



**HAMMOND CITY COUNCIL
PUBLIC HEARING
MINUTES
312 EAST CHARLES STREET
HAMMOND, LOUISIANA
March 13, 2018
5:30pm**

- I. CALL TO ORDER:** Council President Johnny Blount
Public Hearing was called to order by Council President, Johnny Blount @ 5:30pm.
- II. ROLL CALL:** Johnny Blount (P), Jason Hood (P), Janice Carter Beard (P), Lemar Marshall (P), Mike Williams (P)
- III. PUBLIC HEARING:**

1. An Ordinance to regulate Door to Door Solicitation. City Attorney, Andre Coudrain, presented this item and informed the council that there are recent Federal Court cases that addressed the issue of door to door solicitation and peddling. The U.S. Supreme Court struck down some ordinances of Cities that prohibited door to door to door solicitation. As a result, the Louisiana Municipal Association advised City Attorneys to review ordinances on door to door solicitation to make sure it is compliant. He informed council he consulted with the Chief of Police, City Prosecutor, City Revenue Officer & City Administration and prepared this proposed ordinance. The federal case law states that you cannot prohibit Door to Door Solicitation because it is protected free speech but, it can be regulated with time limitations.

He stated basically, there are 2 changes that is being made from how the City currently handles this, which are the following:

#1 Solicitation is only allowed during daylight hours; and #2 if a property owner has a Do Not Solicit sign on their property, a person cannot solicit or peddle at that location this will be a violation of the ordinance.

Comments:

Councilman Lemar Marshall: Asked about the permit forms and does this impact candidates that are campaigning.

City Attorney, Andre Coudrain: Stated it depends on what they're doing in their free speech. The definition of Door to Door solicitation is a product or a service is what is being solicited for and permitting is allowed as a reasonable regulation. City Attorney, Andre Coudrain informed Councilman Lemar Marshall that this will not apply for candidates for office.

Louise Bostic 112 Elm Drive, Hammond: Asked will this apply to churches are those included or excluded & how daylight savings defined in the ordinance?

City Attorney, Andre Coudrain: Stated this part of ordinance is not changing what's currently in place the only changes will be the hours & if a property owner has sign that states Do Not Solicit you're not allowed to solicit in that location. The hours are 8am-5pm during standard time and 8am-7pm during daylight savings.

Councilman Lemar Marshall: Asked how this would differ from High School teens selling items & will they require to have a background check?

City Attorney, Andre Coudrain Stated this is for commercial enterprise sales

City Administration, Lacy Landrum: Stated that nonprofits are listed in the current ordinance as an exception and that will not change.

City Attorney, Andre Coudrain: Stated High School students will not have to have a background check due to being consider nonprofit were the sale of goods or merchandise are donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.

2. An Ordinance to declare as surplus and authorize the sale of the items listed below to sell on GovsDeal.com

Unit # 861 -2005 Nissan Altima, VIN# 1N4BL11D55C118337

Unit # 108 – 2007 Nissan Altima, VIN# 1N4AL21E17C115951

Unit # 501 – 2003 Chevy Tahoe, VIN# 1GNEC13Z53R106450

Unit # 614 -2006 Chevy Trailblazer, VIN# 1GNES13M562262735

Jana Thurman, presented this item informing the council that these are (4) units that are no longer of use to the departments which have mechanical issues and asking council approval to declare as surplus and sale of GovsDeal.com

There were no comments

3. An Ordinance to amend the towing Ordinance regarding rotating wrecker log. Chief Stewart, informed the council that there were no changes to the ordinance.

Councilman Jason Hood: Informed Chief Stewart that he wanted to review the appeal process and he emailed City Attorney, Andre Coudrain.

City Attorney, Andre Coudrain: Stated that the current ordinance does have an appeal process to the council. It was not recommended by the group but, it could be reinstated and read as follow: Any Wrecker service suspended or removed from the RWLP may appeal the decision of the Chief of Police to the City Council. The appeal must be in writing and filed with the Council Clerk within fifteen (15) days after receipt of notice of suspension or removal.

Councilman Jason Hood: Reviewed the old ordinance versus the new ordinance and the only thing that he seen is a time change. Is there a particular reason why?

Police Chief, Stewart: To bring it current with policy and in line up with the Louisiana State Police to the extent of time, equipment on the truck, and clean up responsibilities. The City Ordinance needed to be clear due to the time, and the removal of debris from wrecks.

Councilman Jason Hood: Stated he's looking out for the local drivers will this hurt them?

Police Chief, Stewart: No one is being impacted because no one is being taken off or added unless someone drops off. One of the components of the meeting was the removal of the suspension where he will engage the owner and let the owner work it out with Tow truck driver so no action will be taken from his department.

