

**CITY OF HARAHAH
6437 JEFFERSON HIGHWAY, HARAHAH, LOUISIANA
MAYOR AND HARAHAH CITY COUNCIL
June 16, 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, Police Chief Tim Walker, City Attorney Gilbert Buras

Absent Fire Chief Todd St. Cyr

Mayor Miceli called for a moment of silence for the victims in Florida and their families.

We have 4 Valedictorians from Harahan who graduated from St. Rita Elementary. They are: Libby Knowles from Mt. Carmel High School; Kirstie Freibert also from Mt. Carmel High School; Kenneth Krizan from Jesuit High School and Alex Lucas from Brother Martin High School. She congratulated all of them for this achievement.

SPECIAL PRESENTATIONS

1. Darlene Schwartz introduced Tricia Peters, first place H.O.P.E. Essay winner. The organization was founded by Harahan officers to replace the DARE program – it stands for Harahan Officers Providing Education. No city funding is used – it is privately funded through donations. Tricia Peters from Faith Lutheran read her winning essay. Police Chief Walker said that Darlene Schwartz is a reserve officer and does this on her own time and at her own expense.
2. Monty and Donna Scoggin – not here yet.
3. Hugh Martin, Foley & Judell – presented the findings of their efforts to refinance the city bonds. The Bond Commission has approved the sale of \$1,593,000 worth bonds. They received a 2.05 percent interest from Iberia Bank – resulting in considerable savings for the city. Lee Bressler of Raymond & James – the original bonds have a 4.5% interest rate. They are callable and will be paid off as soon as this passes. Two of five banks responded and Iberia Bank won. Savings are \$240,000 with \$30,000 per year. Mr. Martin asked if there were any questions from the Council.

Councilman Huete asked about the repayment of the bonds.

Mr. Martin said he will be happy to answer questions when the ordinance comes up for adoption. Bonds will be backed by your sales taxes.

Mayor Miceli thanked Linda Lulue and Jimmy Donohoe for their hard work on the budget that allowed the city to do this.

4. Jimmy Pretlove, Emergency Management – spoke on hurricane season. Supplies needed: food, water, medicine, pet needs, baby needs, extension cords, flashlights & first

aid kit. Make sure the generator is working and you have extra gas for it. Clean up the yard and board up the windows. If an evacuation is called for - make sure your car is ready - be prepared.

5. Barry Bordelon, Progressive Waste - could not be here tonight - Coming in July.
6. Richard Kittok - Harahan Sr. Center, Inc. president. Gave a report on the activities at the Sr. Center. He asked for donations for Adelaide's. They invite everyone to join. They have a Fun Food Friday every month.

ADDRESS THE COUNCIL

The Mayor opened address the council.

John Riehm, Renpass - spoke about the illegal mulching and composting - should be stopped immediately. Composting is 60 ft. from the levee. Limestone should be eliminated - since the Pump to the River project is almost done. Mr. Mayo said we are a city of homes. When Carlo Ferrara was Mayor - the lawsuit won by the city stated that the business should be frozen as it was. But it has increased and we need to think about this problem. The existing operations are not in keeping with the residential nature of the city.

Evelyn Riehm, Renpass - brought letter from Kevin Johnson about the actions that need to be addressed. Wood Material letter stated they met with Corps and things they would do. If he had started a new road back in December, 2015 - the overnight dump trucks would be by the river - not next to the levee. In April they got a letter from the Corps saying they had not requested to move the road.

Kim Mitchell, Oak Ave. read a statement from her dogs. They are scratching because of the sand and fleas. They don't like their vet anymore because they are getting shots more frequently.

Michael Amedeo, Cressione, a member of the Planning & Zoning Board. The Wood operation has become a problem. They said the board thought they had 60 days to understand the material that was brought up by the Riehm's and Mr. Johnson. They are volunteers and there's only so much time they can study the material. He asked the Police Chief to cite any truck that is not covered. He wants the business to continue and make plenty money and pay plenty taxes, but not at the expense of the citizens. He said Wood has hired a consultant to redesign the road. I know it is not happening as quickly as the Riehms want them to move. Moving the road will take time. The timer went off and Councilman Johnston offered a motion to give Mr. Amedeo more time seconded by Councilman Wheeler.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Mr. Amedeo continued - he wants good things for everyone - but it needs to be handled in a timely manner. I don't want to see us fail the citizens. He addressed Councilman Benton saying he is donating his time. He quoted her from the last meeting and said she was obtuse and he was upset - you publically discredited the board at the last council meeting and I feel I deserve an apology. Councilman Benton offered her sincere apology and said she shouldn't have said it.

