

**City of Harahan
6437 Jefferson Highway
Mayor and Harahan City Council
Regular Meeting Minutes**

Date: May 21, 2020

Time: 7:00 P.M.

Mayor Baudier opened the meeting at 7:00 pm.

The Pledge of Allegiance was led by the Clerk.

ROLL CALL

Present: Councilman Asbill, Councilman Budde, Councilman Chatelain, Councilman Johnston, Councilman Wheeler, Mayor Baudier, Police Chief Walker, Finance Director Todd Tournillon, City Attorney Scott Stansbury and City Clerk Nicole Lee

Absent: Fire Chief Todd St. Cyr

Mayor Baudier asked for a motion to amend the agenda to add Executive Session for the Wood Materials Case, 24th JDC, Case No. 761-783, Div. K.

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

Motion by Councilman Johnston, seconded by Councilman Wheeler to add Executive Session to the agenda.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Mayor Baudier asked for a motion to amend the agenda to add New Business No. 4. High Content ABO application for Uncle Matts, located at 2303 Hickory Ave.

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

Motion by Councilman Asbill, seconded by Councilman Johnston to add New Business No. 4 to the agenda.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

SPECIAL PRESENTATIONS

1. Chief Walker – Current State of the Harahan Police Department.

APPROVAL OF MINUTES

Reading of the Minutes of the Virtual Council Meeting on April 30, 2020.

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

Motion by Councilman Asbill, seconded by Councilman Johnston to dispense with reading of the minutes.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Approval of the Minutes of the Virtual Council Meeting on April 30, 2020.

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

Motion by Councilman Johnston, seconded by Councilman Chatelain to approve the minutes.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES/MINUTES APPROVED

COMMUNICATIONS

No Communications.

RESOLUTIONS

The following resolution was offered unanimously by the Council:

PROPOSED RESOLUTION NO. 2020 – 2

A resolution authorizing the Harahan City Council to adopt the updated 2020 Multijurisdictional Hazard Mitigation Plan Update prepared and completed by City of Harahan, Jefferson Parish Floodplain Management and Hazard Mitigation Department, and Barowka and Bonura Engineers and Consultants, LLC (BBEC) under contract RP-0352, utilizing funding provided from HMA Grants FMA-PL-06-LA-2016-008 and PDMC-PL-06-LA-2016-002. (Parishwide)

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

No Council discussion.

Motion by Councilman Budde, seconded by Councilman Wheeler to proceed with the vote.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES/RESOLUTION ADOPTED

The following resolution was offered unanimously by the Council:

PROPOSED RESOLUTION NO. 2020 – 3

A resolution of the City Council of the City of Harahan adopting the 2019 Louisiana Compliance Questionnaire.

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

No Council discussion.

Motion by Councilman Johnston, seconded by Councilman Wheeler to proceed with the vote.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES/RESOLUTION ADOPTED

The following resolution was offered unanimously by the Council:

PROPOSED RESOLUTION NO. 2020 – 4

Resolution accepting the Municipal Water Pollution Prevention Environmental Audit Report for the period of January 1, 2019 to December 31, 2019, and to inform the Louisiana Department of Environmental Quality that the following actions were taken and additional actions will be taken by the City of Harahan.

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

No Council discussion.

Motion by Councilman Johnston, seconded by Councilman Asbill to proceed with the vote.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES/RESOLUTION ADOPTED

ORDINANCES FOR APPROVAL

The following ordinance was proposed by Councilman Chatelain and seconded by Councilman Wheeler:

PROPOSED ORDINANCE NO. 2020 – 5

An Ordinance approving the filed platted re-subdivision of Lots 3 and 6, Colonial Center, and Lot A-2B, Soniat or Tchoupitoulas Plantation Subdivision, City of Harahan, Parish of Jefferson, State of Louisiana and the creation of drainage, sewer, utility and other servitudes all pursuant to a plan made by Ronald Clement, P.L.S., dated July 24, 2019, last revised as a final plan on December 3, 2019.

