

**CITY OF HARAHAH
6437 JEFFERSON HIGHWAY, HARAHAH, LOUISIANA
MAYOR AND HARAHAH CITY COUNCIL
April 21, 2016**

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.

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

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, Auditor Linda Lulue.

Mayor Miceli made the following announcements:

This meeting will be long and we will follow proper protocol to make the meeting flow and end before midnight.

I received a letter from Daniel Odem of the La. DEQ concerning complaints in regards to the sand and dust problems along Riverside Dr. He encourages all complaints be sent directly to his office. We have handouts in the lobby that has the information about where you file your complaints directly with the La. DEQ. He suggests that the on-line reporting is the most efficient and promises that all complaints will be investigated. Once the investigation is complete, the complainant will be notified of the results of the investigation.

If you have concerns about garbage pickup, potholes, etc. in Harahan, please post your concerns with your name and phone no. on the city's website All complaints will be referred to the correct department and you will be notified of the results.

We are developing an electronic method on the City's website for citizens who want to request a neighborhood meeting with me. Please check the website for it.

SPECIAL PRESENTATIONS

Hugh Martin of Foley & Judell was late so Chief Walker presented District Councilman Paul Johnston a certificate of appreciation for his help in acquiring 5 handguns for Harahan's officers.

A motion was made by Councilman Benton seconded by Councilman Johnston to take up Address the Council until Mr. Martin is present.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ADDRESS THE COUNCIL

The Mayor opened address the council.

Robert Johnson, Riverside Dr. spoke about Woods Materials and the particulates & traffic it generates; 914,000 cubic yards of sand; which equals 1.1 million tons. A dump truck load is 2 cubic yards which means that 76,000 annual dump truck loads or 250 truck loads a day with a 6 day operation is what's happening. 4.75 lbs. of particulate is generated from dredging until it leaves the facility by dump truck. Methods to reduce particulate: loads are supposed to be covered; the road being watered, and planting trees and shrubs to stop particulates from being generated into the neighborhood. His 3 minutes were up.

John Rhiems, Renspass, continued Mr. Johnson's speech. He noted that by law all reasonable precautions shall be taken to reduce particulates. Wood Materials sent a letter to LDEQ stating the measures they would take to reduce particulate matter, but they are not honoring that letter.

Evelyn Rhiems, Renspass, stated that sand is invading everything in the neighborhood. She said that the heavy metals and fertilizers being dumped into the river from upriver are being dredged up and can create health problems. Pearce Woods is not keeping his promise. She said the necessary safeguards are not being taken by Woods Materials. She said the Corps said they would work with Pearce Wood to move the road.

Paul Jouet, Magnolia, invited everyone to the Green & White Linen Night at St. Rita on Saturday, April 23, 2016 from 7 until midnight. He also asked that the council take the selling of wine & beer for the event up at this time.

Councilman Baudier tried to motion to amend the agenda with Councilman Huete seconding the motion, but Mayor Miceli said it was out of order since they were in the middle of Address the Council. Ms. Huete said that the Mayor was out of order and called for a vote and said there are 4 yeas and 1 nay. Mayor Miceli said that Councilman Huete was out of order and Ms. Huete retorted "so are you".

Kevin Johnson said he is not a Harahan resident and that he came to set the record straight concerning the circumstances surrounding his resignation letter given directly to the Mayor of Harahan back in February of 2016. I was hired by the Mayor in November 23, 2015. On Thursday, February 18, 2016, I privately met with the Mayor and sat across from her at the table in her office. I gave her my one page, two sentence letter of resignation. She slid the letter across the table to me, I was then asked to reconsider and come back with a 2 page resignation letter. To comply with the request, I typed a 2-page letter thanking everyone by first and last name in the permit office. I also included Councilwoman Benton and thanking her. When I presented the second draft I was advised by the Mayor that the letter was still lacking in substance. I was gently urged to redo the letter and make specific references to the treatment that I received at the January 22, 2016 council meeting from both Councilman Huete

