

The Mayor and Council of the City of Abbeville met for a committee meeting on November 2, 2021 at 5:00 P.M., at the regular meeting place, the Council Meeting Room located at 101 North State Street, Abbeville, Louisiana, with the Honorable Mark Piazza, Mayor, presiding.

Members Present: Council Members Francis Plaisance, Terry Broussard, Brady Broussard, Jr., and Roslyn White

Members Absent: Councilman Francis Touchet, Jr.

Also Present: Ike Funderburk, City Attorney
Chris Gautreaux, Public Works Director
Jude Mire, Fire Chief
Allie Horton, Digital Media Assistant
Sarah Alrough, Director of Revenue, Regulatory Codes & Permits

Mayor Piazza stated we are here for an Ordinance Committee meeting chaired by Councilwoman Terry Broussard. All three of the topics that are on the agenda all apply to our blighted property ordinances of the City.

Mayor Piazza asked if there were any comments from the public on any of the agenda items. There were none.

Mayor Piazza read the three proposed items aloud. The first item would increase the fine limit. The second item would adopt the Louisiana Litter and Penalties statutes. The third item dealt with abandoned or illegally parked motor vehicles. He felt like this one needs the most discussion. Mr. Funderburk has made proposed changes in the ordinance. He will discuss the litter violations as well as blighted property. Sarah is also here. All of our blighted property issues are handled through the Tax and Permit Department. Sarah is the head of that department. She gets all the complaints. He turned the floor over to Ike. Ike stated that he attended the Louisiana Municipal Association continuing legal education seminar for City Attorneys. There were about 20 of them in the room and all the people he spoke to were singing the same song. We are losing population and some of our tax base. We have a lot of blighted property because grandma died and all the kids are gone and all the grandkids are gone and they are not interested in the property. We have crime. These things are interconnected. That blighted property becomes a place where drugs are done and where bad things happen to people. They all fit together. If we don't have the support in one area then we will have system breakdowns in other areas. There was a time in Abbeville when the ordinances for the City reflected the statues for the State of Louisiana. It set forth the policies and procedures for handling litter and blighted property and junk cars. He doesn't know what happened, because he wasn't the City Attorney, but there were some changes made that set up an administrative hearing to take that duty or obligation away from the Council. The Public Works Director conducted the administrative hearings and dealt with all those people who had the blighted property and the junked automobiles. The problem with that is that by doing that we gave up our immunity from lawsuit from the people who owned the vehicles or have a claim that they feel like they have been discriminated in one way or another or they feel like their property has been taken away from them because the property was condemned. What we have been trying to do over the last couple of years is to integrate ourselves back into the system that the State of Louisiana set up for us. In doing that we have made some changes. We can legislate until the cows come home, but if you don't have enforcement, it does no good at all. But if we do not legislate, we will create a vacuum and nature abhors a vacuum. If we do not say, "thou shalt not litter, thou shalt not maintain junk automobiles, etc." then we will become a junk yard. It will get worse. He doesn't have all the answers. He is still trying to ask the right questions. There are some low hanging fruit that we can do without much effort. Within the last couple of years, the legislature has increased the fines that can be charged by municipal courts. Any littering case we have will go to our municipal court. We can increase the penalties from \$500 to \$1,000. Will somebody who has a first offense be fined \$1,000? No, probably not but there is a threat that they can be fined that much. Mayor Piazza asked who charges the fine? Mr. Funderburk stated City Court. The police department would do the investigation or we would

