

December 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 December 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 Rev. Larry LeFleur, Victory Worship Center, followed by the reciting of the Pledge of Allegiance led by Mr. Favre.

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

The Chairman then asked if there were any changes to the agenda. Motion was made by Mr. Koonce seconded by Mr. Favre that the following item be added to the agenda:

12. Resolution accepting the final acceptance on the Burton Street Sidewalk Project.

Mayor Duncan stated that this item was being added to the agenda due to the agenda already being published. With no comment from the public, a vote was called with the following results:

YEAS: Mrs. Ellender, Mr. Koonce, Mrs. Allison, Mr. Favre, Mr. Moss  
NAYS: None  
ABSENT: None

And the above item was added to the agenda on this 10<sup>th</sup> day of December, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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VERONICA ALLISON, Chairman

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

The first item on the agenda is a Presentation to Volunteer of the Month of December. Mayor Duncan presented a certificate to Shorty Breaux.

The next item on the agenda is a Presentation by Armed Forces Committee. Members of the Armed Forces Committee presented certificates to Carlos Agosto and Charles Bergeron.

The next item on the agenda is a resolution requesting DOTD to clear the right of way (on and off ramps) at Beglis Parkway exit. Mayor Duncan stated that this exit is overgrown. The State clears exits in other cities so we are requesting they clear this exit. Matt Redd addressed the Council and stated that this area needs to be opened up for economic development. The trees are very thick and a lot of them are still falling from Hurricane Rita. There are many mature trees that need room to grow. There is a company that charges \$1500/acre to mulch. The Army Core of Engineers gives permits for this. Motion was then made by Mr. Favre seconded by Mr. Moss that the following resolution be adopted to-wit:

RESOLUTION NO. 2541, M-C SERIES

Resolution requesting DOTD to clear the right of way (on and off ramps) at Beglis Parkway exit.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby request DOTD to clear the right of way (on and off ramps) at Beglis Parkway exit.

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 December, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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VERONICA ALLISON, Chairman

The next item on the agenda is a public hearing on ordinance amending Article II, Section 2 of the Land Use ordinance of the City of Sulphur – Definitions. Mr. Bruce stated that with the review of this definition an amendment was needed to prevent problems down the road. Motion was made by Mr. Favre seconded by Mr. Moss that the following ordinance be adopted to-wit:

ORDINANCE NO. 1101, M-C SERIES

AN ORDINANCE AMENDING ARTICLE II, SECTION 2 OF THE LAND USE  
ORDINANCE OF THE CITY OF SULPHUR - DEFINITIONS.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that the following definitions be amended as follows:

*Family.* One or more persons related by blood, marriage, adoption or guardianship, the occupants of a community home for mentally challenged individuals, or not more than four persons not so related occupying a dwelling unit and living as a single housekeeping unit shall be considered a family. Notwithstanding any other provision of this section, this definition does not include individuals required to be assembled under one living unit for

the purpose of drug or substance abuse rehabilitation or persons assigned to same as the result of criminal activity.

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. 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 December, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution amending Resolution No. 1465, M-C Series which set a procedure for establishing an agenda for a regular Council meeting by the City Council of the City of Sulphur, Louisiana and adopting rules and regulations for conducting said Council meeting and special and/or emergency meetings of said City Council, including the giving of notice of said special and/or emergency date. Motion was made by Mr. Favre seconded by Mr. Moss that the following resolution be adopted to-wit:

**RESOLUTION NO. 2542, M-C SERIES**

Resolution amending Resolution No. 1465, M-C Series, which sets a procedure for establishing an agenda for a regular Council meeting by the City Council of the City of Sulphur, Louisiana, and adopting rules and regulations for conducting said Council meetings and special and/or emergency meetings of said City Council, including the giving of notice of said special and/or emergency date hereof.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, in regular session convened that:

**SECTION 1: Procedure for establishing agenda for regular Council meeting.**

The procedure for establishing an agenda for a regular meeting of the City Council of the City of Sulphur, Louisiana, shall be as follows:

- A. **Contact by Interested Persons** – Any interested persons who desire to be heard at any Council meeting on any matters relative to City government shall contact the Clerk of the Council or their respective Councilman during business hours prior to the Monday two (2) weeks before a regular Council meeting.
- B. **Establishment of Proposed Agenda** – On the Monday two (2) weeks prior to any regular Council meeting, the Clerk of the Council shall contact the Mayor and each Council member for the purpose of establishing a proposed agenda for the forthcoming Council meeting. At that time, the Clerk of the Council shall advise the Mayor and each Council member of all hold-over items of business and all items of business received from the public.

No one other than the Mayor or any Council member may place an item on the proposed agenda.

***In the interest of time, matters which may be resolved administratively shall not be placed on the agenda to be brought before the Council unless otherwise unresolved.***

- C. **Notice as to Proposed Agenda; Objection** – The Clerk of the Council shall deliver a copy of the proposed agenda to the Mayor and to each Council member at least 13 days prior to the Council meeting. If the Mayor or any Council member objects to the placing of any item on the proposed agenda, he shall immediately notify the Clerk of the Council, who shall, personally contact the Mayor and each Council member, advising of the objection to placing the item on the agenda. The item shall be removed from the agenda upon a unanimous decision of the Council; if removed, the person requesting that the item be placed on the agenda shall be notified by the Clerk of the Council. The Clerk of the Council shall then send the proposed agenda to the media.
- D. **Notice as to Finalized Agenda; Provision for Additional Matters** – On the Monday prior to each Council meeting, the Clerk of the Council shall contact the Mayor and each Council member for the purpose of establishing the final agenda. At that time, the Clerk of the Council shall collect any new items that weren't on proposed agenda. If the Mayor or any Council member objects to the placing of any item on the final agenda, he shall immediately notify the Clerk of the Council, who shall personally contact the Mayor and each Council member, advising of the objection to placing the item on the agenda. The item shall be removed from the agenda upon a unanimous decision of the Council; if removed, the person requesting that the item be placed on the agenda shall be notified by the Clerk of Council. The Clerk of the Council shall then send the final agenda to the official journal, no later than the day following the finalization of said agenda, and the Clerk of the

Council shall also post of copy of said agenda inside the entrance to City Hall not later than 4:30 o'clock p.m. on the Wednesday prior to the date of the regular meeting. The purpose of the foregoing is to fully inform the Mayor, each Council member and the general public of matters to be considered at that meeting; PROVIDED HOWEVER, that up to the time that the Clerk of the Council sends final agenda to the official journal additional matters may be added to said agenda by a written request to the Clerk of the Council which has the written consent of any three (3) members of the Council members thereon. Notice of these additional matters which have been placed on the agenda shall also be posted inside the entrance to City Hall by the Clerk of the Council, who shall notify the Mayor, each member of the Council, and the official journal, in the most expeditious way possible, of these additional items being placed on the agenda.

- E. **Matters to be heard at Council Meetings** – Only the business stipulated in said agenda, or that's added to said agenda in the manner set forth hereinabove, will be considered at said meeting, except that a matter of business presented by the Mayor or by a Council member may be considered at said meeting after receiving a unanimous vote of the Council in accordance with state law, PROVIDED that said item of business be a routine administrative matter which developed between the time the agenda was submitted for publication and the said meeting.
- F. **Notice to City Attorney** – In order that all items may be checked by the City Attorney as to form and legality so that he may give adequate advice to the Council in connection therewith, the Clerk of the Council shall immediately deliver to the City Attorney the proposed agenda; said Clerk shall also immediately deliver to the City Attorney the finalized agenda as established on the Monday preceding the regular Council meeting, and also any other item which may be subsequently added to said agenda before it has been posted at the front entrance to City Hall as provided in D above.

## **SECTION 2: Filing of Proposed Resolutions or Ordinances with Clerk of Council.**

Any resolution or ordinance which has been prepared and which has been placed on the agenda shall be placed on file with the Clerk of the Council no later the 4:30 o'clock P.M. on the Wednesday preceding the regular Council meeting, upon the request of the Mayor or any Council member.

## **SECTION 3: Identification of Items**

At the time any item, either resolution or ordinance, is placed on the agenda for Council meeting, said item shall be assigned a number and labeled with said number and the date on which said item can be considered by the Council, and shall also bear thereon the name of the sponsor of said item.

The Council at its meeting shall consider the items which have been so dated and labeled in the order in which they have been numbered, except for those items moved around at the time of approval of the agenda.

#### **SECTION 4: Time of Regular Meeting**

All regular meetings of the Council shall commence at 5:30 o'clock P.M. on the second Monday of the month, or on the following day in the event that the second Monday is a legal holiday, or on such other day as may be established by ordinance of the City Council as the regular meeting date of the Council, or as a Council meeting may be continued by the Council, PROVIDED that any regular meeting may be adjourned from time to time in the event of lengthy sessions.

#### **SECTION 5: Roberts Rules of Order**

The rules contained in Roberts Rules of Order shall govern the conduct of all meetings of the Council in all cases to which they are applicable and in which they are not inconsistent with the Sulphur Home Rule Charter, special rules of order the Council may adopt, or State law.

#### **SECTION 6: Special and/or Emergency Meetings**

Special and/or emergency meetings of the Council may be called by the Mayor, or by the Chairman (or the Vice-Chairman, in the absence of the Chairman), or by any three (3) Council members. All notices calling a special and/or emergency meeting shall be issued by the Clerk of the Council. Public Notice of any special and/or emergency meeting shall be given by posting of said notice inside the entrance of City Hall; the Clerk of the Council shall also notify the Mayor, each Council member, the City Attorney, and the official journal not later than twenty-four (24) hours before the scheduled meeting. The notice shall distinctly specify the subject matter (s) of the business to be acted upon. The power of the Council to act at a special and/or emergency meeting shall be limited, under penalty of nullity, to the matter (s) specifically enumerated in the call.

#### **SECTION 7: Order of Business:**

The order of business at all regular meetings of the Council shall be as follows:

1. Call to order;
2. Invocation;
3. Pledge of Allegiance;
4. Roll Call;
5. Approval of the minutes of previous meetings;

6. Approval of agenda;
7. Consideration of, and action upon, those items on the agenda;
8. Public to address Council;
9. Adjournment.

The order of business at special and/or emergency meetings of the Council shall be as follows:

1. Call to order;
2. Invocation;
3. Pledge of Allegiance;
4. Roll Call;
5. Consideration of, and action upon, those item(s) stated in the call for the special meeting;
6. Adjournment.

#### **SECTION 8: Recognition to Speak Required; Right to Speak Without Interruption.**

No person, other than the Mayor or a Council member, shall be heard on any matter or proposition on the agenda coming before a meeting or public hearing unless invited to speak by the Chairman or presiding officer.

In view of the many items to consider and views to be expressed, the Mayor and each member of the Council shall be allowed a brief time for questions or to express his or her views without interruption from the other members.

In accordance with the Home Rule Charter, Section 2-07(E) – The council shall allow citizens, or their representative, to express views or raise questions concerning items on the stated agenda before action is taken on the items. This right is subject to limitation in the discretion of the Chairman or presiding officer if discussion becomes repetitive, irrelevant to the issue, hostile or otherwise inappropriate.

#### **SECTION 10: Terms of Chairman and Vice-Chairman**

The Chairman and Vice-Chairman of the City Council shall be elected by the members of the City Council at their regular City Council meeting in May of each year to serve for a term of one (1) year.

#### **SECTION 11: Effective Date of Resolution.**

These rules and regulations shall be applicable on the date of adoption.



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 December, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution authorizing a Cooperative Endeavor Agreement with the Louisiana Disabled American Veterans for office space (approx. 114 sq. ft.) in the West Calcasieu Business Center. Mayor Duncan stated that there is one office available. There will be no charge for this office space and the phone and copier will be paid. This office space will be utilized a couple of times a month. He also stated that he has contacted all entities in the Business Center and everyone is OK with it. He tried to get in touch with the Registrar of Voters but they haven't returned his call. Harry Montgomery addressed the Council and stated that there are many veterans that live on this side of the river that can't get to Lake Charles in a timely manner to process their paperwork. With State budget cuts it's getting harder and harder. There are many veterans that need help filling out their paperwork. This office can serve Sulphur, Vinton, DeQuincy, Starks and Carlyss. Their target date to move in is January. Motion was made by Mr. Moss seconded by Mr. Koonce that the following resolution be adopted to-wit:

RESOLUTION NO. 2543, M-C SERIES

Resolution authorizing a Cooperative Endeavor Agreement with the Louisiana Disabled American Veterans for office space (approx. 114 sq. ft.) in the West Calcasieu Business Center.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby authorize Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with the Louisiana Disabled American Veterans for office space (approx. 114 sq. ft.) in the West Calcasieu Business Center.

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 December, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution rescinding Resolution No. 2537, M-C Series, adopted November 13, 2012 which authorized Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with the Calcasieu Parish School Board for related school activities. Mayor Duncan stated that the School Board rejected the previous Agreement that was adopted so the Council needs to rescind it. Wayne Savoy drafted another agreement (Resolution No. 2545). Motion was then made by Mrs. Ellender seconded by Mr. Koonce that the following resolution be adopted to-wit:

RESOLUTION NO. 2544, M-C SERIES

Resolution rescinding Resolution No. 2537, M-C Series, adopted November 13, 2012 which authorized Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with the Calcasieu Parish School Board for related school activities.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby rescind Resolution No. 2537, M-C Series,

adopted November 13, 2012 which authorized Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with the Calcasieu Parish School Board for related school activities.

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 December, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution authorizing Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with the Calcasieu Parish School Board for SHS Centennial Celebration. Mayor Duncan stated that this agreement is needed so the City can hang the SHS banners around town. Motion was made by Mr. Koonce seconded by Mrs. Ellender that the following resolution be adopted to-wit:

RESOLUTION NO. 2545, M-C SERIES

Resolution authorizing Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with the Calcasieu Parish School Board for Sulphur High School Centennial Celebration.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby authorize Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with Calcasieu Parish School Board for Sulphur High School Centennial Celebration.

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 December, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution authorizing Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with West Calcasieu Parish Community Center Authority. Motion was made by Mr. Favre seconded by Mr. Moss that the following resolution be adopted to-wit:

RESOLUTION NO. 2546, M-C SERIES

Resolution authorizing Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with West Calcasieu Parish Community Center Authority.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby authorize Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with West Calcasieu Parish Community Center Authority.

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 December, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution approving liquor license for X-Prez Tobacco located at 3703 Maplewood Drive. Motion was made by Mr. Moss seconded by Mr. Favre that the following resolution be adopted to-wit:

RESOLUTION NO. 2547, M-C SERIES

Resolution approving liquor license for X-Prez Tobacco, 3703 Maplewood Drive.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby approve liquor license for X-Prez Tobacco located at 3703 Maplewood Drive.

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 December, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution setting dates for the Sulphur City Council and Land Use Commission meetings for 2013. Motion was made by Mr. Moss seconded by Mr. Favre that the following resolution be adopted to-wit:

RESOLUTION NO. 2548, M-C SERIES

Resolution setting dates for the Sulphur City Council and Land Use Commission meetings for 2013.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby set the following dates for the Sulphur City Council and Land Use Commission meetings for 2013:

**City Council**

Monday, January 14  
Monday, February 11  
Monday, March 11  
Monday, April 8  
Monday, May 13  
Monday, June 10  
Monday, July 8  
Monday, August 12  
Monday, September 9

**Land Use**

Tuesday, January 22  
Tuesday, February 19  
Monday, March 18  
Monday, April 15  
Monday, May 20  
Monday, June 17  
Monday, July 15  
Monday, August 19  
Monday, September 16

Tuesday, October 15  
Tuesday, November 12  
Monday, December 9

Monday, October 21  
Monday, November 18  
Monday, December 16

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 December, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution accepting the final acceptance on the Burton Street Sidewalk Project. Motion was made by Mr. Favre seconded by Mr. Moss that the following resolution be adopted to-wit:

RESOLUTION NO. 2549, M-C SERIES

Resolution accepting the final acceptance on the Burton Street Sidewalk Project.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby accept the final acceptance on the Burton Street Sidewalk Project.

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 December, 2012.

ATTEST:

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ARLENE BLANCHARD, Clerk

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VERONICA ALLISON, Chairman

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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VERONICA ALLISON, Chairman

12/10/12  
6:20 P.M.