Mayor Baudier opened the public hearing.

1. Ed Suffern

Councilman Asbill read the following amendments:

1. After the title of ORDINANCE NO. 2020-5 insert the following:

(Corrected)

2. At the end of the introductory paragraph starting with the words "An Ordinance approving" and after the words "dated July 24, 2019, delete the word "last" and at the end of the paragraph following "December 3, 2019" insert the following: ", revised to show setbacks on January 21, 2020, revised February 10, 2020 to update setbacks and plat notes, and last revised March 4, 2020 to update plat notes and clarify zoning statement".

3. In the first WHEREAS paragraph, after the words "dated July 24, 2019" insert the following: ", revised as a final plan on December 3, 2019, revised to show setbacks on January 21, 2020, revised February 10, 2020 to update setbacks and plat notes, and last revised March 4, 2020 to update plat notes and clarify zoning statement";

4. In the second WHEREAS paragraph after the words "November 6, 2019, recommended" insert the following: "preliminary" before the words "approval of said plan".

5. In the third WHEREAS paragraph after the words "as a Preliminary Plat by the adoption of Ordinance No. "delete the numbers "2019-26" and insert in lieu thereof "1879".

6. Insert a new fourth and fifth WHEREAS paragraph to read as follows: WHEREAS, no conditions were established within the preliminary plat approval and no new public infrastructure is required for development and sale of the Colonial Place, Phase 1, Lots 1-8; and

- WHEREAS, the Planning and Zoning Commission of the City of Harahan at its meeting held on February 5, 2020, recommended final plat approval of said plan of resubdivision, and utility servitude dedication as indicated thereon; and

7. In the original fourth WHEREAS paragraph, now the sixth WHEREAS paragraph after the words "City of Harahan determined that" delete the words "the Preliminary" and insert the words "a separate conditional plat approval is unnecessary, and the Final Resubdivision" before the words "Plat of Ronald Clement" and in that same paragraph after the words "Ronald Clement, P.L.S. shall be" delete the word "considered" and insert the words "approved as" and after the words "would create smaller lots" insert the words "and further provided that Lots 1-8 shall have a 40 foot front setback from the property line, a side setback of not less than 15 feet total with no less than 6 feet on either sideline with 10 foot wide sidewalks along Colonial Club Drive, and further provided that newly created Lot A-2B-1, Soniat

or Tchoupitoulas Plantation, be restricted to conditions of Lot A-2B, Soniat or Tchoupitoulas Plantation, as set forth in Ordinance No. 1777 and that certain "Development Agreement for Retail Shopping Center and Additional Acreage within the City of Harahan" (the "Development Agreement")".

8. In the original fifth WHEREAS paragraph, now the seventh WHEREAS paragraph after the words "Final Resubdivision Plat" delete the words "of resubdivision" before the words "by Ronald Clement" and after the words "dated July 24, 2019," delete the word "last" before the words "revised as" and after the words "on December 3, 2019" insert the words "revised to show setbacks on January 21, 2020, revised February 10, 2020 to update setbacks and plat notes and last revised March 4, 2020 to update plat notes and clarify zoning statement" before the words "whereby JW Colonial Group". And in that same paragraph after the words "which July 24, 2019" delete the words ", last revised as a final plan on December 3, 2019" and insert the words "plan, revised as a final plan on December 3, 2019, revised to show setbacks on January 21, 2020, revised February 10, 2020 to update setbacks and plat notes, and last revised March 4, 2020 to update plat notes and clarify zoning statement" before the words "is attached hereto".

9. In SECTION 1, after the words "dated July 24, 2019," delete the word "last" and after the words "final plan on December 3, 2019" insert the words "revised to show setbacks on January 21, 2020, revised February 10, 2020 to update setbacks and plat notes, and last revised March 4, 2020 to update plat notes and clarify zoning statement" and after the words "hereby approved as a Final" insert the word "Resubdivision" before the word "Plat;" and after the words "smaller lots shall be prohibited" insert the words "and further provided that Lots 1-8 shall have a 40 foot front setback from the property line, a side setback of not less than 15 feet total with no less than 6 feet on either sideline with 10 foot wide sidewalks along Colonial Club Drive, and further provided that newly created Lot A-2B-1, Soniat or Tchoupitoulas Plantation, be restricted to conditions of Lot A-2B, Soniat or Tchoupitoulas Plantation, as set forth in Ordinance No. 1777 and the Development Agreement".

10. In SECTION 2, after the words "of Ronald Clement, P.L.S.," insert the words "dated July 24, 2019, revised as a final plan on December 3, 2019, revised to show setbacks on January 21, 2020, revised February 10, 2020 to update setbacks and plat notes, and last revised March 4, 2020 to update plat notes and clarify zoning statement" and before the words "is hereby approved".

11. In SECTION 3, after the words "dated July 24, 2019," delete the word "last" before the words "revised as" and after the words "on December 3, 2019" insert the words ",revised to show setbacks January 21, 2020, revised February 10, 2020 to update setbacks and plat notes, and last revised March 4, 2020 to update plat notes and clarify zoning statement," and before the words "shall be". And in the same section, after the words "shall be" delete the word "considered" and insert the words "approved as" and before the words "a Final" and after the words "a Final" insert the word "Resubdivision" and before the word "Plat". And in the same section after the word "Plat" delete the word "Plan" and after the words "for all purposes" delete the words "and which" and insert ", that a conditional plat approval shall be dispensed with as unnecessary and the Final Resubdivision Plat" before the words "shall be recorded".

12. In SECTION 6, after the words "may be in conflict with this ordinance are hereby repealed;" insert the words "; provided, however, this ordinance shall not abrogate, modify or repeal the terms of Ordinance No. 1777 and the Development Agreement except to the extent such ordinances or the Development Agreement are in direct conflict with the terms of this subdivision ordinance".

13. Add SECTION 8, as follows: "SECTION 8. For purposes of clarity, and in connection with the future review and interpretation of the Development Agreement, any reference to Lot A-2B shall hereinafter mean and include Lot A-2B-1".

14. Add SECTION 9, as follows: "SECTION 9. The signing of this Ordinance

and Plat shall be subject to an additional revision of the Final Resubdivision Plat to include the following Plat Note on Sheet 2: "A portion of this property is subject to additional restrictions as defined in Ordinance No. 1777 and that certain "Development Agreement for Retail Shopping Center and Additional Acreage within the City of Harahan" (the "Development Agreement") between the City of Harahan and J.W. Colonial Group, LLC executed on September 18, 2014."

15. In the final paragraph, after the words "day of _____," delete the number "2019" and insert "2020".

Mayor Baudier closed the public hearing.

Motion by Councilman Asbill to amend the ordinance as read into record.

Mayor Baudier opened the public hearing.

PUBLIC HEARING:

1. Judy Johnson

Mayor Baudier closed the public hearing.

COUNCIL DISCUSSION:

1. Asbill

2. Wheeler

3. Budde

Motion by Councilman Asbill, seconded by Councilman Johnston to amend Section 9 to include the words, after a portion of this property, "including, but not limited to, currently designated Lot A-2B-1,"

Motion by Councilman Asbill, seconded by Councilman Wheeler to adopt the amendment to the amendments.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Motion by Councilman Asbill, seconded by Councilman Wheeler to adopt the floor amendments as amended.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

No Council Discussion.

Motion by Councilman Asbill, seconded by Councilman Wheeler to proceed with the vote of the ordinance as amended.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES/ORDINANCE ADOPTED AS AMENDED

The following ordinance was proposed by Councilman Asbill and seconded by Councilman Wheeler:

PROPOSED ORDINANCE NO. 2020 – 6

An ordinance repealing Ordinance No. 928, (Adopted 11/15/1986) and eliminating Harahan Code of Ordinances Section 34-2 and the related annual fire department service charge.

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

Motion by Councilman Asbill, seconded by Councilman Wheeler to defer ordinance.

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

YEAS: Asbill, Budde, Johnston, Wheeler

NAYS: None

ABSENT: Chatelain

MOTION PASSES/ORDINANCE DEFERRED

The following ordinance was proposed by Councilman Asbill and seconded by Councilman Johnston:

PROPOSED ORDINANCE NO. 2020 – 7

An ordinance to amend Ordinance No. 1883, with regard to discarding bulk waste during the pendency of a tropical cyclone.

Mayor Baudier opened the public hearing.

PUBLIC HEARING:

1. John Riehm

Mayor Baudier closed the public hearing.

COUNCIL DISCUSSION:

1. Asbill

2. Budde

3. Chatelain

4. Mayor Baudier

Motion by Councilman Asbill, seconded by Councilman Johnston to amend Line No.'s 51, 52 and 53, by adding a comma after "maximum permitted by law" and removing the language "in addition, if City contractors were required for emergency abatement, the liable party will be responsible for the maximum fine allowable under the law."

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

Motion by Councilman Asbill, seconded by Councilman Budde to approve amendments.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES/AMENDMENTS APPROVED

Motion by Councilman Asbill, seconded by Councilman Budde to proceed with the vote of the ordinance as amended.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES/ORDINANCE ADOPTED AS AMENDED

ORDINANCES FOR INTRODUCTION (FIRST READING)

No Ordinances for Introduction.

OLD BUSINESS

No Old Business.

NEW BUSINESS

1. Todd Tournillon, Finance Director – monthly financials with budget to actual comparisons.

Todd Tournillon gave budget update.

COUNCIL DISCUSSION:

1. Budde

2. Wheeler

2. Planning and Zoning Board dismissal/appointment.

Motion by Councilman Asbill, seconded by Councilman Johnston to defer.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

3. Harahan Police Department Civil Service Board Representative, Sergeant Jordan Bloomer.

Assistant Chief Moody spoke.

COUNCIL DISCUSSION:

1. Budde

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

Motion by Councilman Asbill, seconded by Councilman Budde to accept nomination.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

4. High Content ABO application for Uncle Matts, located at 2303 Hickory Ave.

Chief Walker spoke.

Mayor Baudier opened the public hearing.

No one spoke.

Mayor Baudier closed the public hearing.

Motion by Councilman Asbill, seconded by Councilman Johnston to approve ABO.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

ADDRESS THE COUNCIL

1. John Riehm

2. Judy Johnson

SECRETARY'S REPORT

Secretary's report for April, 2020

Total revenue \$291,803.25

REPORTS

Police Chief Walker

Fire Chief St. Cyr - absent

Councilman Asbill - no report

Councilman Budde - no report

Councilman Chatelain - no report

Councilman Johnston - no report

Councilman Wheeler - no report

Mayor Baudier

Motion by Councilman Asbill, seconded by Councilman Johnston to call for a 5 minutes recess at 8:12 p.m.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Meeting resumed at 8:17 p.m.

PAY BILLS

Bill's paid in April, 2020

Total expenditures \$574,242.66

EXECUTIVE SESSION

Motion by Councilman Asbill, seconded by Councilman Budde to enter into Executive Session at 8:21 p.m. to discuss the Wood Materials Case, 24th JDC, Case No. 761-783, Div. K.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Meeting resumed at 8:37 p.m.

ADJOURN

Motion by Councilman Asbill and seconded by Councilman Budde to adjourn the meeting at 8:37 p.m.

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

YEAS: Asbill, Budde, Chatelain, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES/MEETING ADJOURNED

- A. The following matter involving pending litigation may be considered (Court, Case, Number, Parties):
 1. Wood Materials LLC, Wood Resources LLC v. City of Harahan, 24th JDC, Case 761-783, Div. "K"
 2. Gulf Coast Underground v. City of Harahan, 24th JDC, Docket No. 801282, Div. "J"
 3. Michael Wright v. City of Harahan, et al, US District Court, Civil Action No. 19-13529, Sect. F(5)
- 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:

Submitted by: Nicole Lee
Nicole Lee, City Clerk