

STATE OF LOUISIANA
PARISH LAFOURCHE

A REGULAR MEETING OF THE LAFOURCHE PARISH COUNCIL, PARISH OF LAFOURCHE,
STATE OF LOUISIANA, WAS SCHEDULED FOR TUESDAY, OCTOBER 27, 2009 AT 5:00 P.M.,
HELD AT THE MATHEWS GOVERNMENT COMPLEX, 4876 HIGHWAY 1, MATHEWS, LA.

The Lafourche Parish Council was duly convened as the Governing Authority of said Parish by Mr. Jerry Jones, Chairman, who then stated that the Lafourche Parish Council was ready for the transaction of business at 5:00 p.m.

Proceedings of the meeting were called to order with the following:

PRESENT: Mr. Jerry Jones, Chairman Mr. Lindel Toups
 Mr. Michael Delatte Mr. Phillip Gouaux
 Mr. Louis Richard Mr. Rodney Doucet
 Mr. Joseph "Joe" Fertitta Mr. Daniel Lorraine, Vice-Chair
 Mr. Matt Matherne Mrs. Charlotte Randolph, Parish President

ABSENT: None

Chairman Jones announced that the invocation would be led by Mr. Fertitta. The Council then recited the Pledge of Allegiance led by Mr. Gouaux.

APPROVAL OF COUNCIL MINUTES

The first item (1) on the agenda was a motion to accept the minutes of the October 13, 2009 Regular Session meeting. A motion was offered by Mr. Gouaux, seconded by Mr. Doucet, *to defer the minutes to the November 10, 2009 Council meeting*, and *carried* by a vote of (9) yeas and (0) nays.

PRESENTATIONS

The next item (2) on the agenda was a presentation of Employee of the Month and WOW (Wonderful and Outstanding Worker) Candidates for the month of September. President Randolph presented four Parish employees with the **WOW Awards** for the month of September; with the first being **Ms. Ann Bruno** (Office of Emergency Preparedness). She said that Ms. Bruno was nominated because no matter what the situation, you know you can count on her to do any task with no hesitation, she makes sure she is two steps ahead of everyone else, anticipating everything, and makes working at Lafourche Parish enjoyable. President Randolph named the second WOW as being **Ms. Julia Mayet**, who not only acts in the capacity of Coastal Zone Management Clerk, but also serves as Executive Assistant to Mr. Nic Matherne, Director of the Department of Coastal Energy and Environment, whose work frequently takes him out of the office; his absence however, is eased by Ms. Mayet's efficient organizational skills. Ms. Mayet also assists the Grants and Economic Development Department by acting as the satellite office for them, issuing Occupational Licenses and other relevant permits/licences for the residents on the southern end of Lafourche Parish. President Randolph stated the next nomination was of a young lady that has done many great things, her technology and technical skills were endless, she is willing to assist whenever and wherever is necessary, she is very detail oriented, efficient, and passionate about doing the right things, being best for the Civil Service System and its employees; naming the WOW employee as **Ms. Jill Naquin**.

President Randolph stated that the fourth WOW was the IT Analyst for the Information Technology Department, being with the Parish for over three years. She said with the purchase of the new building, he has been working very hard on getting everyone back running correctly, he is an employee who is very knowledgeable on computers and technology; thus naming **Mr. Jon Pitre**. President Randolph then announced the **Employee of the Month for September**, as being an outstanding employee, who was very outgoing and helpful to each coworker within Community Action, as well as every department within Lafourche Parish Government, he works hard with the program and assures that each home receives adequate services and resources to become self sufficient, his heart pours out to the Community, in which he prays for daily, he stretches himself thin, after hours his work does not stop, he continues to reach out to others by making periodic home visits for prayers or for services, he gathers volunteers to help the elderly and the disabled in the Community; thus naming **Sylvester Spears**.

ADMINISTRATIVE REPORT(S)

The next item (3) on the agenda was an address to the Council by Parish President, Charlotte Randolph. President Randolph began her address by saying, “Mr. Chairman and members of the Council, two weeks ago we delivered the proposed 2010 Lafourche Parish Budget to you. I hope that you have had sufficient time to review it and I am awaiting your questions or any revisions you may have at the First Budget Hearing on November 9th. As you review, you will note that the 2010 Budget is about \$6.5 million less than the 2009 Budget. This decrease is attributable to drastically reduced royalty funds and a slight decline in sales taxes. The September royalty payment was \$227,000; the highest monthly amount this year; yet down by \$551,000. Sales taxes are down as well, between 3 & 5%. There are packets in front of you. While this is a very lean budget, we intend to maintain our current level of staffing, with no indications that will change. Funding in 2010 will provide the basic services we are charged with providing to the residents and business of Lafourche Parish, as well as our obligation to the Sheriff’s Office, the 17th Judicial District Court, the Parish Health Units, the Registrar of Voters, the Justices of the Peace, and the Coroner. We have been fortunate in this year and in the past that we were able to purchase much new equipment for the Department of Public Works, enabling our Field Personnel to perform their jobs with dependable machinery, eliminating down time. In 2009 we introduced Maintenance Contracts to augment the Field work and to expedite Work Orders. We also allocated funding for overtime to address the back log of Work Orders. Just recently, however, we have instructed all Departments to eliminate overtime, until the end of this year, because we are charged with balancing our budget by the end of the year. We have also halted any new equipment purchases and curtailed any training for employees that has not yet been scheduled, in order to balance the budget. While our budget does not allow for much opportunity in the Capital Budget, we are fortunate in that we have approximately \$50 million in Hazard Mitigation and Community Development Block Grants, to fund much needed infrastructure projects over the next two years. We will present these proposed projects at the next regular Council meeting for your consideration. Gentlemen, we have placed copies of this booklet in front of you, it is the Louisiana Economic Outlook 2010-2011, it is something that you should read and ask questions about (*a complete copy is on file at the Council Clerk’s Office*). I think that these uncertain times have us all asking questions about what the future holds. But this is their best guess about what the next year will bring. It is very, very informative. And finally, on top of the fact that we are looking at less money in our budget for 2010, we will be faced and it will be necessary to begin the process of building a \$50 million jail. So, this will be a year that will require a lot of communication, a lot of consideration, and a lot of discussion to make it all work and I anticipate your cooperation in all of that. Thank you!” A brief discussion and explanation then ensued in regards to clarifications of the procedures of asking questions and of the processes of submitting amendments to the budget. Discussion and comments continued in regards to the 2010 Budget and of the \$50 million, as was previously stated; with Mr. Lorraine questioning if that money was going to be used for certain allocated projects in the Parish or if it could be spent anywhere. President Randolph explained that was the purpose of the public hearings, to get the public’s input, as well as the Council’s. She said that they would present the list of projects to the Council for their approval at the next Council meeting; but it would not be something that they could

amend. President Randolph explained that they had put everything in it, therefore probably amounting to \$75 or \$80 million worth. She said they were taking the first step, having the State approve it, and if one project is not qualified for that program that they could then go down the line, going on to the next one. Discussion continued for further clarification of what was to follow or to be expected.

The next item (4) on the agenda was an update on the Coast Guard's effort to remove sunken vessels and obstructions from Hurricane Katrina. Mr. Gouaux stated he had a lot of positive requests to pick up these vessels, in response to this procedure; but it has been since Katrina, and the boats and structures were still there. He said people were now asking him, in that he had made a sincere effort to go out to the public and ask them to spot certain vessels and obstructions, now we did all of this, what is going to happen and when. President Randolph responded by saying that there was a recent article in the Courier about Terrebonne Parish's program, so she was assuming if they were that close that Lafourche Parish should be next. She hoped that they were working their way Eastward. President Randolph reported that the last correspondence she received on such was on August 27th; in which they have all of the GPS coordinates. She said they had only one disposal site to dispose of the materials they were going to be picking up, in that they were wanting a second, knowing that they were working with a business owner for another site to be used; being the last she has heard. Mr. Gouaux expressed that he hoped that they would do so before they would have another hurricane, because it would relocate some of the structures; in which they would have to go through the whole gambit again.

The next item (5) on the agenda was an update from the Administration regarding West 140th Street. Mr. Lorraine *pulled* this item; stating that he had already had discussion pertaining to this item.

The next item (6) on the agenda was an update from the Administration concerning Third Coast Electrical Services, LLC, as follows:

- (1) When the contract was signed and work was ordered to begin?
- (2) How long to do the job (days)?
- (3) How much is the fine per day for going over?
- (4) Did the contractor go over days?

Mr. Lorraine stated that he would like the answers to these questions; in that according to the figures and the paperwork he had, the Contractor had gone over by 5 days. He commented that he thought that the Contractor had done a real good job; but he felt that they could have done better; in that there were a lot of days that they could have worked, but they didn't. Mr. Lorraine said he understood, of course, that it was a bid job, it was so many days; but he just thought there was a lot of time that something could have been done and it wasn't. He said that if he did go over that the Parish should collect the fine.

President Randolph answered the questions; informing that:

- (1) The contract was signed on July 24, 2009, giving him the Notice to Proceed on the same day, in order to expedite it.
- (2) The Contractor was allowed 75 calendar days to do the job.
- (3) The Department of Public Works originally had said that the fine was going to be \$100 a day; but Parish Administrator, Ms. Crystal Chiasson, had increased it to \$500 a day.
- (4) The Contractor did not go over any days; October 7th would have been 75 days; the Substantial Completion was done on October 3rd, thus having only a couple of Punch List Items like placing labels, etc.

Mr. Lorraine questioned President Randolph; asking if she had stated that the contract was signed July 21st; in which she corrected him in saying, "the 24th". He then said on the paperwork in which he had, showed that it was signed July 7th, indicating a start date of "as needed" and the estimated completion date as of "8 to 12 weeks". Mr. Lorraine stated that there was a discrepancy from what he had and of what President Randolph had. President Randolph stated that a signed contract was when both parties have signed it, its been recorded, and then it becomes official. Mr. Lorraine said that his copy had President Randolph's signature, unless there were two sets of books; reiterating that his had July 7, 2009, saying there was a big difference there. He stated that he would check it out further.

