

Minutes Of The

March 23, 2004

Broussard City Council Meeting

Present: Mayor Charles E. Langlinais
Tina G. Denais, City Clerk
Councilman Terry Guilbeau, District I
Councilman David Bonin, District II
Councilman Keith Rousseau, District III
Councilman Harold Johnson, District IV
Councilman Kenny Higginbotham, District V
Councilman Albert Romero, District VI
Councilman Johnnie Foco, At Large
Jerry Grooms, City Engineer
Al Reaux, City Engineer
Don Landry, City Attorney
Gene Chiarulli, City Auditor
Brannon Decou, Chief of Police
Jason Lopez, Asst. Fire Chief
Shirley Summers, Developer of Heartland Estates

Mayor Langlinais called the meeting to order and lead with the Pledge of Allegiance and a silent prayer.

Adopt minutes of the March 2, 2004 Regular City Council Meeting =
Moved by Councilman Foco and second by Councilman Johnson to adopt the minutes of the March 2, 2004 City Council Meeting subject to the following revision requested by Councilman Guilbeau. He requested that the reason he and Councilman Bonin voted nay to Resolution #137-04, which granted a variance to Mr. Ben Hogan for 303 Madelyn and 305 Madelyn be stated in the minutes. Councilman Guilbeau and Councilman Bonin voted nay because; per Councilman Guilbeau “if you put the 2 houses within 5 feet from each other you will have only a 1 foot opening between both houses. This will cause a fire hazard being the roofs will be so close together. If one house catches on fire, then you will not be able to stop the other house from burning also.” Councilman Guilbeau also questioned Attorney Landry, if the variance is given and in the future one house burns and catches the other house on fire and people die in that fire – can they come back on the Town for giving the variance? Attorney Landry stated that they can always come back on the town, but we can certainly justify the variance, because it should grand-fathered in, because the subdivision was set up this way (zero lot lines) prior to the set-back ordinance being adopted. Roll call:

District I = Yea
 District II = Yea
 District III = Yea
 At Large = Yea

District IV = Yea
 District V = Yea
 District VI = Yea

AUDITOR'S REPORT:

Monthly Report = Gene gave the council the monthly report for February. There is \$537,000 over in Sales Tax Revenues as projected. The only thing increased is the Broussard Environmental Enhancement District bills, which cause the budget to be amended. We still have an estimated balance of 3.7 million in reserves. Mayor Langlinais stated if the council has any questions about the report, they can always meet with Gene at 5:30 prior to the meeting. Councilman Foco stated that he was unaware of that. Moved by Councilman Guilbeau and second by Councilman Romero to accept the monthly report as submitted by Gene. Roll call:

District I = Yea
 District II = Yea
 District III = Yea
 At Large = Yea

District IV = Yea
 District V = Yea
 District VI = Yea

NEW BUSINESS:

Francie Bouillon, Candidate for 3rd Circuit Court of Appeal = Ms. Bouillon introduced herself to the council. She is seeking the seat of Judge Ned Doucet. It is an 8-parish area. She explained what her job is now at the trial court level. She is married to Dr. Ken Bouillon and she has 2 children. She tries to help the justice system. She has a passion for making a difference and she also has a passion for the law. She asked everyone to consider voting for her on September 18, 2004. She stated we need to get everyone out and vote.

Introduce Ordinance #04—269/Regarding the Sale, Possession and Discharge of Fireworks in the City Limits = Moved by Councilman Rousseau and second by Councilman Johnson to introduce Ordinance #04-269, which provides for prohibitions, regulating the sale, possession, use, handling of, and shooting of fireworks, and revoking Ordinance #20, of the Broussard Code of Ordinances. Roll call:

District I = Yea
 District II = Yea
 District III = Yea
 At Large = Yea

District IV = Yea
 District V = Yea
 District VI = Yea

Malcolm Manning re: Installing Culverts in Sugar Trace Subdivision off of Morgan Street = Mr. Manning was not present.

