

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF RUSTON HELD ON MONDAY, NOVEMBER 3, 2008, 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, November 3, 2008, at 5:30 p.m., in 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 Dan Hollingsworth called the meeting to order at 5:30 p.m., and Alderman Levell Thurman gave the invocation.

I. ADOPT:

A. AGENDA.

Alderman Elmore Mayfield made a motion, seconded by Alderman Jim Pearce, to approve the agenda. The motion passed by unanimous vote.

B. MINUTES OF OCTOBER 6, 2008, REGULAR MEETING.

Alderman Elmore Mayfield made a motion, seconded by Alderman Levell Thurman, to approve the Minutes of the October 6, 2008, Regular Council meeting. The motion passed by unanimous vote.

II. ADMINISTRATION:

A. PUBLIC HEARING.

Bill Carter, City Attorney, explained that this ordinance governs those persons or entities which desire to utilize the City's property and rights-of-way to conduct business operations such as telecommunication, internet, electrical, cable, water, gas or other services or products; and further, that any business wishing to do so must first be issued a permit by the City, the conditions for which are listed in the ordinance.

Mayor Hollingsworth called for a public hearing at 5:41 p.m. Having no one from the audience to comment on the matter, the Mayor closed the public hearing at 5:41 p.m., and called for final consideration by the Board of Aldermen.

B. CONSIDER ORDINANCE NO. ____ OF 2008, REQUIRING A PERMIT FOR USE OF MUNICIPAL PROPERTY FOR BUSINESS OPERATIONS IN THE CITY OF RUSTON, LOUISIANA, AND REQUIRING THE PROVISION OF CERTAIN INFORMATION PRIOR TO ISSUANCE OF SUCH PERMIT.

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. 1565 OF 2008).

C. PUBLIC HEARING.

Bill Carter said that all persons or entities providing cable or video services to the citizens of the City of Ruston, pursuant to a state-issued certificate of franchise authority, must pay the City a franchise fee equal to five (5%) percent of the cable or video service provider's gross revenues.

Mayor Hollingsworth called for a public hearing at 5:45 p.m. John Hays commented from the audience and the Mayor closed the public hearing at 5:46 p.m., and called for final consideration by the Board of Aldermen.

D. CONSIDER ORDINANCE NO. ____ OF 2008, SETTING THE FRANCHISE FEE TO BE PAID BY THOSE ENTITIES PROVIDING CABLE OR VIDEO SERVICE WITHIN THE CITY OF RUSTON'S MUNICIPAL LIMITS UNDER A STATE GRANTED FRANCHISE AUTHORITY.

Alderman Elmore Mayfield made a motion, seconded by Alderman Jedd Lewis, 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. 1566 OF 2008).

E. PUBLIC HEARING.

Bill Carter said that pursuant to the provisions of the Consumer Choice for Television Act of 2008, any person or entity desiring to provide cable or video services within the City of Ruston may do so by obtaining a state-issued certificate of franchise authority. The City has requested that those entities providing cable or video services within the City limits to provide public, educational, and governmental access programming, streams, or channels and desires to collect access support from these cable or video service providers pursuant to the provisions of LSA-R.S. 45:1370. The amount shall be equal to one half percent (1/2%) of the gross revenues, as that term is defined by the Consumer Choice for Television Act of 2008.

Mayor Hollingsworth called for a public hearing at 5:48 p.m. Having no one from the audience to comment on the matter, the Mayor closed the public hearing at 5:48 p.m., and called for final consideration by the Board of Aldermen.

F. CONSIDER ORDINANCE NO. ____ OF 2008, REQUIRING THE PAYMENT OF PUBLIC, EDUCATIONAL, GOVERNMENTAL ACCESS PROGRAMMING SUPPORT TO THE CITY OF RUSTON BY CABLE OR VIDEO SERVICE PROVIDERS OPERATING WITHIN THE CITY'S MUNICIPAL LIMITS UNDER A STATE ISSUED CERTIFICATE OF FRANCHISE AUTHORITY.

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. 1567 OF 2008).

- G.** CONSIDER RESOLUTION NO. ____ OF 2008, PROVIDING AUTHORIZATION FOR CITY TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 TO THE RUSTON DOWNTOWN DISTRICT REVITALIZATION AGREEMENT.

Lewis Love said this resolution would amend the 2005 Agreement with Louisiana Department of Transportation and Development to increase the Federal Funding and increase the limits of the downtown revitalization project due to Phase II being accepted. 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. 601 of 2008)

III. LIGHT AND POWER:

- A.** CONSIDER RESOLUTION NO. ____ OF 2008, AUTHORIZING SALE OF DAMAGED TRANSFORMERS AS SURPLUS MOVABLE PROPERTY.

Darrell Caraway said the City desires to sell all damaged transformers on site and all damaged transformers which will be collected during the calendar year 2009. He further stated that the damaged transformers were no longer needed for public purposes. Motion was made by Alderman Jedd Lewis and seconded by Alderman Jim Pearce to adopt the resolution. The motion passed by unanimous vote. (RESOLUTION NO. 602 of 2008)

- B.** CONSIDER RESOLUTION NO. ____ OF 2008, AUTHORIZING SALE OF SCRAP MATERIALS AS SURPLUS MOVABLE PROPERTY.

Darrell Caraway said the City presently has scrap materials and will generate additional scrap materials during 2009, all of which cannot be utilized by the City and no longer needed for public purposes. Motion was made by Alderman Jim Pearce and seconded by Alderman Jedd Lewis to adopt the resolution. The motion passed by unanimous vote. (RESOLUTION NO. 603 of 2008)

IV. AIRPORT:

- A.** RESOLUTION NO. ____ OF 2008, AUTHORIZING CITY TO ENTER INTO COOPERATIVE ENDEAVOR AGREEMENT WITH THE DEPARTMENT OF THE TREASURY, STATE OF LOUISIANA, RELATED TO IMPROVEMENTS TO RUSTON REGIONAL AIRPORT.

Ben Humphries, Chairman of the Airport Authority Board, reported that certain funds have been appropriated by the Legislative Act 19 of 2008 Regular Session, General Appropriations Act, in connection with improvements to the Ruston Regional Airport, and that a cooperative endeavor agreement with the State Treasury Department is necessary to facilitate obtaining the funds. Motion was made by Alderman Elmore Mayfield and seconded by Alderman Jim Pearce to adopt the resolution. The motion passed by unanimous vote. (RESOLUTION NO. 604 OF 2008)

V. CODE ENFORCEMENT:

- A.** INTRODUCE ORDINANCE NO. ____ OF 2008, AMENDING CHAPTER 21

OF THE CODE OF ORDINANCES OF THE CITY OF RUSTON, LOUISIANA,
RELATING TO APPEALS TO NUISANCE VEHICLE REMOVAL.

The Ordinance was introduced by Alderwoman Marie Riggs.

B. 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>
208-210 Park Ave.	Dean C. and Carol H. Norton
223 Cotton Ave.	Lee Clara Jones

Mitch Dufour recommended that the listed properties be demolished, removed or improved to meet current Building Code and requested permission to start the property condemnation process on these structures. After discussion, motion was made by Alderman Elmore Mayfield and seconded by Alderman Jim Pearce to approve the request. The motion passed by unanimous vote.

C. PUBLIC HEARING FOR THE PROPERTY OWNERS OF 806 CEDAR CONCERNING ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED THERE.

Mitch Dufour reported that the Council had previously voted unanimously to accept a recommendation to demolish, remove or improve the structures at 806 Cedar and to start the property condemnation process. Dufour noted that the owners are currently working on clearing title to the property and also wish to repair the structure. He recommended that the structures located at listed address be condemned and a deadline set for the owner(s) to demolish, remove or improve the structures. He further requested that if the owner(s) fail or refuse to comply with the Council's order within the time frame allowed, that the City proceed with the demolition of the structure(s) with all costs being billed to the owner.

Mayor Hollingsworth called for a public hearing at 5:52 p.m. Having no one from the audience to speak, the Mayor closed the public hearing at 5:52 p.m., and called for final consideration by the Aldermen.

D. DISCUSS AND TAKE APPROPRIATE ACTION ON THE ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED AT 806 CEDAR.

After discussion, motion was made by Alderman Elmore Mayfield and seconded by Alderman Jim Pearce to give the owner(s) until the end of the year (December 31, 2008) in which to make improvements, and otherwise approved Dufour's requests. The motion passed by unanimous vote.

E. PUBLIC HEARING FOR THE PROPERTY OWNERS OF 704 CEDAR CONCERNING ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED THERE.

Mitch Dufour reported that the Council had previously voted unanimously to accept a recommendation to demolish, remove or improve the structures at 704 Cedar and to start the property condemnation process. He recommended that the structures located at listed address, be condemned and a deadline set for the owner to demolish, remove or improve the structures. He further requested that if the owner(s) fail or refuse to comply with the Council's order within the time frame allowed, that the City proceed with the demolition of the structure(s) with all costs being billed to the owner.

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

F. DISCUSS AND TAKE APPROPRIATE ACTION ON THE ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED AT 704 CEDAR.

After discussion, motion was made by Alderman Levell Thurman and seconded by Alderman Elmore Mayfield to give the owner(s) thirty (30) days in which make improvements, and otherwise approved Dufour's requests. The motion passed by unanimous vote.

G. PUBLIC HEARING FOR THE PROPERTY OWNERS OF 816 JOHNSON CONCERNING ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED THERE.

Mitch Dufour reported that the Council had previously voted unanimously to accept a recommendation to demolish, remove or improve the structures at 816 Johnson and to start the property condemnation process. He recommended that the structures located at listed address, be condemned and a deadline set for the owner to demolish, remove or improve the structures. He further requested that if the owner(s) fail or refuse to comply with the Council's order within the time frame allowed, that the City proceed with the demolition of the structure(s) with all costs being billed to the owner.

Mayor Hollingsworth called for a public hearing at 5:56 p.m. Latainya Broussard, of Beaumont, Texas, was present to represent the family. The Mayor closed the public hearing at 5:57 p.m., and called for final consideration by the Board of Aldermen.

H. DISCUSS AND TAKE APPROPRIATE ACTION ON THE ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED AT 816 JOHNSON.

After discussion, motion was made by Alderman Elmore Mayfield and seconded by Alderman Jedd Lewis that the structures located at 816 Johnson be immediately demolished with all costs being billed to the owner(s). The motion passed by unanimous vote.

I. PUBLIC HEARING FOR THE PROPERTY OWNERS OF 814 JOHNSON CONCERNING ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED THERE.

Mitch Dufour reported that the Council had previously voted unanimously to accept a recommendation to demolish, remove or improve the structures at 814 Johnson and to start the property condemnation process. He recommended that the structures located at listed address, be condemned and a deadline set for the owner to demolish, remove or improve the structures. He further requested that if the owner(s) fail or refuse to comply with the Council's order within the time frame allowed, that the City proceed with the demolition of the structure(s) with all costs being billed to the owner.

Mayor Hollingsworth called for a public hearing at 6:00 p.m. Latainya Broussard of Beaumont, Texas, was present to comment. The Mayor closed the public hearing at 6:01 p.m., and called for final consideration by the Board of Aldermen.

J. DISCUSS AND TAKE APPROPRIATE ACTION ON THE ABATEMENT OF THE SUBSTANDARD STRUCTURES LOCATED AT 814 JOHNSON.

After discussion, motion was made by Alderman Elmore Mayfield and seconded by Alderman Jedd Lewis that the structures located at 814 Johnson be immediately demolished with all costs billed to the owner(s). The motion passed by unanimous vote.

VI. PLANNING AND ZONING:

A. PUBLIC HEARING.

Jim Hays reported that the Planning Commission had conducted a public hearing on September 15, 2008, regarding the proposed annexation and had voted unanimously to recommend approval of the annexation with the proposed zoning and future land use. The Mayor noted that the ordinance was being amended to read 6.3 acres instead of 6.154 acres as presented when the ordinance was introduced. Motion to amend was made by Alderman Jim Pearce and seconded by Alderman Jedd Lewis. The motion passed by unanimous vote.

Mayor Hollingsworth called for a public hearing at 6:02 p.m. Having no one from the audience to comment on the matter, the Mayor closed the public hearing at 6:02 p.m., and called for final consideration by the Board of Aldermen.

B. CONSIDER ORDINANCE NO. ____ OF 2008, ANNEXING APPROXIMATELY 6.154 ACRES OF LAND INTO THE CORPORATE LIMITS OF THE CITY OF RUSTON, LOUISIANA.

Alderman Jedd Lewis made a motion to adopt, seconded by Alderman Jim Pearce, to adopt the ordinance, as amended. 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. 1568 OF 2008).

C. PUBLIC HEARING.

Jim Hays reported that the North Louisiana Medical Center proposes to move a modular building onto their property located east of White Street and south of Mills Avenue to temporarily house the medical practice of two physicians. Hays further stated that the Zoning Commission had conducted a public hearing on October 20, 2008, regarding the application and voted unanimously to recommend approval of the Temporary Mobile Home Permit for a period of one (1) year.

Mayor Hollingsworth called for a public hearing at 6:04 p.m. Having no one from the audience to comment on the matter, the Mayor closed the public hearing at 6:04 p.m., and called for final consideration by the Board of Aldermen.

D. CONSIDER FOR ACTION CASE 1012 – APPLICATION FOR TEMPORARY MOBILE HOME PERMIT.

Case No. 1012: Application for Temporary Mobile Home/Modular Building Permit
Applicant: Northern Louisiana Medical Group
Location: 1003 White Street

Motion was made by Alderman Elmore Mayfield and seconded by Alderman Jedd Lewis to approve the application. The motion passed by unanimous vote.

E. CONSIDER RESOLUTION NO. ____ OF 2008, REVOKING THE DEDICATION OF A PORTION OF MORELAND STREET IN OAKLAND SUBDIVISION TO THE CITY OF RUSTON, LOUISIANA.

Case No. 1013: Consider resolution approving street revocation
Applicant: Wayne Hunter
Location: South of East Kentucky Avenue between Lot 4 and Lot 5
of Oakland Subdivision

Jim Hays reported that the Planning Commission reviewed the applicant's request at their October 20, 2008, meeting and voted unanimously to recommend that the revocation be approved. Motion was made by Alderman Jedd Lewis and seconded by Alderman Jim Pearce to adopt the resolution. The motion passed by unanimous vote. (RESOLUTION NO. 605 of 2008)

F. CONSIDER RESOLUTION NO. ____ OF 2008, APPROVING FINAL PLAT OF THE RESUBDIVISION OF RUSTON MIXED USE COMMERCIAL PARK, UNIT 10, LOTS 1 & 2 OF THE CITY OF RUSTON, LOUISIANA

Case No. 1015: Application for final plat approval
Applicant: Graham Properties
Location: South of Celebrity Drive, West of Commerce Street

Jim Hays said the Zoning Commission had conducted a public hearing on October 20, 2008, regarding the application and voted unanimously to recommend approval of the final plat subject to the suspensive conditions of meeting City Department Head approval and City Code requirements. Motion was made by Alderman Elmore Mayfield and seconded by Alderman Jedd Lewis to adopt the resolution subject to suspensive conditions and City Code requirements. The motion passed by unanimous vote. (RESOLUTION NO. 606 of 2008)

G. INTRODUCE ORDINANCE NO. ____ OF 2008, 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. 1014: Application for Zoning Amendment – From R-10, Single Family Residential to R-1, Single Family Residential
Applicant: College Hill Properties, LLC
Location: Northwest and Southwest corners of College Hill Drive and Westwood Drive

The Ordinance was introduced by Alderwoman Marie Riggs.

H. INTRODUCE ORDINANCE NO. ____ OF 2008, 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. 1019: Application for Zoning Amendment – From R-10, Single Family Residential to R-1, Single Family Residential
Applicant: Frank Cordaro
Location: Lot 9, Lot 10 and a portion of Lot 8 of the College Hill Addition

The Ordinance was introduced by Alderwoman Marie Riggs.

I. INTRODUCE ORDINANCE NO. ____ OF 2008, AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF RUSTON, LOUISIANA RELATING TO ZONING OF THE CITY OF RUSTON.

The Ordinance was introduced by Alderwoman Marie Riggs.

VII. FINANCE:

A. PUBLIC HEARING.

Emmett Gibbs was present to explain the ordinance. Mayor Hollingsworth called for a public hearing at 6:08 p.m. Having no one from the audience to comment on the matter, the Mayor closed the public hearing at 6:08 p.m., and called for final consideration by the Board of Aldermen.

- B.** CONSIDER ORDINANCE NO. ____ OF 2008, ADOPTING AMENDMENTS FOR THE PERIOD APRIL 1, 2008, THROUGH SEPTEMBER 30, 2008, TO THE ANNUAL BUDGET OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR OCTOBER 1, 2007, THROUGH SEPTEMBER 30, 2008, FOR THE CITY OF RUSTON, LOUISIANA.

Alderman Jedd Lewis made a motion, seconded by Alderman Jim Pearce, 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. 1569 OF 2008).

- C.** INTRODUCE ORDINANCE NO. ____ OF 2008, PROVIDING THE DATE, TIME AND PLACE OF REGULAR MEETINGS OF THE BOARD OF ALDERMEN OF THE CITY OF RUSTON, LOUISIANA FOR CALENDAR YEAR 2009.

The Ordinance was introduced by Alderman Levell Thurman.

- D.** CONSIDER RESOLUTION NO. ____ OF 2008, ACKNOWLEDGING PRESENTATION OF THE 2007-2008 LOUISIANA AUDIT COMPLIANCE QUESTIONNAIRE FOR THE CITY OF RUSTON.

Emmett Gibbs explained that the completed Louisiana Compliance Questionnaire which had been presented to the Council in the agenda packets is a required part of a financial audit of Louisiana governmental units and quasi-public entities and that the completed and signed questionnaire and resolution acknowledging presentation must be given to the auditor at the beginning of the audit. Motion was made by Alderman Elmore Mayfield and seconded by Alderman Jim Pearce to adopt the resolution. The motion passed by unanimous vote. (RESOLUTION NO. 607 of 2008)

VIII. ADJOURN MEETING:

There being no further business, the meeting of the Mayor and Board of Aldermen was adjourned at 6:10 p.m.

December 1, 2008
APPROVED

ATTEST:

EMMETT GIBBS, CLERK

DAN HOLLINGSWORTH, MAYOR