

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

MARCH 22, 2017
FRANKLIN, LOUISIANA

The St. Mary Parish Council met on this date in Regular Session with Paul P. Naquin, Jr., Chairman presiding and the following members present: Rev. Craig Mathews, J Ina, Dale Rogers, Glen Hidalgo, Ken Singleton, Gabriel Beadle, James Bennett, Sterling Fryou, Pam Washington and Kevin Voisin.

The Invocation was pronounced by Mrs. Washington and the Pledge of Allegiance was led by Mr. Voisin.

Mr. Voisin moved that the reading of the minutes of the First Regular Meeting, March 8, 2017, be dispensed with and that the same be approved. Mr. Fryou seconded the motion, which carried.

Holly LeBlanc, Advocate Supervisor, CASA of the 16th JDC appeared before the Council to explain how they help children in the foster care and are looking for volunteers and board members to help raise awareness.

Dawn Kaiser-Melancon, Ed “Tiger” Verdin and Delores Stewart appeared before the Council to present information pertaining to “Fit, Fun and Fabulous in Franklin” to be held on October 5, 2017.

Per an inquiry by Mr. Beadle, Ms. Melancon stated that the total cost of the event for 2016 was \$20,000.00 which includes a breakfast and a domestic violence awareness luncheon with a guest speaker.

Mr. Verdin informed that the event is free to the public, including the luncheons.

Mr. Beadle requested to move and take action on Item 16B:

Dawn Kaiser-Melancon, President “Fit, Fun and Fabulous” in Franklin, Inc. has submitted their Pre-Application requesting funds for October 5, 2017. Funding Request \$5,000.00.

Rev. Mathews encouraged Ms. Melancon to contact Southwest Louisiana Health Education Center in Lafayette which serves a nine (9) parish area, including St. Mary Parish for their support.

Mr. Beadle moved that funds in the amount of \$2,000.00 be allocated from the General Fund to “Fit, Fun and Fabulous” in Franklin, Inc. Rev. Mathews seconded the motion, which carried. Mr. Rogers abstained.

Willis Peters appeared before the Council to discuss the Health Care Bill that will be voted on March 23, 2017 and asked for the Council’s support.

Rev. Mathews stated that there is an organization in St. Mary Parish that is planning to appear before the Council to express similar sentiments and believes they have drafted a Resolution to present to the Council and encouraged Mr. Peters to contact them.

Beverly Domengeaux, Executive Director of St. Mary Parish Council on Aging, appeared before the Council to inform that her organization is known as Home Delivered Meals for Senior Citizens and the disabled.

Ms. Domengeaux further explained that this program is funded under the Older American’s Act and that it is not associated with Meals on Wheels.

Mr. Hanagriff reported that Congressman Graves will visit EMR's facility (the old Southern Recycling) in Amelia on March 24, 2017 from 2:30 p.m. to 3:30 p.m.

In regards to the Avoca Island Ferry, Mr. Hanagriff stated that St. Mary Levee District will commit \$20,000.00, Terrebonne Levee District will commit \$10,000.00, CLECO will commit \$5,000.00, Avoca Inc. will commit \$7,500.00, Avoca Duck Club will commit \$7,500.00 and the City of Morgan City will commit \$5,000.00, totaling \$55,000.00 with one (1) year agreements.

Mr. Hanagriff and the Council thanked Pam Washington for her service as District No. 10 Council Member Interim and presented her with a key to Parish.

Henry "Bo LaGrange, Chief Administrative Officer presented his report for a two (2) week period ending March 22, 2017. (All items in Mr. LaGrange's report are informational.)

Per an inquiry by Mr. Singleton, Mr. LaGrange stated that the installation of the concrete ramp at Wilson Boat Landing is complete. Dredging the slip and installing the floating docks remain. The public has been notified that the ramp is closed up to 120 days to allow for completion of the project.

Mr. Voisin moved that the Public Hearing Report, March 8, 2017 be approved. Mr. Hidalgo seconded the motion, which carried.

Mr. Rogers 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: Rev. Mathews, Messrs. Ina, Rogers, Hidalgo, Singleton, Beadle, Bennett, Fryou, Mrs. Washington, Messrs. Voisin and Naquin.