Shirley Summers re: Installing Culverts in Heartland Estates Subdivision off of Heart D Farm Road = Ms. Summers addressed the council. She stated that Phase I has been completed and they are currently developing Phase II. She received some complaints from property owners there about unable to close in the ditch. Culvert installation was allowed in

Phase I of Heartland Estates. The drainage coulee on the east end is scheduled to be dredged by the City this year. She is asking to give consideration to those people who are seeking to close in their ditches. Mayor stated he has received several request. He thought a solution to these requests would have been resolved several weeks ago, using squash pipe, which will cut out the slope of the ditch on the homeowners side. Mayor stated he needs some direction on this. Councilman Higginbotham stated that we need to stop somewhere. He doesn't see it wise to do it right now. Councilman Foco stated we are in litigation right now over this, so he doesn't feel we should be discussing this. Attorney Landry stated the litigation is in another subdivision. He said his thinking is if it is in a high subdivision and they have proof from engineers, then it's up to the council to change that policy. Councilman Foco stated if the engineers sign off on it, then he has no problem. Councilman Rousseau stated they don't want to stop the subdivision, but they want to know what the adverse effect will be; because once it is covered it is their responsibility. Ms. Summers asked that they take in consideration this project and this land is high and dry. There are 23 lots in Phase II. Attorney Landry stated they have to look at what will the effect be on the rest of the City. Councilman Bonin asked Ms. Summers if she had a plat of the subdivision? She presented them a plan. Mayor Langlinais questioned if she had any deed restrictions in reference to closing in the ditches? Ms. Summers said no. Mayor Langlinais reminded the council about the squash pipe being used. Councilman Guilbeau stated that this would also act as a storm water reservoir. Attorney Landry stated he understands that the point is if it is designed for open ditch and now home homers want to close in the ditch, but the council wants to be satisfied that by closing it in, the ditch will not have any effect on anyone else. It is not that they don't want to help anyone, they want to be cautious. A resident who purchased a lot there stated that he understood a certain level of culverts would be allowed; therefore he signed the closing of the sale. He then spoke to Larry Champagne about the closing in the ditch and he was informed that he wouldn't be able to do that. He wants to close in the ditch, because of the drainage and the individual sewer system. He would encourage the council to look at and see what is the best way to go. Councilman Rousseau questioned Walter if he could make any recommendation, which would allow the residents to close the ditch? Walter stated he couldn't comment on this, because he just had a very expensive lesson regarding properties he has developed and commenting on them. Councilman Rousseau redirected the question to Jerry and Al? Al stated he would not comment due to the ongoing litigation on the same matter in another subdivision. Councilman Higginbotham explained to the resident what he used in his subdivision that he developed in reference to the sewage fields lines instead of going into the ditch. He stated he feels this would eliminate his sewage problem. Mayor Langlinais questioned if he would allow the ditch to be extended into his property and the sewer would be in the pipe. Chief Decou explained that is how his lot is and explained how he did it. Mayor Langlinais stated that is what he is getting everyone to do. He feels we can come to a reasonable quasar policy. Councilman Rousseau stated he would like to keep the integrity of the subdivision. Councilman Foco stated we are going to do some engineering job for the developers. Mayor Langlinais stated that we would allow partial piping of ditch if it meets the criteria of storm water retention. Jerry stated we would have to come up with some coordinates regarding subdivision developing and if the developer wants to do it a different way, then their engineer should look into. Mayor Langlinais stated but what about the existing subdivision? Attorney Landry stated if that happens then criteria would have to be met. Attorney Landry stated we might have to do it all, because then you might have a problem downstream with the

neighbors, so how do address the old subdivision. Mayor Langlinais stated he doesn't know of any engineers who want to size the pipe. Attorney Landry stated they don't have to size the pipe; it's up to the subdivision if they want to do. Attorney Landry instructed Councilman Higginbotham that this could be part of the overall drainage ordinance, if you allow a developer to change a subdivision to close ditch after it has been adopted open ditch. Requirements can be put in the ordinance regarding the closing in the ditch. Councilman Rousseau moved and Councilman Guilbeau second to instruct our engineers to come up with a Design Criteria Plan with an engineer's stamp before the ditch is allowed to be closed and then the council will approval it; the designs should open ditch, curb and gutter or an alternate plan using squash pipe.

