

**City of Harahan
6437 Jefferson Highway
Mayor and Harahan City Council
Council Meeting Minutes
November 16, 2017**

Date: November 16, 2017

Time: 7:30 pm

Mayor Miceli opened the Meeting of November 16, 2017 at 7:32 pm.

The City Clerk led the pledge of allegiance.

The City Clerk called the roll.

In Attendance were:

Mayor Miceli, Councilman Benton, Councilman Johnston, Councilman Wheeler, City Clerk Nicole Lee, Police Chief Walker, Fire Chief St. Cyr; Councilman Baudier arrived at 7:34 pm., City Attorney Gilbert Buras arrived at 7:49 pm.

Absent: Councilman Huete, City CPA Linda Lulue

MAYOR'S COMMENTS:

The Mayor thanked all Veterans for their service in honor of Veterans Day.

She announced that Bruce Miller, son of Nicole and Bruce Miller achieved a perfect score on his ACT. She noted that the St. Rita Pecan Fest was a big success and thanked everyone for participating.

She wished everyone a Happy Thanksgiving & announced that there would be no garbage pick up on Thursday but will be picked up on Wednesday instead.

The city is working with NOLA Church to deliver Thanksgiving Dinners to needy families in Harahan. Todd St. Cyr volunteered to help Darlene Schwartz with the project.

SPECIAL PRESENTATIONS

1. JPRD Undefeated 10 and under Babe Ruth Eastbank Champs 2017

JPRD 12 and under - Babe Ruth Eastbank Champs 2017. Coach Eric gave out the certificates to the players.

JPRD Undefeated 12 and under Volleyball Eastbank Champs, 2017

Coaches awarded certificates to all players.

2. Darlene Schwartz, Community Liaison

She announced that tax bills will be mailed by the end of November – if not delivered by early December – please check with City Hall. The Mayor announced that payments can now be paid on-line.

Christmas Parade will be on Saturday, December 16 at Noon on the traditional route. Tracy Whittle – 737-9466 is coordinating.

Breakfast with Santa – December 2 – there will be 5 crafts booths, \$10 per child.

Santa & his reindeer will be in attendance, doors open 8:45 am – starts at 9 am.

Recycle bins – glass is not accepted – glass may be brought to any Target Store.

Household Hazardous Material Event – Huey P. Long Ave. Sat., Nov. 18 – 9 am to Noon by Parish Courthouse on the West Bank.

Thanksgiving and Thanksgiving meals – NOLA Church is sponsoring thanksgiving meals – please call Darlene so they will know how many dinners to prepare.

Transportation provided for Wednesday night to deliver them.

She announced that Notre Dame is sponsoring a 50th birthday celebration in Father John's memory as a benefit for the Seminary. It will be held on Nov. 26th at Rock 'N Bowl. Donations for baskets & sponsorships accepted.

3. Current State of the Harahan Police Department

Chief Walker said he has problems with the city auditor Carr, Riggs & Ingram and he wants a new auditor – Councilmen Wheeler & Baudier met with them & said they would not discuss anything with him. One day, he said CRI said his dept. was over budget by \$66,000 – then the next day – they were under budget – but then submitted to the Legislative Auditor as \$66,000 over budget. Halloween Night - hundreds were at the Imperial Woods Subdivision and 16 officers worked the event. They upgraded

the speed of their internet to 100 megabytes – city only has 10 megabytes. He wants to know if they intend to move the server. In August, he requested that he wants read only access to all financial software. The financial records are public record. He thinks he would have found any error. Military leave – (can't be paid during tour). Says Mayor and Linda spend time trying to disrupt the police department. Public records request showed that the police department was billed for Mr. Buras's time – Mayor said it was corrected. Mayor & Ms. Lulue arbitrarily bill them for Ms. Lulue's, Carr, Riggs & Ingram's & Mr. Buras' time. He complained that Ms. Lulue questioned him about the donated shirts. He again complained about Ms. Lulue's salary. He has given his proposed budget to the city for 2018. The Blue Light Program starts the day after Thanksgiving – cars will patrol with blue lights – call for an escort after shopping. He asked the citizens to be their eyes and ears – call when you see something wrong.

