

MAY 8, 2007  
VILLE PLATTE CITY COUNCIL  
VILLE PLATTE, LOUISIANA

The Mayor and Board of Aldermen of the City of Ville Platte, Louisiana met in regular meeting at the Ville Platte City Hall, 126 East Main Street, Ville Platte, Louisiana on May 8, 2007, at 6:00 p.m.

There were present: Mayor Bill Jeanmard, Alderwoman Carol Alfred, Aldermen Taranza Arvie, C.J. Dardeau, Freddie Jack, Mike Perron, Donald Sam, City Clerk Shelley Fruge, Administrative Assistant Rita Jack and City Attorney Eric LaFleur.

Following the Pledge of Allegiance and Prayer, the Mayor and Board of Aldermen of the City of Ville Platte were duly convened as the governing authority of the City of Ville Platte by the Mayor who announced that the Board was ready for the transaction of business.

It was moved by Alderwoman Alfred and seconded by Alderman Sam to approve the minutes of April 10, 2007.

Motion Carried.

Alderwoman Alfred informed the Council that there is an alley behind her house located between Jackson and Wilson Streets that is used entirely too much and it poses a problem. She requested that the City Attorney and Police Chief look into the problem and report back to the Council.

Alderwoman Alfred introduced an abandon alley ordinance with public hearing to be set at 5:45 p.m. on June 12, 2007.

Alderman Perron informed the Council that the drainage problem in Demoncherveaux is almost completed with the help of Police Juror Davis Manuel.

It was moved by Alderman Dardeau and seconded by Alderman Arvie to approve the following liquor permit, subject to review of the zoning ordinance:

- 1) Smoke Meat Festival
- 2) Dwan Jack to do business at 1721 West Main as Midnight Blue Sports Bar.

Motion Carried.

**Alderman Perron introduced the following ordinance with a public hearing to be held on June 12, 2007 at 5:45 p.m.**

**PROPOSED ORDINANCE PROHIBITING POSSESSION OF FIREARMS IN CITY OWNED FACILITIES AND CONSENT TO SEARCH AND SEIZURE WITHOUT WARRANT**

An Ordinance to prohibit weapons from being brought into any municipal buildings and consent to search and seizure.

**WHEREAS**, the Board of Aldermen recognize the need for rules and regulations with regard to prohibiting weapons possession in and on certain municipal owned and operated properties.

**WHEREAS**, the Board of Aldermen recognize that a coordinated and structured weapons policy is required to protect the public, city employees and staff, and to provide for a safe environment in which to deliberate and legislate.

**WHEREAS** in case any one or more of the provisions of this ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of said ordinance, but the same shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provisions enacted after the date of this ordinance which validate or make legal any provisions thereof shall be deemed to apply hereto.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the City of Ville Platte, State of Louisiana, in legal and regular and/or special session, acting as the "Governing Authority" of said City, after a public hearing with legal notice, adopt an ordinance to be numbered Section 3-16 to prohibit

weapons from being brought into any municipal buildings as outlined herein in accordance with the terms of this ordinance.

3 -16 Carrying weapons into municipal complex.

(a) It shall be unlawful for any person to have in his possession a firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon in any city owned property, facilities or properties not currently leased for commercial purposes except sheriffs, deputy sheriffs, state police, city police, constables, city marshals or persons vested with police power when in the actual discharge of their duties.

(b) Any sheriff, deputy sheriff, state police, city police, constable, city marshal or person vested with police power may search any person found in any city owned property, facility or properties shall confiscate any firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon which such peace officer may find. This search shall be limited to weapons only, unless probable cause for a wider search is authorized.

(c) Any person who enters city owned property or facility does, by the mere fact of entering, consent to the search of his person for any firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon while on said premises, by any sheriff, deputy sheriff, state police, city police, constable, city marshal or person vested with police power, without a warrant(c) Any gun or other instrumentality customarily used or intended for probable use as a dangerous weapon found on any person while on the premises of a place where alcoholic beverages are sold and consumed may be used as evidence in court.

