

PROCEEDINGS OF THE ST. MARTIN PARISH COUNCIL

SPECIAL MEETING - APRIL 18, 2017

The St. Martin Parish Council met in Special Session pursuant to the following Notice of Special Meeting:

NOTICE OF SPECIAL MEETING

Chairman Jason Willis has called a **Special Meeting** of the St. Martin Parish Council for 5:00 P.M., Tuesday, April 18, 2017, Carroll J. Fuselier Meeting Room, St. Martin Parish Annex Building, 301 West Port Street, St. Martinville, Louisiana, in accordance with the Provisions of the St. Martin Parish Home Rule Charter, Section 2.07, Council Meetings and Rules, Paragraph C, to consider the following items:

- 1) CALL TO ORDER
- 2) INVOCATION
- 3) PLEDGE OF ALLEGIANCE
- 4) ROLL CALL
- 5) SPECIAL BUSINESS:

Consider the adoption of a Resolution ordering and calling an election to be held within the Parish of St. Martin, State of Louisiana, to authorize the levy of an ad valorem tax at its meeting on Tuesday, June 6, 2017 at 5:00 p.m. at the Carroll J. Fuselier Meeting Room, St. Martin Parish Annex Building, 301 West Port Street, St. Martinville, Louisiana.

- 6) ORDINANCES INTRODUCED FOR PUBLIC HEARING:
None.
- 7) RESOLUTIONS:

SUMMARY NO. 050-RS (Introduced by Chris Tauzin, District 5)

A Resolution amending and re-enacting Resolution No. 17-046-RS, implementing a temporary moratorium on the development, construction and operation of borrow pits in St. Martin Parish, Louisiana; and otherwise providing with respect thereto.

8) ORDINANCES INTRODUCED FOR PUBLICATION:
None.

9) ADJOURNMENT.

NOTE: According to the Home Rule Charter, Section 2.07, Paragraph C, "the power of the Council to act at a special or emergency meeting shall be limited, under penalty of nullity, to the objects specifically enumerated in the call."

**ST. MARTIN PARISH COUNCIL
LACI LAPEROUSE
CLERK OF THE COUNCIL**

The meeting was called to order by Chairman Jason Willis.

The Invocation was read by Laci Laperouse and the Pledge of Allegiance was led by Albert Menard.

The following members were present: Byron Fuselier, Lisa Nelson, Jason Willis, Neil Thibodeaux, Chris Tauzin, Jill Hebert, Albert Menard and Dean LeBlanc. Members absent: Daniel Richard, Jr. (excused). Also present: Parish President Guy Cormier and Legal Counsel Andrew Shealy.

A motion was made by Chris Tauzin and seconded by Jill Hebert that the St. Martin Parish Council does hereby extend the agenda to add the following:

Item No. 5. SPECIAL BUSINESS:

- B.) St. Martin Parish Council to enter into Executive Session to discuss pending litigation – *Breaux Bridge Land Investment, L.L.C. and Breaux Bridge Gaming, L.L.C. v. St. Martin Parish Government*, 16th Judicial District Court, Docket Number 84285-E, St. Martin Parish, Louisiana.

Item No. 7. RESOLUTIONS:

SUMMARY NO. 051-RS (Introduced by Lisa Nelson, District 2)

A Resolution rescheduling the May 2017 Regular Meeting from Tuesday, May 2, 2017, to Monday, May 1, 2017, at the usually scheduled time.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Byron Fuselier, Lisa Nelson, Jason Willis, Neil Thibodeaux,
Chris Tauzin, Jill Hebert, Albert Menard and Dean LeBlanc.
NAYS: None.
ABSTAIN: None.
ABSENT: Daniel Richard, Jr. (excused).

And the motion to extend the agenda was declared carried by unanimous vote this 18th day of April, 2017.

Clerk of the Council Laci Laperouse read the Special Business Item:

Consider the adoption of a Resolution ordering and calling an election to be held within the Parish of St. Martin, State of Louisiana, to authorize the levy of an ad valorem tax at its meeting on Tuesday, June 6, 2017 at 5:00 p.m. at the Carroll J. Fuselier Meeting Room, St. Martin Parish Annex Building, 301 West Port Street, St. Martinville, Louisiana.

Parish President Guy Cormier explained due to certain laws for calling an election, it was imperative to call for a Special Meeting to let the voters know, and also, to give enough time for advertisement notice in the official journal, the *Teche News*.

Legal Counsel Andrew Shealy requested moving forward to Item No. 7.

A motion was made by Chris Tausin and seconded by Jill Hebert that the following resolution be adopted:

RESOLUTION NO. 17-050-RS

A RESOLUTION AMENDING AND RE-ENACTING RESOLUTION NUMBER 17-046-RS IMPLEMENTING A TEMPORARY MORATORIUM ON THE DEVELOPMENT, CONSTRUCTION AND OPERATION OF BORROW PITS IN ST. MARTIN PARISH, LOUISIANA; AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the development and construction of borrow pits create unique planning and zoning issues; and

WHEREAS, the development, construction and operation of borrow pits often subject the public roads located in the vicinity of such borrow pits to repetitive and excessive load weights which cause damage to such roads; and

WHEREAS, the current methods and plans for the development, construction and operation of borrow pits do not adequately insure that the siting of such borrow pits are harmonious with the surrounding residential uses and preserve the general character and integrity of the various residential areas of the parish; and

WHEREAS, the current methods and plans for the development, construction and operation of borrow pits do not adequately insure that the public roads located in the vicinity of such borrow pits do not sustain damage as a result of being subjected to repetitive and excessive load weights; and

WHEREAS, there are often little, if any, requirements for continued maintenance and upkeep of closed or abandoned borrow pits to reduce their impact upon neighboring property values; and

WHEREAS, each of the issues set forth above relate to the health, safety and welfare of the citizens of St. Martin Parish; and

WHEREAS, the implementation of a temporary moratorium on the development, construction and operation of borrow pits will allow the St. Martin Parish Council to prepare, consider and adopt a comprehensive ordinance to ensure that the construction, development and operation of borrow pits are governed by rules and regulations that take into consideration the unique planning and zoning issues of such development and adequately address the health, safety and welfare concerns of the citizens of St. Martin Parish; and

WHEREAS, the St. Martin Parish Council desires to exempt certain small borrow pits from the temporary moratorium established on April 4, 2017.

NOW, THEREFORE, BE IT RESOLVED that the St. Martin Parish Council does hereby implement a temporary moratorium on the development, construction and operation of borrow pits in St. Martin Parish.

BE IT FURTHER RESOLVED that the temporary moratorium implemented herein shall not apply to borrow pits of four (4) acres or less that do not exceed fifteen (15') feet in depth.

BE IT FURTHER RESOLVED the temporary moratorium implemented herein shall not prohibit any landowner from digging or moving dirt from their own property, to remain on their property, for use on their own property, within twenty-five (25') from any adjacent property line.

BE IT FURTHER RESOLVED that this moratorium on the development, construction and operation of borrow pits shall expire on August 31, 2017.

This Resolution having been submitted to a vote, the vote thereon was as follows:

- YEAS: Byron Fuselier, Lisa Nelson, Jason Willis, Neil Thibodeaux, Chris Tauzin, Jill Hebert, Albert Menard and Dean LeBlanc.
- NAYS: None.
- ABSTAIN: None.
- ABSENT: Daniel Richard, Jr. (excused).

And the Resolution was declared adopted this 18th day of April, 2017.

A motion was made by Lisa Nelson and seconded by Jill Hebert that the following resolution be adopted:

RESOLUTION NO. 17-051-RS

NOW, THEREFORE, BE IT RESOLVED that the St. Martin Parish Council does hereby reschedule the May 2017 Regular Meeting from Tuesday, May 2, 2017, to Monday, May 1, 2017, at the usually scheduled time of 5:00 p.m. in the Carroll J. Fuselier Meeting Room, St. Martin Parish Annex Building, 301 West Port Street, St. Martinville, Louisiana.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Byron Fuselier, Lisa Nelson, Jason Willis, Neil Thibodeaux,
Chris Tauzin, Jill Hebert, Albert Menard and Dean LeBlanc.
NAYS: None.
ABSTAIN: None.
ABSENT: Daniel Richard, Jr. (excused).

And the Resolution was declared adopted this 18th day of April, 2017.

Legal Counsel Andrew Shealy requested the Chairman suspend the Special Meeting and return to the Administrative/Finance Committee Meeting to allow scheduled speakers to continue with their presentations.

A motion was made Lisa Nelson and seconded by Jill Hebert to suspend the Special Meeting and return to the Administrative/Finance Committee Meeting.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Byron Fuselier, Lisa Nelson, Jason Willis, Neil Thibodeaux,
Chris Tauzin, Jill Hebert, Albert Menard and Dean LeBlanc.
NAYS: None.
ABSTAIN: None.
ABSENT: Daniel Richard, Jr. (excused).

And the motion was declared carried by unanimous vote this 18th day of April, 2017.

Special Meeting suspended at 5:10 p.m.

Special Meeting reconvened at 5:57 p.m.

A motion was made by Dean LeBlanc and seconded by Jill Hebert that the St. Martin Parish Council does hereby enter Executive Session.

This motion to enter in Executive Session having been submitted to a vote, the vote thereon was as follows:

YEAS: Byron Fuselier, Lisa Nelson, Jason Willis, Neil Thibodeaux,
Chris Tausin, Jill Hebert, Albert Menard and Dean LeBlanc.

NAYS: None.

ABSTAIN: None.

ABSENT: Daniel Richard, Jr. (excused).

And the motion to enter in Executive Session was declared carried by unanimous vote this 18th day of April, 2017.

Legal Counsel Andrew Shealy requested former Legal Counsel of the Parish of St. Martin Chester Cedars be allowed to join them in Executive Session.

Special Meeting recessed at 5:58 p.m.

Executive Session adjourned at 6:43 p.m.

A motion was made by Albert Menard and seconded by Jill Hebert that the Special Meeting reconvene.

This motion to reconvene the Special Meeting having been submitted to a vote, the vote thereon was as follows:

YEAS: Byron Fuselier, Lisa Nelson, Jason Willis, Neil Thibodeaux,
Chris Tausin, Jill Hebert, Albert Menard and Dean LeBlanc.

NAYS: None.

ABSTAIN: None.

ABSENT: Daniel Richard, Jr. (excused).

And the motion to reconvene the Special Meeting was declared carried by unanimous vote this 18th day of April, 2017.

Legal Counsel Andrew Shealy briefed the public of Executive Session, which was to discuss the matter of – *Breaux Bridge Land Investment, L.L.C. and Breaux Bridge Gaming,*

L.L.C. v. St. Martin Parish Government, 16th Judicial District Court, Docket Number 84285-E, St. Martin Parish, Louisiana. Legal Counsel Andrew Shealy mentioned the recent decision of the Louisiana Gaming Commission might have had an impact on this litigation, and no action was taken in Executive Session. Now that the Council has reconvened in to public session, it is now time to take action.

A motion was made by Dean LeBlanc and a unanimous second was requested by Lisa Nelson to allow Legal Counsel Andrew Shealy to take any action necessary to defend current Ordinance No. 15-08-1105-OR.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Byron Fuselier, Lisa Nelson, Jason Willis, Neil Thibodeaux,
Chris Tauzin, Jill Hebert, Albert Menard and Dean LeBlanc.

NAYS: None.

ABSTAIN: None.

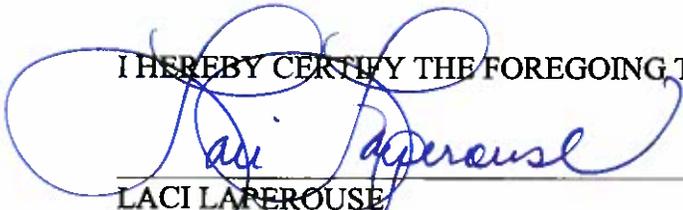
ABSENT: Daniel Richard, Jr. (excused).

And the motion was declared carried by unanimous vote this 18th day of April, 2017.

It was requested to let the record reflect that former Legal Counsel Chester Cedars appeared in Executive Session as prior counsel for St. Martin Parish Government, and he recognizes that he is bound by the same privileges as if he were a regular attorney or member of the Council by virtue of his appearance in Executive Session.

A motion was made by Albert Menard and seconded by Jill Hebert that the St. Martin Parish Council does hereby adjourn. Motion was unanimously approved.

I HEREBY CERTIFY THE FOREGOING TO BE EXACT AND TRUE:



LACI LAPEROUSE
CLERK OF THE COUNCIL