The next item (7) on the agenda was an update from the Administration concerning the Outfall Canal south of Galliano Inn and north of C. C. Landry (canal running from Highway 3235 to South Lafourche Levee Canal), right of way signed by Arnold Pitre, April 21, 1981. Mr. Lorraine first stated that it was time for the Parish to start doing things that need to be done when it comes to drainage; in that there were people that were blocking ditches and nothing was being done. He said there were tremendous things that were affecting a lot of people throughout the Parish, not just in his area; but somebody was going to have to take the bull by the horn. Mr. Lorraine explained, "In this case, the property that is on the south side of where Mr. Pitre's family property is, was owned by the Hebert's years ago. The man passed away, husband/wife, the whole family passed away; it was sold to Racci. He went ahead and got this property surveyed. The ditch is running, it starts in the front and it curves on his property to the back, about 30 or 40 feet; but this is not the only one that this has happened to. This happens throughout the whole Parish, that they were trying to straighten up some ditches because the lines were not done right. This guy spent \$10,000 to get his property surveyed; and in the meantime we were able to find a right of way that Mr. Pitre signed in 1981, for that ditch, and we have a 30 foot right of way. And, what's happening, all Racci wants is his property back; but he dug a ditch on the south side of his property. But, what's happening, the people on the east side of 3235 is beginning to flood real bad because there's really no more ditch there. Since we have this right of way, and I gave it to Crystal the other day, I think we need to go in there and get this canal cleaned and get it done right. Now, Racci told me that since he paid \$10,000 to get his property surveyed that they would go shoot a line at no costs, to show them where his property is at. He just wants his property back and I am sure that every Councilman up here would feel the same way. And, the point I am trying to make is that we have the right of way from Pitre, so we need to just get in there and get it done. The right of way was never revoked, and it is been in existence since April 1981, of the 21st of April. So, I think it is time that we go take some action and get this done. But, I can't do it, I'm just going to request Administration look at this and get it done." President Randolph then commented, "That right of way signed by Mr. Pitre was never recorded, and Mr. Pitre is denying that he gave a servitude, and the fact that it was not recorded makes it difficult to enforce." Mr. Doucet said, "Well, she just threw a little wrench into my spoke, because my understanding, like Daniel was saying, that there is the right of way signed and everything else; and he s not allowing us to go onto the property, because of him saying that we do not have the right paperwork. Now, it was not recorded by Clerk, I'm just wondering about that." Mr. Lorraine then explained, "In 1981, they didn't do that. They more up-to-date today in recording things; but in them days they had two witnesses. All you got to do is call these two witnesses. I didn't sign this! Here you have two witnesses that signed this; and this is the way it was done at that time. I remember that! Sure they updated, they do better today; but this is how it was done in them days. He can't deny that, regardless of what he says; we have it, he signed it, we need to proceed with it. That is just my opinion!" Mr. Doucet then asked President Randolph if they could take this to the District Attorney; in which President Randolph replied that was what they had done. President Randolph explained that the only problem is that they have to have an acceptance of this, in which it has to come from the Council, and there was no transaction there; there was a signature and two witnesses, but the Council never accepted.

A **motion** was offered by Mr. Matherne, to *deviate to Public Wishing to Address the Council*, seconded by Mr. Toups, and **carried** by a vote of (9) yeas and (0) nays.

PUBLIC WISHING TO ADDRESS THE COUNCIL

The next item on the agenda was the Public Wishing to Address the Council. Mr. Brian Hebert Sr. from Plaisance Drive in Raceland addressed the Council; directing various comments and questions to President Randolph, pertaining to concerns and complaints of conditions on Plaisance Drive. He said they finally got the street accepted in March, after fighting for it for over 8 ½ years; but it was still in deplorable condition. Mr. Hebert stated that the grader had been going down there, grinding the rocks that they had been putting; in that they were not putting down enough rocks to start off with; further stating that they have no drainage. He said he had water in his front yard, in the ditch, that stays there for months, until it rots.

Mr. Hebert further described the situation with mosquitoes, frogs, etc; saying that everybody had their treatment plants running to the front ditch. He said when the road was accepted, he was told that they could not blacktop the back at that point, in which they understood; but he was also told that they were going to fix the road up, dig out ditches, until it could be blacktopped. Mr. Hebert asked President Randolph if he was right; in which President Randolph replied that she did not agree with him. President Randolph explained that when Plaisance Drive was accepted, it was through the proper process. She said when they adopt a budget every year, they assign a certain amount of money to drainage and also to roads, whatever was available. President Randolph expressed that her biggest concern about 2010 was that, particularly the Gentlemen who represent Road Sales Tax District A, they have streets waiting on a list to be addressed, for drainage and for paving, prior to Plaisance Drive's acceptance. She said the one thing they could continue to do on Plaisance Drive was to continue grading it; being that it was one of the biggest concerns when discussions took place, in that it was not passable. Mr. Hebert then said that grading it over and over was only dropping it further down; sometimes having a foot of water in the middle of the road when it rains and when you go to the last house on the end there was not a drop of water in the ditch. He went on to say that you are not going to upkeep any road without having any drainage on it; that the water table was so high that it was not going to last. Mr. Hebert continued to express his discontent with paying taxes, when they were not getting any help; asking why they could not get any. President Randolph replied that she was not saying never, then described the process they have to go through; in which it was now on the list, but other streets were to be done first, some being in the system for over 40 years and Plaisance Drive just entered. She stated that they would continue grading the street, so that it was passable; thus keeping their word in making sure the school buses, garbage trucks, ambulances, etc could do so. Discussion and debate continued in regards to grading and drainage on Plaisance Drive; in which President Randolph added that the budget did not allow for additional limestone because the street was not in the system at the beginning of this year, when they addressed the budget in October, it was not part of the system. She expressed that currently they were that tightly managing the budget, in which this was not part of it; but they were trying to assist with the grader. President Randolph mentioned that she too lived on a private shell street which had holes, that she did not like driving through that, but that was where she choose to live. Further brief comments were made. Mr. Matherne then stated that the Council had sent a resolution to District Attorney Morvant, asking him about culverts and maintenance of the streets; in which he was very specific in sending it back - 40 feet, maximum for a resident and the ditches could be dug. He then directed a comment to President Randolph; saying that he had specifically asked her on Plaisance Drive and her answer to him was, "Yes Mr. Matherne, we will be able to change the culverts on Plaisance Drive and do the ditches." So, he then asked her what was the big change. Mr. Matherne said that it looked like two culverts that need changing; and others needed to be lowered or adjusted. He then stated that he would donate the two culverts that need to be changed, to the people on Plaisance Drive. Mr. Matherne questioned why they could not dig the ditches, in that they were digging the ditches everywhere else; further expressing his discontent with them not doing so. He reiterated that President Randolph specifically said they could dig the ditches on Plaisance Drive; asking her if she would like for him to bring that to her at the next meeting and read it to her. President Randolph responded by saying that she did not deny saying that; in that she was simply stating that they could not do so that day. Mr. Matherne briefly continued to state his opinions; and Mr. Hebert further stated that they needed help as soon as they could do so; in that they would appreciate it.

Chairman Jones asked if there was anyone else wishing to address the Council; hearing none he moved on.

A **motion** was then made by Mr. Toups, to *return to the Regular Agenda*, seconded by Mr. Doucet, and *carried* by a vote of (9) yeas and (0) nays.

QUESTIONS FOR THE ADMINISTRATION

The next item on the agenda was of any questions for the Administration. Mr. Lorraine stated that they had nobody with the Department of Public Works, in that President Randolph had 60 days to submit; therefore asking President Randolph if she was going to submit somebody at the next meeting. He said that he was told that the deadline was October 15th to submit a resume. A brief discussion then ensued in regards to the Director's termination date, which Mr. Lorraine believed was September 8th according to the letter he had. Mr. Lorraine then asked President Randolph if she had some resumes; in which she replied to as having a few. He then asked if she could give the Council a hint as to how many; with President Randolph replying as seven, and three of them were women. Mr. Lorraine commented that there was nothing wrong with that; and then asked, out of the seven, does anybody have an engineering degree. President Randolph replied as yes, a Gentleman from Kentucky. Various comments were then made.

Mr. Matherne expressed his opinions on a culvert situation; saying that he thought it was a sad day when the Parish goes out and digs a hole because a culvert is blocked; thus describing a particular incident. President Randolph then explained that she had visited said site, on Morristown Road, off of Highway 182, and saw the hole, in that it was right next to the catch basin. She said she investigated it, by going to the Raceland Field Office and asking when this was done. President Randolph stated that the culvert was removed because it was deteriorating, and it was blocking drainage in that area. She said she asked why a culvert was not put into the hole to replace that one; and for a number of reasons it was not replaced. The main reason was, they were concerned that when they begin, in any way, touching the other culverts that are next to that removed culvert, that they too will fall apart. President Randolph went on to say that all of those culverts are probably in that same condition, as the one that was removed. She stated that there were bars put around that hole to make certain that people would not fall into it, when the culvert was removed; but someone removed those bars. So, number one, these were landscape culverts, not driveway culverts. President Randolph reiterated that she had gone to the site; there was a parking lot besides this grassy area. She explained that the Parish could not replace landscape culverts, which was what the District Attorney told the Council. And, number two, if he wanted to continue having his ditch covered in that area, he would have to provide said culvert; being that it was not a driveway culvert. A brief discussion/debate continued in regards to the open hole.

ENGINEERS AND ARCHITECT 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. *No reports were given.*

LEGAL ADVISOR REPORT

The next item on the agenda was to relinquish time to the Lafourche Parish Legal Advisor. *No one requested to speak.*

Next, a **motion** was offered by Mr. Toups, seconded by Mr. Fertitta, to **open** the *Public Hearing*, and **carried** by a vote of (9) yeas and (0) nays.

PUBLIC HEARING AND ORDINANCES FOR RATIFICATION

The next item (8) on the agenda was an ordinance **submitting a proposed amendment to the current Lafourche Parish Home Rule Charter for the Parish of Lafourche, State of Louisiana, as it pertains to the removal of Department Heads and the Administrator; and enacting certain other provisions in connection therewith.** A **motion** was offered by Mr. Lorraine and Mr. Toups. Chairman Jones asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Jones moved for a second, which was made by Mr. Richard.

An **amendment** was offered by Mr. Lorraine, to **completely leave out "Section 2"**; saying that he thought this needed to be done. He said he researched all of the prior Charters and all of the changes that

were done to the Charters prior to the last one; in which every one of them had a required 2/3 vote of the Council to remove a Department Head. Mr. Lorraine explained that when there were 15 Councilmen that it required 10, then it was changed to 9 Councilmen, now actually needing six. He said every Parish was different, in that the Parish President was in charge of the unclassified employees in some Parishes, and some could be terminated with X amount of votes from the Council. Mr. Lorraine stated that he attempted to do this about three years ago, having several amendments, in which he thought to be too many at the time, so he was presenting such again. He said all they needed was six votes to put it on the ballot; having upcoming elections on March 27, 2010 and another on October 2, 2010; thus being the two dates in which he was targeting; further explaining same, expressing his opinions and his intent. Mr. Doucet stated that he understood what Mr. Lorraine was saying; but he was not in favor of changing it from seven and getting this done; although he was in favor of going to the people. He exclaimed that they have to give government back to the people and let the people decide. Mr. Doucet then stated that he wanted to make sure, that if this does go, that they go ahead and put it for October 2nd; that way it would not cost the Parish any money. He next suggested that they set it for that date, being that they knew that election was going to happen. A brief discussion/debate then continued in regards to said dates.

A second **amendment** was next made by Mr. Doucet, *doing away with "March 27, 2009" and setting it for "October 2, 2009"*, seconded by Mr. Toups, and **carried** by a vote of (9) yeas and (0) nays.

Detailed discussion/debate and numerous comments/opinions again continued in regards to the proposed ordinance, of the intentions and the reasoning for balance of power. Mr. Gouaux relinquished time to Mr. Mark Atzenhoffer of Silver Street in Bayou Blue; who then heartily expressed his opinions on this item. Once again, opinions were expressed; and discussion, debate, and comments continued.

The first **amendment**, *which was the deletion of "Section 2"*, was then seconded by Mr. Toups, and **carried** by a vote of (8) yeas and (1) nay, that being of Mr. Jones.

Chairman Jones then made sure that the 2nd amendment was indeed voted on; thus calling for a vote; which **carried** with (7) yeas and (2) nays, that being of Mr. Jones and Mr. Gouaux.

The *amended* ordinance **carried** by a vote of (7) yeas and (2) nays, being Mr. Jones and Mr. Gouaux.
ORD. NO. 4645 **AMENDING HRC - DEPARTMENT HEADS/ADMINISTRATOR REMOVAL**

The next item (9) on the agenda was an ordinance to accept the subdivision known as the "Division of Property Belonging to Horace A. Savoie into Lots HS-1 & HS-2" into the Parish System. A **motion** was offered by Mr. Gouaux. Chairman Jones asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Jones moved for a second, made by Mr. Fertitta.

Mr. Toups asked if this was a family subdivision; in which **Ms. Pat Matherne, with the Planning Commission**, explained it was not a family subdivision, in that it was a public, simple division of property.

The ordinance then **carried** by a vote of (9) yeas and (0) nays.
ORD. NO. 4646 **ACCEPTING HORACE A. SAVOIE PROPERTY DIVISION**

The next item (10) on the agenda was an ordinance to accept the subdivision known as the "Redivision of Property Belonging to Clarence Hebert" into the Parish System. A **motion** was offered by Mr. Fertitta. Chairman Jones asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Jones moved for a second, which was made by Mr. Gouaux, and **carried** by a vote of (9) yeas and (0) nays.

ORD. NO. 4647 **ACCEPTING CLARENCE HEBERT PROPERTY REDIVISION**

The next item (11) on the agenda was an ordinance to accept the subdivision known as the "Division of Tract N of Emile Folse Subdivision into the Tract N-1 & Tract N-2" into the Parish System. A **motion** was offered by Mr. Matherne. Chairman Jones asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Jones moved for a second, which was made by Mr. Fertitta, and **carried** by a vote of (9) yeas and (0) nays.

ORD. NO. 4648 **ACCEPTING TRACT DIVISION OF EMILE FOLSE SUBDIVISION**

The next item (12) on the agenda was an ordinance to accept the subdivision known as the “Toney Dardar Subdivision” into the Parish System. A **motion** was offered by Mr. Lorraine. Chairman Jones asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Jones moved for a second, made by Mr. Doucet, and *carried* by a vote of (9) yeas and (0) nays.
ORD. NO. 4649 ACCEPTING TONEY DARDAR SUBDIVISION

The next item (13) on the agenda was an ordinance to accept the subdivision known as the “Division of Tract 1 into Tracks 1A and 1B, belonging to High Grass L.L.C.” into the Parish System. A **motion** was offered by Mr. Matherne. Chairman Jones asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Jones moved for a second, which was made by Mr. Gouaux, and *carried* by a vote of (9) yeas and (0) nays.
ORD. NO. 4650 ACCEPTING TRACT DIVISION OF HIGH GRASS L.L.C.

The next item (14) on the agenda was an ordinance amending and re-enacting Sub-Chapter “J” of Chapter 19 of the Code of Ordinances of the Lafourche Parish Council as it pertains to amending Section 19:701.B.5 Recreational Vehicle (RV) Park Regulations, definitions of the Lafourche Parish Recreational Vehicle (RV) Park Regulations in Lafourche Parish, State of Louisiana. A **motion** was offered by Mr. Fertitta. Chairman Jones asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Jones moved for a second, which was made by Mr. Matherne, and *carried* by a vote of (9) yeas and (0) nays.
ORD. NO. 4651 AMENDING RECREATIONAL VEHICLE (RV) PARK REGULATIONS

The next item (15) on the agenda was an ordinance to acquire ownership of property at 249 West 47th Street, Cut Off, Louisiana (Lafourche Parish), as part of the FEMA Hazard Mitigation Grant Program; to authorize the Parish President to sign and execute all necessary documents; to provide for the recordation of all documents and to provide copies to all involved parties. A **motion** was offered by Mr. Doucet. Chairman Jones asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Jones moved for a second, which was made by Mr. Gouaux, and *carried* by a vote of (9) yeas and (0) nays.
ORD. NO. 4652 ACQUIRING OWNERSHIP OF PROPERTY - 249 WEST 47TH STREET - FEMA HAZARD MITIGATION GRANT PROGRAM

The next item (16) on the agenda was an ordinance approving the attached Servitude Agreement between Danos and Curole Marine Contractors, L.L.C. and the Lafourche Parish Council; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Gouaux. Chairman Jones asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Jones moved for a second, which was made by Mr. Doucet, and *carried* by a vote of (9) yeas and (0) nays.
ORD. NO. 4653 SERVITUDE AGREEMENT - DANOS & CUROLE

The next item (17) on the agenda was an ordinance providing for a 2009 Supplemental Appropriation (SA 09-025) within the 2009 Operations and Maintenance Budget and the 2009 Capital Outlay Budget to increase Head Start’s annual budget for the receipt of FEMA Reimbursement and Federal Award Number 4 for the purchase of an additional Head Start building; and authorizing the Parish President to sign, execute and administer said transactions as provided for by Article VI of the Lafourche Parish Home Rule Charter. A **motion** was offered by Mr. Gouaux. Chairman Jones asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Jones moved for a second, which was made by Mr. Doucet, and *carried* by a vote of (9) yeas and (0) nays.
ORD. NO. 4654 SUPPLEMENTAL APPROPRIATION - HEAD START ANNUAL BUDGET - PURCHASING ADDITIONAL HEAD START BUILDING

Next, a **motion** was offered by Mr. Delatte, seconded by Mr. Richard, to *close* the *Public Hearing*, and *carried* by a vote of (9) yeas and (0) nays.

Chairman Jones relinquished the meeting to the Vice-Chair, Mr. Lorraine.

PROPOSED ORDINANCES

The next item (18) on the agenda was a proposed ordinance **de-dedicating the rear of East 19th Street (1,200 feet)**, Ward (10), District (7), Parish of Lafourche, State of Louisiana. *This item was pulled.*

The next item (19) on the agenda was a proposed ordinance **establishing a “No Parking-Fire Lane” on East 18th Street in Cut Off, Louisiana**, with said signs being placed on the north side of the street from the first cross street all the way to the end of the Parish Street, Ward (10), District (7), Parish of Lafourche, State of Louisiana; installing the necessary “No Parking-Fire Lane” signs; and providing for penalties for the violations thereof. A **motion** was offered by Mr. Gouaux to introduce the above stated proposed ordinance.

The next item (20) on the agenda was a proposed ordinance **providing for a 2009 Supplemental Appropriation (09-024) within the 2009 Operations and Maintenance Budget and the 2009 Capital Budget to adjust various items**; and authorizing the Parish President to sign, execute and administer said transactions as provided for by Article VI of the Lafourche Parish Home Rule Charter. A **motion** was offered by Mr. Gouaux to introduce the above stated proposed ordinance.

The next item (21) on the agenda was a proposed ordinance **providing for a 2009 Supplemental Appropriation (09-026) within the 2009 Operations and Maintenance Budget and the 2009 Capital Outlay Budget to purchase an x-ray system to be used within the Coroner’s Office**; and authorizing the Parish President to sign, execute and administer said transactions as provided for by Article VI of the Lafourche Parish Home Rule Charter. A **motion** was offered by Mr. Doucet to introduce the above stated proposed ordinance.

The next item (22) on the agenda was a proposed ordinance **providing for a 2009 Supplemental Appropriation (09-027) within the 2009 Operations and Maintenance Budget and the 2009 Capital Outlay Budget to budget for anticipated costs and revenue to be incurred/received from a grant from the Department of Environmental Quality as a result of ARRA**; and authorizing the Parish President to sign, execute and administer said transactions as provided for by Article VI of the Lafourche Parish Home Rule Charter. A **motion** was offered by Mr. Toups to introduce the above stated proposed ordinance.

The next item (23) on the agenda was a proposed ordinance **approving the attached Servitude Agreement between Family Farms Investments LLC and the Lafourche Parish Council**; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Delatte to introduce the above stated proposed ordinance.

The next item (24) on the agenda was a proposed ordinance **approving the attached Servitude Agreement between Sherrie Bobbie Bond Carroll and the Lafourche Parish Council**; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Matherne to introduce the above stated proposed ordinance.

The next item (25) on the agenda was a proposed ordinance **approving the attached Servitude Agreement between Henry Benjimen Carroll, Jr. and Rhonda Parrish Carroll and the Lafourche Parish Council**; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Matherne to introduce the above stated proposed ordinance.

The next item (26) on the agenda was a proposed ordinance **approving** the attached **Servitude Agreement between Evelyn Schouest and the Lafourche Parish Council; and authorizing the Parish President to sign, execute and administer said agreement.** A **motion** was offered by Mr. Matherne to introduce the above stated proposed ordinance.

Vice-Chair Lorraine returned the meeting to Chairman Jones.

A **motion** was made by Mr. Lorraine, to *recess for five minutes*, seconded by Mr. Delatte, and **carried** by a vote of (8) yeas and (1) nay, that being of Mr. Gouaux.

A **motion** was then made by Mr. Delatte, to *return from the recess*, seconded by Mr. Fertitta, and **carried** by a vote of (9) yeas and (0) nays.

RESOLUTIONS

The next item (27) on the agenda was a resolution **requesting the Lafourche Parish Government to apply for all possible grants to improve water service in Councilmatic District No. 2.** A **motion** was offered by Mr. Delatte and seconded by Mr. Toups.

An **amendment** was made by Mr. Doucet, *to be "...all Councilmatic Districts"*, seconded by Mr. Fertitta, and **carried** by a vote of (9) yeas and (0) nays.

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

RES. NO. 09-389 APPLYING FOR GRANTS - IMPROVING WATER SERVICE

The next item (28) on the agenda was a resolution **requesting an Opinion from the Lafourche Parish District Attorney as to who assigns job duties to the Lafourche Parish Government Department Heads.** A **motion** was offered by Mr. Gouaux and seconded by Mr. Lorraine.

A brief discussion ensued in regards to clarification of this item.

The resolution then **carried** by a vote of (8) yeas and (1) nay, that being of Mr. Toups.

RES. NO. 09-390 DA OPINION - ASSIGNING DEPARTMENT HEADS' JOB DUTIES

The next item (29) on the agenda was a resolution **requesting the Louisiana Department of Transportation and Development (LADOTD) to clean the culverts in the area of 11096 Hwy 1 in Larose, Louisiana, Parish of Lafourche.** A **motion** was offered by Mr. Gouaux, seconded by Mr. Doucet, and **carried** by a vote of (9) yeas and (0) nays.

RES. NO. 09-391 LADOTD - CLEAN CULVERTS - AREA OF 11096 HWY 1, LAROSE

The next item (30) on the agenda was a resolution **approving the Parish President's nomination for the position of Director of Parks, Recreation and Public Facilities for the Lafourche Parish Government.** A **motion** was offered by Mr. Doucet and seconded by Mr. Delatte.

Mr. Doucet suggested that the Council accept **Mr. Greg Sanamo's** nomination for the position. He said if the Councilmen looked at their packets, they would find that he was very, very much qualified for the job duties, with all of his previous and past records of what he has done. Mr. Doucet expressed that he thought that Mr. Sanamo would be a good fit for the job.

Mr. Sanamo stated that he looked at the position since it had become available, that he talked to President Randolph and then to Mr. Brennan Matherne who had previously held the position. He said he felt that this was a spot that he would like to work with the Parish and Council with, if they saw fit.

Several Councilmen welcomed Mr. Sanamo, expressing their opinions on the position and of the recreation department, requesting equality for all the children throughout the Parish, thus stating that they would offer him help in advancing recreation for the entire Parish.

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

RES. NO. 09-392 DIRECTOR OF PARKS, RECREATION AND PUBLIC FACILITIES

The next item (31) on the agenda was a resolution **approving an Intergovernmental Agreement** between Lafourche Parish Government and the **Lafourche Parish Water District No. 1 for the Alidore Community Water System Improvements**; and authorizing the Parish President to sign, execute and administer said agreement and any and all relevant documents and amendments. A **motion** was offered by Mr. Toups, seconded by Mr. Delatte, and *carried* by a vote of (9) yeas and (0) nays.

