

CITY OF OPELOUSAS
OPELOUSAS, LOUISIANA
REGULAR MEETING MINUTES
December 11, 2012

The Council of the City of Opelousas, Parish of St. Landry, State of Louisiana, convened in a regular session on this 11th of December 2012 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.

A moment of silent meditation was observed and Alderman Reginald Tatum led the Pledge of Allegiance.

On a motion by Alderman Louis Butler, Jr., seconded by Alderman Joseph Charles, and unanimously carried, it was resolved to approve the minutes of the Regular Meeting held on 11/13/2012 and the Special Meeting held on 11/20/2012.

On a motion by Alderman Joseph Charles, seconded by Alderman Reginald Tatum and unanimously carried, it was resolved to adopt the agenda, with the following changes: **adding under the PRESENTATIONS Section, Item No. 9-A, "Presentation by Chief Lee Cahanin in regards to the hiring of four firemen", Item No. 9-B, "Presentation by Mr. James Bellard in regards to Code Enforcement"; adding under the CONSENTS Section, Item No. 18-A, "Approve the recommendation by Chief Perry Gallow for payment to Carroll Johnson Travis in the amount of \$10,000.00 with funds from the City's budget for settlement in a civil case".**

PRESENTATIONS

Presentation by Attorney Derriel McCorvey regarding the proposed amendment to the Liquor Ordinance. Attorney McCorvey is representing Stallion's Restaurant. His client employs about eight to ten police officers every night that they are open. They also comply with the fifteen percent threshold of alcohol content sales. He hopes that the Council is open to giving everyone a chance to make a living if they follow the rules. He feels that this ordinance looks like it is being amended solely to put Stallion's out of business. He wishes that the City would come up with some other vehicle to deal with the public safety issue rather than adopt this ordinance. Alderman Reginald Tatum questioned the statement that was made at the last meeting which stated that Stallion's was a multi-purpose facility. Attorney McCorvey stated that they are a restaurant, they have live events, and they have a family-oriented atmosphere. Alderman Tatum also wanted to know if the City could be held liable if they amend the ordinance and Stallion's has already booked future entertainment. Attorney Frank Trosclair stated that the City would not be liable because the law is subject to change. Alderman Tatum stated that the City has to look at both sides and do what is best for the citizens. Attorney McCorvey reiterated that the incidents that occurred were not directly related to Stallion's. He stated that they have complied with all of the rules but it seems like the City wants to shut Stallion's down. Alderman Blair Briggs stated that they are not asking them to close; just to change their hours of operation. Mayor Cravins stated that he has not seen a report of actual alcohol sales from Stallion's. Alderman Tatum asked if Evangeline Downs provides this report. Mr. Trey Thibodeaux, representing Evangeline Downs, stated that this report is done every month and is turned in to the City attorney as well as the Chief of Police and a few other people.

Discussion by Alderman Louis Butler, Jr., regarding rental of the North Park Concession Stand. Alderman Butler stated that bids had been advertised for the May 2012 and July 2012 meetings but no one had submitted bids. He stated that there are people who are interested in the renting the concession stand. He requested that the City re-advertise for bids. On a motion by Alderman Reginald Tatum, seconded by Alderman Blair Briggs and unanimously carried, it was resolved to grant authority to re-advertise for bids for the Lease of the North Park Concession Stand.

Discussion by Ms. Laura Balthazar and Ms. Margaret Doucet regarding clarification of the new ordinance on horses (Ordinance No. 04 of 2012, adopted on 06/12/2012). Ms. Balthazar stated that Ms. Doucet has questions concerning horse permits for events. Ms. Doucet stated that the six-month deadline is almost up for enforcement of the ordinance but no one has registered their horses yet. She stated that the City needs to notify the public of the registration deadline of 01/12/2013. After that date, penalties will be applied. Mayor Cravins stated that they will have to come up with a fee schedule.

Presentation by Chief Lee Cahanin in regards to the hiring of four firemen. Chief Cahanin stated that he notified Civil Service in August of the need for three names for vacancies. He stated that since 01/09/2013 is the deadline for training, he would like to choose four names to fill vacancies. On a motion by Alderwoman Jacqueline Martin and Alderman Reginald Tatum, seconded by Alderman Louis Butler, Jr., and unanimously carried, it was resolved to approve the request by Fire Chief Lee Cahanin to hire four firemen. The names of the four firemen will be submitted at the January council meeting for ratification.

Presentation by Mr. James Bellard in regards to Code Enforcement. Mr. Bellard stated that he purchased a permit on 04/21/2011 to remodel a home on 810 N. Main Street. On 10/27/2011, the Code Enforcement Department canceled the permit exactly six months after it was purchased. Mr. Bellard stated that the permit states that once you purchase the permit, you have 180 days to start work and if the work ceases for 180 days, you have the right to cancel the permit. He pointed out that if he worked on that project one day then he was within the guidelines of the permit. He also stated that he was never notified in writing about repairing this property. Mr. Bellard pointed out that the property was also never transferred at the assessor's office from the previous owner's name to his company's name. He feels that his company is being targeted. He pointed out that the house was boarded up but pictures of the inside of the building were taken by Code Enforcement without his permission. Mr. Bellard stated that he also purchased a permit for demolition of a property at 621 Rice Street and the inspector stated that no work was being done at this location. Mr. Bellard stated that he asked Mr. Russell Miller why he said that no work was being done. He stated that Mr. Miller said he had never even been to that site. Ms. Margaret Doucet stated Mr. Bellard would know what the violations were for if he would accept his certified letters that Code Enforcement sent out to him. She stated that he was sent letters regarding trash and debris violations.

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Mayor Cravins stated that this is a legal issue and that both sides need to get a lawyer and settle the matter. Ms. Doucet stated that her office treats everyone fairly.

Discuss request for approval for CONDITIONAL USE of property located in an NMU (Neighborhood Mixed Use) Zone at 906 N. Market Street to open a Healthcare Office (Daniel White/Good Hands Home Care Services). A public hearing regarding this matter was held by the Planning Commission on 12/10/2012. The Commission approved the request. On a motion by Alderman Reginald Tatum, seconded by Alderman Louis Butler, Jr., and unanimously carried, it was resolved to APPROVE the request for approval for CONDITIONAL USE of property located in an NMU (Neighborhood Mixed Use) Zone at 906 N. Market Street to open a Healthcare Office (Daniel White/Good Hands Home Care Services).

Discuss request for approval for CONDITIONAL USE of property located in an NMU (Neighborhood Mixed Use) Zone at 944 E. Jefferson Street to open a Convenience Store (Stephanie Pearson). A public hearing regarding this matter was held by the Planning Commission on 12/10/2012. The Commission approved the request. On a motion by Alderman Reginald Tatum, seconded by Alderwoman Jacqueline Martin and Alderman Joseph Charles and unanimously carried, it was resolved to APPROVE the request for approval for CONDITIONAL USE of property located in an NMU (Neighborhood Mixed Use) Zone at 944 E. Jefferson Street to open a Convenience Store (Stephanie Pearson), with the stipulation that they are not giving approval for liquor sales and Ms. Pearson will have to go through the proper channels. A roll call vote was taken with the following results:

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

NAYS: None.

ABSENT: None.

Presentation by City Attorney. Attorney Frank Trosclair stated that he had no business to discuss.

Engineer's Monthly Status Report. Mr. William Jarrell stated that the Park Avenue Bridge has been opened but they have some punch list items to complete. They are trying to schedule a meeting with the contractor to go over the schedule to see when they can get started with the McCarthy Lane Bridge project. They have a recommendation for the water storage tank bid which will come up later in the meeting. Alderwoman Jacqueline Martin stated that she had checked out the bridges and they are beautiful. Alderman Reginald Tatum requested an estimate again for blacktop on Moresi Street. He also inquired about the ownership of the railroad spur on that street. Mayor Cravins requested that Ms. Balthazar have Mr. Charles Cummings research this matter.

Presentation for recognition of the Employee of the Month. The Employee of the Month chosen for November 2012 is Mr. Morris "Bubba" Lemon. Mr. Lemon is employed with the Code Enforcement Department. He is married and has four children.

BIDS

Accept Bids Bulk Lime (Bid #09-12). Pursuant to an advertisement in the Daily World for Bids Bulk Lime (Bid #09-12), two (2) bids were received:

<i>BIDDER NAME</i>	<i>BID AMOUNT</i>
LHOIST NORTH AMERICA (formerly Chemical Lime)	\$218.81 per ton
CARMEUSE LIME	\$221.86 per ton (based on a 22-ton minimum load)

On a motion by Alderman Reginald Tatum, seconded by Alderman Louis Butler, Jr., and unanimously carried, it was resolved to take the bids under advisement and award to the lowest bidder meeting specifications.

Accept Bids for Concrete (Bid #10-12). Pursuant to an advertisement in the Daily World for Bids for Concrete (Bid #10-12), one (1) bid was received:

<i>BIDDER NAME</i>	<i>3000 PSI</i>	<i>4000 PSI</i>	<i>EXTRA CEMENT</i>	<i>CA. CHLORIDE</i>	<i>FIBER</i>
BARRY CONCRETE	\$98.00/yd	\$102.00/yd	\$4.00/bag	\$3.50/yd	\$7.50/bundle

On a motion by Alderman Reginald Tatum, seconded by Alderman Louis Butler, Jr., and unanimously carried, it was resolved to take the bid under advisement and award if bidder meets specifications.

PUBLIC HEARINGS

Pursuant to advertisement in the Daily World, a Public Hearing was opened at 6:01 p.m. regarding AN ORDINANCE TO AMEND ORDINANCE NO. 2 OF 2007, (SEC. 3-16 OF THE CODE OF ORDINANCES), ENTITLED 'PROHIBITED TIMES OF OPERATION, EXCEPTIONS'. This amendment was previously voted on at the 11/13/2012 Council meeting. However, due to absences, a majority vote of members present was not received and the ordinance had to be re-introduced at a Special Meeting on 11/20/2012. No comments or questions.

The Public Hearing was closed at 6:02 p.m.

On a motion by Alderman Blair Briggs and seconded by Alderman Joseph Charles, the following Ordinance was offered for adoption:

ORDINANCE NO. 11-A OF 2012

AN ORDINANCE TO AMEND ORDINANCE NO. 2 OF 2007, (SEC. 3-16 OF THE CODE OF ORDINANCES), ENTITLED "PROHIBITED TIMES OF OPERATION, EXCEPTIONS."

BE IT ORDAINED BY THE BOARD OF ALDERMEN of the City of Opelousas, State of Louisiana acting as the governing authority of said municipality do hereby amend the aforesaid ordinance to read as follows:

See 3-16. PROHIBITED TIMES OF OPERATION, EXCEPTIONS.

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- a. It shall be unlawful for anyone to sell or serve alcoholic beverages or beer in any business establishment licensed under this chapter between the hours of 2:00 a.m. and 6:00 a.m. daily.
- b. In any establishment or part thereof where alcoholic beverages or beer are the principal items sold or handled, the alcoholic beverage permit holder shall remove all patrons and members of the public from the premises by 2:30 a.m. However, the permit holder, and his employees and/or agents may remain on the premises during the aforementioned hours for the purpose of closing operations, taking stock, cleaning up and any other legitimately business related activities. In all other businesses licensed under this chapter, the physical part of the premises where alcoholic beverages or beer are located shall be cordoned off by physical restraints so as to deny access by patrons and to permit reasonable enforcement of these provisions.
- c. This section shall not apply to any business establishment for which the sale of alcoholic beverages or beer constitutes less than fifteen (15%) percent of its gross revenue between the hours of 2:00 a.m. and 6:00 a.m. For the purposes of this ordinance, an entry fee to premise where alcohol or beer is allowed shall be considered a fee for the sale of alcohol or beer.

Said Ordinance having been introduced on November 20, 2012, by Alderman Blair Briggs, notice of public hearing having been published, said public hearing having been held, the title having been read and the Ordinance considered, a record vote was taken and the following result was had:

YEAS: Joseph Charles, Julius Alsandor, Blair Briggs, and Reginald Tatum.

NAYS: Louis Butler, Jr. and Jacqueline Martin.

ABSENT: None.

THE MOTION PASSES.

ATTEST:

CITY CLERK

MAYOR

RESOLUTIONS

A RESOLUTION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT TO USE AN ALLOCATION OF \$243,636 SOLELY FOR ROAD REPAIR WITHIN THE CORPORATE CITY LIMITS OF OPELOUSAS.

On a motion by Alderman Joseph Charles and seconded by Alderman Reginald Tatum, the following Resolution was offered for adoption:

RESOLUTION NO. 25 OF 2012

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO
AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF OPELOUSAS
AND ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT

WHEREAS, both St. Landry Parish Solid Waste Disposal District, (hereinafter sometimes referred to as "DISTRICT") and City of Opelousas, (hereinafter sometimes referred to as "CITY") are public bodies and political subdivisions of the State; and
WHEREAS, R.S. 33:1321, et seq., allows the entering of intergovernmental agreements between such entities; and
WHEREAS, Act 1249 of the 1999 Session of the Louisiana Legislature authorized DISTRICT to use surplus funds derived from fees collected from persons or political subdivisions for the disposal of solid waste generated outside the boundaries of the DISTRICT for the purpose of road repairs within the corporate city limits of Opelousas; and
WHEREAS, Act 1249 of the 1999 Regular Session of the Legislature allows the DISTRICT to adopt rules governing the disbursement of such funds prior to any disbursements; and
WHEREAS, the DISTRICT has allocated funds to be divided amongst the municipalities and parish government within St. Landry Parish with the CITY authorized to receive the sum of \$243,636.00; and
WHEREAS, both parties deem this is in their best interest and the interest of their constituents to enter into this intergovernmental agreement,
NOW THEREFORE, BE IT RESOLVED that the City of Opelousas Board of Aldermen authorizes Mayor Donald R. Cravins, Sr., to enter into an intergovernmental agreement with St. Landry Parish Solid Waste Disposal District to use an allocation of \$243,636.00 solely for road repair within the corporate city limits of Opelousas.

The above resolution having been read in full and a vote taken was adopted as follows on this 11th day of December 2012.

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

NAYS: None.

ABSENT: None.

ATTEST:

CITY CLERK

MAYOR

CONSENTS

On a motion by Alderman Reginald Tatum and seconded by Alderman Joseph Charles, it was resolved to award the contract for the Water System Improvements (Ground Storage Tank, Service Pumps Distribution System Extensions) Project, MGA Project W#174-A, to Cecil D. Gassiott, LLC, in the amount of \$1,378,150.00 (Base Bid).

A roll call vote was taken with the following results:

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

NAYS: None.

ABSENT: None.

On a motion by Alderman Reginald Tatum and seconded by Alderman Joseph Charles, it was resolved to accept the resignation of Police Officer First Class John Chautin, effective 11/28/2012.

A roll call vote was taken with the following results:

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

NAYS: None.

ABSENT: None.

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On a motion by Alderman Reginald Tatum and seconded by Alderman Joseph Charles, it was resolved to grant Authority to advertise a Public Hearing regarding the following abandoned buildings:

- a. Mercedes Arceneaux Fusilier, 1019 E. Jefferson Street
- b. Rose Schexnaider, c/o Edwina Wilson, 1022 Pandora Street
- c. Gilbert Austin Jr., 1008 S. Washington Street

A roll call vote was taken with the following results:

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

NAYS: None.

ABSENT: None.

On a motion by Alderman Reginald Tatum and seconded by Alderman Joseph Charles, it was resolved to approve the recommendation by Police Chief Perry Gallow for payment to Carroll Johnson Travis in the amount of \$10,000.00 with funds allocated from the City's general fund balance for settlement in a civil case. A roll call vote was taken with the following results:

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

NAYS: None.

ABSENT: None.

Alderman Julius Alsandor wanted it noted that he voted yes to have the case settled although he objected to the funds being taken from the General Fund balance.

At this time, a request was made to go into Executive Session to discuss the recommendation for termination of Police Officer Notoya Brown. On a motion by Alderman Blair Briggs, seconded by Alderman Julius Alsandor and unanimously carried, it was resolved to go into Executive Session at 6:15 p.m. On a motion by Alderman Julius Alsandor, seconded by Alderman Blair Briggs and unanimously carried, it was resolved to return to Regular Session at 6:55 p.m. Upon returning from Executive Session, Mayor Cravins stated that a decision had been made. On a motion by Alderman Blair Briggs and seconded by Alderman Julius Alsandor, it was resolved to approve the recommendation for termination of Police Officer Notoya Brown for violation of the Opelousas Police Department Policy and Procedures General Order 14.3.9 (Unauthorized Use of Time), effective immediately. A roll call vote was taken with the following results:

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

NAYS: Joseph Charles and Reginald Tatum.

ABSENT: None.

THE MOTION PASSES.

ANNOUNCEMENTS

Mayor Cravins announced that the Christmas parade is Thursday, December 13, 2012, at 6:00 p.m. and he wished everyone a Merry Christmas and a Happy New Year.

There being nothing further to come before the Council, on a motion by Alderman Blair Briggs and unanimously seconded and carried, it was resolved that the meeting be adjourned. The meeting was adjourned at 7:05 p.m.

ATTEST:

CITY CLERK

MAYOR