and Wheeler. That's when the Huete and Wheeler comments were added to the letter. The Monday after the March 10, 2016 council meeting, I received an email from Ms. Huete and Ms. Wheeler asking me to meet with them to discuss the resignation letter that was read at the March 10th meeting. I agreed to meet with them both afterward and I did. After we were seated at the coffee shop, they asked me directly did you actually write the letter. It doesn't sound like it came from you. Without hesitation, I told both of them the truth, no, I actually had not written the letter. The letter was the third draft of the resignation letter. It was compiled at a closed door visit made to my office by the Mayor where no one could see. After an hour and a half long session at my computer, I was asked to step aside by the Mayor so that she could finalize the contents of that letter. She made it plain to me that if I didn't sign the letter there would be future repercussions to my job future. I never intended my personal resignation letter to be read in a public forum. It was given to my boss in confidence by me. I was privately stating my intent to leave in two weeks. I didn't know or ask that my personal letter be put in public view. I thought there was such a thing as employee privacy.

At this point Mayor Miceli announced that Mr. Johnson's 3 minutes were up – but amid catcalls and yells from the audience Councilman Huete said wait Mr. Johnson. She then asked Mr. Buras what do we do to hear the last 3 sentences.

Mayor Miceli again said thank you Mr. Johnson amid cat calls from the audience asked for the police office to escort anyone yelling from the room.

Councilman Huete said that maybe that police office should take care of you.

Mayor Miceli said we will have order. She asked Mr. Buras if the meeting states three minutes. . .

Councilman Huete asked who made the 3 minute rule.

Mr. Buras said that general parliamentary procedure says that the chair controls the meeting. If there is a dispute over the ruling of the chair, some member of the legislative body can move to consider the question "whether the chair shall be overruled".

Councilman Huete made a motion to overrule

Mayor Miceli asked if it was the vote of the majority or the... then said make your motion.

Councilman Huete moved to override the Mayor and asked all in favor, no one seconded the motion but the vote was 5 – 0.

Mr. Johnson continued by reiterating the last sentence and then said later that same day, after I signed the letter, the Mayor brought the city attorney into my office and once again closed the door. The purpose of this meeting was to reassure me that as a private citizen criticizing elected public officials was not a problem. A few weeks ago, I mailed both Mrs. Huete and Mrs. Wheeler an apology letter. I left employment on March 18, 2016. I have never lived in Harahan, I have no business ventures in Harahan. I have no family members who live in Harahan. I have absolutely nothing to gain from this whole affair. I just want the record set straight. Thank you – God bless you.

Mayor Miceli asked the next person to state their name & address...

Councilman Wheeler said hold on one second to the Mayor – in light of what we just heard, Mr. Buras you were present in the room when Mr. Johnson wrote this letter and you advised him...

Mr. Buras said he was not present in the room when Mr. Johnson wrote the letter. I'll tell you what happened. I was taken to the room and I was presented with the letter Mr. Johnson had. Private

citizens were named in the letter, I told him that was beyond the pale, that private citizens have a protectable privacy interest and public officials however are fair game. I had no indication from Mr. Johnson at that time that he was not the author of the letter and listening to him tonight I still don't have an indication that he wasn't the author of the letter. Mr. Johnson signed the letter. If he now wants to retract it that's great. I had no idea, no indication from him at that meeting that there was an allegation that the Mayor had made him do this or that he did it under duress. That madam, was never discussed. What the man did, was present me with a letter in which he had mentioned private citizens and I told him to strike this – there was no reason for them to be mentioned. But if you are going to make specific statements about public officials you could say that about public officials. And I want to set something else straight. Every employee of the city is a political appointee, so this nonsense about politicizing a resignation letter is just that. You do not have civil service in the city so everyone is a political appointee. If Mr. Johnson had objected to the Mayor writing the letter, he should have never signed it. If the Mayor threatened him with some sort of job action that was something he could take to court. And if he had told me that I would have said exactly what I am telling you right now. So I don't want to be accused of somehow being complicit in phonying up a letter for Mr. Johnson that he didn't really mean to write. That is not the case.

Councilman Wheeler said okay so let me ask you – Councilman Huete and I sent you an email and in that email you stated that the first you heard about Mr. Johnson's resignation letter was on March 4th.

