

CITY OF CROWLEY
REGULAR COUNCIL MEETING
APRIL 11, 2006

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 April, 2006, at the regular meeting place of said Mayor and Board of Aldermen, the City Hall, 426 North Avenue F, Crowley, Louisiana.

Mayor de la Houssaye presided with the following Aldermen present: James M. Buatt, Tiger Istre, Woody Marceaux, Vernon Martin, Mary T. Melancon, Laurita D. Pete, Steven C. Premeaux, Ira Thomas and Kitty Valdetero.

Alderwoman Pete led the Pledge of Allegiance to the flag and Alderman Marceaux gave the invocation.

AGENDA AMENDMENTS:

Alderman Premeaux offered a motion to amend the agenda to consider the purchase of mowers for maintenance alongside of Interstate 10. Seconded by Alderwoman Melancon and duly adopted after a unanimous vote.

PUBLIC HEARING:

Mayor de la Houssaye opened the public hearing on proposed ordinance no. 1334, the ordinance to “prohibit smoking in specific places” was read by title.

Mr. Regan asked for proponents to the proposed ordinance no. 1334. Mr. Dewitt Villejoin, Mr. Robert Gaspard and Mrs. Faye Godwin spoke in favor of the proposed ordinance.

The call for opponents of the proposed ordinance no. 1334 was made and there were no comments after the third and final call.

The council raised numerous questions on the ordinance for clarification of its contents.

Mayor de la Houssaye called the public hearing to a close.

Mayor de la Houssaye opened the public hearing on proposed ordinance no. 1335, the ordinance to amend the fiscal 2006 budget was read by title.

Mr. Regan asked for opponents to the proposed ordinance no. 1335. A third and final call was made with no one coming forward to speak.

The call for proponents of the proposed ordinance no. 1335 was made and there were no comments after the third and final call.

Mayor de la Houssaye called the public hearing to a close.

READING & APPROVAL OF MINUTES / BILLS:

Alderwoman Melancon moved to dispense with the reading of the minutes of the March 14th, 2006 regular council meeting and approve them as written and distributed. Seconded by Alderman Buatt and duly adopted.

Alderwoman Valdetero moved to approve all bills presented for payment. Seconded by Alderman Istre and duly adopted.

MAYOR'S REPORT:

Mayor de la Houssaye presented the Sales Tax chart and User Fee chart that track the collection trend since fiscal 1992. The Recap of all Funds Report compares actual revenues and expenditures for the fiscal year 2006 to the budgeted revenues and expenditures of the same period.

STANDING COMMITTEE REPORTS:

PUBLIC WORKS:

Alderman Marceaux offered a motion to authorize the purchase of a John Deere 5525 Tractor, HX 15 Rotary Cutter and a 997 ZTRAK 72" Side Discharge from Quality Equipment Co., Inc. at a total cost of approximately \$58,500.00. Seconded by Alderman Premeaux and duly adopted with Alderman Thomas abstaining.

The following resolution was offered by Alderwoman Valdetero, duly seconded by Alderwoman Melancon, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AUTHORIZING AN AGREEMENT WITH THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT (LDOTD) FOR THE CONSTRUCTION OF THE NORTH OF INTERSTATE 10 ACCESS ROAD TO THE EXIT 82 INTERCHANGE; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, through the efforts of the City of Crowley, the State of Louisiana has received funding through the Federal Highway Administration (FHWA) to extend the existing I-10 Service Road (Access Road) north of I-10 to connect the Exit 82 interchange (Louisiana Highway 1111); and

WHEREAS, the extension of the service road will provide an additional east/west traffic artery which will reduce the traffic delay along Interstate 10 and alleviate traffic congestion flowing north and south from Louisiana Highway 1111 and Louisiana Highway 13 to link this vital and growing business area with the rapidly expanding residential community; and

WHEREAS, the Louisiana Department of Transportation and Development (LDOTD) has requested the City of Crowley (City) to participate through the financial assistance of the FHWA; and

WHEREAS, it is necessary that the LDOTD and the City enter into a cooperative agreement to jointly participate in the required preconstruction feasibility study, environmental decisions, preconstruction engineering, utility relocation, construction plans, administration, inspection and construction of the roadway; and

WHEREAS, the LDOTD with the assistance of the FHWA desires to engage the City to undertake these functions; and

WHEREAS, the project and this agreement have been assigned State and Federal project numbers which shall be used to identify all correspondence, funding through the FHWA, invoices and reports; and

WHEREAS, the City is aware that it may be responsible to contribute up to 20% match of the participating preconstruction and construction costs of the project and is aware that the State of Louisiana and LDOTD will not participate or commit any funding towards the completion of the project; and

WHEREAS, the Mayor and Board of Aldermen deem it advisable and appropriate to enter into the agreement to begin the necessary preconstruction planning, feasibility studies, environmental decisions and administration of this project;

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 do hereby authorize, empower and direct the Honorable Isabella L. de la Houssaye to enter into and execute a cooperative agreement with the Louisiana Department of Transportation and Development (LDOTD) to jointly undertake **State Project No. 700-01-0114** and **Federal Project No. DE-0106(500)** to extend the existing service road north of Interstate 10 (I-10) between the intersections of Louisiana Highway 1111 (Exit 82) to Louisiana Highway 13 (Exit 80) (“the Project”) and to authorize the LDOTD to advertise for and select a consulting engineering firm for conceptual plans and environmental decisions, to engage services to perform the feasibility study, to engage preconstruction engineering services, to prepare plans and specifications and estimates, to prepare bids and proposals and advertise for the work and award a contract to the lowest responsible bidder and may provide in addition to the usual terms and conditions that:

- 1) The City may be responsible to contribute up to 20% match of the participating preconstruction and construction costs and the Federal Highway Administration (FHWA), through the Louisiana Department of Transportation and Development (LDOTD), contributing the remaining 80% using DEMO TEA-LU funding at the time of the authorization; and
- 2) The LDOTD will not participate or commit to any funding towards this project; and
- 3) The acquisition of rights of way, construction, administration, inspection, subcontracting, Federal requirements, cost reimbursement, incidental costs and records keeping shall be in accordance with State and Federal laws and regulations, including the Code of Federal Regulations and the State Administrative Code.
- 4) May require the City to provide a full-time City employee to direct supervision and have charge of the project at all times.
- 5) May require the City to indemnify and hold harmless the LDOTD against any and all claims and demands for damages, losses, injuries, to persons or property, resulting from the project or the ownership and possession of the improvement.

