

OFFICIAL PROCEEDINGS
CITY OF MORGAN CITY
SEPTEMBER 23, 2014

The Mayor and City Council of Morgan City, Louisiana, met at 6:00 pm (local time) in regular session, this date, in the City Court Building, Highway 182 East, Morgan City, Louisiana.

There were present: Honorable Frank P. Grizzaffi, III Mayor; and Council Members Ron Bias, Barry Dufrene, James Fontenot, Tim Hymel, and Louis J. Tamporello, Jr.

Absent: None

Also present were Mr. Marcus Folse, Chief Administrative Officer and Mr. Paul Landry, City Attorney.

The invocation was given by Reverend Terry Bunner.

Mayor Grizzaffi read his annual budget message into record (copy on file).

Mrs. Jessica Dupre with St. Mary Outreach addressed the Council regarding permission to hold the annual Pumpkin Patch at the Morgan City Petting Zoo October 20, 2014 through October 25, 2014. A motion to allow the use of the Petting Zoo was made by Mr. Fontenot, seconded by Mr. Hymel, and voted unanimously in favor.

Mrs. Bevery Domengeaux with the St. Mary Council on Aging presented the Council with the annual service report. She also requested that the City include their annual \$10,000 allocation in the 2015 budget.

Mr. Patrick Riggins and Mr. Bryan Landry with the Tri City Track Club requested permission to close the Long Allen Bridge to hold the Double Trouble Bridge Run on November 11, 2014 from 7:00 AM to 10:00 AM. A motion to concur in the request was made by Mr. Fontenot, seconded by Reverend Bias, and voted unanimously in favor.

Ms. Danika Foley and Mr. Courtney Long with Hoodstock addressed the Council requesting an allocation from the City to hold the Festival. Mayor Grizzaffi stated that he had City Attorney Paul Landry look into the legality of allocating tax payer monies to a private organization. The benefit to the City had to be equal or greater than the allocation. Mayor Grizzaffi stated that the City would provide police and garbage services as they did for the Shrimp & Petroleum Festival.

Mr. Walter Shepherd and Mrs. Cindy Marino requested that the Council allow the Krewe of Dionysus to hold an Irish/Italian Heritage Parade on March 14, 2015 at 11:00 AM. The parade would be walkers and golf carts only and begin at Onstead and Second Streets and proceed down Second to Freret Street, Freret to Third Street, Third to Everett Street, and Everett to Front Street, ending at Café Jojo's with a block party. A motion to concur in the request was made by Mr. Tamporello, seconded by Reverend Bias, and voted unanimously in favor.

Mr. Kenny Duval with the Knights of Columbus addressed the council requesting permission to hold the annual Tootsie Roll Drive. A motion to allow the Knights of Columbus to hold the Tootsie Roll Drive was made by Mr. Hymel, seconded by Mr. Dufrene, and voted unanimously in favor.

Mr. Kenny Duval stated that the Red Ribbon Committee was asking for a resolution of support for Red Ribbon week, whereupon,

Reverend Bias offered the following Resolution, who moved for its adoption.

RESOLUTION NO. R: 14-39

WHEREAS, alcohol and other drug abuse have reached epidemic stages, and

WHEREAS, it is imperative that visible, unified prevention education efforts be launched to eliminate the demand for drugs, and

WHEREAS, the “Red Ribbon” has become a symbol of opposition to drug use and alcohol abuse, and

WHEREAS, a Parish-wide red ribbon campaign will be celebrated in St. Mary Parish during drug-free week, **October 17 – October 26, 2014**, and

WHEREAS, business, government, law enforcement, schools, religious institutions, service organizations, youth, medical, senior citizens, military, sports teams, and individuals will demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign, and

WHEREAS, the City of Morgan City commits its resources to ensure the success of the St. Mary parish “Red Ribbon Campaign”,

NOW THEREFORE BE IT RESOLVED by the City Council, the governing authority of the City of Morgan City, Louisiana that it does hereby support October 17 – October 26, 2014 as

“RED RIBBON DRUG-FREE WEEK”

and encourages its citizens to participate in drug awareness and drug educational activities, making a visible statement that we are strongly committed to drug-free, healthy lifestyles.

BE IT FURTHER RESOLVED, etc. that all citizens are encouraged to pledge to this year’s theme:

“Be Driven by the Right Decision. BE DRUG-FREE!!”

Mr. Fontenot seconded the motion.

The vote thereon was as follows:

AYES: Bias, Fontenot, Dufrene, Hymel, Tamporello
NAYS: None
ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of September, 2014.

/s/ Frank P. Grizzaffi, III
Frank P. Grizzaffi, III, Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington, Clerk

The minutes of the August 26, 2014 meeting were submitted. There being no corrections, additions, or deletions, a motion to approve the minutes was made by Reverend Bias, seconded by Mr. Dufrene, and voted unanimously in favor.

Mrs. Deborah Garber, Finance Director, submitted the following financial statement for the period ending August 31, 2014.

MONTHLY FINANCIAL STATEMENTS

DATE: September 23, 2014
TO: Mayor and Council
FROM: Deborah Garber
RE: Comments related to summary of revenues and expenses compared to budget for the period ended August 31, 2014.

Attached is a summary that compares our actual revenues and expenses to our operational budget for our major funds subject to budgetary control for the period ending August 31, 2014. The following comments are related thereto:

General and Ancillary Funds: Actual total revenues are over budget by \$594,668. The sales taxes in the General Fund are \$39,156 over budget. Operating expenses are below budget by \$395,229. The net loss, after transfers, of \$352,227 creates a favorable variance of \$989,897.

Utility Fund: Actual revenues are over budget by \$1,533,486, with operational expenses also over budget by \$1,333,457. Again, this is largely due to the energy and gas costs being \$1,358,464 over budget making the electric and gas revenue over budget as well. The net income, after transfers, of \$169,822 creates a favorable variance of \$199,972.

Sanitation and Sewer Fund: The operating revenues are \$484,902(\$369,000 sewer) over budget, with total operating expenses under budget by \$25,764. The net income, after transfers, of \$181,664 leaves a favorable variance of \$521,590.

Respectfully submitted,
/s/ Deborah Garber
 Deborah Garber
 Finance Director

CONSOLIDATED STATEMENT
 Actual Revenues and Expenses Compared to Budget
 Period Ended August 31, 2014

	August 2014 ACTUAL	August 2014 BUDGET	VARIANCE
GENERAL AND ANCILLARY FUNDS			
REVENUES			
General Fund	4,442,814	3,905,633	537,181
Recreation Fund	141,807	115,333	26,474
Library Fund	11,739	10,143	1,596
Auditorium Fund	75,380	75,133	247
Lake End Park Fund	502,644	473,473	29,171
Total Revenues	5,174,384	4,579,716	594,668
EXPENSES-OPERATIONAL			
General Fund	6,574,459	6,894,103	(319,644)
Recreation Fund	450,987	451,894	(907)
Library Fund	103,595	103,087	508
Auditorium Fund	303,401	335,923	(32,522)
Lake End Park Fund	482,497	525,161	(42,664)
Total Expenses	7,914,939	8,310,168	(395,229)
TRANSFERS			
Transfers from Funds	2,930,328	2,930,328	0
Transfers to Funds	(542,000)	(542,000)	0
Net Transfers	2,388,328	2,388,328	0
EXCESS NET OF TRANSFERS	(352,227)	(1,342,124)	989,897

UTILITY FUND

Total			
Revenues	15,356,081	13,822,595	1,533,486
Total Expenditures	13,172,695	11,839,237	1,333,457
Net Excess	2,183,386	1,983,358	200,028
Net Transfers and non-oper.	(2,013,565)	(2,013,508)	(57)
Excess net of transfers	169,822	(30,150)	199,972

SANITATION AND SEWER FUND

Total			
Revenues	1,884,355	1,399,453	484,902
Total Expenses	1,969,659	1,995,423	(25,764)
Net Excess	(85,304)	(595,970)	510,666
Net Transfers/non-operating expenses	266,968	256,044	10,924
Excess net of transfers and non-operating	181,664	(339,926)	521,590

A motion to accept the financial statement was made by Mr. Dufrene, seconded by Reverend Bias, and voted unanimously in favor.

Mayor Grizzaffi read into record the Flood Damage Prevention Report prepared by Planning & Zoning Director Anthony Governale (copy on file).

The next matter on the agenda was the annual Municipal Water Prevention Plan, whereupon,

Mr. Tamporello offered the following Resolution, who moved for its adoption.

RESOLUTION NO. R: 14-40

WHEREAS, the City of Morgan City is committed to minimizing the amount of infiltration and inflow into the wastewater collection system and its associated impact on the design flow of the wastewater treatment plant, and

WHEREAS, the City of Morgan City has dedicated adequate budget funds to aggressively pursue location of and repairs to cracked and broken pipes in the wastewater collection system, employing both City and contract resources,

NOW THEREFORE BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, that it hereby informs the Louisiana Department of Environmental Quality that the following actions were taken by the City of Morgan City, Louisiana.

1. Reviewed the Municipal Water Pollution Prevention Audit Report which is attached to this resolution.
2. Set forth the following actions necessary to maintain permit requirements contained in the Louisiana Pollution Discharge Elimination System (LPDES) permit, number LA0065986:
 - a. Continued mapping of the wastewater collection system to characterize and document the size, type, and maintenance history of each main;
 - b. Continued systematic surveying and investigation of sections of the collection system to determine the extent and priority of repair efforts; and
 - c. Continued repairing and/or replacement of damaged sections of the collection system.

Mr. Hymel seconded the motion.

The vote thereon was as follows:

AYES: Tamporello, Hymel, Bias, Dufrene, Fontenot
NAYS: None
ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of September, 2014.

/s/ Frank P. Grizzaffi, III
Frank P. Grizzaffi, III
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

Mayor Grizzaffi stated that the November meeting date would not change, but the December meeting fell on the week of Christmas, whereupon,

Mr. Dufrene offered the following Resolution, who moved for its adoption.

RESOLUTION NO. R: 14-41

WHEREAS, the December 2014 council meeting falls on December 23, 2014, during Christmas week, and

WHEREAS, children are out of school for this holiday and many families take vacations at this time, and

WHEREAS, from past experience it has been determined to be within the best interest of the city to change this council meeting date,

NOW THEREFORE BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, that the December 2014 council meetings be changed as follows:

December 23, 2014 meeting changed to December 17, 2014

Reverend Bias seconded the motion.

The vote thereon was as follows:

AYES: Dufrene, Bias, Fontenot, Hymel, Tamporello
NAYS: None
ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of September, 2014.

/s/ Frank P. Grizzaffi, III
Frank P. Grizzaffi, III, Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington, Clerk

Mr. Lucien Cutrera stated that the Hazard Mitigation Plan must be updated every five years and had been completed and submitted to GOHSEP and FEMA. He stated that a resolution of support was needed, whereupon,

Mr. Fontenot offered the following Resolution, who moved for its adoption.

RESOLUTION NO. R: 14-42

WHEREAS, on October 30, 2000, the President signed into law the Disaster Mitigation Act of 2000 (DMA 2000), and

WHEREAS, DMA 2000 amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act by, among other things, adding a new section, 322—Mitigation Planning—which places new emphasis on local mitigation planning, and

WHEREAS, Section 322 requires local governments to develop and submit mitigation plans as a condition of receiving Hazard Mitigation Grant Program (HMGP) project grants, and

WHEREAS, an Interim Final Rule (the Rule) for implementing Section 322 was published in the Federal Register, 44 CFR Parts 201 and 206, on February 26, 2002, with requirements for Local Plans found in Part 201.6, and

WHEREAS, in Louisiana, the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) local mitigation planning initiative is focused at the parish level, and

WHEREAS, when incorporated jurisdictions exist within the parishes, their governments are encouraged to participate in the Parish mitigation planning process, and

WHEREAS, the City of Morgan City participated in the preparation of the St. Mary Parish Hazard Mitigation Plan Update and supports the plan as it pertains to Morgan City and the entire parish,

NOW THEREFORE, be it resolved by the City Council, the governing authority of the City of Morgan City that the mayor and council does hereby adopt the overall Hazard Mitigation Plan Update dated October 2014.

Mr. Hymel seconded the motion.

The vote thereon was as follows:

AYES:	Fontenot, Hymel, Bias, Dufrene, Tamporello
NAYS:	None
ABSENT:	None

The resolution was therefore declared approved and adopted this 23rd day of September, 2014.

/s/ Frank P. Grizzaffi, III
Frank P. Grizzaffi, III
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

Mayor Grizzaffi stated that Louisiana Municipal Association had requested that the member cities pass a resolution in support of Constitutional Amendments 3 and 10; whereupon,

Reverend Bias offered the following Resolution, who moved for its adoption.

RESOLUTION NO. R: 14-43

WHEREAS, the City of Morgan City relies on various sources of revenue to fund services to its citizens, including an annual property tax millage assessed to owners of real property located within the municipal limits and;

WHEREAS, the sale of adjudicated property and other aspects of a tax sale is a very complicated process in which many municipalities do not have the staff nor the necessary resources to ensure the compliance with the requirements to ensure the constitutional protections of the property owners and the public entity and;

WHEREAS, currently over 40 public bodies have opted to use cooperative endeavor agreements with private third parties to assist in the tax sale process and;

WHEREAS, on January 28, 2014, Louisiana State Supreme Court in the matter of *Jackson et al v. City of New Orleans 2012-CA-2742, 2012-CA-2743, January 28, 2014* which in summary, stated the City of New Orleans ordinance authorizing a cooperative endeavor agreement with a third party was unconstitutional based on the provisions of Article 7 Section 25 of the Louisiana Constitution to provide that only the tax collector or their employees may perform the functions of a tax sale and;

WHEREAS, the decision in *Jackson et al v. City of New Orleans* could jeopardize existing cooperative endeavor agreements and in response to the decision, the Louisiana Municipal Association supported HB 488 by Representative Johnny Berthelot which seeks to clarify that public bodies have the authority under the Louisiana State Constitution should the body opt to enter into such a contract and;

WHEREAS, the ability to enter into a cooperative endeavor agreement with a third party for the purposes of assisting municipalities with the tax sale process has many positive aspects including the ability to protect the constitutional rights of property owners, create a more efficient and less costly process for local governments, and also to ensure that property owners fulfill their obligations as taxpayers; and;

WHEREAS, on June 23, 2014, HB 488 became Act 871 and will be placed on the November 4, 2014 election ballot as **Constitutional Amendment 3** for the voters of the State of Louisiana to consider whether an authorized agent of a tax collector can assist in the sales tax process and any fees charged may be included in the cost; and

WHEREAS, on June 26, 2013, HB 256 became Act 436 of the 2013 Regular Session of the Louisiana Legislature, a measure in which the Louisiana Municipal Association gave its full support and will appear on the November 4, 2014 election ballot as **Constitutional Amendment 10** and;

WHEREAS, Act 436 seeks to provide for an 18-month redemption period in any parish other than Orleans, for vacant property sold at a tax sale which is considered blighted or abandoned and;

LET IT HEREBY BE RESOLVED that the City of Morgan City supports the passage of both **Constitutional Amendment 3** and **Constitutional Amendment 10** on November 4, 2014 as both constitutional amendments will provide valuable tools for municipalities and parishes to address the blighted property issues throughout the state in order to protect the health, safety and welfare of their citizens.

Mr. Tamporello seconded the motion.

The vote thereon was as follows:

AYES: Bias, Tamporello, Dufrene, Fontenot, Hymel
NAYS: None
ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of September, 2014.

/s/ Frank P. Grizzaffi, III
Frank P. Grizzaffi, III
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

Mayor Grizzaffi stated that only one bid had been received on the Sewer Plant Headworks project and it had come in over budget. The engineer had recommended that the bid be rejected and the project reassessed; whereupon,

Mr. Hymel offered the following Resolution, who moved for its adoption.

RESOLUTION NO. R: 14-44

BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, Louisiana, that the bids received on September 18, 2014, for the Upgrade of Sewer Plant Headworks project, be and the same are hereby rejected.

Mr. Dufrene seconded the motion.

The vote thereon was as follows:

AYES: Hymel, Dufrene, Bias, Fontenot, Tamporello

NAYS: None

ABSENT: None

The Resolution was therefore declared approved and adopted this 23rd day of September, 2014.

/s/ Frank P. Grizzaffi, III
Frank P. Grizzaffi, III
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

Mr. Dwayne Barbier stated that the original bids for the Lake End Park Cabins, Phase II had to be thrown out due to an error in timing of an addendum and that the project had been rebid. He stated that the lowest bid on the project came in \$140,000 more than the previous low bid. He stated that the architect had recommended that the bid be awarded to Legacy Construction, the low bidder; whereupon,

Mr. Fontenot offered the following Resolution, who moved for its adoption.

RESOLUTION NO. R: 14-45

BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, that the bid of Legacy Construction Services of Rossville, Tennessee, for furnishing all labor, materials, equipment, etc., for the Phase II, Lake Cabin and Boat Dock Expansion in

the amount of ONE MILLION ONE HUNDRED SEVENTY FOUR THOUSAND TWO HUNDRED NINETY EIGHT DOLLARS and NO CENTS (\$1,174,298.00) being the least and most responsible bid received, be and the same is hereby accepted and awarded to Legacy Construction Services.

BE IT FURTHER RESOLVED, etc., that the Mayor, be and he is hereby authorized, empowered, and directed to execute a contract with said Legacy Construction Services for and on behalf of and in the name of said Municipal Corporation, for furnishing all labor, materials, and equipment for the Phase, Lake Cabin and Boat Dock Expansion, Morgan City, Louisiana.

BE IT FURTHER RESOLVED, etc., that the contract shall be filed with the Clerk of Court and Ex-officio Recorder of Mortgages for the Parish of St. Mary, State of Louisiana, for recordation in the mortgage records of said parish, hereby ratifying and confirming his act or acts in the premises.

Mr. Hymel seconded the motion.

The vote thereon was as follows:

AYES: Fontenot, Hymel, Bias, Dufrene, Tamporello

NAYS: None

ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of September, 2014.

/s/ Frank P. Grizzaffi, III
Frank P. Grizzaffi, III
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

The next matter on the agenda was the first reading of the 2015 Budget Ordinance. No definitive was action necessary.

The public hearing for the Auditorium Parking Lot Ordinance was opened. No one appeared for or against said ordinance, whereupon,

This ordinance was introduced with first reading on August 26, 2014. Published by title on September 2, 2014.

Mr. Tamporello offered the following ordinance, who moved for its adoption.

ORDINANCE NUMBER 14-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF MORGAN CITY APPROVING A SERVITUDE AGREEMENT WITH THE MORGAN CITY HARBOR AND TERMINAL DISTRICT AND USE OF AUDITORIUM.

WHEREAS, the MORGAN CITY HARBOR AND TERMINAL DISTRICT ("District") is a political subdivision of the State of Louisiana, charged with certain duties within the DISTRICT all as enumerated in LSA-R.S. 34:320 et. seq. and is represented herein by JERRY A. GAUTHIER, its duly authorized President, and

WHEREAS, THE CITY OF MORGAN CITY, is a municipal corporation of the State of Louisiana, ("the CITY") represented herein by FRANK P. GRIZZAFFI, III, its duly authorized Mayor, and

WHEREAS, pursuant to the provisions of LSA-Const. Article 6 Section 20, Const. Art. 7 Section 14(c), LSA R.S. 34:321 et. seq., and R.S. 33:1321 et. seq. the said DISTRICT and the CITY have authority to enter into cooperative agreements in order to accomplish their statutory duties and functions; and

WHEREAS, DISTRICT and the CITY have previously determined that it is in the best interest of the public that both parties cooperate with regards to the building of a government operations and emergency center ("GOEC"), and the improvement of the resiliency of the area within the boundaries of the District and in that regard, the CITY has, provided an approximate 22,687 sq. foot parcel of land bearing the municipal address of 7335 Hwy 182, Morgan City for the DISTRICT's GOEC and the DISTRICT has committed to provide parking and other improvements to the CITY's Municipal Auditorium complex.

WHEREAS, DISTRICT and the CITY have previously expressed their mutual agreement to cooperate in regards to the GOEC project by entrance into a cooperative endeavor agreement executed by the parties on June 26, 2014.

WHEREAS, in order for the DISTRICT to secure funding for parking improvements it must enter into servitude for parking with the CITY in regards to that area the District intends on improving for parking.

WHEREAS, it will be beneficial for the GOEC tenants and/or the DISTRICT to have access and use of the Auditorium East Concourse, West Concourse and/or the entire Auditorium from time to time.

WHEREAS, in further cooperation with the DISTRICT, the CITY has agreed to make the East Concourse and/or the West Concourse of its Auditorium available once each quarter of a year and the entire Auditorium available twice a year, on dates and times mutually agreed upon by the DISTRICT and the CITY.

BE IT ORDAINED, by the City Council, the governing authority of the City of Morgan City, Louisiana, that it does hereby approve the adoption of a parking servitude with District for addition of approximately 150 spots to the City's Municipal Auditorium Complex for use by the District's GOEC tenants during normal working an hours and non-exclusive use after working hours; which parking servitude includes land shown in the Exhibit "A" attached hereto.

BE IT FURTHER ORDAINED that in consideration of the various improvements made to its facility, the DISTRICT is hereby granted the use of the East Concourse and/or the West Concourse of the Auditorium once each three month period and the entire Auditorium twice every twelve months, on dates and times mutually agreed upon by the DISTRICT and the CITY.

BE IT FURTHER ORDAINED, that the Mayor, Frank P. Grizzaffi, III, is hereby authorized and directed to execute on behalf of the City, a Servitude for Parking with the District substantially in accordance with the terms and conditions of the agreement presented this day.

Mr. Dufrene seconded the motion.

The vote thereon was as follows:

YEAS: Tamporello, Dufrene, Bias, Fontenot, Hymel

NAYS: None

ABSENT AND NOT VOTING: None

Certified and adopted this 23rd day of September, 2014.

Delivered to the Mayor at 9:00 am, this 29th day of September, 2014.

/s/ Debbie Harrington
Debbie Harrington, Clerk

Approved this 29th day of September, 2014.

/s/ Frank P. Grizzaffi, III
Frank P. Grizzaffi, III Mayor

Delivered to the Mayor at 9:30 am, this 29th day of September, 2014.

/s/ Debbie Harrington
Debbie Harrington, Clerk

Published: October 3, 2014

Mayor Grizzaffi offered the name of Mr. Sidney Roy for appointment to the Board of Adjustments. A motion to appoint Mr. Roy was made by Mr. Tamporello, seconded by Mr. Fontenot, and voted unanimously in favor.

There being no further business, a motion to adjourn was made by Mr. Dufrene, seconded by Mr. Hymel, and voted unanimously in favor.

Debbie Harrington
Debbie Harrington
Clerk

Frank P. Grizzaffi, III
Frank P. Grizzaffi, III
Mayor