

MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF ST. MARTINVILLE, LOUISIANA
HELD ON THE 5th DAY OF AUGUST, 2019.

The Mayor and City Council of the City of St. Martinville, Louisiana met in Regular Session on the 5th day of August, 2019 at City Hall, their regular meeting place, pursuant to the call of the Mayor.

THERE were present: Melinda Mitchell, Mayor

Mike Fuselier, Councilman

Craig Prosper, Councilman

Dennis Williams, Councilman

Juma Johnson, Councilman

Allan L. Durand, City Attorney

THERE were absent: Edmond Joseph, Councilman

Mayor Melinda Mitchell presiding, called the meeting to order.

Upon recommendation of Mayor Mitchell, it was moved by Juma Johnson duly seconded by Dennis Williams and unanimously carried that Kuts for Kids be added to the agenda of this meeting.

Upon motion of Craig Prosper duly seconded by Mike Fuselier and unanimously carried that the lease agreement for police department vehicles be added to the agenda of this meeting.

Upon motion of Dennis Williams duly seconded by Mike Fuselier and unanimously carried that the minutes of the regular meeting held July 16, 2019 hereby be approved as written and prepared for publication in the Teche News, the Official Journal of the City of St. Martinville.

Upon motion of Mike Fuselier duly seconded by Dennis Williams and unanimously carried that the minutes of the special meeting held July 18, 2019 hereby be approved as written and prepared for publication in the Teche News, the Official Journal of the City of St. Martinville.

Mayor Mitchell recognized the following councilmen who received service awards at the LMA Convention:

Councilman Mike Fuselier	6 terms
Councilman Craig Prosper	4 terms
Councilman Dennis Williams	4 terms

Upon request of Mrs. Dolores Bourda of the Democratic Committee, it was moved by Juma Johnson duly seconded by Craig Prosper and unanimously carried that permission be granted for the use of Magnolia Park, at no charge, on Wednesday, August 21, 2018 to hold a public forum for candidates of the October election.

Upon motion of Mike Fuselier duly seconded by Juma Johnson and unanimously carried that Chief Ricky Martin's request to hire a Public Information Officer be tabled until the council is presented a detailed job description for said position.

Upon recommendation Chief Ricky Martin, it was moved by Craig Prosper duly seconded by Dennis Williams and unanimously carried to hire Nick Lebouef as a full-time post-certified police officer with a rate of pay of \$15.06 per hour, pending successful completion of pre-employment physicals.

Upon recommendation Chief Ricky Martin, it was moved by Mike Fuselier duly seconded by Craig Prosper and unanimously carried that the employment status of Dispatcher Jalisa Anderson be changed from part-time to full-time with a rate of pay of \$9.75 per hour.

Upon recommendation Chief Ricky Martin, it was moved by Craig Prosper duly seconded by Dennis Williams and unanimously carried that the employment status of Ursula Lewis be changed from dispatcher to non-post certified Patrol Officer with a rate of pay of \$12.83 per hour.

**RESOLUTION AUTHORIZING AND APPROVING EXECUTION OF AN EQUIPMENT
LEASE-PURCHASE AGREEMENT WITH
BANCORPSOUTH EQUIPMENT FINANCE, A DIVISION OF BANCORPSOUTH
BANK
FOR THE PURPOSE OF LEASE-PURCHASING CERTAIN EQUIPMENT**

WHEREAS, the The Mayor and City Council, the Governing Body (the "Governing Body") of City of St Martinville, LA (the "Lessee"), acting for and on the behalf of the Lessee hereby finds, determines and adjudicates as follows:

1. The Lessee desires to enter into an Equipment Lease-Purchase Agreement with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" (the "Agreement") with BancorpSouth Equipment Finance, a division of BancorpSouth Bank (the "Lessor") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment") and to purchase such other equipment from time to time in the future upon appropriate approval;

2. The Lessee is authorized pursuant to La. R.S. 33:1236 to acquire equipment and furniture by Agreement and pay interest thereon under the Agreement, provided that the Agreement contains a non-appropriation clause.

3. It is in the best interest of the residents served by Lessee that the Lessee acquire the Equipment pursuant to and in accordance with the terms of the Agreement; and

4. It is necessary for the Lessee to approve and authorize the Agreement.

5. The Lessee desires to designate the Agreement as a qualified tax-exempt obligation of Lessee for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Lessee as follows:

Section 1. The Agreement and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by and between the Lessor and the Lessee is hereby approved and Mayor Melinda Mitchell (the "Authorized Officer") is hereby authorized and directed to execute said Agreement on behalf of the Lessee.

Section 2. The Agreement is being issued in calendar year 2019.

Section 3. Neither any portion of the gross proceeds of the Agreement nor the Equipment identified to the Agreement shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payments identified in the Agreement (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Lessee) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Agreement are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Lessee hereby designates the Agreement as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. In calendar year 2019, Lessee has designated \$228,623.30 of tax-exempt obligations (including the Agreement) as qualified tax-exempt obligations. Including the Agreement herein so designated, Lessee will not designate more than \$10,000,000 of obligations issued during calendar year 2019 as qualified tax-exempt obligations.

Section 8. Lessee reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by Lessee during calendar year 2019 will not exceed \$10,000,000.

Section 9. For purposes of this resolution, the amount of Tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations includes tax-exempt obligations issued by all entities deriving their issuing authority from Lessee or by an entity subject to substantial control by Lessee, as provided in Section 265(b)(3)(E) of the Code.

Section 10. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Lessee to do all things necessary in furtherance of the obligations of the Lessee pursuant to the Agreement, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

Following the reading of the foregoing resolution, Mike Fuselier moved that the foregoing resolution be adopted, Dennis Williams seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

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

YEAS: M.Fuselier, C.Prosper, D.Williams, and J.Johnson,

NAYS: None.

ABSTAIN: None.

ABSENT: E.Joseph

And the Resolution was declared adopted this 5th day of August, 2019.

The motion having received the affirmative vote of all members present, the Mayor declared the motion carried and the resolution adopted this the 5th day of August, 2019.

Melinda Mitchell, Mayor

ATTEST:

(SEAL)

Upon recommendation of Public Works Superintendent Brian Touchet, it was moved by Dennis Williams duly seconded by Juma Johnson and unanimously carried that the pay grade for of Water/Wastewater Trainee Jackie Doucette be changed from 103 to 108 + 6% for time in position, plus an additional \$1.00 on call pay rate.

No action was taken on the recommendation by Public Works Superintendent Brian Touchet to adjust the pay grade of Dispatcher Raphiel Hebert.

Upon recommendation of Public Works Superintendent Brian Touchet to transfer Carlose Batiste from Parks and Recreation to Public Works with a new position of Grounds Maintenance Foreman/Small Engine Repair, it was moved by Mike Fuselier duly seconded by Dennis Williams.

After further discussion, Mr. Fuselier withdrew his motion.

Not action was taken.

For clarification purposes, it was moved by Craig Prosper duly seconded by Dennis Williams and unanimously carried that the pay grade of Cashier Gaynell Batiste be set at a pay grade of 105.

Councilman Craig Prosper tabled his item to discuss the injunction for the illegal trailer in Evangeline Mobile Home Park.

ORDINANCE NUMBER 2019-05

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
REGULATING THE INSTALLATION OF MOBILE HOMES IN THE
CITY OF ST. MARTINVILLE, LOUISIANA, AND RELATED MATTERS**

WHEREAS, the City Council for the City of St.Martinville, Louisiana, desires to amend its Code of Ordinances to impose additional requirements for the issuance of a mobile home moving permit, including a requirement that all mobile homes be inspected before they are moved within the corporate limits of the City of St.Martinville, and to impose additional installation standards;

THEREFORE, BE IT ORDAINED by the Mayor and City Council for the City of St.Martinville, in regular session assembled, that City of St.Martinville Code of Ordinances be, and the same are hereby amended as follows, to-wit:

A) Section 19-1 is amended to replace the definition of “Trailer or Mobile Home” as follows:

“Mobile Home or Manufactured Home” shall mean a movable detached single family dwelling unit with all the following characteristics: (a) designed for long term occupancy, and containing sleeping accommodations, a flush toilet ,a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; (b) designed and constructed on a chassis that is capable of being transported after fabrication on its own wheels or detachable wheels bearing a label certifying it is built in compliance with Federal Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C.-501) which became effective June 15, 1976; (c) arrive at a site where it is to be occupied as a dwelling complete and ready for occupancy except for minor incidental unpacking and assembly operations, installed by a Licensed Installer, connections to utilities, and (d) not required to be placed on a foundation. (Does not refer to travel trailers, truck campers, camping trailers, or similar units designed for recreation or other short term use.)

