

CITY OF CROWLEY
REGULAR MEETING
SEPTEMBER 9, 2014

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 9th day of September, 2014 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, Steven Premeaux and Kitty Valdetero. Alderwoman Laurita Pete (illness) was absent.

Alderman Vernon Martin led the Pledge of Allegiance to the flag. Alderman Vernon Martin gave the invocation.

AGENDA AMENDMENTS:

Alderman Elliot Doré offered a motion to amend the agenda to include and consider a request from the Acadia Parish Assessor and Police Jury for construction of a new parking area around the Court Circle. Seconded by Alderwoman Mary Melancon duly and adopted after a unanimous vote.

Alderman Vernon Martin offered a motion to amend the agenda to include and consider a request from the NAACP for the use of the Martin Luther King Building. Seconded by Alderman Elliot Doré duly and adopted after a unanimous vote.

PUBLIC HEARING:

Mayor Jones opened the public hearing on proposed ordinance no. 1464, the ordinance was read by title as follows:

AN ORDINANCE TO ABANDON THE RIGHT OF WAY OVER AND ACROSS THE BNSF RAILWAY LOCATED ON AVENUE D IN THE CITY OF CROWLEY FROM THE INTERSECTION OF THE SOUTH LINE OF FRONT STREET RUNNING SOUTH TO THE SOUTH LINE OF THE BNSF RAILWAY PROPERTY; TO CLOSE AND REMOVE THE STREET CROSSING LOCATED ON AVENUE D WITHIN SAID RIGHT OF WAY; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

Mr. Regan asked for proponents to the proposed ordinance no. 1464. Michael Landry, representing Falcon Rice Mill, voiced his support of the ordinance. The call for opponents of the proposed ordinance no. 1464 was made and there were no comments after the third and final call. The public hearing on ordinance no. 1464 was closed.

READING & APPROVAL OF MINUTES / BILLS:

Alderman Bryan Borill moved to dispense with the reading of the minutes of the August 12th, 2014 regular council meeting and approve them as written and distributed. Seconded by Alderman Vernon Martin and duly adopted.

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

MAYOR'S REPORT:

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

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 Alderman Vernon Martin and seconded by Alderwoman Mary Melancon to approve Partial Payment Estimate No. 12 in the amount of \$97,294.08 to Coastal Bridge Co. for the FY 2012-2013 Street Improvements Project. The project is ahead of schedule at 90% of completion by cost and 79% by time. Motion carried.

A motion was offered by Alderwoman Mary Melancon and seconded by Alderman Lyle Fogleman to consider acquiring possession of the West Crowley Cemetery contingent upon approval of the City Attorney. An amendment to the motion was made by Alderwoman Kitty Valdetero and seconded by Alderman Vernon Martin to authorize Mayor Jones, Roy Geesey and Tom Regan to meet and examine the guidelines of the state Cemetery Board for the City to acquire possession of the West Crowley Cemetery. The determination will then be presented to Edna Robinson who represents the West Crowley Cemetery Association. The main motion as amended was voted on and passed.

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 Bryan Borill to approve a new 2014 Class A Retail Outlet Beer Permit & a new 2014 Class A Retail Outlet Liquor Permit for Christopher Stutes d/b/a Joppe Courtyard Café located at 414 North Parkerson Avenue. 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 Alderwoman Kitty Valdetero and Alderman Elliot Doré to direct Mr. Regan to prepare a resolution to introduce an ordinance to provide that all drive-in establishments and drive-thru windows shall have adequate spaces for the retention of six (6) automobiles, decreasing total feet in length to hundred (total 100') feet, in single file line from property line to first service window approached from the flow of traffic and amend City of Crowley Code of Ordinance Sec 3-4 to refer to new ordinance for all drive-in establishments and drive-thru windows requirements. Motion carried.

PUBLIC BUILDING COMMITTEE :

Chairperson – Alderman Bryan Borill
Vice-Chairperson – Alderman Lyle Fogleman, Jr.

Members – Aldermen J. Elliot Doré, Mary Melancon, and Steven Premeaux

A motion was offered by Alderman Bryan Borill and seconded by Alderman Lyle Fogleman to accept the proposal of The Delahoussaye Company to remove windows and reinstall with head flashing, sill pan flashing, and caulking at Central Fire Station. Motion carried.

A motion was offered by Alderman Bryan Borill and Alderwoman Mary Melancon to approve a retractable screen, projector, and installation from Our Saviours' Church for the Rice Theatre. The total cost is \$14,720. Our Saviours' Church portion is \$10,000 for a lease hold improvement. The remainder will be provided by the city through a waiver of the rental of the Rice Theatre beginning December 2014 in the amount of \$700, January 2015 in the amount \$700, February 2015 in the amount \$700, March 2015 in the amount \$800, April 2015 in the amount \$700, May 2015 in the amount \$800, June 2015 in the amount \$320, in a total amount of \$4720.00. Motion carried.

INSURANCE & PERSONNEL COMMITTEE:

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

A motion was offered by Alderman Jeff Doré and Alderwoman Kitty Valdetero to accept the opinion and recommendation from City Attorney and approve Julie Romero's purchase of credits to Municipal Employees Retirement System and payment of City's matching contribution for purchase of employee service credit in the amount of \$5,076.11 . Motion carried.

AGENDA AMENDMENTS:

A motion was offered by Alderman Vernon Martin and seconded by Alderman Jeff Doré to authorize Mayor Greg Jones to enter into an Intergovernmental Agreement with the Acadia Parish Police Jury to construct new parking stalls in the median of East Hutchinson Avenue between Court Circle and Avenue G, contingent upon the Acadia Parish Police Jury agreeing to bear all associated costs of engineering and construction. Motion carried.

A motion was offered by Alderman Vernon Martin and seconded by Alderman Jeff Doré to approve Change Order No. 6 to the Contract with Coastal Bridges, Inc. for the 2012-2013 Street Improvements for the City of Crowley in the estimated amount of \$115,000, contingent upon the Acadia Parish Police Jury reimbursing the City of Crowley for all associated costs of engineering and construction of the new parking stalls. Motion carried.

A motion was offered by Alderman Vernon Martin and seconded by Alderwoman Mary Melancon to co-sponsor with the NAACP a Flu Vaccination clinic at Martin Luther King center on October 11, 2014 from 9:00 a.m. to 12:00 p.m., contingent upon the availability of the facility. Motion carried.

RESOLUTION:

The following resolution was offered by Alderman Lyle Fogleman, duly seconded by Alderman Steven Premeaux, and adopted.

A RESOLUTION BY THE CITY OF CROWLEY EXPRESSING THE SUPPORT OF CONSTITUTIONAL AMENDMENT 3 (ACT 871 OF THE 2014 REGULAR SESSION OF THE LOUISIANA LEGISLATURE) AND CONSTITUTIONAL AMENDMENT 10 (ACT 436 OF THE REGULAR SESSION OF THE LOUISIANA LEGISLATURE), CONSTITUTIONAL AMENDMENTS TO

ASSIST MUNICIPALITIES IN THE FIGHT AGAINST BLIGHTED
PROPERTY.

WHEREAS, the City of Crowley relies on various sources of revenue to fund services to its citizens, including an annual property tax millage assessed to owners of real property located within the municipal limits and;

WHEREAS, the sale of adjudicated property and other aspects of a tax sale is a very complicated process in which many municipalities do not have the staff nor the necessary resources to ensure the compliance with the requirements to ensure the constitutional protections of the property owners and the public entity and;

WHEREAS, currently over 40 public bodies have opted to use cooperative endeavor agreements with private third parties to assist in the tax sale process and;

WHEREAS, on January 28, 2014, Louisiana State Supreme Court in the matter of *Jackson et al v. City of New Orleans 2012-CA-2742, 2012-CA-2743, January 28, 2014* which in summary, stated the City of New Orleans ordinance authorizing a cooperative endeavor agreement with a third party was unconstitutional based on the provisions of Article 7 Section 25 of the Louisiana Constitution to provide that only the tax collector or their employees may perform the functions of a tax sale and;

WHEREAS, the decision in *Jackson et al v. City of New Orleans* could jeopardize existing cooperative endeavor agreements and in response to the decision, the Louisiana Municipal Association supported HB 488 by Representative Johnny Berthelot which seeks to clarify that public bodies have the authority under the Louisiana State Constitution should the body opt to enter into such a contract and;

WHEREAS, the ability to enter into a cooperative endeavor agreement with a third party for the purposes of assisting municipalities with the tax sale process has many positive aspects including the ability to protect the constitutional rights of property owners, create a more efficient and less costly process for local governments, and also to ensure that property owners fulfill their obligations as taxpayers; and;

WHEREAS, on June 23, 2014, HB 488 became Act 871 and will be placed on the November 4, 2014 election ballot as Constitutional Amendment 3 for the voters of the State of Louisiana to consider whether an authorized agent of a tax collector can assist in the sales tax process and any fees charged may be included in the cost; and

WHEREAS, on June 26, 2013, HB 256 became Act 436 of the 2013 Regular Session of the Louisiana Legislature, a measure in which the Louisiana Municipal Association gave its full support and will appear on the November 4, 2014 election ballot as Constitutional Amendment 10 and;

WHEREAS, Act 436 seeks to provide for an 18-month redemption period in any parish other than Orleans, for vacant property sold at a tax sale which is considered blighted or abandoned and;

LET IT HEREBY BE RESOLVED that the City of Crowley supports the passage of both Constitutional Amendment 3 and Constitutional Amendment 10 on November 4, 2014 as both constitutional amendments will provide valuable tools for municipalities and parishes to address the blighted property issues throughout the state in order to protect the health, safety and welfare of their citizens.

THUS DONE AND ADOPTED in regular session duly convened on the 9th day of September, 2014, in Crowley, Acadia Parish, Louisiana.

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, AUTHORIZING AN AUTOMATIC AID AGREEMENT PROVIDING AUTOMATIC FIRE PROTECTION AND EMERGENCY SERVICES TO THE CROWLEY SERVICE AREA OF FIRE PROTECTION DISTRICT NO. 11 OF ACADIA PARISH, LOUISIANA FOR THE ROADS LISTED HEREIN AS SHOWN ON THE MAP ATTACHED HERETO AND AUTHORIZE, EMPOWER AND DIRECT THE HONORABLE GREG A. JONES, MAYOR OF THE CITY OF CROWLEY, TO EXECUTE THE LOCAL FIRE PROTECTION AUTOMATIC AID AGREEMENT; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the City of Crowley currently provides local fire protection and services to the Crowley Service Area Fire Protection District No. 11 of Acadia Parish, Louisiana, under the terms of a Local Services Intergovernmental Agreement with the Acadia Parish Police Jury which provides the terms and conditions and compensation for the services presently being performed; and

WHEREAS, the Board of Commissioners of the Crowley Service Area Fire Protection District No. 11 have begun receiving appropriate tax revenue from their levy of taxes as authorized by special election; and

WHEREAS, construction of the Crowley Service Area Fire Protection District No. 11 is nearing completion and equipment has been ordered; and

WHEREAS, the Board of Commissioners of the Crowley Service Area Fire Protection District No. 11 has established a volunteer department, but is presently in the process of training volunteers; and

WHEREAS, the Board of Commissioners of the Crowley Service Area Fire Protection District No. 11 have requested that the Crowley Fire Department provide automatic response to all calls for fire protection and emergency services in the Crowley Service area for streets and roads situated therein; and

WHEREAS, the Fire Chief has agreed to accept the responsibility and confirmed to the Board of Aldermen that the department is capable of responding to calls within the service area of the district;

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 authorize, empower and direct the Honorable Greg A. Jones, Mayor of the City of Crowley, to execute a Local Services Automatic Aid Agreement between the Crowley Service Area Fire Protection District No. 11, provide fire protection and emergency services for all calls within the Crowley Service Area District including but not limited to the following roads and streets as described herein and as shown on the attached map of the Fire Service Area and the City of Crowley, Acadia Parish, Louisiana.

BE IT FURTHER RESOLVED that the Local Services Automatic Aid Agreement shall provide the Fire Service Area Protection District No. 11 shall pay the City of Crowley the following fees and charges for equipment and personnel responding to calls for fire, accident or medical emergencies and hazardous material standby, to-wit:

- A) Fire and EMS units: \$200.00 per hour with a minimum charge of One (1) hour per unit responding

- B) Extra equipment at the posted rate per hour per schedule of equipment as posted by the Crowley Fire Chief
- C) Foam, special materials or substances: At cost

BE IT FURTHER RESOLVED that the Honorable Greg A. Jones, Mayor, be and he is hereby authorized, empowered and directed to execute the agreement any and all other documents or attachments as may be deemed necessary in connection therewith and as may be meet and proper in the premises.

THUS DONE AND ADOPTED in regular session duly convened on the 9th day of September, 2014, 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 Aldermen Bryan Borill, duly seconded by Alderman Steven Premeaux, and adopted with an abstention from Alderman Vernon Martin.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AUTHORIZING A LEASE TO THE ASSIST AGENCY FOR OFFICE SPACE IN THE CROWLEY ENTERPRISE CENTER LOCATED AT 11 NORTH PARKERSON AVENUE, CROWLEY, LOUISIANA; TO PROVIDE FOR THE TERMS AND CONDITIONS THEREOF; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the “Assist Agency” is a participant in the Local Work Force Investment program known as the “Louisiana One Stop Program” and has been a lessee in the Crowley Enterprise Center located at 11 North Parkerson Avenue, Crowley, Louisiana; and

WHEREAS, the “Assist Agency” is funded by annual appropriations from the State of Louisiana and the United States of America to provide assistance to low and moderate income individuals and to improve employment opportunities, education and other public services; and

WHEREAS, the “Assist Agency” has requested a reduction of 25% of the rental rate for the annual lease on the same terms and conditions of approximately 3,121 square feet office space with 50 parking places; and

WHEREAS, in consideration of those services and the continuing needs for those services and prior leases granted to the Assist Lease, the Mayor and Board of Aldermen find it appropriate to grant the request and authorize the lease on the terms as requested.

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 authorize, empower and direct the Honorable Greg A. Jones, Mayor of the City of Crowley, to execute a lease to the Assist Agency of approximately 3,121 square feet office space in the Crowley Enterprise Center with 50 parking spaces provided, located at 11 North Parkerson Avenue, Crowley, Louisiana, for use as office space by the Assist Agency at the rate of \$8.6463 per square foot per annum the said lease to include the following terms and conditions, to-wit:

1. A term of one year effective on the 1st day of September, 2014 and ending on the 31st day of August, 2015;
2. Monthly payments in the amount of \$2,248.76;

3. A non-appropriation clause in favor of the lessee;
4. All other terms and conditions of the said lease shall remain the same as the prior lease of the facility;

BE IT FURTHER RESOLVED that the Honorable Greg A. Jones, Mayor, be and he is hereby authorized, empowered and directed to execute any and all necessary documents and certifications in connection with the said transaction as may be meet and proper in the premises.

THUS DONE AND ADOPTED in regular session duly convened on the 9th day of September, 2014, in Crowley, Acadia Parish, Louisiana.

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderwoman Kitty Valdetero, duly seconded by Alderman Jeff Doré, and adopted.

RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF CROWLEY, ACADIA
PARISH, LOUISIANA, AUTHORIZING THE
ADOPTION OF THE LOUISIANA COMPLIANCE
QUESTIONNAIRE FOR AUDIT ENGAGEMENTS OF
GOVERNMENTAL ENTITIES FOR THE FISCAL
YEAR 2014

WHEREAS, the Mayor and Board of Aldermen of the City of Crowley having received notice from the Legislative Auditor of the State of Louisiana, that the Compliance Questionnaire must be completed; and

WHEREAS, the Compliance Questionnaire is a required part of a financial audit of Louisiana governmental units and quasi-public; and

WHEREAS, the legal matters contained in the questionnaire parallel those matters contained in the *Laws Affecting Louisiana Government*; and

WHEREAS, the completed Compliance Questionnaire must be given to the auditors at the beginning of the audit and tested for accuracy of the responses in the questionnaire during the course of the audit;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, in regular session, duly convened, that they do hereby adopt the Louisiana Compliance Questionnaire, dated September 9, 2014 to Kolder, Champagne, Slaven & Co, in connection with the audit of the financial statements for the year ending August 31, 2014, which questionnaire is attached to this resolution; and

BE IT FURTHER RESOLVED that they do hereby authorize the execution thereof by the Honorable Judy Istre, City Clerk, Margaret Young, Administrative Assistant and the Honorable Greg A. Jones, Mayor of the City of Crowley.

THUS DONE AND ADOPTED in regular session duly convened on this the 9th of September, 2014 at Crowley, Acadia Parish, Louisiana.

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Steven Premeaux, duly seconded by Alderman Elliot Doré, 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 REVOKE THE DEDICATION OF AND ABANDON THAT PORTION OF AVENUE D SOUTH OF THE BNSF RAILWAY PROPERTY BETWEEN PROPERTY BELONGING TO LOUISIANA RICE MILL (FORMERLY BELONGING TO SUPREME RICE MILL INC) AND BLOCK FIVE (5) OF THE W.W. DUSON ADDITION TO THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA AS PER PLAT OF THE W.W. DUSON ADDITION TO THE INTERSECTION OF MILL STREET EXCEPT FOR THE RESERVATION OF ALL MINERALS, MINERAL RIGHTS AND MINERAL ROYALTIES TO THE CITY OF CROWLEY; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING 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 14th day of October, 2014, 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 REVOKE THE DEDICATION OF AND ABANDON THAT PORTION OF AVENUE D SOUTH OF THE BNSF RAILWAY PROPERTY BETWEEN PROPERTY BELONGING TO LOUISIANA RICE MILL (FORMERLY BELONGING TO SUPREME RICE MILL INC) AND BLOCK FIVE (5) OF THE W.W. DUSON ADDITION TO THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA AS PER PLAT OF THE W.W. DUSON ADDITION TO THE INTERSECTION OF MILL STREET EXCEPT FOR THE RESERVATION OF ALL MINERALS, MINERAL RIGHTS AND MINERAL ROYALTIES TO THE CITY OF CROWLEY; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO

OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING 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 9th day of September, 2014.

JUDY L. ISTRE, CITY CLERK

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 9th day of September, 2014, in Crowley, Acadia Parish, Louisiana.

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

ORDINANCE:

The following ordinance no. 1464 has been previously introduced at a regular meeting convened on August 12th, 2014, published by title in the official journal of the City, and a public hearing held thereon on September 9th, 2014. It was offered for final adoption by Alderman Vernon Martin, seconded by Alderman Elliot Doré and duly adopted.

AN ORDINANCE TO ABANDON THE RIGHT OF WAY OVER AND ACROSS THE BNSF RAILWAY LOCATED ON AVENUE D IN THE CITY OF CROWLEY FROM THE INTERSECTION OF THE SOUTH LINE OF FRONT STREET RUNNING SOUTH TO THE SOUTH LINE OF THE BNSF RAILWAY PROPERTY; TO CLOSE AND REMOVE THE STREET CROSSING LOCATED ON AVENUE D WITHIN SAID RIGHT OF WAY; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

WHEREAS, the Louisiana Department of Transportation and Development (LDOTD), the BNSF Railway Company and the City of Crowley have joined together to consolidate redundant and unnecessary street and railroad crossings; and

WHEREAS, after examining the information and data provided by LDOTD and after consulting with the adjacent property owners and industries located along the railway and near Avenue D, it appears the traffic volume is low and the closing of the crossing will not affect the industrial or commercial property owners nearby or the traveling public; and

WHEREAS, there are adequate railroad crossings nearby which provide for adequate traffic needs of the commercial, industrial and public needs; and

WHEREAS, all known utility and drainage facilities and servitudes have been identified and the abandonment will pose no problem to continued operations; and

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 9th day of September, 2014, at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

NOW THEREFOR BE IT ORDAINED by the Board of Aldermen of the City of Crowley, Parish of Acadia, State of Louisiana, in regular session duly convened, that the Avenue D rail crossing (DOT No. 767878B) shall be permanently closed to vehicular traffic and the right of way be and it is hereby abandoned from the intersection of the south line of Front Street eighty (80') feet in width between parallel lines to the south property line of the BNSF or a minimum distance of twenty-five (25') feet from the southernmost rail in the main line of BNSF Railway Company; and

BE IT FURTHER ORDAINED that the City of Crowley shall install an end-of-road treatment or barrier which shall include warning signs and devices and may in lieu thereof or in addition thereto install an open ditch across the said right of way (road) which end-of-road treatment/barrier/ditch shall be established not less than twenty-five (25') feet from the nearest rail in the main line track; and

BE IT FURTHER ORDAINED that 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 and phrases will not be affected and shall continue in full force and effect; and

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 DONE, SIGNED AND ADOPTED in regular session duly convened on this the 9th day of September, 2014, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Bryan Borill, Elliot Doré, Jeff Doré, Lyle Fogleman, Vernon Martin, Mary Melancon, Steven Premeaux and Kitty Valdetero
NAYS: None
ABSTAIN: None
ABSENT: Laurita Pete

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

OTHER BUSINESS:

There being no further business to come before the Council upon motion duly made by Alderwoman Mary Melancon and seconded by Alderman Elliot Doré was adjourned at 6:55 p.m.

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CLERK

Presented rough draft to Mayor on September 10th, 2014 at 3:00 p.m.
Presented for Mayor's signature on September 10th, 2014 at 3:00 p.m.
Mayor signed & returned to City Clerk on September 10th, 2014 at 3:15 p.m.

Publish in newspaper on September 11, 2014