicles. She concluded by stating that after the Parish had done their streets, that they should not forget about their drainage problem.

Mr. Steve Bourgeois next addressed the Council and stated that Four Point Drive was asphalted about 30 years ago and that the last few years had been deplorable. He said that the mounds on the roads were highway hazards. Mr. Bourgeois stated that he liked Mr. Atzenhoffer's suggestion of doing the concrete streets in-house and having two or three streets blacktopped with the savings. He then questioned whether there were any plans to concrete or asphalt Four Point Heights, and if so, when. President Randolph stated yes, that re-doing the road was in the plans, that July 2006 was a conservative estimate, and that it would be asphalt. Mr. Bourgeois concluded by thanking the Council.

Chairman Matherne asked three times if there was anyone else from the public who wanted to address the Council. Hearing none, he moved for a **motion** to *return* to the regular agenda. Mr. Gouaux made a **motion** to return to the regular agenda, seconded by Mr. Toups, and **carried** by a vote of nine (9) yeas and zero (0) nays.

The next item (28) on the agenda was a resolution requesting the Lafourche Parish District Attorney to render an opinion as to whether or not a husband/wife or mother/daughter can serve at the same time on a parish board. A **motion** was made by Mr. Mark Atzenhoffer and seconded by Mr. Phillip Gouaux. Mr. Toups made a **motion** to *amend* the resolution, to have the issue go before the "Ethics Board" instead of the "District Attorney", and seconded by Dr. Tommy Lasseigne. Mr. Atzenhoffer stated that there were two options. The first being, having it sent to the District Attorney, who could then refer it to the Ethics Board. He went on to explain that using this option would have the issued heard faster by the Ethics Board. Mr. Atzenhoffer then stated that the second option, would be to send it directly to the Ethics Board and wait until they were able to get to it and give them an opinion on it. He went on to say that he thought this to be something that the District Attorney could rule on and that if he so needed, he could refer it to the Ethics Board. He again pointed out that it would be handled a lot faster this way, than if the Council sent it to the Ethics Board themselves. Mr. Atzenhoffer asked that the Council vote against the amendment. Mr. Gouaux asked if there was a particular problem that existed. Mr. Atzenhoffer stated that there currently was a mother and daughter and a husband and wife serving on a seven member board. Mr. Atzenhoffer explained that this resolution was very specific to Bayou Blue's Recreation District and that this was the first step in resolving the issue. Dr. Lasseigne asked Mr. Atzenhoffer if he had spoken with the District Attorney, to which Mr. Atzenhoffer said yes. Mr. Toups then asked if the District Attorney would render an opinion on the matter, to which Mr. Atzenhoffer stated yes. The amendment **failed** by a by a vote of four (4) yeas, those being of Mr. Lindel Toups, Mr. Daniel Lorraine, Mr. Tyrone Williams, and Dr. Tommy Lasseigne; and five (5) nays, those being of Mr. Phillip Gouaux, Mr. Michael Matherne, Mr. Mark Atzenhoffer, Mr. Brent Callais, and Mr. Michael Delatte. The resolution **carried** by a by a vote of seven (7) yeas and two (2) nays, those being of Mr. Daniel Lorraine and Mr. Lindel Toups.

**RES NO. 05-218 DISTRICT ATTORNEY OPINION, HUSBAND/WIFE OR MOTHER/DAUGHTER SERVE AT SAME TIME ON PARISH BOARD**

The next item (29) on the agenda was a resolution requesting the Lafourche Parish District Attorney to render an opinion regarding public boat launches and Lafourche Parish Fire Protection District No. 1. A **motion** was made Mr. Mark Atzenhoffer and seconded by Dr. Tommy Lasseigne. Mr. Gouaux asked what the problem was if it was a parish entity that was developing parish property into a boat launch. Mr. Atzenhoffer stated that it was not Parish property, and that it was a Parish agreement. He went on to say that it was part of property donated. Mr. Atzenhoffer then said that there was four questions that needed to be asked, as outlined in the resolution. He then began reading question number 1, from the resolution, and stated that he was trying to make sure that liability was not being increased on the Parish by having a public boat launch on private fire department property. Mr. Atzenhoffer then stated that if the boat launch was used as a public boat launch, no one could park anywhere near it, because it was fire department property. Mr. Atzenhoffer then said that if indeed it was a public boat launch, should it fall under the Department of Recreation, as opposed to the fire department. He then questioned maintenance. Mr. Toups asked Mr. Atzenhoffer if it was a private boat launch that was being ran by the fire department. He went on to say that he had seen the same thing happening in the Valentine area for quite some time. Mr. Atzenhoffer said that the boat launch was actually used by the fire department for training and water rescue and that it had an official use. He went on to say that it was also a necessity because one of the grants that was written by the fire department in 2005 was for a fire boat. Mr. Atzenhoffer said that by putting the term “public” the Council needed to make sure that liability was not being increased against the Parish. Dr. Lasseigne said that he had spoken about the situation to the District Attorney and that he had looked at the issue already, but that he needed the Council to request an opinion in order to give his opinion.

Mr. Toups then relinquished 90 seconds of his time to Mr. Bobbie Chiasson, Chairman for Lafourche Parish Fire Protection District No. 1. Mr. Chiasson stated that he had a package for Mr. Atzenhoffer that he probably should have received before the meeting. He went on to say that Mr. Atzenhoffer had not been copied on a lot of information that had gone back and forth between the District Attorney’s office and the Fire Department. Mr. Chiasson went on to say that the District Attorney’s office had already rendered an opinion concerning the matter. He also added that the Fire Department’s insurance company had also rendered an opinion regarding the matter. Mr. Chiasson reported that neither entity had a problem with the boat launch. He went on to read the letter from the District Attorney to the Fire Department and also a letter from the insurance company for the Fire Department. Mr. Chiasson then stated that the Fire Department carried a \$1 million insurance policy. He went on to say that there would not be any extension of liability, as long as individuals signed the agreement before use of the boat launch. Mr. Chiasson said that individuals wishing to use the boat launch had to sign the agreement and adhere to it. He then pointed out that district owned facilities, unlike property that the Fire Department leased, could do pretty much anything they wanted to with it as long as the District Attorney found no illegality with it. The resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 05-219 DISTRICT ATTORNEY OPINION, PUBLIC BOAT LAUNCHES AND LAFOURCHE PARISH FIRE PROTECTION DISTRICT NO. 1**

The next item (30) on the agenda was a resolution thanking the Governor of the State of Louisiana, Louisiana Department of Transportation and Development, Representative Loulan Pitre, and Senator Reggie Dupre for getting the traffic light installed at the South Golden Meadow Connection from Louisiana Highway 1 to Louisiana Highway 3235 at the Walmart in Galliano; and further request that the installation of traffic lights be re-considered at the 650 Connection to Highway 3161 (Cote Blanche Connection), and at the 657 Connection in Larose from Louisiana Highway 1 to Louisiana Highway 3235. An **amendment** was offered by Mr. Daniel Lorraine, seconded by Mr. Brent Callais, to correct a typographical error to have the resolution read as follows: *“Thanking the Governor of the State of Louisiana, Louisiana Department of Transportation and Development, Representative Loulan Pitre, and Senator Reggie Dupre for getting the traffic light installed at the intersection of Louisiana Highway 3162 and Louisiana Highway 3235 at the Wal-mart building in Galliano and to further request that the instillation of a traffic light at the 650 Connection to Highway 3161 (Cote Blanche Connection), and at the 657 Connection in Larose from*