Roll call:

District I = Yea	District IV = Nay
District II = Nay	District V = Nay
District III = Yea	District VI = Nay
At. Large = Nay	

Vote failed because majority voted nay.

Councilman Guilbeau questioned what if a few councilmen meet with the property owners and their engineers and inform them what they want and then let them come back to the council for approval. Mayor Langlinais stated that sounds fine, if some councilmen want to do this. Jerry stated we can write the ordinance in detail, but some subdivisions still won't be able to close in their ditches, because of some of the lots that were already done. Councilman Foco stated every subdivision is different and we shouldn't have to pay the engineers to do it. Councilman Foco stated our engineers couldn't write the specs. Attorney Landry questioned what guidelines would you follow? That is what the engineers will do; they will come up with some guidelines. Councilman Foco stated what about open ditch, curb and gutter or better, or system that will provide the same as open ditch. Mayor Langlinais stated one of the criteria is the ditch capacity will have to be greater or the same and there are other criteria's that we will need to get the professionals involved in. Jerry stated there engineer would also have to look at the lots downstream. Councilman Foco moved and Councilman Johnson second to only allow for the closing in of the ditch, if a plan is submitted that shows that the closing in of the ditch will have the same capacity or greater as an open ditch. Roll call:

District I = Yea	District IV = Yea
District II = Yea	District V = Yea
District III = Yea	District VI = Yea
At Large = Yea	

OLD BUSINESS:

Adopt Ordinance #04-268/Annexation of North Eola Road and Gulf Coast Machine, Incorporated = Moved by Councilman Rousseau and second by Councilman Bonin to adopt Ordinance #04-268, which provides for the annexation of certain property located in Section 69, township 10 south, range 5 east, Lafayette Parish, Louisiana, being known as the North Eola/Gulf Coast Machine, Incorporated Annexation. Roll call:

District I = Yea	District IV = Yea
District II = Yea	District V = Yea
District III = Yea	District VI = Yea

At Large = Yea

Approval of Bills to be paid for the Broussard Environmental Services and Enhancement District = Moved by Councilman Rousseau and second by Councilman Guilbeau to amend the budget to pay the following bills for the Broussard Environmental Enhancement Sewage District: Grooms Engineering for \$5,745.00; M. J. Broussard, Incorporated for \$2,425.00; The LaBorde Law Firm for \$5,575.36; Boese Environmental Law for \$4,695.00; C. B. Talley, Inc. for \$8,384.45 total \$26,824.81. Roll call:

District I = Yea	District IV = Yea
District II = Yea	District V = Yea
District III = Yea	District VI = Yea
At Large = Yea	

ENGINEER'S REPORT:

Jerry's Report:

New Theatre Pump Station = Jerry stated at the last meeting he recommended to table accepting the bid for the sewage for new theatre. Now he is recommending the bid be awarded to Wastewater Services for \$107,159.00 Councilman Rousseau moved and Councilman Foco second to award the contract for the new theatre pump station to Wastewater Services, Incorporated for \$107,159.00. Roll call:

District I = Yea	District IV = Yea
District II = Yea	District V = Yea
District III = Yea	District VI = Yea
At Large = Yea	

Al's Report:

Al stated that he had nothing to report.

ATTORNEY'S REPORT:

Attorney Landry stated that he had nothing else to report on.

FIRE DEPARTMENT:

Fire Chief Appointment = Asst. Chief Lopez stated that at the last meeting the Fire Department nominated 3 firefighters for the Fire Chief's position. Chief Denais declined the nomination. The nominees were as follows: Bryan Champagne, Jason Lopez and Marwin Emert.

After all of the necessary paperwork is turned in, the decision will be made on who will be the new Fire Chief.

POLICE DEPARTMENT:

Noise and Alcohol = Chief Decou stated that he met with Tim Melancon regarding the Noise and Alcohol regulations that he deals with for the City – Parish Government. Chief Decou stated that they recently made an amendment to their ordinance stating that the noise can be from a plain audible or amplified device. This can cover the structures also. He would like Attorney Landry to look at the amendment that the Parish did. Attorney Landry stated we can amend ours, but this amendment hasn't been tested in court yet. The council instructed Attorney Landry to look into this. Mayor Langlinais recommended loud mufflers and motorcycles be included in perhaps the revision of our ordinance this.

