

Minutes Of The

April 14, 2009

Broussard City Council Meeting

Present:

Tina M. Emert, City Clerk
 Councilman Terry Guilbeau, District I
 Councilman David Bonin, District II
 Councilwoman Gertrude Batiste, District IV
 Councilman Kenny Higginbotham, District V
 Councilman Albert Romero, District VI
 Councilman Johnnie Foco, At Large
 Gene Chiarulli, City Bookkeeper
 Mr. Don Landry, City Attorney
 Mr. Allan Durand, City Attorney
 John Linahan, City Engineer
 Al Reaux, City Engineer
 Walter Comeaux III, City Engineer
 Larry Champagne, City Supervisor
 Mel Bertrand, City Foreman
 Elmer Girouard, City Supervisor
 Kenneth Wainwright, City Foreman
 Chief Brannon Decou, Police Chief
 Chief Bryan Champagne, Fire Chief
 Mr. David Bernard, Architect
 Jimmy Gondron, Resident
 Becky Gondron, Resident
 Carolyn Langlinais, Resident
 David Langlinais, Resident
 David Gondron, Resident
 Roy Brown, Resident

Absent:

Mayor Charles Langlinais
 Councilman Keith Rousseau, District III

Councilman Foco called the meeting to order and Tina Emert lead with the Pledge of Allegiance and a silent prayer was done for our troops that are still overseas.

Adopt minutes of the March 24, 2009 = Councilman Guilbeau moved and second by

Councilwoman Batiste to adopt the minutes of the March 24, 2009 meeting. Roll call:

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

OLD BUSINESS:

Adopt Ordinance #09-347/Drainage Ordinance Amending Ordinance #08-336=
 Attorney Landry stated in Ordinance #08-336 there was no penalty and now the penalty is included. Moved by Councilman Higginbotham and second by Councilman Romero to adopt Ordinance #09-347, which amends Ordinance #08-346 to include and additional section to the said ordinance, providing for penalties for violations of Ordinance # 08-336. The penalty shall be \$300.00 per day for said violation, until such time as the requirements of this Ordinance are met. Roll call:

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

NEW BUSINESS:

Mr. Ryan Glover re: Sewer Service on Ida Road = Mr. Reaux stated that Mr. Glover is not here and is asking that this item be tabled. Mr. Reaux did state that Mr. Glover represents GE and they are interested in running a force main to our line. This will be tabled till a later date. The business is located in the middle between Ida Road and LaFlamme Road.

Pending lawsuit of Michael's VS City of Broussard = Mr. Allan Durand addressed the council. Attorney Landry stated they would like to discuss some strategy with the council. They will have to move into executive session to discuss this; therefore it was moved by Councilman Bonin and second by Councilman Guilbeau to go into Executive Session. Roll call:

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

Then it was moved by Councilman Bonin and second by Councilwoman Batiste to come back into regular session. Roll call:

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

Mr. Jimmy Gondron re: Gondron Lane Mr. Gondron addressed the council. He stated he has been there 62 years and the road leading to his home has always been private. Mr. Gondron stated that a lot of people are cutting across from Highway 90 to Highway 182 on this road. Safety is an issue with his grandchildren. He heard a lot of stories about this issue. He was told that the state fire marshal mandated this road as a public road. He contacted the stated fire marshal and they never heard about this. He contacted the manager with Doerle Foods about the city using the back entrance near Doerle Foods for emergency use. He doesn't want a public road back there. He brought the map to his attorney; who said there are so many conflicting maps or drawings on this issue. He doesn't understand why his Dad would dedicate a right of way going out. His attorney will study it some more. The particular map he has bisects his property on the northwest corner. Councilman Guilbeau questioned if his Dad dedicated part of his property? Al stated that map is according to what Mr. Gondron's father and Leroy Miguez had done with the dedication. Mr. Gondron stated he purchased this property four years before the map was done. The road bed which is being traveled now is the existing right of way. Councilman Foco stated he was in the first meeting involved with this. Councilman Foco stated they talked about doing another access. They talked about taking the 50 foot right of way and cranking it down to where the existing road is to about 14 feet. They talked about public and private. They talked about making it public so they do the maintenance on it and they could upgrade the bridge and make the ordinance for a public road with emergency access only. Mr. Gondron stated the signs are not working. He would like some sort of barrier with a locked gate and the emergency personnel would have access to get in. Attorney Landry stated he spoke to Mr. Gondron's lawyer today and he understood that everyone wanted to leave it private with the exception of emergency vehicle. Attorney Landry stated he was told that it is shown on GPS as a public road. Attorney Landry stated once we have everything straight on the road, then by ordinance we can say it is servitude of passage for emergency vehicle use only. It will be recorded in the public record and it is binding by everyone. Councilman Guilbeau questioned how can you say it is a public road and the public can't pass on it? Attorney Landry stated that the parties have to agree that is what the road will be used for. Mr. Gondron stated the bridge is not part of the dedication. Attorney Landry stated it is a public bridge. Attorney Landry stated that everyone is in agreement that we want to keep the public off of this road. There is no ordinance to do anything about that now. Mr. Gondron stated it gets worst every year with the increase of traffic. Mr. Gondron questioned about the people behind him what if they develop; they will have to go on KOL Drive? Councilman Foco stated if they do it by ordinance they can't do anything about this. Councilman Bonin questioned, where would he put a gate? Mr. Gondron showed the council on the map. Councilman Foco stated he would hear everyone tonight. Mrs. Gondron addressed the council. She would like the road to remain private, because she has a lot of animals and they have a pond back there which causes a lot of liability. It was never maintained by the city. She would like the road to remain private and the emergency personnel can use it only. Councilman Foco stated someone spent some public money when the bridge was built. Councilman Higginbotham questioned if there is liability wouldn't we be accepting the liability? Don stated yes. Mr. Gondron stated the signs will not stop anyone. Mr. David Gondron addressed the council. Mr. Gondron stated the document he has, states the road has been private since 1986. He lives backed there and he says he does not see a lot of traffic. Mr. Gondron stated according to his mother's succession papers; is to remain open as stated as a right of way to the city of Broussard. He has no problem of what is

happening right now. Mr. Buddy Langlinais stated if they furnish license plates to the Chief, they know that the problem should be resolved. Mr. Landry stated that he is in contact with Mr. Gondron's attorney. He did have someone research the properties. Councilman Foco stated he won't be able to vote on this cause he has property near that road and it may be a conflict. Councilman Foco instructed Don to go along with his right of ways. Councilman Guilbeau stated he doesn't understand how we can spend public money on a private road? Attorney Landry stated you are limiting access to public emergency vehicles. Councilman Higginbotham stated as a compromise Mr. Gondron inquired about the gate, if that would be a problem? Chief Champagne stated they deal with this with all store and locks and that wouldn't be a problem. Chief Decou stated there are facilities they do respond to, but yes it does cause delay in response time. Councilman Foco stated he is not spending any money for a gate. Mrs. Gondron questioned if making it a public road, doesn't it have to be a certain width? Attorney Landry stated we are reducing the width as a right of passage. Councilman Guilbeau questioned if it is conflict of interest if we reduce the width of the right of passage being the property belongs to Mrs. Langlinais? He doesn't want to get caught with a fine with the board of ethics. Attorney Landry stated that shouldn't be a problem

ENGINEER'S REPORT:

John's Report:

John stated that he didn't have anything to report on.

Sewage Problems = Councilman Bonin stated that a resident in his district that lives on Jefferson Street, after the large rain a few weeks ago, had sewage backup in her house due to the rain. He is asking that when the smoke tests are done that they start in that area first. Walter stated we need to address this as soon as possible. John stated the contractor should be starting in 2 weeks. Councilman Higginbotham questioned if we can do the repairs as we find the problems? John stated yes we can do it.

Al's Report:

Sewage Pond = The contractor for the sewage pond was expecting to move back in yesterday. They are planning to be moving in this week and should be making some progress.

Walter's Report:

Road to the Community Center = Walter stated that they are finished with the plans for Broadview Drive, the road to the community center. They have to get a permit from DOTD and they also have to get some permits from the pipeline.

ACCOUNTANT'S REPORT:

Gene stated that he had nothing to report on.

ATTORNEY'S REPORT:

Attorney Landry stated that he previously brought up everything he needed to report on.

POLICE DEPARTMENT:

Resolution for Grant = Chief Decou addressed the council. He gave Don a Memorandum of Understanding for a grant from Washington based on the crime reports that they submit. They received a little over \$18,000. The grant requires the governing body to hear about the funds coming in and the Mayor to sign the memorandum of understanding. Don stated that this agreement stated that the police department will use the money as stated in the Jag Grant.

Chief Decou stated that he will update their laptops and video system in the cars. He has two grants coming. Councilman Foco and Councilman Guilbeau thanked the Chief for going after these grants. Every year they get \$30,000 - \$80,000. None requires a match of the city. Therefore it was moved by Councilman Guilbeau and second by Councilman Romero to adopt Resolution #255-09, which is a Memorandum of Understanding stating that Chief Decou has produced this information to the council about these funds and authorizing the Mayor to sign off with the various other agencies on this. Roll:

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

Noise Ordinance = Councilman Foco stated that he was questioned about the noise ordinance by a resident? The resident was told the noise ordinance we have currently deals with the sound only from vehicle. Chief Decou stated that is true; however for all other noise complaints the first time they go out they ask them to turn it down, the second time they turn it down and the third time they have to shut down. Chief Decou stated he can call 911 or 837-6259. Councilman Foco stated that he will let the complainant know about this. Chief Decou stated with the businesses, they have a little more leverage with the 3 strikes ordinance. And after so many documented cases, it can be turned over to the District Attorney's Office as a misdemeanor offense.

Speed Complaints on Madelyn Street = Councilman Bonin questioned Chief Decou about the data on Madelyn Street? The people are very furious. Councilman Bonin stated he has instructed everyone to contact the police department. Chief Decou stated they have the same problem in his neighborhood. Councilman Bonin stated he does see the police officer's back there. Councilman Bonin stated he had told them the speed bumps do not work. Chief Decou asked if they can give him something to work with, like a description of the vehicle so that they can contact the individuals who are speeding.

FIRE DEPARTMENT:

Fire Station Project = Chief Champagne stated that Mr. David Bernard is here to

discuss the Fire Department Station Renovations. Mr. Bernard stated the project is completed and the contractor has completed the punch list with the exception of two items. Therefore it was moved by Councilman Bonin and second by Councilman Guilbeau to accept the project as complete and pay the final payment of \$11,579.70. Total cost of this project was \$115,797.00. Roll call:

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

Capital Outlay = Chief Champagne stated that he has excess insurance money therefore he would like to transfer that money to capital outlay to purchase fire fighter turnout gear. Some new members do not have gear and some gear needs to be taken out of service. They ended up \$14,000 excess last year in insurance. Along with this money they will be using the \$10,000 from the parish. They will also be using that for the turnout gear. The gear is \$1,600 a set. Therefore it was moved by Councilman Guilbeau and second by Councilwoman Batiste to transfer \$12,000 from insurance to capital outlay for the purchase of turnout gear.

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

Fulltime Chief = Chief Champagne stated that he sent out a proposal to make his position fulltime. The mayor stated it is do able right now. Gene stated the Mayor is recommending we hire Bryan as a fulltime chief starting tomorrow. We only need to amend the salary budget right now for \$5,000. Therefore it was moved by Councilman Higginbotham and second by Councilman Guilbeau to amend the Fire Department Budget for salaries for an additional \$5,000 to cover the Chief's new salary. The Fire Chief position will become fulltime effective on April 15, 2009 and the salary is \$2,700 per month. Roll call:

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

Grants = Chief Champagne stated that they have a grant application opening tomorrow. They have \$100,000 worth of equipment that they will be applying for radios. Councilman Foco also thanked him for the grants. Councilman Higginbotham questioned if that system will be compatible with other systems? Chief Champagne stated yes.

COUNCIL BUSINESS:

At Large/Councilman Foco:

Mayor's Absence = Councilman Foco stated that the Mayor is not here tonight because

he is attending the MPO meeting in Lafayette.

State Funding for Highway 90 = Councilman Foco stated that he wants to put in on the public record, that Senator Troy Hebert and Senator Mike Michot got with the governor and the governor has committed to \$5 million for the continued widening of US 90 from four lanes to six lanes. It will pick up where the \$20 million widening project leaves off, so that US 90 will be six lanes for another two miles from Morgan Street to the bridge over Highway 182. Councilman Foco requested that everyone thank Senator Hebert and Senator Michot for this. Councilman Foco stated the mayor has been fighting all down Highway 90 corridor for this.

I-49 Board = Chief Decou questioned if anyone on the I-49 Board represents Broussard? Councilman Foco stated that he doesn't know.

Festival = Councilman Foco reminded everyone about the Bon Temp Festival this weekend at Broussard Commons.

Others:

Elmer's Report = Gene stated at the last meeting we asked Elmer for a list for what else he needs in his department to be done for repairs in the sewer department. Elmer gave the report to Gene are he will report on it at the next meeting.

ADJOURN:

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

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

S/Charles E. Langlinais, MAYOR

S/Tina M. Emert, CITY CLERK