NAYS: None

ABSTAIN: None

ABSENT: None

ORDINANCE NO. 2084

An Ordinance authorizing the Parish of St. Mary to enter into a right of way agreement with CLECO POWER LLC for Underground Servitude Agreement (Individual).

BE IT ORDAINED by the St. Mary Parish Council:

SECTION 1. That the Parish of St. Mary enter into a Underground Servitude Agreement with CLECO POWER LLC for electric lines in Sections 6 & 7, Township 14 South, Range 8 East, St. Mary Parish, Louisiana, all in accordance with the basic terms and conditions contained in Exhibit "A" attached hereto.

SECTION 2. That David Hanagriff, Parish President, is authorized to execute such servitude agreement on behalf of the Parish Council.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

This ordinance shall become effective upon adoption.

This ordinance having been offered and read on this the 22nd day of February 2017; having been published in accordance with law; and having been heard in a public hearing at Franklin, Louisiana on the 22nd day of March 2017; was adopted.

APPROVED:

**PAUL P. NAQUIN, JR., CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

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

This ordinance was submitted to the President of St. Mary Parish on this the 24th day of March 2017, at the hour of 9:05 a.m.

APPROVED:

**DAVID HANAGRIFF, PRESIDENT
ST. MARY PARISH**

This ordinance was returned to the Clerk of the Council on this the 24th day of March 2017, at the hour of 4:30 p.m.

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**CLECO POWER LLC
UNDERGROUND SERVITUDE AGREEMENT
(INDIVIDUAL)**

Recorded _____

COB _____ Pg. _____

STATE OF LOUISIANA
PARISH OF ST. MARY

Project No. 03NBS00003-101
Agent No. 4292

KNOW ALL MEN BY THESE PRESENTS, that the undersigned ST. MARY PARISH GOVERNMENT, herein represented by David Hanagriff, its President of lawful age, whose mailing address is 101 Wilson St., 5th Floor, Franklin, LA 70538, State of Louisiana, Grantor, for and in consideration of One and No/100 (\$1.00) Dollar and other good and valuable considerations, the receipt whereof is hereby acknowledged, and full acquittance granted therefor, does hereby grant unto Cleco Power LLC, its successors and assigns, the right, privilege and servitude forever to construct, operate, improve and maintain underground electric distribution facilities and communications and other related appurtenances and the right to cut, trim, and remove trees and shrubbery and other growths, together with a perpetual Right of Way, all as hereinafter set forth, upon, over, and across the following described lands in the Parish of St. Mary, State of Louisiana, and more particularly described as follows:

A certain tract of land located in Section(s) 6 & 7, Township 14 South, Range 8 East, Ward _____, Parish of St. Mary, Louisiana.
Route of new right of way and guying locations more particularly shown on the sketch, a copy of which is attached hereto and made a part hereof.

The Rights of Way being 30 feet in width. (See Attached)

Grantor further grants to Grantee the right to open and clear the above described Right of Way and to forever maintain said Right of Way and its underground electric distribution facilities and appurtenances, open and clear, on, over, under and across the aforesaid property. No buildings or other structures except fences shall be built on and/or across, or above, or below, or over-hanging said Right of Way, or any part thereof. Grantor further grants to Grantee the right and privilege to construct, operated and maintain said underground electric distribution facilities anywhere on, under, along and above the said Right of Way, and to locate its facilities and other appurtenances at any places on and within the said Right of Way that Grantee may, in its sole discretion, select or desire. Grantor further grants to Grantee the right and privilege to keep the said Right of Way clear of any and all obstacles which, in the sole judgment of Grantee, might interfere with or constitute a hazard to the operation and/or maintenance of said underground electric facilities.

Grantor further grants to Grantee the right and privilege to patrol, alter, inspect, improve, repair, replace or remove any and all underground electric facilities, including the right to increase or decrease the voltage of such electric distribution facilities, and shall have all other rights and privileges deemed by Grantee necessary or convenient for the full use and enjoyment of said Right of Way.

The servitude and rights herein granted are not exclusive, and Grantor reserves the right to grant servitudes to others affecting the above described servitude provided that in the reasonable judgment of Grantee such servitudes and rights so granted do not conflict with the rights of Grantee.

