



REGULAR CITY COUNCIL MEETING

August 04, 2020 at 5:30 PM

AA Comeaux Recreation Center, 300 AA Comeaux
Memorial Drive, Suite 200, Abbeville, Louisiana 70510

AGENDA

NOTICE POSTED: August 3, 2020 at 4:00 P.M.

REGULAR ORDER OF BUSINESS

- Call to Order by Mayor
- Roll Call by Kathy Faulk
- Prayer
- Pledge

PERSONNEL

GUESTS

1. Mr. Ricky LaFleur - Candidate for District Judge.
2. Mr. Danny Landry - Candidate for District Attorney.

MINUTES AND APPROVAL OF BILLS

1. To approve the minutes from the July 21, 2020 special City Council meeting and the July 21, 2020 regular City Council meeting.

PUBLIC COMMENTS

(To allow comments on any of the following items prior to action.)

NEW BUSINESS

1. To approve payment of estimate for partial payment #6 for the LA 14: Downtown Abbeville Streetscaping project and also to request reimbursement from DOTD.

OLD BUSINESS

1. Report on DOTD's response to drainage requests - Councilman Brady Broussard, Jr.

TOPICS FOR DISCUSSION OR REVIEW

1. Engineers
2. Attorney
3. Public Works Director
4. Mayor
5. Police Chief
6. Fire Chief
7. Council Members

ADJOURN

In accordance with the Americans with Disabilities Act,
if you need special assistance, please contact
Mayor Mark Piazza's office at 337-893-8550,
describing the assistance that is necessary.

The Mayor and Council of the City of Abbeville met in special session on July 21, 2020 at 5:00 P.M., at the regular meeting place, the Council Meeting Room located at 101 North State Street, Abbeville, Louisiana with the Honorable Mark Piazza, Mayor, presiding.

Members Present: Council Members, Francis Plaisance, Terry Broussard, Brady Broussard, Jr., Francis Touchet, Jr., Mayor Pro-Tem and Roslyn White

Members Absent: None

Also, Present: Ike Funderburk, City Attorney
Clay Menard, Public Works Director
Jude Mire, Fire Chief
Sarah Alpough, Director of Revenue & Taxation

Mayor Piazza stated this special meeting has been called for a public hearing and discussion of the condemnation and demolition of the property located at 1728 Franks' Alley. The property owner is Kimberly Bolden. We have already had a hearing with Kimberly Bolden in December 2019. She made a lot of promises she did not keep. We had a subsequent meeting after the City Council hearing in the Council Committee meeting room with her and some of her relatives. She informed Sarah and him that she had borrowed the money to fix the mobile home and it was going to be fixed. We later found out later that was not necessarily true. Sarah has been in contact with the mortgage company. Sarah Alpough stated she had spoken to Mr. Pervis and he said it would not benefit them to try to get any money from the mobile home. They do not want the mobile home back and they are not going to repair it. They are relinquishing everything and the City needs to do what they need to do to make it safe. The mortgage company is fine with that. She has an email from them. Clay Menard stated that the mobile home was not worth repairing way back and now a tree has fallen into the mobile home. The structure is really in disrepair. The owner did get a permit to repair the property but nothing was done. Councilwoman White asked if we had previously already moved to condemn the structure and demolish it. Mayor Piazza stated that we did but since time has lapsed and because we had the lending company involved, we had to negotiate with them. It would be best to do it again. There is no representative of the family here tonight. They were provided notice. Sarah stated she did send notice and Ms. Bolden has never received it because she never receives anything. Ms. Bolden did call Sarah on the 10th about another issue. Sarah brought up the topic of the certified letter and she also made a copy of the certified letter and mailed it regular mail. Ms. Bolden stated she has not received that either but it has not been returned to us as undeliverable. Sarah did call Ms. Bolden on the 13th and the 16th to remind her about the hearing tonight, but there was no response. There was no option to leave a voice mail. Mayor Piazza stated that we have fulfilled all of our obligations.

-01 introduced by Mr. Francis Touchet, Jr. and seconded by Ms. Roslyn White to condemn the structure located at 1728 Franks' Alley and to proceed with demolition. The motion carried unanimously.

