

**Minutes Of The**

**May 10, 2005**

**Broussard City Council Meeting**

Present: Mayor Charles E. Langlinais  
 Tina G. Denais, City Clerk  
 Councilman Terry Guilbeau, District I  
 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  
 Brannon Decou, Chief of Police  
 Walter Comeaux, Engineer  
 Greg Guidry and Darrel Young, Developers of Moulin Cove Subdivision  
 President Guy Cormier, St. Martin Parish President  
 Judd Judice, Owner of Judd's Barber Shop

Absent: Councilman David Bonin, District II

Mayor Langlinais called the meeting to order and Attorney Landry lead with the Pledge of Allegiance and a silent prayer for our troops in Iraq and our prayers were answered in relative to Lois.

**Adopt minutes of the April 26, 2005 Regular City Council Meeting** = Moved by Councilman Higginbotham and second by Councilman Rousseau to adopt the minutes of the April 26, 2005 City Council Meeting. Roll call:

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

**NEW BUSINESS:**

**St. Martin Parish President Guy Cormier and Business Owners of Cruise Drive**  
**Re: Cruise Drive Road Condition** = President Cormier addressed the council and thanked the council for letting him address them. He is here relative to the road condition of Cruise Drive.

Also he has business owners here from that location. He has a resolution from his council approving to pay 50% towards the re-construction of Cruise Drive. They don't have the entire funds right now, so he is asking the council to give them some time for the payment of the 50%. They do collect a road and recreation tax in that area. Cruise Avenue is located off of Southwood Drive, which is off of Highway 90. The road going to Cruise is in Lafayette Parish, which is Southwood Drive, and then Cruise is in St. Martin Parish. Councilman Higginbotham stated the time is pretty critical to move the construction crew from Moulin Road to Cruise Drive. Attorney Landry stated we could piggyback, without having to put this out for bid. Councilman Guilbeau questioned what is the cost of this project? Walter stated he gave each councilman a change order for Moulin Road, which would cover this. The change order is \$71,730.76. It is based on the quantities we would use out there. The Lafayette Parish portion of only needs to be overlaid, but the St. Martin Parish part would have to be re-constructed. Walter state it depends if time is on the essence or if the council authorizes the Mayor to sign the change order, which will amend the budget. Councilman Guilbeau questioned he thought \$165,000 was is what was budgeted for Moulin Road, not \$265,000? Gene stated he got that off of the minutes, but he would have to look back on that. Moved by Councilman Guilbeau and second by Councilman Rousseau to amend the budget for approval of the change order up to \$80,000.00 for Moulin Road, which will cover the overlay and re-construction of Cruise Drive. Roll call:

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

Moved by Councilman Guilbeau and second by Councilman Rousseau to enter into an Intergovernmental Agreement with St. Martin Parish for them to pay for 50% of the above stated over a couple of years (not defined how many). Roll call:

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

**Adopt Resolution to move forward with bond issue and approve the re-financing of the current bonds** = Gene stated we talked about the 3 million dollar bond issue for the new pond and he spoke to the bond counsel, Donnie Cunningham and he recommended that we re-finance the current bonds for 1996 and 1997 to save money. It would give us an additional 3 million dollars and the city would get the money and lend it to the BEESD. Councilman Foco questioned what is our total bond capacity? Cunningham stated that a pledge of the water and sewer revenues is not a good credit of the city. Gene did recommend we use some of the capacity of the sales tax. The bond commission allows you to bond a little under 75% of our capacity. Gene stated when he is talking about the capacity; we can use 75% of the sales tax revenue yearly to pay the bond. Councilman Higginbotham questioned if we can tie the road issues together with this. Mayor Langlinois stated he recalls that there are some limitations on the bond money. Councilman Foco questioned Gene again, about what is our bonding capacity? Gene stated he doesn't know. Mr. Cunningham's assistant stated that he could get that

information to the council within a week. He also stated on the re-finance rate we are going into a rising interest rate increase, so it is better to re-finance the bonds now. Moved by Councilman Higginbotham and second by Councilman Rousseau to adopt Resolution #161-05, which approves making an application to the State Bond Commission for approval of the issuance by the City of Broussard of not to exceed Seven Million Two Hundred Thousand Dollars (\$7,200,000) aggregate principal amount of Public Improvement Sales Tax Revenue and Refunding Bonds, in one or more series, for the purpose of refunding certain outstanding bonds of Issuer and providing financing for sewer improvements, and providing for other matters with respect thereto. Roll call:

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

**Judd Judice re: Damages to his property caused by patrons at the local City Bar =**  
 Mr. Judice addressed the council. He has been having a reoccurring problems with the patrons of the bar next door breaking the front glass on his business. He has replaced the glass several times in the past year. He is asking for permission to enclose the front of his shop, which would be enclosed during the nighttime hours that is on city right of way. Mayor Langlinais stated he did speak to Attorney Landry about this and in the past he did speak to owner of the bar in reference to possible complaints to the ABC board about the bar. The Bed and Breakfast across the street is no longer there. Attorney Landry stated it could be an enforcement issue. Mr. Judice stated the police department has done fine, but they can't be there 24 hours a day. Attorney Landry stated we could adopt an ordinance to cast some responsibility to the owner of the business for his the actions of his patrons. Attorney Landry stated it is a public sidewalk, but he stated perhaps we could adopt an ordinance to put some sort of gate. Attorney Landry stated he has seen some ornamental works or shutters that perhaps Mr. Judice can install to possibly prevent the problem. Attorney Landry stated we still have to prove that some patrons from the bar are doing the damages. Mayor Langlinais stated that he would sit down with the owner of the bar. Mayor Langlinais asked Attorney Landry to research what we can do and he will sit down with the current owner. Chief Decou stated the biggest complaints there right now is the noise and car burglaries. Councilman Guilbeau questioned what type of liability would the city face if someone leaves the bar and can't pass on the sidewalk and walks on the side of the road and gets hit? Attorney Landry stated that is why the city has insurance. Al Reaux stated we will have to check with the highway department also, because there might be a problem installing some sort of gate, because in may fall in the right of way of the state. Moved by Councilman Higginbotham and second by Councilman Foco to approve the variance to allow Mr. Judice to install a gate which will barricade the sidewalk in front of his establishment on main street only at night, after we have checked with the highway department to clarify the right of way issue. Roll call:

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

### **Approval of bills for the Broussard Environmental Enhancement Sewage District**

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Moved by Councilman Rousseau and second by Councilman Romero to approve the following bills to be paid for the Broussard Environmental Enhancement Sewage District Board: Teche Construction Company, Incorporated for \$4,421.00 and Lafayette Winwater for \$12,003.41, totaling \$16,424.41. Roll call:

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

**Mr. Greg Guidry and Mr. Darrell Young re: Request for Water for Moulin Cove (new subdivision)** = Mr. Guidry and Mr. Young addressed the council. They are asking the city consider paying for the waterline to the front of their development, so that they can tie in. Mayor Langlinais stated he believes the estimated cost is \$11,000.00. Councilman Guilbeau questioned about the sewage? Mr. Young stated they would have individual sewage treatment plants. The city engineers have approved all of the plans. The subdivision has 24 lots. Mark stated the developer did meet all of the requirements. Mayor Langlinais stated his only issue was the drainage issue. Mark stated the city has a policy that we like developments to do a drainage analyses study or do retention. Mark stated the question is where is the drainage criteria for this. Mark stated we suggest people use a 5-year for storm water for residential and 10 year for commercial. Councilman Rousseau questioned what do require as a city? Mark stated the developers ran the 5-year study, but he sized his drainage for 2-year retention. Walter stated we have a pretty good ordinance that the city has never adopted and he feels the best thing is for the city to adopt the ordinance so it would have to be done by the people and the developers. Councilman Higginbotham stated we have been discussing this for over a year now. Councilman Foco stated we don't have a detention policy and we can't keep changing the rules on developers. Mark stated the way the city of Lafayette does it, is they ask for a drainage analysis study or an impact study. Mr. Ian Trahan addressed the council and stated he agrees with Walter that you have to design for the amount of years for the storm. He stated we also want to stop designing for a minimum of years. Mayor Langlinais questioned Walter what does it say in the regulations? Walter stated it says that it has to be approved in basis with the engineer for that jurisdiction. Jimmy Smith stated he lives on Nellie's Lane and he lives two lots from this proposed development and this water run-off will definitely affect him? Guidry and Young stated that they both live there and there will be no run-off. They are following a 2-year plan, and they have proof that they can hold up to a 100-year plan. Guidry stated if he was told that they had to meet the 5-year plan and they would have done the 5-year study. Councilman Higginbotham stated that he still feels we need to pass an ordinance, because it is the 4<sup>th</sup> time in three months that the developers have come here with problems. Councilman Higginbotham stated it died, because the Mayor wanted to keep it as a user-friendly city. Attorney Landry stated his suggestion is to have the engineers look at the ordinance and then bring it up to be adopted. Councilman Foco stated we have developers coming back because once it is approved they come back to close in the ditch. Ian stated once the plats states open ditch, it should stay open ditch. Mark stated this subdivision has the detention design of open ditch. Moved by Councilman Rousseau and second by Councilman Higginbotham to amend the budget for

\$11,180.98 to extend the waterline along Moulin Road to Moulin Cove Subdivision. Roll call:

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

Councilman Foco abstain from voting, because he has property on that road.

### **OLD BUSINESS:**

**Adopt Ordinance #05-280/Yogi Annexation** = Moved by Councilman Romero and second by Councilman Romero to adopt Ordinance #05-280, which provides for the annexation of certain property located in section 93, township 10 south, range 5 east, Lafayette Parish, Louisiana, being known as the Yogi, LLC Annexation. Roll call:

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

**Adopt Ordinance #05-281/H. C. Martin Properties** = Moved by Councilman Foco and second by Councilman Johnson to adopt Ordinance #05-281, which provides for annexation of certain property located in sections 9, township 11 south, range 5 east, Lafayette Parish, Louisiana, being known as the H. C. Martin Properties, area "A" and area "C" annexation. Roll call:

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

**Adopt Ordinance #05-282/Northside Moulin Road Annexation** = Moved by Councilman Rousseau and second by Councilman Romero to adopt Ordinance #05-282, which provides for the annexation of certain property located in sections 17 and 34, township 10 south, range 5 east, Lafayette Parish, Louisiana, being known as the Northside Moulin Road Annexation. Roll call:

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

Councilman Foco abstained because he has property in this area.

