

Town of Lockport
Lockport, Louisiana

Minutes of Regular Meeting April 19, 2011

The Mayor Pro Tem and Town Council met in regular session on Tuesday, April 19, 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 of March 15, 2011

Mr. Champagne asked if there were any corrections or comments concerning the minutes of the March 15, 2011, 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.

F. Approval of Financial Statements for month ending March 31, 2011

Mr. Champagne asked if there were any questions or comments concerning the financial statements for the month ending March 31, 2011, that were distributed to the councilmen. Councilman Hartman moved and Councilman Triche seconded a motion to approve the financial statements as presented. The motion carried unanimously.

Councilman Rogers made a motion to deviate from the agenda by delaying the Police Report until the return to the meeting of Chief Vedros. Councilman Barker seconded the motion and it 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. One item on punch list is still incomplete. Project is in the lien period.

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:

Bid date is scheduled for May 10, 2011. A Pre-Bid is scheduled for April 26, 2011.

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. The Town is looking into property ownership. GSE has a tentative layout and will seek a cost proposal to purchase generator. GSE will meet with administration to discuss best scenario. Mr. Breaud recommended the purchase of a 50KW portable generator equipped on a trailer and wheels. Councilman Rogers suggested that he would prefer a permanent installation. Councilman Rogers asked for an explanation of the warning indicator light on the Rouse Sewer Lift Station. Mr. Breaud responded that the red indicator light is on when operating properly, blinking when a problem exists, and off when the power is off. Councilman Rogers asked if this type of warning system is used on any other generators in town. Mr. Breaud responded that this is the only station currently using this type of monitoring.

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. Mr. Vedros offered to answer any

questions about the report. Councilman Barker moved and Councilman Rogers seconded the motion to accept the police report as presented. The motion carried unanimously.

I. SCPDC – Mr. Terry Talbot to discuss the permitting and code enforcement processes

Mr. Champagne called on Mr. Terry Talbot to address the meeting concerning permits and code enforcement. Mr. Talbot described the relationship of the Manufactured Housing Association and the local inspection processes including anchoring, plumbing, electrical, and the presence of an installation sticker that is purchased from the state by the installer. The owner can purchase the sticker and assume the responsibility of the installation. A mobile home is built to HUD standards according to zones. A modular home is built according to wind zones and delivered including all inspection reports. Modular homes are built to the same standards as a traditionally built home. Councilman Rogers stated that the town's zoning regulations should be updated to address the installation of modular homes. Mr. Champagne requested that Councilman Rogers research the matter. Councilman Triche asked if a mobile home can be moved from one location to another location with a higher wind zone rating. Mr. Talbot responded that he will research the matter. SCPDC does the inspections. Local authority is responsible for enforcement. Violations can be reported to SCPDC and in turn, they will notify utility companies and / or the state code enforcement official. Mr. Talbot distributed copies of the Louisiana Revised Statutes, Part XIV-B, Minimum Standards for Installation of Manufactured Homes. This information can be distributed to citizens requesting a permit to install mobile homes or manufactured homes.

Councilman Rogers made a motion to deviate from the agenda to allow citizens questions and comments concerning the generator and mobile home installation topics. Councilman Triche seconded the motion and it carried unanimously.

Mr. Kyle Loupe expressed his opinion that diesel generators are more reliable than natural gas powered generators. If the source of natural gas is interrupted, the time to restore the service could be extensive whereas diesel fuel can be trucked in over a considerable distance in a short time. Mr. Rodriguez asked how high a mobile home must be to require an engineered foundation. Mr. Talbot responded that all installations over 52 inches in height must be engineered.

J. Sidewalk Repairs – Ms. Margie Black

Mr. Champagne called on Ms. Margie Black to address the meeting concerning sidewalk repairs at her home on Lafourche Street. Ms. Black referenced comments made at previous town meetings regarding the need to repair sidewalks in various locations in town. Discussions followed regarding the need to repair sidewalks. Councilman Triche made a motion to repair Ms. Black's sidewalk to its original state with bricks. Councilman Rogers seconded the motion and it carried unanimously.

K. Proclamations

1. Fair Housing Month – Mr. Champagne read aloud a proclamation declaring April, 2011, to be Fair Housing Month in Lockport. Councilman Hartman moved and Councilman Triche seconded a motion to adopt the proclamation. The motion carried unanimously.

2. Childhood Cancer Awareness Week – Mr. Champagne read aloud a proclamation declaring May 8th through May 14, 2011, as Childhood Cancer Awareness Week. Councilman Rogers moved and Councilman Triche seconded a motion to adopt the proclamation. The motion carried unanimously.

Councilman Rogers moved and councilman Triche seconded a motion to suspend the regular meeting and to open a public hearing to discuss the following topics. The motion carried unanimously.

L. Public Hearings

1. Discuss renewal of Cooperative Endeavor Agreement between the Town of Lockport and South Central Planning and Development Commission (SCPDC). Town Clerk Leonard stated that the agreement is a renewal of the existing agreement. Councilman Hartman stated that the Town and SCPDC has had a good relationship and recommended the renewal. Councilman Rogers added that the agreement helps to remove politics from decisions regarding code enforcement and permits. Parish Councilman Phillip Gouaux stated that SCPDC is a non-profit organization.

2. Discuss the acceptance of Franchise Agreement between the Town of Lockport and AT&T. The town has no franchise agreement with AT&T at this time. AT&T utilizes the state franchise agreement to perform work in the servitudes within the town. The proposed agreement identifies

the fee to be based on the basic telephone service. Councilman Barker and Mr. Ralph Sapia expressed their opinion that the franchise fee should not be imposed if the cost will be passed on to the AT&T customer.

3. Discuss changes to the Fireworks Ordinance for the Town of Lockport. The intent is to change the ordinance to synchronize with the Lafourche Parish ordinance relative to the sale and discharge of fireworks. Town Attorney Mitch Theriot described the changes that would bring the Lockport Ordinance into line with the Lafourche Parish Ordinance. Mr. Tony Bellanger requested a copy of the time schedule for selling fireworks.

Councilman Rogers made a motion to end the public hearing and to resume the regular meeting. Councilman Triche seconded the motion and it carried unanimously.

M. Ordinances

1. Renewal of Cooperative Endeavor Agreement between the Town of Lockport and South Central Planning and Development Commission (SCPDC). Councilman Hartman moved and Councilman Rogers seconded the motion to approve the agreement as presented. The motion carried unanimously.

2. Franchise Agreement between the Town of Lockport and AT&T. Councilman Hartman made a motion to table the matter until additional information can be gathered. Councilman Triche seconded the motion. Councilman Rogers requested that the town administration research the matter to determine the approximate fees in question, who ultimately bears the cost, and whether or not the U-Verse product will be included in the basic calculations. The motion carried unanimously.

3. Changes to the Fireworks Ordinance for the Town of Lockport. Mr. Theriot described the time changes to be made as described in the public hearing as follows:

June 25 - 12:00pm to 9:00pm
June 26 to July 2 - 9:00am to 9:00pm
July 3 to July 4 - 9:00am to 12:00am
July 5 - 9:00am to 9:00pm

December 15 - 12:00pm to 9:00pm
December 16 to December 23 - 9:00am to 9:00pm
December 24 to December 25 - 9:00am to 12:00am
December 26 to December 30 - 9:00am to 9:00pm
December 31 - 9:00am to January 1 - 2:00am
January 1 - 9:00am to 12:00am

Councilman Rogers moved and Councilman Hartman seconded a motion to adopt the changes to the Fireworks Ordinance as described. The motion carried unanimously.

N. Introduce Ordinance and Call for a Public Hearing

1. Drafts for Amended 2010 - 2011 and Proposed 2011 - 2012 budgets. Councilman Rogers made a motion to call a public hearing on the budget hearings at the May meeting. Councilman Triche seconded the motion and it carried unanimously.

2. Discuss options for 2012 LCDBG grant applications. Mr. Leonard described the purpose of the public hearing is to gather input from the public regarding priorities for next year's LCDBG grant application. Ms. Martha Cazaubon from SCPDC will attend the May meeting to help guide the process for the LCDBG application. Councilman Rogers moved and Councilman Hartman seconded the motion to call for the public hearing. Councilman Rogers requested that the public hearing be advertised, including on the town's website, to encourage citizen participation in the grant process. The motion carried unanimously.

