

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING** HELD ON WEDNESDAY, **JANUARY 15, 2019 AT 3:00 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 Wednesday, January 15, 2019 at three o'clock p.m. pursuant to notice given to each member and posted in the manner required by law.

The meeting convened at 3:00 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 Roxanne Adams, Clerk of Council, serving as official secretary of the Council, President Guy McInnis and CAO Ronnie Alonzo were representing Administration.

Carol T. Brown with JCITA Ministries delivered the invocation and Councilmember Gorbaty led the Pledge of Allegiance.

#1 On motion of Mr. McCloskey, seconded by Mrs. Alcon, it was moved to approve the minutes of the January 2, 2019 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, January 11, 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 15th day of January, 2019.

#2 On joint motion of the Council, without objection and by unanimous consent, it was moved to recognize the League of Angels Organization.

#3 Councilmember 's District Update

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

On the motion of the Chair, without objection and by unanimous consent, It was moved to recognize Donnie Bourgeois with the Capital Projects Department for an update on Bluebird Park and Heights/Alexander Park.

#4 President 's Report

A copy of this report was entered into the official record and is on file with the minutes of this meeting.

#5 Recognize the Public

No one signed up to speak.

#6 Summary No. 3677

Introduced by: Council on 1/2/19

AN ORDINANCE TO **AMEND** CHAPTER 18; PLANNING AND DEVELOPMENT, ARTICLE I; IN GENERAL, SECTION 18-1; PARISH PLANNING COMMISSION-CREATED; MEMBERSHIP OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

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

RESOLUTION SBPC #1904-01-19

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. Madison Enterprises, LLC dba Gerald's Donuts & Restaurant 6901 St. Claude Ave., Arabi, La 70032 Owner: Richard J. Lewis **(Renewal) (Beer & Liquor)**
2. Lion Bar, LLC dba Juan's Bar 7419 W. St. Bernard Highway, Arabi, La 70032 Owners: Henry Lion, III & Tammy Lion **(Renewal) (Beer & Liquor)**
3. Lehrmann's Inc. dba Lehrmann's Bar 135 W. St. Bernard Highway, Chalmette, La 70043 Member:
Ronald Lehrmann Jr. **(Renewal) (Beer & Liquor)**
4. M&R Services Hispanos, LLC dba Latin Market 8823 W. Judge Perez Dr., Chalmette, La 70043
Owner: Mena Fahaim **(Renewal) (Beer & Liquor)**
5. Murphy Oil USA, Inc. dba Murphy USA #7217 8001-A W. Judge Perez Dr., Chalmette, La 70043
Member: Shariff Hassan **(Renewal) (Beer & Liquor)**
6. Last Stop Food Mart, LLC dba Last Stop Food Mart 4513 E. LA Highway 46, St. Bernard, La 70085
Owner: Margaret Karmer **(Renewal) (Beer & Liquor)**

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo

NAYS: None

ABSENT: None

DID NOT VOTE: Luna

ABSTAIN: Callais

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

And the motion was declared **adopted** on the 15th day of January, 2019.

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

RESOLUTION SBPC #1905-01-19

A RESOLUTION AUTHORIZING THE ADOPTION OF THE CDBG-D/R MONITORING PLAN UPDATE.

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 15th day of January, 2019.

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

RESOLUTION SBPC #1906-01-19

A RESOLUTION TO APPROVE AN ITINERANT PERMIT FOR "LEFT TURN RACING LLC" TO BE OPERATIONAL AT MUNICIPAL NUMBER: 3501 PARIS ROAD IN CHALMETTE, LA.

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

YEAS: McCloskey, Gorbaty

NAYS: Luna, Alcon, Montelongo, Callais

ABSENT: None

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

And the motion was declared **failed** on the 15th day of January, 2019.

On the motion of Ms. Callais, seconded by Mrs. Alcon, it was moved to amend the agenda to include and adopt item #16 Resolution SBPC #1907-01-19.

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 15th day of January, 2019.

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

RESOLUTION SBPC #1907-01-19

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A RESOLUTION TO AUTHORIZE THE PARISH PRESIDENT TO PROMOTE CO-INTERIM DIRECTORS OF THE DEPARTMENT OF PUBLIC WORKS DEPARTMENT UNTIL A NEW DIRECTOR IS HIRED.

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 15th day of January, 2019.

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

Summary No. 3677

Introduced by: Council on 1/2/19

Public Hearing held on 1/15/19

AN ORDINANCE TO **AMEND** CHAPTER 18; PLANNING AND DEVELOPMENT, ARTICLE I; IN GENERAL, SECTION 18-1; PARISH PLANNING COMMISSION- CREATED; MEMBERSHIP OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

Councilmember Luna offered an amendment to Summary No. 3677, but this amendment dies due to lack of a second.

Discussion ensued on item as originally submitted.

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

ORDINANCE SBPC #2132-01-19

Summary No. 3677

Introduced by: Council on 1/2/19

Public Hearing held on 1/15/19

AN ORDINANCE TO **AMEND** CHAPTER 18; PLANNING AND DEVELOPMENT, ARTICLE I; IN GENERAL, SECTION 18-1; PARISH PLANNING COMMISSION- CREATED; MEMBERSHIP 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, Alcon, Montelongo, Callais

NAYS: Luna

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of January, 2019.

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

Summary No. 3679

Planning Commission recommended **APPROVAL** on 1/3/19

Introduced by: Administration on 1/15/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-001**, PETITION OF MYRTY MENDOZA FOR A CONDITIONAL USE PERMIT TO OPERATE AN ABUSE ADDICTION TREATMENT FACILITY, FOR THE FOLLOWING DESCRIBED PROPERTY: LOT 55 GALLO EXT CORNER OF JUDGE PEREZ & GALLO. PROPERTY LOCATION: 1520 E. JUDGE PEREZ DR. CHALMETTE, LA 70043.

On the motion of Mr. Luna, seconded by Mr. Gorbaty, it was moved to amend Summary No. 3679 to include the following amendment under "Conditions":

8. The applicant shall adhere to all American Disabilities Act requirements subject to the review and approval of the staff of the Department of Community Development.

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 15th day of January, 2019.

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

Summary No. 3679

Planning Commission recommended **APPROVAL** on 1/3/19

Introduced by: Administration on 1/15/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-001**, PETITION OF MYRTY MENDOZA FOR A CONDITIONAL USE PERMIT TO OPERATE AN ABUSE ADDICTION TREATMENT FACILITY, FOR THE FOLLOWING DESCRIBED PROPERTY: LOT 55 GALLO EXT CORNER OF JUDGE PEREZ & GALLO. PROPERTY LOCATION: 1520 E. JUDGE PEREZ DR. 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 15th day of January, 2019.

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#12 Coastal Zone Advisory Committee
No action taken.

On motion of the Chair, without objection and by unanimous consent, it was moved to address items #13, #14, and #15 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 15th day of January, 2019.

#13 On the motion of the Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to discuss Cajun Industries, LLC, et al v. Sheriff James Pohlmann, Ex Officio Tax Collector St. Bernard Parish, 34th Judicial District Court No. 13-1229, Division "E".

#14 On the motion of the Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to discuss James Hartman, Jr. v. St. Bernard Parish 34 JDC No. 18-0177, OWC #, 17-1951, 17-1954 & 17-1956.

#15 On the 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 and Southeast Louisiana Flood Protection Authority - East, No. 18-0865 "E", Lambert "Joe" Hassinger - No. 18-1065 "C" and Lambert "Joe" Hassinger - No. 18-1066 "A".

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 15th day of January, 2019.

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

#13 On motion of Ms. Callais, seconded by Mr. Gorbaty, it was moved to accept the advice of legal counsel in the matter of Cajun Industries, LLC, et al v. Sheriff James Pohlmann, Ex Officio Tax Collector St. Bernard Parish, 34th Judicial District Court No. 13-1229, Division "E".

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 15th day of January, 2019.

#14 On motion of Ms. Callais, seconded by Mr. Gorbaty, it was moved to accept the advice of legal counsel in the matter of James Hartman, Jr. v. St. Bernard Parish 34 JDC No. 18-0177, OWC #, 17-1951, 17-1954 & 17-1956.

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 15th day of January, 2019.

#15 On motion of Ms. Callais, seconded by Mr. Gorbaty, it was moved to accept the advice of legal counsel in the matter of St. Bernard Parish Government v. Lake Borgne Basin Levee District and Southeast Louisiana Flood Protection Authority - East, No. 18-0865 "E", Lambert "Joe" Hassinger - No. 18-1065 "C" and Lambert "Joe" Hassinger - No. 18-1066 "A".

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 15th day of January, 2019.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 4:29 p.m. on the 15th day of January, 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.

Roxanne Adams

Lewis

ROXANNE ADAMS

LEWIS

Richard "Richie"

RICHARD "RICHIE"

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CLERK OF COUNCIL
CHAIR

COUNCIL