

AVOYELLES PARISH POLICE JURY
REGULAR SESSION
Tuesday, February 9, 2021

The Police Jury of the Parish of Avoyelles, State of Louisiana, met in Regular Session, in the Meeting Room of the Parish Courthouse, on Tuesday, February 9, 2021, at 5:00 p.m. at the LSU Ag Center in Mansura

There were present: Kirby Roy, Mark Borrel, Glenn McKinley, John Earles, Bobby Bordelon, Jacob Coco, Charles Jones, McKinley Keller, and Tracey Bryant

Also present were: Kevin Bordelon, Civil Works Director; Ron Bordelon, Pan American Engineers; Jonathan Gaspard, Assistant District Attorney; Charles Riddle, District Attorney, Laura Gaspard, Assistant Secretary/Treasurer; Joseph Frank, Director of Homeland Security; Buck Vandersteen; Alizza Piazza Tassin, Attorney for Med Express; Amy Guidry, Acadian Ambulance; Toni & Josh Mc Allister Louisiana Loggers Association, Ryan Manual, Acadian Forestry Consultants; Joey Dufour, Ron Bartel, Mayor Draper, Mayor of Simmesport, Jeff Poe, Acadian Ambulance, Micah White, Roy O. Martin; Jenny Fauls, Natalie Bryant, Chrissie Jeansonne Legislative Aide to Rep, Daryl Deshotel, Jason Lemoine, Rusty Bryant

Absent were: None

The meeting opened with the Pledge of Allegiance to the Flag of the United States of America by McKinley Keller, and opening prayer, led by Charles Jones.

Roll call by Secretary-Treasurer.

President Roy asked for public comments. None offered, none taken.

On motion by McKinley Keller, seconded by John Earles to appoint Tracey Bryant as Police Juror District No. 1 replacing her father the late Hon. Elzie R. Bryant. On vote, the motion carried.

On motion by Charles Jones, seconded John Earles, calling for a Special Election on October 9, 2021 & November 13, 2021, with qualifying dates July 14, 15 & 16, 2021. On Vote, the motion carried.

On motion by Charles Jones, seconded by John Earles to accept the financial report offered by the Secretary/Treasurer (budget to actual and cash balances). On vote, the motion carried.

On motion by Jacob Coco , seconded by Charles Jones, to adopt the minutes of the Regular Meeting held on January 25, 2021, 2020 as printed in the “Weekly News” and mailed to all Jurors. On vote, the motion carried.

On motion by Glenn McKinley, seconded by Bobby Bordelon, to accept the minutes of the Avoyelles Commission of Tourism minutes held on January 25, 2021. On vote, the motion carried.

On motion by Charles Jones, seconded by Bobby Bordelon, to enter into executive session to discuss Rachal v. Avoyelles Parish Police Jury. On vote, the motion carried.

Upon the public attendees returning to the meeting room, on motion by McKinley Keller , seconded by Bobby Bordelon, to return to regular session. On vote, the motion carried.

On motion by Charles Jones, seconded by Jacob Coco, to accept the Memoriam of the Mr. Elzie Bryant as a part of the minutes. On vote, the motion carried.

On motion by Charles Jones, seconded by Glenn McKinley, to adopt the Road Use Ordinance as follows:

ROAD USE ORDINANCE

Applicability of State Law.

No person shall operate or cause to be operated on any parish public road or right-of-way any vehicle, trailer, or combination thereof, that exceeds the maximum limitations and requirements provided by the Louisiana Revised Statutes, Title 32.

All cost to repair any areas damaged by any hauling operation shall be the responsibility of the hauling company.

Regulated Limitations for Parish Roadways, Bridges, Etc.

- A. It shall be unlawful to operate or cause to be operated, any wheeled or tracked vehicle which has a gross weight per axle in excess of five tons (10,000 pounds), on any street or side street or alley within a recognized residential subdivision within the parish without a permit from the Parish.
- B. It shall be unlawful to operate or cause to be operated, over any parish road outside of subdivisions including bridges, cross drains or culverts in the parish road system, any single or multi- axle vehicle exceeding manufacturer's specifications on weight and balance limitations. This limit applies to all roads, bridges, cross drains and culverts not posted with maximum load limits (Where load limits are posted, such limits will apply to the particular road, bridge, cross drain or culvert posted).
- C. It shall be unlawful to operate or cause to be operated, over any parish road outside of subdivisions including bridges, cross drains or culverts in the parish road system, any hauling activities exceeding three (3) total days in duration to any location, without a permit.
- D. Any person, firm or corporation violating the provisions of subsections (a), (b) or (c) of this section will be liable for the cost of any repair to roads, shoulders, ditches and rights-of-way, reasonably attributed to the passage of such vehicle across such roads, shoulders, ditches or rights-of-way.
 - (e) Vehicles owned or operated by the Parish or under contract by Parish, which are used in the maintenance and repairs of streets/bridges and emergency vehicles are exempted from this requirement.

