

**OFFICIAL MINUTES OF THE CITY COUNCIL
CITY OF THIBODAUX
CITY HALL
THIBODAUX, LOUISIANA
NOVEMBER 7, 2017**

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, November 7, 2017 at 5:00 P.M.

There were present: Councilmen Tabor, Richard, Mire, Badeaux and Councilwoman Johnson.

There were also present: Mayor Tommy Eschete and Beau Brooks.

Absent: None

The minutes of the October 17, 2017 City Council Meeting were approved as written.

The Mayor presented the Council with the 2018 Annual Budget.

On motion of Councilman Mire, seconded by Councilman Tabor, the Council voted on a motion to set the date for the public hearing on the 2018 Annual Budget and adoption of the Appropriation Ordinance to December 5, 2018 immediately following the regular Council meeting. Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux

NAYS: None

ABSTAINED: None

The Mayor received information from the City's legal counsel concerning the lawsuit filed as Kemitra Banks, individually and on behalf of her minor children vs. Jacob Thibodeaux, et al.

On motion of Councilwoman Johnson, seconded by Councilman Richard, the Council voted on a motion to convene into executive session to discuss the lawsuit entitled Kemitra Banks, individually and on behalf of her minor children vs. Jacob Thibodeaux, et al. Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux

NAYS: None

ABSTAINED: None

On motion of Councilman Mire, seconded by Councilwoman Johnson, the Council voted on a motion to convene back into regular session. Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux

NAYS: None

ABSTAINED: None

On motion on Councilman Mire, seconded by Councilman Tabor, the Council voted to amend the resolution to read all parties. Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux

NAYS: None

ABSTAINED: None

On motion of Councilman Mire, seconded by Councilman Richard, the Council voted on a resolution to authorize the Mayor to execute any and all documents relating to the settlement of the lawsuit entitled Kemitra Banks, individually and on behalf of her minor children vs. Jacob Thibodeaux, et al as amended. Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux
NAYS: None
ABSTAINED: None

RESOLUTION NO. 2121

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS RELATING TO THE SETTLEMENT IN THE LAWSUIT ENTITLED KEMITRA BANKS, INDIVIDUALLY AND ON BEHALF OF HER MINOR CHILDREN VS. JACOB THIBODEAUX, ET AL

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

WHEREAS, a City of Thibodaux Police Officer is party in the lawsuit entitled Kemitra Banks, Individually and on behalf of her minor children vs. Jacob Thibodaux, et al; and

WHEREAS, the legal counsel representing the City of Thibodaux has negotiated a settlement with the plaintiff on behalf of all parties involved in this matter; and

WHEREAS, the Council has been informed of the details of the settlement and is willing to accept the settlement as proposed in this matter

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Thibodaux that the Mayor be and is hereby authorized to execute any and all documents relating to the settlement of the lawsuit entitled Kemitra Banks, Individually and on behalf of her minor children vs. Jacob Thibodeaux, et al.

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

YEAS: Tabor, Richard, Johnson, Mire, Badeaux
NAYS: None
ABSTAIN: None

And the above resolution was declared adopted this 7th day of November 2017.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The Thibodaux North Wastewater Treatment Plant Phase III Project is substantially complete in accordance with all contract documents and specifications. It is necessary to adopt a resolution which will commence the 45 day lien period on this contract.

Jimmy Ledet, with T. Baker Smith, addressed the Council and answered questions.

On motion of Councilman Tabor, seconded by Councilman Richard, the Council voted on a resolution to authorize the Mayor to sign a certificate of

Substantial Completion with LA Contracting Enterprise, LLC for the Thibodaux North Wastewater Treatment Plant Phase III. Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux

NAYS: None

ABSTAINED: None

RESOLUTION NO. 2122

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

WHEREAS, the City of Thibodaux entered into a contract with LA Contracting Enterprise, LLC dated January 27, 2017 for the Thibodaux North Wastewater Treatment Plant – Phase III North Bayou Lafourche Sewerage System Sanitary Sewer Upgrades; and

WHEREAS, the work under the aforementioned contract was substantially complete in accordance with the plans and specifications by the contractor on September 27, 2017; and

WHEREAS, a final inspection was conducted by representatives of the City and the Project Engineer; and

WHEREAS, all work was found to be satisfactory for acceptance by the City less and except any items included on a punch list.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Thibodaux in regular session on November 7, 2017 that the work under the aforementioned project be and is hereby accepted as substantially complete on the date hereinbefore specified.

BE IT FURTHER RESOLVED that the Council Administrator is hereby authorized to file with the Clerk of Court of the Parish of Lafourche, a certified copy of this resolution.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to T. Baker Smith, PO Box 2266, Houma, LA 70361, and to LA Contracting Enterprise, LLC, PO Box 5178, Thibodaux, LA 70302.

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

YEAS: Tabor, Richard, Johnson, Mire, Badeaux

NAYS: None

ABSTAIN: None

And the above resolution was declared adopted this 7th day of November 2017.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd “Chip” Badeaux
Lloyd “Chip” Badeaux, President

The Mayor received a request from Nicholls State University Athletic Department to purchase our portable wood basketball floor. The City has not utilized the flooring in several years, and Nicholls would like to refurbish the floor for use in one of their gyms on campus.

The Mayor explained that he checked with the auditors in order to follow the proper procedure when declaring this surplus.

On motion of Councilwoman Johnson, seconded by Councilman Mire, the Council voted on a resolution to declare city property as surplus and subject to sale (Portable Basketball Floor). Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux

NAYS: None

ABSTAINED: None

RESOLUTION NO. 2123

***A RESOLUTION DECLARING CERTAIN
CITY PROPERTY SURPLUS***

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

WHEREAS, it has been decided that certain City property, specifically, a portable basketball floor (City Tag No. 3899) is no longer needed for public purposes; and

WHEREAS, in accordance with the provisions of Louisiana Revised Statutes (R.S. 33:4712), the City Council must adopt a resolution declaring the said property surplus; and

WHEREAS, after consultation with the manufacturer of the said floor, as per the attached correspondence (See Exhibit "A") the estimated value of the property is set between \$5,000 and \$15,000; and

WHEREAS, in accordance with the provisions of the "Local Services Law" (LRS 33:1321 et. seq.), it is the intent of the City to sell this movable property to Nicholls State University (State of Louisiana) for the purchase price of \$10,000 through the execution of an appropriate intergovernmental agreement; and

WHEREAS, this resolution shall be published in the official journal of the City, in the same manner as are the other proceedings of the governing body.

NOW, THEREFORE BE IT RESOLVED by the City council of the City of Thibodaux in regular session that the aforementioned City property be and is hereby declared surplus in accordance with the aforesaid applicable state law.

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

YEAS: Tabor, Richard, Johnson, Mire, Badeaux

NAYS: None

ABSTAINED: None

And the resolution was declared adopted this the 7th day of November 2017.

/s/ Jennifer Morvant
Jennifer Morvant, Council Admin.

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

The City administers the Section 8 Rental Assistance Program funded through the U.S. Department of Housing and Urban Development.

The City's Housing and Community Development Director stated that the City has received the new 2018 fair market rents as published by HUD. The City now has to update our Section 8 Program Administration Plan so as to set the rental payment standard percentage of fair market rents based on the local rental market and funding availability. Effective January 1, 2018, the Section 8 payment standard will be set at 102% of FMR for 1 bedroom units, 105% of FRM for 2 bedroom units, 104% of FMR for 3 bedroom units and 103% of FMR for 4 bedroom units.

The Housing and Community Development Director answered questions from the Council.

On motion of Councilwoman Johnson, seconded by Councilman Richard, the Council voted on a resolution to authorize the Section 8 Housing Choice Voucher Program to adopt payment standards at the following percentages of the Fair Market Rent effective January 1, 2018: 102% for 1 BR, 105% for 2 BR, 104% for 3 BR and 103% for 4 BR. Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux
NAYS: None
ABSTAINED: None

RESOLUTION NO. 2124

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

WHEREAS, the City Council of the City of Thibodaux, Louisiana approved the City's Section 8 Program Administrative Plan; and

WHEREAS, agencies are allowed to establish a payment standard at any level between 90% and 110% of the published fair market rent based on the local rental market; and

WHEREAS, due to the HUD published fair market rents for 2018, the City Office of Housing and Community Development has to update the said plan so as to set the rental payment standard percentage of the published fair market rent (FMR) based on the local rental market and funding availability; and

WHEREAS, it is necessary for the Council to approve this amendment by means of the adoption of an appropriate resolution

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Thibodaux does hereby approve the amended Section 8 Program Administrative Plan so as to establish the new rental payment standard at 102% of FMR for one (1) bedroom units, 105% of FMR for two (2) bedroom units, 104% of FMR for three (3) bedroom units, and 103% of FMR for four (4) bedroom units effective January 1, 2018.

BE IT FURTHER RESOLVED that a copy of the most recent fair market rents published in the Federal Register and the City of Thibodaux's amended Section 8 Housing Choice Voucher Program Payment Standards are 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: Tabor, Richard, Johnson, Mire, Badeaux
NAYS: None
ABSTAINED: None

And the above resolution was declared adopted this 7th day of November 2017.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

Councilman Mire introduced an ordinance to amend and re-enact Chapter 7 of the Thibodaux City Code of Ordinances so as to create Section 7-79 (Violation of protective order). The Public Hearing on this ordinance will be held at the Council meeting on November 21, 2017.

Councilman Richard introduced an ordinance to authorize the Mayor to execute an Intergovernmental Agreement with Nicholls State University for the purchase of City surplus property (Wood Basketball Floor). The Public Hearing on this ordinance will be held at the Council meeting on November 21, 2017.

Councilwoman Johnson introduced the Appropriation Ordinance for the Year 2018. The Public Hearing on this ordinance will be held at the Council meeting on December 5, 2017.

The Louisiana Department of Health and Hospitals, Office of Public Health has requested that the City sign a memorandum of understanding which would allow the use of the Harang Auditorium facilities as a point of dispensing site in the event of an emergency that would require mass vaccinations, distribution and/or dispensing of medication of supplies. The proposed agreement is for a period of four (4) years.

On motion of Councilman Mire, seconded by Councilman Tabor, the Council voted on an ordinance to authorize the Mayor to sign a Memorandum of Understanding with the Louisiana Department of Health and Hospitals Office of Public Health. Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux

NAYS: None

ABSTAINED: None

ORDINANCE NO. 2946

***AN ORDINANCE AUTHORIZING THE MAYOR TO
SIGN A MEMORANDUM OF UNDERSTANDING WITH THE
LOUISIANA DEPARTMENT OF HEALTH AND HOSIPTALS,
OFFICE OF PUBLIC HEALTH***

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

WHEREAS, in the event of an emergency requiring mass vaccination, distribution and/or dispensing of medication or supplies in the Thibodaux area, it is necessary for the Louisiana Department of Health and Hospitals (DHH), Office of Public Health (OPH) to establish a Point of Dispensing large enough to handle such an emergency; and

WHEREAS, the City of Thibodaux is in agreement to provide access to and use of the Warren J. Harang Jr. Municipal Auditorium, 310 North Canal Blvd, Thibodaux, LA as a Point of Dispensing site during an emergency event as described above; and

WHEREAS, the agreement is in effect for a period of four (4) years from the date of execution

NOW, THEREFORE BE IT ORDAINED that the Mayor be and is hereby authorized to sign a memorandum of understanding with the Louisiana Department of Health and Hospitals, Office of Public Health for the use of the Warren J. Harang Jr. Municipal Auditorium facilities as outlined above.

BE IT FURTHER ORDAINED that a copy of the memorandum of understanding 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: Tabor, Richard, Johnson, Mire, Badeaux
NAYS: None
ABSTAINED: None

And the above resolution was declared adopted this the 7th day of November 2017.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

Councilwoman Johnson requested that an ordinance be prepared to consider changing the speed limit on Lagarde Street between East 7th Street and East 12th Street. The speed limit is currently 25 mph and she has received requests to lower the speed limit to 15 mph.

On motion of Councilwoman Johnson, seconded by Councilman Mire, the Council voted on an ordinance to amend and re-enact Section 20-19 (a) of the Thibodaux City Code of Ordinances so as to create Sub-Section (20) – Speed Limit on Lagarde Street). Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux
NAYS: None
ABSTAINED: None

ORDINANCE NO. 2947

***AN ORDINANCE TO AMEND AND RE-ENACT SECTION 20-19 (a)
OF THE THIBODAUX CITY CODE OF ORDINANCES SO AS TO
CREATE SUB-SECTION (20)-SPEED LIMIT ON LAGARDE
STREET***

BE IT ORDAINED by the City Council of the City of Thibodaux in regular session assembled, that Section 20-19 (a) of the Thibodaux City Code of Ordinances is hereby amended and re-enacted so as to create sub-section (19) to read as follows:

Sec. 20-19. Speed Limits ---Specified.

(a) Maximum generally, exceptions. No vehicle, under any circumstances, shall be driven at a greater rate of speed than twenty-five (25) miles per hour on any streets of the city, except as follows:

(20) The speed limit on Lagarde Street between East 7th Street and East 12th Street is hereby fixed and established at the rate of fifteen (15) miles per hour.

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

YEAS: Tabor, Richard, Johnson, Mire, Badeaux
NAYS: None
ABSTAINED: None

And the above ordinance was declared adopted this 7th day of November 2017.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The Planning and Zoning Commission has recommended that the City Council approve the acceptance of the preliminary plat of the remaining area of the

Audubon/South Acadia Park Subdivision (Tracts L, M, N-1, N-2, I, J, K-1 and K-2). This development is located on the northwest side of Erwin Drive, approximately 250' south from the intersection of South Acadia Rd. The approval of the preliminary plat of this subdivision is required in order to comply with the provisions of Section 18-53 of the Thibodaux City Code of Ordinances.

On motion of Councilman Mire, seconded by Councilman Richard, the Council voted on an ordinance to approve the preliminary plat of the remaining area of Audubon/South Acadia Park Subdivision (Tracts L, M, N-1, N-2, I, J, K-1 and K-2). Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux
NAYS: None
ABSTAINED: None

ORDINANCE NO. 2948

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF THE REMAINING AREA OF THE AUDUBON/SOUTH ACADIA PARK SUBDIVISION (TRACTS L, M, N-1, N-2, I, J, K-1, AND K-2)

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

WHEREAS, the Planning and Zoning Commission of the City of Thibodaux has reviewed a request by T. Baker Smith, LLC concerning the approval of the preliminary plat of the remaining area of the Audubon/South Acadia Park Subdivision (Tracts L, M, N-1, N-2, I, J, K-1, and K-2) located on the northwest side of Erwin Drive approximately 250' south from the intersection of South Acadia Road; and

WHEREAS, the said commission has approved the aforesaid request and they are recommending that the City Council concur with their recommendation; and

WHEREAS, in accordance with the provisions of Section 18-53 of the Thibodaux Subdivision Regulations, the preliminary plat of this subdivision should be accepted by the adoption of an appropriate ordinance.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Thibodaux in regular session assembled, that the preliminary plat of the remaining area of Audubon/South Acadia Park Subdivision (Tracts L, M, N-1, N-2, I, J, K-1, and K-2) is hereby accepted and approved as recommended by the Planning and Zoning Commission.

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

YEAS: Tabor, Richard, Johnson, Mire, Badeaux
NAYS: None
ABSTAINED: None

And the above ordinance was declared adopted this 7th day of November 2017.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The City executed an Entity/State Agreement dated June 22, 2012 with the Louisiana Department of Transportation and Development for construction of the Acadia Road: Audubon-MLK/Bayou Pedestrian Path. The City has been informed

by DOTD that it is necessary to execute a new agreement for this project to reflect changes to the program and certain other changes as set forth in the new agreement.

On motion of Councilwoman Johnson, seconded by Councilman Tabor, the Council voted on an ordinance to authorize the Mayor to execute an Entity/State Agreement with the Louisiana Department of Transportation and Development for the State Project No. H.009742 Acadia Road: Audubon-MLK/Bayou Pedestrian Path. Upon roll call the vote was as follows:

YEAS: Tabor, Richard, Johnson, Mire, Badeaux

NAYS: None

ABSTAINED: None

ORDINANCE NO. 2949

**AN ORDINANCE AUTHORIZING THE MAYOR TO
EXECUTE AN ENTITY/STATE AGREEMENT WITH THE
LOUISIANA DEPARTMENT OF TRANSPORTATION AND
DEVELOPMENT FOR STATE PROJECT NO. H.009742 ACADIA
ROAD: AUDUBON-MLK/BAYOU PEDESTRIAN PATH**

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

WHEREAS, the City and DOTD previously entered into a formal agreement dated June 22, 2012 to construct the Acadia Road: Audubon-MLK/Bayou Pedestrian Path (State Project H.009742); and

WHEREAS, it is necessary to amend the agreement to reflect changes to the program and to certain other changes as set forth in the new agreement; and

WHEREAS, the parties agree that upon final approval of this agreement, it will supersede the formal agreement dated June 22, 2012 for this project in its entirety; and

WHEREAS, in order for the City to execute this proposed agreement it is necessary for the Council to authorize the Mayor to do so.

NOW, THEREFORE BE IT ORDAINED by the City Council that the Mayor is hereby authorized to execute the Entity/State Agreement with the State of Louisiana DOTD under the conditions mentioned hereinabove.

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: Tabor, Richard, Johnson, Mire, Badeaux

NAYS: None

ABSTAINED: None

And the above ordinance was declared adopted this 7th day of November 2017.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The Planning and Zoning Commission conducted a public hearing on a request by Harold Block to amend Section 704 (C) of the Zoning Ordinance pertaining to the location of parking spaces.

Mr. Block's request was to create Sub-Section 4 in Section 704 (C) in order to prohibit parking spaces in the front of structures located in the RB Zoning Districts. Parking spaces would only be allowed on the sides and rear of all structures in this district.

The Planning and Zoning Commission discussed this item and it was denied.

Jeff Donnes, 107 East 2nd St., Lois Adams, 201 Canal Blvd., Jerry Marcello, 301 Canal Blvd., and Michael Blanchard, 206 East 2nd St., all addressed the Council stating reasons that they were against this request.

On motion of Councilman Tabor, seconded by Councilman Mire, the Council voted on an ordinance to amend and re-enact Section 704 (C) of the Thibodaux Zoning Ordinance so as to create Sub-Section (4) (Location of Parking Spaces in RB Zoning Districts). Upon roll call the vote was as follows:

YEAS: Richard

NAYS: Tabor, Johnson, Mire, Badeaux

ABSTAINED: None

This item failed with a vote of 4 to 1.

The Planning and Zoning Commission conducted a public hearing on a request by Harold Block to amend Section 906 (B) (2) of the Zoning Ordinance pertaining to illuminated signs in the RB District.

Currently any business in an RB District is allowed to have external illumination for their signs. The Council recently adopted an ordinance that prohibits the installation of new internally illuminated signs in the RB District. Mr. Block's request is to create Sub-Section (b) in Section 906 (B) (2) in order to prohibit any illumination of signs outside of normal business hours, which are 6:00 a.m. to 6:00 p.m. Illumination would only be allowed during the daytime business hours.

The Planning and Zoning Commission discussed this item and it was denied.

Jeff Donnes, 107 East 2nd St., Lois Adams, 201 Canal Blvd., Jerry Marcello, 301 Canal Blvd., and Michael Blanchard, 206 East 2nd St., all addressed the Council stating reasons that they were against this request.

On motion of Councilman Tabor, seconded by Councilwoman Johnson, the Council voted on an ordinance to amend and re-enact Section 906 (B) (2) of the Thibodaux Zoning Ordinance so as to create Sub-Section (b) (Illuminated Signs in RB Zoning Districts). Upon roll call the vote was as follows:

YEAS: Richard

NAYS: Tabor, Johnson, Mire, Badeaux

ABSTAINED: None

This item failed with a vote of 4 to 1.

The Mayor discussed several projects going on throughout the City.

Jimmy Ledet with T. Baker Smith discussed proposed changes being made to the North Wastewater Treatment Plant and answered questions from the Council.

There being no further business the meeting was adjourned.

Jennifer Morvant, Council Adm.

Lloyd "Chip" Badeaux, President