

**MINUTES OF THE
BLANCHARD MAYOR AND TOWN COUNCIL
REGULAR MEETING, TUESDAY, MARCH 13, 2018
7:00 o'clock P.M.**

Present: Mayor Galambos, Alderpersons Lee, J. Fuller, Guin, Whittington and Umling, Atty. Tom Arceneaux, Chief Presswood, Perry Fuller, Utility Manager, Candy Foshee, Town Clerk, CPS Deputy Spikes and guests.

Absent: None

Meeting called to order by Mayor at 7:00 p.m.

Pledge of Allegiance led by Chief Presswood

Invocation given by Attorney Arceneaux

Questions and Statements of Citizens: None

Motion by Lee, second by J.Fuller to approve the minutes of Regular Meeting of February 13, 2018. All voted yea.

OLD BUSINESS

None

NEW BUSINESS

Public Hearing Ordinance 2 of 2018 - An Ordinance to amend andreenact Chapter 22 of the Code of Ordinances for the Town ofBlanchard regulating “Junk” and to repeal in their entirety Chapters 23 “Litter” andChapter 24 “Weeds” of the Code of Ordinancesfor the Town of Blanchard andother wise providing with respect thereto. (A portion of LA Hwy. 538)

Public Hearing was opened at 7:09. There being no comments, hearing was closed at 7:10.

Vote on Ordinance 2 of 2018

Motion made by Whittington to amend Ordinance 2 of 2018 and to replace the entirety of proposed Ordinance 2 of 2018 with the following Ordinance 2 of 2018. Second by J. Fuller. Roll call vote on Amendment No. 1 of Ordinance 2 of 2018 as follows:

YEAS: Lee, J. Fuller, Guin, Whittington, Umling

NAYS: None

ABSENT: None

ABSTAIN None

Motion made by Lee, second by J. Fuller, to amend chapter 22 of the Code of Ordinances for the Town of Blanchard regulating “Junk” and to repeal in its entirety Chapter 24 “Weeds” of the code of Ordinances for the Town of Blanchard and otherwise providing with respect thereto.

ORDINANCE 2 OF 2018

AN ORDINANCE TO AMEND CHAPTER 22 OF THE CODE OF ORDINANCES FOR THE TOWN OF BLANCHARD REGULATING “JUNK” AND TO REPEAL IN ITS ENTIRETY CHAPTER 24 “WEEDS” OF THE CODE OF ORDINANCES FOR THE TOWN OF BLANCHARD AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT ORDAINED by the Board of Aldermen of the Town of Blanchard, in due, legal and regular session convened:

Section 1. Chapter 24 of the Code of Ordinances of the Town of Blanchard is hereby repealed in their entirety as of the effective date of this ordinance;

Section 2. The following sections are hereby added to Chapter 22 of the Code of Ordinances of the Town of Blanchard:

Sec. 22-09 – POLICY REGARDING THE REGULATION OF NON-INDUSTRIAL WASTE, GARBAGE AND JUNK

- (a) This ordinance is intended to serve the public interest by providing methods of dealing with waste and hazardous nuisances within the incorporated limits of the Town of Blanchard that have become threats to the health, safety and welfare of the public.
- (b) It is not the intent of this ordinance to dictate aesthetic preferences or community standards.
- (c) It is not intended that the provisions of this ordinance be applied to sites containing hazardous materials, industrial waste, or other toxic substances or materials. Sites so identified shall be referred to the United States Environmental Protection Agency and the State Department of Environmental Quality (DEQ) for further action.
- (d) Areas of compliance will include community subdivisions for residential housing, commercial buildings and property and all building sites.

Sec. 22-10- DEFINITIONS

When used in this Chapter, the following terms shall have the indicated meanings:

- 1 ***Abandoned motor vehicle*** shall mean a motor vehicle meeting any of the following criteria:
 - a. Inoperable and left unattended on any public property, including but not limited to a shoulder or right of way of a public road, street, or highway;
 - b. Remaining on the shoulder or right of way of any interstate or four-lane highway for more than 24 hours;
 - c. Remaining on public property without the consent of the owner of such property for more than 24 hours; or
 - d. Remaining on private property, without the consent of the owner or person in control of the property, for more than three days.
- 2 ***Agent*** shall mean: Any person or entity who has written authority to act in place of the owner as defined herein.
- 3 ***Antique vehicle*** shall mean a motor vehicle 25 years old or older, which is substantially in its original condition, and which displays a registered antiques license plate.
- 4 ***Deleterious growth and obnoxious matter*** shall mean:
 - a. Weeds, grass or saplings allowed to grow around any exterior wall of any structure, or stands of bamboo which generate any type of vermin or which may provide cover for criminal activity, weeds, grass or vegetation in excess of eighteen (18) inches in height other than in isolated locations on the property and other than cultivated trees, shrubs, flowers and gardens.
 - b. Trash, rubbish and garbage consisting of excrement, offal, filth, manure, foul and offensive matter, stagnant, corrupt or putrid water, dead animals or fowl, shells, hay, straw, lumber, kitchen debris, limbs or vegetation any of which

can be reasonably expected to be a hazard or which poses or may potentially pose a threat to the health or safety of any person.

- c. Lumber, fallen trees, limbs, trash, garbage, debris, glass or building material scattered over the premises in question.

5 **Junk** shall mean:

- (a) Abandoned, discarded or unused objects or equipment including but not limited to boats, mobile homes, manufactured homes, movable or portable buildings, furniture, appliances, cans or containers.
- (b) Standing water in any receptacle.

6 **Junk vehicle** shall mean a motor vehicle that is totally inoperable and remaining on any occupied lot, street, or sidewalk, and that is so damaged or dismantled as to have a value less than the cost to repair the vehicle.

7. **Nuisance vehicle** shall mean a motor vehicle where any one or more of the following factors are present and which, in the aggregate, indicate that the motor vehicle is not being used and maintained as an operating motor vehicle and the condition of the motor vehicle or the surrounding area does not indicate that active on-going efforts are underway to return the motor vehicle to operating condition within the immediate future. The factors which may indicate that a motor vehicle is a nuisance vehicle include one or more of the following:

- (a) The motor vehicle is partially dismantled, partially disassembled or wrecked, or lacks major mechanical or body parts;
- (b) The motor vehicle is not capable of movement under its own power in the manner in which it was originally intended, or is otherwise inoperable for use as a motor vehicle;
- (c) Based upon the records of the city or from the condition of the motor vehicle, it is readily apparent that it is and has remained inoperable for a period in excess of 30 days;
- (d) The motor vehicle has one or more tires missing or not reasonably inflated to the extent they are useable, or has one or more broken or severely cracked windows;
- (e) The motor vehicle does not have a current license plate, registration, motor vehicle inspection sticker and/or it is evident that the motor vehicle is not currently operable in a legal manner;
- (f) The motor vehicle is located in an area of a growth of weeds, grass or other noxious vegetation over six inches in height;
- (g) The location or condition of the motor vehicle makes it a possible breeding ground or harbor for mosquitoes, other insects, rats, snakes, or other vermin;
- (h) The motor vehicle is a point of collection for pools or ponds of water;
- (i) The motor vehicle is a point of concentration of quantities of gas or oil or other flammable or explosive materials;
- (j) The motor vehicle is a point of collection of garbage, food waste, animal waste or other putrescent matter, or of trash, junk or similar collection of items, alone or in the aggregate;

- (k) The motor vehicle has sharp or jagged parts, or has sharp or otherwise dangerous edges or points of metal, plastic or glass;
 - (l) The motor vehicle has areas of confinement (trunk, no door knobs/window handles) which cannot be operated from the interior of those areas;
 - (m) The motor vehicle has been utilized by minors for recreational activities within the previous 60 days;
 - (n) The motor vehicle is situated or located haphazardly, or is in danger of falling or turning over;
 - (o) The motor vehicle has an accumulation of factors that make it a health or safety hazard.
8. **Occupant** shall mean: Any person who lives in, resides in, conducts or operates a business in or uses any building, house, structure or grounds.
9. **Owner** shall mean: The record owner or owners of any building, house, structure or grounds, as recorded in the records of the tax assessor's office.
10. **Party in Interest** shall mean: Any person or corporate entity shown in the public record to have a lien or mortgage on the property.
11. **Town** shall mean the Town of Blanchard.

Sec. 22-11 – VIOLATIONS

- (a) The outside accumulation, storing, collecting or abandoning of junk, junk vehicle, nuisance vehicle, or any part or parts of any junk vehicle or nuisance vehicle any other junk, discarded or abandoned major appliances or other metal, tin, or other discarded items; brush and limbs more than seven days after they have been cut or more than 24 days after a weather occurrence on any residential lot – front, side and backyards, neutral ground, street or sidewalk, within the incorporated limits of the Town is hereby found to create an unsightly condition, tending to reduce the value of private property, constitutes an unattractive nuisance and creates a hazard to health and safety and is PROHIBITED. As used in this Chapter, junk vehicle and nuisance vehicle shall not include an antique vehicle.
- (b) Failure to cut and destroy all deleterious growth or obnoxious matter growing, lying or being in or upon any lot, place or area or other property and remove such weeds, grass or matter from the premises, within any approved subdivision within the incorporated limits of the Town, is PROHIBITED. Such cutting and removal shall be done as often as necessary in order to ensure that such lots, places or areas do not constitute a hazard to the health of the citizens of the Town.

Sec. 22-12– INSPECTION.

- (a) When any complaint is made, the Mayor or the Mayor's designee will visually assess the property for the purpose of ascertaining whether a violation of this Chapter exists, when there is reason to believe that such may be the case. If a violation is ascertained, photographs will be taken and the owner/occupant will be notified by letter.
- (b) If it is deemed necessary, the Mayor or the Mayor's designee, escorted by the Chief of Police or a Blanchard Police officer may, with caution, enter upon the property at a reasonable time.

- (c) When entering upon a property that is occupied, such official shall first identify himself, present proper credentials and request entry. If the property is unoccupied, the official shall first make reasonable effort to locate the owner or other person having control thereof and request entry.

Sec. 22-13 – ENFORCEMENT

- (a) The Mayor shall be authorized to send a notice of violation to any owner or occupant of any property, in which the condition appears to violate the provisions of this Ordinance.

First Violation:

A person shall receive a warning citation by certified or registered letter, return receipt requested and be allowed fourteen (14) days to abate the violation.

Second Violation:

If the violation is not abated by the 15th day after the warning citation is issued, that person shall be personally issued a Notice of Violation. The Mayor or the Mayor's designee will make every effort to contact the owner/occupant to appear at a meeting with the Mayor in an attempt to resolve the violation.

Each day that the violation is not abated shall constitute a separate offense.

Third Violation:

Upon personal issuance of a Notice of Violation, the person to whom the notice of violation is issued shall be required to appear at Blanchard Mayor's Court upon notice to face misdemeanor proceedings. Upon conviction of violation, the defendant shall be punished by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment of not more than thirty (30) days or by both such fine and imprisonment.

In addition to the penalties contained in this Ordinance, the Court may order that any defendant convicted after a trial or after pleading guilty, pay restitution to the Town in an amount equal to the amount of expenses and charges incurred for the following:

Removing and disposing of the junk, wrecked or used automobiles or motor vehicles, or any part thereof,
Removing and disposing any other junk, discarded or abandoned major appliances,
Removing and disposing other metal, tin or other discarded items,
Cutting and destroying all obnoxious weeds, grass or deleterious or unhealthful growth, or other obnoxious matter in excess of 18 inches in height, growing, lying or being in or upon any lot, place or area or other property on any lot, neutral ground, street or sidewalk.

In no case shall the fines and the amount ordered as restitution exceed that which was actually spent for the removal and disposition. It shall not be a defense under this Section that the Town performed the work necessary to correct the noted deficiencies and violations or that the Town caused such work to be performed.

- (b) Notwithstanding any provision contained in this Ordinance to the contrary, the Town shall have the authority to abate any violation(s) enumerated under the provisions of this Ordinance by the utilization of Town resources or a private contractor. Any costs or expenses incurred by the Town relative to the abatement of any violation(s) under the provisions of this Ordinance, including orders of the Mayor, shall be the responsibility of the owner. The Town shall have a lien and privilege for the cost of abating any violation on any property located within the incorporated limits of the Town of Blanchard as provided under applicable law.

Sec. 22-14 – NOTICE OF VIOLATION

Notice of Violation may be served upon the owner, occupant or party in interest of the property. The Mayor is authorized to send the notice of violation to the property owner, occupant or any party of interest via certified mail, return receipt requested. If such notice is unsuccessful, notice shall be made by publication in the official journal of the Town in two consecutive issues or as otherwise provided in La. R.S. 33:5062. A copy of the legal notice shall also be posted in a conspicuous place on or about the property affected by the notice of violation.

- (a) If the owner and party in interest of the property shall fail to comply with any notice sent pursuant to any provision of this Ordinance or shall fail to comply with any order, decision or determination rendered by the Mayor as provided in this Ordinance, the Town may cause such work to be performed by Town resources or a private contractor, and in such event, the Town shall be entitled to assess and collect all costs incurred in performing such work, together with an administrative charge of \$150.00. This charge shall be levied on any case appealed prior to the granting of any time extension by the Mayor.
- (b) The Town shall have a lien and privilege for the costs of performing any work, or abating any violation pursuant to the provisions of this Ordinance against the property upon which the work was performed or the violation(s) abated, and shall be entitled to enforce its lien in accordance with the provisions of this Ordinance.
- (c) In order to preserve the lien and privilege, it shall be the duty of the Mayor to prepare and sign a sworn statement of facts, giving the description of property and the approximate cost of abating the violation, which statement of fact shall be filed and recorded in the office of the Caddo Parish Clerk of Court. The Town shall be entitled to recover the amount of costs and expenses, together with court costs and attorney's fees, by ordinary process in a court of appropriate jurisdiction. No suit or proceeding to contest the validity of any lien filed pursuant to this Ordinance shall be initiated in any court after the expiration of 30 days from the date the lien is filed and recorded.
- (d) The lien and privilege authorized by this Ordinance shall continue to accrue interest, which amount shall be paid prior to the cancellation of the lien. The rate of interest shall not exceed the rate of legal interest, as provided under applicable provisions of the Louisiana Civil Code, and shall be computed from the date of recordation of the lien under paid or enforced.
- (e) The lien and privilege of the Town shall prime all other liens or privileges against the property after the notice to the owner and party in interest is filed with the Caddo Parish Clerk of Court, regardless of the date on which the Town's lien and privilege is perfected, except that the Town's lien and privilege shall be subordinate to other tax liens filed against the property.
- (f) After the Town has incurred costs and expenses which constitute the lien and privilege on the property under the provisions of this Ordinance, the Town Clerk may include the amount of such costs and expenses to the succeeding ad valorem tax obligation of the owner and party in interest and such amount shall be subject to the same interest and penalties as delinquent ad valorem taxes.

If within six months after the filing of the lien authorized under the provisions of this Ordinance, the lien has not been paid, the lien and privilege may be enforced in the First Judicial District Court, Caddo Parish, Louisiana, pursuant to the state code of civil procedure and may be enforced either against the subject property or against the owner and party in interest by ordinary process.

Sec. 22-15 – APPEAL

Any person aggrieved by any decision rendered pursuant to this Chapter may appeal to the Caddo Parish District Court as in other cases.

Section 3. This ordinance is enacted pursuant to the authority of La. R.S. 33:5062 and other applicable law.

Section 4. If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance that can be given effect without the invalid provisions, items or applications and to this end the provisions of this ordinance are hereby declared severable.

Section 5. All ordinances or resolutions or parts hereof in conflict herewith are hereby repealed. Specifically, all sections of Chapter 22 of the Code of Ordinances of the Town of Blanchard in effect prior to the enactment of this Ordinance are hereby repealed.

Section 6. This ordinance shall become effective on April 1, 2018.

Said Ordinance having been introduced on the 13th day of February, 2018, by Whittington, notice of a public hearing having been published, said public hearing having been held, the title having been read and the Ordinance considered, on motion of Lee, seconded by Fuller to adopt the ordinance as amended, a roll call vote was taken and the following was had:

YEAS: Lee, J. Fuller, Guin, Whittington, Umling

NAYS: None

ABSENT: None

ABSTAIN: None

And Ordinance 2 of 2018 as amended was adopted this 13th day of March, 2018.

Resolution 2 of 2018 – Language Access Plan for Limited Proficiency Persons

RESOLUTION 2 of 2018

**LANGUAGE ACCESS PLAN FOR LIMITED PROFICIENCY PERSONS AND
TO OTHERWISE PROVIDE WITH RESPECT THERETO**

WHEREAS, Title VI of the Civil Rights Act of 1964, 42. U.S.C. 2000(d) and Executive Order 13166 require that recipients of federal funds take responsible steps to ensure meaningful access by persons with Limited English Proficiency (LEP persons). The Town of Blanchard (hereinafter referred to as “Town”) is a recipient of federal funds and thus obligated to reduce language barriers that can preclude meaningful access by LEP persons. The Town has prepared this Language Access Plan (LAP) which defines the actions to be taken to ensure meaningful access to agency services, programs, and activities on the part of persons who have limited English proficiency; and

WHEREAS, in preparing this LAP, the Town conducted a four-factor analysis, considering (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the Town or its federally funded programs, (2) frequency with which LEP persons come into contact with the Town’s programs, (3) nature and importance of the program, activity, or service to people’s lives, and (4) resources available and cost; and

WHEREAS, The Town will review and update, on an annual basis, this LAP in order to ensure continued responsiveness to community needs; and

WHEREAS, The Town has been awarded a Louisiana Community Development Block Grant Program (LCDBG) for water improvements; the LCDBG Program is a federal funded (HUD) program

which provides grants to units of local government in non-entitlement areas for the development of viable communities by providing a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income and grants are made to these communities for primary needs such as potable water, water for fire protection, sewer, streets and economic development activities; and

WHEREAS, The following four-factor analysis will serve as the guide for determining which, if any, language assistance measures the Town will undertake to provide access to the covered programs for LEP persons:

- a. Number or proportion of LEP persons eligible to be served or likely to be encountered by the Town or is federally funded programs; per the 2012-2016 5-Year American Community Survey the Town’s population is 2,709. Approximately 98.4% of the Town’s populations speaks English, 0.0% speak Spanish, 0.0% speak other Indo-European languages, and 1.5% speak Asian and Pacific Island Languages, and no other ethnicity has a sizeable limited English proficiency.

The table below shows the LEP percentages for each of the above mentioned languages.

Language	Population that Speaks A Language Other Than English	LEP #	LEP% of Total Blanchard Population
Spanish	0	0	0.0%
Other Indo-European	0	0	0.0%
Asian and Pacific Island	40	0	1.5%

WHEREAS, after careful consideration of the four-factors above, the Town will take the following actions:

- a. The Town has appointed the following Language Access Coordinator to serve its LCDBG program: Candy Foshee, Town Clerk, P.O. Box 428, Blanchard, LA 71009 – (318) 929-7593;
- b. The Town LAP will be distributed to all Town staff members and posted in the Town Hall;
- c. All Town receptionists, employees and the Language Access Coordinator will maintain and be trained to use an I Speak Language Identification Document for use during encounters with LEP persons, and after the appropriate language has been identified, the Town receptionist/employee will contact the Language Access Coordinator for further instructions and if the need for access services is identified either by phone or email, the Town staff shall immediately contact their Language Access Coordinator who will take appropriate action to ensure meaningful communication;
- d. All published Town citizen participation advertisements will include a statement in Spanish indicating materials are available in Spanish

NOW, THEREFORE, BE IT RESOLVED that the Town of Blanchard has prepared this Language Access Plan (LAP) which defines the actions to be taken to ensure meaningful access to agency services, programs, and activities on the part of persons who have limited English proficiency.

BE IT FURTHER RESOLVED THAT if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications

of this resolution that can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED THAT all resolutions or parts hereof in conflict herewith are hereby repealed.

Motion to accept Resolution 2 of 2018 made by Whittington, second by J. Fuller. All voted yea. Resolution 2 of 2018 was adopted on this 13th day of March, 2018.

Review of financials for February, 2018.

The February 2018 financials were presented. All is looking good.

REPORT OF DEPARTMENTS

Buildings and grounds – Nothing to report

Streets and Rights of Way – The repairs to the bridge on Blanchard Furrh Road are ahead of schedule. The Parish road treatment program will begin soon and Tin Cup Way is on the list. The bumps at Old Mooringsport Road and Wasson Road will be fixed soon.

Water Department – J. Fuller reported discharge line will be finished soon.

Sewer Department – Perry Fuller reported all water meter installations are up to date. Guin asked that the Town be proactive in dealing with sex offenders in our community and mayor advised the sex offender's website link could be added to the Town's website.

Police Department – Nothing to report.

Treasurer Report – Nothing to report since the February financials were reviewed in the meeting.

Comments by the Mayor:

An annexation packet was picked up a couple of weeks ago for possible annexation of property south of Walmart.

On March 7, 2018, the mayor attended the ROTC accreditation ceremony at Northwood High School. Congratulations to them as Northwood ROTC received the second highest score in the parish, scoring 597 out of a possible 600. They participated in the Sister Margaret Program as a community project and the mayor will work on a possible program for them to help clean and mow yards for the elderly in our town. Ballpark is up and running with practices, and Guin asked Whittington to possibly have the mosquito truck spray some extra times at the ballpark.

Perry Fuller and mayor checked on dam at the pumping station. The water was up to 173 feet, station sits at 179 feet. Looking at alternative to dam, a wall would be very expensive, possibly a water bladder to surround the pumping station would work and be more economical.

Whittington made motion to adjourn, second by J. Fuller. All voted yea. Meeting adjourned at 7:34.

Jim Galambos, Mayor

Candy Foshee, Town Clerk