

January 10, 2012

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 January 10, 2012 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  
MIKE KOONCE, Council Representative of District 2  
VERONICA ALLISON, 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 Doug Cain, Henning United Methodist Church, followed by the reciting of the Pledge of Allegiance led by Mr. Moss.

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. Motion was made by Mrs. Allison seconded by Mr. Favre that item #15 be added as follows:

An ordinance authorizing Mayor Christopher L. Duncan to sign servitude agreement with Sabine River Authority/Diversion Canal for the purpose of installing and maintaining a sewer lift station.

Mayor Duncan stated that this item was being added since the agenda was already published. With no comments from the public, motion carried unanimously.

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

The first item on the agenda is a presentation to Volunteer of the Month of November. Mayor Duncan presented a certificate to Gerald and Jeanette Hansen.

The next item on the agenda is a presentation to Armed Forces member of the Month of January. Harry Montgomery, Armed Forces Committee, presented a certificate to August Bergeron and Paul Peak.

The next item on the agenda is a presentation to Mathew McGraw. Mayor Duncan and Chief Coats presented a certificate and commended Mathew for returning a wallet to its rightful owner.

The next item on the agenda is a public hearing on ordinance amending budget for fiscal year 2011-2012 (GASB). Motion was made by Mr. Moss seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1060, M-C SERIES

AN ORDINANCE AMENDING AND RE-ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2012.

BE IT ORDAINED by the City of Sulphur, Louisiana, through its governing body, the City Council of the City of Sulphur, Louisiana, as follows:

SECTION 1. That the Budget of the City of Sulphur, Louisiana, for the fiscal year ending June 30, 2012, heretofore adopted by the City Council, be and the same is hereby amended and re-adopted in accordance with "Exhibit A" attached hereto and made a part hereof.

SECTION 2. All ordinances and resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon approval by the Mayor.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mrs. Allison, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 10<sup>th</sup> day of January, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DRU ELLENDER, Chairman

The next item on the agenda is a presentation of audit for fiscal year ending June 30, 2011 and Resolution accepting same. Aaron Cooper, CPA, addressed the Council and gave a brief presentation with the below finding:

**Internal Control:**

**Finding 2010-1 (c)**

**Description of Finding:** Assessment revenue for certain paving assessments was recorded using the full accrual method at the fund level instead of the modified accrual method.

**Corrective Action Taken:** Management identified the aforementioned error and made a prior period adjustment in the fund financial statements for the effect of the error on beginning fund balance in the appropriate debt service funds. No adjustment was necessary in the government-wide financial statements.

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

**RESOLUTION NO. 2459, M-C SERIES**

Resolution accepting audit for fiscal year ending June 30, 2011.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby accept audit for fiscal year ending June 30, 2011.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mrs. Allison, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 10<sup>th</sup> day of January, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DRU ELLENDER, Chairman

The next item on the agenda is a public hearing on ordinance granting the subdividing of lot to Henry Belsha, 226 Hazel Street, in accordance with Chapter 18-24 (j) (4) of the Code of Ordinances of the City of Sulphur. Motion was made by Mr. Moss seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1061, M-C SERIES

ORDINANCE GRANTING THE SUBDIVIDING OF A CERTAIN LOT  
LOCATED AT 226 HAZEL STREET.

WHEREAS, Henry Belsha has submitted an application for the subdividing of lot located at 226 Hazel Street which action shall be taken by the Land Use Commission and City Council of the City of Sulphur in accordance with Article III, Part 1, Section 1 (6) (e) of the Land Use Ordinance and Chapter 18-24 (j) (4) of the Code of Ordinances for the following described property:

COMMENCING 350 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTH HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (S/2 OF E/2 OF SE/4 OF NE/4) OF SECTION 1, TOWNSHIP 10 SOUTH, RANGE 10 WEST, THENCE WEST A DISTANCE OF 226 FEET, THENCE SOUTH A DISTANCE OF 135.7 FEET, THENCE EAST A DISTANCE OF 226 FEET, THENCE NORTH A DISTANCE OF 135.7 FEET TO POINT OF COMMENCEMENT, LESS & EXCEPT THE WEST 75 FEET THEREOF, IN CALCASIEU PARISH, LOUISIANA

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby grant the subdividing of a certain lot located at 226 Hazel Street submitted by Henry Belsha.

This ordinance shall become effective upon the Mayor's signature.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mrs. Allison, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 10<sup>th</sup> day of January, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DRU ELLENDER, Chairman

The next item on the agenda is Rule to Show Cause for the condition of the following address: To condemn building or structure located at 925 Kirby Street, in accordance with Article IX, Section 5-286 through 5-296. Motion was made by Mr. Koonce seconded by Mr. Moss that building or structure located at 925 Kirby Street be demolished. Motion carried.

The next item on the agenda is an introduction of ordinance granting a variance to Christina LaBrie, 615 West Burton Street, to allow for chickens/ducks to be located closer than 50 feet from property lines. Ms. LaBrie addressed the Council and stated that she had a petition from her neighbors in support of her keeping the chickens. She currently has 34 chickens. Mr. Koonce stated that this was a bunch of chickens for someone to have. He suggested that as the chickens die or as she sells them, then she should only be able to keep approximately 18-24. Ms. LaBrie stated that she does go to the auction to sell them. Mayor Duncan asked if she had an occupational license to sell them. She stated, "no".

Harry Carruth, Animal Control addressed the Council and stated that he received a call concerning the noise from the dog barking and the rooster's crowing. When he went to the house he then noticed all the chickens. He then stated that the condition of the pens is fine. His concern is the fence line. When it rains the rain will run-off into the neighbor's yard and that could be a problem.

Mr. Koonce stated that if the Council grants this variance then it will open a can of worms. We don't want chickens all over the city. After discussion, motion was made by Mr. Favre seconded by Mr. Moss that the following stipulations be added:

1. Construct pen or enclosure at least 10' from all property lines.
2. Construct or purchase chicken coop to accommodate roosting hens and to provide a safe environment away from predator type animals.
3. Area within pen or enclosure should be graded for proper drainage.
4. Excessive animal droppings should be removed from pen or enclosure in a timely manner so as not to create smells and/or nuisance insects and or rodents.
5. Comply with city ordinance pertaining to fowls.
6. Get an occupational license
7. A maximum of 20 chickens through attrition

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mrs. Allison, Mr. Favre, Mr. Moss

NAYS: Mr. Koonce

ABSENT: None

And the said stipulations were added to the ordinance on this 10<sup>th</sup> day of January, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DRU ELLENDER, Chairman

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

AN ORDINANCE GRANTING A VARIANCE CHAPTER 4, SECTION 6 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR, LOUISIANA, TO CHRISTINA LABRIE, 615 WEST BURTON STREET, SULPHUR, LOUISIANA, TO EXEMPT CERTAIN PROPERTY.

Motion was then made by Mr. Favre 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 GRANTING A VARIANCE CHAPTER 4, SECTION 6 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR, LOUISIANA, TO CHRISTINA LABRIE, 615 WEST BURTON STREET, SULPHUR, LOUISIANA, TO EXEMPT CERTAIN PROPERTY.

A public hearing on said ordinance will be held at 5:30 p.m. on the 13<sup>th</sup> day of February, 2012, in the City of Sulphur Council Chambers in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: \_\_\_\_\_  
DRU ELLENDER, Chairman

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mrs. Allison, Mr. Favre, Mr. Moss

NAYS: Mr. Koonce

ABSENT: None

And the said ordinance was declared introduced on this 10<sup>th</sup> day of January, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DRU ELLENDER, Chairman

The next item on the agenda is an introduction of ordinance amending Chapter 14 of the Code of Ordinances of the City of Sulphur – Mobile Homes and Recreational Vehicles. Motion was made by Mr. Moss seconded by Mrs. Allison that the following ordinance be introduced:

ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – MOBILE HOMES AND RECREATIONAL VEHICLES.

Motion was then made by Mr. Moss seconded by Mrs. Allison 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 AMENDING CHAPTER 14 OF THE CODE OF  
ORDINANCES OF THE CITY OF SULPHUR – MOBILE HOMES AND  
RECREATIONAL VEHICLES.**

A public hearing on said ordinance will be held at 5:30 p.m. on the 13<sup>th</sup> day of February, 2012, in the City of Sulphur Council Chambers in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: \_\_\_\_\_

DRU ELLENDER, Chairman

Motion carried.

The next item on the agenda is an introduction of ordinance amending Ordinance No. 051, M-C Series to provide provision which requires burial vaults for Roselawn Cemetery. Motion was made by Mr. Koonce seconded by Mrs. Allison that the following ordinance be introduced:

**AN ORDINANCE AMENDING ORDINANCE NO. 051, M-C SERIES TO  
PROVIDE FOR THE REQUIREMENT OF BURIAL VAULTS IN  
ROSELAWN CEMETERY.**

Motion was then made by Mr. Moss seconded by Mrs. Allison 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 AMENDING ORDINANCE NO. 051, M-C SERIES TO  
PROVIDE FOR THE REQUIREMENT OF BURIAL VAULTS IN  
ROSELAWN CEMETERY.

A public hearing on said ordinance will be held at 5:30 p.m. on the 13<sup>th</sup> day of February, 2012, in the City of Sulphur Council Chambers in 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 George Theriot Super Food Marts, Inc. (810 Ruth Street).

Motion was made by Mr. Moss seconded by Mr. Favre that the following ordinance be introduced:

ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY  
FROM GEORGE THERIOT SUPER FOOD MARTS, INC.  
(810 RUTH ST.)

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 ACQUISITION OF PROPERTY  
FROM GEORGE THERIOT SUPER FOOD MARTS, INC.  
(810 RUTH ST.)

A public hearing on said ordinance will be held at 5:30 p.m. on the 26<sup>th</sup> day of January, 2012, in the City of Sulphur Council Chambers in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: \_\_\_\_\_

DRU ELLENDER, Chairman

Motion carried.

The next item on the agenda is a public hearing on ordinance declaring certain surplus movable property and providing for donation thereof. Motion was made by Mr. Koonce seconded by Mr. Moss that the following ordinance be adopted to-wit:

### **ORDINANCE NO. 1062, M-C SERIES**

AN ORDINANCE DECLARING CERTAIN SURPLUS MOVABLE  
PROPERTY OF THE CITY OF SULPHUR AND PROVIDING FOR THE  
DONATION THEREOF.

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:

2002 Chevrolet Impala, Vin# 2G1WF55K429207119  
Approx. Value-----\$1,000

2000 Ford Crown Victoria, Vin#2FAFP71W3YX157283  
Approx. Value-----\$1,000

2002 Chevrolet Impala, Vin# 2G1WF55K329207743  
Approx. Value-----\$1,000

2002 Chevrolet Impala, Vin# 2G1WF55K329205104  
Approx. Value-----\$1,000

BE IT FURTHER ORDAINED that Mayor Christopher L. Duncan is hereby authorized to donate the afore-mentioned surplus movable property to the City of Jennings Police Department and is also authorized 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. Koonce, Mrs. Allison, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 10<sup>th</sup> day of January, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DRU ELLENDER, Chairman

The next item on the agenda is a resolution awarding low bid received for (2) two police vehicles with equipment. With no motion made the following resolution died for lack of motion:

Resolution awarding low bid received for (2) two police vehicles with equipment.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that bids for (2) two police vehicles with equipment were scheduled to be opened on Thursday, December 29, 2011 at 10:00 a.m. and no bids were received.

And the said resolution failed for lack of motion on this 10<sup>th</sup> day of January, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DRU ELLENDER, Chairman

The next item on the agenda is a resolution authorizing the advertisement of bids for (2) police vehicles with equipment. Motion was made by Mr. Moss seconded by Mrs. Allison that the following resolution be adopted to-wit:

RESOLUTION NO. 2460, M-C SERIES

Resolution authorizing the advertisement of bids for (2) two police vehicles with equipment.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby authorize advertisement for bids for (2) two police vehicles with equipment.

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 bids for (2) two police vehicles with equipment will be received by the Clerk of the Council until 10:00 a.m. on the 2nd day of February, 2012, 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 13<sup>th</sup> day of February, 2012, 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.

CITY OF SULPHUR, LOUISIANA

BY \_\_\_\_\_

DRU ELLENDER, 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 13th day of February, 2012, 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. Koonce, Mrs. Allison, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 10<sup>th</sup> day of January, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DRU ELLENDER, Chairman

The next item on the agenda is an introduction of ordinance authorizing Mayor Christopher L. Duncan to sign servitude agreement with Sabine River Authority/Diversion Canal for the purpose of installing and maintaining a sewer lift station. Motion was made by Mrs. Allison seconded by Mr. Koonce that the following ordinance be introduced:

AN ORDINANCE AUTHORIZING MAYOR CHRISTOPHER L. DUNCAN TO SIGN SERVITUDE AGREEMENT WITH SABINE RIVER AUTHORITY/ DIVERSION CANAL FOR THE PURPOSE OF INSTALLING AND MAINTAINING A SEWER LIFT STATION.

Motion was then made by Mrs. Allison seconded by Mr. Koonce 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 AUTHORIZING MAYOR CHRISTOPHER L. DUNCAN TO SIGN SERVITUDE AGREEMENT WITH SABINE RIVER AUTHORITY/ DIVERSION CANAL FOR THE PURPOSE OF INSTALLING AND MAINTAINING A SEWER LIFT STATION.

A public hearing on said ordinance will be held at 5:30 p.m. on the 13<sup>th</sup> day of February, 2012, in the City of Sulphur Council Chambers in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: \_\_\_\_\_  
DRU ELLENDER, Chairman

Motion carried.

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

ATTEST:

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ARLENE BLANCHARD, Clerk

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DRU ELLENDER, Chairman

1/10/12  
6:22 P.M.