

**OFFICIAL MINUTES OF THE CITY COUNCIL
CITY OF THIBODAUX
CITY HALL
THIBODAUX, LOUISIANA
MARCH 16, 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 Tuesday, March 16, 2010 at 5:00 o'clock P.M.

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

Absent: Councilman Mire

There were also present: Germaine Jackson.

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

Councilman Hebert introduced an ordinance authorizing the Mayor to sign a Site Lease Agreement with Digco Utility Construction, LP. The Public Hearing for this ordinance will be held at the April 6, 2010 Council Meeting.

The Council Administrator requests that the Council adopt a motion to move the date of the City Council Meeting scheduled for Tuesday, April 20, 2010 at 5:00 p.m. to Monday, April 19, 2010 at 10:00 a.m.

The re-scheduling is to accommodate the Student Government Day Program that is being held parish wide on this date. The change will not be in violation of the provisions of the City Charter relative to Council Meetings in that the Charter only prescribes that the Council meets at least twice per month.

On motion of Councilman Richard, seconded by Councilman Taylor, the Council voted to change the date of the City Council Meeting scheduled for Tuesday, April 20, 2010 to Monday, April 19, 2010 at 10:00 a.m. in order to accommodate the Student Government Day Program. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

The speed limit along Percy Brown Road is currently marked at 55 mph. The speed limit on this road is set by LA DOTD, as it is a State Highway. Councilman Richard is requesting that the Council Administrator prepare a resolution requesting that DOTD consider lowering the portion of Percy Brown Road that is located within the City Limits to 45 mph.

Councilman Richard explained that four accidents have occurred in this location. He also stated that LA DOTD would not consider installing a traffic light at this intersection until five accidents have occurred.

On motion of Councilman Richard, seconded by Councilman Taylor, the Council voted to adopt a resolution requesting that LA DOTD consider lowering the speed limit of the portion of Percy Brown Road that is located within the Thibodaux City Limits from 55 mph to 45 mph. Upon roll call the vote was as follows:

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

RESOLUTION NO. 1535

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

WHEREAS, the route of Percy Brown Road passes through the City of Thibodaux; and

WHEREAS, the speed limit on this highway is established by the Louisiana Department of Transportation and Development; and

WHEREAS, the speed limit for traffic on Percy Brown Road is set at 55 MPH; and

WHEREAS, it is felt that it would be in the best interest of the safety of the motorists traveling in the City to reduce the speed limit in the aforesaid area.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Thibodaux does hereby request that the Louisiana Department of Transportation and Development (DOTD) reduce the speed limit in the above stated section of Percy Brown Road to 45 MPH.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to DOTD, Department of Highways, District 2 so as to enact the proposed speed limit changes relative to this request.

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 16th day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

In accordance with the provisions of Article IV of the Thibodaux City Charter, whenever a vacancy occurs on the Civil Service Board, the nominating authority for that seat must make a nomination to the City Council for appointment to fill the vacancy on the board.

Due to the expiration of the term of Mr. Nicholas Zeringue on the Civil Service Board, it was necessary for the City to contact the President of the Lafourche Parish Bar Association in order to request a nomination for an appointment to fill the vacancy on the board.

We received a nomination from the said agency and they have informed us that they wish to re-appoint Mr. Zeringue to his position on the Thibodaux Civil Service Board.

Mr. Nicholas Zeringue was present and stated that he was honored for the appointment and opportunity to serve on the Civil Service Board.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to adopt a resolution approving the re-appointment of Mr. Nicholas Zeringue to the Thibodaux Civil Service Board. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

RESOLUTION NO. 1536

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

WHEREAS, the Thibodaux Municipal Civil Service Board is comprised of five regular members; and

WHEREAS, due to the fact that the term of one of the current members has expired on the above said board, the appointing agency has forwarded a nomination to the City Council to fill the vacancy; and

WHEREAS, in accordance with the method of nomination employed in the City Charter, the President of the Lafourche Parish Bar Association has nominated Mr. Nicholas Zeringue for re-appointment to the Thibodaux Civil Service Board.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Thibodaux that in accordance with the provisions of Article IV, Section 6 of the Thibodaux City Charter, that the appointment of Mr. Nicholas Zeringue to the Thibodaux Civil Service Board is hereby ratified effective March 16, 2010.

BE IT FURTHER RESOLVED that the term of Mr. Zeringue will expire March 16, 2014.

