

March 13, 2017

The City Council of the City of Sulphur, Louisiana, met in regular session at its regular meeting place in the Council Chambers, Sulphur, Louisiana, on March 13, 2017 at 5:30 p.m., after full compliance with the convening of said meeting with the following members present:

DRU ELLENDER, Council Representative of District 1
DENNIS BERGERON, Council Representative of District 2
MELINDA HARDY, Interim Council Representative of District 3
RANDY FAVRE, 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 Harry Montgomery, followed by the reciting of the Pledge of Allegiance led by Mrs. Ellender.

The Chairman asked if there were any changes to the minutes of the previous meeting. With no changes made, motion was made by Mr. Moss seconded by Mr. Favre that the minutes stand as written. Motion carried.

The Chairman then asked if there were any changes to the agenda. Mayor Duncan stated that item #22 needed to be added to the agenda since the agenda was already finalized by the time his office received this. With no comment from the public, motion was made by Mr. Favre seconded by Mr. Moss that item #22 be added as follows:

Resolution authorizing the advertisement for bids for 2016 Street Overlay Program.
Motion carried unanimously.

Mayor Duncan then stated that item #23 be added to the agenda since the agenda was finalized by the time his office received this. With no comment from the public, motion was made by Mr. Favre seconded by Mrs. Ellender that item #23 be added as follows:

Resolution amending Resolution No. 2692, M-C Series adopted February 10, 2014 which designated additional festivals and events sponsored by the City of Sulphur.

Motion carried unanimously.

Motion was then made by Mr. Favre seconded by Mr. Moss that at the request of the applicant item #9 be removed from the agenda:

Public hearing on ordinance granting a rezone from Residential to Mixed Residential to Powerhouse Commercial Construction, Inc., property located east of Beglis Parkway, south of Monet Acres Subdivision and north of drainage canal.

Motion carried unanimously.

Motion was then made by Mr. Moss seconded by Mrs. Hardy that items 14 and 15 be swapped.

Motion carried unanimously.

Motion was then made by Mr. Moss seconded by Mr. Favre that the agenda stand as changed. Motion carried unanimously.

The first item on the agenda is a presentation by Armed Forces Committee. The Committee presented a certificate to Ronald L. Riffe and thanked him for his years of service to our country.

The next item on the agenda is a discussion on setting the "Roll Forward" public hearing/meeting date and time to adopt the maximum authorized millage rates. Mayor Duncan stated that LMA will be handling the Roll Forward process for a \$1,650.00 fee. We are rolling forward to protect the maximum authorized rate which is 5.52 and adjusted maximum rate is 5.42 in General Alimony; in Street Maintenance, the maximum authorized rate is 5.00 and adjusted maximum rate is 4.91. The ordinance will be introduced in April with public hearing in May.

The next item on the agenda is a public hearing on ordinance declaring certain surplus movable properties of the City of Sulphur and providing for the disposal thereof (computers,

equipment, etc.). Motion was made by Mr. Moss seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1448, M-C SERIES

AN ORDINANCE DECLARING CERTAIN SURPLUS MOVABLE PROPERTY
OF THE CITY OF SULPHUR AND PROVIDING FOR THE DISPOSAL
THEREOF (COMPUTERS, EQUIPMENT, ETC).

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, and in accordance with LA. R.S. 33:4712, that the following described surplus movable property of the City of Sulphur, not needed for public purposes, after having been duly advertised be declared surplus:

IT DEPARTMENT

Item	Qty.	Est. Value
Cameras	5	No Value
GPS	1	No Value
Meter Reader	1	No Value
Network Switch	2	No Value
Pagers	18	No Value
Office - Calculators	8	No Value
Office - Copy Machine	1	No Value
Office - Fax Machines	2	No Value
Office - Letter Opener	1	No Value
Office - Microwave	1	No Value
Office - Phones	5	No Value
Office - Shredder	2	No Value
PC - Desktops	9	No Value
PC - Monitors	15	No Value
PC - Printers	22	No Value
PC - Speakers	5	No Value
PC - Server	1	No Value
PC - Surge Protector	2	No Value
PC - UPS	7	No Value
Assorted - Batteries	xxxx	No Value
Assorted – Mice\Keyboard\Cables	xxxx	No Value

HP Officejet Printer	1	No Value
Laminator	1	No Value

Fire

Item	Est. Value
Car wash pump and components	\$500
Fence (dispose)	0
Hale generator	\$25
Capri dryer (dispose)	0
Gas reading meter (dispose)	0
Dish washer (dispose)	0
Ice maker (dispose)	0
Pressure washer (dispose)	0
Tanks (2)	\$15
40' container	\$100
Scrap metal (dispose)	0

Shop

2001 Intrnl truck 4700 VIN #3049	\$2,000
1995 New Holland Slope Mower	\$2,000
1997 Vac-All Sweeper	\$3,000
1991 Ford F-350	\$1,000

Finance

All phones going to PD for use to repair seized phones and then disposal after dissembled

iPhone – Model A1533 Ser #356962064488019
 iPhone – Model A1533 Ser #356964060375786
 iPhone – Model A1662 Ser #355434073983860
 iPhone – Model A1662 Ser #013202005073538
 iPhone – Model A1387 Ser #99000399227898
 iPhone – Model A1533 Ser #352008068954624
 iPhone – Model A1688 Ser #353800082866811
 iPhone – Model A1332 Ser #013126009425016
 iPhone – Model A1533 Ser #356962064543144
 Samsung – Model SM-G900V Ser #990004928381650
 Samsung – Model SCH-1435 Ser #990004528175338
 Samsung – Model SCH-1435 Ser #990004528174687
 Samsung – Model SCH-1435 Ser #990004528171295

Samsung – Model SCH-1435 Ser #990004527174893
Samsung – Model SCH-1435 Ser #990004528165826

BE IT FURTHER ORDAINED that Mayor Christopher L. Duncan is authorized to dispose of the afore-mentioned surplus movable property and to sign all documents in connection therewith.

BE IT ALSO FURTHER ORDAINED that this ordinance shall become effective immediately upon the Mayor's signature.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss
NAYS: None
ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance accepting Preliminary Plat from Lee Marsalise for Maplewood Estates Phase III. Motion was made by Mr. Moss seconded by Mrs. Ellender that the following amendment be made:

ADD - WHEREAS, covenants/restrictions shall be the same as Maplewood Estates Phase II.

Motion carried unanimously.

Motion was then made by Mr. Moss seconded by Mr. Favre that the following amendment be made:

ADD - WHEREAS, Lee Marsalise, Developer, shall maintain detention pond and fence until 100% occupancy is achieved for Maplewood Estates Phase III.
(Later in the meeting another amendment was made to clarify this amendment)

Motion carried unanimously.

Mr. Moss stated that he consulted with Jennifer Page, City Attorney, and they agreed that Mr. Marsalise has the right of use for his property. He has done everything the City has asked him to do. There's nothing more we can enforce on him. Mrs. Page stated that Mr. Marsalise is complying with our ordinances and requirements and is entitled to use his property as such. There was much discussion concerning a gate located on Stephanie Drive. Council and Administration told the neighborhood numerous times that if these roads are dedicated then a gate cannot be installed to keep traffic out of their neighborhood. They also stated that if Mr. Marsalise wanted to keep it private then he could put the gate up and he'd be responsible. Mr. Marsalise stated that he did not want a private subdivision. He wants to dedicate it to the city so they can maintain it. After discussion Mrs. Ellender stated that she'd like to clarify in the previous amendment that the fence should be constructed around the entire detention pond. Motion was then made by Mr. Favre seconded by Mr. Moss that the following amendment be made:

ADD - WHEREAS, Lee Marsalise, Developer, shall maintain detention pond and 100% circumference fence around detention pond until 100% occupancy is achieved for Maplewood Estates Phase III.

Motion carried unanimously.

After much discussion, motion was made by Mr. Moss seconded by Mr. Favre to Call the Question. Motion carried unanimously.

Motion was then made by Mr. Moss seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1449, M-C SERIES AS AMENDED

ORDINANCE ACCEPTING PRELIMINARY PLAT FROM LEE J. MARSALISE FOR
MAPLEWOOD ESTATES PHASE III.

WHEREAS, Lee J. Marsalise has submitted a Preliminary Plat for Maplewood Estates Phase III; and

WHEREAS, said examination reflects that the preliminary plat submitted by Lee J. Marsalise complies with all requirements of Chapter 18, Section 25 of the Code of Ordinances for the City of Sulphur; and

WHEREAS, Lee Marsalise, Developer, shall maintain detention pond and 100% circumference fence around detention pond until 100% occupancy is achieved for Maplewood Estates Phase III; and

WHEREAS, covenants/restrictions shall be the same as Maplewood Estates Phase II.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby accept preliminary plat from Lee J. Marsalise for Maplewood Estates Phase III for the following described property:

THIS PLAT REVISES LOTS 6, 7, 101-104, OF BLOCK 2; LOTS 9-11, 101, 112-116 OF BLOCK 4, LOTS 101, 122 OF BLOCK 5, AND LOTS 101-109 OF BLOCK 8 OF MAPLEWOOD ESTATES; A SUBDIVISION OF THE TOWN OF SULPHUR LOUISIANA, SITUATED IN THE SOUTHEAST QUARTER OF NORTHWEST QUARTER AND NORTHEAST QUARTER OF SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 9 WEST ALL IN CALCASIEU PARISH, AS PER PLAT BY E. LEO REDDOCH, RLS #4446, DATED DECEMBER 9, 1989, AND RECORDED IN CALCASIEU PARISH, FILE NO. 2043345, PLAT BOOK 32, PAGE 402.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance amending Chapter 3, Section 28 of the Code of Ordinance of the City of Sulphur to remove Section 3-28 (a). Motion was made by Mr. Favre seconded by Mr. Moss that the following ordinance be adopted to-wit:

ORDINANCE NO. 1450, M-C SERIES

ORDINANCE AMENDING CHAPTER 3, SECTION 28 OF THE CODE OF
ORDINANCES OF THE CITY OF SULPHUR – LOCATION – AFFECTING ISSUANCE

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby amend Chapter 3, Section 28 of the Code of Ordinances of the City of Sulphur –Location – Affecting Issuance to read as follows:

Sec. 3-28. - Location—Affecting issuance.

The City of Sulphur, through its governing authority, shall follow state law in accordance with LSA-R.S. 26:81 and all future amendments to state statute.

- (a) No permit required by this division shall be granted for any premises situated within three hundred (300) feet or less, of a public playground or of a building used exclusively as a church or synagogue, public library, or school, or full-time day care center except a school for business education conducted as a business college or school. This distance shall be measured as a person walks, using the sidewalk, from the nearest point of the property line of the church or synagogue, library, playground or school to the nearest point of the premises to be licensed.
- (b) Should any premises licensed to deal in beverages of low alcoholic content be located within three hundred (300) feet of property which is subsequently purchased or acquired for the construction, erection, movement or development of a public playground, or of a building used exclusively as a church or synagogue, public library or school, or full-time day care center, the subsequent purchase or acquisition shall not be grounds for the revocation, withholding, denial or refusal to renew the permit on the premises. The prohibitions contained in this section do not apply to premises licensed to deal in alcoholic beverages for a period of one (1) year or more prior to December 14, 1962.

This ordinance shall become effective upon Mayor's signature.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance authorizing the acceptance of the administrative reorganization plan as presented by the Mayor (Permits and Licensing Department). Mayor Duncan stated that this creates the Permits and Licensing Department. Motion was made by Mr. Moss seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1451, M-C SERIES

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE ADMINISTRATIVE REORGANIZATION PLAN AS PRESENTED BY THE MAYOR.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, in regular session convened that:

WHEREAS, Section 4-11 of the Home Rule Charter of the City of Sulphur, Louisiana, provides for “Administrative Reorganization” as proposed by the Mayor and approved by the City Council; and

WHEREAS, This body believes it to be in the public interest to authorize the designation of the Department of Permits and Licensing; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that the Home Rule Charter of the City of Sulphur, Louisiana, shall reflect the following changes:

Section 4-07. Fire Department

- A. The head of the fire department shall be the fire chief who shall be appointed by the mayor, subject to confirmation by the council, in accordance with applicable state law.
- B. The fire chief shall direct and be responsible for fire prevention; fire extinguishments and salvage operations; inspection and recommendations concerning the fire code of the City; investigations of fires and their causes; and the conduct of the fire safety and prevention programs.

NOTE: Removed: C. Inspection, licensing and permit issuance in conjunction with the enforcement of any zoning ordinances and building, housing and other technical codes. AND D. The fire chief shall direct and be responsible for the operation of Ordinance Enforcement.

Section 4-10. Department of Inspection, Permits, Licensing and Ordinance Enforcement

- A. The head of the of Inspection, Permits, Licensing and Ordinance Enforcement Department is the Chief Building Official/Ordinance Enforcement Director.
- B. The Chief Building Official/Ordinance Enforcement Director shall direct and be responsible for the following duties:
 - (1) Inspection, permit issuance, and licensing in conjunction with the enforcement of any zoning ordinances and building, housing and other technical codes.
 - (2) The Chief Building Official/Ordinance Enforcement Director shall direct and be responsible for the operation of the Ordinance Enforcement Division.

NOTE: Created the Department of Inspection, Permits, Licensing and Ordinance Enforcement and transferred the duties of these respective activities from the Fire Chief to the Chief Building Inspector/Ordinance Enforcement Director.

Section 4-11. Other Departments

Except as otherwise provided by this charter, all City government departments, offices, agencies and functions in existence on the effective date of this charter shall continue in existence as organized on that date until reorganized in accordance with Section 4-12 (Administrative Reorganization).

NOTE: Formerly Section 4-10.

Section 4-12. Administrative Reorganization

- A. The mayor may propose to the council the creation, change, alteration, consolidation or abolition of City departments, offices and agencies and/or the reallocation of the functions, powers, duties and responsibilities of such departments, offices or agencies, including those provided for in this charter.
- B. Upon receipt of the mayor's proposed plan of reorganization, the presiding officer of the council shall cause to be introduced an ordinance to implement the proposed reorganization plan. The ordinance shall follow the same procedure as provided in Section 2-12 (Ordinances in General) and Section 2-13 (Submission of Ordinances to the Mayor) of this charter, except that upon failure of the council to adopt or reject the ordinance within sixty (60) days following its introduction, the ordinance shall become effective without council action.

NOTE: Formerly Section 4-11.

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

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance granting a rezone from Mixed Residential to Business to West Calcasieu Veterans Association, 1235 East Napoleon Street. Motion was made by Mrs. Hardy seconded by Mrs. Ellender that the following ordinance be adopted to-wit:

ORDINANCE NO. 1452, M-C SERIES

ORDINANCE GRANTING A REZONE FROM MIXED RESIDENTIAL TO BUSINESS TO WEST CALCASIEU VETERANS ASSOCIATION, 1235 EAST NAPOLEON STREET.

WHEREAS, West Calcasieu Veterans Association has submitted application to Rezone from Mixed Residential to Business; and

WHEREAS, the following stipulations shall be placed on property:

1. Construct a 6-foot tall buffer constructed of wood or brick masonry in accordance with Article IV, Part II, Section 8 of the Land Use Ordinance of the City of Sulphur.

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 Rezone to West Calcasieu Veterans Association from Mixed Residential to Business for the following described property to wit:

PARCEL #00757128

COM INTERSECTION OF E/L LOT 2 C B RICHARD SUB IN SW NW SEC 35.9.10 WITH S R/W LINE HWY 90, TH S 193 FT ALONG THE E/L OF SAID

LOT 2 TO A 1 INCH IRON PIPE, ALSO BEING THE POB, TH S 469.61 FT
ALONG E/L OF LOTS 2, 3 AND 4 OF C B RICHARD SUB TO THE SE COR OF
SAID LOT 4, TH W 83.13 FT ALONG THE S/L OF SAID LOT 4, THE N 469.60
FT, TH E 86.59 FT TO POB CONTG .9 ACS M/L

PARCEL 00757128B

COM INTERSECTION OF E/L LOT 2 C B RICHARD SUB IN SW NW SEC
35.9.10 WITH S R/W LINE HWY 90, TH W 80 FT ALONG HWY, S 198.8 FT, W 5
FT, S 365.4 FT, W 100 FT, S 98.7 FT TO S/L LOT 4 SAID SUB, E 185 FT TO E/L
LOT 4, TH N ALONG E/L LOTS 4,3 AND 2 665.8 FT M/L TO COM LESS COM
AT INTERSECTION OF E/L LOT 2 OF A SUB IN SW NW 35.9.10 WITH S R/W
LINE W 125 FT, TH S 432.3 FT M/L TO N/L LOT 4, W 60 FT, S 133.5 FT M/L
AND PT OF COM, TH E 100 FT, S 100 FT ETC .23 ACS M/L 1.51 ACS M/L
LESS B 4088 P 596 DESCRIBED AS: COM INTERSECTION OF E/L LOT 2 C B
RICHARD SUB IN SW NW SEC 35.9.10 WITH S R/W LINE HWY 90, TH S 193
FT ALONG THE E/L OF SAID LOT 2 TO A 1 INCH IRON PIPE, ALSO BEING
THE POB, TH S 469.61 FT ALONG E/L OF LOTS 2, 3 AND 4 OF C B RICHARD
SUB TO THE SE COR OF SAID LOT 4, TH W 83.13 FT ALONG THE S/L OF
SAID LOT 4, THE N 469.60 FT, TH W 86.59 FT TO POB CONTG .9 ACS M/L
PARCEL 00757152

