

The Mayor and Council of the City of Abbeville met in regular session on October 4, 2016 at 5:30 P.M., at the regular meeting place, the Council Meeting Room located at 101 North State Street, with the Honorable Mark Piazza, Mayor, presiding.

Members Present: Council Members, Francis Plaisance, Mayor Pro-Tem, Brady Broussard, Wayne Landry, Joe Hardy, and Francis Touchet, Jr.

Members Absent: None

Also Present: Jude Mire, Fire Chief
Tony Hardy, Police Chief
Ike Funderburk, City Attorney
Richard Primeaux, Engineer
Gene Sellers, Engineer
Clay Menard, Public Works Director
Denise Mire, Interim Parks and Recreation Director
Tracette Hillman, Municipal Employees Civil Service Director
Rockell Ficklen
Reverend Raymond Brown
Joseph Wiltz
Gene Williams
Sandra Mouton
Lennis Washington

Mayor Piazza asked Reverend Raymond Brown to lead the assembly in prayer. Mayor Piazza asked Chief Tony Hardy to lead the assembly in the Pledge of Allegiance.

-01 introduced by Mr. Francis Plaisance and seconded by Mr. Wayne Landry to approve the minutes from the regular City Council meetings held on September 6, 2016 and September 20, 2016 and the joint special meeting of the City Council and the Abbeville Parks and Recreation Board held on September 13, 2016. The motion carried unanimously.

Mayor Piazza asked if there were any public comments on any agenda item. Ms. Sandra Marant asked the Council, in reference to the proposed liquor license, to ask themselves if the people of Abbeville want and need another bar.

Mr. Ike Funderburk read the following public statement aloud:

The City Council of the City of Abbeville is the legislative and policy making branch of the City's government. The Mayor is the chief executive officer of the City. As such the Mayor proposes a budget, including the budget for the Abbeville City Police Department which is administered by its elected Chief of Police. The City Council, acting as the governing authority of the City, has discretion to accept the proposed budget.

The Mayor and Council have no authority to direct the day to day operations of the Abbeville Police Department or interfere in any of its ongoing investigations. In fact, ongoing

investigations are exempt from the public records laws, and thus not reviewable by the Mayor, Council or the public. If anyone has a grievance about the Abbeville Police Department it should be addressed to its elected Chief of Police and not the Mayor and Council.

The Vermilion Parish based Judges of the 15th Judicial District Court are elected by the people of the entire parish. The Mayor and Council of the City of Abbeville have no authority to dictate how these elected officials conduct the business before their respective courts. Addressing issues in their courtrooms is properly done through lawyers representing the criminal defendants assigned to them. If you want justice for your family members, perhaps you should be working with attorneys who represent them.

Therefore, if you are here tonight to inquire into any ongoing investigation, pending criminal litigation; or grievance against the Police Department, or wish to obtain a reduction of the bail fixed by the court, you are in the wrong place. The Mayor and Council have no legal avenue to address your concerns.

Ms. Rockell Ficklen was at the meeting to discuss gangs and drug racketeering. She asked the Police Chief what is a gang. Chief Hardy stated the definition of a criminal street gang according to the State is any ongoing organization, association or group of three or more persons, whether formal or informal, with a leader or not, which has one of its primary activities that commission one or more criminal acts enumerated in the paragraph. The acts they are talking about is aggravated battery, second degree battery, armed robbery, first degree and second degree murder and the list goes on. These three people get together and they commit one of these crimes or attempt to commit one of these crimes. This is criminal street gang activity. Chief Hardy stated they do not label them as gang members. This is how the law interprets it. That is all we can do is go by what the law says. Ms. Rockell Ficklen asked what is drug racketeering. Chief Hardy stated it is when one person gets another person to commit a crime that is punishable under the provisions of Title 14. If I get someone else to come in with me to commit a crime that is racketeering. Ms. Sandra Mouton asked who they have to speak to about getting their bonds reduced. Mr. Funderburk stated you need to work with the lawyers that have been appointed that represent them. It is the lawyers that represent your family members that need to be asked these questions.

Reverend Raymond Brown stated they are not here to protest. We are not here to attack the City Council. The way ya'll handled those people really hurts. Councilman Touchet stated at our last City Council meeting, there was an individual that came and wanted to speak on some specifics about police work and things that were done with crimes. The reason why our attorney made the statement is because we want to be crystal clear that we do not control the judicial system. We do not control the Police Chief. It was stated because someone came to our last City Council meeting and tried to put us into that type of situation. We do not control the Police Chief. He is an elected official. We don't control the judges. (Reverend Brown asked the constituents in the audience that he was representing to take out their cell phones and start filming him.) We are here to make our case regarding how citizens have been abused. He is the president of National Action Now, a civil rights organization. He is a product of Reverend Al Sharpton. He worked for him for 12 years. He has been involved in rights for 33 years. He received a call from some of the mothers and fathers saying their child is not part of a gang. They did an investigation and we discovered that no gangs exist in Abbeville. If the Blood or the Crypts were here, you would need the National Guard. No gang exists here. What you have is violence between rivals. A gang is organized and can make bond on a million dollar bond. A gang member can raise the money and make bond. These people are poor working class people. (He distributed a photograph of an organized gang.) They are in a network connection

with the police department in Grand Isle. They are stealing dope and money out of the evidence room. Five cops were busted laundering drug money and drugs out of the evidence room in Grand Isle. These individuals happen to be all Caucasian. Gang members all have nice homes and a Mercedes. They bailed out of jail the same day. We have an investigation into the Abbeville Police Department that ya'll don't even know about. The Southern Poverty Law Center is looking into wrong doing by your department. When you arrest those men and put them under a gang that is unfair. He believes in due process of law. He asked the Council as the regulatory and legislative body to interview the Police Chief regarding evidence that a gang actually exists. These men will be sent to Angola for the rest of their life if they get convicted. He is not racial but the picture he gave with all those Caucasian guys involved in the network was never labeled a gang. They were all arrested and charged separately. In every City they get this drug task money and they call it a gang task force. Southern Poverty Law Center took down the New Orleans Police Department. He distributed a picture about a flyer that was going around that he was upset about. It is a police car with a KKK hood on top of it. People feel that the KKK has infiltrated the police department.

Mr. Joseph Wiltz stated he is an ex-police officer, ex-prison guard and an ex-private investigator. He had a few questions to ask the Council. He asked Councilman Touchet that he had mentioned earlier that the Council has nothing to do with the Police Department. What are the duties of the City Council in Abbeville? Councilman Touchet stated it is to approve a budget and once the budget is submitted to the Police Department we can't interfere with their day to day operation. We have already been through the judicial system in reference to that. Mr. Wiltz asked if someone has a complaint against a City Police Officer, who do they go to file a complaint. Mayor Piazza stated the City of Abbeville is a Special Legislative Charter. We are not a Lawrason Act municipality and we are not a Home Rule municipality. We are a Special Legislative Charter. Our charter says that the Chief of Police in Abbeville is elected and has complete and total authority over his department and his personnel. We can't tell him how to schedule, we can't tell him what to do with them, who to hire, none of those things because he has complete and total control of his department. The City Council approves his budget, hands him that budget and he spends that as he sees fit. That is specified in our charter. Unlike other municipalities, we are unique in that. So to answer the question, if there is a complaint, he is an elected official so we are not his boss. Mr. Wiltz asked about reviewing and approving grants, who does that? Mayor Piazza stated he and the City Council do not approve the Police Department grants. They only approve the budget. They apply for them and they are awarded to that department. Reverend Brown read that the City Council appropriated funds to the Police Department. Were there funds that this Council appropriated to the Police Department that came from the federal government? Mayor Piazza stated he is not aware of any. Reverend Brown stated in August of 2015 this body appropriated some money to the police department. Mr. Wiltz asked Chief Hardy if they ever received a grant from the government. Chief Hardy stated they receive several grants. Mr. Wiltz asked if Chief Hardy applies for those grants themselves. Chief Hardy stated no. Lieutenant Hardy applies for the grants. He sits on the grant board. Reverend Brown asked if the Lieutenant remembers the grant money they got for the crime task force. Lieutenant Hardy stated they do not receive grant money for the task force. Reverend Brown asked who funded the task force. Mayor Piazza stated we are participants in a drug task force that is administered by the Sheriff Department. It is the Sheriff's Task Force and we provide a certain amount of money to the Sheriff and it is his task force. Reverend Brown asked where the money comes from for that. Mayor Piazza stated the money does not come from the federal government it comes from the City's General Fund budget. We did not apply for federal money for the task force. Reverend Brown stated they will have to do an investigation because the Sheriff and ya'll all teamed up together: the Police Department, the Sheriff Department and Captain Higgins. Ya'll got that money and came up with this thing

called gangs. We know what ya'll did. You don't want the Southern Poverty Law Center coming here to investigate you. We are not ignorant we can read. Mr. Wiltz asked Chief Hardy if there is anybody he answers to in particular. Chief Hardy stated the people. Mayor Piazza stated Chief Hardy is an elected official. He doesn't have a boss. Reverend Brown asked why the Chief and his department concocted the story about the Gremlin Gang. Chief Hardy stated he did not concoct that. Social media labeled it that. Mayor Piazza stated this is not a debate. Mr. Wiltz stated he asked the questions he needs to ask. It was very odd to him that the Council does not oversee the Police Department because every city he has been to, the Chief normally has to answer to the City Council. Even in Breaux Bridge which is not a big City. Mayor Piazza stated that is because their Chief is appointed. Councilman Landry stated that is the difference. If he would have been appointed we have some control but since he is elected, he has to answer to the people. Reverend Brown asked Chief Hardy what the name of the gang is. Chief Hardy stated whether they have a name or not, it doesn't matter. Reverend Brown stated ya'll indicted a gang, right? Chief Hardy stated it is called criminal street gang activity. This is State law. If you don't want to agree with the State laws, that is on you but I go by the State laws and that is what the Police Department has to go by. Reverend Brown stated when these people go before the judge all the judge will see is the Gremlin Gang or MUDD. Mr. Wiltz asked Chief Hardy to read the State law again aloud. Chief Hardy did and offered a copy of the laws to Mr. Wiltz. Mayor Piazza stated we appreciate everyone coming here tonight. He is the Mayor of Abbeville and nobody is happier than him to hear that there are no gangs in Abbeville. There are a lot of little old ladies hiding in their houses that are scared because they read this stuff in the newspaper and they think there are gangs all over town. He gets the phone calls about what is up with all of these gangs. Reverend Brown stated all we want is for those young men to get a fair trial and a bond reduction from the judge. Mayor Piazza stated the Police Chief has nothing to do with that. That is the District Attorney's responsibility. Mr. Gene Williams stated he is not here to say we don't have crime in our neighborhood. Every neighborhood has crime but this is individual crimes that they have put together. We can call everybody a gang. Chief Hardy stated no because it can only be the charges that are listed on the State law. Mr. Williams stated they live in the neighborhood and they don't know nothing about a gang. You will send my child away for many years. Twenty years ago, he was busted for drugs. He has been out for twenty-five years. You have to work with the youth but they just want to throw them away. Give them jobs and help them. When you get out of prison you are labeled. You are killing kids with this. He is not against the Police because in some aspects they do a wonderful job. We need law and order everywhere. Ms. Sandra Mouton stated this gang situation is ridiculous. Ya'll don't know what the ghetto is but we know what it is. We know what it is like to grow up in a home with no food and nothing else. What is a gremlin? The racketeering, where is the money? If there bond is a million dollars, why can't they make bond? We all got flaws. Nobody's perfect. When will we all come together? When will we get treated equal? A lot of people feel like they can't go to the Abbeville Police Department because they don't come. Let's be realistic. How do we get the DA out? How do we get this Laura Hulin out? Councilman Wayne Landry stated he represents District D and most everyone here tonight comes out of District D. He believes that there are no gangs. Chief Hardy just read the State law. The bonds are high. In his opinion \$750,000 bond is extremely high. These people are here to voice their opinion because they can't afford that type of bond. As the Mayor and the City Attorney have said, the Chief is in control of his department. Ms. Mouton you were sent to the wrong place because the Council does not have any control of that. It is the D.A., the assistant D. A. and his staff and the judge. Councilman Plaisance stated we have given everybody who wanted to say something an opportunity to express themselves. It is important for the community to be able to do that. We appreciate your concerns for the community because we are concerned about it too.

The next item on the agenda was to consider a special event permit for Chris Samuels and Kaylen Smith to hold a gathering in McKinley Scott Park on October 15, 2016 and October 16, 2016. Neither gentlemen had attended the meeting. Councilman Landry stated this is not what it seems to be. They are not giving a function. Mayor Piazza stated that is now what they put on Facebook. They will have fun jumps, bar-b-que, baseball tournament, vendor booths, etc. We can't have two festivals in one weekend. No action was taken.

Mr. Lennis Washington was in attendance tonight to contest the denial of the plan review for 707 Graceland. Mr. Washington stated this is his home. He tore the house down there but he is trying to come back home. He wants to put a building up there so he can come back home. He will live in the building. Mayor Piazza stated you were denied by Mr. Primeaux because he was under the understanding that it wasn't a residence. Mr. Primeaux stated when Mr. Washington came to his office to show me his site plan, he told me it was a vacant lot and he wanted to put up a storage building. It is a vacant lot but he wants to put an accessory building. If there is no residence there, you cannot have put an accessory building. This is in accordance with the International Building Code from the State which we have adopted. Mr. Washington stated perhaps he didn't express himself well because he is putting the building there to live in. Mr. Primeaux stated he will have more work to do because the site plan he submitted is just a shed. It has no insulation, no walls, no restroom, no receptacles, no individual bedrooms, no kitchen and no ventilation. For us to be able to give the permit, a complete set of drawings will be necessary. Mayor Piazza asked Mr. Washington to go to Mr. Primeaux's office tomorrow to will sit down with him to tell him what needs to be in the drawing so that he can approve it. It has to be built correctly and it has to be drawn correctly.

Plaisance/Broussard

Resolution 16-32

A resolution to authorize the Mayor to execute an intergovernmental agreement between the City of Abbeville, the Vermilion Parish Police Jury and the Vermilion Parish School Board to create a third lane for school parent pickup on Eaton Drive.

The motion carried unanimously.

Broussard/Landry

Ordinance 16-11

An ordinance to surplus several properties that belong to the City of Abbeville as a result of adjudication and to sell those properties at a public sale on November 15, 2016 at 5:00 P.M.

The motion was put to a vote and the vote thereon was as follows:

YEAS:	5(Plaisance, Broussard, Landry, Hardy, Touchet)
NAYS:	0
ABSENT:	0
ABSTAIN:	0

Therefore, the ordinance was adopted.

-02 introduced by Mr. Francis Plaisance and seconded by Mr. Wayne Landry to award the contract for grass cutting and abatement of junk on the property located at 810 Schlessinger to Aross Brown at a cost of \$189.99. The motion carried unanimously.

Mr. Aross Brown asked about the demolition of the club on South Miles. The Police Jury told him to put the waste on the side of the street. Mayor Piazza stated they are not taking any demolition debris at the solid waste plant because they are still hauling stuff from the flood. He told him to contact Police Juror Ronald Darby to make arrangements to have it picked up within a week or two. If they can't pick it up within a week or two then you should not put on the side of the street until they can pick it up. Mr. Aross Brown stated he has the same situation on Motty. Mayor Piazza stated he will have to get permission from Mr. Pervis Gaspard.

-03 introduced by Mr. Francis Plaisance and seconded by Mr. Wayne Landry to approve a special event permit for the American Cancer Society Relay for Life of Vermilion Parish to hold an event in Magdalen Square on April 1, 2017 from 6:00 PM to 11:00 PM, to waive the permit fees and to authorize them to utilize the A. A. Comeaux Recreation Center if it rains for the event. The motion carried unanimously.

-04 introduced by Mr. Wayne Landry and seconded by Mr. Brady Broussard, Jr. to approve a Class A liquor license for Chocolate City located at 520 S. Miles Street. The motion was put to a vote and the vote thereon was as follows:

YEAS:	4(Broussard, Landry, Hardy, Touchet)
NAYS:	1(Plaisance)
ABSENT:	0
ABSTAIN:	0

Therefore the motion carried.

**Broussard/Landry
Resolution R16-33**

A resolution requesting financial assistance from the State of Louisiana under the Fiscal Year 2017-2018 Capital Outlay Program.

The motion carried unanimously.

-05 introduced by Mr. Francis Plaisance and seconded by Mr. Wayne Landry to approve the estimate for partial payment #3 in the amount of \$26,167.42 for the rehabilitation of asphalt surfaces project at the Airport. The motion carried unanimously.

**Landry/Broussard
Resolution R16-34**

A resolution requesting funding for the capital improvement program for the Airport.

The motion carried unanimously.

Councilman Francis Plaisance

- *Spoke to Mr. Gene Sellers about the west end of the City. They are working on getting the study completed.*
- *68th Louisiana Cattle Festival is scheduled for October 13, 14, 15, and 16th.*

Councilman Joe Hardy

- *Thanked Ms. Sandra Marant for all she does for the City.*

Councilman Wayne Landry

- *McKinley Scott Park is looking better.*

Councilman Brady Broussard, Jr.

- *First Fall Sounds on the Square is scheduled for 10/6/16.*
- *Wished the Cattle Festival the best.*

There being no further business to discuss, Mayor Piazza declared this meeting adjourned.

ATTEST:

APPROVE:

Kathleen S. Faulk
Secretary-Treasurer

Mark Piazza
Mayor