

October 14, 2014

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 October 14, 2014 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
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 Harry Montgomery, Armed Forces Committee, followed by the reciting of the Pledge of Allegiance led by Mr. Bergeron.

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 Mrs. Allison 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. Ellender seconded by Mrs. Allison that item #9A be added:

9A. Joy Abshire, candidate for Calcasieu Parish School Board, District 13, to address Council.

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. Bergeron, Mrs. Allison, Mr. Favre, Mr. Moss
NAYS: None
ABSENT: None

And the above item was added to the agenda on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

Motion was then made by Mr. Favre seconded by Mrs. Allison that item #7 be moved to #3A. Motion carried.

Motion was then made by Mr. Favre seconded by Mr. Bergeron that item #23 be removed. Motion carried.

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

The first item on the agenda is a presentation by Armed Forces Committee. The Armed Forces Committee presented Shannon Cox a certificate of appreciation and thanked him for his many years of service.

The next item on the agenda is a presentation to Volunteer of the Month of October. Mayor Duncan presented a certificate to Harry Montgomery and thanked him for all his time he volunteers.

The next item on the agenda is John DeRosier, candidate for District Attorney, 14th Judicial District Court, to address Council. Mr. DeRosier stated that Sulphur Police Department now has the Speed-Trailer. This Trailer will only tell you how fast you are going. He also stated that there have been many successful prosecutions with Houston gangs here in Calcasieu Parish.

The next item on the agenda is David Palay, candidate for District Judge, 14th Judicial District Court, Division A, to address Council. Mr. Palay addressed the Council and gave a brief statement of why he would be the best candidate.

The next item on the agenda is Billy Breaux, candidate for Calcasieu Parish School Board, District 13, to address Council. Mr. Breaux addressed the Council and gave a brief statement of why he would be the best candidate.

The next item on the agenda is Janie Fruge, WCCH Chief Executive Officer, to address Council concerning gratification towards Sulphur Police and Fire for their assistance at hospital. Mrs. Fruge thanked the Sulphur Police and Fire Departments for always being so helpful to Cal-Cam Hospital.

The next item on the agenda is Jamie Yelverton, candidate for Third Circuit of Appeals, to address the Council. Mr. Yelverton addressed the Council and gave a brief statement of why he would be the best candidate.

The next item on the agenda is Jesse Fontenot, candidate for Calcasieu Parish School Board, District 13, to address Council. Mr. Fontenot addressed the Council and gave a brief statement of why he would be the best candidate.

The next item on the agenda is Mitch Redd, candidate for District Judge, 14th Judicial District Court, Division A, to address Council. Mr. Redd addressed the Council and gave a brief statement of why he would be the best candidate.

The next item on the agenda is Joy Abshire, candidate for Calcasieu Parish School Board, District 13, to address Council. Mrs. Abshire addressed the Council and gave a brief statement of why he would be the best candidate.

The next item on the agenda is a public hearing on ordinance declaring certain surplus movable property (piping and miscellaneous items). Motion was made by Mr. Favre seconded by Mr. Bergeron that the following ordinance be amended:

AN ORDINANCE DECLARING CERTAIN SURPLUS MOVABLE PROPERTY (PIPING AND MISCELLANEOUS ITEMS) OF THE CITY OF SULPHUR AND PROVIDING FOR THE DISPOSAL THEREOF.

Motion carried.

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

ORDINANCE NO. 1248, M-C SERIES, AS AMENDED

AN ORDINANCE DECLARING CERTAIN SURPLUS MOVABLE PROPERTY (PIPING AND MISCELLANEOUS ITEMS) OF THE CITY OF SULPHUR AND PROVIDING FOR THE DISPOSAL 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:

Piping:

- 1- 12 inch double flanged red ductile iron pipe 7 ft
- 2- 20 inch black ductile iron 90 ell's
- 1- 12 inch black one side flanged ductile iron pipe 2 ft
- 1- 20 inch black ductile iron Tee
- 1- 12 inch black one side flanged ductile iron pipe 10 ft
- 1- 20 inch black one side flanged ductile iron pipe 4.5 ft
- 1- 20 inch black one side flanged ductile iron pipe 8.6 ft
- 1- 20 inch black pipe ductile iron pipe 5 ft
- 8- 12 inch weld on flanges
- 1- 20 inch black ductile iron double flanged spool piece
- 6- 20 inch black ductile iron bolt on flange pieces

Miscellaneous Items:

Bucket of bolts/nuts
20 inch gasket kits
5 hp Engine

Weedeater
8 hp Generator
5500 Homelite Generator
Pressure Washer
Kohler 80 KW Generator, Model #80ROZJ

Vehicles:

1991 Volkswagon Cabrolet, Vin# 9807 Estimated Value \$500

Total Estimated Value of all Movable Surplus: \$ 2000

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. Allison, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a public hearing on ordinance amending Article III, Part I of the Land Use ordinance of the City of Sulphur to provide for Section 3 which authorizes the Sulphur Board of Zoning Adjustment and Related Matters. Motion was made by Mrs. Ellender seconded by Mrs. Allison that the following ordinance be amended:

ORDINANCE AMENDING ARTICLE III, PART I OF THE LAND USE ORDINANCE
OF THE CITY OF SULPHUR TO PROVIDE FOR SECTION 3 WHICH
AUTHORIZES THE SULPHUR BOARD OF ZONING ADJUSTMENT AND
RELATED MATTERS.

Motion carried.

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

ORDINANCE NO. 1249, M-C SERIES

ORDINANCE AMENDING ARTICLE III, PART I OF THE LAND USE
ORDINANCE OF THE CITY OF SULPHUR TO PROVIDE FOR SECTION 3
WHICH AUTHORIZES THE SULPHUR BOARD OF ZONING
ADJUSTMENT AND RELATED MATTERS.

