

PUBLIC NOTICE - ST. BERNARD PARISH COUNCIL MEETING - AGENDA

Email: radams@sbgg.net

(504) 278-4228

(504) 278-4209 (fax)

Posted 7/11/19

Tuesday, July 16, 2019

3:00 p.m.

Council Chambers

Page 1 of 4

Sign Interpreter will be provided if requested 48 working hours in advance. Should an interpreter be needed, it is advised that the interested person contact the Clerk of Council at 278-4228. All accessible formats are available upon request.

- A. Meeting Called to Order and Roll Call
- B. Remind Public that no food or drink is allowed in the Council Chambers
- C. Remind Public of Cell Phone Ordinance **SBPC #815-02-08**
- D. Invocation by Pastor Jim Jeffries with Assembly of God Church
- E. Pledge of Allegiance by Councilmember Gorbaty

APPROVAL OF MINUTES

- 1. Motion to approve the minutes of the July 2, 2019 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, July 12, 2019. (Council Chair)

RECOGNITION

- 2. Motion to recognize Nilima Mwendo to present information regarding the 2020 Census. (Councilmember Alcon)
- 3. Councilmember's for a District Update
- 4. **Guy McInnis**, President's Report
- 5. Recognize the Public

PUBLIC HEARINGS

- 6. **Summary No. 3727**
Planning Commission recommended **APPROVAL w/ conditions and waivers** on 6/25/19
Introduced by: Administration on 7/2/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-010**, PETITION OF VITO MONTALBANO FOR A CONDITIONAL USE PERMIT TO OPERATE A TIRE AND MECHANIC SHOP IN AN C-1, (NEIGHBORHOOD COMMERCIAL) DISTRICT. PROPERTY LOCATION: 801 E. JUDGE PEREZ CHALMETTE, LA 70043.

- 7. **Summary No. 3729**
Introduced by: Councilmember Luna on 7/2/19

AN ORDINANCE TO **AMEND** CHAPTER 19, STREETS AND OTHER PUBLIC WAYS; ARTICLE II, PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC LAND; SECTION 19-33, DUTIES; SUBSECTION 19-33(5), HISTORIC TREES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

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8. Summary No. 3730

Introduced by: Councilmember Luna on 7/2/19

AN ORDINANCE TO **AMEND** CHAPTER 5, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE I, IN GENERAL; SECTION 5-4, PRESERVATION OF HISTORIC LANDMARKS, ETC – PERMIT APPLICATION; WAITING PERIOD; SECTION 5-5, SAME – DETERMINATION OF HISTORIC SIGNIFICANCE; AND SECTION 5-6, SAME - OAK TREES CONSTITUTING HISTORIC LANDMARKS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

RESOLUTIONS

9. Adopt **Resolution SBPC #1961-07-19**, approving permits as recommended by the Alcohol Beverage and Bingo Department: (Administration)

Beer and/or Liquor Permit(s)

1. Desi's Inc., dba Desi's 3809 Paris Road, Chalmette, La 70043 Owners: Tina C. Romano, Desi A. Romano, Desi D. Romano (**Renewal**) (**Beer & Liquor**)
2. Breaux Mart Supermarkets, Inc. dba Breaux Mart Supermarket 315 E. Judge Perez Dr., Chalmette, La 70043 Owner: Barry J. Breaux (**Renewal**) (**Beer & Liquor**)

Special Event

1. Name of Organization: Buccaneer Villa Community Association
Address of Organization: 117 W. Genie St., Chalmette, La 70043
Event: Summer Shrimp Slam (Fundraiser)
Location: 8540 Victory Dr., Chalmette, La 70043
(Vista Buccaneer Playground)
Date: July 27, 2019
Time: 11AM – 8PM
Contact: Marcus Campo
2. Name of Organization: St. Bernard Chamber of Commerce
Address of Organization: 100 Port Blvd., Suite 10, Chalmette, La 70043
Event: 2019 Chamber Gala
Location: 5128 E. St. Bernard Highway, Violet, La 70092
(Docville Farm)
Date: August 10, 2019
Time: 5PM – 11PM
Contact: Elizabeth Dauterive

10. Adopt **Resolution SBPC #1962-07-19**, a resolution to appoint members to the St. Bernard Parish Library Board. (Council)

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11. Adopt **Resolution SBPC #1963-07-19**, a resolution to appoint members to the St. Bernard Parish 911 Communications District. (Administration)
12. Adopt **Resolution SBPC #1964-07-19**, a resolution authorizing a grant application to the Louisiana Office of Tourism Cooperative Marketing Program in the amount of \$20,000.00 for the St. Bernard Parish Office of Tourism Cooperative Marketing Program. (Administration)

ADOPTION

13. **Summary No. 3727**
Planning Commission recommended **APPROVAL w/ conditions and waivers** on 6/25/19
Introduced by: Administration on 7/2/19
Public Hearing held on 7/16/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-010**, PETITION OF VITO MONTALBANO FOR A CONDITIONAL USE PERMIT TO OPERATE A TIRE AND MECHANIC SHOP IN AN C-1, (NEIGHBORHOOD COMMERCIAL) DISTRICT. PROPERTY LOCATION: 801 E. JUDGE PEREZ CHALMETTE, LA 70043.

