

Town of Lockport  
Lockport, Louisiana

Minutes of Regular Meeting October 18, 2011

The Mayor and Town Council met in regular session on Tuesday, October 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 Champagne called the meeting to order. The opening prayer was offered by Town Clerk Gerard Leonard, followed by the Pledge of Allegiance led by Mayor Champagne.

**D. Roll Call**

The roll was called with the following present: Mayor Champagne, Councilmen Donovan Barker, Paul Champagne, Rodney Hartman, Craig Rogers, and Weldon Triche. Also present were Police Chief Warren Vedros and Town Attorney Mitchell Theriot.

**E. Approval of Minutes**

**1. September 20, 2011**

Mayor Champagne asked if there were any corrections or comments concerning the minutes of the September 20, 2011, meeting that were distributed to all councilmen. Councilman Champagne made a motion to approve the minutes as presented. Councilman Triche seconded the motion and the motion carried unanimously.

**2. October 4, 2011**

Mayor Champagne asked if there were any corrections or comments concerning the minutes of the October 4, 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 September 30, 2011**

Mayor Champagne asked if there were any questions or comments concerning the financial statements for the month ending September 30, 2011, that were distributed to the councilmen. Councilman Hartman inquired about the status of the Town's audit. Clerk Leonard replied that Angelique Barker, lead auditor, will deliver the audit at the December meeting. Councilman Hartman moved and Councilman Barker seconded a motion to approve the financial statements as presented. The motion carried unanimously.

**G. Police Report**

Mayor Champagne called on Police Chief Warren Vedros to report on his department's activities. Mr. Vedros distributed copies of the monthly activity report. Chief Vedros announced that the Police Department will be having TASER recertification Thursday night. The ribbon cutting ceremony for the Lafourche Parish Communications 911 System was held today. Chief Vedros is Chairman of the 911 Board for the second year. The Mayor and Council congratulated Chief Vedros for his and the Board's accomplishments. Chief Vedros reported that the Police Department successfully worked with the Sheriff's Department on raiding a meth lab at a home located within the Town. Chief Vedros ended his report by following up on the police car that was to be donated to the Town of Colfax. The Town of Colfax received several donated cars and no longer needs any cars. Chief Vedros was asked to research whether any other municipalities were in need of a police car that the Town can donate to. Councilman Champagne moved and Councilman Hartman seconded the motion to accept the police report as presented. The motion carried unanimously.

**H. GSE Report**

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

**1. Wind Hardening of Town Hall Complex:**

GSE has submitted additional information to FEMA and is awaiting response. The Town will solicit qualifications for program manager. Pre-Bid is scheduled for November 15, 2011 at 10:00am and receipt of bids is scheduled for December 6, 2011 at 10:00am.

**2. Comeaux Drive LCDBG Sewer Application:**

Notice to Proceed was issued to Magnolia Construction Company on July 7, 2011. Work on main trunk line and services to the right-of-way are complete. Connections to houses are about 50% complete. Road work should start next week.

**3. Elliot St. Sewer Lift Station Generator:**

The Town received a \$35,000 grant for this project. The generator has been ordered. Final plans are complete for installation and are being submitted to the contractor for pricing.

**4. LGAP Grant:**

The Town has applied for a \$35,000 grant for sewer rehab work on Vacherie Street.

**5. LCDBG Street Improvements Program:**

GSE will prepare estimated construction cost and probable project budget once eligible streets are selected. Mr. Breaud and Clerk Leonard rode down the streets and made a list of streets to include in this project. The maximum amount for streets is \$600,000 and the streets must qualify in a low-moderate income area. Clerk Leonard distributed a copy of the Construction Estimate Worksheet to the Councilmen.

Councilman Rogers moved to accept Mr. Breaud's report. Councilman Triche seconded the motion and it carried unanimously.

**I. Lease Renewal- Mitchell Theriot**

Mr. Theriot's current lease has expired. Councilman Champagne moved to pass a resolution giving the Mayor authority to sign a lease to extend Mr. Theriot's lease for two years at a rate of \$210 per month. Councilman Barker seconded the motion and it carried unanimously.

**J. Resolution authorizing the Town of Lockport to submit an application to Louisiana Office of Community Development for funding of a Sewer Rehab Project on Vacherie Street through LGAP**

Clerk Leonard explained that the sewer line was videoed the entire length of Vacherie Street. LDOTD has given the Town permission to dig against the highway. If the problem is with drainage, the State will pay for repairs; however, if the problem is with the sewer lines, the Town is responsible for repairs. The Town would like to use the LGAP grant (\$35,000) towards sewer line repairs on Vacherie Street. Councilman Rogers moved to submit an application to Louisiana Office of Community Development for funding of a Sewer Rehab Project on Vacherie Street through LGAP. Councilman Barker seconded the motion and it carried unanimously.

Councilman Champagne moved and Councilman Hartman seconded a motion to add a resolution to the agenda supporting a resolution of the Association of Levee Boards of Louisiana (ALBL)'s regarding the Modified Charleston Method used by the U.S. Army Corps of Engineers. Mayor Champagne asked if there were any objections from the audience. Having no objections or comments, the Council unanimously voted to add to the agenda. A copy of the resolution was distributed to all Councilmen. The Association of Levee Boards of Louisiana is requesting Mississippi Valley New Orleans to revisit the method by which compensatory ratios are considered in the MCM especially in regard to projects involving flood protection and restoration. Councilman Hartman moved to send in a resolution in support of the Association of Levee Board of Louisiana's resolution. The motion was seconded by Councilman Rogers and it carried unanimously.

**K. Discuss Bonds and Fines**

Town Attorney Mitch Theriot referenced the Town's current Bonds and Fines Schedule that is included in the Councilmen's packets. The State increased fines costs by one dollar and the Town will have to increase fees to recover this cost. Mayor Champagne asked for Chief Vedros' recommendation. Chief Vedros responded that he would like to have a committee review the current fee schedule and then consider adjusting some areas. Mayor Champagne appointed a committee including Chief Vedros, Councilman Champagne, Councilman Rogers, and Town Attorney Mitch Theriot to review the current fee schedule and recommend a new fee schedule. The committee will present its recommendations at the December meeting.

**L. Public Hearings**

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

**1. SJI, LLC Franchise Agreement**

Town Attorney Mitch Theriot explained the franchise agreement with SJI, LLC, giving the Town a 5% franchise fee on gross receipts from local exchange telephone service provided by the company within the corporate limits of the Town. The agreement is for one year and would be renewed annually. Mayor Champagne asked if there were any comments from the audience on the issue and there were none.

**2. Occupational License Tax**

Clerk Leonard explained the Occupational License Tax. Mr. Leonard explained that a minimum interest charge plus fee of \$10 is to cover registered letter postage on delinquent notices; otherwise, it would cost more to send the delinquent notice than the actual delinquency fee. Mayor Champagne explained to the audience that the Town is switching from outsourcing Occupational Licenses with RDS to handling them in-house. Councilman Barker asked how the Town is going about collections. Mr. Leonard responded that the Town has received a list of businesses from RDS and letters will be sent to those

businesses the first week of December. Taxes are due on January 1 and delinquent on March 1. Councilman Rogers was concerned that mailing notices on December 1 did not give businesses enough time to pay taxes due on January 1. Mr. Leonard responded that they are not delinquent until March 1, but the applications can be mailed earlier. The Town intends to pursue businesses operating within the Town that do not currently have an Occupational License. Mayor Champagne asked if there were any questions or comments from the audience. Mr. Philip Gouaux asked if the discussion was about property taxes. Mayor Champagne told him the discussion was concerning occupational license taxes. Mr. Gouaux said he thinks the deadlines should coincide with federal income taxes, because some businesses have not collected all revenues for the year by January 1. Councilman Hartman responded that the tax is not considered delinquent until March 1. Clerk Leonard added that it is standard to have a due date of January 1. There were no other questions or comments from the audience.

Councilman Champagne moved and Councilman Triche seconded the motion to end the public hearing and to resume the regular meeting. The motion carried unanimously.

## **M. Ordinances**

### **1. SJI, LLC Franchise Agreement**

Councilman Rogers moved to adopt the Franchise Agreement with SJI, LLC. Councilman Champagne seconded the motion and it carried unanimously.

### **2. Occupational License Tax**

Councilman Hartman moved to accept the Occupational License Tax Ordinance as proposed. Councilman Barker seconded the motion and it carried unanimously.

## **N. Open topics**

### **1. Bridge across drainage ditch from post office to library**

After a meeting with the library and property owner, a path will likely have to be placed along Crescent Avenue rather than across the ditch between the post office and library.

### **2. Crescent Avenue speed limit – 35mph end to end**

This will not be pursued.

### **3. Smoke testing report**

Clerk Leonard estimated half of the repairs in the second quadrant have been made. All repairs in the first quadrant have been completed. A request has been made to LA Rural Water to do testing, to include video and smoke testing, along Vacherie Street.

### **4. Clear trees from main drainage ditch from Crescent Avenue to First Street**

The servitude is nearing completion. Two bids have been obtained to remove all trees along drainage ditch, one for \$31,000.00, the other for \$98,000.00.

### **5. Committee for expansion of Lockport**

The committee met with Mr. Hugh Caffery. The committee plans to take action soon. Mayor Champagne recommended that the committee begin looking at the tax structure of Rita and ThomaSea. Mayor Champagne asked the committee to have a report at the November meeting.

### **6. Illegal Campers and Trailers**

This process has been settled. There are no outstanding complaints.

### **7. Risk Management Recommendation for the Locks**

Herman Sonnier was asked to give a bid. Mr. Sonnier said that he doesn't do this type of work.

### **8. Disposition of Old Town Hall site**

The Old Town Hall was demolished and the property was appraised for \$13,200.00. Councilman Champagne recommended putting the property for sale through sealed bids. Councilman Triche would like to keep the property for green space. Councilman Barker moved and Councilman Hartman seconded a motion to advertise for bids on the property at 302 Baratavia Street, with the right to reject any and all bids. Councilmen Barker, Hartman, and Champagne voted in favor of the motion. Councilmen Rogers and Triche voted against the motion.

### **9. nCourt for collections online**

Mayor Champagne asked if anyone had the contact information for the nCourt representative. Town Attorney Mitch Theriot said she met with him and discussed nCourt. He recommended her coming to a meeting, but it was never put on the agenda. Mayor Champagne would like the representative to come to the next meeting to give a presentation on nCourt.

Chief Vedros asked Mayor Champagne to discuss the (now closed) Conoco Convenience Store building on Crescent Avenue. He receives complaints about people going inside the building due to a large hole in the back of the building. After some discussion, Councilman Rogers moved to give authority to the Town Attorney to send the property owner a condemnation letter. The motion carried unanimously.

## R. Reports

### 1. Council

- **Councilman Rogers-** Last month Councilman Rogers inquired about drainage along School Street. He noted the Town Crew completed one block, but the ditches were not dug all the way down the street. Councilman Rogers would like to see this project completed. Councilman Rogers also reported that he sent an e-mail to all the Councilmen regarding supplemental insurance coverage. He would requested that the Administration inform employees of this option.
- **Councilman Triche-** Councilman Triche asked if anyone contacted the owner of the property on the corner of Eighth Street and Vacherie Street (across from Frank Daviet). Mayor Champagne made contact with the owner's wife, but the owner has not returned the phone call. Mayor Champagne will follow up this month. Councilman Triche also asked if the property was issued a permit because work began about two years ago. Clerk Leonard responded that they had a permit, but it is probably expired. He will look into the matter. Councilman Triche also inquired about the status of the bathrooms for Bayou Side Park. Mayor Champagne responded that he has heard nothing from Parish President Randolph since their meeting a few months ago. Lastly, Councilman Triche announced that the annual "Spook in the Park" will be held on Monday, October 31, 2011 and he asked for the Council's support in giving out hot dogs and handing out candy to the children.
- **Councilman Barker-** No report.
- **Councilman Champagne-** No report
- **Councilman Hartman-** No report.

### 2. Town Attorney-No Report.

3. **Mayor-** Mayor Champagne called on Parish Councilman Phillip Gouaux, who is running for reelection as Parish Councilman for District 7. Mr. Gouaux reported on projects that he has been working on with the Parish that will benefit Lockport. Mr. Gouaux asked the Town to remember the contributions he has made and for consideration when voting in the upcoming election. Next, Mayor Champagne called on Mr. Greg Sanamo, candidate for Parish Council District 7. Mr. Sanamo gave a description of his background and qualifications. Mr. Sanamo asked for everyone's consideration when voting.

## S. Citizens Comments

Citizen Floyd Cretini, 806 School Street, reiterated Councilman Roger's report about the School Street drainage project not being complete. Mayor Champagne asked for the Council's authorization to spend the necessary funds to complete this project, because it may cost a significant amount of money to replace the culverts along School Street. Councilman Rogers moved to allow the Mayor to do whatever is necessary to complete the project. The motion was seconded by Councilman Champagne and it carried unanimously.

## T. Adjourn

The next scheduled regular town meeting will be held on Tuesday, November 15, 2011. There being no further business to come before the Council, a motion by Councilman Rogers to adjourn the meeting was seconded by Councilman Hartman and carried unanimously at 8:35PM.

Town of Lockport

  
Richard P. Champagne  
Mayor

  
Gerard Leonard, Town Clerk

It was moved by Councilman Rogers and seconded by Councilman Barker, that the following Resolution be adopted:

**RESOLUTION**

A Resolution authorizing the Town of Lockport to submit an application to the Louisiana Office of Community Development for funding of the Sewer Rehab Project (Vacherie Street), through the Local Grant Assistance Program.

WHEREAS, the Town of Lockport is desirous of rehabbing and replacing sewer lines along Vacherie Street as part of its Sewer Rehab Program, and

WHEREAS, Sewer Rehab Project (Vacherie Street) is eligible for funding through the Local Grant Assistance Program administered by the Louisiana Office of Community Development (LOCD), and

WHEREAS, LOCD will fund \$35,000 for the construction of the project.

NOW THEREFORE BE IT RESOLVED, that the Town of Lockport will assume full responsibility for the required local match, providing design engineering, construction administration, construction inspection, and testing, and will abide by the DOTD Construction Contract Administration Manual, and

BE IT FURTHER RESOLVED, that the Town of Lockport will assume full responsibility for managing and maintaining the project and for any legal liability incurred as a result of the Lockport Sewer Rehab Project (Vacherie Street), and

BE IT FURTHER RESOLVED, that the Mayor of the Town of Lockport is authorized to sign and execute the necessary application forms.

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

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

NAYS: None

ABSENT AND NOT VOTING: None

And the Resolution was declared adopted on this 18<sup>th</sup> day of October, 2011.

  
Richard Champagne, Mayor  
TOWN OF LOCKPORT

\* \* \* \* \*

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 Town Council of the Town of Lockport, at a meeting held on the 18<sup>th</sup> day of October, 2011, at which meeting a quorum was present and voted and that said Resolution is now in full force and effect.

WITNESS MY HAND AND SIGNATURE this 24<sup>th</sup> day of October, 2011.

  
Gerard Leonard, Town Clerk  
Town of Lockport

It was moved by Councilman Hartman and seconded by Councilman Rogers, that the following Resolution be adopted:

**RESOLUTION**

A Resolution by the Town of Lockport Town Council expressing its support for the Association of Levee Boards of Louisiana's position on THE MODIFIED CHARLESTON METHOD USED BY THE U.S. ARMY CORPS OF ENGINEERS.

**WHEREAS**, the Town of Lockport is dependent on the many levees in the area for protection from rising waters caused by tidal and / or disastrous weather conditions; and

**WHEREAS**, the Association of Levee Boards of Louisiana (hereinafter referred to as the "ALBL" is an organization that represents the varied interests of Levee Boards located throughout Louisiana; and

**WHEREAS**, the primary duty of Levee Districts include but are not limited to protection from river flooding, protection from tidal and storm floods, and flood protection for businesses, vital infrastructure, and the citizens in our respective districts; and

**WHEREAS**, the authority to create Levee Districts is specifically granted by Article VI, Section 38 of the 1974 Louisiana Constitution; and

**WHEREAS**, the Louisiana Legislature granted conservation authority to all LA Levee Districts; and

**WHEREAS**, due to the extreme impact of subsidence and the loss of coastal wetlands and barrier islands in the lower Mississippi Delta, our aforementioned charge and mission is more important and time critical than ever in order to preserve the unique culture, resources, and industry found throughout the region; and

**WHEREAS**, Levee District projects, in fulfillment of their mission to protect the public from flooding are often faced with unavoidable impacts to wetlands; and

**WHEREAS**, as such, Levee Districts are required to provide compensatory mitigation in accordance with state and federal statutes, regulations, and/or guidelines;

**WHEREAS**, Levee Districts are required to spend an ever increasing portion of construction budgets on mitigation in lieu of actual project construction; and

**WHEREAS**, effective May 1, 2011, the US Army Corps of Engineers, Mississippi Valley New Orleans (MVN) adopted a new method of determining compensatory mitigation called the Modified Charleston Method (MCM) and has recently called for public comments on the MCM until October 28, 2011; and

**WHEREAS**, the ALBL agrees with the MVN's stated intent of adopting this less subjective method of calculating required mitigation as compared to the previous methodology. However, the adoption of the MCM by the MVN has in most instances dramatically increased the costs associated with evaluation of impacts on our vital flood protection projects thereby reducing the Levee District's ability to properly protect the public.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Lockport fully supports the positions of the ALBL; and

**BE IT FURTHER RESOLVED**, that the Town of Lockport will provide a copy of this resolution to the offices of Louisiana Governor Bobby Jindal, Chair of Coastal Protection and Restoration Authority Garret Graves, Executive Director of Coastal Protection and Restoration Authority, Secretary Scott Angelle Department of Natural Resources, Honorable Mary Landrieu, Senator, and Honorable David Vitter, Senator.

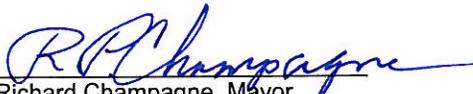
**WHEREUPON** the motion was put to a vote and the vote thereon was as follows:

**YEAS:** Councilmen Barker, Champagne, Hartman, Rogers, and Triche

**NAYS:** None

**ABSENT AND NOT VOTING:** None

And the Resolution was declared adopted on this 18<sup>th</sup> day of October, 2011.

  
Richard Champagne, Mayor  
TOWN OF LOCKPORT

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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 Town Council of the Town of Lockport, at a meeting held on the 18<sup>th</sup> day of October, 2011, at which meeting a quorum was present and voted and that said Resolution is now in full force and effect.

WITNESS MY HAND AND SIGNATURE this 24<sup>th</sup> day of October, 2011.

  
Gerard Leonard, Town Clerk  
Town of Lockport

TOWN OF LOCKPORT  
LOCKPORT, LOUISIANA

ORDINANCE NO. 2011-015

AGREEMENT

THIS AGREEMENT is made and entered into by and between the Town of Lockport, a municipal corporation organized and existing under the laws of the State of Louisiana (the "Municipality"), and SJI, LLC d/b/a Vision Communications, a limited liability corporation organized under the laws of the State of Louisiana (the "Company"), doing and authorized to do a general telephone business in the State of Louisiana and in the Municipality.

W I T N E S S E T H

WHEREAS, it is to the mutual advantage of the Municipality and the Company that the Company continue operating in the Municipality, and in furtherance thereof that the Company be permitted to continue to maintain its facilities in the streets, alleys, public ways and thoroughfares of the Municipality under conditions mutually agreed upon by the Municipality and the Company;

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, the Municipality and the Company do hereby agree as follows:

SECTION 1  
COMPANY'S RIGHT OF USE

(a) Pursuant to the terms of this Agreement, the Municipality acknowledges that the Company is authorized to use and occupy the streets, alleys, public ways and thoroughfares of the Municipality for the purpose of constructing, maintaining and operating its poles, wires, conduits, cables, anchors, towers, transmission lines, manholes, piers, abutments, and other structures and facilities used in or incidental to the provision of telephone or telegraph services to the public.

(b) The Company's right to use and occupy said streets, alleys, public ways and thoroughfares of the Municipality shall not be exclusive, and the Municipality reserves the right to grant a similar use of said streets, alleys, public ways and thoroughfares to any person, firm or corporation at any time during the period of this Agreement, provided that if local exchange telephone service is either offered or provided within all or any portion of the corporate limits of the Municipality by any person, firm or corporation other than the Company, such person, firm or corporation enters into a similar agreement with the Municipality, including the requirement that such other person, firm or corporation pay to the Municipality a percentage of its gross receipts from local exchange telephone service not less than the percentage required of the Company under Section 2(a).

**SECTION 2**  
**CONSIDERATION**

(a) In consideration for the Municipality's acknowledgement of the Company's rights set forth in Section 1, the Company hereby agrees to pay to the Municipality five percent (5%) percent of the Company's gross receipts from local exchange telephone service provided by the Company within the corporate limits of the Municipality.

(b) For purposes of this Agreement, the term "gross receipts from local exchange telephone service" is defined to mean and include only those charges resulting from the Company's provision of basic local exchange telephone service to residences and businesses, based on rates established from time to time by tariffs on file with the Louisiana Public Service Commission.

(c) The payments contemplated by this Section are to be made in quarterly installments and paid not later than thirty (30) days after the end of each calendar quarter.

(d) The terms of this Agreement shall apply to newly annexed areas of the Municipality within a reasonable period, as agreed upon by the Municipality and the Company, after written notice of such annexation has been transmitted to the Company by the Municipality.

(e) The payments contemplated by this Section are deemed to be the sole and exclusive consideration for the Municipality's acknowledgement of the Company's rights set forth in Section 1; and the Municipality hereby agrees that, for the period during which this Agreement is in effect, the Municipality will not pass any law or ordinance, or otherwise seek to impose, levy, or collect from the Company any other amount or service (including any telephone service that may heretofore have been provided by the Company to the Municipality without charge) for any of the rights set forth in Section 1. This subsection (e) shall not affect the Company's liability to pay any general taxes, fees or licenses legally imposed for the general maintenance of the Municipality.

(f) The Company shall maintain and shall make available for audit by the Municipality, upon reasonable notice, all necessary accounts and records reflecting the amounts of and basis for computation of all gross receipts from local exchange telephone service within the corporate limits of the Municipality.

(g) In the event that the Company shall fail to pay a sum of money for which it is obligated under this Agreement within thirty (30) days of the receipt of written demand therefor, the obligation shall be deemed delinquent; and, in addition to legal interest accruing from the date of delinquency, the Company shall pay a penalty of one and one-half (1 1/2%) percent of the principal sum due.

**SECTION 3**  
**INDEMNIFICATION, INSURANCE AND REIMBURSEMENT**

(a) The Company hereby agrees to protect, indemnify, and hold the Municipality harmless from any and all claims for damages to persons or property arising from or resulting from the Company's exercise of any of the rights set forth in Section 1; provided, however, that the Company shall not be liable for any damages caused by the negligence of the Municipality, its officers, agents, contractors, or employees.

(b) The Company further agrees either to

(1) obtain a policy of public liability insurance in an amount not less than One Million Dollars (\$1,000,000) with the Municipality named as an additional insured under such policy, or

(2) provide the Municipality with proof of self insurance in an amount not less than One Million Dollars (\$1,000,000).

The Municipality's right of indemnification under Subsection (a) shall not be limited by the amount of the Company's insurance coverage.

(c) The Municipality hereby agrees to reimburse the Company for the cost of repairing any and all damage to the Company's structures or facilities caused by the negligence of the Municipality, its officers, agents, contractors or employees.

(d) The provisions of this Section are not intended to create liability for the benefit of third parties but are solely for the benefit of the Municipality and the Company.

**SECTION 4**  
**COMPLIANCE WITH ORDINANCES**

The Company shall at all times during the life of this Agreement be subject to all lawful exercises of the police power of the Municipality, and to such reasonable and lawful regulation as the Municipality shall hereafter by ordinance or resolution provide.

**SECTION 5**  
**CONDITIONS ON USE AND OCCUPANCY**

None of the Company's structures or facilities shall at any time interfere with the use, repair, maintenance, or drainage of the streets, alleys, public ways and thoroughfares of the Municipality. Except in the case of an emergency, the Company shall, in advance of any construction or repairs, comply with all applicable laws and ordinances of the Municipality relative to permits regarding such construction or repair. The Company shall be responsible for all repair or replacement costs incurred by the Municipality as a result of any damage to the streets, alleys, public ways and thoroughfares of the Municipality caused by the construction, maintenance or repair work of the Company.

SECTION 6  
MAINTENANCE

The Company shall at all times maintain its structures and facilities in good condition and shall comply with all reasonable safety requirements in the operation thereof.

SECTION 7  
CONSTRUCTION AND EFFECTIVE DATES

(a) This Agreement is entered into and is to be construed under and in accordance with the laws of the State of Louisiana.

(b) The Municipality hereby covenants that its Council has passed all necessary ordinances or resolutions, in accordance with the terms of its charter and all applicable provisions of Louisiana law, authorizing the undersigned Mayor to execute this Agreement on behalf of the Municipality and by doing so bind the Municipality to all of the terms and conditions of this Agreement.

(c) The Municipality and the Company understand, acknowledge and agree that the payments contemplated by Section 2 are to be considered payments received by a municipality from a public utility within the meaning of La. R.S. 33:4510, as amended, and that in accordance therewith, such payments are subject to the charge-back provisions contained therein. Notwithstanding the foregoing, the Company may recover the payments contemplated by Section 2 through line item charges consistent with the orders and regulations of the Louisiana Public Service Commission.

(d) The Municipality and the Company mutually agree that by entering this Agreement, neither party shall be considered to have surrendered, waived, or in any way prejudiced any rights or claims granted to them by any applicable constitutions, laws or ordinances.

(e) The Municipality and the Company hereby agree that this Agreement shall be in effect for an initial term of one (1) year, beginning on \_\_\_\_\_ and ending on \_\_\_\_\_. This Agreement will continue thereafter on a year-to-year basis unless cancelled by either party upon at least sixty days notice prior to the expiration of the initial term or any extension thereof.

IN WITNESS of all of which the parties hereto have caused these presents to be executed in duplicate on the respective days and dates set forth below.

THUS DONE AND SIGNED on this 24<sup>th</sup> day of October, 2011, in the Town of Lockport, Louisiana.

Town of Lockport

BY:   
MAYOR

THUS DONE AND SIGNED on this \_\_\_\_\_ day of \_\_\_\_\_, 2011,  
in Larose, Louisiana.

SJI, LLC  
d/b/a Vision Communications

BY: \_\_\_\_\_  
President- SJI, LLC

**ORDINANCE NO. 2011-016**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF LOCKPORT SO AS TO REPEAL AND RE-ENACT CHAPTER 20 ARTICLE II FOR THE IMPOSITION OF A TAX ON THE PURSUIT OF BUSINESS, AS AUTHORIZED BY L. R. S. 47:341 ET SEQ., AND TO PROVIDE FOR RELATED MATTERS.**

**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 repeal and Re-enact Chapter 20 Article II.  
**Occupational License Taxes**

**Chapter 20 Article II is hereby  
Repealed and amended to read as follows:**

**Occupational License Tax**

Be it ordained by the TOWN COUNCIL of the TOWN OF LOCKPORT, LOUISIANA, that this Ordinance is hereby amended and re-enacted to read as follows:

Section 1: Annual License Tax

There is hereby levied an occupational license tax for the year 2012 and for each subsequent year, upon each person pursuing and conducting any business, trade, calling, profession or vocation, within the corporate limits of the Town of Lockport, subject to license under the Louisiana Constitution and laws of this state.

Section 2: Adoption of State Laws

The amount of license tax levied in each case is hereby fixed, determined and ordained to be the same as that fixed, levied, and collectable by the governing authority under, and shall be granted in accordance with, the provisions of Louisiana Revised Statutes, Title 47, Chapter 3, both inclusive, as amended, and all other applicable laws, all of which for all purposes of this ordinance are made a part hereof by reference as if written herein in extenso.

Section 3: Peddlers

All peddlers, defined by Louisiana Revised Statutes, Title 47, Section 359(C), shall obtain a license costing One Hundred Dollars (\$100.00).

Section 4: Repealer Clause

All other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

Section 5: Severability Clause

If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or applications of this ordinance are hereby declared severable.

Section 6: Penalty and Interest

All license taxes levied herein shall be due and payable on January 1<sup>st</sup> of each year and all unpaid license taxes shall become delinquent on March 1<sup>st</sup>.

(1) When any taxpayer fails to pay the tax, or any portion thereof, on or before March 1<sup>st</sup>, interest at the rate of one and one-quarter percent per month shall be added to the amount of tax due and such interest shall be computed from the due date until the tax is paid.

(2) In addition to the interest charged on delinquent taxes there shall be imposed a penalty of five percent of the total tax due if the failure or delinquency is for not more than thirty days, with an additional five percent for each additional thirty days or fraction thereof during which the failure or delinquency continues, not to exceed twenty-five percent of the tax in the aggregate.

(3) The minimum interest charge plus the penalty charge will be Ten Dollars (\$10.00).

Section 7: Effective Date (see note below)

This ordinance shall become effective January 1, 2012.

Said Ordinance having been introduced on the 18<sup>th</sup> day of October, 2011, by the Lockport Town Council, notice of public hearing having been published, said public hearing having been held, the title having been read and the Ordinance considered, on motion of Councilman Hartman, seconded by Councilman Barker, to adopt the Ordinance, a record vote was taken and the following was had:

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

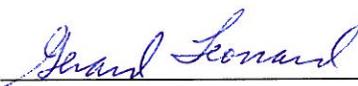
NAYS: None

ABSENT: None

Whereupon, the presiding officer declared the above Ordinance duly adopted on the 18<sup>th</sup> day of October, 2011.



Richard P. Champagne, Mayor



Gerard Leonard, Town Clerk

Note: Section 4 of Act 1017 of 1986 prohibits any occupational licenses tax levied after July 1, 1987, from becoming effective prior to six months after the date of adoption of the ordinance levying the tax.