(d) Any guns or other dangerous instrumentalities seized shall be held by the police until the disposition of the charges against the defendant. In the event of a conviction, the weapon shall be destroyed unless otherwise ordered by the judge, who shall have the authority to order the weapon either destroyed or otherwise disposed of

(e) Any person who enters upon such grounds of the city complex or any city owned buildings or properties with a weapon shall be deemed to have violated this section which forbids such entry, and shall be subject to a charge of entering upon the municipal complex with a dangerous weapon, and if found guilty of such charge, shall be fined not more than \$500.00 or jailed for more than 60 days or both.

(f) The provisions of this section shall not apply to sheriffs, their deputies, constables, policemen, city marshals or other persons vested with police powers when in the actual discharge of their duties. However, no such person shall claim immunity under this section if he be, or becomes, intoxicated while carrying such weapons concealed.

It was moved by Alderman Dardeau, seconded by Alderman Alfred to approve the following ordinance: Mayor noted a public hearing was held at 5:30 p.m.

**ORDINANCE #05/08/07**

An ordinance granting a franchise to CLECO POWER LLC ("Company"), its successors and assigns, for a period of 30 years for the construction, maintenance and operation of electric utilities, electric generating facilities and/or transmission and distribution systems in, through and across the City of Ville Platte, Louisiana ("Municipality"), and for the use of the streets, alleys and public places of said Municipality, in connection therewith, for the generation, transmission, distribution and sale of electric energy, fixing the terms, considerations and limitations thereof and providing for payment by Company (its successors and assigns) of a sum equal to four percent (4%) of amounts received by said Company for the sale and/or delivery of Kilowatt hours of electric energy at retail for residential and commercial purposes based on residential and commercial net rates (unbundled rates in the event of deregulation) billed for service within the limits of said Municipality (exclusive of taxes and all governmental fees and impositions shown on such bills), as said limits may now or hereafter lawfully exist, and repealing all ordinances in conflict herewith.

BE IT ORDAINED by the governing body of City of Ville Platte, Louisiana hereinafter designated as "Municipality", in regular session duly and legally convened:

SECTION 1. That CLECO Power LLC, hereinafter designated as the "Company", a Louisiana limited liability company, domiciled and doing business in the State of Louisiana, its successors and assigns, be and the said Company is hereby granted the right, privilege and franchise of producing

(including the right to construct, maintain and operate electric power plants) and/or otherwise acquiring, transmitting, distributing and selling electricity (for light, heat, power and other purposes) to the Municipality and the inhabitants thereof, which right, privilege and franchise shall be deemed to include the right, authority and privilege to construct, maintain and operate in, along, under and upon the present and future streets, alleys, bridges and public ways and places of said Municipality, lines with all necessary or desirable appurtenances (including poles, wires, transformers, street and other lights, towers, aerial and underground transmission and distribution lines, conduits and apparatus) for the purpose of supplying and/or selling electricity for light, heat, power and other purposes to the said Municipality and the inhabitants thereof.

SECTION 2. That the Company, its successors and assigns, shall at all times maintain its electric transmission and distribution systems in a safe and good condition and shall comply with all necessary and reasonable safety regulations in the operation thereof, and shall protect and save harmless the Municipality from all claims and damages due to the Company's negligence, or the Company's failure to comply with any obligations of this franchise; and the Company, its successors and assigns, shall extend said electric aerial transmission and distribution systems, from time to time, as may be necessary to the end that the said Municipality and the inhabitants thereof shall be afforded adequate service, commensurate with the demands therefore, whenever the estimated earnings from any extension shall be sufficient to pay the cost of giving aerial service thereon, including depreciation and a fair return on the property used and useful in giving such service.

SECTION 3. That all changes made necessary in the Company's transmission lines in connection with the improvements of streets, roads, bridges, alleys or other public places shall be made by the Company, its successors or assigns, who shall likewise repair all damage to the streets, roads, bridges, alleys or other public places caused by the construction or maintenance of said transmission lines.

SECTION 4. That the Company, its successors and assigns, shall have the right to formulate and publish rules and regulations under which service will be furnished subject to the approval of the legally constituted authorities having jurisdiction over such matters; which regulations may provide for the payment, on or before a specified day each month, for all service furnished for the preceding month, with right to disconnect and discontinue service to all delinquents.

SECTION 5. That this franchise and the rights, authorities and privileges herein granted are not exclusive and are granted for a period of 30 years from and after the date the ordinance becomes effective.

SECTION 6. In consideration of the grant of this franchise:

- (a) The Company agrees to pay to the Municipality during the effective period of this franchise, a sum of money equal to four percent (4%) of the amounts received by the Company from the sale and delivery of Kilowatt hours of electric energy at retail for residential and commercial purposes based on residential and commercial net rates approved by the Louisiana Public

Service Commission billed for service within the limits of said Municipality, exclusive of taxes and all governmental fees and impositions shown on such bills. It is understood and agreed that no payment shall be due to the Municipality by the Company on amounts received from the following classifications of sales and service:

- (1) Sales or distribution of electricity for resale.
- (2) Sales or distribution of electricity to the Municipality and to other public authorities, including, but not limited to, the United States of America, the State of Louisiana and its political subdivisions, including parishes and other municipalities, and all divisions and agencies of any of the foregoing.
- (3) Sales or distribution of electricity to industrial customers who are identified as those who engage in the business of working raw materials into wares suitable for use or which gives new shapes, qualities or combinations to matter which already has gone through some artificial process and who are billed on or the equivalent of rate schedules GS or LPS on file with the Louisiana Public Service Commission or any rate schedules amending or superseding those rate schedules or any rate schedules filed with the Louisiana Public Service Commission having application to industrial use.

The period for which the amount payable under this Section shall be computed will commence when this ordinance becomes effective, and the amount shall be paid quarterly, the quarterly periods being fixed on a calendar year basis, and the payments on a quarterly basis shall be made not later than thirty (30) days after the end of each quarter, that is, on or before April 30, July 30, October 30 and January 30 of each year, and on the payment date the Company shall furnish to the Municipality a statement showing the total of such amounts received by the Company for the preceding quarterly period to which payment of four percent (4%) is applicable. The payments herein provided to be made by the Company to the Municipality will be reduced in an amount equal to the sum of any new or increased taxes of any nature whatsoever levied by the Municipality and payable by the Company, subsequent to the date of this ordinance (except uniform ad valorem taxes, that is, any uniform taxes based on property values).

- (b) The Company shall be obligated during the term of this franchise to furnish, operate and maintain a system for lighting the streets of the Municipality, and to furnish electric energy for other requirements of the Municipality for facilities owned and operated by the Municipality, all at costs to the Municipality, as agreed upon by the Municipality and the Company under contracts to be entered into hereafter; provided, however, that the validity of this franchise shall not in any way be contingent upon the existence or validity of any such contracts.

SECTION 7. Notwithstanding any other provisions of this Ordinance to the contrary, including without limitation, Section 6 hereof, in the event of: (1) deregulation of the electric utility industry in Louisiana as the result of any applicable law or any order, rule or regulation of the Louisiana Public Service Commission or any regulatory body having jurisdiction over the Company; and (2) Company ceases to generate electric energy as a regulated electric public utility for sale to the public; and (3) Company distributes Kilowatt hours of electric energy to customers in the Municipality which has been generated by Company or others, then the provisions of Section 6, paragraph (a), subparagraphs (1)-(3) hereof, shall no longer apply, and in the event, Company shall thereafter pay to Municipality, based on residential and commercial net rates approved by the Louisiana Public Commission, exclusive of taxes and all governmental fees and impositions shown on the bills for such service; and, without limitation of the foregoing, there shall be excluded from those amounts: (a) all charges made to said customers by the party who generated and/or supplied and/or sold said Kilowatt hours of electric energy which was distributed to said customers by Company; (b) all charges made by Company to any customer for Kilowatt hours of electric energy purchased by Company from an electric generator or supplier because such customer had no purchased electric energy from an electric generator or supplier; and (c) all charges and amounts received by Company from customers on behalf of any electric generator or supplier for the sale of Kilowatt hours of electric energy to said customer by said electric generator or supplier; it being the intention of this provision that the four percent (4%) payment provided for in Section 6 shall apply only to amounts received by Company solely for the distribution of Kilowatt hours of electric energy to said customer in the Municipality and not to amounts received by Company from the sale of Kilowatt hours of electric energy to said customer by anyone, including Company; and the paragraph following subparagraph (3) of paragraph (a) of Section 6 shall be considered modified to reflect the foregoing.

SECTION 8. That all of the franchise rights and obligations created hereunder shall be applicable to sales and/or distribution of electric energy by the Company within the corporate limits of the Municipality as same may now or hereafter lawfully exist. The Municipality shall provide to the Company in writing a legal description of said corporate limits as of the effective date of this franchise and shall immediately provide to the Company in writing all changes therein. All obligations of the Company under

Sections 6 and 7 of this franchise shall be based upon the last designation of the corporate limits made by the Municipality to the Company pursuant to this Section.

SECTION 9. That all ordinances or parts of ordinances contrary to or in conflict with the provisions of this ordinance be and the same are hereby repealed, and this ordinance shall take effect from and after its promulgation in full and its acceptance in writing by the Company for itself, its successors and assigns.

This ordinance introduced in regular session on the 10<sup>th</sup> day of April 2007.

This ordinance scheduled for public hearing on the 8<sup>th</sup> day of May 2007.

The foregoing was then read and considered, section by section, and as a whole, and thereupon, on motion of Alderman Dardeau and seconded by Alderwoman Alfred, the ordinance was adopted, section by section, and as a whole, by the following vote:

**Whereupon** this ordinance was submitted to a vote and resulted in the following:

YEAS: Alderwoman Alfred, Aldermen Arvie, Dardeau, Jack, Perron and Sam.

NAYS: None.

ABSTAIN: None.

The foregoing ordinance was thereupon declared adopted by the Mayor and was approved and signed on the 8<sup>th</sup> day of MAY, 2007 and ordered published.

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William "Bill" Jeanmard, Mayor

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Shelley Fruge, City Clerk

ACCEPTED:

CLECO POWER, LLC

By: \_\_\_\_\_  
Anthony L. Bunting  
Vice President - Customer Services & Energy Delivery

CERTIFICATE

I, Shelley Fruge, hereby certify I am the City Clerk of the City of Ville Platte and that the above and foregoing Ordinance #041007-1 is a true and correct copy thereof which adopted by the mayor and Board of Aldermen of the City of Ville Platte at a regular meeting thereof on 10<sup>th</sup> day of April, 2007, at which a quorum was present and voted in favor of the adoption thereof.

IN TESTIMONY WHEREOF witness my official hand and the seal of the City of Ville Platte on this 10<sup>th</sup> day of April 2007.

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City Clerk

Motion Carried.

It was moved by Alderman Perron and seconded by Alderman Jack to approve a resolution asking the Department of Transportation to re-evaluate the intersection of LaSalle and MacArthur Streets. Mayor Jeanmard stated that there have been four accidents this year. Alderman Perron also suggested placing signs to warn motorists of the upcoming intersection.

**RESOLUTION**

**WHEREAS**, the City of Ville Platte as a local governing body strives to ensure a safe and efficient traffic system exists for its citizens – and when possible works to correct hazards with streets and transportation in the City for that purpose; and

WHEREAS, a hindrance to traffic flow and safety exists at the intersection of LA U.S. 167 (LaSalle St.) and MacArthur Street due to the lack of a traffic light and;

WHEREAS, this situation – which involves the intersection of a State highway and a City street – inhibits traffic flow through the intersection and creates a danger to motorists; and,

**WHEREAS**, the streets affected by this problem serve as the main pathway to and from LA 3042 (Chicot Park/Lincoln Rd.) and thereby creates a danger to residents and out-of-town motorists; and,

**WHEREAS**, The City of Ville Platte has taken numerous steps in the past to notify the Governor and the Department of Transportation and Development (D.O.T.D.) of this problem and request funding appropriations to make the necessary improvements to this intersection to alleviate this hazard; and,

**WHEREAS**, D.O.T.D. officials have considered the request and have denied it in the past;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the City of Ville Platte by way of this resolution do hereby request another review by the D.O.T.D. and reconsider the City's request for a traffic light at the intersection of LA U.S. 167 (LaSalle St.) and MacArthur St.

**THUS DONE**, this 8<sup>th</sup> day of May 2007 in Ville Platte (Municipality), Evangeline Parish, Louisiana.

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William "Bill" Jeanmard, Mayor

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Shelley Fruge, City Clerk

Motion Carried.

It was moved by Alderman Jack and seconded by Alderman Arvie that the old Police Station/Jail located at 112 S. Coreil has no use or value to the City and has been condemned and that this same building has been declared a safety hazard, thus authorizing and instructing the Mayor to demolish the existing building as soon as possible and further authorizing him to sign and execute any and all documents pertaining to the demolition and removal, which shall include but not be limited to a cooperative endeavor for the fund of this project. Evangeline Tourism (Becky Buller) has obtained funds for said project with a time limit for use of funds.

Motion Carried.

City Treasurer reported that there is no change in the finance. Copies of the bills and financial reports were given to the council. Council had no questions.

At the request of the Police Chief and the approval of the Mayor, it was moved by Alderman Dardeau and seconded by Alderwoman Alfred to hire two part-time jailers, Priscilla Ardoin and Stella Melancon; 1 part-time jailer, Horace Johnson; change the status of a part-time police officer to a full-time officer, Keyona Tezeno; and change the status of a part-time dispatcher to a full-time dispatcher, Kimberly Jack.

YEAS: Alderwoman Alfred, Dardeau, Arvie, Perron and Sam.

NAYS: None.

ABSTAIN: Alderman Jack.

Motion Carried.

Fire Chief Ted Demoruelle informed the Council that testing for the fire hydrant in Ville Platte and Te Mamou is completed and that there are a total of 14 bad fire hydrants. The Fire Chief recommended repairing or replacing the fire hydrants. The Mayor advised that the cost per hydrant was \$1,400.00 without labor and \$4,500.00 with labor.

At the recommendation of the Engineer, it was moved by Alderman Donald Sam and seconded by Alderman Jack to approve the low bid of Insituform Technologies, Inc. in the amount of \$294,984.00 subject to engineer review.

Motion Carried.

Mayors Report - announced that political signs should be placed according to the rules. The Mayor also announced, again, that there are copies of departmental activities in their files and that they will be receiving those on a monthly basis to allow the Council to see work activities. He also requested that the Council review the list to see if they need to add anything to the list for their respective districts.

The Mayor informed the council that he presented three proclamations for the month of May as follow: **SOIL & WATER STEWARDSHIP WEEK, LOUISIANA LAW ENFORCEMENT TORCH RUN AND MENTAL HEALTH MONTH.**

It was moved by Alderman Perron and seconded by Alderman Arvie, that there being no further business, the meeting adjourn.

Motion Carried.

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Bill Jeanmard, Mayor

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Shelley Fruge, City Clerk