

# PUBLIC NOTICE - ST. BERNARD PARISH COUNCIL MEETING - AGENDA

Email: [radams@sbgg.net](mailto:radams@sbgg.net)

(504) 278-4228

(504) 278-4209 (fax)

Posted 4/1/16

Tuesday, April 5, 2016

7:00 p.m.

Council Chambers

Page 1 of 5

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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.

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- 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 Minister Carol T. Brown with New Birch Violet- COGIC
- E. Pledge of Allegiance by Councilmember McCloskey
- F. Recognize Elected Officials

## APPROVAL OF MINUTES

- 1. Motion to approve the minutes from the March 15, 2016 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, March 25, 2016. (Council Chair)

## RECOGNITION

- 2. Motion to recognize Our Lady of Lourdes Catholic Church on their 100 year anniversary. (Councilmember Alcon)
- 3. Motion to recognize Charles Licciardi, Justice of the Peace - Ward H, George Wollfarth Justice of the Peace - Ward B and Debra Bouterie, Justice of the Peace - Ward D for their 20 years of service to the citizens of St. Bernard Parish. (Administration)
- 4. Motion to recognize Hillary Miller, Constable - Ward F and Billy Cure, Constable - Ward D for their 25 years of service to the citizens of St. Bernard Parish. (Administration)
- 5. Motion to recognize Garey Forster from Louisiana Oil and Gas. (Councilmember Gorbaty)
- 6. Motion to recognize Dan Robin for an update on Progress in Baton Rouge. (Councilmember Luna)
- 7. **Guy McInnis**, President's Report
- 8. Councilmember's for a District Update

## RECOGNIZE THE PUBLIC

- 9. Recognize the Public  
(Those wishing to speak must sign in prior to the start of the meeting. Speakers will be given 2 minutes.)

## PUBLIC HEARINGS

- 10. **Summary No. 3357**  
Introduced by: Councilmember Lewis on 3/15/16

AN ORDINANCE TO DECLARE 620 COUGAR DRIVE SURPLUS, TO REMOVE IT FROM ANY PREVIOUSLY CREATED BUILDER'S BUNDLE AND TO REQUIRE THAT THE PARISH PRESIDENT OR HIS DESIGNEE SELL THE PROPERTY IN ACCORDANCE WITH THE DISPOSITION PLAN.

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11. **Summary No. 3358**

Introduced by: Administration on 3/15/16

AN ORDINANCE TO AMEND CHAPTER 10.5; FLOOD DAMAGE PREVENTION, SECTION 10.5-5; DEFINITIONS OF WORKS AND TERMS USED AND SECTION 10.5-32; SPECIFIC STANDARDS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

12. **Summary No. 3359**

Introduced by: Administration on 3/15/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

## RESOLUTIONS

13. Adopt **Resolution SBPC #1560-04-16**, approving permits as recommended by the Alcohol Beverage and Bingo Department: (Administration)

### Beer and/or Liquor Permit(s)

1. Maxinh, LLC dba St. Roch Kitchen #4 5840-A E. Judge Perez Drive, Violet, LA 70092 **(Renewal) (Beer & Liquor)**
  2. Original Armond's Eatery, LLC dba Armond's Eatery 808 E. Judge Perez Drive, Chalmette, LA 70043 **(Renewal) (Beer & Liquor)**
  3. Par 3 Diner, Inc. dba Par 3 Diner 2401 Paris Road, Chalmette, LA 70043 **(Renewal) (Beer & Liquor)**
  4. S & P Chevron, LLC dba S & P Chevron 6205 E. St. Bernard Hwy., Violet, LA 70092 **(Renewal) (Beer & Liquor)**
  5. Sadi, Inc. dba Village Food and Beverage Discount 601 E. Judge Perez Drive, Chalmette, LA 70043 **(Renewal) (Beer & Liquor)**
  6. South End Zone Bienvenu, LLC dba South End Zone 8241 W. St. Bernard Hwy., Chalmette, LA 70043 **(Renewal) (Beer & Liquor)**
  7. Tag's Meat Market, Inc. dba Tag's Deli 1207 E. Judge Perez Drive, Chalmette, LA 70043 **(Renewal) (Beer & Liquor)**
14. Adopt **Resolution SBPC #1561-04-16**, a resolution authorizing a grant application to the Louisiana Department of Culture, Recreation and Tourism's 2016 Land and Water Conservation Grant Program for Torres Park Path and Lighting Project in the amount of \$119,086. (Administration)
15. Adopt **Resolution SBPC #1562-04-16**, a resolution urging Congress to Maintain the OCS Revenue Sharing Arrangements Passed under the Gulf of Mexico Energy and Security Act of 2006. (Administration)
16. Adopt **Resolution SBPC #1563-04-16**, a resolution authorizing a grant application to the National Oceanic and Atmospheric Administration's Community-Based Restoration Program/Coastal and

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Marine Habitat Restoration Grant Program in the amount of \$150,000.00 for the St. Bernard Parish Comprehensive Ghost Crab Trap Removal Program. (Administration)

