

**OFFICIAL PROCEEDINGS OF THE
COUNCIL OF THE PARISH OF ST. JAMES, STATE OF LOUISIANA
TAKEN AT A REGULAR MEETING HELD ON WEDNESDAY, MAY 7, 2014**

The Council of the Parish of St. James, State of Louisiana, met in regular session in the Council Chambers of the Parish Courthouse in Convent, Louisiana, on Wednesday, May 7, 2014, at 6:30 p.m.

On roll call, the following were recorded present: Councilmen Alvin St. Pierre, Jr., Jason Amato, Terry McCreary, Ralph Patin, Kendricks Brass, and Chairman Charles Ketchens. Councilman James Brazan was not in the Chamber on roll call.

Those also in attendance were: Angele Rodrigue, Council Secretary; Timothy P. Roussel, Parish President; Toby Sandifer, Emergency Preparedness; Michelle Octave, Director of Human Resources; Chantal T. Waguespack, Director of Finance; Jody Chenier, Director of Operations; Legal Advisor Bruce Mohon and Attorney Victor Franckiewicz.

Councilman Amato offered the invocation and Councilman Brass led the Pledge of Allegiance.

The Honorable Charles Ketchens, Chairman, duly convened the Council of the Parish of St. James, State of Louisiana, and stated that the Council was ready for the transaction of business.

MINUTES

On a motion offered by Councilman St. Pierre and seconded by Councilman Amato, the minutes of the April 16, 2014 council meeting were approved as distributed, and the reading of these minutes dispensed with.

Councilman Brazan arrived in the Chamber at this time and assumed his seat on the Council.

HEAD START FINANCIAL & ATTENDANCE REPORTS

The Head Start Financial and Attendance Reports for April 2014 were approved on a motion offered by Councilman Patin and seconded by Councilman McCreary.

PRESIDENT'S REPORT

President Roussel began his report by informing the Council that the collection of utility payments has been moved from the Finance Department on the third floor to the Planning and Permitting Office on the second floor. President Roussel provided the Council with information and/or updates on the following: supervisor training on May 13 in the EOC conference room; opening of bids for Lutchter Town Hall project on May 15; time clock training on May 15 in EOC conference room; pay raise for all full time and permanent part-time employees; ethics training on May 28 at 2 pm at the St. James Reception Hall; hiring of 10 employees to replace employees who retired, are retiring or resigned; Summer College Employment Program; VITA tax preparation; LIHEAP applications; annual Trash Bash and litter prevention; lunch with Rep. Cedric Richmond on May 12; cross connection meeting with Lutchter and Gramercy on May 8 regarding backflow prevention; LDEQ public hearing on June 12 at 6 pm regarding Zen-Noh Grain minor source air permit modification; DHR Healthy Marriage Healthy Relationship Workshop on May 8; Try Transit Week May 19 – 23; River Region Caucus meeting sponsored by St. James Parish on June 12 at Spuddy's; road closures for railroad crossings on LA 3219 on May 10 and LA 20 on May 11; provided information on the grain elevator sign in District 5.

Councilman McCreary said it is our responsibility as the Council and Parish President to inform parish residents when a commercial or industrial facility shows interest in coming to St. James Parish. Regarding litter, Councilman McCreary believes the Waste Management garbage trucks are a big part of the problem.

PRESENTATIONS AND PUBLIC COMMENT

Michelle Octave, Director of Human Resources, provided the Council with information and facts on the VITA, Volunteer Income Tax Assistance, program. In 2014 St. James Parish VITA personnel prepared 307 tax returns for parish residents and in 2013 St. James Parish was named the VITA Site of the Year. Mrs. Octave recognized and presented an IRS 10 year service pin to Sheila Clayton, VITA site coordinator. Also receiving IRS service pins for VITA preparation but were unable to attend tonight are Christine Perrilloux for seven years of service, Norma Moran for four years of service, Deanna Aubert for three years of service and Brenda Franklin for four years of service.

Monique Edwards, Red Cross Board Member, introduced Bobbi Zaunbrecher, Executive Director of the South Louisiana Region, who updated the Council on Red Cross services provided to residents. Ms. Zaunbrecher informed the Council that over the last two years in St. James Parish the Red Cross has assisted, on average, one fire client per month and she commended the Office of Emergency Preparedness on being proactive in their preparation efforts and point to point evacuation sheltering in partnering with Tangipahoa Parish. Ms. Zaunbrecher then highlighted information on preparation, on building resilient community, and the emergency go kit. Ms. Zaunbrecher told the Council the Red Cross is available to make presentations to parish residents and organizations. Councilman Amato thanked Ms. Zaunbrecher for the assistance the Red Cross provides to parish fire victims.

Mike Chopin and Henry Picard, of Burk Kleinpeter, were not in attendance.

CORRESPONDENCE RECEIVED - None

APPOINTMENTS TO BOARDS AND COMMISSIONS

RESOLUTION 14-68, A RESOLUTION APPOINTING MICHAEL BARKER TO THE DISTRICT 2 RECREATION BOARD, was offered and moved for adoption by Councilman Amato and seconded by Councilman St. Pierre. The resolution was then adopted.

OLD BUSINESS

Councilman Brass offered and moved for adoption **RESOLUTION 14-69, A RESOLUTION ACCEPTING THE BID OF CAZENAVE MOTOR COMPANY, INC. FOR A F-350 PICKUP TRUCK FOR THE DEPARTMENT OF OPERATIONS, UTILITIES DIVISION**. Councilman Brazan offered a second, and the resolution was adopted.

RESOLUTION 14-70, A RESOLUTION ACCEPTING THE BID OF LAMARQUE FORD, INC. FOR A F-350 PICKUP TRUCK FOR THE DEPARTMENT OF OPERATIONS, UTILITIES DIVISION, was offered and moved for adoption by Councilman Amato. A second was offered by Councilman Patin and the resolution was then adopted.

NEW BUSINESS

Councilman Patin offered and moved for adoption **RESOLUTION 14-71, A RESOLUTION OF CONDOLENCE TO THE FAMILY OF LIONEL FELTON, SR.** Councilman McCreary offered a second, and the resolution was adopted.

RESOLUTION 14-72, A RESOLUTION OF CONDOLENCE TO THE FAMILY OF ANNIE S. GRAVOIS, was offered and moved for adoption by Councilman Brazan and seconded by Councilman Brass. The resolution was then adopted. At the request of Chairman Ketchens, Secretary Rodrigue read the resolution aloud.

Councilman Brazan offered and moved for adoption **RESOLUTION 14-73, A RESOLUTION OF CONDOLENCE TO THE FAMILY OF RAYMOND GROS**. Councilman Brass offered a second, and the resolution was adopted.

RESOLUTION 14-74, A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO ENTER INTO A CONTRACT WITH THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES FOR THE ST. JAMES PARISH COASTAL ZONE MANAGEMENT PROGRAM, was offered and moved for adoption by Councilman St. Pierre and seconded by Councilman Amato. The resolution was then adopted.

Councilman Brass offered and moved for adoption **RESOLUTION 14-75, A RESOLUTION AUTHORIZING PARISH PRESIDENT TIMOTHY ROUSSEL TO SIGN A COOPERATIVE ENDEAVOR AGREEMENT WITH SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION FOR FY12 DEPARTMENT OF HOMELAND SECURITY/GOHSEP GRANT**. Councilman Brazan offered a second, and the resolution was adopted.

RESOLUTION 14-76, A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO SEEK OUTSIDE LEGAL ASSISTANCE AND REPRESENTATION FOR CERTAIN MATTERS REGARDING THE LUTCHER VOLUNTEER FIRE DEPARTMENT, was offered and moved for adoption by Councilman Amato and seconded by Councilman St. Pierre. The resolution was then adopted.

Councilman Patin offered and moved for adoption **RESOLUTION 14-77, A RESOLUTION AUTHORIZING ST. JAMES PARISH GOVERNMENT TO ADVERTISE AND RECEIVE BIDS FOR ONE (1) NEW 2014 FIFTEEN PASSENGER VAN**. Councilman Brazan offered a second, and the resolution was adopted.

RESOLUTION 14-78, A RESOLUTION AUTHORIZING ST. JAMES PARISH GOVERNMENT TO ADVERTISE AND RECEIVE BIDS FOR ONE (1) 2014 MEALS DELIVERY TRUCK WITH A HEATED AND REFRIGERATED FOOD TRANSPORT UNIT FOR THE DEPARTMENT OF HUMAN RESOURCES, ELDERLY PROGRAM, was offered and moved for adoption by Councilman McCreary and seconded by Councilman St. Pierre. The resolution was then adopted.

Councilman Amato offered and moved for adoption **RESOLUTION 14-79, A RESOLUTION APPROVING THE ST. JAMES AREA AGENCY ON AGING BUDGET TO ACTUAL EXPENDITURES FOR THE PERIOD JANUARY 2014 TO MARCH 2014**. Councilman McCreary offered a second, and the resolution was adopted.

RESOLUTION 14-80, A RESOLUTION TO CONDUCT A HOUSING NEEDS ASSESSMENT AND MARKET ANALYSIS TO BE USED AS BASIS GUIDES TO THE DEVELOPMENT OF AFFORDABLE HOUSING THAT MEET THE NEEDS FOR ST. JAMES PARISH, was offered and moved for adoption by Councilman Brazan and seconded by Councilman Brass. The resolution was then adopted.

Councilman Brass discussed revising the job description of the Parish Council Secretary to include the rentals of the St. James Parish Reception Hall, the District 6 Park and the District 7 Park. Councilman Brass then offered and moved for adoption **RESOLUTION 14-81, A RESOLUTION REVISING THE JOB DESCRIPTION OF THE PARISH COUNCIL SECRETARY**. Councilman Brazan offered a second, and the resolution was adopted.

Councilman McCreary offered and moved for adoption **RESOLUTION 14-82, A RESOLUTION AUTHORIZING THE OFFICE OF THE PARISH PRESIDENT TO ADVERTISE AND ACCEPT BIDS**

FOR THE INSTALLATION OF A 24-INCH WATERLINE UNDER THE MISSISSIPPI RIVER.
Councilman St. Pierre offered a second, and the resolution was adopted.

RESOLUTION 14-83, A RESOLUTION PROCLAIMING MAY 5 - 9, 2014 AS TEACHER APPRECIATION WEEK FOR ST. JAMES PARISH HEAD START TEACHERS AND TEACHER AIDES, was offered and moved for adoption by Councilman Brazan and seconded by Councilman Brass. The resolution was then adopted.

Councilman Brass asked that consideration and action on the Planning Commission recommendation regarding Petroplex International, LLC request for approval under the land use and development ordinance be addressed by the Council at this time. He asked Mr. Chenier to provide an update of the Planning Commission meeting held prior to this council meeting. Mr. Chenier explained that the Planning Commission, as well as the Council, received three draft resolutions prepared by our legal counsel covering three options regarding the Petroplex request for approval under the land use and development ordinance. The Planning Commission had three alternatives; to recommend denial, to recommend approval with conditions or to recommend approval of the LDEQ permitted facility. The Planning Commission voted to deny the Petroplex request to locate in the land use plan. Mr. Chenier informed the Council that according to state law the public should be afforded an opportunity to speak before a vote is taken by the Council on the Petroplex request. Mr. Mohon suggested that Petroplex present information to the Council first, Mr. Franckiewicz would then address the Council, and public comment would follow.

Jim Percy, attorney for Petroplex with the Jones Walker Law Firm in Baton Rouge, addressed the Council and assured the Council that this is not a manufacturing facility. He went on to explain in great depth and much detail, along with the aid of a power point presentation, the basis for approval of the Petroplex request for consideration under the land use ordinance, which Petroplex feels satisfies all three of the criteria under the ordinance; compelling public benefit; compatible with surrounding uses and adverse impacts of the use are inconsequential; required as a matter of constitutional imperative or other vested legal right superior to this ordinance. Mr. Percy introduced Attorney Boyd Bryan, Petroplex CEO Larry Sciacchetano, and recognized representatives from the investor group and asked if the Council had any questions. Councilman Amato asked Mr. Percy to explain what "literally ready" means and Mr. Percy explained that they have all the appropriate permits and are in the process of getting ready to start construction. Mr. Percy went on to say that Petroplex is putting everything in place, completing the final engineering to begin construction and construction must begin by July 31, 2014 under the current terms of the LDEQ air permit or Petroplex could lose the current permit.

Mr. Franckiewicz then addressed the Council highlighting the decision making process, with the aid of power point slides. He explained to the Council the kind of decisions that can be made under the land use ordinance and that this is a council decision and the Council is not bound by the recommendation of the Planning Commission, but the Council is bound by the text of the ordinance. Mr. Franckiewicz explained that only one of these criteria must be met for approval and if no criteria are met, approval is denied. He went on to explain the three criteria for approval of uses not listed as allowable uses; where there is a compelling public benefit, where the use is compatible with surrounding uses and adverse impacts of the use are inconsequential, or where required to as a matter of constitutional imperative or other vested legal right superior to this ordinance. Mr. Franckiewicz further explained to the Council, as he explained to the Planning Commission, that what the Council does in a decision such as this is as important as why the decision was made because it does set a precedent. He then went on to explain to the Council the decision alternatives: deny, approval as permitted by LDEQ with conditions, approval of the LDEQ permitted facility with no conditions, or approval of a resolution proposed by Petroplex. Mr. Franckiewicz informed the Council that they could add or remove conditions from the draft resolutions which are just frameworks for decisions. He went on to explain, at the request of Chairman Ketchens, the approval with conditions. Mr. Franckiewicz continued his explanation of the site, the rail spur, the footprint flexibility proposed by Petroplex and upon questioning from Councilman Brass, he clarified that the current Petroplex LDEQ permit does not allow Petroplex to cross LA 3127. He then answered questions from councilmen regarding commencement of construction.

Mr. Percy, with Petroplex, went on record to inform the Council that Petroplex can agree with the decision of approval with conditions, as drafted by the Council, condition a, condition b, condition c, condition e, and condition f. He informed the Council that Petroplex can agree on condition d with redesigning the pipe rack to cross under River Road and Petroplex will apply for the permits necessary to do this, will keep the parish advised of the progress of these permits, will construct it under the road if permitted, and Petroplex asked that this not be an element of the approval. Mr. Franckiewicz advised the Council that this is a seemingly reasonable request in terms of timing and stacking of permits and condition d will be amended to reflect this verbiage. Questions from councilmen were then answered by Mr. Percy, Mr. Franckiewicz, Mr. Bryan and Mr. Sciacchetano.

Public comment was then received on the approval of the Petroplex request. Matthew Zeringue, property owner on St. James Street, Vacherie, submitted comments with attachments to Chairman Ketchens and President Roussel and asked that these be submitted into the record of this proceeding. Mr. Zeringue's submittal is attached to the minutes of this meeting. Public comments were also received from Ryan Louque, District 3 Planning Commission member; Paul Aucoin, Chairman of the Economic Development Board; David Lambert, 3430 LA 44, Paulina; Brad Octave, 1311 Magnolia Heights, Vacherie; Charlotte Metge, 3117 Metge Street, Paulina; and John Frazier, Vacherie.

Mr. Franckiewicz then read condition d, as amended, with Mr. Percy requesting that monthly reports not be sent to the Planning Commission for approval which could cause delay of the project. After questions from councilmen were answered by Mr. Franckiewicz, Mr. Percy, Mr. Chenier, Mr. Bryan, and Mr. Sciacchetano with some discussion, a short recess was then called by Chairman Ketchens to allow attorneys for St. James Parish and Petroplex to amend condition d to reflect the conditions agreed upon by both parties. Chairman Ketchens reconvened the meeting and Mr. Franckiewicz read condition d, as amended. Mr. Percy then requested that condition d be changed to reflect that the visual details of the revised design, as well as monthly status reports on the permit processes, be submitted to the Director of Operations for approval rather than the Planning Commission since the Planning Commission only meets once per month thereby delaying approval of the redesign and possibly construction of the project.

Councilman Brass, using the criteria of required as a matter of constitutional imperative or other vested legal right superior to this ordinance, then offered and moved for adoption **RESOLUTION 14-84, A RESOLUTION APPROVING WITH CONDITIONS THE APPLICATION OF PETROPLEX INTERNATIONAL, LLC UNDER THE ST. JAMES PARISH LAND USE AND DEVELOPMENT ORDINANCE**, with conditions a as amended, b as written, c as written, d as amended, e as written, and f as written. The resolution was seconded by Councilman Brazan, and after a roll call vote showing St. Pierre, Amato, McCreary, Brass, Brazan, Ketchens voting for and Patin voting against, the resolution was adopted.

COUNCILMEN'S REPORT

COUNCILMAN ST. PIERRE – Councilman St. Pierre had no comment.

COUNCILMAN AMATO – Councilman Amato had no comment.

COUNCILMAN MCCREARY – Councilman McCreary had no comment.

COUNCILMAN PATIN – Councilman Patin had no comment.

COUNCILMAN BRASS – Councilman Brass had no comment.

COUNCILMAN BRAZAN – Councilman Brazan had no comment.

CHAIRMAN KETCHENS – Chairman Ketchens extended an opportunity for Directors comment and received none. Chairman Ketchens had no comment.

ADJOURNMENT

After determining there was no additional business to come before the council, on a motion offered by Councilman St. Pierre seconded by Councilman McCreary and carried, the meeting adjourned at 9:19 p.m.


Angele R. Rodrigue, Secretary