

**OFFICIAL MINUTES OF THE CITY COUNCIL
CITY OF THIBODAUX
CITY HALL
THIBODAUX, LOUISIANA
FEBRUARY 18, 2010**

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 Thursday, February 18, 2010 at 5:00 o'clock P.M.

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

Absent: Councilman Mire

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

The minutes of the February 2, 2010 Council Meeting were approved as written.

Councilman Taylor introduced an ordinance to amend and re-enact Section 10-14 Sub-Section (a) (3) of the Thibodaux City Code of Ordinances (Solid Waste Collection). The Public Hearing for this ordinance will be held at the March 2, 2010 Council Meeting.

Councilman Hebert introduced an ordinance to amend and re-enact Section 2-4 Sub-Section (a) of the Thibodaux City Code of Ordinances (Prison Labor). The Public Hearing for this ordinance will be held at the March 2, 2010 Council Meeting.

On February 9, 2010 the City received bids for the Thibodaux Senior Citizens Center Parking Lot Addition.

The lowest responsible bid was received from Byron Talbot Contractor, Inc. in the amount of \$120,664.20. Mr. Leonard Chauvin is recommending that the City accept the bid of Byron Talbot Contractor, Inc.

On motion of Councilman Richard, seconded by Councilman Taylor, the Council voted to adopt a resolution accepting the low bid of Byron Talbot Contractor, Inc., for the Thibodaux Senior Citizens Parking Lot Addition and authorizing the Mayor to sign a contract therewith. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

RESOLUTION NO. 1525

***A RESOLUTION ACCEPTING THE LOW BID OF BYRON
TALBOT CONTRACTOR, INC. FOR THE THIBODAUX
SENIOR CITIZENS CENTER PARKING LOT ADDITION AND
AUTHORIZING THE MAYOR TO SIGN A CONTRACT
THEREWITH***

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

WHEREAS, the City has received bids for the Thibodaux Senior Citizens Center Parking Lot Addition Project; and

WHEREAS, the low bid received was from Byron Talbot Contractor, Inc. in the amount of \$120,664.20; and

WHEREAS, it is necessary to consider the acceptance of the low bid and execute a contract with the said contractor for the services mentioned hereinbefore.

NOW, THEREFORE BE IT RESOLVED that the City does hereby accept the low bid submitted by Byron Talbot Contractor, Inc. in the amount stated hereinbefore.

BE IT FURTHER RESOLVED by the City Council that the Mayor be and is hereby authorized to execute a contract with Byron Talbot Contractor, Inc. for the project stated herein.

BE IT FURTHER RESOLVED that in addition to the contract document itself, the Mayor is also empowered to execute all change orders relative to the contract after approval by the City Council by means of an appropriate resolution.

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

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

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

And the above resolution was declared adopted this 18th day of February 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

The term of Mr. Rudy Soignet as a regular member of the Thibodaux Board of Adjustments has expired.

In accordance with the provisions of the Thibodaux Zoning Ordinance, the City Council has appointing authority for this City Board.

In the past, we have rotated appointments by Council Members for the boards which they appoint. In keeping with this policy, Councilman Gene Richard would be next in the order of rotation for the appointment in this matter.

Therefore, Councilman Richard has agreed to nominate Mr. Soignet for re-appointment to the board for a five (5) year term. His term will expire on February 18, 2015.

On motion of Councilman Richard, seconded by Councilman Hebert, the Council voted to adopt a resolution approving the appointment of Mr. Rudy Soignet to the Thibodaux Board of Adjustments. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

RESOLUTION NO. 1526

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

WHEREAS, the Thibodaux Board of Adjustments is comprised of five regular members and two alternate members; and

WHEREAS, due to the expiration of the term of Mr. Rudy Soignet as a regular board member, it is necessary for the City Council to appoint an individual to fill the vacancy created; and

WHEREAS, in accordance with the rotation method of nomination employed by the City Council, Councilman Gene Richard has nominated Mr. Rudy Soignet for re-appointment to the Board.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Thibodaux that in accordance with the provisions of Article IX of the Thibodaux Zoning Ordinance, Rudy Soignet is hereby appointed as a regular member to the Thibodaux Board of Adjustment.

BE IT FURTHER RESOLVED that the term of Mr. Rudy Soignet will expire February 18, 2015.

