

Police Jury Room
September 4, 2007
Abbeville, Louisiana

Minutes of a regular meeting of the Vermilion Parish Police Jury held on September 4, 2007, with President Luther "Buster" Hardee, III presiding.

The meeting was called to order by Mr. Hardee, who asked Mr. Carroll Duhon 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. Hubert Faulk	Mr. Edval Simon, Jr.
Mr. David C. Mayard	Mr. Gaulman Gaspard
Mr. Ronald Darby	Mr. Ravis Menard
Mr. Wayne Touchet	Mr. Purvis Abshire
Mr. Mark Poche`	Mr. T. J. Prejean, Jr.
Mr. Carroll Duhon	Mr. Maxwell Chreene
Mr. Luther "Buster" Hardee, III	

Absent: Mr. Minos Broussard

President Hardee inquired whether there were any additions or changes to the agenda.

Upon motion by Mr. David C. Mayard, duly seconded by Mr. Purvis Abshire, and unanimously carried, the readings of the minutes of the August 20, 2007 meeting, were dispensed with and were accepted.

President Hardee recognized Mr. Todd Vincent, with Sellers & Associates, Inc., to present the engineering and architectural reports to the Jury.

Mr. Vincent requested approval of Partial Payment No. 2 to Glenn Lege Construction, Inc., in the amount of \$556,940.46, relative to the "2006-2007 Capital Improvements Program – Street Improvements". Mr. Vincent stated that the project is 17.5% complete.

Upon motion by Mr. Wayne Touchet, duly seconded by Mr. Edval Simon, Jr., and unanimously carried, the Police Jury approved Partial Payment No. 2 to Glenn Lege Construction, Inc., in the amount of \$556,940.46, relative to the "2006-2007 Capital Improvements Program – Street Improvements".

Upon motion of Mr. T. J. Prejean, Jr., duly seconded by Mr. Maxwell Chreene, and unanimously carried, the Police Jury approved the issuance of the following Project Permits:

- (A) Project Permit No. 1495-D to Manti Operating Company to construct and maintain a drill site location with structures for drilling the South Erath Prospect Well, in Election District No. 09, contingent upon the emergency plan being approved by the Vermilion Parish Homeland Security/Office of Emergency Preparedness.

- (B) Project Permit No. 1496-D to Sandalwood Exploration, LP, to construct and maintain a drill site location with structures for drilling the Golden Goose Prospect, in Election District No. 13, contingent upon the emergency plan being approved by the Vermilion Parish Homeland Security/Office of Emergency Preparedness.
- (C) Project Permit No. 1497-D to Liberty Resources, Inc. to construct and maintain a drill site location with structures for drilling the Duhon Well No. 003, in Election District No. 02, contingent upon the emergency plan being approved by the Vermilion Parish Homeland Security/Office of Emergency Preparedness.
- (D) Project Permit No. 1498-D to Oracle Oil, LLC to construct and maintain a drill site location with structures for drilling the L. B. Broussard, et al No. 1 Well, in Election District No. 13, contingent upon the emergency plan being approved by the Vermilion Parish Homeland Security/Office of Emergency Preparedness.
- (E) Project Permit No. 1499-D to Sandalwood Exploration, LP to construct and maintain a drill site location with structures for drilling the Popsicle Prospect, in Election District No. 13, contingent upon the emergency plan being approved by the Vermilion Parish Homeland Security/Office of Emergency Preparedness.

Upon motion of Mr. T. J. Prejean, Jr., duly seconded by Mr. Edval Simon, Jr., and unanimously carried, the Police Jury approved a Seismic Operation Permit to Eagle Geophysical, Inc. and El Paso E & P Co., to conduct seismic operation in Vermilion Parish, in Election District No. 13.

President Hardee recognized Mr. Richard Minvielle, with Minvielle & Associates, Inc., to present the consultant report to the Jury.

Mr. Minvielle informed the Jury that the Parish had received \$4.2 million from the federal Hazard Mitigation Grant Program. Minvielle & Associates, Inc. services were engaged by the Police Jury to go through the proper procurement procedures to hire an architectural firm, and engineering firm and professional services to update the Parish's Hazard Mitigation Plan under FEMA's Expanded Mitigation Strategies, Planning Grant Pilot Program.

Mr. Minvielle stated that advertisements for bids were advertised in the Lafayette and Abbeville newspaper and that letters were sent to local architectural and engineering firms regarding the request for bids. Mr. Minvielle also stated that one bid had been received for architectural services, three bids were received for engineering services, and two bids had been received for professional services to update the Parish's Hazard Mitigation Plan.

Mr. Minvielle met with (Ret.) General Robert LeBlanc and Ms. Rebecca Broussard with the Vermilion Parish Homeland Security/Office of Emergency Preparedness, and Mr. Chris Theriot to review the bids.

Upon motion by Mr. Wayne Touchet, duly seconded by Mr. Ravis Menard, and unanimously carried, the Police Jury approved the following firms to provide services in regards to the Hazard Mitigation Grant Program under FEMA's Expanded Mitigation Strategies, Planning Grant Pilot Program:

- A. Architectural Services – The Sellers Group
- B. Engineering Services – Sellers & Associates, Inc.
- C. Professional Services to Update Hazard Mitigation Plan – Sellers & Associates, Inc.

Mr. Mark Poché questioned Mr. Minvielle regarding how an engineering firm could gain the credentials needed to be awarded a contract of this type if they never get hired.

Mr. Minvielle stated that the ratings criteria for this project were based on a numerical point system set up by Mr. Minvielle and approved by the Vermilion Parish Homeland Security/Office of Emergency Preparedness and the Administrator/Secretary-Treasurer. Mr. Minvielle also stated that due to this being a federal project, those that had done work for the Jury in the past received a more favorable rating than those who hadn't done work for the Jury. Mr. Minvielle stated that he fully expected that those who had not done work for the Jury in the past could be awarded bids on future projects, thereby allowing them to gain the credentials needed.

Upon motion by Mr. Gaulman Gaspard, duly seconded by Mr. Purvis Abshire, and unanimously carried, the Police Jury deleted Item No. 1 of the General Needs Committee Recommendations.

Upon motion of Mr. Wayne Touchet, duly seconded by Mr. Ravis Menard, and unanimously carried, the Police Jury approved amending the General Needs Committee Recommendations to add, "It is recommended that the Police Jury adopt the Donation Form prepared by Legal Counsel to allow the Jury to enter private property, on a case-by-case basis and after approval by the Police Jury, to pick up material that is too heavy to be moved by the landowner for the Police Jury's use."

Upon motion of Mr. Mark Poche', duly seconded by Mr. Carroll Duhon, and unanimously carried, the Police Jury approved the General Needs Committee Recommendations, as amended, and the appropriate officials of the Jury were authorized to carry out the recommendations.

GENERAL NEEDS COMMITTEE
AUGUST 29, 2007
ABBEVILLE, LOUISIANA

AS A RESULT OF A GENERAL NEEDS COMMITTEE MEETING HELD ON AUGUST 29, 2007, THE FOLLOWING ITEMS ARE RESPECTFULLY SUBMITTED FOR THE JURY'S CONSIDERATION:

1. It is recommended that the Police Jury authorize Legal Counsel to draft an agreement to allow the Jury to enter private property to pick up cement that is too heavy to be moved by the landowner, for the Police Jury's use.
2. It is recommended that the Police Jury authorize Legal Counsel to send a letter to the homeowner responsible for the pole placed at the corner of Alwood Road and Romules

Road, in Election District No. 2, demanding the pole be moved at least five feet from the paved portion of the road.

3. It is recommended that the Police Jury ratify the hiring of the following CDL Drivers at the Solid Waste Facility at the following grade/step:
 1. Mr. Dwayne Augustus – Grade 10/Step 0
 2. Mr. Dejuan Alexander – Grade 10/Step 0
 3. Mr. Whitney Woods – Grade 10/Step 0
4. It is recommended that the Police Jury authorize Legal Counsel to send a letter to Entergy, informing them of the right-of-way determination on Claude Road, in Election District No. 2 and request they remove their poles from the Police Jury's right-of-way immediately.
5. It is recommended that the Police Jury approve Contract Change Order No. 4 for the "2006-2007 Capital Improvements Program – Street Improvements". This change order would increase the total contract price by \$139,564.22, adjusting the total contract price to \$4,661,820.96.
6. It is recommended that the Police Jury award the lowest quote to Vermilion Shell, in the amount of \$6,600.00, relative to enforcing the levee surrounding Victoria Acres Subdivision, in Election District No. 1.
7. It is recommended that the Police Jury authorize the Administrator/Secretary-Treasurer to sign the conditions request sent by Shell Co. for the Vermilion Parish Water Works District No. 1 to cross their pipeline.
8. It is recommended that the Police Jury authorize Mr. Dudley Broussard, Road Supervisor to have a 42" pipe installed adjacent to the 36" pipe on Janine Road, in Election District No. 3, to improve drainage conditions.
9. It is recommended that the Police Jury authorize Sellers & Associates, Inc. to send a letter to the Louisiana Department of Transportation (DOTD) requesting they upgrade the pipe which runs under Louisiana Highway 700, in Election District No. 2 and state that the Police Jury is not at fault.
10. It is recommended that the Police Jury authorize the President to sign the agreement between the Erath Sugar Company and the Police Jury to have the easement corrected on Charlie Field Road, in Election District No. 6.
11. It is recommended that the Police Jury approve the permit request from Mr. Darryl Simmons for his private shooting range, located on Woodlawn Road, in Election District No. 1.
12. It is recommended that the Police Jury authorize Legal Counsel to send a letter to 2204 Allen Road, Maurice, Louisiana, relative to a violation of the Subdivision Ordinance in Aldora Subdivision, Phase II, in Election District No. 2, requesting they remove the vehicle parked in the Parish's right-of-way.

13. It is recommended that the Police Jury adopt “Ordinance 2007-O-25: An Ordinance Regulating Adjudicated Properties in the Parish of Vermilion”.
14. It is recommended that the Police Jury adopt “Ordinance 2007-O-26: An Ordinance Regulating Sexually Oriented Businesses in the Parish of Vermilion”.
15. It is recommended that the Police Jury ratify the hiring of Mr. Kenneth Devoltz as a part time mower operator, at a rate of \$10.00 per hour with no benefits, at the Area II Barn.
16. It is recommended that the Police Jury authorize the President to sign the Certificate of Substantial Completion, relative to the re-roofing of Area “E” at the Vermilion Parish Law Enforcement Center.
17. It is recommended that the Police Jury approve the following invoices submitted by Deep South of Louisiana, relative to insurance deductibles for damage claims:

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| <ol style="list-style-type: none"> 1. Invoice No. MPM843318
Parishwide – L. Gaspard
Date of Loss: 07/30/07
Amount = \$3,158.28 | <ol style="list-style-type: none"> 2. Invoice No. MPM843314
Parishwide – L. Gaspard
Date of Loss: 07/30/07
Amount = \$5,000.00 |
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18. It is recommended that the Police Jury approve payment of Invoice No. 60385, to Abbeville Tree Service, Inc., in the amount of \$1,325.00, the total is \$50.00 over, relative to providing a bucket truck service for J & J Exterminating Service to remove a bee hive, relative to removing a dead tree at the Vermilion Parish Government Complex Building (Old Hibernia Bank).
19. It is recommended that the Police Jury approve payment of Invoice No. 2556, to Jim’s Tree Service, LLC, in the amount of \$775.00, relative to the removal of a tree on the southeast side of Marion Road and Beverly Road, located in Marion Faulk Subdivision, in Election District No. 11.
20. It is recommended that the Police Jury approve payment of Invoice No. 4388, from the St. Charles Parish Sheriff’s Office, in the amount of \$3,358.50, relative to housing Vermilion Parish inmates for the month of June, 2007.

It is further recommended that the Police Jury authorize Legal Counsel to send a letter with the attached check to St. Charles Parish Sheriff’s Office, stating that the Police Jury is not binding itself to any rate by making payment for the housing of Vermilion Parish inmates.

21. It is recommended that the Police Jury approve payment for the FY ’05 and FY ’06 LCDBG – Water Extension – Cow Island as follows:

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| <ol style="list-style-type: none"> 1. Bihm Construction, Inc.
Partial Payment No. 5
Date: 07/27/07
Amount = \$54,952.27 | <ol style="list-style-type: none"> 2. Sellers & Associates, Inc.
Invoice No. 10312
Date: 08/05/07
Amount = \$2,440.09 |
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3. Sellers & Associates, Inc.
Invoice No. 10313
Date: 08/05/07
Amount = \$5,163.54

4. Minvielle & Associates, Inc.
Invoice No. 1542
Date: 08/23/07
Amount = \$2,430.00

22. It is recommended that the Police Jury authorize the President to sign a cooperative agreement with the Louisiana Department of Transportation and Development for the Federal Off-System Bridge Rehabilitation and Replacement Program for Vermilion Parish.
23. It is recommended that the Police Jury approve payment of Invoice No. 10337, to Sellers & Associates, Inc., in the amount of \$1,029.50, relative to Hurricane Rita – Temporary Trailer at the 7th Ward Fire Station.
24. It is recommended that the Police Jury approve a proposal submitted by KTC Telephone Co., Inc., in the amount of \$1,373.04, relative to the installation of 4 DX-80 Digital Phones, 1 COM 4 CO Line Module, and all associated jacks and wiring relative for the Vermilion Parish Homeland Security/Office of Emergency Preparedness.
25. It is recommended that the Police Jury award the lowest quote to Abbeville Snapper Sales & Service, in the amount of \$6,899.00, relative to a 60” deck/25 hp commercial mower for the Law Enforcement Center.
26. It is recommended that the Police Jury amend the Policy and Procedure Manual to add an addition to part (f) to Section II – 3 – Hiring, as follows:
- (f) Once the applicant is hired, if that employee chooses to terminate employment within 30 days of employment, that employee is responsible to **pay** for the drug screen test and CDL physical examinations. This amount will be deducted from the employee’s check.
27. It is recommended that the Police Jury approve amending Ordinance 2005-O-09, to have the definition in Section 1 read as follows:
- “Subdivision means any tract of land located within Vermilion Parish which has been subdivided into lots, primarily for residential or **commercial** purposes, and which has been formally dedicated according to law, and which has been accepted by the Vermilion Parish Police Jury.”
28. It is recommended that the Police Jury adopt Resolution No. 2007-R-30, A Resolution Making Application to the State Bond Commission for Consent and Approval of a \$3,079,228.00 Irrevocable Letter of Credit for Financial Assurance for the Vermilion Parish Solid Waste Plant.
29. It is recommended that the Police Jury approve paying an invoice dated August 10, 2007, from Acadiana Shell, in the amount of \$27,248.76, for labor, equipment and materials relative to work performed at the Solid Waste Plant pertaining to the storm water run-off system and maintenance of the leachate system.

30. It is recommended that the Police Jury approve paying Invoice No. 13394, from Frenzel Motors, Inc., in the amount of \$108,524.00, relative to a 2008 International Knuckle Boom Truck for the Solid Waste Facility.
31. It is recommended that the Police Jury approve imposing a 25 mph speed limit for all streets, for their entire length, in Rosehill Subdivision, in Election District No. 9.
32. It is recommended that the Police Jury authorize the Administrator/Secretary-Treasurer to set up a meeting between the Police Jury, the Coastal Restoration Committee, the Louisiana Department of Natural Resources and the Louisiana Department of Wildlife and Fisheries to discuss erosion on the reef line of Coastal Louisiana.
33. It is recommended that the Police Jury approve installing “NO THRU TRUCK” signs on Liberty Farm Road, from Louisiana Highway 35 to Oneidas Road, in Election District No. 13.
34. It is recommended that the Police Jury approve installing “SLOW – DEAF CHILD” signs on Aldes Road, for its entire length, in Election District No. 13.
35. It is recommended that the Police Jury approve renting or buying a trailer to be utilized by the Vermilion Parish Sheriff Deputies who are operating in the Pecan Island area.

Respectfully Submitted,
Mark Poche`, Chairman

In accordance with the General Needs Committee Recommendations, the following Ordinances were adopted:

ORDINANCE NO.
2007-O-25

**AN ORDINANCE REGULATING ADJUDICATED PROPERTIES
IN THE PARISH OF VERMILION.**

BE IT ORDAINED, by the Vermilion Parish Police Jury that there is a need to protect the public safety, health and welfare of the citizens of the Parish of Vermilion in regards to the abandoned properties within the Parish of Vermilion, Louisiana.

BE IT FURTHER ORDAINED, by the Police Jury of Vermilion Parish, in regular session convened on this 4th day of September, 2007, that the Vermilion Parish Police Jury adopt Parish Ordinance No. 2007-O-26 in the following specifics:

Section 1. Definitions

As used in this article, the following terms shall have the following meanings, to-wit:

Abandoned property shall mean any immovable property which is vacant or not lawfully occupied, i.e., any premises which is not actually occupied by its owner, lessee, or other invitee, that has been left unsecured or inadequately secured from unauthorized entry to the extent that the premises may be entered and utilized by vagrants or other uninvited persons as a place of harborage, or any premises which, by reason of dilapidation, deterioration, state of disrepair, or other such status, is otherwise detrimental to or endangers public safety, health or welfare.

Adjoining landowner(s) shall mean the owner(s) of property sharing contiguous boundaries with an adjudicated vacant lot.

Adjudicated property shall mean immovable property which is (i) adjudicated to the Vermilion Parish Police Jury for non-payment of taxes in accordance with R.S. 47:2186 and 47:2251; (ii) no longer subject to redemption by reason of passage of the period of time during which the taxpayer might redeem the property as prescribed in Article VII, Section 25, of the Louisiana Constitution of 1974; (iii) not needed for a public purpose, and (iv) an abandoned property.

Adjudicated vacant lot shall include, but not be limited to, any undeveloped immovable property without any building thereon, which is not being maintained by its owner or an agent of its owner and which is adjudicated property.

Section 2. Sale of certain adjudicated properties by private sale

The Vermilion Parish Police Jury may, after the expiration of the period fixed by law for redemption of adjudicated property, sell the property in the manner specified within this section and in accordance with LSA-R.S. 47:2186 and following.

- (a) The Vermilion Parish Police Jury, or its designee, may select for private sale pursuant to this section, an adjudicated property which, in the sole discretion of the Vermilion Parish Police Jury, will facilitate the revitalization and/or rehabilitation of any area which is distressed and which might be improved by immediate renovation, and ultimate return to commerce and/or the private sector and/or which would facilitate employment and/or economic development.
- (b) The sale price for the sale of any adjudicated property sold pursuant to this section, shall be determined as follows:

The Vermilion Parish Police Jury, or its designee, shall select a licensed and qualified real estate appraiser pursuant to the selection procedures established by the Vermilion Parish Police Jury. The appraiser shall conduct a full appraisal of the property. The appraiser shall issue a written report which provides his estimation of the appraised value of the property. The sale price of the property shall be payable in cash, in an amount determined by the Vermilion Parish Police Jury, but not less than the appraised value.

Section 3. Sale of adjudicated vacant lots to adjoining landowners by private sale

- (a) The Vermilion Parish Police Jury, or its designee, may select for private sale to adjoining landowners an adjudicated property which constitutes an adjudicated vacant lot under the circumstances which satisfy the requirements of R.S. 33:4720.41, et seq.
- (b) The sale price for the sale of any adjudicated vacant lot sold pursuant to this section shall be determined in the manner set forth in Section 2(b).

Section 4. Sale of certain adjudicated properties by public auction

- (a) The sale of certain adjudicated properties located in Vermilion Parish, Louisiana shall be accomplished through a public auction of such properties. Such auctions shall consist of the adjudicated properties designated for the auction by the Vermilion Parish Police Jury or its designee.
- (b) The auctioneer shall be chosen pursuant to the terms of a request for proposal prepared by the Vermilion Parish Police Jury which shall outline the terms and conditions by which the auctioneer shall conduct the auctions on behalf of the Vermilion Parish Police Jury, including the compensation to be paid to the auctioneer. The auctioneer will be required to execute a contract with Vermilion Parish Police Jury establishing the relevant terms and conditions. The auctioneer shall have the responsibility for at least the following obligations which shall be specified in the contract, as well as any other obligations specified in the contract:
 - (1) Creation of a strategic marketing plan for Vermilion Parish Police Jury – This shall include advertising for marketing purposes. There shall be advertising in the appropriate local newspapers; a listing of the adjudicated properties on the auctioneer’s web site; providing press releases to television and radio stations; and the installation of signs on each of the adjudicated properties which shall be included within the auction.
 - (2) Preparation of promotional literature – This shall include the preparation and distribution of postcards, brochures and fliers and shall include pertinent information regarding the auction.
 - (3) Preparation of an auction registration – This shall include the preparation of registration packages, equipment and personnel.
 - (4) Provide personnel necessary to conduct a professional and orderly auction – This shall include providing for proper security and providing competent personnel to handle the auction and the attendant record keeping for the auction.
 - (5) Provide necessary equipment – This shall include providing computers and audio and video equipment.
 - (6) Provide report to Vermilion Parish Police Jury after the auction – This shall include providing to Vermilion Parish Police Jury a list of all adjudicated

properties which were sold and a list of those not sold; a list of all buyers registered at the auction; and a copy of all purchase agreements.

- (7) Post-auction duties – This shall include ensuring that a deposit of either ten percent of the sales price or the amount of auction costs attributable to the tract, whichever is greater, is collected at the auction and the balance collected at closing, all in the form of cash or certified funds; coordinating closings with the closing agency; and providing the closing agency with execution copies of the Act of Sale.
 - (8) Additional responsibilities – This shall include abstracting the adjudicated properties to determine all tax debtors, mortgagees and other interested parties and identifying to Vermilion Parish Police Jury the names and addresses of all such parties sufficiently in advance of the auction to allow Vermilion Parish Police Jury to provide the timely and proper legal notice to such parties.
- (c) Vermilion Parish Police Jury shall be responsible for at least the following obligations which shall be specified in the contract, as well as any other obligations specified in the contract:
- (1) Selection of auctioneer, place and tracts – This shall include the selection of the auctioneer and the location of the auction and for timely designating the adjudicated properties to be included within the auction.
 - (2) Minimum price – Vermilion Parish Police Jury shall establish a minimum bid or price for the sale of each tract.
 - (3) Legal notice – Vermilion Parish Police Jury shall also be responsible for providing all tax debtors, mortgagees and other interested parties with timely legal notice of the impending sale, consistent with the requirements of Louisiana law.
 - (4) Legal advertisement – Vermilion Parish Police Jury shall provide any other legal notice or legal advertisement which may be required under Louisiana law.
 - (5) Approval of tracts – Vermilion Parish Police Jury shall approve, by resolution, any tracts to be sold at the auction.
 - (6) Closing agency – The Parish attorney shall be solely responsible for selecting a closing agency to handle the actual sale of the property.
- (d) After the auction, as noted above, the auctioneer will coordinate the closing of the sales with the closing agency.
- (e) The President or Administrator/Secretary-Treasurer of the Vermilion Parish Police Jury are hereby authorized and directed to sign any and all documents, agreements or other papers reasonably necessary to accept or implement the program for the

sale of adjudicated properties, as described herein, and to return all monies, appraiser's fees or deposits heretofore paid in connection with the prior procedure or program.

Section 5. General

- (a) All Acts of Sale of adjudicated property shall contain provisions, acceptable in form and substance to the legal counsel for the Vermilion Parish Police Jury, which provide that all such sales shall be for cash and shall be without warranty of title and without any warranty of merchantability or fitness; shall be "as is, where is"; that it shall be the obligation of the purchaser to obtain title insurance, if it is desired; that all such sales shall reserve all mineral rights to Vermilion Parish Police Jury; that all such sales shall be subject to such encumbrances, liens, mortgages, real charges or other burdens reflected in the public records; and that the Act of Sale for such adjudicated property shall contain a condition which shall require the purchaser of such property to improve/renovate/make use of the tract, to the satisfaction of Vermilion Parish Police Jury, within 270 days of the passage of the Act of Sale and that, if the purchaser fails to timely comply with this provision, Vermilion Parish Police Jury shall have the right to dissolve or cancel the sale.
- (b) The purchaser at private sale of an adjudicated property shall be responsible for the payment of the sale price; all accrued taxes, penalties and liens, if any; all costs associated with the private sale of the property including, but not limited to, advertisement and publication costs, the fees and expenses of the appraiser, the costs of the purchase (including, but not limited to, attorney's fees) and the recordation costs for the sale.

Section 6. Repeal of conflicting ordinances

All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

Section 7. Severability

Should any part of this ordinance be declared null, void, invalid, illegal or unconstitutional, the remainder of the said ordinance shall remain in full force and effect.

Section 8. Effective date

This ordinance shall become effecting upon the signature of the Administrator/Secretary-Treasurer of the Vermilion Parish Police Jury.

This amendment having been submitted in writing, having been read and adopted at a public meeting of the Police Jury of the Parish of Vermilion, State of Louisiana, was then submitted to an official vote as a whole, the vote was thereon being as follows:

YEAS: Mr. Carroll Duhon, Mr. Hubert J. Faulk, Mr. Ronald Darby, Mr. Wayne Touchet, Mr. Mark Poche', Mr. David C. Mayard, Mr. Edval Simon, Jr., Mr. Maxwell Chreene, Mr. Gaulman Gaspard, Mr. Ravis Menard, Mr. Purvis Abshire, Mr. T. J. Prejean, Jr., Mr. Luther "Buster" Hardee, III

NAYS: None

ABSENT: Mr. Minos Broussard

ORDINANCE NO.
2007-O-26

**AN ORDINANCE REGULATING SEXUALLY ORIENTED BUSINESSES
IN THE PARISH OF VERMILION.**

BE IT ORDAINED by the Vermilion Parish Police Jury, that:

Section 1. Declaration of Findings and Policy

WHEREAS, public concerns associated with the sale, exhibition, rental, lease or distribution of materials deemed “sexually explicit” are potentially hazardous to the public safety, health and welfare and quality of life; and

WHEREAS, the citizens of the Parish of Vermilion have a right to, and should be ensured of, an environment free from such hazards; and

NOW, THEREFORE, be it ordained by the Vermilion Parish Police Jury that it is its policy to prevent hazards associated with a sexually oriented business which has as its primary business the offering of a service or the sale, rent, or exhibit of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Therefore, the Vermilion Parish Police Jury hereby adopts the findings and policy stated in this Section, and in accordance with said findings and policy, the Vermilion Parish Police Jury hereby adopts the following regulations for the regulating of sexually oriented business within the Parish of Vermilion.

Section 2. Definitions

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

- (a) *Sexually Oriented Business* means a sex parlor, massage parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theatre, adult video arcade, adult motel or other commercial enterprise which has as its primary business the offering of a service or the sale, rent, or exhibit of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.
- (b) *Minor* means any persons under the age of eighteen years.

- (c) *Exhibition or display* means the exhibition or display of material harmful to minors so that, as displayed, depictions and representations of illicit sex or sexual immorality are visible to minors.

Section 3. Applicability

This ordinance applies to any *sexually oriented business* located in or proposed to be located in the Parish of Vermilion.

Section 4. Permits Required

- (a) Prior to constructing or operating a *sexually oriented business*, a permit must be obtained from the Vermilion Parish Police Jury.
- (b) Such a permit must be applied for, in writing, to the Vermilion Parish Police Jury and shall include:
 - (1) The name, address, and phone numbers of the owner(s) and operator(s) of said *sexually oriented business*;
 - (2) Specific location of the *sexually oriented business*;
 - (3) Proof that 75% of the residents within a one mile radius of the proposed *sexually oriented business* have given written consent to its establishment and/or operation.
- (c) Prior to granting any permit, the Vermilion Parish Police Jury shall hold a public hearing for the purpose of receiving input from the public for the proposed *sexually oriented business*.
- (d) The owner(s)/operator(s) of the *sexually oriented business* shall file for a renewal permit on an annual basis. The renewal permit shall include the following:
 - (1) The name, address, and phone numbers of the owner(s) and operator(s) of said *sexually oriented business*;
 - (2) Specific location of the *sexually oriented business*.

Section 5. Banning the Sale of Certain Materials to Minors

A. (1) The unlawful sale, exhibition, rental, leasing, or distribution of material harmful to minors is the intentional sale, allocation, distribution, advertisement, dissemination, exhibition, or display of material harmful to minors, by a person who is not the spouse, parent, or legal guardian of the minor to any unmarried person under the age of eighteen years, or the possession of material harmful to minors with the intent to sell, allocate, advertise, disseminate, exhibit, or display such material to any unmarried person under the age of eighteen years, by a person who is not the spouse, parent, or legal guardian of the minor.

(2) *Material harmful to minors* is defined as any paper, magazine, book, newspaper, periodical, pamphlet, composition, publication, photograph, drawing, picture, poster, motion picture film, video tape, video game, figure, phonographic record, album, cassette, compact disc, wire or tape recording, or other similar tangible work or thing which exploits, is devoted to or principally consists of, description or depictions of illicit sex or sexually immorality for commercial gain, and when the trier of fact determines that each of the following applies:

- (a) The material incites or appeals to or is designed to incite or appeal to the prurient, shameful, or morbid interest of minors.

- (b) The material is offensive to the average adult applying contemporary community standard with respect to what is suitable for minors.
- (c) The material taken as a whole lacks serious literary, artistic, political, or scientific value for minors.

(3) For the purpose of this Section, *descriptions or depictions of illicit sex or sexual immorality* includes the depiction, display, description, exhibition or representation of:

- (a) Ultimate sexual acts, normal or perverted, actual, simulated, or animated, whether between human beings, animals, or an animal and a human being;
- (b) Masturbation, excretory functions, or exhibition, actual, simulated, or animated, of the genitals, pubic hair, anus, vulva, or female breast nipples;
- (c) Sadomasochistic abuse, meaning actual, simulated, or animated, flagellation or torture by or upon a person who is nude or clad in undergarments or in a costume which reveals the pubic hair, anus, vulva, genitals, or female breast nipples, or the condition of being fettered, bound, or otherwise physically restrained, on the part of one so clothed;
- (d) Actual, simulated, or animated, touching, caressing, or fondling of, or other similar physical contact with the pubic area, anus, female breast nipple, covered or exposed, whether alone or between human beings, animals or a human and an animal, of the same or opposite sex, in an act of apparent sexual stimulation or gratification; or
- (e) Actual, simulated, or animated, stimulation of the human genital organs by any device whether or not the device is designed, manufactured, and marketed for such purpose.

(4) For the purpose of this section, *video game* means an object or device that stores recorded data or instructions, receives data or instructions generated by a person who used it, and, by processing the data or instructions, creates an interactive game capable of being played or viewed on or through a computer, gaming system, console, or other technology.

B. (1) It shall be unlawful for a person who is not the spouse, parent, or legal guardian of the minor to invite or permit any unmarried persons under the age of eighteen years of age to be in any commercial establishment that exhibits or displays any item, material, work or thing of any kind that is described in Subsection A of this Section.

(2) Lack of knowledge of age shall not constitute a defense, unless the defendant shows that he had reasonable cause to believe that the minor involved was eighteen years of age or more and that the minor exhibited to the defendant a selective service card, driver's license, military identification card, birth certificate, or other official or apparently official document purporting to establish that such a minor was eighteen years of age or more.

(3) For the purposes of Subsections A and B of this Section, *exhibition or display* means the exhibition or display of material harmful to minors as defined in Subsection A of this Section so that, as displayed, depictions and representations of illicit sex or sexual immorality are visible to minors.

(4) A commercial establishment shall not be in violation of this Section if the commercial establishment provides for a separate area for the exhibition or display of material

harmful to minors and designates said area "NOT FOR MINORS" or similar words and the commercial establishment prohibits persons under the age of eighteen years from seeing or examining the contents of materials harmful to minors.

C. Prior to selling material harmful to minors as provided for by this Section, a commercial establishment shall require the individual purchasing the material harmful to minors to provide a driver's license, selective service card, military identification card, birth certificate, or other official form of identification which on its face established the age of the person as eighteen years or older.

D. Whoever is found guilty of violating the provisions of this Section shall be fined not less than one hundred dollars nor more than two thousand dollars or imprisoned for not more than one year, or both.

Section 6. Enforcement and Penalties

Any person found to be in violation of this Ordinance shall be subject to a maximum fine of \$500.00 and/or a term of imprisonment of 30 days in the Parish jail or both.

Section 7. Repeal of Conflicting Ordinances

All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

Section 8. Severability

Should any part of this ordinance be declared null, void, invalid, illegal or unconstitutional, the remainder of the said ordinance shall remain in full force and effect.

Section 9. Effective Date

This ordinance shall become effective upon the signature of the President of the Vermilion Parish Police Jury.

This amendment having been submitted in writing, having been read and adopted at a public meeting of the Police Jury of the Parish of Vermilion, State of Louisiana, was then submitted to an official vote as a whole, the vote was thereon being as follows:

YEAS: Mr. Carroll Duhon, Mr. Hubert J. Faulk, Mr. Ronald Darby, Mr. Wayne Touchet, Mr. Mark Poche', Mr. David C. Mayard, Mr. Edval Simon, Jr., Mr. Maxwell Chreene, Mr. Gaulman Gaspard, Mr. Ravis Menard, Mr. Purvis Abshire, Mr. T. J. Prejean, Jr., Mr. Luther "Buster" Hardee, III

NAYS: None

ABSENT: Mr. Minos Broussard

President Hardee recognized Mr. Chris Theriot, Administrator/Secretary-Treasurer, to present his business to the Jury.

Upon motion by Mr. Carroll Duhon, duly seconded by Mr. Purvis Abshire, and unanimously carried, the Police Jury approved rescinding an action taken at the Vermilion Parish Police Jury meeting of August 6, 2007, whereby the Police Jury approved Partial Payment No. 5, to Bihm Construction, Inc., in the amount of \$47,665.13, relative to the "F.Y. 2005 LCDBG-DR Water System Improvements – Cow Island Area".

Upon motion by Mr. Maxwell Chreene, duly seconded by Mr. T. J. Prejean, Jr., and unanimously carried, the Police Jury accepted the proposal from L. K. Breaux & Associates, in the amount of \$7,732.25, relative to the New Fire Station Facilities for Pecan Island and Forked Island – LCDBG Disaster Recovery Program, to install residential range-top fire suppression systems.

Upon motion by Mr. Carroll Duhon, duly seconded by Mr. Wayne Touchet, and unanimously carried, the Police Jury approved reducing the right-of-way to 50 feet in Victoria Manor Subdivision, Phase I, in Election District No. 1, at the light pole locations only.

President Hardee recognized Mr. Paul Moresi, III, Legal Counsel to present his business to the Jury.

Mr. Moresi stated that he had completed the Intergovernmental Agreement between the Police Jury and the City of Kaplan in regards to a Solid Waste truck being used for garbage pickup within the City of Kaplan, by the City of Kaplan. Mr. Moresi discussed with the Jury the following items regarding the Intergovernmental Agreement:

- A. The truck will be provided to the City of Kaplan for a term of 30 days.
- B. The Jury will provide fuel for the grab truck while being utilized by the City of Kaplan.
- C. The City of Kaplan will hold the Vermilion Parish Police Jury harmless from any claims associated with the use of the grab truck while the truck is in the City's possession.
- D. The grab truck will be returned in the same condition as was in when received, normal wear and tear excepted.

Upon motion by Mr. Purvis Abshire, duly seconded by Mr. Gaulman Gaspard, and unanimously carried, the Police Jury approved providing fuel for the Solid Waste grab truck being utilized by the City of Kaplan.

Upon motion by Mr. Purvis Abshire, duly seconded by Mr. Gaulman Gaspard, and unanimously carried, the Police Jury adopted Resolution 2007-R-31 authorizing the Police Jury to enter into an Intergovernmental Agreement with the City of Kaplan relative to the use of the Vermilion Parish Police Jury's Solid Waste grab truck and authorizing the President to consummate the Intergovernmental Agreement by executing the necessary documents.

Mr. Chris Theriot, Administrator/Secretary-Treasurer, informed Legal Counsel that he had received a call from Ms. Annie Daigle. Ms. Daigle stated that she had received a letter from Legal Counsel stating that the Police Jury would be hiring a contractor to clean her property at

212 Trahan Street, Abbeville, Louisiana. She requested an opportunity to clean the property herself rather than having a contractor do so. A brief discussion followed regarding the issue.

Upon motion by Mr. Ronald Darby, duly seconded by Mr. Wayne Touchet, and unanimously carried, the Police Jury allowed Ms. Annie Daigle fourteen days in which to clean her property located at 212 Trahan Street, Abbeville, in Election District No. 04.

Upon motion by Mr. Purvis Abshire, duly seconded by Mr. Hubert J. Faulk, and unanimously carried, the Police Jury adopted an ordinance to install "NO DUMPING -\$500 FINE" signs at the dead end of East Amy Street in Election District No. 12.

ORDINANCE NO.
2007-O-27

WHEREAS, it has been brought to the Police Jury's attention that a considerable amount of litter exists, which is causing very hazardous conditions, at the dead-end of East Amy Road, in Election District No. 12.

SECTION I: NOW THEREFORE, BE IT HEREBY ORDAINED, that the Vermilion Parish Police Jury does hereby impose the following to install a "NO DUMPING - \$500.00 FINE" sign at the dead-end of East Amy Road.

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

SECTION III: BE IT HEREBY FURTHER ORDAINED, that for any offense, a maximum fine of \$500.00 fine.

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 littering ordinance.

* * * * *

Upon motion by Mr. Carroll Duhon, duly seconded by Mr. David C. Mayard, and unanimously carried, the Police Jury authorized Legal Counsel to send a letter to the owner of Lot No. 1 in Victoria Acres Subdivision regarding the Jury's intentions to hire a contractor to demolish an existing building next to the pump.

Upon motion by Mr. Maxwell Chreene, duly seconded by Mr. T. J. Prejean, and unanimously carried, the Police Jury approved hiring Mr. Chad Stelly as a brush cutter at the Area II Barn, for a 6 month probationary period, at a Grade 9, Step 0.

Upon motion by Mr. Mark Poche', duly seconded by Mr. T. J. Prejean, Jr., and unanimously carried, the Police Jury adopted an ordinance to install "NO DUMPING - \$500 FINE" signs at the dumps located in Southland Trailer Park, in Election District No. 06.

ORDINANCE NO.
2007-O-28

WHEREAS, it has been brought to the Police Jury's attention that a considerable amount of litter exists, which is causing very hazardous conditions, at the dumps located in Southland Trailer Park, in Election District No. 06.

SECTION I: NOW THEREFORE, BE IT HEREBY ORDAINED, that the Vermilion Parish Police Jury does hereby impose the following to install a "NO DUMPING - \$500.00 FINE" sign at the dumps located in Southland Trailer Park.

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

SECTION III: BE IT HEREBY FURTHER ORDAINED, that for any offense, a maximum fine of \$500.00 fine.

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 littering ordinance.

* * * * *

Upon motion by Mr. Hubert J. Faulk, duly seconded by Mr. Purvis Abshire, and unanimously carried, the Police Jury accepted Adella (Pvt.) Road into the Parish Road System as a private road, in Election District No. 2, approximately 100 yards from 4235 Louisiana Highway 343 and that the road location information be submitted to 911 and the Parish Engineer's office for inclusion on the Parish road maps.

President Hardee recognized Mr. Elwin Trahan with the Vermilion Parish Head Start to speak to the Jury.

Mr. Trahan stated that the St. Mary Action Agency had purchased property in Cow Island off of Minos Road. Presently, there is no electricity in this area, and Mr. Trahan requested assistance in having electricity brought to the area.

Mr. Wayne Touchet informed Mr. Trahan that once a building permit had been issued, Slemco would install power at the location.

Upon motion by Mr. Hubert J. Faulk, duly seconded by Mr. Purvis Abshire, and unanimously carried, there being no further business to be presented, the meeting was duly adjourned.

Administrator/Secretary-Treasurer

President