

OFFICIAL PROCEEDINGS
CITY OF MORGAN CITY
October 23, 2012

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 Timothy Matte, Mayor; and Council Members Larry P. Bergeron, Ron Bias, Tim Hymel, Luke P. Manfre, and Louis J. Tamporello, Jr.

Absent: None

Also present were Mrs. Lorrie C. Braus, Chief Administrative Officer and Mr. Gregory Aucoin, City Attorney.

The invocation was given by Reverend Ron Bias.

Mayor Matte stated that Mr. Jerran Bourgeois, better known as Bourge the Clown, had recently passed away. He had spoken with Rotary Club members and they would be putting together a memorial for his positive contributions to our City.

Mayor Matte stated that before he got to the guest section of the agenda, he wanted to let the public know that he had received a great deal of input on the Recreational Vehicle provision in the Zoning and Land Development Code update. Based on discussion with Council members and feedback from the community, he wanted to change the language in the ordinance to apply only to Marquis Manor and the downtown area from Front Street to Federal Avenue, from Railroad Avenue to Greenwood Street, and Second Street from Railroad to Terrebonne Street.

Mr. Gene Bosworth presented a framed newspaper article to Mayor Matte to go along with the flag that was presented to him at the Open House. He wanted to thank the citizens of Morgan City for all of their help in baking cookies to send to the troops twenty two years ago.

Mr. Brian Blanchard with Café Jojo's addressed the council requesting permission to hold Rhythms on the River on Friday evenings from 6:30 PM to 9:30 PM April 5, 2013 through May 31, 2013. He also requested that Front Street from Everett Street to Freret Street be blocked off from 4:30 PM to 10:30 PM. A motion to allow Café JoJo's to hold Rhythms on the River on Friday nights beginning April 5, 2012 was made by Bergeron, seconded by Mr. Manfre, and voted unanimously in favor.

Mr. Steve Morell with Morgan City Main Street requested permission from the Council to hold "Jazzin' it Up For 200 Years" in Lawrence Park on November 2, 2012 from 10:00 AM to 1:00 PM. A motion to allow Main Street to hold the event in Lawrence Park on November 2, 2012 was made by Reverend Bias, seconded by Mr. Hymel, and voted unanimously in favor.

Mr. Pat Cloutier stated that Mr. Manfre told him that the City was responsible for spraying herbicide in his front yard. Mayor Matte said that the intention was to spray the seawall and the cracks in the sidewalk and not his property. Mr. Cloutier asked that the City not spray his property with herbicide again. He stated that he would also like to make a formal verbal request for all elevation certificates for the building located next to him on Front Street within the ten days required by state law. Mayor Matte stated that the FEMA auditors were in possession of those certificates and they would be provided to Mr. Cloutier as soon as possible.

Ms. Susan Billiot stated that she had been passing a petition around the City to stop the new zoning ordinance that prevented boats from being parked in front of homes. She stated that she looked like a fool because the ordinance had since been changed. Mayor Matte stated that apparently the feelings of the citizens had been heard because the Council wanted to amend the proposed ordinance.

The minutes of the September 25, 2012 and October 9, 2012 meetings were submitted. There being no corrections, additions, or deletions, a motion to approve the

minutes was made by Mr. Hymel, seconded by Mr. Tamporello, and voted unanimously in favor.

Mrs. Deborah Garber, Finance Director, submitted the following financial statement for the period ending September 30, 2012.

MONTHLY FINANCIAL STATEMENTS

DATE: September 25, 2012
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, 2012.

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, 2012. The following comments are related thereto:

General and Ancillary Funds: Actual total revenues exceed budget by \$400,300. Operating expenses are below budget by \$54,600. The net loss, after transfers, of \$489,800 creates a favorable variance of \$455,000.

Utility Fund: Actual revenues are under budget by \$2,091,700, with operational expenses also under budget by \$1,918,200. The net loss, after transfers, of \$634,400 creates an unfavorable variance of \$177,800.

Sanitation and Sewer Fund: The operating revenues are \$19,900 under budget, with total operating expenses under budget by \$155,300. The net income, after transfers, of \$140,600 leaves a favorable variance of \$141,400.

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

CONSOLIDATED STATEMENT
 Actual Revenues and Expenses Compared to Budget
 Period Ended August 31, 2012

	August 2012 ACTUAL	August 2012 BUDGET	VARIANCE
GENERAL AND ANCILLARY FUNDS			
REVENUES			
General Fund	3,847,177	3,540,650	306,527
Recreation Fund	118,625	102,800	15,825
Library Fund	14,915	13,190	1,725
Auditorium Fund	69,741	78,133	(8,392)
Lake End Park Fund	459,865	375,200	84,665
Total Revenues	4,510,323	4,109,973	400,350
EXPENSES-OPERATIONAL			
General Fund	6,273,334	6,342,016	(68,682)
Recreation Fund	439,472	460,385	(20,913)
Library Fund	74,445	87,401	(12,956)
Auditorium Fund	286,203	291,733	(5,530)
Lake End Park Fund	402,722	349,261	53,461
Total Expenses	7,476,176	7,530,796	(54,620)
TRANSFERS			
Transfers from Funds	3,040,543	3,040,543	0
Transfers to Funds	(564,573)	(564,573)	0
Net Transfers	2,475,970	2,475,970	0
EXCESS NET OF TRANSFERS	(489,883)	(944,854)	454,971

UTILITY FUND

Total			
Revenues	13,002,831	15,094,550	(2,091,719)
Total Expenditures	11,241,995	13,160,173	(1,918,178)
Net Excess	1,760,836	1,934,377	(173,541)
Net Transfers and non-oper.	(2,395,288)	(2,390,974)	(4,314)
Excess net of transfers	<u>(634,452)</u>	<u>(456,597)</u>	<u>(177,855)</u>

SANITATION AND SEWER FUND

Total			
Revenues	1,446,575	1,466,501	(19,926)
Total Expenses	1,973,369	2,128,666	(155,297)
Net Excess	(526,794)	(662,165)	135,371
Net Transfers/non-operating expenses	667,447	661,375	6,073
Excess net of transfers and non-operating	<u>140,653</u>	<u>(791)</u>	<u>141,443</u>

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

The next matter on the agenda was the Finance Committee Recommendations, whereupon,

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

RESOLUTION NO. R: 12-66

BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, that the following Finance Committee recommendations be and the same are hereby approved:

1. Allocate up to \$8,100 from Friends of Main Street to purchase bronze plaques for floodwall, 2 benches and 2 planters and 5 stop signs and pedestals.
2. Authorize Library to enter into overdrive digital library contract for 4 years at a cost of \$6,000 annually. This money is already budgeted.
3. Allocate \$5,819.87 from Capital Additions and Contingency to Water Department to purchase hydraulic valve exerciser.

Mr. Hymel seconded the motion.

The vote thereon was as follows:

AYES: Bergeron, Hymel, Bias, Manfre, Tamporello
 NAYS: None
 ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of October, 2012.

/s/ Timothy Matte
 Timothy Matte
 Mayor

ATTEST:

/s/ Debbie Harrington
 Debbie Harrington
 Clerk

Mr. Lucien Cutrera with T. Baker Smith stated that the last set of data received on the DFIRMS indicated that the City had made substantial gain. The levees now needed to be at 10 feet instead of the 12 foot level needed at the beginning of the DFIRM project in 2008. He stated that FEMA had prepared a preliminary set of maps that would be the basis for a second set of DFIRMS depending upon the position that the City would take. Mayor Matte stated that there was still some significant decision making on what would be the best strategy going forward to maximize the opportunity for building and making improvements to the levees.

In the matter of the LEPA report, Mayor Matte stated that unit four continued to run and take some load off of the transformer. It tripped around 9 Saturday morning, but the reason had not yet been determined. Unit three would be brought up tomorrow and a few adjustments would be made on unit four while it was down. He stated that in the near future, LEPA would need the council to support the issuance of bonds to pay for the environmental improvements on the Rodemacher plant. He advised that the original note would be paid off this year.

In the matter of change order number one for the Roadway Repairs & Improvements, Phase III, Mayor Matte stated that the change order was to reconcile quantities, whereupon,

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

RESOLUTION NO. R: 12-67

BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, that the Mayor be and he is hereby authorized, empowered, and directed in the name of and on behalf of said municipal corporation, to execute Change Order Number 1, in the amount of + \$11,775.00, under Contract Number R:12-37, between the City of Morgan City and Byron E. Talbot Contractor, Inc. for the Roadway Repairs & Improvements, Phase III.

Mr. Bergeron seconded the motion.

The vote thereon was as follows:

AYES: Tamporello, Bergeron, Bias, Hymel, Manfre

NAYS: None

ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of October, 2012.

/s/ Timothy Matte
Timothy Matte
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

Mayor Matte stated that T. Baker Smith had recommended that the Roadway Repairs & Improvements, Phase III project be put into substantial completion, whereupon,

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

RESOLUTION NO. R: 12-68

WHEREAS, the firm of Byron E. Talbot Contractor, Inc has substantially completed the work done under contract No. R:12-37, for the Roadway Repairs & Improvements Phase III project, dated June 1, 2012, and recorded in the mortgage records of the Parish of St. Mary, Book 1325, Entry 312685, Page 465, and

WHEREAS, the contractor has requested that this work be put in the lien period, and

WHEREAS, T. Baker Smith, engineer for the City has recommended acceptance of said project as substantially complete, to begin the forty-five (45) day lien period with no items remaining to be done, and

WHEREAS, before final payment is made, the engineering firm of T. Baker Smith will so certify to the City that the project is fully complete and approve the payment of the retainage,

NOW THEREFORE BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, Louisiana that the Mayor be and he is hereby authorized, empowered, and directed to execute the "Certificate of Substantial Completion" and that a copy of this resolution, along with said "Certificate" be filed with the Clerk of Courts of the Parish of St. Mary to initiate the forty-five (45) day lien period for the work done under the above mentioned contract.

Mr. Bergeron seconded the motion.

The vote thereon was as follows:

AYES: Tamporello, Bergeron, Bias, Hymel, Manfre

NAYS: None

ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of October, 2012.

/s/ Timothy Matte
Timothy Matte
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

In the matter of Change Order Number Two on the Lake House project, Mayor Matte stated that the change order would change the number of contract days to allow for rain days due to Hurricane Isaac. He stated that they were still looking at a December first completion date. Mr. Tamporello wanted to know if the Council could get more information before adopting the resolution. He stated that there were days when there was one tenth of

an inch of rain and the contractor only worked half a day. Mayor Matte stated that he would get with Carl Blum, the architect on the project, to get an explanation.

Mayor Matte stated that the Roadway Repairs & Improvements Project, Phase IV needed to be put into substantial completion, whereupon,

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

RESOLUTION NO. R: 12-69

WHEREAS, the firm of Barriere Construction has substantially completed the work done under contract No. R:12-41, for the Roadway Repairs & Improvements, Phase IV project, dated July 23, 2012, and recorded in the mortgage records of the Parish of St. Mary, Book 1331, Entry 313569, Page 262, and

WHEREAS, the contractor has requested that this work be put in the lien period, and

WHEREAS, Michael Loupe, Public Works Director for the City has recommended acceptance of said project as substantially complete, to begin the forty-five (45) day lien period with no items remaining to be done, and

WHEREAS, before final payment is made, Public Works Director Michael Loupe will so certify to the City that the project is fully complete and approve the payment of the retainage,

NOW THEREFORE BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, Louisiana that the Mayor be and he is hereby authorized, empowered, and directed to execute the "Certificate of Substantial Completion" and that a copy of this resolution, along with said "Certificate" be filed with the Clerk of Courts of the Parish of St. Mary to initiate the forty-five (45) day lien period for the work done under the above mentioned contract.

Mr. Hymel seconded the motion.

The vote thereon was as follows:

AYES: Manfre, Hymel, Bergeron, Bias, Tamporello

NAYS: None

ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of October, 2012.

/s/ Timothy Matte
Timothy Matte
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

Mayor Matte stated that the December City Council meeting fell on Christmas Day. He stated that the Council might want to move the meeting a week ahead, whereupon,

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

RESOLUTION NO. R:12-70

WHEREAS, the December 2012 council meeting falls on December 25, 2012, (Christmas Day), 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 2012 council meeting be changed as follows:

December 25, 2012 meeting changed to December 18, 2012.

Reverend Bias seconded the motion.

The vote thereon was as follows:

AYES: Bergeron, Bias, Hymel, Manfre, Tamporello

NAYS: None

ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of October, 2012.

/s/ Timothy Matte
Timothy Matte
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

In the matter of the Capital Outlay request, Mayor Matte stated that this year the request was the same as last year, with the exception that Martin Luther King, Jr. Boulevard was eliminating and the Lake End Parkway Cabins were being added, whereupon,

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

RESOLUTION NO. R: 12-71

WHEREAS, the Mayor submitted to the council, the following projects for re-submission to the State requesting Capital Outlay funding:

Lake End Parkway Cabins	\$6,180,280
Brashear Avenue Drainage Improvements	\$1,218,228

LA Highway 70 Drainage Improvements	\$1,468,407
Morgan City Water System Improvements	\$1,200,000
Morgan City Bridge Construction to Avoca Island	\$20,000,400
Lighting of E.J. Lionel Grizzaffi Bridge	\$1,800,000

NOW THEREFORE BE IT RESOLVED by the City Council, the governing authority of the City of Morgan City, Louisiana that it hereby supports the Mayor's request, to the state, for Capital Outlay Funds to complete these projects.

Reverend Bias seconded the motion.

The vote thereon was as follows:

AYES: Tamporello, Bias, Bergeron, Hymel, Manfre

NAYS: None

ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of October, 2012.

/s/ Timothy Matte
 Timothy Matte
 Mayor

ATTEST:

/s/ Debbie Harrington
 Debbie Harrington
 Clerk

Mayor Matte stated that the City was requesting \$50,000 from the Local Government Assistance Program to contribute to the purchase of a new fire truck, whereupon,

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

RESOLUTION NO. R: 12-72

WHEREAS, for fiscal year 2012 - 2013 funds were included for continuation of the Local Government Assistance Program, and

WHEREAS, the amount available for each parish and its municipalities this fiscal year is approximately \$50,000, and

WHEREAS, the City of Morgan City is in need of funding for the purchase of a new Fire Truck, and

WHEREAS, the City is desirous of submitting, to the Louisiana Office of Community Development, an application for Local Government Assistance Program funding to fund this much needed project.

NOW THEREFORE BE IT RESOLVED by the City Council, the governing authority of the City of Morgan City, Louisiana that (1) it hereby supports this project which

will benefit the entire community and (2) that the Mayor be and he is hereby authorized to execute any and all documents in connection with this application.

Messrs. Bergeron, Hymel and Manfre seconded the motion.

The vote thereon was as follows:

AYES: Bias, Bergeron, Hymel, Manfre, Tamporello

NAYS: None

ABSENT: None

The resolution was therefore declared approved and adopted this 23rd day of October, 2012.

/s/ Timothy Matte
Timothy Matte
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

In the matter of the Street Project Report, Mayor Matte stated that thus far \$3,346,000 had been committed to construction projects. He handed out copies of the report (copy on file).

The 2012 Budget Amendment Ordinance was introduced for a first reading. No definitive action necessary.

The Cemetery Ordinance was introduced for a first reading. No definitive action necessary.

The Truck Route Ordinance was introduced for a first reading. No definitive action necessary.

The Zoning and Land Development Code Ordinance was introduced for a first reading. No definitive action necessary.

The public hearing on the 2013 Budget Ordinance was opened. No one appeared for or against said ordinance and the public hearing was closed. Action on this ordinance was deferred until the budget workshops were held.

The public hearing was opened on the Industrial Road Right of Way Ordinance. No one appeared for or against said ordinance, whereupon,

This Ordinance was introduced on September 25, 2012. Published by title on September 29, 2012

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

ORDINANCE NUMBER 12-09

AN ORDINANCE OF THE CITY OF MORGAN CITY FOR AN EXCHANGE OF REAL ESTATE BY AND BETWEEN THE CITY OF MORGAN CITY AND MARY ANN CLOUTIER, ET AL.

SECTION 1

BE IT ORDAINED, by The City Council, The governing authority of The City of Morgan City, Louisiana, that:

1. The City of Morgan City is the owner of the following described property, to-wit: From a point on the centerline of Second St., State Project No. 009-08-0002, at Station 51+50, proceed N64°47'49"W a distance of 37.38 feet to the point of beginning; thence proceed N73°43'22"W a distance of 7.10 feet to a point and corner; thence proceed N24°41'05"E a distance of 39.66 feet to a point and corner; thence proceed S73°38'58"E a distance of 30.62 feet to a point and corner; thence proceed S16°16'38"W a distance of 29.91 feet to the point of beginning. All of which comprises Parcel 1-1a as shown on Sheet 1 of the Right of Way Plans of State Project No. 009-08-0002, and contains an area of 528.1 square feet or 0.012 acres.

1. a. The value of this property is approximately \$1,188.23.

2. Mary Ann Cloutier and Joyce Boudreaux Cloutier are the owners of the following described property, to-wit:

From a point on the centerline of State Project No. 009-08-0002, at Station 50+63, proceed N32°42'47"W a distance of 29.00 feet to the point of beginning; thence proceed N57°17'13"E a distance of 45.00 feet to a point and corner; thence proceed along a curve to the left having a radius of 45.00 feet, whose length is 14.49 feet and whose chord length is 14.43 feet and bears N48°03'51"E to a point and corner; thence proceed S24°41'05"E a distance of 10.56 feet to a point and corner; thence proceed S65°18'55"W a distance of 58.34 feet the point of beginning. All of which comprises Parcel 1-1 on Sheet 1 of the Right of Way Plans of State Project No. 009-08-0002, and contains an area of 250.5 square feet or 0.006 acres.

2. a. The value of this property is approximately \$564.00.

3. An Exchange of the properties as set forth herein is necessary for the construction of The Morgan City Industrial Road Project No: SMP 09-08-02.

4. The Mayor is hereby authorized and directed to execute all documents necessary in carrying out the intent and purpose of this ordinance.

SECTION 2

Should any section, paragraph, sentence, clause, or phrase be declared unconstitutional or repealed for any reason, the remainder of the ordinance shall not be affected hereby. That all laws or parts of laws in conflict with this ordinance be and the same are hereby repealed. This ordinance shall take effect immediately after its passage within the time prescribed by law.

Mr. Bergeron seconded the motion.

The vote thereon was as follows:

AYES: Bias, Bergeron, Hymel, Manfre, Tamporello
NAYS: None
ABSENT: None

Certified approved this 23rd day of October, 2012.

Delivered to Mayor Matte at 9:00 AM, this 25th day of October, 2012.

/s/ Debbie Harrington
Debbie Harrington, Clerk

Approved this 25th day of October, 2012.

/s/ Timothy Matte
Timothy Matte, Mayor

Received from Mayor at 9:15 AM, this 25th day of October, 2012.

/s/ Debbie Harrington
Debbie Harrington, Clerk

Published: November 5, 2012

The application for a Class A liquor and beer permit (copy on file) for Parrie's Restaurant Holding, LLC, 615 Brashear Avenue, was submitted. A motion to approve the application was made by Mr. Tamporello, seconded by Mr. Hymel, and voted unanimously in favor.

In the matter of appointments, Mayor Matte offered the name of Gary Keller to serve on the Board of Adjustments. A motion to place Gary Keller on the Board of Adjustments was made by Reverend Bias, seconded by Mr. Hymel, and voted unanimously in favor.

Mayor Matte stated that he would like to adjourn the meeting with a moment of silence for Mr. Sammy Charles, a long time City employee.

/s/ Debbie Harrington
Debbie Harrington
Clerk

/s/ Timothy Matte
Timothy Matte
Mayor