

January 8, 2024

The City Council of the City of Sulphur, Louisiana, met in regular session at its temporary location located at 1551 East Napoleon Street in the Council Chambers, Sulphur, Louisiana, on January 8, 2024, 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
NICK NEZAT, Council Representative of District 2
MELINDA HARDY, Council Representative of District 3
JOY ABSHIRE, Council Representative of District 4
MANDY THOMAS, 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. Hardy, followed by the reciting of the Pledge of Allegiance led by Mrs. Hardy.

The Chairman asked if there were any changes to the minutes of the previous meeting. With no changes made, motion was made by Mrs. Hardy seconded by Mrs. Thomas that the minutes stand as written.

Motion carried unanimously.

Motion was then made by Mrs. Thomas seconded by Mr. Nezat that the agenda stand as written.

Motion carried unanimously.

The first item on the agenda is a public hearing on ordinance granting a rezone to Shannon Carroll, 1516 LeBlanc Street, from Residential to Mixed Residential to allow for the continuance of a mobile home on the property. Cecilia LeBlanc, LeBlanc Street, stated that the neighborhood isn't quiet anymore and it looks worse. There are mailboxes that are run over, crushing culverts, etc. She is against this rezone. Mrs. Ellender stated that Mr. Carroll wanted the rezone so he wouldn't have to come get a rezone if anything happened to the mobile home that is currently there. After

discussion, motion was made by Mrs. Hardy seconded by Mr. Nezat that the following ordinance be adopted to-wit:

ORDINANCE GRANTING A REZONE TO SHANNON CARROLL, 1516 LEBLANC STREET, FROM RESIDENTIAL TO MIXED RESIDENTIAL TO ALLOW FOR THE CONTINUANCE OF A MOBILE HOME ON THE PROPERTY.

A vote was then called with the results as follows:

YEAS: None

NAYS: Mrs. Ellender, Mr. Nezat, Mrs. Hardy, Mrs. Abshire, Mrs. Thomas

ABSENT: None

And the said ordinance failed on this 8th day of January, 2024.

ATTEST:

ARLENE BLANCHARD, Clerk

DRU ELLENDER, Chairman

The next item on the agenda is a public hearing on ordinance granting a rezone to K & V Realty, LLC, property located approximately 500 feet south of Maplewood Drive/South Post Oak Road, from Residential/Business to Mixed Residential for potential sell of property. Allen Singletary, owner, addressed the Council and stated that there's an Entergy right of way that runs through the property, and it expires next year. Surrounding property that is not zoned residential is getting 3 times as much from Entergy than residential property. He'd like to have this rezoned to get a better deal from Entergy. Gravity Drainage and the City will have to approve all drainage plans. We'll have to put roadside ditches and they'll have to retain all the water. In our plans we'd like to extend Louisiana Street, crossing over Maplewood Drive to R.W. Vincent School and exit onto Beglis Parkway. The School Board is thrilled with this. All this is potential plans. They once had Academy store coming to this area but that deal fell through.

After discussion, motion was made by Mrs. Hardy seconded by Mrs. Abshire that the following ordinance be amended to include stipulation #7:

7. Prior to issuing any permits in connection with this development, an application for development approval shall be submitted for review and approval in accordance with Appendix B, Article III, Part 2, Section 1 – Procedures of general applicability.

Motion carried unanimously.

Motion was then made by Mrs. Hardy seconded by Mrs. Abshire that the following ordinance be adopted to-wit:

ORDINANCE NO. M-C SERIES AS AMENDED

ORDINANCE GRANTING A REZONE TO K & V REALTY, LLC, PROPERTY LOCATED APPROXIMATELY 500 FEET SOUTH OF MAPLEWOOD DRIVE/SOUTH POST OAK ROAD, FROM RESIDENTIAL/BUSINESS TO MIXED RESIDENTIAL FOR POTENTIAL SELL OF PROPERTY.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone to K & V Realty, LLC, from Residential/Business to Mixed Residential for potential sell of property for the following described property:

