

**City of Harahan
6437 Jefferson Highway
Mayor and Harahan City Council
Council Meeting Minutes
January 25, 2018**

Date: January 25, 2018

Time: 7:30 pm

Mayor Miceli opened the Meeting 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, CPA Linda Lulue, City Attorney Gilbert Buras.

MAYOR'S COMMENTS:

The Mayor asked for a moment of silence for 3 Harahan residents who passed away recently: Charlie Leaumont, a long-time resident and volunteer on the Civil Service Board; Bruce Ponthieux, husband of Karen Ranatze Ponthieux, former Councilman and Mrs. Mary Schwartz, mother of our Community Liaison, Darlene Schwartz. She asked that everyone keep their families in their thoughts and prayers.

Discussion about the agenda led to this motion.

A motion was made by Councilman Benton seconded by Councilman Johnston to amend the agenda to add Calvin Hoppmeyer as No. 1 under Special Presentations and Proposed Ordinances No. 2018-1 & 2018-2 under Ordinances for First Reading.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: NONE

ABSENT: NONE

MOTION PASSES

A motion was made by Councilman Johnston seconded by Councilman Benton to take up Proposed Ordinance 2017-40, under Ordinances for Approval, now.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: NONE

ABSENT: NONE

MOTION PASSES

PROPOSED ORDINANCE NO. 2017-40

This Ordinance was proposed unanimously by the Council.

The City Clerk read the Ordinance by title only.

An Ordinance revising the Flood Damage Prevention Ordinance (FDPO) contained in Chapter 38 of the City of Harahan Code of Ordinances to align sections with the February 2, 2018 Digital Flood Insurance Rate Maps, and providing for related matters. (Parishwide)

Open Hearing – no one spoke

Council Discussion

Councilman Wheeler said she believes that a good portion of Harahan would be given relief from insurance payments with their new flood zone designation.

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

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: NONE

ABSENT: NONE

ORDINANCE APPROVED

SPECIAL PRESENTATIONS

1. Stuart Consulting – Calvin Hoppmeyer

Mr. Hoppmeyer said the sewerage work is on schedule to be finished in February. They are negotiating to add several items to the schedule. Also that Pump Station 8 was finished and the paving of the street at 9th & Grove was complete. Bids are expected next week for rehab on that Station to complete the repair. Road program on schedule to start in June – during off school dates. Road work - \$100,000 for this year – less than a mile of the roads will be fixed. Using Jefferson Parish contract for bidding. Drainage ord. is for catch basin cleaning – emergency cleaning on Generes cost \$20,000 – more problems will cost \$30,000 for other catch basins. . Councilman Johnston & said he and Councilman Wheeler met with Councilman Paul Johnston and he will lend the city the parish flush truck at no charge. Mr. Hoppmeyer said there are also root issues that cannot be addressed by a flush truck. Problems are especially bad on Tyler causing flooding – may have to reroute the line. Two proposals to select architects for a building repair to be done early in February.

2. Darlene Schwartz, Community Liaison – her report will be given next month due to the death of her mother.

3. Current State of the Harahan Police Department

Chief Walker stated that it was a bad week with all the deaths of friends. He is not an employee – he is an elected Police Chief who reports to the public. To Ms. Lulue and Mayor Miceli – do not charge his department for anything without his approval. He refuted the comment of Mayor Miceli when she vetoed the ordinance to rezone the lot on Carolyn Dr. because the Police Dept. would not be able to respond to calls for parking. He said that it is irrational and misleading – they answer all calls for service. Chief Walker said he never said that. His officers go out every day and make decisions in a mili-second. They don't call the station for instructions. The Mayor made a public records request recently to the dept. He came into office in 2014 – the Mayor has called many people complaining about the dept. They waste a lot of time answering the Mayor's questions. There is no full time clerk in the court. They met about the court. Whenever someone is arrested – money is taken at the front desk for fingerprinting with one receipt book which also contains bond money receipts. He explained where the copies of the receipt were going. He said no one has complained about their bond money not showing up at court. The Mayor said numerous receipts are missing. He explained the procedure for the money. They changed the procedure at the front desk – they now have 2 receipt books – one for fingerprinting & 1 for bonds. The receipts will now go to city hall with the bond paper work.

Councilman Benton asked why the revenues are decreasing – a 75% reduction in revenues.

Chief Walker said there are currently over 1,000 people with attachments. 75% of their arrests are traffic – if you don't go to court – you earn an attachment. They can post a bond. We arrest them, feed them for 3 days and then give them a court date & let them out. If they have an attachment – they must post a bond – he does not have an answer for the reduction in revenues. They collect money for record requests and other areas. He said the Mayor has a problem on her end – there is nothing missing. He suggested that the Mayor has the forms redone at the city's expense. The accusation that tickets and ticket books are not accounted for is wrong – the legislative auditor said they are in compliance. He gave the information the Mayor requested saying 9 bonds were posted in 2017 in January. He is not going to pull all the rest of the records – they are in his office. He said that some one got a ticket and was reported as being arrested – the problem may be in court – a post-it-note noting the arrest was put on the ticket. He said the court probably put the post-it-note on the ticket. He contacted the city attorney about the corrections to the time and attendance sheets – the changes have been made and they are using them. He brought up that a person who overpaid her ticket as refunded from the clerk's personal account to the defendant. He reiterated they are in state compliance. He brought up the auditing firm who said his department was over budget, but the accountant said they were under budget, but the auditor turned it in as over budget \$66,00 in 2016. They said the city provided the numbers to the auditor. Our money is provided by the city council. He complained that the

documents were provided to the auditor and still they turned in the audit with his dept. as over budget. He asked Ms. Lulue how much she billed the city in 2016. Ms. Lulue looked into her computer and said she would need a moment to figure that out. Councilman Benton asked if they could come back to that because of the time. Chief Walker said that Sheriff Lopinto had just come in and he asked for a motion to allow him to speak while Ms. Lulue was gathering information.

A motion to amend the agenda to allow Sheriff Lopinto to speak at this time was offered by Councilman Johnston seconded by Councilman Baudier.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: NONE

ABSENT: NONE

MOTION APPROVED

Sheriff Lopinto said the Sheriff's dept. had the lowest crime rate since 1974. There were 2,000 cars broken into last year with 77% of the cars unlocked. He asked that all cars be locked. The heroin problem is growing – and arrests are off the chart. Prescription arrests have gone down. Seizures are down to 3,000 pills per month. This type of crime affects all of us.

Councilman Johnston thanked the Sheriff for his help in Harahan.

Sheriff Lopinto said that the HPD is on the same 911 system as Jefferson Parish with the same equipment. This defers some of the costs that Harahan pays. They will always be there to help keep Harahan safe.

Chief Walker continued with his presentation. He thanked Sheriff Lopinto for his help for the HPD. A month ago Ord. 1839 was passed to give him full read only access for all Harahan financials. He asked the Mayor if she intends to give them access.

The Mayor said an appropriation was needed for that.

Chief Walker asked how much?

Mayor Miceli said the software package has a cost of \$33,000 and the cost should be shared by all users.

Mayor Miceli said I can't use your staff or equipment and you can't use my staff.

Councilman Huete – derided the Mayor for correlating the Mayor borrowing a car from the police dept. not paying for the read only access.

Chief Walker said they answer calls and don't charge the public for that.

Councilman Wheeler asked if they were charged for access before since you had access.

Chief Walker again complained about the salary for Ms. Lulue saying he only got a financial statement in October, 2017 that went through July. He explained that the HPD has the largest budget of all the departments in the city. He complained about the money spent on Ms. Lulue's salary in 2016 as being over \$144,000. He said in 2017 it was over \$200,000. He thinks the money is coming out of his budget. We are all under the same roof, the City of Harahan. He wanted to meet with Ms. Lulue – we should not pay those kind of numbers – when she was allocated \$48,000.

Councilman Baudier said that the council gave the HPD full read only access – he asked Mr. Buras if the Mayor breaking the law.

Mr. Buras said both sides are right and that everyone's dept. should have the read access – it is not unreasonable for the accountant's salary to be allocated to all departments. Chief Walker does not want his dept. to be charged for anything except for guns and bullets and such – you should be paying part of the overhead - that is not unreasonable or unusual.

Chief Walker said they agreed to pay 40% of the electricity – but he wants the money put into his budget. He said the \$33,000 is already paid – we want access because we will find mistakes.

Mr. Buras said the concept is that you get a lump sum every year and you pay everything out of that. The notion of control over the budget is where the problem lies. The single largest item in the Chief's budget is payroll & payroll expenses. Though you are an elected police chief, your power to appoint is limited by what is appropriated and approved by the Mayor and the Council. You are bound by the budget adopted by the council. One of the problems is there is no agreement in shared overhead allocations. What is it that you can't see?

Chief Walker said he can't see the full city financials. We can only see the police dept.'s financials – it's time for the council to call for a forensic audit to really see what's going on.

Mayor Miceli – said there are levels of access and approval and it will take a bit of time to do.

Councilman Huete said she had implemented this at her work and Ms. Lulue will have to do this.

Chief Walker said it took 5 minutes to take it away.

Mr. Buras said there may be legitimate reasons for the limited access to the software.

Mayor Miceli said there are sophisticated issues that have to be addressed.

Councilman Baudier said they have been told they can't pass a law to abridge the powers of the Mayor. We know that – that's how she scapegoats out of everything.

Mr. Buras said not everyone should have their nose in the city's financial software.

Councilman Baudier said give the access to the Police Chief.

Mr. Buras said there are levels of access. If the council sues the Mayor – then reasons should be given to restrict access. Those reasons will be judged by professionals.

Mayor Miceli told Mr. Buras that the administration has been put under undo stress by the police chief. He wants to call everyone to get information and micromanage HR and the bills generated on the City – when does his responsibility come into it.

Mr. Buras – these discussions should be held at a different venue. As a lawyer, I apportion my bills as best I can. This has to be ratcheted down.

Mayor Miceli said the council did not allocate money for the full contract for Incode.

Chief Walker – said he won't use the maintenance dept.- give him the money to hire a contractor at \$50 an hour to change a light bulb or fix a toilet. He brought up the health insurance issue yet again.

Councilman Benton said this is the 10th time you are bringing this up.

Chief Walker said I will keep bringing it up because money is being stolen from the Police Dept.

Ms. Lulue came in and Chief Walker asked for the figures of her salary.

Ms. Lulue said she billed \$114,599 in 2016 and \$54,295 for 2017 through August. She explained that all accounts were accessed and added.

Councilman Wheeler said the proposed budget said the amended budget for 2107 asks for \$132,000.

Ms. Lulue said she had projected that amount through December 31, 2017.

Councilman Wheeler said the difference between \$54,000 and \$132,000 is \$80,000 and that's extremely exorbitant.

Mayor Miceli asked Councilman Wheeler if she had called around to see what other cities are paying for accounting.

Councilman Wheeler said she had not – she said that previous administrations back to 2013 stayed under \$48,000.

Mayor Miceli said she remembers when the council stripped out FICA, partial retirement, medicare, etc. & changed the real cost of contracts to suit themselves. There are contracts & offices that are not funded properly. I have to pay the bills to give the council what they want. Westwego pays over \$200,000 for their accountant and they have extra clerks. Mayor Paul Johnston paid \$50,000 for accounting plus health insurance and benefits. \$90,000 under Mayor Mosca was paid. If you want to be realistic & put a budget together – get data & prices from professionals. The previous conditions of the filing in City Hall and the budget format was deplorable.

Chief Walker said that Westwego has a budget of \$15,000,000. The audit was incorrect for 2016 – he filed a complaint with the licensing board for CPA's against Ms. Lulue and a CPA from the auditing firm. He asked if she had sent the info to them and charged the dept. for the time to do this.

Ms. Lulue said she had sent the requested information and did not charge the city.

Chief Walker said that Ms. Lulue keeps a second set of books.

Ms. Lulue said there was no second set of books.

Chief Walker said they had handed in purchase orders totaling \$112,000 in Dec.

Chief Walker said that the Mayor called a vendor to deny the purchase.

Mayor Miceli said this is so petty to be taken up at every meeting. She said the Chief does not tell the complete story.

Chief Walker said there were discrepancies in the insurance costs – he asked for the bill and did not get it. He wants the information from the city before he will disclose what he feels is wrong. He brought up the pension system problems again.

Councilman Wheeler asked if they have access to the insurance data.

Tracy Whittle said she had access only during open enrollment.

Mr. Buras intervened and said that payroll is a good example, there are security issues - employees have an expectation of privacy. You do not have budgetary control over that. There are security issues that need to be resolved.

Chief Walker said in closing, according to crime stoppers - we can cut down on Car Burglaries if people would just lock their cars. In 2017 there were 45 car burglaries with 7 guns taken.

Councilman Benton asked about the machine guns that were purchased before Dec. 31st.

Chief Walker said he bought 4-5 machine guns for \$13,000. He accused Councilman Benton of attacking his purchases. His officer's safety is priority number one.

The 60 side arms he purchased are the same as Sheriff's office - it's all about safety - they needed 10 new cars and there will be 16 officers on patrol by the end of March - every officer will have a new car - there is a special response team - they practice for school shootings and hopefully it will never happens here but they are prepared.

Councilman Benton said that 4 members of the council give you anything you want. Why have you not given the men a raise?

Chief Walker said the millage comes up in April for a vote. He can't give raises - cause he doesn't know what he has in his budget. He continued to talk over Councilman Benton.

Councilman Benton said 2 new officers were hired last year - revenues should have gone up, but revenues have decreased steadily.

Chief Walker continued to speak over Councilman Benton and finally she said you have not shut up for 45 minutes. Your men deserve a raise.

Chief Walker said there are 4 officers on each platoon but not every person is on duty. Councilman Benton said instead of giving your men a raise you chose to spend money on replacing guns that were only 2 years old; machine guns, tasers, drones, motorcycles that don't get used except for special occasions and God knows what else.

Chief Walker said Paul Johnston paid for the guns and cars and we don't have the money for raises.

Councilman Benton said you could have put money for raises in your budget and you didn't.

ADDRESS THE COUNCIL

Ed Krause, Soniat

Motion by Councilman Wheeler, seconded by Councilman Baudier to grant two more minutes.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

John Rheims, Renpass

Evelyn Rheims, Renpass

Eric Chatelain, Colonial

Elihu Lucas, Doescher

William Barnett - Carolyn

APPROVAL OF MINUTES

Councilman Benton offered a motion to dispense with the reading of the minutes of the December 21, 2017 council 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 Benton offered a motion to approve the minutes of the December 21, 2017.

MOTION FAILS FOR LACK OF A SECOND

Councilman Benton offered a motion to defer the reading of the minutes of the Budget Hearing/Special Meeting of December 28, 2017 to the February 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

COMMUNICATIONS

The Board of Adjustments and Appeals did not meet in December, 2017.

The Planning & Zoning Board did not meet in January, 2018.

RESOLUTIONS

None

ORDINANCES FOR APPROVAL

PROPOSED ORDINANCE NO. 1837 previously 2017 – 16, which was vetoed 12/29/2017

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

The City 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.

Open Hearing

Sara Lewis, attorney for Mr. Marrone – she addressed the two Councilmen who voted it down. She said the Chief addressed one of the problems already – i.e. the parking. The neighborhood ambiance – there is a gas station next to this property. She spoke to Johnston about Master Plan and to Vilavasso who wrote the Master Plan – having a house on Jefferson Hwy. was dangerous for cars backing out on the highway. Jefferson Hwy. is already commercial. She asked the 2 who voted against this to change their votes.

Ed Krause, Soniat –addressed the Mayor thanking her about the words she put in his mouth because this meant she was thinking of him. To address Mr. Barnett's comments – there was a business plan done – what's going to happen if we don't bring in revenue – we need a revenue plan – he asked Councilmen Benton & Johnston to reconsider – He did polls on Facebook – one was 70% in favor and the other was 100% in favor – think of Magnolia Plantation and Elmwood Plantation – he thinks the surrounding citizens will come to the restaurant – Chef Duke is coming because he was afraid of the crime in New Orleans. The restaurant that Mr. Maronne just opened up – Bienvenue is a success. Bring in the revenue for the city.

Bill Barnett, Carolyn Dr. – he said that the unofficial poll that was 100% of citizens who were for this rezoning. I heard there is a business plan – what is it and how much will it bring in. The neighborhood is an important thing – let's put in a business on the corner it will make the owners happier – but not the neighbors. The residents of Carolyn Dr. will bear the burden of the traffic and the parking if this passes. He thanked the 2 who voted to veto. Why should one street have to bare the whole burden – it's not fair.

Eric Chatelain, Colonial Club Dr. – some residents want to raise taxes – put a millage up and it will fail. He suggested the city reassess all the property to bring in more taxes. I believe in this restaurant – I also believe the Master Plan said that residential property will become commercial – he thinks the property tax will triple. He also said that he heard that the strip mall with Dollar General will be torn down to put up apartments. He doesn't believe that businesses advertise their sales tax. He thinks Mr. Marrone will tell us what the sales will be.

Jeff Momas – 975 Hickory, he moved to Harahan 1-1/2 year ago – he is a tenant of Mr. Maronne – this is where he thinks he wants to live. He currently lives in Harahan and works in Elmwood – he is looking forward to bringing customers of his business to the

restaurant. Mr. Marrone has answered his questions and solved his problems – we plan to be regular restaurant patrons. He reached out to Councilman Johnston & appreciated his comments.

Lori Wilt – 210 Carolyn – directly across from the house – they are in favor of the restaurant. Mr. Marrone has acted on every problem and solved it.

Norman Wilt – 210 Carolyn – said the ambiance is the plantation house. Mr. Marrone is keeping the ambiance.

Helen Barnett, Carolyn – she is against the project and she hopes the council will uphold the veto. 2 of the houses across from the proposed restaurant are rentals. What happens if they want to change their zoning? They will be facing commercial. I would not be happy about facing commercial. It would be arbitrary and capricious to deny their rezoning.

Lori Wilt again spoke about the houses across the street saying only 1 is rented.

Andrew Case, Ashborne – bought an older house and renovated it – his goal is to live on Imperial Woods – first council meeting – the politics are interesting – he is excited about the restaurant – they patronize locally – specifically My Sister’s Table and Kim Ahn – all parking is in front – they are providing over 20 parking places – the police will be able to handle the problem of drunks. If Commander’s Palace moved next door to him he would know the manager and the bartender. It is a stand alone business. They are considering moving if the city doesn’t have enough money to survive.

Council Discussion

Councilman Benton said she received 1 email in favor and 4 against.

Councilman Wheeler – asked for the details of overriding the veto.

The Mayor said a vote of 4-1 needs to be in favor of overriding the veto.

Councilman Baudier said he has been working on this project with Mr. Marrone and Mr. Villavaso about promoting commercial to support our community. He said backing out on the highway from a home is more dangerous than the parking at the restaurant. We are on the cusp of the forefront of taking the businesses of New Orleans into Harahan. He thinks Jefferson Hwy. and Hickory will become like Magazine St. The drainage problem is a \$10-\$15 million dollar problem. He is in favor of commercial on the highway – the administration has forced them to put more fees. We can take what New Orleans has done and we can do it right and we can pave the streets with gold.

A motion was made by Councilman Wheeler and seconded by Councilman Baudier to overturn the veto and approve the Ordinance.

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

YEAS: Baudier, Huete, Wheeler

NAYS: Benton, Johnston

ABSENT: None

VETO UPHELD

Councilman Johnston asked to amend the agenda to add a Mayor pro-tem vote under New Business, 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 APPROVED

ORDINANCE NO. 1840 (Previously Proposed Ordinance No. 2017-34, which was Vetoed 12/29/2017

This Ordinance was offered by Councilman and seconded by Councilman.

The City Clerk read the Ordinance by title only.

An Ordinance amending the annual Budget of Revenue and Expenditures for the Fiscal Year ending December 31, 2017 for the City of Harahan, Louisiana.

(Police Department)

Open Public Hearing

No one spoke

Close Public Hearing

Council Discussion – none

A motion was made by Councilman Johnston and seconded by Councilman Wheeler to overturn the veto and approve the Ordinance.

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

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: Benton

ABSENT: None

ORDINANCE PASSES – VETO OVERRIDDEN

The Mayor called a 5 minute recess.

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

Councilman Baudier withdrew Proposed Ordinance No. 2017-42. Mr. Marrone took back his application.

The Mayor read the ordinance for the residents who were in attendance, and said he will have to restart the process all over again.

PROPOSED ORDINANCE NO. 2017-36 deferred – 12/21/2017

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.

Open Hearing

Edward Suffren, attorney for JW Colonial Group, LLC – original proposal was for 6 lots – now they are requesting 6 lots with a change in design for a buffer lot along Colonial of 150 ft. They are hoping to open an assisted living center. This is a substitute plan – the applicant is not seeking a waiver or special use. They just want to sell the lots.

Andy Arboro of The Blake at Colonial spoke saying there is a community need for an assisted living facility. He has received 12 enquiries about the open date. They will create 70 full time jobs and 100's of construction jobs. The payroll will be \$2.5 million - \$180,000 in property tax – both parish and city taxes; serve as a catalyst for other businesses.

The Mayor asked for the plan to forward to the council.

Councilman Wheeler said the figures are just an estimate.

Tommy Budde, a planning & zoning board member said there are numerous issues – he voted against. It is in Harahan's best interest, it could be a win-win situation – a first class residential neighborhood will be developed, but it will take leadership. The property taxes are peanuts. There are challenges – talk it out and improve everybody's situation.

Robert Johnson, Riverside – the council is putting the cart before the horse. This seems to be a new plan. The new plan may be great stuff that everyone will want, but we need more time on this matter so the development agreement can be redone. The citizens haven't seen the new plan.

Council Discussion

Councilman Johnston asked that questions be answered. Where is the residential buffer – he wants Lot 3, but it looks like it is commercial. We discussed having a residential buffer in that area.

Mr. Ducote, one of the owners said it would be appropriate to have residential facing residential – 2 acres – Lot 3 will be residential. He promises.

Councilman Johnston said they will give commercial in a different area.

The Mayor asked Mr. Buras about advertisement, transparency, changing the lines and putting the cart before the horse. Mr. Johnson was correct we need more time.

Mr. Buras said his objective is to be sure the city is not sued over whatever is done on Colonial and the city agrees to – we have to be able to defend this. It needs to be done correctly. A plot plan and floor amendments were given to him tonight – but it has extra language. This is a new plot plan that has not been seen by the Planning & Zoning Board. Lot 3 would be reserved for development (commercial or residential). The property is currently zoned commercial – not residential. This parcel of property is bound by the development agreement it is 1 commercial lot of record.

Councilman Huete said that's not right, don't mislead everyone.

Mr. Buras said he is not misleading anyone – he has the development agreement in his hands. The commercial lot is one lot of record. The subdivision needs to be presented to the zoning board.

Mr. Ducote said it doesn't – Mr. Villavaso wrote the book and he is here.

Mr. Buras said that this should be done the right way and that is to go before the zoning board again and follow the proper procedure. Everyone is agreed that The Blake is good for the city, but he wants it done correctly.

Councilman Huete asked what lawsuit are we talking about – this is the same stuff – we are not doing anything against the law. She said that it has been re-sub'd as C-1 – she hasn't heard any concerns.

Mr. Buras said when you are dealing with contentious items you need to be careful. He read the law – it needs to be approved by the zoning board & city engineer and then to the council. This was not before the zoning board.

Councilman Huete said that this would be exactly what went to the zoning board if the property owners hadn't made concessions that certain city councilmen and the surrounding neighbors asked for, we would be looking at the exact submission that went to the zoning board.

Mr. Suffren said that is correct.

Councilman Benton said they did not ask for this.

Councilman Huete said 3 years ago the residents on the street that would be directly affected by the commercial property, asked for this and fellow council members requested this change and if they didn't make concessions we would be looking at the exact submission that went to the zoning board. We can revert back.

Mr. Ducote said that the side setback for commercial property is 5 ft.

Mayor Miceli asked Mr. Buras to repeat what he said.

Mr. Buras said he spent a lot of time writing the amendments and now they are changed. He said the agreement says there is 1 lot of record.

Councilman Huete disagreed.

Mr. Buras said that under the zoning code you have to come back to the Planning & Zoning Board to have the plot plan approved. I want to explain to a judge that we did our due diligence.

Councilman Huete disagreed and said that this is okay to do.

Mr. Buras read the law to the Council. It must be approved by the city engineer and the Planning & Zoning Board.

Councilman Huete said this went to the Planning & Zoning Board and the people are asking for changes that were presented to the council in this – the zoning board did not approve it, it's up to the council to vote on it.

The Mayor said this is too important to ram down the throats of our citizens. We shouldn't be doing this on the fly – it is too important.

Council Benton said the agreement calls for a 75' buffer instead of a 150' piece of ground that could be changed in the future.

Mr. Buras said the development agreement calls for a 75 ft. buffer on the Colonial side, except for the commercial part.

Mr. Ducote said that was not correct – the buffer is not on the commercial side, it is on the 40 acres. We are trying to do what the community wants.

Mr. Buras said he is trying to determine what you are doing. So houses will be facing along Colonial.

Councilman Benton said she asked for 75ft. from Jefferson Hwy. to the driveway in the back. She doesn't know where the 150' came from. The city cannot stop you if you change your mind.

The Mayor said this is too important to ram down the citizen's throat with this many amendments on this property without being properly advertised or approved by the zoning board – it is not legal.

Councilmen Benton asked why the 150' – Councilman Johnston spoke over her, but could not be deciphered.

Mr. Ducote said the standard lot is 75' x 150'.

Councilman Benton said leaving it at 150' leaves the people vulnerable to changes in the future. You can get your vote today – but people will be suing.

Mr. Ducote said the people want the 150'.

Mr. Buras – but the development agreement says differently.

Mr. Ducote said this plan is in compliance.

A motion was made by Councilman Johnston and seconded by Councilman Wheeler to add the floor amendment to the Ordinance.

The city clerk read the ordinance with the amendment. (See attached)

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

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: Benton

ABSENT: None

MOTION APPROVED – ORDINANCE AMENDED

The Mayor called for a 5 minute recess at 10:46 p.m.

The meeting was called back to order at 10:56 pm

A motion was made by Councilman Johnston to amend the floor amendment (see attached) seconded by Councilman Wheeler to approve the amendment to the floor amendment.

Council Discussion:

Councilman Benton said that never in negotiations do developers give more than what was agreed upon. You have to ask yourself why – and this stinks to high heaven.

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

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: Benton

ABSENT: None

MOTION PASSES AMENDMENT TO THE FLOOR AMENDMENT ADOPTED

Mayor Miceli asked the council to defer the vote on the ordinance to give the public the chance to understand what is being done.

Councilman Johnston said he met with them and the other councilmembers did too and they agreed to do what we want.

Mayor Miceli said so the public are the only ones who don't know what is going on.

Councilman Baudier said for many years we have been told to put residential on this property. He doesn't think the property values will be decreased. There will be houses facing Colonial with sidewalks and the street for access.

Councilman Wheeler said this is done at the request of the residents.

A motion was made by Councilman Johnston and seconded by Councilman Wheeler to amend the floor amendments to add Section No. 8. (See attached)

Section 8. That Lot 3 of the re-subdivision plan shall be restricted to residential use as described in Section 5 of the "Development Agreement for retail shopping center and additional acreage within the City of Harahan" appended to Ordinance No. 1777.

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

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: Benton

ABSENT: None

MOTION PASSES AMENDMENT TO THE FLOOR AMENDMENT ADOPTED

The Mayor said this should be deferred so the public could see it.

Councilman Johnston said they met with the developers and they gave us what we (the council) wanted.

Councilman Baudier said he did not suggest 150' setback. Property values will not decrease – we will get more taxes. I want to do what's right, but I don't see what's wrong.

The Mayor said you saw this, shouldn't the public be given the same consideration.

Councilman Wheeler said it is one lot divided into 6 lots

Councilman Benton with the 75' buffer there could be a walking path for the whole community – this is not what the residents want. I wasn't at the meeting, but I heard Councilman Baudier brought up the matter.

Councilman Huete called for a vote.

A motion was offered by Councilman Huete and seconded by Councilman Wheeler to proceed with the vote on the ordinance.

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

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: Benton

ABSENT: None

ORDINANCE APPROVED AS AMENDED

ORDINANCE NO. 1841 previously Proposed Ord. No. 2017-37, which was vetoed 1/5/2018

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

The City Clerk read the Ordinance by title only.

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 Mayor read the reasons she vetoed this Ordinance. (See attached)

Open Public Hearing

No one spoke

Close Public Hearing

Council Discussion:

None

A motion was made by Councilman Johnston and seconded by Councilman Wheeler 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 – VETO OVERRIDDEN

PROPOSED ORDINANCE NO. 2017-38

Councilman Wheeler withdrew the Ordinance.

PROPOSED ORDINANCE NO. 2017-39

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

The City Clerk read the Ordinance by title only.

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. (Harahan Police Department)

Councilman Wheeler offered a motion to defer the vote to the next meeting seconded by Councilman Johnston.

The Mayor called for the vote.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ORDINANCE DEFERRED TO THE FEBRUARY MEETING.

PROPOSED ORDINANCE NO. 2017-40

ORDINANCE APPROVED EARLIER IN THE MEETING.

PROPOSED ORDINANCE NO. 2017-41

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

The City Clerk read the Ordinance by title only.

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. (Civil Service Board)

Open Public Hearing

No one spoke

Close Public Hearing

Council Discussion:

Councilman Wheeler said she withdrew the Civil Service Budget because she wants to make the changes within the 2017 budget. She listed the changes she wants to make:

Legal fees line 53 – reduce by \$1,200 and move those funds to page 21 under civil service – line 11 – salaries – increase to \$3,600. This is to pay Ms. Whittle the raise granted by the Civil Service Board in July, 2017.

A motion to amend the ordinance was offered by Councilman Wheeler, seconded by Councilman Johnston as previously stated.

The Mayor called for the vote on the amendment.

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: Benton

ABSENT: None

MOTION PASSES

Councilman Benton said the council does not have to do this just because the state board did it. She said that Ms. Whittle has been doing this for 3 years, but the secretary taking the council minutes had been paid the same for 15 years, but now the council has reduced the salary from \$3,000 to \$1,000 but doubled the civil service board secretary's salary to \$400.

Mr. Credo – atty. of Civil Service Bd. said the board is an odd animal – it's a state board – created by state statute. The City of Harahan is mandated to pay state fees. There is a mandamus pending to force the city to pay state fees. Ms. Whittle is not an employee of the city, she is an employee of the state.

Councilman Benton – said the money should be allocated proportionately to the Police and Fire Dept. instead of taking this from the Mayor's budget. This gives a police dept.'s employee a raise.

Ms. Lulue said the auditor's recommended that the city break up the amount divided between the Police & Fire Depts. based on number of employees.

Ms. Lulue said the auditors can do it if they wanted to do it.

Mayor Miceli asked what other choices did the civil service board present.

Mr. Buras said if the civil service board gave Ms. Whittle the raise and the governing authority has to pass it.

Councilman Johnston asked if they can move the money donated by Jefferson Parish for the police dept. He isn't voting for it because the Mayor overspent.

Ms. Lulue said that money was dedicated to the Capital Projects fund budget.

Councilman Wheeler said the only amendment she is voting for is the raise for Ms. Whittle.

Mayor Miceli said this means you're only voting for those 2 lines.

Councilman Wheeler said if this can't be done, she will reintroduce her ordinance for civil service in February.

Mr. Buras said there are certain things the city is required to do and if you don't appropriate money, the court will take the money to pay whatever. He gave himself as an example – the city must pay the attorney. He said the mandamus is flawed and he would like to litigate the mandamus.

Councilman Wheeler said there were other funds paid out of Civil Service with no allocations.

Mr. Buras said the state law mandates that those fees be paid.

Councilman Wheeler said there were other funds paid out from Civil Service that were not allocated. There are negative line items. She questioned why can't they pay Ms. Whittle until they pass the ordinance?

Mr. Buras said there are certain things the city is required to do and if you don't appropriate the money – the state will do it. You have an obligation to approve it. The law is not clear whether it be done by ordinance or resolution.

Mr. Buras said let's get the approval matter– get the approval done and the Mayor has to take the money from where she can. He asked Mr. Credo is he is happy with the resolution. He said he was blindsided by.

Councilman Wheeler said they sent notice to the city that the board was filing a mandamus. We got bills of up to \$15,000, Chief St. Cyr said it would have cost \$1,500 and Chief Walker said \$6,000.

Mr. Buras said the check will be cut if the resolution is passed.

Mayor Miceli said she will be chastised for paying this without allocation.

Mr. Credo said they could adopt a resolution then the check could be cut. His interest is to just get it done. He no-charged \$2,000 for November because it was on redundant work.

Councilman Wheeler withdrew her amendments and said she will bring up her ordinance again.

A Motion to amend the agenda was proposed by Councilman Wheeler seconded by Councilman Johnston to add the following Proposed Resolution No. 2018-1.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

RESOLUTION 2018-1

Councilman Wheeler read the resolution.

The City of Harahan hereby approves the pay increase for the Secretary of the Civil Service Board as approved by the Civil Service Board effective on July 1, 2017 from \$200 a month to \$400 a month.

A motion was made by Councilman Wheeler and seconded by Councilman Johnston to approve the Resolution.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

RESOLUTION APPROVED

A motion was made by Councilman Wheeler and seconded by Councilman Johnston to withdraw Councilman Wheeler's amendment to Proposed Ord. No. 2017-41.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

A motion was made by Councilman Johnston, seconded by Councilman Benton to approve the ordinance.

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

YEAS: Benton

NAYS: Baudier, Huete, Johnston, Wheeler

ABSENT: None

ORDINANCE FAILS

ORDINANCE FOR INTRODUCTION (First Reading)

The following Ordinance was proposed by Councilman Benton.

The City Clerk read the following ordinances.

PROPOSED ORDINANCE NO. 2018-1

An Ordinance relating to drainage maintenance around the City of Harahan to be performed during the Fiscal Year ending December 31, 2018.

PROPOSED ORDINANCE NO. 2018-2

The following Ordinance was proposed by Councilman Benton.

The City Clerk read the following ordinances.

An Ordinance relating to asphalt repairs around the City of Harahan to be performed during the Fiscal Year ending December 31, 2018.

OLD BUSINESS

1. Civil Service Board Appointment

Council Discussion:

A motion was made by Councilman Wheeler seconded by Councilman Johnston to defer to the next meeting due to time restraints.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

2. Gary Verheide, Vice President of the HHPA (Harahan Horseshoe Pitchers Association)

Roy Willy spoke in place of Mr. Verheide, stating they have the insurance and want to go forward with the lighting.

Mayor Miceli said they would need an alcohol rider on the insurance policy.

Mr. Willy said they will get that as soon as possible. Fabacher has quoted from \$500-\$700 to install the lighting.

Mayor Miceli said they need to sit down and type up the agreement.

A motion by Councilman Johnston seconded by Councilman Wheeler to move the Feb. 15th meeting to Feb. 22nd due to Mardi Gras.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSED

A motion to amend the agenda to add the high content ABO permit for R & E Jefferson, LLC located at 6492 Jefferson Hwy. to the February meeting by Councilman Wheeler, 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 PASSED

A motion to defer the ABO permit by Councilman Wheeler, 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 PASSED

A motion was made by Councilman Johnston seconded by Councilman Wheeler to appoint Councilman Baudier as Mayor Pro Tem 2018.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSED

ADDRESS THE COUNCIL- None

SECRETARY'S REPORT

Secretary's report for December, 2017

Total revenue \$1,778,322.10.

REPORTS

None

PAY BILLS

Bill's paid in December, 2017

Total expenditures \$681,554.74

EXECUTIVE SESSION

None

ADJOURN

A motion was offered by Councilman Johnston and seconded by Councilman Wheeler to adjourn at 11:58 p.m.

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 11:58 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.; 24th JDC, Case 744-961, Div. "I"**
- 2. Suzanne K. Scalise vs. City of Harahan LA, Anne Gordon, Louise Slayden, Ronald Gordon, Gail Gordon; 24th 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, 24th 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: