



Town of Berwick

## NOTICE OF PUBLIC MEETING

December 9, 2008

### AGENDA:

Call to Order: 7:00 P.M.

Prayer

Pledge of Allegiance

Roll Call: Edgar Thomas, Damon Robison, Duval Arthur, Penny Crappell, Troy Lombardo

Minutes from last meeting: November 11, 2008

Treasurer's Report

Guests:

Police Report

Fire Report

Public Works Report

Consulting Engineers Report

Committee Reports

### NEW BUSINESS:

1. Resolution 03-09 – Keep St. Mary Beautiful
2. Cable TV Franchises – Allen's TV Service and AT&T
3. Proclamation 02-09 – National Drunk and Drugged Driving Prevention Month
4. Approve liquor licenses:
  - a. St. Mary Golf & Country Club
  - b. Ganaway's #4
  - c. My Place
  - d. Country Club Express
  - e. Wiggins Seafood
  - f. Foreman's Super Market
  - g. To's Food Mart
  - h. Charlene's Roadhouse
  - i. Woodie's Lighthouse Lounge
  - j. Hollywood Truck Plaza
  - k. Hollywood Plaza Casino
  - l. Stazione's Deli Mart
5. Kevin Simmons – Berwick 1<sup>st</sup> Baptist Church – Opposition to video bingo
6. Introduce Ordinance No. 593 – Amend water & gas installation fees
7. Introduce Ordinance No. 594 – Expropriation of cemetery property AND to hold an executive session to discuss the lawsuit and litigation of the expropriation as provided and held in accordance with R.S. 42:6, et seq.
8. Introduce Ordinance No. 595 – Amend Code of Ordinances for Garbage collection fee
9. Resolution No. 04-09 – Join Louisiana Municipal Gas Authority
10. Introduce Ordinance No. 597 – Do not permit charitable raffles, bingo, keno or alternatively ordinance to update ordinance allowing charitable raffles, bingo, and keno but prohibiting electronic video bingo
11. Introduce Ordinance No. 598 – Permit charitable raffles, bingo, keno including electronic video bingo
12. Rename Golden Farm Fire Station in honor of Mr. Joseph P. Russo

### Adjournment

Newell W. Slaughter, Town Clerk

Town of Berwick

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Berwick, Louisiana 70342

(985) 384-8858

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Newell W. Slaughter at (985) 384-8858, describing the assistance that is necessary.

**PROCEEDINGS OF THE MAYOR AND COUNCIL  
OF THE TOWN OF BERWICK, STATE OF LOUISIANA  
TAKEN AT A REGULAR MEETING HELD ON TUESDAY**

**December 9, 2008**

The Mayor and Council of the Town of Berwick, State of Louisiana, met in regular session at their regular meeting place, the Town Hall, Berwick, Louisiana, Tuesday, December 9, 2008 at seven (7:00) o'clock p.m.

There were present: Council members, Edgar Thomas, Damon Robison, Duval Arthur, Penny Crappell and Troy Lombardo.

Absent: None

Also present were representatives of The Daily Review, KQKI and KWBJ.

Councilman Edgar Thomas led the prayer.

Councilman Troy Lombardo led the Pledge of Allegiance.

The Mayor and Council of the Town of Berwick, State of Louisiana were duly convened as the governing authority of said Town, by the Honorable Louis Ratcliff, Mayor, who then stated that the Mayor and Council were ready for the transaction of business.

The minutes of the previous meeting, having been reviewed, were approved without reading upon motion by Duval Arthur and seconded by Troy Lombardo.

The Treasurer's report, having been reviewed, was approved without reading upon motion by Duval Arthur and seconded by Penny Crappell.

Chief James Richard presented the police report, a copy of which was included in each of the Councilmen's packets, for the month of November, 2008. Chief Richard stated that the speeding tickets issued for November, 2008 were a lot less than November, 2007. Chief Richard also compared citations and arrests for 2008 to 2007. Mayor Ratcliff asked Chief Richard if there had been any arrests for unlawful solicitation during November and Chief Richard stated that no one was arrested during November. After no further comments from the council or audience, the mayor moved on to the next item on the agenda, Fire Department report.

Fire Chief Francis Fromenthal presented the fire report for November, 2008. Chief Fromenthal stated that the department worked 4 calls for the month. Mayor Ratcliff asked Councilmen Edgar Thomas and Troy Lombardo to serve on a committee to study the need for a new fire truck and report back to the full council. After no further comments, the mayor moved on to the next item on the agenda, the Public Works report.

A copy of the Public Works Report was included in the packet for each Councilman. Town Superintendent Allen Benoit was available for comment. Mr. Benoit stated that his crews had completed the installation of the electrical conduit for Phase III of Renwick Subdivision. Cleco will begin installing the electrical wire this week. Street light installation should begin next week and they should be energized by next week. Louisiana Rural Water Association has completed testing for water leaks and found several small leaks. This is a free service provided to LRWA members. Installation of holiday decorations is complete. After no further comments, the Mayor moved on to the next item on the agenda, committee reports.

Gary Beadle, Planning and Zoning Director, stated that the Planning and Zoning Board did not meet. The Economic Development Committee did not meet. The Recreation Committee did have a meeting and Rhonda Burtner gave a brief report. Mrs. Burtner stated that the adult co-ed volleyball league had just finished the season. The league was a great success and plans are being made for the 2009 season. Councilwoman Penny Crappell stated that the St. Mary Beautification Committee is working hard to become affiliated with Keep America Beautiful. After no further comments, the mayor moved on to the next item on the agenda, new business.

Item #1 on the agenda – Resolution No. 03-09 - Keep St. Mary Beautiful. Councilwoman Penny Crappell read the resolution that stated the Mayor and Council's support of Randy Louis as its

representative. On motion by Penny Crappell and seconded by Duval Arthur, the resolution was adopted unanimously.

Item #2 on the agenda – Discuss cable TV Franchise Agreements. Town Attorney, Allen McElroy, gave a brief report on the status of the local cable television franchise agreement. Mr. McElroy stated that the State of Louisiana passed new legislation that allows companies desiring to provide cable television to municipalities to apply for a state license. These companies could then provide services to any municipality in Louisiana except municipalities whose home rule charter predated 1974. The Town of Berwick is one of the twelve municipalities in this category. Mr. McElroy is currently negotiating with Allen's TV Cable for renewal of the local franchise agreement and hopes to have a completed agreement ready for the January, 2009 meeting. Greg Price, president of Allen's TV Cable, addressed the Mayor and Council and stated his desire to continue serving the residents of the Town of Berwick. He asked that because of the time and investment that Allen's TV Cable has in the Town of Berwick that they be given a chance to continue providing service to the residents at affordable prices. Mayor Ratcliff asked Mr. Price what services his company provides to the town residents. He stated that Allen's TV Cable provides a local tv station, cable tv, telephone, internet and data transmission. Allen's has a fiber optic network that connects to Baton Rouge and New Orleans. They are working on connecting to Lafayette. Mandi Mitchell with AT&T addressed the Mayor and Council next. She stated that AT&T was interested in providing the residents of Berwick with cable tv. AT&T currently has internet, cellular phone, land line phone service and business services available to most residents and businesses in Berwick. Ms. Mitchell stated that the service could be provided over the lines that currently exist, although a minimal amount of lines would have to be upgraded from copper to fiber optic. An AT&T land line is not required for a customer to have AT&T cable tv. Ms. Mitchell was not sure if a customer service center would be located in St. Mary Parish. She stated that AT&T would be willing to pay up to the legal limit of 5% franchise fee. The mayor and council will take the matter under advisement and await further information from the town attorney and the public. Town Attorney Allen McElroy will continue the process of renewing the non-exclusive franchise agreement with Allen's TV Cable.

Item #3 on the agenda – Proclamation No. 02-09 – National Drunk and Drugged Driving Prevention Month. Mayor Ratcliff proclaimed December, 2008 as National Drunk and Drugged Driving Prevention Month.

Item #4 on the agenda – Approve 2009 Liquor Licenses. Upon motion by Duval Arthur and seconded by Damon Robison, liquor licenses for the following business were approved unanimously:

- a. St. Mary Golf & Country Club
- b. Ganaway's #4
- c. My Place
- d. Country Club Express
- e. Wiggins Seafood
- f. Foreman's Super Market
- g. To's Food Mart
- h. Charlene's Roadhouse
- i. Woodie's Lighthouse Lounge
- j. Hollywood Truck Plaza
- k. Hollywood Plaza Casino
- l. Stazione's Deli Mart

Item #5 on the agenda – Kevin Simmons – Pastor of First Baptist Church of Berwick – Opposition to video bingo. Pastor Simmons addressed the mayor and council concerning the issue of the proposed video bingo parlor to be located on Highway 182 in Berwick. Pastor Simmons expressed concern that a video bingo parlor would be located very near their church. He stated that he and his church were not against raffles and bingo, but that they were opposed to video bingo. He stated that they did not like to see an outside company come into town to “fleece the sheep”. He stated that they would like for the mayor and council to consider banning the video bingo parlor.

