

**CITY OF OPELOUSAS  
OPELOUSAS, LOUISIANA  
REGULAR MEETING MINUTES  
September 10, 2013**

The Council of the City of Opelousas, Parish of St. Landry, State of Louisiana, convened in a regular session on this 10<sup>th</sup> day of September 2013 at 5:00 p.m.

With Mayor Donald R. Cravins, Sr. presiding, the meeting was called to order.

The Mayor requested the City Clerk to call the roll and the following Council members were PRESENT: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, and Jacqueline Martin. ABSENT: None.

At this time, Mayor Cravins asked that everyone meditate on the hope that we are not engaged in another war and that people throughout this world are protected from harm and also that everyone keep Mr. Freddie Henderson, Street Department Supervisor, in their prayers because his father suffered a heart attack and a mild stroke and is in the hospital in Baton Rouge. A moment of silent meditation was observed. Alderwoman Jacqueline Martin led the Pledge of Allegiance.

On a motion by Alderman Louis Butler, Jr., seconded by Alderman Blair Briggs and unanimously carried, it was resolved to approve the minutes of the Regular Meeting held on 08/22/2013.

On a motion by Alderman Blair Briggs, seconded by Alderman Reginald Tatum and unanimously carried, it was resolved to adopt the agenda, with the following changes: **under the PRESENTATIONS Section, adding Item No. 5A, "Presentation for Recognition of the Employee of the Month"; adding Item No. 9A, "Accept donation from a grant from Magellan in the amount of \$5,756.00 for T-Shirts for Back-to-School Rally and create a revenue and expense account to offset these funds"; and deleting Item No. 7, "Discuss request for CONDITIONAL USE of property located in an NMU (Neighborhood Mixed Use) Zone at 702 N. Market Street to open a Restaurant/Sports Bar (Wilfred Kinnerson, Jr.)".**

#### **PRESENTATIONS**

*Presentation for recognition of the Employee of the Month.* The Employee of the Month chosen for September 2013 is Mr. Israel Roberts. Mr. Roberts has been employed with the City of Opelousas for 21 years and is the Water Plant Supervisor. He is married and has two daughters.

*Presentation by Mr. Joseph Citizen regarding abandoned vehicles on City streets.* Mr. Citizen addressed the Council regarding abandoned and unlicensed vehicles parked illegally on the streets. He stated that the vehicle that was parked near his home was removed at 3:00 pm today but he wants to know if the ordinance that pertains to this is still in effect and whether or not Code Enforcement or the Police Department are enforcing it. Mayor Cravins stated that the abandoned vehicles ordinance is still on the books. Chief Perry Gallow stated once he receives the information about a vehicle in violation from Code Enforcement then his department takes action to remove it.

*Discuss request for pre-approval for CONDITIONAL USE of property located in an NMU (Neighborhood Mixed Use) Zone at 537 S. Main Street to open a 3D & 4D Ultrasound Imaging Business (Ashley Johnson Wyble).* This item came before the Planning Commission on 09/09/2013 for pre-approval. The Commission sends a recommendation for pre-approval. On a motion by Alderman Reginald Tatum, seconded by Alderman Blair Briggs and unanimously carried, it was resolved to approve the request for **pre-approval** for CONDITIONAL USE of property located in an NMU (Neighborhood Mixed Use) Zone at 537 S. Main Street to open a 3D & 4D Ultrasound Imaging Business (Ashley Johnson Wyble).

#### **COMMITTEE MEETING REPORTS: (Budget Committee).**

##### **BUDGET COMMITTEE**

Wednesday, September 4, 2013 @ 4:00 P.M.

PRESENT: Julius Alsandor, Chairman, Blair Briggs, Reginald Tatum, and Jacqueline Martin. ABSENT: None

1. *Discuss lawsuit settlement for Paula Dubuc vs. City of Opelousas.* On a motion by Alderman Reginald Tatum, seconded by Alderwoman Jacqueline Martin and unanimously carried, it was resolved to send this matter to the full council for discussion at the Regular Council Meeting on September 10, 2013. *This item has been deleted.*
2. *Discussion regarding the fiscal year 2013-2014 budget.* City Clerk Karen Frank gave an overview of the changes made to the proposed Fiscal Year 2013-2014 budget. She stated that the City was originally facing a budget with a deficit of \$573,766. She explained that they have gone to several different departments and made cuts and eliminated some positions.

**Executive Department** will have a \$26,000 deduction due to the elimination of one full-time position.

**Street Department** will have a \$110,000 deduction due to not filling two vacant positions, reductions in overtime, and not undertaking the Karma Schad repair project at this time.

**Police Department** will have a \$125,000 deduction due to not filling some vacant positions.

**Fire Department** will have a \$116,000 deduction due to eliminating overtime and not filling two positions.

**Code Enforcement Department** will have a \$20,000 deduction due to not filling one vacant position.

**Tourism Department** will have a \$39,850 deduction due to not filling one full-time vacant position and reducing funds for some building repairs.

**Museum** will have a \$16,000 deduction due to not filling one full-time position.

**Parks & Recreation Department** will have a \$35,000 deduction due to a reduction in overtime and eliminating one position.

**Community Development Department** will have a \$40,000 deduction due to eliminating one position.

Ms. Frank pointed out that after these cuts which were recommended by Mayor Cravins the budget will be \$16,971 into the black. Alderman Blair Briggs stated that more cuts still need to be made and that it is not fair that only a few departments are making additional cuts. Ms. Frank stated that some of the departments only have two employees and cannot make any more cuts. Chief Perry Gallow and Ms. LaVonya Malveaux stated that they can work with the budgets they have been given as long as there are no additional cuts. Alderman Julius Alsandor pointed out that most other

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municipalities are cutting back because of hard economic times. Ms. LaVonya Malveaux stated that the City of Opelousas has seen an increasing fund balance over the years and this shows that they are doing what they should be doing. Alderwoman Jacqueline Martin thanked everyone for working with them during the budget preparation. Alderman Reginald Tatum asked about the outcome of the judge's decision regarding the non-classified employees who were illegally hired. Ms. Laura Balthazar stated that once those employees leave then the positions will still have to be filled so it will not change the bottom line. Alderman Alsandor asked Chief Lee Cahanin if he could work with the budget he has been given. Chief Cahanin stated that he will work with whatever he is given although he needs more funds. He stated that he does not need the full amount that is listed in personnel services. Ms. Frank stated that he can move the funds around any way he likes as long he stays within his budget's bottom line number. Alderman Alsandor stated that they cannot continue to amend the budget and take money from the City's fund balance even though it has shown a positive for the past three years. They have to hold the department heads and themselves accountable. Chief Gallow wanted clarification that if they can choose to give a cost of living increase to their employees as long as it is in their budget. Ms. Frank stated that he would have to guarantee that he will not go over his budget.

On a motion by Alderman Julius Alsandor and seconded by Alderwoman Jacqueline Martin, it was recommended to send the Fiscal Year 2013-2014 proposed budget to the full council for approval on September 10, 2013. A roll call vote was taken with the following results:

YEAS: Julius Alsandor and Jacqueline Martin.

NAYS: Blair Briggs and Reginald Tatum.

No action taken due to TIE vote. This item will be revisited at the Regular Council Meeting on September 10, 2013.

On a motion by Alderman Reginald Tatum, seconded by Alderman Blair Briggs and unanimously carried, it was resolved to adjourn. The meeting was adjourned at 5:20 p.m.

*Mayor Cravins stated that this item will be addressed during Item No. 12 (Adoption of the budget ordinance).*

*Accept donation from a grant from Magellan in the amount of \$5,756.00 for T-Shirts for Back-to-School Rally and create a revenue and expense account to offset these funds.* On a motion by Alderman Reginald Tatum, seconded by Alderman Julius Alsandor and unanimously carried, it was resolved to accept donation from a grant from Magellan in the amount of \$5,756.00 for T-Shirts for Back-to-School Rally and create a revenue and expense account to offset these funds.

*Presentation by City Attorney.* Attorney Garett Duplechain stated that there is a pending lawsuit against the City by David Manuel for damage to his grocery store allegedly caused by the City. Attorney Duplechain has assessed the merits of the lawsuit and will make a recommendation at next month's meeting as to how they are going to settle the lawsuit.

*Engineer's Monthly Status Report.* Mr. William Jarrell stated that he just received the electrical engineer's plans this afternoon for the generator for the two Municipal Plaza buildings and he is reviewing those plans. He estimates that by the end of the week or early next week those plans will be submitted to the State for review and comment. Once they are approved then he will begin advertising on that project. The bids for the Municipal Plaza building roof were received by the Parish last week. If they are within the monies available from the Parish then a notice to proceed will be issued once all the contracts have been signed. That project should be starting within the next month. The Water Storage Tank on East Grolee Street is proceeding. Delays were caused due to the delivery of the metal building and some of the electrical equipment. All of those issues have been resolved. The Burr Street Bridge design should be completed in about two weeks and will be submitted to the State for approval. Once that is approved, he will begin advertising for that project. Alderman Louis Butler, Jr., asked about the status of the North Park Pavilion Project. Mr. Jarrell stated that Mr. Kenny Boagni is handling that project and has the information concerning the advertising.

**ORDINANCES**

*AN ORDINANCE ADOPTING THE CITY OF OPELOUSAS OPERATING BUDGET OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR BEGINNING SEPTEMBER 1, 2013 AND ENDING AUGUST 31, 2014.* Alderman Reginald Tatum began the discussion by noting that the motion made at the Budget Committee Meeting to forward the adoption of the budget to the full council died due to a tie vote. Alderman Tatum then recommended that this item be forwarded to the October meeting. Alderman Blair Briggs stated that he is concerned that the \$16,971 surplus will not be enough in the event of any emergencies. He also stated that he is not in favor of cutting any more funds from the Street Department's budget and suggested that they look at the Fire Department instead. Fire Chief Lee Cahanin stated that he has already cut an additional \$84,000 from his budget in order to stay within his bottom line. Police Chief Perry Gallow stated that with his current budget he will be able to give his employees the 2 ½% increase. Mayor Cravins suggested that at next month's meeting they discuss lowering the Aldermen's salaries. He also instructed Ms. Laura Balthazar to have Attorney Eric LaFleur present at next month's meeting to give an update of the unclassified employees appeal process. On a motion by Alderman Julius Alsandor and seconded by Alderwoman Jacqueline Martin and Alderman Joseph Charles, the following Ordinance was offered for adoption:

ORDINANCE NO. 05 OF 2013

AN ORDINANCE ADOPTING THE

OPERATING BUDGET OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR

BEGINNING SEPTEMBER 1, 2013 AND ENDING AUGUST 31, 2014 WITH POLICE AND FIRE DEPARTMENT

RAISES COMING FROM WITHIN THEIR OWN BUDGETS

BE IT ORDAINED by the Board of Aldermen, of the City of Opelousas, Louisiana in general session convened that:

SECTION I. The attached detailed estimate of Revenues for Fiscal Year beginning September 1, 2013 and ending August 31, 2014, be and the same is hereby adopted to serve as an Operating Budget of Revenues for the City of Opelousas, Louisiana, during the same period.

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SECTION II. The attached estimate of Expenditures by departments for the Fiscal Year beginning September 1, 2013 and ending August 31, 2014, be and the same is hereby adopted to serve as a budget of expenditures for the City during the said period.

SECTION III. The adoption of this Operating Budget of Expenditures be and the same is hereby declared to operate as an appropriation of the amount therein set forth within the terms of the budget classification.

SECTION IV. Amounts are available for expenditures only to the extent included with the 2013-2014 budget. Said Ordinance having been introduced on July 29, 2013, by Alderman Julius Alsandor, notice of public hearings having been published, said public hearings having been held, the title having been read and the Ordinance considered, a record vote was taken and the following results were had:

YEAS: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Reginald Tatum, and Jacqueline Martin.

NAYS: Blair Briggs.

ABSENT: None

ATTEST:

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CITY CLERK

\_\_\_\_\_  
MAYOR

**PUBLIC HEARINGS**

*Pursuant to advertisement in the Daily World, a Public Hearing was opened at 6:17 p.m. TO ADOPT ORDINANCE(S) WITH REGARD TO LEVYING AND DEDICATION OF SALES AND HOTEL/MOTEL TAX SOLELY WITHIN HOTEL PROJECT TIF AREA.*

Attorney Dannie Garrett, representative for the Desai Group, gave an overview of the proposed project. He stated that the proposed hotel will employ approximately 25-30 permanent employees.

Alderman Reginald Tatum stated that he had received printouts from several hotels regarding their occupancy numbers and a few of the numbers were very low. He stated that if the new hotel is built it will take customers away from the other hotels and he does not feel that this is fair.

Mr. Jim Adams developed and sold the property for the proposed hotel. He is in favor of the new hotel.

Mr. Patrick Fontenot stated that he has been hearing that some of the Council members do not want the hotel. He feels that the other hotels need to compete. He is in favor of the new hotel.

Mr. Robert Bordelon is with Holiday Inn and is against the TIF program. He feels that the developer should take the whole risk associated with the project. He is against the new hotel.

Mrs. Marie Renaud stated that it is time for the Council to take a chance and vote for things to make Opelousas grow. She is in favor of the new hotel.

Mr. Dirk Boudreaux stated that the City needs to promote an economic development district not just a single property. He is against the new hotel.

Ms. Casey Boudreaux, sales representative for the Evangeline Downs Hotel, stated that it is not fair for the other hotel to have the benefit of the TIF program.

