

**City of Harahan  
6437 Jefferson Highway  
Mayor and Harahan City Council  
Council Meeting Minutes  
October 19, 2017**

**Date: October 19, 2017**

**Time: 7:30 pm**

**Mayor Miceli opened the Meeting of October 19, 2017 at 7:30 pm.**

**The City Clerk led the pledge of allegiance.**

**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, Fire Chief St. Cyr, City Attorney Gilbert Buras**

**Absent: City CPA Linda Lulue**

**MAYOR'S COMMENTS:**

**The Mayor thanked the team for stepping up during the recent storm threat from Hurricane Nate. The team functioned beautifully just as they have during other weather threats. Fortunately, Harahan was spared. The Parkinson's Walk last Saturday was a huge success. Councilman Benton and she had the privilege to be with Harahan residents Michelle and Barbara David whose family is directly affected by this devastating disease. Their volunteer efforts helped raise much needed funds and awareness making it the most successful event thus far. The Mayor thanked Darlene Schwartz who helped spearhead our recent Night Out Against Crime on the 17<sup>th</sup> along with Chief Walker and the city staff who volunteered.**

**She also gave a big thank you to all the citizens who voted to adopt the Millage for the sewerage dept. Although we won't receive the money immediately, we hope the DEQ will find us in compliance at the end of 2017. She asked for a moment of silence for slain New Orleans Police Officer Marcus O'Neil who was shot and killed in the line of duty.**

**She then notified the public and council that a budget hearing meeting will be held on Thursday, November 2, 2017 at 5:30 for all departments. This will also be announced on the city's website.**

**A motion to amend the agenda to add a request by Harahan Elementary, the annual Mardi Gras Parade on Friday, Feb. 19, 2018 as No. 6 under new business was offered by Councilman Johnston 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**

**A motion to amend the agenda to add a request for an ABO permit by PKCJ Investments LLC dba Bienvenu Bar & Grill at 467 Hickory as No. 7 under new business was offered by Councilman Johnston 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**

**A motion to amend the agenda to add as item number 8 under new business to consider a request for a high content ABO application by Mangos Sports Bar, LLC, located at 1820 Dickory Ave. was offered by Councilman Johnston 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**

### **SPECIAL PRESENTATIONS**

#### **1. Darlene Schwartz, Community Liaison**

**She announced National Prescription Drug Take Back Day, Sat. Oct. 28 – 10 am to 2 pm at Rite Aid and the Harahan Police Dept. Lobby. Halloween – the Block Party in Imperial Woods Subdivision will have volunteer police to help again. Please keep an eye on your kids – mark their clothes with name & phone number of parents to help locate a lost child. Check candy before allowing kids to eat it. Night Out Against Crime 19 law enforcement units were there. Recycle bins – she checks overflows – glass is not allowed – it is not a dumpster. A citizen said there is a notice on the unit that says glass is accepted. Darlene will check with Ramelli. Sat., Nov. 4<sup>th</sup>  
Jambalaya & Car Show - \$10 all you can eat jambalaya, band and inflatables – pizza, beer, & hot dogs available for sale– they are still accepting cooking teams with 4 persons per team – it is \$25 per vehicle for the car show. Call Christy at 715-0903 for the cook-off or Maria – 491-9425 for the car show.  
She announced the St. Rita Pecan Festival to be held on Nov. 10, 11 & 12, 2017.**

