

**City of Harahan
6437 Jefferson Highway
Mayor and Harahan City Council
Regular Meeting Agenda**

Date: March 17, 2016

Time: 7:30 P.M.

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

PLEDGE OF ALLEGIANCE

The Clerk led the Pledge of Allegiance.

ROLL CALL

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

MAYOR'S COMMENTS

Mayor Miceli said that the sewer effluent pump was fixed and reinstalled. The second pump is being installed and will be in operation shortly. If there is enough money left in the grant when this work is completed – the third pump will be refurbished also. This means the effluent is being processed faster – we are progressing nicely with our sewerage repairs.

Mayor Miceli also told the public that the 2016 budget will be voted on at the March 31st and she updated the budget message.

BUDGET MESSAGE UPDATE...

Prior to taking office in January, 2015, Harahan was operating with an ever-growing deficit. As of December 31, 2014, it represented nearly one-third (1/3) of the City's revenue. This projected a poor fiscal outlook because it impacted our ability to borrow, refinance debt, attract businesses, protect property values and provide essential services to our citizens and businesses. As of December, 2015 that deficit is approximately one-twelfth (1/12) of the City's revenue and reflects an improving but still tenuous financial picture.

As mandated by Louisiana's Local Government Budget Act, we must institute a long-range plan to decrease and eventually remove that deficit. Additionally, should we increase our already existing deficit – that would be a clear violation of the law. Thus, keeping this in mind – as well as Harahan's current cash flow needs and estimated future economic conditions – we have used a conservative approach to compile the 2016 fiscal year budget. Our desire is to continue reducing the deficit; decrease expenditures when appropriate and seek additional revenues.

Upon taking office on Jan. 1, 2015, the General Fund had a deficit of approximately \$1.2 million dollars. Early indicators from 2015 of actual operations show this deficit being decreased by approximately \$861 thousand dollars or by 71% in only 12 months. This was done by pursuing delinquent taxes, completing requirements to receive grant monies dating back to 2012 and pursuing FEMA reimbursements dating back to Hurricane

Katrina. Additionally, a BP payment of approximately \$450,000 was received. This money represents 53% of the decreased deficit in this year.

Maximizing our revenues and minimizing expenses resulted in the remaining deficit reductions. This included rebidding the health insurance which resulted in an average monthly savings of approximately \$12,000 per month while maintaining comprehensive coverage. By the end of 2016, a conservative estimate predicts that the 2014 deficit will be reduced by a total of \$1 million dollars or 90% during our first 2 years.

The Louisiana Legislative Auditor's report stated that Harahan failed to collect approximately \$163,000 in delinquent property taxes and interest during the period of 1993 through December 31, 2014. \$115,000 of that uncollected monies occurred between 2008 and 2014. From September 30 through December 31, 2015, in just 3 months after that report was issued, we collected approximately \$91,000 of that outstanding amount and now we are up to \$106,000 collected. We are still pursuing the remaining back taxes owed to the City.

This year, we will continue to scrutinize contracts to ensure that all services are being utilized to their fullest. Requests for proposals and a competitive bid process will be utilized for expiring contracts. Currently, we are investigating refinancing our existing bonds to a lower interest rate. Our new lower deficit increases Harahan's leverage in securing a lower interest rate.

Our goal is to continually operate the City within its means – ultimately removing our deficit entirely. This far, we have met this goal and I am proud to tell our citizens of our success.

I would like to express my deep appreciation to my administrative staff, all city employees and volunteers for their continued hard work and dedication in making Harahan the best place to live, work, worship and play.

Also, during the last council meeting, Mr. Tommy Budde asked about the amount of one-time revenues being collected by the city.

Our CPA, Ms. Linda Lulue put together a chart. \$453,00 was received from the BP settlement, FEMA \$51,000, grants to the police dept. \$7,500; Jefferson Parish Council \$6,000; delinquent property taxes \$91,000 – that's a total of \$608,000. The total savings for 2015 is \$861,000 – so if you subtract – the remaining \$252,000 was achieved by rebidding health insurance and doing more with less. The staff is to be commended for their hard work.

A motion was made by Councilman Benton and seconded by Councilman _____ to amend the agenda to add an ordinance for first reading to strengthen the NU-Batture Classification in the Zoning Ordinance.

The Mayor asked Councilman Wheeler to second it.

Councilman Wheeler said considering we just got it – I will say nay.

Councilman Huete – no

Councilman Johnston – no

Councilman Baudier – no

The Mayor said we can't get a second to amend the agenda for first reading for an ordinance to improve the conditions on the batture.

The motion failed for lack of a second.

ADDRESS THE COUNCIL

Mr. Rhiems, Renpass – they had a meeting with Pearce Wood on December 18, 2015. They informed him of the residents requests. The sand & fly problems have been on TV and in the paper several times. Pearce Wood and his attorney were at the Council meeting on Jan. 16, 2016 where they addressed the mayor and city council. Mr. Wood declined to speak on camera to WGNO. They staying after the meeting and spoke to Mr. Wood and his attorney. Chad Caulder reported that Mr. Wood refused to speak on the complaints on March 7th. Attorneys for Pearce Wood pled not guilty on March 8th at Harahan Court for composting and mulching. A new court date was given as May 10th. They Mayor is the only one who can enforce the law. A resident on Riverside Dr. moved her 3 years ago because I saw a pretty levee but I didn't know what was behind it. I painted my facia tan because of the sand. People won't drive down Riverside Dr. after washing their cars. Residents are frustrate with chasing flies – we are concerned with health issues. Residents should not have their property values lowered. The residents are suffering because business has increased.

Evelyn Rhiems, Renpass Residents using the levee for exercising are being exposed to limestone dust, sand particles, manure smells and wood fibers. Trucks should be using the road next to the river. All openings from Hickory to Bailey need to be closed – unless this happens sand will continue to come into the community. Trucks leaving the property should have to go over a steel grate on batture side ramps. Mulching & composting must be removed. Limestone must be removed. Tree dumping must stop. The airport project will begin 2nd week of April will bring more noise & sand to residents. 55 dump trucks from 4 different locations will run for approx. 10 months from 7 pm until 6 am. Dump trucks will also run regular hrs. from 6 am until 4 pm. Some trucks don't obey laws during the day, and probably won't at night. Sleep will be disturbed, lives disrupted – how can the airport project operate at night against the noise and nuisance law. My husband and I have thought about giving up but our relationship with Jesus that this is the job God calls us to do. We believe God will grant us a miracle soon. She quoted a bible passage.

Darlene Schwartz, with the Police Dept. She gave an update on events. Sat. April 30th – Drug Take Back Day. It will be at Rite Aid Pharmacy and at the Police Dept. A special event – Special Olympics – Law Enforcement Torch Run. \$25 for registration – all can register – not just police. You can run – 3 miles or just participate with a donation which gives you access to the event with your registration. May 19th – assembling at Lafreniere Park. Sunday, June 12th – Special Olympics

Bryan Whittle, Gordon questioned whether the city was prepared for the storm season. He questioned the generators at sewer plant capability of running all the pumps.

Mayor Miceli asked J.R. Parish to answer the question.

J.R. Parish, Veolia said yes, they have a hurricane binder which is updated every year. It contains all information about the system. The city manages the generators – not for all stations – but they are prepared. Station 8 has its own generator.

Paulette Zeringue, Crislaur spoke about the sand situation – thanks to the Mayor & Council for their concern. The road that parallels the levee also vibrates her house. She would like the road closed and the road closer to the river opened.

Marie Levetro, Crislaur addressed the sand issue. She has read the ordinance, she also read the new ordinance and it is good but she asked what can the council do because the ordinance does not do anything now. She has lived there 50 years and her family for 75 years. It has never been this bad.

Mae Jean Cazenave, Oak Ave. – spoke in favor of the Council passing the Mayor's Budget "as is" since she had done a great job in reducing the deficit.

Rhonda Bagby said she has seen a letter going around trying to hold the Mayor responsible for the Burger King. The previous mayors and council and the two members from the previous council should be held responsible for the condition of Burger King. She said Councilman Baudier had called the people who agreed with the Mayor "pawns and terrorists" she asked him if he was calling her a terrorist too.

Councilman Baudier said he didn't say that, he blamed Councilmen Benton for that quote.

The Mayor closed Address the Council.

APPROVAL OF MINUTES

A motion was offered by Councilman Baudier and seconded by Councilman Johnston to dispense with the reading of the Jan. 21, 2016 minutes.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

A motion was offered by Councilman Baudier and seconded by Councilman Johnston to approve the minutes of Jan. 21, 2016.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

A motion was offered by Councilman Baudier and seconded by Councilman Johnston to dispense with the reading of the Feb. 18, 2016 minutes.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

A motion was offered by Councilman Johnston and seconded by Councilman Wheeler to approve the minutes of Feb. 18, 2016.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

COMMUNICATIONS

The Board of Adjustment & Appeals did not meet in February, 2016

The Zoning Board met – but did not have a quorum, the case carried over to April.

ORDINANCE FOR APPROVAL

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

The Mayor explained that this is an Ordinance to address convenience fees which have been a problem and brought to issue by Councilman Benton is not going to be seconded.

Councilman Wheeler said there was an issue with the ordinance. . .

Councilman Johnston said there was an issue and even though City Attorney Buras said it is okay, but I don't think it is and I don't want to put my name on it. The issue is that originally we were given the ordinance. . .

Mayor Miceli asked City Attorney Buras a question. If the ordinance is seconded, the issue can be discussed then.

City Attorney Buras said this is out of order – it should be seconded before discussion.

Councilman Johnston said he will address the matter in his report.

Mayor Miceli said the ordinance fails because of a lack of a second, just as the motion to amend the agenda to introduce the ordinance that will tighten up the zoning ordinance concerning the batture.

ORDINANCES FOR INTRODUCTION

The following Ordinance is introduced by Councilman Baudier

1. An Ordinance to amend and re-ordain Sections 6-73B of Chapter 6 of the Harahan Municipal Code, Ordinance 1669 relative to location restrictions of Alcoholic Beverage Outlets to restrict same to location 100 ft. or more distance of a building occupied exclusively as a church, synagogue or public library, a public playground or school except for business education conducted as a business college or school. And to otherwise provide with respect thereto.

NEW BUSINESS

1. Police escort and barricades are needed for the St. Rita Annual Eucharistic Procession May 1st following the 11:30 am Mass.

A motion was offered by Councilman Baudier and seconded by Councilman Johnston to approve.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

2. City Hall Security

Councilman Huete said that she had placed this on the agenda and she asked that it be stricken and she will address it at a later meeting.

ADDRESS THE COUNCIL

Mae Jean Cazenave, Oak Ave. – said she wanted to finish her comments – the city is losing another professional in Kevin Johnson and replacing him will be difficult especially if applicants read the letter he wrote.

Evelyn Rhiem, Renspass appreciates that the council let them know about the ordinance. She thinks what they just said – that after the first time they addressed it – they shouldn't have to attend for a second meeting to occur. It makes absolutely perfect sense to her. She said that's between Wood Materials and Kevin Johnson. I don't know what the big deal is about feeling like they attacked somebody – they didn't. She is frustrated about it. It's not right to do that to them. It makes perfect sense to me. It's not our

responsibility. She is sorry Mr. Johnson resigned – we met him at our church and I called and asked him to call me and he hasn't. She wants to communicate with him again. We lost a good code enforcement guy and at a very important time right now. I think he did a good job with it.

John Rhiems, Renpass – I don't understand why Ordinance 1333 is so hard to understand – obnoxious sand is blowing over the levee and onto people's houses. This man has gotten away with this for 30 years and is making people's lives miserable. He's finally wound up getting a mulching compost industry back there. He's clearly going against the law. He's trying to override the city of Harahan and he's got a lot more money than we have. So what do we do about that? We have laws on the books, he shouldn't even be back there treating Harahan the way he is. So somebody needs to wake up and we need to enforce the laws we have on the books. It's been done several times before with Wood Marine and Wood Resources, he's always trying to do something to get over on Harahan. So he's ruining the property values and the homes along Riverside Dr. and not telling how far that sand goes and what effects it has on the community. Another thing I wanted to say was that Kevin Johnson is a good code enforcement man and some of the things he wasn't familiar with, but he should have enforced the law, he should have gone and cited Woods. He should have noticed what was going on with the sand coming over the river, coming over the levee and affected people's homes. He should have known that stuff. And I like Kevin Johnson and I don't think he should have resigned. I think he should have hung in there and fought a good fight. So something needs to be done and I'm calling on the City Council and the Mayor to do something about this and alleviate the problems that we have and the citizens are having with the sand.

SECRETARY'S REPORT

Revenues for the month of February, 2016 are \$572,187.94.

REPORTS

Chief Walker gave the police dept. report for the month of February.

Councilman Huete asked about the assessment of Redflex.

Chief Walker said it started last night.

Councilman Huete asked about the locations of the assessment.

Chief Walker said he didn't know offhand, but he had the information at his office. The assessment has started and he will let her know about it.

Chief St. Cyr gave the fire dept. report for the month of February.

The dept. has also received more smoke alarms and they will install them also, he asked citizens to call the station. Some equipment has been received from the money from the parish. Firehouse software is among them.

Councilman Baudier – no report

Councilman Huete – no report

Councilman Johnston – I know we will get attacked because we didn't do certain things. I just wanted to go over why I didn't do it. As far as amending the agenda to put this ordinance for 1333 up – we just received it, we weren't informed of it beforehand. We weren't told it was going to come up. When something comes up and we, well I know I do it, when something comes up that I haven't presented beforehand, I go to each councilman, I call them up and say I'm putting this up and if you can pass it through that would be great and we ever got that courtesy and I didn't want to put my name on it because of that. As far as the ordinance for approval, with the convenience fees. I have no problem with the convenience fee ordinance. The problem I had, I talked to the City Attorney. In the original ordinance, it has in the title – "check services" which is talking about all the services it has. In the updated

ordinance we got today, the "check services" is taken out of the title. I've talked to a few people along with the city attorney - the city attorney says it's okay - but I talked to a few people that said you can't change anything that's in the title that was already advertised. That's why I didn't want to go forward with it. If they put it back up or whoever wants to put it back up I have no problem with the ordinance itself. It's the uh title right. Lastly, I want to speak about - they have been having an email circulating Harahan from Save Harahan group. In it - it talks about the budget discussion where the Mayor is bringing down the deficit which is great. It has me in here saying plenty times that the Mayor is gloating. While I did say she is gloating, it's taken way out of context from what I was saying. I was saying she was gloating that we have surpluses but yet the fire department and the police department are not properly funded. That is the reasoning why I said she was gloating because it's ridiculous when you don't have your departments funded properly. And other than that I think that's going to do it.

Councilman Wheeler she agreed with Councilman Johnston about the introduction. I actually spoke to Sue about the introduction of the ordinance. I didn't want it to come across that if a citizen comes into the city of Harahan and pays a fine or taxes or permit with a check there would be a fee assessed on it. It looked a little confusing that it could be construed that way. So I did reach out to Councilman Benton and just suggested that I felt that the check services section in the ordinance should be removed so it wouldn't confuse the citizens. However, since it was brought up for introduction I saw that Councilman Johnston had reached out to Attorney Buras, I don't recall there being a response and we don't have any problem with the ordinance Sue, we're all with it, but I do agree that I think it needs to come up for first reading and then be brought up for public hearing. That was my one concern. I just didn't want it to be confusing and nobody would understand that if they come in and paid with a check that they would be assessed a fee.

Mayor Miceli asked Mr. Buras to speak to the matter.

Mr. Buras said that many of the problems that these guys are running into comes from the incomprehensible way of dealing with ordinances. As I suggested when I became City Attorney, the clerk should take each ordinance that is going to be introduced, number it sequentially by year 2016-__ and then that is the ordinance that you will be considering from then on out. Apparently, what you are doing is you introduce an ordinance and then if you want to change it before it's actually voted on after the first reading, you stick in another ordinance - something called ordinance no. with a blank. That's not what the process is supposed to be. The process is supposed to be, you introduce the ordinance on first reading, the title and I just want to make it clear the title gives a general idea to the public what the subject of this matter of this legislation is. It doesn't have to track the language exactly, it just has to give a general idea. Once that ordinance is introduced - that proposed ordinance 2016-__, every subsequent meeting will consider that document all the changes, all the amendments will be made to that document. So for example, I don't recall whether the original submission had check services in it or not or whether it was pulled out. It doesn't matter, check services isn't the subject of the legislation, convenience fees are. So when you bring it up for adoption, you know in its final passage you can make changes to it. You can make amendments to it and you don't destroy the efficacy of the title because you pulled check services out of the body of the document. So I'm going to get with Nicole and from now on, we're going to make sure that all ordinances that are introduced - no. 1 have sequential number, are on a calendar so we know which one's are up on first reading or

final passage at subsequent meeting. We're going to draft them all so they have line numbers. We're going to draft them so they actually have titles. An ordinance to establish convenience fees – title just gives a general idea of what it is you are going to be talking about. So those are the problems that I think happened with this convenience fee thing. Now look, on the substance of the ordinance, I think it needs to be redrafted – the substance because generally what you do with a convenience fee, the council either imposes the fee so you can look in the municipal code and you say I owe this for doing this or they delegate it to an administrator and say you know you can impose convenience fees consistent with reasonable fees that are charged to defray the cost of providing the service, or the administrator can come up with the fee and you don't have to keep coming back to the council. But this thing doesn't really do anything. It says it may provide credit card and online payment services – it says that the convenience fee for these services shall be paid by the party making the payment. It doesn't impose anything. That section needs to be redrafted. I was told by Nicole that this came from Mandeville – so I guess they will have to straighten their's out too. That's my story on the convenience fee thing. It's something – I will find out what was on the original.

Councilman Benton said she has not gotten one second on anything I have put up. Mr. Johnston is wrong – you did receive the ordinance about the batture from the city attorney three weeks ago. To my knowledge no one contacted him about it. I spoke with Mr. Buras about it and his suggestion was to introduce it as it was sent out three weeks ago and they won't have anything to balk at and we can tighten it up further with amendments. So for Mr. Johnston to say he didn't receive it is incorrect. And as far as the convenience fee ordinance – again a Councilman knows more than a professional and is relying on other people – so why do we have Mr. Buras if we are going to just ignore everything he says. I think we should have put the batture ordinance up for first meeting tonight. Also I want to say that council meetings are on the city's website.

Mayor Miceli addressed the ordinance that Sue tried to introduce tonight. Government has three branches and each has responsibilities. The Legislative branch needs to act. The Executive Branch has acted in the issue with the assistance of Mr. Buras and Kevin Johnson. The Judicial Branch is taking the matter up now. It is now time for the legislative branch to act. I've been asking for months to give me something that is enforceable for our citizens. The first thing I did was ask Mr. Buras about how do we make this ordinance better. We asked him to make the ordinance better. That ordinance was sent to everyone and Ms. Benton and I have been speaking with him on how to construct it. It should not go unnoticed that there is another ordinance introduced for first reading by Mr. Baudier. It is amending another ordinance that has to deal with zoning and distance for providing liquor licenses and shortening the distance because he understands that what is written in an ordinance has to be changed and amended. Things like 100 ft. instead of 300 ft. give the administration the ability to enforce things. In our NU-Batture section – ordinance 1333 – it lacks certain defined parameters. We are seeking, on behalf of the citizens, to start defining what the parameters are so the ordinance becomes enforceable. Now about the budget – gloating was not my reaction – I was relieved and proud about the hard work that a lot of good people performed to get the deficit down. So gloating – I was not. I would think that anyone on this council would be relieved as well because it unburdens our citizens of that deficit which prevents us from being financially healthy, refinance bonds and start putting money toward our police and fire departments that we truly have. The other thing

about the budget – it will be going up on the website. The funding of all departments are relatively stable – Chief Walker to increase things he asked for to cover 12 hours shifts. We worked with Chief St. Cyr to include 2 extra firemen. Go see for yourself if the depts. are underfunded. If we don't get our deficit under control Harahan won't be able to grow financially. We have to look at all the services we provide the citizens. The deficit hurts our first responders. People are suffering from a collapsing sewer system. The sewer system does not work adequately and needs to be fixed. Being able to flush your toilet during a rain event is something we should expect. We have to fund our professionals, our maintenance, streets, highways and a senior center which does not collect money from the millage in Jefferson Parish. I am proud to say that our senior center is the most attended center in the Parish. We have to divide the pie of our money as equally as possible. This council voted on a budget on December 30th – that I vetoed because they removed almost \$100,000 from the administrative department. The fire & police depts. were included and at no time were those figures questioned. We cannot fund them with one time revenues – it must be recurring revenues. It's serious, but I am encouraged because figures show that the deficit is projected to be eliminated by 90% at the end of this year. By delaying the adoption of the budget, new numbers must be added costing more. It is an excellent budget considering what we inherited. I would like to project a raise in 2017 for all employees and possibly institute a retirement plan for non-first responders.

Chief Walker said last Sunday gun shots were heard in Harahan, but he assured the people that– they appear to be coming from across the river.

City Clerk Nicole Lee brought up the ABO license for the Happy Italian. Councilman Johnston said it was not for tonight.

Chief Walker said he and Kevin Johnson had sent letters to Mr. Buras concerning the 300 ft. rule making granting an ABO license is a violation since it was within 300 ft. of a church and school.

ADJOURN

A motion was made by Councilman Johnston and seconded by Councilman Benton to adjourn at 8:30 P.M.

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSES

LAWSUITS (DO NOT READ)

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

- 1. Phillip Canella vs. Arch Ins. Co., City of Harahan, Todd A. St. Cyr, and Allstate Ins. Co.; 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:**