B) Section 19-1 is amended to add the definition of “Modular Home” as follows:

“Modular Home shall mean any home factory-built to a local state code. In some cases, a state may have adopted one of the uniform construction code (i.e., UBC, IRC, etc.). Modular Homes will not have the red certification label, but will have a label attached to the home identifying the code with which it complies. A Modular Home can be as an “on-frame” or “off-frame” modular. On-frame will be built on a permanent chassis, whereas, the off-frame modular will be built with removal of the chassis frames in mind. An off-frame modular will usually require additional cranes to assist with home placement. **Any Modular Home not placed on a cement or concrete slab shall be considered as a Mobile Home.**

C) Section 19-5 is amended to add the following sentence:

“However, nothing in this section shall be construed to permit the storage of any trailer or mobile home whose deteriorated or dilapidated condition would constitute a “Nuisance” under this Code of Ordinances or state law.”

D) Section 19-7 is added to read as follows:

“SECTION 19-7 – MOBILE HOME MOVING PERMIT

a) It shall be unlawful for any person, firm, trust, association, partnership or corporation to move or cause to be moved any mobile home or building measuring more than ten (10) feet in width or ten (10) feet in length, into, through or from the corporate limits of the City of St.Martinville without first obtaining from the City of St.Martinville a permit therefor, at a cost of \$25.00.

Said permit shall be visible from the outside of the mobile home or building. Any mobile home or building moved into, through or from the corporate limits of the City of St.Martinville shall only be moved by movers who are licensed in the State of Louisiana.

b) The application for the permit required by above shall be by written letter of request from the applicant or on a form furnished by the City of St.Martinville, and shall be signed by the owner of the mobile home or building. All applications shall include a color photo of all four sides of the mobile home or building; said photograph to be a minimum size of 3” x 5”.

c) The permit required above shall not be issued unless the mobile home proposed to be installed within the corporate limits of the City of St.Martinville has been first inspected by the City Inspector. The inspection fee shall be \$50.00 for those mobile homes located within St. Martin Parish at the time of inspection, and \$150.00 for those located outside of St. Martin Parish at the time of inspection. At the time of inspection each such mobile home must meet the National Manufactured Home Construction and Safety Standards, and must display a seal certifying that it was built in accordance with said standards, and built within the previous 15 years. (The mobile home owner must provide proof of age.) Further, all such mobile homes must be found, upon said inspection, to be safe and fit for occupancy.

d) Before the issuance of the permit required above, the Mayor or his designee shall approve the application indicating compliance with all of the requirements of this ordinance. The permit fee shall be due and non-refundable regardless of whether approval is granted and a resulting permit is issued.

E) Section 19-8 is added to read as follows:

SECTION 19-8 – INSTALLATION STANDARDS

A mobile home moved into the corporate limits of the City of St.Martinville pursuant to the permit required by the City must meet the following requirements within thirty (30) days of installation, to-wit:

(1) All mobile homes must be provided with manufacturer approved, vented skirting from the bottom of the mobile home floor to the ground. The area enclosed by skirting may not be used for storage and must be kept free of debris at all times.

(2) All entrances shall have permanent steps of precast concrete, properly laid, and/or cemented bricks or treated lumber. (The entrance to an attached deck or similar extension shall be considered as an entrance to a mobile home.)

(3) All mobile homes must meet the foundation and tie down requirements of City of St.Martinville ordinances.Additions to a mobile home may not use the mobile home for structural support.The lot or parcel of ground upon which the mobile home is installed shall have a parking area for no less than two (2) vehicles.

All mobile homes installed in a special flood hazard area must comply with all federal, state and local requirements pertaining to the National Flood Insurance Program, regardless of whether flood insurance is purchased. As regards base flood elevation, the lowest floor shall mean the bottom of the longitudinal structural I-beam in “A” and “AE” zones, and the lowest level shall be at or above the base flood elevation.

F) Section 19-32 is added to read as follows:

“SECTION 19-32: Camper Trailers and Recreational Vehicles.

“ Camper Trailers and Recreational Vehicles may not be placed into Mobile Home or Trailer Parks, and used as living accomodations.”

G) Those portions of the existing provisions of the City of St.Martinville ordinances which do not conflict with this amendment shall remain in full force and effect, and to the extent of any discrepancy, the provisions of this amendment shall control. All other ordinances or parts of ordinances in direct conflict herewith are hereby repealed.

H)This ordinance shall become effective immediately upon its adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The foregoing Ordinance was offered by Mr. Craig Prosper, duly seconded by Mr. Mike Fuselier, and upon being submitted to a vote, the vote was:

Yeas: M.Fuselier, C.Prospcr, D.Williams, and J.Johnson

Nays: None

Absent: E.Joseph

The Ordinance was thereon declared adopted on the 5th day of August, 2019.

LORRIE POIRIER-CITY CLERK

MELINDA MITCHELL-MAYOR

It was moved by Mike Fuselier duly seconded by Craig Prosper that the City Council go into executive session to discuss a personnel matter.

The City Council reconvened after executive session upon motion of Dennis Williams duly seconded by Mike Fuselier.

Upon motion of Craig Prosper duly seconded by Mike Fuselier, with Juma Johnson opposed, that Morris Simon be terminate for failing to take a post-accident drug screening test as instructed on June 14, 2019.

New business permits and procedures were discussed. Shedrick Berard was given the option to discuss in executive session; he stated he would like to continue with the discussion in public session. Councilman Prosper spoke of his concerns for the method Mr. Berard used in the permit process of a business owner's potential plans to locate a restaurant on the south end of the City. Councilman Prosper requested that when individuals come to City Hall employees should obtain contact information for future reference. No action was taken.

The official complaint filed by SM Police Officers against city employee Shedrick Berard was discussed. Mr. Berard was given the option to discuss complaint in executive session; he stated he would like to continue with the discussion in public session. Attorney Rebecca Borel representing police officers requested a public retraction of statement by Mr. Berard be made for his statement at the June 3, 2019 council meeting that 'someone lied on this report', referring to an auto accident that took place on Main Street on February 19, 2019 when a vehicle knocked down electrical poles. Ms. Borel further submitted a formal written demand to reprimand Mr. Berard. She did not receive any response. Ms. Borel asked if the City would like to be removed from any liabilities or if suit should be filed. It was moved by Craig Prosper duly seconded by Mike Fuselier, with Juma Johnson abstained, that City Attorney Allan Durand prepare a resolution apologizing to the police officers.

Upon motion of Mike Fuselier duly seconded by Craig Prosper that Shedrick Berard be given a minimum suspension of 3 days for his statement at the June 3, 2019 council meeting that ‘someone lied on this report’, after it was actuated that he did not complete the insurance report for an auto accident that took place on Main Street on February 19, 2019 when a vehicle knocked down electrical poles.

Mr. Fuselier’s motion being submitted to a vote, the vote thereon was:

Yeas: M.Fuselier and C.Prospere

Nays: J Johnson

Abstain: D. Williams

Absent: E. Joseph

Mr. Fuselier’s motion passed.

Councilman Fuselier spoke of burning of trees in the City limits. One area of concern on Terrace Hwy was noted. Chief Ricky Martin was asked to address this matter when needed in the future.

Upon motion of Mike Fuselier duly seconded by Craig Prosper and unanimously carried that the following Resolution hereby be adopted:

R E S O L U T I O N

WHEREAS, Kim Duplechain, Ginger Theriot and Mike Douet have been employed by the City of St. Martinville for many years; and

WHEREAS, Mrs. Duplechain, Mrs. Theriot and Mr. Douet has diligently preformed their duties with dedication and integrity during their tenure with the City; and

WHEREAS, Mrs. Duplechain, Mrs. Theriot and Mr. Douet have recently resigned from their employment with the City; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of St. Martinville hereby recognizes Kim Duplechain, Ginger Theriot and Mike Douet for their outstanding work for the citizens of the community.

IN WITNESS WHEREOF, I, MELINDA MITCHELL, MAYOR of the City of St. Martinville, State of Louisiana, do hereunto set my hand and cause to be affixed the Official Seal of the City of St. Martinville on this 5th day of August, 2019.

MELINDA MITCHELL, MAYOR

Upon motion of Mike Fuselier duly seconded by Craig Prosper and unanimously carried that a Supervisor of Public Works position be created with a pay grade of 112, plus \$1.00 per hour for on call pay.

No action was taken on the item to discuss the status of employment position of John Richard.

The following resolution was introduced by Juma Johnson duly seconded by Craig Prosper and unanimously carried:

R E S O L U T I O N

WHEREAS, the Louisiana Department of Transportation and Development is responsible for State Highways with the City of St. Martinville; and

WHEREAS, the City of St. Martinville acknowledges the importance of safety for all citizens, especially school children; and

WHEREAS, school buses enter Main street from Denier Street with its intersect with Main Street (La 31); and

WHEREAS, the Mayor and City Council of the City of St. Martinville, Louisiana in regular session convened that the Louisiana Department of Transportation and Development be hereby requested to consider installing a traffic light at the corner of Denier and Main Street (La 31) in an attempt to promote safety for our children and all citizens of the community.

NOW, THEREFORE, BE IT RESOLVED that a certified copy of this resolution be forwarded to the Louisiana Department of Transportation and Development.

I, LORRIE M. POIRIER, SECRETARY, City of St. Martinville, Louisiana do hereby certify that this is a true and correct copy of a resolution adopted by the Mayor and City Council of the City of St. Martinville in Regular Session convened this 5th day of August, 2019, at which meeting a quorum was present and voting.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE THIS 5th
DAY OF AUGUST, 2019.

Seal

LORRIE M. POIRIER, SECRETARY
CITY OF ST. MARTINVILLE

Upon motion of Mike Fuselier duly seconded by Craig Prosper and unanimously carried that the following Corporate Authorization Resolution hereby be adopted:

Corporate Authorization Resolution

This is to certify: That a meeting of the Mayor and City Council of the City of St. Martinville, LA, duly called and held on August 5, 2019, the following resolution was adopted:

RESOLVED, that all checks of this corporation drawn on any bank and orders for transfers or withdrawal of funds of this corporation on deposit in said Bank, in whatever form, shall be signed by two representatives, Mayor Melinda Mitchell, and one of the following:

Avis D. Gutekunst , Chief Administrative Officer
Raephelle Olivier, Receptionist

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks so drawn as above set forth, whether or not such checks be payable to the order of one of the foregoing persons either in his individual or official capacity or deposited to his individual credit.

IN WITNESS WHEREOF, I have hereunto affixed by name as Secretary and have caused the corporate seal of said corporation to be hereto affixed this 5th day of August, 2019.

I, Lorrie Poirier, Secretary of said corporation, do hereby certify that the foregoing is a copy of the resolution passed as therein set forth.

Secretary to Mayor and Council

Upon motion of Craig Prosper duly seconded by Mike Fuselier and unanimously carried that Mayor Mitchell be given the authority to enter into agreement for emergency assistance by and between the LEPA member cities.

Upon request of Marcus Bryant, it was moved by Dennis Williams duly seconded by Craig Propser and unanimously carried that permission be granted to hold Kutts for Kids on Sunday, August 11, 2019 from noon to 4:00pm at the corner of Main Street and Hyacinth Street (parking lane in front of Jason's Barber Shop). Permission was granted for the use of barricades.

Upon request of Mark Pratt, it was moved by Mike Fuselier duly seconded by Craig Prosper and unanimously carried that permission be granted to hold a Martin Luther King Dr March on Saturday, August 31, 2019, contingent upon final approval of details by Mayor Mitchell and Chief Ricky Martin. The march will take place at 1:00pm beginning at Cashesaver's parking lot and end at Clambeaugh's.

Jovan James gave a presentation of the importance of participating in the 2020 Census.

There being no further business to come before the Mayor and City Council, Mayor Melinda Mitchell adjourned the meeting upon motion of Dennis Williams duly seconded by Juma Johnson.

MELINDA MITCHELL, MAYOR

ATTEST:

LORRIE M POIRIER, SECRETARY