Penny Peraino, thanked the people who called her with encouragement. She said that a kind gentlemen helped her get the

case dismissed. There was not a shred of truth in their allegations. She said that she will take a witness with her when she goes to visit her son.

Christian Cancienne, Oak said he is moving his business to Gretna with a stronger city council. The council has not protected the citizens with the sand issue. He thanked the police dept. for their help.

Remy Donnelly, attorney for Wood Materials said they filed a lawsuit against the city last week. They have expressed their concerns about the hours in the ordinance. They hope it can still be worked out amicably. The ordinance up for adoption tonight is arbitrary and capricious and overly broad. They have been operating for more than 50 years – 24 hrs. a day. They are struggling with proper notice and requirements by state and local governments. They are aggressively pursuing the approval for moving the road. It can't be done overnight. It's expensive and time consuming. A consulting company has been hired to design the road.

Councilman Huete asked about the company pursuing the road – I have not received any correspondence or information about it.

Mr. Donnelly said that he filed the application today.

Councilman Huete said that is very concerning - you keep saying that you are aggressively pursuing the road – but you just filed the application today.

Joe Jacquat – consultant to Wood Materials He explained that the new road will be 30 ft. wide and paved. The road will be moved from 700 to 1000 ft. from the levee if it is approved. The application was made today and other pertinent departments will be notified. Mayor Miceli asked about the existing haul road.

Robert Johnson, Riverside Dr. – the DEQ has issued a compliance order. Woods has violated state pollution laws. Woods does not air quality permit for the location. They were given until July 25, 2016 deadline to submit it's calculations of their emissions. La. Dept. of Natural Resources has issued a cease order to stop dredging – permitted for 25,000 cubic yards of sand dredging, but they have dredged more than that 2 million cubic yards which would fill the Superdome half way. They don't have a Harahan permit. They accepted the ordinance to stockpile limestone during the Pump to the River Project. They didn't consider it arbitrary and capricious and it only applied to one company.

Mayor Miceli asked Mr. Johnson the date of the Coastal Management letter and how did he find the letter.

Mr. Johnson said the date was June 14, 2016 and that he met with an environmental researcher with a non-profit organization and he showed him how to find the documents.

Mayor Miceli said that this information was not sent to the city – the city was left out of the loop. She thanked Mr. Johnson for his hard work and bringing this letter to their attention.

April Lopez, Ravan – asked Chief Walker about the stop sign on levee for the trucks.

Chief Walker said that the stop sign is at Powerline Drive and is not in Harahan.

Ms. Lopez said that in 8 months Wood Materials had done nothing, but now that the complaints are getting louder they are finally doing something. She said they stopped being a “good neighbor” a long time ago.

APPROVAL OF MINUTES

A motion was offered by Councilman Baudier and seconded by

Councilman Benton to dispense with the reading of the minutes of the council meeting of May 19, 2016.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

A motion to approve the minutes was offered by Councilman Benton and seconded by Councilman .

Councilman Wheeler said that she would not be approving the minutes because she had been approached by several members of the Planning & Zoning Board concerning Councilman Benton's comments.

Mayor Miceli asked if the minutes were accurate.

Councilman Wheeler said the minutes said that Councilman Benton said they are an advisory board and we don't listen to them anyway. Several members had contacted her and said they reviewed the minutes from the meeting.

Mayor Miceli asked if the minutes were accurate.

Councilman Wheeler said they were not accurate because Councilman Benton's comments were not quoted exactly. I won't be approving the minutes.

The motion failed for lack of a second.

A motion was made by Councilman Huete and seconded by Councilman Wheeler to have the minutes redone.

YEAS: Baudier, Benton, Huete, Johnston Wheeler

NAYS: None

ABSENT: NONE

MOTION PASSES

COMMUNICATIONS

The Board of Adjustments did not meet in May.

A motion was offered by Councilman Johnston and seconded by Councilman Wheeler to accept the minutes of the Planning & Zoning Board meeting of June 8, 2016.

YEAS: Benton, Huete, Johnston, Wheeler

NAYS: Baudier

ABSTAIN: None

ABSENT: Baudier

MOTION PASSED

RESOLUTIONS

None

ORDINANCES FOR APPROVAL (Public Hearing)

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

Mayor Miceli asked for a motion to go into executive session concerning this ordinance.

A motion was offered by Councilman Johnston and seconded by Councilman Wheeler to go into Executive Session.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

Mayor Miceli called the meeting called back into session at 9:26 pm.

Councilman Benton withdrew Proposed Ordinance No. 2016-3

PROPOSED ORDINANCE NO. 2016-6

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

Ordinance fails for lack of a second.

The City Clerk read Proposed Ordinance 2016-6 in its entirety.

The City Clerk read the message from Ms. Lulue.

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.

Councilman Huete asked if Postlewaite and Netterville in the process of the 2015 audit. She continued why don't we wait until the audit is finished and do all of the amendments at the same time.

Mayor Miceli said that this was their suggestion to do this before the audit is closed.

Councilman Huete asked if this was a verbal suggestion and not in writing.

Councilman Wheeler asked if they were doing that this year. They recommended this – why did they not do that in previous years.

Mayor Miceli they suggested that we do this before the audit is closed because reopening the audit will cost more money.

Councilman Wheeler asked why hadn't they done this in previous years.

Mayor Miceli said she had that and several other questions to ask them also. An example – there were monies spent out of the general fund for capital improvements and if that money had been capitalized, the city's financial status would be greatly improved.

Councilman Wheeler asked why wasn't the insurance done years ago. Why wasn't that addressed in 2014, 2013, 2012 and all previous years.

Mayor Miceli suggested they second the ordinance and defer to get Postlewaite & Netterville at a meeting to answer the questions.

Councilman Huete asked if the audit would be ready for the next meeting.

Mayor Miceli suggested that the councilmen contact Postlewaite & Netterville. This is their recommendation to do it before the audit is closed.

The city clerk said that the audit must be closed by June 30th.

Councilman Huete asked why the Mayor didn't have the information about the audit which would bring other mistakes to our attention that we could then fix. I'm sure there will be other findings.

Mayor Miceli said the auditor suggested we do this to amend the budget so that the audit could be closed cleanly. It was addressed when Mr. Donohoe was here – questions could have been asked at that time – a month has passed and no questions have been asked. Mayor Miceli said the budget for the 2016 was done correctly and again asked for a second?

The Council remained silent. The ordinance died for lack of a second.

PROPOSED ORDINANCE NO. 2016-7

The following Ordinance was introduced unanimously by the Council.

The City Clerk read Proposed Ordinance 2016-7 in its entirety.

An Ordinance authorizing the issuance of \$1,593,000 of Public Improvement Refunding Bonds, Series 2016, of the City of

Harahan, State of Louisiana; and providing for other matters in connection therewith.

The Public Hearing is now open.

Kim Hasney, OK Ave. said she is not sure what just happened on the previous ordinance. Did the auditor suggest that we do this? Will this cost the citizens more money? Why are you voting to spend more money for the citizens of Harahan rather than accept the recommendation of your experts. It's counter-productive and you all should be ashamed of yourselves.

Councilman Huete asked what will this cost. This was only a verbal suggestion. We haven't seen it in writing.

Mayor Miceli said you have seen it in writing.

Councilman Huete said it came verbally from Ms. Lulue's assistant. Why will it cost us more?

Mayor Miceli said that the delay that this council has put up – the amount of effort from our employees – it is expensive to re-advertise. The lack of curiosity in 30 days – no questions were asked of the auditor.

Councilman Huete interjected this will not be re-addressed, and will not cost us more money.

Mayor Miceli said it is expensive to readdress – to re-advertise.

Councilman Huete again interjected and said that this will not cost us more money – I don't understand – if we're not passing it and this has not been in writing from the auditors why will it incur us more money?

Councilman Wheeler said so Mayor you want us to approve this and the audit comes out with maybe 10 more changes which means we would have to go back and amend it.

Mayor Miceli asked Councilman Huete why didn't you ask these questions to the auditor before now.

Councilman Wheeler said there will be possibly more changes.

Mayor Miceli said that once the audit is complete – the budget will be closed – there is not one person on the council who is an expert nor have you presented an expert.

The Public Hearing is now closed.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ORDINANCE PASSES

PROPOSED ORDINANCE NO. 2016-8

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

The City Clerk read it in its entirety.

An Ordinance amending the Harahan Municipal Code by adding a new article IV to Chapter 30 relating to Emission Standards for Particulate Matter; making findings and containing other provisions relating to the foregoing subject; and providing for severability.

The Mayor opened the Public Hearing.

John Riehms, Rencpass said that the citizens need a law to protect them. He quoted the letter from Feb. from Wood Materials where they promised certain things – they received permission – but they did nothing. We cannot rely on what they say – we need a law to protect the citizens. We need a way to monitor it and address it. He said that Councilman Baudier's pool is covered in sand. He said the operations were moving closer to Colonial and maybe then the complaints would be taken seriously.

Remy Donnelly – attorney for Wood Materials – this is preempted by state and federal law.

Evelyn Riehm, Renpass showed a picture taken yesterday on Oak and River Road showing a fog of sand.

Kay Mitchell Oak said that the picture was taken last week just before it started to rain. She showed the picture to Remy Donnelly. Robert Johnson said that Jefferson Parish has the same ordinance – he does not think it is pre-empted by state and federal law. The uncontrolled emissions for each ton of sand is 1/3 of a pound of particulates. This ordinance will address any business in Harahan that is causing emissions. The city attorney has suggested changes and he supports those changes.

Terri Valenti, Colonial Club Dr. said she spoke to the Riehms and she supports them.

The Mayor closed the Public Hearing.

Council Discussion – Councilman Huete offered a motion to amend the ordinance to add a penalty seconded by Councilman Baudier.

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

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: NONE

ABSTAIN: Benton

MOTION PASSES

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

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

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: NONE

ABSTAIN: Benton

ORDINANCE ADOPTED

ORDINANCE FOR INTRODUCTION (First Reading)

PROPOSED ORDINANCE NO. 2016-9

The following Ordinance was introduced unanimously.

An Ordinance to repeal and amend Ordinance No. 152, which amended Ordinance No. 1402, which amended Ordinance No. 53, Sewerage District No. 1 of the City of Harahan and the Harahan Municipal Code, Chapter 22, Article II, Division 2, **USER CHARGES**, Section 22-46, "Schedule of changes", providing for a change of user charges for services rendered by the said Sewerage District.

OLD BUSINESS – None

NEW BUSINESS

1. Official Journal 2016-2017

A motion was offered by Councilman Huete and seconded by Councilman Wheeler to accept The Advocate as the official city journal.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: NONE

ABSTAIN: None

MOTION PASSES

A motion to amend the agenda by Councilman Johnston and seconded by Councilman Huete to amend the agenda to add the following:

2. ABO License for T & B Restaurant, 6213 Jefferson Hwy.

Mayor Miceli asked Chief Walker if the applicant had passed the investigative process.

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Chief Walker said they had.

A motion was offered by Councilman Wheeler and seconded by Councilman Johnston to grant the permit.

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

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: NONE

ABSTAIN: None

MOTION PASSES

ADDRESS THE COUNCIL

Teri Valenti, Colonial Club Dr. – Mr. Peppo is on the Planning & Zoning Board and was appointed by Tiffany Wilken and reappointed by Mr. Chatelain. He has made statements on facebook concerning the Colonial property that houses are being sold and the new owners won't spend millions to preserve the Oak Trees. He also said that Home Depot will be going there. He is on the Zoning Board – I do believe in ethics in City Government – we deserve more than that. She said he has been on the board too long. He also said that the trees in front of her house will be cut down but Mr. Doucet who is Councilman Huete's father will have greenery in front of his house – He should be removed from the Planning & Zoning Board for cause.

SECRETARY'S REPORT

Secretary's report for May, 2016 – Total revenue \$454,145.21.

REPORTS

Chief Walker gave his report for the month of May. He urged everyone to lock their vehicles and homes and to call if anything does not seem right.

Councilman Baudier wished everyone Happy Fourth of July

Councilman Huete – no report.

Councilman Johnston – no report

Councilman Wheeler - no report

Councilman Benton - no report

Mayor Miceli said that not seconding the ordinance amending the budget is not acceptable. It delays everything – wastes employees and our professionals' time. She wished all fathers Happy Fathers' Day.

PAY BILLS

Total Bills paid in May, 2016 are \$581,663.71.

ADJOURN

A Motion to adjourn at 10:15 p.m. was offered by Councilman Johnston and seconded by Councilman Wheeler

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSTAIN: None

ABSENT: None

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:**