Grantee shall always have the right of ingress and egress to and from and upon said Right of Way over and across the above described property.

Grantor agrees that it will release and hold Grantee harmless from any claims for damage done by Grantee to the property and/or its improvements during this said construction period, unless said damage results solely from the negligence of Grantee.

IN WITNESS WHEREOF, the undersigned set his hand and seal, this _____ day of _____, 2017, in the presence of two competent witnesses, who sign as such with the Grantor after due reading.

Witnesses:

Grantor:

By: _____
DAVID HANAGRIFF, Parish President

Grantee:
Cleco Power LLC

By: _____

STATE OF LOUISIANA
PARISH OF _____

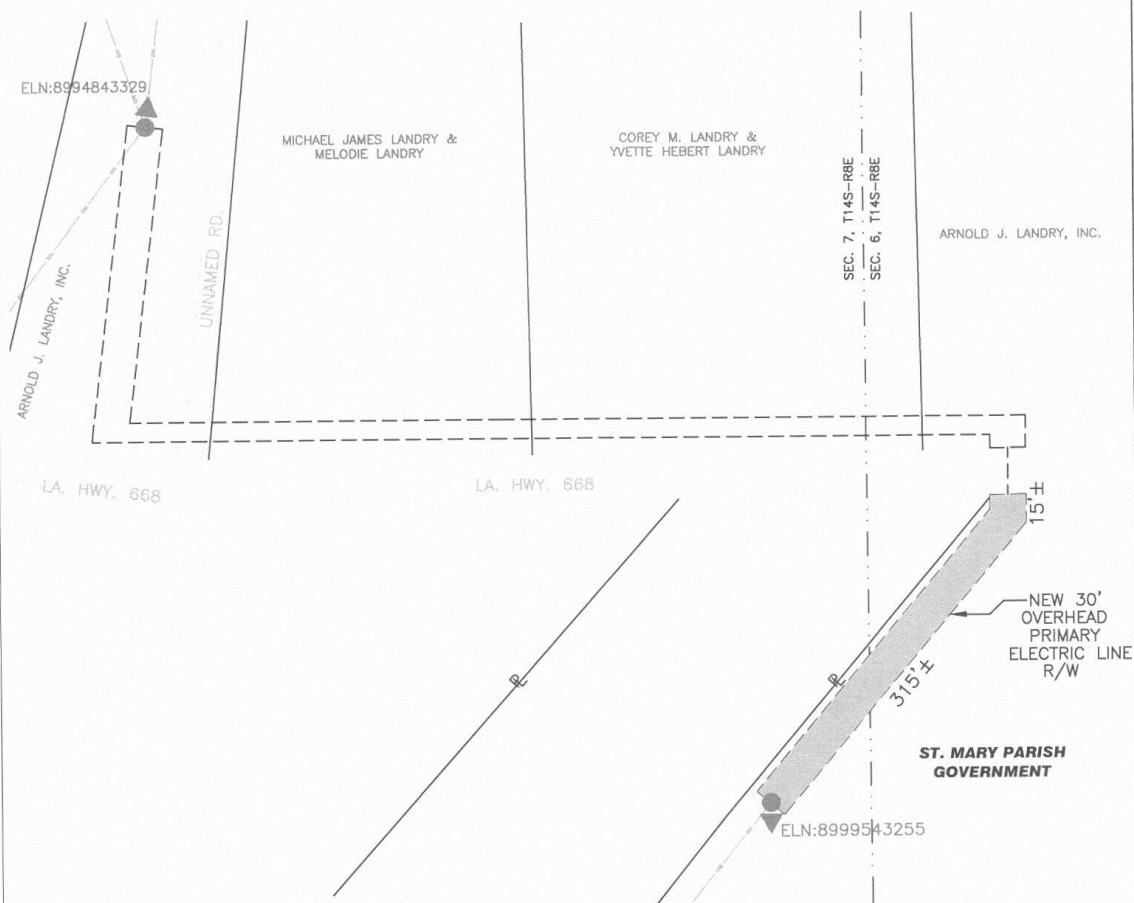
BEFORE ME, the undersigned authority, personally came and appeared _____, who, being first duly sworn, did depose and say that he signed the within foregoing instrument as a witness, in the presence of the Grantor and another subscribing witness, all of whom signed in his presence, each signing in the presence of all the others, and that all of said signatures thereto are genuine and correct.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2017.

Notary Public

SKETCH

(Not to Scale)



GUYING AS NEEDED R/W WIDTH 30'		R/W LENGTH 330'± OVERHEAD		NEW ELECTRIC LINE RIGHT OF WAY ACROSS THE PROPERTY OF ST. MARY PARISH GOVERNMENT N-4718		 Cleco Power LLC PINEVILLE, LOUISIANA	
				SECTION(S): 7 & 6	TOWNSHIP: 14S	RANGE: 8E	
WARD:				ST. MARY PARISH, LOUISIANA			
ELN: 8999543255		DWN. BY: C.E.S		DATE: 1/26/2017			

Rev. Mathews questioned the risk of potential litigation and personal or individual liability of Council Members relating to the rezoning of the property at the corner of Hwy. 182 and Hwy. 3215, Garden City, LA.

Mr. John A. Mouton, III, Legal Advisor for Planning & Zoning matters, stated the Council has a certain degree of immunity from personal liability acting as members of the Council.

Mr. Ina explained to the Council after reviewing the Minutes and Ordinances from the previous three (3) years, the Council never voted against the recommendations of the Planning and Zoning Commission.

Mr. Hanagriff explained he was a member on the Planning and Zoning Commission in the past and there were occasions the Council did overrule their recommendations.

Mr. Hanagriff further explained the Zoning process since 2009 and stated that the neighborhood has changed from rural Agricultural to Single Family Residential majority.

Furthermore, Mr. Hanagriff expounded on infrastructure issues pertaining to the property located at the corner of Hwy. 182 and Hwy. 3215, Garden City, LA.

Mr. Len Klutts stated that there is a petition of over 300 signatures of area residents in opposition to the development of the Garden City Apartments.

Mr. Harris informed the Council he has invested over \$320,000 with the total cost being approximately 12 million dollars per phase.

Mr. Mark Macmurdo, 100 North St., Suite 800, Baton Rouge, LA appeared before the Council to represent the Jim Bailey family and to express opposition to Rezoning the property without their consent.

Following a lengthy discussion, Mr. Rogers moved that the following Ordinance be adopted. Mr. Hidalgo seconded the motion, which carried by the following 7-3-1-0 Roll Call vote:

YEAS: Messrs. Rogers, Hidalgo, Singleton, Beadle, Bennett, Fryou and Voisin

NAYS: Messrs. Ina, Naquin and Rev. Mathews

ABSTAIN: Mrs. Washington

ABSENT: None

ORDINANCE NO. 2085

An Ordinance in compliance with Ordinance No. 1973, DIVISION 4.2, Section 4.2.1 C., Rezone Property. (Rezoning).

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

WHEREAS, DIVISION 4.2, Section 4.2.1 C., Rezone Property (Rezoning) provides authority 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 High Density (HR) Residential District to Single Family Residential (SR) 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 22nd day of February 2017; having been published in accordance with law; and having been heard in a public hearing at Franklin, Louisiana on the 22nd day of March 2017; was adopted.

APPROVED:

**PAUL P. NAQUIN, JR., CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

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

This ordinance was submitted to the President of St. Mary Parish on this 24th day of March 2017, at the hour of 9:05 a.m.

APPROVED:

**DAVID HANAGRIFF, PRESIDENT
ST. MARY PARISH**

This ordinance was returned to the Clerk of the Council on this the 24th day of March 2017, at the hour of 4:30 p.m.

EXHIBIT "A"

**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: Single Family Residential (SR) Zoned District.**

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

YEAS: Messrs. Rogers, Hidalgo, Singleton, Beadle, Bennett, Fryou, Mrs. Washington, Messrs. Voisin, Naquin, Rev. Mathews and Mr. Ina

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTION

A resolution adopting a Citizen Participation Plan relative to the Louisiana Community Development Block Grant Program.

WHEREAS, the Parish of St. Mary is desirous to continue participating in the Louisiana Community Development Block Grant (LCDBG) Program from the Louisiana Division of Administration, and;

WHEREAS, it is an LCDBG program requirement that the Parish adopt a Citizen Participation Plan for LCDBG Programs, and;

WHEREAS, the St. Mary Parish Government has previously adopted such a Citizen Participation Plan and is desirous to update and revise its Citizen Participation Plan to comply with current LCDBG program requirements.

NOW THEREFORE, BE IT RESOLVED by the St. Mary Parish Council of the Parish of St. Mary, Louisiana, acting as governing authority for St. Mary Parish, hereby adopts the revised Citizen Participation Plan for LCDBG Programs, pages 1 through 6.

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 22nd day of March 2017.

APPROVED:

**PAUL P. NAQUIN, JR., CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

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

RESOLUTION

A resolution providing for the approval and authorization for Change Order No. 1 for the Shredder Building Enhancements (Phase III) – Harold J. “Babe” Landry Landfill, Berwick, Louisiana.

WHEREAS, a certain contract has been entered into between the St. Mary Parish Council and B.E.T. Construction, Inc., P.O. Box 5658, Thibodaux, Louisiana 70302, relative to the Shredder Building Enhancements (Phase III) – Harold J. “Babe” Landry Landfill, Berwick, Louisiana, and

WHEREAS, the items as shown on Change Order No. 1 will result in a decrease of \$32,157.91 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 a decrease of \$32,157.91 in the contract price for the Shredder Building Enhancements (Phase III) – Harold J. “Babe” Landry Landfill, Berwick, Louisiana.

BE IT FURTHER RESOLVED, that the President of St. Mary Parish, David Hanagriff, 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 22nd day of March 2017.

APPROVED:

**PAUL P. NAQUIN, JR., CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

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

RESOLUTION

Resolution authorizing David Hanagriff, the President of the Parish of St. Mary to execute an amendment to the Engineering Agreement with Quality Engineering & Surveying, LLC relative to Boudreaux Street to Gilmore Drive Project – HMGP #1786-101-0003.

BE IT RESOLVED, that David Hanagriff, 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 amendment to the Engineering Agreement with Quality Engineering & Surveying, LLC, 18350 Hwy. 42, Port Vincent, LA 70726, relative to Boudreaux Street to Gilmore Drive Project – HMGP #1786-101-0003, 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 22nd day of March 2017.

APPROVED:

**PAUL P. NAQUIN, JR., CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

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

Rev. Mathews moved that the following Resolution be adopted. Mr. Rogers seconded the motion, which carried by the following 11-0-0-0 Roll Call vote:

YEAS: Messrs. Hidalgo, Singleton, Beadle, Bennett, Fryou, Mrs. Washington, Messrs. Voisin, Naquin, Rev. Mathews, Messrs. Ina and Rogers

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTION

Resolution to Express Support for the 16th Judicial District Public Defender's Office relative to the continuation of adequate and stable state funding.

WHEREAS, in keeping with the St. Mary Parish Council's goal to serve and protect all citizens, and its concern for the welfare of all of the people it serves, this Council acknowledges its support for fully funding this state Louisiana Public Defender Board and this 16th Judicial District Public Defender to provide indigent citizens with independent, competent, and fairly compensated defense counsel.

NOW, THEREFORE, BE IT RESOLVED by the St. Mary Parish Council, acting as the governing authority of the Parish of St. Mary, State of Louisiana forward this Resolution to the Honorable Governor John Bel Edwards, Police Jury Association of Louisiana, the St. Mary Parish Legislative Delegation, and all other Louisiana State Legislators and senators requesting support and assistance fulfilling this request by providing the 16th Judicial District Public Defender Office with adequate and stable state funding.

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 22nd day of March 2017.

APPROVED:

PAUL P. NAQUIN, JR., CHAIRMAN
ST. MARY PARISH COUNCIL

ATTEST:

LISA C. MORGAN, CLERK
ST. MARY PARISH COUNCIL

OLD BUSINESS:

- A. Referred from the March 8, 2017 Regular Meeting – Appointment to the following Board and Commission:

Communications District E 911 – 2 Vacancies

Edward Smith – Present Member

Scott Anslum

Mr. Bennett moved that Edward Smith be reappointed and Scott Anslum appointed respectively to the Communications District E 911 Board. Mr. Ina seconded the motion, which carried.

- B. Tabled from the February 8, 2017 Regular Meeting – the following item as recommended by the Planning & Zoning Commission at their January 23, 2017 Regular Meeting:

Preliminary Development Approval –

Name: Garden City Apartments, LLC-Lloyd Harris
Address: 120 Hwy. 3215, Garden City, LA

Parcel Id# 2354524018.00; Sec.11 T15S R10E; 58.46 Ac Tract por of Rem 529.72 Ac Tract situated in Sec 11 T15S R10E BD Williams in and Sterling Sugars Inc – Sutter Et Al-Teche-Sutter Et Al Acq 184 303579.(the development will be on 11.1 acres as indicated on a Plat titled “Plan of Land Showing Property of New 90 LLC being Tract “ABCDEFGA” situated in Section 11, T15S - R10E, St. Mary Parish, Louisiana Southwestern Land District, as prepared by Miller Engineers, Project No. 13022, dated 9-28-2009)

Zoned: High Density Residential Zoned District (HR)

PURPOSE: development; as shown on site plan titled “Garden City Apartments Conceptual Site Plan-Franklin, La 70538” as prepared by Donald A. Maginnis Architects, dated June 9, 2014.

Following a lengthy discussion between Council Members and Attorney John A. Mouton, III, Mr. Mouton advised the Council to defer this item until the Ordinance to Rezone the corner of Hwy. 182 & Hwy. 3215, Garden City, LA is effective.

Mr. Rogers made a motion to defer Preliminary Development Approval for Garden City Apartments, LLC – Lloyd Harris. Mr. Voisin seconded the motion.

Rev. Mathews made a motion to amend the motion to defer Preliminary Development Approval to not defer Preliminary Development Approval for Garden City Apartments, LLC – Lloyd Harris. Mr. Ina seconded the motion which failed by the following 2-8-1-0 Roll Call vote:

YEAS: Rev. Mathews and Mr. Ina

NAYS: Messrs Hidalgo, Singleton, Beadle, Bennett, Fryou, Voisin, Naquin and Rogers

ABSTAIN: Mrs. Washington

ABSENT: None

The original motion to defer carried by the following 8-2-1-0 Roll Call vote:

YEAS: Messrs. Beadle, Bennett, Fryou, Voisin, Naquin, Rogers, Hidalgo and Singleton

NAYS: Rev. Mathews and Mr. Ina

ABSTAIN: Mrs. Washington

ABSENT: None

- C. William J. Oliver, Jr., P.E., District Engineer Administrator writes in response to your request to evaluate the existing 55 mph speed limit on LA 182 in between the City of Franklin and the unincorporated community of Garden City, St. Mary Parish, the following information is offered:

I am in receipt of a report submitted by our District Traffic Section advising of engineering studies conducted in this area. The report recommends that a 50 mph speed zone be established on LA 182 in between the existing 45 mph zones in Franklin and Garden City.

Our District 03 Traffic personnel will make the appropriate signing changes.

NEW BUSINESS:

- A. We received the following financial statements:

Recreation District No. 5 – year ended September 30, 2016
Fire Protection District No. 7 – year ended September 30, 2016
Atchafalaya Golf Course Commission – year ended September 30, 2016

- B. Dawn Kaiser-Melancon, President “Fit, Fun and Fabulous” in Franklin, Inc. has submitted their Pre-Application requesting funds for October 5, 2017. Funding Request \$5,000.00.

Several Councilmen suggested upgrading the recording system and the Council Room.

- C. Appointments to the following Boards and Commissions:

Industrial Development Board (St. Mary Parish Area) – 2 Vacancies

Stan Robison – Present Member

Mr. Hidalgo moved that Stan Robison be reappointed to the Industrial Development Board (St. Mary Parish Area). Mr. Beadle seconded the motion, which carried.

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

Lisa C. Morgan, Clerk

Paul P. Naquin, Jr., Chairman