

OFFICIAL PROCEEDINGS OF THE
COUNCIL OF THE PARISH OF
ST. MARY, STATE OF LOUISIANA

AUGUST 27, 2014
FRANKLIN, LOUISIANA

The St. Mary Parish Council met on this date in Regular Session with Chairman Steve Bierhorst presiding and the following members present: Lionel Metz, David Hanagriff, Glen Hidalgo, Ken Singleton, Logan Fromenthal, Tim Tregle, Sterling Fryou, Albert Foulcard and Kevin Voisin. Absent was Charles Middleton.

Mr. Hanagriff pronounced the Invocation and Mr. Metz led the Pledge of Allegiance.

Mr. Voisin moved that the reading of the minutes of the First Regular Meeting, August 13, 2014 be dispensed with and that the same be approved. Mr. Fryou seconded the motion, which carried.

Sami Riley, Executive Director, Chez Hope appeared before the Council to request funding for the purchase and installation of a new roof on the Children's Center located on Jackson Street in Franklin.

Ms. Riley stated that the estimated cost to install a new roof on the Children's Center is approximately \$43,000.

Mr. Bierhorst inquired whether Ms. Riley has contacted the municipalities to request funding to assist with installation of a new roof.

Ms. Riley stated that she has forwarded letters to the municipalities to request funding.

Mr. LaGrange stated that he would look into the matter and report his findings at the September 10, 2014 Regular Meeting.

Mr. LaGrange also stated that a Public Hearing also will be held on an ordinance amending and re-enacting Ordinance No. 1963 adopting the 2014 Combined Budgets of Revenues and Expenditures September 10, 2014. (Information concerning the request may also be available at the Public Hearing.)

Ms. Riley invited the Parish Council to attend the open house on Friday, October 3, 2014.

Rudy Sparks, Chairman, Atchafalaya Golf Course Commission appeared before the Parish Council to present Budget and Rate Schedule for consideration of approval by the Parish Council for Fiscal Year October 1st, 2014 – September 30th, 2015.

Mr. Sparks expounded relative to Total Golf & Restaurant Income 2010-2014; AGC Total Golf Related Income 2010-2014; AGC Greens Fees 2010-2014; AGC Pass Holders Revenue 2010-2014; Ad Link 2010-2014; AGC Tournament Revenue 2010-2014; AGC Total Income – Golf, Green Fee-Pass Holders – Ad Link – Pro Shop (Net) & Rentals – 2010-2014.

Mr. Sparks also informed relative to the Spring Getaway Special – February 2014 – June 2014 and the Summer Breeze Special – July 2014 – September 2014; the Atchafalaya at Idlewild Restaurant – Food & Beverage Revenue 2010-2014; F&B – G&A (Banquet) Rentals 2010-2014; Parish Sales Tax 2010-2014; Total Operating Expenses 2010-2014; Operating Expenses by Activity 2010-2014; AGC Player Demographics 2013-2014; Golf Relative Activities – St. Mary Parish High School Program and Nicholls State University Golf Team; Economic Impact to St. Mary Parish – Tournament Fundraisers.

Mr. Sparks informed that the Kemper & Leila Williams Foundation donated \$100,000 toward the down payment on the Lease Purchase of a new fleet of Golf Carts.

The proposed 2014 and 2015 rates were also provided for the Council's review.

In response to an inquiry by Mr. Hidalgo relative to hiring a consultant company to possibly looking into managing the Atchafalaya Golf Course at Idlewild, Mr. Sparks informed that the matter has been preliminarily investigated.

Mr. Sparks stated that it he and the Atchafalaya Golf Course Commission agreed that it would be difficult to contract with a management company due to the cost of the overhead expenses and the fee structure.

Mr. Fromenthal commented that the Atchafalaya Golf Course at Idlewild is a member of The Audubon Golf Trail in Louisiana.

Mr. Fromenthal inquired relative to whether hiring a company to manage the Golf Course would have an effect on the Golf Course remaining a member of The Audubon Golf Trail in Louisiana.

Following detailed discussion relative to the Atchafalaya Golf Course at Idlewild by several Council members, Mr. Fryou moved that the proposed Budget and Rate Schedule for Fiscal Year October 1, 2014 – September 30, 2015 be accepted as presented. Mr. Singleton seconded the motion, which carried. Mr. Hidalgo voted No!

Alicia Johnson Butler appeared before the Council to announce her candidacy for District Judge, 16th Judicial District, Division H.

Following Ms. Butler's explanation of her credentials, she asked the Council's vote and support in the upcoming November 4, 2014 election.

Brooke Landry, Nicholls State University, Senior Student, Nursing Department appeared before the Parish Council to inform that she and fellow students are attending the meeting for a Community class project and expressed her appreciation for being allowed to gain insight of Parish Government proceedings.

Mark Bogan, 7413 Hwy. 182 appeared before the Council to inquire relative to the status of a recent letter requesting that drivers of the Veterans Department's van be paid for their services to provide transportation four days a week, (Monday thru Thursday) in an amount of \$11.00 dollars an hour to be paid monthly by St. Mary Parish Council and other municipalities.

Mr. LaGrange stated that the matter will be discussed with the Mayors of the Municipalities at the September Mayor's Luncheon on September 4, 2014 and he will report his findings at the September 10, 2014 Regular Meeting.

Lloyd Harris, President, Harris Builders, L.L.C. appeared before the Parish Council to expound relative to the proposed adoption of ordinance in compliance with Ordinance No. 1973, CHAPTER 4, DIVISION 4.2, Section 4.2.1 C., Rezone Property. (Rezoning) (Corner of Hwy. 182 & Hwy. 3215 (Garden City Exit), Garden City, LA).

Mr. Harris stated that as of the close of business on Tuesday, August 26, 2014, the Administration had not responded to the compliance issues set forth by HUD and reminded the Parish Council and the Administration they are still in voluntary stay.

Mr. Harris stated his views concerning the durability of the proposed 168 unit complex in Garden City.

Mr. Voisin moved that the Parish Council go into Executive Session to discuss Civil Case No. 127403 – Garden City Apartments, LLC, and Lloyd Harris, Jr. versus St. Mary Parish and St. Mary Parish Council. Mr. Fromenthal seconded the motion, which carried.

Following Executive Session, Mr. Fryou moved that the August 27, 2014 Regular Meeting be reconvened. Mr. Fromenthal seconded the motion, which carried.

Mr. Naquin, Parish President reported that due to the resignation of Justice of the Peace Frank J. Cali, Sr., on August 15, 2014, Judge John L. Weimer, Supreme Court has advised that Justice of the Peace Eric J. Gaudet, Jr., Justice of the Peace Ward Four has been appointed as Justice of the Peace pro-tempore for the Parish of St. Mary, Justice of the Peace Ward Five, effective August 25, 2014 through December 31, 2014 or until the vacancy is filled, whichever occurs sooner.

Mr. Naquin also reported that LAD, Service located in Baldwin, LA (old Superior, Inc. yard) reported on the recent construction of a 300x54 feet barge.

Mr. Naquin also report on the upcoming 79th Shrimp & Petroleum Festival which will be held on August 28 through September 1, 2014 in Morgan City, LA.

Mr. Naquin also informed that the Battle on the Basin - 2014 Championship Boat Races by Deep South Association will be held on September 6 and 7, 2014 at the Russo Boat Landing on LA 70 in Morgan City.

Henry "Bo" LaGrange, Chief Administrative Officer did not have a written report for a two (2) week period ending August 27, 2014.

Tammy Luke presented the following item as recommended by the Planning & Zoning Commission at their August 18, 2014 Regular Meeting:

a. Preliminary Development Approval –

Name: Juston Schouest
Address: 110 Mitchell Lane (Cypremort Point) Franklin, LA.

Parcel Id# *Sec. 30 T15S R6E;*
-1034364065.00-Lot Por BD Center of Canal-L-Olander-Shell Road-Schouest Sr. lying in Canal Acq 43O 271165 &
-1034364066.00-Lot Por BD Center of Canal-L-Olander-Shell Road-Schouest Sr. lying South of Canal Acq 43O 271165.

Zoned: Light Industrial Zoned District (LI)

PURPOSE: subdivision; as shown on plat titled "Plan of Land Showing Property of Juston P. Schouest to be acquired by Carolyn Olander Simon being Tract "ABCDA" situated in Section 30, T15S-R6E St. Mary Parish, Louisiana Southwestern Land District" as prepared by Miller Engineers & Associates, Inc., dated July 31, 2014; DWG No. 13781

Mr. Foulcard moved that Preliminary Development Approval be granted for:

Name: Juston Schouest
Address: 110 Mitchell Lane (Cypremort Point) Franklin, LA.

Parcel Id# *Sec. 30 T15S R6E;*
-1034364065.00-Lot Por BD Center of Canal-L-Olander-Shell Road-Schouest Sr. lying in Canal Acq 43O 271165 &
-1034364066.00-Lot Por BD Center of Canal-L-Olander-Shell Road-Schouest Sr. lying South of Canal Acq 43O 271165.

Zoned: Light Industrial Zoned District (LI)

PURPOSE: subdivision; as shown on plat titled "Plan of Land Showing Property of Juston P. Schouest to be acquired by Carolyn Olander Simon being Tract "ABCDA" situated in Section 30, T15S-R6E St. Mary Parish, Louisiana Southwestern Land District" as prepared by Miller Engineers & Associates, Inc., dated July 31, 2014; DWG No. 13781 Mr. Voisin seconded the motion, which carried.

Mr. Voisin moved that the Public Hearing Report, August 13, 2014 be approved. Dr. Tregle seconded the motion, which carried.

Mr. Hanagriff moved that the Ordinance in compliance with Ordinance No. 1973, CHAPTER 4, DIVISION 4.2, Section 4.2.1 C., Rezone Property. (Rezoning) (Corner of Hwy. 182 & Hwy. 3215 (Garden City Exit), Garden City, LA) be rescinded. Mr. Hidalgo seconded the motion, which carried.

Mr. Foulcard moved that the following resolution be adopted. The Parish Council seconded the motion, which carried by the following 10-0-0-1 Roll Call vote:

YEAS: Messrs. Metz, Hanagriff, Hidalgo, Singleton, Fromenthal, Dr. Tregle, Messrs. Fryou, Foulcard, Voisin and Bierhorst

NAYS: None

ABSTAIN: None

ABSENT: Mr. Middleton

RESOLUTION OF RESPECT

WHEREAS, the Lord Almighty in his Infinite mercy and goodness has seen fit to remove from our midst, former Mayor of Franklin and friend, Mr. E. J. Champagne, Jr., and

WHEREAS, in 1970, Mr. Champagne was elected as Franklin's first fulltime mayor and served a four-year term, and

WHEREAS, the members of the St. Mary Parish Council wish to acknowledge publicly their sorrow and sympathy to the family of Mr. Champagne, and

WHEREAS, the St. Mary Parish Council hopes that his family will find comfort in the thought that their grief and sorrow are shared by their friends.

NOW, THEREFORE BE IT RESOLVED, by the St. Mary Parish Council through the unanimous adoption of this resolution that they solemnly deliberate with sincere condolences, sympathy, and understanding during this time of grief.

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 27th day of August 2014.

APPROVED:

s/g Steve Bierhorst

**STEVE BIERHORST, CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

s/g Lisa C. Morgan

**LISA C. MORGAN, CLERK
ST. MARY PARISH COUNCIL**

Mr. Foulcard moved that the following resolutions be adopted. Dr. Tregle seconded the motion, which carried by the following 10-0-0-1 Roll Call vote:

YEAS: Messrs. Hanagriff, Hidalgo, Singleton, Fromenthal, Dr. Tregle, Messrs. Fryou, Foulcard, Voisin, Bierhorst and Metz

NAYS: None

ABSTAIN: None

ABSENT: Mr. Middleton

RESOLUTION

A resolution authorizing Paul P. Naquin, Jr., the President of the Parish of St. Mary to execute an Agreement with the State of Louisiana, Department of Transportation and Development relative to State Project No. H.011431 Upgrade PAPI-2 Systems to LED – Harry P. Williams Memorial Airport.

BE IT RESOLVED, that Paul P. Naquin, Jr., President of the Parish of St. Mary, be and he is hereby authorized and directed, for and on behalf of the Parish Council, to execute an Agreement with the State of Louisiana, Department of Transportation and Development relative to State Project No. H.011431 Upgrade PAPI-2 Systems to LED - Harry P. Williams Memorial Airport, with said Agreement to contain such terms, conditions and stipulations as he may best see fit, he being fully authorized in the premises.

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 27th day of August 2014.

APPROVED:

s/g Steve Bierhorst

**STEVE BIERHORST, CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

s/g Lisa C. Morgan

**LISA C. MORGAN, CLERK
ST. MARY PARISH COUNCIL**

RESOLUTION

WHEREAS, Local governments across the nation are united in urging Congressional support for the Marketplace and Internet Tax Fairness Act (S. 2609); and

WHEREAS, the Marketplace and Internet Tax Fairness Act (S. 2609) would preserve the Internet Tax Freedom Act's longstanding grandfather clause that protects an estimated \$500 million in annual revenues in seven states, and recognizes that the Internet access tax moratorium should not be made permanent in the midst of enormous technological change; and

WHEREAS, the Marketplace and Internet Tax Fairness Act would also give States and Local Governments the ability to require out-of-state merchants to collect the same taxes that local merchants are currently collecting; and

WHEREAS, local merchants are currently at a five to ten percent competitive disadvantage to remote sellers; and

WHEREAS, it would enable States and Local Governments to collect an estimated \$23 billion owed in sales taxes each year that could be dedicated to providing important public services such as infrastructure, education, health and public safety; and

NOW, THEREFORE BE IT RESOLVED, by the St. Mary Parish Council on this 27th day of August, 2014, that it encourages the support of the enactment of the Marketplace and Internet Fairness Act (S. 2069), and oppose any attempts to make the Internet access tax moratorium permanent; and

BE IT FURTHER RESOLVED, this Resolution be forwarded to the Louisiana Congressional Delegation urging support of the Marketplace and Internet Fairness Act (S. 2069).

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 27th day of August 2014.

APPROVED:

s/g Steve Bierhorst

**STEVE BIERHORST, CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

s/g Lisa C. Morgan

**LISA C. MORGAN, CLERK
ST. MARY PARISH COUNCIL**

RESOLUTION

A resolution authorizing Paul P. Naquin, Jr., the President of St. Mary Parish to execute a contract with Patriot Construction & Equipment, LLC, Inc. relative to Charenton Canal Industrial Park Project.

BE IT RESOLVED, that Paul P. Naquin, Jr., President of the Parish of St. Mary, be and he is hereby authorized and directed, for and on behalf of the Parish Council, to execute a contract with Patriot Construction & Equipment, LLC, 125 East Hutchinson Street, Crowley, Louisiana 70526, relative to the Charenton Canal Industrial Park Project, with said contract to contain such terms, conditions and stipulations as he may best fit, he being fully authorized in the premises.

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 27th day of August 2014.

APPROVED:

s/g Steve Bierhorst

**STEVE BIERHORST, CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

s/g Lisa C. Morgan

**LISA C. MORGAN, CLERK
ST. MARY PARISH COUNCIL**

RESOLUTION

A resolution authorizing Paul P. Naquin, Jr., the President to retain Legal Services of William D. Aaron, Jr., Aaron & Gianna, PLC, a Professional Law Corporation.

BE IT RESOLVED, that Paul P. Naquin, Jr., President of the Parish of St. Mary, be and he is hereby authorized and directed, for and on behalf of the Parish Council, to retain legal services of William D. Aaron, Jr., Aaron & Gianna, PLC, a Professional Law Corporation, on an as needed basis relating to the discrimination complaint, Case File No: 06-14-1076-8 (Title VIII), Inquiry No: 383726, Lloyd Harris v St. Mary Parish Government with said agreement to contain such terms, conditions and stipulations as he may best see fit, he being fully authorized in the premises.

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 27th day of August 2014.

APPROVED:

s/g Steve Bierhorst

**STEVE BIERHORST, CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

s/g Lisa C. Morgan

**LISA C. MORGAN, CLERK
ST. MARY PARISH COUNCIL**

OLD BUSINESS:

- A. Discussion and action directing that the administration proceed with application to the Planning and Zoning Commission relative to rezoning that certain tract of land described as:

Address: Corner of Hwy. 182 & Hwy. 3215 (Garden City Exit), Garden City, LA.
2354524018.00, Sec. 11 T15S R10E; 58.46 ac Tract por of Rem 529.72 ac tract situated in
Sec. 11 T15SR10E BD Williams in Sterling Sugars, Inc.-Sutter et al-Teche-Sutter et al
Acq. 34K 234857

Currently Zoned: High Density (HR) Residential Zoned District
Requested Zone: Agricultural Zoned (AG) District

Mr. Hanagriff moved that the Parish Council proceed with application to the Planning and Zoning Commission relative to rezoning that certain tract of land described as:

Address: Corner of Hwy. 182 & Hwy. 3215 (Garden City Exit), Garden City, LA.
2354524018.00, Sec. 11 T15S R10E; 58.46 ac Tract por of Rem 529.72 ac tract situated in
Sec. 11 T15SR10E BD Williams in Sterling Sugars, Inc.-Sutter et al-Teche-Sutter et al
Acq. 34K 234857

Currently Zoned: High Density (HR) Residential Zoned District
Requested Zone: Agricultural Zoned (AG) District Mr. Hidalgo seconded the motion, which carried by the following 10-0-0-1 Roll Call vote:

YEAS: Messrs. Hanagriff, Hidalgo, Singleton, Fromenthal, Dr. Tregle, Messrs. Fryou, Foulcard, Voisin, Bierhorst and Metz

NAYS: None

ABSTAIN: None

ABSENT: Mr. Middleton

B. Mr. Metz to request an allocation of \$1,500 from the Gaming Receipt Fund to the 100 Black Men of St. Mary, Inc. for the 17th Annual 5K Run/Walk.

Mr. Metz moved that funds in the amount of \$1,500 be allocated from the Gaming Receipt Fund to the 100 Black Men of St. Mary, Inc. for the 17th Annual 5K Run/Walk. Mr. Voisin seconded the motion, which carried.

NEW BUSINESS:

A. Les Howard has submitted his resignation from the Board of Commissioners of Gravity Drainage District No. 6.

Mr. Howard will be forwarded a letter thanking him for his service on the Board of Commissioners of Gravity Drainage District No. 6 and the vacancy will be advertised.

B. Jason Brown has submitted his resignation from the Board of Commissioners of Fire Protection District No. 3.

Mr. Brown will be forwarded a letter thanking him for his service on the Board of Commissioners of Fire Protection District No. 3 and the vacancy will be advertised.

C. St. Mary Community Action Agency has submitted their Pre-Application requesting funds for Program Year 2015. Funding Request \$69, 500.00. (Transportation Funds - \$45,500.00 and Elderly Nutrition - \$24,000.00)

Mr. Voisin requested that Item C. be referred to the Advisory Budget/Finance Committee.

D. Mark A. Bogan has written – “this letter is to serve as notice that the above named drivers have agreed to drive the vehicle provided for veterans transportation four days a week, (Monday thru Thursday) alternating, each shall drive two days a week. These drivers are hereby requesting payment of \$11.00 dollars an hour to be paid by St. Mary Parish Council and other municipalities, monthly. VA is requested to keep the driver’s time sheets on file.”

Item D. was discussed earlier in this meeting.

E. Mr. Fromenthal to request an allocation of \$5,000 from the Gaming Receipt Fund to the City of Berwick for its community celebration.

Mr. Fromenthal moved that funds in the amount of \$5,000 be allocated from the Gaming Receipt Fund to the City of Berwick for its community celebration. Mr. Fryou seconded the motion, which carried. Dr. Tregle was absent.

F. Mr. Metz to request an allocation of \$1,700 from Wards 1, 2, 3, 4, 7 & 10 3/10% Sales Tax Fund to the Town of Baldwin Police Department for equipment repairs.

Mr. Metz moved that funds in the amount of \$1,700 be allocated from Wards 1, 2, 3, 4, 7 & 10 3/10% Sales Tax Fund to the Town of Baldwin Police Department for equipment repairs. Mr. Hanagriff seconded the motion, which carried. Dr. Tregle was absent.

G. Mr. Metz to request an allocation of \$1,000 from Wards 1, 2, 3, 4, 7 & 10 3/10% Sales Tax Fund to the Town of Baldwin for Baldwin Pee Wee Football League equipment.

Mr. Metz moved that funds in the amount of \$3,000 be allocated from Wards 1, 2, 3, 4, 7 & 10 3/10% Sales Tax Fund to the Town of Baldwin for Baldwin Pee Wee Football League equipment. Mr. Hanagriff seconded the motion, which carried. Dr. Tregle was absent.

There being no further business, Mr. Fryou moved for adjournment. Mr. Singleton seconded the motion, which carried.

s/g Lisa C. Morgan

s/g Steve Bierhorst

Lisa C. Morgan, Clerk

Steve Bierhorst, Chairman