

**City of Harahan  
6437 Jefferson Highway  
Mayor and Harahan City Council  
Special Meeting**

**Date: March 31, 2016**

**Time: 6:00 P.M.**

The Mayor and the Council met on the above date for the Regular Council meeting at 7:30 pm.

**PLEDGE OF ALLEGIANCE**

The Clerk led the Pledge of Allegiance.

**ROLL CALL**

**Present: Mayor Miceli, Councilman Baudier, Councilman Benton, Councilman Huete, Councilman Johnston, Councilman Wheeler, Municipal Clerk Nicole Lee, Fire Chief Todd St. Cyr, Police Chief Tim Walker, City Attorney Gilbert Buras,**

**MAYOR'S COMMENTS**

I'd like to congratulate our Police Dept's. Sergeant Thomas Bronk, and our Fire Dept's. Firefighter William Cunningham who were honored by the VFW Post 3267 of Harahan as their 2015-2016 Police Officer and Firefighter of the Year. Thank you both for your service & keep up the good work.

Also I'd like to announce that the Town Hall Meeting on sewerage for the residents in the Royland area will be held in the Council Chambers on Monday, April 4 at 6 pm. If you are having a sewer problem, I encourage you to come.

**ADDRESS THE COUNCIL**

Mrs. Riehms, Renpass – doesn't have a printed speech because she doesn't want to repeat herself. She thanked the council for coming to their home. She is concerned with the barge mooring – because they have had it for over 5 years. Unloading barges is not allowed. There are more sand piles and the trucks didn't bring it back there so it must have come from the barges which is not allowed. The meeting in Kenner about the airport project said that trucks can only run at night. They will also running down the streets.

Mr. Riehms, Renpass – we are concerned about the amendment to the zoning ordinance because the ordinance stood up in court in 1988. Wood sued Harahan in 1988 and the court ruled that Harahan could keep the batture the same way as before and not unload material nor could they build a barge mooring facility. Though it appears that the work area has grown larger. Limestone and construction materials are not permitted there. In 2008 and they tried to get a permit to unload barges but the permit was turned down. That is a big concern if we change the ordinance. They want to address the hours with the noise ordinance. Harahan is a residential area – they make noise but they have never worked at night – they should not be allowed to work at night back there.

Denise Neyrey, Elodie said she has lived here for 22 years. The weakening of the levee is critical – there is seepage after every rain. It needs to be

addressed – both sides of the levee on each side of the pump to the river have been weakened. Every time it rains – the water seeps from the levee.

Robert Johnson, Riverside Dr. said OSHA came out with a paper on exposure to silica. Residents are exposed to silica 24 hours a day. We need environmental engineers and lawyers to measure the size of the sand coming across the levee and figure out what to do with the departments who give permission to Woods Resources to operate. I suggest the Mayor send a letter to all of them that the operations of Woods Resources has been a great concern for over 30 years. Any permits for operations should notify Harahan first for our reaction. If you know any environmental lawyers – we need to stop the permits that have been granted for 35 years.

Kay Mitchel, Oak Ave. her vision was to live in Harahan and buy the blighted house next to her for her daughter who has MS. If she had known about the sand problem, I would have never bought in Harahan. This one business is horrible – protect us please.

The Mayor closed Address the Council.

### **RESOLUTIONS**

The following Resolution was introduced unanimously by the council.

The clerk read the resolution by title only.

**A Resolution giving preliminary approval to the issuance of not to exceed Two Million Dollars (\$2,000,000) of Public Improvement Refunding Bonds, of the City of Harahan, State of Louisiana; providing certain terms of said bonds; making application to the State Bond Commission for approval of said Bonds; and providing for other matters in connection therewith.**

Mr. Hugh Martin of Foley and Judell presented the information of the bond issue. The city of Harahan in 2006 issued bonds that refinanced other bonds and are still outstanding. They can now be refinanced. You have the resolution for the State Bond Commission that authorizes refinancing the bonds and employs my company as financial advisor. There have been changes in Federal Law and more regulations from the Security Exchange Commission that require lawyers not give financial advice. So now you need a financial advisor. The laws will permit you to go forward to apply to the State Bond Commission to get authority to issue and sell these bonds. This will refund the existing bonds at a lower interest rate. This is a similar transaction to refinancing your mortgage. When the transaction is over – you will have a reduced payment which will result in a savings to the city. Most other cities also refinance their bonds when it becomes possible.

