

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF RUSTON HELD ON MONDAY, JUNE 1, 2009, AT 5:30 P.M., IN COUNCIL CHAMBERS/COURTROOM, 2ND FLOOR, CITY HALL, 401 NORTH TRENTON, RUSTON, LOUISIANA

A regular meeting of the Mayor and Board of Aldermen of the City of Ruston was held Monday, June 1, 2009, at 5:30 p.m., in the Council Chambers/Courtroom, 2nd Floor, City Hall, 401 North Trenton, Ruston, Louisiana.

A quorum was present, notice having been duly served. Mayor Dan Hollingsworth, Aldermen Jedd Lewis, Elmore Mayfield, Jim Pearce, Levell Thurman and Alderwoman Marie Riggs were present.

Mayor Hollingsworth called the meeting to order at 5:30 p.m. Alderman Jim Pearce led in the invocation.

I. ADOPT:

A. AGENDA.

Motion was made by Alderman Jim Pearce and seconded by Alderman Jedd Lewis to adopt the agenda. The motion passed by unanimous vote.

B. MINUTES OF MAY 4, 2009, REGULAR MEETING.

Alderman Jim Pearce made a motion, seconded by Alderman Jedd Lewis, to approve the Minutes of the May 4, 2009, Regular Council meeting. The motion passed by unanimous vote.

II. ADMINISTRATION:

A. REAPPOINT CHARLES JIMERSON TO THE PLANNING AND ZONING COMMISSION FOR A TERM WHICH WILL EXPIRE JULY 1, 2013.

A motion was made by Alderman Jedd Lewis and seconded by Alderman Jim Pearce to approve the reappointment of Charles Jimerson to the Planning and Zoning Commission for a term which expires July 1, 2013. The motion passed by unanimous vote.

B. REAPPOINT LEE SUTTON TO THE PLANNING AND ZONING COMMISSION FOR A TERM WHICH WILL EXPIRE JULY 1, 2013.

A motion was made by Alderman Jim Pearce and seconded by Alderman Jedd Lewis to approve the reappointment of Lee Sutton to the Planning and Zoning Commission for a term which expires July 1, 2013. The motion passed by unanimous vote.

C. REAPPOINT OTHA ANDERS TO THE PLANNING AND ZONING COMMISSION FOR A TERM WHICH WILL EXPIRE JULY 1, 2013.

A motion was made by Alderman Levell Thurman and seconded by Alderman Elmore Mayfield to approve the reappointment of Otha Anders to the Planning and Zoning Commission for a term which expires July 1, 2013. The motion passed by unanimous vote.

D. REAPPOINT GEORGE SCHNEIDER, SR., TO THE AIRPORT AUTHORITY BOARD FOR A TERM OF FIVE (5) YEARS.

A motion was made by Alderman Jim Pearce and seconded by Alderman Elmore Mayfield to approve the reappointment of George Schneider, Sr., to the Airport Authority Board for a term of five (5) years. The motion passed by unanimous vote.

E. REAPPOINT HARRY NAPPER TO THE BOARD OF ADJUSTMENTS FOR A TERM OF FIVE (5) YEARS.

A motion was made by Alderman Elmore Mayfield and seconded by Alderman Jim Pearce to approve the reappointment of Harry Napper to the Board of Adjustments for a term of five (5) years. The motion passed by unanimous vote.

F. SELECT OFFICIAL JOURNAL FOR THE CITY OF RUSTON.

Emmett Gibbs reviewed the proposals received from *The Morning Paper* and *The Ruston Leader* for the City's Official Journal. John Hays of *The Morning Paper* was present to discuss their method of pricing as presented in his proposal to the City. Rick Hohlt of *The Ruston Leader* was present to review information as presented in his proposal. Lori Faile, Development Coordinator for the City, was asked to comment about publication issues that Planning and Zoning Department has had with the Morning Paper. After discussion, motion was made by Alderwoman Marie Riggs and seconded by Alderman Jim Pearce to name *The Ruston Leader* as the City's Official Journal for 2009-2010, effective July 1. The motion passed by unanimous vote.

G. CONSIDER RESOLUTION NO. ____ OF 2009, REQUESTING THE LINCOLN PARISH LEGISLATIVE DELEGATION TO OPPOSE HOUSE BILL NO. 486 REQUIRING DEALERS TO COLLECT TAXES BASED ON DOMICILE OF PURCHASER.

Jerry Moore of the Lincoln Parish Sales Tax Commission was present to explain why House Bill No. 486 should be opposed. A motion was made by Alderman Jim Pearce and seconded by Alderman Elmore Mayfield to adopt the resolution. The motion passed by unanimous vote. (RESOLUTION NO. 631 OF 2009)

H. INTRODUCE ORDINANCE NO. ____ OF 2009, AUTHORIZING CITY TO GRANT TO BELLSOUTH TELECOMMUNICATIONS, INC., A SERVITUDE FOR TELECOMMUNICATIONS PURPOSES.

The Ordinance was introduced by Alderman Jim Pearce.

I. CONSIDER RESOLUTION NO. ____ OF 2009, AUTHORIZING CITY TO DONATE TO THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT PROPERTY AND PHYSICAL IMPROVEMENTS ACQUIRED FOR PHASE II OF I-20 SERVICE ROAD IMPROVEMENTS.

Lewis Love said this is the culmination of the second phase of the I-20 Projects and will complete the transaction on the South Service Road. A motion was made by Alderman Jedd Lewis and seconded by Alderman Jim Pearce to adopt the resolution authorizing the City to donate to the Louisiana Department of Transportation and Development property and physical improvements acquired for Phase II of I-20 Service Road Improvements. The motion passed by unanimous vote. (RESOLUTION NO. 632 OF 2009)

J. CONSIDER RESOLUTION NO. ____ OF 2009, AUTHORIZING CITY TO DESIGN AND CONSTRUCT INFRASTRUCTURE IMPROVEMENTS TO THE I-20 NORTH SERVICE ROAD EAST.

Lewis Love was present to discuss the matter and answer Council's questions. A motion was made by Alderman Jedd Lewis and seconded by Alderman Jim Pearce to adopt the resolution authorizing the City to design and construct infrastructure improvements to the I-20 North Service Road East. The motion passed by unanimous vote. (RESOLUTION NO. 633 OF 2009)

III. LIGHT AND POWER:

A. CONSIDER RESOLUTION NO. ____ OF 2009, AUTHORIZING CITY TO ENTER INTO PROFESSIONAL SERVICES AGREEMENT WITH BETTS AND HOLT FOR LEGAL SERVICES RELATING TO REPLACEMENT POWER SUPPLY AGREEMENT.

Darrell Caraway was present to discuss the need to have an agreement in place and other power supply issues. Following discussion, a motion was made by Alderman Jim Pearce and seconded by Alderwoman Marie Riggs to authorize the agreement with Betts and Holt for legal services relating to an agreement pertaining to replacement power supply. The motion passed by unanimous vote. (RESOLUTION 634 OF 2009)

IV. FIRE DEPARTMENT:

- A. INTRODUCE ORDINANCE NO. ____ OF 2009, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF RUSTON, LOUISIANA, RELATING TO FIRE PREVENTION AND PROTECTION.

The Ordinance was introduced by Alderman Jim Pearce.

V. WATER UTILITIES:

- A. CONSIDER RESOLUTION NO. ____ OF 2009, AUTHORIZING EXTENSION OF CITY UTILITIES BEYOND CORPORATE LIMITS OF THE CITY.