Renovations to the old city hall for the Police Department = Chief Decou stated that the contractor informed him that they should be done by mid April.

COUNCIL BUSINESS:

District I/Councilman Guilbeau:

Abandon Alleyway in Block X = Councilman Guilbeau questioned when an alleyway is abandoned where does the alleyway go to? Attorney Landry stated the adjoining property owners get the property and it is split. Councilman Guilbeau stated that this alleyway had a 5-foot easement after the abandonment. Attorney Landry stated state law says the property is divided between the 2 property owners. Attorney Landry stated he could look into this and the council can decide where the easement should be. Councilman Guilbeau stated common sense the easement should be down the middle. Mayor Langlinais stated that the reason this was done is because he didn't want to go back to a property owner in the future to negotiate a utility easement. Councilman Guilbeau questioned if one property can refuse the property? Attorney Landry stated that he look into this. Mr. Roy Brown stated the other property owner doesn't cut what is on his side. Councilman Guilbeau stated the adjoining property owner never moved the fence to the abandon alley, therefore never he perhaps never claimed the property.

Telephone Posts on corner of North Eola and Garber Road = Councilman Guilbeau stated that he received some complaints from residents of District I who are having problem entering the roadway because of the electrical post. He contacted Entergy they came out and looked at it and they stated it belonged to SLEMCO. He then contacted SLEMCO and Mr. Arceneaux came out and looked at it and he informed Councilman Guilbeau that he will investigate this and then he will get back with him on this.

Garbage Pick-Up = Councilman Guilbeau stated that he received a complaint from a citizen stating that the garbage company is picking up at 4:00 a.m. He would like us to call them and check on this.

National Oil Well = Councilman Guilbeau stated that he was also contacted by some residents that stated when National Oil Well on Nova Drive cranks up their engines, their trailers shake. Councilman Guilbeau stated that he contacted them and they stated they would try to get mufflers put on engines when they have to crank them up. Mayor Langlinais stated all the more reason to be able to incorporate this in the noise ordinance. Councilman Guilbeau stated the

gentleman told him he would even put a wall up if he has to.

District III/Councilman Rousseau:

Noise Ordinance = Councilman Rousseau stated that he wants to reiterate what Chief Decou said about the noise ordinance. Someone in his district contacted him in reference to some individuals practicing in a band in a home and they feel something needs to be done about this.

At Large/Councilman Foco:

Garbage Pick – Up = Councilman Foco stated that 310 East Second was skipped. He also noticed since Waste Management is picking up there is more trash on the ground. The cans are they are distributing are a different size. Councilman Foco noticed some people putting cans backwards also.

COG Meeting = Councilman Foco stated that the monthly COG Meeting is scheduled for Thursday night in Youngsville at 6:00 p.m. And the next meeting will be in Broussard.

Mayor Langlinais:

Complaint regarding the noise at the Fire Station = Mayor Langlinais asked Jason to direct a memo to all personnel at the fire station about the noise and we don't fix personnel things at the station. Chief Decou informed the council that the individual who complained never came to him and there is a reason he doesn't.

Appointment to the Broussard Environmental Enhancement Sewage District Board = Mayor Langlinais stated there has been a resignation on the Board therefore he would like to appoint Keith Rousseau to the BEESD. Moved by Councilman Higginbotham and second by Councilman Foco to appoint Keith Rousseau to the Broussard Environmental Enhancement Sewage District Board. Roll call:

District I = Yea	District IV = Yea
District II= Yea	District V = Yea
District III= Abstain	District VI = Yea
At Large = Yea	

ADJOURN:

Meeting Adjourn =Moved by Councilman Johnson and second by Councilman Bonin to adjourn the meeting. Roll call:

District I = Yea	District IV = Yea
District II= Yea	District V = Yea
District III= Yea	District VI = Yea
At Large = Yea	

S/Charles E. Langlinais, MAYOR

S/Tina G. Denais, City Clerk