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

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

And the above resolution was declared adopted this 18th day of February 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

The Council established a moratorium on the issuance of any and all permits for the placement of manufactured homes within R-3 zoning districts in the City for 180 days on August 18, 2009.

Due to the expiration of the moratorium, the Council should discuss if it is necessary to extend the moratorium, or if they wish to allow the issuance of permits to place manufactured homes within R-3 zoning districts.

The Council discussed issues involving a study being done by South Central Planning involving zoning issues within the City. After discussing these issues they concluded that this moratorium should be extended to have the results of the study before making a final decision.

On motion of Councilman Richard, seconded by Councilman Hebert, the Council voted to add an item to the agenda. Upon roll call the vote was as follows:

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

On motion of Councilman Taylor, seconded by Councilman Richard, the Council adopted a resolution extending the moratorium issued by the Council on 8/18/09 on the issuance of any and all permits for the placement of manufactured homes within an R-3 Zoning District in the City of Thibodaux for 90 days. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

RESOLUTION NO. 1527

***A RESOLUTION ESTABLISHING A MORATORIUM ON THE
ISSUANCE OF ANY AND ALL PERMITS FOR THE
PLACEMENT OF MANUFACTURED HOMES WITHIN R-3
ZONING DISTRICTS IN THE CITY OF THIBODAUX***

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

WHEREAS, the current zoning district regulations were adopted by the City Council on December 2, 2008 as recommended by the Planning and Zoning Commission; and

WHEREAS, the City Council has received several complaints from residents in the R-3 zoning designation concerning the new regulations allowing mobile homes to be placed in an R-3 zone; and

WHEREAS, in order to allow the City Council the time needed to study the impact of allowing mobile homes to be placed within an R-3 zoning district, they are hereby issuing a moratorium on the issuance of any and all permits to place mobile homes within an R-3 zoning district.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council of the City of Thibodaux does hereby issue a moratorium on the issuance of any and all permits for the placement of manufactured homes within an R-3 zoning district within the City of Thibodaux.

2. The moratorium shall be effective immediately upon its adoption and remain in full force and effect for a period of ninety (90) days in order to conduct a study of the revised zoning district regulations and make any changes deemed necessary by the City Council.

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

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAIN: None

ABSENT: Councilman Mire

And the above resolution was declared adopted this 18th day of February 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

The Building Inspector has inspected the structure located at 218 North 11th 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 owners that the Council would conduct a hearing on the possible condemnation of their structure at tonight's meeting.

Rosa Adams, of 1326 Midland Drive, addressed the Council and explained that she was in the process of trying to open a succession. She would like her son to take over the property as soon as this is done.

The Building Inspector explained that the property needs to be secured and safety concerns must be addressed in order to be in compliance.

The Council suggested that Mrs. Adams meet with the Building Inspector to discuss issues concerning this property.

The Council held two condemnation status hearings at tonight's meeting.

The first hearing is for the property located at 1516 Bell Street. The Building Inspector informed the Council at the January 19, 2010 meeting that he had spoken to the owners of this property, and they were in the process of having the property demolished and cleared of all debris. The Council asked the Inspector to give a status report in 30 days to report on the progress of the demolition.

The City Attorney explained that a demolition permit was not issued to the owner of the property and no one had contacted her in regards to this hearing.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to proceed with condemnation for the property located at 1516 Bell Street. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

The second hearing is for property located at 1123 Louise Street. This property came before the Council for the second time at the January 5, 2010 meeting. Councilman Taylor reported at this meeting that the work had begun on this property and asked the Council to allow the family an additional 30 days to acquire the necessary permits and complete the work. The Council agreed to allow the additional time and asked that the owners appear at tonight's meeting for a status report.

The Building Inspector stated that improvements were made to property.

This item required no further action from the Council.

The Grants Director informed the Council Administrator that the State of Louisiana, Office of the Governor has awarded the City funding through the Local Government Assistance Program (LGAP) Grant in the amount of \$50,000.00. The funds will be used to purchase emergency generators for the sewer lift stations.