14. **Summary No. 3729**
Introduced by: Councilmember Luna on 7/2/19
Public Hearing held on 7/16/19

AN ORDINANCE TO **AMEND** CHAPTER 19, STREETS AND OTHER PUBLIC WAYS; ARTICLE II, PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC LAND; SECTION 19-33, DUTIES; SUBSECTION 19-33(5), HISTORIC TREES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

15. **Summary No. 3730**
Introduced by: Councilmember Luna on 7/2/19
Public Hearing held on 7/16/19

AN ORDINANCE TO **AMEND** CHAPTER 5, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE I, IN GENERAL; SECTION 5-4, PRESERVATION OF HISTORIC LANDMARKS, ETC – PERMIT APPLICATION; WAITING PERIOD; SECTION 5-5, SAME – DETERMINATION OF HISTORIC SIGNIFICANCE; AND SECTION 5-6, SAME - OAK TREES CONSTITUTING HISTORIC LANDMARKS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

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INTRODUCTIONS

16. **Summary No. 3731**

Introduced by: Administration on 7/16/19

AN ORDINANCE TO AUTHORIZE THE PARISH PRESIDENT TO ACCEPT THE DONATION OF LOTS 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 23, AND 24 , INCLUSIVE IN VERSAILES SUBDIVISION IN SQUARE 396, FROM THE HEIRS OF ELVE LOUISE IRELAND AND EXECUTE ANY NECESSARY DOCUMENTS FOR THE DONATION.

OTHER MATTERS

17. Motion to discuss and take any action as it relates to information received from the Coastal Zone Advisory Committee.

Next Regular scheduled Council Meeting will be held Tuesday, August 6, 2019 @ 7:00 p.m.

Approved by: *Richard "Richie" Lewis* Time: 1:08 p.m. Date: 7/11/19

#1

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 16, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved approve the minutes of the July 2, 2019 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, July 12, 2019.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 16th day of July, 2019.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, July 16, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 16th day of July, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING HELD ON TUESDAY, JULY 2, 2019 AT 7:00 P.M.** IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA.

The St. Bernard Parish Council, the Governing Authority, met in Regular Session on Tuesday, July 2, 2019 at seven o'clock p.m. pursuant to notice given to each member and posted in the manner required by law.

The meeting convened at 7:01 p.m. Members present: Councilmembers: Council Chair Richard "Richie" Lewis, Gillis McCloskey, Nathan Gorbaty, Howard Luna, Wanda Alcon, Manuel "Monty" Montelongo and Kerri Callais.

Also present were Jennifer L. Imbraguglio, Deputy Clerk of Council, serving as official secretary of the Council, President Guy McInnis and CAO Ronnie Alonzo were representing Administration.

Pastor Trevor Truitt with Celebration Church delivered the invocation and Councilmember McCloskey led the Pledge of Allegiance.

#1 On motion of Mr. McCloskey, seconded by Ms. Callais, it was moved approve the minutes of the June 18, 2019 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, June 28, 2019.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#2 On joint motion of the Council, without objection and by unanimous consent, it was moved to recognize Kevin Williams for a check presentation to the St. Bernard Parish Recreation Parks with money raised at the Guy McInnis Family Fest.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

Council Chair took a Chairman's Privilege to recognize Chad St. Pe with Cajun Outcast Fishing Club to talk about the fishing club that was started in St. Bernard Parish.

#3 Councilmember's District Update

A copy of this update is on file with the minutes of this meeting.

Council Chair recognized State Representative Ray Garofalo and Planning Commission Member Kevin Williams in the audience.

#4 President's Report

A copy of this report is on file with the minutes of this meeting.

#6 Recognize the Public

- Ernest Stephens- Marietta, GA
- Roy Arrigo- New Orleans, LA
- Vicki Danna- Meraux, LA

Minutes of the St. Bernard Parish Council Meeting of July 2, 2019

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#6 On motion of Mr. Montelongo, seconded by Mr. McCloskey, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1955-07-19

BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby approve the following permits as recommended by the Alcohol Beverage and Bingo Department:

Beer and/or Liquor Permit(s)

1. Daiquiris Chalmette Partnership dba New Orleans Original Daiquiris 8304 W. Judge Perez Dr., Chalmette, La 70043 Owner: David A. Briggs, Jr. **(Beer & Liquor) (Renewal)**
2. Dockside Enterprises, Inc. dba Casanova Seafood 1928 Massicot Road, St. Bernard, La 70085 Owners: Judy & Robert Casanova **(Beer Only) (Renewal)**
3. D&S Wingery, LLC dba WOW 1720E. Judge Perez Dr., Suite C, Chalmette, La 70043 Owner: Dianne Songy **(Beer & Liquor) (Renewal)**
4. Village Tobacco Liquor Outlet, LLC dba Village Tobacco Liquor Outlet 8715 W. Judge Perez Dr., Chalmette, La 70043 Owner: Fida Muhammed **(Beer & Liquor) (New)**
5. Fast Stop of Chalmette, LLC dba Hoffer's 2545 Paris Rd., Chalmette, La 70043 Owner: Mahmoud Ziadeh **(Beer & Liquor) (New)**

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo

NAYS: None

ABSENT: None

ABSTAIN: Callais

The Council Chair, Mr. Lewis, cast his vote as **ABSTAIN**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#7 On motion of Mr. McCloskey, seconded by Mrs. Alcon, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1956-07-19

A RESOLUTION APPOINTING A NEW MEMBER TO THE ST. BERNARD PARISH PERSONNEL BOARD WHICH IS MANDATED BY SECTION 4-10 (C) OF THE ST. BERNARD PARISH HOME RULE CHARTER.

On motion of Mr. McCloskey, seconded by Mrs. Alcon, it was moved to appoint **Allison Barrios** to the EDF appointed position on the Personnel Board expiring July 2, 2022.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#8 On motion of Mr. McCloskey, seconded by Mrs. Alcon, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1957-07-19

A RESOLUTION REQUESTING LAKE BORGNE BASIN LEVEE DISTRICT TO CLEAN UP AND MAINTAIN THE CANALS IN ST. BERNARD PARISH.

Minutes of the St. Bernard Parish Council Meeting of July 2, 2019

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The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#9 On motion of Mr. Gorbaty, seconded by Mr. McCloskey, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1958-07-19

A RESOLUTION REQUESTING LAKE BORGNE BASIN LEVEE DISTRICT TO BRING ALL PUMPS TO OPERATIONAL STATUS IN ST. BERNARD PARISH AND OPERATE AND MAINTAIN PUMPS DURING AND AFTER RAIN EVENTS.

Discussion ensued;

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

Council Chair took a Chairman Privilege to recognize State Representative Ray Garofalo.

On motion of Ms. Callais, seconded by Mr. Montelongo it was moved to amend the agenda to include item # 20.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#20 On motion of Ms. Callais, seconded by Mr. Montelongo, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1960-07-19

A RESOLUTION SUPPORTING THE REQUEST SUBMITTED TO NOAA AND THE SECRETARY OF COMMERCE FROM THE LOUISIANA GOVERNOR'S OFFICE TO DECLARE A FISHERIES DISASTER IN LOUISIANA.

Discussion ensued;

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

Minutes of the St. Bernard Parish Council Meeting of July 2, 2019

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And the motion was declared **adopted** on the 2nd day of July, 2019.

#10 On motion of Mr. Gorbaty, seconded by Ms. Callais, it was moved to **introduce** the following ordinance:

Summary No. 3727

Planning Commission recommended **APPROVAL w/ conditions and waivers**

on 6/25/19

Introduced by: Administration on 7/2/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-010**, PETITION OF VITO MONTALBANO FOR A CONDITIONAL USE PERMIT TO OPERATE A TIRE AND MECHANIC SHOP IN AN C-1, (NEIGHBORHOOD COMMERCIAL) DISTRICT. PROPERTY LOCATION: 801 E. JUDGE PEREZ CHALMETTE, LA 70043.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#11 On motion of Mr. McCloskey, seconded by Mr. Montelongo, it was moved to **introduce** the following ordinance:

Summary No. 3728

Planning Commission recommended **DENIAL** on 6/25/19

Introduced by: Administration on 7/2/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-011**, PETITION OF RANDALL SEIBERT FOR A ZONING CHANGE FROM C-1(NEIGHBORHOOD COMMERCIAL) TO C-2 (GENERAL COMMERCIAL) FOR NEW CONSTRUCTION OF A STRUCTURE FOR UTILIZATION AS WAREHOUSE/ STORAGE OF RECREATIONAL VEHICLES/BOATS. PROPERTY LOCATION: 2540 PAUL DR. MERAUX, LA 70075.

Discussion ensued;

Public Hearing for Summary No. 3728 will be at the August 6, 2019 Council meeting at 7 p.m.

Mrs. Alcon asked to enter a petition from the residents into the official record at this time.

On motion of the Chair, without object and by unanimous consent, it was moved to enter a petition from the residents pertaining to Item #11, Summary No. 3728.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#12 On motion of Mr. Luna, seconded by Mr. Gorbaty, it was moved to **introduce** the following ordinance:

Summary No. 3729

Introduced by: Councilmember Luna on 7/2/19

Minutes of the St. Bernard Parish Council Meeting of July 2, 2019

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AN ORDINANCE TO **AMEND** CHAPTER 19, STREETS AND OTHER PUBLIC WAYS; ARTICLE II, PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC LAND; SECTION 19-33, DUTIES; SUBSECTION 19-33(5), HISTORIC TREES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#13 On motion of Mr. Luna, seconded by Mr. Gorbaty, it was moved to **introduce** the following ordinance:

Summary No. 3730

Introduced by: Councilmember Luna on 7/2/19

AN ORDINANCE TO **AMEND** CHAPTER 5, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE I, IN GENERAL; SECTION 5-4, PRESERVATION OF HISTORIC LANDMARKS, ETC – PERMIT APPLICATION; WAITING PERIOD; SECTION 5-5, SAME – DETERMINATION OF HISTORIC SIGNIFICANCE; AND SECTION 5-6, SAME - OAK TREES CONSTITUTING HISTORIC LANDMARKS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#14 On joint motion of the Chair, without objection and by unanimous consent, it was moved to accept the Monthly Financial Summary Statement of Revenues and Expenditures and Change in Fund Balance for May 2019.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#15 **Coastal Zone Advisory Committee**

Discussion ensued;
No action taken.

#19. On motion of Ms. Callais, seconded by Ms. Alcon, it was moved to amend the agenda to include items #18 &

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

Minutes of the St. Bernard Parish Council Meeting of July 2, 2019

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ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

On motion of the Chair, without objection and by unanimous consent, it was moved to address items #16, #18 and #19 in globo.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#16 On motion of the Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to discuss potential litigation between Jarrod Gourgues and St. Bernard Parish Government.

#18 On motion of the Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to discuss Fucich Contracting, Inc. v. Shread-Kuyrkendall and Assoc. Inc. & St. Bernard, USDC, E.D.,LA 18-02885.

#19 On motion of the Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to discuss St. Bernard Parish Government v. Lake Borgne Basin Levee District, et als, 34th J.D.C. No. 19-0937.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

On motion of the Chair, without objection and by unanimous consent, it was moved to return to Regular Session.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#16 On motion of Ms. Callais, seconded by Mr. McCloskey, it was moved to accept the advice of legal counsel in the matter of potential litigation between Jarrod Gourgues and St. Bernard Parish Government.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

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NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#18 On motion of Ms. Callais, seconded by Mr. McCloskey, it was moved to accept the advice of legal counsel in the matter of Fucich Contracting, Inc. v. Shread-Kuyrkendall and Assoc. Inc. & St. Bernard, USDC, E.D., LA 18-02885.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

#19 On motion of Ms. Callais, seconded by Mr. McCloskey, it was moved to accept the advice of legal counsel in the matter of St. Bernard Parish Government v. Lake Borgne Basin Levee District, et als, 34th J.D.C. No. 19-0937.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of July, 2019.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 8:17 p.m. on the 2nd day of July, 2019.

COPIES OF ALL RESOLUTIONS AND ORDINANCES IN THEIR ENTIRETY ARE ON FILE AT THE CLERK OF COUNCIL'S OFFICE AND ARE AVAILABLE FOR PUBLIC VIEWING.

Jennifer L. Imbraguglio

JENNIFER L. IMBRAGUGLIO
DEPUTY CLERK OF COUNCIL

Richard "Richie" Lewis

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, JULY 16, 2019 THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE JULY 2, 2019 COUNCIL MEETING:

Summary No. 3727

Planning Commission recommended **APPROVAL w/ conditions and waivers** on 6/25/19

Introduced by: Administration on 7/2/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-010**, PETITION OF VITO MONTALBANO FOR A CONDITIONAL USE PERMIT TO OPERATE A TIRE AND MECHANIC SHOP IN AN C-1, (NEIGHBORHOOD COMMERCIAL) DISTRICT. PROPERTY LOCATION: 801 E. JUDGE PEREZ CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve **Docket Z-2019-010**, petition of Vito Montalbano for a Conditional Use Permit to operate a Tire and Mechanic Shop in an C-1, (Neighborhood Commercial) District.

PROPERTY LOCATION: 801 E. JUDGE PEREZ CHALMETTE, LA 70043.

Planning Commission recommends **APPROVAL with the following WAIVERS and CONDITIONS:**

Waivers:

1. A waiver of two (2) off-street parking spaces per the requirements of **Section 22-7-3.2 – Number of parking spaces (Motor Vehicle Service and Repair)**.
2. A waiver of the requirements of **Chapter 22-7-3.4(i) – Parking Lot Design** to include permit a reduction of the 10' setback to a 0' setback along the side and rear property line as well as the 10' building line setback.

Condition:

1. The applicant shall meet all requirements of the St. Bernard Parish Council, Louisiana – Code of Ordinances, unless otherwise waived by Council or granted variance from the Board of Zoning Adjustments.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

BY DIRECTION OF

Richard “Richie” Lewis

RICHARD “RICHIE” LEWIS
COUNCIL CHAIR

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, JULY 16, 2019 THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE JULY 2, 2019 COUNCIL MEETING:

Summary No. 3729

Introduced by: Councilmember Luna on 7/2/19

AN ORDINANCE TO **AMEND** CHAPTER 19, STREETS AND OTHER PUBLIC WAYS; ARTICLE II, PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC LAND; SECTION 19-33, DUTIES; SUBSECTION 19-33(5), HISTORIC TREES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 19, Streets and Other Public Ways; Article II, Planting, Maintenance, and Removal of Trees on Public Land; Section 19-33, Duties; Subsection 19-33(5), Historic Trees as attached in Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

BY DIRECTION OF

Richard "Richie" Lewis

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Exhibit A
Summary No. 3729
Ordinance SBPC #XXXX-XX-XX

Ch. 19 – Streets and Other Public Ways

Article II – Planting, Maintenance, and Removal of Tress on Public Land

Section 19-33 – Duties

Subsection 19-33(5) – Historic Trees

Section 19-33(5) – Historic Trees

a. *Preservation of historic trees.*

1. Before any ~~historic tree(s)~~ trees that are historic trees may be altered or demolished, in whole or in part, the owner, the parish (department of public works), or the utility company shall apply to the department of community development for a permit therefor and provide said application describing said tree(s); their locations, type of work to be performed and approximate date on which work will begin. Said application shall be published in the parish's official journal for two (2) publications, and such application shall be enacted upon only after a delay of sixty (60) days after the first publication of such application.
2. This section shall provide that any trimming of trees designated as historic ~~landmarks trees~~, shall be done in accordance with Dr. Alex L. Shigo's guidelines for pruning trees near electric lines or under the supervision of a licensed arborist.
3. Utility companies or the department of public works shall be exempt from subsections 1. and 2. during major storms or situations which cause interruptions of service or immediate threat to public safety.

b. ~~Determination of historic significance~~ Historic trees connected to historic events. A historic tree is one of such character that Any tree that is it is inseparably connected with exceptionally important historic events in this parish or state are deemed historic trees.

c. ~~Same—Oak—Other~~ trees constituting historic landmarks trees. The oak trees located on Jackson Boulevard, Packenham Drive, De La Ronde Oaks, along Paris Road and in Docville ~~or~~ and any tree of any kind, no matter where it's located in St. Bernard Parish, with a trunk diameter of twenty-four (24) inches or more at a standard height of four and one-half (4½) feet from the base of the tree shall be ~~declared~~ deemed historic ~~landmarks trees.~~

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, JULY 16, 2019 THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE JULY 2, 2019 COUNCIL MEETING:

