

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING** HELD ON **TUESDAY, FEBRUARY 5, 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, February 5, 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 7:03 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.

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

#1 On motion of Ms. Callais, seconded by Mr. McCloskey, it was moved to approve the minutes of the January 15, 2019 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, January 25, 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 5th day of February, 2019.

State Representative Ray Garofalo is now present.

#2 Councilmember 's District Update

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

#3 President 's Report

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

#4 Recognize the Public

Ken Dufour- Violet, LA

Kammie and Marie- Chalmette, LA

#5 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.

A COPY OF THIS PUBLIC HEARING IS ON FILE AT THE CLERK OF COUNCIL'S OFFICE

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

RESOLUTION SBPC #1908-02-19

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. Old Arabi Café, LLC dba Arabi Po Boy 650 Friscoville Avenue, Arabi, La 70032 Owner: Larry & Luann Landry **(Renewal) (Beer & Liquor)**
2. The Palm's Casino & Truck Stop Inc. dba The Palms Truck Stop 8001-A W. St Bernard Highway, Arabi, La 70032 Owners: Charles L. Bienvenu & John R. Bienvenu Jr. **(Renewal) (Beer & Liquor)**
3. The Palm's Casino & Truck Stop, Inc. dba The Palm's Casino 8001-C St. Bernard Highway, Arabi, La 70032 Member: Charles L. Bienvenu & John R. Bienvenu Jr. **(Renewal) (Beer & Liquor)**
4. Karcrest Services, LLC dba Sabor Latino 7543 W. Judge Perez Dr., Chalmette, La 70043 Owner: Mayra Z. Taylor & Sabor Latino **(Renewal) (Beer & Liquor)**
5. Kiet Tuan Tang, LLC dba Keith's Seafood & Poyboy's 3514 Paris Road, Chalmette, La 70043 Member: Kiet Tuan Tang **(Renewal) (Beer Only)**
6. Moran Foods, LLC dba Sav-A- Lot #355 8700 W. Judge Perez Dr., Chalmette, La 70043 Owner: Kenneth McGrath, James Proctor, Daniel Karpel, Karen Procell **(Renewal) (Beer & Liquor)**
7. MJROD, LLC dba Chalmette Rotolo's 8109 W. Judge Perez Dr., Ste. A, Chalmette, La 70043 Owner: Jason Cook **(Renewal) (Beer & Liquor)**
8. J. Fernandez, LLC dba Julie's Tavern 8431 W. St. Bernard Highway, Chalmette, La 70043 Owner: Julie T. Fernandez **(Renewal) (Beer & Liquor)**
9. Meraux Tackle Box, LLC dba Meraux Tackle Box 3124 E. Judge Perez Dr. Ste. A, Meraux, La 70075 Owner: Harry M. Fisher **(Renewal) (Beer & Liquor)**

Special Event

1. Name of Organization: Knights Of Columbus #8442
Address: 2621 Colonial Blvd, Violet
Event: Knights of Columbus #8442 Crawfish Cook-off
Location: 2621 Colonial Blvd, Violet, La 70092

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Date: March 30, 2019
Time: 7AM-6PM
Contact: Clifford Bertucci

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 **ABSTAIN**.

And the motion was declared **adopted** on the 5th day of February, 2019.

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

RESOLUTION SBPC #1909-02-19

A RESOLUTION SUPPORTING THE APPROVAL OF A PROJECT PRESENTED BY THE DISTRICT "C" COUNCIL REPRESENTATIVE ON THE PARKS AND PARKWAYS COMMISSION.

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 5th day of February, 2019.

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

RESOLUTION SBPC # 1910-02-19

A RESOLUTION AUTHORIZING ACCEPTANCE OF A 2019 LOCAL ROADS SAFETY PROGRAM GRANT FOR THE ST. BERNARD PARISH SIGNING AND STRIPING PROJECT (PROJECT H.0009175 SUPERCEDING 2013 GRANT) IN THE MAXIMUM AMOUNT OF \$180,000.00

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

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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 5th day of February, 2019.

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

RESOLUTION SBPC # 1911-02-19

A RESOLUTION SUPPORTING THE PARISH PRESIDENT TO SIGN AN AGREEMENT WITH THE DEPARTMENT OF THE ARMY, REPRESENTED BY THE U.S. ARMY ENGINEER, FOR **DESIGN** FOR THE LOUISIANA COASTAL AREA BENEFICIAL USE OF DREDGED MATERIAL PROGRAM, MISSISSIPPI RIVER/ST BERNARD PARISH WETLANDS PROJECT.

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 5th day of February, 2019.

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

RESOLUTION SBPC # 1912-02-19

A RESOLUTION SUPPORTING THE INTRODUCTION AND PASSAGE OF LEGISLATION TO ENABLE ST. BERNARD PARISH TO IMPOSE AND COLLECT A HOTEL/MOTEL TAX TO FUND THE SERVICES PROVIDED BY THE ST. BERNARD PARISH FIRE DEPARTMENT TO HOTELS AND MOTELS.

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 5th day of February, 2019.

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

RESOLUTION SBPC #1913-02-19

A RESOLUTION TO APPROVE AN AUTOMOTIVE DISMANTLING PERMIT AT THE EXISTING SCRAP FACILITY LOCATED AT 5020 PARIS ROAD.

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 5th day of February, 2019.

#12 On motion of Mr. Lewis, seconded by Mr. McCloskey, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2133-02-19

Summary No. 3672

Introduced by: Councilmember Lewis on 12/4/18

Public Hearing held on 12/18/18

Planning Commission recommended **APPROVAL** on 1/22/19

AN ORDINANCE TO **AMEND** CHAPTER 22; ZONING, SECTION 22-2; INTERPRETATION, SUBSECTION 22-2-4 DEFINITIONS AND SECTION 22-6; COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, SUBSECTION 22-6-4; PERMITTED USES IN BUSINESS AND INDUSTRIAL DISTRICTS 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 5th day of February, 2019.

#13 On motion of Mr. McCloskey, seconded by Ms. Callais, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2134-02-19

Summary No. 3679

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

Introduced by: Administration on 1/15/19

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Public Hearing held on 2/5/19

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.

Discussion ensued.

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: Gorbaty

ABSENT: None

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

And the motion was declared **adopted** on the 5th day of February, 2019.

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

Summary No. 3680

Planning Commission recommended **APPROVAL** on 1/22/19

Introduced by: Administration on 2/5/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-002**, PETITION OF SBPG FOR A GLOBAL ZONING CHANGE FOR PROPERTIES WHERE EXISTING BARS, NIGHTCLUBS, OR LOUNGES ARE LOCATED TO C-3 (HIGHWAY COMMERCIAL) DISTRICT ZONING.

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 5th day of February, 2019.

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

Summary No. 3681

Planning Commission recommended **APPROVAL** on 1/22/19

Introduced by: Administration on 2/5/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-003**, PETITION OF LOUIS CHARBONNET III FOR A ZONING CHANGE FROM C-1 AND C-2 TO A-1 TO OPERATE

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A FUNERAL HOME. PROPERTY LOCATION: 4905, 4909, 4913, 4917 AND 4925 E. JUDGE PEREZ DR. VIOLET, LA 70092.

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 5th day of February, 2019.

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

Summary No. 3682

Introduced by: Councilmember Luna on 2/5/19

AN ORDINANCE TO AMEND CHAPTER 3; ALCOHOLIC BEVERAGES, SECTION SEC. 3-26.1; SALE, DELIVERY, DISPENSING, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES 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 5th day of February, 2019.

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

Summary No. 3683

Introduced by: Councilmember Gorbaty on 2/5/19

AN ORDINANCE TO AMEND CHAPTER 22, ZONING; SECTION 22-4, GENERAL PROVISIONS; SUBSECTION 22-4-3, EXCEPTIONS AND MODIFICATIONS; SUBSUBSECTION 22-4-3.2; EXCEPTIONS TO AREA REGULATIONS 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

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

And the motion was declared **adopted** on the 5th day of February, 2019.

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

Summary No. 3684

Introduced by: Administration on 2/5/19

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2119-12-18**, AN ORDINANCE TO ADOPT THE 2019 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

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 5th day of February, 2019.

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

Summary No. 3685

Introduced by: Administration on 2/5/19

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2119-12-18**, AN ORDINANCE TO ADOPT THE 2019 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

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 5th day of February, 2019.

Council Chair, Mr. Lewis, took a Chairman Privilege to recognize Jerry Forstell from Chalmette Refinery and Robert Baumann from Baton Rouge regarding items #20 and #21.

#20 On motion of the Chair, without objection and by unanimous consent, it was moved to take action regarding the Industrial Tax Exemption Application #20170154.

Discussion ensued;

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On motion of Mrs. Alcon, seconded by Mr. McCloskey, it was moved to **DENY** the Industrial Tax Exemption Application #20170154.

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

ABSTAIN: Gorbaty

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

And the motion was declared **adopted** on the 5th day of February, 2019.

#21 On motion of the Chair, without objection and by unanimous consent, it was moved to take action regarding the Industrial Tax Exemption Application #20170155.

Discussion ensued;

On motion of Mr. Luna, seconded by Mr. McCloskey, it was moved to **DENY** the Industrial Tax Exemption Application #20170155.

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 5th day of February, 2019.

#22 On the 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 December 2018.

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 5th day of February, 2019.

#23 Coastal Zone Advisory Committee
No action taken.

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On motion of the Chair, without objection and by unanimous consent, it was moved to address items #24 and #25 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 5th day of February, 2019.

#24 On the motion of the Mr. Lewis, seconded by Ms. Callais, 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.

#25 On the motion of the Mr. Lewis, seconded by Ms. Callais, it was moved to enter into Executive Session to discuss CDM Smith v. SBPG, EDLA No. 18-05392..

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 5th day of February, 2019.

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

#24 On motion of Mr. Gorbaty, 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 5th day of February, 2019.

#25 On motion of Mr. Gorbaty, seconded by Mr. McCloskey, it was moved to accept the advice of legal counsel in the matter of CDM Smith v. SBPG, EDLA No. 18-05392.

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 5th day of February, 2019.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 8:55 p.m. on the 5th day of February, 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

CLERK OF COUNCIL

CHAIR

Richard "Richie"

RICHARD "RICHIE"

COUNCIL