The Public Hearing was closed at 7:18 p.m.

On a motion by Alderwoman Jacqueline Martin and seconded by Alderman Louis Butler, Jr., the following Ordinance was offered for adoption:

**ORDINANCE NO. 06 OF 2013**

An ordinance to create a sales tax area for the purpose of utilizing sales tax increment financing for certain economic development projects within such area; authorizing the levy, collection and dedication of taxes in such area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelousas, State of Louisiana, acting as the governing authority of the City/Issuer, that:

SECTION 1. Designation of Sales Tax Area. The following described property, owned by Opelousas Hotel Group, LLC, be and is hereby designated as a "Sales Tax Area" from which the Pledged Revenues as herein defined shall be generated for the purpose of tax increment financing of economic development projects:

**ONE (1) CERTAIN LOT OR PARCEL OF GROUND, together with all rights, ways, easements, servitudes, prescriptions, advantages and appurtenances thereunto belonging or in anywise, appertaining, situated in Sections 77 and 85, Township 6 South, Range 4 East, St. Landry Parish, Louisiana, being more fully shown as LOT 4, 2.000 AC., OF ADAMS DEVELOPMENT, on that certain "Plat of Survey " made by Morgan Goudeau & Associates dated September 19, 2005 and recorded under Entry No. 950380, St. Landry Parish, Louisiana, said LOT 4 having such size, shape and dimensions as shown on said survey.**

**Being a portion of the same property acquired by James Benjamin Adams and Mary Beth Dupre Adams by Act of Cash Sale from Humphrey T. Olinde, Jr., Joseph Beauregard Olinde, Jr., Elsie Marie Olinde Bleich, Andrew Johnson Olinde, Thomas Humphrey Olinde, John Francis Olinde, Elizabeth Martin Olinde Coleman and Margery Katherine Olinde Belcher by Act of Cash Sale dated March 14, 2005 and recorded March 16, 2005 at COB B-41, page 196 under entry no. 940820, records of St. Landry Parish, Louisiana.**

SECTION 2. Levy of Taxes. The City of Opelousas hereby levies an additional sales tax in the amount of two percent and an additional hotel occupancy tax in the amount of two percent, such levy to be solely within the Sales Tax Area described herein, such additional taxes to remain in full force and effect until such time as any and all bonded indebtedness to which those taxes are dedicated is paid in full.

SECTION 3. Notice of Intent to Issue bonds. Pursuant to the provisions of the TIF Act, the Issuer does hereby authorize and give notice of its intent to issue of not exceeding \$1,200,000 of its Revenue Bonds, in one or more series (the

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"Bonds"). The Issue authorizes the publication of the Notice in the form set forth in Exhibit B in the official journal as provided in the TIF Act. The proceeds of the Bonds shall be used for the purposes of (i) assisting in the development of a hotel and related construction by Opelousas Hotel Group, LLC (the "Project"); (ii) funding a debt service reserve fund, if necessary; and (iii) paying the costs of issuing the Bonds. The form and details of the Bonds, the exact principal amounts and interest rates thereof shall be established pursuant to a subsequent ordinance of the Issuer, provided that the interest rate on the Bonds will not exceed five and one-half percent (5.50%) per annum. The Bonds shall mature no later than thirty (30) years from the date of their issuance. The Bonds will be issued only as fully registered bonds, in minimum denominations of no less than \$5,000. The Bonds will be secured by and payable from (i) the proceeds of the newly levied sales and occupancy taxes within the Sales Tax Area; (ii) the incremental increase in the existing sales taxes levied by the City generated within the Sales Tax Area (collectively the "Pledged Revenues") and will be sold at private sale, or otherwise, in accordance with the provisions of the TIF Act.

**SECTION 4. Employment of Bond Counsel.** A real necessity is hereby found for the employment of special counsel in connection with the issuance of the Bonds, and accordingly Mahtook & LaFleur, LLC, Bond Counsel, is hereby employed and requested to do and perform comprehensive legal and coordinate professional work with respect to the issuance of the aforesaid bonds of the Issuer for the purposes stated hereinabove. Said Bond Counsel shall prepare and submit to this Governing Authority for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of the Bonds, shall counsel and advise this Governing Authority as to the issuance and sale of the Bonds, and shall furnish their opinion covering the legality of the issuance thereof. The fee of special bond counsel in connection with the issuance of the Bonds is hereby fixed at a sum not to exceed the maximum fee allowed by the Attorney General's fee guidelines for comprehensive legal and coordinate professional services in the issuance of bonds, based on the amount of Bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses. Bond Counsel fees may be paid from the proceeds of the Bonds and shall be contingent upon the issuance, sale and delivery of said bonds. No compensation will be due unless and until the Bonds are delivered.

**SECTION 5. Designation of Underwriter/Placement Agent.** \_\_\_\_\_ is hereby designated as Underwriter/Placement Agent in connection with the issuance, sale and delivery of the Bonds.

**SECTION 6. State Bond Commission.** Application is hereby made to the State Bond Commission, Baton Rouge, Louisiana (the "Commission"), for approval of the issuance and sale of the Bonds and for consent and authority to proceed with the issuance and sale of the Bonds as provided above, and Bond Counsel is directed to make application to the Commission in accordance with the foregoing on behalf of the Issuer. By virtue of the Issuer's application for, acceptance and utilization of the benefits of the Commission's approval resolved and set forth herein, it resolves that it understands and agrees that such approval is expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns to, full and continuing compliance with the "State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.", adopted by the Commission on July 20, 2006 (the "Policy"), as to the borrowing and other matters subject to the approval, including subsequent application and approval under said Policy of the implementation or use of any swap or other products or enhancements covered thereby.

**SECTION 7. Prescriptive Period.** A copy of this Ordinance shall be published at the earliest date available after its adoption in the official journal of the City/Issuer, once a week for two consecutive weeks. For thirty (30) days after the date of the first publication, any person in interest may contest the legality of this Ordinance, any provision of the Bonds, the provisions herein made for the security and payment of the Bonds and the validity of all other provisions and proceedings relating to the authorization and issuance of the Bonds. After the said thirty (30) days, no person shall have any cause of action to test the regularity, formality, legality, or effectiveness of this Ordinance, and the provisions hereof, for any cause whatever. Thereafter, it shall be conclusively presumed that every legal requirement for the issuance of the Bonds has been complied with. No court shall have the authority to inquire into any of these matters after the said thirty (30) days.

**SECTION 8. Authorized Officers.** The Mayor of Opelousas, with attestation by the City Clerk, is hereby authorized, empowered and directed to execute such documents, certificates and instruments as they may deem necessary to effect the transactions contemplated by this Ordinance.

**SECTION 9. Public Hearing.** There shall be held and conducted a public hearing on the matter of the intent of the City of Opelousas to take the actions set forth and proposed to be authorized herein on Tuesday, September 10, 2013, at 5:00 p.m. or thereafter, to be held in the Chambers of the City Council of the City of Opelousas, 105 North Main Street, Opelousas, Louisiana.

**SECTION 10. Effective Date.** This Ordinance shall become effective immediately.

On motion by Alderwoman Jacqueline Martin and seconded by Alderman Louis Butler, Jr., the foregoing ordinance was hereby declared **NOT** adopted on this the 10<sup>th</sup> day of September, 2013 by the following roll-call vote:

YEAS: Julius Alsandor, Louis Butler, Jr., and Jacqueline Martin.

NAYS: Joseph Charles, Blair Briggs, and Reginald Tatum.

ABSENT: None.

NOT VOTING: None.

**THE MOTION FAILS.**

ATTEST:

\_\_\_\_\_  
Karen Frank, City Clerk

\_\_\_\_\_  
Donald Cravins, Sr., Mayor

**CONSENTS**

On a motion by Alderman Julius Alsandor, seconded by Joseph Charles and unanimously carried, it was resolved to grant authority to advertise for bids for Sewer Pump Parts.

On a motion by Alderman Julius Alsandor, seconded by Joseph Charles and unanimously carried, it was resolved to grant authority to advertise a Public Hearing regarding the following properties:

- a. Mary Ann Thierry Anderson, 529 Sapphire Street (2 Burned Mobile Homes & Mobile Home Frame)

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**ANNOUNCEMENTS**

Ms. LaVonya Malveaux, City Court administrator, stated that there would be a Youth Back-to-School program held on Friday, September 20, 2013 at the Opelousas Civic Center. The program will begin at 6:00 p.m.

Fire Chief Lee Cahanin stated that he would be receiving the new fire ladder truck next week and that the truck is cost free to the City because of a grant that was received.

Mr. Patrick Fontenot requested that the City Attorney look into whether or not it is legal for the Aldermen (part-time employees) to receive insurance benefits through the City.

There being nothing further to come before the Council, on a motion by Alderman Reginald Tatum and unanimously seconded and carried, it was resolved that the meeting be adjourned. The meeting was adjourned at 7:25 p.m.

ATTEST:

\_\_\_\_\_  
CITY CLERK

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MAYOR