

July 2, 2007

The City Council of the City of Sulphur, Louisiana, met in special session at its regular meeting place at City Hall, Sulphur, Louisiana, on July 2, 2007 at 4:30 p.m., after full compliance with the convening of said meeting with the following members present:

DRU ELLENDER, Council Representative of District 1
MIKE KOONCE, Council Representative of District 2
CHRIS DUNCAN, Council Representative of District 3
NANCY TOWER, Council Representative of District 4
STUART MOSS, Council Representative of District 5

After the meeting was called to order and the roll called with the above result, prayer was led by Mrs. Ellender followed by the reciting of the Pledge of Allegiance led by Mr. Koonce.

The first item on the agenda an introduction of ordinance accepting preliminary plans of Monet Subdivision Phase I. Motion was made by Mr. Duncan seconded by Mr. Moss to allow for discussion. (At this time the Council was notified that Mr. Belton was going to be a little late). Mr. Duncan and Mr. Moss then withdrew their motions. Mr. Duncan and Mr. Moss then made a motion to table this item until later on in the meeting. Motion carried.

The next item on the agenda a public hearing granting a rezone to Will J. Belton, corner of Louis Alleman and Old Spanish Trail from Business District to Residential District to allow for single family dwellings. At this time motion was made by Mr. Duncan seconded by Mr. Moss that the following amendment be added:

WHEREAS, improvements on the property will include a residential subdivision that will be allowed to have two daycares, a community center and a pool.

A vote was then called with the results as follows:

YEAS: Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss
NAYS: Mrs. Ellender
ABSENT: None

And the said amendment was declared duly adopted on this 2nd day of July, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

Mrs. Ellender asked if a fence would have to be built between the residential district and the industrial district. Will Belton addressed the Council and stated that there is a v-shaped piece of property on the eastern side of the proposed subdivision that is zoned industrial. He plans on rezoning that piece to residential so it will all be zoned the same. He also stated that this project will cost approximately \$19 million. After discussion, motion was made by Mr. Duncan seconded by Mr. Moss that the following ordinance be adopted to-wit:

ORDINANCE NO. 790, M-C SERIES

AN ORDINANCE GRANTING A RE-ZONE FROM BUSINESS DISTRICT TO RESIDENTIAL DISTRICT OF THE LAND USE ORDINANCE OF THE CITY OF SULPHUR, LOUISIANA, TO WILL J. BELTON, CORNER OF LOUIS ALLEMAN AND OLD SPANISH TRAIL.

WHEREAS, the following described property located in the City of Sulphur, State of Louisiana, being rezoned from Business District to Residential District is owned by Will J. Belton, to-wit:

DESCRIPTION OF PHASE I (23.141 ACRE TRACT):

All that certain tract or parcel of land containing 23.141 acres, more or less, situated in the Southeast Quarter of Section 26, Township 9 South, Range 10 West, Southwestern Land District, Louisiana Meridian, Calcasieu Parish, Louisiana, and being more particularly described by metes and bounds as follows;

Commencing at the Southwest corner of the Southeast Quarter of Section 26, Township 9 South, Range 10 West; thence South 89 degrees 02 minutes 31 seconds East, along the South line of said Southeast Quarter, for a distance of 582.29 feet to the Point of Beginning of herein described tract; thence North 00

