

MINUTES OF THE
BLANCHARD MAYOR AND TOWN COUNCIL
REGULAR MEETING – JULY 11, 2017
7:00 O’CLOCK PM

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

Meeting called to order by Mayor at 7:00 pm

Pledge of Allegiance led by Umling

Invocation given by Arceneaux

Questions and Statements of Citizens - None

Motion by Umling, second by Whittington to approve the minutes of June 6, 2017 and June 13, 2017. All voted yea.

OLD BUSINESS:

Public Hearing Ordinance 6 of 2017 – An Ordinance Amending Certain Sections of Chapter 7 of the Code of Ordinances of the Town of Blanchard Pertaining to Licensing and Regulations of Alcoholic Beverages, and Otherwise Providing with Respect Thereto.

Public hearing was opened at 7:03 pm. There being no comments, hearing was closed at 7:04 pm.

Vote on Ordinance 6 of 2017.

ORDINANCE 6 OF 2017

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 7 OF THE
CODE OF ORDINANCES OF THE TOWN OF BLANCHARD
PERTAINING TO LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES, AND
OTHERWISE PROVIDING WITH RESPECT THERETO**

WHEREAS, the Town of Blanchard (“Town”) recently restated Chapter 7 of the Code of Ordinances providing for the licensing and regulation of the sale of alcoholic beverages within the limits of the Town.

WHEREAS, the Mayor and the Board of Alderpersons of the Town desire to make certain adjustments to Chapter 7 to bring the practical application of Chapter 7 in line with the original intent of that ordinance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and the Board of Alderpersons of the Town of Blanchard, Louisiana, in due, legal and regular session convened, as follows:

Section 1: Section 7.7 of the Code of Ordinances is amended and reenacted to read as follows:

Section 7.7 – Sunday sales.

Notwithstanding the provisions of Section 7.6, it shall be lawful to sell or dispense alcoholic beverages between the hours of 12:00 noon and 12:00 midnight on Sundays as follows:

- (a) Special Events. Beverages of low alcoholic content may be sold at festivals, fairs and sporting events, as hereinafter described, pursuant to the following:

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- 1) This section shall be applicable to festivals and fairs for the purpose of promoting the arts or community or cultural heritage and to competitive sporting events open to the general public.
 - 2) Persons desiring to sell or dispense beverages of low alcoholic content on Sunday pursuant to this section shall apply for a permit for that purpose pursuant to the provisions of Section 7.37.
 - 3) The fee for said permit shall be as established by the Board of Aldermen, from time to time, and shall be paid to the Town prior to the issuance of the permit.
- (b) Bona Fide Restaurants. Beverages of high and low alcoholic content may be sold for on-premises consumption at any bona fide restaurant, as defined herein, having the appropriate type of permit therefor from the Town of Blanchard, pursuant to the following:
- 1) The sale of alcoholic beverage must be served in the dining area of the restaurant as an accompaniment to food.
 - 2) Restaurants desiring to sell or dispense alcoholic beverages on Sunday pursuant to this paragraph shall apply for a permit for that purpose pursuant to the provisions of Section 7.41.
 - 3) For the purposes of this article, a “bona fide restaurant” is defined as an establishment that (i) is a place of business whose average monthly revenue from food and nonalcoholic beverages exceeds fifty percent of its total average monthly revenue from the sale of food, nonalcoholic beverages, and alcoholic beverages, (ii) serves food on all days of operation, (iii) maintains separate sales figures for alcoholic beverages, (iv) operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises, (v) which has a public habitable floor area of no less than 500 square feet dedicated to the exclusive use of the establishment, and (vi) has been certified by the applicable health department showing compliance with all health and sanitary requirements.
 - 4) No restaurant may serve a type of alcoholic beverage other than one for which it has a permit.
- (c) Off-premises consumption sales. Beverages of high and low alcoholic content may be sold for off-premises consumption by any retail dealer having the appropriate type of permit therefor from the Town of Blanchard, pursuant to the following:
- 1) Businesses desiring to sell or dispense alcoholic beverages on Sunday pursuant to this paragraph shall apply for a permit for that purpose pursuant to the provisions of Section 7.41.
 - 2) No business may sell a type of alcoholic beverage other than one for which it has a permit.
- (d) Gaming establishments. Beverages of high and low alcoholic content may be sold for on-premises consumption by any gaming establishment regulated, licensed, and permitted to operate by the State of Louisiana having the appropriate type of permit for such alcohol sales from the Town of Blanchard, pursuant to the following:
- 3) Businesses desiring to sell or dispense alcoholic beverages on Sunday pursuant to this paragraph shall apply for a permit for that purpose pursuant to the provisions of Section 7.41.
 - 4) No business may sell a type of alcoholic beverage other than one for which it has a permit.