Councilman Lemar Marshall: Asked Chief Stewart was ok with the appeal process

Police Chief, Stewart: Stated he was ok with the decision.

Councilman Lemar Marshall: Asked if it's a 15 day time line does it has to fit into a council meeting?

City Attorney, Andre Coudrain: Stated what is being proposed they have to appeal it within 15 days after receiving notice then the council will take it up at its normal course of business and it has to be delivered to the clerk.

Mayor, Panepinto: Asked what the biggest problem?

Police Chief, Stewart: Stated time the ordinance had them on a 20min time clock and he change to a 30 min time clock.



HAMMOND CITY COUNCIL
MINUTES
REGULAR SESSION
312 EAST CHARLES STREET
HAMMOND, LOUISIANA
March 13, 2018
6:00pm Immediately following Public Hearing.

I. CALL TO ORDER: Council President Johnny Blount

Regular Session was called to order by Council President Johnny Blount @ 5:45 pm

II. ROLL CALL: Johnny Blount (P), Jason Hood (P), Janice Carter Beard (P), Lemar Marshall (P), Mike Williams (P)

III. PRAYER: Councilwoman Janice Carter Beard

**IV. PLEDGE OF ALLEGIANCE: All veterans and active military, please render the proper salute.
Councilman Mike Williams**

V. REPORTS:

1. Council: NONE

2. Mayor: He attended a ribbon cutting for the Bryant family, this was a Fuller Center project and many volunteers showed up to assist.

Safe Communities reaccredited the City of Hammond and this program partners with many organizations to focus on the community.

He attended the Regional Planning Commission meeting with Parish President Robby Miller. At the meeting it was stated that local municipalities are expected to contribute more toward matching funds for transportation as far as roads.

3. Recognition of New Businesses: NONE

VI. Minutes of February 27, 2018: After review it was motioned by Councilman Jason Hood and second by Councilwoman Janice Carter Beard to approve the minutes of February 27, 2018.

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

VII. RESOLUTIONS

A. OLD BUSINESS: NONE

B. NEW BUSINESS:

1. A resolution to support and encourage the placement of signs in strategic areas of the City that discourage contributing to panhandlers. Councilman Jason Hood, informed the council that he would like signs to be placed at every entrance and exit that leads into the City from the interstate and places of interest like Wal- mart, & Hobby Lobby. Councilman Jason Hood stated he would like to see these placed to discourage this activity he informed the council to review the signs that were passed out that he thought would be appropriate. **There was a motion by Councilman Jason Hood and second by Councilman Mike Williams to support and encourage the placement of signs in strategic areas of the City that discourage contributing to panhandlers.**

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

2. A resolution to transfer \$80,000 from available surplus funds (42015800-560330) to project "Bridge Protection - Club Deluxe Road at Arnold's Creek". Chuck Spangler, informed the council that they noticed some problems with the bridge, it's a City bridge. The City of Hammond & Tangipahoa Parish would share in the cost of the bridge construction. Chuck Spangler, showed photos of the bridge and pointed out the areas of concerns to the Council. He stated he asked the Mayor to declare an emergency because this is a dangerous condition that cannot wait 60 days to start. He approached Beverly Construction along with another contractor received some quotes and they stated they could do the work & the Parish approved their CEA to meet there half. This request is one half of the cost and trying to move quickly because this is an imminent threat to the public.

Councilman Mike Williams: How often are bridges inspected?

City Engineer, Chuck Spangler: Stated the Parish inspects all bridges every 2 years.

Councilman Lemar Marshall: Asked is the \$133,450.00 the total cost of the project?

City Engineer, Chuck Spangler: Stated yes plus some inspections

Councilman Lemar Marshall: Is the Parish paying the balance

City Engineer, Chuck Spangler: \$80,000 a piece from the City & Parish the \$160,000 is just in case more work need to be done.

Councilman Lemar Marshall: Asked what is the total amount of surplus funds available?

Accounting Director, Syeda Naeem: \$359, 000 surplus funds available

Director of Administration, Lacy Landrum: Stated once projects are closed they stay in the Capital Fund they do not go to General Operating or any other fund. The stay in Capital Fund and only allocated through Council approval.

Councilman Lemar Marshall: Asked do we know when projects sunset when does excess dollars come available?

City Engineer, Chuck Spangler: Stated that on every Capital project that's completed he provides a report with a conclusion when that contract closes and it shows the amounts

Councilman Jason Hood: Will the surplus fund be on the consolidated budget?

Accounting Director, Syeda Naeem: Stated it's not on the consolidated budget because it is a multi-year fund.

City Engineer, Chuck Spangler: Stated the City will need surplus money for JW Davis Bridge & Whitmar drainage project.

Councilman Jason Hood: Asked how the new council can know what funds are available?

Accounting Director, Syeda Naeem: That information can be provided but, there is a Capital Improvement fund.

Councilman Jason Hood: Asked does this have to be done by Ordinance?

City Attorney, Andre Coudrain: Stated only if it amends the budget

There was a motion by Councilman Jason Hood and second by Councilman Lemar Marshall to transfer \$80,000 from available surplus funds (42015800-560330) to project "Bridge Protection - Club Deluxe Road at Arnold's Creek".

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

3. A resolution to authorize the Mayor to enter into a Cooperative Endeavor Agreement with Tangipahoa Parish Government for emergency repairs to Arnold's Creek Bridge on Club Deluxe. Lacy Landrum, Director of Administration, Informed the council this is the contract that the Parish Government approved dedicating their half up \$80,000 to the project and authorizing the Mayor to enter into a CEA.

There was a motion by Councilman Jason Hood and second by Councilman Lemar Marshall to authorize the Mayor to enter into a Cooperative Endeavor Agreement with Tangipahoa Parish Government for emergency repairs to Arnold's Creek Bridge on Club Deluxe.

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

4. A resolution to award the contract to Beverly Construction Company LLC for \$133,450 for "Bridge Protection - Club Deluxe Road at Arnold's Creek". Chuck Spangler, City Engineer stated Beverly Construction provide a quote in the amount of \$133,450. He recommends the Award to Beverly Construction Company LLC.

There was a motion by Councilman Lemar Marshall and second by Councilwoman Janice Carter Beard to award the contract to Beverly Construction Company LLC for \$133,450 for "Bridge Protection - Club Deluxe Road at Arnold's Creek".

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

5. A resolution 1) authorizing the submission of a full application in the amount of \$2,085,000 to the Clean Water State Revolving Fund to improve Hammond's South Wastewater Treatment Plant; and 2) naming the Mayor as the person who may sign for the City on the resulting loan (with a 0.95% annual percentage rate and 20-year term). Charles Borchers, Stated the City received pre approval of application and this is council approval to proceed with the full application process. The only change is the amount, it has been reduced.

There was a motion by Councilman Lemar Marshall and second by Councilwoman Janice Carter Beard 1) authorizing the submission of a full application in the amount of \$2,085,000 to the Clean Water State Revolving Fund to improve Hammond's South Wastewater Treatment Plant; and 2) naming the Mayor as the person who may sign for the City on the resulting loan (with a 0.95% annual percentage rate and 20-year term).

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

6. A resolution to approve Our Mom's Restaurant & Bar, located at 205 East Thomas Street, Hammond La., to sell High/Low alcohol on premise with conditional approval pending Health, Fire, and Building Inspections. The Owner is Our Mom's Hammond, LLC. Jinnie Wilson, informed the council that she's requesting a conditional approval due to all inspections not being completed. They met the Health was inspected but, waiting for Fire & Building. She is asking for approval pending the completion of the required inspections.

Owners of Our Mom's Restaurant were present at the meeting
Micheal Fresina, 7907 Falencia Court, Baton Rouge 70820
Bach Ngo, 2623 Theodosia Drive, Baton Rouge 70809

Councilman Mike Williams: Informed the owners that they are being permitted as a restaurant not a bar this means you can't at 10pm stop serving your menu and only serve alcohol or move furniture around to become a bar.

Micheal Fresina: said the business is changing and they are modeling this after their Baton Rouge location and there is no late night bars or loud music.

Councilman Mike Williams: Stated he does not want the same issues from the other location brought to the new location. He also informed them that they cannot sell to minors and that it will be checked by Hammond Police Department.

There was a motion by Councilman Mike Williams and second by Councilman Lemar Marshall to approve Our Mom's Restaurant & Bar, located at 205 East Thomas Street, Hammond La., to sell High/Low alcohol on premise with conditional approval pending Health, Fire, and Building Inspections. The Owner is Our Mom's Hammond, LLC.

VOTE: Jason Hood (N), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 4-1

7. A resolution to accept the donation of a 2006 Ford Crown Victoria Vin# 2FAFP71W06X141927 from the seventh ward Marshal. **Jana Thurman**, stated this vehicle was donated to the Marshall office by the City in 2015 it has mechanical issues and the Marshall is donating back to the City.

There was a motion by **Councilman Mike Williams** and second by **Councilman Lemar Marshall** to accept the donation of a 2006 Ford Crown Victoria VIN# 2FAFP71W06X141927 from the seventh ward Marshal.

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

8. A resolution to approve Budget Change Form No. 18-05 transferring \$190,000.00 from "Drainage Improvements FY 2017" project (420-11707) and \$140,000.00 from "Villa West Bulkhead & Miscellaneous Repairs" project (420-11807) to "Drainage Improvements FY 2018" (402-11806). **Webb Anderson**, stated everyone should have received a letter that listed all drainage improvements that's included in the project this year. This is to take left over money from last year and moving it to this year's funds.

There was a motion by **Councilman Jason Hood** and second by **Councilman Lemar Marshall** to approve Budget Change Form No. 18-05 transferring \$190,000.00 from "Drainage Improvements FY 2017" project (420-11707) and \$140,000.00 from "Villa West Bulkhead & Miscellaneous Repairs" project (420-11807) to "Drainage Improvements FY 2018" (402-11806).

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

VIII. FINAL ADOPTION OF ORDINANCE:

1. Final adoption of an Ordinance to regulate Door to Door Solicitation.

There was a motion by **Councilman Jason Hood** and second by **Councilwoman Janice Carter Beard** to adopt an ordinance to regulate Door to Door Solicitation.

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

2. Final adoption of an of an Ordinance to declare as surplus and authorize the sale of the items listed below to sell on GovsDeal.com (Jana Thurman)

Unit # 861 -2005 Nissan Altima, VIN# 1N4BL11D55C118337

Unit # 108 – 2007 Nissan Altima, VIN# 1N4AL21E17C115951

Unit # 501 – 2003 Chevy Tahoe, VIN# 1GNEC13Z53R106450

Unit # 614 -2006 Chevy Trailblazer, VIN# 1GNES13M562262735

There was a motion by **Councilwoman Janice Carter Beard** and second by **Councilman Lemar Marshall** to adopt an ordinance to declare as surplus and authorize the sale of the items listed below to sell on GovsDeal.com

Unit # 861 -2005 Nissan Altima, VIN# 1N4BL11D55C118337

Unit # 108 – 2007 Nissan Altima, VIN# 1N4AL21E17C115951

Unit # 501 – 2003 Chevy Tahoe, VIN# 1GNEC13Z53R106450

Unit # 614 -2006 Chevy Trailblazer, VIN# 1GNES13M562262735

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

3. Final adoption of an Ordinance to amend the towing Ordinance regarding rotating wrecker log.

There was a motion by Councilman Jason Hood and second by Councilman Lemar Marshall for **amendment of the proposed ordinance to include a 15 days appeal to the council.**

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion to Amend Approved 5-0

There was a motion by Councilman Lemar Marshall and second by Councilman Jason Hood to adopt an ordinance to amend the towing ordinance regarding rotating wrecker log.

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

IX. INTRODUCTION OF ORDINANCE AND SET OF PUBLIC HEARING:

1. Introduction of an ordinance to amend the City of Hammond budget for Fiscal Year 2017-2018 in accordance with the procedures set within Section 5-03 of the City of Hammond Charter.

Syeda Naeem, presented this item stated the City is required by the auditor to amend the budget for any variance greater than 5%.

There was a motion by Councilman Lemar Marshall and second by Councilman Jason Hood to introduce an ordinance to amend the City of Hammond budget for Fiscal Year 2017-2018 in accordance with the procedures set within Section 5-03 of the City of Hammond Charter.

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0
Public Hearing set for March 27, 2018

2. Introduction of an Ordinance to Approve an Expanded Conditional Use request by Channing Garrett (applicant) to allow placement of 2012 mobile home w/chassis meeting all code requirements on Lot 11 Square 4 Kenmore Addition located at 606 Campo St.; Zoned RS-3 (Z-2018-02-00044) recommend denial by Zoning Commission. Tracie Schillace, presented this item stated this is a proposal to place a mobile home on a lot in Councilman Blount District#1. If this is permitted he will have to meet all code requirements.

There was a motion by Councilman Lemar Marshall and second by Councilwoman Janice Carter Beard to introduce an Ordinance to Approve an Expanded Conditional Use request by Channing Garrett (applicant) to allow placement of 2012 mobile home w/chassis meeting all code requirements on Lot 11 Square 4 Kenmore Addition located at 606 Campo St.; Zoned RS-3 (Z-2018-02-00044) recommend denial by Zoning Commission.

VOTE: Jason Hood (Y), Janice Carter Beard (Y), Mike Williams (Y), Lemar Marshall (Y), Johnny Blount (Y). Motion Approved 5-0

Public Hearing set for March 27, 2018

X. ADJOURN: There was a motion by Councilman Lemar Marshall and second by Councilwoman Janice Carter Beard to adjourn the meeting. All members were in favor and the meeting was adjourned.

CERTIFICATION OF CLERK

I TONIA BANKS, CLERK OF COUNCIL, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT RECITATION OF THE BUSINESS TRANSACTED AT THE REGULAR MEETING OF THE CITY COUNCIL HELD **March 13, 2018** BEING 7 PAGES IN LENGTH

**TONIA BANKS
HAMMOND CITY COUNCIL CLERK**

**PRESIDENT JOHNNY BLOUNT
HAMMOND CITY COUNCIL**