Summary No. 3730

Introduced by: Councilmember Luna on 7/2/19

AN ORDINANCE TO **AMEND** CHAPTER 5, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE I, IN GENERAL; SECTION 5-4, PRESERVATION OF HISTORIC LANDMARKS, ETC – PERMIT APPLICATION; WAITING PERIOD; SECTION 5-5, SAME – DETERMINATION OF HISTORIC SIGNIFICANCE; AND SECTION 5-6, SAME - OAK TREES CONSTITUTING HISTORIC LANDMARKS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 5, Buildings; Construction and Related Activities; Article I, In General; Section 5-4, Preservation of historic landmarks, etc – Permit Application; waiting period; Section 5-5, Same – Determination of historic significance; and Section 5-6, Same - Oak trees constituting historic landmarks as attached in Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

BY DIRECTION OF

Richard "Richie" Lewis

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Exhibit A
Summary No. 3730
Ordinance SBPC #XXXX-XX-XX

Ch. 5 – Buildings; Construction and Related Activities

Article I – In General

Section 5-4 – Preservation of historic ~~landmarks, etc~~ buildings, structures, sites and trees– Permit application; waiting period

(a) Before any historic buildings, structures, sites ~~and trees~~ or historic trees defined in Chapter 19 Section 19-33(5) may be altered or demolished, in whole or in part, the owner, the parish (department of public works), or the utility company shall apply to the department of community development for a permit therefore and provide said application describing said building, structure, site, trees, their locations, type of work to be performed and approximate date on which work will begin. Said application shall be published in the parish's official journal for two (2) publications, and such application shall be enacted upon only after a delay of sixty (60) days after the first publication of such application.

(b) This section shall provide that any trimming of trees designated as historic ~~landmarks-trees as defined in Chapter 19 Section 19-33(5)~~, shall be done in accordance with Dr. Alex L. Shigo's guidelines for pruning trees near electric utility lines or under the supervision of a licensed arborist.

(c) Utility companies or the department of public works shall be exempt from subsections (a) and (b) during major storms or situations which cause interruptions of service or immediate threat to public safety.

Sec. 5-5. - Same—Determination of historic significance.

An historic building, structure, site ~~or tree~~, is one of such character that it is inseparably connected with exceptionally important historic events in this parish or state, or, in case of a structure, which was built before the turn of the century.

Sec. 5-6. — Same —Oak trees constituting historic landmarks.

~~The oak trees located on Jackson Boulevard, Packenham Drive, De La Ronde Oaks, along Paris Road and Docville shall be declared historic landmarks~~

(renumber accordingly)

#9

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 16, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1961-07-19

BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby approve the following permits as recommended by the Alcohol Beverage and Bingo Department:

Beer and/or Liquor Permit(s)

1. Desi's Inc, dba Desi's 3809 Paris Road, Chalmette, La 70043 Owners: Tina C. Romano, Desi A. Romano, Desi D. Romano **(Renewal) (Beer & Liquor)**
2. Breaux Mart Supermarkets, Inc. dba Breaux Mart Supermarket 315 E. Judge Perez Dr., Chalmette, La 70043 Owner: Barry J. Breaux **(Renewal) (Beer & Liquor)**

Special Event

1. Name of Organization: Buccaneer Villa Community Association
Address of Organization: 117 W. Genie St., Chalmette, La 70043
Event: Summer Shrimp Slam (Fundraiser)
Location: 8540 Victory Dr., Chalmette, La 70043
(Vista Buccaneer Playground)
Date: July 27, 2019
Time: 11AM – 8PM
Contact: Marcus Campo
2. Name of Organization: St. Bernard Chamber of Commerce
Address of Organization: 100 Port Blvd., Suite 10, Chalmette, La 70043
Event: 2019 Chamber Gala
Location: 5128 E. St. Bernard Highway, Violet, La 70092 (Docville Farm)
Date: August 10, 2019
Time: 5PM – 11PM
Contact: Elizabeth Dauterive

Page -2-
Extract #9 continued
July 16, 2019

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 16th day of July, 2019.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, July 16, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 16th day of July, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

#10

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 16, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1962-07-19

A RESOLUTION TO APPOINT A MEMBER TO THE ST. BERNARD PARISH LIBRARY BOARD.

WHEREAS, a vacancy exists on the St. Bernard Library Board due to the expiring terms of Lynne Dier and Arnell Curtis; and

WHEREAS, the Council is desirous of filling the aforementioned vacancy.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby appoint the following to the St. Bernard Parish Library Board of Control:

<u>Member</u>	<u>Expiration Date</u>
Lynne Dier	July 2022
Arnell Curtis	July 2023

BE IT FURTHER RESOLVED, that these appointments are effective immediately with the passage of this Resolution.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 16th day of July, 2019.

Page -2-
Extract #10 continued
July 16, 2019

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, July 16, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 16th day of July, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

#11

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 16, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to adopt the following Resolution:

RESOLUTION SBPC #1963-07-19

A RESOLUTION TO APPOINT MEMBERS TO THE ST. BERNARD PARISH 911 COMMUNICATIONS DISTRICT.

WHEREAS, vacancies exist on the 911 Communications District due to the expiring terms of John Rahaim and Janie Fuller on August 3, 2019; and

WHEREAS, the Council is desirous of filling the aforementioned vacancies.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the governing authority, does hereby appoint the following to the St. Bernard Parish 911 Communications District for a term of four years:

<u>Member</u>	<u>Expiration Date</u>
John Rahaim	August 3, 2023
Janie Fuller	August 3, 2023

BE IT FURTHER RESOLVED that this appointment shall be effective as of August 3, 2019 and shall terminate on August 3, 2023.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS:

NAYS:

ABSENT:

The Chairman, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 16th day of July, 2019.

Page -2-
Extract #xx continued
July 16, 2019

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, July 16, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 16th day of July, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

#12

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 16, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1964-07-19

A RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE LOUISIANA OFFICE OF TOURISM COOPERATIVE MARKETING PROGRAM IN THE AMOUNT OF \$20,000.00 FOR THE ST. BERNARD PARISH OFFICE OF TOURISM COOPERATIVE MARKETING PROGRAM.

WHEREAS, the Louisiana Office of Tourism Cooperative Marketing Program supports the promotion of tourism in Louisiana by providing grants to Louisiana-based tourism entities for the placement of qualifying advertisements in eligible media outlets; and

WHEREAS, a request was issued by the Louisiana Office of Tourism for program applications from qualifying entities; and

WHEREAS, St. Bernard Parish Office of Tourism Coastal is eligible to apply for this funding assistance; and

WHEREAS, St. Bernard Parish is seeking funding for media ads in various outlets in accordance with the marketing program guidelines; and

WHEREAS, the Parish is preparing an application requesting \$40,000.00 for the 2019-2020 program with \$20,000.00 in State grant funds and a 50% local match of \$20,000.00 in Parish funding.

NOW THEREFORE BE IT RESOLVED that the St. Bernard Parish Council, does hereby authorize the submission of a grant application to the Louisiana Office of Tourism Cooperative Marketing Program in the amount of \$20,000.00 with an additional \$20,000.00 in local matching funds for the St. Bernard Parish Office of Tourism Cooperative Marketing Program; and

Page -2-
Extract #12 continued
July 16, 2019

BE IT FURTHER RESOLVED, that the St. Bernard Parish Council does hereby authorize the President of St. Bernard Parish Government to sign and submit all required grant applications, Cooperative Endeavor Agreements and any amendments thereof, and all of the necessary reports, assurances, contracts and any other documents required in connection with the Louisiana Office of Tourism Cooperative Marketing Program.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 16th day of July, 2019.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, July 16, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
the 16th day of July, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

#13

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 16, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following ordinance:

Summary No. 3727

Planning Commission recommended **APPROVAL w/ conditions and waivers** on 6/25/19

Introduced by: Administration on 7/2/19

Public Hearing held on 7/16/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-010**, PETITION OF VITO MONTALBANO FOR A CONDITIONAL USE PERMIT TO OPERATE A TIRE AND MECHANIC SHOP IN AN C-1, (NEIGHBORHOOD COMMERCIAL) DISTRICT. PROPERTY LOCATION: 801 E. JUDGE PEREZ CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve **Docket Z-2019-010**, petition of Vito Montalbano for a Conditional Use Permit to operate a Tire and Mechanic Shop in an C-1, (Neighborhood Commercial) District.

PROPERTY LOCATION: 801 E. JUDGE PEREZ CHALMETTE, LA 70043.

Planning Commission recommends **APPROVAL** with the following **WAIVERS** and **CONDITIONS**:

Waivers:

1. A waiver of two (2) off-street parking spaces per the requirements of **Section 22-7-3.2** – *Number of parking spaces (Motor Vehicle Service and Repair)*.
2. A waiver of the requirements of **Chapter 22-7-3.4(i)** – *Parking Lot Design* to include permit a reduction of the 10' setback to a 0' setback along the side and rear property line as well as the 10' building line setback.

Condition:

1. The applicant shall meet all requirements of the St. Bernard Parish Council, Louisiana – Code of Ordinances, unless otherwise waived by Council or granted variance from the Board of Zoning Adjustments.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 16th day of July, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President

Date and Time

Page -3-
Extract #13 continued
July 16, 2019

Received by _____

Approved _____

Vetoed _____

Parish President

Guy McInnis

Returned to Clerk of the Council

Date and Time

Received by _____

#14

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 16, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following ordinance:

Summary No. 3729

Introduced by: Councilmember Luna on 7/2/19

Public Hearing held on 7/16/19

AN ORDINANCE TO **AMEND** CHAPTER 19, STREETS AND OTHER PUBLIC WAYS; ARTICLE II, PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC LAND; SECTION 19-33, DUTIES; SUBSECTION 19-33(5), HISTORIC TREES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 19, Streets and Other Public Ways; Article II, Planting, Maintenance, and Removal of Trees on Public Land; Section 19-33, Duties; Subsection 19-33(5), Historic Trees as attached in Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

Page -2-
Extract #14 continued
July 16, 2019

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 16th day of July, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

Exhibit A
Summary No. 3729
Ordinance SBPC #XXXX-XX-XX

Ch. 19 – Streets and Other Public Ways

Article II – Planting, Maintenance, and Removal of Tress on Public Land

Section 19-33 – Duties

Subsection 19-33(5) – Historic Trees

Section 19-33(5) – Historic Trees

a. *Preservation of historic trees.*

1. Before any ~~historic tree(s)~~ trees that are historic trees may be altered or demolished, in whole or in part, the owner, the parish (department of public works), or the utility company shall apply to the department of community development for a permit therefor and provide said application describing said tree(s); their locations, type of work to be performed and approximate date on which work will begin. Said application shall be published in the parish's official journal for two (2) publications, and such application shall be enacted upon only after a delay of sixty (60) days after the first publication of such application.
2. This section shall provide that any trimming of trees designated as historic ~~landmarks trees~~, shall be done in accordance with Dr. Alex L. Shigo's guidelines for pruning trees near electric lines or under the supervision of a licensed arborist.
3. Utility companies or the department of public works shall be exempt from subsections 1. and 2. during major storms or situations which cause interruptions of service or immediate threat to public safety.

b. ~~Determination of historic significance~~ Historic trees connected to historic events. A historic tree is one of such character that Any tree that is it is inseparably connected with exceptionally important historic events in this parish or state are deemed historic trees.

c. ~~Same—Oak—Other~~ trees constituting historic landmarks trees. The oak trees located on Jackson Boulevard, Packenham Drive, De La Ronde Oaks, along Paris Road and in Docville ~~or~~ and any tree of any kind, no matter where it's located in St. Bernard Parish, with a trunk diameter of twenty-four (24) inches or more at a standard height of four and one-half (4½) feet from the base of the tree shall be ~~declared~~ deemed historic ~~landmarks trees.~~

#15

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 16, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following ordinance:

Summary No. 3730

Introduced by: Councilmember Luna on 7/2/19

Public Hearing held on 7/16/19

AN ORDINANCE TO **AMEND** CHAPTER 5, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE I, IN GENERAL; SECTION 5-4, PRESERVATION OF HISTORIC LANDMARKS, ETC – PERMIT APPLICATION; WAITING PERIOD; SECTION 5-5, SAME – DETERMINATION OF HISTORIC SIGNIFICANCE; AND SECTION 5-6, SAME - OAK TREES CONSTITUTING HISTORIC LANDMARKS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 5, Buildings; Construction and Related Activities; Article I, In General; Section 5-4, Preservation of historic landmarks, etc – Permit Application; waiting period; Section 5-5, Same – Determination of historic significance; and Section 5-6, Same - Oak trees constituting historic landmarks as attached in Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

Page -2-
Extract #15 continued
July 16, 2019

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 16th day of July, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

Exhibit A
Summary No. 3730
Ordinance SBPC #XXXX-XX-XX

Ch. 5 – Buildings; Construction and Related Activities

Article I – In General

Section 5-4 – Preservation of historic ~~landmarks, etc~~ buildings, structures, sites and trees– Permit application; waiting period

(a) Before any historic buildings, structures, sites ~~and trees~~ or historic trees defined in Chapter 19 Section 19-33(5) may be altered or demolished, in whole or in part, the owner, the parish (department of public works), or the utility company shall apply to the department of community development for a permit therefore and provide said application describing said building, structure, site, trees, their locations, type of work to be performed and approximate date on which work will begin. Said application shall be published in the parish's official journal for two (2) publications, and such application shall be enacted upon only after a delay of sixty (60) days after the first publication of such application.

(b) This section shall provide that any trimming of trees designated as historic ~~landmarks-trees as defined in Chapter 19 Section 19-33(5)~~, shall be done in accordance with Dr. Alex L. Shigo's guidelines for pruning trees near electric utility lines or under the supervision of a licensed arborist.

(c) Utility companies or the department of public works shall be exempt from subsections (a) and (b) during major storms or situations which cause interruptions of service or immediate threat to public safety.

Sec. 5-5. - Same—Determination of historic significance.

An historic building, structure, site ~~or tree~~, is one of such character that it is inseparably connected with exceptionally important historic events in this parish or state, or, in case of a structure, which was built before the turn of the century.

Sec. 5-6. — Same —Oak trees constituting historic landmarks.

~~The oak trees located on Jackson Boulevard, Pakenham Drive, De La Ronde Oaks, along Paris Road and Docville shall be declared historic landmarks~~

(renumber accordingly)

#16

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 16, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **introduce** the following ordinance:

Summary No. 3731

Introduced by: Administration on 7/16/19

AN ORDINANCE TO AUTHORIZE THE PARISH PRESIDENT TO ACCEPT THE DONATION OF LOTS 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 23, AND 24 , INCLUSIVE IN VERSAILLES SUBDIVISION IN SQUARE 396, FROM THE HEIRS OF ELVE LOUISE IRELAND AND EXECUTE ANY NECESSARY DOCUMENTS FOR THE DONATION.

WHEREAS, the heirs of Elve Louise Ireland wish to donate Lots 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, inclusive in Versailles Subdivision in Square 396, to St. Bernard Parish Government; and,

WHEREAS, it is in the best interest of St. Bernard Parish to accept this donation.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The properties described as Lots 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, inclusive in Versailles Subdivision in Square 396, inclusive, are fully described in the Act of Donation, which is attached hereto as Exhibit A. These properties will be referred to hereinafter in this ordinance as "THE PROPERTIES".

SECTION 2. The St. Bernard Parish Council hereby authorizes the Parish President to accept the donation of THE PROPERTIES, from the heirs of Elve Louise Ireland and to execute the Act of Donation (Exhibit A) and any necessary documents necessary to effectuate the donation.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

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Extract #16 continued
July 16, 2019

SECTION 4. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 16th day of July, 2019.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, July 16, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 16th day of July, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

STATE OF LOUISIANA

PARISH OF ST. BERNARD

ACT OF DONATION

BE IT KNOWN, that on this _____ day of _____ 2019, before me,

_____, a Notary Public, duly commissioned

and qualified in and for the hereinafter Parish and State, personally came and appeared:

DR. EDWARD IRELAND, 26 Rue Dijon , Kenner, LA 70065; on his own behalf and as Power of Attorney for KATHERINE IRELAND KLICK, 705 East 56th Street, Savannah, GA 31405,

ELMA IRELAND LEDOUX, 1326 Fern Street, New Orleans, LA 70118;

WILLIAM NICHOLAS IRELAND, 110 Elaine Street, Picayune, MS 39466,

all of whom declared that they do make a manual gift and donation to:

ST. BERNARD PARISH GOVERNMENT, 8201 W. Judge Perez Dr., Chalmette, LA 70043, through its President Guy McInnis,

hereby appearing for the purpose of accepting the same, of the following described property, to-

wit:

TEN CERTAIN LOTS OF GROUND, in the Parish of St. Bernard, State of Louisiana, in the subdivision Versailles, which are designated by the Numbers 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, Lots 15 to 23 inclusive, measuring 30 x 121, and Lot 24 measuring 32 x 150, all in Square 396, which square is bounded by Fenelon, delile, Manuel and Patriots Streets, on a map made by Joseph Pilie, and protracted by A.C. Duval, C.E., annexed to an act before Gustaf R. Westfeldt, Jr., Notary Public, on July 15, 1915, and being part of the same property purchased from the Gaidry Land Co., Inc, before A.G. Williams, Notary Public, May 31, 191, registered in Conveyance Book 26, folios 304 to 313, inclusive, the title to which property was confirmed by the City of Baltimore, by Second Branch Council Ordinance No. 426, approved February 18, 1915, registered in the Parish of St. Bernard, in Conveyance Book 24, folio 208, February 27, 1915.

AND

FIVE CERTAIN LOTS OF GROUND, in the Parish of St. Bernard, State of Louisiana, in the subdivision Versailles, which are designated by the Numbers 5, 6, 7, 8, 9, each measuring 30 x 121 feet, all in Square 396, which square is bounded by Patriots, Delile, Manuel and Fenelon Streets, on a map made by Joseph Pilie, and protracted by A.C. Duvalm C.E., annexed to an act before Gustaf R. Westfeldt, Jr., Notary Public, on July 15, 1915, and being part of the same property purchased from the Gaidry Land Co., Inc., before A.G. Williams, Notary Public, May 31, 1919, registered in Conveyance Book 26, folios 304 to 313, inclusive, the title to which property was confirmed by the City of Baltimore, by Second Branch Council Ordinance No. 426, approved February 18, 1915, registered in the Parish of St. Bernard, in Conveyance Book 24, folio 208, February 27, 1915.

Being the same property acquired by Thomas N. Ireland, et al., by Judgment of Possession dated November 13, 1973, in the Succession of Edward J. Ireland, Proceeding No. 550-071, Civil District Court for the Parish of Orleans, and recorded in COB 723, folio 252, Orleans Parish, and COB 124, folio 306, St. Bernard Parish.

Donors declare that it is their intention to make a donation inter vivos to Donee, St. Bernard Parish Government. Donee herein accepts this donation in accordance with the terms hereof and acknowledges gratitude therefor.

The parties hereto agree to dispense with the production of the Certificate of privileges or mortgages and exonerate the undersigned Notaries Public from all liabilities in the premises and further take full cognizance of the fact that they neither requested nor received from the undersigned Notaries Public opinions with respect to the title to the property hereby donated and finally take full cognizance of the fact that they have supplied the undersigned Notaries Public with the description of all properties herein donated and are satisfied with said description.

THUS, DONE AND PASSED by Dr. Edward Ireland, in the presence of the undersigned competent witnesses and me, Notary Public, in the Parish of St. Bernard, Louisiana, all of whom sign on this _____ day of _____ 2019, after due reading of the whole.

WITNESSES:

DONOR:

Printed Name

Dr. Edward Ireland

Signature

Printed Name

Signature

NOTARY PUBLIC SIGNATURE

PRINTED NAME

BAR ROLL NO./NOTARY NO.

THUS, DONE AND PASSED by Dr. Edward Ireland, on behalf of Katherine Ireland Klick, in the presence of the undersigned competent witnesses and me, Notary Public, in the Parish of St. Bernard, Louisiana, all of whom sign on this ____ day of _____ 2019, after due reading of the whole.

WITNESSES:

DONOR:

Printed Name

**Dr. Edward Ireland on behalf of
Katherine Ireland Klick**

Signature

Printed Name

Signature

NOTARY PUBLIC SIGNATURE

PRINTED NAME

BAR ROLL NO./NOTARY NO.

THUS, DONE AND PASSED by Elma Ireland LeDoux, in the presence of the undersigned competent witnesses and me, Notary Public, in the Parish of St. Bernard, Louisiana, all of whom sign on this _____ day of _____ 2019, after due reading of the whole.

WITNESSES:

DONOR:

Printed Name

Elma Ireland LeDoux

Signature

Printed Name

Signature

NOTARY PUBLIC SIGNATURE

PRINTED NAME

BAR ROLL NO./NOTARY NO.

THUS, DONE AND PASSED by William Nicholas Ireland, in the presence of the undersigned competent witnesses and me, Notary Public, in the Parish of St. Bernard, Louisiana, all of whom sign on this _____ day of _____ 2019, after due reading of the whole.

WITNESSES:

DONOR:

Printed Name

William Nicholas Ireland

Signature

Printed Name

Signature

NOTARY PUBLIC SIGNATURE

PRINTED NAME

BAR ROLL NO./NOTARY NO.

THUS, DONE AND PASSED by the authorized representative of St. Bernard Parish Government, in the presence of the undersigned competent witnesses and me, Notary Public, in the Parish of St. Bernard, Louisiana, all of whom sign on this ____ day of _____, 2019 after due reading of the whole.

WITNESSES:

DONEE:

Printed Name

**St. Bernard Parish Government, by its
President, Guy McInnis**

Signature

Printed Name

Signature

NOTARY PUBLIC SIGNATURE

PRINTED NAME

BAR ROLL NO./NOTARY NO.