

CITY OF HARAHAH
6437 JEFFERSON HIGHWAY, HARAHAH, LOUISIANA
MAYOR AND HARAHAH CITY COUNCIL
March 20, 2014

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Mayor Mosca, Councilman Baudier, Councilman Chatelain, Councilman Huete, Councilman Landry, Municipal Clerk Nicole Lee, City Attorney David Courcelle, Police Chief represented by Captain Manuel Adams;

Absent: Councilman Murray, Fire Chief Todd St. Cyr.

Mayor Mosca announced that FEMA has forgiven our Katrina loan in the amount of \$370,000 and in addition, he received a letter from the federal government indicating that the city will be participating in a federal action that will give the city 10% of forfeiture funds. The program started a year ago which required that the city hire 2 agents – one DEA and one FBI. The latest forfeiture was \$1,300,000 which will return 10% for the city or \$130,000. The city will be receiving \$320,000 from the seizures by the end of the year for the 2015 budget. The city is still awaiting a check for \$280,000 from Hurricanes Gustav and Isaac.

Capt. Adams gave Chief Lorenzo's February report. They have solved several home burglaries with the arrest of the perpetrator and return of their property. He reminded everyone about the millage election for 6 mills for the police department.

Mayor Mosca called a representative from Blue Flash Plumbing to the podium. They will be working on the sewer improvement project with Meyer Engineers. Smoke testing will be done to identify infiltration problems. Citizens will be notified prior to testing.

Mayor Mosca said that the reason for doing this was so that future generations will be able to flush their toilets with confidence. He also announced that Hickory Ave. will be closed until June at the Lions Club and River Road will also be closed for 9 months due to the pump to the river project. He announced that 10th St. is open to bypass the project.

SPECIAL PRESENTATIONS

The Fair Housing Center presented Margaret Caruso's resolution for the Personal Care Home on Colonial Club Dr. He stated that the Federal Fair Housing Law allows these types of homes in a residential area and it is also the policy of the state of Louisiana. It is called Aging in Place for the elderly to live in a residential home. It is no different from any other home. The Federal law requires that the city make an exception to the zoning law for this use. If the city chooses not to make the exception, a federal court will come in and make the decision and the city will lose control of the property.

Mayor Mosca said there are citizens here that have questions. The council had no comments.

Mayor Mosca said he had received a letter concerning parking and traffic problems.

Mr. Theis said all parking will be off street with 2 in the garage and 3 other spaces on-site.

Allan Grimes, a neighbor said the parking is a problem since possibly the residents will have cars. There will be 8 people and a worker – which means 9 cars on site. He said he will do his best to vote Dana Huete out of office. He understands that this will be pushed down our throats. It will mess up the whole neighborhood.

Mrs. Grimes said she doesn't want to stop the elderly from living there – but it would be better in a different neighborhood. She asked if the residents would only be Harahan residents. She said there are a lot of other places that could be used. She said it is a business and they don't want a business in their neighborhood.

Margaret Caruso, owner of 1009 Colonial Club Dr. The elderly must be disabled and need assistance in some area to qualify to live in these homes. There will be no cars outside of the workers and visitors. There will be 6 residents with 1 employee – with 8 residents there will be 2 employees. Visiting hours are set by the state.

Mr. Theis stated that the residential areas of the city are the best place for these types of homes.

Mayor Mosca asked if it could be limited to one home in the city.

Mr. Theis stated that there are no guidelines for that but there is a necessity analysis done and if the need is served the city could turn down another home.

Councilman Landry asked the possibility of a lawsuit if another home is turned down and also about a ratio to the population of the city for the amount of residences.

Mr. Theis you would have a better defense.

Mrs. Grimes asked if Ms. Caruso owned any other homes. Mrs. Grimes wants it in a different area. She asked who's to say that only 8 residents need a personal care home in Harahan.

Ms. Caruso said no, this is will be her first.

Mayor Mosca said it would be better for the city officials to set up the rules and keep control of the situation rather than have a federal judge decide for us.

City Attorney Courcelle explained that in another case, a Judge took control to the detriment of the city. The city took action per the court to improve the situation – but the court directed it.

Councilman Landry asked if it should be adopted as an amendment to the zoning ordinance and not a resolution.

Mr. Courcelle said yes, an ordinance is needed, because a resolution does not solve the situation. If the city is sued, the federal court may strike down the zoning law if the amendment is not added.

Mayor Mosca suggested that the proposed resolution be read as an ordinance for first reading, let it go to planning & zoning and give the residents 2 more times to express their opinions.

Mr. Theis said the waiver does have the effect of law. He will work with the city to write an ordinance that would be acceptable to the city. He said they have precedence for a lawsuit already, since they have already turned down an ordinance change.

Councilman Landry said they are trying their best to do this, but Ms. Caruso keeps threatening a lawsuit.

Mr. Theis said it was sent to the Planning & Zoning board and the council turned it down. The city asked for a narrowing of the request. We presented a narrower request with the waiver and no one said it did not have effect of law. Now you want another ordinance. This is just another delaying tactic. He asked that they either pass or turn down the resolution.

Councilman Landry said that there was a large wave of objections to the ordinance change and our law is our law so it was voted down.

Mayor Mosca said this is more of a settlement to try and come up with a solution that is amenable to the city and yet restrictive in the sense of opening the door to these homes.

Councilman Baudier said that none of the residents want it and it comes down to us against the federal government. He offered a motion to defer again. He asked what happens when there are 9 cars in the driveway. This is a tough situation for everyone. He is not against the house, but the neighbors have come out against it and we are here to represent them. He hasn't heard one person in that neighborhood against it.

Mr. Theis said he does not work for the federal government. He also stated that the cause for the lawsuit was the non-approval of the ordinance last year.

Councilman Chatelain said he pulled his truck into the driveway and only 2 cars could fit. He wants an ordinance to control the situation and if we can't control the situation.

Councilman Landry asked that Mr. Courcelle explain one more time about the lawsuit and what is the reasonable amount of time for an ordinance to pass?

Mr. Courcelle said Ms. Caruso could file a lawsuit at any time. The waiver would allow her to open the home and the city would agree to not cite her. He suggested that it be a permitted use and be added to the zoning law. If it goes to a lawsuit, the judge will make the decision.

Councilman Landry – if the resolution passes and it opens and now she is breaking the law and the law states that I, as a Councilman, shall report it.

Mr. Courcelle said if she has been granted a waiver, she would not be breaking the law.

Mayor Mosca said the city would only be giving her a waiver. He likes Councilman Baudier's idea of an ordinance.

Chris Yochum, 299 Halsey – he bought the 15 years ago with rental property next to him and he would trade 6 elderly residents to the funk balls that live in his neighborhood.

A motion was offered by Councilman Baudier and seconded by Councilman Huete to defer resolution.

Discussion:

Councilman Landry said the attorney said we could be sued if we delay it.

Councilman Chatelain said you never know how a judge will rule, but the threat of a lawsuit won't change his mind; but I don't know what will change my mind.

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

YEAS: Baudier, Chatelain, Huete

NAYS: Landry

ABSENT: Murray

MOTION PASSED

ADDRESS THE COUNCIL

Peter Dale, candidate for Police Chief. Term limited out, but the current elected chief quit – so he is running for re-election.

Tommie Duffy, 103 Orchard Rd. thanked the Harahan Fire Dept. for saving her house from fire. She said she was the director of the Harahan Senior Center for the past 7 months but was no longer there and wanted to apprise the council about a situation she thinks should be looked into. She accused Tim Walker and Richard Kittok of holding an unapproved event at the center on a Saturday morning and said not only did she not know about it, but that she hadn't issued a key. Because of the scene at the Senior Center where she cussed them out, she was fired, but she said the situation is still going on.

