



St. Charles Parish Meeting Minutes

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>

Parish Council

Draft

*Council Chairman Billy Raymond, Sr.
Councilmembers Carolyn K. Schexnaydre, Terry Authement,
Shelley M. Tastet, Wendy Benedetto, Paul J. Hogan,
Larry Cochran, Marcus M. Lambert, Dennis Nuss*

Monday, August 23, 2010

6:00 PM

Council Chambers, Courthouse

ATTENDANCE

Present: 9 - Carolyn K. Schexnaydre, Terry Authement, Billy Raymond, Sr., Shelley Tastet, Wendy Benedetto, Paul J. Hogan, Lawrence 'Larry' Cochran, Marcus M. Lambert, Dennis Nuss

Also Present: Parish President V.J. St. Pierre, Jr., Chief Operations Officer John "Rusty" Walker, 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, Waterworks Director Robbie Brou

CALL TO ORDER

PRAYER

*Dr. Juliet Spencer
Pastor of St. Charles United Methodist Church*

PLEDGE

*Dr. Juliet Spencer
Pastor of St. Charles United Methodist Church*

APPROVAL OF MINUTES

A motion was made by Councilmember Cochran, and seconded to approve the minutes from the Regular Meeting of July 26, 2010. The motion carried by the following vote:

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

REPORTS (FINANCE AND ADMINISTRATIVE ACTIVITIES)

2010-0280 (8/23/2010)

Library Service District

Reported

2010-0281 (8/23/2010)

Communications District (911)

Reported

2010-0282 (8/23/2010, St. Pierre)

Parish President Remarks/Report

Reported

IN ACCORDANCE WITH ARTICLE IV, SECTION B OF THE HOME RULE CHARTER, CHAIRMAN RAYMOND 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 TUESDAY, SEPTEMBER 7, 2010, 6:00 P.M., COUNCIL CHAMBERS, COURTHOUSE, HAHNVILLE, TO BE CONSIDERED FOR FINAL PASSAGE:

2010-0278 (8/23/2010, St. Pierre, Grants Office)

An ordinance approving and authorizing the execution of Amendment No. 2 to the DNR Cooperative Agreement No. 2512-06-04 (OCR Contract No. 435-600619) between the Louisiana Department of Natural Resources and St. Charles Parish Government for the operation, maintenance, repair, replacement, and rehabilitation of the Davis Pond Freshwater Diversion Project.

Publish/Scheduled PH

2010-0286 (8/23/2010, Benedetto)

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 Overnight Parking" sign at the entrance of Belle Ormond Subdivision in Destrehan.

Publish/Scheduled PH

2010-0287 (8/23/2010, St. Pierre, Department of Waterworks)

An ordinance to approve and authorize the execution of a License with the Department of the Army License No. DACW29-3-10-190 to allow St. Charles Parish Department of Waterworks to utilize 0.31 acres within Bonnet Carre Spillway for two 2-inch waterlines.

Publish/Scheduled PH

2010-0288 (8/23/2010, St. Pierre, Department of Economic Development and Tourism)

An ordinance to amend Ordinance No. 07-9-2, a Property Lease Agreement between River Parishes Community Development Corporation and the Parish of St. Charles for a Business Incubator at 917 Third Street in Norco, to transfer the interest of said Corporation to Goodwill Industries of Southeastern Louisiana, Inc.

Publish/Scheduled PH

2010-0289 (8/23/2010, St. Pierre, Department of Planning & Zoning)

An ordinance to levy an assessment on the 2010 Ad Valorem tax bills of property owners that are delinquent in paying outstanding invoices for removal of weeds, grass, etc. in accordance with the St. Charles Parish Code, Chapter 16, Article III, Weeds, Grass, etc. and to levy an assessment on the ad valorem tax bills of property owners that are delinquent in paying outstanding charges incurred for the removal of unsafe structures, trash and debris in accordance with Chapter 16, Article IV, Sec. 16-48(b).

Publish/Scheduled PH

2010-0290 (8/23/2010, Hogan)

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 a "NO PARKING" sign on Luke Street between the stop sign at the corner of 1st and Luke and before the first driveway on the west side of the street in Bayou Gauche.

Publish/Scheduled PH

2010-0291 (8/23/2010, Nuss, Tastet)

An ordinance to amend the Code of Ordinances, Chapter 11, Health and Sanitation, Article III. Open Outdoor Burning, Section 11-29. Exceptions to prohibition against outdoor burning to change (i) (2) and to add (i) (4).

Publish/Scheduled PH

2010-0292 (8/23/2010, St. Pierre, Department of Public Works)

An ordinance to approve and authorize the execution of a Professional Services Contract with CH2M HILL, INC to provide environmental services required for Parish Project No. P100801 Municipal Storm Sewer Systems Compliance (MS4).

Publish/Scheduled PH

2010-0293 (8/23/2010, St. Pierre, Department of Waterworks)

An ordinance to approve and authorize the execution of Change Order No. 1 for the East Bank Water Treatment Plant Upgrade to increase the contract time by 140 calendar days and to increase the contract amount by \$69,196.55.

Publish/Scheduled PH

2010-0255 (8/23/2010, Lambert)

An ordinance to provide for the installation of "FOUR-WAY STOP" signs at the intersections of Fifth Street, Vial Street, and Highland Drive in Norco.

Publish/Scheduled PH

PLANNING AND ZONING PETITIONS

1 **2010-0269** (8/9/2010, St. Pierre, Department of Planning & Zoning)
An ordinance to amend the Zoning Ordinance to change the zoning classification from C-1 to R-1A(M) at Lot 2-B-1 and from C-1 to C-2 at Lot 2-C-1 in the A. N. Darensbourg Tract, Killona as requested by Katherine Isaac.

Reported:
P & Z Department Recommended: Approval
Planning Commission Recommended: Approval

PH Requirements Satisfied

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

2 **2010-0270** (8/9/2010, St. Pierre, 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 C-2 and R-1A(M) to MS on Lot 41A Square 9, New Diamond Subdivision as requested by St. Charles Community Health Center.

Reported:
P & Z Department Recommended: Approval
Planning Commission Recommended: Approval

PH Requirements Satisfied

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

3 **2010-0271** (8/9/2010, St. Pierre, Department of Planning & Zoning)
An ordinance approving and authorizing the establishment of a Home Occupation under the operation of Jonathan R. Logan - "Logan & Associates, LLC" - an insurance business - at 205 2nd Street, Des Allemands, LA.

Reported:
P & Z Department Recommended: Approval
Planning Commission Recommended: Approval

PH Requirements Satisfied

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

4 **2010-0272** (8/9/2010, St. Pierre, Department of Planning & Zoning)
An ordinance approving and authorizing the establishment of a Home Occupation under the operation of Marcus Lambert - "On Display, LLC" - a landscaping service - at 200 Edgewood Lane, Montz, LA.

Reported:
P & Z Department Recommended: Approval
Planning Commission Recommended: Approval

PH Requirements Satisfied

Votes: Yea: 8 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Nuss
Nay: 0
Abstain: 1 - Lambert

ORDINANCES SCHEDULED FOR PUBLIC HEARING (INTRODUCED AT PREVIOUS MEETING)

- 5 **2010-0246** (8/9/2010, Hogan)
An ordinance to enact a MORATORIUM on the placement of animals other than pets in any zoning district other than OL in St. Charles Parish, said Moratorium shall remain in effect until January 31, 2011.

Reported:

Councilman Hogan Recommended: Approval

PH Requirements Satisfied

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

Votes: Yea: 4 - Schexnaydre, Authement, Raymond, Hogan
Nay: 5 - Tastet, Benedetto, Cochran, Lambert, Nuss

- 6 **2010-0267** (8/9/2010, St. Pierre, Department of Wastewater)
An ordinance to approve and authorize the execution of a Cooperative Endeavor Agreement, a copy of which is attached hereto and made a part hereof, with St. Charles Parish Public Schools for the acquisition of a sewer lift station to accommodate future development by St. Charles Parish.

Reported:

Wastewater Department Recommended: Approval

PH Requirements Satisfied

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

- 11 **2010-0268** (8/9/2010, St. Pierre, Department of Finance)
An ordinance setting forth, levying and imposing taxes on all property subject to taxation in the Parish of St. Charles, State of Louisiana, as required by Section 23 of Article VII of the Constitution of Louisiana and Revised Statute 47.1705(B) for General Parochial Purposes; constructing, maintaining, and operating the Parish Road Maintenance program, Parish Recreation program, Parish Fire Protection, Mosquito Control Program, E-911 Telephone System, Health Unit and Council on Aging program; Road Lighting District No. 1; Library Service District No. 1; and for the purpose of paying the principle and interest on outstanding General Obligation Sewer Bonds for the year 2010.

Reported:

Finance Department Recommended: Approval

PH Requirements Satisfied

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

2010-0273 (8/9/2010, St. Pierre, Department of Planning & Zoning)

An ordinance to amend the Subdivision Regulations to require resubdivision plats to state that sewer connection is the responsibility of the developer.

Amendment: to accept the revised version of File No. 2010-0273

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

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

13 **2010-0273** (8/9/2010, St. Pierre, Department of Planning & Zoning)

An ordinance to amend the Subdivision Regulations to require a note on resubdivision plats that all necessary sewer, water and/or other utility extensions shall be made by and at the expense of the lot owner.

Reported:

P & Z Department Recommended: Approval

PH Requirements Satisfied

VOTE ON THE PROPOSED ORDINANCE AS AMENDED

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

14 **2010-0274** (8/9/2010, St. Pierre, Department of Waterworks)

An ordinance to approve and authorize the execution of a contract with W.L. Wyman Construction, Inc. for the Installation of the East Bank and West Bank Water Plant Shutters - HMGP #1603-089-0005 FEMA Project #0110 in the amount of \$178,000.00.

Reported:

Waterworks Department Recommended: Approval

PH Requirements Satisfied

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

20 **2010-0275** (8/9/2010, Hogan)

An ordinance to amend the Code of Ordinances to rename Chapter 2. Administration, Section 2-12.

Reported:

Councilman Hogan Recommended: Approval

PH Requirements Satisfied

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

21 **2010-0276** (8/9/2010, Cochran)
 An ordinance to provide for the installation of a “STOP” sign at the end of Third and Short Street in St. Rose.
Reported:
Councilman Cochran Recommended: Approval
PH Requirements Satisfied
Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
 Nay: 0

22 **2010-0277** (8/9/2010, Benedetto, St. Pierre, Department of Public Works)
 An ordinance to approve and authorize the execution of a contract with Advanced Quality Construction, Inc. for project P081102-2 Dunleith Canal Stabilization Ph1 in the amount of \$614,282.00.
Reported:
Councilwoman Benedetto Recommended: Approval
Public Works Department Recommended: Approval

A representative from Advanced Quality Construction, Inc. and a representative from Evans-Graves Engineers, Inc. answered questions.
PH Requirements Satisfied
Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
 Nay: 0

ORDINANCES/RESOLUTIONS WHICH HAVE BEEN TABLED

2010-0249 (7/12/2010, Nuss)
 An ordinance to provide for the installation of "THREE-WAY STOP" signs at the intersection of St. Maria Street and Monsanto Avenue in Luling.
File No. 2010-0249 postponed indefinitely per Parish Council Rule 8. #8.
Ordinances/Resolutions Which Have Been Tabled [Shall only appear on two (2) subsequent regular meeting Agendas]
Postponed Indefinitely (Council Rule 8)

2010-0255 (8/23/2010, Lambert)
 An ordinance to provide for the installation of “FOUR-WAY STOP” signs at the intersections of Fifth Street, Vial Street, and Highland Drive in Norco.
A motion was made by Councilmember Lambert, and seconded that this matter be Removed from the Table. The motion carried by the following vote:
Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
 Nay: 0

Discussion: to postpone indefinitely and reintroduce File No. 2010-0255 for public hearing on September 7, 2010

A motion was made by Councilmember Lambert, and seconded that this matter be Postponed Indefinitely and Reintroduced. The motion carried by the following vote:

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

RESOLUTIONS

28 **2010-0279** (8/23/2010, St. Pierre, Grants Office)

A resolution authorizing the Parish President to execute those documents and agreements required in the submission of the application for funding under the Hurricane's Gustav and Ike Sustainable Coastal Communities Program to construct the Bonnet Carre Spillway Boat Launch Improvements and certifying that the "Urgent Need" National Policy Objective is being met.

*Reported:
Grants Office Recommended: Approval*

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

29 **2010-0283** (8/23/2010, St. Pierre, Grants Office)

A resolution supporting the application for the inclusion of the construction of an essential government building for the Department of Parks and Recreation on Parish owned property in the Louisiana Office of Community Development Local Government Assistance Program.

*Reported:
Grants Office Recommended: Approval*

Votes: Yea: 9 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss
Nay: 0

2010-0285 (8/23/2010, Hogan)

A resolution to amend the Parish Council Rules by adding Rule 40. Use of Electronic Equipment during Parish Council Meetings or Committee Meetings.

Council Rule 19. The rules may be repealed, altered, or amended by concurrence of a majority of all Councilmen, but motion for this purpose must be in writing, and lie over for at least one week after introduction before final passage.

Held Over

APPOINTMENTS

2010-0264 (8/9/2010)

A resolution to appoint a member to the St. Charles Parish Communications District.

*Nominee:
Councilman Authement nominated Mr. Thomas Barreca, Jr.*

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, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert,
Nuss
Nay: 0

2010-0284 (8/23/2010)

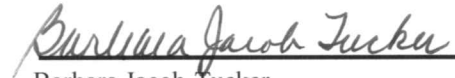
A resolution to appoint a member to the River Parishes Tourist Commission.
Vacancy Announced

ADJOURNMENT

A motion was made by Councilmember Schexnaydre, and seconded to adjourn the meeting at approximately 7:34 pm. The motion carried by the following vote:

Votes: Yea: 8 - Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Nuss
Nay: 1 - Lambert

I HEREBY CERTIFY THE FOREGOING TO BE EXACT AND TRUE.



Barbara Jacob-Tucker,
LCMC,CAA,CMA,CPO
Council Secretary

2010-0269

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

ORDINANCE NO. 10-8-3

An ordinance to amend the Zoning Ordinance to change the zoning classification from C-1 to R-1A(M) at Lot 2-B-1 and from C-1 to C-2 at Lot 2-C-1 in the A. N. Darensbourg Tract, Killona as requested by Katherine Isaac.

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, approving the change of zoning classification from C-1 to R-1A(M) at Lot 2-B-1 and from C-1 to C-2 at Lot 2-C-1 in the A. N. Darensbourg Tract, shown on a survey by Roland P. Bernard dated 6/1/92 and revised January 27, 1993, as requested by Katherine Isaac.

SECTION II. To authorize the Department of Planning & Zoning to amend the official St. Charles Parish Zoning Maps to reflect this reclassification from C-1 to C-2 at Lot 2-C-1 in the A. N. Darensbourg Tract, shown on a survey by Roland P. Bernard dated 6/1/92 and revised January 27, 1993, as requested by Katherine Isaac.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN,
COCHRAN, LAMBERT, NUSS
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 23rd day of August, 2010 to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.
SECRETARY: Michelle Jane Tucker
DLVD/PARISH PRESIDENT: August 24, 2010
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: W.S.P.
RETD/SECRETARY: August 25, 2010
AT: 9:20 AM RECD BY: [Signature]

2010-0270

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

ORDINANCE NO. 10-8-4

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 C-2 and R-1A(M) to MS on Lot 41A Square 9, New Diamond Subdivision as requested by St. Charles Community Health Center.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. An Ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, to approve the change of zoning classification from C-2 and R-1A(M) to MS on Lot 41A Square 9, New Diamond Subdivision, shown on a survey by Lucien Gassen dated June 9, 2010 and revised July 21, 2010, as requested by St. Charles Community Health Center.

SECTION II. To authorize the Department of Planning & Zoning to amend the official St. Charles Parish Zoning Maps to reflect the reclassification from zoning districts C-2 and R-1A(M) to MS on Lot 41A Square 9, New Diamond Subdivision, shown on a survey by Lucien Gassen dated June 9, 2010 and revised July 21, 2010, as requested by St. Charles Community Health Center.

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

- YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS
- NAYS: NONE
- ABSENT: NONE

And the ordinance was declared adopted this 23rd day of August, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.
 SECRETARY: Carla J. Tucker
 DLVD/PARISH PRESIDENT: August 24, 2010
 APPROVED: DISAPPROVED:
 PARISH PRESIDENT: [Signature]
 RETD/SECRETARY: August 25, 2010
 AT: 9:00 Am RECD BY: [Signature]

2010-0271

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

ORDINANCE NO. 10-8-5

An ordinance approving and authorizing the establishment of a Home Occupation under the operation of Jonathan R. Logan – “Logan & Associates, LLC” – an insurance business – at 205 2nd Street, Des Allemands, LA.

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 of Jonathan R. Logan requires a License from the Louisiana Department of Insurance.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the home occupation application by Jonathan R. Logan to operate “Logan & Associates, LLC”– an insurance business – at 205 2nd Street, Des Allemands, LA is hereby approved.

SECTION II. That the Department of Planning & Zoning is hereby authorized to grant Jonathan R. Logan a home occupation permit to have the office for an insurance business at 205 2nd Street, Des Allemands, LA.

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

- YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS
- NAYS: NONE
- ABSENT: NONE

And the ordinance was declared adopted this 23rd day of August, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.
 SECRETARY: Carolina Jacob Zucker
 DLVD/PARISH PRESIDENT: August 24, 2010
 APPROVED: ✓ DISAPPROVED: _____

PARISH PRESIDENT: WJL
 RETD/SECRETARY: August 25, 2010
 AT: 9:20 AM RECD BY: BOJ

2010-0272

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

ORDINANCE NO. 10-8-6

An ordinance approving and authorizing the establishment of a Home Occupation under the operation of Marcus Lambert – "On Display, LLC" – a landscaping service – at 200 Edgewood Lane, Montz, LA.

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 of Marcus Lambert requires a License from the Louisiana Department of Agriculture and Forestry.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the home occupation application by Marcus Lambert to operate "On Display, LLC" – a landscaping service – at 200 Edgewood Lane, Montz, LA is hereby approved.

SECTION II. That the Department of Planning & Zoning is hereby authorized to grant Marcus Lambert a home occupation permit to have the office for a landscaping service at 200 Edgewood Lane, Montz, LA.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, NUSS
NAYS: NONE
ABSENT: NONE
ABSTAIN: LAMBERT

And the ordinance was declared adopted this 23rd day of August, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.
SECRETARY: Barbara Jane Tucker
DLVD/PARISH PRESIDENT: August 24, 2010
APPROVED: ✓ DISAPPROVED: _____
PARISH PRESIDENT: [Signature]
RETD/SECRETARY: August 25, 2010
AT: 9:20 Am RECD BY: [Signature]

2010-0246

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

An ordinance to enact a **MORATORIUM** on the placement of animals other than pets in any zoning district other than OL in St. Charles Parish, said Moratorium shall remain in effect until January 31, 2011.

WHEREAS, the current requirements for allowing animals in zoning districts other than O-L is inadequate; and,

WHEREAS, there are many questions regarding the present permitting process; and,

WHEREAS, it is in the best interest of the residents of St. Charles Parish to have a clear and concise procedure specified in the Parish Code in regards to allowing animals in zoning districts other than O-L.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That a **MORATORIUM** is hereby placed on the future allowance of animals other than pets in districts other than O-L.

SECTION II That this **MORATORIUM** shall be in effect until January 31, 2011.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, HOGAN

NAYS: TASTET, BENEDETTO, COCHRAN, LAMBERT, NUSS

ABSENT: NONE

PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY ON AUGUST 23, 2010.

2010-0267

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

ORDINANCE NO. 10-8-7

An ordinance to approve and authorize the execution of a Cooperative Endeavor Agreement, a copy of which is attached hereto and made a part hereof, with St. Charles Parish Public Schools for the acquisition of a sewer lift station to accommodate future development by St. Charles Parish.

WHEREAS, the St. Charles Parish owns certain property on Sugarland Parkway upon which it intends to build a Parish Community Center and an Animal Shelter for public use; and,

WHEREAS, St. Charles Parish Public Schools owns a lift station with sewer tie-in facilities the use of which are necessary for sewer service for the Parish Community Center and Animal Shelter; and,

WHEREAS, St. Charles Parish Public Schools has agreed to donate said lift station with sewer tie-in facilities to St. Charles Parish; and,

WHEREAS, it is the desire of the Parish to acquire said lift station with sewer tie-in facilities.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Cooperative Endeavor Agreement, attached hereto, by and between St. Charles Parish Public Schools and St. Charles Parish, is hereby approved, and that the Parish President is hereby authorized to execute said Agreement on behalf of St. Charles Parish.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 23rd day of August, 2010, to become effective (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.
SECRETARY: Barbara Jacob Tucker
DLVD/PARISH PRESIDENT: August 24, 2010
APPROVED: DISAPPROVED:
PARISH PRESIDENT: [Signature]
RETD/SECRETARY: August 25, 2010
AT: 9:20 AM RECD BY: [Signature]

COOPERATIVE ENDEAVOR AGREEMENT

Before the respective undersigned Notaries Public and in the presence of the undersigned witnesses personally appeared:

ST. CHARLES PARISH PUBLIC SCHOOLS, a political subdivision of the State of Louisiana (the "School Board"), represented herein by Rodney R. Lafon, Ed.D, its Superintendent; and

ST. CHARLES PARISH, a governmental subdivision of the State of Louisiana, (the "Parish") represented herein by V. J. St. Pierre, Jr., duly authorized by Ordinance of the St. Charles Parish Council on August 23, 2010, a certified copy of which is annexed hereto;

each of whom made the following declarations:

The School Board and Parish enter into this Cooperative Endeavor Agreement (the "Agreement") for the purposes and on the terms and conditions set forth herein below.

PRELIMINARY RECITALS:

WHEREAS, the School Board is the owner of that certain immovable property with improvements thereon bearing Municipal No. 285 Sugarland Parkway, Luling, Louisiana, 70070 ("Satellite Center" or "School Board Land"); and

WHEREAS, the Parish owns certain property on Sugarland Parkway upon which it intends to build a Parish Community Center and an Animal Shelter for public use; and

WHEREAS, the School Board owns a lift station with sewer tie-in facilities the use of which are necessary for sewer service for the Community Center and the Animal Shelter; and

WHEREAS, the Parish intends to enter into a cooperative endeavor with the School Board for the purpose of acquiring the sewer lift station it owns at as described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, sewer system and lift stations are of limited capacity, the sewer project which is the subject of this Agreement will be limited to the use of the Community Center and the Animal Shelter and whatever other facilities the Parish may choose to build in the future; and

WHEREAS, the School Board agrees to transfer title to the lift station as described in Exhibit "A" attached hereto, to the Parish;

NOW THEREFORE, the **St. Charles Parish Public Schools**, herein represented as above stated, who declared that for good and valuable consideration and the mutual covenants and benefits hereinafter set forth, they do hereby donate without any warranty of title whatsoever, or their successors or assigns, but with full substitution and subrogation in and to all the rights and actions of warranty which they have or may have against all preceding owners, unto **St. Charles Parish**, herein represented as above stated, here present and accepting for the Parish and the Parish's successors and assigns the donation made herein and acknowledges due delivery and possession thereof, all and singular the following described property:

See Exhibit "A" attached hereto and made a part hereof

The parties hereto declare that they have not requested an Environmental Site Assessment and/or Environmental Impact Study of the herein conveyed property; nor have they requested any kind of study or evaluation of the property or the buildings thereon for any harmful pollutant or noxious substances (including asbestos); nor have they requested any opinion or evaluation of the usability of said property due to any considerations of the environment (including a declaration that the said property is "wetlands"). The parties acknowledge that said Notary has advised them of the availability of obtaining any of the above evaluations or studies and they have chosen to proceed without such studies; and they do hereby relieve and release me, Notary, from any responsibility in connection therewith.

The School Board herein further declares that there are no judgments, mortgages or liens against the hereinabove described property and it has conveyed no portion of the premises nor done any act or allowed any act to be done which has changed or could change the boundaries of the premises.

All agreements and stipulations herein contained and all of the obligations herein assumed shall inure to the benefit of and be binding upon the successors and assigns of the respective parties hereto.

No title examination was requested of or made by the undersigned Notary and the parties hereto hereby relieve and release said Notary from any and all liability in connection therewith.

To have and to hold the donated property unto the said Parish and its successors and assigns forever.

WITNESSES:

ST. CHARLES PARISH PUBLIC SCHOOLS

BY: RODNEY R. LAFON, Ed.D
SUPERINTENDENT

ST. CHARLES PARISH

BY: V.J. ST. PIERRE, JR.
PARISH PRESIDENT

LEON C. VIAL, III
NOTARY PUBLIC – NO. 13061
P. O. BOX 321
HAHNVILLE, LA 70057

EXHIBIT "A"

According to a survey by Riverlands Surveying Company dated June 18, 2010, the property conveyed herein is as follows:

A certain piece or parcel of ground together with all the appurtenances thereunto belonging and thereon situated on the St. Charles Parish School Board party in Luling, St. Charles Parish, Louisiana and having a dimension on its easterly side nearest the Sugarland Parkway of thirty (30') feet by a depth on its southerly side nearest the Texas and Pacific Railroad of twenty (20') feet by a width in the rear or westerly side of thirty (30') feet and by a depth along its Louisiana Highway 18 side of twenty (20') feet of which includes a sewer lift station which is enclosed by a fence.

2010-0268

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

ORDINANCE NO. 10-8-8

An ordinance setting forth, levying and imposing taxes on all property subject to taxation in the Parish of St. Charles, State of Louisiana, as required by Section 23 of Article VII of the Constitution of Louisiana and Revised Statute 47.1705(B) for General Parochial Purposes; constructing, maintaining, and operating the Parish Road Maintenance program, Parish Recreation program, Parish Fire Protection, Mosquito Control Program, E-911 Telephone System, Health Unit and Council on Aging program; Road Lighting District No. 1; Library Service District No. 1; and for the purpose of paying the principle and interest on outstanding General Obligation Sewer Bonds for the year 2010.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That acting under the authority of Section 23 of Article VII of the Constitution of the State of Louisiana and Section 47.1705(B) of the Louisiana Revised Statutes of 1950, as amended.

A. As Governing authority of St. Charles Parish, Library Service District No. 1, and Road Lighting District No.1 of St. Charles Parish, acting under the authority of special elections held in said Parish, there is hereby levied, assessed and imposed special taxes on all of the taxable property within the Parish and the respective Districts for the year 2010 for the respective purposes contained in the propositions voted upon at said elections, and said taxes shall be levied, assessed and imposed at the following millage rates:

	2010 Millages Levied
General Parochial	3.21
Road Lighting District No. 1	1.45
Library Service District No. 1	4.79
Road Maintenance Program	5.96
Recreation Program	2.96
Mosquito Control Program	1.08
Council on Aging Program	0.97
Fire Protection	1.55
E-911 Telephone System	0.98
Health Unit (2000)	0.65

B. As Governing Authority of St. Charles Parish, acting under the authority of a special election held in said Parish, there is hereby levied, assessed, and imposed special taxes as provided by Article VII, Section 23(D) of the Constitution of Louisiana, on all of the taxable property within the Parish and the respective District for the year 2010 for the purpose of paying the principle and interest and maintaining Sinking Funds on the outstanding General Obligation Sewer Refunding Bonds dated December 1, 2003 and two Sewer General Obligation DEQ Bond Issues; and said taxes shall be levied, assessed and imposed at the following millage rates:

	2010 Millages Levied
Public Sewer Bonds	2.95

SECTION II. That the proper administrative officers of the Parish of St. Charles, State of Louisiana, be and they are hereby empowered, authorized and directed to spread said taxes, as herein above set forth, upon the assessment roll of said Parish for the year 2010 and to make the collection of the respective taxes imposed for and on behalf of said Parish and said Districts, according to law, and that the taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted this 23rd day of August, 2010 to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.

SECRETARY: Barbara Jane Tucker

DLVD/PARISH PRESIDENT: August 24, 2010

APPROVED: DISAPPROVED:

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: August 24, 2010

AT: 9:20 AM RECD BY: Bot

2010-0273

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

ORDINANCE NO. 10-8-9

An ordinance to amend the Subdivision Regulations to require a note on resubdivision plats that all necessary sewer, water and/or other utility extensions shall be made by and at the expense of the lot owner.

WHEREAS, the St. Charles Parish Council desires to require the lot owner to pay all costs associated with connecting newly created lots to sewer, water and other utilities when extensions or modifications are required.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code, Appendix C. Subdivision Regulations, Section II. C. 3 is hereby amended to add the following:

- j. The following note shall be added to all resubdivision maps:
All necessary sewer, water and/or other utility extensions shall be made by and solely at the lot owner's expense.**

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 23rd day of August, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.

SECRETARY: Barbara Just Tucker

DLVD/PARISH PRESIDENT: August 24, 2010

APPROVED: DISAPPROVED:

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: August 25, 2010

AT: 9:20 am RECD BY: [Signature]

2010-0274

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

ORDINANCE NO. 10-8-10

An ordinance to approve and authorize the execution of a contract with W.L. Wyman Construction, Inc. for the Installation of the East Bank and West Bank Water Plant Shutters – HMGP #1603-089-0005 FEMA Project #0110 in the amount of \$178,000.00.

WHEREAS, sealed bids were received by the Parish on July 1, 2010, for the Installation of the East Bank and West Bank Water Plant Shutters – HMGP #1603-089-0005 FEMA Project #0110; and,

WHEREAS, installation of this project will protect the facilities from wind and debris damage and insure safety of St. Charles Parish employees in case of a Hurricane or related event; and,

WHEREAS, this project will be funded with an approved FEMA Hazard Mitigation Grant in the amount of \$150,899.00 to assist the Parish in project funding; and,

WHEREAS, St. Charles Parish and the Governor's Office of Homeland Security and Emergency Preparedness have reviewed the bid and recommend that the Contract be awarded to the low bidder, W.L. Wyman Construction, Inc. in the amount of \$178,000.00.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the bid of W.L. Wyman Construction, Inc. for the Installation of the East Bank and West Bank Water Plant Shutters – HMGP #1603-089-0005 FEMA Project #0110 be hereby approved and accepted in the amount of \$178,000.00.

SECTION II. That the Parish President is hereby authorized to execute said contract documents on behalf of St. Charles Parish.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 23rd day of August, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, SR.
SECRETARY: Burton James Tucker
DLVD/PARISH PRESIDENT: August 24, 2010
APPROVED: ✓ **DISAPPROVED:** _____

PARISH PRESIDENT: W.L.
RETD/SECRETARY: August 24, 2010
AT: 9:20 am **RECD BY:** BQA

SECTION 00500

AGREEMENT

THIS AGREEMENT is effective as of the _____ day of _____ in the year 20__ by and between the Parish of St. Charles, called the OWNER, and _____ hereinafter called the CONTRACTOR.

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1. WORK

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents for the above Project. The Work is generally described as follows:

The Contract Work generally comprises of the construction of

ARTICLE 2. ENGINEER

The Project has been designed by IN House who is hereinafter called ENGINEER and who will assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3. CONTRACT TIME

- 3.1 The Contractor shall complete all of the Work under the Contract within 120 calendar days from the date of the Notice to Proceed.
- 3.2 Liquidated Damages - OWNER and CONTRACTOR recognize that the OWNER will suffer direct financial loss if Work is not completed within the Contract times specified in Paragraph 3.1 above plus any extensions thereof allowed in accordance with Article 12 of the General Conditions, and therefore, time is of the essence. They also recognize the delays, expense and difficulties involved in proving in a legal proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, CONTRACTOR and Surety agree to forfeit and pay OWNER as liquidated damages for delay (but not as a penalty) the amount of \$ 400 for each calendar day that expires after the Contract Time specified in Paragraph 3.1 for final completion and ready for final acceptance until the Work is completed. These amounts represent a reasonable estimate of OWNER's expenses for extended delays and for inspection, engineering services and administrative costs associated with such delay. This provision shall be effective between the parties ipso facto and without demand or

putting in default, it being specifically agreed that the CONTRACTOR by his mere failure to complete the work on or before the date specified shall be deemed in default

ARTICLE 4. CONTRACT PRICE

CONTRACT PRICE: The amount to be paid to the Contractor by the Owner for completion of all work hereunder is: ~~(\$178,000)~~ ONE HUNDRED SEVENTY EIGHT THOUSAND DOLLARS based on unit prices specified within this contract document. Contract price is firm and subject only to modification by written change order agreed to by both parties.

ARTICLE 5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

- 5.1 Progress payments. OWNER shall make progress payments which exceed \$5,000 on account of the Contract price on the basis of CONTRACTOR's Applications for Payment, as recommended by ENGINEER, on or about the thirtieth (30th) day following receipt by the OWNER. Applications for Payments less than \$5,000 shall be accumulated until the next payment period or until final payment.

Progress payments will be based upon estimated quantities of completed contract unit price items or upon estimated percentages of completion of the schedule of lump sum values of labor and materials incorporated into the Work on the last day of each month or other mutually agreed regular monthly date ending the progress payment period.

- 5.2 Retainage. Retainage shall be withheld and payments will be made by the OWNER in the payment amount of: 1) ninety percent (90%) of the approved payment applications for projects with contract prices of less than \$500,000; or 2) ninety-five percent (95%) of the approved payment applications for the projects with contract prices of \$500,000 or greater.

- 5.3 Final Acceptance and Final Payment. Upon the final completion of all Work, the CONTRACTOR may request a final inspection and may make a final Application for Payment as provided by Paragraph 14.12 of the General Conditions, upon the OWNER's certificate of final acceptance.

Final acceptance of the Work, based upon the certificate of final acceptance, shall be by resolution of the Council of the Parish of St. Charles.

When substantial completion is granted by the Owner, the Certificate of Substantial Completion is then transmitted to the Contractor for filing with the recorder of mortgages of the Parish of St. Charles. This begins the not less than forty-five (45) day lien period as prescribed for Public Works by Louisiana Revised Statutes 38:2242.

At the expiration of the lien period it is the CONTRACTOR's responsibility to obtain a certificate from the Recorder of Mortgages of the Parish of St. Charles that the Contract is

clear of any liens or privileges, and said certificate shall be presented to the OWNER for final payment and release of retainage, less any such sums as may be lawfully withheld under the Contract.

ARTICLE 6. CONTRACTOR'S REPRESENTATIONS

In order to induce OWNER to enter into this Agreement, CONTRACTOR makes the following representations:

- 6.1 CONTRACTOR has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or finishing of the Work.
- 6.2 CONTRACTOR has studied carefully all reports of explorations and tests of subsurface physical conditions and drawings of physical conditions which are identified in the Information Available To Bidders and as provided in the General Conditions.
- 6.3 CONTRACTOR has obtained and carefully studied (or assumed responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies (in addition to or to supplement those referred to in Paragraph 6.2 above) which pertain to the subsurface or physical conditions at or contiguous to the site or which otherwise may affect the cost, progress, performance or furnishing of the Work as CONTRACTOR considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of Paragraph 4.2 of the General Conditions. In exercising its responsibility with respect to subsurface conditions and physical conditions at the site, CONTRACTOR has or will obtain or perform at no additional cost to the OWNER such additional examinations, investigations, explorations, tests, reports, studies, or similar information or data as may be required by CONTRACTOR for such purposes.

ARTICLE 7. CONTRACT DOCUMENTS

The following Contract Documents, which comprise the entire Agreement between OWNER and CONTRACTOR, are all hereby made a part of that Agreement to the same extent as if incorporated herein in full:

- 7.1 Agreement
- 7.2 Construction Performance and Payment Bond and Insurance Certificates
- 7.3 Advertisement for Bids
- 7.4 CONTRACTOR's Bid Form
- 7.5 Addenda (Numbers 1 to 2 inclusive)

00500_rev2

00500-3

- 7.6 Contract documents bearing the general title "INSTALLATION OF SHUTTERS ON E & W PLANT" dated _____ 20____.
- 7.7 Drawings, consisting of a cover sheet dated N/A 20____ and the sheets listed on Drawing N/A; each sheet bearing the following general title:
 " _____ "
- 7.8 General Conditions
- 7.9 General Conditions, pages 00700-1 through 00700-31 and Section 00800, Supplementary Conditions, pages 00800-1 through 00800-25, and Second Supplementary Conditions have been adopted by the St. Charles Parish Council as a Standard General Conditions and Supplementary Conditions for Construction Contracts. Those General Conditions and Supplementary Conditions are to be referred to in the agreement and contract as "GEN.COND, CONST - 7/98 filed in MOB 682, Folio 230 filed with the St. Charles Parish Clerk of Court."

There are no Contract Documents other than those listed above in this Article 7. The Contract may only be amended, modified or supplemented as provided for in the General Conditions.

ARTICLE 8. MISCELLANEOUS

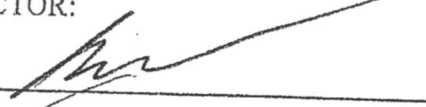
- 8.1 General Conditions, pages 00700-1 through 00700-31 and Section 00800, Supplementary Conditions, pages 00800-1 through 00800-25, and Second Supplementary Conditions have been adopted by the St. Charles Parish Council as a Standard General Conditions and Supplementary Conditions for Construction Contracts. Those General Conditions and Supplementary Conditions are to be referred to in the agreement and contract as "GEN.COND, CONST - 7/98 filed in MOB 682, Folio 230 filed with the St. Charles Parish Clerk of Court."
- 8.2 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and, unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents. Notwithstanding the foregoing, the OWNER may assign this contract to the State of Louisiana or any political subdivision, municipality, special district or authority thereof without CONTRACTOR's consent and without recourse.
- 8.3 OWNER and CONTRACTOR each binds himself, his partners, successors, assigns and legal representatives to the other party hereto, his partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.
- 8.4 It is hereby agreed and understood by the parties hereto that any and all disputes that may result in litigation shall be litigated in the 29th Judicial District Court for the Parish of St. Charles.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement effective as of the date first written above. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or by ENGINEER on their behalf.

OWNER: Parish of St. Charles

CONTRACTOR:

By _____

By  _____

Title _____

Title President _____

Attest _____

Attest  _____

END OF SECTION

00500_rev2

00500-5

2010-0275

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

ORDINANCE NO. 10-8-11

An ordinance to amend the Code of Ordinances to rename Chapter 2. Administration, Section 2-12.

WHEREAS, on July 21, 2008, the St. Charles Parish Council enacted Resolution No. 5559 officially abolishing the Qualification Based Section Review Panel.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Chapter 2. Administration, Section 2-12. be renamed as follows:

AS WRITTEN

Section 2-12.

Qualification based selection procedures for the procurement of architects and engineers.

AS REVISED

Section 2-12.

Procedures for the procurement of architects and engineers.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 23rd day of August, 2010 to become effective five (5) days after publication in the Official Journal.

Amend Code - Chapter 2, Section 2-12 rename

CHAIRMAN: Billy Raymond, Sr
 SECRETARY: Barbara Jacob Tucker
 DLVD/PARISH PRESIDENT: August 24, 2010
 APPROVED: ✓ DISAPPROVED: _____
 PARISH PRESIDENT: W. S. H.
 RETD/SECRETARY: August 25, 2010
 AT: 9:20 am RECD BY: egs

2010-0276

INTRODUCED BY: LARRY COCHRAN, COUNCILMAN, DISTRICT V
ORDINANCE NO. 10-8-12

An ordinance to provide for the installation of a
"STOP" sign at the end of Third and Short Street
in St. Rose.

WHEREAS, the St. Charles Parish Code of Ordinances, Chapter 15 Motor Vehicles and
Traffic provides for the installation of traffic control signs; and,

WHEREAS, it is the desire of the Parish Council to authorize the installation of a
"STOP" sign at the end of Third and Short Street in St. Rose.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That there are hereby established a "STOP" sign at the end of Third
and Short Street in St. Rose.

SECTION II. That the Department of Public Works is hereby authorized to erect
and maintain said "STOP" sign.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN,
COCHRAN, LAMBERT, NUSS
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 23rd day of August, 2010,
to become effective five (5) days after publication in the Official Journal.

Stop Sign end of Third and Short Street

CHAIRMAN: Billy Raymond, Sr.
SECRETARY: Barbara Jane Tucker
DLVD/PARISH PRESIDENT: August 24, 2010
APPROVED: DISAPPROVED:
PARISH PRESIDENT: W. S. H.
RETD/SECRETARY: August 25, 2010
AT: 9:20 a.m. RECD BY: BOA

2010-0277

**INTRODUCED BY: WENDY BENEDETTO, COUNCILWOMAN, DISTRICT III
V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PUBLIC WORKS)**

ORDINANCE NO. 10-8-13

An ordinance to approve and authorize the execution of a contract with Advanced Quality Construction, Inc. for project P081102-2 Dunleith Canal Stabilization Ph1 in the amount of \$614,282.00.

WHEREAS, sealed bids were received by St. Charles Parish on July 15, 2010 for project P081102-2 Dunleith Canal Stabilization Ph1; and,

WHEREAS, Evans-Graves Engineers, Inc., the Engineer for the Project, has reviewed the bids and recommend that the Contract be awarded to the low bidder, Advanced Quality Construction, Inc. in the amount of \$614,282.00; and,

WHEREAS, installation of this project will install vinyl sheet piling to stabilize the canal bank on the resident's side of the Dunleith Canal starting at Linwood Dr.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the bid of Advanced Quality Construction, Inc., for the construction of project P081102-2 Dunleith Canal Stabilization Ph1 be hereby approved and accepted in the amount of \$614,282.00.

SECTION II. That the Parish President is hereby authorized to execute said contract documents on behalf of St. Charles Parish.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 23rd day of August, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.
SECRETARY: Barbara Jean Zucker
DLVD/PARISH PRESIDENT: August 24, 2010
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: [Signature]
RETD/SECRETARY: August 24, 2010
AT: 9:20 am RECD BY: [Signature]

SECTION 00500

AGREEMENT

THIS AGREEMENT is effective as of the 27th day of August in the year 2010 by and between the Parish of St. Charles, called the OWNER, and Advanced Quality Construction hereinafter called the CONTRACTOR.

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1. WORK

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents for the above Project. The Work is generally described as follows:

The Contract Work generally comprises of the construction of

ARTICLE 2. ENGINEER

The Project has been designed by Evans-Graves Engineers, Inc. who is hereinafter called ENGINEER and who will assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3. CONTRACT TIME

- 3.1 The Contractor shall complete all of the Work under the Contract within 90 calendar days from the date of the Notice to Proceed.
- 3.2 Liquidated Damages - OWNER and CONTRACTOR recognize that the OWNER will suffer direct financial loss if Work is not completed within the Contract times specified in Paragraph 3.1 above plus any extensions thereof allowed in accordance with Article 12 of the General Conditions, and therefore, time is of the essence. They also recognize the delays, expense and difficulties involved in proving in a legal proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, CONTRACTOR and Surety agree to forfeit and pay OWNER as liquidated damages for delay (but not as a penalty) the amount of \$500.00 for each calendar day that expires after the Contract Time specified in Paragraph 3.1 for final completion and ready for final acceptance until the Work is completed. These amounts represent a reasonable estimate of OWNER's expenses for extended delays and for inspection, engineering services and administrative costs associated with such delay. This provision shall be effective between the parties ipso facto and without demand or putting in default, it being specifically agreed that the

CONTRACTOR by his mere failure to complete the work on or before the date specified shall be deemed in default

ARTICLE 4. CONTRACT PRICE

CONTRACT PRICE: The amount to be paid to the Contractor by the Owner for completion of all work hereunder is: ~~(\$ 614,282.00 Six Hundred Fourteen~~ Dollars based on unit prices specified within this contract document. ~~Contract price is firm and subject only to~~ Thousand Two Hundred Eighty-Two modification by written change order agreed to by both parties.

ARTICLE 5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

- 5.1 Progress payments. OWNER shall make progress payments which exceed \$5,000 on account of the Contract price on the basis of CONTRACTOR's Applications for Payment, as recommended by ENGINEER, on or about the thirtieth (30th) day following receipt by the OWNER. Applications for Payments less than \$5,000 shall be accumulated until the next payment period or until final payment.

Progress payments will be based upon estimated quantities of completed contract unit price items or upon estimated percentages of completion of the schedule of lump sum values of labor and materials incorporated into the Work on the last day of each month or other mutually agreed regular monthly date ending the progress payment period.

- 5.2 Retainage. Retainage shall be withheld and payments will be made by the OWNER in the payment amount of: 1) ninety percent (90%) of the approved payment applications for projects with contract prices of less than \$500,000; or 2) ninety-five percent (95%) of the approved payment applications for the projects with contract prices of \$500,000 or greater.
- 5.3 Final Acceptance and Final Payment. Upon the final completion of all Work, the CONTRACTOR may request a final inspection and may make a final Application for Payment as provided by Paragraph 14.12 of the General Conditions, upon the OWNER's certificate of final acceptance.

Final acceptance of the Work, based upon the certificate of final acceptance, shall be by resolution of the Council of the Parish of St. Charles.

When substantial completion is granted by the Owner, the Certificate of Substantial Completion is then transmitted to the Contractor for filing with the recorder of mortgages of the Parish of St. Charles. This begins the not less than forty-five (45) day lien period as prescribed for Public Works by Louisiana Revised Statutes 38:2242.

At the expiration of the lien period it is the CONTRACTOR's responsibility to obtain a certificate from the Recorder of Mortgages of the Parish of St. Charles that the Contract is

clear of any liens or privileges, and said certificate shall be presented to the OWNER for final payment and release of retainage, less any such sums as may be lawfully withheld under the Contract.

ARTICLE 6. CONTRACTOR'S REPRESENTATIONS

In order to induce OWNER to enter into this Agreement, CONTRACTOR makes the following representations:

- 6.1 CONTRACTOR has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or finishing of the Work.
- 6.2 CONTRACTOR has studied carefully all reports of explorations and tests of subsurface physical conditions and drawings of physical conditions which are identified in the Information Available To Bidders and as provided in the General Conditions.
- 6.3 CONTRACTOR has obtained and carefully studied (or assumed responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies (in addition to or to supplement those referred to in Paragraph 6.2 above) which pertain to the subsurface or physical conditions at or contiguous to the site or which otherwise may affect the cost, progress, performance or furnishing of the Work as CONTRACTOR considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of Paragraph 4.2 of the General Conditions. In exercising its responsibility with respect to subsurface conditions and physical conditions at the site, CONTRACTOR has or will obtain or perform at no additional cost to the OWNER such additional examinations, investigations, explorations, tests, reports, studies, or similar information or data as may be required by CONTRACTOR for such purposes.

ARTICLE 7. CONTRACT DOCUMENTS

The following Contract Documents, which comprise the entire Agreement between OWNER and CONTRACTOR, are all hereby made a part of that Agreement to the same extent as if incorporated herein in full:

- 7.1 Agreement
- 7.2 Construction Performance and Payment Bond and Insurance Certificates
- 7.3 Advertisement for Bids
- 7.4 CONTRACTOR's Bid Form
- 7.5 Addenda (Numbers #1 to #1 inclusive)

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7.6 Contract documents bearing the general title "Dunleith Canal Stabilization – Phase 1" dated March, 2010.

7.7 Drawings, consisting of a cover sheet dated March, 2010 and the sheets listed on Drawing__1 – Title Sheet; each sheet bearing the following general title:

"Dunleith Canal Stabilization – Phase 1, St. Charles Parish, LA".

7.8 General Conditions

7.9 General Conditions, pages 00700-1 through 00700-31 and Section 00800, Supplementary Conditions, pages 00800-1 through 00800-25, and Second Supplementary Conditions have been adopted by the St. Charles Parish Council as a Standard General Conditions and Supplementary Conditions for Construction Contracts. Those General Conditions and Supplementary Conditions are to be referred to in the agreement and contract as "GEN.COND, CONST – 7/98 filed in MOB 682, Folio 230 filed with the St. Charles Parish Clerk of Court."

There are no Contract Documents other than those listed above in this Article 7. The Contract may only be amended, modified or supplemented as provided for in the General Conditions.

ARTICLE 8. MISCELLANEOUS

8.1 General Conditions, pages 00700-1 through 00700-31 and Section 00800, Supplementary Conditions, pages 00800-1 through 00800-25, and Second Supplementary Conditions have been adopted by the St. Charles Parish Council as a Standard General Conditions and Supplementary Conditions for Construction Contracts. Those General Conditions and Supplementary Conditions are to be referred to in the agreement and contract as "GEN.COND, CONST – 7/98 filed in MOB 682, Folio 230 filed with the St. Charles Parish Clerk of Court."

8.2 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and, unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents. Notwithstanding the foregoing, the OWNER may assign this contract to the State of Louisiana or any political subdivision, municipality, special district or authority thereof without CONTRACTOR's consent and without recourse.

8.3 OWNER and CONTRACTOR each binds himself, his partners, successors, assigns and legal representatives to the other party hereto, his partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.4 It is hereby agreed and understood by the parties hereto that any and all disputes that may result in litigation shall be litigated in the 29th Judicial District Court for the Parish of St. Charles.

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IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement effective as of the date first written above. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or by ENGINEER on their behalf.

OWNER: Parish of St. Charles

By [Signature]

Title President

Attest [Signature]

CONTRACTOR:

By Kirk VanCamp

Title Vice President

Attest [Signature]

END OF SECTION



2010-0279

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

RESOLUTION NO. 5766

A resolution authorizing the Parish President to execute those documents and agreements required in the submission of the application for funding under the Hurricane's Gustav and Ike Sustainable Coastal Communities Program to construct the Bonnet Carre Spillway Boat Launch Improvements and certifying that the "Urgent Need" National Policy Objective is being met.

WHEREAS, St. Charles Parish is submitting an application for funding to construct the Bonnet Carre Spillway Boat Launch Improvements under the Hurricane's Gustav and Ike Sustainable Coastal Communities Program from the Louisiana Office of Community Development – Disaster Recovery Unit; and,

WHEREAS, such regulations require that St. Charles Parish provide, as part of such package, a certified copy of a resolution which authorizes submission of the application and designates the Parish President, as the authorized representative of St. Charles Parish, to sign all application documents and certifications; and,

WHEREAS, such regulations further require that St. Charles Parish certify that the activity for which Sustainable Coastal Communities Program funds are being requested is to construct the Bonnet Carre Spillway Boat Launch Improvements, which are urgently needed to alleviate conditions which pose a serious and immediate threat to the health or welfare of the Parish and are needed as a result of the damages sustained by the commercial fishing infrastructure in Hurricanes Gustav and Ike; and,

WHEREAS, with no other funding source, the monies to undertake the project will have to be taken from the Parish's budget resulting in a critical reduction in revenues for programs and operations of St. Charles Parish.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby authorize the submission of the Hurricanes Gustav and Ike Sustainable Coastal Communities Program application package, with the proceeds from such grant to be used to complete the Bonnet Carre Spillway Boat Launch Improvements; and,

BE IT FURTHER RESOLVED, that the Parish President, being the chief elected official of St. Charles Parish, is the authorized representative for the project and as such is authorized to file an application and any amendments thereto for a Hurricanes Gustav and Ike Sustainable Coastal Communities Program Grant on behalf of St. Charles Parish with full authority to execute all documents pertaining to the project; and,

BE IT FURTHER RESOLVED, that the St. Charles Parish Council, as the governing authority of St. Charles Parish, hereby certifies that the funding being requested under the Hurricanes Gustav and Ike Sustainable Coastal Communities Program will be used to complete the Bonnet Carre Spillway Boat Launch Improvements project, which is urgently needed to alleviate conditions which pose a serious and immediate threat to the health or welfare of the Parish as a result of the damages sustained by the commercial fishing infrastructure in the Hurricanes; and, with no other funding source, the monies to undertake the project would have to be derived from the Parish's budget resulting in a critical reduction in revenues for programs and operations of the Parish Government.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS

NAYS: NONE

ABSENT: NONE

And the resolution was declared adopted this 23rd day of August, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.

SECRETARY: Barbara Jean Tucker

DLVD/PARISH PRESIDENT: August 24, 2010

APPROVED: _____ **DISAPPROVED:** _____

PARISH PRESIDENT: WJSP

RETD/SECRETARY: August 25, 2010

AT: 9:20 am **RECD BY:** BOA

2010-0283

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

RESOLUTION NO. 5767

A resolution supporting the application for the inclusion of the construction of an essential government building for the Department of Parks and Recreation on Parish owned property in the Louisiana Office of Community Development Local Government Assistance Program.

WHEREAS, Louisiana Legislature House Bill 2 (Act 21) allocated \$10 million for the Local Government Assistance Program for fiscal year 2010-2011; and,

WHEREAS, the amount available to each parish for the fiscal year is \$139,000; and,

WHEREAS, the construction of an essential government building qualifies for the allocated funding; and,

WHEREAS, the Department of Parks and Recreation will be relocated to the Community Center at 274 Sugarland Parkway in Luling upon completion of construction and will require an on-site Equipment Storage Facility to house recreational equipment and an office for the equipment clerk; and,

WHEREAS, the Parish Council's support for the application to have this recommended improvement included in the Louisiana Office of Community Development Local Government Assistance Program is required.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL AND THE PARISH PRESIDENT, hereby provide this resolution in support of the application for the inclusion of the construction of an essential government building for the Department of Parks and Recreation on Parish owned property in the Louisiana Office of Community Development Local Government Assistance Program.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS

NAYS: NONE

ABSENT: NONE

And the resolution was declared adopted this 23rd day of August, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.

SECRETARY: Barbara Jean Tucker

DLVD/PARISH PRESIDENT: August 24, 2010

APPROVED: ✓ DISAPPROVED: _____

PARISH PRESIDENT: WJSP

RETD/SECRETARY: August 25, 2010

AT: 9:20 am RECD BY: BOA