

**OFFICIAL PROCEEDINGS OF THE
COUNCIL OF THE PARISH OF ST. JAMES, STATE OF LOUISIANA
TAKEN AT A REGULAR MEETING HELD ON WEDNESDAY, SEPTEMBER 17, 2014**

The Council of the Parish of St. James, State of Louisiana, met in regular session in the Council Chambers of the Parish Courthouse Annex in Vacherie, Louisiana, on Wednesday, September 17, 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, James Brazan and Chairman Charles Ketchens.

Those also in attendance were: Angele Rodrigue, Council Secretary; Eric Deroche, Director of Emergency Preparedness; Bedar W. Warren, Director of Human Resources; Chantal T. Waguespack, Director of Finance; Jody Chenier, Director of Operations, Bruce Mohon, Legal Advisor and Special Counsel 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 McCreary, the minutes of the September 3, 2014 meeting were approved as distributed, and the reading of these minutes dispensed with.

DISBURSEMENT REPORT

The Disbursement Report for August 2014, totaling \$2,042,816.92, was approved on a motion offered by Councilman Amato and seconded by Councilman McCreary.

PRESIDENT'S REPORT

President Roussel was not in attendance therefore no report was given. President Roussel and CAO Octave are attending meetings in Washington DC.

PRESENTATIONS AND PUBLIC COMMENT

Tess Stromberg, candidate for Judge Division C, addressed the Council introducing herself, sharing her experience, qualifications and vision.

Mary Ellen Pratt, Chief Executive Officer of St. James Parish Hospital, presented the Hospital Board's Annual Report with the aid of a power point presentation. Ms. Pratt highlighted the areas of growth, people, finance, service and quality. Ms. Pratt then answered questions from Councilmen McCreary, Amato and Brazan.

CORRESPONDENCE RECEIVED – None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Councilman St. Pierre offered and moved for adoption **RESOLUTION 14-127, A RESOLUTION APPOINTING KATY ROUSSEL AS A PARISH PRESIDENT'S AT-LARGE MEMBER TO THE ST. JAMES PARISH YOUTH COMMISSION.** The resolution was seconded by Councilman McCreary and unanimously adopted.

OLD BUSINESS – None.

NEW BUSINESS

RESOLUTION 14-128, A RESOLUTION PROCLAIMING THE WEEK OF SEPTEMBER 20 – 27, 2014 AS NATIONAL ESTUARIES WEEK IN ST. JAMES PARISH, was offered and moved for adoption by Councilman Brazan and seconded by Councilman Amato. The resolution was then unanimously adopted.

Councilman St. Pierre offered and moved for adoption **RESOLUTION 14-129, A RESOLUTION URGING CONGRESS TO CONTINUE TO PROVIDE FUNDING FOR THE OFF-SYSTEM BRIDGE PROGRAM.** The resolution was seconded by Councilman McCreary and unanimously adopted.

RESOLUTION 14-130, A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO EXECUTE A JOINT AGREEMENT BETWEEN THE ST. JAMES PARISH SCHOOL BOARD AND THE ST. JAMES PARISH COUNCIL FOR THE COLLECTION OF SALES AND USE TAXES FOR THE PERIOD JULY 1, 2014 THROUGH JUNE 30, 2015, was offered and moved for adoption by Councilman Patin and seconded by Councilman McCreary. The resolution was then unanimously adopted.

Prior to Councilman Amato's explanation of this resolution, Public Comment was received from Steve Nosacka on the creation of the Drainage and Flood Protection Committee. Councilman Amato then explained the purpose of the resolution. Councilman Brazan told his fellowmen that he, Chairman Ketchens and Councilman Brass met and they will delay the forming of a West Bank drainage committee at this time. They will wait for the completion of the West Bank drainage study that is currently in progress and will then consider forming the West Bank drainage committee. Councilman St. Pierre shared his comments on the drainage committee and prioritizing the needs and

projects to protect the residents first and foremost. Councilman McCreary commented that the Parish currently has data for the committee to consider, drainage is the most important issue and can be impacted now with the data we have, and flood protection is a long term goal. Councilman Amato then offered and moved for adoption **RESOLUTION 14-131, A RESOLUTION CREATING A PARISH DRAINAGE AND FLOOD PROTECTION COMMITTEE**. The resolution was seconded by Councilman Patin and unanimously adopted.

Councilman Patin asked that consideration and action on the Planning Commission recommendation regarding Wolverine Terminals request for approval under the land use and development ordinance be addressed by the Council at this time. Chairman Ketchens asked Mr. Chenier to provide an update of the Planning Commission decision. Mr. Chenier suggested that Wolverine Terminals address the Council first then the Planning Commission, Emergency Preparedness, Attorney Vic Franckiewicz and then Public Comment before any action is taken.

Michael Bowman, Attorney for Wolverine Terminals, then addressed the Council. Mr. Bowman referenced binders that were provided to each council member containing copies of Wolverine Terminals application for industrial land use approval as presented to the St. James Parish Planning Commission at the July 2014 meeting. This information recounts the story and information Wolverine Terminals has been sharing with the Parish since December 2012 and nothing has changed with Wolverine Terminals plans to construct five storage tanks, a rail operation to unload bitumen, and a barge operation to ship the diluted bitumen to refineries. Mr. Bowman explained to the Council that the impacts of the facility have not changed and it is a minor source of air pollutants, a minor source of hazardous air pollutants, an insignificant source of wastewater and the facility will actually improve the runoff from the ADM facility, where this terminal will be located, due to secondary containment areas to store rainwater, and will improve the drainage in that area of St. James Parish as well. He went on to explain that there will be no hazardous waste and noise impacts will be minimal. Mr. Bowman went on to explain in detail the funding Wolverine Terminals has expended since December 2012 including a lease agreement with ADM, design work on the facility, preformed geotechnical work, obtained permits, received letters of no objection, and received a draft permit from DEQ for air emissions. He also explained meetings Wolverine Terminals has held with members of the Council, both as a group and individually, emergency response personnel, Economic Development personnel, a public meeting in October 2013 as requested by the Council, and a public hearing in April 2014 conducted by LDEQ. Mr. Bowman explained that the information in this binder was presented to the members of the Planning Commission at the July 2014 meeting, and the Planning Commission denied Wolverine Terminals request for approval under the land use and development ordinance. He explained in detail how this project meets all requirements of the land use ordinance to be approved by this Council even though the site is not classified as industrial by the land use ordinance and it is an existing non-conformity. In closing, Mr. Bowman asked the Council to approve Wolverine Terminals facility under the land use ordinance.

Glen Millet, Chairman of the Planning Commission, introduced himself and asked District 3 Planning Commission member Ryan Louque to address the Council on behalf of the Planning Commission. Mr. Louque explained that at the July 2, 2014 Planning Commission meeting the Planning Commission voted 7 – 1 with one absent to recommend denial of Wolverine Terminals proposed terminal based on the proposed terminal being inconsistent with the adopted land use plan, since the proposed location is within and surrounded by a residential growth area. Mr. Louque requested the Council proceed with denial of the proposed terminal application for this same reason, since it is inconsistent with the intent of the adopted Comprehensive Master Plan and the land use plan at its proposed location.

Francis Hymel, Assistant Director of Emergency Preparedness, then addressed the Council regarding the emergency response, safety capabilities and firefighting response at the Wolverine Terminals proposed facility. Mr. Hymel and Mr. Deroche, Director of Emergency Preparedness, met with Wolverine Terminals representatives in August 2013 on three occasions regarding emergency response, fire water and fire suppression. The Department of Emergency Preparedness has concerns regarding the capacity of the pond and the amount of foam onsite, since a fire at this type of facility is not like a traditional fire that can be extinguished with water only.

Attorney Victor Franckiewicz, Special Counsel for planning and land use matters, then addressed the Council highlighting the decision making process, with the aid of power point slides, and he explained that under Section 86-37(e) of the land use ordinance this facility is not an allowable use in this district, the area is designated residential, the intersection is designated for mixed commercial and residential, and industrial is not designated anywhere near this site. Mr. Franckiewicz explained the process the applicant must adhere to since it is a non-allowable use, the Planning Commission recommended denial of this application and it is now before the Parish Council for a final decision on the application. He explained the decision criteria for the Council to consider in approving uses not listed as allowable uses under Section 86-37(e), which are where there is a compelling public benefit, when 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 explained the decision alternatives for the Council to consider regarding Wolverine Terminals application before the Council; deny the permit, approve the permit with conditions or approve this permit as requested. He then explained the process of developing the Comprehensive Master Plan, the adoption of the land use ordinance and referenced a map showing housing trends in the parish since 2008. Mr. Franckiewicz then addressed the following information contained in the Wolverine Terminals application to the Planning Commission at the July 2014 meeting; Wolverine Terminals project is a non-conforming use, which Mr. Franckiewicz explained Section 86-37(k) nonconformities and how the Wolverine Terminals facility does not meet these criteria; Wolverine Terminals early discussions with the parish allowed Wolverine Terminals to move forward with the project since the parish approved it, which Mr. Franckiewicz explained there were early discussions with Wolverine Terminals and some discussions and decisions were made by other entities that were not land use approvals; and the parish permit received by Wolverine Terminals for the modular buildings on site. Mr. Franckiewicz then went on to explain the resolution adopted by the Parish Council in May 2013 regarding Quality Jobs/Enterprise Zone endorsement for Grizzly to participate in these LED programs; Wolverine Terminals site consideration in November 2013 and a public meeting where the scope of the project was publically made known. He further explained that various agencies, such as the Corps of Engineers, have approved the Wolverine Terminals project and issued permits and/or letters of no objection containing verbiage that a local permit must be obtained as required by law. Mr. Franckiewicz explained that land use decisions, such as

this one before the Council, are uniquely local and the issue is really land use, where people want to live. He went on to explain in detail information on the Wolverine Terminals air permit application to the state, the site chosen by Wolverine Terminals, compared the air emissions and hazardous air emissions between Petroplex and Wolverine Terminals, as well as comparing the land use criteria between the two. Mr. Franckiewicz explained that for all of the above reasons the Planning Commission determined that the Wolverine Terminals application was inconsistent with the land use plan and did not merit approval under any of the three criteria that are in the ordinance.

Public comment was then received on the approval of the Wolverine Terminals request. Public Comment was received from David Lambert, 3430 LA 44, Paulina; David & Debra Laiche, 3168 Metge Street, Paulina; Malcolm & Charlotte Metge, 3117 Metge Street, Paulina; Todd Lambert, 3432 LA 44, Paulina; Mark Bourgeois, 3108 Hwy 642, Paulina.

Councilman Patin then offered a motion to deny Wolverine Terminals proposal under Section 86-37(e) of the land use ordinance and to request the administration present a formal resolution at the next council meeting consistent with this denial and the testimony at tonight's meeting. The motion was seconded by Councilman McCreary. After a roll call vote showing St. Pierre, Amato, McCreary, Patin, Brass, Ketchens voting for the motion and Brazan voting against the motion, the motion to deny Wolverine Terminals application under Section 86-37(e) of the land use ordinance was adopted.

COUNCILMEN'S REPORT

COUNCILMAN BRAZAN – Councilman Brazan welcomed Mr. Chenier back and asked that they meet to ride in District 7 and discuss issues.

COUNCILMAN BRASS – Councilman Brass welcomed Mr. Chenier back. He thanked the West Bank residents for attending the special Planning Commission meeting last week and voicing their opinions on the proposed RV Park and all the residents who attended tonight's meeting and voiced their opinions on this issue. Councilman Brass has been in constant communication with Dennis Hymel of T Baker Smith and he updated the Council on the progress of the North and South Vacherie drainage study. He asked Mr. Chenier to create a work order to clean the ditch that runs parallel to the railroad track from LA 20 to Bank Street. Upon questioning, Mr. Chenier provided Councilman Brass with an update on the Magnolia Heights waterline project.

COUNCILMAN PATIN – Councilman Patin thanked all who were dedicated in developing and enforcing the land use plan, Mr. Franckiewicz for the information, the residents of Paulina and Grand Point for their persistence and dedication, Mr. Donadieu, Mr. Gravois, Mr. Chenier for their assistance, and the members of the Planning Commission for addressing tough issues regarding the land use plan. In closing, Councilman Patin thanked his fellow councilmen for their support and commitment to the residents of District 4 and St. James Parish.

COUNCILMAN MCCREARY – Councilman McCreary attended the Council On Aging meeting last week where four young adults were recognized for receiving their GED diplomas and he thanked Mrs. Warren and staff for their assistance with this program and for this accomplishment. He asked that letters of congratulations from the Council be sent to each graduate. Councilman McCreary attended the River Region Caucus meeting where he spoke to Rep. Ed Pride regarding highway projects for St. James Parish and shared the information he obtained with the Council. He confirmed with Mr. Chenier that one heavy equipment operator was hired and there are two openings remaining, and he asked Mr. Chenier to begin the excavation work on Hester Road and LA 3125. In closing, Councilman McCreary congratulated Katy Roussel on her appointment to the Youth Commission.

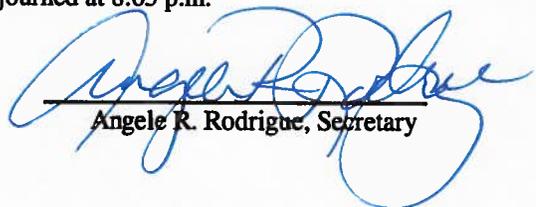
COUNCILMAN AMATO – Councilman Amato thanked his fellow councilmen for their input and approval of the Drainage & Flood Protection Committee. Councilman Amato commented on the upcoming Festival of the Bonfires, which will be celebrating 25 years.

COUNCILMAN ST. PIERRE – Councilman St. Pierre welcomed Mr. Chenier back. Regarding the land use ordinance application, Councilman St. Pierre commended the Planning Commission for their efforts and hard work, and Mr. Franckiewicz for a very informative presentation. Councilman St. Pierre thanked Mrs. Waguespack and Mr. Chenier in assisting with budget items.

CHAIRMAN KETCHENS – Chairman Ketchens extended an opportunity for Directors comment. Mrs. Waguespack reminded the Council that the 2015 budget process has begun and asked the councilmen to contact the Finance Department staff with any budget request. Upon questioning, Mrs. Warren told Chairman Ketchens that one GED graduate is employed at a local industry, one graduate will be attending school, and one graduate is awaiting word on employment with a local industry.

ADJOURNMENT

After determining there was no additional business to come before the council, on a motion offered by Councilman Brazan, seconded by Councilman Brass and carried, the meeting adjourned at 8:05 p.m.


Angele R. Rodrigue, Secretary