#### **2. Current State of the Harahan Police Department – Chief Walker**

**He spoke on the Night Out Against Crime – he thanked St. Rita for allowing them to use the playground. He thanked all the volunteers and sponsors. Hurricane Nate – full time and reserve officers from Sat. 6 am – 6 pm & 6 pm – 6 am Sunday. He said they ran out of vehicles because 2 went out with mechanical problems. Councilman Johnston rode with him one night and he invited all councilmen to do this. The money from Councilman Paul Johnston is for cars & equipment - it is not recurring and can't be used for pay raises. He thanked Councilman Johnston for the 3 flashing lights (which are not cameras) that flash the cars speed and hopefully makes them slow down. They have also installed more lighting on the street. It won't eliminate speeding but hopefully will help. He signed the Cox contract to upgrade the dept.'s band width for their computers. He asked the Mayor to sign the contract, but she stated the money was not in the budget. Currently the band width is 10 but it will increase to 100 – he asked if Cox called the Mayor about moving the server to let City Hall use the extra band width. Asked about a new contract for firewall software. He announced that a policeman's accident lawsuit was settled for \$300,000 – he asked if Mr. Buras wanted to speak to this. Mr. Buras said the settlement was \$425,000 but he recommended \$200,000 and they settled for \$325,000. It was truly an accident – Ofc. Gabriel Swenson didn't see the car and hit it. Plaintiff had a pre-existing bad back and had surgery. Chief Walker then explained about the 10 new cars he ordered. He said he received \$180,000 from Councilman Johnston for the car purchase. He ordered the cars in May and issued a purchase order and he said he turned in the purchase order with a check request in September. Purchase orders should go into Incode under the police dept. He questioned how Ms. Lulue did not know about the purchase order. He said that he issued a letter to take the money from somewhere. He received a letter from her lawyer saying that it was not legal. His department has read only capability on Incode for his department, but he wants access to all department's information. He said he is not going to meet with the Mayor alone because he does not feel comfortable meeting alone. He complained of the Mayor's constant obstruction of the police dept. that we can't get anything done. He signs off on payroll and purchase order. He insisted he will not pay bills from CRI, Ms. Lulue and Mr. Buras. He said the Civil Service Bd. is a separate entity and their attorney fees had nothing to do with the police department. Mayor and Ms. Lulue authorized the payments without his authorization. The Chief is supposed to have total control of his dept. He says he has financials only through July. Budget hearings scheduled & Mayor wants to keep everything left over. For the Halloween block party they will have 2 reserve officers on the corners and he is paying for 3 porta-potties. He said lost kids are a problem – please put phone numbers & address on the kids costume. He said no motorized vehicles including golf carts are allowed**

on the streets during the party. He has lost another policeman because of pay & health insurance is going up. Overtime is limited and details too. The dept. is hemorrhaging policemen – we train them at a cost of \$5,000 and then they leave.

#### **ADDRESS THE COUNCIL**

**Eric Chatelain, Colonial Club Dr.**

**Bill Barnett, Carolyn Dr.**

**William (10 year old Cub Scout) met the Mayor at his Cub Scout meeting. He asked that the city save the green space on Colonial and introduced his parents.**

**John Riehms, Renpass**

**Evelyn Riehms, Renpass**

**Terri Valenti, Colonial**

**Kirk Talbot, Representative – nothing to report**

**Mayor Miceli urged everyone to get out and vote on the 18<sup>th</sup>.**

**Jason Bruzik, Stoneleigh**

**Robert Cherie, West Ave.**

**Jean Marie Murphy, Woodlawn**

**Chief Tim Walker**

**Herb Soileau, Carolyn Dr.**

**Mr. Lagarde, Steamship Circle**

#### **APPROVAL OF THE MINUTES**

**Councilman Benton offered a motion to dispense with the reading of the minutes of the September 21, 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 Benton offered a motion to approve the minutes of the September 21, 2017 meeting seconded by Councilman Johnston.**

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

**YEAS: Benton, Huete, Johnston**

**NAYS: Baudier, Wheeler**

**ABSENT: None**

**MINUTES APPROVED**

#### **COMMUNICATIONS**

##### **Board of Adjustments and Appeals**

**The Board of Adjustments and Appeals did not meet in September.**

##### **Planning and Zoning Board**

**Councilman Benton offered a motion to dispense with the reading of the minutes, of the October 11, 2017 meeting 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 accept the minutes of the October 11, 2017 meeting seconded by Councilman Benton.**

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

**YEAS: Benton, Huete, Johnston**

**NAYS: Baudier, Wheeler**

**ABSENT: None**

**MOTION PASSES**

## **RESOLUTIONS**

### **PROPOSED RESOLUTION NO. 2017 – 21**

The following Resolution was offered unanimously by the Council.

The clerk read the resolution in its entirety.

A resolution accepting funds from Jefferson Parish in the amount of Five Thousand Dollars (\$5,000) to provide funding for services for seniors at the Harahan Senior Center.

The Mayor stated that Harahan tax dollars are coming back from Jefferson Parish through Paul Johnston Councilman from District 2.

**Public Hearing**

No one spoke

**Council Discussion**

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

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

**YEAS:** Baudier, Benton, Huete, Johnston, Wheeler

**NAYS:** None

**ABSENT:** None

**MOTION PASSES**

## **ORDINANCES FOR APPROVAL**

### **PROPOSED ORDINANCE NO. 2017 – 16 – Deferred on 9/21/2017**

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

The clerk read the ordinance by title only.

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.

The Mayor announced that the Planning & Zoning Board voted at the October meeting not to recommend this rezoning by a vote of 3 for and 4 against with one abstention.

### **PUBLIC HEARING**

Councilman Baudier said that there was one abstention by Mr. Whittle.

Eric Chatelain – at the meeting – Whittle’s family was attacked – board has no training – another member lives on Carolyn and should have recused herself. Bryan Whittle has nothing to do with the JW Tree Service. The board’s opinion is just an opinion, they have no training.

Barbara Butera – Carolyn Dr. – recent member of the Planning & Zoning Board – a lot of commercial properties that are vacant – once a business fails – then they have no control over what goes there – they don’t want to use the vacant property – new businesses come in and they want to rezone other property. Harahan was originally zoned as a residential community – the business next door to this property has closed – consider the aspect of rezoning – what happens if it fails – every business seems to need a liquor license – kids are affected – once opened they need a license and parking is also a problem – Carolyn has parking problems already. Do the right thing.

Councilman Baudier – thinks she is knowledgeable – he was upset over Mr. Whittle being bullied.

Barbara Butera said that training for the board is scheduled.

Sara Lewis – lawyer for Mr. Maroni - has poster board for proposal. Has been before the zoning board several times and has tried to address the issues the citizens brought up. He wants a community restaurant with 50 seats. Italian fine dining is proposed. It needs refurbishing and restoration. He is committed to use the home and keep the trees – He wants to maintain a historic property. She said the property is not an arbitrary selection – he grew up in Harahan – lives here now – he concerned with the neighbors – gone to each of the neighbors that border the property – 5 abutting the property – they all consent to the change – the home behind the property has also consented to it.

A motion was made by Councilman Johnston, seconded by Councilman Baudier to let her finish.

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

**YEAS: Baudier, Benton, Huete, Johnston, Wheeler**

**NAYS: None**

**ABSENT: None**

**MOTION PASSES**

**Request for buffer zone – Mr. Marrone is purchasing the property behind it – the home will be rented. Entrances & exits will be on Jefferson Hwy. Shrubs will be along Carolyn Dr. Parking – 28 parking spots are provided – Harahan requires 1 parking spot for 200 sq. ft. – the entire down stairs 2,262 sq. ft. – 1,667 upstairs, total is 3,928.8 sq. ft. with required 12 parking spots – handicapped – there will be 2. Spoke with Chief Walker – about parking on Carolyn – stickers or decals for residents – so no overflow parking on street. Concrete or asphalt will stay 10 ft. away from tree roots. They could apply for a variance for rocks instead of concrete. He wants to use that structure. Mr. Marrone said if restaurant fails within 5 years – he would agree to rezone to residential.**

**Bill Barnett, Carolyn Dr. – difficult to follow well prepared attorney – 1. Chef Duke called the proposal a “fine dining restaurant”. Now Chef Duke has changed it to casual dining. Is he still with Mr. John’s Steakhouse – this is going to change the character of neighborhood. He has been there over 40 years. Training – rules require zoning board must make a recommendation – but all members don’t have required training.**

**A motion was made by Councilman Johnston, 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**

**Mr. Barnett continued this is a legal problem – may be violating our own laws. His wife has petition of over 300 residents who oppose the rezoning. This should tell you a lot – at the Saturday election he was only no. 6. Tax money needed – how much proposed tax revenue will be forthcoming from restaurant – restaurants have a high rate of failure. Hurt property values of Carolyn residents. The money will come at the expense of local residents – need money – put up an ad valorem tax – not on the backs of Carolyn Dr. There are substantial resources to the north side of the playground for the police dept.**

**A motion was made by Councilman Benton, seconded by Councilman Johnston 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**

**The Chief needs more money because north of the playground has many problems and spending a substantial amount of resources. We will lose property taxes along Carolyn Dr. because of property values. He suggested that all pay for it – put up an ad valorem tax.**

**Martha Hatch, Gordon Ave. said a week and a half ago they went to the Oak Oven. They said don’t come on Saturday – not a customer showed up – not open on Saturday any more.**

**Eric Chatelain - Colonial Club Dr. said that if the restaurant fails in 5 years it will return to R-1 zoning – he thinks that’s great – put it in the ordinance.**

**Council Discussion**

**Councilman Johnston said the main concern is what happens if it fails.**

**Mr. Buras – novel concept of reversion –no impediment - it can be done – a covenant that runs with the land that says if the restaurant fails. He will need direction to draft the ordinance. If permit revoked – the zoning would automatically revert to R-1 – training – within one year – not an impediment to making decisions. The applicant**

changed the request from C-2 to C-1. The training statute says they have 1 year after being appointed – it does not affect their decisions.

**Chef Duke Locicero – Café Giovani – for 26 years in Fr. Quarter. He improved the neighborhood – he is offended by Mr. Barnett. Wants to come to Harahan – left French Quarter because of crime and parking problems. He wants to make the whole area better. The difference between fine and casual dining is the tablecloth. There are not any charity functions that chefs aren't there. Not at Mr. John's anymore. Wants to open a nice café, but it may take until 2019 before it opens.**

**Mayor Miceli asked Mr. Buras about the covenant.**

**Mr. Buras said they have to tell him the exact conditions for the ordinance. Historic property – the zoning commission will recommend with provisions – parking on the street – conditional zoning – worked out at commission level then submitted to council. The planning & zoning commission should present their reasoning. Get details in place.**

**Johnston said he was elected to represent the citizens – those that live around there. He wants to defer to go talk to citizens. If voting tonight he will vote against it. This is the first he hears about this.**

**Benton – met Maronne yesterday – done everything he was asked to do about Hickory and has done everything he was asked to do for the residents on Carolyn – she will vote against tonight - but would hope that something could be worked out. Johnston – months down the line – can we push back 1 month – try to work with citizens –**

**Miceli – need to have honest agreements for both citizens and businesses. If there is potential for negotiation –**

**Johnston said it was a beautiful presentation, but the changes of the neighbor is what concerns him.**

**Kevin Marrone said the building is falling apart – he will change what he can.**

**Councilman Baudier – always been pro business – believe in the right thing – we have 2 commercial thoroughfares, but the need to look nicer and generate tax dollars – listened to concerns at zoning meeting. Mr. Maronne has bent over backwards to cooperate – does not want to fail or wreck the neighborhood. It does not abut the neighborhood in any way. New Orleans the business owner is responsible for parking – talked to the Chief about parking on the street – the business owner is responsible for controlling the parking – will continue to be pro business & pro progress. He wants to be part of this community. Chef Duke is tired of the crime in New Orleans and wants to come here – everyone voted for the sewerage millage – and this property is isolated – he loves the covenant idea. This is a no brainer if the covenant is in place. He is all in.**

**Mayor Miceli said she had a discussion with Mr. Buras. There are holes to fill in zoning ordinance – parking needs to be overhauled so it will contribute to the success of businesses. People need trust in the city – it's not an individual's word. The law needs work to give the people trust in any project. Sponsor a town hall meeting with residents to hear their concerns and make agreements prior to next meeting. If council members are there it will need to be a special meeting.**

**Mr. Buras said it would need to be a special meeting.**

**Councilman Huete – it's been on the agenda for 5 months – the covenants following the land. It's very similar to what we did on the Colonial property – they would feel comfortable moving forward.**

**Councilman Baudier – this is a new tool a citizen brought to us – we can start working on that.**

**Councilman Johnston made a motion to defer, seconded by Councilman Benton to defer to November 16<sup>th</sup>.**

**Mr. Buras will work on the ordinance with Ms. Lewis.**

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

**YEAS: Baudier, Benton, Huete, Johnston, Wheeler**

**NAYS: None**

**ABSENT: None**

**ORDINANCE DEFERRED**

**THE MAYOR CALLED A 5 MINUTE RECESS AT 9:23 pm**

**The Mayor called the meeting back to order at 9:34 pm**

**PROPOSED ORDINANCE NO. 2017-27 (deferred 9/21/2017)**

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

**The Clerk read the ordinance in its entirety.**

**An Ordinance to amend Ordinances 1361, 778 and 1003 establishing a Personnel Policy for the City of Harahan by adding thereto provisions relative to a policy regarding compensation during periods of leave due to emergencies, to repeal all ordinances in conflict therewith and to otherwise provide with respect thereto. Councilman Wheeler withdrew the ordinance. (Ord. 1769 left off the title.)**

**PROPOSED ORDINANCE NO. 2017-28**

**This Ordinance was proposed by Councilman Johnston and seconded by Councilman Huete.**

**The Clerk read the ordinance in its entirety.**

**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 was opened.**

**No one spoke.**

**Public Hearing was closed.**

**Council Discussion.**

**Benton – most wanted curbside – overwhelming in favor.**

**Councilman Wheeler – most wanted curbside but lately some are against it. She wants a town hall meeting at the Sr. Center before the Nov. 16<sup>th</sup> meeting. She will try to get it done as soon as possible. She would like to defer.**

**Councilman Baudier said the council put a millage for sewerage, why couldn't there be a millage on the ballot dedicated for garbage & recycling. Let citizens decide at an election.**

**Mr. Buras said it should be discussed with Mr. Martin.**

**Mayor Miceli said they keep fighting over zoning & budget – let people decide what they want to spend their money on.**

**Councilman Baudier wants to let citizens know how cheap it truly is to live in Harahan – he will fund advertisement with comparisons. More to live in River Ridge – will work with Mayor on advertisement.**

**Mayor Miceli said the council on aging wants a new millage for the centers – so that our center will be included.**

**Councilman Baudier said the citizens feel they pay more taxes in Harahan.**

**Councilman Huete – are recycling receptacles full?**

**Mayor Miceli said the recycling receptacles are unpaid services – and citizens are putting wrong things in them – both sides are open.**

**A motion was offered by Councilman Wheeler, seconded by Councilman Johnston to defer to the Nov. 16<sup>th</sup> meeting.**

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

**YEAS: Baudier, Benton, Huete, Johnston, Wheeler**

**NAYS: None**

**ABSENT: None**

**ORDINANCE DEFERRED**

**PROPOSED ORDINANCE NO. 2017-29**

**This Ordinance was proposed by Councilman Benton and seconded by Councilman Huete.**

**The 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 was opened.**

Jason Bruzik, Stoneleigh said this is a bunch of cobbled together items. He breaks them out in his budget – dues – what for; fees - what for; memberships - what for; subscriptions - what for – what are we paying for with these tax dollars. Don't lump them together.

Public Hearing was closed.

Council Discussion.

Mayor Miceli said this covers dues – LMA Municipal Clerk; flood plane management subscriptions for each department; MS4 permit is new to the city, in the past Jefferson Parish used to pay for it – switched it to incorporated cities equally. She called and said it needs to be done by population because we have a smaller budget than other cities. It is a mandated fee through DEQ and it must be paid.

Councilman Johnston – there have been other ordinances with fees going up but with revenues not allocated – he won't vote for it.

Councilman Huete asked about the MS4 permit.

Mayor Miceli said it is a regulatory fee for collecting data that is submitted to the DEQ. It is mandatory – how the allocations are done is at the pleasure of the council.

Councilman Johnston said Ms. Lulue should find the money.

Mr. Buras explained the MS4 permit fee is for the 1987 Clean Water Storm Water Management Act.

Councilman Huete asked if they could use the DEQ loan money.

Councilman Wheeler said they don't have the figures and if we pass this ordinance the way it is, it means we are approving deficit spending.

Mayor Miceli asked they come to the office and find out the figures. We have bills we have to pay. It is not Ms. Lulue's job to find the funds.

Councilman Huete – where are we going to find the money – it could come from the DEQ loan money –

Mayor Miceli said she does not think so – this is for storm water management – not sewerage improvements.

Councilman Huete we need to know where the money is coming from.

Councilman Wheeler – the council stripped the budget – don't overpay Lulue – if you didn't overspend we would have the money.

Motion to defer by Councilman Benton, seconded by Councilman A. The following matter involving pending litigation may be considered

(Court, Case, Number, Parties):

1. Phillip Canella vs. Arch Ins. Co., City of Harahan, Todd A. St. Cyr, and Allstate Ins. Co.; 24<sup>th</sup> JDC, Case 744-961, Div. "I"
2. Suzanne K. Scalise vs. City of Harahan LA, Anne Gordon, Louise Slayden, Ronald Gordon, Gail Gordon; 24<sup>th</sup> JDC, Case 744-986, Div. "O"
3. City of Harahan, et al, v. BP Exploration & Production, Inc., et al. U.S.D.C., Eastern District of Louisiana, No. 2:13-cv-01397
4. Wood Materials LLC, Wood Resources LLC v. City of Harahan, 24<sup>th</sup> JDC, Case 761-783, Div. "K"

B. The following matter involving prospective litigation for which formal written demand has been made may be considered.

C. The following matters involving discussion of the character, professional competence, or physical or mental health of:

Name:

Johnston.

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

YEAS: Benton, Johnston, Wheeler

NAYS: Huete, Baudier

ABSENT: None

**ORDINANCE DEFERRED**

**PROPOSED ORDINANCE NO. 2017-30**

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

The clerk read the ordinance by title only.

An Ordinance to amend and re-ordain Ordinance 1333, specifically, Section XI (B) (13) of Appendix A of the Code of the City of Harahan, relative to square footage allowable



by the City of Harahan for general retail services in the C-1 Neighborhood Commercial District; and to otherwise provide with respect thereto.

Madam Clerk place on the agenda for the zoning board's Nov. 1<sup>st</sup> meeting.

The ordinance is deferred until the zoning board rules on the change.

Councilman Benton read the ordinance for C-1 sq. footage as it currently stands. Her opinion is that this is contrary to what a zoning ordinance should be. It makes every case arbitrary and capricious. It currently has a maximum of 45,000 sq. ft.

Mayor – should be small commercial nestled next to R-1 zoning classification – standard is 10,000 sq. ft. Progressive zoning ordinance should prevail.

**NO VOTE WAS TAKEN – SENT TO PLANNING & ZONING BOARD.**

#### **PROPOSED ORDINANCE NO. 2017-31**

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

As mandated by LSA- R.S. 39:1305, to fund the projected complete year of Health Insurance for all Departments in the General Fund, 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 was opened.

No one spoke.

Public Hearing was closed.

Council Discussion.

A motion was offered by Councilman Johnston, 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 PASSES**

#### **ORDINANCES FOR INTRODUCTION (First Reading)**

##### **PROPOSED ORDINANCE NO. 2017-32**

The Clerk read the Ordinance by Title only.

This Ordinance was proposed by Councilman Benton.

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.)

##### **PROPOSED ORDINANCE NO. 2017-33**

The Clerk read the Ordinance by Title only.

This Ordinance was proposed by Councilman Baudier.

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

##### **PROPOSED ORDINANCE NO. 2017-34**

The Clerk read the Ordinance by Title only.

This Ordinance was proposed by Councilman Baudier.

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)

##### **PROPOSED ORDINANCE NO. 2017-35**

The Clerk read the Ordinance by Title only.

The following Ordinance was proposed by Councilman Baudier.

An Ordinance correcting a clerical error in the Municipal Code for the City of Harahan, Louisiana. (amending Ord. 1308)

#### **OLD BUSINESS**

*None*

#### **NEW BUSINESS**

**1. The Mayor nominated Barbara Harney to fill the unexpired term of Deborah Nash which ends in 2020 on the zoning board.**

**A motion was made by Councilman Johnston, seconded by Councilman Benton. Councilman Baudier – wants to talk to her first.**

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

**YEAS: Benton, Johnston**

**NAYS: Baudier, Huete, Wheeler**

**MOTION FAILS – Will be on the agenda for Nov. 16<sup>th</sup>.**

**2. Bill Lark of 149 Ravan is requesting that Bourg St. between Ravan and Elaine be closed from Friday, November 10<sup>th</sup> until Sunday, November 12, 2017 the days of St. Rita's Pecan Festival. He will notify the neighbors.**

**The Mayor asked if Chief Walker had made his arrangements.**

**Chief Walker said has made preparations for this event.**

**Motion 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**

**3. Ms. Judy Roman, St. Rita Procession Coordinator, is requesting assistance in planning the annual Feast of Our Lord Jesus Christ, King of the Universe Eucharistic Procession. The Procession is scheduled for Sunday, November 26, 2017, after the 11:30 am Mass. She is requesting barricades and a police escort around the block.**

**The Mayor asked Chief Walker if he had made arrangements.**

**Chief Walker said yes?**

**Motion by Councilman Baudier, seconded by Councilman Wheeler 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**

**4. Call for a special meeting to be held on Thursday, December 7, 2017 at 6 p.m. to consider adopting a resolution ordering and calling an election to be held in the City of Harahan to authorize the levy of an ad valorem tax. (Police Millage)**

**Motion by Councilman Baudier, seconded by Councilman Wheeler to call the special meeting and waive notice.**

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

**YEAS: Baudier, Benton, Huete, Johnston, Wheeler**

**NAYS: None**

**ABSENT: None**

**MOTION PASSES**

**5. Notice is hereby given that at the special meeting to be held on Thursday, December 7, 2017 at 6 p.m. at the City Hall Council Chambers, 6437 Jefferson Hwy., Harahan, Louisiana, the City Council of the City of Harahan, State of Louisiana plans to consider adopting a resolution ordering and calling an election to be held in the City of Harahan, to authorize the levy of an ad valorem tax.**

**6. Permit request by Harahan Elementary for their annual Mardi Gras Parade to be held Friday, Feb. 9, 2018 – to 3 pm**

**Mayor Miceli asked Chief Walker is he is preparing for this event.**

**Chief Walker said he is.**

**Motion 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**

**7. High content ABO application by PKCJ Investments, LLC, dba Bienvenue Bar & Grill, located at 467 Hickory Ave. The applicants are Patrick Gros, Kimberly Gros and Kevin Marrone.**

**The Mayor asked Chief Walker if the applicant has met all necessary requirements? Chief Walker said they had approved pending results from state.**

**Motion by Councilman Benton and seconded by Councilman Baudier to grant the permit.**

**Councilman Johnston asked about the location across the street from the playground.**

**Chief Walker said this was a regulatory question.**

**Councilman Johnston asked if we have someone from regulatory to answer this.**

**Mr. Buras said he had not researched this.**

**A motion was made by Councilman Benton and seconded by Councilman Baudier to grant the permit.**

**Councilman Johnston said if there is no regulatory person to answer the question – why are we voting on this.**

**The City Clerk said it starts at regulatory.**

**Councilman Johnston said so that means it's approved by regulatory. I don't want to hinder the business, but I don't see anything from regulatory. This is a question of distance.**

**Chief Walker – applications are outdated.**

**Councilman Johnston said Koz wanted a high alcohol content and couldn't get it.**

**Discussion amongst council members, Mr. Buras and members of the audience not on microphone.**

**Mr. Buras – 5<sup>th</sup> circuit said one thing and 4<sup>th</sup> circuit said something else.**

**Councilman Baudier said he has had to walk the distance off.**

**Councilman Huete asked why the city issued a restaurant license.**

**Councilman Wheeler said when the plans were submitted they knew it was a restaurant and they wanted.**

**Motion by Councilman Benton and seconded by Councilman Baudier to approve the permit.**

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

**YEAS: Baudier, Benton, Huete, Johnston, Wheeler**

**NAYS: None**

**ABSENT: None**

**MOTION PASSES**

**8. High content ABO application Mangos Sports Bar, LLC, located at 1820 Dickory Ave.**

**Mayor Miceli asked Chief Walker if the applicant had met all necessary requirements?**

**Chief Walker said they had pending records check.**

**Motion by Councilman Benton and seconded by Councilman Baudier to grant the permit.**

**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**

**A motion was made by Councilman Johnston, 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**

#### **SECRETARY'S REPORT**

**Secretary's report for September 2017**

**Total revenue \$359,207.94.**

#### **REPORTS**

**Chief Walker read his statistics for September, 2017 636 calls for service;**

**Chief St. Cyr – gave his report – rating from Class 2 to Class 3 – lack of manpower & training center hurt us – in-house training & things they control are very good – monetary issue – without manpower the city will never see a 2 again – homeowners' insurance will be going up. He has to deal with someone – he need a committee to find ways to raise funds.**

**Potential of Colonial Club to affect the rating – they will potentially need a fire station & truck. The assisted living facility will generate lots of calls as does St. Joseph's – the work load would definitely increase.**

**Councilman Huete – no report**

**Councilman Johnston – no report**

**Councilman Baudier – 3 things – he got to work with everyone during storm even if it was a non-event – we were ready. He thanked the citizens for voting for millage – He agreed that the new fire department rating will make homeowners' insurance rates go up. – it is cheap to live here – it's time to step up and pay more. Support the city - happy Halloween.**

**Councilman Wheeler – no report**

**Councilman Benton – no report**

**Mayor Miceli – thanked everyone for participating in our government. Happy Halloween.**

#### **PAY BILLS –**

**Bill's paid in September, 2017**

**Total expenditures \$307,826.07**

#### **EXECUTIVE SESSION**

#### **ADJOURN**

**A motion was offered by Councilman Johnston seconded by Councilman Wheeler to adjourn the meeting at 10:36 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 10:36 p.m.**

**A. The following matter involving pending litigation may be considered  
(Court, Case, Number, Parties):**

- 1. Phillip Canella vs. Arch Ins. Co., City of Harahan, Todd A. St. Cyr, and Allstate Ins. Co.; 24<sup>th</sup> JDC, Case 744-961, Div. "I"**
- 2. Suzanne K. Scalise vs. City of Harahan LA, Anne Gordon, Louise Slayden, Ronald Gordon, Gail Gordon; 24<sup>th</sup> JDC, Case 744-986, Div. "O"**
- 3. City of Harahan, et al, v. BP Exploration & Production, Inc., et al. U.S.D.C., Eastern District of Louisiana, No. 2:13-cv-01397**
- 4. Wood Materials LLC, Wood Resources LLC v. City of Harahan, 24<sup>th</sup> JDC,**

**Case 761-783, Div. "K"**

- B. The following matter involving prospective litigation for which formal written demand has been made may be considered.**
- C. The following matters involving discussion of the character, professional competence, or physical or mental health of:**

**Name:**