

**CITY OF PINEVILLE
REGULAR COUNCIL MEETING
NOVEMBER 14, 2006**

MINUTES

Mayor Clarence R. Fields and the Council of the City of Pineville, Louisiana, met in regular session on Tuesday November 14, 2006 at 6:00 p.m. in the Council room of City Hall, 910 Main Street, Pineville, Louisiana.

1. Mayor Fields called the 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, Martin
<u>Absent</u>	None
5. On motion by Councilman Bouchie, seconded by Councilwoman Van Mol and passed, it was resolved to accept the minutes of the October 10th meeting as corrected and authorize republication of same. Roll call was as follows:

<u>Yeas</u>	Councilpersons Bishop, Dorn, Van Mol, Bouchie, Martin
<u>Nays</u>	None
<u>Abstain</u>	None
6. On motion by Councilman Dorn, seconded by Councilman Martin and passed, it was resolved accept the financial report as read by Finance Director, Kim Portier.
7. On behalf of the Salvation Army, Mr. Marvin Zochert, recognized the Mayor and Council for their past participation in its "Bell Ringing" campaign which is held during the holiday season. Mr. Zochert encouraged all those interested, to please sign up before all shifts are taken.
8. On behalf of the Zoning Commission, Chairman Tom David stated that a meeting was held earlier at 5:30 p.m. to hear each of the following three items. Their recommendations are as follows.
 - A. A petition from ABM Development, represented by Al Ruoppoli and Engineer Richard Primeaux, for a variance relative to rear yard setbacks of property located on Pinehurst Drive to be Destiny Hills *Apartments*. On motion by Councilman Martin, seconded by Councilman Bishop and passed, it was resolved to accept the recommendation and approve the variance. Roll call was as follows:

<u>Yeas</u>	Councilpersons Bishop, Dorn, Van Mol, Bouchie, Martin
<u>Nays</u>	None
<u>Abstain</u>	None
 - B. A petition from Colonial Manor Properties, LLC for rezoning of property located at 324 Edgewood Drive from R-1 (Residential) to C-1A (Commercial) for the planned expansion of Hilltop Nursing and Rehabilitation Center. It was the recommendation of the Zoning Commission that the petition be approved and the property be rezoned as requested. On motion by Councilman Martin, seconded by Councilman Bishop and passed, it was resolved to accept the recommendation and approve the rezoning as stated. Roll call was as follows:

<u>Yeas</u>	Councilpersons Bishop, Dorn, Van Mol, Bouchie, Martin
<u>Nays</u>	None
<u>Abstain</u>	None
 - C. A petition for rezoning of property belonging to Alan Trammell, located at 1916 Melrose, from C-1 (Commercial) to Commercial C-2 (Commercial) for the construction of storage buildings. After some discussion, it was the decision of the Commission that due to the fact this property abuts a residential (R-2) zone and an adjacent property owner has reported a drainage problem since construction has begun, that only a depth of one hundred fifty-nine feet (159') would be recommended for a zoning change at this time. On motion by Councilman Dorn, seconded by Councilwoman Van Mol and passed, it was resolved to accept the recommendation and approve the rezoning as such. Roll call was as follows:

Yeas Councilpersons Bishop, Dorn, Van Mol, Bouchie, Martin
Nays None
Abstain None

9. On motion by Councilman Bishop, seconded by Councilwoman Van Mol and passed, it was resolved to adopt an ordinance for annexation of 10.53 acres located at 3220 Military Hwy. to be known as Stonegate Condominiums. Roll call was as follows:
Yeas Councilpersons Bishop, Dorn, Van Mol, Bouchie, Martin
Nays None
Abstain None
10. On motion by Councilwoman Van Mol, seconded by Councilman Dorn and passed, it was resolved to adopt an ordinance to amend the property description of ordinance 1359-2006 (Shadow Creek Subdivision). Roll call was as follows:
Yeas Councilpersons Bishop, Dorn, Van Mol, Bouchie, Martin
Nays None
Abstain None
11. On motion by Councilman Bouchie, seconded by Councilwoman Van Mol and passed, it was resolved to adopt an ordinance to amend the property description of ordinance 1367-2006 (Huddle House). Roll call was as follows:
Yeas Councilpersons Bishop, Dorn, Van Mol, Bouchie, Martin
Nays None
Abstain None
12. On motion by Councilman Dorn, seconded by Councilman Bishop and passed, it was resolved to declare surplus as follows:
Police Department - surplus body armor (6 Safariland, 1 Second Chance, 3 Armitron)
Marshal's Office - 1994 Chevrolet Suburban (Vin # 1GCEC16K8RJ402254)
Public Works, Buildings- 2000 Chevrolet Crown Victoria (Vin# 2FAFP71W2YX137462)
13. On motion by Councilwoman Van Mol, seconded by Councilman Bouchie and passed, it was resolved to accept for publication a petition for annexation of a .13 strip of property located at the end of Longstreet Road to become part of Richfield Subdivision.
14. On motion by Councilman Martin, seconded by Councilman Bouchie and passed, it was resolved to accept for publication a petition for annexation of property located at 1707 Susek Drive belonging to Eldred & Pamela Kay.
15. On motion by Councilman Martin, seconded by Councilwoman Van Mol and passed, it was resolved accept for publication an ordinance to amend the incorrect zoning specification of ordinance number 1378-2006, which recently annexed property at 3525 Hwy. 28 East.
16. On motion by Councilwoman Van Mol, seconded by Councilman Dorn and passed, it was resolved to accept for publication and refer to the Zoning Commission a petition for rezoning of property located at 386 Griffith Street, adjacent to the Pineville Pet Hospital, to allow for its future expansion.
17. On motion by Councilman Bishop, seconded by Councilman Dorn and passed, it was resolved to approve a resolution:
WHEREAS, the City of Pineville has been informed that the State of Louisiana, Division of Administration, Office of Facility Planning and Control will be accepting applications for FY 2007/2008 Capital Outlay Program;
NOW THEREFORE BE IT RESOLVED, that the Mayor is hereby authorized to submit a Capital Outlay Application(s) and to execute all assurances and certifications required for the application(s); and,
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to work with the City Engineer, Pan American Engineers, Inc., on the development of the Capital Outlay Application(s).
18. On motion by Councilwoman Van Mol, seconded by Councilman Bouchie and passed, it was resolved to approve a resolution:
WHEREAS, the City of Pineville has been informed that the State of Louisiana, Division of Administration, Office of Community Development will be accepting applications for FY 2007 Louisiana Government Assistance Program (LGAP);

NOW THEREFORE BE IT RESOLVED, that the Mayor is hereby authorized to submit a LGAP Application(s) and to execute all assurances and certifications required for the application; and,

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to work with the City Engineer, Pan American Engineers, Inc., on the development of the LGAP Application.

19. On motion by Councilman Martin, seconded by Councilman Dorn and passed, it was resolved to approve a resolution:

WHEREAS, the Developer (Cathy Bordelon) for the proposed Shadow Creek Ranch (212 Lots), which is located adjacent to Skyline Drive between LA 28 East and Susek Drive, has requested that the City provide for operation and maintenance of water distribution and wastewater collection extensions, and streets and drainage extensions that are to be constructed by the Developer and conforming to City standards under the City Standard Developer Permit; and,

WHEREAS, the Plans and Specifications for the water distribution and wastewater collection improvements have been submitted to the Department of Health and Hospitals (DHH) for review and approval by the Developer's Engineer (Monceaux-Buller & Associates); and

WHEREAS, DHH has requested that the City provide a Resolution **indicating its intention** to operate and maintain the improvements once constructed.

NOW, THEREFORE BE IT RESOLVED, that the City hereby agrees to accept for operation and maintenance the water distribution and 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, water valves, fire hydrants, 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 right-of-ways have been installed within easements or servitude 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 water distribution and wastewater improvements; and,

BE IT FURTHER RESOLVED, that the **intent of acceptance** as acknowledged is contingent on review and approval by the City Engineer of the Developer's Drawings and Specifications for the work; and,

BE IT FURTHER RESOLVED, that the City's sewage treatment facilities can adequately handle the increase flow proposed for this phase of the Shadow Creek Ranch; and

BE IT FURTHER RESOLVED, that the City Engineer is authorized to notify the Developer that only submersible wastewater pumps meeting the City's specifications are acceptable for installation at lift stations and that the design shall be revised accordingly to include said equipment; and,

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

20. On motion by Councilman Martin, seconded by Councilman Bouchie and passed, it was resolved to approve a resolution:

WHEREAS, the Developer (Verch, LLC & Vollman, LLC) for the proposed Skyline Subdivision, which is located on LA Hwy. 28 East, has submitted a "Short Form" Application for Subdivision Review and Plat approval; and,

WHEREAS, the Application and Plat have been reviewed and approved by the City Engineer;

NOW, THEREFORE BE IT RESOLVED that the Mayor is authorized to approve and accept the subdivision as shown on the filing plat.

21. On motion by Councilman Martin, seconded by Councilman Bouchie and passed, it was resolved approve a resolution:

WHEREAS, the City of Pineville, received the following bids on Thursday, October 19, 2006, for **CITY OF PINEVILLE WATER SYSTEM IMPROVEMENTS 1,000,000 GALLON ELEVATED STEEL WATER TANK ALONG LOUISIANA HIGHWAY 28 EAST:**

CONTRACTOR	ALT. NO. 1 MULTICOLUMN TANK	ALT. NO. 2 SINGLE PEDESTAL Tank	ALT. NO. 3 COMPOSITE TANK
1. Phoenix Fabricators & Erectors, Inc.	\$1,467,590.00	No Bid	\$1,328,900.00
2. CB&I Constructors, Inc.	No Bid	\$1,487,000.00	\$1,431,000.00
3. Landmark Structures, LLP	No Bid	No Bid	\$1,556,500.00
4. Caldwell Tanks, Inc.	\$1,579,000.00	\$1,835,200.00	\$1,665,000.00

WHEREAS, THE engineer has reviewed and tabulated the bids received and has recommended award to the low bidder, Phoenix Fabricators and Erectors, Inc., for the Composite Tank (Alternate No. 3) in the amount of \$1,328,900.00.

NOW THEREFORE BE IT RESOLVED, that the Contract for said construction work is hereby awarded to the low Bidder, Phoenix Fabricators and Erectors, Inc. for the Base Bid under Alternate No. 3, being the "Composite Tank" style, in the amount of \$1,328,900.00 as recommended by the Engineer.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts and change orders between City of Pineville and the successful Bidder.

22. On motion by Councilman Bishop, seconded by Councilman Dorn and passed, it was resolved to approve a resolution:

WHEREAS, Toomer Electrical Company, Inc. the Contractor for the Lighting and NAVAIDS Improvements, Pineville Municipal Airport, State Project 97-99-0104, has "Substantially Completed" the work under the Contract as recommended by the Engineer.

NOW THEREFORE BE IT RESOLVED, that the Contract of Toomer Electrical Company, Inc., the Contractor, for said work is hereby accepted as "Substantially Complete" with the understanding that the final retainage payment will be made upon satisfactory completion of any Punch List items and presentation of the Clear Lien Certificate as required by law; and,

It is HEREBY FURTHER RESOLVED, that the signing and filing with the Clerk of Court of this Acceptance of Contract Resolution by the Mayor is hereby authorized.

23. On motion by Councilman Dorn, seconded by Councilman Martin and passed, with Councilwoman Van Mol abstaining due to the fact she and the Developer have the same last name, it was resolved approve a resolution:

WHEREAS, the Developer (Van Mol & Sons, LLC) for the proposed Ocho Rios Subdivision Phase 1 (Lots 1 thru 53), which is located on the south side of LA Highway 28 East adjacent to Sharon Park Subdivision, 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 Standard Developer 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 has requires that the City provide a Resolution **indicating its intention** to operate and maintain the improvements once constructed.

NOW, THEREFORE BE IT RESOLVED, that the City hereby agrees to accept for operation and maintenance the water distribution and 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, water valves, fire hydrants, 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 servitude 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 the City minimum standards for the water distribution and wastewater improvements;

BE IT FURTHER RESOLVED, that the ***intent of acceptance*** as acknowledged 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 Ocho Rios Subdivision, Phase I Development.

BE IT FURTHER RESOLVED, that the City Engineer is authorized to notify the Developer that only submersible wastewater pumps meeting the City's specifications are acceptable for installation at lift stations and that the design shall be revised accordingly to include said equipment; and,

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

Roll call was as follows:

<u>Yeas</u>	Councilpersons Bishop, Dorn, Bouchie, Martin
<u>Nays</u>	None
<u>Abstain</u>	Councilwoman Van Mol

- 24. On motion by Councilman Martin, seconded by Councilman Dorn and passed, with Councilwoman Van Mol abstaining due to the fact she and the Developer have the same last name, it was resolved approve a resolution:

WHEREAS, the City of Pineville has reviewed the plans and specifications for streets, drainage, sewer and water improvements and attachments to the municipal facilities known as Phase I of Ocho Rios Subdivision, (Lots 1 through 53), 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 Van Mol & Sons, LLC as Developer for the above described development. Roll call was as follows:

<u>Yeas</u>	Councilpersons Bishop, Dorn, Bouchie, Martin
<u>Nays</u>	None
<u>Abstain</u>	Councilwoman Van Mol

- On motion by Councilman Bishop, seconded by Councilman Bouchie and passed, with Councilman Martin abstaining, it was resolved to add an item to the agenda. Roll call was as follows:

<u>Yeas</u>	Councilpersons Bishop, Dorn, Van Mol, Bouchie
<u>Nays</u>	None
<u>Abstain</u>	Councilman Martin

- On motion by Councilman Bishop, seconded by Councilman Bouchie and passed, with Councilman Martin abstaining, it was resolved to approve a resolution:

WHEREAS, the City of Pineville has reviewed the plans and specifications for streets, drainage, sewer and water improvements and attachments to the municipal facilities known as Rue Donahue Subdivision, 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 Heritage Development & Construction, L.L.C. as Developer for the above-described development. Roll call was as follows:

<u>Yeas</u>	Councilpersons Bishop, Dorn, Van Mol, Bouchie
<u>Nays</u>	None
<u>Abstain</u>	Councilman Martin

- At this time, the Mayor called for any public comments since the only thing left on the agenda was the executive session.

- Ms. Madonna LeBlanc, Special Events Coordinator, announced the Kansas City Southern Express Holiday Train, which will make its stop in Pineville at the railroad crossing on Melrose Street behind Louisiana College. It will arrive at 4:00 p.m. and will stay until everyone in line has been aboard.

- Mayor Fields took the honor of announcing that the Grand Marshal for the Pineville Christmas Parade will be the retiring, Alexandria Mayor Ned Randolph. The parade will be held on December 8th at 7:00 p.m.
- Mayor Fields read a letter of appreciation received from Scott Moorhead, Site Manager at International Paper's Pineville Mill, thanking the City of Pineville Fire Department for its quick response, skill and professionalism shown while responding to a wood waste fire at the mill on September 2, 2006.

25. On motion by Councilman Martin, seconded by Councilwoman Van Mol and passed, it was resolved to enter into executive session in the conference room 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.

Roll call was as follows:

<u>Yeas</u>	Councilpersons Bishop, Dorn, Van Mol, Bouchie, Martin
<u>Nays</u>	None
<u>Abstain</u>	None

On motion by Councilman Martin, seconded by Councilman Bouchie and passed, it was resolved to return from executive session.

Roll call was as follows:

<u>Yeas</u>	Councilpersons Bishop, Dorn, Van Mol, Bouchie, Martin
<u>Nays</u>	None
<u>Abstain</u>	None

There being no further business to come before the Council, Councilman Bishop made a motion to adjourn which was seconded by Councilman Dorn. The motion unanimously carried. Council member Dorn closed with the benediction.

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

 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 meeting of the Mayor and Council of the City of Pineville, State of Louisiana, in legal session convened on the 14th day of November 2006.

/s/ Ellen Melancon
 Ellen Melancon, City Clerk