Item #6 on the agenda – Introduce Ordinance No. 593 – Amend water and gas installation fees. Mayor Ratcliff stated that in order to bring some order to the process of installation of water and gas to residential homes and establish a uniform installation cost, he would like to introduce this ordinance.

Upon motion by Duval Arthur and seconded by Penny Crappell, the ordinance was introduced unanimously.

Item #7 on the agenda – Introduce Ordinance No. 594 – Expropriation of cemetery property. This item was tabled until the January 13, 2009 council meeting.

Item #8 on the agenda – Introduce Ordinance No. 595 – Amend Code of Ordinances for garbage collection fee from \$16.71 to \$17.48. Upon motion by Damon Robison and seconded by Duval Arthur, the ordinance was introduced unanimously.

Item #9 on the agenda – Resolution No. 04-09 – Join Louisiana Municipal Gas Authority. Upon motion by Penny Crappell and seconded by Troy Lombardo, the resolution was adopted unanimously.

Item #10 on the agenda – Introduce Ordinance No. 597 – Do not permit charitable raffles, bingo, keno or alternatively ordinance to update ordinance allowing charitable raffles, bingo, and keno but prohibiting electronic video bingo. Town Attorney, Allen McElroy, stated that he had modeled the ordinances after the City of Hammond’s ordinance that allowed electronic video bingo. He also stated that the percentage of net winnings that is returned to the host charity has been changed from 35% to 45%. Also, the distance from the bingo parlor to the nearest residence or church had to be 300 feet from the nearest entrance to the parlor, the same criteria used for liquor licenses. McElroy stated that the parlor should be located only in an area zoned B2 or M1. Sid Moffett with Crystal Palace Bingo addressed the council and wanted to stress that the parlor would not serve alcoholic beverages and that 45% of the net winnings would be returned to the host charity. Mr. Richard Tate was asked if the type of electronic video bingo machine was restricted by legislation passed in the past session. Mr. Tate stated that House Bill 280 stated that only machines that displayed bingo could be placed in bingo parlors. After that date the machines that resembled video poker machines could not be used. The license applied for by Mr. Moffett would allow the machines that look like video poker machines to be placed in the Crystal Place Bingo Parlor. Councilwoman Crappell asked Mr. Tate if he could furnish the council with a picture of the proposed machines or identify a location where the council could view the machines in operation. Mr. Tate indicated that he had a location in New Iberia on Admiral Doyle Drive. Hours of operation for that parlor are from 12:00 P.M. to 12:00 A.M daily. Mayor Ratcliff asked that further discussion on the subject be delayed until the public hearing on January 13, 2009. Upon motion by Damon Robison and seconded by Troy Lombardo, the ordinance version allowing charitable raffles, bingo and keno, but prohibiting electronic video bingo was introduced unanimously.

Item #11 on the agenda – Introduce Ordinance No. 598 – Permit charitable raffles, bingo, keno including electronic video bingo. Based on the discussion above in Item No. 10, Duval Arthur made a motion to introduce Ordinance No. 598 and was seconded by Troy Lombardo, and the ordinance was introduced unanimously.

Item #12 on the agenda – Rename Golden Farm Fire Station in honor of Mr. Joseph R. Russo. Former Berwick Fire Chief V.J. Bella spoke on behalf of the Russo family stating what a good friend Mr. Russo was to him and to the fire department. He asked that the Mayor and Council consider naming the fire station in honor of Mr. Russo. Upon motion by Penny Crappell and seconded by Troy Lombardo, the motion was approved unanimously.

There being no further business to come before the Council, upon motion by Penny Crappell and seconded by Duval Arthur, the meeting adjourned.

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Louis Ratcliff - Mayor

ATTEST:

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Newell W. Slaughter - CAO/Town Clerk