have someone who is a concerned citizen as a witness. The charge would be filed and if the case can be proved, the judge would set the fine and the Marshal is ordered to collect. Mayor Piazza asked how many of these \$500 fines we have collected in the last 6 months? Mr. Funderburk stated we haven't collected any because there haven't been any charges filed. Mayor Piazza asked why we are considering raising it to \$1,000 when we haven't even collected the first penny on the \$500. Mr. Funderburk stated that he is trying to give the City as much leverage as we lawfully can have. Councilman Plaisance asked what are the consequences if they don't pay the fine? Mr. Funderburk stated that they could go to jail. Mayor Piazza stated that this would be a misdemeanor violation and the order would have to come from the judge who is not in this conversation tonight. Mr. Funderburk stated that all we are doing here is bringing us up to speed with what the legislature says that we can fine people. Councilwoman Broussard stated that she is for penalizing for illegal dumping and the litter. She works hard to try to maintain a clean district. Once we get here at the table and decide to go ahead with this and it is not enforced then we are just wasting time and spinning our wheels. She rides her district a lot and she takes pictures and depends on citizens. We ask them to report when there is crime. They don't do that. Mr. Funderburk stated then do we do nothing because we don't think the public will support us? Councilwoman White stated she is 100% on board with raising this to the maximum fine but she does not want the conversation to stop there. We have to discuss the enforcement. She has had conversations with multiple people as well as the Mayor about the need for a compliance officer or an enforcement officer. Do we need to make that a part-time position in the police department where a police officer gets extra pay for it? How can we enforce it and make progress? Having a maximum fine and not collecting it and having no enforcement does us no good. Mayor Piazza stated that we need to see if we can prove to ourselves and let the system do what it is supposed to do and see if we can collect the \$500 before we make all these changes. If you don't enforce it and are not collecting what you have, then he doesn't see the benefit of the change. Making it a larger amount will not deter the public to not violate these ordinances. Sarah Alpoigh asked why does this have to go through a court process? Why can't we lien the property? Mayor Piazza stated because what we are doing for other violations is charging the customer for a service the City performed that the City is getting reimbursed for because the property owner didn't do it themselves and the Council ordered that it be abated. This would be like tearing down a house or cutting the grass in a yard. That has been ordered by the City and we spent that money to have it done. You are putting it on their tax roll to get reimbursed. It is not a fine. It is something different. Mr. Funderburk added that what Sarah is talking about are civil penalties. He is talking about criminal penalties. Councilman Plaisance agreed with the Mayor that we need to try to collect the \$500 before we try to increase it. We are not enforcing a lot of the ordinances in our City now. Mr. Funderburk discussed item number 2. He had sent everyone an email about the changes regarding the littering penalties that were adopted by the Louisiana legislature in 2018. What he suggests is that we adopt it like we have adopted the other state statutes to be part of our ordinances. This deals with the intentional littering and creates criminal penalties. They have a gross littering prohibition and commercial littering. You have a community service for litter abatement work program and legal enforcement with penalties. This brings us up to speed with what the legislature has deemed to be appropriate state wide. He also agrees that we need someone who is dedicated for code enforcement. It's a job all by itself. Councilman Broussard stated that he has suggested this for years. This is a position that would pay for itself with uncollected fines and permits. People are putting up structures in the City without a permit. We could offset that salary with a part-time person doing that. Councilman Plaisance stated that people are creating their own dump sites. Mayor Piazza stated he is happy with this suggested proposal. We should make every effort to try to stifle the illegal dumping and littering. Enforcement is a very difficult situation. We have a new public works director that may have some ideas and we can work with solid waste on some of these issues. You have to have law enforcement back you up when it comes to illegal dumping and littering. Law enforcement has to be there to write tickets. There were no issues with number 2. Mr. Funderburk discussed item number 3. This is a comprehensive of our retelling of our abandoned, junked and illegally parked vehicles. He created another definition where we defined the term improperly stored vehicle. This would mean any vehicle that is stored on private property that is not stored in an enclosed area such as a garage, carport or a fenced area and is visible. We minimized some of the notices that are required because our ordinance was changed which gave them more time than the legislature had given. He is pulling some of that stuff back. We can bring the Department of Wildlife & Fisheries for boats. He realizes that there has been an issue raised in regards to motor vehicles and boats. Sarah stated that the towing companies will not pick up boats because they can't make any money off of them. Solid waste does accept junk boats but most of the junk boats are not on trailers. There is no way to get the boats there. As far as the vehicles that are on private property, the towing

companies won't touch them unless they have an order from a City judge or the City attorney. She can't call them and tell them to pick it up because they will be charged with theft. Mr. Funderburk stated that we can make that work. When we have our hearings before the City Council, the Council can order that it shall be removed within a certain number of days. That is a lawful order that can be enforced and the towing company would accept that. Sarah stated that right now we do not have a hearing for abandoned vehicles. If we do hearings then we will have documentation. Mayor Piazza stated that when Donna Baudoin was here, she had a company that would pick up the cars for junk and would sell it for scrap. He doesn't know what happened to that company. Councilwoman Broussard stated that not everybody can afford to keep their vehicle under cover. Also, she knows a lady in her district that has a car that she would would like to get rid of but she still owes on it. She wants to be mindful with this and keep this under consideration. Mayor Piazza stated that he agrees with Councilwoman Broussard. He has a real problem with the ordinance for several reasons. He knows we have some blatant violators out there and that is ashamed but we have to treat everybody the same and we have to make laws that apply to everyone. Nothing offends him more than when he drives to work every morning and sees the old junk motor homes at the gas station. It has been parked there for years. But you are telling me that we want to create an ordinance that says I can't park in my driveway and he can't park his boat on the side of the house? Mr. Funderburk stated that it would have to be determined if it was improperly parked. If it is parked on the right of way on the street then that is improperly parked. It is improperly parked if it is not in a garage, carport, fenced area or otherwise visible area. Mayor Piazza stated this says that it has to be hidden from public view. This says that I can't park in my driveway. Mr. Funderburk stated that is correct. We can adjust the ordinance to make it work better. Mayor Piazza stated we could table it to see if we can come up with some language that works. It is a tough one and it is a very difficult situation. Councilwoman White also asked that we try to find a towing company and/or put in any provisions in the ordinance regarding this. We need that the vehicle can be picked up by someone.

-01 introduced by Mr. Brady Broussard, Jr. and seconded by Ms. Terry Broussard to table item number 1 and item number 3. The motion carried unanimously.

-02 introduced by Mr. Brady Broussard, Jr. and seconded by Ms. Terry Broussard to recommend to the City Council at their next meeting to adopt an ordinance to amend and re-enact Chapter 13-Article I- in general section 13-1; State statutes adopted by reference to add subparagraph (176)-R.S. 32:2531, et Sequa-Louisiana Litter and Penalties. The motion carried unanimously.

Mayor Piazza asked the Council to think of people who could do code enforcement on a part-time basis and let him know.

There being no further business to discuss, Mayor Piazza declared this meeting adjourned.

ATTEST:

APPROVE:

Kathleen S. Faulk
Secretary-Treasurer

Mark Piazza
Mayor