Councilman Baudier asked who fired her.

Ms. Duffy replied that JCOA did.

Councilman Baudier further asked on what grounds.

Ms. Duffy replied that on the grounds that she "cussed them out on Saturday" calling them S.O.B's, but said she actually called them "lying S.O.B's."

Councilman Chatelain questioned Ms. Duffy about the Saturday breakfast. He said that as far as he knew only she and the Mayor could issue keys. He asked if she had issued a key for the breakfast.

Ms. Duffy said she had not.

Councilman Chatelain then asked the Mayor if he had issued a key.

Mayor Mosca said he had never issued a key.

Ms. Duffy said this was a planned event and she was not notified about it.

Councilman Chatelain again questioned whether she had issued a key.

Ms. Duffy reaffirmed that she did not.

Councilman Chatelain then asked if they had broken into the center.

Ms. Duffy said no, that one of the Council members had a key, she reiterated that she had not issued anyone a key. Someone on their board has a key because they deliver bread to the center.

Councilman Chatelain said that she and the mayor are the only ones who can issue keys and then asked if she was aware that someone had a key to get in the building.

Ms. Duffy answered yes.

Councilman Huete said since she is the director of the senior center, she should be planning events. She then asked about the employee turn over the past few years.

Ms. Duffy said that since Mr. Mooney passed away there have been 4 coordinators. The only coordinator that was not fired was Richard Kittok's girlfriend.

Councilman Huete said she was notified by Councilman Landry that

Ms. Duffy was fired and wondered when the council would realize that this self appointed group might be the problem.

Ms. Duffy said she didn't know, but she had done her best and could not understand why their board is allowed to do what they do.

Tim Walker, vice president of the Harahan Senior Center, Inc.'s board of directors explained that the breakfast held at the center was the Harahan D.D. Club's

Memorial Service for deceased members and the Mayor had granted approval for the breakfast which was paid for by the DD Club.

Mayor Mosca said he gave approval provided they went through the proper channels. Mrs. Grimes returned to the podium and quoted the Justice Dept. law concerning the Personal Care Home to the council.

Suzanne Scalise, 8429 Huntley Lane, notified the council that her yard is being flooded due to the neighbor's elevation of his driveway and sidewalk which blocked access to the drain. Both neighbors have raised their property and their water is draining onto her property in the middle.

Darlene Schwartz, candidate for Police Chief announced her credentials and reminded people to vote.

Al Majeau, candidate for Police Chief, announced his credentials.

APPROVAL OF MINUTES

A motion was made by Councilman Baudier and seconded by Councilman Chatelain to dispense with the reading of the minutes of the February 20, 2014 Council Meeting.

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

YEAS: Baudier, Chatelain, Huete, Landry

NAYS: None

ABSENT: Murray

MOTION APPROVED

A motion was made by Councilman Baudier and seconded by Councilman Chatelain to approve the minutes of the February 20, 2014 Council Meeting.

The Mayor called for a vote. The vote was:

YEAS: Baudier, Chatelain, Huete, Landry

NAYS: None

ABSENT: Murray

MOTION APPROVED

COMMUNICATIONS

BOARD OF ADJUSTMENT AND APPEALS

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

PLANNING & ZONING BOARD

The Planning & Zoning Board did not meet in March.

RESOLUTIONS

The following resolution was offered unanimously by the Council.

The Municipal Clerk read the resolution by title only.

1. A resolution granting Amendment No. 2 to the Engineering Agreement with Myer Engineers, Ltd. (an Engineering Firm licensed in the State of Louisiana), associated with the design and installation of two (2) sewage effluent pumps at the City of Harahan's Waste Water Treatment Plant, a project funded by the Hurricanes Gustav & Ike CDBG Parish-Implemented Disaster Recovery Program through the Jefferson Parish Office of Community Development, for an addition to the project's scope of services. This supplemental agreement will increase the cost of design and construction of the project from \$11,774.00 to \$16,030.30.

Discussion:

None

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

YEAS: Baudier, Chatelain, Huete, Landry

NAYS: None

ABSENT: Murray

RESOLUTION PASSED

2. A Resolution granting a waiver of the four-person limit and non-profit rule in the definition of "Family" found in Section III of the City of Harahan Comprehensive Zoning Ordinance as it pertains to the Property located at 1009 Colonial club Dr. to permit the opening and operation of a state-licensed Personal Care Home, as defined in the Louisiana Administrative Code 48:8813, for up to eight residents. All applicable building and fire code requirements will be applied in the same manner as for single-family uses. This waiver is for the purpose of compliance with the Federal Fair Housing Act, which mandates reasonable accommodation to zoning rules necessary to allow individuals with

disabilities to live in a residential setting.

This Resolution was deferred earlier in the meeting.

ORDINANCES FOR APPROVAL (PUBLIC HEARING)

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

The clerk read the Ordinance by title only.

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

Discussion:

The Mayor said the ordinance was not completely written and asked that it be differed.

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

YEAS: Baudier, Chatelain, Huete, Landry

NAYS: None

ABSENT: Murray

ORDINANCE DEFERRED

ORDINANCE FOR INTRODUCTION (FIRST READING)

The following Ordinance was introduced by Councilman Baudier.

The Municipal Clerk read it by title only.

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

OLD BUSINESS

NEW BUSINESS

1. Annual Eucharistic and May Crowning Procession Sunday, May 4, 2014 after the 11:30 a.m. Mass at St. Rita's. Barricades and police escort needed.

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

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

YEAS: Baudier, Chatelain, Huete, Landry

NAYS: None

ABSENT: Murray

MOTION PASSED

2. Permission to have DJ and free food at the 28 year anniversary of Chosen Cakes & Caterers at 6861 Jefferson Highway #3, Saturday, April 5, 2014, 12-3:00 pm.

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

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

YEAS: Baudier, Chatelain, Huete, Landry

NAYS: None

ABSENT: Murray

MOTION PASSED

3. Motion to engage Federal Employment Attorney.

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

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

YEAS: Baudier, Chatelain, Landry

NAYS: Huete

ABSENT: Murray

MOTION PASSED

ADDRESS THE COUNCIL

None

Mayor Mosca said he has a resignation from the Jefferson Beautification Bd. He asked for recommendations.

SECRETARY'S REPORT

Secretary's report for February, 2014

Revenues \$482,624.89.

PAY BILLS

The Council paid the bills for February, 2014 in the amount of \$545,810.48.

REPORTS

Councilman Baudier reported that Roberts St. (10th St.) is open from Dickory to Hickory.

Councilman Chatelain announced that the Harahan Athletic Assoc. is holding a fund raising function on May 9 at The Courtyard on the Ridge on Folse St. Tickets are \$100 a couple.

Councilman Landry asked everyone to patronize Harahan Businesses. He also asked everyone to vote for the millage.

Councilman Baudier also asked for support for the millage for police.

Mayor Mosca - again acknowledged the cancelled loan from Katrina \$370,000; thanked Vitter and Landrieu for their help. Everyone supports millage. If the millage is passed - he won't back door the money. He stated that Harahan has lowest millage of any local areas.

EXECUTIVE SESSION

ADJOURN

A motion was offered by **Councilman Huete** and seconded by **Councilman Baudier** to adjourn at 9 p.m.

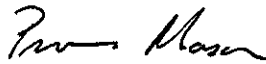
The Mayor called for a vote. The vote was:

YEAS: Baudier, Chatelain, Huete, Landry

NAYS: None

ABSENT: Murray

MOTION APPROVED



Provino Mosca, Mayor



Nicole Lee, Municipal Clerk

- A. The following matter involving pending litigation may be considered:**
 - 1. D Stop Prop LLC vs. Harahan City of, Board of Adjustments and Appeals of the City of Harahan, Case: 729-152 Div: "N".**
- 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: