

Minutes Of The
August 11, 2009
Broussard City Council Meeting

Present: Mayor Charles Langlinais
Tina M. Emert, City Clerk
Councilman Terry Guilbeau, District I
Councilman David Bonin, District II
Councilman Keith Rousseau, District III
Councilwoman Gertrude Batiste, District IV
Councilman Kenny Higginbotham, District V
Councilman Albert Romero, District VI
Councilman Johnnie Foco, At Large
Mr. Don Landry, City Attorney
Mr. James Simon, City Attorney
Mr. Gene Chiarulli, City Bookkeeper
Mark Savoie, City Engineer
Al Reaux, City Engineer
Walter Comeaux III, City Engineer
Chief Brannon Decou, Police Chief
Larry Champagne, City Supervisor
Mel Bertrand, City foreman
Elmer Girouard, City Supervisor
Captain Justin Denais, Fire Department
The Washington Family
Mr. Roy Brown, Citizen
Ms. Carolyn Langlinais
Mr. David Gondron
Mr. & Mrs. Jimmy Gondron

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

Adopt minutes of the July 28, 2009 Regular Meeting = Councilman Rousseau moved and second by Councilman Romero adopt the minutes of the July 28, 2009 Special Meeting. Roll call:

District I = Yea
District II= Yea

District IV = Yea
District V = Yea

District III= Yea
At Large = Yea

District VI = Yea

NEW BUSINESS:

Condemnation of 108 Knight Street (Washington Property) = Ms. Annette

Washington addressed the council. Ms. Washington is requesting a 90 days extension to clean up the property, before the council moves to condemn the property. Therefore it was moved by Councilman Guilbeau and second by Councilman Higginbotham second to give the family a 90 day extension. Roll call:

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

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

Mr. Dan Foster addressed the council, who is the next door neighbor and uncle to the children. Mr. Foster stated that Ms. Washington is a single parent with children that can't afford to demolish the home. They do not have any money and are asking if the council knows of anyone that can help them to get this done. Mr. Foster stated it would take about 2 or 3 dumpsters. Chief Decou stated he thinks it may fit in 2 dumpsters. The Mayor is willing to pay for one load from his personal money and he sure the Chief of Police will do the same. Councilman Foco stated he will do the same and so did Councilman Guilbeau. Councilwoman Batiste stated she appreciates the help for the family.

OLD BUSINESS:

Gondron Lane = Mr. James Simon addressed the council. He gave the council a larger version of the survey that is attached to the dedication. Mr. Simon is taking over the issues of the dedication of Gondron Lane. Don stated he is involved in the partition suit with some of the parties in the suit that is why Mr. Simon is taking over. At the last meeting we adopted an introductory resolution for Gondron Lane. The resolution is coming up for final adoption tonight. Councilman Guilbeau stated when it was voted on Councilman Foco stated he couldn't vote on it because he had property near Gondron Lane, but he is the one signing the resolution. Attorney Landry stated they can appoint some one else to sign the resolution. If Councilman Foco wants to get someone else to sign it, he has not problem. Councilman Foco stated he had no plans on voting on it. Someone on the city council will have to execute the documents thought. Tonight Mr. Simon had been brought up to speed. He has copies of all of the documents. Mr. Simon has made some suggestions and changes to the resolution to be adopted tonight. Councilman Foco stated he was asked to do it, but he would gladly step down and he will not discuss it. The Mayor isn't signing because his wife has some property on Gondron Lane. Mayor Langlinais stated it is immaterial of who will sign the resolution. Mr. Simon also gave the council the act of dedication #86-039213 and read the dedication aloud to the council. The survey has a 50 foot right of way that starts at the center of the drainage ditch and proceeds to pass around Ms. Langlinais' property into KOL Drive. From Highway 182 to the bridge that is a private right of way. Under Louisiana law you cannot have land lock property. This whole thing has been called Gondron Lane. Councilman Guilbeau questioned how can you put a public

sign on it? Mr. Simon stated because 911 says you have to put a sign on it. He is here to discuss the right of way not the signage on the road. You also have to take the maintenance of dedication when it is dedicated. Mrs. Becky Gondron stated that she spoke to 911 and they do not address the public or private issue, they only address the naming of the road. Don stated it is half correct, because half of the road is public and the other half is private. Mr. Simon changed the resolution to remove the name of Gondron Lane, in case the council would wish to change the name. We are only trying to allow the emergency vehicles access to this road. Councilman Higginbotham also had an issue about the road itself, because it does not follow the servitude and Mr. Gondron might have to take some of his fencing down, is his concern. Mr. Simon stated we can't re-survey the road. He would suggest you have a 12-15 right of way to KOL Drive for use of emergency vehicles only. If there are encroachments on the right of way, he doesn't feel the city should remove any fencing. We would have to give the landowner notice of removing any encroachment. The easement was determined since 1986. Councilman Foco questioned about the 12 foot from center of the bridge to Highway to make a right of passage and not a right of way? Mr. Simon stated the only difference is between the verbiage, right of way and right of passage is technically the same. Mr. Simon stated you can't tell the public they can't pass, but you can't throw away the dedication. Mr. Simon stated we can abandon the right of way what we don't need later if we have to. It benefits who lives down this road. Councilman Guilbeau stated they can also use the road behind St. Cecilia if they need to get back there. Mr. Simon stated it is a dedicated public road. The only way people will know that we can't prosecute people going down the road, is if we make it known. He would like to see it evolve into a private right of way to the landowners only and give limited access to emergency vehicles. Councilman Higginbotham stated he would like to put up a gate to stop general traffic out on the road. Mr. Simon stated if any landowner objects to it, you can't do it. Mr. Simon read aloud the proposed resolution to be adopted. Councilman Bonin stated he has problems with the 4th paragraph with giving the "Mayor Pro Temp authorization to execute all documents necessary in his sole discretion." Councilman Bonin stated he never approved or gave permission to spend any money on this road. Don stated they already approved the budget and in the budget the money is dedicated for streets repairs and maintenance, to the extent that there money remaining they approved it. It doesn't mean someone has to come back for specific approval for each and every project. The request is to change the resolution to limit what the Mayor Pro temp has authority to sign. Anything in the future can come before the board after the resolution accepts the dedication. Councilman Rousseau questioned if it gives anyone carte blanche to do anything on the road? Mr. Simon stated you wouldn't give anyone that authority. Mr. Simon stated a budgetary item is approved and you don't want to piece meal anything else. Councilman Foco stated with the Lawron Act he has the same powers as the Mayor except veto power. Councilman Rousseau stated he didn't interpret it the same way Councilman Bonin did. Councilman Foco stated the Mayor asked him to do as authorized to sign the documents, but he didn't look at it because he didn't vote on the original one. Mr. Simon stated he does need someone to authorize the negotiations with the landowners. Mrs. Becky Gondron questioned if they do need a resolution? In the 2007 Judgment of Partial that the Mayor read it stated that the road will remain open and all parties will share the upkeep of the road and it subject to the right of the city. Mayor Langlais stated if there is quite title, question is who maintains the road. The actual dedication stated it is dependent on the maintenance. By adopting the resolution it will quite title. Ms. Gondron questioned why do you still have to have a resolution? She stated

he can negotiate with the landowners and then come back to the council for their approval. Mr. Simon stated because virtually it is impossible to negotiate with landowners when there is a ghost in the closet. Mayor Langlinais stated the point is this is previous to this incident in Scott, that they had to evacuate a 5 mile area. Mayor Langlinais stated in the end you have to quite title, so you have to have one person negotiating. Mr. Simon stated he can come back to board after he talks to the property owners. Councilman Guilbeau stated he thinks the 50 foot right of way was put when Mr. Gondron's was built for the mortgage. Mrs. Gondron questioned before the signs were put up, it was shell road and she is questioning if it is not made public then the emergency vehicles will not be able to go down the road when an emergency situation arises? She stated Attorney Landry stated it. Mr. Landry stated he did not say it. Councilman Rousseau stated the city has not taken care of the road since 1986 and we need a quite title. He was there when Fleming Foods burned. In the event they need to go down that road, we need to provide them with a road they can go down. He feels we need to sit with Mr. Simon one on one and get this resolved. We need to make sure that we are doing what is right by the city. We want to make sure the road is right. It can't be this difficult. Mrs. Gondron stated she has a hard time seeing why they need a resolution. She feels the council needs to know what is going on, not just one person making a resolution. Mrs. Gondron stated she feels we need to negotiate with her and her husband do not want thru traffic. Everyone has an access on Highway 182 or KOL Drive. Councilman Guilbeau stated we can't make it public if it is not a public road. Councilman Foco stated he agrees with Terry, but at one time someone built a bridge to develop that piece of property and they used our dollars to do it and that makes it public. Don stated from KOL Drive to bridge it is public. Jimmy stated in 1952 M. P. Dumensil built the bridge. They dredge the canal to the Vermillion. The police jury built the bridge. He called the parish last year and he wanted them to come check the decking and they didn't want to come check it because they claim it is a private bridge. Mayor Langlinais questioned David what he wants to do? Mr. Gondron stated he has maintained the bridge the last 10 years. Mrs. Gondron stated her father's intent was to give the 50 foot right of way and she would like to keep it private for emergency access only. Jimmy Gondron stated he has some people that don't respect it including people from Doele Foods. Mr Gondron stated he didn't agree to the judgment that the Mayor has. He doesn't mind the fire trucks going down this private road; he wants to put up a gate. The little road will remain open. His next door neighbor has parties all the time and people come thru at 2 or 3 in the morning. The gate will defer people from Doelre Food Services. Don stated the landowners are regulated by the judgment. Councilman Bonin questioned what about the ordinance? Don stated he transferred it into Mr. Simon's hands. The only thing is Mr. Simon is asking for is the resolution to be adopted and then he can negotiate with the landowners. Councilman Foco stated all we have to do is take out the Mayor Pro Temp and all necessary in his sole discretion. It makes it look like he has the authority to do it all. Simon requested he set-up three men he can go back to after he negotiates. Simon stated they will have no leverage with any landowners if this resolution is not adopted. Councilman Guilbeau questioned Mrs. Carolyn Langlinais since the green signs were put up has she seen more traffic? Carolyn stated she hasn't seen more traffic. Mr. Jimmy Gondron stated that people don't pay attention to signs; a gate is the only way to control the traffic back there. Mr. David Gondron stated he has seen one vehicle go back there since we first started discussing this couple of months ago. Mayor Langlinais asked to drop the entire last paragraph and put Councilman Rousseau in there to negotiate with parties and bring back up for recommendation.

Mrs. Becky Gondron has a lot of respect for this city council, but she is asking them to be cautious of what they adopt. It is not necessary to adopt this resolution. Her husband gave some paperwork to Mr. James Simon that he would like the council to look at. The paperwork shows after 10 years the dedication is extinguished. Simon stated it does not apply to city dedication. Mrs. Becky Gondron questioned how has the city paid for the maintenance of the bridge in the tune of \$30,000 + without council approval? Councilman Foco asked Chief Decou how long has he been in office and how many times has he been called by Mr. Gondron for the traffic on that road. Chief Decou stated he has been in office for 8 ½ years and he has been called twice. Mr. Simon asked the council to make a motion of what they want the resolution to read and he will put it in the resolution and he will continue negotiating and report to the board next month and if want to designate a person to work with him. Mr. Simon stated all we are doing is ratifying this document to go forward. Councilman Bonin questioned what about 182 to the bridge? Simon stated it is taken out. Mrs. Gondron requested that he word the resolution and then come back. Councilman Foco questioned come back for what, we spent 1 ½ and got nowhere; we can re-word it right now. Jimmy Gondron stated so the town waited 23 years for formal acceptance. Simon stated it doesn't matter how long we waited. Councilman Foco stated we have 2 attorneys that are telling this needs to be done. Ms. Gondron questioned why can't we have two people be authorized to sign instead of just one? She also stated that she would like a copy of resolution when council takes action. She would also appreciate a call if this is discussed again at a meeting. Councilman Guilbeau stated he would agree to put it private and the town will maintain it. Simon stated that we can't make it private and work on the bridge. Councilman Bonin moved and Councilman Guilbeau second to table this resolution till it is amended. Roll call:

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

Attorney Landry explained that the last paragraph on page 1 is being deleted. Councilman Bonin stated also in the third paragraph the right of way from the bridge to Highway 182 also needs to be deleted. Mayor Langlinais stated assume you have a house for sale and you abandon everything and change it to 15 foot road, which would that be sufficient to sell the property. Simon stated it is really a mortgage company issue. It needs to cured. Mayor Langlinais stated he has a problem with not dedicating. Simon stated we can take this resolution change the third paragraph and remove the language along with the last paragraph. You are just ratifying the dedication that is the recorded. Don showed the council that stated that Mr. Simon amended it with the changes. Councilman Rousseau stated if they don't adopt the resolution, there are no negotiations with the attorney. Therefore it was moved by Councilman Higginbotham and second by Councilman Romero amended Resolution #257-09 as follows: removing the wording in the third paragraph "and in furtherance thereof to acquire additional right of way from Louisiana Highway 182 to the aforementioned right of way and servitude; and" and deleting paragraph 5. Roll call:

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

Councilman Foco stated as a citizen he would like to know who paid for the bridge. He asked Mr. Simon to find that out for him.

ENGINEER'S REPORT:

Mark's Report:

Sewage Re-Hab Project = Councilman Bonin stated about 4 residences in his district have sewage leaks on their property, how does that work getting the leaks repaired? Mark stated if they qualify under the income level, the city is allowed to make repairs on private property only on under this grant. Mark asked that he check with Cindy with the status about this. Mark stated all they do is the list and they send it to the city to send out the list. They only qualify only because of their income for repairs and if they are over the income level, then they have to repair it themselves.

Al's Report:

Sewage Pond = Al stated the surface has been dressed out. They are waiting on 2 valves and the hydro-seeding to be done. The overall project is 70% complete. Mayor Langlinais told Mark that we need to call Paige and tell him we are ready to bid.

Walter's Report:

Mr. Comeaux had already left the meeting.

ACCOUNTANT'S REPORT:

Nothing to report on.

ATTORNEY'S REPORT:

Nothing to report on.

POLICE DEPARTMENT:

Traffic Light at Home Depot on St. Nazairre = Councilman Higginbotham stated that he received a complaint about the traffic light at Walmart by the Home Depot intersection on St. Nazairre Road is sticking. Mayor Langlinais asked Tina to call Dean Tekell tomorrow.

National Night Out = Chief Decou thanked everyone for coming out for the National Night Out. Next year they are talking about maybe moving it to October. He thanked the council for their participation.

FIRE DEPARTMENT:

Nothing to report on.

COUNCIL BUSINESS:

District III/Councilman Rousseau:

Officer Commendation = Councilman Rousseau wanted to commend the officer that worked the accident his daughter was involved in. The officer did an outstanding job. It really meant a lot to him.

District IV/Councilwoman Batiste:

Thanks = Councilwoman Batiste thanked the council members, the Mayor and Chief who are assisting the Washington's to clean up their property. She also thanked the fire department for their help at the fire the other night on Ned L.

At Large/Councilman Foco:

Garbage Service = Councilman Foco stated he called Waste Management about one of their drivers, because he witnessed a guy in waste Management truck dump trash on the road and then get out of the truck and put the trash back in the truck. He thinks they are doing a good job. Councilman Bonin stated last week his trash was not picked up. They always leave trash on the ground.

Gondron Lane = Councilman Foco thanked Councilman Guilbeau for bringing it to his attention about the signing the documents. He thought he was going to be there, get a recommendation from Mr. Simon and then come back and get the council to sign it. It needs to be put to rest. It is a public bridge on a private road for emergency vehicles. Mayor Langlinois asked Don to call Clint Adcock to see if this would be a potential issue for a sale in the future. Don stated he may be able to answer it for some, but he may not be able to answer it for all. Don stated we may have to keep the 50 foot and acquire some to the bridge. Al Reaux stated that the requirement to have a 50 foot or 60 foot in front of the parcel of property or the entire road. Reaux stated these out of state mortgagers have their own rules and regulations.

ADJOURN:

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

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

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

S/Charles E. Langlinais, MAYOR

S/Tina M. Emert, CITY CLERK