

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 2<sup>nd</sup> 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 2<sup>nd</sup> 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

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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 2<sup>nd</sup> 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 2<sup>nd</sup> 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.

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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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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**.

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And the motion was declared **adopted** on the 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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

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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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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

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**ABSENT:** None

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

And the motion was declared **adopted** on the 2<sup>nd</sup> 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 2<sup>nd</sup> 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, 34<sup>th</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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, 34<sup>th</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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