Whereas, the City of Sulphur is updating its land use ordinance; and

Whereas, state law provides for the appointment of a Board of Adjustment by local municipalities under Louisiana Revised Statutes 33:4727; and

Whereas, the City of Sulphur, desiring to establish the structure and functions of this Board without increasing the number of appointive personnel, introduced enabling legislation in the 2014 legislative session; and

Whereas, Act 78 of the 2014 Louisiana Legislature allows the City of Sulphur to authorize the Land Use Commission of the City of Sulphur to exercise all of the powers, duties and responsibilities which may be exercised under the provisions of Louisiana Revised Statutes 33:4727 by a board of adjustment

BE IT RECOMMENDED by the City Council of the City of Sulphur, Louisiana, that they do hereby amend Article III, Part 1, by adding Section 3, Board of Zoning Adjustments.

1. *Membership.* As per Act 78 of the 2014 Louisiana Legislature, the members of the Board of Adjustments shall be the same as the City of Sulphur Land Use Commission.
2. *Chairman and Vice Chair.* The Chairman and Vice-Chairman of the Board shall be elected by the members of the Board in May of each year to serve for a term of one (1) year. The Chair and Vice Chair need not be the same as the Land Use Commission.
3. *Powers and Duties.* The Land Use Commission of the City of Sulphur when serving as the zoning board, shall exercise all of the powers and duties conferred by Louisiana R.S. 33:4727 and Act 78 of the 2014 LA legislature. The Commission in its capacity as the board of adjustments and appeals shall be known as the "Board of Zoning Adjustments", or "Board of Adjustments", also designated "the Board" herein.

- a. The members of the Commission, when serving as the Board, shall exercise all of the powers and duties conferred by Louisiana R.S. 33:4727 and in accordance may determine and vary the application of these land use regulations in harmony with the general purpose and intent of the regulations and the goals and policies of the City of Sulphur comprehensive plan and in accordance with general and specific rules provided herein.
 - b. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Land Use Ordinance
 - c. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any of the provisions of this land use regulations.
4. *Secretary/Assistant Secretary.* The secretary and the assistant secretary of the Board of Zoning Adjustment shall be appointed by the City Council for the City of Sulphur. The Board shall keep minutes of each meeting, separate from the minutes of the Land Use Commission.
 - a. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failure to vote, indicating the fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be public record.
 - b. All testimony, objections thereto and rulings thereon, shall be recorded by the board.
5. *Quorum and Necessary Vote.* No business shall be transacted by the Board without a quorum which shall consist of at least three (3) members, the concurring vote of at least three (3) members shall be necessary for the Commission to take any action.
6. The Board of Adjustment shall become effective January 1, 2015.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said ordinance was declared adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, 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 to provide for additional definitions. Motion was made by Mr. Favre seconded by Mr. Bergeron that the following ordinance be adopted to-wit:

ORDINANCE NO. 1250, M-C SERIES

ORDINANCE AMENDING ARTICLE II, SECTION 2 OF THE LAND USE
ORDINANCE OF THE CITY OF SULPHUR TO PROVIDE FOR ADDITIONAL
DEFINITIONS.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby amend Article II, Section 2 of the Land Use Ordinance of the City of Sulphur to add the following definitions to Article II, Section 2 of the Land Use Ordinance:

Board of Adjustment - The term "Board of Adjustment" shall mean the Sulphur Board of Zoning Adjustments created under LA.R.S. 33:4727 et seq., which shall have the powers provided for by Louisiana law and as may be provided for in the ordinance, Zoning of the City of Sulphur Code of Ordinances.

Variance – A permission to deviate from the height, bulk, setback, parking or other dimensional requirements established by this code, when because of special circumstances applicable to the property, strict application of the provisions herein deprive such property of privileges enjoyed by other property in the vicinity that is under the identical zoning.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said ordinance was declared adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a public hearing on ordinance amending Article III, Part 2, Section 4 of the Land Use Ordinance of the City of Sulphur – Variances and Special Exceptions.

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

ORDINANCE NO. 1251, M-C SERIES

ORDINANCE AMENDING ARTICLE III, PART 2, SECTION 4 OF THE LAND USE
ORDINANCE OF THE CITY OF SULPHUR – VARIANCES AND SPECIAL
EXCEPTIONS.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby amend Article III, Part 2, Section 4 of the Land Use Ordinance of the City of Sulphur – Variances and Special Exceptions to read as follows:

Variances

1. *When Allowed* – The Board of Adjustment shall have the authority to grant variances from the terms of this Ordinance, subject to terms and conditions fixed by the Board, where literal enforcement of the provisions of this Ordinance will result in practical difficulties or unnecessary hardship, if in granting such variance the general intent and purpose of this Zoning Ordinance will be preserved.
2. *Application and Fees*
 - a. All applications for variance shall be filed in writing with the Planning and Zoning Administrator.
3. *Review by Planning and Zoning Administrator* – The Planning and Zoning Administrator may refer the application to other affected or interested agencies for review and comment.
4. *Public Hearing and Decision by Board of Adjustment*
 - a. Following notice and a public hearing as required by Article III, Part 2, Section 1 of this Ordinance, the Board of Adjustment shall allow, allow with conditions, or deny the proposed variance request, the Board of Adjustment shall consider relevant comments of all interested parties and the review criteria in Article III, Part II, Section 4.5.
 - b. The Board may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties.
5. *Review Criteria* - No variance shall be authorized unless the Board of Adjustment finds that all of the following conditions exist:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

- b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - c. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have or had interest in the property.
 - d. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures, or buildings in the same district or similarly situated.
 - e. The variance, if granted, will not alter the essential character of the locality.
 - f. Strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
 - g. The purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested party(s).
 - h. The proposed variance will not impair an adequate supply of light and air to adjacent property, or increase substantially the congestion in the public street, or increase the danger of fire, or endanger the public safety.
6. *Appeal* – A final decision by the Board of Adjustment on a variance may be appealed to the 14th Judicial District Court within thirty (30) days of the Board of Adjustment decision.
7. *Expiration* – A variance runs with the land and does not expire unless the Board of Adjustment or the 14th Judicial District Court assigns an expiration date as a condition.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said ordinance was declared adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a public hearing on ordinance granting an extension to a variance for Betty LeJeune, 218 East Brimstone Street, to allow her to continue to live in RV until the purchase of a mobile home. Mrs. Ellender stated that Mrs. LeJeune recently had a stroke. Motion was made by Mrs. Ellender seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1252, M-C SERIES

ORDINANCE GRANTING AN EXTENSION TO A VARIANCE FOR BETTY LEJEUNE (WILKS), 218 E. BRIMSTONE STREET, TO ALLOW HER TO CONTINUE TO LIVE IN RV UNTIL THE PURCHASE OF A MOBILE HOME.

WHEREAS, Land Use granted a variance on December 17, 2012 with Council ratifying action on January 14, 2013 to allow Betty Wilks to live in Recreational Vehicle temporarily until mobile home was purchased; and

WHEREAS, on August 19, 2013 Land Use Commission extended the variance with Council ratifying action on September 9, 2013; and

WHEREAS, another extension is needed to continue to live in RV until March 1, 2015 with the following stipulations:

1. Expiration of date (renewable) be the earlier of
 - a. March 1, 2015
 - b. Beneficial Occupancy of a separate structure on same parcel
 - c. Occupant of the recreational vehicle no longer being the applicant.

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 an extension to a variance to Betty LeJeune (Wilks), for the following described property to-wit:

BEG 718.7 FT W OF SE COR LOT 1 FG LOCK SUB OF N ½ S ½ 27.9.10 W
178 FT N 130 FT ETC, LESS 15 FT ON E SIDE

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.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a public hearing on ordinance granting a rezone from Residential to Mixed Residential to Redmarque Construction, LLC, to allow for duplexes on the 6 acre tract of property at south end of South Post Oak Road (adjacent to I-10). Linda Hanson, 2230 Division Street, addressed the Council and stated that the Core of Engineer said that 33% of this property is wetlands. The wetlands is intertwined in the entire area. Mr. Trahan will have to apply for a wetlands permit. The neighborhood is requesting that Mr. Trahan put the fence up prior to any construction. She also stated that the Core of Engineers stated that they spoke to Mayor Duncan about this project. Mayor Duncan stated that no one from that office has tried calling him. Mr. Favre stated that there is a lot of misinformation out there about this project. After discussion, motion was made by Mr. Favre seconded by Mrs. Allison that the following ordinance be tabled until the November 10, 2014 City Council meeting:

ORDINANCE GRANTING A REZONE TO MARCUS TRAHAN (REDMARQUE CONSTRUCTION LLC), 6 ACRE TRACT OF PROPERTY AT SOUTH END OF SOUTH POST OAK ROAD, ADJACENT TO I-10, FROM RESIDENTIAL TO MIXED RESIDENTIAL TO ALLOW FOR DUPLEXES.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said ordinance was tabled on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a public hearing on ordinance granting an exception to Joseph Hardy, 413 Cypress Street, to allow for 4 apartments in a Business district. Motion was made by Mr. Bergeron seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1253, M-C SERIES

ORDINANCE GRANTING AN EXCEPTION TO JOSEPH HARDY, 413 CYPRESS STREET, TO ALLOW FOR FOUR APARTMENTS IN A BUSINESS DISTRICT.

WHEREAS, the following described property located in the City of Sulphur, State of Louisiana, for an Exception is owned by Joseph Hardy, 413 Cypress Street, to-wit:

LOT 2 BLK 1 PECAN GROVE

WHEREAS, improvements on the property will include 4 apartments in a Business District with the following stipulation:

1. Develop a site plan and drainage plan and have it approved as part of the Permit process.
2. Water and sewer connections located at road.
3. An 8 foot wood or masonry fence shall be located on the south side of property with a 6 foot buffer.
4. No windows, above first floor, shall be on the south end of any buildings on property.

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 an Exception to Joseph Hardy, 413 Cypress Street, for the following described property to wit:

LOT 2 BLK 1 PECAN GROVE

This Exception is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said Exception interfere with the rights and privileges owned by the City of

Sulphur pursuant to a pre-existing right of way, servitude or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

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

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

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

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a public hearing on ordinance adopting Preliminary Plat for Belle Savanne Phase I which will include dedication of right-of-way for Carlyss Drive Extension. Motion was made by Mr. Bergeron seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1254, M-C SERIES

ORDINANCE ADOPTING PRELIMINARY PLAT FROM BEL COMMERCIAL LLC FOR BELLE SAVANNE PHASE I FOR PROPERTY LOCATED ACROSS FROM CARLYSS DRIVE AND EAST SIDE OF HWY. 1256 WHICH WILL INCLUDE DEDICATION OF RIGHT-OF-WAY FOR CARLYSS DRIVE EXTENSION.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby adopt Preliminary Plat from Bel Commercial, LLC, for Belle Savanne Phase I for property located across from Carlyss Drive and east side of Hwy. 1256 which will include

dedication of right-of-way for Carlyss Drive Extension, all in accordance with Chapter 18 of the Code of Ordinances for the following described property:

THAT CERTAIN TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 10 WEST, CALCASIEU PARISH, LOUISIANA, CONTAINING 35.909 ACRES AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF ROADWAY CENTERLINES FOR MCNAIR ROAD AND RUTH STREET SAID POINT BEING THE POINT OF COMMENCEMENT (P.O.C.); THENCE PROCEED SOUTH 00°06'01" EAST A DISTANCE OF 49.97' TO THE POINT OF BEGINNING (P.O.B.)

THENCE PROCEED ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.27 FEET, A CHORD LENGTH OF 35.36 FEET AND A CHORD BEING OF SOUTH 44°06'22" EAST;

THENCE SOUTH 89°06'02" EAST A DISTANCE OF 125.00 FEET;
THENCE NORTH 00°53'58" EAST A DISTANCE OF 426.57 FEET;
THENCE SOUTH 89°33'21" EAST A DISTANCE OF 2437.22 FEET;
THENCE SOUTH 00°35'22" WEST A DISTANCE OF 565.47 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 163.55 FEET;
THENCE SOUTH 00°53'58" WEST A DISTANCE OF 40.50 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 970.00 FEET;
THENCE SOUTH 00°53'58" WEST A DISTANCE OF 440.76 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 970.00 FEET;
THENCE SOUTH 00°53'58" WEST A DISTANCE OF 440.76 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 65.00 FEET;
THENCE SOUTH 00°53'58" WEST A DISTANCE OF 110.00 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 85.38 FEET;
THENCE NORTH 00°53'58" WEST A DISTANCE OF 110.00 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 65.00 FEET;
THENCE NORTH 00°53'58" EAST A DISTANCE OF 440.76 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 730.00 FEET;
THENCE SOUTH 86°44'02" WEST A DISTANCE OF 91.52 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 270.00 FEET;
THENCE NORTH 00°53'58" WEST A DISTANCE OF 86.60 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 125.00 FEET;
THENCE ALONG A CURVE TO THE LEFT HAVE A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.27 FEET, A CHORD LENGTH OF 35.36 FEET AND A CHORD BEARING OF SOUTH 45°53'58" WEST;
THENCE NORTH 00°53'58' EAST A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING (P.O.B).

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 accept preliminary plat from Bel Commercial, LLC for Belle Savanne Phase I for the following described property:

THAT CERTAIN TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 10 WEST, CALCASIEU PARISH, LOUISIANA, CONTAINING 35.909 ACRES AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF ROADWAY CENTERLINES FOR MCNAIR ROAD AND RUTH STREET SAID POINT BEING THE POINT OF COMMENCEMENT (P.O.C.); THENCE PROCEED SOUTH 00°06'01" EAST A DISTANCE OF 49.97' TO THE POINT OF BEGINNING (P.O.B.)

THENCE PROCEED ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.27 FEET, A CHORD LENGTH OF 35.36 FEET AND A CHORD BEING OF SOUTH 44°06'22" EAST;

THENCE SOUTH 89°06'02" EAST A DISTANCE OF 125.00 FEET;
THENCE NORTH 00°53'58" EAST A DISTANCE OF 426.57 FEET;
THENCE SOUTH 89°33'21" EAST A DISTANCE OF 2437.22 FEET;
THENCE SOUTH 00°35'22" WEST A DISTANCE OF 565.47 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 163.55 FEET;
THENCE SOUTH 00°53'58" WEST A DISTANCE OF 40.50 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 970.00 FEET;
THENCE SOUTH 00°53'58" WEST A DISTANCE OF 440.76 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 970.00 FEET;
THENCE SOUTH 00°53'58" WEST A DISTANCE OF 440.76 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 65.00 FEET;
THENCE SOUTH 00°53'58" WEST A DISTANCE OF 110.00 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 85.38 FEET;
THENCE NORTH 00°53'58" WEST A DISTANCE OF 110.00 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 65.00 FEET;
THENCE NORTH 00°53'58" EAST A DISTANCE OF 440.76 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 730.00 FEET;
THENCE SOUTH 86°44'02" WEST A DISTANCE OF 91.52 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 270.00 FEET;
THENCE NORTH 00°53'58" WEST A DISTANCE OF 86.60 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 125.00 FEET;
THENCE ALONG A CURVE TO THE LEFT HAVE A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.27 FEET, A CHORD LENGTH OF 35.36 FEET AND A CHORD BEARING OF SOUTH 45°53'58" WEST;
THENCE NORTH 00°53'58' EAST A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING (P.O.B).

This subdividing of lots is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said subdividing of lots 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 adoption of this ordinance, 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.

BE IT ORDAINED that said Preliminary Plat shall be approved.

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

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a public hearing on ordinance amending the previously adopted Preliminary Plat from June 16, 2014, for Belle Savanne Apartment Homes, L.L.C. to include the dedication of right-of-way for Carlyss Drive Extension. Motion was made by Mr. Bergeron seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1255, M-C SERIES

ORDINANCE AMENDING THE PREVIOUSLY ADOPTED PRELIMINARY PLAT FROM JUNE 16, 2014, FOR BELLE SAVANNE APARTMENT HOMES, L.L.C., TO INCLUDE THE DEDICATION OF RIGHT OF WAY FOR CARLYSS DRIVE EXTENSION.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby amend the previously adopted Preliminary Plat from June 16, 2014, for Belle Savanne Apartment Homes, L.L.C., to include the dedication of right of way for Carlyss Drive extension, all in accordance with Chapter 18 of the Code of Ordinances for the following described property:

THAT CERTAIN TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 10 WEST, CALCASIEU PARISH, LOUISIANA, CONTAINING 13.601 ACRES AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF ROADWAY CENTERLINES FOR CARLYSS DRIVE AND RUTH STREE SAID POINT BEING THE POINT OF COMMENCEMENT (P.O.C.); THENCE PROCEED NORTH 00°53'59" EAST A DISTANCE OF 81.39 FEET; THENCE SOUTH 89°06'01" EAST A DISTANCE OF 48.86 FEET; THENCE SOUTH 00°53'59" WEST A DISTANCE OF 170.07 FEET; THENCE NORTH 22°05'06" EAST A DISTANCE OF 37.57; THENCE SOUTH 89°06'02" EAST A DISTANCE OF 786.42 FEET TO THE POINT OF BEGINNING (P.O.B.)

THENCE SOUTH 89°06'02" EAST A DISTANCE OF 912.77 FEET;
THENCE SOUTH 00°53'57" WEST A DISTANCE OF 649.05 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 912.77 FEET;
THENCE NORTH 00°35'58" EAST A DISTANCE OF 649.05 FEET
TO THE POINT OF BEGINNING (P.O.B.)

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 amend preliminary plat from Bel Commercial, LLC for Belle Savanne Apartment Homes, L.L.C. for the following described property:

THAT CERTAIN TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 10 WEST, CALCASIEU PARISH, LOUISIANA, CONTAINING 13.601 ACRES AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF ROADWAY CENTERLINES FOR CARLYSS DRIVE AND RUTH STREE SAID POINT BEING THE POINT OF COMMENCEMENT (P.O.C.); THENCE PROCEED NORTH 00°53'59" EAST A DISTANCE OF 81.39 FEET; THENCE SOUTH 89°06'01" EAST A DISTANCE OF 48.86 FEET; THENCE SOUTH 00°53'59" WEST A DISTANCE OF 170.07 FEET; THENCE NORTH 22°05'06" EAST A DISTANCE OF 37.57; THENCE SOUTH 89°06'02" EAST A DISTANCE OF 786.42 FEET TO THE POINT OF BEGINNING (P.O.B.)

THENCE SOUTH 89°06'02" EAST A DISTANCE OF 912.77 FEET;
THENCE SOUTH 00°53'57" WEST A DISTANCE OF 649.05 FEET;
THENCE NORTH 89°06'02" WEST A DISTANCE OF 912.77 FEET;
THENCE NORTH 00°35'58" EAST A DISTANCE OF 649.05 FEET
TO THE POINT OF BEGINNING (P.O.B.)

BE IT ORDAINED that said Preliminary Plat be amended to include the dedication of right of way for Carlyss Drive extension.

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

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a public hearing on ordinance granting a rezone to Thomas DesOrmeaux, 618 West Napoleon Street, from Business to Commercial to allow for a hotel. Motion was made by Mrs. Ellender seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1256, M-C SERIES

ORDINANCE GRANTING A REZONE TO THOMAS DESORMEAUX, 618 WEST NAPOLEON STREET, FROM BUSINESS TO COMMERCIAL.

WHEREAS, in accordance with Article IV, Part 3 of the Land Use Ordinance of the City of Sulphur, the following described property located in the City of Sulphur, State of Louisiana, being rezoned from Business to Commercial is owned by Thomas DesOrmeaux to-wit:

LOTS 5, 6, 7 AND 8 OF BLOCK V OF CITY OF SULPHUR, LA.

WHEREAS, improvements on the property will include a hotel with the following stipulations:

1. Any improvements/repairs on City easement will be at owners cost.
2. Maximum height of hotel shall be no taller than 2 story.
3. No windows shall be on east side of hotel unless required by Fire Code.
4. An 8 foot wooden or masonry fence shall be located on the east property line.
5. The following uses are excluded from the list of Permitted Uses: Bars

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

The Land Use Ordinance of the City of Sulphur is hereby amended to grant a re-zone from Business to Commercial to Thomas DesOrmeaux for the following described property to wit:

LOTS 5, 6, 7 AND 8 OF BLOCK V OF CITY OF SULPHUR, LA.

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

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

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

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

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a public hearing on ordinance granting a rezone to Thomas DesOrmeaux, 700 West Napoleon Street, from Business to Commercial to allow for a

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

ORDINANCE NO. 1257, M-C SERIES

ORDINANCE GRANTING A REZONE TO THOMAS DESORMEAUX, 700
WEST NAPOLEON STREET, FROM BUSINESS TO COMMERCIAL TO
ALLOW FOR A HOTEL.

WHEREAS, in accordance with Article IV, Part 3 of the Land Use Ordinance of the City of Sulphur, the following described property located in the City of Sulphur, State of Louisiana, being rezoned from Business to Commercial is owned by Thomas DesOrmeaux to-wit:

A CERTAIN PARCEL OF GROUND ALONG WITH BUILDINGS AND
IMPROVEMENTS IN PARISH OF CALCASIEU, STATE OF LOUISIANA,
LOTS 1 AND 6 OF BLOCK IV OF TOWN OF SULPHUR, LA., A
SUBDIVISION OF SOUTH HALF OF NORTHWEST QUARTER (S/2 OF
NW/4) OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 10 WEST, AS
PER PLAT RECORDED IN CONVEYANCE BOOK 27 AT PG. 67,
RECORDS OF CALCASIEU, PARISH, LA TOGETHER WITH ALL
BUILDINGS AND IMPROVEMENTS, SITUATED THEREON, SAID
BLOCK IV BEING BOUNDED ON SOUTH BY US HWY 90, ON EAST BY
FIRST STREET, AND ON NORTH BY RAILROAD RIGHT OF WAY,
AND SAID LOTS 1 AND 6 COMMENCING AT THE (SE) CORNER OF
SAID BLOCK IV, THENCE NORTH 200 FEET, THENCE WEST 50 FEET
THENCE SOUTH 200 FEET, THENCE EAST 50 FEET TO POINT OF
COMMENCEMENT.

WHEREAS, improvements on the property will include a hotel with the following stipulations:

1. Any improvements/repairs on City easement will be at owners cost.
2. Maximum height of hotel shall be no taller than 2 story.
3. An 8 foot wooden or masonry fence shall be located on the west property line.
4. The following uses are excluded from the list of Permitted Uses: Bars

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

The Land Use Ordinance of the City of Sulphur is hereby amended to grant a re-zone from Business to Commercial to Thomas DesOrmeaux for the following described property to wit:

A CERTAIN PARCEL OF GROUND ALONG WITH BUILDINGS AND
IMPROVEMENTS IN PARISH OF CALCASIEU, STATE OF LOUISIANA,
LOTS 1 AND 6 OF BLOCK IV OF TOWN OF SULPHUR, LA., A

SUBDIVISION OF SOUTH HALF OF NORTHWEST QUARTER (S/2 OF NW/4) OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 10 WEST, AS PER PLAT RECORDED IN CONVEYANCE BOOK 27 AT PG. 67, RECORDS OF CALCASIEU, PARISH, LA TOGETHER WITH ALL BUILDINGS AND IMPROVEMENTS, SITUATED THEREON, SAID BLOCK IV BEING BOUNDED ON SOUTH BY US HWY 90, ON EAST BY FIRST STREET, AND ON NORTH BY RAILROAD RIGHT OF WAY, AND SAID LOTS 1 AND 6 COMMENCING AT THE (SE) CORNER OF SAID BLOCK IV, THENCE NORTH 200 FEET, THENCE WEST 50 FEET THENCE SOUTH 200 FEET, THENCE EAST 50 FEET TO POINT OF COMMENCEMENT.

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

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

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

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

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

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a public hearing on ordinance granting a variance to Thomas DesOrmeaux, 618 West Napoleon Street, to allow for a hotel to be located on 20,000 sq. ft. rather than the required 25,000 sq. ft. Mr. DesOrmeaux stated that he owns two adjacent properties with the City having a right of way in the middle of the lots. Mayor Duncan stated that he could use the right of way for parking but if the City ever had to make repairs, etc. on property, it will be at owners cost to repair his own structures, etc. Mr. DesOrmeaux stated that he will request the City to abandon that right of way at a later date since there aren't any utilities located there. Mrs. Allison asked Mr. DesOrmeaux if the City abandoned this strip of property would it give him the 25,000 sq. ft. that is needed. Mr. DesOrmeaux stated, yes. After discussion, motion was made by Mrs. Ellender seconded by Mr. Favre that the following ordinance be adopted to-wit:

ORDINANCE NO. 1258, M-C SERIES

ORDINANCE GRANTING A VARIANCE TO THOMAS DESORMEAUX, 618
WEST NAPOLEON STREET, TO ALLOW FOR A HOTEL TO BE LOCATED ON
20,000 SQ. FT. RATHER THAN THE REQUIRED 25,000 SQ. FT.

WHEREAS, in accordance with Article IV, Part 3, Section 5 (3) of the Land Use Ordinance of the City of Sulphur, the following described property located in the City of Sulphur, State of Louisiana, is owned by Thomas DesOrmeaux to-wit:

LOTS 5, 6, 7 AND 8 OF BLOCK V OF CITY OF SULPHUR, LA.

WHEREAS, improvements on the property will include a hotel to be located on 20,000 sq. ft. rather than the required 25,000 sq. ft. with the following stipulations:

1. Any improvements/repairs on City easement will be at owners cost.
2. Maximum height of hotel shall be no taller than 2 story.
3. No windows shall be on east side of hotel unless required by Fire Code.
4. An 8 foot wooden or masonry fence shall be located on the east property line.

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

The Land Use Ordinance of the City of Sulphur is hereby amended to grant a variance for a hotel to be located on 20,000 sq. ft. rather than the required 25,000 sq. ft. to Thomas DesOrmeaux for the following described property to wit:

LOTS 5, 6, 7 AND 8 OF BLOCK V OF CITY OF SULPHUR, LA.

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 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 variance shall be withdrawn and considered null and void.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a public hearing on ordinance authorizing that an impact fee and sewer rate fee be negotiated for any connections to the Swisco Road Area Sewer System Project. *(To hear complete discussion visit www.sulphur.org and view City Council meeting from October 14, 2014).* Motion was made by Mr. Favre seconded by Mrs. Allison that this item be removed from the table.

Motion carried.

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

AN ORDINANCE AUTHORIZING THAT AN IMPACT FEE AND SEWER RATE FEE BE NEGOTIATED FOR ANY CONNECTION TO THE SWISCO ROAD AREA SEWER SYSTEM PROJECT.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby authorize that an Impact Fee and Sewer Rate Fee be negotiated for any connection to the Swisco Road Area Sewer System Project (map attached hereto as "Exhibit A").

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

A vote was then called with the results as follows:

YEAS: None

NAYS: Mrs. Ellender, Mr. Bergeron, Mr. Favre, Mr. Moss

ABSENT: None

(After votes were cast and discussion was closed, Mrs. Allison stated that she realized she did not vote.)

And the said ordinance failed on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is an introduction of ordinance amending Chapter 18, Section 14 of the Code of Ordinances of the City of Sulphur – Character of development. Motion was made by Mr. Bergeron seconded by Mr. Favre that the following ordinance be introduced:

AN ORDINANCE AMENDING CHAPTER 18, SECTION 14 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – CHARACTER OF DEVELOPMENT

Motion was then made by Mr. Bergeron 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:

AN ORDINANCE AMENDING CHAPTER 18, SECTION 14 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – CHARACTER OF DEVELOPMENT

A public hearing on said ordinance will be held at 5:30 p.m. on the 10th day of November, 2014, in the City of Sulphur Council Chambers in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

STUART MOSS, Chairman

Motion carried.

The next item on the agenda is an introduction of ordinance accepting donation of property from Mosswood Development, LLC, located on Mosswood Drive. Mr. Moss stated that the public hearing will be Tuesday, October 28, 2014 at 5:30 p.m. Motion was made by Mr.

Favre seconded by Mr. Bergeron that the following ordinance be introduced:

AN ORDINANCE ACCEPTING THE DONATION OF PROPERTY FROM MOSSWOOD DEVELOPMENT, L.L.C. LOCATED ON MOSSWOOD DRIVE; AND AUTHORIZING MAYOR CHRISTOPHER L. DUNCAN TO EXECUTE SAID DONATION AGREEMENT; AND PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

Motion was then made by Mr. Favre seconded by Mr. Bergeron that the said ordinance be filed and remain on file with the Clerk of the Council, in final form, for public inspection and that the Mayor is hereby authorized and instructed to publish the Public Notice of Introduction of the above proposed ordinance in “The Southwest Daily News”,

the official journal of the City of Sulphur, Louisiana, and that the said Notice of Introduction of the above ordinance is substantially in the following form:

PUBLIC NOTICE

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

AN ORDINANCE ACCEPTING THE DONATION OF PROPERTY FROM MOSSWOOD DEVELOPMENT, L.L.C. LOCATED ON MOSSWOOD DRIVE; AND AUTHORIZING MAYOR CHRISTOPHER L. DUNCAN TO EXECUTE SAID DONATION AGREEMENT; AND PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

A public hearing on said ordinance will be held at 5:30 p.m. on the 28th day of October, 2014, in the City of Sulphur Council Chambers in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

STUART MOSS, Chairman

Motion carried.

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

- a. To condemn building or structure located at 103 West Brimstone Street, in accordance with Article IX, Section 5-286 through 5-296.

Motion was made by Mrs. Ellender seconded by Mr. Favre that the above address be condemned.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the above address was declared condemned on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a resolution appointing members to the Board of Zoning Adjustment for the City of Sulphur. Motion was made by Mrs. Allison seconded by Mr. Favre that the following amendment be made:

Resolution appointing members to the Board of Zoning Adjustment for the City of Sulphur.

WHEREAS, in accordance with Act 78 of the 2014 Louisiana Legislature this allows the City of Sulphur to authorize the Land Use Commission of the City of Sulphur to exercise all of the powers, duties and responsibilities which may be exercised under the provisions of Louisiana Revised Statutes 33:4727 by a Board of Adjustment; and

WHEREAS, the Land Use Commissioners shall be appointed to the City of Sulphur Board of Zoning Adjustment with terms to run concurrent with City Council terms.

Motion carried.

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

RESOLUTION NO. 2778, M-C SERIES

Resolution appointing members to the Board of Zoning Adjustment for the City of Sulphur.

WHEREAS, in accordance with Act 78 of the 2014 Louisiana Legislature this allows the City of Sulphur to authorize the Land Use Commission of the City of Sulphur to exercise all of the powers, duties and responsibilities which may be exercised under the provisions of Louisiana Revised Statutes 33:4727 by a Board of Adjustment; and

WHEREAS, the Land Use Commissioners shall be appointed to the City of Sulphur Board of Zoning Adjustment with terms to run concurrent with City Council terms.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a resolution appointing a secretary for the Board of Zoning Adjustments for the City of Sulphur. Motion was made by Mr. Favre seconded by Mrs. Allison that the following resolution be adopted to-wit:

RESOLUTION NO. 2779, M-C SERIES

Resolution appointing a secretary for the Board of Zoning Adjustment for 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 appoint Arlene Blanchard as the secretary for the Board of Zoning Adjustment for the City of Sulphur.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a resolution authorizing Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with Calcasieu Parish Public Safety Communications District for GIS Pictometry. Motion was made by Mr. Bergeron seconded by Mrs. Allison that the following resolution be adopted to-wit:

RESOLUTION NO. 2780, M-C SERIES

Resolution authorizing Mayor Christopher L. Duncan to enter into a Cooperative Endeavor Agreement with Calcasieu Parish Public Safety Communications District for GIS Pictometry.

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 Public Safety Communications District for GIS Pictometry.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a resolution awarding low bid received for the Navarre Street Reconstruction Project. Motion was made by Mr. Favre seconded by Mrs. Allison that the following resolution be adopted to-wit:

RESOLUTION NO. 2781, M-C SERIES

Resolution awarding low bid received for the Navarre Street Reconstruction Project.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that bids for the Navarre Street Reconstruction Project were opened and read aloud in an open and public bid session on Tuesday, September 30, 2014 at 11:00 a.m. and bids were as follows:

<u>Contractor</u>	<u>Total Base Bid Amount</u>
John Bailey, Inc.	\$610,706.00
McManus Construction, Inc.	\$811,764.50

BE IT FURTHER RESOLVED that the City Council does hereby accept the recommendation of Mayor Christopher L. Duncan and award the bid for the Navarre Street Reconstruction Project as follows:

<u>Contractor</u>	<u>Total Base Bid Amount</u>
John Bailey, Inc.	\$610,706.00

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. Allison, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a resolution in support of an immediate effort to collaborate with the cities of Lake Charles and Westlake, the Calcasieu Parish Police Jury and Calcasieu Parish School Board to develop and implement a plan for alternative fuels in our MPO region. Motion was made by Mr. Favre seconded by Mrs. Allison that the following resolution be adopted to-wit:

RESOLUTION NO. 2782, M-C SERIES

RESOLUTION IN SUPPORT OF AN IMMEDIATE EFFORT TO COLLABORATE WITH THE CITIES OF LAKE CHARLES AND WESTLAKE, THE CALCASIEU PARISH POLICE JURY AND CALCASIEU PARISH SCHOOL BOARD TO DEVELOP AND IMPLEMENT A PLAN FOR ALTERNATIVE FUELS IN OUR MPO REGION.

WHEREAS, the Environmental protection Agency is proposing to increase the standard for ozone emissions in December 2014 and there is a very real possibility that the SWLA region will not be able to meet these standards; and

WHEREAS, if the air quality in a geographic area does not meet the national ozone standard it is classified as a nonattainment area and subjected to stricter standards which affect both the public and private sectors resulting in increased costs due to permitting delays, restrictions on industry expansion within the area, transportation restrictions, and special requirements for vehicles, and for commercial and consumer products; and

WHEREAS, in order to address issues of non-attainment in and improve air quality, communities must work with the state and federal agencies to implement a plan to improve the

air quality in the area and the use of alternative fuels can be an effective and efficient part of that plan; and

WHEREAS, the Lake Charles Urbanized Area Metropolitan Planning Organization's (MPO) Transportation Policy Committee has already recognized that the use of conventional motor vehicles and transportation planning plays a major role in urban ozone air quality issues and has indicated a willingness to work with the Calcasieu Parish School Board and other area agencies on the ozone issue; and

WHEREAS, given the magnitude of the industrial development for our area over the next few years and the potentially adverse effect the proposed EPA Ozone regulations update could have on this industrial expansion, it is important that area agencies begin working on an alternative fuel strategy for our area as part of our overall strategy to reduce ozone emissions in SWLA; and

WHEREAS, Louisiana Clean Fuels, a nonprofit organization of industrial representatives, has been organized by the State of Louisiana to assist communities in developing and implementing a cost effective alternative fuels program and is ready to work with this area and provide support to get the information we need to be able to fairly and objectively evaluate our options and develop a workable plan to implement in our area;

NOW, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SULPHUR, LOUISIANA, in regular session convened, that:

SECTION 1. The City of Sulphur does hereby express its support of a regional effort initiated by the MPO to develop an alternative fuel plan to assist in local efforts to avoid being classified as an ozone non-attainment area under EPA air quality regulations.

SECTION 2. The City of Sulphur does hereby offer its support to assist the MPO and other area agencies such as the Calcasieu Parish School Board to immediately begin the effort to collaborate on the development and implementation of a plan for alternative fuels in SWLA and respectfully invites other local agencies to join this effort as well.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a resolution approving holidays which will be observed by the City of Sulphur in 2015. Motion was made by Mrs. Ellender seconded by Mr. Favre that the following resolution be adopted to-wit:

RESOLUTION NO. 2783, M-C SERIES

Resolution approving City Holidays observed in 2015.

WHEREAS, the following is a list of holidays, which will be observed by the City of Sulphur in 2015:

- New Year's Day, Thursday, January 1, 2015
- Martin Luther King Day, Monday, January 19, 2015
- President's Day, Monday, February 16, 2015
- Mardi Gras, Tuesday, February 17, 2015
- Good Friday, Friday, April 3, 2015
- Memorial Day, Monday, May 25, 2015
- Independence Day, Friday, July 3, 2015
- Labor Day, Monday, September 7, 2015
- Columbus Day, Monday, October 12, 2015
- All Saint's Day, Monday, November 2, 2015
- Veteran's Day, Wednesday, November 11, 2015
- Thanksgiving Day, Thursday, November 26, 2015
- Day After Thanksgiving, Friday, November 27, 2015
- Floating Holiday (Christmas Eve), Thursday, December 24, 2015
- Christmas Day, Friday, December 25, 2015

WHEREAS, Local Union No. 2713 and No. 3765 will be observed according to your respective Union Contract.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby approve City Holidays observed in 2015.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a resolution authorizing Mayor Christopher L. Duncan to submit an application(s) for Capital Outlay Funding through the Louisiana Division of Administration, Office of Facility Planning and Development. Mayor Duncan stated that there will be 3 projects submitted (1) Maplewood Drive Rehab. (2) Sewer extension on OQuain Drive (3) Maplewood Lift Station Rehab. Motion was then made by Mr. Favre seconded by Mr. Bergeron that the following resolution be adopted to-wit:

RESOLUTION NO. 2784, M-C SERIES

RESOLUTION AUTHORIZING MAYOR CHRISTOPHER L. DUNCAN TO SUBMIT AN APPLICATION(S) FOR CAPITAL OUTLAY FUNDING THROUGH THE LOUISIANA DIVISION OF ADMINISTRATION, OFFICE OF FACILITY PLANNING AND DEVELOPMENT.

WHEREAS the City of Sulphur, a non-state entity, desires to submit an application(s) for capital outlay funding of the following projects through the Louisiana Division of Administration, Office of Facility Planning and Development;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Sulphur that:

- Section 1. The City of Sulphur hereby supports the completion of a Capital Outlay Request application for funding of the Maplewood Drive Rehab Project, O'Quain Drive Sewer Extension Project and the Maplewood Lift Station Rehab Project; and further, Christopher L. Duncan, as Mayor of the City of Sulphur, is hereby authorized to submit a Capital Outlay Request and any accompanying documents to the Louisiana Division of Administration, Office of Facility Planning and Development on behalf of the City of Sulphur; and,
- Section 2. Christopher L. Duncan is further authorized to furnish such additional information as may reasonably be required in connection with the Capital Outlay Request; and,
- Section 3. Christopher L. Duncan is hereby designated as the Official Project Representative and is hereby given signature authority for all relative documents for the City of Sulphur for any project that may result from the submission of the Capital Outlay Request and accompanying documents.

Furthermore, Christopher L. Duncan representing the City of Sulphur is hereby given the power and authority to do all things necessary to implement, maintain, amend, and renew such documents relative to any such project.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 14th day of October, 2014.

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

The next item on the agenda is a discussion concerning amendments to Chapter 12-16 – Grass and weeds – cutting required. Mr. Favre stated that he spoke to constituents that were concerned with this ordinance. Mr. Dupre, Fire Chief, stated that this isn't a big issue. We doesn't have many that are repetitive. The Ordinance Enforcement Office only had about 10 calls this year concerning tall grass. Most of these sites are found by Ordinance Enforcement. It's the non-addressed sites that are giving us a hard time. Mr. Favre asked how the City could change the ordinance for repeat offenders. Mr. Dupre stated that he just inherited this department so he's trying to get a handle on it. Some of these repeat offenders just don't want to deal with cutting their grass so the City cuts it and puts a lien on their property. Mayor Duncan stated that we are 3 months into our new budget year and Ordinance Enforcement has almost exceeded their budget. Mr. Moss stated that this is wasting tax-payers money. They need to cut their own grass. We need to get the City Prosecutor to research this. Mayor Duncan stated that the shrimp boat that was on Burton Street was the first case we tried and we won. Mr. Dupre stated that once you cut your grass you have to maintain it.

Linda Hanson, Division Street, stated that since Mr. Trahan cut his property at the south end of Post Oak he will have to maintain. City needs to send him a 10 day letter.

Randy Hebert stated that once the property is disturbed you have to maintain it. South Post Oak was disturbed. It's a big mosquito problem now. Mr. Moss and Mr. Favre stated that they would visit the site.

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

ATTEST:

ARLENE BLANCHARD, Clerk

STUART MOSS, Chairman

10/14/14
7:10 P.M.