

Police Jury Room
May 2, 2005
Abbeville, Louisiana

Minutes of a regular meeting of the Vermilion Parish Police Jury held on May 2, 2005, with President Hubert J. Faulk presiding.

The meeting was called to order by Mr. Faulk, who asked Juror Mark Poche` to lead the group in the Pledge of Allegiance. Following the pledge, the President asked for a moment of silent prayer or reflection.

The following members were present:

Mr. Purvis Abshire	Mr. Carroll Duhon	Mr. Mark Poche`
Mr. Ernal "E. J." Broussard	Mr. Hubert Faulk	Mr. T. J. Prejean, Jr.
Mr. Minos Broussard	Mr. Gaulman Gaspard	Mr. Edval Simon, Jr.
Mr. Maxwell Chreene	Mr. Luther "Buster" Hardee, III	Mr. Wayne Touchet
Mr. Ronald Darby	Mr. Ravis Menard	

Absent: None

Upon motion of Mr. Carroll Duhon, duly seconded by Mr. Maxwell Chreene, and unanimously carried, the reading of the minutes of the regular meeting of April 18, 2005, were dispensed with and were accepted.

President Faulk read the following announcements:

- 1) The 16th session of the Louisiana Community Economic Development Seminar will be held on May 17 – 18, 2005 in Baton Rouge.
- 2) The U.S. Equal Employment Opportunity Commission will hold their 2005 Technical Assistance Program Seminar on May 25, 2005 in Gulfport, Mississippi.

Ms. Liz Girouard, with Sellers and Associates, Inc., presented various items for the Police Jury's consideration.

Upon motion of Mr. Gaulman Gaspard, duly seconded by Mr. Purvis Abshire, and unanimously carried, the Police Jury approved the street & drainage plans, subject to parish engineer's recommendations being met, for the Country Gardens Subdivision - Phase 2 development, located in Election District No. 2

Upon motion of Purvis Abshire, duly seconded by Mr. T. J. Prejean, Jr., and unanimously carried, the Police Jury approved the street & drainage plans, subject to parish engineer's recommendations being met, for Heritage Point Subdivision – Phase 2 development, located in Election District No.2.

Upon motion of Mr. Wayne Touchet, duly seconded by Mr. Ernal "E.J." Broussard, and unanimously carried, the Police Jury approved the General Needs Committee Recommendations, as presented, and the appropriate officials of the Jury were authorized to carry out the recommendations:

GENERAL NEEDS COMMITTEE
APRIL 27, 2005
ABBEVILLE, LOUISIANA

AS A RESULT OF A GENERAL NEEDS COMMITTEE MEETING HELD ON APRIL 27, 2005, THE FOLLOWING ITEMS ARE RESPECTFULLY SUBMITTED FOR THE JURY'S CONSIDERATION:

1. It is recommended that the Parish Legislative Delegation be requested to address legislation which would amend the current state statutes to increase the fees allowed to be charged for handling livestock roaming at large.

It is further recommended that the following sub-committee be established to review current parish ordinances dealing with livestock found roaming at large on parish roads;

Minos Broussard, Mark Poche, Sheriff Couvillion, Perry Bourgeois

2. It is recommended that the Police Jury go on record opposing House Bill No. 309 by Representative Frith until a meeting can be scheduled with Rep. Frith to discuss the bill.
3. It is recommended that the Police Jury reject all of the bids received for the "Latest Model High-Track Bulldozer For The Solid Waste Department", based on the following reasons;
 - a. Allegation of a closed specification having been made.
 - b. Failure by Nortrax to obtain prior approval of equipment to be bid
 - c. Failure by Nortrax to file a complaint regarding equipment specifications for bulldozer.
 - d. Equitable consideration for other bidders to bid.

It is further recommended that the Police Jury authorize readvertising for bids for a bulldozer for the solid waste department.

4. It is recommended that the Police Jury approve entering into an intergovernmental agreement with Hospital Service District No. 2 to utilize a portion of their property to construct a community health center.
5. It is recommended that the following changes to the motor grader specifications be approved to be made and the specifications revised accordingly:
 - a. Increase model size to reflect higher horsepower and weight desired.
 - b. Change quantity to be purchased to read “one, or more”.
 - c. Request proposals to furnish used motors graders having;
 - (I) 0-750 hours of use
 - (II) 751-1500 hours of use
 - d. Agree to accept provision that the used equipment will only have the remaining warranties available from the original five (5) year/5000 hour warranty.
 - e. New equipment will have a 6-month delivery requirement; used equipment will have a 3-month delivery requirement.
6. It is recommended that the mechanic shop foreman be authorized to remove the four (4) existing hanging heaters in the mechanic shop, and to have the gas lines capped and/or removed.

It is further recommended that a contractor be hired to repair the roof leaks and cap the heater vent holes.
7. It is recommended that the Police Jury action taken on Monday, April 18, 2005, relative to the creation of a Home-Rule Charter Commission be rescinded.
8. It is recommended that the Police Jury action taken on Monday, April 18, 2005, relative to the Ordinance establishing a speed limit on S. Hospital Road be amended as follows;
 - a. From Charity Street to the L & D Railroad Co. crossing, request the City of Abbeville to set a speed limit of 40 mph.

- b. From the L/D Railroad crossing, southerly across Jacquelyn Street (La. Hwy. 3267), to the beginning of the “Deaf Child” area, the speed limit is to be set at 40 mph.
 - c. For that section of S. Hospital within the “Deaf Child” area, the speed limit is to be set at 30 mph.
 - d. From the southern end of the “Deaf Child” area to the intersection of W. Wildcat/Prejean, the speed limit is to be set at 40 mph.
9. It is recommended that Rodley J. Roy, Jr. be promoted from a Grade 11 to a Grade 13 status.

It is further recommended that Mr. Derek T. LeBlanc be hired on a full time basis at the solid waste plant as a mechanic (Grade 11).

10. It is recommended that the Police Jury issue a “Letter of No Objection” to Mitchell Site Acquisitions, Inc. relative to their application, on behalf of Centennial Wireless, to construct a communication tower, subject to the normal conditions being met.
11. It is recommended that Mr. Danny Guidry be appointed to the Vermilion Parish Library Board of Control replacing Mr. Lee Caffery, whose term has expired.
- It is further recommended that Mr. Caffery be sent a letter of appreciation recognizing his years of service.
12. It is recommended that the Police Jury deny payment of the repairs to Ms. Tammy Broussard’s vehicle in view of the fact that her vehicle was on a road which was posted as closed.
13. It is recommended that authorization be given for the Police Jury to enter into an agreement with the property owners living on Hayes Road to do a three-course application. The property owners will pay the cost of the material (~ \$5,004.00), and the Police Jury will provide the labor and equipment to do the work.
14. It is recommended that the Police Jury agree to be the permit holder relative to the proposed project to build an oyster reef at Cheniere Au Tigre.
15. It is recommended that the Police Jury make a formal request to the Corps of Engineers, Department of Natural Resources, the Parish Congressional and State Legislative Delegations, to pursue funding of a project to develop a hurricane levee protection system for the parish.

16. It is recommended that the Police Jury go on record opposing in its current form, House Bill #378, which proposes changes to the retirement benefit calculation for existing employees in the Parochial Employees Retirement System and request that any changes only apply to employees hired after Jan 1, 2006.
17. It is recommended that the secretary obtain information on the cost of extended service plans for the recently acquired tractors.
18. It is recommended that the Police Jury schedule a meeting with Senator Gautreaux to discuss the provisions of Senate Bill No. 83 which would create a four (4) parish public housing rehabilitation program.

Respectfully submitted,
Wayne Touchet
Chairman

In accordance with the General Needs Committee Recommendations, the following Resolution was adopted.

RESOLUTION

2005-R-14

RESOLUTION OPPOSING ANY CHANGES IN THE PAROCHIAL EMPLOYEES RETIREMENT SYSTEM BENEFITS FOR EXISTING PARISH EMPLOYEES AND TO FURTHER REQUEST THAT ANY PLAN CHANGE BE APPLIED TO ONLY NEW EMPLOYEES WHO ARE HIRED AFTER JANUARY 1, 2006

WHEREAS, the Parochial Employees Retirement System of Louisiana has proposed legislation, under House Bill 378 of the 2005 Regular Session of the Louisiana Legislature, which would change the period used to determine an employees final benefit compensation from the highest 36 consecutive months to the highest 60 consecutive months; and

WHEREAS, the most important asset to the Vermilion Parish Police Jury is its employees; and

WHEREAS, the Vermilion Parish Police Jury believes that this change will adversely affect the employees of the parish, resulting in them receiving a different benefit than what they were shown when they joined the system; and

WHEREAS, it is the belief of the Vermilion Parish Police Jury that all existing employees under the Parochial Employee Retirement System of Louisiana should receive what was, or has been, the rule at the time of their inclusion in the plan; and

WHEREAS, the Vermilion Parish Police Jury also believes that if this proposed change is necessary to the plan then it should be applied only to new employees, hired after January 1, 2006.

NOW, THEREFORE, BE IT RESOLVED, that the Vermilion Parish Police Jury does hereby oppose the above proposed change in the Parochial Employees Retirement System of Louisiana's benefit plan for all existing parish employee members, and further requests that if any change is implemented that it be applied only to new employees who are hired after January 1, 2006.

BE IT FURTHER RESOLVED, that the Vermilion Parish Police Jury does hereby request the Vermilion Parish Legislative Delegation to oppose this bill as it is written, and help to retain the prior benefit plan for all existing parish employees/members; and

BE IT FURTHER RESOLVED, that the Secretary/Treasurer of the Vermilion Parish Police Jury be directed to forward a copy of this resolution to the Parochial Employees Retirement System and the Louisiana Police Jury Association.

In accordance with the General Needs Committee Recommendations, the following Ordinance was amended:

**AMENDMENT NO. 1
TO
ORDINANCE 2005-O-06**

AN AMENDMENT TO ORDINANCE NO. 2005-O-06, APPROVED BY THE VERMILION PARISH POLICE JURY AT THEIR REGULAR MEETING HELD ON MAY 2, 2005.

THE AMENDMENT RESCINDS SECTION I OF ORDINANCE 2005-O-06 IN ITS ENTIRETY AND REENACTS SECTION I TO ESTABLISH SPEED LIMITS WITHIN CERTAIN DESIGNATED AREAS OF THE ROAD AS FOLLOWS:

WHEREAS, it has been brought to the Police Jury's attention that a considerable amount of speeding exists, which is causing very hazardous conditions on South Hospital Drive in Election District No. 9.

SECTION I: *NOW THEREFORE BE IT HEREBY ORDAINED*, that the Vermilion Parish Police Jury does hereby impose the following speed limits on South Hospital Drive:

- (A) From Charity Street to the La. & Delta Railroad Co. crossing, which is within the city limits of Abbeville, the city administration is requested to set a speed limit of 40 mph.
- (B) From the La. & Delta Railroad Co. Crossing, southward across Jacquelyn Street (La. Hwy. 3267), to the beginning of the “Deaf Child Area”, the Vermilion Parish Police Jury does hereby impose a 40 mph speed limit.
- (C) For that section of South Hospital Drive which is within the “Deaf Child Area”, the Vermilion Parish Police Jury does hereby impose a 30 mph speed limit.
- (D) From the southern end of the “Deaf Child Area” to the intersection of South Hospital and W. Wildcat/Prejean Road, the Vermilion Parish Police Jury does hereby impose a 40 mph speed limit.

SECTION II: *BE IT HEREBY FURTHER ORDAINED*, that the appropriate speed limit signs be installed in said area.

SECTION III: *BE IT HEREBY FURTHER ORDAINED*, that for a first offense, a maximum penalty of a \$100.00 fine and/or a 10 day jail sentence be imposed at the discretion of the court for the first offense.

BE IT HEREBY FURTHER ORDAINED, that for a second offense, maximum penalty of a \$250.00 fine and/or a 10 day jail sentence be imposed at the discretion of the court.

BE IT HEREBY FURTHER ORDAINED, that for a third offense, a Maximum penalty of a \$500.00 fine and/or a 10 day jail sentence be imposed at the discretion of the court.

SECTION IV: *BE IT HEREBY FURTHER ORDAINED*, that the Vermilion Parish Sheriff’s Department be and is hereby requested and/or directed to enforce the speed limit by the use of radar and/or regular patrolling.

SECTION V: *BE IT HEREBY FURTHER ORDAINED*, that any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Upon motion of Mr. Mark Poche`, duly seconded by Mr. T. J. Prejean, Jr., and unanimously carried, the Police Jury ratified the issuance of a letter of no objection relative to a temporary liquor permit request by the Bellow Riders to sponsor a trail ride on April 29, 30, 2005 and May 1, 2005.

Upon motion of Mr. Minos Broussard, duly seconded by Mr. Edval Simon, Jr., and unanimously carried, the Police Jury ratified the revised Section 5311 Monthly Report for the month of February, 2005, as submitted by the Vermilion Council On Aging, and directed the Secretary to submit the report to the Department of Transportation and Development for reimbursement in accordance with the contract agreement.

Upon motion of Mr. Mark Poche`, duly seconded by Mr. Gaulman Gaspard, and unanimously carried, the Police Jury approved payment of Invoice No. 205 to Dartez Metal Roofing & Buildings, LLC in the amount of \$934.06, for repairing the door jam and rail on the over-head door at the Meaux-Nunez Volunteer Fire Department Building. Cost to be paid from the `76 Sales Tax Fund.

Upon motion of Mr. Purvis Abshire, duly seconded by Mr. Ernal "E.J." Broussard, and unanimously carried, the Police Jury approved the 10 % local share reimbursement for the FEMA-Fire Grant in the amount of \$6,280.00 to the Indian Bayou Fire Department. Cost to be paid from the `76 Sales Tax Fund.

Upon motion of Mr. Ernal "E.J." Broussard, duly seconded by Mr. Ravis Menard, and unanimously carried, the Police Jury went on record opposing the "Fairness in Asbestos Injury Resolution" Act, being considered by Congress and directed the Secretary/Treasurer to send a letter to the Parish Congressional Delegation requesting that they support the Police Jury's position.

Upon motion of Mr. Purvis Abshire, duly seconded by Mr. Maxwell Chreene, and carried with Juror Carroll Duhon abstaining, the Police Jury approved the issuance of an alcoholic liquor permit to La Cuisine, located at 6068 La. Hwy. 167 in Election District No. 1.

The Police Jury's Legal Counsel, Mr. Paul Moresi, III, advised the Jury that he reviewed the state law for Memorial Markers placed at accident scenes. Nothing can be placed within the road right-of-way. However, the DOTD office only removes one when it meets certain criteria.

Mr. Moresi also advised the Jury that there are certain provisions, which are required to be met if the Jury wants to adopt an ordinance banning smoking in public buildings. He will provide a draft ordinance for the Jury's consideration.

Mr. Moresi also advised that he is still working on a revised noise ordinance draft for the Jury's consideration.

Upon motion of Mr. Luther "Buster" Hardee, III, duly seconded by Mr. Edval Simon, Jr., and unanimously carried, the Police Jury authorized the parish road supervisor to proceed with his plan to reduce the number of motor graders in the parish to four, with each having a designated area of coverage having approximately 150 miles of gravel roads to be maintained.

He was further authorized to return one of the rented motor graders when the month's rental time expires.

He was further authorized to rent a motor grader in the event one of the existing parish machines has a major breakdown.

Upon motion of Mr. Luther "Buster" Hardee, III, duly seconded by Mr. T. J. Prejean, Jr., and unanimously carried, the Police Jury adopted an Ordinance establishing a 40 mph speed limit on Maree Michel Road for its entire length.

ORDINANCE

2005-O-10

WHEREAS, it has been brought to the Police Jury's attention that a considerable amount of speeding exists, which is causing very hazardous conditions, on Maree Michel Road, in Election District No. 14.

SECTION I: NOW THEREFORE, BE IT HEREBY ORDAINED, that the Vermilion Parish Police Jury does hereby impose a 40 mph speed limit on Maree Michel Road for its entire length.

SECTION II: BE IT HEREBY FURTHER ORDAINED, that the appropriate speed limit signs be installed in said area.

SECTION III: BE IT HEREBY FURTHER ORDAINED, that for a first offense, a maximum penalty of a \$100.00 fine and/or a 10 day jail sentence be imposed at the discretion of the court for the first offense.

BE IT HEREBY FURTHER ORDAINED, that for a second offense, a maximum penalty of a \$250.00 fine and/or a 10 day jail sentence be imposed at the discretion of the court.

BE IT HEREBY FURTHER ORDAINED, that for a third offense, a maximum penalty of a \$500.00 fine and/or a 10 day jail sentence be imposed at the discretion of the court.

SECTION IV: BE IT HEREBY FURTHER ORDAINED, that the Vermilion Parish Sheriff's Department be and is hereby requested and/or directed to enforce the speed limit by the use of radar and/or regular patrolling.

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Upon motion of Mr. Minos Broussard, duly seconded by Mr. Mark Poche, and unanimously carried, the Police Jury adopted an Ordinance establishing a 45 mph speed limit on North Road from La. Highway 14 Bypass to La. Highway 338.

ORDINANCE

2005-O-11

WHEREAS, it has been brought to the Police Jury's attention that a considerable amount of speeding exists, which is causing very hazardous conditions, on North Road, in Election District Nos. 03 and 06.

SECTION I: NOW THEREFORE, BE IT HEREBY ORDAINED, that the Vermilion Parish Police Jury does hereby impose a 45 mph speed limit on North Road from La. Highway 14 Bypass to La. Highway 338.

SECTION II: BE IT HEREBY FURTHER ORDAINED, that the appropriate speed limit signs be installed in said area.

SECTION III: BE IT HEREBY FURTHER ORDAINED, that for a first offense, a maximum penalty of a \$100.00 fine and/or a 10 day jail sentence be imposed at the discretion of the court for the first offense.

BE IT HEREBY FURTHER ORDAINED, that for a second offense, a maximum penalty of a \$250.00 fine and/or a 10 day jail sentence be imposed at the discretion of the court.

BE IT HEREBY FURTHER ORDAINED, that for a third offense, a maximum penalty of a \$500.00 fine and/or a 10 day jail sentence be imposed at the discretion of the court.

SECTION IV: BE IT HEREBY FURTHER ORDAINED, that the Vermilion Parish Sheriff's Department be and is hereby requested and/or directed to enforce the speed limit by the use of radar and/or regular patrolling.

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A motion by Mr. Mark Poche`, duly seconded by Mr. Gaulman Gaspard, was made to create a Home Rule Charter Commission to develop a charter document for Vermilion Parish. The makeup of the commission would be 1 person from each Ward, 1 minority representative to be named by Juror Ronald Darby, and 1 representative from the District Attorney's office, and that 3 of the members shall be from the Ward 3. Names are to be presented for appointment at the next jury committee meetings on May 11, 2005.

A roll call on the motion resulted in the following vote; Voting for the motion were Carroll Duhon, Ronald Darby, Wayne Touchet, Mark Poche`, Ernal "E.J." Broussard, Maxwell Chreene, Gaulman Gaspard, Luther "Buster" Hardee, III; Voting against the motion were Minos Broussard, Edval Simon, Jr., Ravis Menard, Purvis Abshire, T. J. Prejean, Jr.

The motion passed by a vote of 8 for, and 5 against.

General (Ret.) Robert LeBlanc, Director of the Office of Emergency Preparedness, reminded the Jurors that on Friday, May 27, 2005, from 9:00 a.m. to 3:00 p.m., the O.E.P. and the Police Jury will host the annual Hurricane Preparedness meeting at the Comeaux Recreational Center.

Upon motion of Mr. Wayne Touchet, duly seconded by Mr. Ernal "E.J." Broussard, and unanimously carried, there being no further business to be presented, the meeting was duly adjourned.

Secretary-Treasurer

President