There being no further business to discuss, Mayor Piazza declared this meeting adjourned.

ATTEST:

APPROVE:

Kathleen S. Faulk
Secretary-Treasurer

Mark Piazza
Mayor

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Members Present: Council Members, Francis Plaisance, Terry Broussard, Brady Broussard, Jr., Francis Touchet, Jr., Mayor Pro-Tem and Roslyn White

Members Absent: None

Also, Present: Ike Funderburk, City Attorney
Jude Mire, Fire Chief
Bill Spearman, Police Chief
Jason Hebert, Police Lieutenant
Clay Menard, Public Works Director
Richard Primeaux, Engineer
Gene Sellers, Engineer
Steve Moosa, CPA
Tommy Frederick, Candidate for District Judge
Gerald Gaspard, Chamber of Commerce & American Legion
Cathy Walker, Co-operative Prevention Resources, Herod Property

Mayor Piazza asked Councilwoman Roslyn White to lead the assembly in prayer. Mayor Piazza also asked for a moment of silence for the COVID-19 victims that are currently in the hospital on ventilators, and we hope that the Lord will spare them and ease their suffering. Mayor Piazza asked Councilman Francis Touchet, Jr. to lead the assembly in the Pledge of Allegiance.

Mayor Piazza thanked everyone for understanding the social distancing and face mask guidelines they are mandated to follow. He suggested to the City Council that the next couple of meetings should be moved back to the A A Comeaux Park Recreation Center since the meeting room here at City Hall is so small. At the Recreation Center, we can really spread out and be available to the public.

-01 introduced by Mr. Francis Touchet, Jr. and seconded by Mr. Brady Broussard, Jr. to move Angela LeMoine from the position of temporary dispatcher to permanent dispatcher with the Abbeville Police Department. The motion carried unanimously.

Mr. Tommy Frederick is a candidate for District Judge in Vermilion Parish, Division C. He is from Abbeville and still lives in Vermilion Parish. He started his practice in Abbeville and has spent a lot of time in the courtroom. He was in the courtroom 7 to 10 days a month. He was appointed as the commissioner 18 years ago by the judges. He had to step down because he chose to run for District Judge. He stepped down on May 31, 2020. If elected, you will get experience, local presence and dedication. Councilwoman Broussard asked Mr. Frederick to explain bond setting. Mr. Frederick stated that bonds are not set to keep them in jail it is meant to secure their presence at court. Conviction is meant to keep them in jail. The more serious offense then the higher the bond is. When bond is set, it is set on the facts that are relayed to that judge at that time. If the information isn't the same as law enforcement ultimately submitted, then that is what the bond

was based on. Also, there could be a chance the bond got reduced. He set the bond consistently for 18 years based on the offense. If two people commit the same offense then the bond should be the same. If he was told that one person had a bad record, then the bond should be higher. Who you know, should not affect the bond. Councilman Touchet asked Mr. Frederick what we could do to make sure we don't have a back log of cases. Mr. Frederick stated that lawyers are long winded and they like exhibits. To add more court time is very hard. They are trying to add more court time in 2021 but that is not really the solution. It is a solution but it is not the best one. You add more court time then you stress the D. A.'s office and the public defender's office. This will really stress the Clerk's office a lot. The answer is to make better use of the time you have. Work the whole day and the whole docket. This is something he has experience doing. You also need to limit the continuances.

-02 introduced by Mr. Francis Plaisance and seconded by Ms. Roslyn White to approve the minutes from the regular City Council meetings held on June 2, 2020 and June 16, 2020. The motion carried unanimously.

-03 introduced by Mr. Brady Broussard, Jr. and seconded by Ms. Roslyn White to ratify the bills paid in the month of June 2020. The motion carried unanimously.

Mayor Piazza asked if there were any public comments on any of the agenda items prior to action. There were none.

Mr. Steve Moosa was here tonight to present the audit of the fiscal year ended 12/31/2019. It has already been submitted to the Legislative Auditor. They are giving an unmodified opinion. He discussed the report in detail. The City is in pretty good financial condition. There were no findings.

-04 introduced by Mr. Francis Plaisance and seconded by Mr. Francis Touchet, Jr. to adopt the audit report for the fiscal year ended December 31, 2019. The motion carried unanimously.

-05 introduced by Mr. Francis Touchet, Jr. and seconded by Ms. Roslyn White to award the base bid to the low bidder, Elliott Construction, in the amount of \$1,571,790.00 for the Rehabilitation of the Runway and Partial Taxiway project at the Airport. The motion carried unanimously.

Mr. Gene Sellers stated the bid for this project was over budget but DOTD and FAA have agreed to increase their grant funding to the amount of the base bid. It will be funded 100% by them.

DOTD was willing to help us obtain the second phase of funding for the Streetscape project. We sent the cost estimate to them. We have been awarded the funds. The federal share is \$304,000 and the City share is \$76,000. It would begin, most likely, in about six to nine months. We are 70% complete with Phase I.

-06 introduced by Mr. Francis Plaisance and seconded by Ms. Roslyn White to authorize Sellers & Associates, Inc. to proceed with the LA 14 Downtown Abbeville Streetscaping Phase II Project (Concord Street) final plans and specifications. The motion carried unanimously.

-07 introduced by Mr. Brady Broussard, Jr. and seconded by Mr. Francis Plaisance to approve payment of partial payment estimate #5 in the amount of \$33,137.00 payable to Glenn Lege Construction, LLC for the Downtown Abbeville Streetscaping project. The motion carried unanimously.

Touchet/Plaisance
Resolution R20-13

A resolution authorizing the Mayor to execute agreements with DOTD and FAA and to award and sign related contracts for FY 2020 Projects at the Chris Crusta Memorial Airport.

The motion carried unanimously.

Ms. Cathy Walker stated that she went to the School Board meeting last week and they had decided to return Herod (High School) to the Police Jury. The Police Jury had sent it to them because the School Board has the right of first refusal. The school board would not be involved in the endeavor to formulate an inter-parish agreement for the purpose of allowing Co-Operative Prevention Resources to renovate and manage the Herod Property for the goal of implementing an enterprise zone for the benefit of the community. Right now, it is the City and the Police Jury that haven't weighed in on what they think about the proposal. She is on the agenda for the August 3, 2020 Police Jury meeting. She will know something then. She wants to ask the City to partner with the Police Jury and do the intergovernmental agreement and let CPR management manage the property and implement the different things she has in the proposal. Everybody has their opinion about Herod. To her it is not ugly or a liability. The building still has potential. The City, Police Jury and the School Board has an obligation to the community. You are elected for the community. You are responsible to make sure there are things in the community to bring the citizens to their full potential. There is nothing in this area. You don't even have sports here anymore. Councilman Touchet stated that he understands the School Board gave it to the Police Jury. Ms. Walker stated that was correct. Councilman Touchet stated then the Police Jury owns it. How can the City be involved in an intergovernmental agreement when we do not own this property? We don't have anything to do with this building. We cannot use taxpayers' funds on something that we are not even involved in. We are not involved whatsoever. Ms. Walker stated that the City will not have to put any funds up. She has the non-profit and if she decides to get rid of the non-profit, then she has to give it to another non-profit. The Police Jury does not own Herod. They are custodial over Herod right now. The City has a park at the end of Herod. The middle part is owned by Herod Village and the other end is the Police Jury. The headstart was run through that and they had to have some sort of entity for the federal funds to come in. The checks don't go to the headstart building. The checks have to go to an entity. The Police Jury qualified. Their possession started off with headstart. They leased the building to Pastor Stevens for \$1.00 for 100 years. Pastor Stevens wanted to buy it and he was told by the Police Jury they would sell it to him after an appraisal. Then the Police Jury's lawyer came and told them they could not sell it to Pastor Stevens. It is a public property and you can't sell it to a private person. The Police Jury could give it to the City. It is not like you are going and taking something because the Police Jury does not own Herod. They are overseeing Herod. Councilman Touchet stated we are skipping steps since we really don't know exactly what the School Board did. What if the Police Jury doesn't agree upon this? Ms. Walker stated that there is an assumption that this is how it goes. The School Board, Police Jury and City owns things and that it is in each of their cubby holes but it is not true. The City deals with the City Police and the Police Jury deals with the Sheriff and the School Board are supposed to work with both of them. Ya'll are all supposed to work together to make this a better City and community for our children. So, to say the Police Jury has marbles that they can take home and you can't play with their marbles, is not true. The marbles are not for the Police Jury, they are not for the City and they are not for the School Board. They are for the people. Councilwoman Broussard stated that the Police Jury's attorney, Paul Moresi, contacted us since he saw it on our agenda. She asked Mr. Funderburk to relay what Mr. Moresi

