Town of Lockport
Lockport, Louisiana

Minutes of Regular Meeting February 16, 2016

The Mayor and Town Council met in regular session on Tuesday, February 16, 2016 at 7:00PM, at the Lockport Town Hall Complex.

A. Call to Order, B. Opening Prayer, C. Pledge of Allegiance
Mayor Paul Champagne called the meeting to order. The opening prayer was offered by Town Clerk, Mandy Himel. The Pledge of Allegiance was led by Mayor Champagne.

D. Roll Call
The roll was called with the following present: Mayor Paul Champagne, Councilmembers Donovan Barker, Sharon Guidry, Rodney Hartman, Craig Rogers and Weldon Triche. Also present were Town Clerk Mandy Himel, Town Attorney, Chris Huddleston, and Chief of Police, Warren Vedros.

E. Approval of Minutes for January 19, 2016 Regular Meeting
Mayor Champagne asked if there were any corrections or comments concerning the minutes of the January 19, 2016, meeting. Councilman Triche made a motion to approve the minutes as presented. Councilwoman Guidry seconded the motion, and it carried unanimously.

F. Approval of Financial Statements for the month ending January 31, 2016
Mayor Champagne asked if there were any questions or comments concerning the financial statements for the month ending January 19, 2016. Councilman Rogers moved and Councilman Triche 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. Chief Vedros distributed copies of the monthly activity report for January 2016. Mayor Champagne asked Chief Vedros about his trip to Florida representing the Town and 911. He said it was a wave of the future and many eye opening things especially with technology. Mayor Champagne thanked him. A motion was made by Councilwoman Guidry and seconded by Councilman Barker to accept the Police Report as presented. The motion carried unanimously.

H. GSE Report
Mayor Champagne called on Clay Breaud of GSE, who gave the monthly engineering status report as follows:

1. **Sewer Rehabilitation (Northwest Quadrant):**
   All cleaning and TVing of the storm drain and sewer lines is complete. Lining should start at the beginning of March. The point repair on Barataria should start the week of February 15, 2016. The project should be complete by June 17, 2016.

2. **Sewer Rehabilitation (Southwest Quadrants):**
   The engineering agreement has been approved by DEQ. Surveying has been completed. Plans and specifications should be complete by the end of February. Rights-of-way need to be acquired.

3. **Street Repairs:**
   A Capital Outlay Application was submitted for funds to pay for asphalt street overlay and repairs. The Town submitted information needed for the Cooperative Endeavor Agreement between the State, and the Town and is awaiting execution.

4. **Capital Outlay Request 2016:**
   A Capital Outlay request were made for street improvements and drainage improvements on Church Street. Awards will be made in June 2016.

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

I. Public Hearing

1. Discuss increase in Sewer Rates

Mayor Champagne stated we have tried to keep sewer rates as low as possible for as long as we could for the citizens. We have been able to operate with the help of the sales tax, but the sewer department should be its own profit center. We also have to increase our debt ratio as per our auditors and DEQ. Mayor Champagne proposed that we go from a $5.00 minimum to $10.00 minimum. He also proposed after the minimum, the rate will go from $1.93 per 1000 gallons to $2.00 per 1000 gallons.

Mr. Mark Rodriguez asked if we would still be running in a deficit. Mayor Champagne stated it is a start to the issue. We will evaluate this again when our financial statements are complete at the end of the fiscal year. Councilman Hartman stated our auditors have suggested we consider increasing our sewer rates. He feels that we should make the increase based on the Council's decision. Mayor Champagne stated our sewer rates are based on water consumptions, and it is not a flat rate. Councilman Rogers stated we will have repairs to make to the sewer plant as well into the future. He also stated the work on the sewer lines will hopefully help with any infiltration issues. He stated it is a necessary expense. Mayor Champagne stated we are still one of the lowest rates in the Parish. He stated it still might be increased again in the future depending on where we stand at the time.

Mayor Champagne asked if there were any questions or comments from the audience, and there were none.

2. Discuss the Blighted Property Ordinance
Mayor Champagne stated anyone having questions should ask our Town Attorney. Councilman Triche asked about authorization section. The Council will have to appoint someone to do this job. They will be the one to initiate a proceeding, write a notice, and provide a date and time to report for a hearing. Councilman Rogers stated this person/company will have to be very educated on what properties will fall in the blight category. Mayor Champagne stated all of their concerns will be put into the court system. Mr. Huddleston stated it gives the Town a more definite direction. He also stated it gives a hearing to the people of the Town as well. Everyone gets a chance to be heard and have a voice. He stated the ordinance is a state law that was tailored for the Town. This ordinance will affect anything related to public health such as zoning, blight, nuisances, etc.

Mayor Champagne asked if there were any questions or comments from the audience, and there were none.

Councilman Triche made a motion to end the public hearing and go back into regular session. Councilwoman Guidry seconded the motion, and it carried unanimously.

Councilman Rogers made a motion to call for Public hearing for the March meeting to adopt an ordinance to raise the sewer minimum rate from $5.00 to $15.00, and the per thousand gallon rate from $1.93 to $2.00. Councilman Hartman seconded the motion, and it carried unanimously.

Councilman Triche made a motion to adopt the Blight Property Ordinance. Councilman Rogers seconded the motion, and it carried unanimously. The ordinance will take effect 30 days from today.

3. Discuss changes in the Town of Lockport Employee personnel Policy handbook.
Councilman Barker made a motion to table this topic until next meeting. Councilman Hartman seconded the motion, and it carried unanimously.

J. Reports
1. Mayor Champagne stated the final payment was made on the Sewer plant. He stated the Lockport parade was a success. He thanked Councilman Hartman for his help at Town Hall and the Police department for their service. He stated Central Lafourche 5K Race was this past weekend and they had about 300 people registered. He stated smoke testing will begin tomorrow. Suncoast will be back in Town on Monday with the lining crew. Main Street Market will be March 12, 2016 from 9am – 4pm. Bayou Lafourche Clean Up is March 12, 2016 at Belle Vue Fire Station. Paddle the Bayou is April 3, 2016. Councilman Hartman made a motion to grant the Town permission to provide lunch. Councilwoman Guidry seconded the motion, and it carried unanimously. Councilman Rogers made a motion to allow the Lockport Food Fest to have their annual fair in Town. Councilman Triche seconded the motion, and it carried unanimously. Mayor Champagne mentioned selling the property at 302 Barataria Street. Councilman Triche made a motion to declare property at 302 Barataria Street as Surplus. The motion was seconded by Guidry, Hartman, and Barker. Councilman Rogers abstained from the vote. Councilman Hartman made a motion to call for a Public hearing to advertise the sale and set a minimum bid price of the property. The motion was seconded by Barker, Guidry, and Triche. Councilman Rogers abstained from the vote. The Council will have the right to accept or reject any bids.

2. Council
a. Councilman Rogers asked the Mayor if he will recommend someone at next month's meeting for the Appointee for the administrant for blighted property ordinance. Mayor Champagne stated he will pending he gets a proposal from South Central Planning. Councilman Rogers asked the Mayor to contact them once we get the results of the video for the drainage ditch on Vacherie Street.
b. Councilman Triche asked if we got permits from the vendors for the parade. We didn't get nearly as many as we usually do. He suggested that we keep Easter egg hunts in mind when tending to grass for Main Street Market. He thinks we should designate an area we should not cut for the Easter Egg hunt. He stated Beverly Construction was back in Town, and asked if we heard anything about fixing the damaged streets. Mayor Champagne stated he did not hear anything about that yet.
c. Councilman Barker- No Report.
d. Councilman Hartman stated we had a nice Mardi Gras Parade and beautiful weather. He thanked the Chief for all the work from the police department.
e. Councilwoman Guidry asked about selling the Old Water plant property. Mayor Champagne stated they need to go to the property and designate what we want to sell.

K. Public wishing to Address the Council

Mr. Mark Rodrigue, Myrtle Delaune Drive, asked when we would be getting the money for street improvements. Mayor Champagne stated we are unsure at this time. Mr. Rodrigue suggested that we make School Street wider by O'Reilly Auto Parts. The supply trucks are damaging the street. Mayor Champagne thanked Mr. Rodrigue for his suggestions, and he said we will make a note of it.

L. Adjourn

The next scheduled regular Town meeting will be held on Tuesday, March 15, 2016. 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 it carried unanimously at 8:25 PM.

Town of Lockport

Paul Champagne, Mayor

Mandy Himel, Town Clerk

ORDINANCE NO. 2016-001

The following ordinance, having been previously introduced, was offered for final adoption by Councilman Triche, and seconded by Councilman Rogers.

AN ORDINANCE CREATING AN ADMINISTRATIVE ADJUDICATION PROCESS FOR THE ENFORCEMENT OF CODE VIOLATIONS

WHEREAS, the Town of Lockport has a responsibility for the enforcement of Code violations in order to protect the health and welfare of its citizens,

THEREFORE BE IT ORDAINED, that the Town Council of the Town of Lockport convened in Regular Session on February 16, 2016 and does hereby approve the following Ordinance for the Town of Lockport and authorizes the Mayor to sign, execute, and administer any and all relevant documents.

Section 1. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.

Code violation is a civil violation of any provision of the Code of Ordinances, Town of Lockport, Louisiana related to public health, housing, environmental, building and building codes, zoning, and nuisance or vegetation ordinances.

Order, judgment or *notice of judgment* means an administrative act of the hearing officer.

Unoccupied means having no legal occupant(s), vacant.

Violator means person(s), natural or juridical, who has been found liable for a code violation and/or ordered to abate or correct a violation in an order issued under this article.

Section 2. Authorization.

Any agent of the Town of Lockport, including the Lockport Police Department, having a responsibility for the enforcement of Code violations may enforce violations of such ordinances by the owners of immovable property or their agents, tenants, or representatives, pursuant to the procedures for administrative adjudication established in this article.

Section 3. Appointment of hearing officer.

(a) Administrative adjudication proceedings under this article shall be conducted before a hearing officer who has been licensed to practice law in Louisiana for at least two years.

(b) The hearing officer shall be appointed by the mayor, and shall serve at the pleasure of the mayor.

(c) The hearing officer shall be sworn by the Mayor to uphold the Constitution, the laws and constitution of the State of Louisiana, and the Code of Ordinances, Town of Lockport, Louisiana, and to abide by the provisions of the Louisiana Code of Governmental Ethics.

Section 4. Authority of hearing officer.

A hearing officer who has been appointed and sworn in accordance with Section 3 above shall have the authority to hear and decide any and all Code violations.

Section 5. Powers of a hearing officer.

The hearing officer shall have the power to:

(a) Administer oaths and affirmations.

(b) Issue orders compelling the attendance of witnesses, respondents, alleged violators, and violators and the production of documents.

(c) Determine whether or not an alleged violator is liable for code violations.

(d) Levy fees, costs, and monetary penalties.

(e) Order violators to correct violations within a stipulated time.

(f) Take any and/or all necessary and lawful measures to effect corrections of the violation if the violator fails to do so within the time allocated by the hearing officer.

(g) Record orders, judgments, notices of judgments, or liens in the mortgage office of Lafourche Parish.

Section 6. Procedure for hearing.

(a) Whenever any agent of the Town of Lockport determines that a Code violation exists, a notice of violation shall be provided to the owner(s) of the property.

(b) A notice of violation shall:

(1) Be in writing;

(2) Provide the location of the subject property,

(3) Provide the date of the inspection;

(4) Provide notice of alleged Code violation(s) at the cited property;

(5) Provide an explanation that an administrative hearing will be held for the purpose of making a determination whether the subject property is blighted or abandoned;

(6) Provide the time, date, and location of the administrative hearing whereby the alleged Code violation shall be adjudicated;

(7) Provide notice that the failure to appear at the hearing shall be considered an admission of liability for the alleged violation(s);

(8) Provide notice of the risk of fees, penalties, costs, and liens that may be imposed for any continued violation(s); and

(9) Provide notice of the risk of remedial measures that may be ordered by a hearing officer to correct or abate Code violation(s).

(c) Prior to holding an administrative hearing pursuant to this article, the alleged violator shall be notified at least thirty days in advance of the date that such a hearing is scheduled. Notice shall be personally served or sent to the alleged violator by certified or registered United States mail at the address listed in the assessor's office of Lafourche Parish. The date of the postmark shall be deemed to be the date of delivery. Any notification so sent and returned by the U.S. Post Office shall be considered as having fulfilled the notification requirement. Proof of notification and attempts at service shall be entered in the record for each case prior to the hearing.

(d) In addition to the service provided in subsection (c), a copy of the notice of violation shall be affixed in a prominent location on the property upon which the violation is alleged or, if safe access to the property is not reasonably practicable, on some prominent fixture on the adjacent public right-of-way as near as possible to the property at least five days in advance of the date of the hearing. It shall be unlawful for any person other than an agent of the town to remove a notice posted on the public right-of-way prior to the commencement of the hearing.

(e) Any person charged with a code violation may present any relevant evidence and testimony at such hearing and may be represented by counsel. An alleged violator's physical presence shall not be required at the hearing if documentary evidence, duly verified by such person, is submitted to the hearing officer through the town clerk, prior to the date of the hearing. Nothing contained herein shall be

construed to limit the authority or the ability of a hearing officer to determine an alleged violator's liability based solely upon submitted documentary evidence.

(f) Any order compelling the attendance of witnesses or the production of documents may be enforced by the municipal court or by any other court of competent jurisdiction.

(g) Any administrative adjudication hearing held under the provisions of this article shall be conducted in accordance with the rules of evidence of the Administrative Procedure Act, R.S. 49:950 et seq. Testimony of any person shall be taken under oath and shall be recorded.

(h) The hearing officer shall issue a final order, judgment, or notice of judgment within 30 days of the hearing, excluding legal holidays. A copy of the final order, judgment, or notice of judgment may be personally served and shall be sent to the violator by certified or registered U.S. Mail within 14 days of issuance. The order, judgment, or notice of judgment shall:

(1) Be signed by the hearing officer;

(2) State whether or not the alleged violator is liable for each violation and any specific determinations thereto;

(3) Provide the amount of fees, costs, and penalties assessed for each violation;

(4) Provide the defects to be corrected and the extent by which each violation shall be corrected, repaired, and/or abated;

(5) Provide the reasonable period of time by which each violation shall be corrected, repaired and/or abated;

(6) Notify the violator(s) of the right to appeal; and

(7) Notify the violator that the town may act to abate violations if the violator fails to act in accordance with the order, judgment, or notice of judgment, where applicable.

(i) The town may enforce any order assessing fees, costs, and penalties, and/or stipulating a required correction, repair, or abatement measure.

Section 7. Penalties.

(a) The penalty for each violation shall not exceed the maximum monetary amount that may be imposed by a municipal court as provided in La. R.S. 33:362(A)(2)(b).

(b) Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(c) A schedule of monetary penalties may be established by ordinance providing penalty amounts, consistent with subpart (a), for a specific code violation.

Section 8. Costs.

(a) Costs and expenses that may be recovered and enforced against a violator under this article include, but are not limited to:

(1) The town's direct cost for abatement;

(2) Costs of salary and all applicable overhead of town staff and contract personnel involved in the investigation, enforcement, and/or remediation or abatement of a violation;

(3) Town costs for equipment use or rental;

(4) Attorney's fees;

(5) Hearing and/or court costs including but not limited to hearing officer and witness fees;

(6) Costs of engineering and other technical services and studies as may be required;

(7) Costs of monitoring programs necessary for correcting, monitoring, abating or mitigating violations;

(8) Any other fees, costs, or expenses reasonably and rationally related to the town's enforcement action to bring a violation into compliance or to abate and/or correct a violation of local, state or federal law.

(b) Following the conclusion of the town's enforcement/abatement action, the town may notify the violator of the proposed full cost recovery against the real property that was the subject of enforcement/abatement action. The notice may be issued as a statement of costs, which shall provide a cost schedule and contain a provision for appealing to an administrative hearing officer the accuracy and reasonableness of the costs, within 30 days from the date of mailing. After compliance has been obtained and prior to the closure of the case, a final statement of costs may be calculated and sent to the violator.

(c) If payment is not received within 30 days of the mailing of the notice or statement of costs, or following any appeal hearing upholding all or part of the costs, the town may issue a demand of payment. A demand of payment shall be mailed to a violator and provide notice that, if payment is not received by the date indicated in the demand, the town may lien the property that was subject to the enforcement/abatement action for all applicable costs.

Section 9. Liens.

(a) The town shall have a lien and privilege against the immovable property in, on, or upon which a violation occurred. The lien and privilege shall secure all fines, fees, costs, and penalties that are assessed by the city and described in the order, judgment, or notice of judgment and the notice or statement of costs. The recordation of the order, judgment, or notice of judgment and the notice or statement of costs in the mortgage office of the parish shall constitute a lien and privilege against the land upon which a violation exists. Any lien and privilege recorded against an immoveable property under this article shall be included in the next annual ad valorem tax bill and shall be paid along with such taxes, subject, however, to any valid homestead exemption.

(b) The town, upon recordation of the order, judgment, notice of judgment, or lien, may:

(1) Apply to the clerk of district court for issuance of a writ in accordance with Code of Civil Procedure Article 2253, under the authority of R.S. 13:2575 and 13:2576, upon describing with particularity the immovable property and the manner in which the writ is to be enforced; or

(2) Institute a suit against the owner of record in any court of competent jurisdiction to enforce the order, judgment, notice of judgment, or lien.

(c) In order for the lien and privilege to arise, the order, judgment, notice of judgment or lien shall be final and not subject to appeal when recorded in the mortgage office.

(d) Any monies collected pursuant to this chapter shall first satisfy all outstanding municipal liens recorded against an immovable property and only when all outstanding municipal liens are satisfied in full shall monies be applied towards an immovable property's ad valorem taxes.

Section 10. Enforcement of liens—Additional requirements.

(a) Upon the town instituting legal proceedings to obtain a writ to cause the seizure and sale of a property with outstanding liens, pursuant to Sec. 9(b)(1), the property shall also be unoccupied.

(b) Any person with a legally protected interest in a property must be provided notice that is reasonably calculated to apprise them of the seizure and upcoming sale of the property.

Section 11. Appeal.

Any person determined by the hearing officer to be liable for a code violation may appeal the determination to the civil district court for the parish. Such appeal shall be instituted by filing, within 30 calendar days of the mailing of the hearing officer's order, a petition with the clerk of the civil district court along with payment of such costs as may be required by the clerk of court. After filing a petition for appeal, the clerk of court shall schedule a hearing and notify all parties of the date, time, and place of such

hearing. Service of notice of appeal under this subsection shall not stay the enforcement and collection of the judgment unless the person who files the appeal furnishes security prior to filing notice of appeal with the town clerk of the Town of Lockport in the amount fixed by the hearing officer sufficient to assure satisfaction of the finding of the hearing officer relative to the fine, fees, monetary penalty/penalties, cost of the hearing, and cost, if any, of correcting the violation.

Section 12. Remedies not exclusive.

The regulations, procedures, and remedies established by this chapter are nonexclusive and may be pursued independently of each other and in addition to other remedies provided by law.

Section 13. Recordkeeping.

(a) At its commencement by notice of violation, every adjudication proceeding shall be assigned a docket number and a style in the form of "Town of Lockport versus" followed by the name of the alleged violator. The records pertaining to each proceeding shall be maintained as a separate file in a manner similar to the fashion in which the clerks of court maintain the records of civil cases.

(b) Each agency charged with the enforcement of an ordinance within the scope of this article shall maintain a log or index of all adjudication proceedings which shall set forth information, including but not limited to the following:

(1) The style and docket number of the case and the date it was commenced;

(2) Alleged Code violation(s);

(3) Date of the alleged violation(s);

(4) Address or other description of the property upon which the alleged violation exists or has occurred;

(5) The date of any hearings, trials or continuances and the date of termination or the date of final disposition;

(6) A statement as to the date of any hearing and of any final order in the case and as to whether and when any lien was filed;

(7) A statement as to the date of filing and disposition of any appeal.

Section 14. Transfer of ownership.

It is a violation for any property owner to transfer a property that receives a notice of violation without notifying the town clerk for the Town of Lockport. Anyone found in violation of this section shall be fined $500.00.

This Ordinance, having been submitted in writing, having been read and adopted by sections at a public meeting of said council, was then submitted to an official vote as a whole, the vote thereon being as follows:

YEAS: Councilmembers: Barker, Guidry, Hartman, Rogers, and Triche.

NAYS: 00.

ABSENT: 00.

The ordinance was declared adopted this 16th day of February, 2016.

Paul Champagne, Mayor

ATTEST:

Mandy Himel, Town Clerk