

**OFFICIAL MINUTES OF THE CITY COUNCIL
CITY OF THIBODAUX
CITY HALL
THIBODAUX, LOUISIANA
DECEMBER 16, 2008**

The City Council of the City of Thibodaux assembled in regular session at its regular meeting place, City Hall, 310 West 2nd Street, Thibodaux, Louisiana, on Tuesday, December 16, 2008 at 5:00 o'clock P.M.

There were present: Councilmen Hebert, Richard, Taylor, Badeaux and Mire.

There were also present: Mayor Charles Caillouet and Germaine Jackson.

The minutes of the December 2, 2008 Council Meeting were approved as written.

The minutes of the December 2, 2008 Budget Hearing were approved as written.

The City is involved in a lawsuit filed by an individual relative to a slip and fall incident at the Warren J. Harang Jr. Municipal Auditorium.

The City's Attorneys have reviewed the substance of this case and feel that it would be in the best interest of the City to have this suit decided by a jury rather than the judge only. As you may recall, there is a law that allows the City to request a trial by jury. In order to formally request this trial by jury it is necessary for the City Council to adopt a resolution requesting such.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to adopt a resolution requesting a jury trial in the matter of Elizabeth Mayon vs. No. 110106 City of Thibodaux. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None

ABSTAINED: None

ABSENT: None

RESOLUTION NO. 1401

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, the City is involved in litigation as evidenced by a Suit filed as Elizabeth Mayon vs. No. 1101056 the City of Thibodaux; and

WHEREAS, pursuant to recent change in State law, the City may choose to request that this trial be decided by jury rather than the judge alone; and

WHEREAS, the City's Counsel has recommended that the City request a trial by jury.

NOW, THEREFORE BY IT RESOLVED, that the Mayor and City Council of the City of Thibodaux do hereby request that the suit entitled Elizabeth Mayon vs. No. 110106 the City of Thibodaux, be a trial by jury in accordance with applicable State law.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the appropriate District Judge in the Seventeenth Judicial District to

which this suit is assigned.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire
NAYS: None
ABSTAINED: None
ABSENT: None

And the above resolution was declared adopted this the 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

The City is involved in a lawsuit filed by an individual relative to a slip and fall incident on a City sidewalk.

The City's Attorneys have reviewed the substance of this case and feel that it would be in the best interest of the City to have this suit decided by a jury rather than the judge only. As you may recall, there is a law that allows the City to request a trial by jury. In order to formally request this trial by jury it is necessary for the City Council to adopt a resolution requesting such.

The City's Attorney explained to the Council that et al would include the City of Thibodaux.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to adopt a resolution requesting a jury trial in the matter of Gail Sylvester Davis vs. No. 110610 S. Manning, LLC, et al. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire
NAYS: None
ABSTAINED: None
ABSENT: None

RESOLUTION NO. 1402

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, the City is involved in litigation as evidenced by a Suit filed as Gail Sylvester Davis vs. No. 110610 S. Manning, LLC, et al; and

WHEREAS, pursuant to recent change in State law, the City may choose to request that this trial be decided by jury rather than the judge alone; and

WHEREAS, the City's Counsel has recommended that the City request a trial by jury.

NOW, THEREFORE BY IT RESOLVED, that the Mayor and City Council of the City of Thibodaux do hereby request that the suit entitled Gail Sylvester Davis vs. No. 110610 S. Manning, LLC, et al, be a trial by jury in accordance with applicable State law.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the appropriate District Judge in the Seventeenth Judicial District to

which this suit is assigned.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire
NAYS: None
ABSTAINED: None
ABSENT: None

And the above resolution was declared adopted this the 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

The State has created an Enterprise Zone Program which provides business owners with incentives to expand or create businesses which are located within the City.

This program provides the property owners who expand an existing business or open a new business, the right to apply for certain tax rebates for eligible project expenses.

An application for the participation in the aforesaid program has been filed with the State for the new Raising Cane's Restaurant located at 301 North Canal Boulevard. The project which has been designated as Project No. 20080900 does meet the criteria for participation.

Before the owners of this business can participate in the program, the City Council must approve the application by adopting a resolution issuing that approval.

On motion of Councilman Taylor, seconded by Councilman Badeaux, the Council voted to adopt a resolution to endorse and support Raising Cane's Restaurant, LLC's Advance Notification to participate in the Louisiana Economic Development's Enterprise Zone Program. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire
NAYS: None
ABSTAINED: None
ABSENT: None

RESOLUTION NO. 1403

**A RESOLUTION ENDORSING THE PARTICIPATION BY RAISING
CANE'S RESTAURANT, LLC IN THE BENEFITS OF THE
LOUISIANA ENTERPRISE ZONE PROGRAM**

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, in accordance with Act 948 of the 1992 Louisiana Legislature, and all subsequent amendments thereto, provided for the creation of the Louisiana Enterprise Zone Program which offers significant incentives for economic development in the City of Thibodaux; and

WHEREAS, the business of Raising Cane’s Restaurant, LLC is located on North Canal Boulevard in the City of Thibodaux; and

WHEREAS, the Advance Notification Number assigned to this business is #20080900; and

WHEREAS, the City states this endorsement is in agreement with the Overall Economic Development Plan for the City of Thibodaux; and

NOW, THEREFORE BE IT RESOLVED by the City Council in due, regular and legal session convened this 16th day of December, 2008 does hereby endorse Project# 20080900 to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None

ABSTAINED: None

ABSENT: None

And the above resolution was declared adopted this 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

The State has created an Enterprise Zone Program which provides business owners with incentives to expand or create businesses which are located within the City.

This program provides the property owners who expand an existing business or open a new business, the right to apply for certain tax rebates for eligible project expenses.

An application for the participation in the aforesaid program has been filed with the State for the new Walgreen’s Store # 12626 to be located at the intersection of Audubon Avenue and South Acadia Road. The project which has been designated as Project No. 20080964 does meet the criteria for participation.

Before the owners of this business can participate in the program, the City Council must approve the application by adopting a resolution issuing that approval.

On motion of Councilman Hebert, seconded by Councilman Taylor, the Council voted to adopt a resolution to endorse and support Walgreen Louisiana Company, Inc’s Advance Notification to participate in the Louisiana Economic Development’s Enterprise Zone Program. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None
ABSTAINED: None
ABSENT: None

RESOLUTION NO. 1404

**A RESOLUTION ENDORSING THE PARTICIPATION BY
WALGREEN LOUISIANA COMPANY, INC. IN THE BENEFITS
OF THE LOUISIANA ENTERPRISE ZONE PROGRAM**

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, in accordance with Act 948 of the 1992 Louisiana Legislature, and all subsequent amendments thereto, provided for the creation of the Louisiana Enterprise Zone Program which offers significant incentives for economic development in the City of Thibodaux; and

WHEREAS, the business of Walgreen Louisiana Company, Inc. is located on South Acadia Road in the City of Thibodaux; and

WHEREAS, the Advance Notification Number assigned to this business is #20080964; and

WHEREAS, the City states this endorsement is in agreement with the Overall Economic Development Plan for the City of Thibodaux; and

NOW, THEREFORE BE IT RESOLVED by the City Council in due, regular and legal session convened this 16th day of December, 2008 does hereby endorse Project# 20080964 to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire
NAYS: None
ABSTAINED: None
ABSENT: None

And the above resolution was declared adopted this 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

The State has created an Enterprise Zone Program/Quality Job Program which provides business owners with incentives to expand or create businesses which are located within the City.

This program provides property owners who expand an existing business or open a new business, the right to apply for certain tax rebates for eligible project expenses.

An application for the participation in the aforesaid program has been filed with the State for the new Blackhawk Oilfield Services, LLC located at 1202 Tiger Drive. The project which has been designated as Project No. 20081088 does meet the criteria for participation.

Before the owners of this business can participate in the program, the City Council must approve the application by adopting a resolution issuing that approval.