O. Open topics

1. Bridge across drainage ditch from post office to library

No update.

2. Crescent Avenue speed limit - 35mph end to end

No update.

3. Research ROWs and SERVITUDES

Mr. Theriot has been unsuccessful finding servitude information on either location. Councilman Rogers will provide the servitude information for the main drainage ditch.

4. Smoke testing report - 5 residential locations not completed.

Mr. Leonard reported that there are 5 remaining residential locations needing repairs. A letter was sent to the property owners notifying them of possible council action if the repairs are not completed by the end of April. Council action was deferred to the May meeting.

5. Clear trees from main drainage ditch.

Estimates are awaiting the servitude information.

6. Committee for expansion of Lockport

Chief Vedros reported that he is gathering information from the assessor's and the registration of voters' offices to be used at an upcoming meeting of the committee.

7. Sidewalk repairs

Action was taken at agenda Item J.

8. STOP signs

No action was taken.

9. Crescent Avenue extension at LA 1 south

No report.

10. Parking lot on Veterans Street.

Demolition has started and will be completed in the next few weeks.

11. Street Repairs

Councilman Barker recommended that a streets improvements project is needed. A priority list can be used to determine which streets will be improved.

12. Illegal Campers and Trailers

Councilman Rogers asked if letters were sent to violators as requested. The town attorney will be requested to send the letters.

13. Old Town Hall Disposition

Mr. Leonard reported that the request for bids has not yet been advertised.

14. Welcome to Lockport signs

The new sign has been ordered and will be installed by the town crew.

15. Boat Museum roof

The roof was seriously damaged during severe weather on two recent occasions. An insurance adjuster inspected the roof and will file a claim for roof replacement as well as repairs to interior damage. In addition, the skylights are also leaking during rain events. A special meeting will be called after gathering pertinent information.

16. EECDG grant to replace oldest A/C unit

A meeting is scheduled for April 26th with Archie Chiasson III from Lafourche Parish Government to discuss options for the grant.

17. Water fountain at the park

Councilman Triche asked the distributor to quote a replacement fountain.

P. Reports

1. Council

Councilman Rogers will discuss issues with the administration later.

Councilman Triche reported that he met on 04/11 at the Bayou Side Park with Ms. Beth Folse and Ms. Wendy Eschette representing the Lafourche Mayor's Committee on Disability Issues. The committee plans to donate playground equipment with a focus on handicapped children. Mayor Champagne has been working on this project for some time. Also, the Families Helping Families hosted an annual event on April 9th with approximately 1,500 in attendance.

Councilman Barker listed several requests as follows:

- A recycle bin in town similar to the parish bin in Mathews. Parish Councilman Gouaux stated that there is a cost to the parish for the bin plus hauling and tipping fees. The town clerk was instructed to get the cost to the town for a recycling bin.
- Barricades and lettering at Canal and Main need to be cleaned and repainted. The plants need to be replaced. Councilman Triche stated that a nursery in Schriever is willing to donate to the town as many iris plants as is needed.
- A resident complained of a flooding problem on her property on Vacherie. She provided a reference to a state law that prohibits a property owner from making changes to his / her property that cause flooding on a neighboring property. Discussion followed. It was determined that the matter is a civil issue between neighbors that does not involve the town.
- Property taxes and licenses collections appear to be running behind schedule. Mr. Leonard responded that in past years the occupational license receipts were substantial in May and June due to the Insurance Premium Tax collections that are also included in the occupational license revenue account.

- Is the town spraying for mosquitoes or does the town rely solely on the parish for spraying? Mr. Leonard responded that the town sprayed last Thursday and will spray again this week. Councilman Barker asked how employees are compensated for working after normal hours for spraying. Mr. Leonard responded that the employee receives comp time off at time and one half.
- A citizen complained that the town hall is not cleaned like it should be. Also there are areas where the baseboard is missing. These issues will be reviewed.
- What is the work schedule for Good Friday? Mr. Leonard responded that Good Friday is a scheduled holiday and all employees will be off of work as of Thursday at noon.
- A copy of all time sheets on a monthly basis.

2. Town Attorney

No report.

3. Mayor

Mr. Champagne described a maintenance agreement for the sewer plant generator presented by the distributor of the generator. The agreement is available for all of the town generators. The matter will be on the agenda for the May meeting. The BP Local Government Short Form deadline was April 18th at noon. Mayor Champagne signed the form and it was delivered to the DA's office last Friday. Councilman Triche reported that the town may get a grant from BP to install restrooms in the Bayou Side Park.

Q. Citizens Comments

Lafourche Parish Councilman Gouaux reported that the entire town will be included in District 7 under the new district boundaries. Also, a development site including an LSU Ag Center, Recreation Park, and Nature Trail is being considered for a tract along Hwy 308 across from the parish barn. The park will include approximately 90 acres. Two hotel chains are considering the location for development. A new pump will be located along the Company Canal.

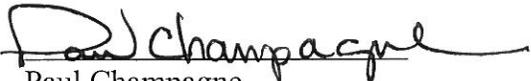
Mrs. Charlene Rodriguez invited all to the Senior Prom to be held from 11:00am to 3:00pm on May 21st at the American Legion.

Mr. Tony Bellanger complained about the services provided by the company that collects the occupational license fees for the town. Problems occur each year at renewal time requiring calls to the company in order to purchase a license.

O. Adjourn

The next scheduled regular town meeting will be held on Tuesday, May 17, 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 9:25 pm.


Gerard Leonard, Town Clerk

Town of Lockport

Paul Champagne
Mayor Pro Tem



Town of Lockport

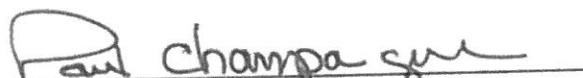
Proclamation

- WHEREAS,** the 43rd Anniversary of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968 is an occasion for all Americans-individually and collectively – to rededicate themselves to the principle of freedom from housing discrimination whenever it exists; and
- WHEREAS,** the law guarantees each citizen the critical, personal element of freely choosing a home; and
- WHEREAS,** a fair housing law has been passed by the state of Louisiana, and implementation of the law requires the positive commitment, involvement, and support of each of our citizens; and
- WHEREAS,** the departments and agencies of the state of Louisiana are to provide leadership in the effort to make fair housing not just an idea, but an ideal for all our citizens; and
- WHEREAS,** barriers that diminish the rights and limit the options of any citizen to freely choose a home will ultimately diminish the rights and limit the options of all.
- NOW, THEREFORE,** I, Paul Champagne, Mayor Pro Tem of the Town of Lockport, do hereby proclaim April 2011 as

FAIR HOUSING MONTH

In the Town of Lockport, State of Louisiana

In Witness Whereof, I have hereunto set my hand officially and caused to be affixed the Official Seal of the Town of Lockport, Louisiana, at the Town Hall, in the Town of Lockport, on this the 19th day of April, A.D. 2011.


Paul Champagne, Mayor Pro Tem

Attest by


Gerard Leonard, Town Clerk



Town of Lockport

Proclamation

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among children in the United States. This tragic disease is detected in more than 15,000 of our nation's young people each and every year; and

WHEREAS, founded nearly twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and sister organization, Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at the LaNasa-Greco Center for Cancer and Blood Disorders at Children's Hospital in New Orleans, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, through its uniquely sensitive and comforting Magical Caps for Kids program, the American Cancer Fund for Children and Kids Cancer Connection distributes thousands of beautifully hand made caps and decorated baseball caps to children who want to protect their heads following the trauma of chemotherapy, surgery and/or radiation treatments; and

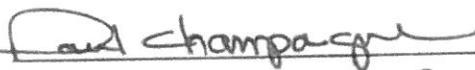
WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide "Courageous Kid" recognition award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW, THEREFORE, I, Paul Champagne, Mayor Pro Tem of the Town of Lockport, do hereby proclaim May 8th through May 14th, 2011, as

Childhood Cancer Awareness Week

In the Town of Lockport Louisiana and I urge all citizens to join me in the special observance.

In Witness Whereof, I have hereunto set my hand officially and caused to be affixed the Official Seal of the Town of Lockport, Louisiana, at the Town Hall, in the Town of Lockport, on this the 19th day of April, A.D. 2010.


Paul Champagne, Mayor Pro Tem

Attest by


Gerard Leonard, Town Clerk

A COOPERATIVE ENDEAVOR AGREEMENT

BETWEEN

TOWN OF LOCKPORT

AND

SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION

WHEREAS, the Town of Lockport (Town) and South Central Planning and Development Commission (SCPDC), and surrounding Parishes and Municipalities have met, discussed, analyzed and mutually agreed to partner together to comply with the mandates of Act 12 of the 2005 Louisiana Legislature, First Extraordinary Session, regarding the implementation of the Louisiana State Uniform Construction Code for Louisiana; and

WHEREAS, Article 7, Section 14 of the Louisiana Constitution allows for political subdivisions and/or corporations to enter into cooperative endeavor agreements in order to expend public funds for a public purpose resulting in a benefit to the public; and

WHEREAS, pursuant to the requirements of Act 12 above, Town, enacted Ordinance No. Uniform Construction Code on November 21, 2006, adopting the new building codes established by the State of Louisiana; and

WHEREAS, discussions had with SCPDC and the Parish Governments of Assumption, St. James, St. John the Baptist and Terrebonne, as well as the Village of Napoleonville, Town of Litcher, Town of Gramercy, Town of Golden Meadow and the Town of Lockport, were held in an effort to establish the most cost effective and mutually beneficial manner by which compliance with the provisions of Act 12 could best be accomplished and the health, safety and welfare of the citizens from each jurisdiction protected; and

WHEREAS, subsequent to negotiations and discussions, it was mutually agreed upon that the aforementioned jurisdictions would join together to form the *South Central Regional Construction Code Council* that will function to provide administrative guidance, oversight and building code enforcement activities in order to fulfill the requirements of Act 12; and

WHEREAS, it was further agreed that SCPDC shall serve as the administrative entity responsible for the implementation of the *South Central Regional Construction Code Compliance Program* by providing plan review and inspection services to the participating jurisdictions; and

WHEREAS, the mission of SCPDC is to help its member Parishes and Municipalities to facilitate intergovernmental cooperation for the resolution of governmental planning and development issues; and

WHEREAS, SCPDC has developed in consultation with the respective Parishes and Municipalities a regional plan review and inspection process called the *South Central Regional Construction Code Compliance Program*; and

WHEREAS, Town and SCPDC believe that by entering into this agreement, it will serve a valuable public purpose and produce a public benefit commensurate with the costs; and

NOW THEREFORE, in consideration of the terms and conditions hereinafter set forth to be kept and performed by the parties hereto, it is agreed by and between the parties as follows:

1. South Central Regional Building Code Compliance Program.

A. The South Central Regional Building Code Compliance Program is a program established by SCPDC in order for SCPDC to provide plan review and inspection services in compliance with Act 12. SCPDC shall staff the Compliance Program with a Certified Building Official, plan examiners, building inspectors, and all clerical and accounting personnel necessary to carry out the daily functions of the Compliance Program. All employees of the Compliance Program shall work under the direction of SCPDC and with guidance from the South Central Regional Construction Code Council.

B. Town shall accept permit applications accompanied by all information required by the "Checklist of Documents to be Submitted" as prepared by SCPDC. Upon receipt by SCPDC, the certified plan examiner will review the submitted plans and permit application for compliance with Act 12 and other applicable building code laws and ordinances. Should SCPDC require additional information or plan revisions prior to certifying that the plans comply with Act 12, SCPDC shall contact the applicant directly. Upon receipt of plans and applications certified in compliance with Act 12 by the Certified Building Official or other designees of the Certified Building Official, Town may issue the necessary permit.

C. In accordance with established procedures of the Compliance Program, SCPDC is responsible for scheduling required inspections with the applicant during construction. All inspections shall be carried out within one (1) business day of request for inspection with the exception of emergency inspections, which shall be carried out immediately by the on-call inspector. Inspections carried out by SCPDC shall include but shall not be limited to open slab, open wall and roof, finish wall and certificate of occupancy inspections. Inspectors shall report back to a central database with the results of inspections. Copies of the inspection reports shall be sent to Town and to the applicant designated locations. Upon satisfactory final inspection, the Chief Building Official shall notify Town and authorize issuance of the Certificate of Occupancy.

2. South Central Regional Construction Code Council.

Town agrees to actively participate in the South Central Regional Construction Code Council (Code Council). The Code Council membership shall consist of each of the chief elected Parish officials or his/her designated Parish official and the Chief Executive Officer of SCPDC or his designee. Each chief elected Parish Official shall declare his designee in writing to SCPDC. The Code Council shall provide administrative oversight and an appeals forum for the Compliance Program. The Code Council shall meet quarterly or as otherwise established in order to properly conduct business. The Code Council shall adopt Rules and Procedures to implement its administrative oversight and appeals functions.

3. Fees.

A. Town agrees to collect fees from the applicants upon application for permits. Town will retain 20% of the permit fee for Town's administrative purposes and remit to SCPDC the remaining 80%. The Code Council shall on a quarterly basis evaluate the revenues and expenditures within the Compliance Program and provide a financial report to the Town and other member entities. SCPDC shall at the close of its fiscal year conduct and provide an audit of all financial accounts associated with the Compliance Program to each respective governing authority.

B. Town may grant a permit fee discount to applicants who have contracted with a qualified third party provider for plan reviews and inspections as required by the Louisiana Uniform Construction Code and other state or local laws which have been or may be adopted, said discount to be no greater than 40% of the standard permit fee that would otherwise be charged the applicant. In the instance that a third party provider is used for plan review only, there shall be no discount. In the instance that the third party provider is used for inspections only, the discount shall be no greater than 30% of the standard permit fee. In those instances where a permit fee discount is warranted as stated

above, Town shall retain 20% of the standard permit fee and remit to SCPDC 50% of the standard permit fee.

C. In the event that the parties to this agreement agree to an extension of the original term of this agreement, the parties reserve the right to renegotiate that portion of the permit fee remitted to SCPDC.

5. Indemnification.

A. Each party to this agreement shall be responsible for its own negligence and any claim, damage, suit loss or expense caused thereby.

B. SCPDC agrees to protect, defend, indemnify, save and hold harmless Town, its officers, elected officials, agents, servants and employees, from and against any and all claims, damages, expenses, and liabilities, arising out of injury or death to any person or damage, loss, or destruction of any property which may occur or in any way arise out of the negligence of SCPDC, its officers, agents, servants, and employees, except those claims, demands, and/or causes of action arising out of the sole negligence of Town, its officers, agents, servants and employees. SCPDC agrees to investigate, handle, and respond to any such lawsuit at its sole expense and agrees to bare all other costs and expenses related thereto, even it such claim is groundless, false or fraudulent.

C. Town agrees to protect, defend, indemnify, save and hold harmless SCPDC its officers, elected officials, agents, servants and employees, from and against any and all claims, damages, expenses, and liabilities, arising out of injury or death to any person or damage, loss, or destruction of any property which may occur or in any way arise out of the negligence of Town, its officers, agents, servants, and employees, except those claims, demands, and/or causes of action arising out of the sole negligence of SCPDC, its officers, agents, servants and employees. Town agrees to investigate, handle, and respond to any such lawsuit at its sole expense and agrees to bare all other costs and expenses related thereto, even it such claim is groundless, false or fraudulent.

6. Insurance.

SCPDC and Town shall procure and maintain, for the duration of this agreement, insurance for directors, officers' liability and insurance against claims for injuries to persons or damage to property, which may arise from or in connection with the parties' obligations as set forth in this agreement. Minimum insurance requirements are found in Addendum 1, which is attached and incorporated herein.

7. Records/Equipment.

Town and SCPDC shall retain records associated with the Compliance Program for a period of not less than five years. All equipment purchased with the grant funds shall remain the property of SCPDC.

8. Term and Termination.

A. Town shall participate in the Compliance Program for a term of three (3) years with the option to continue in the compliance program for successive three (3) year term(s) subject to the same terms and conditions set out in this agreement.

B. Town has the ability to terminate the agreement earlier upon a two-thirds vote in favor of the termination by the members of the Code Council with a supporting resolution from the governing authority of Town.

9. Notice. In the event a claim, action or lawsuit is made against any one of the parties to this agreement, written notice of such claim shall be made to the other party immediately, either electronically or via the United States Postal System, postage prepaid

and properly addressed to the individual and address identified on the signature page to this agreement.

10. Waiver. The waiver by any party to this agreement of any breach of any term, condition or covenant herein contained shall not be deemed to be a waiver of such term, condition or covenant, or any subsequent breach of the same or any other term condition or covenant herein contained.

11. Entire Agreement. This Cooperative Endeavor Agreement reflects the entire agreement of the parties hereto and shall not be altered, changed or modified in any respect, except in writing, signed by both parties.

12. Governing Law. This Cooperative Endeavor Agreement shall be construed under the laws of the State of Louisiana.

13. Section Headings. The section headings herein are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of this Lease nor the intent of any provisions hereof.

14. Covenants Binding. The terms, covenants, agreements and conditions contained in this Cooperative Endeavor Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and proper assigns.

NOW THEREFORE, BE IT RESOLVED, that Town, as evidenced by the signature of the Mayor or Mayor Pro Tem, agrees to the terms and conditions of this Cooperative Endeavor Agreement with SCPDC, for the purpose of implementing and administering the Code Compliance Program on behalf of Town and the region on this 19th day of April, 2011.

SIGNATURES:

Town of Lockport



Richard P. Champagne, Mayor

South Central Planning and Development Commission

ORDINANCE NO. 2011-007

An ordinance to amend the Lockport Code of Ordinances so as to amend Section 10-2 D. relating to fireworks

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 amend Section 10-2 D to read as follows:

SECTION 10-2 D

A. A person or business establishment, with the proper permit, shall store, sell, or allow the sale of fireworks within the Town of Lockport for the dates and times listed only.

June 25	12:00 p.m. to 9:00 p.m.
June 26 - July 2	9:00 a.m. to 9:00 p.m.
July 3-4	9:00 a.m. to 12:00a.m.
July 5	9:00 a.m. to 9:00 p.m.
December 15	12:00 p.m. to 9:00 p.m.
December 16 – December 23	9:00 a.m. to 9:00 p.m.
December 24-25	9:00 a.m. to 12:00 a.m.
December 26 – December 30	9:00 a.m. to 9:00 p.m.
December 31	9:00 a.m. to 2:00 a.m.
January 1	9:00 a.m. to 12:00 a.m.

B. The Permit to store, sell or allow the sale of fireworks shall be issued by the Town Clerk upon completion of an application and the payment of \$250.00 fee. The permit shall be valid for 30 days.

C. Anyone selling fireworks without a proper permit shall be fined not more than \$500.00 or imprisoned for not more than 10 days: provided that the court at it's discretion impose both fine and imprisonment.

D. A person shall be allowed to discharge, set off or fire any fireworks, as defined hereinabove within the Town of Lockport only during the following time periods:

June 25	12:00 p.m. to 9:00 p.m.
June 26 – July 2	9:00 a.m. to 9:00 p.m.
July 3-4	9:00 a.m. to 12:00 a.m.
July 5	9:00 a.m. to 9:00 p.m.
December 15	12:00 p.m. to 9:00 p.m.
December 16 – December 23	9:00 a.m. to 9:00 p.m.
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December 26- December 30	9:00 a.m. to 9:00 p.m.
December 31	9:00 a.m. to 2:00 a.m.
January 1	9:00 a.m. to 12:00 a.m.

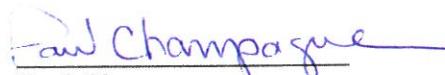
This ordinance having been put to a vote, the vote thereon was as follows:

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

NAYS: None.

ABSENT AND NOT VOTING: None.

And the ordinance was declared adopted on this the 19th day of April, 2011.


Paul Champagne
Mayor Pro Tem


Gerard Leonard
Town Clerk