Mr. Lee Bressler with Raymond James Underwriters – they are underwriters of the previous bonds and are looking for 1 investor because this is a much smaller investment. The current bond had a 4.5% interest rate. The estimate of the new interest rate is 2.75%. They will come back with the final numbers and recommendation. These bonds are secured with 3 different sales taxes . The sheriff sends your taxes in 2 packages and they recommend that this be changed to one payment through the sinking fund so the investor can see the figures. Page 3 - 1.33% is pledged to the bonds - \$733,000 to \$1 Million. 10 ten tax payers – combined paid \$475,000 which is 25%. This is good. \$92,000 is largest tax payer. Page 4 – the bonds are callable and have to be approved by the Bond Commission. Refinancing is a good move. Page 5 – the reduction of the payments from \$275,000 to \$250,000 a year which will free up \$25,000. Page 7 – the historical sales tax collections which pay the bonds.

If sales tax goes down 50% the owners would still be paid. When another bond is paid off next year there will be even more money available to pay the bonds. They will come back with a recommendation for the best deal.

Council questions – none.

Mayor Miceli explained - This resolution allows them to see what's available and to come back with recommendations. The earliest would be June for considering and taking action with respect to adopting a resolution giving approval to the issuance of Public Improvement Refunding Bonds of the City of Harahan, State of Louisiana; and providing for other matters in connection therewith.

I have a motion from Councilman Johnston seconded by Councilman Wheeler to adopt the resolution.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: 0

ABSENT: Baudier

MOTION PASSES

Mayor Miceli said at this point I would like a motion to amend the agenda to introduce an Ordinance for Introduction amending the Zoning Ordinance to strengthen the batture regulations.

I have a motion from Councilman Benton seconded by Councilman Huete to amend the agenda.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: 0

ABSENT: Baudier

ABSTAIN:

MOTION PASSES

Councilman Huete asked whether we should do this or not.

Mr. Buras asked to give his opinion in private since we are in litigation.

Councilman Huete asked if it should go before the Planning & Zoning Board.

Mr. Buras said he didn't know we had that procedure.

#### **ORDINANCE FOR INTRODUCTION**

The clerk read the ordinance by title only.

An Ordinance to amend and re-ordain Ordinance 1333, Section XV, relative to the zoning classification "NU-Non-Urban Batture District", Harahan Municipal Code, 1990, Appendix A, by amending Subsection B thereof relative to "Permitted Uses"; by adding thereto a new subsection governing the hours of operation of commercial enterprises therein, and to otherwise provide with respect thereto.

Mr. Buras said he anticipates there will be amendments to the ordinance concerning the height of the sand pile and additional amendments about tarps on the trucks and directions of the trucks. The Corps of Engineers found a letter about the sand to Mayor Ferrara about the sand on the trucks and the sand fence on top of the berm. Wood said they would maintain vegetation to minimize blowing sand. August 9, 1984 – Carlo replied with a letter of no objection to the permit.

Mr. Buras said that much in the letter is what these neighbors are complaining about.

Councilman Huete said that since Kevin Johnson is no longer employed – she's heard that someone else has been hired who will ride along.

Mayor Miceli said yes Bobby Moss has been hired but most of the complaints are coming in by phone and action is being taken relative to that.

#### **ORDINANCES FOR ADOPTION (Public Hearing)**

**The following Ordinance is introduced by Councilman Benton and seconded by Councilman Johnston.**

- 1. An Ordinance adopting the annual Budget of Revenues and Expenditures for the Fiscal Year ending December 31, 2016 for the City of Harahan, Louisiana.**

**Councilman Wheeler said it was mentioned that the majority of the council wanted to adopt the budget at a regular meeting. She reached out to Mr. Buras to see if we could defer until the April 21, 2016.**

**Mr. Buras said the proper motion was to defer.**

**A motion to defer was made by Councilman Benton and seconded by Councilman Wheeler until April 21, 2016.**

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

**NAYS: 0**

**ABSENT: BAUDIER**

**MOTION PASSES**

### **NEW BUSINESS**

**Notice is Hereby Given that the Council of the City of Harahan will conduct a Public Meeting on Thursday, May 19, 2016 at 7:30 pm at the Harahan City Hall Council Chambers, 6437 Jefferson Highway, Harahan, Louisiana, for the purpose of considering and adopting an ordinance levying ad valorem tax millages for 2016.**

### **ADDRESS THE COUNCIL**

**Evelyn Rhiems, Renpass on December 18 – you know how sand affects us and you told us what I thought would be a good idea. Wood was given 4 months to become a good neighbor. He had a chance to be a good neighbor. He's being a really rotten neighbor – he won't listen. Give us our quality of life back. Another wimpy tree was planted today – if you are making millions of dollars – why do you have to dig up a wimpy tree from your back yard. It's time for the Mayor to take the ball and bat – please enforce the law – it was strong in 1988 – it was strong. It would be nice to have him clean our house and we should not have to breathe this stuff. He is showing how much of a bad neighbor he is.**

**John Rhiems, Renpass – The offloading of barges is illegal – it's being put in the no. 2 pit and the dump trucks are taking it out. He thanked them and asked that the city address the situation – he likes people talking back. We need to get together to talk about things. The other side of the levee makes it impersonal – they don't see us. We need to get involved in going back there and see what's going on back there. Mr. Johnson used to stroll over there & Chief St. Cyr went too with Chief Walker – we all need to work together to get on the right path. He thinks Mr. Johnson was right about the sand – we need to look into that. We'll take up a collection for that.**

**Mae Jean Cazenave – Oak Ave. we need state approval of the Bond Commission and what happens if the council has not passed the budget.**

**Mr. Bressler said it could affect the city's borrowing power.**

**Councilman Huete wanted to know when the next Planning & Zoning Board meeting would be held.**

**Mayor Miceli said it was the first Wednesday of the month which is this coming Wednesday.**

**Councilman Huete said the meeting will be on Wednesday, April 6 at 7 pm here in the chambers and suggested the Riehms attend the meeting to address the zoning ordinance changes.**

Mayor Miceli asked if there was a possibility to advertise the ordinance before the April 6<sup>th</sup> meeting.

The City Clerk said she would ask Charlene.

Judy Johnson said that the meeting has to be advertised once a week for 3 weeks prior to the meeting.

The City Clerk agreed it does have to be advertised for the 3 weeks.

Mayor Miceli thanked Mr. Martin and someone asked that he speak on the millage types and which ones don't have to be renewed with an election.

Hugh Martin – said that there are 2 types of millages. 7 mills general alimony tax without an election – just levy it each year. However that 7 mill tax has been rolled back – this has happened several times. However 3 general alimony tax and 1 for general municipal purposes – 7 mill tax can be increased above the 7 mills by a one time election and that was done – they don't expire or be renewed by election. The assessor needs to provide the numbers.

The City Clerk said there is only 1 millage that will expire. She stated that the assessor is reassessing this year & once we get the numbers – we may decide to roll forward.

Councilman Huete asked when do we get that information.

Mr. Martin said it will be soon – but the deadline may not be met. We'll see what happens.

Councilman Huete said thank you to Mr. Martin and to the City Clerk and said good job.

#### **ADJOURN**

A motion was made by Councilman Benton and seconded by Councilman Johnston to adjourn at 6:57 P.M.

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

**NAYS:** None

**ABSENT:** None

**MOTION PASSES**

#### **LAWSUITS (DO NOT READ)**

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

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

**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:**