Permit Required.

Any operation exceeding the preceding limitations or deemed necessary by the Public Works Director for protection of public roadway infrastructure shall require a Road Use Permit be secured from the Parish prior to commencement of activity.

Loading or Unloading.

No person shall load or unload any cargo, including, but not limited to logs, poles, wood products, construction materials/equipment, etc. on any public road, ditch or right-of-way.

Unlawful Tracking & Debris.

No person shall cause any debris potentially compromising public safety, to be placed or tracked onto any public road, bridge or right-of-way.

Permit Applicability. Issuance of permit will be free.

Before any person, partnership, firm, association, corporation or other legal entity may conduct activities on parish roads including timber harvesting, logging, dirt hauling, geophysical operations, waste hauling, high volume heavy transporting, seismic surveys or drill and/or mine for oil, gas, coal lignite and/or any other minerals within the Parish a Road Use Permit shall be secured from the Avoyelles Parish maintenance office. The "Road Use Permit Application" can be obtained from the parish maintenance office. The Parish, at its discretion, may determine if an annual permit is applicable for ongoing operations/activities from designated locations and approved routes.

1.

Restricted Use - Parish shall determine whether by condition of weather, physical substandard condition of roadway, or any safety situation if a roadway activity shall require a Road Use Permit for an activity deemed to be detrimental to the public roadway infrastructure and avoid an unnecessary damage. Some roadways shall be restricted for certain activities as determined by the Parish Public Works Director.

2.

Special Conditions – Any overweight/oversize activities will require special permit conditions as stipulated by the Parish upon review of requested activities including bonds, inspection and processing fees, etc. This shall be in addition to State required permits for Parish utilized infrastructure.

3.

Exemptions – Farm and agricultural vehicles and equipment except mechanized earthmoving equipment such as draglines, excavators and bulldozers being operated or transported for bona fide agricultural, agronomical or horticultural purposes or the transportation of farm vehicles and equipment to be used for normal farm purposes for distances not to exceed fifty (50) miles from point of origin shall be exempted from this section.

Permit Conditions.

(a)

Bond. Requirements for a Bond shall be based upon but not limited to; Size of project, Past performance of company, Type of construction. The issuance of a Road Use Permit may be conditioned to providing a bond by the applicant requesting the road use permit as a guarantee that the applicant will not damage public roadway infrastructure. The amount of the bond shall be sufficient to guarantee the payment for any damages to any road, bridge, utility, crossdrain, culvert, etc. sustained as a consequence of the transportation action of the permittee. Applicant shall perform his work in a manner such that any and all damages to public property shall be repaired to the original condition of the roadway as determined by the Parish Public Works Director, or his agent or inspector. The bond may be in the form of cash or surety bond in favor of the Parish, method approved by the parish, amount based on **\$10,000.00** per mile. If the damage is not repaired or restored by the permittee to the satisfaction of the Parish, the bond shall be executed to repair or restore the roadway and surety shall indemnify the Parish for damage caused by the permittee.

(b)

Approval Authority. The Parish Public Works Director or his designee under the approval of the Road and Bridge committee shall be the final authority for interpretations and enforcement of this ordinance.

(c)

Inspection and processing fees. The issuance of a Road Use Permit and or approvals shall also be conditioned upon the payment of any fees to the Parish through the Parish Permit Office. Fee amounts shall be determined by the Parish and available from the Parish maintenance office and be applicable where multiple roads are utilized over an extended period of time or where roads are more likely to be damaged by requested activities.

(d)

Activity. The issuance of a road use permit shall be conditioned upon the applicant providing the Parish with sufficient information to identify the location of the activities (origin / destination including all routes to be utilized), equipment to be utilized and anticipated quantities. Any activity which deviates from issued permit scope shall be grounds for revocation of permit and termination of road use.

(e)

Secure Loads. Material and equipment shall not be allowed to spill/drop or leave the vehicle on a public road/bridge. Tarps, binders or protective coverings shall be utilized for any equipment or material which may become airborne or spill from the vehicle.

(f)

*Duration of permit. The Road Use Permit shall be issued for a period not to exceed sixty (60) **working** days. The time frame of activities shall be noted in the permit application request. If there is a need for additional time to complete an activity the applicant may reapply for the same permit by paying additional inspection and related processing fees for verification that prior activities are in compliance with permit. Post inspection must be approved prior to issuance of extension of permit for a particular activity. The Parish may adopt rules, regulations and fees necessary for activities that would allow annual permits to be issued for activities which adhere to this ordinance.*

(g)

Notice required. Notice of completion of the activity or project shall be provided to the Parish by the applicant performing the specific activities. Mandatory reporting of hauling operations shall be provided to the Parish 3 working days prior to commencement of work activities.