A TRACT OF LAND IN THE NORTH HALF OF THE NORTHEAST QUARTER (N ½ OF NE ¼) OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 10 WEST, CALCASIEU PARISH LOUISIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH POST OAK ROAD, SAID POINT BEING SOUTH 00°53'52" WEST 1,328.96 FEET AND NORTH 89°18'38" WEST 30 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 2, SAID POINT ALSO BEING THE NORTHEAST CORNER OF ROSE PARK NO. 11 SUBDIVISION AS RECORDED IN PLAT BOOK 26, PAGE 77, FILE NO. 1434241 RECORDS OF CALCASIEU PARISH, LA;

THENCE NORTH 89°18'38" WEST 1,476.71 FEET ALONG THE NORTH LINE AND ITS WESTERLY PROLONGATION OF SAID ROSE PARK NO. 11 SUBDIVISION;

THENCE NORTH 01°04'49" EAST 664.65 FEET;

THENCE SOUTH 89°18'16" EAST 1,474.60 FEET TO A POINT OF THE WEST RIGHT OF WAY LINE OF SOUTH POST OAK ROAD;

THENCE SOUTH 00°53'52" WEST 664.48 FEET ALONG THE WEST RIGHT OF WAY LINE OF SOUTH POST OAK ROAD TO THE POINT OF BEGINNING.

THE HEREIN DESCRIBED TRACT CONTAINS 22.51 ACRES, MORE OR LESS.

BE IT FURTHER ORDAINED that the following stipulations be placed on the property:

1. 6' privacy fence along south property lines.
2. Maintain 20' wide buffer yard along south property lines.
3. Develop a drainage plan and have it approved as part of the Permit process.
4. Containers for solid waste shall be located no closer than fifteen feet to an adjacent property line and screened with a 6' tall, gated, masonry or lumber fence.
5. Manufactured/Mobile Homes are prohibited.
6. Revisions to the proposed plan shall require approval from the Land Use Commission.
7. Prior to issuing any permits in connection with this development, an application for development approval shall be submitted for review and approval in accordance with Appendix B, Article III, Part 2, Section 1 – Procedures of general applicability.

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.

Upon approval of 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 rezone.

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.

BE IT FURTHER ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone to K & V Realty, LLC, property located 500 feet south of Maplewood Drive/South Post Oak Road, from Residential/Business to Mixed Residential for potential sell of property with the above stipulations.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Nezat, Mrs. Hardy, Mrs. Abshire, Mrs. Thomas

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 8th day of January, 2024.

ATTEST:

ARLENE BLANCHARD, Clerk

DRU ELLENDER, Chairman

The next item on the agenda is Rule to Show Cause for the condition of the following addresses:

- a. To condemn building or structure located at 2916 Weil Drive, in accordance with Article IX, Section 5-286 through 5-296.

Mayor Danahay asked that this address be postponed to the March 11, 2024, Council meeting.

Motion carried unanimously.

- b. To condemn building or structure located at 905 Gulf Lane, in accordance with Article IX, Section 5-286 through 5-296.

Mr. Lanthier, owner, addressed the Council and stated that he wanted to tear it down. He asked that he be given longer than 30 days. Mrs. VanderHey stated that Mr. Lanthier was first notified in August, 2023. Motion was then made by Mr. Nezat seconded by Mrs. Hardy that an amendment be made, and he be given 60 days rather than 30 days.

Motion carried unanimously.

Motion was then made by Mr. Nezat seconded by Mrs. Hardy that the above address be given 60 days to tear down structure.

Motion carried unanimously.

- c. To condemn building or structure located at 130 Aracobra Street, in accordance with Article IX, Section 5-286 through 5-296.

Motion was made by Mr. Nezat seconded by Mrs. Thomas that the above address be condemned.

Motion carried unanimously.

The next item on the agenda is an introduction of ordinance authorizing Mayor Mike Danahay to enter into a Buy/Sell Agreement with Kevin Wold, Sr., 802 Ruth Street. Mayor Danahay stated that he was approached by the owner to buy this property. The City's appraisal was \$89,000 and the owner's appraisal was \$107,000. The purchase price will be \$89,000. Motion was then made by Mrs. Hardy seconded by Mrs. Abshire that the following ordinance be introduced:

ORDINANCE AUTHORIZING MAYOR MIKE DANAHAY TO ENTER INTO A BUY/SELL AGREEMENT WITH KEVIN WOLD, SR., 802 RUTH STREET.

Motion was then made by Mrs. Hardy seconded by Mrs. Abshire 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 "American Press", 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 MAYOR MIKE DANAHAY TO ENTER INTO A BUY/SELL AGREEMENT WITH KEVIN WOLD, SR., 802 RUTH STREET.

A public hearing on said ordinance will be held at 5:30 p.m. on the 12th day of February, 2024, in the Council Chambers at their temporary location, 1551 East Napoleon Street, Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

DRU ELLENDER, Chairman

Motion carried.

The next item on the agenda is an introduction of ordinance authorizing the acquisition of property from Kevin Wold, Sr., 802 Ruth Street. Motion was made by Mrs. Hardy seconded by Mrs. Abshire that the following ordinance be introduced:

ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FROM KEVIN WOLD, SR., 802 RUTH STREET.

Motion was then made by Mrs. Hardy seconded by Mrs. Abshire 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 "American Press", 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 ACQUISITION OF PROPERTY FROM KEVIN WOLD, SR., 802 RUTH STREET.

A public hearing on said ordinance will be held at 5:30 p.m. on the 12th day of February, 2024, in the Council Chambers at their temporary location, 1551 East Napoleon Street, Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

DRU ELLENDER, Chairman

Motion carried.

The next item on the agenda is an introduction of ordinance declaring certain movable property of the City of Sulphur and providing for the disposal thereof (Exmark mower). Motion was made by Mrs. Hardy seconded by Mrs. Abshire that the following ordinance be introduced:

ORDINANCE DECLARING CERTAIN MOVABLE PROPERTY OF THE CITY OF SULPHUR AND PROVIDING FOR THE DISPOSAL THEREOF (EXMARK MOWER).

Motion was then made by Mrs. Hardy seconded by Mrs. Abshire 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 “American Press”, 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 DECLARING CERTAIN MOVABLE PROPERTY OF THE CITY OF SULPHUR AND PROVIDING FOR THE DISPOSAL THEREOF (EXMARK MOWER).

A public hearing on said ordinance will be held at 5:30 p.m. on the 12th day of February, 2024, in the Council Chambers at their temporary location, 1551 East Napoleon Street, Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

DRU ELLENDER, Chairman

Motion carried.

The next item on the agenda is a resolution awarding low bid for the annual supply of chemicals for the City of Sulphur. Motion was made by Mrs. Hardy seconded by Mrs. Abshire that the following resolution be adopted to-wit:

RESOLUTION NO. 3567, M-C SERIES

Resolution awarding low bid received for annual supply of chemicals for the City of Sulphur.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that bids for annual supply of chemicals for the City of Sulphur were opened and read aloud in a public session on Wednesday, January 3, 2024, at 10:00 a.m. and the bids are as follows:

*Tabulation for
2024 Annual Supply of Chemicals*

<i>18 Drums 330 lbs Cairox Free Flowing Potassium Permanganate</i>		
VENDOR	UNIT COST	EXTENSION
Shannon Chemical	\$5.77/lb	\$34,345.46
Hawkins	4.978/lb	\$29,569.32
Delta Chemical	No Bid	No Bid
Pencco, Inc	No Bid	No Bid
<i>*Hawkins Inc has Louisiana Preference</i>		
Awarded Vendor : Hawkins		

<i>55 Tons/1 ton Cylinders of Chlorine</i>		
VENDOR	UNIT COST	EXTENSION
Shannon Chemical	No Bid	No Bid
Hawkins	No Bid	No Bid
Delta Chemical	No Bid	No Bid
Pencco, Inc	No Bid	No Bid
Awarded Vendor : Hawkins		

<i>75,000 pounds Zinc Orthophosphate</i>		
VENDOR	UNIT COST	EXTENSION
Shannon Chemical	\$0.97/lb	\$72,750.00
Hawkins	\$0.8762/lb	\$65,715
Delta Chemical	\$1.09/lb	\$81,750
Pencco, Inc	No Bid	No Bid
<i>*Hawkins Inc has Louisiana Preference</i>		
Awarded Vendor : Hawkins		