On motion of Councilman Richard, seconded by Councilman Hebert, the Council voted to adopt a resolution to endorse and support Blackhawk Oilfield Services, LLC's Advance Notification to participate in the Louisiana Economic Development's Quality Job Program. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux. Mire
NAYS: None
ABSTAINED: None
ABSENT: None

RESOLUTION NO. 1405

**A RESOLUTION ENDORSING THE PARTICIPATION
BY BLACKHAWK OILFIELD SERVICES, LLC IN THE
BENEFITS OF THE LOUISIANA ENTERPRISE ZONE
PROGRAM/QUALITY JOBS PROGRAM**

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, in accordance with Act 948 of the 1992 Louisiana Legislature, and all subsequent amendments thereto, provided for the creation of the Louisiana Enterprise Zone Program/Quality Jobs Program which offers significant incentives for economic development in the City of Thibodaux; and

WHEREAS, the business of Blackhawk Oilfield Services, LLC is located on Tiger Drive in the City of Thibodaux; and

WHEREAS, the Advance Notification Number assigned to this business is #20081088; and

WHEREAS, the City states this endorsement is in agreement with the Overall Economic Development Plan for the City of Thibodaux; and

NOW, THEREFORE BE IT RESOLVED by the City Council in due, regular and legal session convened this 16th day of December, 2008 does hereby endorse Project# 20081088 to participate in the Louisiana Enterprise Zone Program/Quality Jobs Program.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire
NAYS: None
ABSTAINED: None
ABSENT: None

And the above resolution was declared adopted this 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

The City received bids on Wednesday, December 3, 2008 for the East Thibodaux Sewer Force Main Project as prepared by David Waitz Engineering.

At the bid opening, the bid received from Phylway Construction did not acknowledge receipt to Addendum No. 1 on the outside of the envelope as instructed in the addendum sent to the contractors. The bid from Phylway was opened and they also were the apparent low bidder on the project.

The Council Administrator contacted Mike Vallen at the LA Attorney General's Office for clarification of the bid law in reference to the addendum acknowledgement not being written on the outside of the bid envelope as instructed. Mr. Vallen informed the Council Administrator that the bid should not have been opened and that the City must now reject the bid as nonresponsive and accept the next low responsible bid.

Phylway Construction does not agree with this interpretation of the bid law, therefore Mr. Waitz has requested that the Council Administrator request a written formal opinion of the Attorney General on behalf of the City for clarification of the proper way to proceed with awarding the bid for this project.

In order for the City to request an Attorney General opinion, the Council must adopt a resolution stating the circumstances of the request and submit the resolution as the formal request for the opinion.

A brief discussion was held concerning the time frame of the contract and the delay of getting an opinion from the Attorney General.

On motion of Councilman Richard, seconded by Councilman Taylor, the Council voted to adopt a resolution requesting an opinion of the Louisiana Attorney General concerning the bids received by the City for the East Thibodaux Sewer Force Main Project. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire
NAYS: None
ABSTAINED: None
ABSENT: None

RESOLUTION NO. 1406

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, the City of Thibodaux received bids on Wednesday, December 3, 2008 for the East Thibodaux Sewer Force Main and Lift Station, Waste Water System Infrastructure Improvements Project as prepared by David A. Waitz Engineering and Surveying, Inc.; and

WHEREAS, Addendum No. 1 to the bid was prepared by David Waitz and submitted to the contractors on November 26, 2008 which Addendum stated that “The Contractor shall be required to note on his bid documents and the outside of the envelope that he has received Addendum No. 1 and his bid reflects these changes”; and

WHEREAS, the bid presented by Phylway Construction, LLC was opened and they failed to acknowledge receipt of Addendum No. 1 on the outside of the bid envelope as required by the Addendum No. 1 instructions; and

WHEREAS, the opinion of the City is that based on RS 38:2212 A(1)(b) the bid of Phylway Construction must be declared irregular and returned to the bidder and a responsible bid be accepted for the project; and

WHEREAS, since a difference of opinion exists on this matter, the City should receive an Attorney General’s Opinion as to proper action to be taken by the City as to the acceptance or rejection of the bid submitted by Phylway Construction, LLC.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Thibodaux does hereby request that the Attorney General’s Office of the State of Louisiana render an opinion as to whether or not the City’s rejection of the bid submitted by Phylway Construction, LLC as nonresponsive is in accordance with the provisions of the Public Bid Law.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the State Attorney General’s Office for issuance of the requested opinion.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire
NAYS: None
ABSTAINED: None
ABSENT: None

And the above resolution was declared adopted this 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

The City Attorney is requesting that the City secure the services of a special legal counsel to represent the City in the expropriation of the vacant lot located at 1216 President Street. The Mayor wished to secure the services of David Ardoin to act as special legal counsel in this matter.

The City Attorney informed the Council Administrator that the expropriation proceedings are being initiated in order to obtain this property to be utilized as a safe ingress and egress and additional parking behind the Senior Citizen’s Center. The City has been unsuccessful in negotiating the purchase of the property with the owners, Robert and Katie Griffin since July 2007.

The City may seize private property if needed to remove a threat to public health or safety. In accordance with the La. R.S. 33.843, the City must adopt a resolution authorizing the expropriation proceeding, and written notice must be given to the property owners of the City’s intention.

Councilman Badeaux questioned the additional cost to the City by hiring an outside attorney.

The Mayor explained that the cost of hiring any attorney would be the same because they all are paid for litigation.

Councilman Taylor stated that it is apparent that the property owner's are not in agreement with the sale of the property since this issue has been presented to the Council. He stated that he has a problem with taking away personal property that a person has worked hard to acquire. He stated that he puts himself in the same situation and does not agree with going through the legal system to take away a person's private property.

The Mayor and City Attorney explained that the property is a vacant lot. The owner of the property and representatives of the City have been in negotiations since July 2007. They cannot negotiate the sale at the appraised value. The Mayor also explained the need of acquiring this property in order to have a safer access and more parking at the Senior Citizens' Center. At present, parking along Canal Boulevard is causing a safety hazard to the patrons and public at large.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to adopt a resolution authorizing the Mayor to appoint David Ardoin as special legal counsel to expropriate the vacant lot located at 1216 President Street and authorize the Mayor to execute any and all necessary documents pertaining to the expropriation. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Badeaux, Mire

NAYS: Councilman Taylor

ABSTAINED: None

ABSENT: None

RESOLUTION NO. 1407

***A RESOLUTION AUTHORIZING THE MAYOR TO APPOINT
DAVID ARDOIN AS SPECIAL LEGAL COUNSEL TO EXPROPRIATE
THE VACANT LOT LOCATED AT 1216 PRESIDENT STREET AND
AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL
NECESSARY DOCUMENTS PERTAINING TO THE EXPROPRIATION***

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that;

WHEREAS, the services of an attorney are required in the matter of the expropriation of property owned by Robert G. and Katie M. Griffin, in order to improve safety by easing traffic congestion and hazardous parking conditions and to provide safe parking ingress and egress in the area around the Senior Citizen's Center; and

WHEREAS, it is recommended by the Administration of the City of Thibodaux that the Council authorize the Mayor to sign, execute and administer any and all relevant documents and amendments.

NOW, THEREFORE BE IT RESOLVED that the City Council convened in regular session on December 16, 2008, and does hereby approve appointing David Ardoin as attorney for the City to expropriate property, and authorize the Mayor to sign, execute and administer all relevant documents and amendments.

BE IT FURTHER RESOLVED that a copy of the property description is attached hereto as "Exhibit A" and thereby made a part thereof.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Badeaux, Mire
NAYS: Councilman Taylor
ABSTAIN: None
ABSENT: None

And the above resolution was declared adopted this 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

Councilman Badeaux has received requests from his constituents concerning Charter Communications. He is requesting that the City Council consider the adoption of a resolution requesting that Carter Communications establish a local telephone number for residents of Thibodaux to have access to local customer service.

If adopted, the Council Administrator will forward the resolution to the Director of Government Relations, Mr. Nick Pavlis in Tennessee for consideration.

Councilman Badeaux explained that he is not trying to tell them how to run their business. He feels that it would better customer service and increase the company's business in this area.

On motion of Councilman Badeaux, seconded by Councilman Richard, the Council voted to adopt a resolution requesting that Charter Communications establish a local telephone number to serve the citizens of Thibodaux. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire
NAYS: None
ABSTAINED: None
ABSENT: None

RESOLUTION NO. 1408

***BE IT RESOLVED* by the City Council of the City of Thibodaux in regular session assembled, that:**

***WHEREAS*, the City of Thibodaux entered into a franchise agreement with Charter Communications for the operation of cable television and internet services within the city limits of Thibodaux; and**

***WHEREAS*, Charter Communications has established toll free telephone numbers to for all customer service requests within the local service area; and**

***WHEREAS*, Councilman Badeaux has received requests from Thibodaux residents to request that Charter Communications establish a local telephone number in order to provide customer service to the citizens of this area.**

***NOW, THEREFORE BE IT RESOLVED* that the City Council of the City of Thibodaux does hereby request that Charter Communications establish a local telephone number for customer service issues in the Thibodaux area.**

***BE IT FURTHER RESOLVED* that a certified copy of this resolution be forwarded to Charter Communications, PO Box 600, Alcoa, TN 37701 for consideration of this request.**

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None

ABSTAINED: None

ABSENT: None

And the above resolution was declared adopted, this 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

Councilman Badeaux has requested that the City Council consider the adoption of a resolution commending the Thibodaux Fire Company #1 for 150 years of service to the City of Thibodaux.

Thibodaux Fire Company #1 has been committed to the community and citizens of Thibodaux since June 1858.

Councilman Badeaux read the resolution. He then thanked Thibodaux Fire Company #1 for their outstanding service and took a picture of the attending members accepting the plaque.

By acclamation the Council voted to adopt a resolution commending Thibodaux Fire Company #1 for 150 years of service to the City of Thibodaux. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None

ABSTAINED: None

ABSENT: None

RESOLUTION NO. 1409

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, on June 10, 1858 a group of Thibodaux men organized a fire fighting group and after one year of independent operation they petitioned the Town Council for recognition and aid; and

WHEREAS, on August 5, 1859 the Corporation of Thibodaux accepted the constitution of the group as presented and officially became Thibodaux Fire Company #1; and

WHEREAS, Thibodaux Fire Company #1 has been truly committed to protecting the citizens of the City of Thibodaux for the past 150 years and works in close harmony with the other Thibodaux Fire Companies to provide the highest quality of fire protection to the City of Thibodaux; and

WHEREAS, the said company has adopted and lived up to its motto of "Always Ready" for 150 years of dedicated service to the community of Thibodaux.

NOW, THEREFORE BE IT RESOLVED that the City Council and Mayor of the City of Thibodaux does hereby commend Thibodaux Fire Company #1 for their dedication and commitment to the community and the citizens of the City of Thibodaux from 1858-2008.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux and Mire

NAYS: None

ABSENT: None

And the above resolution was declared adopted this the 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

In order for the City Council to comply with the provisions of Article III, Section 2(G) of the Thibodaux City Charter, certain determinations must be made and actions taken at the December 16, 2008 meeting.

In accordance with the provisions of the said section, the Council must elect from its at-large members, a President and Vice-President for the upcoming year. It also mandates that the Council prescribe the meeting dates, times and location of the regular Council Meetings for the year to come.

Although the Charter does not specifically require an established voting order for the Council, Section 2(G) (4) states that the Council shall determine its own rules of order relative to conducting official Council business. Although we do utilize the voting board now, we would need to establish an order should a voice vote be requested.

The Council Administrator also recommends that the Council consider the adoption of some type of rules of order to be employed for the organization and at the Council meetings.

On motion of Councilman Badeaux , seconded by Councilman Hebert, the Council voted to adopt a resolution designating the Council President and Vice President, meeting dates, location and times, and rules of order for the City Council for the Year 2009. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None

ABSTAINED: None

ABSENT: None

RESOLUTION NO. 1410

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, in accordance with the provisions of Article III, Section G of the City Charter, the Council must establish its meeting dates, times and location for the year 2009; and

WHEREAS, the Council must also establish a voting order and Rules of Order for its meetings for the year 2009; and

WHEREAS, the Council must also select a President and Vice-President to serve in that capacity for the year 2009.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Thibodaux does hereby establish that its meetings for the year 2009 will be held on the first and third Tuesday of each month at 5:00 PM in the Council Chambers on the second floor of City Hall.

BE IT FURTHER RESOLVED that the Council will utilize the attached rules of order for its meetings for the year 2009 and should a voice vote be taken at any time, the voting order will be District A, District B, District C, Vice-President, President.

BE IT FURTHER RESOLVED that Councilman Mire will serve in the capacity of President of the Council and Councilman Badeaux will serve in the capacity of Vice-President of the Council for the year 2009.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None

ABSENT: None

ABSTAINED: None

And the above resolution was declared adopted this 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

The Building Inspector has inspected the structure located at 1221 Narrow Street that is substandard and poses a threat to the safety and welfare of the residents living in the neighborhood where the structure is located.

In accordance with the provisions of LRS 33:4762, the City Council must afford the property owner or resident the opportunity to contest the proposed condemnation order.

The City Attorney notified the property owner that the Council would conduct a hearing on the possible condemnation of their structure at the December 16, 2008 meeting.

The City Attorney received a letter from the property owner asking for an extension of time.

The Council consulted with the City's Attorney and decided to give additional time for the property owner to either take care of the issues or appear before the Council at its February 17, 2009 meeting.

On motion of Councilman Hebert, seconded by Councilman Taylor, the Council voted to adopt a motion allowing the property owner additional time to either resolve the situation or appear before the Council. The Public Hearing will be held at the Council Meeting on Tuesday, February 17, 2009. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None

ABSTAINED: None

ABSENT: None

Councilman Taylor introduced an ordinance authorizing the Mayor to sign a grant agreement with the Office of State Parks/Louisiana Recreational Trails

Grant Program. The Public Hearing for this ordinance will be held at the Council Meeting on Tuesday, January 6, 2009.

The Lafourche Parish School Board is the central collection agency for public agencies in the Parish of Lafourche for the collection of sales and use taxes.

The City's current agreement with the School Board expired at the end of June, and therefore, it is necessary for the City to execute a new agreement for an additional two year period. The current commission paid to the School Board for collection services is 0.90%.

After a recent meeting with the Lafourche Parish Oversight Committee, the School Board has presented the Mayor with a proposed agreement which proposes to collect the sales and use tax for the City and charge all agencies the same commission of 0.90% for the collection services rendered.

On motion of Councilman Richard, seconded by Councilman Badeaux, the Council voted to adopt an ordinance authorizing the Mayor to execute a Sales and Use Tax Collection Agreement with the Lafourche Parish School Board. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None

ABSTAINED: None

ABSENT: None

ORDINANCE NO. 2435

***AN ORDINANCE AUTHORIZING THE MAYOR
TO EXECUTE A SALES TAX COLLECTION
AGREEMENT WITH THE LAFOURCHE
PARISH SCHOOL BOARD***

***BE IT ORDAINED* by the City Council of the City of Thibodaux in regular session assembled, that:**

***WHEREAS*, in accordance with applicable state law, the municipalities and public entities of the Parish of Lafourche are mandated to appoint a single collection agency to collect all sales and use tax levied in the Parish; and**

***WHEREAS*, the Lafourche Parish School Board has been designated as the central collection agency for the Parish; and**

***WHEREAS*, it is necessary to execute an agreement with the Lafourche Parish School Board for the collection of the Sales and Use Tax for the City of Thibodaux; and**

***WHEREAS*, the said agreement will be for a period of two years from July 1, 2008 to June 30, 2010, with the City paying the said board a commission of 0.90% for the collection services.**

***NOW, THEREFORE BE IT ORDAINED* by the City Council of the City of Thibodaux in regular session assembled, that the Mayor be and is hereby authorized to execute a two year sales tax collection agreement with the Lafourche Parish School Board at a commission of 0.90%.**

***BE IT FURTHER ORDAINED* that a copy of the said agreement is attached hereto as Exhibit "A" and thereby made a part hereof.**

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Centanni, Mire
NAYS: None
ABSTAINED: None
ABSENT: None

And the above ordinance was declared adopted this 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

The Finance Director informed the Council Administrator that it is time to present the Council with the year-end supplement appropriation to the 2008 Budget.

The proposed adjustments to the budget will accommodate transfers of funds within a department by reducing or increasing appropriations in individual line-items or the lack of appropriations. All of these adjustments are required in order to comply with State Law which requires that our budget, after all adjustments, be within five (5%) percent of the actual activity after being audited.

It should be noted that a majority of the transferred funds are a result of the re-budgeting of funds from projects and purchases originally budgeted in 2008 but will not be initiated until 2009.

On motion of Councilman Taylor , seconded by Councilman Hebert, the Council voted to adopt an ordinance amending Ordinance No. 2363 "Appropriation Ordinance for the Year 2008" (Supplemental Appropriation). Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire
NAYS: None
ABSTAINED: None
ABSENT: None

ORDINANCE NO. 2436

***AN ORDINANCE TO AMEND ORDINANCE NO. 2363
"APPROPRIATION ORDINANCE FOR THE YEAR 2008"
(SUPPLEMENTAL APPROPRIATION)***

BE IT ORDAINED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, Article VI, Section 1 of the Thibodaux City Charter indicates that the appropriation ordinance shall contain appropriations of the expenditures for each City Department; and

WHEREAS, Ordinance No. 2363 adopted by the City Council on November 26, 2007 approved appropriations for the 2008 Budget by line item; and

WHEREAS, Article VI, Section 2 of the Thibodaux City Charter reads in part, "If during the fiscal year the Mayor certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the Mayor may present a supplemental appropriation ordinance for the disposition of such revenues; and the Council may adopt it."

NOW, THEREFORE BE IT ORDAINED, that in accordance with Article VI, Section 2 of the Thibodaux City Charter, that the following items as indicated are amended in accordance with the recommendations of the Mayor:

(Exhibit "A")

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None

ABSENT: None

ABSTAINED: None

And the above ordinance was declared adopted this 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

The Zoning Administrator informed the Council Administrator that the Planning and Zoning Commission has recommended that the City Council consider an ordinance to change the zoning designation for a tract of property from an R-4 Zone to a C-2 Zone.

The tract of property is owned by Acadia Agricultural Holdings, LLC, and it is located on the east side of Audubon Avenue southeast of the intersection of Audubon Avenue and South Acadia Drive. The tract of property is approximately 25.76 acres in size.

The proposed re-zoning was discussed and approved by the Planning and Zoning Commission at their meeting October 8, 2008.

On motion of Councilman Richard, seconded by Councilman Hebert, the Council voted to adopt an ordinance amending Article I, Section 101 of the Official Zoning Map to change the zoning designation for a tract of property located along South Acadia Drive from an R-4 District to a C-2 District. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None

ABSTAINED: None

ABSENT: None

ORDINANCE NO. 2437

AN ORDINANCE TO AMEND ARTICLE I, SECTION 101 OF THE OFFICIAL ZONING MAP TO CHANGE THE ZONING CLASSIFICATION FOR A TRACT OF PROPERTY LOCATED ALONG SOUTH ACADIA DRIVE FROM AN R-4 DISTRICT TO A C-2 DISTRICT

BE IT ORDAINED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, in accordance with the provisions of Article I of the Thibodaux Zoning

Ordinance, a tract 25.76 acre tract of property owned by Acadia Agricultural Holdings, LLC located on the east side of Audubon Avenue, southeast of the intersection of Audubon Avenue and South Acadia Drive is currently zoned R-4; and

WHEREAS, in order to accommodate the construction of a proposed commercial development in this area, it has been requested by the owners that the property be given the zoning classification of C-2; and

WHEREAS, a request for the said zoning change of the property was duly referred to the Thibodaux Planning and Zoning Commission, which, after all legal requirements, including public hearings, has recommended favorable consideration of the requests.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Thibodaux that the aforesaid 25.76 acre tract of property located on the east side of Audubon Avenue, southeast of the intersection of Audubon Avenue and South Acadia Road is hereby officially changed from the zoning classification of R-4 to that of C-2.

BE IT FURTHER ORDAINED that the Official Zoning Map of the City of Thibodaux is hereby amended so as to reflect the changes in zoning designations as set forth herein.

BE IT FURTHER ORDAINED that a plat illustrating the area to be re-zoned to C-2 is attached hereto as Exhibit "A" and thereby made a part hereof.

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux, Mire

NAYS: None

ABSENT: None

ABSTAINED: None

And the above ordinance was declared adopted this 16th day of December 2008.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire
Chad J. Mire, President

Claire Fabre, 310 St. Phillip Street, addressed the Council and read the following letter:

On the Morning of December 7, 2008 at approximately 2:30 A.M. my boyfriend and I were awakened by what sounded like an angry mob underneath our apartment window. We have lived in the downtown Thibodaux area for a year now, and have become not use to, but aware of this kind of commotion on weekend nights. This time the commotion was louder and more angry than usual. Quickly looking out of our window I saw thirty or more people standing in a circle watching three men beating another man. Before seeing the man thrown onto my car I grabbed my cell phone and dialed 911.

In horror, as I was speaking to the operator, I saw adult human beings just laughing and watching men beat each other until one lay unconscious on the ground. These men were obviously intoxicated, and there were no police officers in the area to break up this beating. Around ten minutes after I had called 911 police cars and an ambulance had arrived. From all of my panic and worry for the man who had been beaten I forgot about my car being damaged in this disgusting

display of human ignorance. The 911 operator told me to stay in my apartment and wait until morning to check on my vehicle. Well, she didn't have to tell me twice! At this point I was in tears. Not for my '98 Civic that may have a dent in its side, but for the state of the citizens in Lafourche Parish; this month of December so close to Christmas. These acts of violence and public indecency have not just begun. They have been gradually getting worse for the past six months. Since my boyfriend and I have been living in our apartment we have seen numerous incidents that could have been avoided if a police officer would have simply been present.

On Sunday, when I filed a report with the Thibodaux Police Department, I was told by the officer, "I'm sorry but we are short staffed at the moment."

My question then is, how long have you been short staffed, and what are you doing about it? I do on occasion see officers in our area. There are two police cars parked side by side next to Pepper's Pizzeria while the officers are outside their cars talking not only to each other but the local drunks. For at least six months I have seen many police officers driving around Thibodaux. Lately and on weekend nights why can't even one of them park his or her car on my street, or why can't those two nice officers standing by Peppers' drive their cars around downtown instead of staying parked? Perhaps even those officers could walk to the end of the block.

Downtown is an area where young teens and college age kids go to get "wasted", homeless men beg for money, and alcoholics go to get their next fix. Men have urinated on my front steps, windows and doors of locally owned stores have been bashed in, a beer bottle was thrown at my friend who was coming to visit me one evening, missing his head by inches, and the most recent occurrence my car's side has a two foot long dent due to the fight I spoke of previously. This is a short list of the violent and indecent acts that I have witnessed in the past few months. There are others, but as a young woman standing before you I'm too embarrassed to even speak of them. In an area where most of the drinkers are under the age of 25 I believe that police presence should be the number one priority of the Thibodaux Police Department.

I'm here today to ask, what will it take to change this? What can we do to change this? How can you deny the citizens of Downtown Thibodaux a request that is as simple as one patrol car on the corner of one block that has recurring violence? I have spoken to my neighbors and they too have asked the police department countless amounts of times to patrol down our street, but nothing has changed.

I have tried to be patient for many months. This is my cry for help. What do I have to do? I no longer feel safe in a town I love dearly.

The Mayor, Chief of Police, and Council discussed these issues and assured Ms. Fabre that this situation would be addressed by the police department. The Council asked for a follow up on this situation from the police department. Craig Melancon, Chief of Police, assured the Council that he would keep them informed on the progress of this situation through the Mayor's Office.

Councilman Chad Mire also reminded the public that the January 6, 2009 Council Meeting will be held at the Warren J. Harang Jr. Municipal Auditorium in the Plantation Room at 5:00 P.M.

There being no further business the meeting was adjourned.

Jennifer Morvant, Council Adm.

Chad J. Mire, President