ADDRESS THE COUNCIL

**Eric Chatelain, Colonial Club Dr.
Mae Jean Cazenave, Oak Ave
John Rhiem, Renpass
Evelyn Rhiem, Renpass
Gilbert Buras, City Attorney
Gary Hopkins – Harahan Firefighters Association
Lee Brown, President Harahan Firefighters Association
Mike Bowler, Glenwood**

APPROVAL OF THE MINUTES

Councilman Johnston offered a motion to dispense with the reading of the minutes of the October 19, 2017 minutes seconded by Councilman Benton.

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

MOTION PASSES

Councilman Johnston offered a motion to approve the minutes of the October 19, 2017 meeting seconded by Councilman Benton.

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

YEAS: Benton, Johnston, Mayor Miceli

NAYS: Baudier, Wheeler

ABSENT: Huete

MOTION PASSES

COMMUNICATIONS

Board of Adjustments and Appeals

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

Planning and Zoning Board

Councilman Johnston offered a motion to dispense with the reading of the minutes, of the October 26, 2017 sub-committee meeting seconded by Councilman Benton.

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

MOTION PASSES

Councilman Johnston offered a motion to accept the minutes of the October 26, 2017 sub-committee meeting seconded by Councilman Benton.

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

YEAS: Benton, Johnston, Mayor Miceli

NAYS: Baudier, Wheeler

ABSENT: Huete

MOTION PASSES

Councilman Johnston offered a motion to dispense with the reading of the minutes, of the November 1, 2017 meeting seconded by Councilman Benton.

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

MOTION PASSES

Councilman Johnston offered a motion to accept the minutes of the November 1, 2017 meeting seconded by Councilman Benton.

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

YEAS: Benton, Johnston, Mayor Miceli

NAYS: Baudier, Wheeler

ABSENT: Huete

MOTION PASSES

RESOLUTIONS

PROPOSED RESOLUTION NO. 2017 – 22

The following Resolution was offered unanimously by the Council.

The clerk read the resolution by title only.

To consider and take action with respect to adopting a resolution providing for canvassing the returns and declaring the results of the special election held in the City of Harahan, State of Louisiana, on Saturday, October 14, 2017 to authorize the levy of a special tax therein.

Public Hearing

No one spoke

Council Discussion - None

A motion was made by Councilman Johnston, seconded by Councilman Benton to vote in favor of the resolution.

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

RESOLUTION ADOPTED

ORDINANCES FOR APPROVAL

PROPOSED ORDINANCE NO. 2017 – 16 – Deferred on 10/19/2017

This Ordinance was offered by Councilman Baudier and seconded by Councilman Huete.

An Ordinance approving the Re-zoning of 6915 Jefferson Highway, Lots, 5-4, B-5, B-6 and D-1-A, Tract C, Soniat Plantation Subdivision, City of Harahan, Parish of Jefferson, State of Louisiana, from R-1 to C-1.

A motion to defer to Dec. 7th special meeting was made by Councilman Baudier and seconded by Councilman Benton.

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

MOTION PASSES

PROPOSED ORDINANCE NO. 2017-28 (Deferred 10/19/2017)

This Ordinance was proposed by Councilman Johnston and seconded by Councilman Baudier.

The clerk read by title only.

An Ordinance to amend and re-ordain Section 78-44 of the Harahan Municipal Code by adding thereto a new sub-section to be designated sub-section (e) to provide for the imposition of a charge for residential curbside recycling services and to otherwise provided with respect thereto.

PUBLIC HEARING – No one spoke.

COUNCIL DISCUSSION

Councilman Wheeler said a town hall meeting will be set up before the regular December meeting and asked that all concerned citizens come.

A motion was made by Councilman Johnston and seconded by Councilman Wheeler to defer to the December 21st regular meeting.

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

ORDINANCE DEFERRED

PROPOSED ORDINANCE NO. 2017-29

This Ordinance was proposed by Councilman Benton and seconded by Councilman Baudier.

The Clerk read the Ordinance by title only.

As mandated by LSA-R.S. 39:1305, to fund for the projected complete year of Dues/Fees/Memberships/Subscriptions for the Regulatory Department this is an Ordinance amending Ordinance No. 1822, the annual Budget of Revenues and Expenditures for the Fiscal Year ending December 31, 2017 for the City of Harahan, Louisiana.

Public Hearing was opened.

No one spoke.

Public Hearing closed.

Councilman Johnston said he won't vote for it because where the revenue is coming from is not specified.

Motion made by Councilman Baudier, seconded by Councilman Benton to defer to December 21st regular meeting.

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

YEAS: Benton, Johnston

NAYS: Wheeler, Baudier

ABSENT: None

ORDINANCE DEFERRED

PROPOSED ORDINANCE NO. 2017-30 – pending action of the zoning board.

This Ordinance was proposed by Councilman Benton and seconded by Councilman Baudier.

The clerk read the ordinance by title only.

An Ordinance to amend and re-ordain Ordinance 1333, specifically, Section XI (B) (13) of Appendix A of the Code of the City of Harahan, relative to square footage allowable by the City of Harahan for general retail services in the C-1 Neighborhood Commercial District; and to otherwise provide with respect thereto.

Councilman Benton said the Zoning Board had deferred this and she offered a motion to defer seconded by Councilman Baudier to the regular Dec. meeting.

PUBLIC HEARING

Council Discussion

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

ORDINANCE DEFERRED

PROPOSED ORDINANCE NO. 2017-32

This Ordinance was proposed by Councilman Benton and seconded by Councilman Johnston.

An Ordinance amending Ordinance No. 1822, the annual Budget of Revenues and Expenditures for the Fiscal Year ending December 31, 2017 for the Maintenance Department of the City of Harahan, Louisiana. (Maintenance – Capital Projects Fund to purchase a Kubota lawn tractor in the amount of \$9,729.72.)

Public Hearing

No one spoke

Council Discussion

A motion to amend the ordinance was offered by Councilman Benton; seconded by Councilman Baudier to add the following language.

Line 17: "Section 2. For the purchase of a Kabota Lawn Tractor in the amount of \$9,729.72, increase Line Item: 341-4-115-90920 Capital Outlay – Maintenance."

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

ORDINANCE AMENDED

Council Discussion

Councilman Wheeler – why are we paying for it if we have a grant.

Mayor Miceli said the grant came in after the agenda was completed.

A motion to defer the ordinance was made by Councilman Baudier, seconded by Councilman Johnston to defer to the December 21st meeting.

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

ORDINANCE DEFERRED

PROPOSED ORDINANCE NO. 2017-33

This Ordinance was proposed by Councilman Baudier seconded by Councilman Johnston.

The Clerk read the Ordinance by Title only.

An Ordinance granting full read-only access to any and all accounting software systems for departmental heads and their designated representatives.

Open Hearing

Chief Tim Walker – said it's sad that we need an ordinance for this – it's public record – but he can't get an answer.

Council Discussion

Councilman Johnston questioned section 2. It gives editing rights for modification to all department heads and that's iffy.

Councilman Benton agreed.

Mayor Miceli said that no accountant would attest to financial statements if everyone has access to change it. Full read access is available at city hall.

Councilman Wheeler asked why he would have to come to city hall.

Councilman Johnston asked Chief Walker if he was aware of the editing access.

Chief Walker said he was not.

Councilman Baudier said he had worked with the police advisory committee on this ordinance.

A motion to defer was made by Councilman Baudier seconded by Councilman Wheeler to the Dec. 21st meeting.

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

ORDINANCE DEFERRED

PROPOSED ORDINANCE NO. 2017-34

The Clerk read the Ordinance by Title only.

This Ordinance was proposed by Councilman Baudier seconded by Councilman Wheeler.

An Ordinance amending the annual Budget of Revenues and Expenditures for the Fiscal Year ending December 31, 2017 for the City of Harahan, Louisiana. (Unrestricted Police Budget)

Public Hearing

Chief Walker said the Doyle Case says he has unrestricted access to his budget – he can move his money around any way he wants.

Councilman Johnston – allows you to move money around but you should still be line item budget like the rest of the city and you should come to the council to move the money.

Council Discussion

Mayor asked attorney Mr. Gilbert for his opinion.

Mr. Gilbert said that Councilman Johnston's observation is correct - the council controls the budget - the police dept. is not a legal entity to itself. It is part of the city. It's in the council's best interest not to cede their power. He quoted the Doyle case saying the budget is controlled by the Mayor and Council - the Lawrason Act oversees city with smaller budgets. The police dept. needs a line item budget.

Chief Walker questioned Ms. Lulue's salary again.

Mr. Buras said he has tried to mediate the conflict and he recommends the city get a mediator to negotiate. He breaks out his own billing by service - such as civil service & police accidents & the city council meeting answering questions from the police chief.