<i>10.000 pounds Hydrofluorsilic Acid 23%</i>		
VENDOR	UNIT COST	EXTENSION
Shannon Chemical	No Bid	No Bid
Awarded Vendor : Hawkins		

Hawkins	\$0.7196/lb	\$7,196
Delta Chemical	\$0.90/lb	\$9,000
Pencoco, Inc	No Bid	No Bid
<i>*Hawkins Inc has Louisiana Preference</i>		
Awarded Vendor : Hawkins		

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Nezat, Mrs. Hardy, Mrs. Abshire, Mrs. Thomas

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 8th day of January, 2024.

ATTEST:

ARLENE BLANCHARD, Clerk

DRU ELLENDER, Chairman

The next item on the agenda is a resolution indicating the intention of the City of Sulphur, State of Louisiana, to approve the two (2) year appointment of Michael E. Danahay as a Director to the Board of the Louisiana Local Government Environmental Facilities and Community Development Authority (the “Authority”) as provided by Chapter 10-D of Title 33 of the Louisiana Revised Statutes of 1950, as amended.

Motion was made by Mrs. Hardy seconded by Mrs. Abshire that the following resolution be adopted to-wit:

RESOLUTION NO. 3568, M-C SERIES

RESOLUTION INDICATING THE INTENTION OF THE CITY OF SULPHUR, STATE OF LOUISIANA, TO APPROVE THE TWO (2) YEAR APPOINTMENT OF MICHAEL E. DANAHAY AS A DIRECTOR TO THE BOARD OF LOUISIANA LOCAL GOVERNMENT ENVIRONMENTAL FACILITIES AND COMMUNITY DEVELOPMENT AUTHORITY (THE “AUTHORITY”) AS PROVIDED BY CHAPTER 10-D OF TITLE 33 OF THE LOUISIANA REVISED STATUTES OF 1950, AS AMENDED.

WHEREAS, Chapter 10-D of Title 33 of the Louisiana Revised Statutes of 1950, as amended, comprised of R.S. 33:4548.1 through 4548.16 is known as the Louisiana Local Government Environmental Facilities and Community Development Authority Act (the “Act”); and

WHEREAS, the Act creates the Louisiana Local Government Environmental Facilities and Community Development Authority (the “Authority”) for the purpose of assisting political subdivisions, as defined by the Act, and other designated entities in acquiring, financing, and constructing certain facilities, including environmental, public infrastructure, community and economic development purposes and to otherwise establish programs to aid in the financing of local government and economic development projects; and

WHEREAS, the City of Sulphur, State of Louisiana, previously passed a resolution to become a participating political subdivision of the Authority in accordance with the Act; and

NOW, THEREFORE, BE IT RESOLVED by the governing authority of the City of Sulphur, State of Louisiana, acting in such capacity:

SECTION 1. Approve the appointment of Michael E. Danahay to serve as Director of the Authority for a term of two (2) years from the date hereof.

SECTION 2. This resolution shall take effect immediately and a certified copy hereof shall be forwarded to the offices of the Authority.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Nezat, Mrs. Hardy, Mrs. Abshire, Mrs. Thomas

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 8th day of January, 2024.

ATTEST:

ARLENE BLANCHARD, Clerk

DRU ELLENDER, Chairman

The next item on the agenda is a resolution approving liquor licenses for 2024. Motion was made by Mrs. Hardy seconded by Mrs. Abshire that the following resolution be adopted to-wit:

RESOLUTION NO. 3569, M-C SERIES

Resolution approving liquor licenses for 2024.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby approve the below liquor licenses for 2024:

NAME:	CONTENT:
1. A & B TOBACCO	CLASS B
2. AMERICAN LEGION POST #179	CLASS A
3. BROOKSHIRE BROTHERS #47	CLASS B
4. CAJUN PLAY/LIGHTHOUSE MARKET	CLASS B
5. CANDLEWOOD SUITES	CLASS A
6. CASA OLE #48	CLASS A
7. CASH MAGIC WINNER'S CHOICE	CLASS A
8. CASH MAGIC WINNER'S CHOICE-CS	CLASS B
9. CHARGEPOINT LLC	CLASS B
10. CHILI'S GRILL & BAR	CLASS A
11. CIRCLE A	CLASS B

12.	CIRCLE K #8340	CLASS B
13.	CLARION POINTE BY CHOICE HOTEL	CLASS A
14.	CRACKER BARREL #320	CLASS A
15.	CRUST PIZZA COMPANY	CLASS A
16.	CVS PHARMACY #5612	CLASS B
17.	DELTA FOOD MART #4	CLASS B
18.	DOLLAR GENERAL #8694	CLASS B
19.	DOLLAR GENERAL #9397	CLASS B
20.	DOLLAR GENERAL STORE #22891	CLASS B
21.	DOLLAR GENERAL STORE #22893	CLASS B
22.	DOUBLE TREE BY HILTON	CLASS A
23.	EL TAPATIO MEXICAN COCINA	CLASS A
24.	E-Z MART #4415	CLASS B
25.	EXPRESS 27	CLASS B
26.	FAMILY DOLLAR #23877	CLASS B
27.	FIFTH WHEEL CONOCO	CLASS B
28.	FIRST STOP #1	CLASS B
29.	FOOD MART	CLASS B
30.	GATOR BAR	CLASS A
31.	GRAB N GEAUX #5	CLASS B
32.	GRAB N GEAUX #7	CLASS B
33.	GRAB N GEAUX #10	CLASS B
34.	GRAB N GEAUX #16	CLASS B
35.	HOLLIER'S CAJUN KITCHEN	CLASS A
36.	IN & OUT #3	CLASS B
37.	JACKPOT JUNCTION CASINO	CLASS A
38.	JOE'S PIZZA & PASTA OF SULPHUR	CLASS A
39.	KAW-LIGA'S WDN INDIAN CLUB	CLASS A
40.	KROGER #747	CLASS B
41.	KROGER KWIK SHOP #747	CLASS B
42.	KYOTO JAPANESE STEAK HOUSE	CLASS A
43.	LA RUMBA	CLASS A
44.	LEBLEU'S LANDING	CLASS A
45.	LIQUOR LAB	CLASS B
46.	LOS PONCHOS MEXICAN GRILL	CLASS A
47.	MAPLEWOOD DISCOUNT	CLASS B
48.	MARIA'S COCINA MEXICANA	CLASS A
49.	MARKET BASKET #41	CLASS B
50.	MISSE'S GROCERY	CLASS B
51.	MISSION FUEL	CLASS B
52.	MORE 4 LESS #45	CLASS B
53.	QUICK STUFF	CLASS B
54.	RICHARD'S BOUDIN & SEAFOOD MKT	CLASS A
55.	ROUSE'S MARKET #71	CLASS B
56.	ROYAL PALACE	CLASS A
57.	SAKE JAPANESE INC	CLASS A
58.	SMOKERS EXPRESS	CLASS B
59.	SMOKER'S PARADISE	CLASS B
60.	SOUTHERN SEAS DISTRIBUTING CO	CLASS B
61.	SULPHUR PARKS & REC- GOLF COURSE	CLASS A

62.	SULPHUR TRUCK STOP & CASINO	CLASS A
63.	SULPHUR TRUCK STOP- CONV STORE	CLASS B
64.	SUNDOWN SUPER SAVER #4	CLASS B
65.	THE BOILING POINT	CLASS A
66.	TOBACCO PLUS INC #1	CLASS B
67.	TORSTOP LLC	CLASS B
68.	VISION HOTELS DBA HAMPTON INN	CLASS A
69.	WALMART SUPERCENTER #331	CLASS B
70.	WALGREEN'S #10509	CLASS B
71.	WALGREEN'S #2920	CLASS B
72.	WEST CAL ARENA	CLASS A
73.	WEST CAL ARENA & EVENTS CENTER	CLASS A
74.	X-PREZ TOBACCO	CLASS B
75.	YELLOWFIN DISTILLERY LLC	CLASS B

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Nezat, Mrs. Hardy, Mrs. Abshire, Mrs. Thomas
 NAYS: None
 ABSENT: None

And the said resolution was declared duly adopted on this 8th day of January, 2024.

ATTEST:

 ARLENE BLANCHARD, Clerk

 DRU ELLENDER, Chairman

The next item on the agenda is a resolution appointing a member to the Sulphur Housing Authority Board of Directors for the unexpired term of Mary Kay Stoma. Motion was made by Mr. Nezat seconded by Mrs. Thomas that the following resolution be adopted to-wit:

RESOLUTION NO. 3570, M-C SERIES

Resolution appointing Adele Mart to the Sulphur Housing Authority Board of Directors to fill the unexpired term of Mary Kay Stoma.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby appoint Adele Mart to the Sulphur Housing Authority Board of Directors to fill the unexpired term of Mary Kay Stoma which term will expire November, 2028.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Nezat, Mrs. Hardy, Mrs. Abshire, Mrs. Thomas
 NAYS: None
 ABSENT: None

And the said resolution was declared duly adopted on this 8th day of January, 2024.

ATTEST:

ARLENE BLANCHARD, Clerk

DRU ELLENDER, Chairman

The next item on the agenda is a resolution authorizing Mayor Mike Danahay to submit the Edward Byrne Allocation Justice Assistance Grant (JAG) for car and body camera equipment for Police Department.

Motion was made by Mrs. Hardy seconded by Mr. Nezat that the following resolution be adopted to-wit:

RESOLUTION NO. 3571, M-C SERIES

Resolution authorizing Mayor Mike Danahay to submit the Edward Byrne Allocation Justice Assistance Grant (JAG) for car and body camera equipment for Police Department.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby authorize Mayor Mike Danahay to submit the Edward Byrne Allocation Justice Assistance Grant (JAG) for car and body camera equipment for Police Department.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Nezat, Mrs. Hardy, Mrs. Abshire, Mrs. Thomas

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 8th day of January, 2024.

ATTEST:

ARLENE BLANCHARD, Clerk

DRU ELLENDER, Chairman

The next item on the agenda is Executive Session to consider and take appropriate action on settlement of ALK Properties litigation. Motion was made by Mrs. Hardy seconded by Mrs. Thomas that they enter into executive session. Motion carried unanimously (6:07 p.m.)

Motion was then made by Mrs. Abshire seconded by Mr. Nezat that they reconvene. Motion carried unanimously (6:29 p.m.).

Motion was then made by Mrs. Hardy seconded by Mrs. Abshire that the following ordinance be reconsidered:

ORDINANCE GRANTING A REZONE TO ALK PROPERTIES, 2606 ALLEN STREET, FROM RESIDENTIAL TO COMMERCIAL TO ALLOW FOR EXPANSION OF CURRENT BUSINESS LOCATED AT 317 PATTON STREET.

Motion carried unanimously.

Motion was then made by Mrs. Abshire seconded by Mrs. Hardy that the following stipulations be added from the settlement to the ordinance:

1. A 8-foot wooden privacy fence on the north side of the property and adjoining parcels boundary with neighbors.
2. Evergreen hedge on the north side of the property as a noise-reduction buffer.
3. A 26.5-foot buffer on north side of the property, as agreed in Ordinance 1858.
4. No operations of equipment or machinery on this site, 2616 Lena Street, or 317 Patton Street in violation of the noise standards of Section 8-1 of the Code of Ordinances of the City of Sulphur, or its potential successor, between 9 p.m. and 7 a.m.

Motion carried unanimously.

Motion was then made by Mrs. Abshire seconded by Mrs. Hardy that the following ordinance be adopted as amended:

ORDINANCE GRANTING A REZONE TO ALK PROPERTIES, 2606 ALLEN STREET, FROM RESIDENTIAL TO COMMERCIAL TO ALLOW FOR EXPANSION OF CURRENT BUSINESS LOCATED AT 317 PATTON STREET.

At this time Rhonda Duhon, Allen Street, addressed the Council and stated that her and her family have lived at this address for 25 year and this rezone has pushed them over the edge. They've worked all their lives so they can enjoy retirement, but they can't because it's hard to relax with this business being in the neighborhood. All the neighbors opposed this rezone a few months ago and they won fairly. Because of missteps by the Council, ALK Properties is suing the City. Who is going to police the noise from these homes being torn down and the cutting of the trees. She's in disbelief that it has come this far.

Mr. Marburger, owner of ALK Properties, addressed the Council and stated that he still would have sued the City if there wasn't a misstep by the Council. In accordance with the City's master plan his property should be zoned Commercial.

Motion was then made by Mr. Nezat seconded by Mrs. Thomas that the following ordinance be adopted to-wit:

ORDINANCE NO. 1893, M-C SERIES AS AMENDED

ORDINANCE GRANTING A REZONE TO ALK PROPERTIES, 2606 ALLEN STREET,
FROM RESIDENTIAL TO COMMERCIAL TO ALLOW FOR EXPANSION OF CURRENT
BUSINESS LOCATED AT 317 PATTON STREET.

WHEREAS, Ordinance 1858, M-C Series, was adopted granting a rezoning of 2616 Lena Street in the same area;

WHEREAS, the City originally denied a rezone for 2606 Allen Street, and litigation commenced captioned as ALK Properties, LLC v. the City of Sulphur, Docket 2023-1838H, 14th JDC, State of Louisiana; and

WHEREAS, the City desires to settled the above referenced litigation.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone to ALK Properties, 2606 Allen Street, from Residential to Commercial to allow for expansion of current business located at 317 Patton Street for the following described property:

LOT 13 WILLIE PICARD SUB 3.10.10

This rezoning is approved contingent upon applicant and any future owner continuing to comply with the original commitment to provide and maintain:

1. A 8-foot wooden privacy fence on the north side of the property and adjoining parcels boundary with neighbors.
2. Evergreen hedge on the north side of the property as a noise-reduction buffer.
3. A 26.5-foot buffer on north side of the property, as agreed in Ordinance 1858.
4. No operations of equipment or machinery on this site, 2616 Lena Street, or 317 Patton Street in violation of the noise standards of Section 8-1 of the Code of Ordinances of the City of Sulphur, or its potential successor, between 9 p.m. and 7 a.m.

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.

Upon approval of 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 rezone.

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.

BE IT FURTHER ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone to ALK Properties, 2606 Allen Street, from Residential to Commercial to allow for expansion of current business located at 317 Patton Street with the above stipulations.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mrs. Hardy, Mrs. Abshire

NAYS: Mr. Nezat, Mrs. Thomas

ABSENT: None

And the said ordinance was declared duly adopted on this 8th day of January, 2024.

ATTEST:

ARLENE BLANCHARD, Clerk

DRU ELLENDER, Chairman

The next item on the agenda is Public to Address Council. Mr. Abrahams, Director of Public Works, gave a brief update on FEMA projects from Hurricane Laura. He stated that the substantial completion was just completed for the police department. They passed inspection but the Health Department is requiring that the showers be redone. Within the next 2-3 weeks the police department will be back in full operation.

The PPDR (Personal Property Debris Removal) will be picked up within the next 2-3 weeks and at that point Crowder Gulf will come in and remove all the vegetation. A few weeks after that the demolitions will be obligated but it'll be in batches rather than all at one time.

Some time in February the Environmental Health and Protection will hopefully make the determination to demolish the West Cal Business Center.

The old Kroger building is still under review and will have to still go through the 50/50 analysis to determine the cost for the demo. Mayor Danahay stated that the goal was to have a new City Hall and Courthouse where the old Kroger building sits. The outside of the building looks fine, but the roof has caved in. It'll probably be a tear down once FEMA is complete with their review. It'll be much cheaper to demolish and rebuild rather than try to salvage it. It'll be a 90/10 cost share with FEMA with the City paying only 10 percent.

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

ATTEST:

ARLENE BLANCHARD, Clerk

DRU ELLENDER, Chairman

1/8/24
6:45 P.M.