



Town of Berwick

NOTICE OF PUBLIC MEETING

July 8, 2008

Date of Notice: July 1, 2008

A Public Meeting will be held as follows:

Date: July 8, 2008
Time: 7:15 P.M.
Place: Council Meeting Room
3225 Third Street
Berwick, LA 70342

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: June 10, 2008
Treasurer's Report
Guests:
Police Report
Fire Report
Public Works Report
Consulting Engineers Report
Committee Reports

NEW BUSINESS:

1. 7:15 P.M. – Public Hearing Ordinance No. 584 – Set forth millage rates for 2008
2. 7:15 P.M. – Public Hearing Ordinance No. 585 – Set forth millage rates for 2008
3. 7:15 P.M. – Public Hearing Ordinance No. 586 – Set Drainage Fee for 2008
4. 7:15 P.M.– Public Hearing Ordinance No. 587 – Amend Section 13-56 to allow parking on the west side of Whitworth Street
5. Adopt Ordinance No. 584 – Set forth Millage Rates for 2008
6. Adopt Ordinance No. 585– Set forth Millage Rates for 2008
7. Adopt Ordinance No. 586 – Set Drainage Fee for 2008
8. Adopt Ordinance No. 587 – Amend Section 13-56 to allow parking on the west side of Whitworth Street
9. Ordinance No. 581 – Confirmation of actual acreage and purchase price
10. Introduce Ordinance No. 588 – Transfer ownership of Renwick Phase III to Berwick Development District
11. Approve Contractor's Partial Estimate No. 4 for Renwick Phase III - \$139,587.05
12. Proclamation – National Night Out Against Crime – August 5, 2008
13. Parade Permit – National Night Out Against Crime – Charles Fontenot
14. Set budget workshop for July 16, 2008 at 6:00 P.M.

Adjournment

Newell W. Slaughter, Town Clerk
Town of Berwick
P.O. Box 486
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**

July 8, 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, July 8, 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 Damon Robison 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 Damon Robison.

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

Chief James Richard presented the police report, a copy of which was included in each of the Councilmen's packets, for the month of June, 2008. Chief Richard stated that the speeding tickets issued for June, 2008 were a lot less than June, 2007. Chief Richard also compared citations and arrests for 2008 to 2007. Chief Richard announced that the Dare Garage Sale would be held on July 12 at the Berwick Civic Center. The police department has installed 8 laptop computers in the police units to access NCIC. The officers will be able to run background checks and check license plates and driver's licenses from their unit. 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 June, 2008. Chief Fromenthal stated that the department worked 1 vehicle accident, 2 false alarms and a call where power lines were arching in a tree on Mound Street. After no comment, 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 dirt work at Lighthouse Park was 100% complete and more work would be done in the next budget year. After no further comments, the Mayor moved on to the next item on the agenda, committee reports.

Town Engineer, Miller Engineers & Associates, represented by Glen Miller, stated that the contractor for Phase III of Renwick Subdivision is approximately 95% complete. The contractor is ahead of schedule and should be 100% complete by the end July. Contractor pay request No. 4 has been submitted in the amount of \$139,587.05. Upon motion by Duval Arthur and seconded by Penny Crappell, pay request No. 4 was approved unanimously.

Gary Beadle, Planning and Zoning Director, stated that the Planning and Zoning Board met and discussed the future re-writing of the Town's zoning ordinances. Public meetings will be held. Councilman Damon Robison reported that the Economic Development Committee did not meet and did not have a report for the council. Mayor Pro-Tem Duval Arthur stated that the recreation committee did not meet but they had a meeting scheduled for the coming week. After no further comments, the mayor moved on to the next item on the agenda, new business.

Item #1 on the agenda – Public Hearing for Ordinance No. 584 – Set forth millage rates for 2008. After no comments from the council or audience, Mayor Ratcliff closed the public hearing.

Item #2 on the agenda – Public Hearing for Ordinance No. 585 – Set forth millage rates for 2008. Ernest Polk from KQKI asked if this ordinance was rolling forward or revenue neutral and Mayor Ratcliff stated that it was rolling forward. Mr. Polk then asked how much new revenue was realized in the roll forward and he was informed that it was approximately \$20,000. After no further comments from the council or audience, Mayor Ratcliff closed the public hearing.

Item #3 on the agenda – Public Hearing for Ordinance No. 586 – Set Drainage Fee for 2008. After no comments from the council or audience, Mayor Ratcliff closed the public hearing.

Item #4 on the agenda – Public Hearing for Ordinance No. 587 – Amend Section 13-56 to allow parking on the west side of Whitworth Street. Mayor Ratcliff began the public hearing by reading some ground rules for the discussion that would follow. He asked that each resident that wanted to be heard to raise their hand, identify themselves and state their place of residence. He asked that they speak only to the proposed ordinance and to refrain from personal attacks. Councilman Troy Lombardo asked to make a clarification on the proposed ordinance, but was told by Town Attorney Allen McElroy that the clarification had to be made at the time of adoption and not during the public hearing. With that said, Ralph Guidry who resides at 498 Whitworth Street addressed the mayor and council. He asked that the proposed ordinance be read. Town Clerk Newell Slaughter read the proposed ordinance. After the reading Councilman Troy Lombardo wanted to make clear that the intention of the proposed ordinance was to allow parking to the paved portion of Whitworth, but not on the grass easement. Mr. Guidry asked the town attorney to explain the parking restrictions on the streets of Berwick. Mr. McElroy stated that code section 13-51 gave the restrictions on parking and that section 13-52 stated that vehicles should be parked in accordance with R.S. 32-144. R.S. 32-144 states that vehicles may be parked with the right hand wheels parallel to and within eighteen inches of the right hand curb. It also states that if parking spaces have been marked or designated that the entire vehicle should be parked within a single space. Mr. Guidry asked for a clarification on whether the wheels could be on the grass portion of the easement. Mr. McElroy stated that he and police Chief Richard asked the state highway department and the state police to give them their interpretation of R.S. 32-144. Both departments stated that their interpretation was that the right hand wheels should be on the paved portion of the street. Mr. McElroy stated that the town was not bound by their interpretation. Mr. Guidry asked if that was the parking regulations for all the streets in Berwick. Councilman Robison stated that the mayor and council have the authority to restrict parking within the town limits, if they choose. Mr. Guidry made reference to a letter sent out by the residents of Crenshaw Street about why they wanted parking disallowed on the west side of Whitworth Street. Mr. Guidry stated that he felt that parts of the letter were not true and he felt that if the council rode down Whitworth Street, they would have doubts as well. Mr. Guidry made reference to a brochure he had received from the pipeline company stating that no buildings, trees or other obstructions should be place on the pipeline right-of-way. He also stated that he had researched pipeline right-of-way encroachment and made reference to numerous government agencies that warned of the hazards of encroachment. He stated that there had been an average of 37 serious pipeline accidents in the last five years, meaning that there had been one or more fatalities. The ten year average is 59 accidents. He felt like the town opened itself up to liability because the town allowed the pipeline right-of-way to be subdivided. He hoped that the town has regulations that will insure the safe development of the property and the safety of all of the residents of Country Club Estates. Marva Madise, 506 Whitworth, addressed the council next. Her concern was the appearance of the back yards that face Whitworth Street. She stated that she sees broken fences and crab traps. Her wish is that the council addresses the appearance of the back yards on Crenshaw Street. Next speaker was Carolyn Steele, 532 Crenshaw Street. She stated that the residents of Whitworth Street that were concerned with the appearance of the back yards should have thought of that before they purchased their property on Whitworth Street. She does not have a problem with people parking on her property, but she does not want the residents of Whitworth Street to put their trash on her property. Next speaker was Yvette Callais, 522 Crenshaw Street. She stressed that the residents of Whitworth Street should show a little consideration for their property and not park without permission.

Jerry Gauthier, 502 Whitworth Street was the next speaker. He wanted to stress that he had a good relationship with the residents of Crenshaw Street and that the people of Whitworth Street were good people. Whitney Madise, 506 Whitworth, was the next speaker. He wanted to enforce the comments of his wife about the unsightly appearance of the back yards of Crenshaw Street. James Dugas, 510 Crenshaw Street, was the next speaker. He wanted to stress that he maintained his back yard and that he moved his boat, RV and bike trailer when he cut his grass. Mayor Ratcliff interrupted him to stress that he limit his comments to the issue of parking on the west side of Whitworth Street. He ended this comments by stating that he had no problem with the residents of Whitworth Street parking on his property if they asked permission first. John Broussard, 512 Crenshaw Street was the next speaker. He wanted to stress that people of Crenshaw and Whitworth Streets were good people and he felt like it was a civil matter and was being blown out of proportion. Nick LaRocca, 589 Fairview Drive, was the next speaker. He was concerned that the possible repeal of section 13-56 would allow the building of structures on the pipeline right-of-way. Town Attorney Allen McElroy stated that it only removed the prohibition of parking of vehicles of any kind on the pipeline right-of-way. He stated that there was another ordinance that dealt with the use and the placing of things on the right-of-way. He stated that for a resident to place something on the right-of-way that they would have to have approval in writing from the pipeline companies. Mr. LaRocca stated that he felt like the Town of Berwick has a duty to residents along the pipeline to vigilantly regulate what is allowed to be put on the pipeline in the future. Allison Oubre was the next speaker. She stressed that before anything is placed on the pipeline that it is passed before the pipeline companies. The pipeline representatives came out to her property and marked the location where she could construct a 20x20 shed. She also stated that the pipeline company allowed driveways to be constructed all over the United States on pipelines. She also stated that Whitworth Street residents could park on the right-of-way if they asked permission first. With no further comments from the audience, Mayor Ratcliff closed the public meeting.

Mayor Ratcliff recognized Representative Sam Jones. He informed the mayor that the sewer project for Third and Fourth Streets had been partially funded in the capital outlay bill but he is concerned that Governor Jindal would veto it. He stated that the police and firemen supplemental pay had been increased to \$500 per month beginning July 1, 2009. He supported the Stelly tax cut and wanted to expand it other citizens, but his amendment failed by one vote. He stated that he was not for the forced fluoridation of drinking water. He suggested that the mayor and council contact the LMA and have them talk to the other state representatives to have some local control on this issue. He stated that he did not vote for the legislative pay increase but he would not second guess the legislators that did vote for the increase. He is concerned about the ethics legislation that was passed that is causing the loss of some valuable people on local boards and commissions. Mayor Ratcliff thanked him for attending the meeting and for his help in Baton Rouge.

Item #5 on the agenda – Adopt Ordinance No. 584 – Set forth millage rates for 2008. Upon motion by Damon Robison and seconded by Troy Lombardo, the ordinance was adopted unanimously.

Item #6 on the agenda – Adopt Ordinance No. 585 – Set forth millage rates for 2008. Upon motion by Duval Arthur and seconded by Penny Crappell, the ordinance was adopted unanimously.

Item #7 on the agenda – Adopt Ordinance No. 586 – Set drainage rate fee for 2008. Upon motion by Penny Crappell and seconded by Duval Arthur, the ordinance was adopted unanimously.

Item #8 on the agenda – Adopt Ordinance No. 587 – Amend section 13-56 to allow parking on the west side of Whitworth Street. Councilman Robison made brief statement that he felt that the people involved in this issue were not bad people but that the situation had been aggravated by the ordinance that restricts parking on Whitworth Street. He felt he did not see any reason to limit parking on Whitworth Street. He felt like the decision on parking on Whitworth should be in the public interest and that it would be unreasonable for the town to craft an ordinance which has the force of law to attempt to settle this dispute. He felt that it was wrong to criminalize and activity that is permitted everywhere else in Berwick. He felt that the compromise that is being offered in Ordinance No. 587 is not enforceable. He

thinks that section 13-56 should be repealed to allow parking on Whitworth Street as it is on every other street in town. Mayor Pro-Tem Arthur stated that he felt like Ordinance No. 587 was just setting forth some parking guidelines and not creating a new law. Councilwoman Crappell stated that it still created restrictions to parking on Whitworth, whereas there were not restrictions on any other street in Berwick. Councilman Robison emphasized that the town's parking laws referred back to the state law and that it states how to park on the streets of Berwick and that he would like to see a level playing field where every street in Berwick is governed by the same law. Mayor Pro-Tem Arthur stated that this ordinance was just an attempt to get our citizens to park correctly on Whitworth Street. Councilwoman Crappell made a motion to abolish Ordinance No. 403. Mayor Ratcliff asked town attorney Allen McElroy if the council should have a motion and a second to adopt Ordinance No. 587 or to take no action. Councilman Lombardo asked Mr. McElroy if the ordinance need to be amended to read that the tires should be parked on the paved portion of the street. Mr. McElroy stated that if the intent of the council was to amend the ordinance to include the language that the tires should be parked on the paved portion of the street, that the ordinance submitted at the last council meeting would have to amended. If the intent of the council was to repeal section 13-56, that would constitute an amendment to the ordinance introduced at the last meeting as well. Mayor Ratcliff asked what the next step in the process should be. Mr. McElroy stated that Councilwoman Crappell had made a motion to repeal section 13-56 and that the council should act on her motion first. Councilman Robison seconded the motion. Councilman Thomas asked if Mr. McElroy to explain the intent of Councilwoman Crappell's motion. Mr. McElroy stated that if the motion passed that the parking on Whitworth Street would be the same as any other street in Berwick. Mayor Ratcliff called for a roll call vote. Yes votes were Councilman Edgar Thomas, Councilman Damon Robison and Councilwoman Penny Crappell. No votes were Mayor Pro-tem Duval Arthur and Councilman Troy Lombardo. The amended Ordinance No. 587 was approved by a vote of 3 to 2.

Item #9 on the agenda – Ordinance No. 581 – Confirmation of actual acreage and purchase price. Upon motion by Damon Robison and seconded by Edgar Thomas, the confirmation was approved unanimously.

Item #10 on the agenda – Introduce Ordinance No. 588 – Transfer ownership of Renwick Phase III to Berwick Development District. Upon motion by Damon Robison and seconded by Edgar Thomas, the ordinance was introduced unanimously.

Item #11 on the agenda – Approve Contractor's Partial Estimate No. 4 for Renwick Phase III - \$139,587.05. Upon motion by Damon Robison and seconded by Penny Crappell, the payment was approved unanimously.

Item #12 on the agenda – Proclamation – National Night Out Against Crime. Mayor Ratcliff proclaimed Tuesday, August 5, 2008 as National Night Out Against Crime Day.

Item #13 on the agenda – Parade Permit – National Night Out Against Crime. Upon motion by Duval Arthur and seconded by Penny Crappell, the permit was granted unanimously.

Item #14 on the agenda – Set budget workshop for July 16, 2008. Mayor Ratcliff set July 16, 2008 for the budget workshop for the 2008-09 consolidated budget.

Resident Jan Sellers addressed the council stating that some residents in the downtown area are not returning their garbage cans to their residences after pickup. Mayor Ratcliff stated that he would address the problem.

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

Louis Ratcliff - Mayor

ATTEST:

Newell W. Slaughter - CAO/Town Clerk