

City of Mansfield
MINUTES OF REGULAR PUBLIC MEETING
November 22, 2010

The Board of Aldermen met in regular session on **Monday, November 22nd**, in Mansfield City Hall, located at 705 Polk Street. Mayor McCoy called the meeting to order at **4:30 p.m.**, after which an **Invocation** was offered by **Alderman Joseph Hall, Jr.** The Pledge of Allegiance was led by **Alderman Mitchell L. Lewis.**

The following officials were recorded as **Present:** Honorable Curtis W. McCoy, G. B. Hall III – District **A**, Mitchell L. Lewis – District **C**, Joseph Hall, Jr. – District **D**, and Alvin R. Woodley – District **E.** **Absent:** Troy N. Terrell – District **B.** **Press Present:** John E. Blanchard (*The Enterprise*).

It was **MOTIONED** by **MITCHELL L. LEWIS** and **SECONDED** by **JOSEPH HALL, JR** to approve the minutes of the **November 8, 2010 regular City Council meeting** and to dispense with the reading. Motion Passed Unanimously.

The Mayor next opened the floor to hear public comments from those in attendance to any item outlined on the meeting agenda. When none were offered, the **Public Comments Period** was then closed.

Old Business: None

New Business:

Item A: It was **MOTIONED** by **ALVIN R. WOODLEY** and **SECONDED** by **MITCHELL L. LEWIS** to approve recommendations made by the Mansfield Planning & Zoning granting the request of **Jerry & Andrea Williams** to place a mobile home at **712 Norris Street** and bearing the following legal description: LOT 14 BLK 1 EAST SIDE SUBD MFLD (235-598)(462-306) Motion Passed Unanimously.

Item B: It was **MOTIONED** by **G. B. HALL III** and **SECONDED** by **ALVIN R. WOODLEY** to approve recommendations made by the Mansfield Planning & Zoning granting the request of **Willie James Hives** to change property located at **530 Louise Street** from B-2 (Neighborhood Business District) to B-3 (Community and Central Business District). This zone change will be made possible by the ordinance recited below. Motion Passed Unanimously.

ORDINANCE NO. 9 of 2010

AN ORDINANCE TO REZONE FROM DISTRICT R-2 (MULTI-FAMILY RESIDENCE DISTRICT) TO DISTRICT B-3 (COMMUNITY AND CENTRAL BUSINESS DISTRICT)
THE FOLLOWING DESCRIBED PROPERTY:

BEG AT THE SE COR OF LOT 23 BLK 2 JEFFERSON HWY SUBD, MFLD, TH N ALONG LOUISE ST. 120 FT TO A LINE BETWEEN LOTS 19 & 20, TH W BETWEEN LOTS 19 & 20 FOR A DISTANCE OF 25 FT, TH THROUGH & ACROSS LOTS 20, 21, 22, & 23 RUNNING PARALLEL TO SD LOUISE ST. 120 FT TO SHALLOWHORN ST., TH E ALONG SHALLOWHORN ST. TO BEG, BEING PARTS OF LOTS 20, 21, 22, & 23 BLK2 JEFFERSON HWY SUBD (**530 Louise Street**)

WHEREAS, a petition to the Mansfield Planning/Zoning Commission was properly filed requesting that the property described here-in-above be rezoned and all proper notices and procedures have been followed:

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Mansfield, in regular session convened:

SECTION 1. The property shall be rezoned from District R-2 (Multi-Family Residence District) to B-3 (Community and Central Business District) said property being described as herein above.

SECTION 2. All parts of ordinance in conflict herewith are hereby repealed.

UPON MOTION OF Alderman G. B. Hall III, SECONDED BY Alderman Alvin R. Woodley, The above and foregoing ordinance was adopted on this the 22nd of November, 2010, with the votes as follows:

Yeas: <u>4</u>	Nays: <u>0</u>	Absent: <u>1</u>	Abstain: <u>0</u>
G. B. Hall III		Troy N. Terrell	
Mitchell L. Lewis			
Joseph Hall, Jr.			
Alvin R. Woodley			

/s/ Curtis. W. McCoy
Mayor, City of Mansfield

/s/ Marvin R. Jackson
City Clerk, City of Mansfield, LA

Item C: It was **MOTIONED** by **JOSEPH HALL, JR** and **SECONDED** by **MITCHELL L. LEWIS** to approve recommendations by the Mansfield Planning & Zoning granting the request of **Willie James Hives** to place a portable building for commercial use on the property of **530 Louise Street** and bearing the following legal description: BEG AT THE SE COR OF LOT 23 BLK 2 JEFFERSON HWY SUBD, MFLD, TH N ALONG LOUISE ST. 120 FT TO A LINE BETWEEN

LOTS 19 & 20, TH W BETWEEN LOTS 19 & 20 FOR A DISTANCE OF 25 FT, TH THROUGH & ACROSS LOTS 20, 21, 22, & 23 RUNNING PARALLEL TO SD LOUISE ST. 120 FT TO SHALLOWHORN ST., TH E ALONG SHALLOWHORN ST. TO BEG, BEING PARTS OF LOTS 20, 21, 22, & 23 BLK2 JEFFERSON HWY SUBD. Motion Passed Unanimously.

Item D: It was **MOTIONED** by **ALVIN R. WOODLEY** and **SECONDED** by **MITCHELL L. LEWIS** to authorize the **Mayor** to enter into and execute a Cooperative Endeavor Agreement between the **City of Mansfield** and the **DeSoto High School Alumni Association**. The agreement specifies that in return for recreational opportunities and enrichment programs offered and to be offered by the Association for benefit to children of the City of Mansfield and the community at large, the City agrees to waive charges for water and sewerage services utilized by the Association to the extent that the City can. Motion Passed Unanimously.

Item E: It was **MOTIONED** by **G. B. HALL III** and **SECONDED** by **ALVIN R. WOODLEY** to approve a Ratification and Amendment to Water Lease Agreement between the **City of Mansfield** and **Paul Lovic Wren**. This new agreement ratifies the original agreement dated June 6, 1966 and the Ratification dated January 28, 1982 by deleting Paragraph 7 thereof to increase the rate paid to the lessor named above from 18 cents to 23 cents per thousand gallons of water produced. This new agreement would commence on January 1, 2011, and seeks to pay the Lessor the amount of 5% of the amount the Lessee (the "City") is charging its residential customers residing within the limits of the City of Mansfield as of January 1, 2011. Motion Passed Unanimously. (Full copy of Ratification Agreement on file at City Hall).

Item F: It was **MOTIONED** by **G. B. HALL III** and **SECONDED** by **MITCHELL L. LEWIS** to approve a Ratification and Amendment to Water Lease Agreement between the **City of Mansfield** and **James Fletcher Guy Farms, L.L.C.** This new agreement ratifies the original agreement dated June 6, 1966 and the Ratification dated May 6, 1982 by deleting Paragraph 7 thereof to increase the rate paid to the lessor named above from 18 cents to 23 cents per thousand gallons of water produced. This new agreement would commence on January 1, 2011, and seeks to pay the Lessor the amount of 5% of the amount the Lessee (the "City") is charging its residential customers residing within the limits of the City of Mansfield as of January 1, 2011. Motion Passed Unanimously. (Full copy of Ratification Agreement on file at City Hall).

Item G: It was **MOTIONED** by **G. B. HALL III** and **SECONDED** by **ALVIN R. WOODLEY** to adopt a **Resolution** providing for canvassing the returns and declaring the result of the special election held in the City of Mansfield on **November 2, 2010** and to authorize the levy of a **3% hotel occupancy** tax therein. Motion Passed Unanimously. (Full Copy of Resolution on file at City Hall).

Item H: It was **MOTIONED** by **JOSEPH HALL, JR.** and was **SECONDED** by **ALVIN R. WOODLEY** to adopt an Ordinance levying a **3% hotel occupancy tax** within the City, effective **January 1, 2011**, and providing for the assessment, collection, payment and dedication of the proceeds of such tax and the purposes for which the proceeds of the Tax may be expended. Motion Passed Unanimously. (Full Ordinance recited below).

ORDINANCE No. 10 of 2010

An ordinance levying within the City of Mansfield, State of Louisiana, effective January 1, 2011, a tax of three percent (3%) (the "Tax") upon the rent or fee charged for the occupancy of hotel rooms within the City, levying and providing for the assessment, collection, payment and dedication of the proceeds of such Tax and the purposes for which the proceeds of the Tax may be expended.

WHEREAS, pursuant to the provisions of Act No. 922 of the Regular Session of the Legislature of the State of Louisiana (the "Act"), and other constitutional and statutory authority, the City of Mansfield (the "City") is authorized to levy and collect the Tax upon the rent or fee charged for the occupancy of hotel rooms within the City; and

WHEREAS, in compliance with the aforesaid statutory authority, it is the desire of this governing authority to levy said Tax and provide for the collection and distribution of the proceeds thereof and other matters in connection therewith as hereinafter provided in this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Mansfield, State of Louisiana (the "Governing Authority"), acting as the governing authority of the City, that:

SECTION 1. Pursuant to the authority of the Act, there is hereby levied from and after January 1, 2011, and without any term limit, with the proceeds of the Tax to be deposited in the general fund of the City and used solely for public purposes within the City, a three percent (3%) tax (the "Tax") upon the rent or fee charged for the occupancy of hotel rooms within the City (the term "hotel" meaning and including any establishment, public or private, engaged in the business of furnishing or providing rooms or overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests where such establishment consists of two or more guest rooms but not encompassing any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families, all as defined in the Act).

SECTION 2. The Tax shall be paid by the person who exercises or is entitled to occupancy of the hotel room and shall be paid at the time the rent or fee of occupancy is paid. The word “person” as used herein shall have the same definition as that contained in La. R.S. 47:301(8).

SECTION 3. The Tax levied hereby shall be assessed, imposed, collected, paid and enforced in the manner as provided by the law of the State of Louisiana (the “State”) applicable to the assessment, imposition, collection, payment and enforceability of hotel-motel taxes by local governments and shall be in addition to any other taxes levied upon hotel occupancy.

SECTION 4. The obligations and rights of taxpayers and dealers in connection with the Tax levied hereby shall be as provided taxpayers and dealers by the provisions of State law applicable to hotel-motel taxes levied by local governments.

SECTION 5. The Collector (as hereinafter defined) is hereby authorized, empowered and directed to carry into effect the provisions of this ordinance, to appoint deputies, assistants or agents to assist in the performance of its duties, and in pursuance thereof to make and enforce such rules as it may deem necessary.

SECTION 6. The Tax levied by this ordinance is authorized to be collected by a “Collector” which term shall mean the DeSoto Parish Sales and Use Tax Commission (the “Collector”). The Mayor and the Clerk of this Governing Authority are hereby authorized and directed to execute for and on behalf of the City an appropriate agreement with the Collector pertaining to the assessment, collection and payment of the Tax, in such form as may be satisfactory to the Collector, the signature of said officers on such Agreement to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 7. That all taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the Collector under any provision or provisions of this ordinance relating to the Tax shall be promptly remitted by the Collector for the account of the City for deposit by this Governing Authority in a special fund to be established and maintained for the deposit of such proceeds, which fund shall be a separate bank account established and maintained with the regularly designated fiscal agent of the City, provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the Collector with said fiscal agent pending the final determination of the protest or litigation.

Out of the funds on deposit in such special fund, there shall first be paid all reasonable and necessary costs and expenses of administering and collecting the Tax and

administering the provisions of this ordinance as well as the various administrative and enforcement procedures, if such costs and expenses have not been first paid from the revenues of the Tax by the Collector, such costs and expenses shall be reported by the Collector monthly to the Governing Authority.

In compliance with the Act, authorizing the Tax, after all reasonable and necessary costs and expenses of collecting and administering of the Tax have been paid as provided for above, the remaining balance in such special fund shall be remitted to the Governing Authority to be expended solely for the purposes designated in the proposition authorizing the levy of the Tax.

SECTION 8. The fund or account described herein may be a separate fund or account or may be a separate accounting with a general or sweeps fund or account containing monies from multiple sources so long as separate accounting of such moneys is maintained.

SECTION 9. If any one or more of the provisions of this ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, and this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

SECTION 10. The Tax levied hereby is and shall be in addition to all other taxes, whether levied in the form of hotel/motel, sales, excise, or license, privilege or property taxes levied by any other resolution or ordinance adopted by this Governing Authority or any other entity.

SECTION 11. This ordinance shall be in full force and effect immediately upon its adoption.

This ordinance having been submitted to a vote, the vote thereon was as follows:

<u>MEMBERS</u>	<u>YEAS</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINING</u>
G. B. Hall, III	X			
Troy N. Terrell			X	
Mitchell L. Lewis	X			
Joseph Hall, Jr.	X			
Alvin Ray Woodley	X			

And the ordinance was declared adopted on this, the 22nd day of November, 2010.

Item I: It was **MOTIONED** by **G. B. HALL III** and **SECONDED** by **ALVIN R. WOODLEY** to approve **Change Order No. 3** as submitted by **TGS Contractors, Inc.** for the Water Distribution System Improvements Project. The sum of \$3,901.00 was added to the total contract price, adjusting the contract price to date to **\$220,093.30**. Change Order No. 2, approved at the council's Sept. 13th meeting, increased the total contract price to \$216,192.30. Change Order No. 3 was also for a time extension to the contract of 79 calendar days. The date for completion of work is now **November 30, 2010**. Jim Ruffin reported that all generators at the Water Treatment Plant had been installed and are functioning properly. The above revisions to the contract are representative of the additional controls/electrical work for the generator at the Water Treatment Facility to send a signal to the City's monitoring system. Motion passed unanimously.

Item J: The Proposed 2011 Budget was presented to the council at this meeting for review and perusal. A copy of the 2001 budget was distributed to the Mayor, each alderman, the city's department heads, and to the city's legal council.

Item K: It was **MOTIONED** by **JOSEPH HALL, JR** and **SECONDED** by **MITCHELL L. LEWIS** to set a "Public Hearing" on Proposed 2011 Budget for December 13, 2010 at 4:30 p.m. to discuss and hear comments concerning the City of Mansfield's proposed budget for fiscal year 2011. A detailed copy of the proposed budget will be available for public inspection at City Hall between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, beginning November 24, 2010. Motion Passed Unanimously.

Department Reports

Next on the agenda was the reception of reports from the **City's Department Heads**.

- **Public Works Director Jim Ruffin** presented his overview on the status of the various contractors performing work within the City's corporate limits. He reported that Wicker Construction, Inc., contracted to perform upgrades to the City's water distribution system, is approximately 83% complete. They were at 80% as of the November 8th meeting. He noted that their work is slow-moving presently due to the congested intersection at Hwy. 509, Hwy. 175 and Hwy. 84. Ruffin said the crews are trying to complete their water project in this intersection now, in order to be out of the way for the state DOTD to begin their reconstruction work at this intersection. The sewer collection project being performed by Trenchless Methods, Inc., is approximately 93% complete, with the exception of Ricks Drive and Meadow Park Subdivision. Mr. Ruffin reported this contractor as 90% complete at the November 8th meeting. Crews are performing some patch work in other areas of the City. The water meter replacement project performed by Thielsch Group, Inc., is nearing 75% completion, and was 70% complete at

the November 8th council meeting. Ruffin said the majority of the work being done now involves replacing the larger water meters in the City.

- In his report, *Fire Chief Lee Shaver* informed the Council that he has six (6) firefighters currently enrolled in a First Responder class and one firefighter that has completed a hazmat technical course earlier this month.
- *Acting Police Chief Joseph Pratt* – No report was given due to Chief Pratt's absence.

It was **MOTIONED** by **G. B. HALL III** and **SECONDED** by **JOSEPH HALL, JR.** to amend the agenda to allow Ms. Jennifer Voisin, a representative of Chesapeake Energy Corp., to address the City Council concerning the company's desire to nominate 102.387 acres of city-owned property for the LA State Mineral Lease Sale on March 8, 2011. Motion Passed Unanimously.

Alderman G. B. HALL III asked Ms. Voisin if the proposed acreage was in addition to the acreage nominated at the November 9th State Mineral Lease Sale. Mrs. Voisin confirmed the property proposed for nomination was in addition to the previous acreage leased at the November 2010 sale.

It was **MOTIONED** by **G. B. HALL III** and **SECONDED** by **ALVIN R. WOODLEY** to adopt a resolution allowing Chesapeake Energy or their licensed agent/broker, to nominate the City's mineral interest in approximately 102.387 acres (in and under city streets) in the LA State Mineral Boards' lease sale slated for March 8, 2011. Motion Passed Unanimously. (Full copy of Resolution on file at City Hall)

There were no comments from the Mayor and City Council during the Comment Period, however, the City Clerk, Marvin Jackson, informed the Council of Proclamation No. 81 recently executed by Governor Bobby Jindal declaring the Monday after Christmas, Dec. 27, a legal holiday. Jackson informed the Council that City Hall would close to observe Monday, Dec. 27, in addition to the already scheduled holiday closure on Friday, Dec. 24 for Christmas Eve. Jackson also informed the Council that the regular City Council meeting, previously scheduled for Monday, December 27th, would be held on Tuesday, Dec. 28th at 4:30 p.m. The council voted unanimously to observe this new Christmas holiday schedule as declared by Gov. Jindal.

With no further business to discuss, the meeting **adjourned at 4:51 p.m.**, by **MOTION** from **JOSEPH HALL, JR.** and was **SECONDED** by **ALVIN R. WOODLEY.** Motion Passed Unanimously.

Curtis W. McCoy, Mayor
Marvin R. Jackson, Clerk