degrees 49 minutes 33 seconds East (record, North 00 degrees 47 minutes 55 seconds East), passing a found 1/2" iron rod at a distance of 27.12 feet, and continuing for a total distance of 497.12 feet to a found 5/8" iron rod with cap; thence North 88 degrees 42 minutes 46 seconds West (record, North 89 degrees 09 minutes 39 seconds West) for a distance of 273.07 feet to a found 5/8" iron rod with cap; thence North 00 degrees 47 minutes 59 seconds East for a distance of 742.27 feet to a set 5/8 inch iron rod with cap stamped Collins PLS 4390; thence South 89 degrees 50 minutes 11 seconds East for a distance of 124.99 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390; thence North 00 degrees 47 minutes 59 seconds East for a distance of 600.46 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390 on the South right-of-way line of Louis Alleman Road; thence North 89 degrees 58 minutes 54 seconds East, along said South right-of-way line, for a distance of 60.02 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390; thence leaving said South right-of-way line of said Louis Alleman Road, and run South 00 degrees 47 minutes 59 seconds West for a distance of 600.65 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390; thence South 89 degrees 50 minutes 11 seconds East for a distance of 249.99 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390; thence North 00 degrees 47 minutes 59 seconds East for a distance of 601.44 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390 on the South right-of-way line of Louis Alleman Road; thence North 89 degrees 58 minutes 54 seconds East, along said South right-of-way line, for a distance of 60.01 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390; thence leaving said South right-of-way line of Louis Alleman Road, and run South 00 degrees 47 minutes 59 seconds West for a distance of 601.63 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390; thence South 89 degrees 50 minutes 11 seconds East for a distance of 249.99 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390; thence North 10 degrees 12 minutes 05 seconds East for a distance of 612.07 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390 on said South right-of-way line of Louis Alleman Road; thence North 89 degrees 58 minutes 54 seconds East, along said South right-of-way line, for a distance of 60.97 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390; thence South 10 degrees 12 minutes 05 seconds West for a distance of 612.27 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390; thence South 89 degrees 50 minutes 11 seconds East for a distance of 201.94 feet to a set 5/8" iron rod with cap stamped Collins PLS #4390 on the Westerly Highbank of Bayou D'inde Drainage Lateral; thence in a Southwesterly direction along said Westerly Highbank of Lateral, the following 10 courses;

thence South 28 degrees 56 minutes 02 seconds West for a distance of 40.14 feet; thence South 15 degrees 54 minutes 44 seconds West for a distance of 83.25 feet; thence South 17 degrees 10 minutes 15 seconds West for a distance of 100.81 feet; thence South 15 degrees 31 minutes 39 seconds West for a distance of 111.78 feet; thence South 15 degrees 02 minutes 51 seconds West for a distance of 106.97 feet; thence South 15 degrees 32 minutes 17 seconds West for a distance of 88.66 feet; thence South 15 degrees 49 minutes 06 seconds West for a distance of 52.94 feet; thence South 15 degrees 25 minutes 20 seconds West for a distance of 54.09 feet;

thence South 3 degrees 51 minutes 14 seconds West for a distance of 22.76 feet;
thence South 10 degrees 52 minutes 17 seconds West for a distance of 17.78 feet;

thence leaving said Westerly Highbank of Bayou D'inde Drainage Lateral, and run South 87 degrees 16 minutes 35 seconds West for a distance of 82.83 feet to a found 5/8" iron rod; thence South 01 degrees 35 minutes 54 seconds West, passing a found 5/8" iron rod at a distance of 570.42 feet, and continuing for a total distance of 595.43 feet to a point on the aforementioned South line of Southeast Quarter of Section 26, Township 9 South, Range 10 West; thence North 89 degrees 02 minutes 31 seconds West, along said South line of Southeast Quarter, for a distance of 465.96 feet to the Point of Beginning, containing 23.141 acres, more or less. Being subject to the right-of-way of Old Spanish Trail on the South side thereof.

LESS THAT 0.909 ACRE DRAINAGE LATERAL RESERVED FOR THE CITY OF SULPHUR - LEAVING 22.232 ACRES IN PHASE I.

WHEREAS, improvements on the property will include a residential subdivision that will be allowed to have 2 daycares, a community center and a pool.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SULPHUR, LOUISIANA, IN REGULAR SESSION CONVENED THAT:

The Land Use Ordinance of the City of Sulphur is hereby amended to grant a re-zone from Business District to Residential District to Will J. Belton, corner of Louis Alleman and Old Spanish Trail, for the above described property.

This re-zone is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said re-zone interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this re-zone, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

That the owner of this re-zone shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this re-zone.

No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this re-zone shall be withdrawn and considered null and void.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon Mayor's signature.

A vote was then called with the results as follows:

YEAS: Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss

NAYS: Mrs. Ellender

ABSENT: None

And the said ordinance was declared duly adopted on this 2nd day of July, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

At this time motion was made by Mr. Duncan seconded by Mr. Moss that item #1 be brought back up for discussion since Mr. Belton arrived. Mr. Belton stated that 40% of the subdivision will have to meet the requirements of 60% of the medium income. With a family of 4 someone cannot exceed a \$35,000 annual income. This will be the 2nd mixed income community in Calcasieu Parish. Mrs. Ellender stated that she cannot see where people will flock to this subdivision when you have a requirement of 40% of the subdivision having to meet the 60% medium income. She doesn't see this happening.

Mr. Belton stated that the people living in the homes will have to mow their own grass and the subdivision will set their own rules and regulations. The monthly cost of the homes will be from \$576-\$789/month with the homes costing \$160,000. Two bedroom homes will be 1,137 sq. ft, three bedroom 1,368 sq. ft. and 4 bedroom 1,604 sq. ft. There will be a total of 120 homes in the subdivision.

Mrs. Ellender asked if the renters/leasers will have ownership of the home immediately upon moving in or after living there a certain number of years. Mr. Belton stated that the deed does not transfer until after 15 years.

Mr. Koonce asked Mr. Belton if someone moves out of the home who will go in and make repairs and do the upkeep. Mr. Belton stated that the management group, Sun Quest Properties will. Mr. Belton stated that they will structure the subdivision by choosing the best people to live there and they will regulate and police the subdivision. Mr. Koonce also asked Mr. Belton when Beglis Parkway develops in that area will the subdivision be against new construction. Mr. Belton stated that they did not purchase the property fronting Beglis Parkway because the owners decided to keep it for future businesses, therefore, the subdivision will not fight it. Mr. Belton stated that they will always welcome growth to the City of Sulphur. After discussion, the Council voted on the previous motion to introduce the following ordinance:

AN ORDINANCE ACCEPTING THE PRELIMINARY PLAN OF MONET ACRES PHASE I FOR REVIEW IN ACCORDANCE WITH CHAPTER 18, SECTION 24 OF THE CODE OF ORDINANCES.

Motion was then made by Mr. Duncan seconded by Mr. Moss that the said ordinance be filed and remain on file with the Clerk of the Council, in final form, for public inspection and that the Mayor is hereby authorized and instructed to publish the Public Notice of Introduction of the above proposed ordinance in “The Southwest Daily News”, the official journal of the City of Sulphur, Louisiana, and that the said Notice of Introduction of the above ordinance is substantially in the following form:

PUBLIC NOTICE

PUBLIC NOTICE is hereby given, in accordance with Section 2-12B of the Home Rule Charter of the City of Sulphur, the following ordinance:

AN ORDINANCE ACCEPTING THE PRELIMINARY PLAN OF MONET ACRES PHASE I FOR REVIEW IN ACCORDANCE WITH CHAPTER 18, SECTION 24 OF THE CODE OF ORDINANCES.

A public hearing on said ordinance will be held at 5:30 p.m. on the 13th day of August, 2007, at City Hall in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

NANCY TOWER, Chairman

Motion carried.

The next item on the agenda a public hearing on ordinance amending Chapter 4 of the Code of Ordinances of the City of Sulphur to provide for Section 66.1 – Pit Bulls.

Motion was made by Mr. Moss seconded by Mr. Duncan that this item be postponed until the August 13th City Council meeting. At this time Mrs. Tower allowed the public to speak. Nine people from the public spoke in favor of pit-bulls. Their concerns were much the same; don't punish the animal but punish the owners by making the fines stiffer.