RES. NO. 09-393 ALIDORE COMMUNITY WATER SYSTEM IMPROVEMENTS

The next item (32) on the agenda was a resolution **authorizing the hiring of Duplantis Design Group, PC** with local funds for services needed in the completion of an application under the FY2010-2011 **Louisiana Community Development Block Grant (LCDBG) Program**, to provide for **water system improvements in Alidore**, and for design and construction inspection services, pending grant award; and authorizing the Parish President to sign, execute and administer any and all relevant documents. A **motion** was offered by Mr. Toups, seconded by Mr. Richard, and *carried* by a vote of (9) yeas and (0) nays.

RES. NO. 09-394 DUPLANTIS DESIGN GROUP, PC - WATER SYSTEM IMPROVEMENTS

The next item (33) on the agenda was a resolution authorizing the **hiring of Tommy Boudreaux, Architect**, with local funds for services needed in the completion of an application under the FY2010-2011 **Louisiana Community Development Block Grant (LCDBG) Program**, to provide services for a **Community Center**, and for the design and construction and inspection services, pending grant award; and authorizing the Parish President to sign, execute and administer any and all relevant documents and amendments. A **motion** was offered by Mr. Toups and seconded by Mr. Delatte.

A brief discussion ensued in regards to the Architect, of who he was and of his business. President Randolph then explained the project, the process of the grant application and qualifications of such award. Mr. Doucet asked if the Architect would still get paid, even if the Parish does not receive the grant award; in which President Randolph replied as yes. President Randolph then clarified how the design could be used over and over again to reapply for a grant. Mr. Doucet next asked if they had a cost of what he was going to actually charge to do this; in which President Randolph stated that it was no more than \$16,000.

An **amendment** was then made by Mr. Doucet, *to include "not to exceed \$16,000.00"*, seconded by Mr. Toups. Discussion then ensued in regards to the criteria for applying for such a grant; in which President Randolph explained that the LCDBG Program only allows for one application per category, and the Community Center, you can only apply for one. President Randolph added that they have also received funding through CDBG for some of the sewer systems, through the same funding source; but limited to one each year. She stated that if this one should be denied, they could always bring up another one. Brief discussion continued for further clarification. The **amendment carried** by a vote of (9) yeas and (0) nays.

The **amended** resolution then **carried** by a vote of (8) yeas and (1) nay, that being of Mr. Gouaux.

RES. NO. 09-395 TOMMY BOUDREAUX, ARCHITECT - COMMUNITY CENTER

PUBLIC WISHING TO ADDRESS THE COUNCIL

The next item on the agenda was the **Public Wishing to Address the Council**. Chairman Jones asked if their was anyone else that would like to address the Council; *hearing none he moved on.*

DISCUSSIONS

The next item (34) on the agenda was a **discussion on criteria for catch basins**. Mr. Gouaux stated there was no criteria pertaining to catch basins in their current ordinance concerning culverts; in which he knew at one time the Department of Public Works was working on a catch basin design to be incorporated. He exclaimed that they need to do so as quickly as possible; as well as put some information on the distance that catch basins would appear. Mr. Gouaux said it was typically the Parish's servitude, in which they could dictate whatever they wanted when they put down culverts, but in the form of an ordinance they had no criteria pertaining to that. Detailed discussion/debate then ensued in regards to such.

The next item (35) on the agenda was of a **discussion** regarding the **Bayou Plantation Servitude De-dedication**. Mr. Doucet handed out copies of the March 12, 1997 ordinance pertaining to Bayou Plantation Phase II, and in there it showed when the right of way was voted on and accepted for the drainage canal behind these people's property. He said when Mr. Marco developed the subdivision, he was going to buy that section of property behind it and extend the subdivision; well, he decided not to purchase said property; so, the subdivision will remain as it is. Mr. Doucet went on describing the situation in detail; saying that Mr. Chad Martin came before the Council asking about de-dedicating said right of way; in which President Randolph and the Department of Public Works had requested that a hydraulic study be done. Mr. Martin then went ahead and done the study, and what came up was that if the neighbors in the front did certain things and change certain culverts that the right of way in the back, which does not have very much of a ditch, could go away; in that they could get their property back in the back section. Mr. Doucet said that the whole subdivision has approved of it, in that they all signed the paper saying they were all for it, the four or five people that it involves that have to change the culverts in their front section were for it and said that they would do so. He stated that the Parish then said ok, we will go ahead and do it; but we want to make sure that you indeed do so. Mr. Doucet suggested that they go ahead and get the ordinance passed of the de-dedication of property, with President Randolph holding off signing it until said project gets completed, in that they do the job and she would then sign it in order for them to follow through. He said they (the neighbors) were all in compliance with that; with only one problem they were concerned about, in that they were worried if the dededication would then pass. Mr. Doucet asked the Council if they foresaw any problem of stopping the dededication; so that they could have further discussion or to propose such an ordinance at the next meeting, with the inclusion of it not being signed into law until proper compliance with said hydraulic study and all requirements met by the hired Engineer. Discussion and clarification then ensued in regards to the timeline and requirements of making an ordinance law, as per signatures, deadlines, and publications of such. Comments and suggestions continued in regards to legalities and criteria; with Mr. Gouaux saying that they could do so "contingent" on this work being done, and once this work is done it would become effective. Brief discussion continued in regards to proposing such an ordinance.

The next item (36) on the agenda was a **discussion** concerning **West 130th** about **drainage work**. Mr. Lorraine stated that he had the opportunity to speak to Mr. Babin (Kerry, Compliance Officer, assigned to Maintenance Contracts) that afternoon; in which they spoke of the culvert on West 130th Street, of the 4 inch pipe at the end of the street which needs to be changed. He said that he was told that it was ordered, which would then be ok if they would change it out. Mr. Lorraine explained that without changing that 4 inch pipe, it would not pay for them to have done the job. He said the Contractor had done a good job; but he could not fault the person living there because he knew that the house had been sold four or fives times. Mr. Lorraine reiterated that all they would have to do is change out said culvert; being that Mr. Rudy Plaisance was having problems when it rains, further describing same. He again stated that he was told by Mr. Babin that it was going to be corrected, so that was that.

The next item (37) on the agenda was a **discussion** concerning **the restroom on the Galliano Bridge**. (The door is 21" wide and the restroom is 27" wide from wall to wall; codes were not followed - 3' standard.) Mr. Lorraine stated that he had gone "bathroom hopping" on four different bridges; finding that the door is 28" wide at the Valentine Bridge, having a 3' 10" wide by 4' 6 ½" long bathroom, which was pretty much ok. He said if he recalled, the Parish recently did some work on that. Next, at the Cut Off Lift Span, the bridge by McDonald's, the door is 24" wide; with the bathroom being 7' by 7', so that one was a monster. Then, at the Cote Blanche Bridge, the door is 27" wide, with the bathroom being 4' 3" long and 2' 6" wide, it was pretty much ok, but he thought that one needed to be brought up to code when they would soon be doing repairs there. Finally, the Galliano Bridge is 21" wide, with the bathroom being 2' 3" (27") wide and 3' 2" long. Mr. Lorraine briefly made comments in regards to the last meeting, in which he had brought this issue up. He expressed that they were told, in that they heard President Randolph say, "we are going to work on that tomorrow"; but that had since been a couple of weeks ago.

Mr. Lorraine continued, saying he went a little further; stating that in 2006 the State of Louisiana came up with some new codes throughout the entire State. So, if they were going to refurbish that bridge, in which they did; they should have followed the codes, in which they didn't. He exclaimed that he was just asking to get the bridge fixed, the bathroom at least; saying hardly anybody could pass into 21" of space. Mr. Lorraine then read something from the South Central Regional Construction Code Counsel, "This letter is in response to your question concerning State, Parish, and public buildings. All State owned buildings are under the jurisdiction of the State Facilities Planning Group. They follow the same building codes that everyone else follows; but they do not have to include the local jurisdiction in the project. All other projects, including Parish and public buildings fall under the Louisiana State Uniform Construction Code. All of these projects have to follow the same building codes and procedures to any other projects." He said they sit up there and they have these codes, and they have people building whatever in the Parish, and we telling them the code is 36 inches for a door. Mr. Lorraine commented that he just read out some that were not, but some were done prior to the 2006 changes that the State made. He said he wanted to see this restroom fixed; in which it was confirmed by the Administration, specifically President Randolph, in that she had said they would fix it the next day. Mr. Lorraine again reiterated that was now two weeks ago; so he hoped she had something in mind, in that they needed to fix this, that it needed to be addressed. He stated he had said the same two weeks ago, and he meant it!

Mr. Lorraine further stated that he did not have a copy of these plans; but he had the original plans when the bridge was first built years ago, with the bathroom being a lot bigger. He said they never had any complaints before, so evidently the bathroom before was ok; in that it was ever since they got it refurbished that it shrunk. And, if the Contractor screwed up on this bridge, and the Parish submitted some plans, and they didn't follow the plans, and if those plans said that it was supposed to be X amount of feet and the Contractor didn't do it, he would suggest that the Contractor go out and fix the bridge. And, if it was the Parish that submitted the plans and that was the way it was submitted, then the Parish should have to fix it. But, regardless if it was the Contractor or the Parish, let's get it fixed; we spent \$1 million in that bridge. Mr. Lorraine further made comments in regards to the size of the bathroom; requesting that it please be brought up to code, whatever they would need to do, let's get it done and done so quickly. He once again reiterated that his was told "tomorrow"; but in his thinking, tomorrow never comes. Mr. Lorraine expressed that he would appreciate if this Administration would get somebody to fix this, whether it would be the Contractor or the Parish, but let's get it done, so they could put this thing to rest.

Mr. Doucet stated, just to let Mr. Lorraine know what he was talking about in the codes, 36" was for handicap bathrooms, which was for the public to enter into a public building and also for the public to use those buildings. He said the bridge was not a public bridge, it was authorized personnel only. Mr. Doucet expressed that he understood what Mr. Lorraine was saying, as far as dimensions; in that he hoped that the Parish did not give the wrong dimensions on that; but the code he was talking about was for Parish and State buildings that have to follow the guidelines for the handicap; and not on an authorized bathroom, that was for authorized employees only, for the Parish. Mr. Doucet then questioned Mr. Lorraine; asking if he looked at the measurements to see if the bathroom could be enlarged. Mr. Lorraine replied that by him looking at it, he thought that it could be enlarged. Mr. Lorraine then commented that when people apply for a job with the Parish, it says "Equal Opportunity Employee"; in which Mr. Doucet interrupted by saying, "Not handicap sir! That job is not a handicap bridge!" A brief debate ensued in regards to such.

Mr. Toups questioned the Administration, asking if they had looked into this issue; in which President Randolph replied to as yes. She stated that they had actually ordered an electronic lift for the commode in there, as well as railings, so that the employee would have much more ease. But, they could not make the bathroom much wider because they would then be blocking the window, which was used when they back the bridge up opening it to vessels; thus needing said window. She said they would be providing a curtain and some electronic equipment to be of assistance. Mr. Toups then said that it was indeed being worked on; in which President Randolph responded to as yes. Discussions briefly continued.

ADJOURNMENT

On **motion** by Mr. Richard and seconded by Mr. Delatte, and with no further business, the Lafourche Parish Council Meeting of **October 27, 2009** *adjourned* at **7:03 p.m.**

JERRY JONES, CHAIRMAN
LAFOURCHE PARISH COUNCIL

CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL