

Monroe City Council Legal and Regular Session
October 13, 2020
6:00 p.m.
City Council Chambers-City Hall
MINUTES

There was a legal and regular session of the City Council of the City of Monroe, Louisiana held this date, October 13, 2020 at the Council's regular meeting place, 400 Lea Joyner Memorial Expressway, City Council Chambers/City Hall Building, Monroe, Louisiana.

The Honorable Douglas Harvey, Chairman called the meeting to order.

The roll call was done by Council Clerk, Carolus Riley.

Council members present for roll call: Mr. Douglas Harvey, Ms. Juanita Woods, Mr. Carday Marshall Sr., Mrs. Kema Dawson.

Council member(s) absent: Mrs. Gretchen Ezernack

Chairman Harvey declared a quorum.

The Invocation was led by Mr. Harvey's designee, Pastor Drew Maney; Mr. Harvey led the Pledge of Allegiance.

COMMUNICATIONS & SPECIAL ANNOUNCEMENTS:

1. Ms. Woods welcomed and thanked everyone for being present; she asked prayers for Mrs. Ezernack and husband; they suffered weather related damage during the hurricane weather, a tree fell on her home and it damaged her home and vehicle; they both are safe and okay.

2. Mr. Marshall welcomed and thanked everyone for being present; he commented there being excessive speeding in the neighborhoods and asked for the consideration of drivers to drive safely and there have been communication with MPD regarding safety precautions in the near future.

4. Mrs. Dawson welcomed and thanked everyone for being present in person and online; she thanked the over 100 volunteers for their assistance in the cleanup last weekend and asked that citizens would continue to volunteer. There will be another cleanup this weekend in Bryant's Addition, La. Purchase Gardens and Zoo from 7:45am-12 noon and supplies will be provided. She has a plan to do cleanups on each street in her district. There will be an additional cleanup on October 24 2020; she said the grand re-opening of the zoo will feature live music, vendors; it is the desire to bring the zoo back and it is one of the major attractions for Monroe. She thanked each one for all of their support and volunteerism.

5. Mayor Ellis thanked everyone for being present and online; he thanked the city workers for all of their hard work during these times of the hurricanes and the bad weather. He thanked Councilwoman Dawson for her leading the charge on blight and working in her district and all of the volunteers working together for the common good of the City. He thanked Richard Brown and Sherwin Williams on 165 for their assistance of helping with re-painting of the Zoo and all of the community volunteers.

6. Mr. Harvey commented the volunteers have participated and worked in three weather related cleanups within the last six months. Everyone has been most helpful in volunteering their time.

Upon a motion of Mrs. Dawson and a second by Mr. Marshall, the minutes of the Legal and Regular session of September 22, 2020 were unanimously approved. (There were no public comments).

PRESENTATION: NONE.

PUBLIC HEARINGS: NONE.

PROPOSED CONDEMNATIONS: Public Comment: NONE. Chairman Harvey commented that the condemnations would be coming back to the agenda soon.

ACCEPTANCE OR REJECTION OF BIDS: Public Comment None.

RESOLUTIONS AND MINUTE ENTRIES:

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Council Public Comment:

(a) Upon a motion by Mrs. Dawson, second by Ms. Woods and unanimously approved to Adopt Resolution No. 7816, confirming the appointment of Trevelyan L. Brown to the Southside Economic Development District Board of Commissioners and further providing with respect thereto. (Marshall) (There were no public comments).

Department of Administration: Public Comment: None.

Department of Planning & Urban Development: Public Comment: None.

Legal Department: Public Comment: None.

Mayor's Office: Public Comment:

(a) Upon a motion by Mr. Marshall, second by Ms. Woods and unanimously approved to Adopt Resolution No. 7817, approving and authorizing a Cooperative Endeavor Agreement by and between the City of Monroe and the Northeast Louisiana Children's Museum as per the attached agreement and further providing with respect thereto. (There were no public comments).

Department of Public Works: Public Comment:

(a) Upon a motion by Ms. Woods, second by Mr. Marshall and unanimously approved to Adopt Resolution No. 7818, authorizing a city representative to execute Change Order Number 1, (MLU Runway 14/32 Extension – Phase 2) between the City of Monroe and Merrick, LLC., for an increase of \$344,986.00 to the contract cost of said project and further providing with respect thereto. (There were no public comments).

(b) Upon a motion by Mr. Marshall, second by Ms. Woods and unanimously approved to Adopt Resolution No. 7819, authorizing the City of Monroe to execute an agreement with the Louisiana Department of Transportation and Development (La Dotd) for improvements at the Monroe Regional Airport for Runway 14/32 Extension Phase 3 (construction) and Runway 14/32 Extension Multi-year (construction) and further providing with respect thereto. (There were no public comments).

(c) Upon a motion by Mr. Harvey, second by Mr. Marshall and unanimously approved to Adopt Resolution No. 7820, authorizing the issuance of a Fuel Permit at the Monroe Regional Airport to DaveAir LLC, and further providing with respect thereto. (There were no public comments).

Comments: Chairman Harvey amended the motion to issue the fuel permit through January 31, 2021.

(d) Upon a motion by Mr. Harvey, second by Ms. Woods and unanimously approved to remove from the agenda to adopt a Resolution requesting to reject all bids received on September 30, 2020 for the Office of Motor Vehicles Storm Damage Repair at the Monroe Regional Airport and re-advertise said project, and further providing with respect thereto. (There were no public comments).

(e) Upon a motion by Mrs. Dawson, second by Ms. Woods and unanimously approved to Adopt Resolution No. 7821, authorizing Mayor Friday Ellis to submit an application for state financial assistance to the State of Louisiana Department of Transportation and Development, Division of Aviation (La Dotd) for the Monroe Regional Airport and further providing with respect thereto. (There were no public comments).

Department of Community Affairs: Public Comment:

(a) Upon a motion by Mr. Marshall, second by Mrs. Dawson and unanimously approved to remove from the agenda to Adopt a Resolution authorizing a Management Agreement between the City of Monroe and Donald Walters as Golf Director and further providing with respect thereto. (There were no public comments).

(b) Upon a motion by Mr. Marshall, second by Mrs. Dawson and unanimously approved to remove from the agenda to Adopt a Resolution requesting to reject all bids received on September 30, 2020 for the Masur Museum of Art Storm Damage Repair and re-advertise said project, and further providing with respect thereto. (There were no public comments).

(c) Upon a motion by Mr. Harvey, second by Mr. Marshall and unanimously approved to Adopt Resolution No. 7822, authorizing Stacey Rowell, Director of Administration, to enter into and execute a Fifty Month Equipment Lease Agreement with Golf Cars of Louisiana and further providing with respect thereto. (There were no public comments).

Police Department: Public Comment: None.

Fire Department: Public Comment: None.

Engineering Services: Public Comment:

(a) Upon a motion by Ms. Woods, second by Mr. Marshall and unanimously approved to Adopt Resolution No. 7823, accepting as substantially complete work done by and between the City of Monroe and C W & W Contractors, Inc., for the Bayou Lane Drainage Improvements Phase I Project, and further providing with respect thereto. (There were no public comments).

(b) Upon a motion by Mrs. Dawson, second by Mr. Marshall and unanimously approved to Adopt Resolution No. 7824, accepting as substantially complete work done by and between the City of Monroe and Smith Machine Works, LLC, for the Calypso Pump Station Temporary Stabilization Project, and further providing with respect thereto. (There were no public comments).

(c) Upon a motion by Mr. Marshall, second by Mrs. Dawson and unanimously approved to Adopt Resolution No. 7825, authorizing the Purchasing Manager to advertise for bids on the North Guardrail Replacement Project. The estimated cost of this project is \$41,595.95. the DBE Goal is 0% and source of funds Capital Infrastructure Sales Tax Street Funds. (There were no public comments).

(d) Upon a motion by Mrs. Dawson, second by Mr. Marshall and unanimously approved to Adopt Resolution No. 7826, authorizing an authorized city representative, to execute Change Order No. One (1) to the City Street Striping Phase IV Contract, between the City of Monroe and Highway Graphics, LLC, for an increase in the contract amount of \$9,471.50 and an increase in the contract time of 60 days and further providing with respect thereto. (There were no public comments).

(e) Upon a motion by Mr. Marshall, second by Mr. Harvey and unanimously approved to Adopt Resolution No. 7827, authorizing an authorized city representative, to enter into and execute Supplemental Agreement No. 4 to a contract with Burns & McDonnell Engineering Company, Inc, to provide professional engineering services for the Water Treatment Plant Renovation and Expansion Project and further providing with respect thereto. (There were no public comments).

BREAK IF NEEDED:

INTRODUCTION OF RESOLUTIONS & ORDINANCES: Public Comment:

(a) Upon a motion by Mrs. Dawson, second by Mr. Marshall and unanimously approved to Introduce an Ordinance authorizing the City of Monroe to take corporeal possession of the property described below and sell to Marisa Wilson all rights, title and interest that the City may have acquired to the lot in Lots 23 & 24 Parlor City Industrial Sub of Sq 27 Terminal Heights, No Street Address On Thomas Ave., Ouachita Parish, District 5, Monroe, La, by Adjudication at Tax Sale dated June 24, 2015, and further with respect thereto. (Legal) (There were no public comments).

(b) Upon a motion by Mrs. Dawson, second by Mr. Marshall and unanimously approved to Introduce an Ordinance authorizing the City of Monroe to take corporeal possession of the property described below and sell to Marisa Wilson all rights, title and interest that the City may have acquired to the easterly 60 ft of Lots 23 & 24 Parlor City Industrial Sub of Sq 27 Terminal Heights, Ouachita Parish, 821 Thomas St., District 5, Monroe, La, by Adjudication at Tax Sale dated June 24, 2015, and further with respect thereto. (Legal) (There were no public comments).

(c) Upon a motion by Mr. Marshall, second by Mrs. Dawson and unanimously approved to Introduce an Ordinance establishing a twelve (12) month Moratorium upon the receipt and processing of all applications for Certificates of Occupancy, Building Permits and any other land use development approvals associated with used tire stores; setting a public hearing date and further providing with respect thereto. (P&Z) (There were no public comments).

Comments: Ms. Woods said there was already a used tire store moratorium and asked if this was a new one. Ms. Poret said this moratorium was dealing with the penalty phase of enforcement. Mr. Marshall asked if having a bay at the stores being enforced; Mr. Creekbaum said they would like to speak with the state legislation because the enforcement is not as streamlined as they want it to be for it to be effective. He said there is already a pending application for one and it is working through the established process. Ms. Poret said the officers would continue to work with the existing businesses to get them into the compliance. Ms. Woods asked if there was anything in place to require the stores to place a fence around the store, because they are eyesores. Ms. Poret said some are not suppose to have that many tires and they can get a storage unit to put tires away, there are DEQ requirements to be followed and most tires are to be taken away; they can come into compliance or be brought to environmental court and be fined. Mrs. Ellen Hill said there was a code enforcement officer specifically working on this and they check on them on a very regular basis; also, the zoning administrator works with the code enforcement officer to make sure they understand what building a bay means. Mr. Harvey asked what the penalty for noncompliance was; Mr. Creekbaum explained the current process and the need to change it to a more administrative compliance instead of the criminal type compliance; they are working on the enforcement mechanism. Mr. Harvey asked for the number of tire stores in city; Ms. Poret said she didn't have an exact number, maybe 10 and Mr. Harvey asked what percentage she thought were in compliance with the code and if it was greater than 50 percent; Ms. Poret said she doubted that it was greater than 50 percent; Mr. Harvey asked if this was a condition of getting a certificate of occupancy as it is being renewed each year; Ms. Poret said this was the problem, they are not and can't bring them to court without the proper penalties; Mr. Harvey said in reference to Ms. Hill and there is a code enforcement officer that is spending a significant amount of time on it, but if there is nothing they can do about it, not sure if that code enforcement officer is using the best use of their time at this stage, if there is not a resolution; Mrs. Hill said code enforcement can also bring cases based on nuisance and right now they are using the nuisance component of the ordinance trying to ensure they comply by cleaning up and having so many tires can be nuisance violations and this is why the ordinance need to be worked on to get more teeth to ensure compliance and the fees higher for violating; there is the business license and the certificate of occupancy that goes hand in hand. Mr. Janway commented that public works picks up between 3 to 10,000 used tires a year from vacant lots, the road right of ways and there is a processing fee to get rid of the tires and a lot of the tires are disappearing from the used tire shops and then disposed of illegally and this need to be looked at or the situation will never be controlled.

(d) Upon a motion by Ms. Woods, second by Mr. Marshall and unanimously approved to Introduce an Ordinance adopting and amending the Zoning Map for the City of Monroe, Louisiana and authorizing the Clerk to publish notice of a Public Hearing to rezone a ±10-acre tract of land presently located in Ouachita Parish from B-3, General Business/Commercial District to B-4, Heavy Commercial District to allow the applicant to operate a drive-in theatre and other outdoor commercial, recreational activities, and is more particularly described as follows: 1101, 1201, 1203 and 1205 Louisville Avenue –APPLICANT: Stephen Carroll – (P&Z)

Comments: Ms. Woods asked Mr. Carroll how his business was going and for more information on his business; Mr. Carroll explained that due to the hurricane it has been slowed up, but just like any start up business that you will have growing pains. This location is a better venue for the drive in theater due to parking, etc. He presented a PowerPoint on his preliminary theater site business plan. Mr. Marshall asked how easy it would be for patrons to get in and out of the site location and Mr. Carroll explained the 8-10 ways of exiting. Mayor Ellis thanked Mr. Carroll for his patience and desire to do business with the City of Monroe. Ms. Woods welcomed him to District Ms. V. Wright commented regarding the project and inquired about the aesthetics; Mr. Carroll presented her information on the aesthetics. Ms. Woods commented about the outside of the fencing aesthetics; Mr. Carroll explained what the outside of the fencing aesthetics would look like. Mr. Damian Coleman inquired of an evacuation directional map and Mr. Carroll explained his security detail, along with evacuation protocol.

(e) Upon a motion by Mr. Marshall, second by Mr. Harvey; Voting YES: Harvey, Marshall, Dawson; Voting NO: Woods; and approved to Introduce an Ordinance authorizing the execution of a Cooperative Endeavor Agreement by and among the City of Monroe, State of Louisiana and the Downtown Economic Development District of the City of Monroe, State of Louisiana, relating to the collection, use and expenditure of Ad Valorem Property Tax and Sales Tax Increments in said district, and providing for other matters in connection therewith. (Admin.)

Comments: Ms. Gloria Walker asked for explanation of the agenda item; Mr. Bratton, DEDD, explained there was an advalorem tax submitted to Council for the funding of downtown projects and this doesn't create any new taxes. Mr. Marshall asked if there would be additional sales taxes and Mr. Bratton said no additional taxes and explained the benchmarks made in 2010 for the downtown district; he said the district would cap at \$500,000 from the property and sales taxes as economic expansion take place in the district. Mrs. Rowell commented to have a more realistic figures such as \$125,000 incrementally and being capped at \$500,000 and anything over that amount goes to the City; she said you want to grow the district and it ultimately brings money back into the city general fund. Mr. Marshall asked if it was a good time to implement during the pandemic, hurricane and tornadoes and there are other things needed in other areas such as repairs in District 4. Mr. Bratton explained the tax and how it was created to incentivize economic development of the district and how the projects have matched funding with 80/20 matches for improvement to drainage, utility facilities, lighting and security; it is a goal to increase the viability and to improve the infrastructure to get more businesses and residences located in the area. Ms. Woods stated this was voted down years ago when it came before the council, and she voted yes for it at that time; she asked if it was new tax dollars or coming from monies that are already pulling from; Mr. Bratton said this years sales tax for 2020 may come in at one million dollars and the implemental increase would be for 2021 and from December 31, 2020-December 31, 2021 at \$1.6 million sales tax amount collected within the district would be that increase and no additional taxes are applied to anyone. Ms. Woods asked what would happen if the taxes remained flat and there was no increase; Mr. Bratton commented if they remained flat, they wouldn't get anything, and all dollars are back in the city budget. Mr. Harvey said it was capped at \$500,000 and if it was \$1.6 million collected, then \$500,000 would go to the district and \$100,000 would go to the general fund. It's an infrastructure project designed to grow the pie and allocate funds for development; Mrs. Rowell said they are nowhere near those numbers right now. Mrs. Rowell explained the incremental sales taxes collecting process.

RESOLUTIONS AND ORDINANCES FOR SECOND READING AND FINAL ADOPTION AND SUBJECT TO PUBLIC HEARING:

Open Public Hearing/Public Comment/Close Hearing: Chairman Harvey opened the public hearing and seeing no one come forward, the hearing was closed.

(a) Upon a motion by Mr. Marshall, second by Mr. Harvey and unanimously approved to Finally adopt Ordinance No. 12,019, amending provisions of Chapter 4 (Alcoholic Beverages) to remove the Class F Alcohol License and further providing with respect thereto. (Admin.)

Comments: Councilwoman Woods asked for total amount of current facilities in the city; Assistant City Atty Creekbaum said there were currently three license holders. Ms. Woods explained there was a key club in her district and was concerned about how this amendment would if any affect them; Mr. Fred Handy, President of the key club explained their membership and the establishment. Chairman Harvey asked Atty. Creekbaum the relevancy of this to the state standards and Atty. Creekbaum stated the state doesn't license bottle clubs and it is an antiquated classification from the 80's and the state has never regulated and it is an extra classification created under local ordinances. Mr. Handy's explanation falls under a private club and it may come under the city's future legislation. Mayor Ellis explained that the state is a BYOB state and if someone wanted to come into an establishment with the permission of the owner and serve themselves, then they could do that. He said Mr. Handy may have been paying this \$100 fee and there is a state law that allows someone to come in a drink for free and that is as long as the owner of the establishment is not touching the alcohol and serving the patrons; if the owner is pouring the patron a drink, then the state does require responsible vendors; he said he doesn't see this amendment having any impact to Mr. Handy's business that would shut it down, if he is not serving or selling alcohol; Mr. Creekbaum said the bottle club license was a creature of local ordinance that was adopted decades ago and under current state regulations, it is not one needed in the city's ordinances. Ms. Woods asked if the key club in her district could continue as they have been operating. Mr. Creekbaum said he would research it to provide a formal legal opinion. Mr. Handy asked if the Class F license was issued to have liquor on the premises. Mr. Creekbaum said the Class F license is considered a BYOB license in Monroe and state law does not regulate this type of license designation and are out of line with state law with this additional license and it's an effort to bring in line with what the state does or doesn't allow. Mr. Marshall told Mr. Handy, that his club would be considered such that of a Fraternity house. Ms. Dawson asked if this ordinance specified a certain number of people that could be a part of the club without having to pay the fee or is it considered to be a BYOB and you pay the fee because you are having a party or you are selling, or serving alcohol; Mr. Creekbaum said there was no minimum person restriction and believe it would be two different licenses and a private club is close to what Mr. Handy has, when there are dues paying members and it's restricted to a certain amount of people. Mayor Ellis thanked Mr. Handy for his business in the community.

Citizen's Participation

1. Mennon Campbell, citizen, spoke regarding the recent crime and the timely prosecution of the offenders and the time for change to help keep the people safe.
2. Gloria Walker, citizen, thanked Public Works for picking up the trash and she recognized several citizens in the city for their work.
3. Kyrston Brooks, citizen, spoke regarding an incident that occurred between she and the local law enforcement.
4. Damian Coleman, citizen, spoke regarding concerns in the Parkview Apartments.
5. Rodney McFarland, Sr., citizen, spoke regarding being safe during Covid and also regarding the current use of the city dump.
6. Tony Jackson, citizen, spoke regarding traffic issues in the areas of Sherrouse and Louberta.
7. Tommy Hayes, citizen, spoke to introduce himself as he is a candidate in the upcoming election for District Court Judge Division B.

There being no further business to come before the Council, the meeting was adjourned at 8:02 p.m., upon a motion of Mrs. Dawson and seconded by Ms. Woods. (There were no public comments).

Mr. Douglas Harvey
Council Chairman

Ms. Carolus S. Riley
Council Clerk

Ms. Jacqueline Benjamin
Council Secretary

***For extended details on the Council meeting please call the Council Clerk, Monday-Friday at 329-2252; also, a recording of the minutes can be sent via email to you.**