Some of them also stated that they've been bitten by other dogs, including poodles, but have never been bitten by a pit-bull. After allowing the public to speak, roll was then called on the above motion. Motion carried.

The next item on the agenda a public hearing on ordinance granting a variance to Jody Guidry, 210 Roddam Street, to allow for duplex to be located 3 feet from the side property line instead of the required 5 feet. Motion was made by Mr. Duncan seconded by Mr. Moss to allow for discussion. At this time Mr. Jody Guidry addressed the Council and stated that Joe Hardy was the contractor and he knew where the duplexes were supposed to go. Mr. Hardy called Mr. Guidry and told him that he was going to move one of the duplexes over because he felt that it was too close to the road. Mr. Guidry told Mr. Hardy that would be fine with him. Mr. Guidry then stated that he assumed Mr. Hardy was doing all this correct and that he was keeping in touch with the Inspectors. All this was an honest mistake. Mr. Hardy did not do any of this intentionally. Mr. Koonce then

stated that these variances have got to stop. The City needs to start fining the contractor or who ever is responsible for the mistake. He doesn't want the Council to have the image of granting variances just because someone doesn't want to follow city ordinances. At this time motion was made by Mr. Duncan seconded by Mr. Moss that the following amendment be added:

WHEREAS, eaves shall be constructed of hardy-plank and any other approved material that meets the fire and inspection department requirements.

Motion carried.

Mr. Koonce then stated that the Council needs to amend the ordinance to make stiffer fines for the next person who decides not to follow our ordinances. When people don't follow the ordinances they create an extra expense on the City because they want special meetings called just for them and the City has to pay for employees to attend these meetings. With the above motion being made, the following ordinance was adopted to-wit:

ORDINANCE 791, M-C SERIES

AN ORDINANCE GRANTING A VARIANCE TO ARTICLE IV, PART 3, SECTION 2 (2) OF THE LAND USE ORDINANCE OF THE CITY OF SULPHUR, LOUISIANA, TO JODY GUIDRY, 210 RODDAM STREET, SULPHUR, LOUISIANA, TO EXEMPT CERTAIN PROPERTY AND IMPROVEMENTS.

WHEREAS, the following described property located in the City of Sulphur, State of Louisiana, is owned by Jody Guidry, 210 Roddam Street, Sulphur, Louisiana 70663, to-wit:

THE WEST HALF OF LOTS FIVE (5) AND SIX (6) OF BLOCK SIX (6) OF THE J.T. HENNING ADDITION TO THE TOWN OF SULPHUR, LOUISIANA, A SUBDIVISION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4-SW/4) OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 10 WEST.

WHEREAS, improvements on the property will include a duplex to be located 3 feet from the east side property line instead of the required 5 feet; and

WHEREAS, eaves shall be constructed of hardy-plank and any other approved material that meets the fire and inspection department requirements.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SULPHUR, LOUISIANA, IN REGULAR SESSION CONVENED THAT:

The Land Use Ordinance of the City of Sulphur is hereby amended to grant a variance to Jody Guidry, 210 Roddam Street, of Article IV, Part 3, Section 2 (2) to exempt the following described property to wit:

THE WEST HALF OF LOTS FIVE (5) AND SIX (6) OF BLOCK SIX (6) OF THE J.T. HENNING ADDITION TO THE TOWN OF SSULPHUR, LOUISIANA, A SUBDIVISION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4-SW/4) OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 10 WEST.

This variance is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said variance interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this variance, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

That the owner of this variance shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this variance.

No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this variance shall be withdrawn and considered null and void.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon Mayor's signature.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss

NAYS: None
ABSENT: None

And the said ordinance was declared duly adopted on this 2nd day of July, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

There being no further business to come before the Council, the Chairman
declared the meeting adjourned.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

7/2/07
5:45 P.M.