(h)

Inspection of Activity. The Parish Public Works Director or designee shall be responsible for inspection of road, bridge, etc. prior to the issuance of a permit and after notice of completion of the activity for release of bond where required.

(i)

Appeals Process; *Appeals shall be brought before the Road and Bridge Chairman. Chairman shall present to committee for review and shall render a decision within 7 working days of any appeals.*

Duties of Parish Public Works Director.

The Parish Public Works Director shall have the following duties:

(a)

To enforce parish ordinances regarding standards for commercial activities on or across parish roads and rights-of-way;

(b)

To enforce prohibiting loading or unloading on parish roads or rights-of-way;

(c) To enforce parish road use permit requirements; inspection & approvals; establishment of fees/bond amounts when required

(d)

To enforce parish bridge load limits;

(e)

To enforce parish vehicle load limit requirements; and

(f)

To enforce violations of state law or parish ordinances prohibiting acts injurious to parish roads, bridges, crossdrains, culverts, ditches, utilities, waterways, drainage channels, etc.

Under Penalty:

In addition to cost of repairs, replacements and related physical damage expenses, any person violating the provisions of this Parish ordinance upon conviction shall be fined as follows:

1. For the 1st offense, the maximum fine of \$300 or imprisoned not more than 10 days
2. For 2nd offense, the maximum fine of \$400 or imprisonment for not more than 20 days.
3. For 3rd and subsequent offense within a seven (7) year period, a maximum fine of \$500 or imprisonment for not less than 30 days.

On vote,

Yeas: Tracey Bryant, Mark Borrel, Glenn McKinley, Charles Jones, and Bobby Bordelon

Nays: Jacob Coco and McKinley Keller, John Earles

Absent: None

Abstain: None

the motion carried.

On motion by Bobby Bordelon, seconded by Charles Jones , the Avoyelles Parish Police Jury calls for an election in October for Road Tax. This items was tabled pending further information.

On motion by John Earles, seconded by McKinley Keller, to adopt a resolution approving the issuance, sale, and delivery of \$1,000,000 of Revenue Anticipation Notes of Hospital Service District No. 1. On vote, the motion carried.

On motion by Jacob Coco, seconded by John Earles, to move Precinct 7-3 Simmesport VFW to Precinct 7-1 Simmesport Town hall due to a recent fire. On vote, the motion carried.

On motion by Jacob Coco, seconded by Glenn McKinley, to proceed with Simmesport Health Unit.

Charles Jones moved to amend the motion on the floor. The motion was seconded by Jacob Coco

On vote:

Yeas: Charles Jones, McKinley Keller, John Earles, and Jacob Coco

Nays: Tracey Bryant, Mark Borrel, Bobby Bordelon, John Earles, Kirby Roy

Absent: None

Abstain: None

The motion failed

On motion by Jacob Coco, seconded by Glenn McKinley, to negotiate shuttle service, three days a week to Simmesport

On vote:

Yea: Glenn McKinley, McKinley Keller, Charles Jones, and Jacob Coco

Nay: Bobby Bordelon, Mark Borrel, John Earles, Tracey Bryant and Kirby Roy

Absent: None

Abstain: None

The motion failed.

On motion by McKinley Keller, seconded by Mark Borrel, to reappoint Harry Normand to the Bunkie Hospital Service District Board. On vote, the motion carried.

On motion by Mark Borrel, seconded by Bobby Bordelon, to approve a utility trailer purchase of \$5,513.25. On vote, the motion carried.

On motion by John Earles, seconded Bobby Bordelon, to approve the proposed increase of Permit fees: Mobile Homes from 0.05/SF to 0.20/SF. Rental Property, Tenant Connection. Includes rental clean ups and Housing Authority from \$25.00 to \$35.00. Solar Panels from \$25.00 to \$100.00. Commercial Signs and Billboards from \$25.00 to \$150.00. On vote, the motion carried.

On motion by John Earles, seconded by McKinley Keller, the Avoyelles Parish Police Jury does hereby grant authority to the Secretary-Treasurer to pay all bills and to waive a reading of the whole. Motion carried.

There being no further business, on motion by John Earles, seconded Jacob Coco, the meeting adjourned at 6:59 p.m.

s/Kirby Roy
President

s/Jamey M. Wiley
Secretary-Treasurer

PUBLISH: WN-JANUARY 18th