

**City of Harahan
6437 Jefferson Highway
Mayor and Harahan City Council
Council Minutes
December 21, 2017**

Date: December 21, 2017

Time: 7:30 pm

Mayor Miceli opened the Meeting of December 21, 2017 at 7:31 pm.

The Mayor announced that Scout Pack 115 from St. Rita's would lead the pledge of allegiance. Their Den mother Mrs. Mouledoux introduced the boys.

The City Clerk called the roll.

In Attendance were:

**Mayor Miceli, Councilman Baudier, Councilman Benton, Councilman Huete, Councilman Johnston, Councilman Wheeler, City Clerk Nicole Lee, Police Chief Walker; CPA Linda Lulue, City Attorney Gilbert Buras.
Fire Chief St. Cyr came in late.**

The Mayor wished everyone a Merry Christmas and a Happy New Year. She reminded everyone that garbage would not be collected on Christmas or New Year's Day – pick up resumes on Jan. 2, 2018. She also announced that Resolution No. 2017-26, a millage election for the Recreation Dept. has been withdrawn.

The Mayor asked for a motion to amend the agenda to add Calvin Hoppmeyer as No. 1 under Special Presentations for an update on sewerage improvements.

A motion was offered by Councilman Johnston and seconded by Councilman Baudier to add Mr. Hoppmeyer under Special Presentations.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

The Mayor asked for a motion to amend the agenda to add a New Year's Eve Block Party for Kim Schwall as No. 6 under New Business.

A motion was offered by Councilman Johnston and seconded by Councilman Benton to add the party as No. 6 under New Business.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

The Mayor asked for a motion to amend the agenda to add Ordinance 2017-42 under Ordinances for Introduction (First Reading).

A motion was offered by Councilman Baudier, seconded by Councilman Huete to add the Ordinance to the agenda.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

The 2018 budget is up for a vote tonight and she encouraged the council to meet the guidelines of the law.

SPECIAL PRESENTATIONS:

1. Calvin Hoppmeyer, Stuart Consulting – update on the sewer repairs – asphalt work is being done throughout the city – sewer work is on schedule to finish in February, 2018. The bid for pump station 8 is being advertised. Pump station 6 is still under design.

Councilman Johnston asked what work was done.

Mr. Hoppmeyer said they were fixing broken pipes – digging, waiting for settlement, then fix the pipe and then asphalt the hole. Problems with Entergy and AT&T held up the job but it is still projected to be finished in February.

2. Darlene Schwartz, Community Liaison – re-announced the information about the garbage for Christmas and New Year's Days. Tax bills have been mailed and are due December 31st midnight is tax due date. Please call if your tax bill has not been received. Tax bills can now be paid on-line.

3. Current state of affairs of the Police Dept.

Chief Walker reported on the Christmas Parade – he thanked all participants and noted that it has been in existence for over 25 years. Tuesday night was the Christmas toy run for 90 children. He said the Clerk of Court is out for 30-60 days – it is a 1 person operation. His concerns are police safety and liability. No one can come during the day to satisfy an attachment. They can be arrested and go to jail – until court starts up – they are issuing all tickets on Jefferson Parish laws. He said he is trying to appease the Mayor about the Bond money – now has 2 receipt books one for bond and one for fingerprinting. Talked about signing the purchase orders for all bills – wants invoices from CRI, Ms. Lulue & Mr. Buras so he can approve them. He feels they are being overcharged – he said the dept. was charged over \$50,000 for this year. He sent emails to HR about an officer being sent overseas and no salary sheets were sent in but he was still paid.

Motion to Councilman Johnston and seconded by Councilman Benton to allow the Mayor to give a special presentation about the police dept.

She said that the city clerk went out and a clerk from Gretna was brought in at night and clerks in city hall are taking payments from citizens who received tickets during

the day. There are multiple documentation problems – transmittals are inadequate and not timely. Transmittals with arrests should be connected with bond amounts and should be numbered. She asked the Chief to provide receipts and it was determined there were 4 receipt books – with anywhere from 25-40% of the receipts we missing. The city needs all records to reconcile for the end of the year as required by law. Handwritten receipts are inadequate – she offered incode help for a computerized receipt & record. She offered her staff to the chief to help with the records investigation – he refused. In a 2014 audit – it was noted that all tickets should be tracked, not just the City tickets. There is more customer service now than ever before. She can't close her books because cash receipts can't be reconciled. Police Dept. budget increased from \$1.3 million to \$2.3 million while revenues have decreased from \$700,000 to \$200,000. Now revenue is being sent to Jefferson Parish instead of to Harahan. There is woefully inadequate documentation for payroll and this leads to confusion about leaves. The fire dept. will help by submitting their time thru Incode beginning in January. She would like that to be done by all departments. There are weaknesses and internal control problems. Chief Walker – responded that his problem is with liability with attachments – he is not worried about revenue. He is worried that an arrest will happen because of inadequate court personnel and he is not about to let City Hall go thru his records. There are over 1,000 attachments sitting in the court system. Mayor Miceli responded that when the chief worked in the court system in Kenner – the police chief decided to write all tickets to Jefferson Parish and Chief Walker was very upset by this. We are not meeting the legislative requirements for keeping records. Chief Walker responded that they now have 4 receipt books. Councilman Wheeler said she had received calls from people who could not pay their tickets. Mayor Miceli said there was only 1 day that the court was closed.

ADDRESS THE COUNCIL

Tracy Whittle – received calls from people who were turned away and couldn't pay tickets and including one from Texas who could not come in to pay her ticket.

John Rheims, Rempass – noted that Wood Materials sent the council cookies for Christmas and they are suing the city. He & his wife spoke at Southeast Flood Protection Committee concerning the new haul road for Wood Materials. It is seeking a completion date for the haul road from Wood Materials. In Aug., 2017 Wood received permission to build the road but work took 3 months to start work during good weather.

A motion was made by Councilman Baudier, seconded by Councilman Huete to grant more time.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

Motion approved.

Mr. Rheims continued saying he will continue to send updates to the council.

Evelyn Rheims, Renpass noted that tree cutting companies may not be aware that it is illegal to dump the tree refuse in Harahan. She listed the following companies: A Perfect Cut, Hoover Tree, Barlet Tree, Lake View Demolition, La. Tree Company, Quality Tree Service, Ricks, Treeco Tree Service, Waste Management and Pickup trucks and trailers. All these companies are dumping illegally on the batture. She asked citizens to ask their tree companies not to dump their refuse on the batture. She thanked the Mayor and Mr. Buras for their help and noted that the lawsuit has been mandated back to the original court for a full trial.

Jason Bruzik, Stoneleigh – told the Mayor about the records from Tim Walker – he doesn't trust you – it doesn't make sense – you must build bridges. Since he has begun to address the council – he hasn't seen any bridge building. He asked about a part time employee to run the court. Why don't we have a full time employee, & if we did – what happened & what are we doing to get her back. He asked how much Ms. Lulue billed in 2016 and 2017 – if the Chief is being billed for 30% of that charge - that's a lot of money.

APPROVAL OF THE MINUTES

Councilman Benton offered a motion to dispense with the reading of the minutes of the November 14, 2017 budget hearing minutes seconded by Councilman Johnston.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Councilman Johnston offered a motion to approve the minutes of the November 14, 2017 budget hearing seconded by Councilman Benton.

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

YEAS: Benton, Johnston

NAYS: Baudier, Huete, Wheeler

ABSENT: None

MOTION FAILS

Councilman Johnston offered a motion to dispense with the reading of the minutes of the November 16, 2017 minutes seconded by Councilman Baudier.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Councilman Johnston offered a motion to approve the minutes of the November 16, 2017 meeting seconded by Councilman Baudier.

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

YEAS: Benton, Johnston

NAYS: Baudier, Huete, Wheeler

ABSENT: None

MOTION FAILS

Councilman Johnston offered a motion to dispense with the reading of the minutes of the December 7, 2017 budget hearing minutes seconded by Councilman Benton.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Councilman Benton offered a motion to approve the minutes of the December 7, 2017 budget hearing minutes seconded by Councilman Johnston.

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

YEAS: Benton, Johnston

NAYS: Baudier, Huete, Wheeler

ABSENT: None

MOTION FAILS

COMMUNICATIONS

Board of Adjustments and Appeals

The Board of Adjustments and Appeals did not meet in October.

Planning and Zoning Board

Councilman Johnston offered a motion to dispense with the reading of the minutes, of the December 6, 2017 zoning board meeting seconded by Councilman Benton.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Councilman Johnston offered a motion to accept the minutes of the December 6, 2017 zoning board meeting seconded by Councilman Benton.

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

YEAS: Benton, Johnston

NAYS: Baudier, Huete, Wheeler

ABSENT: None
MOTION FAILS

RESOLUTIONS

PROPOSED RESOLUTION NO. 2017 – 24

The following resolution was proposed unanimously by the Council.

The clerk read the resolution in its entirety.

A resolution creating the Harahan Fire Department Advisory Committee.

OPEN HEARING

Chief Todd St. Cyr thanked the council for forming the committee. He is happy to work with the committee.

COUNCIL DISCUSSION

Councilman Wheeler said she and Councilman Baudier met with the Chief and she would like the nominations ready for the February meeting.

Councilman Baudier said there are many concerns that the citizens are not aware of – no raises for 13 years, wives are unsatisfied; he doesn't want a brand new fireman to respond to a fire at his house. He asked the council and citizens to support the fire department. He would like all police and fire personnel to remain their entire careers. Homeowners insurance will go up if the department loses its rating.

A motion was offered by Councilman Benton seconded by Councilman Baudier to approve the Resolution.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

RESOLUTION 2017-25

The following Resolution was offered by Councilman Wheeler.

A resolution regarding the "Weather Day" which occurred on March 11, 2016.

The clerk read the Resolution in its entirety.

OPEN HEARING

Chief Walker noted that this took place 2 years ago. Police & Fire come under Civil Service which states that their employees should receive the same as city employees. He complained about the 2 attorneys salaries for dealing with this matter being billed to his dept. Chief Walker said the police dept. payroll for that day would be \$6,000 – the Fire Dept.'s payroll would be \$1,500. Ms. Lulue responded that the civil service board atty. had been paid \$10,000 and Mr. Buras had been paid for \$4,000.

Councilman Huete said that the city paid the attorneys more than the salaries would cost.

Mr. Buras addressed the council – he sent a letter to the Mayor and the chairman of the Civil Service Board – the rule in gov't. is no work – no pay. The process used in Harahan does not comply with the law. He reworked Jefferson Parish rules for Harahan to set up the law as a special personnel rule, but the council did not adopt

the ordinance. He stated that the money paid to the city hall workers had to be returned. The weather day was not a holiday – so the fire and police dept. are not entitled to overtime. He drafted the ordinance and civil service convened an investigation – which was not correct since civil service does not cover the city hall employees. There is no local rule at this point. This was blown way out of order. The council needs to pass the ordinance for local emergencies. For hurricanes there would be separate rules. The rules need to be established by the council.

Mr. Credo, attorney for the Civil Service Bd. – he agrees with most of what Mr. Buras said – it should not still be in contention. He said that the money he was paid was not for the weather day only. In August, he called Mr. Buras to discuss this. This is a simple problem – the Mayor did the right thing – she sent employees home. Unfortunately, when we are running from the hurricane and the police & fireman work during the hurricane – don't you think they deserve premium pay. The council did not vote for the ordinance – it was pulled. They are creating an ordinance to be sent to the Civil Service headquarters for approval. The current rule says that holiday pay is considered overtime, but the weather day was not a holiday – he suggested a day of leave. The Mayor did the right thing sending home employees out of harms way. Do the right thing, whatever you decide is the right thing.

Mayor Miceli thanked Mr. Credo & Mr. Buras for stepping up to explain the situation. Chief St. Cyr said they only did what they have done for the last 30 years. The way it was – this situation was treated as a holiday. He put in time sheets for overtime and then corrected it.

Mr. Buras said the ordinance needs to be adopted now. FEMA will ask to see the law to determine any reimbursement. We need to get the rule in place.

Chief Walker said that compensatory time will be paid.

Chief St. Cyr said they cannot take comp. time – it makes the dept. shorthanded.

Mr. Buras said that comp. time is only used in gov't. service – it is not used in the business sector. Some cities don't use comp. time at all.

COUNCIL DISCUSSION

Councilman Wheeler said it should have been resolved in Oct. 2016 – the ordinance was presented and – deferred multiple times - she withdrew the ordinance and has not received a new ordinance.

Mr. Buras said that civil service needs to adopt their ordinance before the city does theirs. The investigation stalled the action. He told them they have no authority to investigate the city employees. He and Mr. Credo agreed to develop the rules rather than beat up on everyone.

Councilman Wheeler said that there are 4 people who are no longer employed and she wants them paid for that day.

Mr. Buras said that gov't. says no work – no pay – they cannot be paid without writing & adopting the ordinance.

Councilman Wheeler said the Chief questioned how police personnel would be paid.

Mr. Buras said that only the portion of the day that they worked would be paid. There is no policy adopted by law.

Councilman Baudier clarified that this resolution only allows them to get paid for this day.

A motion to adopt the resolution was offered by Councilman Johnston and seconded by Councilman Wheeler.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

RESOLUTION 2017-26 was withdrawn.

ORDINANCES FOR APPROVAL

PROPOSED ORDINANCE NO. 2017 – 16 – Deferred on 10/19/2017

This Ordinance was offered by Councilman Baudier and seconded by Councilman Huete.

The clerk read the Ordinance by title only.

The Mayor asked the secretary of the zoning board to recount the vote.

It was 6-0 against with 3 absent. The zoning board did not recommend this rezoning.

An Ordinance approving the Re-zoning of 6915 Jefferson Highway, Lots, 5-4, B-5, B-6 and D-1-A, Tract C, Soniat Plantation Subdivision, City of Harahan, Parish of Jefferson, State of Louisiana, from R-1 to C-1.

PUBLIC HEARING

Herb Soileau, Carolyn Dr. said he is against the rezoning. He has come to all the meetings but many neighbors could not come – a petition with over 200 names against it was presented. He said most of the residents have been there for several generations. He said it will most likely start a domino effect on the corners on Jefferson Hwy. Harahan is a bedroom community and has been forever. He urged the council to think about the children walking along the highway on the way to school. Even if patrons of the restaurant don't come out of the property on Carolyn Dr. they will park on Carolyn. Sewerage and parking on Jefferson Hwy. is still a problem.

Ed Krause, each case to rezone is an individual case – it doesn't need to be a domino effect. He met with Mr. Marrone several times and he has done a remarkable job – he dotted every eye and crossed every tee. He agreed to a 5 year clause that if the business fails it will revert back to residential. This is what we need in Harahan – we need revenue. He asked the council to be honest with him. Why wouldn't we want this in Harahan? He asked if anyone spoke to the citizens.

Councilman Johnston said he spoke to all of Carolyn Dr.

A motion was made by Councilman Huete seconded by councilman Baudier to grant 3 more minutes.

**The Mayor called for the vote, it was as follows:
YEAS: Baudier, Benton, Huete, Johnston, Wheeler
NAYS: None
ABSENT: None
MOTION PASSES**

Mr. Krause continued and said he needs to talk to all of the residents. He has talked to hundreds of people and it will bring in more money. It should be based on the revenue he will bring in. Give it every consideration tonight to approve it. He asked the mayor not to veto it. It deserves to be approved.

A motion was made by Councilman Huete, seconded by Councilman Baudier to grant 3 more minutes.

**The Mayor called for the vote, it was as follows:
YEAS: Baudier, Benton, Huete, Johnston, Wheeler
NAYS: None
ABSENT: None
MOTION PASSES**

Jason Bruzik, Stoneleigh – he wants it to pass because it's good business – we need the money. They even have a plan for dealing with parking. If the restaurant fails – it would go back to residential. Everything is handled. Don't oppose it.

Etienne Senac, Jr., Woodward Ave. – back in Harahan after 20 years. One thing is really upsetting – gov't. is dysfunctional – he retired and moved back to the city. He wants to support the people bringing commercial to the city - you talk about no money – this is on a major hwy. – you want business on your main thoroughfare. There were cow pastures and dairy farms when he was young. This is a quality business - there are properties that are vacant on Jefferson Hwy. - & part of it looks like a junk yard. Beautify Jefferson Hwy. with this business. – better meals here than in the Fr. Quarter. He supports the Marrone's project.

A motion was made by Councilman Huete, seconded by Councilman Baudier to grant more time.

**The Mayor called for the vote, it was as follows:
YEAS: Baudier, Benton, Huete, Johnston, Wheeler
NAYS: None
ABSENT: None
MOTION PASSES**

He continued if you want a bedroom community then shut all the businesses down. You want a quality business – build something on the Burger King property. Can't get a good business relationship with the gov't. They see nothing by fighting amongst the elected officials. He supports these people 100%.

Ms. Lewis, atty. for the Marrone's – she hopes the agreement is satisfactory – she said that the 3 abutting neighbors have no opposition to this ordinance.

Kevin Marrone, Colonial – he thanked everyone for their time & asked them to consider that everytime the citizens had problems – he tried to resolve every problem. He started 8 months ago to allay the concerns of the neighbors – they have a covenant that will return the property to R-1 if the restaurant fails within the first 5 years. He is bringing business, jobs and money to Harahan – also opening a new restaurant on Hickory Ave. that renovated a dilapidated building.

Councilman Baudier addressed the council as a senior councilman and said that during the past 9 years he hasn't met a more responsible developer wanting to build in Harahan. To Councilman Benton he said they worked hard to cut the tax bill in half – we need to have all the i's dotted and t's crossed when the DEQ comes in – he has never felt so positive. This project means progress.

COUNCIL DISCUSSION

Councilman Johnston said the project is beautiful, but we don't have a city planner – we need a city planner – but he doesn't need a city planner to tell him that the citizens don't want it.

Councilman Huete asked about having a city planner to change the zoning from R-1 to C-1 – Mr. Villavaso is in the audience – she asked how much of the hwy. is commercial.

Steven Villavaso, city planner for 15 years said about 70% of the highway was commercial.

Councilman Baudier – talked to Mr. Marrone – he created an island by buying the house behind it as a buffer. He commented about the parking – we will ticket and tow the cars. Chef Duke wants to come to Harahan – we can turn the city into greatness – we all own businesses (except Councilman Johnston). We can turn Hickory Ave. into a Magazine St.

Councilman Johnston initiated the covenant and the residents still don't want it.

Councilman Huete we can't take 20-30 residents' opinion – but the 10,000 residents have to suffer. You need to keep the 10,000 in mind – not the people on Carolyn.

Councilman Baudier asked Councilman Johnston how will the neighbors be affected in a negative way. To many what if's. If you can persuade me tonight they will be affected in a negative way, I would change my vote.

Councilman Johnston said main concerns parking, traffic, congestion the residents are against it and even two people who are for it have reservations.

Councilman Huete said that with the sq. footage you have more than enough room. There are people parking on the street everywhere. This is a fabulous idea. People would come from New Orleans.

Councilman Baudier said that in New Orleans you have a sticker that says you are a local resident and Mr. Marrone can use a detail officer to ticket & tow the people who disobey the rules. He is doing the right thing. Mr. Marrone says he can't take care of the house – he has received calls from residents about rats in their houses. I was on the council when Burger King was vacated. This is the oldest house in Harahan – let's improve it.

Councilman Baudier called for a point of privilege to have Jason Roussel, Roussel's Outdoors who is an arborist to speak to the council.

Jason Roussel – the residents were given wrong information. They have enough parking – enough drainage and they are taking care of the trees also.

Councilman Johnston said most citizens knew what was being planned.

Councilman Huete asked the Mayor not to veto the ordinance.

Mr. Buras said they need to amend the Ordinance to add the covenant.

A motion to amend the ordinance with the additional covenant was made by Councilman Baudier seconded by Councilman Wheeler.

The City Clerk read the amendment in its entirety.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: NONE

ABSENT: None

ORDINANCE AMENDED

Councilman Johnston asked about the 5 years.

Councilman Wheeler said the amendment specifies the five years starts when the business opens for business. She thanked Mr. Marrone for his cooperation.

Councilman Baudier said every issue has been addressed

A motion was made to adopt the Ordinance as amended was made by Councilman Wheeler and seconded by Councilman Huete.

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

YEAS: Baudier, Huete, Wheeler

NAYS: Benton, Johnston

ABSENT: None

ORDINANCE ADOPTED AS AMENDED

PROPOSED ORDINANCE NO. 2017-28 (Deferred 10/19/2017)

This Ordinance was proposed by Councilman Johnston and seconded by Councilman Baudier.

The City Clerk read the Ordinance by title only.

An Ordinance to amend and re-ordain Section 78-44 of the Harahan Municipal Code by adding thereto a new subsection to be designated subsection (e) to provide for the imposition of a charge for residential curbside recycling services and to otherwise provided with respect thereto.

PUBLIC HEARING

Mae Jean Cazenave, Oak Ave. asked Councilman Wheeler whether she set up the meeting that she volunteered to call about recycling.

Councilman Wheeler – said the sr. center calendar was too busy – the council members could not agree on a date. She will not vote on this without the meeting.

Ms. Cazenave responded that she is against the recycling – she does not want to pay for recycling – you are not giving the people a voice. You are asking for 5 mills for police and the school board wants more money. Her increase in social security was nullified by medicare.

Councilman Wheeler said I will not vote for this.

Councilman Baudier said he is voting against this – he wants to support the police dept. He’s looking into private recycling – if you want curbside recycling – hire the company. If the city wants recycling Councilman Benton said it should go to voters.

Barbara Butera, Carolyn – not opposed to recycling, but opposed to riding the city to find the sites – and she has a garbage can full of cans to recycle. She asked whether they actually recycle or are they dumping it with the garbage.

Councilman Wheeler said she asked for an additional day to empty the bins.

Councilman Baudier asked Ms. Butera if she was not opposed to recycling – she said she is opposed to having to pay for it if they are throwing it away.

COUNCIL DISCUSSION

Councilman Johnston said he brought this up because trash is being thrown into the bins – what assurance will we have if they do go with curbside recycling.

Mayor Miceli said the portable bins were a temporary fix – the more pick up days, the more the city pays – a lot of people not from Harahan are dumping into the recycle bins. There are also people who put kitchen garbage and it can’t be separated – it goes to the trash.

Councilman Johnston – can we have another day for pickup of the temp. bins.

Mayor Miceli reiterated that it will be an extra charge. She can ask for further information about the tonnage of recycling and the invoices.

Councilman Baudier – will investigate the private recycling companies.

Councilman Huete said only 30-40% of the people used it when we had curbside recycling. She asked that the council does their homework so they can decide what to do.

Councilman Johnston said he is withdrawing this ordinance until we get more information.

A two minute recess was called.

The meeting was called back to order at 10:02 p.m.

ORDINANCE WITHDRAWN

PROPOSED ORDINANCE NO. 2017-29 (Deferred 10/19/2017)

This Ordinance was proposed by Councilman Benton and seconded by Councilman Baudier.

The City Clerk read the Ordinance by title only.

As mandated by LSA-R.S. 39:1305, to fund for the projected complete year of Dues/Fees/Memberships/Subscriptions for the Regulatory Department this is an Ordinance amending Ordinance No. 1822, the annual Budget of Revenues and Expenditures for the Fiscal Year ending December 31, 2017 for the City of Harahan, Louisiana.

PUBLIC HEARING

No one spoke

COUNCIL DISCUSSION

Councilman Johnston asked about what revenues would offset this.

Ms. Lulue said the parish decided to charge us when in the past the services were free.

Mayor Miceli said the parish charges all cities equally and Harahan is smaller than most – she said for 2018 they will have a seat at the table to get a more equitable bill.

Councilman Johnston said we need to know where the revenue comes to offset this cost. We have deferred enough and we need to vote on this.

Councilman Huete said the issue is that there is no revenue line.

Councilman Johnston replied that's why it was deferred.

Mayor Miceli said the council has the budget and could determine from where the money would come.

A motion to vote on the ordinance was made by Councilman Johnston, seconded by Councilman Wheeler.

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

YEAS: Benton

NAYS: Baudier, Huete, Johnston, Wheeler

ABSENT: None

ORDINANCE FAILS

PROPOSED ORDINANCE NO. 2017-30 was withdrawn by Councilman Benton

PROPOSED ORDINANCE NO. 2017-32 (Deferred from November, 2017)

This Ordinance was proposed by Councilman Benton and seconded by Councilman Johnston.

An Ordinance amending Ordinance No. 1822, the annual Budget of Revenues and Expenditures for the Fiscal Year ending December 31, 2017 for the Maintenance Department of the City of Harahan, Louisiana. (Maintenance – Capital Projects Fund to purchase a Kubota lawn tractor in the amount of \$9,729.72.)

Public hearing

None

COUNCIL DISCUSSION

Councilman Johnston said this was deferred because of the grant was supposed to pay for the tractor.

The Mayor said she was in error in saying the tractor could be covered by the grant – it only covers the doors & windows for the Maintenance Building. It is a capital expense.

Councilman Johnston asked what do they do with the tractor.

A member of the audience said that they cut grass and haul other equipment with the tractor.

Councilman Wheeler asked about the line items – only saying that we are increasing the line item.

Councilman Johnston responded that the council has to increase the line item because the council zeroed out all of the capital line items.

A motion was made by Councilman Johnston and seconded by Councilman Benton to approve the Ordinance.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ORDINANCE ADOPTED

PROPOSED ORDINANCE NO. 2017-33

This Ordinance was proposed by Councilman Baudier and seconded by Councilman Johnston.

The clerk read the ordinance by title only.

An Ordinance granting full read-only access to any and all accounting software systems for departmental heads and their designated representatives.

PUBLIC HEARING

No one spoke

COUNCIL DISCUSSION

Councilman Johnston brought up the editing - he spoke to the gentleman who helped write it and he agrees.

Councilman Johnston offered a motion to amend section 2, line 29 (in addition to having editing authority for updating and modification of their departmental data) by taking the aforementioned text out, thus granting only “read only access”, seconded by Councilman Baudier.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ORDINANCE AMENDED

A motion was made by Councilman Johnston seconded by Councilman Baudier to adopt the ordinance as amended.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ORDINANCE ADOPTED

Councilman Huete asked who would make the edit if anyone found a mistake.

PROPOSED ORDINANCE NO. 2017-34 (Deferred from Nov., 2017)

This Ordinance was proposed by Councilman Baudier and seconded by Councilman Wheeler.

The City Clerk read the Ordinance by title only

An Ordinance amending the annual Budget of Revenues and Expenditures for the Fiscal Year ending December 31, 2017 for the City of Harahan, Louisiana. (Unrestricted Police Budget)

PUBLIC HEARING

Jason Bruzik, Stoneleigh said he was part of the HPD advisory committee that had input into the ordinance – in working he asks that section 1 be stricken entirely and change section 2 which would now be Section 1 to change the word may to shall – leave the rest of the ordinance alone. This would give the police department a line item budget.

COUNCIL DISCUSSION

Mayor Miceli said she has questioned about section 4. She read the ordinance silently and said she had no problem.

Ms. Lulue – Section 4 of the Ordinance causes the police dept. would be treated differently than any other dept. – the police dept. would not pay for the accounting and legal bills or maintenance. It is not equitable for one department to be treated differently.

Councilman Johnston said he does not see it that way.

Ms. Lulue said he will not pay for those services.

Councilman Benton said he is asking for a cost prior to using their time.

Councilman Huete said that he is asking for the cost in advance, that's all.

Ms. Lulue said that she cannot foresee department problems before they happen.

Councilman Baudier asked Mr. Bruzik to come and speak again.

Mr. Bruzik – he wants the invoices prior to paying them. He could approve the audit in advance. How can she charge for accounting services when she never sets foot in the department. Invoicing after the fact means there is no oversight on Ms. Lulue. Section 4 corrects that by forcing the approval of the dept. head - this creates the checks and balances and allows for the freer flow of information. He wrote the ordinance for the police dept.

Councilman Wheeler – you want the invoices from the attorney & accountant before they are paid.

Chief Walker said he never sees the invoices.

Councilman Wheeler – all depts.. should have approval before they are paid.

Mr. Buras said this ordinance infringes on the power of the Mayor. The budgetary processes have moved on from the Doyle case – the budgetary authority is the city council. The Chief of Police has no authority over the city attorney or the city accountant. He thinks we have outgrown the Lawrason Act and need a home rule charger. If he sent a bill in & the Chief of Police does not approve it – the Mayor has the final authority to approve any bill. He would have to hire a lawyer to sue the Mayor.

Councilman Wheeler said if he had known before the bill was paid it would have solve a lot of issues.

Mr. Buras continued that he tries to separate his billing out by department. If I work a litigation case and the chief says he won't pay it – then what.

Mr. Burzik – Section 4 alludes to the fact that if the suit involves the police dept. the lawyer can be paid. That doesn't apply. If you are doing something for Civil Service and the police dept. is getting billed for it. That should not come out of the line item.

Mr. Buras said the council should budget for the police dept. accurately. Your budgetary process doesn't work that way.

Councilman Benton asked about the equality

Bruzik – the Police Dept. is different from any other dept. He provides his budget to the city and he is the master of the budget. Administrative is separate. He hands it to you for approval.

Councilman Benton said that if he has a maintenance problem he would not pay for it.

The Mayor asked Mr. Buras – who is in charge of proposing the budget.

Mr. Buras affirmed that the Mayor proposes the budget.

Mr. Bruzik contends that the police chief provides his budget for adoption.

Councilman Johnston said that the Mayor presents the budget and then the Chief presents his budget and the council makes amendments to the Mayor's budget.

Mayor Miceli said that all depts. provide their "wish list" and that is taken into consideration when the Mayor presents the budget. The budget is supposed to be adopted relatively intact & then amended if the council desires. It cannot be substantially changed before adoption.

Mr. Buras said the budget is a framework and the administrator may be allowed to move money around within that framework. I always understood that every dept. can make their case. The lump sum approach to the police dept. – there is no law for that theory except that old case. There is a governmental accounting practice book and that's what a court would look at. That is the best practices. They don't say that here's a lump of money.

Ms. Lulue agreed.

Mayor Miceli said the auditing firm will allocate the fees where they are supposed to be allocated.

Mr. Buras – Mayor can allocate generalized fees – and then divide budgetary pie by percentages– and have the dept. heads explain why they should get more than any other dept. The apportionment of wages and salary should be explained to the council.

Chief Walker said he is an elected police chief has the authority to control his budget. Ms. Whittle read from the Doyle case.

Mr. Buras said that is not state law.

Ms. Whittle continued quoting the Lawrason Act about an appointed chief of police.

Ms. Lulue said that when the 2017 budget was adopted, the council zeroed out many line items including the accountant & legal items.

Chief Walker said he refused to pay for CRI's \$8,000 bill because they didn't do the work.

Mayor Miceli asked when CRI came to see you – did you ask about the cost?

Chief Walker said no – but he doesn't think they spent that much time at his office.

Councilman Huete are you reading from the Lawrason Act.

Chief Walker said the Mayor does not understand what the police dept. does. Your budget means I can't run the department.

Mr. Buras asked the chief to get together with him to explain the Lawrason Act.

Councilman Huete said let's move forward with the amendments.

Mr. Buras said that there is a fundamental problem – the fact is he can't hire police personnel without the approval of the Mayor and the council and budgetary approval. This is a fundamental problem and is against the Lawrason Act.

Councilman Johnston said he only wants to see the invoices.

Mr. Bruzik his perspective is – he's seen a lot of crawfishing tonight – whether or not he gets a bill and signs off on it – the Mayor has to pay the bill – but he is the master of his budget once the budget is passed. I don't think Mr. Buras is right and he is taking things to an absurd level but I respect your opinion. He thinks the proposed ordinance is solid and good.

Councilman Baudier called for the vote.

Mayor Miceli said she is not the police chief and doesn't operate his day to day and you don't know how to operate the day to day operations of the city – but the functions of the accountant and attorney is spread among all departments including the police department and stopping that interferes with the day to day operations of the city.

Councilman Wheeler said it wouldn't hinder the day to day operations to given him the invoices. It should be a simple best practice.

Mayor Miceli said what was simple was when we decided to improve the budget process, it was decided to allocate overhead expenses to all departments – to give a true picture of what really goes on. When working on financials for the whole – all departments are touched.

Ms. Lulue said that the bulk goes to administration.

Councilman Bentson said the chief said he doesn't want to pay for electricity.

Councilman Johnston said the chief to speak to that.

Chief Walker said that there is only one meter for City Hall and the administration had always paid the bill. He said he will pay the whole electricity – just give him the money to pay the line item. If I don't sign off on invoices – they don't get paid.

Mayor Miceli said you met with CRI multiple times and caused more work for them and Ms. Lulue.

Chief Walker then complained about the account's salary again and the fact that he was over budget in 2016.

Councilman Benton said I have no problem with giving him invoices but not giving him any costs for the overhead – strike 4.

Councilman Johnston said if you strike section 1 and section 4 then it's not an ordinance.

Councilman Baudier said we need to wrap this up.

Mr. Bruzik explained that they were limited.

A motion was made by Councilman Baudier to removed section 1 and change all subsequent sections accordingly and on line 24 change may to shall, seconded by Councilman Johnston

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ORDINANCE AMENDED

A Motion was made by Councilman Wheeler, seconded by Councilman Johnston to approve the Ordinance.

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

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: Benton

ABSENT: None

ORDINANCE ADOPTED AS AMENDED

PROPOSED ORDINANCE 2017-36

This Ordinance was proposed by Councilman Wheeler and seconded by Councilman Huete.

The City Clerk read the Ordinance by title only.

An Ordinance approving the re-subdivision of Lot A2A, Soniat or Tchoupitoulas Plantation Subdivision, City of Harahan, Parish of Jefferson, State of Louisiana, made by Ronald Clement, P.L.S., dated August 25, 2017.

PUBLIC HEARING

Edward Suffern, attorney for developer – JW Colonial is owner – this is a resubdivision plan of Lot A-2A fronting Jefferson Hwy. with 15 acres. The proposal would divide it into 6 different lots – purchaser for lot 1 for an assisted living development and it would not change the development agreement. They have consulted with Mr. Buras about legal issues and are proposing an amendment. The gist of the amendment is to 1. A perpetual servitude for ingress and egress to provide access for all lots to a public street. All Engineering, Drainage & Building codes will be met and there shall be no adverse effects to existing residents. Their legal people are here to answer your questions and ask for your support for this resubdivision.

Judy Johnson said that 6 owners would never be able to agree on the master plan for the property since there is no infrastructure – she suggested that the master plan for infrastructure for the property be adopted before any resubdivision or permits be issued.

A motion as offered by Councilman Baudier and seconded by Councilman Benton to grant more time.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSED

Ms. Johnson continued and suggested that the best use of the property was for a cemetery.

Tommy Budde – the zoning board submitted issues for consideration to the council. They were attached to the minutes. It is a potential path forward to discuss.

The planning & zoning board attached his suggestions to the minutes.

Steve Villavasso – city planner for JW Colonial Group – cemetery development is a challenging problem. Infrastructure is not the subject – this is a simple re-subdivision taking one lot and turning it into 6 lots. This is governed by our zoning ordinance & subdivision which he wrote and is quite tight. This is only a preliminary approval – this gives the property owner the right to build the infrastructure based on your requirements – if built then they will get 6 lots to sell. They would be completely built within the requirements of the city.

Councilman Benton asked who would handle the 15 acre drainage pond maintenance.

Mr. Villavaso said it is handled by the development agreement.

Councilman Benton said if they sell all six lots – then the six owners would be responsible for the upkeep.

Mr. Villavaso said no, he thinks some successor organization of JW Colonial would be bound by the performance bond or amendment to the agreement.

Councilman Benton said the people that face the commercial on Colonial deserve a buffer – if we approve that re-sub, we can't mandate the buffer. It's wrong to do that to the existing home owners, but you didn't provide that.

Council discussion

Councilman Baudier – asked to defer – he has several questions about the plan – I need to protect the citizens – my last term – I want to make it my best term.

Mayor Miceli asked JW Colonial when she meets with Colonial – she does not want certain homeowners called out by name – it needs to be respectful.

A motion to Defer was offered by Councilman Baudier seconded by Councilman Benton.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ORDINANCE DEFERRED

A short recess was called to allow people to leave.

The meeting was called back to order at 11:10 pm

PROPOSED ORDINANCE NO. 2017-37

The Ordinance was proposed by Councilman Benton and seconded by Councilman Johnston.

An Ordinance adopting the annual Budget of Revenues and Expenditures for the Fiscal Year ending December 31, 2018 for the City of Harahan, Louisiana.

The city clerk read the ordinance by title only.

PUBLIC HEARING No one spoke

COUNCIL DISCUSSION

A motion was made by Councilman Wheeler to defer and call for a special meeting for Thursday, Dec. 28.

Mayor Miceli said she is unavailable on Dec. 28th but suggested that they meet at 3 until 5 pm to adopt the budget.

Councilman Johnston moved to defer the ordinance and to call a special meeting for Thursday, Dec. 28th from 3 pm until 5 pm seconded by Councilman Wheeler.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ORDINANCE DEFERRED

ORDINANCE NO. 1836 (VETOED 11/22/2017)

This Ordinance was offered by Councilman Baudier and seconded by Councilman Johnston.

The City Clerk read the ordinance by title only.

An Ordinance correcting a clerical error in the Harahan Municipal Code for the City of Harahan, Louisiana.

Mayor Miceli gave the reasons why the Ordinance was vetoed.

PUBLIC HEARING

Jason Bruzik – this corrects a clerical error – in past administrations there was no problem – it was the law for a long time – it was amended in 2001 and a part was left out. He disagrees with Tina’s analysis because it was the law and they eliminated the bottom section – this fixed the glitch.

COUNCIL DISCUSSION

Councilman Benton asked Mr. Buras’ opinion on this. Is the Mayor correct or is Mr. Bruzik correct?

Mr. Buras said he isn’t sure what they mean by retroactively.

The Mayor said I have no documentation that the appearance bond fee was collected.

Mr. Buras asked how can you appropriate what you have not collected.

The Mayor said in the past it was collected by the Police Dept. but they delegated it to the clerk which is not legal. I have no receipts – and the money was already spent. The council cannot

Councilman Wheeler – tried to change dollar amount allocated to the police dept., but they left off a section and they want to put that section back. We are just correcting the mistake.

Mr. Buras said it can't be done retroactively.

Mayor Miceli police chief can't delegate the authority to collect the fee to the court clerk. The law says the police chief collects the fee.

Mr. Buras said that state statute 33:2334 says the police chief collects the appearance bond fee. The statute was amended in 1995 – the city adopted the change but delegated the clerk to collect the fee.

Mayor Miceli said the police chief can not delegate other duties to the city's employees.

Mr. Buras said he would have to look it up. He didn't address the problem from that point of view. Earlier he was asked what happens to the money. The retroactivity issue is a problem. The state says the chief of police collects – our ordinance says the clerk of court collects it.

Chief Walker thought the \$15 fee was included in the \$100 bond.

Mr. Buras said it was supposed to be \$100 plus the \$15 appearance bond fee. He has a problem about the retroactively – can't delegate the collection to the clerk of court the police chief is supposed to collect it which state law says.

Chief Walker said he always thought it was \$100 flat fee and the \$15 fee was included.

Mr. Buras said the ordinance is against state law – you can't make it retroactive and you can't delegate the process to the clerk of court.

A motion was offered by Councilman Johnston seconded by Councilman Wheeler.

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

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: Benton

ABSENT: None

ORDINANCE DEFERRED

A motion was made by Councilman Johnston to have all proposed ordinances for first reading moved to the to Dec. 28th special meeting seconded by Councilman Wheeler.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ORDINANCE DEFERRED

OLD BUSINESS

Civil Service appointment. A motion was offered by Councilman Johnston and seconded by Councilman Wheeler to January.

Councilman Wheeler said she has a resume to offer.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ORDINANCE DEFERRED

NEW BUSINESS

Gary Verheide, Vice President of the HHPA (Harahan Horseshoe Pitchers Association. La. which is the first nationally chartered non-profit association in Louisiana.

Roy Willy, enjoyed a 25-30 year tenure prior to Pump to River – building with restrooms, lights to pitch horseshoes. They purchased the lighting which was donated back to the city – they need to repower the lights and since Pump to the River project is complete.

Mayor Miceli said they asked Entergy to make them security lights that come on at dusk.

Mr. Willy said these 3 poles with lights are wired, but have no power and no disconnect switches. The org. will pay the cost to get them put in. They pitch 2 nights a week during their season. The agreement was that they maintain the property and paid the electricity with separate meter with the disconnect and make it billable to Harahan Horseshoe Assoc. The storage building was destroyed by a hurricane – so corps would not rebuild it after Pump to the River was done. The agreement was to maintain the fenced in property and a separate meter billable to the Association.

Councilman Paul Johnston has donated a new building – waiting for the Pump to the River to be finished. After the release – he met with Raymond Duplessis, but he said we can't do anything for you.

Mayor Miceli said she would like to come up with a rental fee – that is equitable. They agreed and said they just need power.

Councilman Wheeler said we can put you on the agenda for January, 2018.

2. Harahan Elementary is respectfully requesting a donation or substantial discounted price to rent Harahan Gym for their annual Mardi Gras Ball, which will be held on Saturday, Jan. 27, 2018, from 7 pm until 10:00 pm.

A motion was made by Councilman Johnston, seconded by Councilman Baudier to rent the gym for \$1.00

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

3. High Content ABO application for Yes ORR No., LLC dba DAX USA, located at 6901 Jefferson Hwy. , Unit B, for John and Dawn Orr.

A motion was offered By Councilman Wheeler and seconded by Councilman Johnston to grant the permit.

The Chief said everything was okay.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

4. 2018 Holidays

A motion was made by Councilman Benton, seconded by Councilman Johnston to accept the Holiday Calendar.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

5. A motion was offered by Councilman Johnston and seconded by Councilman Wheeler to move the January 18th meeting to Jan. 25th.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

6. Kim Schwall is asking for a block party in the 500 block of Gordon – from Wilson to 6th from 8:00 pm to 1 am .

A motion was offered by Councilman Johnston seconded by Councilman Baudier to grant permission.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

ADDRESS THE COUNCIL

Tommy Budde, Stoneleigh he repeats - the allocation of administration expenses is greater because of time spent by professionals discussion at te meeting. Gen. admin. In many companies is lumped together so you can see what it costs. Police dept. - attorney fees - nothing billed \$15,000 by no money allocated. The primary principals of accounting is inconsistently applied - Harahan is wrong. If you don't allocate money don't spend it. Chalk it up to G & A - paying professionals and distorting the cost. Get away from allocating expenses - this is administrative cost. You can get away with not allocating if the city chooses.

Ed Krause - 2 items - he discussed the court - he knows the system like the back of his hand - he is concerned the way it is being done. He thinks the Mayor is doing the right thing. He suggested we do a review of the operation - and he is uncomfortable with a part time clerk. Digicom is very complex system - Jackie knew her job in and out. She did her job very well. Maybe she was under pressure - he recommends a review as soon as possible.

Mayor Miceli asked for a motion to audit the operations of the court and of the finances in and out of the court.

A motion was offered by Councilman Benton seconded by Councilman Baudier to authorize the audit.

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

YEAS: Baudier, Benton, Johnston

NAYS: Huete, Wheeler

ABSENT: None

MOTION PASSES

Mr. Krause continued. He said to upgrade the system but not until everyone is trained. This is the worse thing you can do - needs to be structured - never been upgraded - staff needs to be trained - you will have problems. This is a disaster waiting to happen.

SECRETARY'S REPORT

\$608,354.14

REPORTS –

**Chief Walker – read his stats for November, 2017 – Merry Christmas
All councilmen members wished everyone a Merry Christmas.**

PAY BILLS

Bill's paid in November 355,719.58

**A motion was offered by Councilman Johnston and seconded by Councilman Baudier
to adjourn at 11:59 pm.**

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

MEETING ADJOURNED AT 11:59 PM