

SOUTH TANGIPAHOA PARISH PORT COMMISSION
TUESDAY, MARCH 12 , 2019 – 12:00 NOON
AT
PONCHATOULA CITY HALL

MINUTES REGULAR MEETING

President Daryl Ferrara called the Regular Meeting to order at 12:10 noon on Tuesday, March 12, 2019, at Ponchatoula City Hall Chamber, 125 W. Hickory St., Ponchatoula, LA.

Helen Muller, Administrative Secretary, gave the invocation and Commissioner Wm. Joubert followed with the Pledge of Allegiance.

Commissioners Present: Cheryl Brumfield, James Wes Daniels II, Ernie Drake III, Daryl Ferrara, Wm. Joubert and James Nelson, M.D.

Commissioners Absent: None

Others Present: Patrick Dufresne, Director; Helen Muller, Administrative Secretary; Andre Coudrain, Linda McLellan, Bob Dawson, Randy Bush, Norma Traylor, George Coxen, Donnie Bardwell, Nolan Bull, Amanda Byrd, Josh Dickson, Chance Enmon, Terry Jones, Isa Becnel, Kimberly Terrell, Ginger Cangelosi, Steve Jones, Johnny B. Harris, Brenda B. Harris, Hank Temento, Sandra Temento, Edward Bodker, Paul Kluka, John Hoover, Gary LaGrange, Lisa Braud, Ken Benitez, Caroline Grueskin ; The Advocate, Lauren Langlois and Don Ellzey; *The Hammond Daily Star*, Amy Brennan; *The Ponchatoula Times*.

All visitors in attendance were welcomed by President Ferrara.

It was moved by Commissioner Nelson and seconded by Commissioner Brumfield that the Commission approve the Regular meeting Agenda for March 12, 2019, as presented. Motion passed. Call vote. Yeas: 6 Brumfield, Daniels II, Drake III, Ferrara, Joubert and Nelson Nays: 0 Absent:

TREASURER'S REPORT:

Treasurer Brumfield presented the Financial Reports for the month ending February 28, 2019. She reported that the Income Statement Compared with Budget had *total revenues* were \$ 55,372.50 and *total expenses* were \$ 53,763.97 leaving a *net income* of \$ 1,608.53. The Balance Sheet report showed *Total Assets* \$ 7,832,982.76 *Total Liabilities & Capital* \$ 7,832,982.76 for period ending February 28, 2019.

It was moved by Commissioner Joubert and seconded by Commissioner Nelson, that the South Tangipahoa Parish Port Commission approves the financial reports for the period ending February 28, 2019, as presented by Commissioner/Treasurer Brumfield. Motion passed. Yeas: 6 Brumfield, Daniels II, Drake III, Ferrara, Joubert and Nelson, M.D. Nays: 0 Absent: 0

OLD BUSINESS:

**1. DOTD- Port Priority State Project: SPN-578-53-0012/H.003600 (323)
Bulkhead, Yard Hard Surfacing and Rail improvements, Phase III Update**

Port Director, Patrick Dufresne, reported that the engineer of record assured due diligence on the final invoicing phase on the contracted projects. The LA DOTD is patiently waiting to receive the contractor's close-out documentation for invoicing. A status report will be given at the next monthly Commission meeting.

2. Prospective Tenant (s) Update- -Marketing Consultant Update

The port director reported having discussions with potential/prospective tenant interested in rail storage, short/long term dry bulk trans-loading projects. He informed the Commission that the Marketing Consultant contract was up for renewal at the end of March, 2019 and requested that the Commission approve an extension to Mr. LaGrange's consultant contract.

Marketing Consultant Update:

The Monthly Marketing Report for February 2- March 12, 2019 was submitted by Gary LaGrange, for the Commission's review and comments. He reported that it was a light month and reported contacting several potential bulk and general cargo movements by truck, rail, and barge from Port Manchac. Also, discussed were the concerns of the effects of transloading barges with a product from South Central and South West Louisiana on a river system that experienced tidal variations. He also discussed potential future transloading efforts of cargo at Port Manchac. Discussed and defined were the following: barge movement in the Industrial Canal, Lake Pontchartrain, and Mississippi River, Coast Guard information for inner harbors, inland barge needs as an alternate route, transloading cost benefits, and job creation for related trans-loading projects at the terminal.

The following resolution was introduced by Commissioner/Secretary Drake III.

It was moved by Commissioner. Joubert seconded by Commissioner Nelson that the Commission authorizes/approve Patrick Dufresne, Port Director, to enter into a professional service agreement with Gary LaGrange, Principle owner of Gary LaGrange and Associates, LLC, as an independent Marketing Services Consultant, for research services and marketing support functions relative to the future potential/container industry and related trans-loading and storage projects for the Port Manchac Inter-modal Terminal. The consultant will provide port container industry marketing research of barge, rail and trucking industries and related future port terminal project planning research services for the South Tangipahoa Parish Port Commission. His responsibilities for services rendered/provided will include: Contacting prospective clients that could utilize Port Manchac for storage and trans-loading services, research of related maritime/barge, rail, and trucking industry projects. The consultant services will include a monthly report of marketing efforts. The compensation payment for this agreement becomes effective for the period, 6 months, beginning March 15, 2019 to September 30, 2019. Motion passed. Yeas: 6 Brumfield, Daniels II, Drake III, Ferrara, Joubert and Nelson, M.D. Nays: 0 Absent: 0

3. Invoice Payment Approval

Commissioner/Treasurer Cheryl Brumfield presented the March 12, 2019 invoices for the Commissioners' review and Payment approval.

1. *Outlook Design Inv. # 318 (Website Updates) – Amt. \$75.00*
2. *Gabriel Bldg Supply Acct 2167 (Inv. 956497/1 & Inv. # 956672/1) Amt. \$1,310.76*
3. *Gary LaGrange & Associates, LLC Inv # 84 Amt. \$750.00 (February 12 – March 12, 2019)*
4. *King Creek Farm, LLC Inv. # 1223 Trackmobile Repairs Amt. \$1,498.00*

It was moved by Commissioner Drake III and seconded by Commissioner Daniels II, that the Commission approve payment on the March 12th invoices as presented by Commissioner/Treasurer Brumfield. Motion passed. Call vote. Yeas: 6 Brumfield, Daniels II, Drake III, Ferrara, Joubert and Nelson, Nays: 0 Absent: 0

4. Request For Proposals- (Port Study & Insurance Package RFP) Update

The port director informed the Commission that both the RFP for the Insurance Proposals and RFP for the Land Use Study ad had been submitted for advertising purposes. The Ponchatoula Times, (Port Journal of Record), publishing dates for the Insurance RFP were for February 21, March 7 & 21, April 4 & 18 and May 2, 2019 with a postmarked or received date by 5:00 p.m. on Monday, May 6, 2019. Also, RFP's were being published in other newspapers such as the Hammond Star, The Baton Rouge Advocate and New Orleans Advocate. As previously discussed and requested, that once approved, the Land Use Study RFP Ad was to begin, as soon as possible, for a period of 45 days. The Land Use Study RFP publishing dates were the following: February 21 & 28, March 7, 14, 21 and 28, April 4, 2019 with the deadline being 5:00 p.m. April 8, 2019. It was reported that some inquiries were received in reference to the Insurance proposals, but none thus far for the Land Use Study RFP. A list of names that had been submitted prior to publishing the Land Use Study RFP that were interested in the Study were notified by e-mail, as requested.

5. Amended Corporate Authorization (STPPC Bank Signature Authority) Update

The Port director informed the Commission as part of the process to document all current Commissioners that are authorized to sign checks in accordance with the Port's bank of record, it will be required that the South Tangipahoa Parish Port Commission amend/update its Resolution to execute the bank signature card with current approved Commission members.

Commissioner Drake III introduced the following resolution.

It was moved by Commissioner Joubert and seconded by Commissioner Brumfield that the Commission authorizes approval of the following signatures. **Patrick Dufresne, Executive Director; Daryl Ferrara, President; Cheryl Brumfield, Treasurer; and Ernie Drake III, Secretary; on the signature card from the banks, savings and loan or other financial institution for the purpose of check signing. Removing the following prior Commissioners name as an authorized signature from previous Signature Applications: Mark Griggs, Don Boihem, Lucas Watkins and Mike Williams. ** The Executive Director, Patrick J. Dufresne, is authorized by the Commission to be the sole signature on all checks up to \$1,500 with the exception of any check that will be directed to the Executive Director himself and that any and all other checks above \$1,500 will require two signatures, which should include the Executive Director and another authorized Commissioner. Motion passed. Call vote. Yeas: 6 Brumfield, Daniels II, Drake III, Ferrara, Joubert and Nelson, Nays: 0 Absent: 0

5. Revised Village Memorandum of Understanding (MOU) Update

Commissioner Nelson informed the Commission that he had expected some responses from his e-mail sent on Sunday, March 10, 2019, referencing a motion to accept the MOU document, as revised. He reported reviewing the MOU at the request of our chairman requesting feedback/commentaries from the Commissioners and other interested groups. He once again reviewed the proposed development presentation and process of the Village concepts. He reported having feedback from parish officials, current and previous state legislators, previous commissioners, and sidewalk conversations with Ms. Coates, Mr. Hoover and meetings with Kristi Trail, and across the table conversations with Courtney Forbes, he's active in the plans of the Manchac Greenway and of course had conversations with Mr. Terry Jones. His comments were that the proposed Village development would be an asset to the Parish and that at some point, the Commission must make a decision on what to do about the Village concept. The Village has proposed along with the Jones team offers described to the parish and this region, a truly unique opportunity for a development that combines culture, commerce and recreation. Stating that he is convinced that it can be done in a fashion that actually can support, if not improve the marsh or environment. In closing, Commissioner Nelson presented/proposed the following in a form of a motion; that Commission accept/approve the current MOU as revised/written (with the addition of appropriate verbiage re: use of the CPI or COLA for annual rent adjustment) and recall our previously approved RFP for the Land Use Study.

Commission Drake III apologized to Commissioner Nelson for not responding to his e-mail relative to moving forward with his decision to approve signing off on the revised MOU, as presented, but expressed his concerns to the other Commissioners who also did not respond to the e-mail. Commissioner Drake opposed the motion made by Commissioner Nelson and gave his comments and opinion of the revised MOU, to other Commissioners, prior to the motion not being approved for lack of a second. He discussed issues that were involved if the signing of a 99 year lease option with a company/developer, due diligence for a period of 6 to 18 months and not marketing the Port or accepting any other potential prospects that may have an interest in port activities during that period. Commissioner Nelson was okay with not accepting any additional contracts but would not want to curtail any marketing. Commissioner Drake III, made reference to the first line in the MOU Section 1.1 stating, "The Company agrees to use commercially reasonable efforts to investigate, analyze and examine the feasibility of a commercial and/or other development on the Port Property. Commission Joubert asked for clarification relative to the MOU verbiage being referenced. Commissioner Drake III responded saying basically, the Commission would be open to other developments than the original proposed Village development. They could put whatever they want there as long as it's not a truck-stop facility, truck-stop casino or a riverboat gaming business for enterprise. In concluding his commentary he stated that he still had a problem with accepting the revised MOU as written due to its vague verbiage and apologized again for not having discussed this matter sooner with Andre Coudrain, the port's legal counsel. Both Commissioners agreed/admitted that this was not a good time to make decisions until the end of advertised Study RFP deadline, which will be April 4, 2019, for Commission review, prior to the April 9th Commission next meeting date.

President Ferrara asked that the Port's legal counselor to give his comments regarding the issues. Attorney Andre Coudrain stated that the Commission captured/examined some options on the issues beyond the opportunity, of due diligence, definitions of the project options relative to construction includes commercial and recreational facilities. His comments were that he would not suggest/recommend signing the revised MOU until further discussion and since the advertising process for a RFP Study had already begun. He also recommended that the Commission not lock themselves in for 99 years until the study is completed to find or decide what the best use of property would be for having other options in the future. Commissioner Nelson's response to the recommendation by Coudrain was, a yes, in favor of not signing off on the MOU and wished that the Commission could have communicated this amongst themselves rather than having to do this in a public meeting.

The proposed motion by Commissioner Nelson was discussed prior to hearing a seconded on that motion. Commission Brumfield proposed a motion after hearing an open discussion on opposition of the motion previously made by Commissioner Nelson.

It was moved by Commissioner Brumfield seconded by Commissioner Joubert that the Commission seek the advise from its Legal Counsel, Andre Coudrain, before the next Commission meeting in regards to the revised Memorandum of Understanding presented by the Village at Port Manchac, LLC and move forward with addressing the MOU according to Mr. Coudrain recommendation. Motion passed. Call vote: Yeas: 6 Brumfield, Daniels II, Drake III, Ferrara, Joubert and Nelson, Nays: 0 Absent: 0

President Ferrara asked those who wish to give public input to please identify themselves allowing two minutes to speak.

John Hoover - Hammond, LA – A Member of Save Manchac expressed his concerns for the Manchac and Joyce Wildlife Management Areas, saying the Village concept is ridiculous. He elaborated on the negative effects should the Village exist. The negative impacts he mentioned would involve deer migration, food sources for the wildlife, tidal surge, eco-system, water sources, and land erosion.

Ed Bodker – Manchac Coalition- A statement was prepared by Mr. Bodker and Kim Coats in response to an e-mail, from Commissioner Nelson, encouraging them to re- examine the Village concept and be supportive of the Revised MOU, as presented to them in the email. Mr. Bodker not being aware of the two minutes time frame for public input said he would relinquish further input after the two minutes cut-off period, let Ms. Kim Coates have the floor to finish their commentaries. He said that they had a problem with Commissioner Nelson’s comments on the issue. Since he became a Commission member, Dr. Nelson has expressed criticism to the public on Port activities while at the same time promoting alternative options of the Village project. His interest for being on the Commission appears to be solely for the purpose of getting the Village project approved. The Commissions job is to determine the best use of the Port property and there are many options and considerations that the Commission should review. The Commission put out a Request for Proposals for professional assistance to evaluate the various options. However, Commissioner Nelson appears to be trying to short circuit the evaluation process by proposing that the RFP be withdrawn. The Save Our Manchac Coalition’s request is that the RFP not be withdrawn and that no vote be taken on the final MOU prior to the completion and review of the evaluation resulting from the RFP. We do not think it’s appropriate for the Commission to be pushing for a project with such a one-side bias. Up until now, we have been aware that the Commission members have had various opinions about this matter, but we have not seen members lately promoting or trying to manage the project process with such a desire for a personal out come. (*Time expired*)

Kim Coates – Ponchatoula, LA –Save Our Manchac Coalition, Member. Ms. Coates acknowledged reviewing the various video presentations, shown to several parish organizations, by the developer’s team. Her commentary response to Commissioner Nelson’s request to re-evaluate the Village concept was to consider supporting the Village MOU as a valued asset to the community/citizens of Tangipahoa Parish and why refuse a study that the community has a right to was a bit confusing. She expressed opposition relative to the Village concepts and gave *pros* and *cons* relative to its concepts and reiterated on its negativity. She encouraged the commissioners/attendee’s to listen to the professors from SLU who wrote a book and created a documentary about the fragile Manchac ecosystem. President Ferrara interrupted thanking Ms. Coates for her input/comments, but noted that her allotted time had expired. Ferrara said, on behalf of the Commission the RFP is alive and well, and that it’s an active document that involves public comments and will defer the issue at this time until the RFP’s are reviewed.

Naomi Yoder – A Healthy Gulf member, represented concerns on safety matters in regards to the risks and hazard zone area's, involved for residential developments in a wetland area. She also, requested an extension to the RFP for the Land Use Study, which is due by April 8, 2019, since she/they didn't have an opportunity to comment earlier due to some confusion, from a previous public meeting that was relative to the deadline date for RFP submittals. President Ferrara commented saying that the Commission was not confused and asked Andre Coudrain to intervene and respond to her request for an extension on the RFP matter. It was recommended/suggested that Ms. Yoder/organization write a formal letter to the Commission requesting an extension. Her response was that she wanted to go on record, now, saying she requested an extension for the RFP deadline. She ended her commentary with the following words, "Save Our Manchac".

Linda McLellan- Ponchatoula, La resident also expressed her commentaries opposing the Village concept.

Commissioner Nelson asked how many camps or residences are on North Pass and Main Pass and how many of those were built on the wetlands? His assumption was that those camps and residences are a testament that you can in fact survive and have facilities on wetlands without significantly impairment of the area.

Amy Brennan – Ponchatoula Times reporter asked if the development was going to be residential or condominiums. Commission Joubert stated that the documents say it could be anything residential or commercial. Her concerns having two school age children, were relative to the present growth in the school system. Have the Village developers taken into consideration the extra school growth and what will this project do for our community? In response to Ms. Brennan concerns president Ferrara asked Mr. Terry Jones to address the questions on the floor.

Terry Jones –Extended his thanks to the Commission once again for having him and appreciated the time given to him to answer any questions. He stated that his group is looking forward towards the project and appreciated Mr. Coudrain's comments saying a project of this nature/magnitude needs to have the proper verbiage/language which is of importance to what they proposed and what they are pursuing. They are willing to work with the counsel and Commission to determine the right language so that it's clear and that they don't want to write language that prohibits one of the intended products mentioned on the project. His response to Amy's concerns of due diligence was a yes, saying there are many due diligences, as stated back in January, that the Village team would listen to public comments and answer any questions presented. They have an interest in the Octavia 100 acres, but at the present time that is put on the back burner and they are focusing only the 40 acres of Port property that is not a wetland issue.

Chance Enmon– A Hammond business owner and property owner on North Pass stated that he was confused and thought last month the Commission agreed to negotiate the MOU agreement. Who's supposed to take the step forward with negotiations with the Village to get a MOU that's agreeable to both parties.?

Commissioner Joubert addressed the matter saying that a draft was issued to the Commission by the developers and now the Commission will have to review it, working through our attorney to help negotiate the terms and come back with a second draft. A statement was made that the process could take some time, possibly a year or so to negotiate this MOU.

Commissioner Drake III apologized again for not reviewing the revisions to the MOU in a timely manor saying the revised MOU he received was not broad enough in some areas and opposed signing for approval of the MOU at this time.

Terry Jones stated so everyone could understand, that some of the primary stipulations they responded to were completely and confirmedly agreeable in the MOU, except one condition that was with the CPI cost benefit increase.

After listening to commentaries regarding the MOU, President Ferrara asked that the Commission move forward with remaining agenda items.

Moved by Commissioner Brumfield seconded by Commissioner Joubert that the Commission seek legal counsel, Andre Coudrain, regarding the revised MOU prior to re-negotiating or signing of a MOU for approval until such time the RFP *Land Use Study* is reviewed by the Commission, and allowing for feedback on the assessment of the RFP prior to the next Commission meeting, scheduled for April 9, 2019. Motion passed. Call Vote: Yeas: 5 Brumfield, Daniels, Ferrara, Joubert and Nelson Abstain: 1 Drake III Absent: 0

For the record, President Ferrara and other Commissioners acknowledged having the utmost respect for Commissioner Nelson in stating that he brings a lot to our Commission and he spends hours studying port issues and provides feedback to us. We may not always agree, but we respect him tremendously not only as a Commissioner but he's also valuable to our community.

New Business:

1. Foreign Trade Zone (FTZ 124) Update

Patrick Dufresne, Port Director, at the request of President Ferrara and Commissioner Nelson, invited and introduced Ms. Lisa W. Braud, Port Manager/Foreign Trade Zone with the Port of South Louisiana to share some input relative to the Foreign Trade Zone program.

Lisa Braud, with the Port of South Louisiana spoke on the port's Foreign Trade Zone, (FTZ 124). Ms. Braud, Program Manager for FTZ-124, stated that the Zone ranks # 1 in the country in the category of merchandise received warehouse/distribution for the past 3 out of 5 years. The 15 subzones of the FTZ124 brought in close to \$50 Billion in products in 2017. She referred to the pamphlet that was handed out to review what a zone is and the benefits of being in the program and she pointed out that 3 of the main reasons companies become a zone is for duty elimination, duty reduction, and duty deferral. She explained that approximately 7 years ago Port Manchac and Tangipahoa parish requested to be a part of their service area for FTZ's. Commissioner Nelson asked if she knew of any companies interested in the zone at this time. She stated that she and the parish looked into it several years ago, and at that time she did not know of any, but added that if the commission knows of company importing anywhere in the Parish (not just at the Port) to give her a call and she would be happy to speak with them.

Remarks:

The port director reported on the Lake Pontchartrain Foundation tree re-planting operations are again now taking place at the Port facility. In addition, a private environmental services company also recently completed a short-term tree planting project at Port Manchac.

Having no further business, a motion for adjournment was made by Commissioner Daniels II seconded by Commissioner Nelson. Motion passed. Yeas: 6 Brumfield, Daniels II, Drake III, Ferrara, Joubert and Nelson, Nays: 0 Absent: 0

The meeting was adjourned at 1:30 p.m.

Ernie Drake III, Secretary STPPC

Daryl Ferrara, President STPPC