COM ON S/S HWY 90 AT 40 LINE BETW SW NW 35.9.10 E 128 FT S 682 FT
M/L TO STAKE ON S 40 LINE SE NW W 128 FT TO STAKE N 680 FT M/L TO
COM
IMPS
LESS B 4088 P 596 DESCRIBED AS: COM AT THE SW COR OF LOCKMORE
SUB OF THE SE NW AND SW OF NE 35-9-10, TH N 363.23 FT, TH E 128 FT,
TO A PT INTERSECTING THE E/L OF LOT 2 OF LOCKMORE SUB, ALSO
BEING THE W/L OF LOUIS CHARGEIOIS SUB, TH S 364.91 FT TO SE COR OF
LOT 2 OF LOCKMORE SUB, TH W 128 FT TO POB AND ALL OF LOT 9
LOUIS CHARGEIOIS SUB

PARCEL 00757152A

COM AT THE SW COR OF LOCKMORE SUB OF THE SE NW AND SW OF NE
35-9-10, TH N 363.23 FT, TH E128 FT, TO A PT INTERSECTING THE E/L OF
LOT 2 OF LOCKMORE SUB, ALSO BEING THE W/L OF LOUIS CHARGEIOIS
SUB, TH S 364.91 FT TO SE COR OF LOT 2 OF LOCKMORE SUB, TH W 128
FT TO POC
LOT 9 LOUIS CHARGOIS SUB

This Rezone is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said Rezone 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 Rezone, 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.

If City Council does hereby approve this Rezone the owner of this rezone 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 Rezone shall be withdrawn and considered null and void.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance granting a rezone from Residential to Business to Jason Gunter, 323 Ash Street. Mr. Gunter addressed the Council and stated that he wants to open a second business at this location. It'll be a tire service but we'll have very few tires stored at this location. We will buy the tires as needed. Mr. Daigle, Land Use Administrator, stated that the first business is grandfathered in but by adding a second business he'll have to rezone to business since you can't expand a non-conformity. He'll have to construct a 6 foot wooden or brick fence on the east and west side. Mr. Gunter stated that on the east side there's a huge metal building that belongs to the KC's and it would be very hard to put a fence right there. He asked if he could put the fence from his business to the metal building. Council and Mr. Daigle

didn't see a problem with that (*no motion was made to amend the ordinance*). He said he doesn't have a problem with the west side but there are huge trees that he'd have to cut down. At this time, Mrs. Hardy made a motion that a fence and gate be installed on the north side where kids couldn't walk from Sulphur High School and get hurt on equipment. After discussion, Mrs. Hardy then withdrew her motion. After more discussion, it was decided that the fence would be required on the west side but only a portion on the east side. Motion was made by Mrs. Hardy seconded by Mrs. Ellender that the following ordinance be adopted to-wit:

ORDINANCE NO. 1453, M-C SERIES

ORDINANCE GRANTING A REZONE FROM RESIDENTIAL TO BUSINESS TO
JASON GUNTER FOR PROPERTY LOCATED AT 323 ASH STREET.

WHEREAS, Jason Gunter has submitted application to Rezone property from Residential District to Business District for property located at 323 Ash Street; and

WHEREAS, the following stipulations shall be placed on property:

1. Construct a 6-foot tall buffer constructed of wood or brick masonry in accordance with Article IV, Part II, Section 8 of the Land Use Ordinance of the City of Sulphur.

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 Rezone to Jason Gunter from Residential to Business for property located 323 Ash Street for the following described property to wit:

W ½ LOT 52 BLK D GEO LOCK SUB OF N ½ SE AND S ½ NE 34.9.10 IMPS
05/RMS (STOR) REF1-LEEWARD JOSEPH ROGER AND TINA B 1523 P 733-79
REF2-WHITE, EDWARD W JR AND JOHNNY E STANLEY B 2663 P 427-97
REF3-SMITH, SHEILA B 2851 P 714-2000

This Rezone is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said Rezone 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 Rezone, 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.

If City Council does hereby approve this Rezone the owner of this rezone 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 Rezone shall be withdrawn and considered null and void.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance granting an Exception to Powerhouse Commercial Construction, Inc., property located at 222 and 304 North Beglis Parkway to allow for living in a Business District. Motion was made by Mrs. Hardy seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1454, M-C SERIES

ORDINANCE GRANTING AN EXCEPTION TO ERNIE ANDERSON, POWERHOUSE COMMERCIAL CONSTRUCTION, INC., FOR PROPERTY LOCATED AT 222 AND 304 NORTH BEGLIS PARKWAY TO ALLOW FOR LIVING IN A BUSINESS DISTRICT.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant an Exception to Ernie Anderson, Powerhouse Commercial Construction, Inc., for property located at 222 and 304 North Beglis Parkway to allow for living in a Business District, in

accordance with Article IV, Part 3, Section 4 (3) of the Land Use ordinance for the following property description:

304 NORTH BEGLIS PARKWAY

S ½ OF W ½ OF BEG AT NW COR SW NW NE 35.9.10 S 330 FT, E 264 FT, ETC (CONTG 1 AC) LESS .113 ACS FOR PARC #2 – 2 RELOCATION LA 27 AT SUL LESS .227 ACS FOR 30 FT RD R/W OFF W/SIDE - .66 ACS REF1-FANNIE JOHNSON B 2066 P 587, B 2080 P 414-88 REF2-B 2129 P 617 H/W R/W-89 REF3-SWEENEY, VAL A ET AL B 2871 P 132-2000 REF4-SWEENEY, THELMA HOOK ET AL B 3145 P 381 B 3147 P 264-04

222 NORTH BEGLIS PARKWAY

S 1/3 OF E ½ OF – COM NW COR SW NW NE SEC 35.9.10 TH S 330 FT, E 264 FT ETC REF1-CARL B BLAKE B 1112 P557-70 REF2-ASSESSED WD 4-81 REF3-ROSE BARNES B 2249 P 461, B 2244 P 378-91 REF4-B 2332 P 87-92 REF5-LAVERGNE, JOSEPH ET UX B 2528 P 806, B 2531 P 197-95 REF3-SWEENEY, VAL A ET AL B 2871 P 132-2000 REF4-SWEENEY, THELMA HOOK ET AL B 3147 P 264-04

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance granting the subdividing of lots to Palermo Land Company for property located on the south side of Evangeline Street (Rose Park 9, Block 10). Mr. Favre made a motion to remove the statement of dedication from plat. He said there was an issue with the sewer being tested. Garry Johnson, AccuLine Surveying, stated that this could be a Punch List item. Mr. Favre stated that there is an issue with the “Y” connections. Mr. Johnson stated that the “Y” connections are in. Mr. Bergeron stated that he’s talking about the clean-outs at the property line. Mr. Johnson stated that the “Y’s” are in but they haven’t been stubbed up to clean-

outs. Mr. Moss stated that Council was told that they weren't in. Mr. Johnson stated that as of Thursday, all the manholes have been installed and washed and fully cleaned for the exception of the manhole at the intersection of Division and Tammy (*meaning that is City's responsibility*). Mr. Daigle, Director of Public Works, stated that this could be part of the punch list and the determination of these sewer connections are in a designated right of way. The applications of the clean outs can be done in one or another fashion. They can all be installed at once by the developer, or when the plumber goes to plumb the house the developer can provide the clean-outs and make the final connection as inspected by the city. Mr. Bergeron asked about the sewer testing. Mr. Daigle said that could be part of the punch list also. He also stated that this was pointed out in the City Engineer review. Mr. Daigle said he has no problem with Council accepting infrastructure at this time and they'll work on the punch list. After discussion, Mr. Favre withdrew his motion. Motion was then made by Mr. Favre seconded by Mr. Moss that the following ordinance be adopted to-wit:

ORDINANCE NO. 1455, M-C SERIES

ORDINANCE GRANTING THE SUBDIVIDING OF LOTS TO PALERMO LAND COMPANY FOR PROPERTY LOCATED IN ROSE PARK 9, BLOCK 10 ON THE SOUTH SIDE OF EVANGELINE STREET.

WHEREAS, in accordance with Chapter 18 of the Code of Ordinances of the City of Sulphur, application has been received from Palermo Land Company, to subdivide property described as follows:

ROSE PARK NO. 9, BLOCK 10

THAT CERTAIN TRACT OR PARCEL OF LAND LOCATED IN THE SOUTH HALF OF NORTHEAST QUARTER OF SOUTHWEST (S/2-NE/4-SW/4) AND THE SOUTH HALF OF THE NORTHWEST QUARTER OF SOUTHEAST QUARTER (S/2-NW/4-SE/4) OF SECTION 1, TOWNSHIP 10 SOUTH, RANGE 10 WEST, LESS EVANGELINE ROAD RIGHT OF WAY, ALL BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1, THENCE NORTH 89°10'31" WEST A DISTANCE OF 1341.45 FEET; THENCE NORTH

00°55'53" EAST A DISTANCE OF 302.84 FEET TO THE SOUTH RIGHT OF WAY LINE OF DIVISION STREET; THENCE SOUTH 89°25'16" EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 160.88 FEET TO THE WEST RIGHT OF WAY LINE OF TAMMY STREET; THENCE SOUTH 00°49'29" WEST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 158.53 FEET TO THE SOUTH RIGHT OF WAY LINE OF EVANGELINE ROAD; THENCE SOUTH 89°10'31" EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 1180.00 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE SOUTH 00°49'29" WEST A DISTANCE OF 145.00.00 FEET TO POINT OF COMMENCEMENT.

HEREIN DESCRIBED TRACT CONTAINING 219,962.52 SQUARE FEET OR 5.05 ACRES MORE OR LESS AND BEING SUBJECT TO ROAD RIGHT OF WAY ON THE NORTH SIDE THEREOF.

WHEREAS, this subdivision is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said subdivision 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; and

Whereas, Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this subdivision, 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; and

WHEREAS, if City Council does hereby approve this subdivision and the owner of this subdivision 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 subdivision; and

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

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant the subdividing of lots to Palermo Land Company for property located in Rose Park 9, Block 10 on the south side of Evangeline Street.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance granting the subdividing of lots to Palermo Land Company for property located on the south side of Evangeline Street (Rose Park 10, Block 9). Motion was made by Mr. Favre seconded by Mrs. Ellender that the following ordinance be adopted to-wit:

ORDINANCE NO. 1456, M-C SERIES

ORDINANCE GRANTING THE SUBDIVIDING OF LOTS TO PALERMO LAND COMPANY FOR PROPERTY LOCATED IN ROSE PARK 10, BLOCK 9 ON THE SOUTH SIDE OF EVANGELINE STREET.

WHEREAS, in accordance with Chapter 18 of the Code of Ordinances of the City of Sulphur, application has been received from Palermo Land Company, to subdivide property described as follows:

ROSE PARK NO. 10, BLOCK 9

THAT CERTAIN TRACT OR PARCEL OF LAND LOCATED IN THE SOUTH HALF OF NORTHWEST QUARTER (S/2-NW/4) OF SECTION 1, TOWNSHIP 10 SOUTH, RANGE 10 WEST, LESS EVANGELINE ROAD RIGHT OF WAY, ALL BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, THENCE NORTH 00°49'29" EAST A DISTANCE OF 145.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF EVANGELINE ROAD; THENCE SOUTH 89°10'31" EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 503.50 FEET; THENCE SOUTH 00°49'29" WEST LEAVING SAID SOUTH RIGHT OF WAY A DISTANCE OF 145.00 FEET; THENCE NORTH 89°10'31" WEST A DISTANCE OF 503.50 FEET TO THE POINT OF BEGINNING.

