

**CITY OF PINEVILLE  
REGULAR COUNCIL MEETING  
APRIL 11, 2006 – 6:00 P.M.**

**MINUTES**

*Mayor Clarence R. Fields and the Council of the City of Pineville, Louisiana, met in Regular Session on Tuesday April 11, 2006 at 6:00 p.m. in the council room of Pineville City Hall, 910 Main Street, Pineville, Louisiana.*

1. Mayor Fields called meeting to order.
2. Councilman Martin led the invocation.
3. Councilman Bouchie led the Pledge of Allegiance.
4. Roll call was as follows:

<u>Present</u>	Councilpersons Bishop, Dorn, Van Mol, Bouchie and Martin
<u>Absent</u>	None
5. On motion by Councilwoman Van Mol, seconded by Councilman Bouchie and passed, it was resolved to accept the minutes of the March 14, 2006 meeting as published.
  - A motion was made by Councilwoman Van Mol to amend the last action taken to accept the minutes of the March 14<sup>th</sup> meeting with corrections made to items 9A and 9B. The motion was seconded by Councilman Dorn and on vote carried.
6. On motion by Councilman Bishop, seconded by Councilman Bouchie and passed, it was resolved to accept the financial report as read by Kim Portier, Finance Director.
7. The Mayor recognized the winners of the first Miss City of Pineville Pageant and presented each one with a certificate of congratulations.
8. The Mayor presented a certificate of achievement to Pineville Elementary straight A student, Chris Bennett, who scored 100% on the math leap test.
9. On motion by Councilman Bouchie, seconded by Councilman Dorn and passed, it was resolved to approve the reappointment of Samuel Roland as commissioner to the Pineville Housing Authority.
  - Due to a typographical error in the numbering of agenda items, numbers 10, 11, and 12 were unintentionally omitted.
13. On motion by Councilman Bishop, seconded by Councilwoman Van Mol and passed, it was resolved to accept for publication and refer to the Zoning Commission a petition from Ritchie Properties, LLC, owner Matt Richie, for a variance of the Residential-1 zoning regulations relative to property located at 600 Greer Road.
14. On motion by Councilman Dorn, seconded by Councilman Bishop and passed with Councilwoman Van Mol voting nay, it was resolved to approve a resolution:

WHEREAS, Representative Rick Farrar has asked for support of **House Bill No. 8**, concerning the use of a municipality's website as its **official journal**.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council, in legal session convened, that the City of Pineville hereby supports House Bill No. 8 by Representative Rick Farrar, providing relative to the official journal of Rapides Parish and its political subdivisions, including provisions pertaining to the publication of proceedings, financial statements, and judicial advertisements and other legal notices.

BE IT FURTHER RESOLVED, that the governing authority of the parish and each political subdivision within such parish to provide that its official website shall be its official journal, to provide relative to the publication of the proceedings and financial statements of the parish and such political subdivisions, to provide relative to the publication of judicial advertisements and other legal notices and to provide for related matters.

  - On motion by Councilman Dorn, seconded by Councilwoman Van Mol and passed, it was resolved to add an item 14A to the agenda.
- 14A. On motion by Councilman Dorn, seconded by Councilwoman Van Mol and passed, it was resolved to approve: A Resolution of the City of Pineville Expressing Opposition to HB 629 Introduced in the 2006 Regular Session of the Louisiana Legislature

WHEREAS, The Louisiana Constitution of 1974 and various provisions of the Revised Statutes for the State of Louisiana provide for the qualifications, length of terms, and the exclusive rights of the electors of local political subdivisions to elect their governing authority;

WHEREAS, It is well settled that the Louisiana Legislature has granted the authority to the elected officials of municipalities located throughout the state to address these issues on the local level, as they deem appropriate and in the best interest of the citizens of each municipality;

WHEREAS, HB 629, by Representative Isreal B. Curtis, introduced in the 2006 Regular Session of the Louisiana Legislature, is a proposed constitutional amendment, which seeks to limit the terms of elected officials of municipal governing authorities, and other local political subdivisions who have served more than one and one-half terms in two consecutive terms. This amendment is subject to the affirmative vote of the voters of the State of Louisiana on November 7, 2006;

BE IT THEREFORE RESOLVED, by virtue of this resolution, the Council of the City of Pineville formally expresses its strong opposition to this proposed legislation as it is an attempt by the legislature of the state of Louisiana to usurp the authority granted to this and other municipalities to determine how best to represent the citizens of Pineville and taking that decision making authority away from the local governments who know what is in the best interests of the citizens of this community;

BE IT THEREFORE RESOLVED, the City Clerk is hereby directed to immediately transmit a copy by mail and/or facsimile of this resolution to each state representative and state senator representing the City of Pineville.

15. On motion by Councilman Martin, seconded by Councilman Bouchie and passed, it was resolved to accept for publication and refer to the Zoning Commission a petition from H.C. & Doris Nell Pugh for rezoning of property located at 128 Nine Oaks Lane from residential to commercial.
16. On motion by Councilman Bishop, seconded by Councilman Dorn and passed, it was resolved to accept for publication and refer to zoning commission a petition from the Board of Deacons, Zion Hill Baptist Church for a zoning variance relative to property located at 500 Baptist Street.
17. On motion by Councilwoman Van Mol, seconded by Councilman Bouchie and passed, it was resolved to introduce and accept for publication an ordinance for annexation of property located at 328 Overbrook Street belonging to Audie and Elisca Jeansonne.
  - On motion by Councilman Dorn, seconded by Councilwoman Van Mol and passed, it was resolved to add an item 17A to the agenda.
- 17A On motion by Councilwoman Van Mol, seconded by Councilman Bouchie and passed, it was resolved to accept for publication an ordinance for annexation of property located at 2727 Monroe Highway belonging to H.L. & Helen Haynes.
18. On motion by Councilman Martin, seconded by Councilwoman Van Mol and passed, it was resolved to introduce and accept for publication an ordinance relative to the zoning of *existing* residential districts.
19. On motion by Councilman Bishop, seconded by Councilman Bouchie and passed, it was resolved to introduce and accept for publication an ordinance relative to the zoning of *medium density* residential districts.
20. On motion by Councilman Dorn, seconded by Councilwoman Van Mol and passed, it was resolved to add the following to the condemnation list: 111 Holly Oak Street, 1501 Melrose Street, 107 Effie Street, 109 Wood Street and the portable building at the corner of Pine & Melrose Streets (formerly Richard's Fence Company).
21. On motion by Councilman Dorn, seconded by Councilman Martin and passed, it was resolved to approve a resolution:

WHEREAS, the Developer (Randy Perego) for the proposed **Phase II of Nicole's Place Subdivision**, (Lots 11 thru 27), which is located on Stilley Road, has requested that the City provide for operation and maintenance of the wastewater collection and water system/fire protection improvements that are to be constructed by the Developer and conforming to City standards under the City's Standard Developer's Permit; and,

WHEREAS, the Plans and Specifications for the wastewater collection and water system improvements are being prepared for submission to the Department of Health and Hospitals (DHH) for review and approval by the Developer's Engineer; and

WHEREAS, DHH requires that the City provide a Resolution indicating their intent to operate and maintain the improvements once constructed.

NOW, THEREFORE BE IT RESOLVED that the City hereby agrees to accept for operation and maintenance of the wastewater collection improvements contingent upon the following:

  - (1) receipt of Board of Health approval of the design;

- (2) receipt of all Permits and Certifications as required under the City's Third Party Developer Improvements procedures;
- (3) receipt of appropriate Development permit fees;
- (4) receipt of As-Built Record Drawings indicating locations of all lines, sewer manholes, sewer wyes and services, etc.;
- (5) receipt of certification from Developer's Engineer that improvements have been constructed in accordance with designs as approved by the Board of Health and in conformity to minimum standards established by the City as contained in the Developer's Agreement;
- (6) receipt from City Engineer of a report of inspection stating that improvements constructed have met designs as approved;
- (7) receipt of appropriate documentation, meeting the approval of the City Attorney, that all improvements located on property not within publicly dedicated rights-of-way have been installed within easements or servitudes acceptable to the City and meeting the minimum width requirements as required by the City Engineer;
- (8) that the Plans and Specifications once receiving approval from the DHH shall be reviewed by the City Engineer to insure conformance for materials specified with City minimum standards for wastewater improvements.

BE IT FURTHER RESOLVED, that this acceptance is contingent on review and approval by the City Engineer of the Developer's Drawings and Specifications for the work.

BE IT FURTHER RESOLVED, that the City's sewage collection and treatment facilities can adequately handle the increased flow proposed for Nicole's Place Subdivision Development.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be submitted to the State of Louisiana Department of Health and Hospitals.

- On motion by Councilwoman Van Mol, seconded by Councilman Bouchie and passed, it was resolved to add an item 21A to the agenda.

- 21A On motion by Councilman Martin, seconded by Councilman Bishop and passed, it was resolved to approve a resolution:

WHEREAS, the Developer (**Evangeline Bank & Trust Co.**) for the proposed New Banking Facility, which is located on LA 116 at U.S. 165 North, has requested that the City provide for operation and maintenance of the wastewater collection improvements that are to be constructed by the Developer and conforming to City standards under the City's Standard Developer's Permit; and,

WHEREAS, the Plans and Specifications for the wastewater collection improvements are being prepared for submission to the Department of Health and Hospitals (DHH) for review and approval by the Developer's Engineer; and

WHEREAS, DHH requires that the City provide a Resolution indicating their intent to operate and maintain the improvements once constructed.

NOW, THEREFORE BE IT RESOLVED that the City hereby agrees to accept for operation and maintenance of the wastewater collection improvements contingent upon the following:

- (1) receipt of Board of Health approval of the design;
- (2) receipt of all Permits and Certifications as required under the City's Third Party Developer Improvements procedures;
- (3) receipt of appropriate Development permit fees;
- (4) receipt of As-Built Record Drawings indicating locations of all lines, sewer manholes, sewer wyes and services, etc.;
- (5) receipt of certification from Developer's Engineer that improvements have been constructed in accordance with designs as approved by the Board of Health and in conformity to minimum standards established by the City as contained in the Developer's Agreement;
- (6) receipt from City Engineer of a report of inspection stating that improvements constructed have met designs as approved;
- (7) receipt of appropriate documentation, meeting the approval of the City Attorney, that all improvements located on property not within publicly dedicated rights-of-way have been installed within easements or servitudes acceptable to the City and meeting the minimum width requirements as required by the City Engineer;
- (8) that the Plans and Specifications once receiving approval from the DHH shall be reviewed by the City Engineer to insure conformance for materials specified with City minimum standards for wastewater improvements.

BE IT FURTHER RESOLVED, that this acceptance is contingent on review and approval by the City Engineer of the Developer's Drawings and Specifications for the work.

BE IT FURTHER RESOLVED, that the City's sewage collection and treatment facilities can adequately handle the increased flow proposed for the *New Banking Facility Development*.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be submitted to the State of Louisiana Department of Health and Hospitals.

22. On motion by Councilman Bouchie, seconded by Councilwoman Van Mol and passed, it was resolved to approve a resolution:

WHEREAS, the City of Pineville has reviewed the plans and specifications for sewer extensions and attachments to the municipal facilities known as **Evangeline Bank on U.S. Highway 165 N. at LA 116**, and said plans and specifications have been approved by the Mayor and the City Engineer.

NOW THEREFORE BE IT RESOLVED, the Mayor is hereby authorized to issue a Developer's Permit and Agreement between the City of Pineville and *Evangeline Bank & Trust Co.* as Developer for the above described development.

23. On motion by Councilman Bishop, seconded by Councilwoman Van Mol and passed, it was resolved to approve: A RESOLUTION ADOPTING THE **PARISH-WIDE HAZARD MITIGATION PLAN**

WHEREAS, the Rapides Parish Police Jury has received grant funds from the Federal Emergency Management Agency, through the Louisiana Office of Homeland Security and Emergency Preparedness, for the preparation of a hazard mitigation plan and;

WHEREAS, our community has participated in the process to prepare a DMA complaint Hazard Mitigation Plan based on the FEMA guidance available in the How To Guides;

WHEREAS, our community wishes to participate in the Hazard Mitigation Plan prepared by the Rapides Parish government under the oversight of a Steering Committee comprised of Parish-wide representatives;

WHEREAS, Rapides Parish and local city representatives and governments have participated in the mitigation planning process;

WHEREAS, appropriate opportunity for input by public and community officials has been provided through press releases, open meetings and availability of draft documents;

WHEREAS, the Plan has been recommended for adoption by the Steering Committee;

WHEREAS, adoption of the Plan is required prior to further consideration for FEMA funding under the following programs:

- Pre-Disaster Mitigation
- Hazard Mitigation Grant Program
- Flood Mitigation Assistance Program

24. On motion by Councilman Martin, seconded by Councilwoman Van Mol and passed, it was resolved to enter into executive session relative to the following:

Christopher Sims vs. Liberty Mutual, City of Pineville, et al.

Gerald Allen Croy, et al. vs. Liberty Mutual, City of Pineville, et al.

Terry M. Croy, et al. vs. Liberty Mutual, City of Pineville, et al.

- On motion by Councilwoman Van Mol, seconded by Councilman Bouchie and passed, it was resolved to reconvene the regular meeting with Mayor Fields recusing himself of any further discussion of item #24 and thereby assigning proper authority to Mayor Pro-Tempore Tom Bouchie.
- On motion by Councilman Martin, seconded by Councilman Bishop and passed, it was resolved to authorize Mayor Pro-Tempore Bouchie to enter into an agreement with the plaintiffs (item #24) who have made an offer to accept an assignment from the City of its rights against RMI for an excess claim in exchange for a full release and full satisfaction of judgment.

Roll call was as follows: Yeas Councilpersons Bishop, Dorn, Van Mol and Martin  
Nays None

There being no further business to come before the Council, a motion to adjourn was offered by Councilman Bishop, seconded by Councilman Bouchie and unanimously passed. Mr. Rich Dupree closed with the benediction.

/s/Clarence R. Fields  
Clarence R. Fields, Mayor

04.18.06  
Date

/s/Ellen Melancon  
Ellen Melancon, City Clerk

### **CERTIFICATE**

I, Ellen Melancon, Clerk of the City of Pineville, do hereby certify that the attached above and foregoing is a true and correct record of the official action taken at the Regular Council Meeting of the Mayor and City Council of the City of Pineville, State of Louisiana, in legal session convened on the 11<sup>th</sup> day of April 2006.

/s/Ellen Melancon  
Ellen Melancon, City Clerk