

Town of Lockport
Lockport, Louisiana

Minutes of Regular Meeting January 18, 2011

The Mayor Pro Tem and Town Council met in regular session on Tuesday, January 18, 2011, at 7:00 P.M., at the Lockport Town Hall Complex.

A. Call to Order, B. Opening Prayer, C. Pledge of Allegiance

Mayor Pro Tem Paul Champagne called the meeting to order. The opening prayer was offered by Town Clerk Gerard Leonard, followed by the Pledge of Allegiance led by Mr. Champagne.

D. Roll Call

The roll was called with the following present: Mayor Pro Tem Paul Champagne, Councilmen Donovan Barker, Rodney Hartman, Craig Rogers, and Weldon Triche. Absent: Mayor Richard Champagne (for cause). Also present was Police Chief Warren Vedros and Town Attorney Mitch Theriot.

E. Approval of Minutes

1. December 21, 2010 - Mr. Champagne asked if there were any corrections or comments concerning the minutes of the December 21, 2010, meeting that were distributed to all councilmen. Councilman Barker made a motion to approve the minutes as presented. Councilman Rogers seconded the motion and the motion carried unanimously.

2. December 29, 2010, Special Meeting - Mr. Champagne asked if there were any corrections or comments concerning the minutes of the December 29, 2010, special meeting that were distributed to all councilmen. Councilman Rogers made a motion to approve the minutes as presented. Councilman Triche seconded the motion and the motion carried unanimously. Mr. Champagne described the purpose of the special meeting which was to accept the donation of property from Mr. Benny Cenac to the Town of Lockport.

F. Approval of Financial Statements for month ending December 31, 2010

Mr. Champagne asked if there were any questions or comments concerning the financial statements for the month ending December 31, 2010, that were distributed to the councilmen. Councilman Hartman moved and Councilman Barker seconded a motion to approve the financial statements as presented. The motion carried unanimously.

G. Police Report

Mr. Champagne called on Police Chief Warren Vedros to report on his department's activities. Mr. Vedros distributed copies of the monthly activity report. Councilman Barker moved and Councilman Rogers seconded the motion to approve the police report as presented. The motion carried unanimously.

H. GSE Report

Mr. Champagne called upon Mr. Clay Breaud of GSE, who gave the monthly engineering status report as follows:

1. Rouses' Supermarket Sewer Lift Station:

Substantial completion inspection was conducted January 7, 2011. A minor punch list was noted. A Resolution of Acceptance is on the Council Agenda.

2. Wind Hardening of Town Hall Complex:

GSE submitted application for funding through Hazard Mitigation Program. Application approval is still pending. Application is awaiting final step of FEMA process.

3. Comeaux Drive LCDBG Sewer Application:

The Town has funding in the amount of \$669,400.00 for this project through the LCDBG 2008-2009 application. A grant from DRA has been approved for an additional \$100,000. GSE is waiting on DEQ to determine additional funding options.

4. Catherine, Elizabeth, School and Ethyl Street Drainage:

A MIP Grant Application in the amount of \$2,000,000 was submitted through South Central Planning for drainage improvements on these streets. No decision has been received to date.

5. Elliot St. Sewer Lift Station Generator:

The Town received a \$35,000 grant for this project. GSE is looking into sizing requirements and generator type.

I. Resolution - Acceptance of work performed by Ellender Backhoe and Dozer Services, Inc. for the construction of the Rouse Sewer Force Main and Pump Station.

Councilman Hartman moved and Councilman Barker seconded the motion to adopt the Resolution accepting the above described work. The motion carried unanimously.

J. Public Hearings – Councilman Hartman moved and Councilman Barker seconded a motion to suspend the regular meeting and to open a public hearing for the following topics. The motion carried unanimously.

1. Ordinance calling for payment of witness fees for subpoenas for persons attending municipal court. The maximum fee is \$15.00. Fees may be assessed if the defendant is found guilty. There were no citizen's comments.
2. Ordinance introducing new crime of interfering with a law enforcement investigation. Act No 349. This is a new statute as passed by the Louisiana Legislature. There were no citizen's comments.
3. Change existing ordinance 9-102 Theft. This is a statute change as passed by the Louisiana Legislature. There were no citizen's comments.
4. Ordinance for use of wireless telecommunication devices for text messaging as prohibited. Omit.
5. Ordinance introducing new crime of restraining any animal in a manner that is inhumane. Act No 977. This is a new statute as passed by the Louisiana Legislature. There were no citizen's comments.
6. Ordinance introducing new crime of Cyber bullying. Act 898. This is a new statute as passed by the Louisiana Legislature. There were no citizen's comments.
7. Ordinance to extend the lease agreement between the Town of Lockport and Crown Castle. Town Attorney Mitch Theriot explained the options and features included in the proposed agreement. The lease extension includes four 5 year extensions through 2043.
8. Discuss the permitted uses in a C1 Commercial District pertaining to a meat market and a retail fish market. Councilman Rogers explained that the options available to accommodate the proposed business in question at the corner of Vacherie Street and Tenth Street include a change or addition to the permitted uses or a zoning variance. Changing the permitted uses would apply to the entire C1 zone. A zoning variance would apply only to the one location on Vacherie Street. Mr. Theriot further explained the options. A zoning variance would require that a public notice be placed on the location of the variance informing the public of the proposed change and that a public hearing be held to hear public comments. Questions arose concerning a possible odor problem in a residential area.

Councilman Rogers moved and Councilman Triche seconded the motion to end the Public Hearing and to return to the Regular Meeting. The motion carried unanimously.

K. Ordinances

1. Ordinance calling for payment of witness fees for subpoenas for persons attending municipal court. Councilman Rogers moved and Councilman Triche seconded the motion to adopt the above ordinance. The motion carried unanimously.
2. Ordinance introducing new crime of interfering with a law enforcement investigation. Act No 349. Councilman Triche moved and Councilman Rogers seconded the motion to adopt the above ordinance. The motion carried unanimously.
3. Change existing ordinance 9-102 Theft. Councilman Hartman moved and Councilman Rogers seconded the motion to adopt the above ordinance as changed to restrict the fine amount to not more than five hundred dollars. The motion carried unanimously.
4. Ordinance for use of wireless telecommunication devices for text messaging as prohibited. No action taken.
5. Ordinance introducing new crime of restraining any animal in a manner that is inhumane. Act No 977. Councilman Rogers moved and Councilman Triche seconded the motion to adopt the above ordinance. The motion carried unanimously.
6. Ordinance introducing new crime of Cyber bullying. Act 898. Councilman Rogers moved and Councilman Hartman seconded the motion to adopt the above ordinance. The motion carried unanimously.
 - a. Ordinance to extend the lease agreement between the Town of Lockport and Crown Castle. Councilman Hartman moved and Councilman Barker seconded the motion to approve the lease agreement extension that includes an increase in monthly payments to \$950.00 with escalation as per original agreement and extending the term to 2043. The motion carried with Councilmen Barker, Hartman, and Triche voting for and Councilman Rogers voting against.

L. Open topics

1. Drainage issues

- a. Replace driveway culvert at 258 Comeaux Drive (town pays for culverts, property owner pays for concrete) – scheduled to be done early January, 2011.
- b. Replace driveway culvert at 620 School Street. In progress.

(10) In addition, (item 10), a quote was received to install 4 catch basins along Veterans Street - scheduled to be done early January, 2011.

2. Bridge across drainage ditch from post office to library - Councilman Rogers reported that Mr. Jimmy Cantrelle had planned to attend this meeting but apparently was unavailable.

- 3. Crescent Avenue speed limit – 35MPH end to end.** Chief Vedros reported that this item should be delayed until after the Rouse Store opens for business.
- 4. Research ROWs and SERVITUDES –** Mr. Theriot was authorized to research the property at the Elliot Street sewer pump station to determine if the town has sufficient servitude to install a permanent generator. Mr. Theriot will also attempt to estimate the cost of an expanded research of all town servitudes. Letters will be sent in the near future to residents that have not yet repaired leaks on private property.
- 5. Smoke testing report.** The town has two remaining sites that need to be repaired. These should be completed within the next month.
- 6. Clear trees from two outfall canals.** Trees need to be cleared from the main drainage canal next to the post office.
- 7. Committee for expansion of Lockport.** Committee chairman Craig Rogers reported that he will call a meeting of the committee next month.
- 8. Sidewalk repairs –** no action.
- 9. STOP signs –** no action.
- 10. Item 10 was addressed as an addendum to item 1.**
- 11. Seafood Business –** Councilman Rogers made a motion to call for a public hearing to discuss a variance to the zoning ordinance for the property on Vacherie Street at Tenth Street to allow farming of soft shell crabs and to sell seafood at wholesale. Councilman Triche seconded the motion. The motion carried with Councilmen Hartman, Rogers, and Triche voting for and Councilman Barker voting against.

M. Reports

- 1. Council -** No report.
- 2. Town Attorney -** No report.
- 3. Mayor**

Mr. Champagne requested volunteers to evaluate two proposals for Brownfields remediation of the property immediately to the rear of the Boat Center on Lafourche Street. Councilmen Rogers and Triche and Town Clerk Leonard were appointed to a committee to perform the evaluations.

N. Citizens Comments

Mr. James Gouaux asked what areas were being considered for possible annexation into the Town of Lockport. The response was that the areas have not yet been specifically identified. Mr. Bruce Wilson requested that the town consider an adjustment to his water and sewerage bill for the portion of his bill that was wasted due to a break in his water line. Mr. Wilson was told that the town has no control or involvement in the water portion of the bill. However, the mayor typically considers an adjustment for the sewer portion of the bill when the water district adjusts the water portion of the bill. Mr. Wilson was instructed to repeat the request for the sewer fee adjustment after the water district adjusts the water fee. Councilman Rogers described an incident that caused phone calls from citizens regarding a trailer that was moved onto a lot on Lafourche Street. The consensus was that the trailer owner had met the requirements needed to move the trailer. Councilman Rogers also described an issue regarding camper trailers being used as residences in town and referred to an email sent to all councilmen by the town clerk that included pictures of the camper trailers and a procedure defined by the town attorney for addressing this issue. Councilman Rogers noted that no action was taken by the administration concerning this matter and asked for a procedure to handle this matter. Mr. Theriot stated that any complaint received should be brought to the council for action to be taken. Councilman Rogers then requested that the administration hire an attorney to take action on the above mentioned illegal properties.

O. Adjourn

The next scheduled regular town meeting will be held on Tuesday, February 15, 2011. There being no further business to come before the Council, a motion by Councilman Triche to adjourn the meeting was seconded by Councilman Rogers and carried unanimously at 9:00 pm.

Town of Lockport

/s/ Paul Champagne

Paul Champagne
Mayor Pro Tem

/s/ Gerard Leonard

Gerard Leonard
Town Clerk

It was moved by Councilman Hartman and seconded by Councilman Barker, that the following resolution be adopted:

RESOLUTION

A resolution providing for the acceptance of work performed by Ellender Backhoe and Dozer Services, Inc. for the construction of the Rouse's Sewer Force Main and Pump Station, Town of Lockport, Lafourche Parish, Louisiana.

WHEREAS, by contract dated June 9, 2010, the Town of Lockport did award a contract for the construction of the Rouse's Sewer Force Main and Pump Station, Town of Lockport, Lafourche Parish, Louisiana, under Entry No. 1093644 of the records of Lafourche Parish, and

WHEREAS, the work performed under this contract has been inspected by authorized representatives of the Owner, Engineer and Contractor.

NOW, THEREFORE BE IT RESOLVED, that the contract is hereby declared to be substantially complete effective as of the date of the recording of this resolution and that the Town of Lockport has accepted and does by these presents accept the work of Ellender Backhoe and Dozer Services, Inc., 603 Hwy. 665, Montegut, Louisiana, 70377, under said contract and does authorize and direct the Clerk of Court and Ex-Officio Recorder of Mortgages of Lafourche Parish to note thereof in the margin of the inscription of said contract under Entry No. 1093644 of the records of Lafourche Parish, Louisiana.

WHEREUPON the motion was put to a vote and the vote thereon was as follows:

YEAS: Councilmen Barker, Hartman, Rogers, and Triche.

NAYS: None.

ABSENT AND NOT VOTING: None.

and the resolution was declared adopted on this 18th day of January, 2011.

* * * * *

I, Gerard Leonard, Clerk of the Town of Lockport, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Board of Aldermen of the Town of Lockport, at a meeting held on the 18th day of January, 2011, at which meeting a quorum was present and voted and that said resolution is now in full force and effect.

WITNESS MY OFFICIAL SIGNATURE this 18th day of January, 2011.

/s/ Paul Champagne
Paul Champagne, Mayor Pro Tem

ATTEST:

/s/ Gerard Leonard
Gerard Leonard, Town Clerk

ORDINANCE NO. 2011-001

An Ordinance to amend the Lockport

Code of Ordinance so as to Add

Section 2-357

Section 2-357 WITNESS FEES

The Magistrate Court for the Town of Lockport may charge as court cost a witness fee not to exceed Fifteen (\$15.00) Dollars for every witness subpoenaed to appear at a court session.

Said Ordinance was put to a vote on the 18th day of January, 2011 and the vote was as follows.

YEAS: Councilmen Barker, Hartman, Rogers, and Triche.

NAYS: None.

ABSENT: None.

And the Ordinance was declared adopted on this 18th day of January, 2011.

/s/ Paul Champagne
Paul Champagne, Mayor Pro Tem

ATTEST:

/s/ Gerard Leonard
Gerard Leonard, Town Clerk

ORDINANCE NO. 2011-002

An ordinance to amend the Lockport

Code of ordinances so as to add

Section 9-46

Section 9-46. Interfering with a law enforcement investigation

A. Interfering with a law enforcement investigation is the intentional interference or obstruction of a law enforcement officer conducting investigative work at the scene of a crime or the scene of an accident by refusing to move or leave the immediate scene of the crime or the accident when ordered to do so by the law enforcement officer when the offender has reasonable grounds to believe the officer is acting in the performance of his official duties.

B. For the purposes of this Section, "law enforcement officer" means any commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable, wildlife enforcement agent, state park warden, livestock brand inspector, forestry officer, or probation and parole officer.

C. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

Said Ordinance was put to a vote on the 18th day of January, 2011 and the vote was as follows:

YEAS: Councilmen Barker, Hartman, Rogers, and Triche.

NAYS: None.

ABSENT: None.

And the Ordinance was declared adopted this 18th day of January, 2011.

/s/ Paul Champagne
Paul Champagne, Mayor Pro Tem

ATTEST:
/s/ Gerard Leonard
Gerard Leonard, Town Clerk

ORDINANCE NO. 2011-003

An Ordinance to amend the Lockport
Code of Ordinance so as to Amend
And Reenact Section 9-102

Section 9-102 Theft

A. Theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.

B. When the misappropriation or taking amounts to less than a value of five hundred dollars, the offender shall be imprisoned for not more than six months, or may be fined not more than five hundred dollars, or both.

Said Ordinance was put to a vote on the 18th day of January, 2011 and the vote was as follows.

YEAS: Councilmen Barker, Hartman, Rogers, and Triche.
NAYS: None.
ABSENT: None.

And the Ordinance was declared adopted on this 18th day of January, 2011.

/s/ Paul Champagne
Paul Champagne, Mayor Pro Tem

ATTEST:

/s/ Gerard Leonard
Gerard Leonard, Town Clerk

ORDINANCE NO. 2011-004
An Ordinance to amend the Lockport
Code of Ordinance so as to Add
Section 6-17

Section 6-17 Unlawful Restraint of a dog

A. As used in this Section:

- (1) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.
- (2) "Owner" means a person who owns or has custody or control of a dog.
- (3) "Properly fitted" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.
- (4) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

B. It shall be unlawful to tie, tether, or restrain any animal in a manner that is inhumane, cruel, or detrimental to its welfare.

C. The provisions of this Section shall not apply to any of the following:

- (1) Accepted veterinary practices
- (2) Activities carried on for scientific or medical research governed by accepted standards.
- (3) A dog restrained to a running line, pulley or trolley system and is not restrained to the running line, pulley or trolley system by means of a pinch type, prong type, choke type or improperly fitted collar.
- (4) A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction.
- (5) A dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog.
- (6) A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock.
- (7) A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products if the restraining is reasonably necessary for the safety of the dog.
- (8) A dog being restrained and walked with a hand held leash regardless of the type of collar being used.

D. Whoever violates the provisions of this Section shall be fined not more than Three Hundred Dollars.

Said Ordinance was put to a vote on the 18th day of January, 2011 and the vote was as follows.

YEAS: Councilmen Barker, Hartman, Rogers, and Triche.
NAYS: None.
ABSENT: None.

And the Ordinance was declared adopted on this 18th day of January, 2011.

/s/ Paul Champagne
Paul Champagne, Mayor Pro Tem

ATTEST:

/s/ Gerard Leonard
Gerard Leonard, Town Clerk

ORDINANCE NO. 2011-005

An ordinance to amend the Lockport

Code of Ordinances so as to add

Section 9-65

Section 9-65 Cyberbullying

A. Cyberbullying is the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, or intimidate a person under the age of eighteen.

B. For purposes of this Section:

(1) "Cable operator" means any person or group of persons who provides cable service over a cable system and directly, or through one or more affiliates, owns a significant interest in such cable system, or who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

(2) "Electronic textual, visual, written, or oral communication" means any communication of any kind made through the use of a computer online service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or online messaging service.

(3) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

(4) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, regardless of the facilities used.

C. An offense committed pursuant to the provisions of this Section may be deemed to have been committed where the communication was originally sent, originally received, or originally viewed by any person.

D. (1) Except as provided in Paragraph (2) of this Subsection, whoever commits the crime of Cyberbullying shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

(2) When the offender is under the age of seventeen, the disposition of the matter shall be governed exclusively by the provisions of Title VII of the Children's Code.

E. The provisions of this Section shall not apply to a provider of an interactive computer service, provider of a telecommunications service, or a cable operator as defined by the provisions of this Section.

F. The provisions of this Section shall not be construed to prohibit or restrict religious free speech pursuant to Article I, Section 8 of the Constitution of Louisiana.

Said Ordinance was put to a vote on the 18th day of January, 2011 and the vote was as follows:

YEAS: Councilmen Barker, Hartman, Rogers, and Triche
NAYS: None.
ABSENT: None.

And the Ordinance was declared adopted on this 18th day of January, 2011.

/s/ Paul Champagne
Paul Champagne, Mayor Pro Tem

ATTEST:

/s/ Gerard Leonard
Gerard Leonard, Town Clerk

ORDINANCE NO. 2011-006

An ordinance to amend the Lockport

Code of Ordinances so as to Add

Section 1-12

BE IT ORDAINED by the Lockport Town Council in regular session assembled that the Lockport Town Code of Ordinances is hereby amended and re-enacted so as to Add Section 1-12 to read as follows:

SECTION 1-12

SECOND AMENDMENT TO OPTION AND LEASE AGREEMENT
WITH A T & T MOBILITY CORPORATION

BE IT ORDAINED, by the Town Council, on behalf of the Town of Lockport, hereby enters into that lease agreement with A T & T Mobility Corporation (ATTACHMENT A).

YEAS: Councilmen Barker, Hartman, and Triche.

NAYS: Councilman Rogers.

ABSENT AND NOT VOTING: None.

And the ordinance was declared adopted on this the 18th day of January, 2011.

/s/ Paul Champagne

Paul Champagne
Mayor Pro Tem

/s/ Gerard Leonard

Gerard Leonard
Town Clerk