BE IT FURTHER RESOLVED that the Honorable Isabella L. de la Houssaye, Mayor, be and she is hereby further authorized, empowered and directed to execute any and all documents as may be necessary and meet and proper in the premises.

THUS DONE AND ADOPTED in regular session duly convened on the 11th day of April, 2006, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

ISABELLA L. de la HOUSSAYE, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

Alderwoman Melancon offered a motion to accept the dedication of Julia John Drive pending receipt of all required bonds, construction records, and related documentation for the street, drainage and sewerage systems; and contingent upon approval of City Attorney and City Engineer. Seconded by Alderwoman Pete and duly adopted.

Alderman Melancon offered a motion to select Option No. 3 from the Mader Engineering Coastal Subsidence presentation, and authorize Mader Engineering to proceed with the necessary surveying to initially establish and annually restore up to 4 valid NAVD 88 benchmarks set by GPS technology for the flood certificates process. The City Engineer will continue to charge \$75.00 to \$125.00 for flood certificates until an agreement can be made. Seconded by Alderman Pete and duly adopted.

Alderman Melancon offered a motion to authorize the American Cancer Society the use of the 20' X 40' stage for the Relay for Life event to be held at Crowley High School on April 21, 2006. Seconded by Alderman Pete and duly adopted.

Alderman Melancon offered a motion to table until next month the request for renaming a street after Gertrude Smith. Seconded by Alderman Valdetero and duly adopted.

Alderman Melancon offered a motion to authorize Mader Engineering to re-advertise for bids for the revised plans and specifications for Shady Oaks LCDBG FY 04-05 Street Improvements Project. Seconded by Alderman Thomas and duly adopted.

Alderman Marceaux offered a motion to authorize the Mayor and City Engineer to proceed with the cutting down of trees by CLECO in order to begin the Shady Oaks Street Improvements Project. Seconded by Alderman Valdetero and duly adopted.

Alderman Melancon offered a motion to approve Partial Payment No. 1 to Le Talley Ho for the 2005-06 Annual Street Repair Contract in the amount of \$26,902.62. Seconded by Alderman Martin and duly adopted.

UTILITY:

Alderman Martin offered a motion to approve Partial Payment No. 1 to M. P. Dumesnil Construction Company for the North of I-10 Sewage Improvements contract in the amount of \$253,928.74. Seconded by Alderman Valdetero and duly adopted.

Alderman Martin offered a motion to approve Partial Payment No. 1 to Construction Pro. Inc. for the 2005-06 I/I Rehabilitation Program contract in the amount of \$11,038.50. Seconded by Alderman Thomas and duly adopted.

Alderman Martin offered a motion to accept the dedication of the sanitary sewer line that crosses Lowe's Tract and services the property located North of Lowe's Tract which is owned by Julia John Properties pending receipt of all required bonds, construction records, and related documentation; and contingent upon approval of City Attorney and City Engineer. Seconded by Alderman Valdetero and duly adopted.

Alderman Martin offered a motion to activate the street lighting system, landscape the median and remove siltation from the street gutters in Acadia Oaks Estate Subdivision. Seconded by Alderman Melancon and duly adopted with Alderman Thomas abstaining.

PUBLIC SAFETY:

Alderman Buatt offered a motion to approve a new 2006 Beer Permit for Tammy Adams, d/b/a Shelby's Grocery & Deli located at 417 South Eastern Avenue for Class B, Retail Outlet Beer Permit. Seconded by Alderman Melancon and duly adopted.

ZONING & ANNEXATION:

Alderman Marceaux offered a motion to approve a trailer petition on Lot 16, Block 57, Original Crowley for Thomas and Mardessa Poydras located at West 4th Street and Avenue A contingent upon Bill of Sale completed by Tuesday, April 11, 2006. Seconded by Alderman Premeaux and duly adopted.

Alderman Marceaux offered a motion to authorize the City Attorney to file a lien in the office of the Clerk and Recorder of Mortgages and attempt to serve notice of the lien on

the owner (Progressive Benevolent Society), file suit to recognize the lien, obtain judgment, appoint an attorney to represent the absentee owners and to then sell the property. Seconded by Alderman Thomas and duly adopted.

Alderman Marceaux offered a motion to approve the Planning Commission's recommendation to approve the final plat for Lot 1A, Nugent, Ducrest, Gray Developmental Phase 1. Seconded by Alderwoman Valdetero and duly adopted.

Alderman Marceaux offered a motion to approve a trailer petition on Lot 14, Block 74 CICO No. 3 for Judy Pryor located at Gum Street. Seconded by Alderwoman Melancon and duly adopted.

The following resolution was offered by Alderman Marceaux, duly seconded by Alderwoman Valdetero, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, INTRODUCING A PROPOSED ORDINANCE AND CALLING FOR A PUBLIC HEARING CONCERNING SAME.

WHEREAS, an ordinance has been proposed to be adopted by the Board of Aldermen of the City of Crowley; and

WHEREAS, the proposed ordinance must be introduced by its title; and

WHEREAS, a public hearing must be held prior to its adoption; and

WHEREAS, the title of the proposed ordinance must be published in the official journal and the notice shall provide the time and place where the Board will consider its adoption;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, that the following ordinance be and it is hereby introduced for consideration at the next regular meeting of the Mayor and Board of Aldermen, to-wit:

AN ORDINANCE TO AMEND APPENDIX A, "THE ZONING ORDINANCE", ORDINANCE NO 1059 OF THE CITY OF CROWLEY; TO AMEND AND RE-ENACT SECTION 9.6 TO ADD SUBSECTION 9.604 TO PROVIDE A PROCEDURE FOR APPLYING FOR AND SEEKING ZONING ADJUSTMENTS, VARIANCE, CONDITIONAL USES AND APPEALS; TO PROVIDE FOR THE NATURE THEREOF, THE INFORMATION AND DOCUMENTATION REQUIRED, NOTIFICATION REQUIREMENTS, FEES AND THE FORMS AND CERTIFICATIONS THEREFOR; TO PROVIDE THE PROVISIONS THEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PROPOSED ADOPTION OF ORDINANCE

The Board of Aldermen of the City of Crowley shall meet on the 9th day of May, 2006, at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, Louisiana, to consider the adoption of the following ordinance:

AN ORDINANCE TO AMEND APPENDIX A, "THE ZONING ORDINANCE", ORDINANCE NO 1059 OF THE CITY OF CROWLEY; TO AMEND AND RE-ENACT SECTION 9.6 TO ADD SUBSECTION 9.604 TO PROVIDE A PROCEDURE FOR APPLYING FOR AND SEEKING ZONING ADJUSTMENTS, VARIANCE, CONDITIONAL USES AND APPEALS; TO PROVIDE FOR THE NATURE THEREOF, THE INFORMATION AND DOCUMENTATION REQUIRED, NOTIFICATION REQUIREMENTS, FEES AND THE FORMS AND CERTIFICATIONS THEREFOR; TO PROVIDE THE PROVISIONS THEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

Copies of the proposed ordinance are available for a nominal fee in the office of the City Clerk, City Hall, Crowley, Louisiana.

THUS DONE AND SIGNED on this the 11th day of April, 2006.

JUDY L. ISTRE, CITY CLERK

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 11th day of April, 2006, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

ISABELLA L. de la HOUSSAYE, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

Alderman Marceaux offered a motion to waive the street lighting requirements for Julia John Drive in the Julia John Gielen Subdivision due to other existing lighting in the area. Seconded by Alderman Istre and duly adopted.

PUBLIC BUILDING:

Alderman Thomas offered a motion to authorize the Mayor to meet with "Churches Coming Together" to seek a proposal to purchase a marquis stand-up information board to be placed at the Martin Luther King Center in memory of Joseph A. Pete. Seconded by Alderwoman Melancon and duly adopted.

Alderman Thomas offered a motion to approve Final payment No. 3 to Don Breaux Architect in the amount of \$22,346 for Schematic Design Development, Construction Document, Bidding and Negotiating Phases & Construction Administration on the Crowley City Hall building. Seconded by Alderman Martin and duly adopted.

Alderman Marceaux offered a motion to approve the construction of a canopy for the Fire House Trailer with the lowest quote in the amount of \$5,636.93 and to amend the budget to increase "building repair" in the fire department by \$1,500.00. Seconded by Alderman Buatt and duly adopted.

INSURANCE & PERSONNEL:

Alderwoman Pete offered a motion to promote Garrick Ronkartz from Probational Firefighter First Class to Probational Fire Driver effective April 12, 2006. Seconded by Alderman Istre and duly adopted.

Alderdwoman Pete offered a motion to hire Mikeal Dartez as a Firefighter Recruit effective April 12, 2006. Seconded by Alderdwoman Melancon and duly adopted.

Alderdwoman Pete offered a motion to hire Derrick Laughlin as a Provisional Firefighter effective April 12, 2006 pending that requirements are met. Seconded by Alderdwoman Valdetero and duly adopted.

Alderdwoman Pete offered a motion that requires recruits who voluntarily terminate employment within a 2 year period to reimburse the city for the total cost of schooling and training that they have received. Seconded by Alderman Buatt and duly adopted.

Alderdwoman Pete offered a motion to hire Lisa Broussard effective March 1, 2006 as a non classified employee of the Police Department pending civil service classifications for dispatchers. Seconded by Alderman Buatt and duly adopted.

Alderdwoman Pete offered a motion to hire Kim Guillory effective March 1, 2006 as a non classified employee of the Police Department pending civil service classifications for dispatchers. Seconded by Alderdwoman Melancon and duly adopted.

Alderdwoman Pete offered a motion to hire Shawna Senegal effective March 1, 2006 as a non classified employee of the Police Department pending civil service classifications for dispatchers. Seconded by Alderman Martin and duly adopted.

Alderdwoman Pete offered a motion to hire Elizabeth Rue effective March 1, 2006 as a non classified employee of the Police Department pending civil service classifications for dispatchers. Seconded by Alderman Istre and duly adopted.

Alderdwoman Pete offered a motion to hire Lacy Kibodeaux effective April 1, 2006 as a non classified employee of the Police Department pending civil service classifications for dispatchers. Seconded by Alderman Martin and duly adopted.

Alderdwoman Pete offered a motion to promote Sharon Mott effective April 12, 2006 from Permanent Corporal to Probational Sergeant. Seconded by Alderman Buatt and duly adopted.

Alderdwoman Pete offered a motion to promote Richard Meaux effective April 12, 2006 from Permanent Corporal to Probational Sergeant. Seconded by Alderdwoman Melancon and duly adopted.

Alderdwoman Pete offered a motion to promote Scott Fogleman effective April 12, 2006 from Permanent Patrolman to Probational Corporal. Seconded by Alderdwoman Valdetero and duly adopted.

Alderdwoman Pete offered a motion to promote Jimmy Broussard effective April 12, 2006 from Permanent Patrolman to Probational Corporal. Seconded by Alderman Martin and duly adopted.

Alderdwoman Pete offered a motion to accept the resignation of Olivia Faulk effective March 31, 2006. Seconded by Alderman Buatt and duly adopted.

Alderdwoman Pete offered a motion to rehire Ryan Landry effective April 12 , 2006 as a provisional Firefighter. Seconded by Alderman Martin and duly adopted.

COMMUNITY & ECONOMIC DEVELOPMENT:

The following resolution was offered by Alderman Istre, duly seconded by Alderdwoman Melancon, and duly resolved and adopted with Alderman Martin abstaining.

A RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF CROWLEY, ACADIA
PARISH, LOUISIANA, SUPPORTING THE APPLICATION

OF THE WEST CROWLEY SUBDIVISION LIMITED PARTNERSHIP TO THE LOUISIANA HOUSING FINANCE AGENCY; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the West Crowley Subdivision Single Family Housing Development is a 68 unit single-family rental development located on the west side of John F. Kennedy Drive with access to be provided to the John F. Kennedy Drive right of way; and

WHEREAS, said development lies within the corporate limits of the City of Crowley and is therefore within the jurisdiction of the Mayor and Board of Aldermen of the City of Crowley; and

WHEREAS, the proposed single-family housing development on John F. Kennedy Drive is in compliance with the City of Crowley's Revitalization Plan; and

WHEREAS, although the Mayor and Board of Aldermen do not encourage or direct citizens to select one residence over another, they do support a general proposition of the building of new housing that is safe, sanitary and affordable; and

WHEREAS, the West Crowley Subdivision Limited Partnership proposes to partially fund this project upon successful application with Internal Revenue Service Code Section 42 tax credits as may be awarded by the Louisiana Housing Finance Agency; and

WHEREAS, a resolution of support from this governmental body will be a significant factor, but not the only factor, in determining whether or not said application is successful;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Crowley of Acadia Parish, Louisiana, in regular session duly convened that they do support the application of the West Crowley Subdivision Limited Partnership to the Louisiana Housing Finance Agency for tax credits pursuant to Section 42 of the Internal Revenue Code; and

BE IT FURTHER RESOLVED that this resolution of support is provided to satisfy requirements of the Louisiana Housing Finance Agency and shall not be construed or is it intended to grant any approval, variance or waiver of any requirement, regulation or process required by federal, state or local law for the construction, development or occupancy of the proposed project, including but not limited to the requirements for subdivision of property and construction of infrastructure and improvements, zoning, building codes and ordinances of the City of Crowley; and

BE IT FURTHER RESOLVED that this resolution of support is the only resolution of support that will be considered and adopted by the Board of Aldermen of the City of Crowley in support of an application to the Louisiana Housing Finance Agency for the April 17th application period; and

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application hereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or application, and to this end, the provisions of the resolution are hereby declared severable; and

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed;

THUS DONE AND ADOPTED in regular session duly convened on the 11th day of April, 2006, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

ISABELLA L. de la HOUSSAYE, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderman Istre, duly seconded by Alderwoman Melancon, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, EXPRESSING THEIR OPPOSITION TO HOUSE BILL 629 OF THE REGULAR LEGISLATIVE SESSION 2006 TO IMPOSE TERM LIMITS ON LOCAL GOVERNMENT OFFICES; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the Louisiana Constitution of 1974 and various provisions of the Revised Statutes of the State of Louisiana provide for the qualifications, length of terms and the exclusive rights of the electors of local political subdivisions to elect their governing authority; and

WHEREAS, it is well settled that the Louisiana Legislature has granted the authority to the elected officials of municipalities located throughout the state to address these issues on the local levels as they deem appropriate and in the best interest of the citizens of each municipality; and

WHEREAS, the proposal unduly interferes with and limits the right of the citizens to the free exercise of their right to vote and arbitrarily limits that right;

NOW THEREFORE BE IT RESOLVED by the Mayor and the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that they do formally expressed their strong opposition to this proposed legislation as an attempt by the Louisiana Legislature to usurp the right and authority of the electors of this City to freely choose and elect representatives and decision makers of the local community and impose from the State an arbitrary limit to determine what is in the best interest of the citizens of this community and other communities in this State; and

BE IT FURTHER RESOLVED that the Honorable Judy L. Istre, City Clerk of the City of Crowley, Acadia Parish, Louisiana, be and she is hereby authorized and directed to immediately transmit a certified copy of this resolution to the Honorable Gerald Theunissen, State Senator; Honorable Nick Goutreaux, State Senator; Honorable Gil Pinac, State Representative; and the Honorable Micky J. Guillory, State Representative;

THUS DONE AND ADOPTED in regular session duly convened on the 11th day of April, 2006, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

ISABELLA L. de la HOUSSAYE, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

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

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, IN SUPPORT OF THE CROWEY ROTARY CLUB PROJECT TO REBUILD THE WELCOME HOUSE HOMELESS SHELTER.

WHEREAS, for more than 29 years, the Welcome House, Inc., under the direction of Reverend Roy J. Kibodeaux, Jr., has served all of Acadia Parish as the primary shelter for the care, housing and feeding of those person in need of shelter; and

WHEREAS, the Welcome House has provided shelter for families and individuals for approximately 25 to 30 persons each month and services over 4,000 meals each month to those in need; and

WHEREAS, the physical condition of the Welcome House facility has deteriorated and is inadequate to provide shelter for those in need everyday; and

WHEREAS, the Crowley Rotary Club has undertaken a project designated the “Welcome House Extreme Makeover” to rebuild and/or replace the facility which is to be totally funded by private donations; and

WHEREAS, one of the objectives is to develop a long-term plan to provide financial stability for this worthwhile program; and

WHEREAS, the recent aftereffects of Hurricanes Katrina and Rita have demonstrated the dire need for adequate shelter facilities in this community; and

WHEREAS, in the aftermath of Hurricanes Katrina and Rita, the generous spirit of this community was manifested in the outpouring of assistance and the sheltering of many of our neighbors in their time of need; and

WHEREAS, the “Welcome House Extreme Makeover” represents a prime example of the spirit of this community and the Crowley Rotary Club deserves support and encouragement;

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 they do hereby endorse and support the “Welcome House Extreme Makeover” to rebuild and/or replace the shelter facility for the homeless for the Parish of Acadia and do hereby support the development of a long-term plan for the maintenance and financial stability of the facility; and

BE IT FURTHER RESOLVED that they do hereby commend the Crowley Rotary Club’s efforts and urge and encourage the members of this community to support this project through financial contributions, services, aid or assistance for this worthwhile project;

THUS DONE AND ADOPTED in regular session duly convened on the 11th day of April, 2006, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

ISABELLA L. de la HOUSSAYE, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

RECREATION:

Alderman Premeaux offered a motion to approve partial Payment Estimate No. 6 to Cecil Perry Construction Company for the Recreational Facilities Sidewalk Improvements Phase II in the estimated amount of \$7,108.10. Seconded by Alderwoman Melancon and duly adopted.

Alderman Premeaux offered a motion to authorize the final administrative change order, Change Order No. 1 in the amount of \$4,789.28 and to adjust contract time to 242 days for the Recreational Facilities, Sidewalk Improvements Phase II construction contract

with Cecil Perry Construction Company. Seconded by Alderwoman Valdetero and duly adopted.

The following resolution was offered by Alderman Premeaux, duly seconded by Alderwoman Valdetero, and duly resolved and adopted.

RESOLUTION OF TERMINATION

A resolution authorizing and directing the Mayor to execute for and on behalf of the City of Crowley, a Notice of Termination for Cecil Perry Improvements, Ltd., Contractor, pertaining to the substantial completion of the contract, for "Recreational Facilities Sidewalk Improvements – Phase II" for the City of Crowley in accordance with the plans and specifications contained in the contract documents pertaining thereto.

WHEREAS, Cecil Perry Improvements, Ltd., as Contractor, has substantially completed "Recreational Facilities Sidewalk Improvements – Phase II" for the City of Crowley in accordance with the plans and specifications contained in the contract documents pertaining thereto; and

WHEREAS, the City of Crowley desires to accept the completed work;

NOW, THEREFORE, BE IT RESOLVED by the City of Crowley Board of Aldermen that the Mayor of said City of Crowley be, and is hereby empowered, authorized and directed to execute a Notice of Termination for and on behalf of the City of Crowley accepting the work as being substantially completed, and that the Mayor be authorized and directed to have a copy of said acceptance recorded in the Conveyance Records of the Parish of Acadia, State of Louisiana.

ADOPTED: April 11, 2006

ISABELLA L. de la HOUSSAYE, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

REVENUE & FINANCES:

Alderwoman Valdetero offered a motion to amend the budget for the purchase of telephone equipment at the new city hall building in the amount of \$19,228.15. Seconded by Alderman Buatt and duly adopted.

Alderwoman Valdetero offered a motion to amend the budget for incidentals not covered by the contract for the new city hall to E. L. Habetz Builders, Inc. in the amount of \$4687. Seconded by Alderwoman Melancon and duly adopted.

Alderwoman Valdetero offered a motion to authorize the purchase of a John Deere 5525 Tractor, HX 15 Rotary Cutter and a 997 ZTRAK 72" Side Discharge from Quality Equipment Co., Inc. at a total cost not to exceed \$60,000.00. Seconded by Alderwoman Melancon and duly adopted with Alderman Thomas abstaining.

Alderwoman Valdetero offered a motion to accept the lowest quote in the amount of \$5,636.93 for the construction of a canopy for the Fire House Trailer and amend the budget to increase "building repair" in the fire department by \$1,500.00. Seconded by Alderman Buatt and duly adopted.

The following resolution was offered by Alderwoman Valdetero, duly seconded by Alderman Premeaux, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD
OF ALDERMEN OF THE CITY OF CROWLEY,

ACADIA PARISH, LA. INTRODUCING A
PROPOSED ORDINANCE AND CALLING FOR A
PUBLIC HEARING CONCERNING SAME.

WHEREAS, an ordinance has been proposed to be adopted by the Board of Aldermen of the City of Crowley; and

WHEREAS, the proposed ordinance must be introduced by its title; and

WHEREAS, a public hearing must be held prior to its adoption; and

WHEREAS, the title of the proposed ordinance must be published in the official journal and the notice shall provide for the time and place where the Board will consider its adoption.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen, that the following ordinance be and it is hereby introduced for consideration at the next regular meeting of the Mayor and Board of Aldermen, to-wit:

AN ORDINANCE AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2005 AND ENDING AUGUST 31, 2006; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen, that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PROPOSED ADOPTION OF ORDINANCE

The Board of Aldermen of the City of Crowley shall meet on the 9th day of May 2006 at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, LA, to consider the adoption of the following ordinance.

AN ORDINANCE AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2005 AND ENDING AUGUST 31, 2006; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

Copies of the proposed Ordinance are available for a nominal fee in the Office of the City Clerk, City Hall, Crowley, LA.

THUS DONE AND SIGNED on this the 11th day of April, 2006.

JUDY L. ISTRE, City Clerk

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 11th day of April, 2006, in Crowley, Acadia Parish, Louisiana.

ISABELLA L. de la HOUSSAYE, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

RESOLUTIONS:

The following resolution was offered by Alderwoman Pete, duly seconded by Alderman Marceaux, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, EXPRESSING THEIR APPRECIATION TO VERNON "STEP" MARTIN, ALDERMAN, WARD 3, DIVISION "A", FOR HIS SERVICE AND DEDICATION TO THE CITY OF CROWLEY; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the Honorable Vernon "Step" Martin has served as a member of this governing authority since January 1, 1998; and

WHEREAS, the Honorable Vernon "Step" Martin has tendered his resignation as Alderman of the City of Crowley to the Secretary of State of the State of Louisiana and upon this occasion, it is appropriate to recognize his service to the citizens of this community; and

WHEREAS, Vernon "Step" Martin has passionately represented and devotedly served the people of Ward 3 of the City of Crowley and was re-elected without opposition to a second term; and

WHEREAS, his service has been marked by his efforts to assure all citizens, regardless of race, creed, gender or economic status, received fair and equal opportunity to voice their concerns before this governing body; and

WHEREAS, his efforts to ensure that all person have equal access to City services, equal opportunity for employment and participation in City Programs have increased communication and understanding between diverse social and economic groups and races within the community; and

WHEREAS, he has demonstrated his desire to improve the quality of life in the community through his efforts to obtain cooperation with private, non-profit and church groups with City government to improve City programs and services; and

WHEREAS, he has worked to improve the educational opportunities for children, including the Step-by-Step Program, and his efforts to increase and improve decent housing for low and moderate income families in the community have demonstrated a clear concern for the welfare of others; and

WHEREAS, his efforts have been recognized by his election as President of the Louisiana Municipal Black Caucus Association; and

WHEREAS, he is due recognition and grateful thanks for his efforts to improve the entire community; and

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 they do hereby recognize the Honorable Vernon "Step" Martin's tireless work, service and contributions to the City of Crowley and on behalf of the citizens of Ward 3 and all the citizens of Crowley, they do hereby express their gratitude and appreciation for his dedication and service to the improvement of the quality of life in this community, better understanding and communication between the white and black community and for his sincere effort to better the quality of life of the people who live in the City of Crowley and this community and they do hereby extend to him best wishes in his future endeavors;

THUS DONE AND ADOPTED in regular session duly convened on the 11th day of April, 2006, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

ISABELLA L. de la HOUSSAYE, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

ORDINANCES:

The following Ordinance was offered by Alderwoman Melancon, duly seconded by Alderwoman Valdetero and duly ordained and adopted.

ORDINANCE NO. 1334

AN ORDINANCE TO ENACT ARTICLE III OF CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY RELATIVE TO SMOKING IN PUBLIC PLACES TO BE COMPRISED OF SECTION 9-51 THROUGH SECTION 9-75 AND TO REPEAL SECTION 7-57 "SMOKING PROHIBITED IN SPECIFIC PLACES" OF CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, ALL RELATIVE TO SMOKING IN PUBLIC; TO PROVIDE DEFINITIONS; TO PROVIDE FOR CONSTRUCTION OF THE ARTICLE; TO PROHIBIT SMOKING IN PUBLIC PLACES; TO PROHIBIT SMOKING IN PLACES OF EMPLOYMENT; TO PROVIDE EXCEPTIONS WHERE SMOKING IS NOT REGULATED; TO PROVIDE FOR THE POSTING OF SIGNS; TO PROVIDE FOR THE ENFORCEMENT THEREOF; TO PROVIDE PENALTIES FOR VIOLATIONS; TO PROVIDE FOR PUBLIC EDUCATION; TO PROVIDE THE PROVISIONS THEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, this ordinance has been duly introduced and notice of this ordinance and notice of public hearing having been published; and

WHEREAS, a public hearing having been held in accordance with law on the 11th day of April, 2006, at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. [National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection agency. Smoking and Tobacco Control Monograph 10," *Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999*]; and

WHEREAS, the Public Health Service's National Toxicology Program has listed secondhand smoke as a known carcinogen. [Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," *U.S. Department of Health and Human Services (DHHS), Public Health Service, National Toxicology Program, 2000*]; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer. [California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke," *Tobacco Control* 6(4): 346-353, Winter, 1997]; and

WHEREAS, the Americans with Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability. [Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," *Nonsmokers' Voice* 15(1): 8-9]; and

WHEREAS, the U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. [Department of Health and Human Services. *The Health Consequences of Involuntary Smoking: A Report of the Surgeon General*. Public Health Service, Centers for Disease Control, 1986] The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. [Environmental Protection Agency (EPA), "Indoor air facts no. 5: environmental tobacco smoke," *Washington, D.C.: Environmental Protection Agency (EPA)*, June 1989] See also DiFranza, J.R., Aligne C.A., Weitzman, M., "Prenatal and Postnatal Environmental Tobacco Smoke Exposure and Children's Health," *Pediatrics* 2004; 113(4 Suppl):1007-15; and

WHEREAS, a significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. [Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," *Tobacco Control* 11(3): 220-225, September 2002]; and

WHEREAS, the only means of effectively eliminating health risks associated with indoor exposure to environmental tobacco smoke is to ban smoking activity; adverse health effects for the occupants of a smoking room cannot be controlled by ventilation and no other engineering approaches, including current and advanced dilution ventilation or air cleaning technologies, have demonstrated or should be relied upon to control health risks from environmental tobacco smoke exposure in spaces where smoking occurs. [American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) Position Document on Environmental Tobacco Smoke, June 2005]; and

WHEREAS, smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased liability claims for diseases related to exposure to secondhand smoke. ["The high price of cigarette smoking," *Business & Health* 15(8), Supplement A: 6-9, August 1997]; and

WHEREAS, smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures cause economic damage to businesses. ["The high price of cigarette smoking," *Business & Health* 15(8), Supplement A: 6-9, August 1997]; and

WHEREAS, LSA-R.S. 40:1300.26 (the Louisiana Office Indoor Clean Air Law) provides that "any municipal or parish governing authority or political subdivision of this state may adopt ordinances, rules, or regulations relating to smoking in an office workplace

consistent with the provisions of this Part and may adopt additional ordinances, rules, or regulations which are more stringent than the provisions of this Part;” and

WHEREAS, LSA-R.S. 40:1300.46 provides that “any municipal or parish governing authority or political subdivision of this state may adopt ordinances, rules, or regulations related to smoking in public places consistent with the provisions of this Part and may adopt such additional ordinances, rules, or regulations which are more stringent than the provisions of this Part;” and

WHEREAS, the Board of Aldermen of the City of Crowley finds and declares that the purposes of this ordinance are to:

1. protect the public health and welfare by prohibiting smoking in public places and places of employment;
2. guarantee the right of nonsmokers to breathe smoke free air, and
3. recognize that the need to breathe smoke free air shall have priority over the desire to smoke; and

WHEREAS, the Board of Aldermen wishes to amend Chapter 9 of the Code of Ordinances of the City of Crowley accordingly;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA IN REGULAR SESSION DULY CONVENED WITH A QUORUM ACTING THROUGHOUT, THAT:

SECTION 1: Article III of Chapter 9, “Health and Sanitation”, of the Code of Ordinances of the City of Crowley comprised of Sections 9-51 through 9-75 is hereby enacted to read as follows:

Article III. Smoking Prohibited in Public Places.

Sec. 9-51. Definitions.

Business Establishment means any sole proprietorship, partnership, association, joint venture, corporation or other entity formed for profit-making purposes, including professional corporations and other entities where professional or consumer services are provided, including, but not limited to legal, medical, dental, engineering, architectural, financial, counseling and banking. Business establishment shall also include hotels, motels, Nonprofit Entities and religious institutions.

Employee means a person who is employed by an Employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

Employer means a person or Business Establishment that employs the services of one or more individual persons.

Enclosed Area means all space which is enclosed on all sides by a roof and solid walls, windows or floor-to-ceiling partitions, irrespective of the size of such areas and of any doorway, stairway or passageway providing means of ingress and egress to such area, and is not intended to mean areas commonly described as public lobbies.

Gaming Operations means the conducting or assisting in the conducting of gaming activities or operations upon a riverboat, at the official gaming establishment, by operating an electronic video draw poker device, by a charitable gaming licensee, or at a pari-mutuel wagering facility or off track wagering facility which is licensed for operation and regulated under the provisions of Chapter 4 of Title 4, Chapters 4, 5, 6, and 7 of Title 27, or Chapter 11

of Title 4 of the Louisiana Revised Statutes of 1950, or any other gaming operation authorized by law.

Gaming Property means the designated gaming space and facilities owned, or leased or operated by a licensee or the casino operator that are part of the same facility or complex at which the gaming operations are located including, without limitation, any hotel, restaurant, bar, retail facility, showroom, ballroom or entertainment center.

Health Care Facility means an office or institution providing care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of health care providers as defined in La. R.S. 40:1299.41A(1). This definition shall include all Waiting Areas, hallways, private rooms, semiprivate rooms and wards within Health Care Facilities.

Nonprofit Entity means any corporation, unincorporated association or other association or other entity created for charitable, philanthropic, educational, political, social or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organizations and not to secure private financial gain. A public agency is not a nonprofit entity within the meaning of this section.

Office Workplace means any enclosed area of a structure or portion thereof, intended for occupancy by business entities, which provides primarily clerical, professional, or business services of the business entity, or which provided primarily clerical, professional, or business services to other business entities or to the public at that location. Office workplace includes but is not limited to office spaces in:

- (a) Hospitals, clinics, and nursing homes.
- (b) Libraries.
- (c) Museums.
- (d) Office buildings.

Public Place means any areas to which the public is invited or permitted, including, but not limited to, Business Establishments, banks, education facilities, Health Care Facilities, Shopping Malls, property owned, occupied or operated by the City of Crowley or any agency thereof, public transportation facilities, reception areas, restaurants, Retail Stores, theaters, Sports Arenas and Waiting Areas.

Restaurant means any coffee shop, cafeteria, luncheonette, sandwich stand, soda fountain and any other commercial eating establishment, or part of any organization, club, boardinghouse or guesthouse, which gives or offers for sale food to the public, guests or patrons, whether food is customarily consumed on or off the premises, but not an establishment whose primary purpose is to serve food to Employees of a common Employer.

Retail Store means any place which in the regular course of business sells goods or services directly to the public.

Service Line or Waiting Area means any queue, line or other formation of persons, whether seated or standing, in which one or more persons are waiting for, providing or receiving service of any kind, whether or not such service involves exchange or consideration.

Shopping Malls means an enclosed public walkway or hall area that serves to connect Retail Stores or Business Establishments.

Smoking means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or any form of lighted object or device which contains tobacco.

Sports Arena means any sports pavilion, stadium (whether or not fully enclosed), gymnasium, health spa, boxing arena, swimming pool, roller and ice skating rink, bowling alley and other similar place where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports, cultural or similar events.

Tobacco Business or Shop means a sole proprietorship, partnership, corporation, limited liability company or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories at wholesale or retail

or any premises owned or leased by a tobacco product manufacturer, importer, distributor, or leaf dealer and principally devoted to the manufacture, importation or sale of tobacco or tobacco products.

Sec. 9-52. Construction of article.

(a) Nothing in this article shall be construed to permit smoking where it is otherwise prohibited by law or regulation.

(b) Nothing in this article shall be construed to preclude owners, operators, managers, employers or other persons having control of any establishment covered by this article from prohibiting smoking in such establishment to a greater extent than is provided by this article, in accordance with applicable law.

Sec. 9-53. Prohibition of smoking in public places.

(a) Smoking is prohibited in all Enclosed Areas within Public Places in the City of Crowley except as permitted in accordance with Section 9-55. Such Public Places include, but are not limited to, the following:

(1) Public transportation facilities, including buses, vans, taxis and for-hire vehicles required to obtain a certificate of public convenience from the City of Crowley, and including, but not limited to, ticketing, boarding and Waiting Areas of public transit depots.

(2) Public restrooms.

(3) Retail Stores, not including Tobacco Businesses or Shops as defined in Section 9-52.

(4) Restaurants.

(5) Business Establishments.

(6) Libraries, museums and galleries.

(7) Motion picture theaters, concert halls, auditoriums and buildings used for, or designed for the primary purpose of exhibiting movies, stage drama, musical recital, dance, lecture or other similar performance.

(8) Convention halls.

(9) Sports Arenas.

(10) Places of meeting or public assembly for educational, religious, recreational or political purposes, but not including meetings conducted in private residences.

(11) Health Care Facilities.

(12) All pre-primary, primary and secondary schools, community colleges, technical training establishments and specialty schools.

(13) Elevators.

(14) In any Waiting Area, or portion thereof, in an Enclosed Area within a Public Place.

(15) All Enclosed Areas of any building or facility owned, operated or occupied by the City of Crowley or any political subdivision, commission, agency, entity or district created by such government, including the private offices and other areas in such buildings and facilities as well as areas open to the public.

(16) Polling places.

(17) Shopping Malls.

(18) Licensed child care and adult care facilities.

(b) Smoking is prohibited in the following public places, whether or not in an enclosed area:

(1) Within ten (10') feet of the entrance or exit to any building or facility owned, operated or occupied by the City of Crowley or any political subdivision, commission, agency, entity or district created by such government.

(2) Within ten (10') feet of the entrance or exit to any public place.

(3) In any Service Line in a Public Place.

Sec. 9-54. Prohibition of Smoking in places of employment.

(a) Smoking shall be prohibited in all Enclosed Areas within places of employment except as provided in Sec. 9-55. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, Health Care Facilities, cafeterias, Employee lounges, stairwells, restrooms and all other enclosed facilities.

(b) This prohibition in Smoking shall be communicated to all existing Employees by the effective date of this Article and to all prospective Employees upon their application for employment.

Sec. 9-55. Areas where smoking is not regulated.

The following places shall not be subject to the smoking restrictions of this article:

(a) Restaurants or alcoholic beverage establishments or facilities holding a permit, license or certificate issued pursuant to the provisions of R.S. 26:71(A)(3)(a), 71.1, 72, 73, 271(A)(2), 271.1, 271.2 and 272.

(b) Private homes including those residences used as an office workplace.

(c) Hotel guest rooms.

(d) Tobacco businesses or shops.

(e) Any Gaming Property where Gaming Operations are conducted.

(f) Private enclosed office workplaces occupied exclusively by smokers, even though such an office workplace may be visited by nonsmokers, except places in which smoking is prohibited by the fire marshal or by any other ordinance or safety regulation.

Sec. 9-56. Posting of signs.

(a) "Smoking" or "No Smoking" signs, or the international symbols indicating the same (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it), and any other signs necessary to comply with the provisions of this Article shall be prominently and conspicuously posted at all major entrances to, and appropriate locations within, each Enclosed Area where Smoking is either prohibited, permitted or otherwise regulated by this article, by the owner, operator, manager or other person having control of such area.

(b) Every Public Place and place of employment where smoking is prohibited by this Article shall have posted at every public entrance a conspicuous sign clearly stating that Smoking is prohibited.

(c) All ashtrays and receptacles used or provided for the deposit of tobacco refuse shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager or other person having control of the area.

(d) Each Employer, owner or manager of a Public Place where smoking is prohibited shall, within thirty (30) days of the effective date of this Article or of the opening of business subsequent of the effective date of this Article, post a sign approved by the City of Crowley which clearly and conspicuously summarizes the provision of this Article.

Sec. 9-57. Enforcement.

(a) This Article shall be enforced by the Code Enforcement Officer of the City of Crowley, the Fire Chief of the City or his designated representative, or any duly appointed Law Enforcement Officer having jurisdiction or arrest authority.

(b) Notice of the provisions of this Article shall be given to all applicants for an occupational license in City of Crowley.

(c) Any citizen who desires to register a complaint under this Article may initiate enforcement with the Code Enforcement Officer, Fire Chief of the City Police of the City of Crowley.

Sec. 9-58. Violations and penalties.

(a) Any person who violates the provisions of this Article by Smoking in an area where Smoking is prohibited shall be guilty of a misdemeanor, punishable by a fine not to exceed \$100.00.

(b) Any person who owns, manages, operates or otherwise controls a Public Place or Business Establishment who fails to comply with Sec. 9-56 of this Article shall be guilty of a misdemeanor, punishable by a fine not to exceed \$200.00 for each violation.

(c) Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Sec. 9-59. Public education.

The City of Crowley, in conjunction with the American Cancer Society and the Tobacco Free Living Organization, shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this Ordinance.

Sec. 9-60 – 9-75. Reserved.

SECTION 2: Section 7-57, "Smoking Prohibited in Specified Places", of Chapter 7 of the Code of Ordinances of the City of Crowley be and the same is hereby repealed in its entirety.

SECTION 3: If any provision, part, word, section, subsection, sentence, clause or phrase of this ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and do hereby declare the provisions hereof to be severable, then in that event, only that particular provision, part, word, section, subsection, sentence, clause or phrase shall be deemed unconstitutional or invalid and the remaining provisions, parts, words, sections, subsections,

sentences, clauses or phrases will not be affected and shall continue in full force and effect;
and

SECTION 4: All ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed;

THIS ORDINANCE having been introduced on the 14th day of March, 2006 and notice of the date and time of the public hearing having been published in the official journal; said public hearing having been duly held; the title of said ordinance having been read aloud in regular session duly convened on this the 11th day of April, 2006; a roll call vote was recorded as follows:

YEAS: Dr. James M. Buatt, Woody Marceaux, Mary T. Melancon,
Steven C. Premeaux, Ira Thomas and Kitty Valdetero

NAYS: Tiger Istre, Vernon Martin and Laurita D. Pete,

ABSTAINING: None

ABSENT: None

WHEREUPON the Mayor declared the above ordinance duly adopted on this the 11th day of April, 2006, at Crowley, Acadia Parish, Louisiana.

ISABELLA L. de la HOUSSAYE, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following Ordinance was offered by Alderwoman Valdetero, duly seconded by Alderman Martin and duly ordained and adopted.

ORDINANCE NO. 1335

AN ORDINANCE AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2005 AND ENDING AUGUST 31, 2006; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

WHEREAS, the proposed Amended Operating Budgets and the accompanying budget ordinance have been submitted to this Board of Aldermen for review and consideration; and

WHEREAS, this ordinance has been duly introduced and notice of this ordinance and notice of public hearing having been published; and

WHEREAS, notice of a public hearing by the City of Crowley on the proposed Amended Operating Budgets and notice of the availability of the proposed amended budgets for review have been timely published in the official journal, the Crowley Post Signal; and

WHEREAS, the public hearing having been held in accordance with the law on the 11th day of April, 2006 at 6:00 o'clock p.m. at City Hall on the proposed Amended Operating Budgets have now been reviewed and considered; now.

THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in Regular Session, duly convened on the 11th day of April, 2006 that the following Amended Operating Budgets are hereby approved, adopted and finalized

| Account Name | Current Proposed Amendment | Amended Budget 2005-2006 |
|------------------------|----------------------------------|--------------------------------|
| General Fund Budget | | |
| General Administration | | |
| Capital Outlay | 16,525 | 16,525 |
| Fire Expenditures | | |
| Capital Outlay | 25,000 | 197,000 |

BE IT FURTHER ORDAINED, the amounts shall be available for expenditures only to the extent and only as included within the amended 2005-2006 fiscal budget, however nothing shall be construed to prohibit the Governing Authority from making amendments to the budget.

BE IT FURTHER ORDAINED, the Mayor of the City of Crowley, Isabella L. de la Houssaye, is hereby authorized and in her sole discretion, to make such changes within the various budget classifications as she may deem necessary.

BE IT FURTHER ORDAINED, if any provision, part, word, section, subsection, sentence, clause, or phrase of this ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and do hereby declare the provisions hereof, to be severable, then in that event, only that particular provision, part, word, section, subsection, sentence, clause or phrase shall be deemed unconstitutional or invalid and the remaining provisions, parts, words, sections, subsections, sentences, clauses or phrases will not be affected and shall continue in full force and effect.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

THUS AMENDED, APPROVED, ADOPTED AND FINALIZED on this the 11th day of April, 2006 at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Dr. James M. Buatt, Tiger Istre, Woody Marceaux, Vernon Martin, Mary T. Melancon, Laurita D. Pete, Steven C. Premeaux, Ira Thomas and Kitty Valdetero

NAYS: None

ABSTAINING: None

ABSENT: None

ISABELLA L. de la HOUSSAYE, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

OTHER BUSINESS:

Dr. Ezora Proctor invited everyone to the National Day of prayer at the Rice Festival Building on May 4, 2006 at 6:30.

There being no further business to come before the Council upon motion duly made by Alderwoman Melancon and seconded by Alderman Thomas the meeting was adjourned at 8:45 p.m.

ISABELLA L. de la HOUSSAYE, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on April 13, 2006 at 3:30 p.m.

Presented for Mayor signature on April 19, 2006 at 4:00 p.m.

Mayor Pro-Tem Signed & returned to City Clerk on April 19, 2006 at 9:00 a.m.