Lewis Love was present to report that LaSalle Management Company, LLC, by and through their managing member, William K. McConnell, is the owner of approximately 22 acres located north of the City limits on Highway 167 North. He further stated that the owner desires to connect to City utilities and is agreeable to annexation of the property into the City at such time as the City deems appropriate. After a brief discussion, motion was made by Alderman Jim Pearce and seconded by Alderman Level Thurman to adopt the resolution authorizing the extension of City utilities as discussed. The motion passed by unanimous vote. (RESOLUTION NO. 635 OF 2009)

VI. CODE ENFORCEMENT:

- A. REQUEST PERMISSION TO START THE PROPERTY CONDEMNATION PROCESS AS REQUIRED BY ORDINANCE FOR THE STRUCTURES LOCATED AT THE FOLLOWING ADDRESSES:

<u>Address</u>	<u>Owner</u>
614 West Line-	Clyde L. Oliver
105 ½ (107) W. Charlotte Ave.	Margie Williams
709 Jenkins	James C. Davis
2614/2616 Kavanaugh	Alice O. Danner
1416 Mayberry	Brenda J. Dziadaszek
409 West Line	Junior Modest
408 S. Monroe St.	W. H. Taylor #2, et ux

Mitch Dufour recommended that the listed properties be demolished, removed or improved to meet current Building Code and also requested permission to start the property condemnation process on these structures. Motion was made by Alderman Jedd Lewis and seconded by Alderman Elmore Mayfield to approve Dufour's requests. The motion passed by unanimous vote.

- B. PUBLIC HEARING FOR THE PROPERTY OWNERS OF 2008 WEST ALABAMA CONCERNING ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED THERE.

Mitch Dufour reported that the Council had previously voted to accept a recommendation to demolish, remove or improve the structure(s) at 2008 West Alabama and to start the condemnation process. He reported that the property owners have been notified of the hearing and that the owner plans to demolish the structure and build an apartment complex. Dufour recommended that the Council order the structure condemned and set a time frame of 90 days for the owner to complete the demolition and if the owner fails or refuses to comply with the order within the time frame allowed, then the City may proceed with the demolition of the structure with all costs billed to the owner.

Mayor Hollingsworth called for a public hearing at 5:55 p.m. Having no one from the audience to come forward to comment, the Mayor closed the public hearing at 5:55 p.m. and called for final consideration by the Aldermen.

- C. DISCUSS AND TAKE APPROPRIATE ACTION ON THE ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED AT 2008 WEST ALABAMA

Motion was made by Alderman Elmore Mayfield and seconded by Alderman Jedd Lewis to approve Dufour's recommendation and proceed with the appropriate action. The motion passed by unanimous vote.

D. PUBLIC HEARING FOR THE PROPERTY OWNERS OF 1311 KENWOOD DRIVE CONCERNING ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED THERE.

Mitch Dufour reported that the Council had previously voted to accept a recommendation to demolish, remove or improve the structure(s) at 1311 Kenwood and to start the condemnation process. He reported that the property owner has been notified of the hearing and that the owner has begun demolition of the structure. Dufour noted that a memo with attached photographs showing owner's progress was given to each of the aldermen prior to the Council meeting and that owner had requested 90 days in which to complete the work. Dufour recommended that the Council order the structure condemned and set a time frame of 90 days for the owner to complete the demolition and if the owner fails or refuses to comply with the order within the time frame allowed, then the City may proceed with the demolition of the structure with all costs billed to the owner.

Mayor Hollingsworth called for a public hearing at 5:58 p.m. Having no one from the audience to come forward to comment, the Mayor closed the public hearing at 5:58 p.m. and called for final consideration by the Aldermen.

E. DISCUSS AND TAKE APPROPRIATE ACTION ON THE ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED AT 1311 KENWOOD.

Motion was made by Alderman Levell Thurman and seconded by Alderman Elmore Mayfield to approve Dufour's recommendation and proceed with the appropriate action. The motion passed by unanimous vote.

F. PUBLIC HEARING FOR THE PROPERTY OWNERS OF 4009 S. VIENNA ST. CONCERNING ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED THERE.

Mitch Dufour reported that the Council had previously voted to accept a recommendation to demolish, remove or improve the structure(s) at 4009 S. Vienna St. and to start the condemnation process. He reported that the property owner has been notified of the hearing. Dufour noted that the City has been working towards compliance with the owner since 2005 and further that owner plans to remodel structure. Dufour initially recommended that structure be ordered condemned and set a time line for the owner to complete the work.

Mayor Hollingsworth called for a public hearing at 5:59 p.m. Owner, John Moncrief (Normcrief, Inc.) stated that he plans to remodel the structure and requested additional time in which to do so. James Ratcliff (a neighbor) stated that he objected to additional time because the matter has been going on for ten years with no progress. The Mayor closed the public hearing at 6:10 p.m., and called for final consideration by the Aldermen.

G. DISCUSS AND TAKE APPROPRIATE ACTION ON THE ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED AT 4009 S. VIENNA ST.

Jedd Lewis asked about plans for repair. Dufour said he and other building inspectors had met with Mr. Moncrief and discussed needed repairs to structure at 4009 S. Vienna Street before a certificate of occupancy could be issued. Mark Joiner stated that he felt the structure was beyond repair and needed to be demolished. He further stated that if Moncrief did make repairs, he must meet mobile home standards and have the structure inspected by a certified mobile home inspector other than City staff. Alderman Elmore Mayfield suggested that perhaps a 45-day extension was needed with progress report at the end of that time period. Bill Carter, City Attorney, suggested 60 days. Mr. Moncrief stated that the structure in question is a modular home and cannot be moved. Alderman Jedd Lewis suggested the 90 days was the best solution. After further discussion, motion was made by Alderman Elmore Mayfield and seconded by Alderman Jedd Lewis to give the property owner an additional 90 days in which to complete the renovations and if the owner fails or refuses to comply with the order within the time frame allowed, then the City may proceed with the demolition of the structure with all costs billed to the owner. The motion passed with four (4) votes in favor of and one (1) opposed, being Alderwoman Marie Riggs.

H. PUBLIC HEARING FOR THE PROPERTY OWNERS OF 109 SOUTH HAZEL CONCERNING ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED THERE.

Mitch Dufour reported that the Council had previously voted to accept a recommendation to demolish, remove or improve the structure(s) at 109 South Hazel and to start the condemnation process. He reported that the property owner has been notified of the hearing and that the owner desires to make repairs and bring into compliance. Dufour recommended that the Council order the structure condemned and set a time frame of 90 days for the owner to repair, remove or demolish the structure and if owner fails or refuses to comply with the order within the time frame allowed, then the City may proceed with the demolition of the structure with all costs billed to the owner.

Mayor Hollingsworth called for a public hearing at 6:14 p.m. Having no one from the audience to come forward to comment, the Mayor closed the public hearing at 6:14 p.m. and called for final consideration by the Aldermen.

I. DISCUSS AND TAKE APPROPRIATE ACTION ON THE ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED AT 109 SOUTH HAZEL.

Motion was made by Alderman Elmore Mayfield and seconded by Alderman Levell Thurman to approve Dufour's recommendation and proceed with the appropriate action. The motion passed by unanimous vote.

J. PUBLIC HEARING FOR THE PROPERTY OWNERS OF 308 E. ARIZONA CONCERNING ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED THERE.

Mitch Dufour reported that the Council had previously voted to accept a recommendation to demolish, remove or improve the structure(s) at 308 E. Arizona and to start the condemnation process. He reported that the property owner has asked that the City demolish the structure and send her the bill. Dufour recommended a time frame of 15 days and the City proceed with the demolition with all costs billed to the owner.

Mayor Hollingsworth called for a public hearing at 6:15 p.m. Having no one from the audience to come forward to comment, the Mayor closed the public hearing at 6:15 p.m. and called for final consideration by the Aldermen.

K. DISCUSS AND TAKE APPROPRIATE ACTION ON THE ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED AT 308 E. ARIZONA.

Motion was made by Alderman Elmore Mayfield and seconded by Alderman Jedd Lewis to approve Dufour's recommendation and proceed with the appropriate action. The motion passed by unanimous vote.

VII. PLANNING AND ZONING:

A. PUBLIC HEARING.

Jim Hays reviewed the application to rezone 704 Center Street from multi-family residential use to general business and further stated that the general business zoning designation is consistent with the City's Master Plan. He reported that the applicants, David and Lisa Trussell, are unsure about how they plan to use the property.

Mayor Hollingsworth called for a public hearing at 6:27 p.m. Having no one from the audience to comment, he closed the public hearing at 6:27 p.m., and called for final consideration by the Aldermen.

B. CONSIDER ORDINANCE NO. ____ OF 2009, AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF RUSTON, LOUISIANA BY CHANGING CERTAIN OF THE DISTRICT BOUNDARIES PROVIDED FOR THEREIN.

Case No. 1027: Application to Rezone (from R-3 Multi Family to B-3 General

Business)
Applicant: David and Lisa Trussell
Location: 704 Center Street

Aldermen Jedd Lewis and Elmore Mayfield expressed concerns about how the property will be used. Alderman Levell Thurman made a motion, seconded by Alderman Elmore Mayfield, to postpone further action until the July meeting. The motion passed by unanimous vote.

C. PUBLIC HEARING.

Jim Hays explained that applicant has requested to rezone their property from R-10 Single Family Residential to B-2, Light Business. He said the property has a future land use of low intensity commercial and rezoning to B-2 would be consistent with its Future Land Use designation and would qualify for rezoning as requested. Hays stated that Teen Challenge is requesting Conditional Use approval for the continued operation of their restoration center and this would be necessary if the zoning is changed as requested, as a restoration center is a conditional use in a B-2, Light Business zone. He said applicant plans to add 28' x 36' addition to their current building to be used as staff quarters. Hays reported that the Zoning Commission voted unanimously to recommend approval of the permit with the conditions as itemized on the standard policy form along with the following conditions recommended by staff:

- 1) Construction cannot commence prior to City department head approval of final construction plans.
- 2) Permit holder must comply with all local, State and Federal regulations and requirements.
- 3) Development to be substantially in conformance with the approved site plans submitted as part of the Conditional Use Permit.

Mayor Hollingsworth called for a public hearing at 6:32 p.m. Hugh Ferrell, Teen Challenge Program Director, was present to answer Council's questions. The Mayor closed the public hearing at 6:34 p.m., and called for final consideration by the Aldermen.

D. CONSIDER ORDINANCE NO. ____ OF 2009, AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF RUSTON, LOUISIANA BY CHANGING CERTAIN OF THE DISTRICT BOUNDARIES PROVIDED FOR THEREIN.

AND,

CONSIDER FOR ACTION CASE NO. 1030-APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL.

Case No. 1030: Application for:
(a) Rezone (from R-10 Single Family Residential to B-2 Light Business)
(b) Conditional Use Permit Approval (to allow a Restoration Center in a B-2 Low Intensity Commercial zoned area)
Applicant: Ruston Teen Challenge
Location: 411 East California

Alderman Elmore Mayfield made a motion, seconded by Alderman Levell Thurman, to adopt the ordinance. The title of the ordinance was read, a roll call vote was taken and the following result was had:

YEA: ALDERMAN JEDD LEWIS
ALDERMAN ELMORE MAYFIELD
ALDERMAN JIM PEARCE
ALDERWOMAN MARIE RIGGS
ALDERMAN LEVELL THURMAN

NAY: NONE

ABSENT: NONE

The motion passed by unanimous vote. (ORDINANCE NO 1579 OF 2009)

Motion was made by Alderman Elmore Mayfield and seconded by Alderman Levell Thurman to approve the application for Conditional Use Permit. The motion passed by unanimous vote.

E. PUBLIC HEARING.

Jim Hays reported that applicant has submitted an application for a conditional use permit to develop approximately 14 ½ acres at 2505 South Vienna Street in order to construct a church building and that use as a church requires a conditional use permit in the residentially zoned area. He further stated that the Zoning Commission had reviewed the application and voted unanimously to recommend approval subject to the following conditions:

- 1) Construction cannot commence prior to City department head approval of final construction plans.
- 2) Permit holder must obtain approval and/or permit for the driveway prior to the beginning construction.
- 3) Permit holder must comply with all local, State and Federal regulations and requirements.
- 4) Development to be substantially in conformance with the approved site plans submitted as part of the Conditional Use Permit.

Mayor Hollingsworth called for a public hearing at 6:36 p.m. Having no one from the audience to comment, he closed the public hearing at 6:36 p.m., and called for final consideration by the Aldermen.

F. CONSIDER FOR ACTION CASE NO. 1032-APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL.

Case No. 1032: Application for Conditional Use
Applicant: Campus Community Worship Center
Location: 2505 South Vienna

Motion was made by Alderman Levell Thurman and seconded by Alderman Elmore Mayfield to approve the conditional use permit as recommended by staff. The motion passed by unanimous vote.

G. INTRODUCE ORDINANCE NO. ____ OF 2009, AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF RUSTON, LOUISIANA BY CHANGING CERTAIN OF THE DISTRICT BOUNDARIES PROVIDED FOR THEREIN.

Case No. 1031: Application to rezone (R-2/R-25 to PUD, Planned Unit Development)
Applicant: Wayne Hunter
Location: Southeast corner of Highway 167 and E. Kentucky Ave.

The ordinance was introduced by Alderman Jedd Lewis who also requested that a traffic study be made.

VIII. FINANCE:

A. PUBLIC HEARING.

Emmett Gibbs, City Treasurer, and Grant Schlueter, Bond Council of Foley & Judell, LLP, were present to answer Council's questions. Schlueter stated that by amending the bond ordinance, it would allow the City to take advantage of lower interest rates should they become available because of Stimulus Funds.

Mayor Hollingsworth called for a public hearing at 6:47 p.m. Having no one from the audience to comment, he closed the public hearing at 6:47 p.m., and called for final consideration by the Aldermen.

- B.** CONSIDER ORDINANCE NO. ____ OF 2009, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1574 OF 2009 ENTITLED, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF FOUR MILLION DOLLARS (\$4,000,000) OF UTILITIES REVENUE BONDS, SERIES 2009, OF THE CITY OF RUSTON, STATE OF LOUISIANA; PRESCRIBING THE FORM, TERMS AND CONDITIONS OF SAID BONDS; DESIGNATING THE DATE, DENOMINATION AND PLACE OF PAYMENT OF SAID BONDS; PROVIDING FOR THE PAYMENT THEREOF IN PRINCIPAL AND INTEREST; SELLING SAID BONDS TO THE LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

Alderman Jedd Lewis made a motion, seconded by Alderman Elmore Mayfield, to adopt the ordinance. The title of the ordinance was read, a roll call vote was taken and the following result was had:

YEA: ALDERMAN JEDD LEWIS
ALDERMAN ELMORE MAYFIELD
ALDERMAN JIM PEARCE
ALDERWOMAN MARIE RIGGS
ALDERMAN LEVELL THURMAN

NAY: NONE

ABSENT: NONE

The motion passed by unanimous vote. (ORDINANCE NO 1580 OF 2009)

- C.** REQUEST APPROVAL OF THE CITY OF RUSTON'S PORTION OF THE PROPOSED 2009/2010 BUDGET FOR THE LINCOLN PARISH SALES AND USE TAX COMMISSION.

Jerry Moore was present from the Lincoln Parish Sales and Use Tax Commission to answer Council's questions. After a brief discussion, motion was made by Alderman Jim Pearce and seconded by Alderman Elmore Mayfield to approve the City's portion of the proposed 2009/2010 budget. The motion passed by unanimous vote.

IX. ADJOURN MEETING:

There being no further business, the meeting of the Mayor and Board of Aldermen was adjourned at 6:50 p.m.

July 7, 2009
APPROVED

ATTEST:

EMMETT GIBBS, CLERK

DAN HOLLINGSWORTH, MAYOR