HEREIN DESCRIBED TRACT CONTAINING 37,005.30 SQ. FT. OR 0.85 ACRES MORE OR LESS AND BEING SUBJECT TO ROAD RIGHT OF WAY ON NORTH SIDE THEREOF.

WHEREAS, this subdivision is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said subdivision 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; and

Whereas, Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this subdivision, 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; and

WHEREAS, if City Council does hereby approve this subdivision and the owner of this subdivision 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 subdivision; and

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

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant the subdividing of lots to Palermo Land Company for property located in Rose Park 10, Block 9 on the south side of Evangeline Street.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance accepting Preliminary Plat from Palvest for Park Place Phase II Subdivision located at the west end of Cassy Drive. Motion was made by Mr. Moss seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1457, M-C SERIES

ORDINANCE ACCEPTING PRELIMINARY PLAT FROM PALVEST FOR PARK
PLACE SUBDIVISION PHASE II.

WHEREAS, Palvest has submitted application to accept Preliminary Plat for Park Place Subdivision Phase II; and

WHEREAS, said examination reflects that the preliminary plat submitted by Palvest complies with all requirements of Chapter 18, Section 25 of the Code of Ordinances of the City of Sulphur.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby accept Preliminary Plat from Palvest for Park Place Subdivision Phase II for the following described property:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 10 SOUTH, RANGE 9 WEST, CALCASIEU PARISH, LOUISIANA; THENCE NORTH 89°39'00" EAST, A DISTANCE OF 76.54 FEET, MORE OR LESS TO A POINT OF THE WEST HIGH BANK OF A DRAINAGE DITCH, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 89°39'00" EAST, A DISTANCE OF 373.17 FEET, MORE OR LESS; THENCE SOUTH 00°21'19" EAST, A DISTANCE OF 190.06 FEET; THENCE NORTH 89°39'00" EAST, A DISTANCE OF 147.15 FEET, THENCE NORTH 79°18'11" EAST, A DISTANCE OF 11.05 FEET; THENCE SOUTH 10°41'49" EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 79°18'11" WEST, A DISTANCE OF 15.58 FEET; THENCE SOUTH 89°39'00" WEST, A DISTANCE OF 54.00 FEET; THENCE SOUTH 00°21'19" EAST, A DISTANCE OF 294.15 FEET; THENCE SOUTH 63°29'32" WEST, A DISTANCE OF 59.00 FEET, MORE OR LESS; THENCE MEANDERING NORTHWESTERLY ALONG THE WEST HIGH BANK OF DRAINAGE DITCH, A DISTANCE OF 700.51 FEET, MORE OR LESS, BACK TO THE POINT OF BEGINNING.

CONTAINING 126,569.70 SQ. FT. OR 2.91 ACRES, MORE OR LESS.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance granting the subdividing of lots to Orvis Tully for property located east of 2632 East Napoleon Street. Motion was made by Mr. Favre seconded by Mr. Moss that the following ordinance be adopted to-wit:

ORDINANCE NO. 1458, M-C SERIES

ORDINANCE GRANTING THE SUBDIVIDING OF LOTS TO ORVIS TULLY
FOR PROPERTY LOCATED EAST OF 2632 EAST NAPOLEON STREET.

WHEREAS, in accordance with Chapter 18 of the Code of Ordinances of the City of Sulphur, application has been received from Orvis Tully, to subdivide property located east of 2632 East Napoleon Street for property described as follows:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 9 SOUTH, RANGE 10 WEST, CALCASIEU PARISH, LOUISIANA; THENCE SOUTH 89°14'12" EAST ON AND ALONG THE SOUTH LINE OF SAID SE/4 OF NW/4 A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°46'52" EAST ON AND ALONG THE EAST LINE OF S. ELLENDER SUBDIVISION A DISTANCE OF 434.86 FEET; THENCE NORTH 89°46'20" EAST A DISTANCE OF 34.58 FEET; THENCE NORTH 00°46'48" EAST A DISTANCE OF 248.00 FEET; THENCE SOUTH 89°23'58" EAST ON AND ALONG THE SOUTH APPARENT RIGHT OF WAY OF E. NAPOLEON STREET. A DISTANCE OF 130.42 FEET; THENCE SOUTH 00°46'49" WEST A DISTANCE OF 683.82 FEET TO THE SOUTH LINE OF SAID SE/4 OF NW/4; THENCE NORTH 89°14'12" WEST A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING. PROPERTY CONTAINING 2.392 ACRES MORE OR LESS.

WHEREAS, this subdivision is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said subdivision 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; and

Whereas, Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this subdivision, 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; and

WHEREAS, if City Council does hereby approve this subdivision and the owner of this subdivision 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 subdivision; and

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

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant the subdividing of lots to Orvis Tully for property located east of 2632 East Napoleon Street.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance granting a rezone from Mixed Residential to Commercial to Orvis Tully, property located east of 2632 East Napoleon Street.

Motion was made by Mr. Favre seconded by Mr. Moss that the following ordinance be adopted to-wit:

ORDINANCE NO. 1459, M-C SERIES

ORDINANCE GRANTING A REZONE FROM MIXED RESIDENTIAL TO COMMERCIAL TO ORVIS TULLY FOR PROPERTY LOCATED EAST OF 2632 EAST NAPOLEON STREET.

WHEREAS, Orvis Tully has submitted application to Rezone property from Mixed Residential District to Commercial District for property located east of 2632 East Napoleon Street; and

WHEREAS, the following stipulations shall be placed on property:

1. Construct a 6-foot tall buffer constructed of wood or brick masonry in accordance with Article IV, Part II, Section 8 of the Land Use Ordinance of the City of Sulphur.

NOW THEREFORE, BE IT RESOLVED 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 Rezone to Orvis Tully from Mixed Residential to Commercial for property located east of 2632 East Napoleon Street for the following described property to wit:

TRACT 1-COM 330 FT E OF SW COR SE NW 36.9.10 TH IN A SUFFICIENT DIST TO REACH R/W OF HWY 90 E 165 FT S TO S/L SAID SE NW TH W 165 FT TO COM SUBJ TO 30 FT RD ON S/S; LESS AND EXCEPT COMM @ SW COR SE/4 OF NW/4 SECT 36.9.10; TH N 89 DEGS 45'52" E 330 FT; TH N 0 DEGS 0'46" E 437.32 FT TO POB;
TH N 1 DEG 05'55" E 248.50 FT; TH S 89 DEGS 24'44" E 34.57 FT; TH S 1 DEG 05'55" W 248 FT; TH S 89 DEGS 45'52" W 34.58 FT TO POB
REF1-RAMESH N PATEL AND KANTI N PATEL B 1734 P 736-83
REF2-SOLD TO STATE FOR 1986 TAXES-86
REF3-REDEEMED FROM STATE FILE NO 1978993-87

This Rezone is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said Rezone 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 Rezone, 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.

If City Council does hereby approve this Rezone the owner of this rezone 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 Rezone shall be withdrawn and considered null and void.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss
NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is an introduction of ordinance granting a variance to Markel Andrepont, 608 Custer Street, to allow for chicken enclosure to be closer than 50 feet from any property line used for either residential or commercial purposes in accordance with Chapter 4, Section 6 of the Code of Ordinances of the City of Sulphur. After discussion, the ordinance below died for lack of motion.

ORDINANCE GRANTING A VARIANCE TO MARKEL ANDREPONT, 608 CUSTER STREET, TO ALLOW FOR CHICKEN ENCLOSURE TO BE LOCATED CLOSER THAN THE REQUIRED 50 FEET FROM ANY PROPERTY LINE USED FOR EITHER RESIDENTIAL OR COMMERCIAL PURPOSES.

WHEREAS, in accordance with Chapter 4, Section 6 of the Code of Ordinances of the City of Sulphur, a chicken enclosure shall not be nearer than 50 feet from any property line used for either residential or commercial purposes; and

WHEREAS, applicant is requesting a variance to allow chicken enclosure to be located on the west property line rather than the required 50 feet; and

WHEREAS, the following described property located in the City of Sulphur, State of Louisiana, is owned by Markel Andrepont, 608 Custer Street, Sulphur, Louisiana 70663, to-wit:

LOT 26 BLOCK 6 WESTFIELD ADDITION NO. 1

WHEREAS, improvements on the property will include a chicken enclosure to be located on the west property line rather than the required 50 feet.

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

The Code of Ordinances of the City of Sulphur is hereby amended to grant a variance to Markel Andrepont, 608 Custer Street, for the following described property to-wit:

LOT 26 BLOCK 6 WESTFIELD ADDITION NO. 1

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.

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

And the said ordinance failed for lack of motion on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is an introduction of ordinance authorizing the demolition of 810 Ruth Street (Old Tyme Variety Store). Motion was made by Mr. Moss seconded by Mr. Favre that the following ordinance be introduced:

**ORDINANCE AUTHORIZING THE DEMOLITION OF 810 RUTH STREET
(FORMER OLD TYME VARIETY STORE).**

Motion was then made by Mr. Moss seconded by Mr. Favre 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:

**ORDINANCE AUTHORIZING THE DEMOLITION OF 810 RUTH STREET
(FORMER OLD TYME VARIETY STORE).**

A public hearing on said ordinance will be held at 5:30 p.m. on the 10th day of April, 2017, in the City of Sulphur Council Chambers in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

DENNIS BERGERON, Chairman

Motion carried.

The next item on the agenda is a resolution accepting petition for annexation from Henry and Lucille Misse for property located at 3006 and 3010 Stillwell Street. Motion was made by Mr. Moss seconded by Mr. Favre that the following amendment be made:

Delete - WHEREAS, approval is subject to consent by Calcasieu Parish Police Jury.

Motion carried unanimously.

Motion was then made by Mr. Favre seconded by Mr. Moss that the following resolution be adopted to-wit:

RESOLUTION NO. 3039, M-C SERIES AS AMENDED

Resolution accepting petition from Henry and Lucille Misse for the annexation of property located at 3006 and 3010 Stillwell Street.

WHEREAS, in accordance with 33:171 of the Louisiana Revised Statutes, the City Council is hereby accepting petition from Henry and Lucille Misse for the following described property:

SHOWING LOT 10 AND THE EAST 180.00 FEET OF LOT 9 AND THE EAST
180.00 FEET OF LOT 8 LYING SOUTH OF THE DRAINAGE DITCH OF BLOCK
1 OF THE J. A. BEL ET AL SUBURBAN ACRES NO. 1 SUBDIVISION AS PER
PLAT RECORDED IN PLAT BOOK 5 ON PAGE 94, RECORDS OF CALCASIEU
PARISH, LOUISIANA.

WHEREAS, said property, currently zoned as C-2 land use district by Calcasieu Parish Police Jury; and

WHEREAS, said property shall be zoned Commercial; and

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby accept petition from Henry and Lucille Misse, for the annexation of property located at 3006 and 3010 Stillwell Street.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a resolution rejecting bid received and authorize the re-advertisement of bids for a Chipper for Public Works. Motion was made by Mr. Moss seconded by Mrs. Hardy that the following resolution be adopted to-wit:

RESOLUTION NO. 3040, M-C SERIES

Resolution rejecting bid received and authorize the re-advertisement of bids for a Chipper for Public Works.

WHEREAS, one bid was received on Tuesday, March 7, 2017 at 10:00 a.m. and bid was as follows:

Bidder

Amount

Emery Equipment

(Bid not read due to no bond submitted)

BE IT FURTHER RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby reject the above bid due to no bond being submitted and authorize the re-advertisement of bids for a Chipper for Public Works, said bids to be in

accordance with the specifications on file with the Purchasing Agent for the City of Sulphur located at 101 North Huntington Street, Sulphur, LA 70663.

BE IT FURTHER RESOLVED that the advertisement of bids will be in “The Southwest Daily News, the official journal of the City of Sulphur, in three separate publications, giving notice as follows:

NOTICE TO BIDDERS

Separate and sealed bids for a Chipper for Public Works will be received by the Clerk of the Council until 10:00 a.m. on the 4th day of April, 2017, at which time bids will be opened and read aloud in an open and public bid opening session to be conducted by the Director of Public Works in the Conference Room at City Hall located at 101 North Huntington Street, Sulphur, LA 70663, and shall be awarded at a regular meeting on the 10th day of April, 2017 at 5:30 p.m.

CITY OF SULPHUR, LOUISIANA

BY _____
DENNIS BERGERON, Chairman

BE IT FURTHER RESOLVED that the City Council of the City of Sulphur, Louisiana will meet in open and public session at the regular place in the Council Chambers at City Hall on the 10th day of April, 2017 at 5:30 p.m. and shall then and there proceed to award the bids to the lowest bidder or to reject any and all bids, otherwise proceed thereto as provided by law.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a resolution awarding low bid received for a dump truck for Waste Water Maintenance. Motion was made by Mr. Favre seconded by Mr. Moss that the following resolution be adopted to-wit:

RESOLUTION NO. 3041, M-C SERIES

Resolution awarding low bid received for a dump truck for Waste Water Maintenance.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that bids for a dump truck for Waste Water Maintenance were opened and read aloud in an open and public bid session on Wednesday, March 7, 2017, at 10:00 a.m. and bids were as follows:

<u>Company</u>	<u>Bid Amount</u>
Martin Truck Center	\$75,114.00

BE IT FURTHER RESOLVED that the City Council does hereby accept the recommendation of Mayor Christopher L. Duncan and award the bid for a dump truck for Waste Water Maintenance as follows:

<u>Company</u>	<u>Bid Amount</u>
Martin Truck Center	\$75,114.00

BE IT ALSO FURTHER RESOLVED that Mayor Christopher L. Duncan is authorized to sign all paperwork in connection therewith.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss
NAYS: None
ABSENT: None

And the said resolution was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a discussion concerning the termination of Agreement with PRA Government Services, LLC d/b/a RDS for the processing and collection of occupational license for the City of Sulphur and authorizing 90-day notice of termination. Mr. Moss stated that he'd like to terminate this agreement with RDS. He's found out that numerous businesses in the city do not

have occupational licenses. Some don't have liquor licenses or haven't renewed. He'd like to bring it back in-house. When getting an occupational license the program RDS uses is not user friendly. Mrs. Thorn stated that she met with other department heads and they would like to meet with RDS prior to Council giving a 90-day notice. She feels there was a misunderstanding in roles.

The next item on the agenda is a resolution authorizing the advertisement for bids for 2016 Street Overlay Program. Mr. Moss stated that he would recuse from voting since he lives on one of the streets in Overlay Program. After discussion, Mr. Moss withdrew his motion. Motion was then made by Mr. Favre seconded by Mrs. Hardy that the following resolution be adopted to-wit:

RESOLUTION NO. 3042, M-C SERIES

Resolution authorizing the advertisement of bids for 2016 Street Overlay Program.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby authorize advertisement of bids for 2016 Street Overlay Program, said bids to be in accordance with the quantities and specifications on file with Meyer and Associates, located at 600 North Cities Service Hwy., Sulphur, LA 70663.

BE IT FURTHER RESOLVED that the advertisement of bids will be in "The Southwest Daily News, the official journal of the City of Sulphur, in three separate publications, giving notice as follows:

NOTICE TO BIDDERS

Separate and sealed bids for the advertisement of 2016 Street Overlay Program will be received by the Clerk of the Council until 10:00 a.m. on the 10th day of April, 2017, at which time bids will be opened and read aloud in an open and public bid opening session to be conducted by the Director of Finance in the Conference Room at the City Hall, and the City Council shall at a regular meeting on the 10th day of April, 2017, at 5:30 p.m. proceed to award the bid to the lowest bidder, to waive irregularities, or to reject any and all bids, or otherwise proceed thereto as provided by law. Bids are also available electronically at www.bidexpress.com; free membership is required to access. Said bids to be in accordance with the quantities and specifications on file with Meyer and Associates, located at 600 North Cities Service Hwy., Sulphur, LA 70663.

CITY OF SULPHUR, LOUISIANA

BY _____
DENNIS BERGERON, Chairman

BE IT FURTHER RESOLVED that the City Council of the City of Sulphur, Louisiana will meet in open and public session at the regular place in the Council Chambers at City Hall on the 10th day of April, 2017, at 5:30 p.m. and shall then and there proceed to award the bids to the lowest bidder or to reject any and all bids, otherwise proceed thereto as provided by law.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

The next item on the agenda is a resolution amending Resolution No. 2692, M-C Series adopted February 10, 2014 which designated additional festivals and events sponsored by the City of Sulphur. Motion was made by Mr. Favre seconded by Mr. Moss that the following resolution be adopted to-wit:

RESOLUTION NO. 3043, M-C SERIES

Resolution amending Resolution No. 2692, M-C Series adopted February 10, 2014 which designated additional festivals and events sponsored by the City of Sulphur.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Resolution No. 2692, M-C Series adopted February 10, 2014 to state that designated festivals and events held in the City of Sulphur shall be allowed with the Mayor and Chairman of City Council approval.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 13th day of March, 2017.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

With there being no other business to come before the Council, the Chairman declared the meeting adjourned.

ATTEST:

ARLENE BLANCHARD, Clerk

DENNIS BERGERON, Chairman

3/13/17
7:40 P.M.