



# St. Charles Parish Meeting Minutes

## Parish Council

Draft

*Council Chairman Larry Cochran  
Councilmembers Carolyn K. Schexnaydre, Snookie Faucheux,  
Terrell D. Wilson, Shelley M. Tastet, Wendy Benedetto,  
Paul J. Hogan, Traci A. Fletcher, Dennis Nuss*

St. Charles Parish Courthouse  
15045 Highway 18  
P.O. Box 302  
Hahnville, LA 70057  
985-783-5000  
scpcouncil@st-charles.la.us  
<http://www.stcharlesparish-la.gov>

Monday, October 15, 2012

6:00 PM

Council Chambers, Courthouse

## ATTENDANCE

Present: 9 - Carolyn K. Schexnaydre, Clayton 'Snookie' Faucheux, Terrell D. Wilson, Shelley Tastet, Wendy Benedetto, Paul J. Hogan, Lawrence 'Larry' Cochran, Traci A. Fletcher, Dennis Nuss

*Also Present: Parish President V.J. St. Pierre, Jr., Chief Administrative Officer Timmy Vial, Legal Director Leon C. Vial, III, Public Works/Wastewater Director Sam Scholle, Planning & Zoning Director Kimberly Marousek, Finance Director Grant Dussom, Grant Officer Holly Fonseca, Public Information Officer Renee Simpson, CZM Administrator Earl Matherne*

## CALL TO ORDER

## PRAYER

*Bishop Otis Kenner  
Faith Praise & Deliverance Temple*

## PLEDGE

*Bishop Otis Kenner  
Faith Praise & Deliverance Temple*

## APPROVAL OF MINUTES

A motion was made by Councilmember Tastet, and seconded to approve the Minutes from the Regular Meeting of October 1, 2012. The motion carried by the following vote:

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

## SPECIAL BUSINESS (PROCLAMATIONS, CANVASS RETURNS, ETC.)

1            **2012-0364** ( 10/15/2012, Fletcher )

Proclamation: "Musical Festival Weekend"

Read

**2012-0303** ( 9/4/2012 )

Local Board of Review - 2012 Assessment - Regular Meeting, November 5, 2012, 6PM, Council Chambers, Courthouse

*October 22 - November 5, 2012, Parish Council Review Period*

**Announced**

**REPORTS (FINANCE AND ADMINISTRATIVE ACTIVITIES)****2012-0283** ( 8/20/2012 )

Library Service District

*Ms. Mary desBordes, Library Director*

**Reported**

**2012-0365** ( 10/15/2012, St. Pierre, Jr. )

Parish President Remarks/Report

**Reported**

*IN ACCORDANCE WITH ARTICLE IV, SECTION B OF THE HOME RULE CHARTER, CHAIRMAN COCHRAN AUTHORIZED THAT THE ORDINANCE, HAVING BEEN PRESENTED FOR INTRODUCTION, DISTRIBUTED TO COUNCIL MEMBERS AND THE PARISH PRESIDENT, AND NOT REJECTED BY TWO-THIRDS OF THE COUNCIL MEMBERS, ARE TO BE PUBLISHED IN SUMMARY FORM AS FOLLOWS IN THE OFFICIAL JOURNAL WITH NOTICE OF PUBLIC HEARING TO BE HELD ON TUESDAY, OCTOBER 23, 2012, 8:00 AM; THURSDAY, OCTOBER 25, 2012, 6:00 PM; AND TUESDAY, OCTOBER 30, 2012, 6:00 PM, COUNCIL CHAMBERS, COURTHOUSE, HAHNVILLE, TO BE CONSIDERED FOR FINAL PASSAGE:*

**2012-0206** ( 10/1/2012, St. Pierre, Jr., Department of Finance )

An ordinance to approve and adopt the appropriation of Funds for the St. Charles Parish Consolidated Operating and Capital Budget for Fiscal Year 2013.

**Publish/Scheduled PH**

*IN ACCORDANCE WITH ARTICLE IV, SECTION B OF THE HOME RULE CHARTER, CHAIRMAN COCHRAN AUTHORIZED THAT THE ORDINANCES, HAVING BEEN PRESENTED FOR INTRODUCTION, DISTRIBUTED TO COUNCIL MEMBERS AND THE PARISH PRESIDENT, AND NOT REJECTED BY TWO-THIRDS OF THE COUNCIL MEMBERS, ARE TO BE PUBLISHED IN SUMMARY FORM AS FOLLOWS IN THE OFFICIAL JOURNAL WITH NOTICE OF PUBLIC HEARING TO BE HELD ON MONDAY, NOVEMBER 5, 2012, 6:00 P.M., COUNCIL CHAMBERS, COURTHOUSE, HAHNVILLE, TO BE CONSIDERED FOR FINAL PASSAGE:*

**2012-0370** ( 10/15/2012, St. Pierre, Jr., Department of Public Works )

An ordinance to approve and authorize the execution of a contract with HHP Construction Group, LLC for the construction of the Norco 5th Street Sidewalk Project, State Project No. H.006592, Control Section No. 000-45, Federal Aid Project No. 4509(501) with Bid in the amount of \$230,287.00.

**Publish/Scheduled PH**

**2012-0371** ( 10/15/2012, St. Pierre, Jr., Department of Waterworks )

An ordinance to approve and authorize the execution of a contract with Gottfried Contracting for the West Bank Water Storage Tank (Project No. WWKS 56) in the amount of \$1,690,217.00.

**Publish/Scheduled PH**

**2012-0372** ( 10/15/2012, St. Pierre, Jr., Department of Wastewater )

An ordinance to approve and authorize the execution of a contract with Advanced Quality Construction, Inc, for the construction of Parish Project No. S100902, Upgrade to Ashton Pump Station & Force Main, with a Bid in the amount of \$956,542.20.

**Publish/Scheduled PH**

**2012-0373** ( 10/15/2012, St. Pierre, Jr., Department of Planning & Zoning )

An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, adopted October 19, 1981 to approve the change of zoning classification from M-1 to OL at 16461 Old Spanish Trail, Des Allemands as requested by Antioch Baptist Church.

**Publish/Scheduled PH**

**2012-0374** ( 10/15/2012, St. Pierre, Jr., Department of Public Works )

An ordinance to approve and authorize the execution of a Cash Sale by Christina H. Mullins wife of/and Tams M. Mullins for a certain portion of property at the rear of 301 Desoto Drive, Coronado Park Subdivision in Luling, Louisiana for drainage purposes.

**Publish/Scheduled PH**

## PLANNING AND ZONING PETITIONS

**2012-0356** ( 10/1/2012, St. Pierre, Jr., Department of Planning & Zoning )

An ordinance approving and authorizing the establishment of a Home Occupation to be operated by David J. Moser - "D. J. Moser Construction, Inc." - a general contractor at 154 Rue Landry, St. Rose.

*Discussion: to postpone indefinitely File No. 2012-0356 per the applicant's request*

**PH Requirements Not Satisfied**

*Chairman Cochran stated for the record that Councilwoman Fletcher meant to vote yea; but marked herself absent in error.*

**A motion was made by Council Chairman Cochran, and seconded that this matter be Postponed Indefinitely. The motion carried by the following vote:**

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

**2012-0357** ( 10/1/2012, St. Pierre, Jr., Department of Planning & Zoning )

An ordinance approving and authorizing a home occupation operated by Bruce Kilmer - "Big Easy Gun Works, LLC" - a firearms dealer - at 23 Belle Helen Drive, Montz.

*Amendment: to accept the revised version of File No. 2012-0357*

**A motion was made by Councilmember Nuss, and seconded that this matter be Amended. The motion carried by the following vote:**

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

2

**2012-0357** ( 10/1/2012, St. Pierre, Jr., Department of Planning & Zoning )

An ordinance approving and authorizing a home occupation operated by Bruce Kilmer - "Big Easy Gun Works, LLC" - a firearms dealer - at 23 Belle Helene Drive, Destrehan.

*Reported:*

*P & Z Department Recommended: Approval*

*Planning Commission Recommended: Approval*

**PH Requirements Satisfied**

*Council Discussion*

*VOTE ON THE PROPOSED ORDINANCE AS AMENDED*

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

3

**2012-0358** ( 10/1/2012, St. Pierre, Jr., Department of Planning & Zoning )

An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, adopted October 19, 1981 to approve the change of zoning classification from R-1A(M) to R-2 at Lot 1-A, Sq. 2, Diamond Homestead Subdivision (32 East St.), Norco as requested by Deron Smith.

*Reported:*

*P & Z Department Recommended: Denial*

*Planning Commission Recommended: Denial*

*Speakers:*

*Mr. Deron Smith, Norco*

**PH Requirements Satisfied**

*Council Discussion*

*Proposed ordinance failed for lack of a majority by the following vote*

**Votes:** Yea: 1 - Wilson  
Nay: 8 - Schexnaydre, Faucheux, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss

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**ORDINANCES SCHEDULED FOR PUBLIC HEARING  
(INTRODUCED AT PREVIOUS MEETING)**

- 4           **2012-0306** ( 10/1/2012, Hogan )  
An ordinance to amend the Code of Ordinances, Chapter 15, Section 15-9 Speed Limits, to provide for the REPEAL of Ordinance No. 12-8-12, which lowered the speed limit on Dufrene Lane in Des Allemands to fifteen (15) miles per hour.  
*Reported:*  
*Councilman Hogan Recommended: Approval*  
**PH Requirements Satisfied**  
*Council Discussion*  
**Votes:** Yea: 8 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Nuss  
Nay: 1 - Fletcher
- 5           **2012-0307** ( 10/1/2012, Hogan )  
An ordinance to amend the Code of Ordinances to revise Chapter 15, Section 15-9, to provide an exception to the Twenty-five (25) Miles Per Hour Speed Limit, to lower the speed limit on Dufrene Lane in Des Allemands to ten (10) miles per hour.  
*Reported:*  
*Councilman Hogan Recommended: Approval*  
**PH Requirements Satisfied**  
**Votes:** Yea: 7 - Schexnaydre, Faucheux, Tastet, Benedetto, Hogan, Cochran, Nuss  
Nay: 2 - Wilson, Fletcher
- 2012-0349** ( 10/1/2012, Wilson )  
An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Section 15-5, Motor Vehicles and Traffic, of said Code, to provide for the installation of "NO PARKING" signs on both sides of Lincoln Street, from LA 18 to Pine Street in Hahnville.  
*Reported:*  
*Councilman Wilson Recommended: Approval*  
**PH Requirements Satisfied**  
*Councilwoman Benedetto's abstain button was marked in error; Chairman Cochran stated for the record that Councilwoman Benedetto was out of the room.*  
**Votes:** Yea: 8 - Schexnaydre, Faucheux, Wilson, Tastet, Hogan, Cochran, Fletcher, Nuss  
Nay: 0  
Absent: 1 - Benedetto
- 6           **2012-0355** ( 10/1/2012, St. Pierre, Jr., Department of Public Works )  
An ordinance to approve and authorize the execution of Amendment No. 2 to Ordinance No. 08-10-6, which approved a Professional Services Agreement with GCR & Associates, Inc., now GCR Inc., for right-of-way acquisition and program management services for the West Bank Hurricane Protection Levee.  
*Reported:*  
*Public Works Department Recommended: Approval*  
*Speakers:*  
*Mr. Lucas Lilly, GCR, Inc.*  
**PH Requirements Satisfied**

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

9           **2012-0349** ( 10/1/2012, Wilson )

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Section 15-5, Motor Vehicles and Traffic, of said Code, to provide for the installation of "NO PARKING" signs on both sides of Lincoln Street, from LA 18 to Pine Street in Hahnville.

*Discussion: to reconsider the vote on File No. 2012-0349*

**A motion was made by Councilmember Faucheux, and seconded that this matter be Reconsidered. The motion carried by the following vote:**

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

*RE-VOTE ON THE PROPOSED ORDINANCE*

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

**2012-0359** ( 10/1/2012, Hogan )

An ordinance to amend the St. Charles Parish Code of Ordinances, Appendix C. Subdivision Regulations, Section II. Subdivision Procedure, C. Minor Resubdivisions, 3. by revising g and j.

*Amendment: to accept the revised version of File No. 2012-0359*

**A motion was made by Councilmember Nuss, and seconded that this matter be Amended. The motion carried by the following vote:**

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

10           **2012-0359** ( 10/1/2012, Hogan )

An ordinance to amend the St. Charles Parish Code of Ordinances, Appendix C. Subdivision Regulations, Section II. Subdivision Procedure, C. Minor Resubdivisions, 3. by revising g.

*Reported:*

*Councilman Hogan Recommended: Approval*

**PH Requirements Satisfied**

*Council Discussion*

*VOTE ON THE PROPOSED ORDINANCE AS AMENDED*

**Votes:** Yea: 7 - Schexnaydre, Faucheux, Tastet, Benedetto, Hogan, Cochran, Fletcher  
Nay: 2 - Wilson, Nuss

**2012-0360** ( 10/1/2012, St. Pierre, Jr., Department of Public Works, Nuss )

An ordinance to approve and authorize the execution of a Mitigation Participation Agreement by and between Chevron U.S.A, Inc. and the Parish of St. Charles in the amount of \$984,000.00 for wetlands mitigation for the West Bank Hurricane Protection Levee - Phase III Ellington.

*Reported:*

*Public Works Department Recommended: Approval*

*Councilman Nuss Recommended: Approval*

**PH Requirements Satisfied**

*Council Discussion*

*Discussion: to table File No. 2012-0360*

**A motion was made by Councilmember Nuss, and seconded that this matter be Tabled.. The motion carried by the following vote:**

**Votes:** Yea: 8 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Cochran, Fletcher, Nuss  
Nay: 1 - Hogan

**2012-0361** ( 10/1/2012, St. Pierre, Jr., Department of Public Works, Nuss )

An ordinance to approve and authorize the execution of a Mitigation Participation Agreement by and between Coastal Louisiana Resource, LLC and the Parish of St. Charles for wetlands mitigation for the West Bank Hurricane Protection Levee - Phase III Ellington in the amount of \$1,768,800.00.

*Reported:*

*Public Works Department Recommended: Approval*  
*Councilman Nuss Recommended: Approval*

**PH Requirements Satisfied**

*Council Discussion*

*Discussion: to table File No. 2012-0361*

**A motion was made by Councilmember Nuss, and seconded that this matter be Tabled.. The motion carried by the following vote:**

**Votes:** Yea: 8 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Cochran, Fletcher, Nuss  
Nay: 1 - Hogan

**RESOLUTIONS**

11

**2012-0362** ( 10/15/2012, Fletcher )

A resolution authorizing the Chairman or the Secretary to offer no objection to Canadian National Railroad, CUP #P20121096 for a permit to replace the existing ballasted deck timber trestle bridge with precast concrete box culverts and one steel pipe, at Bridge L429.70, T12S-R07E, Montz, in St. Charles Parish, Louisiana. This site will be accessed from a proposed temporary road also being used for access at Bridge L429.60 and included in CUP #P20121097.

*Reported:*

*Councilwoman Fletcher Recommended: Approval*

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

12      **2012-0363** ( 10/15/2012, Fletcher )

A resolution authorizing the Chairman or the Secretary to offer no objection to Canadian National Railroad, CUP #P20121097 for a permit to replace the existing ballasted deck timber trestle bridge with precast concrete box culverts and steel pipes and construct a temporary access road with a temporary stream crossing over a channel consisting of wooden planking placed in the base of the channel, at Bridge L429.60, T12S-R07E, Montz, in St. Charles Parish, Louisiana. The temporary access road will also serve project activities at Bridge L429.70 (CUP #P20121096).

*Reported:*

*Councilwoman Fletcher Recommended: Approval*

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

13      **2012-0366** ( 10/15/2012, Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss )

A resolution authorizing the issuance of a Special License to Luling-Boutte Lions Club to conduct a Super Bingo.

*Reported:*

*Councilwoman Schexnaydre Recommended: Approval*

*Councilman Faucheux Recommended: Approval*

*Councilman Wilson Recommended: Approval*

*Councilman Tastet Recommended: Approval*

*Councilwoman Benedetto Recommended: Approval*

*Councilman Hogan Recommended: Approval*

*Councilman Cochran Recommended: Approval*

*Councilwoman Fletcher Recommended: Approval*

*Councilman Nuss Recommended: Approval*

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

14      **2012-0367** ( 10/15/2012, St. Pierre, Jr., Grants Office )

A resolution to approve and authorize the execution of an Agreement between the State of Louisiana Department of Transportation and Development and St. Charles Parish for federal funding in the amount of \$90,250.00, for the St. Charles Parish Portable Message Boards, State Project No. H.010215.

*Reported:*

*Grants Office Recommended: Approval*

*Council Discussion*

**Votes:** Yea: 8 - Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0  
Absent: 1 - Schexnaydre



22

**2012-0368** ( 10/15/2012, Cochran )

A resolution to appoint Mr. Timothy S. Marcel as Special Legal Counsel to represent the St. Charles Parish Council in the case of Mayor Mitchell J. Landrieu vs. St. Charles Parish Council, Et Al.

*Reported:*

*Councilman Cochran Recommended: Approval*

*Chairman Cochran stated for the record that Councilwoman Schexnaydre did not mark herself present in error; she wanted to vote yea.*

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

## APPOINTMENTS

**2012-0331** ( 9/17/2012 )

A resolution to appoint a member to the St. Charles Parish Children and Youth Planning Board representing the education community.

*Nominee:*

*Councilman Wilson nominated Ms. Rebecca Henderson*

**Nomination(s) Accepted**

**A motion was made by Councilmember Schexnaydre, and seconded to Close Nomination(s) for this file. The motion carried by the following vote:**

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

**2012-0332** ( 9/17/2012 )

A resolution to appoint a member to the St. Charles Parish Children and Youth Planning Board representing the criminal justice community.

**Deferred**

**2012-0333** ( 9/17/2012 )

A resolution to appoint a member to the St. Charles Parish Children and Youth Planning Board representing the health care community.

*Nominee:*

*Councilman Faucheux nominated Ms. Yvonne B. Gaspard*

**Nomination(s) Accepted**

*Councilman Wilson gave an explanation for abstaining.*

**A motion was made by Councilmember Nuss, and seconded to Close Nomination(s) for this file. The motion carried by the following vote:**

**Votes:** Yea: 8 - Schexnaydre, Faucheux, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0  
Abstain: 1 - Wilson

**2012-0334** ( 9/17/2012 )

A resolution to appoint a member to the St. Charles Parish Children and Youth Planning Board representing the social services community.

*Nominee:*

*Councilwoman Benedetto nominated Mr. John Dias*

**Nomination(s) Accepted**

A motion was made by Councilmember Tastet, and seconded to Close Nomination(s) for this file. The motion carried by the following vote:

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

**2012-0335** ( 9/17/2012 )

A resolution to appoint a member to the St. Charles Parish Children and Youth Planning Board representing the faith-based community.

**Deferred**

**2012-0336** ( 9/17/2012 )

A resolution to appoint a member to the St. Charles Parish Children and Youth Planning Board representing the business and labor community.

*Nominee:*

*Councilman Faucheux nominated Ms. Kathleen McGraw*

**Nomination(s) Accepted**

A motion was made by Councilmember Nuss, and seconded to Close Nomination(s) for this file. The motion carried by the following vote:

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

**2012-0337** ( 9/17/2012 )

A resolution to appoint a member to the St. Charles Parish Children and Youth Planning Board representing the parenting and youth organization community.

*Nominee:*

*Councilwoman Benedetto nominated Ms. Danielle Honor*

**Nomination(s) Accepted**

A motion was made by Councilmember Nuss, and seconded to Close Nomination(s) for this file. The motion carried by the following vote:

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

## SPECIAL MATTERS TO BE CONSIDERED BY COUNCIL

**2012-0369** ( 10/15/2012, Cochran )

Executive Session: Mayor Mitchell J. Landrieu vs. St. Charles Parish Council, Et Al; Civil District Court for the Parish of Orleans, Case Number 2012-08721

A motion was made by Councilmember Nuss, and seconded to go into Executive Session. The motion carried by the following vote:

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

**Heard in Executive Session**

A motion was made by Councilmember Tastet, and seconded to return to the regular order of the Agenda. The motion carried by the following vote:

**Votes:** Yea: 8 - Schexnaydre, Faucheux, Wilson, Tastet, Hogan, Cochran, Fletcher, Nuss  
Nay: 0  
Absent: 1 - Benedetto

## ADJOURNMENT

A motion was made by Councilmember Schexnaydre, and seconded to adjourn the meeting at approximately 7:54 pm. The motion carried by the following vote:

**Votes:** Yea: 9 - Schexnaydre, Faucheux, Wilson, Tastet, Benedetto, Hogan, Cochran, Fletcher, Nuss  
Nay: 0

I HEREBY CERTIFY THE FOREGOING TO BE EXACT AND TRUE.



---

Tiffany K. Clark  
Council Secretary

**PROCLAMATION**

**WHEREAS,** Faith Praise & Deliverance Temple is holding their 4<sup>th</sup> Annual Musical Festival on November 2-4, 2012; and,

**WHEREAS,** Faith Praise & Deliverance Temple, headed by Bishop Otis Kenner, II, invites everyone to come and enjoy a day of delicious food, and be entertained by a host of Gospel music and entertainment from visiting choirs.

**NOW, THEREFORE, WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL AND THE PARISH PRESIDENT, DO HEREBY PROCLAIM NOVEMBER 2-4, 2012, AS FAITH PRAISE & DELIVERANCE TEMPLE'S**

**"MUSICAL FESTIVAL WEEKEND"**

**IN ST. CHARLES PARISH AND ENCOURAGE ALL CITIZENS TO ATTEND THE FESTIVAL AT 9<sup>TH</sup> STREET PARK IN NEW SARPY, LOUISIANA.**

s/V.J. ST. PIERRE, JR.

V.J. ST. PIERRE, JR.

PARISH PRESIDENT

s/CLAYTON FAUCHEUX, JR.

CLAYTON FAUCHEUX, JR.

COUNCILMAN AT LARGE, DIV. B

s/TERRELL D. WILSON

TERRELL D. WILSON

COUNCILMAN, DISTRICT I

s/SHELLEY M. TASTET

SHELLEY M. TASTET

COUNCILMAN, DISTRICT II

s/WENDY BENEDETTO

WENDY BENEDETTO

COUNCILWOMAN, DISTRICT III

s/CAROLYN K. SCHEXNAYDRE

CAROLYN K. SCHEXNAYDRE

COUNCILWOMAN AT LARGE, DIV. A

s/PAUL J. HOGAN, PE

PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

s/LARRY COCHRAN

LARRY COCHRAN

COUNCILMAN, DISTRICT V

s/TRACI A. FLETCHER

TRACI A. FLETCHER

COUNCILWOMAN, DISTRICT VI

s/DENNIS NUSS

DENNIS NUSS

COUNCILMAN, DISTRICT VII

2012-0357

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)

ORDINANCE NO. 12-10-2

An ordinance approving and authorizing a home occupation operated by Bruce Kilmer – “Big Easy Gun Works, LLC” – a firearms dealer – at 23 Belle Helene Drive, Destrehan.

WHEREAS, the St. Charles Parish Code of Ordinances, Appendix A, Section XXII states that the Parish Council must approve a home occupation requiring any state license or permit; and,

WHEREAS, the proposed home occupation proposed by Bruce Kilmer requires licensing by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and,

WHEREAS, at a meeting on October 4, 2012, the St. Charles Parish Planning and Zoning Commission considered the proposed home occupation and the follow stipulations recommended by the Planning and Zoning Director:

1. That Mr. Kilmer submit his federal firearms license to the Planning and Zoning Department prior to obtaining zoning compliance.
2. That no transfer of firearms ever occurs at the residence.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the home occupation application by Bruce Kilmer to operate “Big Easy Gun Works, LLC”– selling and transferring firearms via the internet and at gun shows—is approved.

**SECTION II.** That upon receipt of Mr. Kilmer’s federal firearms license, the Department of Planning & Zoning is authorized to grant a home occupation permit to operate “Big Easy Gun Works” – selling and transferring firearms via internet– at 23 Belle Helene Drive, Destrehan.

**SECTION III.** That the approval of the home occupation permit is contingent upon the following stipulations:

1. That Mr. Kilmer submit his federal firearms license to the Planning and Zoning Department prior to obtaining zoning compliance.
2. That no transfer of firearms ever occurs at the residence.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, FLETCHER, NUSS

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 15th day of October, 2012, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: 10-17-12

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: VJ St. Pierre

RETD/SECRETARY: 10-17-12

AT: 1:40 pm RECD BY: [Signature]

**2012-0358**

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)**

An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, adopted October 19, 1981 to approve the change of zoning classification from R-1A(M) to R-2 at Lot 1-A, Sq. 2, Diamond Homestead Subdivision (32 East St.), Norco as requested by Deron Smith.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, adopted October 19, 1981, to approve the zoning reclassification from R-1A(M) to R-2 at Lot 1-A, Sq. 2, Diamond Homestead Subdivision (32 East St.), Norco as requested by Deron Smith.

**SECTION II.** To authorize the Department of Planning & Zoning to amend the official St. Charles Parish Zoning Maps to reflect this zoning reclassification from R-1A(M) to R-2 at Lot 1-A, Sq. 2, Diamond Homestead Subdivision (32 East St.), Norco as requested by Deron Smith.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: WILSON

NAYS: SCHEXNAYDRE, FAUCHEUX, TASTET, BENEDETTO, HOGAN,  
COCHRAN, FLETCHER, NUSS

ABSENT: NONE

PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY  
ON OCTOBER 15, 2012.

**2012-0306**

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV**  
**ORDINANCE NO. 12-10-3**

An ordinance to amend the Code of Ordinances, Chapter 15, Section 15-9 Speed Limits, to provide for the **REPEAL** of Ordinance No. 12-8-12, which lowered the speed limit on Dufrene Lane in Des Allemands to fifteen (15) miles per hour.

**WHEREAS,** on August 20, 2012, Ordinance No. 12-8-12 was adopted by the Parish Council amending the Traffic Code, Chapter 15, Section 15-9, to provide an exception to the Twenty-five (25) Miles Per Hour Speed Limit, to lower the speed limit on Dufrene Lane in Des Allemands to Fifteen (15) Miles Per Hour; and,

**WHEREAS,** paragraph (a) of Section 15-9 of the Code provides that it is unlawful to operate any motor vehicle at a speed in excess of twenty-five (25) miles per hour on Parish streets; and,

**WHEREAS,** that paragraph (a) of Section 15-9 has been amended to provide exceptions; and,

**WHEREAS,** the Parish Council desires to provide an exception to lower the speed limit on Dufrene Lane in Des Allemands which is a single lane dead end road to ten (10) miles per hour.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That Ordinance No. 12-8-12 adopted on August 20, 2012, is hereby **repealed**.

**SECTION II.** That Section 15-9 of the Traffic Code is hereby amended to eliminate entry No. 70.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

- YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, NUSS
- NAYS: FLETCHER
- ABSENT: NONE

And the ordinance was declared adopted this 15th day of October, 2012, to become effective five (5) days after publication in the Official Journal.

Repeal Ord. 12-8-12 Speed Limit on Dufrene Lane, DA

CHAIRMAN: \_\_\_\_\_  
 SECRETARY: \_\_\_\_\_  
 DLVD/PARISH PRESIDENT: 10-17-12  
 APPROVED:  DISAPPROVED: \_\_\_\_\_  
 PARISH PRESIDENT: [Signature]  
 RETD/SECRETARY: 10-17-12  
 AT: 1:40 pm RECD BY: [Signature]

**2012-0307**

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV**

**ORDINANCE NO. 12-10-4**

An ordinance to amend the Code of Ordinances to revise Chapter 15, Section 15-9, to provide an exception to the Twenty-five (25) Miles Per Hour Speed Limit, to lower the speed limit on **Dufrene Lane in Des Allemands to ten (10) miles per hour.**

**WHEREAS,** paragraph (a) of Section 15-9 of the Code provides that it is unlawful to operate any motor vehicle at a speed in excess of twenty-five (25) miles per hour on Parish streets; and,

**WHEREAS,** that Paragraph (a) of Section 15-9 has been amended to provide exceptions; and,

**WHEREAS,** the Parish Council desires to provide an exception to lower the speed limit on Dufrene Lane in Des Allemands which is a single lane dead end road.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That Section 15-9 of the Traffic Code is hereby amended to add No. 70 as follows:

(a) It shall be unlawful for any person to operate any motor vehicle at a speed in excess of twenty-five (25) miles per hour on any of the Parish streets, roads, highways and bridges,

**EXCEPT:**

**(70) Dufrene Lane in Des Allemands,** speed limit shall be **ten (10)** miles per hour.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

**YEAS:** SCHEXNAYDRE, FAUCHEUX, TASTET, BENEDETTO, HOGAN, COCHRAN, NUSS

**NAYS:** WILSON, FLETCHER

**ABSENT:** NONE

And the ordinance was declared adopted this 15th day of October, 2012, to become effective five (5) days after publication in the Official Journal.

Speed Limit Dufrene Lane in DA-10mph

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: 10-17-12

APPROVED:  DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: Virek

RETD/SECRETARY: 10-17-12

AT: 1:40 pm RECD BY: ste



2012-0355

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF PUBLIC WORKS)

ORDINANCE NO. 12-10-6

An ordinance to approve and authorize the execution of Amendment No. 2 to Ordinance No. 08-10-6, which approved a Professional Services Agreement with GCR & Associates, Inc., now GCR Inc., for right-of-way acquisition and program management services for the West Bank Hurricane Protection Levee.

**WHEREAS**, the St. Charles Parish Council adopted Ordinance No. 08-10-6 on October 20, 2008 approving a Professional Services Agreement with GCR & Associates, Inc. to provide right-of-way acquisition and program management services for the West Bank Hurricane Protection Levee; and,

**WHEREAS**, the St. Charles Parish Council adopted Ordinance No. 11-2-13 on February 21, 2011 approving Amendment No. 1 to the Professional Services Agreement with GCR & Associates, Inc. to provide right-of-way acquisition and program management services for the West Bank Hurricane Protection Levee; and,

**WHEREAS**, said services continue to be needed in the permitting and right-of-way acquisition of the West Bank Hurricane Protection Levee; and,

**WHEREAS**, it is the desire of the Parish Council to approve Amendment No. 2 to said agreement; and,

**WHEREAS**, GCR & Associates, Inc. changed their firm name registered with the Louisiana Secretary of State to GCR Inc. on January 5, 2012.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That Amendment No. 2 to Ordinance No. 08-10-6 adopted October 20, 2008 to provide for additional funding of said Agreement in accordance with the Consolidated Operating and Capital Budget for Fiscal Year 2012 and 2013 is hereby approved.

**SECTION II.** That the Parish President is hereby authorized to execute said Amendment No. 2 on behalf of the Parish of St. Charles.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, FLETCHER, NUSS  
NAYS: NONE  
ABSENT: NONE

And the ordinance was declared adopted this 15th day of October, 2012, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_  
SECRETARY: \_\_\_\_\_  
DLVD/PARISH PRESIDENT: 10-17-12  
APPROVED:  DISAPPROVED: \_\_\_\_\_  
PARISH PRESIDENT: V. St. Pierre  
RETD/SECRETARY: 10-17-12  
AT: 1:40 pm RECD BY: 262

AMENDMENT NO. 2  
TO  
PROFESSIONAL SERVICES AGREEMENT  
FOR  
WEST BANK HURRICANE PROTECTION LEVEE  
ST. CHARLES PARISH

BE IT KNOWN, that on this \_\_\_\_ day of \_\_\_\_\_, 2012,

ST. CHARLES PARISH, represented herein by V.J. St. Pierre, Jr., Parish President, 15045 River Road, Post Office Box 302, Hahnville, LA 70057,

AND

GCR INC., formerly GCR & ASSOCIATES, INC., represented herein by Joseph P. Doherty, Jr., its Chief Executive Officer, 2021 Lakeshore Drive, Suite 500, New Orleans, LA 70122,

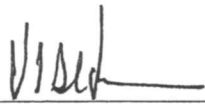
HEREBY AGREE THAT:

In accordance with Section 2 of Ordinance No. 08-10-6 adopted by the St. Charles Parish Council on October 20, 2008 and duly executed on the 30<sup>th</sup> day of October, 2008, the extension of the Professional Services Agreement for the West Bank Hurricane Protection Levee, St. Charles Parish through October 20, 2014 is hereby ratified.

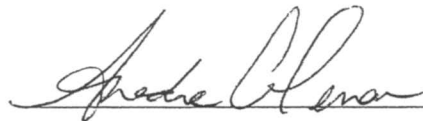
In addition, Section 2 Compensation, Schedule and Payments is hereby amended to add the following: The maximum compensation is hereby set at \$200,000.00 for the period October 20, 2012 to October 20, 2014 per the hourly billable rates in the attached REVISED EXHIBIT A.

All other provisions of said contract and previous amendments shall remain as first written.

ST. CHARLES PARISH

BY:   
\_\_\_\_\_  
V.J. St. Pierre, Jr.  
Parish President

WITNESS:

  
\_\_\_\_\_

GCR INC.

BY: \_\_\_\_\_  
Joseph P. Doherty, Jr.  
Chief Executive Officer

WITNESS:

\_\_\_\_\_

**REVISED EXHIBIT A**

**HOURLY BILLABLE RATES**

Program Manager	\$155.00
Engineer/Construction Manager	\$125.00
Senior GIS/Mapping Technician	\$125.00
Senior Real Estate Specialist	\$115.00
Senior Planner	\$115.00
Real Estate Specialist	\$ 95.00
Planner	\$ 95.00
GIS/Mapping Technician	\$ 95.00
Graphics Specialist	\$ 85.00
Junior Real Estate Specialist	\$ 70.00
Abstractor	\$ 70.00
Administrative/Clerical	\$ 50.00

Appraisal and Surveying Rates to be furnished under separate proposal.

Note: The billable rates listed herein reflect billing rates for the period of October 20, 2012 through October 20, 2013 for the GCR employee classifications anticipated for the Project. GCR will submit a revised rate schedule in October 2013 that reflects annual salary adjustments.

2012-0349

INTRODUCED BY: TERRELL D. WILSON, COUNCILMAN, DISTRICT I  
ORDINANCE NO. 12-10-5

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Section 15-5, Motor Vehicles and Traffic, of said Code, to provide for the installation of "NO PARKING" signs on both sides of Lincoln Street, from LA 18 to Pine Street in Hahnville.

WHEREAS, vehicles parking on both sides of Lincoln Street, Hahnville, near its intersection with LA 18, are obstructing emergency vehicle access and are a nuisance to the surrounding neighborhood; and,

WHEREAS, the Hahnville Volunteer Fire Station, located on Lincoln Street in Hahnville, has been struggling to maneuver his large fire trucks when exiting or entering Lincoln Street; and,

WHEREAS, it is virtually impossible at times for emergency service vehicles to use that street, thereby delaying emergency response time.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** Traffic control signs have been posted by the Department of Public Works since the adoption of Ordinance No. 82-10-9.

**SECTION II.** In accordance with Section 15-5, Motor Vehicles and Traffic, of the St. Charles Parish Code of Ordinances, the Department of Public Works is hereby authorized to order the erection, removal and location of such traffic control signs, signals, devices and markings as provided in the chapter or any amendments thereto.

**NOW, THEREFORE, WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, DO HEREBY ORDAIN** that "NO PARKING" signs be installed on both sides of Lincoln Street, from LA 18 to Pine Street in Hahnville.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, FLETCHER, NUSS  
NAYS: NONE  
ABSENT: NONE

And the ordinance was declared adopted this 15th day of October, 2012, to become effective five (5) days after publication in the Official Journal.

NO PARKING-Lincoln St Hahnville

CHAIRMAN: 

SECRETARY: 

DLVD/PARISH PRESIDENT: 10.17.12

APPROVED:  DISAPPROVED:

PARISH PRESIDENT: 

RETD/SECRETARY: 10-17-12

AT: 1:40 pm RECD BY: 

**2012-0359**

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV**  
**ORDINANCE NO. 12-10-7**

An ordinance to amend the St. Charles Parish Code of Ordinances, Appendix C. Subdivision Regulations, Section II. Subdivision Procedure, C. Minor Resubdivisions, 3. by revising g.

**WHEREAS**, clarification is needed with regards to the servitude information to be placed on minor resubdivisions.

**THE ST. CHARLES PARISH COUNCIL HERBY ORDAINS:**

**SECTION I.** That the St. Charles Parish Code of Ordinances, Appendix C. Subdivision Regulations, Section II. Subdivision Procedure, C. Minor Resubdivisions, 3. g. be revised as follows:

**AS WRITTEN:**

g. Layout and dimensions of servitudes and rights-of-way (including sidewalks). Existing drainage ditches and canals and their respective servitudes.

**AS REVISED:**

g. Layout and dimensions of all existing, proposed, and required servitudes and rights-of-way, including but not limited to servitudes for sidewalks, utilities, access, drainage ditches, and canals.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

**YEAS:** SCHEXNAYDRE, FAUCHEUX, TASTET, BENEDETTO, HOGAN, COCHRAN, FLETCHER  
**NAYS:** WILSON, NUSS  
**ABSENT:** NONE

And the ordinance was declared adopted this 15th day of October, 2012 to become effective five (5) days after publication in the Official Journal.

2012-0359 Ord - minor subdivision servitude reqmnts (6-29-12) rev8-2-12 rev10-5-12.doc

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: 10-17-12

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: 10-17-12

AT: 1:40pm RECD BY: [Signature]

**2012-0362**

**INTRODUCED BY: TRACI A. FLETCHER, COUNCILWOMAN, DISTRICT VI  
RESOLUTION NO. 5939**

A resolution authorizing the Chairman or the Secretary to offer no objection to Canadian National Railroad, CUP #P20121096 for a permit to replace the existing ballasted deck timber trestle bridge with precast concrete box culverts and one steel pipe, at Bridge L429.70, T12S-R07E, Montz, in St. Charles Parish, Louisiana. This site will be accessed from a proposed temporary road also being used for access at Bridge L429.60 and included in CUP #P20121097.

**BE IT RESOLVED** by the St. Charles Parish Council acting as the Governing Authority of the Parish:

**SECTION I.** That the Chairman or the Secretary be and is hereby authorized to offer **NO OBJECTION** in connection with the application of Canadian National Railroad, CUP #P20121096 for a permit to replace the existing ballasted deck timber trestle bridge with precast concrete box culverts and one steel pipe, at Bridge L429.70, T12S-R07E, Montz, in St. Charles Parish, Louisiana. This site will be accessed from a proposed temporary road also being used for access at Bridge L429.60 and included in CUP #P20121097.

**SECTION II.** That the offer of no objection shall be issued contingent upon the said Canadian National Railroad, their transferees, and/or assigns agreeing to and complying with the provision that should changes in the conditions in the vicinity be required in the future, they will make such changes as may be necessary to satisfactorily meet the situation and shall bear the cost thereof.

**SECTION III.** That a copy of this resolution shall be forwarded to all interested parties.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, TASTET, BENEDETTO, HOGAN,  
COCHRAN, FLETCHER, NUSS  
NAYS: NONE  
ABSENT: NONE

And the resolution was declared adopted this 15th day of October, 2012, to become effective five (5) days after publication in the Official Journal.

2012-0362 NO OBJECT Canadian National Railroad.doc

CHAIRMAN: \_\_\_\_\_  
SECRETARY: \_\_\_\_\_  
DLVD/PARISH PRESIDENT: 10-17-12  
APPROVED:  DISAPPROVED:

PARISH PRESIDENT: [Signature]  
RETD/SECRETARY: 10-17-12  
AT: 1:40 pm RECD BY: [Signature]

2012-0363

INTRODUCED BY: TRACI A. FLETCHER, COUNCILWOMAN, DISTRICT VI

RESOLUTION NO. 5940

A resolution authorizing the Chairman or the Secretary to offer no objection to Canadian National Railroad, CUP #P20121097 for a permit to replace the existing ballasted deck timber trestle bridge with precast concrete box culverts and steel pipes and construct a temporary access road with a temporary stream crossing over a channel consisting of wooden planking placed in the base of the channel, at Bridge L429.60, T12S-R07E, Montz, in St. Charles Parish, Louisiana. The temporary access road will also serve project activities at Bridge L429.70 (CUP #P20121096).

**BE IT RESOLVED** by the St. Charles Parish Council acting as the Governing Authority of the Parish:

**SECTION I.** That the Chairman or the Secretary be and is hereby authorized to offer **NO OBJECTION** in connection with the application of Canadian National Railroad, CUP #P20121097 for a permit to replace the existing ballasted deck timber trestle bridge with precast concrete box culverts and steel pipes and construct a temporary access road with a temporary stream crossing over a channel consisting of wooden planking placed in the base of the channel, at Bridge L429.60, T12S-R07E, Montz, in St. Charles Parish, Louisiana. The temporary access road will also serve project activities at Bridge L429.70 (CUP #P20121096).

**SECTION II.** That the offer of no objection shall be issued contingent upon the said Canadian National Railroad, their transferees, and/or assigns agreeing to and complying with the provision that should changes in the conditions in the vicinity be required in the future, they will make such changes as may be necessary to satisfactorily meet the situation and shall bear the cost thereof.

**SECTION III.** That a copy of this resolution shall be forwarded to all interested parties.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, FLETCHER, NUSS  
NAYS: NONE  
ABSENT: NONE

And the resolution was declared adopted this 15th day of October, 2012, to become effective five (5) days after publication in the Official Journal.

2012-0363 NO OBJECT Canadian National Railroad.doc

CHAIRMAN: \_\_\_\_\_  
SECRETARY: \_\_\_\_\_  
DLVD/PARISH PRESIDENT: 10-11-12  
APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: [Signature]  
RETD/SECRETARY: 10-17-12  
AT: 1:40pm RECD BY: [Signature]

2012-0366

INTRODUCED BY: ST. CHARLES PARISH COUNCIL  
RESOLUTION NO. 5941

A resolution authorizing the issuance of a Special License to Luling-Boutte Lions Club to conduct a Super Bingo.

WHEREAS, Parishes of the State of Louisiana are authorized to issue special licenses for super bingos pursuant to the authority granted by L.R.S. 4861.7; and,

WHEREAS, Section II.D. of Ordinance No. 89-4-2 provides that the Parish Council may issue by resolution special licenses for the conduct of bingo sessions at which the total amount of prizes to be awarded shall not exceed twenty-five thousand dollars (\$25,000.00) in cash or other thing(s) of value.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby authorize the issuance of a Special License to Luling-Boutte Lions Club to conduct a Super Bingo on Saturday, November 3, 2012, with the total amount of prizes to be awarded not exceeding Fifteen Thousand dollars (\$15,000.00).

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, FLETCHER, NUSS  
NAYS: NONE  
ABSENT: NONE

And the resolution was declared adopted this 15th day of October, 2012, to become effective five (5) days after publication in the Official Journal.

SuperBingo.Luling-BoutteLions 11-2012

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: 10-17-12

APPROVED:  DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 10-17-12

AT: 1:40pm RECD BY: [Signature]



2012-0367

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(GRANTS OFFICE)

RESOLUTION NO. 5942

A resolution to approve and authorize the execution of an Agreement between the State of Louisiana Department of Transportation and Development and St. Charles Parish for federal funding in the amount of \$90,250.00, for the St. Charles Parish Portable Message Boards, State Project No. H.010215.

**WHEREAS,** St. Charles Parish submitted an application for funding of the purchase of four (4) portable message boards with optional deep cycle batteries and two (2) cameras and two (2) data collectors, to improve roadway safety; and,

**WHEREAS,** by way of a letter dated March 22, 2012, Mr. Jason Taylor, P.E., Local Road Safety Engineer, Louisiana Local Technical Assistance Program, advised that the St. Charles Parish Local Road Safety Program application was tentatively approved for funding pending clarification on the safety issues that will be addressed by the requested surveillance cameras; and,

**WHEREAS,** following receipt of the requested clarification, the State has prepared an Agreement to provide funding for said project and it is the desire of the Parish Council to approve said Agreement.

**NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL,** do hereby approve and authorize the execution of an Agreement between the State of Louisiana Department of Transportation and Development and St. Charles Parish for funding of the St. Charles Parish Portable Message Boards, State Project No. H.010215.

**BE IT FURTHER RESOLVED** that the Parish President is hereby authorized to execute said Agreement and to act on behalf of St. Charles Parish in all matters pertaining to this project.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: FAUCHEUX, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN,  
FLETCHER, NUSS  
NAYS: NONE  
ABSENT: SCHEXNAYDRE

And the resolution was declared adopted this 15th day of October, 2012, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_  
SECRETARY: \_\_\_\_\_  
DLVD/PARISH PRESIDENT: 10-17-12  
APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: [Signature]  
RETD/SECRETARY: 10-17-12  
AT: 1:40 pm RECD BY: [Signature]

STATE OF LOUISIANA  
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

ENTITY/STATE AGREEMENT  
STATE PROJECT NO. H.010215  
ST. CHARLES PARISH PORTABLE MESSAGE BOARDS  
ST. CHARLES PARISH

**THIS AGREEMENT**, is made and executed in three original copies on this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between the **Louisiana Department of Transportation and Development**, through its Secretary, hereinafter referred to as “**DOTD**”, and **St. Charles Parish**, a political subdivision of the State of Louisiana, hereinafter referred to as “**Entity**”.

**WITNESSETH:** That;

**WHEREAS**, under the provisions of Title 23, United States Code, "Highways", as amended, Highway Safety Transfer funds have been appropriated out of the Highway Trust Fund to finance ‘Local Road Safety Program’ projects under the direct administration of DOTD; and

**WHEREAS**, the Entity has requested an appropriation of funds to finance a portion of the project as described herein; and

**WHEREAS**, the Entity understands that funding for this project is not a grant, but will take the form of disbursements of eligible expenditures as provided herein; and

**WHEREAS**, the Entity insures the project is part of Transportation Improvements Program (TIP), which serves to implement the area wide transportation plan held currently valid by the appropriate local officials; and

**WHEREAS**, the Entity agrees to abide by the policies and procedures set forth in State Purchasing Regulations; and

**WHEREAS**, DOTD is agreeable to the implementation of the Project and desires to cooperate with the Entity as hereinafter provided:

**NOW, THEREFORE**, in consideration of the premises and mutual dependent covenants herein contained, the parties hereto agree as follows:

**ARTICLE I - PROJECT DESCRIPTION**

This project is undertaken for the sole purpose of purchasing four (4) portable message boards, Wanco, Model WTMMB-SLL (A) with optional deep cycle batteries and two (2) cameras and two (2) data collectors or approved equal, to improve roadway safety as per the approved 2012 LRSP application.

State Project No. H.010215  
St. Charles Parish Portable Message Boards  
St. Charles Parish

The following project number has been assigned to this project:

State Project No. H.010215

All invoices incurred in the performance of these services shall be identified with this project number.

**ARTICLE II – SERVICES BY ENTITY**

The services to be performed by the Entity shall be the procurement of portable message boards and associated equipment.

<u>Description</u>	<u>Quantity</u>
Portable Message Boards	4 each
Optional Deep Cycle Batteries	4 each
Optional Camera & Tower Assembly	2 each
Optional Traffic Data Collector	2 each

**ARTICLE III - PROCUREMENT REQUIREMENTS**

The Entity procurement procedures shall conform to state and local laws and regulations and specifically the provisions of La. R.S. 38:2212.

The Entity shall not begin procurement procedures until official authorization has been received from DOTD.

**ARTICLE IV - FUNDING**

The cost of this project will be a joint participation between the Entity and the U.S. Department of Transportation, hereinafter “USDOT”, with the USDOT contributing, through the DOTD, 95% of the purchase costs of materials and the Entity contributing 5%. The total estimated cost of the project funded through this agreement is \$95,000. The Entity is required to provide a match of \$4,750 based on the required 5% match and the USDOT will provide a maximum amount of \$90,250 through DOTD using Highway Safety Transfer funds. The Entity may, however, incorporate items of work into the project not eligible for Federal-Aid participation at its own costs.

**“For services eligible for disbursement, no Notice to Proceed shall be issued and no compensable costs may be incurred prior to a formal notification from DOTD that authorization has been received. Any costs incurred prior to such authorization will not be compensable.”**

**ARTICLE V - DBE REQUIREMENTS**

It is the policy of the USDOT that small business firms owned and controlled by socially and economically disadvantaged persons and other persons defined as eligible in Title 49 Code of Federal Regulations, Part 26 (49 CFR 26) shall have reasonable opportunity to participate in the performance of contracts financed in whole or in part with Federal funds. Consequently, the requirements of 49 CFR 26 apply to this project.

The Entity or its supplier agrees to ensure that Disadvantaged Businesses (DBE) as defined in 49 CFR 26 have reasonable opportunity to participate in performance of contracts and subcontracts financed in whole or in part with Federal funds. The Entity or its supplier shall take all necessary and reasonable steps in accordance with 49 CFR 26 to ensure that such firms have reasonable opportunity to compete for and perform contracts. The Entity or its supplier shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract.

The preceding Policy and DBE Obligation shall apply to this project and shall be included in the requirements on any contract or subcontract. Failure to carry out the requirements set forth therein shall constitute a breach of this agreement and, after notification by DOTD, may result in termination of this agreement by DOTD or other such remedy, as DOTD deems appropriate.

The Entity or its supplier shall utilize the services of banks in the community which are owned and controlled by minorities or women when feasible and beneficial.

The above requirements shall be physically included in all subcontracts entered into by the Sponsor or its supplier.

**ARTICLE VI - INCIDENTAL COSTS**

Incidental Project costs, if any, incurred by the Entity shall be its responsibility. Incidental Project costs, if any, incurred by DOTD will be absorbed by DOTD.

Incidental project costs incurred by the DOTD for services relating to this project will be absorbed by DOTD.

**ARTICLE VII: COST DISBURSEMENTS**

The DOTD will disburse the Entity monthly the correct ratio of the costs of pre-construction engineering services, right-of-way acquisitions, utility adjustments, material purchase costs, contract administration and the costs of construction in effect at the time of authorization. The Entity shall

render invoices monthly for disbursement, which invoices shall be submitted with an executed DOTD Cost Disbursement Certification by the proper designated official of Entity. Upon receipt of each disbursement requested, Entity is required to tender payment for the invoiced cost and within sixty (60) days from receipt of payment from DOTD, Entity will provide proof of said payment. All such charges shall be subject to verification, adjustment and/or settlement by the DOTD's Audit Officer.

When the final costs of engineering services, right-of-way acquisitions, utility adjustments, material purchase costs, construction and construction engineering have been determined, adjustments will be made (except as noted above for construction engineering charges) so that the amount of participation in these items will not exceed the percentages outlined in Article IV. Before final payment is recommended by DOTD, all documentation of pay quantities shall conform to DOTD policies and procedures. The Entity acknowledges, however, that the USDOT will not participate in the cost of those items not constructed in accordance with the approved plans and specifications and in this event the Entity will be obligated to assume full financial responsibility. The Entity shall also submit all final billings for all phases of work within one year after the completion of final acceptance of the project. Failure to submit these billings within the specified one year period shall result in the project being closed on previously billed amounts and any unbilled cost shall be the responsibility of the Entity.

The Entity shall reimburse the DOTD any and all amounts which may be cited by the USDOT or DOTD due to the Entity's noncompliance with Federal/State laws and/or regulations. The cited amounts reimbursed by the Entity will be returned to the Entity upon clearance of the citation(s).

Should the Entity fail to reimburse the DOTD any and all cited amounts within a thirty (30) day period after notification, all future payment requests from the Entity will be held until the cited amount is exceeded at which time only the amount over and above the cited amount(s) will be released for payment. Additionally, no new Local Road Safety Program or Urban System project will be approved until such time as the cited amount is reimbursed to the DOTD.

The participation by the DOTD and the USDOT in the project shall in no way be construed to make the DOTD or the USDOT a party to the contract between the Entity and its contractor.

#### **ARTICLE VIII: COST RECORDS**

The Entity and all others employed by it in connection with this Project shall maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred relative to this Project and shall keep such material available at its offices at all reasonable times during the contract period and for five years from the date of final payment under the Project, for inspection by DOTD and/or Legislative Auditor, the USDOT, or any authorized representative of the Federal Government under State and Federal Regulations effective as of the date of this Agreement and copies thereof shall be furnished if requested.

**ARTICLE IX - CANCELLATION**

The terms of this agreement shall be binding upon the parties hereto until the work has been completed and accepted and all payments required to be made to the Entity have been made; but this agreement may be terminated under any or all of the following conditions:

1. By mutual agreement and consent of the parties hereto.
2. By the Entity should it desire to cancel the project prior to the purchase of the items covered in this contract.
3. By the DOTD due to the withdrawal of State or Federal funding for the project.
4. By the DOTD for just cause, including but not limited to, violation of any provision of this Agreement.

**ARTICLE X - PROJECT RESPONSIBILITY**

The DOTD, its officers, engineers and employees will not be required to supervise or perform such other services in connection with this project as specifically set forth herein; however, the Entity will assume full responsibility for the project and will save harmless the DOTD against any loss or damage of any kind, incident to or occasioned by deeds undertaken in pursuance of this agreement.

**ARTICLE XI – COMPLIANCE WITH CIVIL RIGHTS**

The Entity agrees to abide by the requirements of the following, as applicable: Titles VI and VII of the Civil Rights Act of 1964, as amended; the Equal Employment Opportunity Act of 1972, as amended; Federal Executive Order 11246, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Vietnam Era Veteran's Readjustment Assistance Act of 1974; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Americans with Disabilities Act of 1990, as amended.

The Entity agrees not to discriminate in its employment practices, and shall render services under this Contract without regard to race, color, age, religion, sex, national origin, veteran status, political affiliation, or disabilities.

Any act of discrimination committed by the Entity, or failure to comply with these statutory obligations when applicable shall be grounds for termination of this Agreement.

**ARTICLE XII - PUBLIC LIABILITY**

The Entity shall indemnify, save harmless and defend DOTD against any and all claims, losses, liabilities, demands, suits, causes of action, damages, and judgments of sums of money growing out of, resulting from, or by reason of any act or omission of the Entity, its agents, servants, independent

contractors, or employees while engaged in, about, or in connection with the discharge or performance of the terms of this Agreement. Such indemnification shall include reasonable attorney's fees and court costs. Entity shall provide and bear the expense of all personal and professional insurance related to its duties arising under this Agreement.

#### **ARTICLE XIII - FINAL ACCEPTANCE AND MAINTENANCE**

Upon delivery and acceptance of the portable message boards by the Entity, the DOTD Local Road Safety Program Manager shall be notified so that a final review and/or inspection can be scheduled. The Entity shall assume all maintenance or other recurring costs associated with the subject procurement.

#### **ARTICLE XIX: CONTRACTUAL OBLIGATIONS OF THE STATE**

The provisions of this Agreement are in no way and to no extent intended to nor shall they be construed in any manner which will impair the contractual obligations of the State, DOTD, or the Entity, in violation of Louisiana Constitution, Article 1, § 23.

#### **ARTICLE XX: HOUSE BILL 1 COMPLIANCE**

Entity shall fully comply with the provisions of House Bill 1, if applicable, by submitting to DOTD, for approval, the comprehensive budget for the Project showing all anticipated uses of the funds appropriated, an estimate of the duration of the Project, and a plan showing specific goals and objectives for the use of the appropriated funds, including measures of performance.

Entity understands and agrees that no funds will be transferred to Entity prior to receipt and approval by DOTD of the submissions required by House Bill 1.

IN WITNESS THEREOF, the parties have caused these presents to be executed by their respective officers thereunto duly authorized as of the day and year first above written.

WITNESSES:

Anada Colenar  
[Signature]

STATE OF LOUISIANA  
ST. CHARLES PARISH

BY: [Signature]

V.J. St. Pierre Jr.  
Typed or Printed Name

Parish President  
Title

72-6001208  
Taxpayer Identification Number

079448924  
DUNS Number

20.607 and 20.608  
CFDA Nos.

WITNESSES:

\_\_\_\_\_  
  
\_\_\_\_\_

STATE OF LOUISIANA  
DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT

BY: \_\_\_\_\_  
Secretary

RECOMMENDED FOR APPROVAL:

BY: \_\_\_\_\_  
Division Head



**2012-0368**

**INTRODUCED BY: LARRY COCHRAN, COUNCILMAN, DISTRICT V**  
**RESOLUTION NO. 5943**

A resolution to appoint Mr. Timothy S. Marcel as Special Legal Counsel to represent the St. Charles Parish Council in the case of Mayor Mitchell J. Landrieu vs. St. Charles Parish Council, Et Al.

**WHEREAS,** a Petition for Declaratory Judgment and Injunctive Relief has been filed in Civil District Court for the Parish of Orleans, Case Number 2012-08721, Division D, Section 16, entitled Mayor Mitchell J. Landrieu, in his Official Capacity as the Mayor of the City of New Orleans vs. St. Charles Parish Council, ET AL; and,

**WHEREAS,** said Petition challenges the provisions of Ordinance No. 85-10-5 adopted by the St. Charles Parish Council on October 7, 1985, and ratified by Ordinance No. 85-11-10 adopted by the St. Charles Parish Council on November 18, 1985, approving the "Airport Expansion Agreement" by and between the City of Kenner, the Parish of St. Charles, the City of New Orleans and the New Orleans Aviation Board to provide for the expansion of the East/West runway of the New Orleans International Airport into St. Charles Parish; and,

**WHEREAS,** it is in the best interest of the Parish Council to employ Special Legal Counsel to represent its interest; and,

**WHEREAS,** it is the desire of the Parish Council to appoint Mr. Timothy S. Marcel as Special Legal Counsel to handle said case.

**NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL,** do hereby appoint Mr. Timothy S. Marcel as Special Legal Counsel to represent the St. Charles Parish Council in said case.

**BE IT FURTHER RESOLVED,** that the fees for said Special Legal Counsel shall be paid in accordance with the Attorney General's Fee Schedule and from the Parish Council Budget.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, FLETCHER, NUSS  
NAYS: NONE  
ABSENT: NONE

And the resolution was declared adopted this 15th day of October, 2012, to become effective five (5) days after publication in the Official Journal.

Resolution - Special Legal Counsel

CHAIRMAN: [Signature]

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: 10-17-12

APPROVED: [Signature] DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 10-17-12

AT: 1:40pm RECD BY: [Signature]