Chief Walker asked why he is charged over \$700 for Mr. Buras to attend the council meeting.

Councilman Benton said that Ms. Lulue said it was miss charged.

Chief Walker said that \$50,000 in bills were paid from his department without his approval - invoices should be provided. But the administration went ahead and paid the bills.

Mr. Buras said you have no authority over the city attorney.

Chief Walker then brought up the bad weather day saying the Mayor declared a holiday. He said that civil service & fire dept. get the same benefits as other employees. They put in for overtime pay and it was denied. He took it to civil service board saying it's a police & fire issue.

Mayor Miceli said she did not declare a holiday. Our professional's fees go up because of your actions.

Chief Walker said I didn't bring it to the civil service board. He asked if she closed city hall on that day.

Mr. Buras said that city hall workers were mistakenly paid but the money was returned. He told Chief Walker if he had to spend anymore time on this matter - we will go to court. Civil Service has no jurisdiction over non-civil personnel. Rules were supposed to be adopted by the council, but there is no ordinance as of yet. The weather day was declared for the non-civil service employees. Police & Fire normally work during a storm - unless it was done on overtime - but that wasn't an overtime day.

Councilman Wheeler said the ordinance was pulled by your advice. I sponsored the ordinance - you advised you and Mr. Credo would be working on it. It had to be resolved at the Civil Service Board.

Mr. Buras - Civil Service got a letter from the OSC that said that there is no rule on the books about the emergency pay rule. The council doesn't have the authority to change the civil service rules. Baton Rouge sent a scathing letter - you don't have authority to do this.

Motion to vote Councilman Benton, seconded by Councilman .

Motion fails for lack of second.

Motion to defer by Councilman Baudier, seconded by Councilman Wheeler to defer to the Dec. 21st meeting for further discussion.

YEAS: Baudier, Johnston, Wheeler

NAYS: Benton

ABSENT: Huete

ORDINANCE DEFERRED TO DEC. MEETING

Mayor Miceli explained that the state law says that the police dept. has to have a line item budget - the Doyle case was based on the fact that a lump sum budget for capital monies was adopted and was deemed to be expended at the Police Chief's discretion. Councilman Wheeler said that every PO should go to Department Heads for approval. It's a best practice - then the chief could authorize payments.

PROPOSED ORDINANCE NO. 2017-35

The following Ordinance was proposed by Councilman Baudier seconded by Councilman Johnston.

The Clerk read the Ordinance by Title only.

An Ordinance correcting a clerical error in the Municipal Code for the City of Harahan, Louisiana. (amending Ord. 1308)

OPEN HEARING

No one spoke

Council Discussion – None

Motion by Councilman Johnston seconded by Councilman Wheeler to approve.

YEAS: Baudier, Johnston, Wheeler

NAY: Benton

ABSENT: Huete

ORDINANCE ADOPTED

ORDINANCES FOR FIRST READING

PROPOSED ORDINANCE NO. 2017-36

This ordinance was proposed by Councilman Wheeler.

An Ordinance approving the re-subdivision of Lot A-2A, Soniat or Tchoupitoulas Plantation Subdivision, City of Harahan, Parish of Jefferson, State of Louisiana, made by Ronald Clement, P.L.S., dated August 25, 2017.

The Mayor stated that the zoning board did not recommend this re-subdivision.

PROPOSED ORDINANCE NO. 2017-37

This Ordinance was sponsored by Councilman Benton.

An Ordinance adopting the annual budget of revenues and expenditures for the fiscal year starting Jan. 1, 2018 through Dec. 31, 2018.

OLD BUSINESS

None

NEW BUSINESS

1. The Mayor nominated Barbara Harney to fill the unexpired term of Deborah Nash which ends in May of 2020 for the zoning board.

Ms. Harney addressed the board. She is a life long resident of Harahan and her family has been in Harahan since 1900. She was a secretary in the school system for 27 years.

A motion was made by Councilman Benton, seconded by Councilman Johnston.

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

YEAS: Benton, Johnston, Mayor Miceli

NAYS: Baudier, Wheeler

ABSENT: Huete

MOTION APPROVED

2. Civil Service Board appointment.

Letter of nominees has been received from the board for appointment. No councilmen had any nominations as of yet.

Mayor Miceli asked this be put on Dec. 21st meeting agenda.

3. Notice is hereby given that at its meeting to be held on Thursday, December 21, 2017 at 7:30 p.m. at the Harahan City Hall Council Chambers, 6437 Jefferson Hwy. Harahan, LA, the City Council of the City of Harahan, State of Louisiana, plans to consider adopting a resolution ordering and calling an election to be held in the City of Harahan to authorize the levy of an ad valorem tax.

Mayor said this is an ad valorem tax for the Recreation Department. She said city problems have always been over budget issues.

Councilman Baudier said the timing of this is politically motivated to hurt the police department. The Police Department is paramount. We live next to the murder capital of America. We are losing policemen in droves – when I got on this committee I wanted to find a way to keep policemen for their entire career. A bedroom community is where the police dept. has members that stay for their entire careers.

The police tax will be on the ballot and should be the only thing on the ballot – without a police dept. there will be no recreation dept.

Mayor Miceli said you should not ascertain my motive behind this move. I've clearly stated that it's time for citizens to make some choices and fund depts. in the city – multiple elections cost more money. It's cost effective – the recreation department has many needs as stated by Mr. Chatelain.

ADDRESS THE COUNCIL

Eric Chatelain, Colonial Club Dr.

Mr. Eddie Gregory

Motion by Councilman Baudier, seconded by Councilman Johnston to allow more time to speak.

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

MOTION PASSES

Tommy Budde, Stoneleigh

Motion by Councilman Wheeler, seconded by Councilman Baudier to allow more time to speak.

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

MOTION PASSES

John Rhiem, Rempass

Robert Johnston, Riverside Dr.

SECRETARY'S REPORT

Secretary's report for October, 2017

Total revenue \$452,927.11

REPORTS

Mr. Buras' report said he had questions for the council. He said that Ms. Lewis, attorney for the Marrone's sent him a draft of what they are offering. He asked for specific restrictions for the ordinance, including how many tables will be in the restaurant. She questioned the 5 years for renovations and getting a use and occupancy permit. He asked how they wanted the reversion to R-1 – and about specifics for a standard restaurant – landscape plan – and whether the building stays as is or is allowed to expand.

Mayor Miceli said this is an historic building.

Mr. Buras said the owners are obligating themselves about parking and he would include hours for deliveries and dumpsters.

Councilman Johnston said he understood that if it fails within 5 years then it reverts.

Councilman Wheeler said that the 5 years should start after the renovations. She would like the time to start after he is open for business. She requested that he have them draft their covenants and then we can decide.

Councilman Baudier said the owner had made many concessions already.

Councilman Wheeler said the owner should draft his concerns and then they can decide.

Mr. Buras said he will take that into consideration.

REPORTS

Chief Walker read his statistics for October, 2017 - 664 calls for service; he doesn't trust the Mayor and complained about Ms. Lulue's salary again. The Mayor believes that any money left in his dept. at the end of the year is hers. It was promised we would get that money back – but he complained and they sent the audit saying we are \$200,000 over budget. CRI won't talk to him. They have lost a lot of resources. He can't get an answer about changing the router to the police dept. He wished everyone a Happy Thanksgiving.

Chief St. Cyr – no report – Happy Thanksgiving.

Councilman Johnston – no report

Councilman Benton – Happy Thanksgiving – she asked Mr. Budde not to resign.

Councilman Wheeler – she assured Mr. Budde that had she known about the unexpired term, she would not have asked him to serve. Why spend 9 months and study and then may be off board.

Mayor Miceli – Happy Thanksgiving – she emailed the Chief saying she had no intention of changing auditors – very happy to build bridges and thanked Mr. Gregory for his offer. Thanked Mr. Buras for attending while sick.

PAY BILLS –

Bill's paid in October, 2017

Total expenditures \$328,690.03

Councilman Wheeler – wants items on agenda under new business in December including Incode access; military overpayment; exception of any bills being signed by Tim or any department head.

EXECUTIVE SESSION

ADJOURN

A motion was offered by Councilman Johnston seconded by Councilman Benton to adjourn the meeting at 10:00 pm.

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

YEAS: Baudier, Benton, Johnston, Wheeler

NAYS: None

ABSENT: Huete

MOTION PASSES

MEETING ADJOURNED AT 10:00 p.m.

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: