

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

FEBRUARY 10, 2016  
FRANKLIN, LOUISIANA

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

The Invocation was pronounced by Mr. Singleton and the Pledge of Allegiance was led by Mr. Beadle.

Mr. Fryou moved that the reading of the minutes of the Second Regular Meeting, January 27, 2016 be dispensed with and that the same be approved. Mr. Bennett seconded the motion, which carried.

Judith Allain, Chairman, Techeland Arts Council appeared before the Council to do a presentation on a "Story Gathering Session".

Ms. Allain stated that the Techeland Arts Council will be presenting a Story Gathering Workshop – Bringing the History of Bayou Teche to Life.

Ms. Allain informed that the workshop will be held on Saturday, February 27, 2016 at the Bayou Vista Community Center starting at 8:00 a.m.

Ms. Allain provided an itinerary for the Council's review and invited everyone to attend.

Mark Bogan, 7413 Hwy. 182 appeared before the Parish Council to inform relative to Annual Veterans/Senior Dinner which will be held on November 9, 2016.

Mr. Bogan encouraged the Parish Council to continue supporting the Veterans and Senior Citizens.

Mr. Hidalgo moved that the Parish Council go into Executive Session. The purpose of the Executive Session was:

To discuss possibly intervening in the matter filed in the 16th Judicial Court, styled Avoca, Inc. vs. Secretary of Natural Resources, bearing docket number 129068, as per the request of the St. Mary Parish Levee District, pursuant to the provisions of R.S. 42:17 that, in pertinent part, reads as follows:

A. A public body may hold an executive session pursuant to R.S. 42:16 for one or more of the following reasons:

(2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body. Mr. Singleton seconded the motion, which carried.

Following Executive Session, Mr. Fryou moved that the First Regular Meeting be reconvened. Rev. Mathews seconded the motion, which carried.

Item 17. F which stated, "Discussion and take any needed action regarding the above noted executive session." was moved up on the agenda at this time.

Mr. Hidalgo moved that the following resolution be adopted. Mr. Rogers seconded the motion, which carried by the following 10-0-0-1 Roll Call vote:

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

NAYS: None

ABSTAIN: None

ABSENT: Mr. Bierhorst

### **RESOLUTION**

A resolution authorizing Parish President David Hanagriff, on behalf of St. Mary Parish Government to execute any documents and/or pleadings necessary to the matter styled, Avoca, Inc. vs. Secretary of Natural Resources, et. al., bearing docket number 129068 in the 16<sup>th</sup> Judicial Court, St. Mary Parish.

**BE IT RESOLVED**, that Parish President David Hanagriff, on behalf of St. Mary Parish Government, is authorized to execute any documents and/or pleadings necessary to the matter styled, Avoca, Inc. vs. Secretary of Natural Resources, et. al., bearing docket number 129068 in the 16<sup>th</sup> Judicial Court, St. Mary Parish, 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 10<sup>th</sup> day of February 2016.

**APPROVED:**

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

**ATTEST:**

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

Mr. Hanagriff, Parish President reported that Frank Fink, Economic Development Director has forwarded an email to companies in St. Mary Parish in regard to the L & G Projects in Cameron Parish.

The email extends an invitation with St. Mary Parish companies to meet with Cameron Parish companies to determine products needed with Louisiana contents for this region.

Mr. Hanagriff stated that he extended an emergency declaration in the Parish in regard to the Bayou Chene Project.

Mr. Hanagriff stated that the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) would like to ensure that St. Mary Parish is aware of the newly Federal Disaster information as of February 5, 2016. (This will enact the 72/25% funding for the Bayou Chene Project.)

Henry "Bo" Lagrange, Chief Administrative Officer presented his report for a two (2) week period ending February 10, 2016.

Item 1 stated, "The Mississippi River Commission has written to announce that it will hold public meetings on board the Motor Vessel MISSISSIPPI in New Orleans at 9:00 a.m. on April 15<sup>th</sup>, 2016."

In regard to an inquiry by Mr. Singleton to Wilson's landing, Mr. LaGrange stated that there is a permit application pending for the dredging of the slip at the landing. (There is no delay due to the high water.)

Rev. Mathews inquired relative to the how garbage pickup will be handled in the construction area along U. S., Hwy. 90 Frontage Road near La. 318 in Sorrell.

Mr. LaGrange stated that he will contact Pelican Waste's management regarding their plan to remedy the problem with garbage pickup in the area in question and report his findings at a later date.

Mr. LaGrange expounded to Item 2 which stated, "Invoices for garbage collection and mosquito control customers in the unincorporated areas of St. Mary Parish not on a public water system will be mailed this week. This includes a total of 407 garbage service only customers and 119 garbage service and mosquito control customers."

Tammy Luke to present the following items as recommended by the Planning & Zoning Commission at their January 27, 2016 Regular Meeting:

**a. Preliminary & Final Subdivision Approval –**

Name: Kimberly Demahy  
Address: 2114 & 2126 Chitimacha Trail, Baldwin, LA.

Parcel Id# Sec. 1 T13S R9E;  
#2174981012.00 - Lot 5 Bercegeay Part per Plat 8V 90377 Acq. 44P 275619  
#2174981013.00 -Lot 4 Bercegeay Part per Plat 8V 90377 Acq. 44P 275619  
Improvement

Zoned: Existing Neighborhood (EN1) Residential Zoned District

PURPOSE: as shown on "Plat showing a division of property belonging to Kimberly Demahy, located in Section 1, T13S – R9E, St. Mary Parish, Louisiana; as prepared by Freyou, Moore and Associates Charles D. Moore, dated October 14, 2015, Dwg. No. M-0666

**b. Preliminary & Final Subdivision Approval –**

Name: Aucoin Land Co., Inc.  
Address: 3201 Lake Palourde Rd(pending 911 issuing address on subdivision-2090 Duhon Blvd.),Amelia, LA.

Parcel Id# Sec. 14 T16S R13E;  
#3524301002.00 - 16.23 Ac por 303.18 AC Tract BD D C Walsh & Lake Palourde-St Rt 894- F Lenormand-West Line Sec. 11 & 14 situated in Sec. 14 T16S R13E Acq. 42H 265361.

Zoned: Heavy Industrial (HI) Zoned District

PURPOSE: as shown on “Survey of a 4.796 acre tract being Tract A of the property belonging to Aucoin Land Company, Inc. located in Section 14, T16S-R13E Amelia, St. Mary Parish. Louisiana; as prepared by Bayou Country Surveying, LLC, dated 1-7-16, Job No. 16-001

Mr. Singleton moved that Preliminary & Final Subdivision Approval be granted for:

Name: Kimberly Demahy  
Address: 2114 & 2126 Chitimacha Trail, Baldwin, LA.

Parcel Id# Sec. 1 T13S R9E;  
#2174981012.00 - Lot 5 Bercegeay Part per Plat 8V 90377 Acq. 44P 275619  
#2174981013.00 -Lot 4 Bercegeay Part per Plat 8V 90377 Acq. 44P 275619  
Improvement

Zoned: Existing Neighborhood (EN1) Residential Zoned District

PURPOSE: as shown on “Plat showing a division of property belonging to Kimberly Demahy, located in Section 1, T13S – R9E, St. Mary Parish, Louisiana; as prepared by Freyou, Moore and Associates Charles D. Moore, dated October 14, 2015, Dwg. No. M-0666 Mr. Bennett seconded the motion, which carried.

Mr. Singleton moved Preliminary & Final Subdivision Approval be granted for:

Name: Aucoin Land Co., Inc.  
Address: 3201 Lake Palourde Rd(pending 911 issuing address on subdivision-2090 Duhon Blvd.),Amelia, LA.

Parcel Id# Sec. 14 T16S R13E;  
#3524301002.00 - 16.23 Ac por 303.18 AC Tract BD D C Walsh & Lake Palourde-St Rt 894- F Lenormand-West Line Sec. 11 & 14 situated in Sec. 14 T16S R13E Acq. 42H 265361.

Zoned: Heavy Industrial (HI) Zoned District

PURPOSE: as shown on “Survey of a 4.796 acre tract being Tract A of the property belonging to Aucoin Land Company, Inc. located in Section 14, T16S-R13E Amelia, St. Mary Parish. Louisiana; as prepared by Bayou Country Surveying, LLC, dated 1-7-16, Job No. 16-001 Mr. Bennett seconded the motion, which carried.

Mr. Naquin informed that Parish Council of the Draft FY 2017 Annual Plan – Atchafalaya Basin Program.

Mr. Naquin submitted the Plan for the Council’s review.

Mr. Rogers introduced the following ordinance:

### **ORDINANCE NO.**

An Ordinance establishing a No-Wake Zone in the West St. Mary Port, Harbor and Terminal District Navigational Channel.

**WHEREAS**, to secure a safe environment for the operations of businesses, vessels, and watercraft located on and doing business on the West St. Mary Port, Harbor and Terminal District Navigational Channel, located solely in the geographical boundary of the West St. Mary Parish Port, Harbor and Terminal District, and to reduce bank erosion, a no-wake zone is hereby created with the following provisions.

**NOW THEREFORE, BE IT ORDAINED** by the St. Mary Parish Council, on behalf of the St. Mary Parish Government, that the following be enacted:

**SECTION 1.** The West St. Mary Port, Harbor and Terminal District Navigational Channel is hereby designated as a no-wake zone within which no person shall operate a motorboat, motor vessel, or recreational watercraft (hereinafter sometimes designated as “vessels” or “watercraft”) as follows:

- A. No person shall operate, cause to be operated, or permit to be operated, any motorboat, motor vessel, or recreational watercraft in such a manner or at such speed as may or shall create a wake from such operation. The term “wake” shall mean any vessel water turbulence in excess of one foot (1') in wave height crest.
- B. Notwithstanding any other provision to the contrary, in no event shall the speed of a motorboat, motor vessel, or recreational watercraft exceed five (5) miles per hour.
- C. Waterskiing, jet skiing, and/or similar activities shall not occur in the designated no-wake zone.
- D. Appropriate signs shall be erected by the West St. Mary Port, Harbor and Terminal District along the West St. Mary Port, Harbor and Terminal District Navigational Channel. Any watercraft traveling on this channel shall respect the signs erected. Notwithstanding the provisions of this subsection, lack of such a sign shall not operate as a defense as to the application and enforcement of this Ordinance.
- E. This Ordinance shall not apply in instances where vessels are in navigational distress and power is essential for the proper control of the vessel in navigation for its safety and the safety of others or the safety of structures.
- F. For the purposes of this section, the registered owner of any such vessel or watercraft shall be presumed to be the operator of said vessel at the time the violation occurs.
- G. The Sheriff of St. Mary Parish and the State of Louisiana Department of Wildlife and Fisheries are hereby specifically requested and authorized to assist in the enforcement of the provisions of this section.

**SECTION 2.** Any person who violates the provisions of this Ordinance shall, upon conviction thereof, be punished by imprisonment in the St. Mary Parish Law Enforcement Center for a period of not more than thirty (30) days or a fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the court. A second time offender will also have to attend a mandatory safe boating class.

**SECTION 3.** Any Ordinances, or parts of ordinances, in conflict herewith 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 10th day of February, 2016; having been published in accordance with law.

Mr. Singleton moved that the following ordinance be adopted. Mr. Beadle seconded the motion, which carried by the following 10-0-0-1 Roll Call vote:

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

NAYS: None

ABSTAIN: None

ABSENT: Mr. Bierhorst

### **ORDINANCE NO. 2035**

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 12<sup>th</sup>, 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 Agriculture (AG) Zoned District to Single Family (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 11<sup>th</sup> day of January 2016; having been published in accordance with law; and having been heard in a public hearing at Franklin, Louisiana on the 10<sup>th</sup> day of February 2016; was adopted.

**APPROVED:**

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

**ATTEST:**

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

This ordinance was submitted to the President of St. Mary Parish on this the 16<sup>th</sup> day of February 2016, at the hour of 8:55 a.m.

**APPROVED:**

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

This ordinance was returned to the Clerk of the Council on this the 18<sup>th</sup> day of February 2016, at the hour of 11:48 a.m.

**EXHIBIT "A"**

**Name: Carlino Investments-Lucas Carlino  
Address: 2142 & 2200 Hwy. 182-Patterson, La.**

**Parcel Id# Sec. 24 T15S R11E;  
-2894401006.00-6.53 AC POR TRACT 3 NICOLA ACCARDO PART BEING TRACT  
"ABCIGHA" PER PLAT 114 294054 ACQ 195 305282  
-2894401004.00-7.95 AC POR TRACT 2 NICOLA ACCARDO PART DWG 5825 PER  
PLAT 28L 211405 BEING TRACT "CLMBC" SITUATED IN SEC 24 T15S R11E ACQ  
195 305282  
-2894401005.00-.08 AC POR TRACT 2 NICOLA ACCARDO PART DWG 5825 PER  
PLAT 28L 211405 BEING TRACT "CLMBC" SITUATED IN SEC 25 T15S R11E ACQ  
323 322962.**

**PURPOSE: as shown on "River Oaks Subdivision located in Section 24, T15S-R11E, St. Mary Parish, Louisiana; as prepared by David A. Waitz, dated November 11, 2015, Job No. 115-108**

**Rezone from Agriculture (AG) Zoned District to Single Family (SR) Zoned District.**

Mr. Singleton moved that the following ordinance be adopted. Mr. Beadle seconded the motion, which carried by the following 10-0-0-1 Roll Call vote:

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

**NAYS: None**

**ABSTAIN: None**

**ABSENT: Mr. Bierhorst**

**ORDINANCE NO. 2036**

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 12<sup>th</sup>, 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) Zoned District to Existing Neighborhood (EN2) 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 11<sup>th</sup> day of January 2016; having been published in accordance with law; and having been heard in a public hearing at Franklin, Louisiana on the 10<sup>th</sup> day of February 2016; was adopted.

**APPROVED:**

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

**ATTEST:**

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

This ordinance was submitted to the President of St. Mary Parish on this the 16<sup>th</sup> day of February 2016, at the hour of 8:55 a.m.

**APPROVED:**

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

This ordinance was returned to the Clerk of the Council on this the 18<sup>th</sup> day of February 2016, at the hour of 11:48 a.m.

**EXHIBIT "A"**

**Name: Raymond Charpentier, Jr.  
Address: 9366 & 9376 Hwy. 182, Centerville, LA**

**Parcel Id# Sec. 37 T15S R10E;  
- Parcel Id# 2474581008.00-Lot 6 Beckmeyer addition less North 200 ft. Acq. 155 299854  
-Parcel Id# 2474581009.00-Lot North 200 ft. No. 6 Beckmeyer Addn BD Bayou Teche-C  
Lange-L Mire-T Mire Acq. 198 305735.**

**PURPOSE: to place a manufactured home**

**Rezone from Single Family Residential (SR) Zoned District to Existing Neighborhood (EN2) Zoned District**

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

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

NAYS: None

ABSTAIN: None

ABSENT: Mr. Bierhorst

**RESOLUTION**

A resolution providing for the approval and authorization for Change Order No. 2 for Yellow Bayou and Hanson Canal Floodgates and Levee Improvements Project under the LRA Disaster Recovery CDBG Program.

**WHEREAS**, a certain contract has been entered into between the St. Mary Parish Council and Sealevel Construction, Inc., P. O. Box 1037, Thibodaux, Louisiana 70302, relative to Yellow Bayou and Hanson Canal Floodgates and Levee Improvements Project under the LRA Disaster Recovery CDBG Program, and

**WHEREAS**, the items as shown on Change Order No. 2 will result in a decrease of \$85,618.88 in the contract price.

**NOW, THEREFORE BE IT RESOLVED**, that the St. Mary Parish Council does hereby approve the issuance of Change Order No. 2 covering a decrease of \$85,618.88 in the contract for Yellow Bayou and Hanson Canal Floodgates and Levee Improvements Project under the LRA Disaster Recovery CDBG Program.

**BE IT FURTHER RESOLVED**, that the President of St. Mary Parish, David Hanagriff, be and he is hereby authorized to execute Change Order No. 2 on behalf of the St. Mary Parish Council.

**ADOPTED AND APPROVED** by the St. Mary Parish Council in regular session convened on this the 10<sup>th</sup> day of February 2016.

**APPROVED:**

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

**ATTEST:**

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

## RESOLUTION OF ACCEPTANCE

A resolution authorizing and directing the President to execute for and on behalf of the Parish of St. Mary, a Certificate of Substantial Completion from Sealevel Construction, Inc. relative to Yellow Bayou and Hanson Canal Floodgates and Levee Improvements Project.

**WHEREAS**, Sealevel Construction, Inc., P. O. Box 1037, Thibodaux, Louisiana 70302, has substantially completed Yellow Bayou and Hanson Canal Floodgates and Levee Improvements Project.

**NOW THEREFORE, BE IT RESOLVED** by the Parish of St. Mary that the President be and he is hereby empowered, authorized and directed to execute a Certificate of Substantial Completion for and on behalf of the Parish of St. Mary accepting Yellow Bayou and Hanson Canal Floodgates and Levee Improvements Project.

**BE IT FURTHER RESOLVED**, that he be authorized and directed to have a copy of said Certificate of Substantial Completion recorded in the mortgage records of St. Mary Parish, Louisiana.

**ADOPTED AND APPROVED** by the St. Mary Parish Council in regular session convened on this the 10<sup>th</sup> day of February 2016.

**APPROVED:**

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

**ATTEST:**

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

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

- A. Jolene Holcombe, Registrar of Voters writes in compliance with LSA-RS 42:282-286, she submitted the report of expenditures for the Registrar of Voters Office for the fiscal year ending December 31, 2015.
- B. April F. Foulcard, Mayor, City of Jeanerette emailed correspondence that they will be hosting a Career Week on Adolescence Training on February 15 and February 16, 2016 at Jeanerette High School from 9:30 a.m. to 11:30 a.m. and an Adult Training on February 17 and 18, 2016 at Ward 8 Recreation Center from 5:30 p.m. to 7:30 p.m. A Job Expo will be held on Wednesday, March 9, 2016 from 10:00 a.m. to 2:00 p.m. at the King Joseph Recreation Center, Martin L. King Drive, Jeanerette, LA.

C. Elodie Stewart has written to inform you of her resignation from the Recreation District No. 5 Board of Commissions effective immediately.

Mrs. Stewart will be forwarded a letter thanking her for her service on Recreation District No. 5 Board of Commissioners and the vacancy will be advertised.

D. Rev. Craig Mathews to request an allocation of \$20,000 from Wards 1, 2, 3, 4, 7 & 10 3/10% Sales Tax Fund to “Bring Back the Neighborhood Park” for Playground Equipment.

Rev. Mathews moved that funds in the amount of \$20,000 be allocated from Wards 1, 2, 3, 4, 7 & 10 3/10% Sales Tax Fund to “Bring Back the Neighborhood Park” for Playground Equipment. Mr. Naquin seconded the motion, which carried.

E. Rev. Craig Mathews to request an allocation of \$2,500 from Wards 1, 2, 3, 4, 7 & 10 3/10% Sales Tax Fund to Recreation District No. 5 for Community Programs.

Rev. Mathews moved that funds in the amount of \$2,500 be allocated from Wards 1, 2, 3, 4, 7 & 10 3/10% Sales Tax Fund to Recreation District No. 5 for Community Programs. Mr. Naquin seconded the motion, which carried.

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

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Lisa C. Morgan, Clerk

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Kevin Voisin, Chairman