Section 2: Section 7.10 of the Code of Ordinances is amended and reenacted to read as follows:

Section 7.10 – Sale of alcohol for on-premises consumption where fuel sold prohibited.

It shall be unlawful for any person to sell or otherwise dispose of alcoholic beverages, for on-premises consumption, at any place or establishment where gasoline or motor fuel is sold; provided,

however, that this prohibition shall not apply or extend to any gaming establishment regulated, licensed, and permitted to operate by the State of Louisiana and which is attached to or near, but separate from, the place or establishment where gasoline or motor fuel is sold. The term “any place or establishment” means the business premises where payment for gasoline and motor fuel, along with alcoholic beverages (when permitted) and other merchandise, is made, accepted, and processed.

Section 3: Section 7.40 of the Code of Ordinances is amended and reenacted to read as follows:

Section 7.40 – Transition for Annexed Properties.

In the event that any person, who by virtue of an annexation of his property into the town limits or otherwise becomes required to obtain a permit for the sale of alcoholic beverages in the Town of Blanchard, has already obtained a similar permit for the sale of alcoholic beverages from the Parish of Caddo for such year, then that parish permit shall be honored by the Town of Blanchard for the remainder of the year in which the annexation occurs and that person shall not be required to obtain a separate permit from the Town for such year.

Section 4: Section 7.41 of the Code of Ordinances is amended and reenacted as follows:

Section 7.41 – Permit for Sunday sales.

As set forth in Section 7.7 hereof, bona fide restaurants, businesses engaging sales of alcoholic beverages for off-premises consumption, and gaming establishments meeting the requirements set forth in this section may apply for a permit to serve alcoholic beverages between the hours of 12:00 noon and 12:00 midnight on Sundays. The application and granting procedure for such a Sunday permit shall be the same as for a dealer’s permit, except as otherwise specified herein.

- (a) Any applicant for a Sunday sales permit shall furnish, in addition to all information typically required for a permit, proof of issuance of all applicable dealer’s permits.
- (b) Additional requirements and provisions for bona fide restaurants.
 - 1) In addition to those requirements set forth in paragraph (a) hereof, any applicant seeking a Sunday sales permit for a bona fide restaurant shall furnish all such necessary information to establish itself as a bona fide restaurant as defined herein, including without limitation information relative to its operations, gross sales, along with copies of the applicant and/or applicant owner’s state and federal income tax returns.
 - 2) In the event that a restaurant does not qualify as or ceases to be qualified as a bona fide restaurant, a permit for Sunday sales shall be denied, withheld, suspended or revoked. In the event that a restaurant is a new restaurant without any prior business experience on which to determine gross revenues, the Chief of Police may issue a temporary permit for Sunday sales, which shall be valid for 60 days to allow the restaurant to establish itself as a bona fide restaurant.
 - 3) If a restaurant with a separate cocktail lounge desires to sell alcoholic beverages pursuant to this subsection, it must close and lock the cocktail lounge at 2:00 a.m. on Sunday and not reopen the cocktail lounge until 7:00 a.m. on Monday. However, the cocktail lounge may provide beverage service for the dining area of the bona fide restaurant permitted to serve alcoholic beverages on Sundays.
- (c) Additional requirements and provisions for gaming establishments.
 - 1) In addition to those requirements set forth in paragraph (a) hereof, any applicant seeking a Sunday sales permit for a gaming establishment shall furnish a copy of all licenses and permits to operate as a gaming establishment issued by the State of Louisiana.
 - 2) In the event that any licenses or permits to operate issued by the State of Louisiana for any gaming establishment are revoked, any permit for Sunday sales shall be denied, withheld, suspended or revoked.
- (d) The fee for any permit for Sunday sales shall be established from time to time by resolution of the Board of Aldermen. All fees paid are nonrefundable.

Section 5: 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 of applications and to this end the provisions of this ordinance are hereby declared severable.

Section 6: All ordinances or resolutions or parts hereof in conflict herewith are hereby repealed.

Section 7: This ordinance shall become effective immediately upon its adoption by the Town.

Said Ordinance having been introduced on June 13, 2017 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 Umling, seconded by Whittington, to adopt the ordinance, 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 6 of 2017 was adopted this 11th day of July, 2017.

Presentation from representatives of Eagle Water, Keithville, LA.

Keith Howard with Eagle Water, LLC, presented a proposal to sell Wildwood Forest water/sewer system and Springlake Mobile Home Park sewer system to the Town of Blanchard. After listening to the proposal, the Mayor advised that it would be taken into consideration and Mr. Howard would be contacted.

Resolution 11 of 2017 – Surplus police vehicle-2010 Crown Vic #0786

RESOLUTION 11 OF 2017

**A RESOLUTION TO DECLARE A 2010 FORD CROWN VICTORIA
POLICE VEHICLE SURPLUS, PROVIDING THE MEANS OF
SALE AND ESTABLISHING A MINIMUM PRICE FOR SAID
VEHICLE, AND OTHERWISE PROVIDING WITH RESPECT THERETO**

WHEREAS, the Police Department of the Town of Blanchard (“Town”) has removed from service that certain 2010 Ford Crown Victoria (“Vehicle”), VIN 2FABP78V0AX110786, known as Unit #128; and

WHEREAS, the Town no longer has use for the Vehicle; and

WHEREAS, the Town wishes to declare that the Vehicle is no longer needed for Public Purposes and wishes to sell the Vehicle and establish a means of sale of such property pursuant to LA. R.S. 33:4712 and other applicable law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Blanchard, in due, legal and regular session convened, as follows:

Section 1. The Vehicle is hereby declared no longer needed for public purposes.

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Section 2. The Vehicle shall be sold for a minimum of \$1,500.00 to any private or public person or entity at a public or private sale on a date to be set with an auctioneer retained by the Town. The price shall remain in effect until November 30, 2017.

Section 3. 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.

Section 4. All resolutions or parts hereof in conflict herewith are hereby repealed.

Motion to accept Resolution 11 of 2017 made by Whittington, seconded by J. Fuller. All voted yea. And Resolution 11 of 2017 was adopted on this 11 day of July, 2017.

Resolution 12 of 2017 – Authorizing the Mayor to execute an Intergovernmental Agreement and/or Cooperative Endeavor Agreement with the City of Shreveport and Otherwise Provide with Respect Thereto re building permits.

RESOLUTION 12 of 2017

AUTHORIZING JIM GALAMBOS, MAYOR OF THE TOWN OF BLANCHARD,
TO ENTER INTO AND EXECUTE AN INTERGOVERNMENTAL
AGREEMENT AND/OR COOPERATIVE ENDEAVOR AGREEMENT ON
BEHALF OF THE TOWN OF BLANCHARD, WITH THE CITY OF
SHREVEPORT, LOUISIANA AND TO OTHERWISE PROVIDE WITH RESPECT
THERETO.

WHEREAS, the Town of Blanchard desires to cooperate with the City of Shreveport in the implementation and enforcement of all applicable building codes made mandatory by state law, including without limitation the State Uniform Construction Code and the Commercial Building Energy Conservation Code, together with such other building codes and regulations as adopted by the Town; and

WHEREAS, La. R.S. 40:1730.24 (A) provides that agreements between governmental entities to issue permits and enforce the State Uniform Construction Code may be made between such governmental entities; and

WHEREAS, the Louisiana Constitution of 1974, Article 7, Section 14(C) provides that “for a *public purpose*, the state and its political subdivision may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation or individual”; and

WHEREAS, the *public purpose* is described as the implementation of certain building code inspection requirements in accordance with Title 40 Public Health and Safety, Chapter 8 Building Regulations, Part IV-a State Uniform Construction Code and part IV-C Commercial Building Energy Conservation Code or Energy Code; and

WHEREAS, the City of Shreveport agrees to provide the services necessary for the Town of Blanchard to be in compliance with the Louisiana State Uniform Construction Code and the Commercial Building Energy Conservation Code through inspection of all town buildings and issuance of building permits as agent for and on behalf of the Town, as set forth in that certain resolution No. 114 of 2017 of the City of Shreveport attached hereto and incorporated herein with fact sheet and its Exhibit A, being the

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Intergovernmental Agreement between the Town of Blanchard and the City of Shreveport (all of which s referred to herein as the “Agreement” for purposes of clarification of the current form of the Intergovernmental Agreement provided by the City of Shreveport; and

WHEREAS, the Town desires to enter into the Agreement with the City of Shreveport to secure the services of the City of Shreveport to inspect all town buildings and to issue all building permits as agent for and on behalf of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Town of Blanchard that Jim Galambos, Mayor, on behalf of the **Town of Blanchard**, is hereby authorized upon the approval of the Town Attorney of the form of the Agreement (which approval need not be in writing), to enter into, execute and deliver the Agreement and all other documents needed in connection therewith, so that the City of Shreveport will provide the services necessary for the Town of Blanchard to be in compliance with the Louisiana State Uniform Construction Code and the Commercial Building Energy Conservation Code or Energy Code through inspection of all town buildings and issuance of building permits as agent for and on behalf of the Town.

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 12 of 2017 made by Lee, seconded by J. Fuller. All voted yea.
And Resolution 12 of 2017 was adopted on this 11 day of July, 2017.

Resolution 13 of 2017 – Authorizing the Mayor to execute an Agreement/Contract with TMCE, LLP, Certified Public Accountants & Consultants re accounting/bookkeeping services for the Town of Blanchard.

Resolution 13 of 2017 was abandoned. Motion made by Lee, second by Guin to authorize the Mayor to execute an Agreement /Contract with TMCE/ LLP, Certified Public Accountants & Consultants to perform accounting/bookkeeping services for the Town of Blanchard. All voted yea.

Introduction of Ordinance 7 of 2017 – Amending Chapter 19, Section 19.23 “Building Permits”.

Whittington introduced the following by title only to be voted on at the next council meeting:

AN ORDINANCE AMENDING SECTION 19.23 OF THE CODE OF ORDINANCES OF THE TOWN OF BLANCHARD PERTAINING TO THE ISSUANCE AND ADMINISTRATION OF THE BUILDING PERMITTING AND INSPECTION PROCESS IN THE TOWN OF BLANCAHRD, AS WELL AS THE ENFORCEMENT OF THE COSNTRUCTIONCODE THEREIN, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

Introduction of Ordinance 8 of 2017 – Amending Chapter 19, Section 19.19 (c) “Residence District Description and Permitted Uses” re motor home, travel trailer or camper use as a dwelling facility.

Whittington introduced the following by title only to be voted on at the next council meeting:

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AN ORDINANCE AMENDING SECTION 19.19(c) OF THE CODE OF ORDINANCES OF THE TOWN OF BLANCHARD PERTAINING TO RESIDENCE DISTRICT DESCRIPTION AND PERMITTED USES AND OTHERWISE PROVIDING WITH RESPECT THERETO

Setting fees for any DVDs or copies of documents made during a public record request or otherwise.

After discussion, motion made by Whittington, second by Lee to increase the costs of a DVD from \$5.00 to \$25.00 per DVD and copies from \$0.50 to \$1.00 per page. All voted yea.

REPORT OF DEPARTMENTS

Buildings and grounds – Nothing to report.

Streets and Rights of Way – Chief Presswood advised Whittington that the turn apron was gone at the corner of Front St. and W. Birch. Whittington advised this would be repaired and to let him know of any other problems.

Water Department – J. Fuller reported on the standpipe matter and after discussion, it was decided to turn the matter over to Blanchard Walker for review.

Sewer Department – Nothing to report. Everything is good.

Police Department – Chief advised that the police department has been very busy, still short one officer due to surgery.

Comments by the Mayor

1. The Fourth of July fireworks was a great success. Thanks go to the sponsors – Healthcare Express, Barksdale Federal Credit Union, Corridor Apartments, Impact Sports, Northwood Hills Golf Club, Northwood Hills Homeowner Association and the town of Blanchard. Meeting will be held in January to plan for July, 2018.
2. The Farmers Market has been a great success the last three Saturdays. Hopefully more vendors will continue to show up.

Motion by Whittington to adjourn, second by J. Fuller. All voted yea. Meeting adjourned at 7:36 pm.

Jim Galambos, Mayor

Candy Foshee, Interim Town Clerk

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