



CITY COUNCIL MEETING MINUTES

**REGULAR MEETING
6:00 P.M., TUESDAY, JANUARY 20, 2009
CARENCRO CITY HALL
CARENCRO, LOUISIANA**

Mayor Glenn L Brasseaux called the meeting to order at 6:00 p.m. Councilman L.J. Boudreaux led the Pledge of Allegiance which was followed by a moment of silent prayer.

Attendance: Council members Antoine Babineaux, L.J. Boudreaux, Coach Allen Conque, Kim Guidry, and J.L. Richard.

Mayor Brasseaux asked to amend the agenda to add the following items:

1. Discussion item L.4. - Recognize Mr. and Mrs. Don Rodgers regarding fireworks,
2. Monthly Reports Item F. - P.A.R.C. recommendation to fulfill a vacancy on the P.A.R.C. Commission, and
3. Resolution item I/J.2. – A resolution making application to the State Bond Commission for consent and authority to issue, sell and deliver not exceeding \$1,500,000 of Certificates of Indebtedness, Series 2009, of the City of Carencro.

A motion to add these items was made by Councilman Babineaux; second by Councilwoman Guidry; motion approved.

Mayor Brasseaux welcomed LCG President Joey Durel and LCG Councilmen Jay Castille. The Mayor recognized President Durel who urged citizens to vote for an upcoming bond issue in April. This money would be spent in the unincorporated areas of Lafayette Parish for much needed road and bridge improvements. The parish would have approximately \$26 million available without any new tax.

Mayor Brasseaux congratulated LCG Council members Purvis Morrison and Jay Castille upon becoming the Chair and Vice-Chair, respectively, of the Lafayette Consolidated Council. Both gentlemen serve as councilmen for different sections of Carencro.

The approval of the minutes from the December 15, 2008, Regular Meeting was then considered and on motion of Councilwoman Guidry, seconded by Councilman Boudreaux, the motion was approved.

Mayor Brasseaux asked the department heads for any additional comments regarding their monthly reports. Murray Conque was recognized to recommend Mr. Tommy Fontenot to fill the vacancy on P.A.R.C. due to the resignation of Elaine Richard. This position is a Council appointment to fill the remaining two-years of a three-year term. Mr. Tommy Fontenot presented his background as a Carencro resident and his background in sports. With no further comments, a motion was made by Councilman Richard to appoint Tommy Fontenot to fill this vacancy; second by Councilwoman Guidry; motion approved.

Mayor Brasseaux recognized city engineer, Glenn McCall, to discuss the status of the bidding process for the new water plant. Because all bids were over budget by a minimum of approximately one million dollars, a request for a time extension was made to the low bidder, Core Construction, in order to evaluate where costs could be trimmed to be in line with the budget. Once final cuts are considered, Mr. McCall will present the Mayor with the final estimate to present to the Council.

FINAL ADOPTION OF ORDINANCES

Ordinance No. 2008-018 An ordinance of the Carencro City Council establishing performance land use regulations within the city limits of the City of Carencro, Louisiana.

Mayor called for public comments and recognized Mr. Gerald Melancon of Melancon Funeral Home, Melancon Life Insurance and Memorial Gardens cemetery. Mr. Melancon is concerned that the land use ordinance would prohibit future expansion of the business, particularly the cemetery.

Mr. Melancon also stated that he wanted the area around the cemetery to be "grandfathered" in so that in the future he would not have to come into compliance with the ordinance. Councilman Conque asked City Manager Lloyd Rochon if this had been discussed. Mr. Rochon stated that he had discussed this with Lynn Guidry who had received this question from Mr. Melancon. Mr. Rochon explained that in lieu of considering "grandfathering" this property, if Mr. Melancon would include on a plat his available land for his business and in addition the land that he intended for "future expansion", identified it as such on a plat, filed this information in the Clerk of Courts office and provided a copy to the City, that this would suffice to have this property excluded from having to come into compliance with this ordinance. During this discussion it was suggested that the plat suggested above be filed immediately.

Councilman Boudreaux asked that consideration be given to deleting the penalty of "60 days in jail" for non-compliance. Mr. Rochon explained that even if this provision was eliminated from this ordinance, the fine of "\$500.00 and imprisonment for not more than 60 days, or both such fine and imprisonment", would still apply since this provision is contained in Section 1-15 General Penalty of the Code of Ordinances. This provision provides that "Except as otherwise provided by State Law, whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in this code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any provision of this Code or Ordinance shall be punished by a fine on not exceeding \$500.00, etc"

After further comments from the public and Council, a motion to adopt this ordinance was made by Councilman Babineaux; second by Councilman Conque; motion approved.

ORDINANCE NO. 2008-029 An ordinance of the Carencro City Council deleting, Chapter 74, Article I , Section 74-1, of the Carencro Code of Ordinances and adopting a new Chapter 74-1 Highway Regulatory Act adopted.

After comments were received, Councilwoman Babineaux made a motion to adopt; seconded by Councilwoman Guidry, motion approved.

ORDINANCE NO. 2008-030 An ordinance of the Carencro City Council amending the Code of Ordinances, Chapter 66, Division 2, Section 66-131(b) to comply with the provisions of an existing Intergovernmental Agreement for review of subdivision plats as provided herein.

This ordinance clarifies the requirement to provide notices to adjacent property owners upon receipt of a request for Preliminary plat approval for subdivisions. The five day notice was changed to ten days to eliminate the appearance of a conflict in the number of days in which notices are required to be mailed as detailed in an Intergovernmental Agreement with Lafayette Consolidated Government (LCG), to review all Carencro applications.

With no further comments, Councilman Boudreaux made a motion to adopt; second by Councilwoman Guidry; motion approved.

There were no introductory ordinances to be presented.

RESOLUTIONS

A Resolution of the Carencro City Council amending the 2008/2009 Budget increasing revenues in the amount of \$1,878.00, grant funds received from the Louisiana Commission on Law Enforcement, Administration and Criminal Justice, said funds to be used to purchase portable radios for Police Officers.

With no comments, Councilman Boudreaux made a motion to approve above resolution; second by Councilwoman Guidry; motion approved. Mayor Brasseaux commended both the Police department and Fire department in their diligence in seeking these grants which augment the city's budget.

The mayor then presented the following:

A resolution making application to the State Bond Commission for consent and authority to issue, sell and deliver not exceeding \$1,500,000 of Certificates of Indebtedness, Series 2009, of the City of Carencro, State of Louisiana, all in the manner provided for by Section 1430, of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, and providing for other matters in connection therewith.

WHEREAS, the Budget for the City of Carencro, State of Louisiana (the "Issuer"), for the fiscal year 2008-2009 shows an estimated excess of revenues, including fund balances, over statutory, necessary and usual charges and all other expenses for such fiscal year including the beginning balance in the budget, in the total amount of \$2,469,480 which sum is available for the payment of principal and interest on the hereinafter described Certificates of Indebtedness; and

WHEREAS, the surplus reflected for the current fiscal year is sufficient to meet the maximum principal and interest requirements in any future year on the indebtedness herein authorized and this Mayor and Board of Aldermen will herein obligate itself and its successors in office to budget and set aside annually adequate funds for the payment of the Certificates of Indebtedness (hereinafter described) in principal and interest in future years; and

WHEREAS, Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended (R.S. 39:1430), authorizes the Issuer to make and enter into contracts dedicating the excess of annual revenues of subsequent years from any source above statutory, necessary and usual charges to the payment of the cost of public improvements and other obligations which are to be borne by the Issuer under such contracts; and

WHEREAS, the Issuer now desires to incur debt and issue not exceeding One Million Five Hundred Thousand Dollars (\$1,500,000) of its Certificates of Indebtedness, Series 2009, in the manner authorized and provided by the aforesaid Sections of the Louisiana Revised Statutes of 1950, as hereinafter provided, for the purpose of constructing and acquiring improvements to the Issuer's utilities system, including the necessary equipment and furnishings therefore and paying the costs of issuance; and

WHEREAS, the Issuer is not now a party to any other contract pledging or dedicating its excess annual revenues above statutory, necessary and usual charges, except with respect to the Issuers (i) Certificates of Indebtedness, Series 2004, issued in the original principal amount of \$1,500,000, pursuant to an ordinance adopted on February 16, 2004 of which \$970,000 is outstanding and (ii) Certificates of Indebtedness, Series 2006, issued in the original principal amount of \$3,000,000, pursuant to an ordinance adopted on September 18, 2006 of which \$2,815,000 is outstanding; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Carencro, State of Louisiana (the "Governing Authority"), acting as the governing authority of the City of Carencro, State of Louisiana (the "City or Issuer"), as follows:

SECTION 1. That application be and the same is hereby formally made to the State Bond Commission for consent and authority for the Issuer to issue, sell and deliver not exceeding \$1,500,000 of Certificates of Indebtedness, Series 2009, of the Issuer (the "Certificates"), all in the manner provided by Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended for the purpose of constructing and acquiring improvements to the Issuer's utilities system, including the necessary equipment and furnishings therefore and paying all costs in connection with the issuance of the Certificates (the Project). Said Certificates will mature over a period not exceeding twenty (20) years and will bear interest at a rate or rates not exceeding six percent (6%) per annum and will be sold at not exceeding less than 96% of the par value thereof. Said Certificates shall be secured by and payable from a pledge and dedication of the excess of annual revenues of the Issuer above statutory, necessary and usual charges in each of the fiscal years including the date of their issuance and each principal payment date.

SECTION 2. That a certified copy of this resolution shall be forwarded to said State Bond Commission by the Issuer's bond counsel, together with a letter requesting the prompt consideration and approval of this application. By virtue of applicant/issuer's application for acceptance and utilization of the benefits of the Louisiana State Bond 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, as to the borrowing and other matter subject to the approval, including subsequent application and approval under said Policy of the implementation or use of any swap or other product or enhancement covered thereby.

SECTION 3. That Foley & Judell, L.L.P., Bond Counsel, are hereby requested to do and perform comprehensive legal and coordinate professional work with respect to the issuance of general obligation bonds of the Issuer. Said special 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 Certificates, shall counsel and advise the Governing Authority as to the issuance and sale of the Certificates, 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 aforesaid Certificates of the Issuer is hereby fixed at a sum not exceeding the maximum fee allowed

by the Attorney General's fee schedule for legal and coordinate professional work performed in connection with the issuance of General Obligation Bonds based on the amount of said Certificates actually issued, sold delivered and paid for, plus "out-of-pocket" expenses, said fee to be contingent upon the issuance, sale and delivery of said Certificates.

SECTION 4. That a certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fee herein designated, and the Clerk of the Issuer is hereby empowered and directed to issue a voucher to said special counsel in payment of the fee herein provided for under the conditions herein enumerated.

SECTION 5. Prior to the delivery of the Certificates, the Issuer anticipates that it may pay a portion of the costs of the Project from general fund or other available moneys, which Certificates will be issued for the purposes set forth in the preamble to this resolution. Upon the issuance of the Certificates, the Issuer reasonably expects to reimburse any such expenditures from a portion of the proceeds of the Certificates. Any such allocation of proceeds of the Certificates for reimbursement will be with respect to capital expenditures (as defined in United States Treasury Regulation 1.150-1[b]) and will be made upon the delivery of the Certificates and not later than one year after the later of (i) the date such expenditure was paid or (ii) the date on which the Project was placed in service.

Upon motion by Councilman Conque and seconded by Councilman Babineaux, the resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Council members Antoine Babineaux, L.J. Boudreaux, Coach Allen Conque, Kim Guidry, and J.L. Richard.

NAYS: None

ABSENT: None

And the resolution was declared adopted on this, the 20th day of January, 2009.

City Clerk

Mayor

After discussion and explanation by Mayor Brasseaux of the need of additional financing to the new water plant, a motion was then made by Councilman Conque; seconded by Councilman Babineaux; and the resolution was unanimously approved.

Mayor Brasseaux opened a public hearing for preliminary plat approval of La Vie Verte Subdivision, a residential development, located in section 34, Township 8 North, Range 4 East, Cit of Carencro, Lafayette Parish, Louisiana. Carencro Planning Department administrator, Bonnie Anderson, reported as follows:

Carencro Subdivision Review:
La Vie Verte Subdivision (Stephen Ortego Developer)
(Corner of Arceneaux and Tison Roads)
Carencro, Louisiana

Please find enclosed in your packet a letter dated December 11, 2008, from the Planning, Zoning, and Codes Department (PZ&C) for Lafayette Consolidated Government regarding the above referenced project, as

well as a Comprehensive Report dated December 9, 2008. The Report is a summary of the recommended conditions for approval of the development.

I have reviewed the recommendations, and I concur with all the recommendations of Planning, Zoning, & Codes.

Please be aware that PZ&C only reviews the development for compliance with the Subdivision Regulations, and does not review for any of the City of Carencro's ordinances. Therefore, I have reviewed the plat and information provided for compliance with the following City of Carencro ordinances:

Ordinance No. 2001-010 An Ordinance Setting the Criteria for Residential Plat Submission for Proposed Residential Developments within the City of Carencro. This ordinance requires residential developments to clarify what kind of residential development is being proposed. The plat is not in compliance and must state this is a single-family residence development as per Travis Laurent of Paul Miers Engineers e-mail dated December 16, 2008. Also, please note as a courtesy to Mr. Ortego, as I have done in the past with other developers, I have continued the review of his development even though his plat is not in compliance.

Ordinance No. 2002-008 An Ordinance Regulating the Use of Individual Water and Sewer Systems in Subdivisions and Land Developments in Carencro, Louisiana. The plat states that the subdivision will have city water and sewer; therefore this ordinance is in compliance since the City of Carencro already has water and sewer service in the area.

Ordinance No. 2002-005 An Ordinance Requiring Sidewalks at All Public Streets within the Corporate Limits of the City of Carencro. There are no new proposed public streets in this development therefore this ordinance is not applicable and sidewalks will not be required.

Ordinance No. 2002-017 An Ordinance Establishing Flood and Drainage Protection Standards within the Corporate Limits of the City of Carencro. As described in the conditions for PZ&C, item #2 adequate provisions shall be made such that development activities do not adversely affect the adjacent properties. These provisions should include an evaluation of existing and proposed conditions, lot grading plan, capacity of roadside ditches and required pipe diameter. Final approval will be only given with the condition of acceptance by our City Engineer. Also as per letters attached from City Engineer Glenn McCall dated December 22, 2008 and an e-mail dated December 30, 2008 from Ms. Diana Herrera of FEMA, the Preliminary Flood Insurance Rate Maps (FIRM) must be used in this area for future planning and development. Therefore, the developer must comply with those regulations as well.

Ordinance No. 2005-010 An Ordinance requiring all utilities is placed underground. The plat does not state that the utilities will be placed underground; therefore we will need clarification on the utilities. It has been noted that electrical lines are presently overhead in the area and may possibly be required by Entergy to remain overhead.

Ordinance No. 2007-011 An Ordinance establishing a procedure for acceptance for perpetual maintenance improvements made in subdivisions. This ordinance deals with installation of culverts as well as the City of Carencro will not accept perpetual maintenance until two (2) years has elapsed.

Ordinance No. 2007-019 An Ordinance establishing reimbursable fees for all reasonable and necessary charges for consultant reviews of public infrastructure improvements, drainage analysis, development designs, and other appropriate charges for residential and commercial developments. The City of Carencro will provide the initial and one additional review at no cost; however any reviews after that will be reimbursed by the developer/engineer of the project to the City of Carencro.

Ordinance No. 2007-023 An Ordinance adopting layout of utilities in residential subdivisions. The City of Carencro has adopted the same layout that Lafayette Utilities Service (LUS) requires in the City of Lafayette and the unincorporated area which makes a uniform standard for the area; therefore the developer must comply with this ordinance.

Ordinance No. 2008-010 An Ordinance requiring all new developments provide a closed culvert system. The developer must provide sub-surface drainage for this development along Arceneaux and Tison Roads.

In summary, we recommend approval of the preliminary plat, with the following conditions of the Ordinances listed above:

- a. Compliance of all items listed on PZ&C's Review Letter dated December 11, 2008.
- b. Clarification on final plat of single-family residential development.
- c. Compliance of Preliminary FIRM in drainage analysis and as per City Engineer's letter dated December 22, 2008.
- d. Clarification of underground utilities.
- e. Sub-surface drainage along Arceneaux and Tison Roads.
- f. Signature Block on final plat.

Additional Request:

- a. Show site triangle on final plat on corner of Arceneaux and Tison Roads. Please note that nothing can be placed in that area.
- b. Correct property owners name and address to west of the development (Kate Road side).
- c. Correct municipal addresses on final plat.
- d. Correct Flood Notation on final plat.

The final plat needs to reflect all of these conditions, and then submitted to the City of Carencro. If all conditions have been met, the appropriate parties will sign the signature block on the plats, and return them to the developer. The plat should then be recorded in the Clerk of Court Office, and a recorded copy furnished to the City of Carencro.

Bonnie then asked Mr. Stephen Ortego to address the council and audience with the specifics of his development and answer any questions they may have.

Mr. Ortego as well as his Engineer Paul Miers addressed the Council and asked if the subsurface ordinance would apply to this development since it was being constructed on two existing streets. Mayor Brasseaux gave a brief explanation of the reason behind the adopting of the ordinance and stated that it would apply to Mr. Ortego's development.

Mr. Ortego then gave a brief description of what the homes would look like and type of homes he would build and sell on the property. Mr. Ortego stated that the homes would be the first LEAD certified homes in Lafayette Parish, would mean they would be "green homes" with energy efficient water, sewer, and electrical in each home. He would sell each home for approximate \$120 per square foot and each home would be designed to withstand 150mph winds and are 2 story homes. The homes would be elevated on slab above ground approximately 2 ½ or 3 ½ feet depending on the survey of the property. Mr. Ortego stated that Van Eaton & Romero has a design on display at their main office in River Ranch and anyone may go and view the home as well as the Van Eaton web site.

Several residents approached the Council with opposition and had several questions. Some of those questions were the type of material for each home, property line set backs, number of vehicles allowed for each house, where will each driveway be placed, flooding issues, what if homes not sold, who will take care of the property, etc... It was stressed by Mayor Brasseaux that if Mr. Ortego could not meet all requirements, including the drainage analysis which states that he could not add anymore water to the site than what was previously there, he could not proceed with the development.

After a lengthy discussion addressing each concern, a motion was made by Councilwoman Kim Guidry and second by Councilman J.L Richard to grant preliminary approval with the conditions as listed above. Motion approved.

Mayor Brasseaux recognized Mac and Jolynda Comeaux to consider their request for a waiver of a drainage analysis for a proposed triplex on Ira Street. No action was taken regarding a waiver, however, Councilman Boudreaux made a motion that more information, such as the plans, etc. be made available in order for the Council to make an informed decision; seconded by Councilman Richard; motion approved.

Mayor Brasseaux recognized Kent Lee and "Keno" Kenneth Arnaud for the Carencro Mardi Gras Association to consider a request for the 2009 Carencro Mardi Gras Parade to be held on February 21, 2009, beginning at 11 a.m. from Carencro High, to University and ending at Debutante Road. Police Chief Stout related message from Lafayette Parish Sheriff's office that that office would co-ordinate all security/crowd and traffic control for the parade only with the Carencro Police Department. The Mayor asked that the Mardi Gras Association and the Carencro Police department maintain good communications to insure a safe parade day.

After further comments, Councilman Conque made a motion to grant permission for the 2009 Carencro Mardi Gras Parade; seconded by Councilman Boudreaux; motion approved.

Mayor Brasseaux recognized Mr. and Mrs. Don Rodgers to discuss the lighting or "popping" of fireworks in residential neighborhoods. They request that the City Council request a ban of the "lighting" of fireworks, especially in a residential area. While sympathetic to the Rodgers requests, numerous comments regarding the difficulty of enforcing such a ban were heard. Mayor Brasseaux felt the best plan of action was to approach the Lafayette Fire Association regarding this problem. The Mayor would also write to the State Fire Marshall to address this problem.

Councilwoman Guidry made a motion to inquire with the state fire marshal concerning a solution to this problem; seconded by Councilman Boudreaux; motion approved. Fire Chief Oren Haydel will approach the Lafayette Fire Association at their next meeting which is January 22, 2009 and report back to the Mayor.

Mayor Brasseaux opened the meeting for public comments. Lynn Guidry commended the City Council for the passage of the performance land use ordinance. He announced that bids for the storage for the Police Department's storage building would be held at city hall on January 22, 2009, at 2:00 p.m.

LCG Jay Castille commented that Lafayette Consolidated Government's planning department will be contacting the City regarding that agency using this land use ordinance as a model for a similar ordinance for LCG.

After further comments from the public, the meeting was adjourned at 10 p.m.

Respectfully Submitted,

Candice L Baque, CMDC
Certified Municipal Deputy Clerk
City of Carencro