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 16th day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The Public Works Director advised the Council Administrator that it is necessary to consider the adoption of a resolution approving Change Order No. 2 for the East Thibodaux Sewer Main and Lift Station Project.

This change order is being proposed due to additional work required at the Bowie Street Pump Station and the tie-in to the existing force main at South Acadia. This additional work required to handle sub-surface field conditions was discovered during the construction of the project.

The proposed change order will increase the contract price by \$13, 573.09 thereby making the total final contract price \$977,688.67.

The Public Works Director explained the details of the changes to the Council.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to adopt a resolution authorizing the Mayor to sign Change Order No. 2 with Byron Talbot Contractors for the East Thibodaux Sewer Force Main and Lift Station Project. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

RESOLUTION NO. 1537

***A RESOLUTION AUTHORIZING THE MAYOR TO
SIGN CHANGE ORDER #2 WITH BYRON E. TALBOT
CONTRACTOR FOR THE EAST THIBODAUX
SEWER FORCE MAIN AND LIFT STATION
PROJECT***

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

WHEREAS, the City entered into a contract with Byron E. Talbot Contractor, Inc. for the East Thibodaux Sewer Force Main and Lift Station Project; and

WHEREAS, due to the additional work required at the Bowie Street Pump Station and the tie-in to the existing force main at South Acadia the execution of a change order is required in order to reimburse the contractor for the additional work; and

WHEREAS, the proposed change order increases the contract price in the amount of \$13,573.09 over the original contract bid for a total contract price of \$977,688.67.

NOW, THEREFORE BE IT RESOLVED by the City Council that the Mayor be and is hereby authorized to execute Change Order No. 2 with Byron E. Talbot Contractor, Inc. in the amount mentioned above.

BE IT FURTHER RESOLVED that a copy of the said change order 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 16th day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

Councilman Taylor asked the Council Administrator to prepare a resolution commending the men that rescued Antoine Square from his burning home on St. Charles Street during a January 3, 2010 fire that destroyed the home.

The men involved in the rescue are Steven Hayes Jr., Skylleur Hayes, Steven Hayes Sr., Traig Wagner, Sanchez Ellis, Lionel Johnson and Derrick Lewis.

Councilman Taylor read the resolution and then the Council presented certificates and copies of the resolution to those individuals that were present.

On motion of Councilman Taylor, seconded by Councilman Hebert, the Council voted to adopt a resolution commending several citizens for their heroic efforts to rescue a man from his burning home. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

RESOLUTION NO. 1538

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

WHEREAS, the Thibodaux Fire Department responded to a blaze at 2:45 a.m. on January 3, 2010 on the 900 block of St. Charles Street; and

WHEREAS, Antoine Square was the sole occupant of the house at the time of the fire; and

WHEREAS, Steven Hayes Jr., Skylleur Hayes, Steven Hayes Sr., Traig Wagner, Sanchez Ellis, Lionel Johnson and Derrick Lewis observed the fire and rushed into the burning building to rescue their neighbor; and

WHEREAS, due to the courage and heroism these individuals displayed during this event, Antoine Square was rescued from the blaze and transported to Thibodaux Regional Medical Center with burns over 30 percent of his body.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Thibodaux in regular session assembled does hereby acknowledge the courage and heroism displayed by Steven Hayes Jr., Skylleur Hayes, Steven Hayes Sr. Traig Wagner, Sanchez Ellis, Lionel Johnson and Derrick Lewis in saving the life of Antoine Square.

BE IT FURTHER RESOLVED that this resolution be presented to these men to express our appreciation for their heroic efforts in this dangerous situation to save the life of another human being.

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 16th day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The Council adopted Ordinance No. 2488 on December 1, 2009 establishing a One-Way Street on West 2nd Street to become effective on April 1, 2010. The establishment of the one-way street was delayed based on the planned construction of a turn lane on LA Hwy 1 at the intersection of Canal Boulevard.

Councilman Richard introduced an ordinance to rescind Ordinance No. 2488 establishing a One-Way Street on West 2nd Street. The Public Hearing for this ordinance will be held at a special meeting on Wednesday, March 31, 2010 at 5:30 p.m.

The Grants Director informed the Council Administrator that the US Department of Justice has awarded the City funding through the 2008 COPS Technology Grant Program in the amount of \$219,796.00. The funds will be used for continued development and implementation of technologies within the Thibodaux Police Department.