Mr. Buras said No that's not what I said and you can go read it – the first I heard that this was not the resignation that he authored was from the news media accounts. That's the first I heard that he did not author it. There was never any indication to me that that wasn't the gospel truth that he wanted to state. I had never heard that the Mayor wrote that letter. He did not tell me – he did not tell me at that meeting when I was taken back and shown the letter. He never indicated that to me. So I take umbrage with anybody who insinuates that I am somehow complicit in writing his resignation. If that man had told me he didn't write it, that someone was putting him under duress, I would have taken him aside and told him his rights as an employee of the City of Harahan. Councilman Huete said Mr. Buras it sure is concerning that the Mayor wouldn't be open and honest with you and told you she wrote it.

Mr. Buras said well, you know...

Councilman Huete continued – that's the bigger issue, she lied to you.

Mr. Buras said I'm just telling you what I was presented with. I was presented with ...

Councilman Huete said you were put in a very bad situation by our Mayor and so was Mr. Johnson – disgusting.

Mayor Miceli said we will now resume address the council.

Darlene Schwartz – Harahan Police Dept. What an act to follow. So that being said, April 30th, Saturday will be a National Prescription Drug Take Back Day from 10 am to 2 pm at Rite Aid parking lot and at the Harahan Police Department Lobby. It's an opportunity to get rid of your unused or unwanted prescriptions or over the counter drugs – anything you don't want anymore will be properly disposed of. Chief of Police Tim Walker is hosting the event for the DEA and we would appreciate any and all participation from the citizens.

Geralyn Johnson, Riverside Dr. she wanted to complete the remarks by Robert Johnson. He is offering an ordinance and asked for the council to amend the agenda to do a first reading tonight. Emanuella Lentini, said she has a terrible pain in my heart. I'm a person of great love for people. Her son is ill in the hospital and she was spending time with him. Sunday morning, after church, she went to the hospital to see him and 2 policemen came up to her and grabbed her and said she was under arrest for beating up her son and disturbing the peace. They shackled her immediately and brought her to Harahan jail. She is 87 years old – she respects the police – her brother was the chief of police in Kenner. They treated her like an animal. She begged that they remove the shackles. They left her in the room and she needed the ladies room.

Mayor Miceli said that her 3 minutes were up but that she could come back at the end of the meeting at the other address the council.

Ms. Lentini said she loves God, the truth, the police and tried to get a prayer march for the police.

Councilman Huete said Ms. Penny it's really not important to hear citizen's concerns, it's only important about her 3 minute timer. We would listen to you longer but she won't allow us.

Ms. Lentini said that all I can say is that it makes me sad – not for what's happened to me – but for the evil in this world.

Mayor Miceli said thank you very much.

Kay Mitchell, 241 Oak

Councilman Huete said thank you for doing that Kay, that's how citizens of Harahan treat each other.

Ms. Mitchell said – you know what, I'm pulling for the Pearl. We're going to have our pearl one day and we're not going anywhere. She thanked Evelyn & Johnny and everyone else who showed up at the meeting. We're not going anywhere – all we're asking is that you protect us – just protect us. She said a dog park would be great.

Mae Jean Cazenave, Oak Ave. said that after listening to Ms. Lulue explain the budget line by line she hoped the council would pass the budget tonight. If the budget is not passed, it would affect the city's refinancing of the bonds and if we don't pay down the deficit, she's positive it will affect the city's borrowing power.

Zakiya Young, 1505 Generes Dr. she is here with a group of neighbors. Their houses butt up to the apartments on Hickory and they've had 7 break-ins in 3 months as a direct result of those apartments. The police are doing a fine job but they are directly behind us. She asked if the apartments are Section 8 – they are being harassed, jumping the fence to escape and terrorizing them. It is insulting to Harahan to move these people here. There is nothing we can do. She asked if the building owners of these apartments would be liable for the tenants' actions. She said no one has been hurt yet, but they feel it is coming. It's unfair for people to terrorize them. They are spending money on alarms and cameras. Something has to be done. She asked the audience to raise their hands if they live on Generes. Approximately 20 people raised their hands.

Mike Wright – president of Fraternal Order of Police, Riverside Lodge 54 – Levee District Police & Harahan Officers announcing a fund raiser. It will be on June 4th at the VFW Hall on Hickory with crawfish. Tickets are available. He invited the Council to come spend 30 minutes in their dunking booth. The information is on facebook.

The Mayor closed Address the Council and said Mr. Martin is here but she would like to make some comments first. She addressed the Generes issue – she met with Lt. Frank Graff to organize a Neighborhood Watch for the area. She has contacted 3 residents to put them in touch with him to get the Watch set up. She said the Section 8 or HUD housing can be reported and she has the information. An ordinance passed in Kenner recently dealing with the same neighborhood issues. She has gotten the ordinance and forwarded it Chief Walker for input and will forward it to Mr. Buras. She then addressed the resignation letter issue.

Councilman Huete asked if she needed to amend the agenda – it's not on the agenda. I don't see it. We have to amend the agenda when we want say something.

Mr. Buras said he has to be the parliamentarian apparently. When any member of the legislative body can move on a point of personal privilege if their character is impuned. That's Robert's Rules of Order.

Mayor Miceli said my character has been impuned. I'd like to make some simple statements that I have prepared. Mr. Johnson's statements here are very inconsistent and mischaracterized the events that took place during his resignation. That is unequivocal. There was no coercion, I have no power to coerce. He was resigning. There are also things he said about meeting with council members after the last council meeting at a coffee house which did not happen after the last city council meeting – it happened prior and there is documentation to support that. That being said, with regards to this issue – all I'm going to say about this matter is that we have much more pressing business to attend to for our citizens then making this political hay.

Someone yelled right.

Mayor Miceli said Mr. Kevin Johnson's resignation is an unfortunate situation. . .

Councilman Huete said it is.

Mayor Miceli said I have the floor and continued. When Mr. Johnson decided to resign was final I encouraged him to be forthright as possible in his resignation letter. What Mr. Johnson stated in that resignation about his reasons for resigning his position is not only what he told me, it's what he told staff and in group meetings and in staff meetings outside of this office and has come back to me from other municipalities. It was not something I alone characterized. It was heard and stated in multiple venues to multiple people. The contradictions that are now being reported have been mischaracterized. There now appears to be other influences at play as well as talk of litigation. This is a personnel matter, and because of those issues, I will not discuss it any further. Any other discussion should be taken up in executive session. . .

Councilman Huete asked so why did you put it in our mailbox.

Mayor Miceli continued – the person who made it public was not I – it was Councilman Huete. .

Councilman Huete said if it was personal it should have gone in his record and not in our mailbox.

Mayor Miceli said the letter was address to me and the council.

Councilman Huete said just take ownership – gosh – you need to own up to what you did.

Mayor Miceli said that was my point of privilege and I addressed this so we could put this issue to bed.

Councilman Huete said it's not going to bed.

Councilman Wheeler said I would still like to know Mayor, when the man turned in his resignation letter, who are you to decide

whether it's acceptable or not. What employer tells their employee, I'm sorry your resignation is not acceptable. Who does that.

Councilman Wheeler & Huete and the Mayor were all speaking at the same time.

Councilman Huete said to the Mayor you sit there and you lie.

Mayor Miceli said we have got city business that is important to move forward.

Councilman Huete said so this is not important?

Mayor Miceli said all I'm going to say on the matter is, it is disappointing, it is mischaracterized as to the facts and I'll add one other point. Mr. Johnson enjoyed being here so much, that he offered to take a reduction in pay, so long as he did not have to come before the council or deal with the sand issue. Again, point done. Now we can go on to . . .

Councilman Baudier said he'd like to make a statement to have a point of privilege, I'd like to make a statement.

The Mayor said yes.

Councilman Baudier said that Mr. Johnson because he was so long we'd like to back him up a little bit. Mary Helen in the Court, she was forced out; Carlo Ferrara forced out; Jeff Charlet forced out; Melinda Doucet was actually fired come back and won a wrongful termination suit; Rick Meyer our city planner forced out; Rena Sanders forced out; Tommy Anzelmo forced out; Nicole Lee was put under such duress at her job that she had to be rushed to the hospital; John Boudreaux forced out; Bryan Surgi forced out; Kevin Johnson forced out; Robert Heinz forced out; Carr, Rigs & Ingram forced out.

Councilman Huete asked how many is that?

Councilman Baudier said that is 13 in 14 months. That's almost 1 a month. I've owned a company for 30 years and I haven't fired 13 people. I don't know if this is how we are running the city, but I'm trying to figure out how many will be left. You got all of us – all of these 13 and these 4 councilmen that are finding it just impossible to work with this Mayor. My dad told me simply this – when the whole world tells you you're wrong – there's a good chance you're wrong.

Mayor Miceli said like I said we have important things to do.

Councilman Huete claimed personal privilege. I'd like to make a motion. I like to make a motion that I have no confidence in our city Mayor. It was seconded by Councilman Wheeler.

Councilman Huete said absolutely no confidence, you're a narcissist, you're a liar, you manipulate and we're sick of it. We are sick of it.

Mayor Miceli said there's a motion by Councilman Huete seconded by Councilman Wheeler – all in favor. The vote was:

YEAS: Huete, Wheeler, Baudier

NAYS: Benton

ABSTAIN: Johnston

MOTION PASSES

Councilman Huete said you cannot continue to brush everything you do under the rug and make people think you are a good person. Cause you're not.

Mayor Miceli said you have not been recognized by the chair. This is so unfortunate.

Councilman Huete said yeah, you are unfortunate for our city.

Mayor Miceli said I'm going to take a final point of privilege and then we'll get into this with Mr. Martin. I will repeat we have important issues before this city council. We have to pass a

budget. I am here to stay and this council hasn't gotten used to it. I am not going to be intimidated or shamed inappropriately . . .

Councilman Huete said just own up to it.

Someone from the audience shouted who wrote the letter.

Councilman Huete again said own up to it – tell the truth.

Mayor Miceli said there will be no shouting – anyone shouting will be escorted out. . .

Councilman Huete said I'll ask the Mayor – did you write the letter.

Mayor Miceli said I did not write Mr. Johnson's letter. We will now move on to Special Presentations – Mr. Hugh Martin. She told him she was so sorry he was coming in after such contention.

Councilman Huete said it's unfortunate, it's quite embarrassing for our city Mayor.

Mr. Hugh Martin came to the podium and said I understand. He gave a brief report on the refinancing process. He anticipated coming with an ordinance that would provide for the issuance of the bonds which could be read for first reading and adoption at the next meeting. That was predicated upon getting our application completely filed by today at the state bond commission. In anticipation of the budget being adopted, we sent a draft of the budget but I understand there may be some changes. Anyway as a result of that we won't be able to get it in the proper form, some financial information is still missing – we have most of it and more is becoming available – so we will progress and the market is still holding up and we may be able to get cheaper rates.

Mayor Miceli said thank you.

Mr. Martin said he had one other thing to say – he said he knows the city is anxious and the city clerk had sent him some information about taxes. Under state law you are required to furnish the assessors of the parish your ordinance levying taxes by June 1st – that's in the law. Also in the law is that every 4 years all property in the city has to be reappraised by the assessor. The new value will be sent in a letter from the assessor and we make a computation of what millage it would take to bring in the same amount of revenue as last year. Because in most cases the assessment has gone up and the new computation must be accepted. Now this doesn't happen until way, way past June and until you get that information you can't possibly levy the tax. You also have an option to roll forward to keep your millage at the same rate it is even though it will be on a higher assessment which results in more money being collected. I don't think it will be much but it will be some in this case. The procedure is when you get the information from the assessor you first adopt the millage at the reduced rate and then roll forward if you want to. A second ordinance rolls the millage forward at the same meeting. It happens sometimes as late as August. I recommend you keep in close contact with the assessor's office. You could do it now, but I think it's too soon to do the ordinance to levy the millage.

The city clerk said something to Mr. Martin.

Mr. Martin replied it would be better to defer it.

Mayor Miceli asked if we changed the date of the next regular meeting would it affect the ordinance to refinance the bonds.

Mr. Martin said no because the ordinance is not ready.

Councilman Baudier moved to amend the agenda to grant an ABO to the Happy Italian.

Mayor Miceli said I think we have to do the ordinance first. We can't do that until the ordinance is done.

Councilman Baudier said I'm kinda shaken up right now, I'm really upset. I'd like to make a motion to adjourn.

Mayor Miceli said we have to pass a budget.

Councilman Huete said she seconded the motion. The council will call for a special meeting early next week and we will take care of all business that's on this agenda we didn't get to. I am very shaken up, I can't believe that our Mayor did this to Mr. Johnson, I can't really believe what you've done in the past 13 months with all the people who resigned....

Mayor Miceli called for the vote on the motion.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

MOTION PASSES

Meeting adjourned at 8:35 pm

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

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: