

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

JULY 23, 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, Charles Middleton, David Hanagriff, Glen Hidalgo, Ken Singleton, Logan Fromenthal, Tim Tregle, Sterling Fryou, Albert Foulcard and Kevin Voisin.

Mr. Fryou pronounced the Invocation and Dr. Tregle led the Pledge of Allegiance.

Mr. Fromenthal moved that the reading of the minutes of the First Regular Meeting, July 9, 2014 be dispensed with and that the same be approved. Mr. Voisin seconded the motion, which carried.

Anthony Thibodeaux appeared before the Council to announce his candidacy for District Judge, Division A of the 16th Judicial District.

Following Mr. Thibodeaux's explanation of his credentials, he asked the Council's vote and support in the upcoming November 4, 2014 election.

Jeff Hildreth, Assistant Fire Chief, Franklin Fire Department appeared before the Council to discuss funding for materials, supplies and training for the development of Mass Casualty capabilities in St. Mary Parish from the Franklin Fire Department on behalf of the St. Mary Parish Fire Association.

Mr. Hildreth commented relative to the February 14, 2014 accident on U. S. Hwy. 90 (east of Centerville) involving a school bus and a SUV.

Mr. Hildreth stated that all fire departments in the Parish responded to the emergency after which time concluded that adequate equipment, etc. was lacking in working the accident.

Mr. Hildreth informed that the St. Mary Parish Fire Association has acted upon improvement in communications, 911 dispatch, training and added equipment within their budget abilities.

Mr. Hildreth also stated that funds are needed to provide training with bus extrication.

Mr. Hildreth also explained that funds are needed to obtain the buses, transport them to a facility to conduct the classes and to dispose of the buses, to purchase supplies, equipment and two (2) Mass Casualty Incident trailers.

Mr. Hildreth also expressed the need for funding to purchase traffic cones, signage, backboards and head boards.

Mr. Hildreth stated that the equipment and training will empower responders to handle school transportation accidents, mass shootings, tornadoes, natural disasters, rail accidents, etc.

Mr. Hildreth stated that they would like to expedite the training, etc. prior to the next school year.

Following detailed discussion, Mr. Fryou moved that the agenda be expanded to allocate funds to the St. Mary Parish Fire Association for mass casualty incidents, specialized training and traffic control. Mr. Middleton seconded the motion, which carried.

Mr. Hanagriff moved that funds in the amount of \$28,000 be allocated from the Sanitation Fund, Fund 108 to the St. Mary Fire Association to be utilized for mass casualty incidents, specialized training and traffic control. The Parish Council seconded the motion, which carried.

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. Voisin moved that the July 23, 2014 Regular Session be reconvened. Mr. Fromenthal seconded the motion, which carried.

Mr. Bierhorst informed that the Parish Council advised John A. Mouton, III, Legal Counsel to proceed with Civil Case No. 127403 – Garden City Apartments, LLC, and Lloyd Harris, Jr. versus St. Mary Parish and St. Mary Parish Council.

In regard to the status of the acquisition of right-of-ways in reference to the St. Peter Street Community Sewer System, Mr. Naquin, Parish President reported that the property has been appraised.

Mr. Naquin stated that an Attorney will file an expropriation in Court in order that the Parish can proceed with the Sewer Project.

Mr. Naquin stated that following the court proceedings, the engineer will be contacted to begin the process regarding the St. Peter Street Community Sewer System.

Mr. Naquin stated that he, Messrs. Foulcard, Metz and the Chairman of Water & Sewer Commission No. 4 will meet with personnel from the City of Jeanerette to discuss the matter.

In response to an inquiry by Mr. Metz regarding the time frame of the process for the St. Peter Street Sewer Project, Mr. LaGrange stated that the process may take approximately 60-90 days.

Mr. Naquin stated that a Ribbon Cutting Ceremony has not been scheduled for the Skate Park in the City of Morgan City at this time.

Mr. Naquin also reported that groundbreaking for Industrial Road will be held on July 30, 2014. (A follow-up email will be forwarded to the Council members.)

Mr. Naquin also informed that the Council of Governments meeting will be held on Monday, July 28, 2014 at the Forest Restaurant.

Henry “Bo” LaGrange, Chief Administrative Officer presented his report for a two (2) week period ending July 23, 2014. (All items in Mr. LaGrange’s report are informational.)

Item 2 in Mr. LaGrange’s report stated, “The Mississippi River Commission has written to advise that it will hold a Public Meeting on board the Motor Vessel MISSISSIPPI on Friday, August 22nd, 2014 at 9:00 a.m., at the Enterprise Marine Dock in Houma, La.”

Mr. LaGrange stated that Colonel Hansen, District Commander has forwarded Mr. Naquin and interested persons an invitation to the Low Water Inspection tour on board the Motor Vessel MISSISSIPPI from Cox Springs to Morgan City on Thursday, August 21, 2014.

Mr. Foulcard moved that the following ordinance be adopted. Mr. Voisin seconded the motion, which carried by the following 11-0-0-0 Roll Call vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

ORDINANCE NO. 1984

An Ordinance in compliance with Ordinance No. 1973, Chapter 5 Procedures, Division 5.4 General Procedures for Public Hearing, Section 5.4.2 Rezoning (Zoning Map Amendments).

WHEREAS, on March 12th, 2014, the St. Mary Parish Council adopted Ordinance No. 1973 – St. Mary Parish Unified Development Code, and

WHEREAS, Chapter 5 Procedures, Division 5.4 General Procedures for Public Hearing, Section 5.4.2 Rezoning (Zoning Map Amendments) provides a process for the official zoning district map to be amended, and

THEREFORE, BE IT ORDAINED by the Parish Council of the Parish of St. Mary, State of Louisiana, acting as the governing authority of the Parish of St. Mary, State of Louisiana:

SECTION I - That certain tract of land described in Exhibit "A" is hereby rezoned from the current zoning of "Single Family (SR) Residential Zoned District" to "Neighborhood Commercial (NC) Zoned District".

This ordinance shall become effective and be in full force upon publication in the official journal of the Parish.

This ordinance having been offered and read on this the 25th day of June 2014; having been published in accordance with law; and having been heard in a public hearing at Franklin, Louisiana on the 23rd day of July 2014; was adopted.

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**

This ordinance was submitted to the President of St. Mary Parish on this the 25th day of July 2014, at the hour of 8:20 a.m.

APPROVED:

s/g Paul P. Naquin, Jr.

**PAUL P. NAQUIN, JR., PRESIDENT
ST. MARY PARISH**

This ordinance was returned to the Clerk of the Council on this the 28th day of July 2014, at the hour of 10:25 a.m.

EXHIBIT "A"

Name: Sharon Bolden Representing Joseph C. Thomas

**Address: 932 Irish Bend Rd., Franklin, LA.
Parcel Id# 2324741001.00- Sec. 48 T14E R10E;-Lot BD Road-Bowls-Teche-Svarrer
Acq 28A 209881 Improvements.**

PURPOSE: to rezone so the existing store that has been closed for several years can be reopened to operate a convenience store in the area

Rezone from Single Family (SR) Residential Zoned District to Neighborhood Commercial (NC) Zoned District

In regard to the resolution providing for the approval and authorization for Change Order No. 1 for St. Mary Law Enforcement Center Generator Project, Mr. LaGrange clarified that the contractor for the project is Dixie Electric, Inc.

Mr. Voisin moved that the following resolutions be adopted. Mr. Fromenthal seconded the motion, which carried by the following 11-0-0-0 Roll Call vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTION

A resolution authorizing Paul P. Naquin, Jr., the President of St. Mary Parish to execute a contract with the State of Louisiana, Division of Administration, Office of Community Development relative to the FY 2013-2014 LGAP – to reconstruct the Centerville Bridge Approach Road.

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 the State of Louisiana, Division of Administration, Office of Community Development relative to the FY 2013-2014 LGAP – to reconstruct the Centerville Bridge Approach Road, with said contract 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 23rd day of July 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

Resolution stating the Parish of St. Mary's endorsement of Omni Energy Services Corp. and their Project No. 20141036 – Employee Growth to participate in the benefits of the Louisiana Enterprise Zone Program.

WHEREAS, the Louisiana Enterprise Zone Act 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995, and Act 624 and Act 647 of 1997, and;

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in the State, and;

WHEREAS, the Louisiana Department of Economic Development designated Census Tract 401 Block Group 001 in the Parish of St. Mary, as "Enterprise Zone" or Economic Development Zone" eligible based on enabling legislation (R.S. 51.21.1787-1791) and;

WHEREAS, the Parish of St. Mary states this endorsement is in agreement with the Overall Economic Development Plan for the Parish of St. Mary, and;

WHEREAS, the attached Enterprise Zone map has been marked to show the location of the business being endorsed, and;

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements the Parish of St. Mary agrees:

1. To participate in the Enterprise Zone Program
2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction
3. To REBATE all eligible local sales/use taxes on the purchase of eligible construction materials, machinery, and equipment purchased for this project and used by the business permanently on that site.

BE IT RESOLVED, by the Parish of St. Mary in, regular and legal session convened on this the 23rd day of July 2014 that Omni Energy Services Corp. and their project – Enterprise Zone Application No. 20141036 – Employee Growth is endorsed to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED, that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED, that all resolutions or parts thereof in conflict herewith are hereby repealed.

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 23rd day of July 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**

**QUALITY JOBS PROGRAM
ENDORSEMENT RESOLUTION**

BE IT RESOLVED THAT: ST. MARY PARISH GOVERNMENT OFFERS ITS ENDORSEMENT OF XPRESS URGENT CARE PROJECT: XPRESS URGENT CARE TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA QUALITY JOBS PROGRAM:

WHEREAS, the Louisiana Quality Jobs Act 153 of 2002 and;

WHEREAS, the Louisiana Quality Jobs Program offers significant incentives for economic development to some of the most distressed areas in the State and;

WHEREAS, the Louisiana Department of Economic Development designated Census Tract Number 406, Block Group Number 004, in St. Mary Parish as eligible based on enabling legislation (R.S. 51:2451-2462) and;

WHEREAS, St. Mary Parish Government states this endorsement is in agreement with the overall economic development plan for St. Mary Parish, and;

WHEREAS, the attached map has been marked to show the location of the business being endorsed and:

WHEREAS, in accordance with the Louisiana Quality Jobs Program requirements St. Mary Parish agrees:

1. To participate in the Quality Jobs Program.
2. To assist the Department in evaluating progress made in any Quality Jobs within its jurisdiction.

BE IT RESOLVED by St. Mary Parish Government in regular and legal session convened this 23rd day of July 2014, that and their project Xpress Urgent Care, Quality Jobs Application #20141046 is endorsed to participate in the Louisiana Quality Jobs Program.

BE IT FURTHER RESOLVED that if any provision or item on this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 23rd day of July 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 providing for the approval and authorization for Change Order No. 1 for St. Mary Law Enforcement Center Generator Project.

WHEREAS, a certain contract has been entered into between the St. Mary Parish Council and Dixie Electric, Inc., 1306 Gulf Boulevard, New Iberia, LA 70560, relative to St. Mary Law Enforcement Center Generator Project, and

WHEREAS, the items as shown on Change Order No. 1 will result in an increase of \$39,677.00 in the contract price.

NOW, THEREFORE BE IT RESOLVED, that the St. Mary Parish Council does hereby approve the issuance of Change Order No. 1 covering an increase of \$39,677.00 in the contract for St. Mary Law Enforcement Center Generator Project.

BE IT FURTHER RESOLVED, that the President of St. Mary Parish, Paul P. Naquin, Jr., be and he is hereby authorized to execute Change Order No. 1 on behalf of the St. Mary Parish Council.

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 23rd day of July 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

Resolution approving and authorizing Paul P. Naquin, Jr., the Parish President to execute a software license agreement and a software escrow agreement with enCodePlus, LLC relative to online access and use of St. Mary Parish Unified Development Code.

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 software license agreement and a software escrow agreement with enCodePlus, LLC relative to online access and use of St. Mary Parish Unified Development Code, 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 23rd day of July 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

Resolution approving and authorizing Paul P. Naquin, Jr., the Parish President to execute a Cooperative Endeavor Agreement with Craigo Code Consultants, LLC relative to Building Permit Plan Review Services.

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 Cooperative Endeavor Agreement with Craigo Code Consultants, LLC relative to Building Permit Plan Review Services, 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 23rd day of July 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. Hidalgo moved that a resolution authorizing Steve Bierhorst, the Chairman of the St. Mary Parish Council to execute the Parish's audit engagement letter for the audit period ending December 31, 2014 and December 31, 2015 with the firm of Pitts & Matte. Mr. Fromenthal seconded the motion.

Dr. Tregle commented relative to the January 2014 ordinance that was proposed for adoption requiring the St. Mary Parish Council and all public bodies under the jurisdiction of the St. Mary Parish Council to advertise for and award contracts to the lowest responsible bidder for accounting services providing for exceptions, and providing penalties for violation of same. (Dr. Tregle stated that at that time the Parish Council rejected the proposed ordinance.)

Dr. Tregle stated that Pitts and Matte, CPA's contract for 2014 proposes to perform the services for an amount not to exceed \$91,500 and related statements not to exceed \$6,200.

Dr. Tregle further stated that Pitts and Matts, CPA's contract for 2014 proposes to perform a reporting entity audit (Council plus discrete component units) and related statements not to exceed \$6,200.

Dr. Tregle expressed his opinion that Pitts and Matte is qualified to perform the audit; but, he thinks that competition is needed.

Dr. Tregle moved that the resolution be tabled, referred to the Advisory Budget/Finance Committee to allow an opportunity for the Parish Council to discuss Request for Proposals (RFPs) for audit contracts. Mr. Foulcard seconded the motion, which failed by the following 3-8-0-0.

YEAS: Mr. Hanagriff, Dr. Tregle and Mr. Foulcard

NAYS: Messrs. Hidalgo, Singleton, Fromenthal, Fryou, Voisin, Bierhorst, Metz and Middleton

ABSENT: None

ABSTAIN: None

Dr. Tregle stated that he has discussed the matter with Mr. Duplantis, Legal Advisor concerning drafting an ordinance to perform professional services (RFPs).

In response to Mr. Hidalgo's inquiry whether a decision on hiring a CPA to perform the Parish's audit can be delayed, Mr. LaGrange stated that one (1) reason to consider to approving the engagement letter at this time is due to the fact that some departments fiscal year are different from the Parish's fiscal year; i.e., Fairview Treatment Center, Claire House, Clerk of Court, Sheriff, Assessor fiscal year ends June 30th of each year.

Mr. LaGrange stated that there are certain criteria that has to be performed on those departments (by different auditors) so when combined with the Parish's audit can contribute to a "clean opinion".

Mr. LaGrange stated that he is of the opinion that it would be advantageous for the Parish Council to take action on this date.

Following comments by several Council members in favor of hiring the firm of Pitts and Matte to perform the Parish's audit for the period ending December 31, 2014 and December 31, 2015, Mr. Governale explained the changes that have been implemented regarding the Departments which are audited by other auditing firms or under separate engagements. (Additional work is required.)

Following detailed explanation by Mr. Pitts regarding the mandate of the American Institute of Certified Public Accounts (AICPA), the motion to adopt the following resolution carried by the following 10-1-0-0 Roll Call vote:

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

NAYS: Dr. Tregle

ABSTAIN: None

ABSENT: None

RESOLUTION

A resolution authorizing Steve Bierhorst, the Chairman of the St. Mary Parish Council to execute the Parish's audit engagement letter for the audit period ending December 31, 2014 and December 31, 2015 with the firm of Pitts & Matte.

BE IT RESOLVED, that Steve Bierhorst, Chairman of the St. Mary Parish Council, be and he is hereby authorized and directed, for and on behalf of the Parish, to execute the Parish's audit engagement letter for the audit period ending December 31, 2014 and December 31, 2015 with the firm of Pitts & Matte, with said engagement letter 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 23rd day of July 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. Referred from the May 28, 2014 Regular Meeting – Appointment to the following Board and Commission:

Recreation District No. 5 – (Four Corners, Sorrell & Glencoe area) – 2 Vacancies

Rev. Craig A. Mathews
Rosa Crosby – Present Member

Norma J. Bouey

Mr. Metz moved that Rosa Crosby be reappointed to Recreation District No. 5 Board of Commissioners. Mr. Middleton seconded the motion, which carried.

- B. Tom Schedler, Secretary of State, has written acknowledging receipt of a resolution adopted by the St. Mary Parish Council, ordering and calling a special election to be held in said Parish on November 4, 2014.

Please find a Ballot Order which reflects the wording of the propositions as submitted.

Once our office receives the certificate of the State Bond Commission in compliance with La. R.S. 18:12825(B)(1)(a), we will print the ballots, sample ballots, and the supplies needed for this election.

NEW BUSINESS:

- A. James Vidos has submitted his resignation from the Board of Commissioners of Sewerage District No. 8 effective August 4, 2014.

Mr. Vidos will be forwarded a letter thanking him for service on the Board of Commissioners of Sewerage District No. 8 and the vacancy will be advertised.

- B. Appointments to the following Boards and Commissions:

Atchafalaya Golf Course Commission (St. Mary Parish) – 1 Vacancy

Bob Harrison

Clegg Caffery

Hospital Service District No. 2 (Teche Regional) (Atchafalaya River to Amelia – Morgan City/Amelia) – 2 Vacancies

Tomas Birriel - Present Member

Barton A. Blanco – Present Member

Recreation District No. 4 (Patterson area) – 1 Vacancy

Warren J. Span – Present Member

Kemper Williams Park Advisory Committee – 1 Vacancy

No applications received.

Mr. Hanagriff moved that Clegg Caffery be appointed to the Atchafalaya Golf Course Commission. Mr. Singleton seconded the motion, which carried.

Mr. Fromenthal moved that Tomas Birriel and Barton A. Blanco be reappointed to Hospital Service District No. 2 Board of Commissioners. Mr. Fryou seconded the motion, which carried.

Mr. Singleton moved that Warren J. Span be reappointed to Recreation District No. 4 Board of Commissioners. Mr. Hidalgo seconded the motion, which carried.

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

s/g Lisa C. Morgan

s/g Steve Bierhorst

Lisa C. Morgan, Clerk

Steve Bierhorst, Chairman