stated. Mr. Funderburk stated that Mr. Moresi said, to the best of his knowledge, the School Board had not taken any action on the right of first refusal. Mr. Funderburk stated that for clarification, the title to the property is vested in the Vermilion Parish Police Jury. They acquired it from the School Board. The School Board retained a right of first refusal. If the Police Jury ever wants to sell the property, they have to offer it back to the School Board. To Paul's knowledge, who sent an email late yesterday afternoon and he may not be aware of what went on at last night's school board meeting, the School Board had not acted on its right of first refusal. There hasn't even been an offer from a third party to purchase the property from the Police Jury. Mayor Piazza asked Ms. Walker if she is interested in the part that used to be the headstart. Ms. Walker agreed. Mayor Piazza asked Ike if that portion is completely owned by the Police Jury. Ike agreed. Ms. Walker stated this has been going on for a year. She likes things in order. The Police Jury put the article in the newspaper as they were required. They then have to schedule a public meeting. Ike stated she is speaking about surplus property and then selling it at a public sale. Councilman Touchet stated that a table might be in order for this at this time. Ms. Walker stated she is okay with that and she can get more information and will also meet with the Police Jury on August 3, 2020. Councilman Touchet suggested that once Ms. Walker meets with the Police Jury that their attorney and our attorney speak prior to her returning to this meeting so we can make sure that we are clear on what we are looking at. If Ike is ready to bring it back up, he will let us know. Ms. Walker stated she would get an attorney too to make sure her vested interests are looked after. Ike stated he would be happy to include Ms. Walker's attorney on any conversation.

-08 introduced by Mr. Francis Touchet, Jr. and seconded by Ms. Terry Broussard to table the request from Cathy Walker to request an "inter-parish" agreement between the Vermilion Parish School Board, the City of Abbeville and the Vermilion Parish Police Jury for the purpose of allowing Co-Operative Prevention Resources to renovate and manage the Herod Property for the goal of implementing an "Enterprise Zone" for the benefit of the community, city, parish and state. The motion carried unanimously.

Ms. Walker stated they are supposed to have a meeting tomorrow about the building and she would like to have it at McKinley Scott Park. It would be about 10 people and we want to have it outside. Mayor Piazza stated that would be okay.

Councilwoman Broussard stated Ms. Megan Plowden could not be present tonight but she would like to have the annual Stop the Violence March in memory of her son, Dylan Plowden. It will be next week. It is a peace march. Lieutenant Jason Hebert asked that Ms. Plowden get with the Chief of Police to get everything approved. Councilwoman White asked if this is subject to the social gathering guidelines. Mr. Funderburk stated it would be. Councilwoman White stated that Ms. Plowden would need to be explained that. Mayor Piazza stated the limit is 50 people, even outdoors.

-09 introduced by Ms. Terry Broussard and seconded by Ms. Roslyn White to approve the special event permit for Megan Plowden to hold the Stop the Violence March in memory of her son, Dylan Plowden providing she receives the consent from the Chief of Police and follows all social distancing guidelines as set forth by the Governor. The fee would be waived. The motion carried unanimously.

Councilwoman Broussard stated that Darius Darby had contacted her. He is the brother of the young man that was killed on Dutel Street. He is driving down from Oklahoma and would like to come to McKinley Scott Park to hold a Fun Day there on August 1st and 2nd. He assured her that he would have masks and hand sanitizer for everyone playing basketball. Mayor Piazza stated that due to the Governor's guidelines as set forth today, Mr. Darby will not be able to do this until

after August 7, 2020. He will probably have to find a later date. He may not be able to do this even before August 21, 2020 because the Governor can move it back another two weeks. He may want to wait and do something in September or October. He definitely cannot do anything before August 7th.

-10 introduced by Mr. Francis Touchet, Jr. and seconded by Mr. Francis Plaisance to table the request for a special event permit for Darius Darby to hold a Fun Day at McKinley Scott Park on August 1, 2020 and August 2, 2020. The motion carried unanimously.

-11 introduced by Mr. Francis Touchet, Jr. and seconded by Ms. Roslyn White to grant a variance for Subway's attached sign at 224 Veterans Memorial Drive. The motion carried unanimously.

-12 introduced by Mr. Francis Touchet, Jr. and seconded by Ms. Roslyn White to ratify the award of the contracts for grass cutting and bush hogging at 1611 Graceland Avenue, 1109 Vernon Street, 807 N. Lamar Street and 708 Coulee Kinney Street and the contract for grass cutting and rubbish abatement at 705 S. State Street. The motion carried unanimously.

-13 introduced by Mr. Francis Touchet, Jr. and seconded by Ms. Roslyn White to approve a Class A liquor permit for Kajun Saloon located at 301 W. Summers Drive. The motion was put to a vote and the vote thereupon was as follows:

YEAS:	4(T. Broussard, B. Broussard, Touchet, White)
NAYS:	1(Plaisance)
ABSENT:	0
ABSTAIN:	0

Therefore, the motion carried.

Mr. Funderburk stated that the DeGrauw Estate would like to donate 6+ acres to the City of Abbeville. This is an onerous donation whereby the family requests that we erect a fence separating our property and theirs. It is about 1,000 feet of property and they will allow us three fiscal years to erect the fence.

**Plaisance/T. Broussard
Resolution R20-14**

A resolution to authorize the Mayor to execute all necessary documents to accept the donation of 6+ acres of land from the estate of Robert DeGrauw and to authorize the City Attorney to do all necessary title work.

The motion carried unanimously.

Chief Jude Mire stated they would like to upgrade to the 700 system radios since they are having trouble communicating especially during a structure fire. He will utilize \$25,000 of the fire rebate tax that was received from the Police Jury.

-14 introduced by Mr. Francis Touchet, Jr. and seconded by Mr. Francis Plaisance to approve the purchase of radios for the Fire Department. The motion carried unanimously.

Richard Primeaux, Engineer

- *Provided an update on the drainage project. These are the two last projects left to be designed. They are ready to go and we have easements involved. He will request the*

drainage board to clean the coulee from the school back to the apartments. It is keeping the water. If this is done, the rest of the project will work. That is on Robert Wells Drive.

Ike Funderburk

- *We are in the process of putting together a time and place with Richard Minvielle to discuss the blighted property grant. Councilwoman White stated she has a property owner on that list and she would like to know where she stands as far as timelines and if she is still on the list.*

Clay Menard

- *Glenn Lege Construction is still working on the road cut project.*

Mayor Mark Piazza

- *We are only in the middle of July so if a month from now we get a Cat 2 or 3 hurricane, where will we evacuate to? He hasn't heard anybody discuss that. That is something he intends on bringing up on the regional call Thursday. GOHSEP is always on that call. Other states may not take our evacuees. It will be a real crisis.*

Councilman Francis Plaisance

- *Complimented the Police Chief on doing an outstanding job getting the guns off of the street.*

-15 introduced by Mr. Francis Touchet Jr. and seconded by Ms. Roslyn White to enter into executive session to discuss threatened litigation. The motion carried unanimously.

-16 introduced by Mr. Brady Broussard, Jr. and seconded by Mr. Francis Touchet, Jr. to reconvene the regular session from executive session. The motion carried unanimously.

Mr. Funderburk stated they met in executive session to discuss potential threatened litigation. No action is required.

There being no further business to discuss, Mayor Piazza declared this meeting adjourned.

ATTEST:

APPROVE:

Kathleen S. Faulk
Secretary-Treasurer

Mark Piazza
Mayor