On motion of Councilman Richard, seconded by Councilman Taylor, the Council voted to adopt an ordinance authorizing the Mayor to sign a grant agreement with the State of Louisiana Office of the Governor for a FY 09-10

Louisiana Local Government Assistance Program Grant. Upon roll call the vote was as follows:

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

ORDINANCE NO. 2500

*AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN
A GRANT AGREEMENT WITH THE STATE OF LOUISIANA OFFICE OF
THE GOVERNOR FOR A FY 09-10 LOUISIANA LOCAL GOVERNMENT
ASSISTANCE PROGRAM GRANT*

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

WHEREAS, the City has applied for a Louisiana Local Government Assistance Program (LGAP) Grant for the purchase of emergency generators for the City's sewer lift stations; and

WHEREAS, the LGAP has awarded a grant to the City in the amount of \$50,000.00; and

WHEREAS, it is necessary to execute an agreement with the State of Louisiana for the LGAP grant mentioned hereinbefore.

NOW, THEREFORE BE IT ORDAINED by the City Council that the Mayor be and is hereby authorized to execute a grant agreement with the State of Louisiana Office of the Governor for a FY 2009-2010 Local Government Assistance Program Grant.

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, Badeaux
NAYS: None
ABSTAIN: None
ABSENT: Councilman Mire

And the above ordinance was declared adopted this 18th day of February 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

The Zoning Administrator requested that the City Council consider the adoption of an ordinance in order to amend the City's Building Code so as to adopt the 2008 Edition of the National Electrical Code.

The current ordinance references the 2005 Edition of the NEC, and the State has mandated that all municipalities must adopt the revised 2008 Edition of the NEC effective January 1, 2010.

The Building Inspector answered questions from the Council in regard to the changes in the new edition of the National Electrical Codes.

On motion of Councilman Hebert, seconded by Councilman Taylor, the Council voted to adopt an ordinance to amend and re-enact Section 6-1 of the Thibodaux City Code of Ordinances so as to adopt the 2008 Edition of the National Electrical Code. Upon roll call the vote was as follows:

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

ORDINANCE NO. 2501

***AN ORDINANCE TO AMEND AND RE-ENACT
SECTION 6-1 OF THE THIBODAUX CITY CODE
OF ORDINANCES SO AS ADOPT THE 2008 EDITION OF THE
NATIONAL ELECTRICAL CODE***

BE IT ORDAINED by the City Council of the City of Thibodaux in regular session assembled, that Section 6-1 of the Thibodaux City Code of Ordinances is hereby amended and re-enacted so as to read as follows:

Sec. 6-1. Adoption of International Building Codes effective January 2010.

(a) The 2006 edition of the International Building Code. The applicable standard referenced in that code are included for regulation of construction within this state. The 2006 edition of the International Existing Building Code and the standards referenced in that code for regulation of construction within this state. The 2006 edition of the International Residential Code and the standards referenced in that code for regulation of construction within this state. The 2006 edition of the International Mechanical Code and the standards referenced in that code for regulation of construction within this state. The Louisiana State Plumbing Code (Part XIV (Plumbing) of the State Sanitary Code) as amended by the state health officer acting through the office of public health of the Department of Health and Hospitals. Nothing in this Part shall be construed so as to prevent the state health officer for enforcing Part XIV (Plumbing) of the State Sanitary Code, the enforcement of which is his statutory and regulatory responsibility. The 2006 edition of the International Fuel Gas Code and the standards referenced in that code for regulation of construction within this state. The 2008 edition of the National Electric Code and the American National Standard - Accessible and Usable Buildings and Facilities as amended and published by the International Building Code Council, Inc., published in book form and the whole thereof, and such portions of the building code as are hereinafter deleted, modified or amended, are hereby adopted as the regulations governing the construction of buildings and other structures in the city of Thibodaux. Not less than one (1) copy of such code shall be kept on file in the office of the council administrator-treasurer for review and inspection by the general public.

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

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

And the above ordinance was declared adopted this 18th day of February 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

Councilman Badeaux requested that Public Hearing #4 be discussed before Public Hearing #3. All of the Councilmen were in agreement.

The Public Works Director informed the Council Administrator that the Mayor wishes to execute a new Mosquito Abatement Contract with Mosquito Control of Lafourche, LLC.

The City has contracted our mosquito abatement program with Mosquito Control, Inc. since the Year 2000. The new contract would provide for services beginning on March 1st through October 31st for the Years 2010 and 2011.

The City would be billed for a monthly fee of \$12,290.00 thereby making the annual cost to the City \$98,320.00.

Jessie Boudreaux, Jr., 1940 Grand Caillou Road, with Cajun Mosquito Control LLC, addressed the Council. He gave a brief overview of his business and his qualifications. He stated that while he knew his proposal was probably too late for this year's contract, he would appreciate the opportunity in being considered for future contracts with the City.

Ladon Gilmore, of Singleton Street, with Ace Mosquito Control LLC, addressed the Council. He also gave an overview of his business and his qualifications. He stated that he would also like to be considered for future contracts with the City.

Councilman Taylor questioned the Mayor about the length of the contract. He wanted to know why this contract was for two years instead of one year. The Mayor stated that this is the way it had been renewed in the past.

Steve Pavlovich, 221 Safety Road, with Mosquito Control of Lafourche LLC, also addressed the Council. He explained the reason for the two year contract and also gave an overview of his business and experience.

On motion of Councilman Richard, seconded by Councilman Taylor, the Council voted to amend the ordinance to change the cost of the monthly fee from \$14,170.00 to \$12,290.00. Upon roll call the vote was as follows:

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

On motion of Councilman Richard, seconded by Councilman Hebert, the Council voted to adopt the ordinance authorizing the Mayor to sign a contract with Mosquito Control of Lafourche, LLC as amended. Upon roll call the vote was as follows:

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

ORDINANCE NO. 2502

***AN ORDINANCE AUTHORIZING THE MAYOR
TO SIGN A CONTRACT WITH MOSQUITO
CONTROL OF LAFOURCHE, LLC***

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

WHEREAS, the City has negotiated the terms for a new mosquito abatement contract for the term March 1, 2010 through October 31, 2011; and

WHEREAS, the Mayor is recommending that the City accept the proposal from Mosquito Control of Lafourche, LLC, in the amount of \$12,290.00 per month for the period described above; and

WHEREAS, it is necessary to execute a contract with the said contractor for the services mentioned hereinbefore.

NOW, THEREFORE BE IT ORDAINED by the City Council that the Mayor be and is hereby authorized to execute a contract with Mosquito Control of Lafourche, LLC for the services to be rendered as mentioned above.

BE IT FURTHER ORDAINED that a copy of the said contract 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

NAYS: None

ABSTAIN: None

ABSENT: Councilman Mire

And the above ordinance was declared adopted this 18th day of February 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

Councilman Gene Richard requested that the City Council consider the adoption of an ordinance to amend the section of the Noise Ordinance (Section 13-1 (c) (2) (b) in order to reduce the legal decibel level for the use of sound amplification equipment in or adjacent to residential and noise sensitive areas.

The current ordinance states that "it shall be unlawful for any person to use or operate any sound amplifying equipment between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and between the hours of 10:00 p.m. and 9:00 a.m. on weekends and holidays, within or adjacent to residential or noise-sensitive areas if the sound emanating from the particular source is measured at fifty (55) decibels, or more, at a distance of fifty (50) feet from the source." Councilman Richard is proposing to change this section to be unlawful at a level above zero (0) decibels, at the property line of the adjoining commercial and residential properties.

On motion of Councilman Richard, seconded by Councilman Taylor, the Council voted to postpone this item for 30 days. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

Councilman Badeaux suggested that the Council establish an unbiased committee to study this issue further before making a final decision.

On motion of Councilman Badeaux, seconded by Councilman Hebert, the Council agreed to form a committee to study this issue in depth before making a final decision. The committee shall consist of the Police Chief, Councilman Richard,

and 1 person appointed by Councilmen Hebert, Taylor and Mire. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

Councilman Badeaux asked for permission from the Council to hear from the public in attendance for this issue.

Jerald Block, of 502 East 1st Street, representing Lester Benoit, addressed the Council. He explained his client's position and gave reasons why this ordinance should be changed.

Nick Arcement, owner of Cue Sports, also addressed the Council. He stated that he has repeatedly tried to resolve this issue without any success. He stated that the Police are called to his establishment on a daily basis and he has never been issued a citation.

Several other residents from this area also addressed the Council in regards to the noise from this establishment. They stated that the loud music keeps them up until 3 A.M. on some nights.

Members from other local businesses also addressed the Council stating that all of the correct permits were issued by the City for this establishment. Several of them also stated that when you choose to live in a residential zone which borders a commercial zone, you should expect that problems with noise can become an issue and should be considered before locating to these areas.

A lengthy discussion continued with the final result being that a committee would be formed in order to study this noise ordinance so that the Council could make a more informed decision.

There being no further business the meeting was adjourned.

Jennifer Morvant, Council Adm.

Lloyd "Chip" Badeaux, President