

CITY OF CROWLEY
REGULAR MEETING
OCTOBER 11, 2011

The Mayor and Board of Aldermen of the City of Crowley, Louisiana, the governing authority of the City of Crowley, met in a regular session at 6:00 p.m. Tuesday the 11th day of October, 2011 at the regular meeting place of said Mayor and Board of Aldermen, the Council Chambers, 426 North Avenue F, Crowley, Louisiana.

Mayor Greg A. Jones presided with the following Aldermen present: Bryan Borill, J. Elliot Doré, Jeff Doré, Lyle Fogleman Jr., Vernon Martin, Mary Melancon, and Steven Premeaux. Alderwomen Laurita Pete and Kitty Valdetero were absent.

Local Boy Scout Troup #70 led the Pledge of Allegiance to the flag and Mayor Jones gave the invocation.

AGENDA AMENDMENTS:

Alderwoman Mary Melancon offered a motion to amend the agenda to allow Mr. Vernon “Step” Martin to address the assembly. Seconded by Alderman J. Elliot “Doré and duly adopted after a unanimous vote.

PUBLIC HEARINGS:

Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1429, the ordinance was read by title as follows:

AN ORDINANCE AMENDING AND ENLARGING THE CORPORATE BOUNDARIES OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, DEFINING THE BOUNDARY OF A TRACT OF LAND OWNED BY BEVERLY ANN BARTELL DUCREST, GLORIA BARTELL GRAY AND PBN PROPERTIES L.L.C. CONTAINING 53.04 ACRES OF LAND, MORE OR LESS, SITUATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY-THREE (33), TOWNSHIP NINE (9) SOUTH, RANGE ONE (1) EAST, ACADIA PARISH, LOUISIANA, BOUNDED ON THE NORTH BY ODDFELLOWS ROAD AND LIMCO, WEST BY BICENTENNIAL PARK, SOUTH BY THE CITY LIMITS OF THE CITY OF CROWLEY (17TH STREET) AND ON THE EAST BY US HIGHWAY 90/LA 1111 AND TOWER ROAD, WHICH IS PROPOSED TO BE INCLUDED WITHIN THE CORPORATE LIMITS OF THE SAID CITY; TO PROVIDE THAT THE PROPERTY SO ANNEXED BE RE-ZONED FROM “R-1, RESIDENTIAL-1” TO “C-4, COMMERCIAL-4”; AND TO REDEFINE THE COPORATE LIMITS OF THE CITY OF CROWLEY TO INCLUDE SAID PROPERTY; TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

Mr. Regan asked for proponents to the proposed ordinance no. 1429. A third and final call was made with no one coming forward to speak.

The call for opponents of the proposed ordinance no. 1429 was made and there were no comments after the third and final call.

Mayor Greg A. Jones called the public hearing on ordinance no. 1429 to a close.

APPEARANCE:

Vernon “Step” Martin took the podium to announce his candidacy for the District 1 Police Jury seat of Acadia Parish, for the opportunity to represent and work for the District as a team with the City of Crowley.

READING & APPROVAL OF MINUTES / BILLS:

Alderwoman Mary Melancon moved to dispense with the reading of the minutes of the September 13th, 2011 regular council meeting and approve them as written and distributed. Seconded by Alderman Vernon Martin and duly adopted.

J. Elliot Doré moved to approve all bills presented for payment. Seconded by Alderman Vernon Martin and duly adopted.

MAYOR'S REPORT:

Mayor Greg A. Jones presented the Sales Tax chart and User Fee chart that track the collection trend.

Mayor Jones recognized local Boy Scout Troop #70, the scouts attended the meeting as part of the requirements to earn their Citizenship in Community Merit Badge.

STANDING COMMITTEE REPORTS:

PUBLIC WORKS COMMITTEE:

Chairperson – Alderwoman Mary Melancon
Vice-Chairperson – Alderwoman Laurita Pete
Members – Aldermen Jeff Doré, Lyle Fogleman, Jr. and Vernon Martin

A motion was offered by Alderwoman Mary Melancon and seconded by Alderman J. Elliot Doré to authorize Mayor Jones to engage the services of Huval and Associates to provide structural engineering services for the Avenue G Bridge as follows: 1) Approach slab failure investigation in the amount of \$5,200; 2) bi-annual bridge inspection in the amount of \$650 and 3) load rating recommendation in the amount of \$4,500. Motion carried.

