



**TOWN COUNCIL MEETING
TUESDAY, SEPTEMBER 19, 2023, 6:00PM
ABITA SPRINGS TOWN HALL
22161 Level St., Abita Springs, LA 70420**

Posted: September 15, 2023, 4pm

CALL TO ORDER: Mayor Curtis
INVOCATION: Alderman Boudreaux
PLEDGE OF ALLEGIANCE: Alderman Saussy

MAYOR'S ANNOUNCEMENTS: Speakers: 1.) Candidate for Louisiana Representative District 74 - Louis Dutel 2.) Candidate for St. Tammany Parish Council District 6 - Bruce Lowrey

ROLL CALL:

Call for Agenda Modifications
Accept August 15, 2023, Town Council Meeting Minutes

OLD BUSINESS:

None

NEW BUSINESS:

1.) Discussion: Cooperative Endeavor Agreement Between the Town of Abita Springs and Recreation District #11 - Related to Provisions Contained in Section 5 and a Draft Copy of an Extract of an Ordinance

OPEN/ADJOURNMENT:

Town of Abita Springs, La.

TOWN CLERK
CLERK OF COURT
KATHY ARMAND

FINANCIAL CLERK
NIKI MENDOW

COUNCIL CLERK
LEANNE SCHAEFER

ATTORNEY
EDWARD DEANO

CERTIFIED BUILDING OFFICIAL
DAVID CHATELAIN

PUBLIC WORKS DIRECTOR
JOHNNY CLAY



MAYOR
GREG LEMONS

ALDERMEN
PATRICIA FLAD EDMISTON
(MAYOR PRO-TEM)

PATRICK BERRIGAN
GINA KILPATRICK HARPER
PAT PATTERSON
LESLIE BLITCH WELLIVER

UTILITY MANAGER
DEBRA MACLEAN

UTILITY CLERK II
LINDA MEEKER

PLANNING & ZONING DIRECTOR
CINDY CHATELAIN

TOWN MARSHALL
JOE CANDILORA

COOPERATIVE ENDEAVOR AGREEMENT

(Agreement on Finn Memorial Park Management)

This Cooperative Endeavor Agreement is made and entered into on the dates set forth herein below, pursuant to the 1974 Louisiana Constitution Article VII Section 14(C) wherein governmental entities are empowered to enter into Cooperative Agreements, by and among the Following parties:

TOWN OF ABITA SPRINGS, a political subdivision of the State of Louisiana, whose mailing address is 22161 Level Street, Abita Springs, Louisiana, 70420, herein appearing by and through Greg Lemons, its Mayor, duly authorized (hereinafter referred to as "The Town"); and

ST. TAMMANY RECREATION DISTRICT No. 11, a political subdivision of the State of Louisiana, whose mailing address is P. O. Box 443, Abita Springs, Louisiana, 70420, herein appearing by and through its Chairman, Mike Lopez, duly authorized (hereinafter referred to as "The District");

The parties declare and agree as follows:

WHEREAS, both parties hereto are dedicated to the improvements and the providing of recreational opportunities and the facilities for the youth of Abita Springs.

WHEREAS, it is a function of The Town to provide such recreational opportunities to the youth of Abita Springs;

WHEREAS, The District has over many years instituted programs to provide recreational opportunities for the youth of Abita Springs;

WHEREAS, The District has expended monies in the support of recreational opportunities for the youth of Abita Springs and has also expended funds in the improvement of recreational facilities owned by The Town;

WHEREAS, it is in the best interest of the citizens of Abita Springs that there be an organized use of the recreational facilities owned by The Town;

WHEREAS, it is in the best interest of the people of Abita Springs that The District, manage Finn Memorial Park, a recreational facility owned by The Town, and that the parties hereto enter into the following agreement:

1. The term of this agreement shall be for the term of Forty (40) years commencing from the date of execution of this agreement.
2. The District shall provide to the youth of Abita Springs organized recreational activities at Finn Memorial Park such as baseball, basketball, football, soccer and cheerleading programs for children within the boundaries of The District which includes the entire boundary of The Town.
3. The District shall have the supervision and control of that property known as Finn Memorial Park in The Town of Abita Springs. Such control shall include the management, scheduling of events, maintenance and general supervision thereof. The District is specifically granted the right to raise monies at Finn Memorial Park thru gate fees, concessions, sponsorships and any other ways that The District may deem necessary to continue on with its programs, maintenance and construction.

St. Tammany Parish 1622
Instrmnt #: 1937828
Registry #: 2299600 cbj
04/14/2014 9:30:00 AM
ME CB X MI UCC
12:51 Pm

4. The District agrees to make the necessary repairs needed to maintain the structural Integrity of the buildings and grounds, situated on and at Finn Memorial Park. It is understood that any additions or improvements to said grounds remain property of The Town. The approval of the Town shall be required prior to the construction of any such additions or construction.
5. The Town shall have the right to inspect the premises and facilities and monitor the activities and events conducted on the premises to insure compliance by The District with all federal state and municipal laws. In particular, The Town of Abita Springs shall be allowed regulate by Ordinance the activities conducted on the premises.
6. The District shall maintain liability in the amount of \$1,000,000.00 and hazard insurance sufficient to protect the improvements constructed on the property with The Town named as additional insured in limits subject to the Town's policy.
7. The District shall be allowed to set a schedule of fees for the use of the premises comparable to other public facilities in the area. Participants who live outside the boundaries of The District may be charged an "Out of District" fee.
8. The Town makes no warranty as to the title or the fitness of the facility for any purpose.
9. The District shall timely pay for all materials and/or labor used in the construction of any improvements on the property. The District shall cause to be canceled any lien labor or material lien or Judgment caused by any claim of or for the failure to pay any amounts due on account of such construction.
10. The District will indemnify, hold harmless, and exempt the Town, its officers, agents, servants, and employees from and against any and all liability, suits, actions, legal proceedings, claims, demands, damages, costs, expenses, and attorney's fees caused by a willful or negligent act or omission of The District, its officers, agents, servants, and employees in the performance of this agreement; provided, however, that The District's indemnification obligation contained herein shall not apply to and The District shall not be liable for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses, and attorney's fees caused by a willful or negligent act or omission of the Town, its officers, agents, servants and employees.

Failure by any party to comply with any of the terms of this agreement by either party herein shall be cause for termination of this contract, if such failure is not cured, after thirty (30) days of written notice to either party of the violation, or in lieu of termination such party may demand specific performance of the respective obligations contained in this contract. The failure to strictly and promptly enforce the conditions of this contact shall not operate as a waiver of right.

Either party may terminate this agreement by giving ninety (90) day notice of such to the other party.

The terms of this contract shall commence on the 1ST Day of APRIL 2014 and run until the 31ST Day of MARCH 2054, for a period of forty (40) years.

SWORN TO AND SUBSCRIBED Before Me, this 27th day of March, 2014, at Abita Springs, Louisiana.

Terrence J. Hand

Notary Public

Printed or Typed Name (as commissioned):

Notary ID or Bar Roll No.: Terrence J. Hand
71128 Highway 59, Suite 100 B
Abita Springs, Louisiana 70420
Bar No. 06505

Witnesses:

Lisa Palisi Lisa Palisi
Terri Bice Terri Bice

Town Of Abita Springs

Greg Lemons
 Mayor GREG LEMONS

St.

Tammany Recreation District No. 11

Mike Lopez
 Chairman MIKE LOPEZ



September 6, 2023

Lisa Palisi
Brandon Harrell
Scott Newton
Bart Soileau
Alfredo Soler
22519 Hwy 36
Abita Springs, LA 70420

Dear Recreation District 11 Director and Board Members:

Thank you for the opportunity to discuss the Town's concerns with the Recreation District Commissioners this evening. Upon further discussion with the citizens about their dissatisfaction with the operation of Finn Memorial Park and a review of the current Cooperative Endeavor Agreement it seems possible that the Agreement may not need to be terminated. Provisions contained in Section 5, granting the Town the authority to regulate, by ordinance, the activities conducted at the park are helpful in resolving many of the issues raised by the public.

Attached is a draft copy of an extract of the ordinance which will be introduced for discussion to the Town's Board of Aldermen. The opinions of all interested parties, including the Recreation District Commissioners, are encouraged and welcome as the Board considers the ordinance. While it is refreshing that the commission has finally responded to the Town's efforts to communicate, perhaps it would be more productive for the proposed provisions of the ordinance to be the topic of this evening's discussion. The Town has no interest in having the future of what is in the best interest of our children and residents devolve into an exchange on politics and personalities. For this reason, I will not be attending your meeting tonight.

It is our hope that we can arrive upon an agreement beneficial to the entire community.

Sincerely,

Daniel J. Curtis, Mayor

**AN ORDINANCE TO ENACT SEC. 8: 401 – 407 TO PROVIDE FOR THE REGULATION OF THE
ABITA SPRINGS ATHLETIC FIELD AND TO PROVIDE FOR RELATED MATTERS**

Whereas the Town of Abita Springs currently owns the field used for athletic activities;
and,

Whereas the athletic field is managed by the St. Tammany Parish Recreation District No. 11
under the terms of a cooperative endeavor agreement with the district; and,

Whereas under Section 5 of that agreement, the Town is granted the authority to regulate,
by ordinance the activities conducted on the athletic field; and,

Therefore, Be It Ordained that the Code of Ordinances of the Town of Abita Springs be
amended by adding thereto Sec. 8-401 to 407 as follows:

Chapter 4. - ATHLETIC FIELD

Sec. 8-401 Hours of Operation.

The Abita Springs recreational field known as Finn Memorial Park shall be available for
recreational events, at a minimum, between the hours of 5pm to 10pm on Fridays and 8am
to 10pm on Saturdays.

(Establish hours of operation that make the Park available to children during their off hours.)

Sec. 8-402 Competitive Tournaments

The Finn Memorial Park shall be available for competitive tournaments that include teams
and participants from outside the district. (And encourage the formation of All-Star Teams.)

Sec. 8-403 Town Accessibility to the Park

- 1.) The Town of Abita Springs shall have use of the Park if it is available.
- 2.) The District shall provide the Town with a calendar of events scheduled for the Park
four months in advance.

Sec. 8-404 Policies for use of the Park

- 1.) A policy for the use of the Park shall be agreed upon by the Town of Abita Springs and
Recreation District No. 11. If no agreement is reached by January 1, 2024 the Town of
Abita Springs may adopt, by resolution, such a policy.
- 2.) Any policy for the use of the Park shall be published on the Town's website and will
be made available in the offices of the Town Hall.

Sec. 8-405 Batting Cages

The batting cages shall be available for use during the hours referenced in Sec. 8-401.

Sec. 8-406 Violations

- 1.) Any violation of this ordinance shall be adjudicated by a Justice of the Peace agreed
upon by the Town and the District.
- 2.) After a hearing the violator shall be fined up to \$500.00 for each violation.
- 3.) Such fines shall be deposited into a fund administered by the Town. Such funds may
only be used to defray the cost of participation in recreational events by low-income
youth.

Sec. 8-407 Grant of Rights Concerning Finn Memorial Park

The Town of Abita Springs shall have the sole authority to grant any servitude, lease,
encumbrance, or alienation whatsoever on the land and improvements constituting Finn
Memorial Park.