*Louisiana Highway 1 to Louisiana Highway 3235 be re-considered*". Mr. Lorraine stated that this project had been sought for quite some time, possibly three to four previous Administrations. He went on to say that according to the data that the State required, his District never qualified because the volume of traffic in the area was not equal to the volume of traffic in cities. Mr. Lorraine said that just because the volume of traffic was not present, that did not mean that the traffic lights were not needed. He went on to report that since the traffic light had been installed, that he believed that there had been no vehicular accidents. President Randolph then suggested that an amendment be made to have lights installed, cautioning traffic, that they would be approaching a traffic signal. She went on to say that the lack of cautioning traffic had almost caused accidents and that Senator Dupre had mentioned talking to the Louisiana Department of Transportation and Development to perhaps install flashing lights indicating that there was a signal light ahead. Mr. Daniel Lorraine then made a **motion** to add the suggestion of President Randolph of having a caution light installed indicating an upcoming traffic signal to his amendment, seconded by Mr. Brent Callais. The amendment **carried** by a vote of nine (9) yeas and zero (0) nays. A **motion** was made Mr. Daniel Lorraine, seconded by Mr. Brent Callais, and **carried** by a vote of nine (9) yeas and zero (0) nays.

#### **RES NO. 05-220 THANKS FOR INSTALLED TRAFFIC LIGHTS**

The next item (31) on the agenda was a resolution requesting the Administration to include in all future Cooperative Endeavor Agreements the language contained in Ordinance No. 3565. A **motion** was made by Mr. Mark Atzenhoffer, seconded by Mr. Brent Callais, to **defer** and **carried** by a vote of nine (9) yeas and zero (0) nays.

#### **RESOLUTION DEFERRED**

### **DISCUSSIONS**

The next item (32) on the agenda was a discussion concerning the Detention Center Improvement Subcommittee. Mr. Callais began discussion on the matter by stating that he had spoken to most of the members of the Committee, who he noted to be also part of the Council, and that for the last few months very little had been accomplished and that it had gotten harder and harder to achieve a quorum for the meeting of the Committee. He went on to explain that within informal discussions, the Committee had decided unanimously that a new jail needed to be built. Mr. Callais then said that he believed that the Committee had served its time. He went on to request the thoughts of the Council regarding the Committee being turned over to the Administration and the Lafourche Parish Sheriff's Department for further work. Dr. Lasseigne stated that one of the concerns of the Committee was that some members of the Committee were hesitant about being involved in the financing aspect of the new Detention Center. He reported that one member had pointed out that it may not even be appropriate for the members to be involved in the same. Dr. Lasseigne continued to give reasons why the Committee should be turned over to the Administration. Chairman Matherne asked Dr. Lasseigne whether the appropriate next step would be to have the Committee meet one more time and put together a resolution summarizing the intentions of the Committee and then having the Council approve it and then giving it to the Administration. Dr. Lasseigne said that he thought the Committee would be acceptable to that. Mr. Atzenhoffer stated that possibly due to a lack of quorum, Dr. Lasseigne could be allowed to informally talk to the members regarding the dissolving of the Committee. Various suggestions regarding the feasibility of Mr. Atzenhoffer's suggestion were held and Chairman Matherne suggested that the Committee members be called and advised that it would be the last meeting of the Committee. Mr. Gouaux went on to say that he was under the impression that when the Committee was formulated, that part of their function was to work with the Administration, and to ask them for information in order that the Committee could come before the Council with recommendations and solutions. He inquired as to if the Committee disbanded, who would relay to the Council the discussions and wishes of the Committee, then from the Council to the Administration, and from the Administration to the Lafourche Parish Sheriff's Office. Mr. Gouaux asked if the Committee was a waste of time. Mr. Callais stated that the Committee had not been a waste of time, because he, as well as Dr. Lasseigne, initially was not sure if a new jail was needed or not. He went on to report that there had been a unanimous vote that a new jail was

needed. Mr. Callais went on to explain that there were three members who had spoken to him and had advised that they did not want any part in deciding the financing of the new jail. He went on to report that two members had resigned since the beginning of the Committee. Mr. Callais said that the majority of the Committee were Councilmen. He said that one meeting was needed as a discussion meeting and that the minute clerk should attend to have a formal report typed regarding the Committee's findings and recommendations. He went onto explain that the Committee felt that there was not enough time, as their report had to be completed by November 2005, and also that they did not want to be involved in the decision making process of financing the new jail. Dr. Lasseigne said that when the Committee began there were two questions: (1) Does the Parish need a new jail?, and if so, (2) how will it be paid for? He went on to say that it had been agreed that a new jail was needed, but that how it would be paid for was between the Council, the Administration, and the Lafourche Parish Sheriff's Office. Dr. Lasseigne went on to say that the Administration would be the most likely candidate to interact with the Sheriff and that if the Administration would like a Council representative as Chairman, he would work with them. He went on to say that the new jail would not be an easy sell to the Council, nor the Public. He stated that he was convinced that there was a need for the new jail, but whether the Public wanted to pay for it was another question. Mr. Toups stated that he also felt that the Committee had done its job, it had met, visited other prisons, and knew that a new jail was needed. He went on to say that it was a Council or Sheriff's Office decision to determine where the financing would come from. Mr. Toups said that there were some parishes where the Sheriff's Office built there own jails, along with private jails. Mr. Atzenhoffer said that he was one of the two members who had resigned. He went on to say that at the first meeting he had requested financial information from the Sheriff, which he reported he had never received. He went on to explain his reasons for resigning and stated that the Committee had served its time. He said that he would not be voting for the matter. He voiced his thoughts that the Committee had done a commendable job and that maybe once the Council started requesting the financials from the Sheriff, that they would be received.

The next item (33) on the agenda was a discussion concerning the spending of Legislative Funds on non-budgeted items. Chairman Matherne stated that Mr. Toups and himself would meet to discuss guidelines to spend Legislative funds. He asked Mr. Toups to make it a priority to meet to discuss this matter. Chairman Matherne also said that this went hand-in-hand with Mr. Callais' previous suggestion of a credit card.

The next item (34) on the agenda was a discussion concerning an overview of the Whitney Building/District Attorney Office Building. Dr. Lasseigne asked whether it was still believed that the project would come in on budget. President Randolph stated that they had not received any indication from the architect that the project would exceed the budget. She said that it had not been spoken about in quite some time, due to the fact that the Whitney Bank was not ready to move into their new building. Mr. Atzenhoffer asked who was the architect on the project, to which President Randolph stated Mr. Edmond Cheramie. Mr. Atzenhoffer asked that he attend the next Lafourche Parish Council meeting. President Randolph pointed out that the architect had given a report previously and further that there had been no further progress, and that there would not be further progress until Whitney Bank vacated the building. Dr. Lasseigne questioned whether the closing in of the foyer was included in the architect's report and plans. Mr. Curole stated that the original estimate was for \$300,000, but that when it was budgeted that \$300,000 to \$500,000 was put in because there had already been talk regarding closing in the atrium. Dr. Lasseigne questioned whether the Sheriff's Office was leasing from the Parish under the terms of the old lease or whether it been re-leased to their office. President Randolph informed him that the Sheriff's Office was leasing under the old lease because the office was occupying the same space, but that there was a consideration of moving to the Deramee part of the building and that there had been discussions regarding figures. She went on to say that Whitney Bank was paying rent as well.

A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Dr. Tommy Lasseigne, and **failed** by a vote of five (5) yeas, those being of Mr. Daniel Lorraine, Dr. Tommy Lasseigne, Mr. Mark Atzenhoffer, Mr. Brent Callais, and Mr. Michael Delatte; and four (4) nays, those being of Mr. Michael Matherne, Mr. Phillip Gouaux, Mr. Lindel Toups, and Mr. Tyrone Williams, to **open** the Two-Thirds Agenda.

#### **ADJOURNMENT**

On **motion** by Mr. Daniel Lorraine, seconded by Dr. Tommy Lasseigne, and with no further business, the Lafourche Parish Council Meeting of August 23, 2005 **adjourned** at 8:05p.m.

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**MICHAEL MATHERNE, CHAIRMAN  
LAFOURCHE PARISH COUNCIL**

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