UTILITY COMMITTEE:

Chairperson – Alderman Vernon Martin
Vice-Chairperson – Alderwoman Kitty Valdetero
Members – Aldermen J. Elliot Doré, Jeff Doré, and Lyle Fogleman, Jr.

A motion was offered by Alderman Vernon Martin and seconded by Alderman J. Elliot Doré to authorize Mader Engineering, Inc. to prepare the renewal application for the Waste Water Treatment Facility Discharge Permit. Motion carried.

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman J. Elliot Doré to approve Partial Payment No. 2 to E. B. Feucht & Sons, Inc. for the LCDBG FY 2010-11 Project for “Sewerage Repairs in Northeast and Southeast Crowley” in the amount of \$11,897.31. Motion carried.

A motion was offered by Alderman Vernon Martin and seconded by Alderwoman Mary Melancon to approve Change Order No.1 to the E. B. Feucht & Sons, Inc. contract for the LCDBG FY 2010-11 Project for “Sewerage Repairs in Northeast and Southeast Crowley” for the line item of root cutting in the amount of \$ 7,950.00. Motion carried.

PUBLIC SAFETY COMMITTEE:

Chairperson – Alderman Lyle Fogleman, Jr.
Vice-Chairperson – Alderman Bryan Borill
Members – Aldermen Vernon Martin, Mary Melancon and Steven Premeaux

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman Vernon Martin to approve a new 2011 Class B Retail Package Beer Permit for Almo Malbrough d/b/a Almo Fish and Shrimp Deli & Grocery located at 719 West Hutchinson; a new 2011 Class A Retail Outlet Beer Permit for Janet Cuccio d/b/a Joppé Courtyard Café located at 414 North Parkerson Avenue.; and a new 2011 Class A Retail Outlet Beer Permit, a new 2011 Class A Retail Outlet Liquor Permit for Crowley Sam’s Bar, LLC d/b/a Sam’s Place located at 103 North Parkerson Avenue. Motion carried.

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman Bryan Borill to amend the General Fund budget line item of Rice Festival/Overtime for the Police Department in the amount of \$10,000 to fund security for the Rice Festival. Motion carried.

ZONING & ANNEXATION COMMITTEE:

Chairperson – Alderwoman Kitty Valdetero
Vice-Chairperson – Alderman Vernon Martin
Members – Aldermen Bryan Borill, J. Elliot Doré and Steven Premeaux

A motion was offered by Alderman Vernon Martin and seconded by Alderwoman Mary Melancon to accept the Planning Commission recommendation to approve the Preliminary and Final plat approval for Juanita Sonnier described as 1.542 acre tract located in Section 3, T 10 S, R 1 E, of the City of Crowley, Acadia Parish contingent upon final approval from the City Engineer. Motion carried.

A motion was offered by Alderman Vernon Martin and seconded by Alderman J. Elliot Doré to call for a public hearing at the November council meeting to set the fee schedule for Code Enforcement and Zoning and Planning Fees. Motion carried.

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE:

Chairperson – Alderman Jeff Doré
Vice-Chairperson – Alderwoman Mary Melancon
Members – Aldermen Bryan Borill, Laurita Pete and Kitty Valdetero

A motion was offered by Alderman Jeff Doré and seconded by Alderman Steven Premeaux to accept the recommendation of Mader Engineering and approve awarding the contract to Trans-Texas Tennis, Ltd. in the amount of \$425,206. for both the Base Bid and Additive Alternate #1 for the Gladly Trahan Tennis Court Centre Project. Motion carried.

REVENUE & FINANCES COMMITTEE:

Chairperson – Alderman J. Elliot Doré
Vice-Chairperson – Alderwoman Kitty Valdetero
Members – Aldermen Jeff Doré, Laurita Pete, and Steven Premeaux

A motion was offered by Alderman J. Elliot Doré and seconded by Alderman Jeff Doré to appropriate \$150,000 from General Fund – Fund Balance to Employee Benefit Fund for payment of claims, fees, etc ... for the city’s major medical insurance. Motion carried.

RESOLUTIONS:

The following resolution was offered by Alderman Vernon Martin, duly seconded by Alderwoman Mary Melancon, and adopted.

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY AUTHORIZING A REQUEST FOR ATTORNEY GENERAL OPINION REGARDING AUTHORITY OF MUNICIPALITIES TO ENFORCE PLUMBING CODE REGULATIONS; AND TO PROVIDE ALL MATTERS RELATIVE THERETO AND IN CONNECTION THEREWITH.

WHEREAS, the City of Crowley is a political subdivision of the State of Louisiana under the provisions of what is known as the “Lawrson Act”; and

WHEREAS, the City of Crowley has adopted the Uniform Construction Code of the State of Louisiana, as amended, including the State Plumbing Code; and

WHEREAS, Louisiana Water Company (Lawco), a public water supplier, distributes, sells and supplies customers with potable water within the corporate boundary of the City of Crowley using municipal streets, alleys, rights of way and other property owned by the City of Crowley by virtue of a Franchise Agreement issued by the City of Crowley authorized by local Ordinance; and

WHEREAS, Lawco has requested assistance from the City of Crowley in the administration and enforcement of State Health and Plumbing Code regulations requiring the protection of the public water supply from potential contamination by certain customers through the use of containment devices (Backflow Preventers); and

WHEREAS, the City Attorney has advised that the matter involves jurisdiction and authority over public health and deals with authority to either enforce the regulation and/or authorize its franchisee to enforce the regulations;

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Crowley, Parish of Acadia, in regular session duly convened, that they do hereby authorize, empower and direct the Honorable Greg A. Jones, Mayor of the City of Crowley, and Thomas K. Regan, City Attorney for the City of Crowley, to request the Honorable James D. “Buddy” Caldwell, Attorney General of the State of Louisiana, issue an Attorney General’s Opinion regarding the authority of the City of Crowley pertaining to the enforcement of State Plumbing Code provisions.

THUS DONE AND ADOPTED in regular session at Crowley, Acadia Parish, Louisiana, on this the 11th day of October, 2011 at which a quorum was present and acting throughout.

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Lyle Fogleman, duly seconded by Alderwoman Mary Melancon, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, ORDERING AND ISSUING A RULE TO SHOW CAUSE FOR CONDEMNATION OF PROPERTY.

WHEREAS, the City Inspector has notified the Mayor and Board of Aldermen of a violation(s) of the Building and Safety Codes of the City of Crowley; and

WHEREAS, Notice of Violations has been issued to the property owner, Lunia R. Abshire, by the City Inspector's office for repairs and/or demolition to be made of the improvements situated on Lots 1 & 2 of Block 77 of the CICO #3 Addition to the City of Crowley, having a municipal address of 702 Walnut Street, Crowley, Louisiana, and was received by the property owner via Certified Mail Return Receipt Requested; and

WHEREAS, no action has been taken and the City Inspector has requested a public hearing for the condemnation of the said property;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that the Notice of Rule to Show Cause should be issued to Lunia R. Abshire for a public hearing to be held by the Mayor and Board of Aldermen on the 8th day of November, 2011, in regular session at 6:00 o'clock p.m. and that said notice be properly recorded and served upon the property owner pursuant to law;

THUS DONE AND ADOPTED in regular session duly convened on the 11th day of October, 2011 at Crowley, Acadia Parish, Louisiana at which a quorum was present and acting throughout.

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Lyle Fogleman, duly seconded by Alderman Vernon Martin, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, ORDERING AND ISSUING A RULE TO SHOW CAUSE FOR CONDEMNATION OF PROPERTY.

WHEREAS, the City Inspector has notified the Mayor and Board of Aldermen of a violation(s) of the Building and Safety Codes of the City of Crowley; and

WHEREAS, Notice of Violations has been issued to the property owners, Ophelia Mary T. Guidry and Angela Renee Guidry, by the City Inspector's office for repairs and/or demolition to be made of the improvements situated on Lot 1 of Block 7 of the Westside Addition to the City of Crowley, having a municipal address of 1716 Grace Pete Street, Crowley, Louisiana, and was received by the property owners via Certified Mail Return Receipt Requested; and

WHEREAS, no action has been taken and the City Inspector has requested a public hearing for the condemnation of the said property;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that the Notice of Rule to Show Cause should be issued to Ophelia Mary T. Guidry and Angela Renee Guidry for a public hearing to be held by the Mayor and Board of Aldermen on the 8th day of November, 2011, in regular session at 6:00 o'clock p.m. and that said notice be properly recorded and served upon the property owners pursuant to law;

THUS DONE AND ADOPTED in regular session duly convened on the 11th day of October, 2011 at Crowley, Acadia Parish, Louisiana at which a quorum was present and acting throughout.

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman J. Elliot Doré, duly seconded by Alderwoman Mary Melancon, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AUTHORIZING THE TRANSFER OF REAL ESTATE AND IMPROVEMENTS TO LA PAC MANUFACTURING INC. UNDER THE TERMS OF THE LEASE OF PREMISES WITH OPTION TO PURCHASE; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the City of Crowley received written notice dated May 18, 2009 from La Pac Manufacturing Inc. of the exercise of its option to purchase the real property and improvements described in the "Lease of Premises with Option to Purchase" dated the 22nd day of September, 2006, recorded on September 22, 2006 Act No. 760132 in Conveyance Book F-62 at Page 56 in the records of the Clerk and Recorder of Acadia Parish, Louisiana; and

WHEREAS, the aforesaid Lease was approved and authorized after public hearings having been held in accordance with law by virtue of Ordinance No. 1277 adopted at the regular meeting of the Mayor and Board of Aldermen of the City of Crowley on the 14th day of October, 2003, and as amended and ratified by Ordinance No. 1280 adopted at the regular meeting on the 10th day of February, 2004; and

WHEREAS, in accordance with the terms and provisions of the Economic Development Award Contract/Agreement between the Louisiana Economic Development Corporation, the City of Crowley and La Pac Manufacturing Inc., the City of Crowley received and disbursed grant funds and additional funds provided by La Pac Manufacturing Inc. for the construction of public infrastructure, manufacturing facilities and installation of equipment ("the project") which property and facilities were leased to and occupied by La Pac Manufacturing Inc. for industrial purposes; and

WHEREAS, in accordance with the provisions of Article VII of the Economic Development Award Contract/Agreement, the City of Crowley, as the sponsoring entity, maintained ownership of the real property and improvements during the term of the Lease thereafter La Pac Manufacturing Inc. exercised the Option to Purchase the property and improvements thereon; and

WHEREAS, La Pac Manufacturing Inc. has requested that the right of first refusal in favor of the City of Crowley to reacquire the property at a price offered by a third party purchaser be deleted from the Act of Sale; and

WHEREAS, the City of Crowley has no interest in reacquiring the property and the restriction limiting the use of the property only for industrial purposes is satisfactory consideration; and

WHEREAS, in accordance with the terms of the "Lease of Premises with Option to Purchase", La Pac Manufacturing Inc. has paid the full amount of all lease payments due during the lease term beginning August 1, 2003 through August 30, 2009 and as authorized by Ordinance No. 1277 and as amended by Ordinance No. 1280, La Pac Manufacturing Inc. is entitled to purchase the real property and improvements after June 30, 2009, in accordance with the terms of the option contained therein; and

WHEREAS, it is the opinion of the Mayor and Board of Aldermen of the City of Crowley that all the terms and conditions of the Lease of Premises with Option to Purchase have been complied with and La Pac Manufacturing Inc. has exercised the Option to Purchase the property for the sum of One Hundred & No/100 (\$100.00) Dollars and there is no necessity to include the right of first refusal since the property may be used only for industrial purposes;

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that they do hereby acknowledge La Pac Manufacturing Inc. has paid all lease payments in full and exercised the Option to Purchase as provided for in the "Lease of Premises with Option to Purchase" dated September 22, 2006 recorded on September 22, 2006 in Conveyance Book F-62 at Page 56 in the records of the Clerk and Recorder of Acadia Parish, Louisiana and pursuant to the authority granted in Ordinance No. 1277 and as amended by Ordinance No. 1280, they do hereby authorize, empower and direct the Honorable Greg A. Jones, Mayor of the City of Crowley, to execute an Act of Sale to La Pac Manufacturing Inc. for the sum of One Hundred & No/100 (\$100.00) Dollars cash paid in hand, under the terms and conditions of the Lease of Premises with Option to Purchase and other good and valuable consideration of the following described property, to-wit:

That certain tract of land containing 11.498 acres, more or less, being situated in Section 5 and Section 37, Township 10 South, Range 1 East, Acadia Parish, Louisiana, together with all buildings, improvements and immovables by destination situated thereon, and all rights, ways and servitudes thereunto appertaining, situated in the City of Crowley, Acadia Parish, Louisiana, and being more particularly described as commencing at the intersection of the projection of the east right of way of American Legion Drive and the center of the Burlington Northern Santa Fe railroad tracts, and running thence north 25° 35' 00" west, a distance of 180.00 feet; to the point of beginning; from said point of beginning, running thence north 25° 35' 00" west, a distance of 910.40 feet; thence north 64° 15' 00" east, a distance of 478.50 feet; thence south 25° 35' 00" east, a distance of 15.60 feet; thence north 64° 18' 20" east, a distance of 154.30 feet; thence south 25° 35' 00" east, a distance of 422.69 feet; thence south 64° 15' 00" west, a distance of 154.30 feet; thence south 25° 35' 00" east, a distance of 16.76 feet; thence south 25° 35' 00" east, a distance of 471.96 feet; thence south 64° 15' 00" west, a distance of 478.50 feet to the point of beginning and containing 11.498 acres, more or less, all is more fully shown on the Plat of Survey of the Resubdivision of Tracts Located in Crowley Industrial Park Located in Sections 5 and 37, Township 10 South, Range 1 East, Acadia Parish, Louisiana, dated February 9, 2004, by Mader Engineering, Charles T. Mader, CE, attached hereto and made part hereof.

BE IT FURTHER RESOLVED that in addition to all the usual terms and conditions, the said Act of Sale shall contain all the special terms and conditions of Ordinance No. 1277

and Ordinance No. 1280 as specified therein, except the right of first refusal shall be deleted from the Act of Sale; and

BE IT FURTHER RESOLVED that the Honorable Greg A. Jones, Mayor, be and he is hereby further authorized, empowered and directed to sign any and all documents and to do any and all things as may be necessary, meet and proper in the premises to conclude said transaction.

THUS DONE AND ADOPTED in regular session duly convened on the 11th day of October, 2011, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

ORDINANCES:

The following ordinance by title, was tabled by Alderman J. Elliot Doré, and seconded by Alderwoman Mary Melancon.

ORDINANCE NO. 1429

AN ORDINANCE AMENDING AND ENLARGING THE CORPORATE BOUNDARIES OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, DEFINING THE BOUNDARY OF A TRACT OF LAND OWNED BY BEVERLY ANN BARTELL DUCREST, GLORIA BARTELL GRAY AND PBN PROPERTIES L.L.C. CONTAINING 53.04 ACRES OF LAND, MORE OR LESS, SITUATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY-THREE (33), TOWNSHIP NINE (9) SOUTH, RANGE ONE (1) EAST, ACADIA PARISH, LOUISIANA, BOUNDED ON THE NORTH BY ODDFELLOWS ROAD AND LIMCO, WEST BY BICENTENNIAL PARK, SOUTH BY THE CITY LIMITS OF THE CITY OF CROWLEY (17TH STREET) AND ON THE EAST BY US HIGHWAY 90/LA 1111 AND TOWER ROAD, WHICH IS PROPOSED TO BE INCLUDED WITHIN THE CORPORATE LIMITS OF THE SAID CITY; TO PROVIDE THAT THE PROPERTY SO ANNEXED BE RE-ZONED FROM “R-1, RESIDENTIAL-1” TO “C-4, COMMERCIAL-4”; AND TO REDEFINE THE COPORATE LIMITS OF THE CITY OF CROWLEY TO INCLUDE SAID PROPERTY; TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

OTHER BUSINESS:

Tracy Young was informed that work was continuing on the amendments for peddler’s license.

Amy Thibodeaux, representing the Crowley Chamber of Commerce, invited everyone to the Gumbo Cook-Off on October 29, 2011.

There being no further business to come before the Council upon motion duly made by Alderwoman Mary Melancon and seconded by Alderman Bryan Borill the meeting was adjourned at 6:50 p.m.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on October 12, 2011 at 2:30 p.m.

Presented for Mayor's signature on October 12, 2011 at 2:30 p.m.

Mayor signed & returned to City Clerk on October 13, 2011 at 8:00 a.m.

Published on October 20th, 2011