

**CITY OF HARAHAH
6437 JEFFERSON HIGHWAY, HARAHAH, LOUISIANA
MAYOR AND HARAHAH CITY COUNCIL
May 19, 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 Pro-Tem called the Meeting to order at 7:30 p.m.

ROLL CALL

Present: 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 Assistant Jimmy Donohoe.

Absent: Councilman Baudier

Mayor Miceli came in at 7:38 pm

SPECIAL PRESENTATIONS

- 1. 2015 Girls Bounce Ball Eastbank Champions**
The coach called up the girls to give them their certificates as Eastbank Champions for 2015.
Kaylee Roche won 3 successive titles.
- 2. 2016 Girls Bidy Basketball Eastbank Champions**
Each girl was called up and received a certificate.
- 3. St. Rita School – not tonight**

Mayor's comments:

Mayor Miceli announced that her son Matthew received the Frank P. Howard Excellence Award in Physics from Jesuit High School and also informed the citizens that Harahan has 5 or more valedictorians from the city. Will announce the names at the June meeting. Father McGin sped through the ceremony so that she could attend this meeting.

ADDRESS THE COUNCIL

The Mayor opened address the council.

John Riehm, Renpass said they had gotten an analysis on the sand – 11 page report – in the sand arsenic, byrellium, cadmium, chromium, copper, iron, zinc, lead, nickel, etc. Silica is also present and OSHA has rules about exposure to silica – but the residents are exposed 24 hours a day. On May 14 – he witnessed and the police dept. did a report of barge unloading – limestone was unloaded in violation of our ordinance. Deficiencies from DEQ on Feb. 4, 2016 – connect the berms stating P. Wood would close the berm – sent to DEQ – the berm – one side closed but the others are still open.

Evelyn Riehm, Renpass showed a letter from Wood Materials with actions that he would take to alleviate the situation. May 9 – trucks were not covered. He stated that he would close the berm – but he left it open and they are loading trucks from the pit. An email from Corps stating that they would relocate the haul road but at their cost. They have never requested to move the road. She presented copies of the petition from residents. She asked that citizens

contact the DEQ about the sand; trucks uncovered. Contact the police dept. about speeding.

George Ackel, III, Colonial Club Dr. – his warehouse property is on Jefferson Parish side – spending \$20,000 a year to clean up after the sand. \$100,000 renovating the building – peeling paint – the sand cannot be kept out of the warehouse. The property was pressure washed Friday and it is completely covered again. When it rains – sand becomes mud and causes many other problems. The sand is blowing into the warehouse to 1/8" deep. He knew about the problem when he bought it – but it is getting really bad.

Rhonda Bagby – what can the citizens expect from the council – it is not acceptable that you are making a spectacle of yourselves. She asked if Councilman Huete was a psychiatrist. Ms. Huete said she isn't.

Red Klotz, Oak Ave. spoke on the sand issue – causes a problem on his property – changed air conditioning filter every month because of the sand. He said it is unusual that Wood Materials has not been cited by DEQ or by the city.

Kay Mitchell, Oak Ave. – spoke to Mr. Woods. You have taken the quality of my life – she volunteers as a dog shelter – but flies and fleas abound – 7 am radio calls comes thru her TV – we deserve to be happy. Buy a house in Harahan close to your business and see what we are experiencing. Sponsor the Lady Hawks teams. We are not giving up – we are not leaving.

Lee Adams, Generes – crime problem is coming from the apartments on Hickory – sent a copy of Kenner's ordinance to combat the crime problem. He would like to see that ordinance passed in Harahan. It would allow code enforcement to come down on the owners. Wants the stoplight removed from Sauve & Hickory – he said he was told there were lawsuits – he asked for proof. The problem is Generes will be used as a bypass if that light is turned on. Major concern – speeding – more patrols – more tickets.

Sara Wood Ham – representing Wood Materials – the commercial activity on the Mississippi River is not new – Miss. River sand has been the foundation of homes, schools, shopping malls and the new runway for the airport. Dec. 2015 started new measures to alleviate the situation. There are limitations to what they can do because of the Pump to the River Project – at the last meeting – we were considering the haul road – we have done exactly that. They met with the Corps to relocate the road – an engineer firm is designing the change to send to the Corps for their approval The process will take time and it is voluntary – they are in compliance with the restrictions – they asked for patience of reconfiguring the property. The permitting process may take months. – they will look for other ways to help - asked they work with her instead of against them. Calling the police about dumping in the river – they are permitted to unload limestone and that's what they were doing. We want to help by reconfiguring the road – help us – help you.

Robert Johnson, Riverside Dr. sent a letter to the Corps. Woods agreed to abide by all restrictions. He asked that they refuse to load untarped trucks. He listed the restrictions that weren't being done. Applications to the Coastal denied that they abutted any residential property. We mow their grass and we eat sand every day.

Kirk Talbot, State Rep. 78 – 3 week session ends June 6th – biggest issue – budget and tops – an amendment stripped 1/3 of the money from tops – session ends June 6. Governor wants special session starting June 6 at midnight – reducing federal itemization on state

tax forms.

The Mayor asked about the increases in taxes that affect municipalities – wants an update. They put a large additional strain on community.

Mr. Talbot said the state does not have a revenue problem – we have a spending problem. He said that waste and corruption need to be taken care of before we raise any taxes. We are butting heads with governor. Unfunded mandates are untenable and are a terrible practice. Temporary taxes are due to end. No more blank checks. Streamlining government is not fun, but must be done. Oil prices are low – but we hope it will go up.

Mayor Miceli said that Harahan is shining example of streamlining. Councilman Huete asked how she decides to give people more time to speak at Address the Council.

Mayor Miceli said it was the council's decision. . .

Councilman Huete said you requested it – I'm just trying to understand how you make that determination - how some citizens can have longer than others. I'm trying to figure out how you come to that conclusion.

Mayor Miceli answered that you made it clear that you were upset.

. . .

Councilman Huete responded that you requested it this evening. I'm asking why you made that determination. This isn't about me – I'm asking you.

Mayor Miceli said please let's have one person speaking at a time Ms. Huete. That came up when a private citizen came up and had more to say, you were dismayed that it was made clear that a motion could have been made to extend time. . .

Councilman Huete said you requested it tonight – one person got cut off and another got the extension – I'm asking again – how does the Mayor make that determination to request the council to extend it – that's the question.

Mayor Miceli said that anyone could request the motion to extend the time and Ms. Huete this is not to be argumentative at all.

Councilman Huete asked if we had closed the address the council.

Mayor Miceli said no and asked the next person to begin.

Bernard Dupre, Elodie – see how bad the sand is – sand was like fog and visibility was only about 100 yards. Everything was covered in sand. A dump truck came down the ramp and he was not covered – at 11:45 pm both nights Tuesday & Wednesday. We need to try and do something. Water calms the dust problem but the trucks grind it up like talcum powder and it blows everywhere.

APPROVAL OF MINUTES

A motion was offered by Councilman Johnston and seconded by Councilman Benton to dispense with the reading of the minutes of the council meeting of April 21, 2016.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

A motion was offered by Councilman Johnston and seconded by Councilman Benton to approve the minutes of the council meeting of April 21, 2016.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: Baudier

ABSTAIN: None

MOTION PASSED

A motion was offered by Councilman Johnston and seconded by Councilman Benton to dispense with the reading of the minutes of the special council meeting of May 4, 2016.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

A motion was offered by Councilman Johnston and seconded by Councilman Benton to approve the minutes of the special meeting of May 4, 2016.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

COMMUNICATIONS

The Board of Adjustments did not meet in April.

A motion was offered by Councilman Johnston and seconded by Councilman Benton to dispense with the reading of the minutes of the Planning & Zoning Board meeting of May 4, 2016.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

A motion was offered by Councilman Johnston and seconded by Councilman Benton to accept the minutes of the Planning & Zoning Board meeting of May 4, 2016.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

A motion was offered by Councilman Johnston and seconded by Councilman Benton to amend the agenda to add proposed ordinance No. 2016-7 authorizing the issuance of Public Improvement Refunding Bonds, Series 2016.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

RESOLUTIONS

The following Resolution was offered unanimously by the Council. The City Clerk read the resolution.

A Resolution of the City Council of the City of Harahan adopting the 2015 Louisiana Compliance Questionnaire.

The Mayor opened the Public Hearing

No one spoke.

The Mayor closed the Public Hearing

Council Discussion:

Councilman Johnston questioned the last page – Councilman Benton signed as Pro Tem.

Councilman Huete asked why only Councilman Benton had signed it.

Mayor Miceli said she was at the Executive session when it was explained.

Councilman Huete said she had never seen this before and asked for information about it.

James Donohoe explained what the document is. It is a document prepared by the legislative auditor and is a required document for any external audit. Upon completion, it is required to be signed by the Mayor and Council and presented to and adopted by the Council by means of a formal resolution at an open meeting. Postlewaite provided the question and Ms. Lulue met with the Mayor and various department heads for assistance in answering the questions. Postlewaite has been informed that the document is before you this evening for passage and they are expecting the adoption of the resolution when they return.

Mayor Miceli said that this is a generally accepted procedure.

Mr. Donohoe said yes, but Postlewaite could not produce any documentation either signed or unsigned for previous years.

A motion was offered by Councilman Johnston and seconded by Councilman Wheeler to amend the signature page that Councilman Johnston is Mayor Pro Tem.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

A motion was offered by Councilman Johnston and seconded by Councilman Benton to approve the resolution as amended.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

ORDINANCES FOR APPROVAL (Public Hearing)

The following Ordinance was introduced by Councilman Benton and seconded by Councilman Huete.

The City Clerk read Proposed Ordinance No. 2016-3 in its entirety. 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.

The Mayor announced that the Planning & Zoning Board has deferred the vote on this case until their July meeting. The council has the option to defer until the Zoning Board renders their decision or the council could vote on the matter tonight.

Mr. Buras said technically it is still before the Planning & Zoning Board to defer to the August meeting.

A motion was made by Councilman Benton and seconded by Councilman Huete to defer until August 18th.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

ORDINANCE DEFERRED

Councilman Huete asked Mr. Buras why did they want to defer for 2 months.

Mr. Buras explained what happened at the board meeting.

Mayor Miceli asked the City Clerk to get these minutes to the zoning board.

PROPOSED ORDINANCE NO.: 2016-5

The following Ordinance was introduced by Councilman Baudier and seconded by Councilman Huete.

An Ordinance approving the resubdivision of 651 Hickory, Lots 13 & 14, Square P, Harahan City Subdivision, City of Harahan, Parish of Jefferson, State of Louisiana, made by Mandle-Edwards Surveying Inc., dated November 17, 2015.

The Mayor opened the Public Hearing.

None

The Mayor closed the Public Hearing.

Council Discussion:

None

A motion was offered by Councilman Baudier and seconded by Councilman Huete to adopt the Ordinance.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

ORDINANCE PASSED

ORDINANCES FOR INTRODUCTION

PROPOSED ORDINANCE NO. 2016-6

The following Ordinance was introduced by Councilman Benton.

The City Clerk read Proposed Ordinance 2016-6 by title only.

An Ordinance amending Ordinance 1806, the annual Budget of Revenue and Expenditures for the Fiscal Year ending December 31, 2015 for the City of Harahan, Louisiana.

Mayor Miceli asked Mr. Donohoe to comment about the ordinance. Mr. Donohoe stated that the auditors allocated total insurance expense to a non-departmental category. The percentage was calculated on total expenses of the department but shown as a non-departmental total expense. He said the problem comes at the end of the year when some departments show an over expenditure because of the old method. Ms. Lulue has calculated each department's expense and put it in their portion of the budget.

Chief Walker said the amount for his department was over \$100,000.

Mr. Donohoe said that has been corrected and that the department was not over budget in insurance. This was needed to be done before the final audit for 2015 to accurately show the departments insurance expense.

PROPOSED ORDINANCE NO. 2016-7

The following Ordinance was introduced unanimously

The City Clerk read Proposed Ordinance 2016-7 by title only.

An Ordinance providing for the issuance of Public Improvement Refunding Bonds, Series 2016, of the City of Harahan, State of Louisiana; and providing for other matters in connection therewith.

Councilman Huete offered a motion to amend the agenda to add an ordinance about emission standards for particulate matter

seconded by Councilman Wheeler to add Proposed Ordinance 2016-8 amending the Harahan Municipal Code by adding a new article for chapter 30, relating to emission standards for particulate matter, making findings and containing other provisions relating to the foregoing subject and providing for severability.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: Baudier

MOTION PASSED

Mayor Miceli asked the city clerk said that Mr. Martin won't have the numbers for the refinancing of the bonds until right before the June meeting. There was a problem that delayed the procedure. He said that the numbers will be coming in late.

OLD BUSINESS – None

NEW BUSINESS

ADDRESS THE COUNCIL

Robert Johnson, Riverside Dr. – thanked the police dept, for their prompt response. They asked the police to observe the procedure the unloading of limestone which is not provided in the Ordinance. Ord. 1720 authorized a temporary change of stockpiling for Pump to the River Project. There is no problem with access. He hopes the council will resolve to declare the pump to the river project is closed for this purpose. This would clear up the problem of stockpiling limestone – they cannot unload.

John Riehm – unloading the limestone is done within the city limits. The dust is offensive – the DEQ and the city need to address this.

Evelyn Riehm – very frustrated – this ordinance for the NU-Non-Urban Batture – saw it on the agenda – had no idea who informed Wood Material that the ordinance was taken off the agenda – but they were not informed. – This is unfair – they broke their promises. We are not harassing anyone – we care about our community – we need our council and our mayor and the DEQ – to do more – The board was fully aware – don't know why they delayed this – 2 more months.

A motion was made by Councilman Johnston and seconded by Councilman Benton to extend Ms. Riehm's time.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

Mrs. Riehm continued - We're tired – we did a test – there are items in the sand that are harmful – they stand on the levee and take pictures – Wood says they will blacktop the road – we can't stand much more. It has to stop – it has to stop. It's not much to ask – DEQ is being helpful – they are addressing it now. She touted Lafarge Concrete as a very clean company. Woods says one thing but they don't do it. 2 more months is not acceptable. This is wrong – there is no way that the council and Mayor cannot come up with something to make this company do what they need to do.

Kay Mitchell, 41 Oak – where is the urgency from the council – it is urgent for us – we moved in in Oct. 2015 – flies are horrible – please don't make us wait 2 months – this is where we live.

SECRETARY'S REPORT

Secretary's report for April, 2016 – Total revenue \$373,377.48

REPORTS

Chief Walker gave his report for the month of April.

Chief St. Cyr gave his report for the month of April and asked for a copy of the report on the sand from the Riehms.

Councilman Benton said she was at the Planning & Zoning Board meeting and understood that they are an advisory board and she doesn't feel like the council should wait on their recommendation because the council does not listen to them anyway. She feels that that the council could vote on this at the next meeting. She stated that if the board is going to refuse and negate expert advice, the least you could do is supply a shred of support – simply saying you have been told something that is counter to the advise you were given is unprofessional.

Councilman Huete - none

Councilman Johnston - none

Councilman Wheeler – happy birthday to hubby – 50th wedding anniversary for parents – she was under the impression that we had to wait for the board's report.

Councilman Benton continued – the Zoning Board is an advisory board – I deferred but I think we should just vote on it.

Mr. Buras said the board was “cold cocked” with the ordinance and had no idea what was going on – the council keeps control of the zoning law – the board is only advisory. We have an additional ordinance and reports on particulates; whether it's a nuisance – case law – brought by people affected. The question is rather this is a nuisance worthy of action in a court of law. The case is usually brought by the people affected by the nuisance. This is a permitted use – operating a sand pit. Case law says they can conduct a business but cannot do injury to others and cannot maintain a nuisance. The question whether the individual citizens should be the ones suing. Composting is not a permitted use – sand is permitted but it is dirtying the streets. Cover the load or violate the law. Many years ago - Mayor Ferrara's letter explained what they could do and they agreed to do this. It was not reduced to law in the code. I told the residents to hire a lawyer and go after the company producing the nuisance.

Councilman Huete – says it's a nuisance and a shame we put it off on the citizens; when the ordinance says nuisance. It almost seems we have enough of a case to prove a nuisance.

Councilman Johnston asked that since we deferred to the August meeting – can we change it.

Mr. Buras said he is glad there will be a particulate ordinance that will give the city more guidance.

Mr. Buras recommends an executive session.

Councilman Wheeler asked for a recess to talk to Mr. Buras.

The Mayor called a recess at 9:16 pm

The meeting was called back to order at 9:27 pm

A motion was made by Councilman Wheeler and seconded by Councilman Johnston to go into executive session.

The Mayor called the meeting back into session at 9:57 pm

A motion was made by Councilman Benton, seconded by Councilman Johnston to reconsider the motion to defer Ordinance 2016-3.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

A motion was made by Councilman Benton and seconded by Councilman Wheeler to withdraw the motion to defer the Ordinance 2016-3

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

A motion was made by Councilman Benton and seconded by Councilman Wheeler to have the Mayor send a letter to the zoning board asking them to meet and send their report on the Ordinance in time for the June Council meeting.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

A motion was made by Councilman Benton, seconded by Councilman Wheeler to put proposed ordinance No. 2016-3 on the agenda for the June council meeting.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

Mayor Miceli congratulated the council, Mr. Buras & the residents for working together to safeguard all citizens; work; play.

PAY BILLS

Total Bills paid in April, 2016 are \$299,844.45.

ADJOURN

A Motion to adjourn at 9:40 p.m. was offered by Councilman Johnston and seconded by Councilman Wheeler

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

- 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**
 - 4. Wood Materials LLC, Wood Resources LLC v. City of Harahan, 24th JDC, Case 761-783, Div. "K"**
- 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: