

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

MARCH 25, 2015
FRANKLIN, LOUISIANA

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

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

Mr. Foulcard moved that the reading of the minutes of the First Regular Meeting, March 11, 2015 be dispensed with and that the same be approved. Mr. Fryou seconded the motion, which carried.

Allison Pellerin, American Red Cross, Acadiana area Board of Director Representative appeared before the Council to request the adoption of a Proclamation supporting March 2015 as American Red Cross Month and to present a flag to the Parish.

Following an update on the status of St. Mary Parish's involvement with the American Red Cross, Mr. Foulcard moved that the following Proclamation be adopted. Mr. Singleton seconded the motion which carried by the following 10-0-0-1 Roll Call vote:

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

NAYS: None

ABSTAIN: None

ABSENT: Mr. Fromenthal

PROCLAMATION

WHEREAS, March is American Red Cross Month – a special time to recognize and thank our Everyday Heroes – those who reach out to help their neighbors when they are in need; and,

WHEREAS, American Red Cross heroes help disaster victims recover. They give blood to help a hospital patient. They brighten the day of an injured serve member. They step forward to help someone having a heart attack; and

WHEREAS, We would like to remember our heroes here in St. Mary Parish who help people in need. They work tirelessly to assist their neighbors when they need a helping hand; and

WHEREAS, Across the country and around the world, the American Red Cross responded to disasters. When an injured service member ended up in a hospital far from home, the American Red Cross offered comfort. When a hospital patient needed blood, American Red Cross blood donors helped them. When a lifeguard jumped in to save a drowning child or someone stepped up to help a heart attack victim, the American Red Cross was there; and

WHEREAS, we dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission; and,

NOW, THEREFORE, I, Kevin Voisin, Chairman of the St. Mary Parish Council do hereby proclaim the month of March 2015 as:

AMERICAN RED CROSS MONTH

in the Parish of St. Mary, State of Louisiana, and encourage all citizens to support this program.

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 25th day of March 2015.

APPROVED:

s/g **Kevin Voisin**

**KEVIN VOISIN, CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

s/g **Lisa C. Morgan**

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

Scott Green, 1018 Pauline St., Morgan City appeared before the Parish Council to request the Council's approval to install a gate at the end of Cotten Road on a parcel of property that he recently purchased.

Mr. Green stated that there is heavy traffic and people constantly dumping trash at the end of the road.

Mr. Green also expressed his concerns regarding liability issues.

Mr. Green stated that whoever needs to gain access onto the road if a gate is installed, a key would be made available to them to gain access beyond the gated part of the roadway.

Mr. Foulcard commented that a gate would not deter people from dumping trash on the road. (The trash would be left in front of the gate.)

Mr. Green stated that the people dumping the trash would be exposed rather than going to the end of the road to dump their trash.

Mr. Green also stated that if he is allowed to install a gate on Cotten Road; he would also install a camera.

Mr. Bierhorst expressed concern that carcasses are also being dumped on Cotten Road.

Mr. Bierhorst also stated that over the past several years, Cotten Road has served as an access from the Intracoastal Waterway by drug dealers.

Mr. Hanagriff questioned the legality of placing a gate on Cotten Road since the roadway is a public road.

Following discussion, Mr. Duplantis, Legal Advisor was asked to investigate the legality of the matter and report his findings on April 8, 2015. (The item will be placed on the April 8, 2015 Regular Meeting Agenda.)

Mr. Naquin, Parish President reported that work has begun on the barrier at Point Chevreuil.

A boat tour has been scheduled for Monday, March 30, 2015 at 9:00 a.m. from the Port of Morgan City – Atchafalaya River to Point Chevreuil.

Mr. Naquin informed that the permit has been received to begin work on the Willow Street Pump Station Project. (The project is proposed to begin prior to year-end 2015.)

Mr. Naquin encouraged all registered voters to go out and vote at the upcoming March 28, 2015 election. (The election polls open at 7:00 a.m. until 8:00 p.m.)

In response to an inquiry by Mr. Singleton regarding possible high water, Mr. Naquin reported that the Corps of Engineers met on Monday, March 23, 2015 and they are predicting that there are no high water threats to St. Mary Parish. (The levees will be monitored two (2) times per week.)

Mr. Henry “Bo” LaGrange, Chief Administrative Officer did not have a written report for a two (2) week period ending March 25, 2015.

In response to an inquiry by Dr. Tregle regarding the status of the new ticket machines for the Fontenot, Russo, Marcell, Quintana and Michel or Millet Point Boat Landings, Mr. LaGrange informed that the company is finalizing the process to ensure that the machines are programmed correctly.

Mr. LaGrange stated that concrete pads are also being installed to place the machines.

Mr. LaGrange stated that the ticket machines are scheduled to be operational within 90 days.

Dr. Tregle moved that the Advisory Substance Abuse and Mental Health Committee Report – June 25, 2013 and the Public Hearing Report – March 11, 2015 be approved. Mr. Singleton seconded the motion, which carried.

Mr. Foulcard introduced the following ordinance:

ORDINANCE NO.

AN ORDINANCE OF ST. MARY PARISH TO AUTHORIZE THE ASSESSMENT OF AN ADDITIONAL FEE FOR SERVICES IN ALL TRAFFIC, MISDEMEANOR AND CODE PROCEEDINGS IN WARD 3/FRANKLIN CITY COURT AND IN THE FILING OF ALL CIVIL PROCEEDINGS IN WARD 3/FRANKLIN CITY COURT; TO DEDICATE THE REVENUES DERIVED THEREFROM FOR THE CONSTRUCTION, ACQUISITION, LEASING, EQUIPPING AND MAINTAINING THE CRIMINAL JUSTICE FACILITY; TO ESTABLISH A “JUDICIAL BUILDING FUND” FOR SUCH PURPOSES, INCLUDING AUTHORIZING THE DEDICATION OF SUCH REVENUE FOR THE ISSUANCE OF BONDS FOR SUCH PURPOSES; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE.

WHEREAS, the Ward 3/Franklin City Court desires to impose an additional service charge or fee in all filings and to create a “Judicial Building Fund” dedicated exclusively to the acquisition, leasing, construction, equipping and maintenance of new and existing facilities for Ward 3/Franklin City Court; and

WHEREAS, this ordinance has been duly introduced and notice of this ordinance and notice of public hearing having been published; and

NOW, THEREFORE BE IT ORDAINED by the St. Mary Parish Council, on behalf of the St. Mary Parish Government, declares:

SECTION 1: Chapter 13 of the Code of Ordinances of St. Mary Parish be and it is hereby amended to add thereto Section 13-95 to read as follows, to-wit:

Sec. 13-95. Service Charges-Judicial Building Fund.

In all cases over which the Ward 3/Franklin City Court has jurisdiction and each proceeding where a fine is imposed or court costs are awarded to be paid in addition to court costs, the Court may impose a service charge not to exceed Ten & No/100 (\$10.00) Dollars per filing or in each proceeding wherein the fine or court costs are imposed which money shall be collection in accordance with the provisions of LA R.S. 13:1910. All said monies collected in accordance therewith shall be deposited by the Court in an account dedicated exclusively to the acquisition, lease, construction, equipping and maintenance of new and existing Court facilities and for the maintenance or payment of any bond or indebtedness.

SECTION 2: If any provision, part, word, section, subsection, sentence, clause or phrase of this ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and do hereby declare the provisions hereof to be severable, then in that event, only that particular provision, part, word, section, subsection, sentence, clause or phrase shall be deemed unconstitutional or invalid and the remaining provisions, parts, words, sections, subsections, sentences, clauses or phrases will not be affected and shall continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed;

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 March 2015, having been published in accordance with law.

Following the reading of the resolutions for adoption, Mr. Foulcard questioned relative to Item D. which stated, "A resolution requesting the members of the Louisiana Federal delegation to request President Barack Obama to extend the public comment period on Executive Order 13690 and pass legislation delaying implementation until NACo and state and local governments are consulted on the impacts of the executive order."

In response to Mr. Foulcard's inquiry, Mr. LaGrange stated that the President issued an Executive Order relative to the Flood Control Act in terms of FEMA and construction of facilities in flood zones.

Mr. LaGrange stated that any future projects to be constructed shall be based on the 500 year flood instead of the standard 100 year flood or do a "risk based" study to determine at what elevation the structure should be built.

Mr. LaGrange stated that Congress is concerned regarding the Executive Order as well as NACo because numerous projects are funded with Federal Funds. (This Executive Order could affect which projects would be feasible and tremendously increase the cost of construction of the projects in those flood zone areas.

In response to an inquiry by Dr. Tregle regarding Resolution C. which stated, "A resolution authorizing Paul P. Naquin, Jr., the President of the Parish of St. Mary to execute a Second Intergovernmental Agreement with the State of Louisiana, Department of Transportation and Development relative to Detour of US 90 to LA 182 via St. Mary Parish Route, Duhon Boulevard.", Mr. LaGrange explained that the Administration previously entered into an agreement with DOTD relative to utilizing Duhon Boulevard to U. S. Hwy. 90 back to La. Hwy. 182 as a part of their detour route for heavy traffic due to crack girders on the elevated section of the highway between Amelia and Morgan City.

Mr. LaGrange stated that in 2012 the Administration executed an agreement with DOTD for the above reason.

Mr. LaGrange informed that the agreement has expired and a new agreement is needed to extend the date until April 2017 in order to complete the construction work.

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

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

NAYS: None

ABSTAIN: None

ABSENT: Mr. Fromenthal

RESOLUTION OF RESPECT

WHEREAS, the Lord Almighty in his Infinite mercy and goodness has seen fit to remove from our midst Retired Sixteenth Judicial District Judge and longtime friend, Judge James “Judge Mac” Ray McClelland, and

WHEREAS, Judge McClelland was admitted to practice before the Louisiana Supreme Court in October 1975 and was also admitted to practice before U.S. District Courts for the Eastern and Western Districts of Louisiana, and

WHEREAS, Judge McClelland became partner of law firm of Aycock, Horne & Coleman in 1978, and

WHEREAS, Judge McClelland has 40 years of experience in professional law serving as Assistant District Attorney for 27 years and elected 16th Judicial District Division D in 2009, and

WHEREAS, Judge McClelland belonged to many civic, religious and professional organizations, and

WHEREAS, the members of the St. Mary Parish Council wish to acknowledge publicly their sorrow and sympathy to the family of Judge McClelland, 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 25th day of March 2015.

APPROVED:

s/g Kevin Voisin

**KEVIN VOISIN, CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

s/g Lisa C. Morgan

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

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

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

NAYS: None

ABSTAIN: None

ABSENT: Mr. Fromenthal

RESOLUTION OF RESPECT

WHEREAS, the Lord Almighty in his Infinite mercy and goodness has seen fit to remove from our midst, Mr. Herbert Conelly Vining, and

WHEREAS, Mr. Vining was a great person to be around and brought smiles to everyone around him, and

WHEREAS, the members of the St. Mary Parish Council wish to acknowledge publicly their sorrow and sympathy to the family of Mr. Vining, 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 25th day of March 2015.

APPROVED:

s/g Kevin Voisin

**KEVIN VOISIN, 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. Mr. Singleton seconded the motion which carried by the following 10-0-0-1 Roll Call vote:

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

NAYS: None

ABSTAIN: None

ABSENT: Mr. Fromenthal

RESOLUTION

A resolution authorizing Paul P. Naquin, Jr., the President of the Parish of St. Mary to execute a Second Intergovernmental Agreement with the State of Louisiana, Department of Transportation and Development relative to Detour of US 90 to LA 182 via St. Mary Parish Route, Duhon Boulevard.

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 Second Intergovernmental Agreement with the State of Louisiana, Department of Transportation and Development relative to Detour of US 90 to LA 182 via St. Mary Parish Route, Duhon Boulevard, with said Intergovernmental 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 25th day of March 2015.

APPROVED:

s/g Kevin Voisin

**KEVIN VOISIN, CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

s/g Lisa C. Morgan

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

RESOLUTION

A resolution requesting the members of the Louisiana Federal delegation to request President Barack Obama to extend the public comment period on Executive Order 13690 and pass legislation delaying implementation until NACo and state and local governments are consulted on the impacts of the executive order.

WHEREAS, The President issued executive order 13690 creating a Federal Flood Risk Management Standard that directs all agencies to use one of three resiliency criteria in their policies, projects, and programs receiving federal funding; and,

WHEREAS, On January 30th 2015 President Obama signed an Executive Order “*Establishing a Federal Flood Risk Management Standard and a process for further soliciting and considering stakeholder Input*”. Among other things, this EO made amendments to a May, 1977 EO 13690 on Federal Policy on Floodplain Management; and,

WHEREAS, the Executive Order expands the flood plain to either: the best available climate change science, two to three feet above the 100 year flood plain, or the 500 year flood

plain; and,

WHEREAS, the 500 year flood plain in most of South Louisiana is the top of the Mississippi River levee which would place most areas in the newly expanded flood plain and restrict federal investment; and,

WHEREAS, Executive Order 13690 could prohibit federal agencies from making any federal investment in the expanded floodplain through any policy, project, or program. Possible federal programs/projects impacted could include: SBA, HUD, DOTD, TIGER grants, the National Flood Insurance Program, Federally backed home and business loans, Army Corps of Engineers, USDA, and Disaster Response; and,

WHEREAS, the National Association of Counties (NACo) passed a national resolution urging the President to extend the public comment period and requested Congress and the President to direct all federal agencies to engage with NACo and state and local government agencies prior to implementation; and,

WHEREAS, the Parish asks the Louisiana federal delegation to request President Barack Obama to extend the public comment period on Executive Order 13690 and pass legislation delaying implementation until NACo and state and local governments are consulted on the impacts of the executive order.

NOW, THEREFORE BE IT RESOLVED, by the St. Mary Parish Council do hereby request the members of the Louisiana Federal delegation to request President Barack Obama to extend the public comment period on Executive Order 13690 and pass legislation delaying implementation until NACo and state and local governments are consulted on the impacts of the executive order.

ADOPTED AND APPROVED by the St. Mary Parish Council in regular session convened on this the 25th day of March 2015.

APPROVED:

s/g **Kevin Voisin**

**KEVIN VOISIN, CHAIRMAN
ST. MARY PARISH COUNCIL**

ATTEST:

s/g **Lisa C. Morgan**

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

The resolution reducing the membership of the Board of Commissioners of the St. Mary Parish Water and Sewer Commission No. 1 from seven members to five members was removed from consideration of adoption until a later date.

OLD BUSINESS:

A. Referred from the February 25, 2015 Regular Council Meeting:

Roger Stouff and Gary Blum have written – The Bayou Teche Wooden Boat Show is heading into its sixth year, with this year’s event set for April 17-19 in conjunction with the Bayou Teche Black Bear Festival.

We are requesting a small contribution of \$1,000 from St. Mary Parish Government for this year’s show.

Mr. Hanagriff moved that funds in the amount of \$1,000 be allocated from the Wards 1,2,3,4,7 & 10 3/10% Sales Tax Fund to the Bayou Teche Wooden Boat Show to be utilized in conjunction with the Bayou Teche Black Bear Festival on April 17-19, 2015. Mr. Foulcard seconded the motion, which carried.

NEW BUSINESS:

A. We received the following financial statements:

- St. Mary Parish Housing Program – year ended September 30, 2014
- Fire Protection District No. 7 – year ended September 30, 2014
- Water and Sewer Commission No. 4 – year ended September 30, 2014

B. Appointments to the following Boards and Commissions:

Consolidated Gravity Drainage District No. 2 (Morgan City area) – 1 Vacancy

Leroy L. Trim

Mr. Fryou moved that Leroy L. Trim be appointed to Consolidated Gravity Drainage District No. 2 Board of Commissioners. Mr. Bierhorst seconded the motion, which carried.

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

s/g Lisa C. Morgan

s/g Kevin Voisin

Lisa C. Morgan, Clerk

Kevin Voisin, Chairman