On motion of Councilman Taylor, seconded by Councilman Hebert, the Council voted to adopt an ordinance authorizing the Mayor to sign a Grant Award with the US Department of Justice for a COPS Technology Grant. Upon roll call the vote was as follows:

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

ORDINANCE NO. 2505

*AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A
GRANT AWARD WITH THE U.S. DEPARTMENT OF JUSTICE
FOR A COPS TECHNOLOGY GRANT*

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

WHEREAS, the City has received a 2008 COPS Technology Grant Award through the U.S. Department of Justice; and

WHEREAS, the said department has awarded a grant to the City in the amount of \$219,796.00 for continued development and implementation of technologies with the Thibodaux Police Department; and

WHEREAS, it is necessary to execute an agreement with the U.S. Department of Justice for the grant mentioned here in before.

NOW, THEREFORE BE IT ORDAINED by the City Council that the Mayor be and is hereby authorized to execute a grant agreement with the U.S. Department of Justice for a 2008 COPS Technology Grant.

BE IT FURTHER ORDAINED that a copy of the said grant award 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
ABSTAINED: None
ABSENT: Councilman Mire

And the above ordinance was declared adopted this 16th day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The Thibodaux Bidy Basketball Association holds the Annual 8 Year Old International Bidy Basketball Tournament at the Warren J. Harang Jr. Municipal Auditorium. The City has executed 5 Year Agreements with the National and Thibodaux Bidy Basketball Associations stipulating the terms and conditions for the use of the building.

The agreement states that the City will provide use of the building and basketball court for a fee of \$2,000 per year. The City will retain all revenues from the sale of concessions during the tournament.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to adopt an ordinance authorizing the Mayor to sign an agreement with the National Bidy Basketball Association and the Thibodaux Bidy Basketball Association. Upon roll call the vote was as follows:

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

ORDINANCE NO. 2506

AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE NATIONAL BIDDY BASKETBALL ASSOCIATION AND THE THIBODAU BIDDY BAKSETBALL ASSOCIATION

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

WHEREAS, the National Bidy Basketball Association has proposed to the City that the Thibodaux Civic Center will be the exclusive site for the 8 year old International Bidy Basketball Tournament for a five year period; and

WHEREAS, the City will be responsible for supplying the said Civic Center for the tournament at a charge of \$2,000 per year; and

WHEREAS, the City will provide a basketball court for these tournaments at no additional cost; and

WHEREAS, the City will receive revenues from the sale of concessions at the tournament; and

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Thibodaux that the Mayor be and is hereby authorized to sign an agreement with the National Bidy Basketball Association and the Thibodaux Bidy Basketball Association for the hosting of the 8 year Old International Bidy Basketball Tournament for the period January 1, 2010 through December 31, 2015.

BE IT FURTHER ORDAINED that a copy of the aforesaid 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
ABSTAINED: None
ABSENT: Councilman Mire

And the above ordinance was declared adopted this 16th day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

Councilman Badeaux requested that the Council Administrator prepare an ordinance that creates Section 20-13.1 Sub-Section (f) in order to allow owners of private property that post notice of parking restrictions on their property to notify the Police Department of any violations, and allow PD to issue a parking citation to the vehicle parked on the private property.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to amend the ordinance to include may and it shall be unlawful for any person, other than the owners or authorized visitors, to park a vehicle in an area clearly marked or designated by proper signs and/or markings as being reserved for the exclusive use of owners and visitors. 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 an ordinance to amend and re-enact Section 20-13.1 of the Thibodaux City Code of Ordinances so as to create Sub-Section (f) (Parking on Private Property) as amended. (Proposed by Councilman Badeaux) Upon roll call the vote was as follows:

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

ORDINANCE NO. 2507

***AN ORDINANCE TO AMEND AND RE-ENACT
SECTION 20-13.1 OF THE THIBODAUX CITY CODE
OF ORDINANCES SO AS TO CREATE SUB-SECTION
(f) (PARKING ON PRIVATE PROPERTY)***

BE IT ORDAINED by the City Council of the City of Thibodaux in regular session assembled, that Section 20-13.1 of the Thibodaux City Code of Ordinances is hereby amended and re-enacted so as create Sub-Section (f) to read as follows:

Sec. 20-13.1. Parking in designated areas.

(f) Private Property. Owners, or agents of owners, of privately owned

parking areas may designate by proper signs and/or markings certain areas thereon to be reserved for the exclusive use of parking the vehicles of the owners and visitors of the private property.

It shall be unlawful for any person, other than the owners or authorized visitors, to park a vehicle in an area clearly marked or designated by proper signs and/or markings as being reserved for the exclusive use of owners and visitors.

The Thibodaux city police department shall have the right to enforce this section on private property upon notification of violation from the property owner or agents of owner.

Any person violating this section shall be issued a parking citation and fined twenty-five dollars (\$25.00).

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 16th day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

Councilman Richard requested that the Council Administrator prepare 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 10:00p.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-five (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, the item died due to the lack of a second.

Councilman Badeaux requested that the Council consider the addition of an item to the agenda.

On motion of Councilman Richard, seconded by Councilman Hebert, the Council voted to add an item to the agenda calling for a Special Meeting to rescind Ordinance No. 2488. The Special Meeting will be Wednesday, March 31, 2010 at 5:30 p.m. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

In other business, Gerald Block, of 502 East 1st Street, addressed the Council in regards to the lack of a second on the noise ordinance. He expressed his

disappointment in the Council. He stated that many people were in attendance at tonight's meeting in order to express their opinion on this item.

Councilman Badeaux explained the parliamentary procedure. He stated that due to the lack of a second the Public Hearing could not be held.

Nicholas Zeringue of 512 Lauren Lane addressed the Council requesting that any public comment be made part of public record.

Councilman Badeaux agreed to hear public comment in regard to issues of concern from the audience.

A representative from Lamar Contractors addressed the Council in regards to the noise ordinance and his contract with the pouring of cement behind Thibodaux Elementary School.

Councilman Badeaux suggested that he meet with the Police Chief to discuss this item since this would be a temporary issue involving the noise ordinance.

The Police Chief addressed the Council stating that he requested that a representative from Lamar Contractors be in attendance at tonight's meeting to express to the Council that this is a situation that is not specifically defined in the noise ordinance and could be better defined in order for the law to be properly enforced.

Gerald Block continued the defense of his client Lester Benoit who is a resident behind Cue Sports. He stated that the ordinance proposed by Councilman Richard is limited. He continued to request that the proposal and the changes made by Councilman Richard be considered in order to allow residents to get a good night's sleep without the disturbance from sound amplifying equipment. He continued a lengthy discussion addressing that when these small problems are not addressed, they can turn into larger problems if ignored. He also wanted to be sure that the Council was aware that Cue Sports had been cited three times for violating the noise ordinance. He stated that he hopes that the Council will address this issue and allow it to be fully heard in a Public Hearing.

Lila Arsan of 1326 Saint Charles Street and Dr. Jill Krzycki of 1011 President Street also addressed the Council in regards to the excessive noise coming from various bars in their neighborhoods.

Nicholas Zeringue of 512 Lauren Lane also addressed the Council commenting that he is in favor of the proposed change. He stated that he can also hear the disturbances in the area. He also stated that they are violent crimes going on in the downtown area such as shootings, stabbings, rapes and heavy drug usage. He feels that we are on a slippery slope downtown and hopes that something can be done to resolve all of these issues before they multiply.

James Stentz, of 729 Country Club Boulevard, stated that he was a former resident of the downtown area for 10 years. He explained that the noise ordinance has been a topic of discussion for all of those 10 years. He explained that the noise was his reason for moving from the downtown area. He urged the Councilmen to come downtown and to the Saint Charles area to witness the events going on before discussing this issue further.

Nick Arcement, owner of Cue Sports, addressed the Council in regards to the citations that he received. He stated that he also has representation and plans to fight this in court. He feels that the authorities are not always consistent in the way that the noise ordinance is interpreted. He stated that he has tried over and over again to resolve this issue. He has spent additional money to have the building insulated and has moved the speakers to a different location. He also stated that there is confusion over the zoning in regards to maps that he has

obtained. He would like a definite clarification of what zone these properties are located in so that the correct decibel reading can be clear to everyone involved.

The Police Chief assured members of the audience that he and his staff will continue to patrol these areas and enforce the laws using different strategies that he felt would help to resolve some of these issues.

There being no further business the meeting was adjourned.

Jennifer Morvant, Council Adm.

Lloyd "Chip" Badeaux, President