### **ENGINEER'S REPORT:**

#### **Mark's Report:**

**Nursing Home** = Mark stated that they are still working on the Nursing Home Project.

**Hulin Road** = Councilman Rousseau questioned Mark about the Hulin Road Drainage Road Project? Mark stated that they are working on negotiations with a property owner.

**Walter's Report:**

**Moulin Road** = Walter stated the Moulin Road project is progressing well and they should be laying asphalt in two or three days.

**Drainage Regulations** = Ian stated he encourages the council to go forward with an ordinance for regulations on the drainage. Mayor Langlinais asked Tina to send Ian a copy of the current proposed ordinance.

**Al's Report:**

Al stated he had nothing to report on.

**AUDITOR'S REPORT:**

Gene stated he had nothing to report on.

**ATTORNEY'S REPORT:**

Attorney Landry had nothing to report on.

**FIRE DEPARTMENT:**

No one was present.

**POLICE DEPARTMENT:**

**Hiring of a replacement officer** = Moved by Councilman Foco and second by Councilman Johnson to hire John Wirick as a uniformed police officer for the Broussard Police Department effective May 11, 2005 at a salary of \$1,775.00 per month. Roll call:

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

**COUNCIL BUSINESS:**

**District I/Councilman Guilbeau:**

**Surplus Property Next to Broussard Auto Parts** = Councilman Guilbeau questioned if we have received any bids on the property next to Broussard Auto Parts? Tina stated we have only one person interested right now. Not to many people are interested in paying the \$25,000

minimum bid price.

**Dumpster in the Back of City Hall** = Councilman Guilbeau questioned if we have restricted times that people can dump in the dumpster in the back of city hall? Tina stated that we don't have any restriction about what time they can dump. Councilman Guilbeau requested that we do put a restriction on the times, because some people are dumping at 12 o'clock at night. Mayor Langlinais asked Larry to put a time schedule sign stating what time they can dump. Larry will take of that.

**Time Pick-Up of Dumpsters** = Mayor Langlinais stated last week he was at Shop Rite and their dumpster was being dumped at 5:40 am. He did call the Superintendent at Waste Management and let him know that the time should be later.

**On call personnel** = Councilman Guilbeau stated Saturday evening at 12:30 a.m. the on call person did not answer their phone. The police department in turn called out the wrong person, who was Mr. Leger. He feels if they don't want to answer the call, then we need to find someone else. Mayor Langlinais asked Tina to check on the answering of the phone by the on call people and if they don't answer maybe we will have to get a third person.

**Workers on Break** = Councilman Guilbeau stated last week the workers were parked for an hour doing nothing on the side of the road. He feels if they have nothing to do they should clock out and go home. Councilman Guilbeau stated he no problem with them taking a break, but not in the eye of the public. Larry stated he did check into it and they were taking a break because they had just finished shoveling 10 tons of asphalt all day. It was 4:15. Councilman Guilbeau stated it was 3:00. Councilman Guilbeau stated instead of doing nothing, he would rather see them go back to the barn. Attorney Landry stated he can tell his constituents to register their complaint to the administration, but as council they can't do anything about that. Councilman Guilbeau stated he would do that in the future.

#### **District III/Councilman Rousseau:**

**Drainage Regulation Ordinance** = Councilman Rousseau stated he doesn't know when the FEMA study will be done. He suggested Ian review the proposed drainage ordinance and we do something before the FEMA study is done and then it can be reviewed again after that. Mayor Langlinais stated the thing was for us to do is to ducktail the FEMA grant application. Walter stated that FEMA is determining a base flood elevation and they don't do that for subdivisions. An ordinance is a total separate thing. Ian stated that the ordinance needs to be put in place as soon as possible. The FEMA type study is for flood insurance if you build in a flood zone, it guides you on how high will your elevation should be. There is a difference between a flood study and a drainage study. Ian stated the detention would slow down the flow of the water. The developers will fight this, because they will have to spend more money to develop. Councilman Rousseau stated he is ready to go forward with this. Ian will review the proposed ordinance and get back with the council to address at the next city meeting.

#### **At Large/Councilman Foco:**

**Drainage Regulations** = Councilman Foco stated in reference to the proposed drainage ordinance, if don't have anything in effect and we keep changing the regulations, we don't look professional; so we need to have the same thing for everyone.

**District V/Councilman Higginbotham:**

**Cruise Drive Project** = Councilman Higginbotham thanked everyone and especially the council for the approval of the Cruise Drive project.

**ADJOURN:**

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

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

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

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**S/Charles E. Langlinais, MAYOR**

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**S/Tina G. Denais, City Clerk**