

CITY OF HARAHAH
6437 JEFFERSON HIGHWAY, HARAHAH, LOUISIANA
MAYOR AND HARAHAH CITY COUNCIL
April 16, 2014

The Mayor and the Council met on the above date for their regular meeting.

PLEDGE OF ALLEGIANCE

Following the Pledge of Allegiance, the Mayor called the Meeting to order at 7:30 p.m.

ROLL CALL

Present: Mayor Mosca, Councilman Baudier, Councilman Chatelain, Councilman Huete, Councilman Landry, Councilman Murray, Municipal Clerk Nicole Lee, City Attorney David Courcelle, Police Chief Joe Lorenzo.

Absent: Fire Chief Todd St. Cyr.

SPECIAL PRESENTATIONS

Mayor Mosca thanked Anthony Sequeira for the use of a bobcat to grade the 10th St. cut through. Mayor Mosca said he made the decision to use that street.

ADDRESS THE COUNCIL

Spike Kittok, President of Harahan Sr. Center, Inc. said he is telling them the facts. He incorporated the corporation alone. Mr. Walker is only a member of the board. He said that JCOA had taken the money the Sr. Center had raised and they were told they had to incorporate as a 501-C-3 in order to get the money that JCOA had taken. He stated that no money was stolen by Mr. Walker – all monies are in the bank as attested by bank statements. He stated that a fish fry was held 2 weeks ago and 100 people attended. He stated that Adelaide – the boutique is the major fundraiser. All accusations which should not be allowed are personal and political and are inexcusable. The breakfast that was held at the Sr. Center was approved by the Mayor and the director and the key was signed out from the secretary with Mr. Walker and Mr. Ferrara. The seniors are upset by all the nasty talk. Mr. Kittok and Mr. Walker put up their own money for the events during the time that JCOA had their money and had to wait 30-60 days for reimbursement. There are 3 gentlemen in the audience from the VFW that have been threatened by the former Sr. Center coordinator. He named the board of directors. He stated that the “buck stops with him” and JCOA has agreed that nothing wrong was done and all legalities have been met. He announced that April 10th will be a breakfast for the Seniors. Mr. Kittok will cook and the board will serve. \$4 is the price of the tickets. The 4th Friday of the month is Free Food Fun Friday and it is on April 25th and all seniors are invited. May 23 will be celebrating Cinco de Mayo which is limited to 100 people so a ticket is needed. He thanked the volunteers for the center.

Michael O'Brien, running for the Jefferson Parish District 2 seat in October 2015 and said he wants to meet the council.

Tommy Duffy, former coordinator of the Senior Center. She said the two men are divisive and cause trouble at the center. She said she does not belong to the VFW and could not have anyone thrown out. She had the senior center calendar from February and said the breakfast was not on it. She said that using the Sr. Center does not go through the Mayor – only through the coordinator.

Councilman Murray said that personal issues should not be aired at the council meeting – it should be aired at the senior center. She said this is over. This is derogatory and airing this for the third month will not accomplish anything.

The Mayor told Ms. Duffy not to talk bad about anybody.

Ms. Duffy said she has a problem with the name and she has a problem with their meetings and the lack of minutes.

Councilman Murray asked if she was still the coordinator.

Ms. Duffy said no she was gone for 6 weeks.

Councilman Murray said this was derogatory and not involving the council. She said that this should be handled by JCOA.

Ms. Duffy said that the money was given to the organization named Harahan Senior Center, Inc. and not to the senior center.

Councilman Landry said he is on the JCOA board and had received the minutes and all meetings for non-profit groups are open to the public.

Ms. Duffy said that the seniors didn't give their permission to use their money - the reason she is here is that the new director won't know what's going on and she will be gone in 7 months. She said that she was told that the seniors did not give their permission to use their pictures.

Councilman Landry asked what the difference is with the name.

A motion was made by **Councilman Murray** and seconded by **Councilman Huete** to amend the agenda and take up the matter after address the council.

The Mayor said he would call for a vote after address the council.

Ms. Duffy went on to say that no one can say anything. She quoted Mr. Robichaux as saying that all minutes and times of meetings should be placed on the bulletin board. She said the city could be held liable if a member is injured on a trip because of the name and they were encourage to change their name. She is speaking for the seniors.

Chantell Rizzuto Veit said she is a former director that quit because she took a better job. She said Ms. Duffy has been defaming her around the city and that she is tired of it. She said Ms. Duffy has been fired by JCOA and that she took 7 months to figure out what was going on was ridiculous. She trained her for 2 weeks before she left to make sure she knew where everything was and that she never had a problem with the board or JCOA. She is tired of Ms. Duffy quoting Mr. Robichaux and the council should talk to Mr. Robichaux themselves and speaking for the seniors.

Barbara Butera, Carolyn Dr., worked for the city for 35 years and has been a volunteer at the center and on the board. She has not heard any of the rumors, but the discussion should be held at the senior center. It's time to put this to rest.

Arthur Arceneaux said he attended a crawfish boil and the meeting at the VFW and during it Ms. Duffy came and told her daddy to throw him and 2 others out because they were campaigning. We weren't campaigning, we were eating crawfish.

Tim Walker, candidate for Police Chief, gave his qualifications. He reminded everyone that the run-off election is May 3rd and thanked the people who voted for him.

Mayor Mosca announced that the resolution about the Personal Care Home would be taken up and there would be no audience discussion.

The Mayor called for a vote on Councilman Murray's motion to take up Old Business at this time.

YEAS: Baudier, Chatelain, Huete, Landry, Murray

NAYS: None

ABSENT: None

MOTION PASSED

OLD BUSINESS

3. Harahan Sr. Center Inc.

Mayor Mosca said that the city owns the Harahan Sr. Center and JCOA said they had to form a 501-c-3 corporation. He recommended the name "Friends of the Harahan Senior Center." His recommendation was not used and the name was Harahan Sr. Center, Inc. - his research showed that the corporation was organized under the Daughters of Esther Fellowship International Ministries, Inc. and is covered under their 501-c-3 group ruling. He read the by-laws which stated that Richard Kittok is president. He found out that the organizer had a vision in 1995 to organize a group that would sell 501-c status to anyone who pays a fee. That concerned the Mayor - his recommendation was to change their name because it is awkward for the center to be affiliated with this group. He asked the council to join him in having the group change the name. He does not want the city to be involved with the Daughters of Esther ministry. He recommended the "Friends of Harahan".

Discussion:**Councilman Huete - none****Councilman Murray - said that the process through the government takes quite a bit of time. She said if the city would be liable because the name Harahan is included, she suggested that everyone remove the word Harahan from their name if the city would be liable. She stated that JCOA is not affiliated with Jefferson Parish. She stated that faith-based organizations have helped the city in the past and if they want to help the seniors, we should let them. If the issue is strictly the name - it's silly.****Mayor Mosca said that the distinction is that the center raises money for the seniors but the city does not.****Councilman Baudier - no comment.****Councilman Chatelain said the name is misleading. Nothing is being done wrong - but the name needs to be changed. He knows that process is difficult.****Councilman Landry said it is extremely hard to change the name.****Mayor Mosca said it can be done with a computer.****Mr. Kittok said that the process has to be started all over again and JCOA wants the money back if they do this because they will no longer be a 501-c-3. He said the seniors voted on the name and the board elected to do that. He never said it would be "Friends" of anything. He stated that the Daughters of Esther have an umbrella that they filed under. The government sent their application back and the lawyer promised by JCOA never materialized. The Daughters of Esther helped get their 501-c-3 in 60 days. He does not want to use the senior's money to reapply. He said JCOA made them buy a \$2 million policy to indemnify them and he offered to indemnify the city with insurance.****Councilman Landry said that the insurance coverage should be done.****Councilman Chatelain said that he is not comfortable with the name.****Mr. Kittok said that Mr. Courcelle and Mr. Robichaux's lawyers looked at the legalities and said everything was legal. Mr. Kittok offered to change the name if the city pays for it and allows the status quo to stay until the paperwork is done for the new name. He said they have been working on the 501-c-3 for over a year, but the government is stalling. The board will meet next month and come up with a name.****Mayor Mosca said he would talk to the city attorney and this was fair and it would not cost the center any money.****Councilman Landry said the money could come out of their line item in the city budget.****Mayor Mosca said he would not like to handle the money from adelaides.****Mr. Kittok said they would continue as they are now and will continue the process of the name change but not with the senior's money.****APPROVAL OF MINUTES****A motion was made by Councilman Baudier and seconded by Councilman Chatelain to dispense with the reading of the minutes of the March 20, 2014 Council Meeting.****The Mayor called for the vote, it was as follows:****YEAS: Baudier, Chatelain, Huete, Murray****NAYS: None****ABSENT: Landry****MOTION APPROVED****A motion was made by Councilman Murray and seconded by Councilman Huete to approve the minutes of the March 20, 2014 Council Meeting.****The Mayor called for the vote, it was as follows:****YEAS: Baudier, Chatelain, Huete, Murray****NAYS: None****ABSENT: None****MOTION APPROVED****COMMUNICATIONS****BOARD OF ADJUSTMENT AND APPEALS****A motion was made by Councilman Baudier and seconded by Councilman Chatelain to dispense with the reading of the minutes of**

the March 26, 2014 Board of Adjustments and Appeals Meeting.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Chatelain, Huete, Murray

NAYS: None

ABSENT: None

MOTION APPROVED

A motion was made by Councilman Huete and seconded by Councilman Murray to approve the minutes of the March 26, 2014 Board of Adjustments and Appeals Meeting.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Chatelain, Huete, Murray

NAYS: None

ABSENT: None

MOTION APPROVED

PLANNING & ZONING BOARD

The Planning & Zoning Board did not meet in April.

RESOLUTIONS

The following resolution was offered by Councilman Landry.

The Municipal Clerk read the resolution by in its entirety.

1. A Resolution granting a waiver of the four-person limit and non-profit rule in the definition of "Family" found in Section III of the City of Harahan Comprehensive Zoning Ordinance as it pertains to the Property located at 1009 Colonial Club Dr. to permit the opening and operation of a state-licensed Personal Care Home, as defined in the Louisiana Administrative Code 48:8813, for up to six residents. The State-licensed Personal Care Home shall be inspected and approved by the State Fire Marshall, Jefferson Parish Board of Health, Harahan Inspection and Code Enforcement and Harahan Fire Department for compliance with all applicable code requirements. Parking must be on the Personal Care Home site. Only one such Personal Care Home within 5200 ft. of each other shall be permitted within the City of Harahan. This waiver is for the purposes of compliance with the Federal Fair Housing Act, which mandates reasonable accommodation to zoning rules necessary to allow individuals with disabilities to live in a residential setting.

Discussion:

Mayor Mosca asked Mr. Stansbury to read Mr. Courcelle's letter which stated that a federal court would grant the group home and should the city lose in court it would be liable for substantial costs.

The Mayor said he does not get to vote on this, but if it is voted in he would enforce it in the least restrictive way to the citizens of the city.

Councilman Landry stated that this is a group home and has been talked about as a destructive thing - it's not. There will be 6 disabled residents who do not drive living in a neighborhood. He was not initially for it, but after due consideration he finds the city is over a barrel. The federal government has strict laws and the city attorney said we will lose in court. I should do what the neighbors want but you have to understand the legal ramifications - it has been dragging on for a year and the cost could run into the millions. Jefferson Parish fought this and lost and they got hit with serious fines. He urged the council members to make a decision that may not be popular but is necessary. The resolution limits the number of homes in the city. He said that in 6 months, the people will wonder why they were so concerned. The cost to the city in the long run would decimate the city.

Councilman Chatelain - no comment.

Councilman Baudier - said the citizens came down hard against this and I thought "boy I hope I die before I get old" and as a councilman I should vote with what the citizens want. He thinks in 6 months the neighbors would not even know that it is there. He's never been against this but you have to vote with what the citizens want.

Councilman Murray understands that a resolution is not enforceable on the zoning law. She feels that a resolution can't tell an ordinance what to do. She asked Councilman Johnston if a resolution is law.

Councilman Johnston answered that no a resolution is not law.

Councilman Murray said this will not affect the zoning law.

Mayor Mosca said that was what the city was going after – that it does not affect the zoning law – it is a waiver.

Councilman Murray said she would like to add the word radius to the resolution, but the Mayor said this was not necessary. She asked if the home would be held to the zoning classification requirements.

The Mayor said it would need to meet all city and state regulations.

Councilman Huete said that the letter from Mr. Courcelle said that the city needs to make reasonable accommodations with this resolution and are not changing the zoning ordinance.

Mayor Mosca said that the city is between the federal government and the citizens and it is a difficult place to be.

Councilman Huete said that she wanted the citizens to understand that this is necessary.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Huete, Landry

NAYS: Murray, Chatelain

ABSENT: None

RESOLUTION PASSED

The following resolution was offered unanimously by the council.

The City Clerk read the resolution in its entirety.

2. Procès verbal and proclamation of the canvass of the votes cast at the special election held in the City of Harahan, State of Louisiana, on Saturday, April 5, 2014.

Discussion: None

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Chatelain, Huete, Landry, Murray

NAYS: None

ABSENT: None

RESOLUTION PASSED

ORDINANCES FOR APPROVAL (PUBLIC HEARING)

The following Ordinance was introduced by Councilman Chatelain and seconded by Councilman Landry.

The clerk read the Ordinance in its entirety.

1. An Ordinance to amend Ordinance No. 1046, to define “term” of office, which any elected official of the City of Harahan, State of Louisiana, may serve.

The Mayor opened the public hearing.

Judy Johnson, Oak Ave. read an alternate wording for the ordinance change.

The Mayor closed the public hearing.

Discussion:

Councilman Huete asked about the time frame. She stated that the change would penalize Councilman Chatelain from running for two terms.

Councilman Murray said it would have to be a new ordinance if the change would be considered. She asked the Mayor if Slidell hadn't gone through this situation and had set a precedent that they should not be penalized.

Councilman Chatelain said he does not believe in term limits.

Councilman Landry – No comment.

Councilman Baudier – No comment.

The Mayor called for the vote, it was as follows:

YEAS: Chatelain, Huete, Landry, Murray

NAYS: None

ABSENT: None

ABSTAIN: Baudier

ORDINANCE PASSED

The following Ordinance was introduced unanimously by the council.

The City Clerk read the ordinance in its entirety.

2. An Ordinance to amend Ordinance No. 1688, establishing a Personnel Policy for the city of Harahan Employees. (Non-Civil Service)

The Mayor opened the public hearing.

No one spoke.

The Mayor closed the public hearing.

Discussion:

Councilman Landry and Chatelain – no discussion.

Councilman Huete said she had found out that this has to be done by federal law. She questioned the first paragraph which defines the amount of hours which each department works and is considered as full time.

Rena Sanders said that different departments have always worked different hours. She explained Obamacare requirements may cause our policies to change. She said the federal government said that the policies and procedures should be looked at as a whole.

Councilman Huete said the next step was to form a committee to look at these changes. She questioned how the hours affect the vacation time.

Ms. Sanders explained the difference between civil service and non-civil service employees.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Chatelain, Huete, Landry, Murray

NAYS: None

ABSENT: None

ORDINANCE PASSED

ORDINANCE FOR INTRODUCTION (FIRST READING)

The following Ordinance was introduced by **Councilman Baudier**

The Municipal Clerk read it by title only.

1. An Ordinance adopting the Annual Budget of Revenue and Expenditures for the Fiscal Year ending December 31, 2014 for the City of Harahan, Louisiana.

The following Ordinance was introduced by **Councilman Murray**

The Municipal Clerk read it by title only.

2. An Ordinance adopting a Budget for the Sales Tax Fund for the City of Harahan, for the Fiscal Year ending December 31, 2014.

OLD BUSINESS

1. Colonial Development Agreement

Mayor Mosca said the development agreement is completed – but he needs input from the council – it will be on the May agenda for adoption.

Councilman Huete asked how it will be enforced – by ordinance, by resolution or what. She asked about any changes.

Mayor Mosca said it will be adopted as legal contract. He would like any changes to come to him.

Councilman Baudier said he talks to the developer weekly.

Councilman Huete said that since the commercial designation has been granted, she feels that the city should be kept informed on each step.

Councilman Murray asked if the contract could be filed with the land title.

Mayor Mosca said it would be recorded with the title.

2. Appointment of Jefferson Parish Beautification Committee.

Mayor Mosca said he did not receive any nominations. He said there are 2 weeks left for the appointment.

NEW BUSINESS

1. Sale of city owned property – 701 Hickory Ave. & Seventh St.

Mayor Mosca called Mr. Ferrara to the podium to explain the situation.

Mr. Ferrara explained that 7th Street is not a through street and will not be opened up to Dickory. He also explained the procedure.

Councilman Murray said that putting the property into commerce would be a win-win situation.

Mr. Ferrara explained that the even numbered streets would be opened to the new Dickory Ave. He explained the procedure to the council – since both sides of the street are owned by the same business, they want to purchase it. Three appraisals have been sought so that we will receive fair market value.

Councilman Murray said that her family used to own the property and the city needs the money and the sale will benefit the city.

Mr. Ferrara updated the council about Ravan Ave. and Jefferson Hwy. He said that the repair had been left open to make sure it would not sink again, but it is ready to be closed.

Councilman Murray asked about a repair on Glenwood.

Mr. Ferrara said there was a repair done by the Waterworks and they need to be completed.

Mr. Ferrara said that the city will begin using hot mix to fix pot holes thanks to Councilman Johnston's donation of a dump truck.

Councilman Johnston said the Parish voted \$200,000 for street repairs in Harahan.

Mr. Ferrara said the repairs will begin within 2 weeks and that Councilman Johnston has helped the city of Harahan a great deal as a member of the Parish Council with the donation of equipment.

Councilman Murray noted that there are 4 Mayors of the city in attendance - Mayor Vinny Mosca, former mayors Paul Johnston, Carlo Ferrara and Barbara Butera.

A motion was offered unanimously to grant permission for the sale.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Chatelain, Huete, Landry, Murray

NAYS: None

ABSENT: None

MOTION PASSED

2. High content ABO application of McKinley's, located at 2229 Hickory Avenue for Wayne J. Gibson.

A motion was offered by Councilman Murray and seconded by Councilman Baudier to grant permission the permit.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Chatelain, Huete, Landry, Murray

NAYS: None

ABSENT: None

MOTION PASSED

3. St. Rita's Dads' Club respectfully requests permission to sell beer at the 1st Annual St. Rita Dads' Club Crawfish Cook-off, Saturday, May 17, 2014 from 3:00 pm to 10:00 pm. Also to block Bourg St. from Imperial Woods Dr. to Ravan Ave.

A motion was offered by Councilman Landry and seconded by Council Baudier to grant permission for the event.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Chatelain, Huete, Landry, Murray

NAYS: None

ABSENT: None

MOTION PASSED

Mayor Mosca said he had received word from the owner of 1100 Generes that they want to sell the property to the city for \$100,000. He said the property is next to the playground.

Councilman Johnston said that the price was reasonable and said that money for the streets are more important - but if the council waits until the next year - the Parish may be able to help out.

ADDRESS THE COUNCIL

None

SECRETARY'S REPORT

Secretary's report for March, 2014

Revenues \$345,679.41.

PAY BILLS

The Council paid the bills for March, 2014 in the amount of \$276,123.59.

REPORTS

Chief Lorenzo gave his report for March, 2014. He said this is his last meeting as chief and he thanked the council for the opportunity.

Councilman Huete - Happy Easter

Councilman Murray - Happy Easter - apologized for her absence last month and thanked everyone for prayers.

Mayor Mosca - reminded the citizens about the fire millage being renewed later this year or next year. Harahan received the Cleanest City Award again. The City received federal funds from the CDC recovery fund in 1992 for overlaying Oak Ave. and signed an agreement

that the city will comply with the Fair Housing Act. We have received 14 notices that the FEMA debt is forgiven. He thanked the VFW for their proclamation to the city.

Councilman Baudier stated that the millage in the last election was defeated - and knowing the policemen on the force is important. He was confused that it was defeated. They are not paid enough. He urged that everyone vote for the fire millage. He said it is discouraging that it was defeated. Happy Easter.

Councilman Chatelain - he thanked everyone for coming and announced that May 9th is fund raising dinner for the Harahan Athletic Association. The dinner tickets are \$100 a couple that will be held at the Courtyard on the Ridge. He also announced the St. Rita Crawfish Cookoff. Ticket information is available from Councilman Chatelain.

Councilman Landry - Happy Easter and thanks to Chief Lorenzo.

EXECUTIVE SESSION

ADJOURN

A motion was offered by Councilman Murray and seconded by Councilman Huete to adjourn at 9:49 pm.

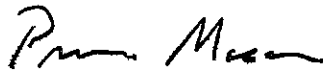
The Mayor called for a vote. The vote was:

YEAS: Baudier, Chatelain, Huete, Landry, Murray

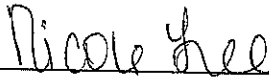
NAYS: None

ABSENT: None

MOTION APPROVED



Provino Mosca, Mayor



Nicole Lee, Municipal Clerk