17. Adopt **Resolution SBPC #1564-04-16**, a resolution urging the support of legislation to continue funding for the LSU AgCenter offices and further requesting the support of the Police Jury Association of Louisiana and all Parish Governments of the state of said position. (Administration)
18. Adopt **Resolution SBPC #1565-04-16**, a resolution authorizing Parish President Guy McInnis to proceed with litigation, investigation, preparation, filing and handling of such injunctive, declaratory or other actions against any all possible parties, including oil and gas companies, necessary to ensure compliance with Coastal Zone Laws, Statutes and Regulations for St. Bernard Parish, the St. Bernard Parish Council and the St. Bernard Parish Coastal Zone Management Program. (Councilmember Callais)

## ADOPTION OF ORDINANCES

### 19. **Summary No. 3357**

Introduced by: Councilmember Lewis on 3/15/16  
Public hearing held on 4/5/16

AN ORDINANCE TO DECLARE 620 COUGAR DRIVE SURPLUS, TO REMOVE IT FROM ANY PREVIOUSLY CREATED BUILDER'S BUNDLE AND TO REQUIRE THAT THE PARISH PRESIDENT OR HIS DESIGNEE SELL THE PROPERTY IN ACCORDANCE WITH THE DISPOSITION PLAN.

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### 21. **Summary No. 3359**

Introduced by: Administration on 3/15/16  
Public hearing held on 4/5/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

## INTRODUCTION

### 22. **Summary No. 3369**

Planning Commission recommended **APPROVAL** on 3/22/16  
Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-004**, PETITION OF PETITION OF ALBERT ALVEREZ FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2,

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(TWO FAMILY RESIDENTIAL)” FOR THE PROPERTY LOCATED AT 2104 WALKERS LANE, MERAUX, LA 70075.

23. **Summary No. 3360**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-005**, PETITION OF KEVIN WILLIAMS FOR A ZONING CHANGE FROM “C-1, (NEIGHBORHOOD COMMERCIAL)” TO “C-2, (GENERAL COMMERCIAL)” FOR THE PROPERTY LOCATED AT 7820 E. ST. BERNARD HIGHWAY, VIOLET, LA 70092.

24. **Summary No. 3361**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-006**, PETITION OF JTS PROPERTIES, LLC FOR A ZONING CHANGE FROM “R-1, (SINGLE FAMILY RESIDENTIAL)” TO “R-2, (TWO-FAMILY RESIDENTIAL)” FOR THE PROPERTY LOCATED AT 1108 – 10 LEBEAU ST., ARABI, LA 70032.

25. **Summary No. 3362**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-007**, PETITION OF RALPH MENESSES FOR A ZONING CHANGE FROM “R-2, (TWO FAMILY RESIDENTIAL)” TO “C-2, (GENERAL COMMERCIAL)” FOR THE PROPERTY LOCATED AT 400 E. SOLIDELLE STREET, CHALMETTE, LA 70043.

26. **Summary No. 3363**

Planning Commission recommended **APPROVAL** with conditions on 3/29/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-008**, PETITION OF GERALD FORSTELL OF CHALMETTE REFINERY, LLC FOR A CONDITIONAL USE PERMIT IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 500 W. ST. BERNARD HIGHWAY, CHALMETTE, LA 70043.

27. **Summary No. 3364**

Planning Commission made **NO RECOMMENDATION** on 3/22/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-009**, PETITION OF STERLING J. CARDON, JR. FOR A ZONING CHANGE FROM “R-1 (SINGLE FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) FOR THE PROPERTY LOCATED AT 2200 TRIO STREET, CHALMETTE, LA 70043.

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28. **Summary No. 3365**

Introduced by: Administration on 4/5/16

AN ORDINANCE TO AMEND CHAPTER 5; BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, PROVISIONS TO CREATE A NEW ARTICLE IX; STORMWATER, TO THE ST. BERNARD PARISH CODE OF ORDINANCES.

29. **Summary No. 3366**

Introduced by: Administration on 4/5/16

AN ORDINANCE AUTHORIZING THE EXEMPTION OF THE PROVISIONS OF ST BERNARD PARISH COUNCIL, LOUISIANA – CODE OF ORDINANCES FOR RESIDENTIAL PROPERTIES ENTERED INTO THE ST BERNARD PARISH GOVERNMENT RESIDENTIAL ELEVATION PROJECT (PERMISSIBLE OFF-STREET PARKING LOCATION ONLY).

30. **Summary No. 3367**

Introduced by: Administration on 4/5/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

31. **Summary No. 3368**

Introduced by: Administration on 4/5/16

AN ORDINANCE AUTHORIZING CONVEYANCE OF FORMER LOUISIANA LAND TRUST PROPERTIES UNDER THE LOT NEXT DOOR II PROGRAM – SIDE LOT PROGRAM.

## OTHER MATTERS

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

33. Motion to discuss garbage pickup with Progressive Waste.

## EXECUTIVE SESSION

34. Motion to enter into Executive Session to discuss Kendall Chenier et al v. the Parish of St. Bernard, 34<sup>th</sup> JDC #116-380.

35. Motion to enter into Executive Session to discuss Alfred Ronsonette v. St. Bernard Parish Government, et al, 34<sup>th</sup> JDC, No.: 117-041, Division "E", 4<sup>th</sup> Cir. Ct. of App., No. 2014-CA-0900.

Next Regular scheduled Council Meeting will be held Tuesday, April 19, 2016 @ 3:00 p.m.

Approved by: *Kerri Callais* Time: 3:39 p.m. Date: 4/1/16

**EXHIBIT "A"**

<b>ID</b>	<b>BER</b>	<b>Address</b>	<b>City</b>	<b>Zip</b>
1	72603	620 COUGAR DR	ARABI	70032

**#31**

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**Summary No. 3368**

Introduced by: Administration on 4/5/16

AN ORDINANCE AUTHORIZING CONVEYANCE OF FORMER LOUISIANA LAND TRUST PROPERTIES UNDER THE LOT NEXT DOOR II PROGRAM – SIDE LOT PROGRAM.

**WHEREAS** the purpose of this ordinance is to encourage the subdivision of nonconforming lots into larger conforming lots utilizing former Louisiana Land Trust properties. The St. Bernard Parish Council finds that using former Louisiana Land Trust properties in this way will promote the public health, safety and welfare of the people of St. Bernard Parish in the following ways:

- a. It will promote the comprehensive master plan.
- b. It will eliminate nonconforming lots.
- c. It will make St. Bernard Parish more attractive for former residents to return and for new residents to locate in the parish.
- d. It will aid in the prevention and elimination of slum and blight conditions by reducing the supply of developable land.
- e. It will reduce density in Special Flood Hazard Areas.
- f. It will promote the economic recovery of the parish.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby authorize the St. Bernard Parish Government to convey the former Louisiana Land Trust properties listed in Exhibit "A" to interested owners in accordance with the Lot Next Door II – Side Lot program established by this ordinance.

**SECTION 2.** The Parish President and the Chief Administrative Officer each is hereby authorized to execute all instruments necessary to effectuate the conveyances authorized by this ordinance, and are further authorized to execute any and all additional instruments necessary to implement the program, including

instruments necessary to enforce the requirements of The Lot Next Door II program or to reacquire, claw back, or accept a reversion of any property on behalf of the St. Bernard Parish in the event that a purchaser under the program fails to comply with its requirements. It is recognized and agreed the Parish President and/or Chief Administrative Officer may nominate a designee by use of a power of attorney to transfer, sell, and auction, the properties in Exhibit "A" in accordance with the laws of Louisiana.

**SECTION 3.** The Lot Next Door II program shall be administered by the Community Development Department, which shall seek the cooperation of Louisiana Land Trust to assist the parish based on its experience with Lot Next Door I.

**SECTION 4.** The Lot Next Door II program shall observe the following minimum standards:

- I. Qualified Properties: Parcels of property eligible for inclusion in the St. Bernard Parish Government (SBPG) Side Lot Program (LND II) shall meet the following minimum criteria:
  1. The property shall be residentially zoned real property.
  2. The property shall be physically contiguous to adjacent property only.
  3. The final property shall consist of no more than one (1) lot capable of development.
  4. The property shall be conveyed to the transferees directly by SBPG.
  5. Transfers will be available to one (1) adjacent side lots on one (1) side of the transferee parcel and shall not create a combined parcel that exceeds one hundred eighty (180) linear foot of frontage.
  6. The resulting subdivision shall not create a through lot.
  7. The LND II Program is available only to those properties that did not participate in any previous LND Program.
- II. Transfer Of Property:
  1. First right of refusal shall be granted to domiciled homestead exempt properties for adjacent parcel owners as follows:
    - a. In cases where two (2) side lot neighbors agree to purchase a middle lot that falls into public ownership, the neighbors shall

purchase said property such that each neighbor receives half the property.

- b. If one adjoining neighbor opts not to purchase half the property, the other adjoining neighbor shall have the option to purchase the whole lot ((not to exceed one hundred eighty (180) foot frontage)).
- c. Any lot or parcel acquired through the LND II Program shall be re-subdivided or deed restricted as one (1) lot for the use of the adjacent owner/occupied residential property.
- d. Upon sale through the LND II Program the purchaser shall be required to bring their house and the acquired lot into compliance with current housing, health, and safety codes within thirty (30) days of the transfer.

2. Second right of refusal shall be granted to non-domiciled adjacent property owners agreeing to owner occupancy of the re-subdivided or deed restricted contiguous property for a future permitted structure that meets minimum housing standards within two (2) years. The building permit shall be applied for and granted within one (1) year from closing.
3. The transferee must not own any real property (including both the contiguous lot and other property in SBP) that is subject to any non-remediated citation of violation of the state and/or local codes, covenants and/or ordinances. Remediation of any violations must occur before the transferee will be eligible for a LND II parcel.
4. The transferee must not own any real property (including both the contiguous lot and all other property in SBP) that is tax delinquent at the time of the LND II purchase.
5. Properties shall be conveyed at fair market value, as determined in accordance with the Community Development Block Grant program requirements and Action Plan Amendments.

- III. Deed Restrictions: Permanent deed restrictions will be placed on the lot to be acquired which will prohibit its sale separate from the parcel next door and which will prevent the construction of a separate residence on the transferred lot in perpetuity.

1. A clear statement of the restrictions on lot use shall be provided in the initial letter of notification, the agreement to purchase document and at the act of sale.
2. Re-platting of half (1/2) lot purchases shall occur prior to transfer of title, with the costs of re-platting being an expense of the buyers.

**SECTION 5.** 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 6.** 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.

**SECTION 7.** Other Ordinances and Codes Unaffected. Nothing herein shall be interpreted to repeal or otherwise diminish the powers of the Parish or its employees, officers, or agents under any other ordinance or code, including but not limited the Zoning Ordinance, the Building Code, and the Minimum Housing Code, all of which shall apply to Lot Next Door II properties in addition to the provisions of this ordinance.

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

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Extract #31 continued  
April 5, 2016

#### 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, April 5, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 5<sup>th</sup> day of April, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

**St. Bernard Parish Government**  
**Summary No. 3367**  
**Ordinance SBPC #XXXX-XX-XX**  
**Proposed 2016 Budget Amendment 4-5-2016**

G/L ACCOUNT CODE				ACCOUNT TITLE		ENTRY AMOUNT	
<u>Fund</u>	<u>Cost Center</u>	<u>Project</u>	<u>Ledger Code</u>			<u>Increase</u>	<u>Decrease</u>
190	3495	8866	430540	Highway Planning & Construction	<i>Revenue</i>	\$ 4,031,827.00	
190	3495	8866	570493	CIP	<i>Expenditure</i>	\$ 4,031,827.00	
			391000	<i>Net Effect on Fund Balance</i>		<u>\$0.00</u>	<u>\$0.00</u>

*This Budget Amendment is to recognize Federal Funding (CFDA #20.205 Highway Planning and Construction) and the associated expenditures.*

**#30**

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**Summary No. 3367**

Introduced by: Administration on 4/5/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That St. Bernard Parish Annual Operating and Capital Budget for 2016 is hereby amended as per attached in Exhibit "A".

**WHEREAS**, each department shall be treated as a separate fund for the purpose of the five percent (5%) budgetary compliance in accordance with the state law; and,

**WHEREAS**, no monies shall be moved from one fund or department without official action taken by the Parish Council; and,

**WHEREAS**, all revenues generated by a specific department shall be budgeted as a revenue within that department's specific budget.

**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 #30 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 5<sup>th</sup> day of April, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

**#29**

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**Summary No. 3366**

Introduced by: Administration on 4/5/16

AN ORDINANCE AUTHORIZING THE EXEMPTION OF THE PROVISIONS OF ST BERNARD PARISH COUNCIL, LOUISIANA – CODE OF ORDINANCES FOR RESIDENTAIL PROPERTIES ENTERED INTO THE ST BERNARD PARISH GOVERNMENT RESIDENTAIL ELEVATION PROJECT (PERMISSIBLE OFF-STREET PARKING LOCATION ONLY).

**WHEREAS**, the purpose of this ordinance is to exempt the provisions of the Code of Ordinances for residential properties entered into the St. Bernard Parish Government Residential Elevation Project with regard to permissible off-street parking locations only. The St. Bernard Parish Council finds that the need to elevate repetitive loss structures outweighs any requirement of providing permissible off-street parking location(s) which may be forfeited as a result of such elevation. The St. Bernard Parish Council also finds the St. Bernard Parish Government Residential Elevation Project will promote or benefit the public health, safety and welfare of the people of St. Bernard Parish in the following ways:

- a. It will promote the comprehensive master plan of elevating structures.
- b. It is funded through FEMA & the Governor's Office of Homeland Security and Emergency Preparedness utilizing federal Hazard Mitigation Funds allocated to St. Bernard Parish as a result of Hurricane Katrina.
- c. It will focus on existing slab on grade residential developments; thereby, reducing the amount of repetitive loss structures in St Bernard Parish.
- d. It will elevate residential structures to meet or exceed BFE/ABFE/DFIRM requirements in an effort to maintain compliance with FEMA flood maps.
- e. It will aid in the prevention and elimination of repetitive loss conditions to existing residential slab on grade developments.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby authorize the St. Bernard Parish Government to exempt any residential property entered in the St. Bernard Parish Government Residential Elevation Project from the provisions of the Code of Ordinances as it relates to the forfeiture of permissible off-street parking areas as a result of such elevation actions established by this ordinance.

**SECTION 2.** St. Bernard Parish Government Residential Elevation Project program shall be administered by the Department of Recovery – Office of Hazard Mitigation Grant Program (HMGP), which shall seek the cooperation of FEMA, the Governor’s Office of Homeland Security and Emergency Preparedness and the property owners’ representative of Hunt, Guillot and Associates (HGA).

**SECTION 3.** St. Bernard Parish Government Residential Elevation Project program shall observe the following minimum standards with regard to elimination of permissible off-street parking areas as a result of structural elevation:

1. The property shall be entered into the St. Bernard Parish Government Residential Elevation Project at the time of the elevation.
2. The property shall be of slab on grade construction.
3. The property may utilize existing conditions on the site for off-street parking areas such as a durable, impermeable, all-weather material driveway(s).
4. The property, property owner or any other party with interest in the property shall not attempt development of any new off-street parking area(s) on the site which does not meet the development standard requirements of the Code of Ordinances.
5. If an attached garage is elevated with the main residential structure, then the former attached garage shall be enclosed by the removal of any doorway associated with its former use as an automotive garage and replaced with materials comparable to the existing façade of the main residential structure.
6. If an attached garage is not elevated with the main residential structure, then the former attached garage may retain any doorway associated with a former use as an attached automotive garage to promote structural access or storage.
7. The property owner may be required to provide guard rails on elevated areas formally utilized as parking pads, with or without an attached carport structure, subject to the requirements of the International Building Code.
8. The property owner may locate automobiles associated with the affected property within approved areas of the adjacent streets (rights-of-way not including sidewalk areas), where permissible.
9. These site conditions shall run in perpetuity of the property with the existence affected elevated structure.

**SECTION 4.** 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 #29 continued  
April 5, 2016

**SECTION 5.** 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 Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 5<sup>th</sup> day of April, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

**EXHIBIT "A"**  
**SUMMARY NO. 3365**

**CHAPTER 5 - BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, PROVISIONS**

**ARTICLE IX. - STORMWATER**  
**DIVISION 1. - GENERAL PROVISIONS**

**Sec. 5-191. - Title.**

This article shall be known as the "Stormwater Ordinance of the St. Bernard Parish Government" and may be cited and referred to herein as "this article."

**Sec. 5-192. - Purpose.**

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the parish and protect the environment within the parish, to the maximum extent practicable as required by federal and state law, through the regulation of certain activities and discharges that may impact stormwater discharges to the parish's storm drainage system. Among other things, this article regulates (a) illicit discharges of pollutants, and illicit connections, to the parish's municipal separate storm sewer system; (b) certain stormwater discharges in connection with construction activities; (c) certain land clearing activities that may impact stormwater discharges; and (d) post-construction erosion and sedimentation control. The objectives of this article are:

- (1) To maintain and improve the quality of surface water and groundwater within the parish;
- (2) To prevent the discharge of contaminated stormwater runoff into the parish's municipal separate storm sewer system and natural waters affected by the parish;
- (3) To prohibit illicit discharges of pollutants, and illicit connections, to the parish's municipal separate storm sewer system and natural waters affected by the parish;
- (4) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural waters of the parish;
- (5) To facilitate compliance with state and federal standards and permits by owners and operators of construction sites within the parish;
- (6) To enable the parish to comply with all federal and state laws and regulations applicable to stormwater discharges, including those requirements imposed upon the parish under its Louisiana Pollutant Discharge Elimination System Municipal Separate Sewer System discharge permit; and
- (7) To establish the legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this article.

**Sec. 5-193. - Applicability.**

This article shall apply to all water entering the MS4 generated on any lands within the parish unless explicitly exempted by the director of public work or his designee.

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**Sec. 5-194. - Administration.**

Except as otherwise provided herein, the public works director or his designee shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the public works director may be delegated in writing by the public works director to other parish personnel.

**Secs. 5-195. - Reserved.**

**DIVISION 2. - ABBREVIATIONS AND DEFINITIONS**

**Sec. 5-196. - Abbreviations.**

**BMPs—Best management practices.**

**CFR—Code of Federal Regulations.**

**EPA—U.S. Environmental Protection Agency.**

**LDEQ—Louisiana Department of Environmental Quality.**

**LPDES—Louisiana Pollutant Discharge Elimination System.**

**OSP—Office of Safety and Permits**

**mg/l—Milligram per liter.**

**MS4—Municipal separate storm sewer system.**

**NPDES—National Pollutant Discharge Elimination System.**

**PPM—Parts per million.**

**PST—Petroleum storage tank.**

**SWPPP—Stormwater pollution prevention plan.**

**Sec. 5-197. - Definitions.**

Agricultural stormwater runoff. Any stormwater runoff from cultivated crops, pastures, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in LAC 33:IX.2313 or discharges from concentrated aquatic animal production facilities as defined in LAC 33:IX.2313.

Best management practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Cellar dirt. Construction site waste materials such as natural rock and soil overburden.

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Commercial. Pertaining to any business, trade, industry, or other activity engaged in for profit.

Construction activity. Activities subject to an LPDES permit for construction activities. Currently LPDES permits for construction activities are required for construction projects resulting in land disturbance of one acre or more. Construction activities include, but are not limited to, clearing, grading, and excavating.

Contaminated. Pertaining to containing a harmful quantity of any substance.

Contamination. Pertaining to the presence of or entry into a public water supply system, the MS4, or waters of the state of any substance which may be deleterious to the public health and/or quality of the water.

Discharge. Any addition or introduction of any pollutant, stormwater, wastewater, or any other substance whatsoever into the MS4 or into waters of the state.

Discharger. Any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

Domestic sewage. Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, office buildings, industrial sites, and institutions, that is free from industrial waste.

Environmental Protection Agency (EPA). The United States Environmental Protection Agency.

Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Final stabilization. Stabilization of at least 70 percent of the site.

Fire protection water. Any water, and any substance or materials contained therein, used by any person other than the fire department to control or extinguish a fire.

Garbage. Putrescible animal and vegetable waste materials from the handling, preparation, cooking, serving, and consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

Harmful quantity. The amount of any substance that will cause pollution of waters of the state.

Hazardous household waste. Any material generated in a household by a consumer which, except for the exclusion provided in LAC 33:V.105.D.2.a, would be classified as a hazardous waste under LAC 33:V.

Hazardous substance. Any substance listed in Table 302.4 of 40 CFR 302.

Hazardous waste. Any substance identified or listed as a hazardous waste by LDEQ pursuant to LAC 33:V.

Illicit connection. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4, including, but not limited to, any conveyance that allows any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether such drains or connections have been previously allowed, permitted, or approved.

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Illicit discharge. Any discharge to the MS4 that is not composed entirely of stormwater, unless otherwise exempt.

Industrial waste. Solid waste generated by a manufacturing, industrial, or mining process, or which is contaminated by solid waste generated by such a process.

Land clearing permit. Permit to conduct clearing, grading, excavation, or other land disturbance activities without a building permit.

LPDES permit. A Louisiana Pollutant Discharge Elimination System permit issued by LDEQ that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis. As used herein, LPDES permit also includes any National Pollutant Discharge Elimination (NPDES) permit issued by EPA that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

Municipal landfill or landfill. An area of land or an excavation in which municipal solid waste is placed for permanent disposal and which is not a land treatment facility, a surface impoundment, an injection well, or a pile.

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural and manmade channels, and storm drains) that:

- (1) Is located within the parish;
- (2) Is owned or operated by the parish;
- (3) Is designed or used for collecting or conveying stormwater;
- (4) Discharges to waters of the state; and
- (5) Does not include any publicly owned treatment works, or lawful connections thereto, which in turn discharge to waters of the state.

Municipal solid waste. Solid waste resulting from or incidental to municipal, community, commercial, institutional, residential, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste, excluding industrial waste.

Nonpoint source. Any source of any discharge of a pollutant that is not a point source.

Oil. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, and pressure, sludge, lubricant, grease, oil refuse, and oil mixed with waste.

Operator. The person or persons who, either individually or taken together, have the day-to-day operational control over those activities at a facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner. The person who owns a facility.

Person. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity; or an employee or legal representative or agent thereof. This definition includes all federal, state, and local entities.

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Petroleum product. A petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a motor fuel, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

Petroleum storage tank (PST). Any one or combination of above ground or underground storage tanks that contain oil and/or petroleum products and any connecting underground pipes.

Point source. Any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include runoff water from irrigation or rainwater runoff from cultivated or uncultivated pasture land or farm land.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any waters of the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or public enjoyment of the water for any lawful or reasonable purpose.

Public works director. The person appointed by the parish president to the position of public works director.

Release. Any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4 or the waters of the state.

Rubbish. Nonputrescible solid waste, excluding ashes, that consists of (a) combustible waste materials, including paper, rags, cartons, wood, furniture, rubber, plastics, yard waste, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

Sanitary sewer or sewer. The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the parish sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

Septic tank waste. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage or sanitary sewage. The domestic sewage and/or industrial waste that is discharged into the parish sanitary sewer system and passes through the sanitary sewer system to the parish sewage treatment plant for treatment.

Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

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Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, community, agricultural, and institutional operations and activities.

State. State of Louisiana.

Stormwater. Stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater discharge associated with industrial activity. The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant that is within one of the categories of facilities listed in LAC 33:IX.2511.B.14; provided such discharge is not excluded from LDEQ's definition of stormwater discharge associated with industrial activity in LAC 33:IX.2511.B.14.

Stormwater pollution prevention plan (SWPPP). A plan required by an LPDES permit that describes and ensures the implementation of best management practices that are to be used to identify and eliminate or reduce the pollutants in stormwater discharges associated with construction or industrial activity at a facility.

Uncontaminated. Not containing a harmful quantity of any substance.

Used oil (or used motor oil). Any oil that has been refined from crude oil or a synthetic oil and that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Waters of the state. All groundwater and surface waters within the State of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending therefrom three miles into the Gulf of Mexico. This includes all surface waters that are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the State of Louisiana otherwise defined as waters of the United States in 40 CFR 122.2, and tributaries of all such waters. Waters of the state does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251, et. seq.

Water quality standard. A definite numerical criterion value or general criterion statement or policy statement promulgated by LDEQ to enhance or maintain water quality and to provide for, and fully protect, the designated uses of the waters of the state.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, bottomland hardwood forest, and similar areas.

Yard waste. Vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including tree and shrubbery leaves and limbs, grass clippings, and flowers.

Secs. 5-198. - Reserved.

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**DIVISION 3. - REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

**Sec. 5-199. - Best management practices.**

**The public works director or his designee may adopt requirements identifying best management practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the state. The owner or operator of a commercial or industrial establishment within the parish shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or waters of the state through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge or that has an illicit connection may be required to implement, at such person's sole expense, additional structural and non-structural BMPs to properly address such illicit discharge and/or illicit connection. Any BMPs adopted by the public works director or his designee pursuant to this section shall be incorporated in any stormwater pollution prevention plan developed by a discharger within the parish in order to comply with the requirements of any applicable LPDES permit issued to such discharger.**

**Secs. 5-200. - Reserved.**

**DIVISION 4. - ILLICIT DISCHARGES AND CONNECTIONS**

**Sec. 5-201. - Illicit discharges—General.**

- (a) No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of stormwater. This prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, variance, or order issued to the discharger and administered under the authority of EPA or an LPDES permit, waiver, variance, or order issued to the discharger and administered under the authority of LDEQ, provided that the discharger is in full compliance with all requirements of the permit, waiver, variance, or order and other applicable laws and regulations.**
- (b) It is an affirmative defense to any enforcement action for violation of subsection (a) that the discharge was composed entirely of one or more of the following categories of discharges:**
- (1) A discharge authorized by, and in full compliance with, an LPDES permit issued to the discharger;**
  - (2) A discharge or flow resulting from fire fighting activities by the fire department;**
  - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;**
  - (4) Agricultural water runoff;**
  - (5) A discharge or flow from water line flushing or other potable water sources, but not including a discharge from water line disinfection by superchlorination or other means**

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unless it contains no harmful quantities of chlorine (e.g., typically less than one PPM chlorine) or any other chemical used in the line disinfection;

- (6) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
  - (7) A discharge or flow from a diverted stream flow or natural spring;
  - (8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
  - (9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(20) to the MS4;
  - (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain (not including groundwater dewatering systems);
  - (11) A discharge or flow from air conditioning condensation that is not mixed with water from a cooling tower, emissions scrubber, emission filter, or any other source of pollutant;
  - (12) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
  - (13) A discharge or flow from individual residential car washing, non-commercial car washing, or limited fund-raising car washing;
  - (14) A discharge or flow from a riparian habitat or wetland;
  - (15) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
  - (16) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
  - (17) A discharge or flow from swimming pools (if dechlorinated—typically less than one PPM chlorine);
  - (18) A discharge or flow from dye testing, provided verbal notification thereof is provided to the public works director or his designee prior to initiation of the dye testing; and
  - (19) A discharge or flow specified in writing by the public works director or his designee as being necessary to protect public health and safety.
- (c) No affirmative defense shall be available under subsection (b) if the discharge or flow in question has been determined by the public works director or his designee to be a source of a pollutant or pollutants to the waters of the state or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than ten days beyond such notice. The correctness of the determination by the public works director or his designee that a discharge is a source of a pollutant or pollutants to the waters of the state or to the MS4 may be reviewed in any administrative or judicial enforcement proceeding.

Sec. 5-202. - Illicit discharges—Specific prohibitions and requirements.

- (a) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in section 5-201.

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- (b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes, or contributes to causing, the parish to violate a water quality standard or the parish's LPDES permit for discharges from its MS4.
- (c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce, or cause, allow, or permit to be introduced, any of the following substances into the MS4:
- (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
  - (2) Any industrial waste;
  - (3) Any hazardous waste, including hazardous household waste;
  - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
  - (5) Any garbage, rubbish, or yard waste, including grass clippings;
  - (6) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle or equipment, including a truck, bus, or heavy equipment, by a business or public entity;
  - (7) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
  - (8) Any wastewater from commercial floor, rug, or carpet cleaning;
  - (9) Any effluent from a cooling tower, condenser, compressor, emission scrubber, emission filter, or the blowdown from a boiler;
  - (10) Any runoff or wash down from any animal pen, kennel, or fowl or livestock containment area;
  - (11) Any discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
  - (12) Any fire protection water containing oil or hazardous substances or materials;
  - (13) Any water from a water curtain in a spray room used for painting vehicles or equipment;
  - (14) Any contaminated runoff from a vehicle wrecking;
  - (15) Any substance or material that will damage, block, or clog the MS4;
  - (16) Any release from a PST, or any leachate or runoff from soil contamination by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of such PST release, unless the discharge satisfies all of the following criteria:
    - a. Compliance with all state and federal standards and requirements;
    - b. No discharge containing harmful quantity of any pollutant; and
    - c. No discharge containing more than fifty parts per billion of benzene; five hundred parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene, (BTEX); or fifteen mg/l of total petroleum hydrocarbons (TPH);

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- (17) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
- (18) Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil or petroleum product or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed; and
- (19) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material.
- (d) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, land disturbance, or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.

Sec. 5-203. - Illicit connections.

- (a) The construction, use, maintenance, and continued existence of illicit connections to the MS4 are prohibited. No person shall connect a line conveying sanitary sewage, domestic, commercial, or industrial wastewater to the MS4; nor shall any person use, maintain, or allow such a connection to continue.
- (b) Illicit connections include, but are not limited to floor drains and/or lines conveying wastewater from washing machines, sanitary sewers, commercial vehicle washing, and steam cleaning to the MS4.
- (c) The prohibitions provided in this section expressly include, without limitation, any illicit connection made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time initially connected. A person is considered to be in violation of this article if the person connects to a previously existing illicit connection or allows such a connection to continue.

Secs. 5-204. - Reserved.

DIVISION 5. - STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Subdivision I. - General

Sec. 5-205. - General requirements.

Any person applying for a building permit from the OSP for a project involving the disturbance of one acre or more, or that is part of a development involving the disturbance of one acre or more, shall certify that (a) a site specific SWPPP has been developed for the site in accordance with OSP requirements and any land clearing, grading, excavation, or other land disturbance activities at the site shall be in accordance with such SWPPP, and (b) all state LPDES permit requirements related

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to stormwater discharges associated with construction activities will be met. Refer to current specific LPDES permit for site applicability and other requirements.

- (1) All operators of construction sites one acre or above or part of a development that is over one acre shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the state, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, land disturbance, and other construction activities to the maximum extent practicable. Such best management practices may include, but are not limited to, the following measures:
  - a. Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;
  - b. Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of sediments and pollutants from the site to the extent feasible;
  - c. Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of sediments and other windblown waste from the site;
  - d. Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the state;
  - e. Providing general good housekeeping measures to (i) prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming pollutant sources for stormwater discharges, (ii) prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and (iii) assure proper cleanup and disposal of any such spills in compliance with state, federal, and local requirements;
  - f. Implementation of proper waste disposal and waste management techniques, including providing waste containers and covers for waste materials, minimizing ground contact with hazardous chemicals and trash, and providing appropriate sanitary facilities for site workers and visitors;
  - g. Timely maintenance of vegetation, erosion, and sediment control measures and other best management practices in good and effective operating condition; and
  - h. Installation of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but are not limited to, stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on site; and sequential systems that combine several such practices. Operators of construction sites are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the

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site, and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated.

- (2) Clearing, grading, excavation, and other land disturbance activities, except that is necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and stabilized. Final stabilization measures shall be initiated as soon as practical upon the completion of construction activities.
- (3) A copy of the SWPPP shall be provided to the OSP upon request, and shall be available for review on the construction site at all times during construction. The SWPPP shall include:

  - a. A description of the nature of the construction activity;
  - b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, clearing, grading, excavation, utilities, and infrastructure installation, etc);
  - c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by clearing, grading, excavation, and/or other activities;
  - d. A description of appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in stormwater discharges, as more fully described in subsection (1) above;
  - e. A description of interim and permanent stabilization practices for the site; and
  - f. A description of design requirements. (Clearing, grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site, to the satisfaction of the public works director or his designee.)
- (4) The construction phase erosion and sediment controls should be designed to retain sediment on-site to the maximum extent practicable. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. Soil stockpiles must be stabilized or covered during times of inactivity or upon completion of construction activities.
- (5) Personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site in accordance with the applicable LPDES permit. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspections, best management practices shall be revised as appropriate, and as soon as is practicable.
- (6) The parish may require any plans and specifications that are prepared for the construction of site improvements to fully illustrate and describe the best management practices required by subsection (1)(a) above that will be implemented at the construction site. The parish may deny approval of any building permit or other parish approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the

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best management practices described in the plans or observed upon site inspection by the parish are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable. The parish also may revoke any previously issued building permit or other parish approval necessary to commence or continue construction, or to assume occupancy, on the grounds that any certification made pursuant to the initial paragraph of this section is false.

- (7) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this division.
- (8) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing any best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the parish to violate a water quality standard or the parish's LPDES permit for discharges from the MS4.
- (9) Based on the results of the inspections required by subsection (5), the site plans and specifications, BMPs, and the SWPPP shall be revised as appropriate, but in no case later than one calendar day following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within one calendar day following the inspection. The SWPPP shall be retained on the premises of the construction site at all times and made available to the parish upon request. Upon inspection by the parish, the parish either shall approve that portion of the work completed or shall notify the operator to the extent that the work fails to comply with the SWPPP.
- (10) Upon final stabilization of the construction site, the owner, or the owner's duly authorized representative, shall submit written certification to the parish that the site has been finally stabilized. The parish may withhold an occupancy or use permit for any premises constructed on the site until certification of final stabilization has been filed and the parish has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

Sec. 5-206. - Site applicability.

Persons engaging in construction activities, including clearing, grading, excavation, and other land disturbance activities, that result in the disturbance of one acre or more, or that are part of a development involving the disturbance of one acre or more, shall comply with the requirements of this division.

Secs. 5-207. - Reserved.

Subdivision II. - Post-Construction Erosion and Sedimentation Control

Sec. 5-208. - Post-construction erosion and sedimentation control.

Owners and operators, including developers and property owners, shall use and maintain appropriate erosion and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to an acceptable minimum so

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that soil and other pollutants are not discharged to the MS4 or waters of the state nor onto an adjoining property or right-of-way. For example, vegetation, erosion, and sediment control measures, including the following installed structural measures, if any, should be used and maintained: stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on site; and sequential systems that combine several such practices.

Secs. 5-209. - Reserved.

**DIVISION 6. - COMPLIANCE MONITORING**

**Sec. 5-210. - Right of entry: Inspection and sampling.**

The parish shall have the right to enter the premises of any person discharging stormwater, wastewater, or any pollutant to the MS4 or to waters of the state within the parish to determine if the discharger is complying with all requirements of this article and with state or federal discharge permits, limitations, or requirements. Dischargers shall allow the parish ready access to all parts of the premises for the purposes of observation, inspection, sampling, monitoring, testing, surveying, examination and copying of records, and for the performance of any applicable additional duties. Dischargers shall make available to the parish, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this article and with any state or federal discharge permit. No person shall obstruct, hamper, or interfere with any parish representative while carrying out his official duties.

- (1) Parish personnel shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. Where a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards or other personnel so that, upon presentation of suitable identification, parish personnel will be permitted to enter without delay for the purpose of performing their responsibilities.
- (2) The parish shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary in the opinion of the authorized parish personnel to conduct sampling and/or monitoring of the discharger's operations and discharges.
- (3) The parish may require any discharger to the MS4 or waters of the state to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges and may specify the frequency and parameters of any such required monitoring.
- (4) The parish may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

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- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the parish and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
- (6) Unreasonable delays in allowing the parish access to the discharger's premises shall be a violation of this article.
- (7) If parish personnel have been refused access to any part of the premises from which stormwater, wastewater, or any pollutant is discharged, and parish personnel are able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the public works director or his designee may seek issuance of a search warrant from any court of competent jurisdiction.

Secs. 5-211. - Reserved.

**DIVISION 7. - PENALTIES AND ENFORCEMENT**

**Sec. 5-212. - Notice of noncompliance.**

- (a) It is unlawful for any person to violate any provision, or fail to comply with any of the requirements, of this article. The public works director or his designee shall deliver to the owner, operator, contractor, and/or representative of any premises, or to any person responsible for an illicit connection, prohibited discharge, maintenance of a threatened discharge, failure to implement BMPs in accordance with this article, or any other violation of this article a notice of noncompliance. The notice of noncompliance shall be delivered in accordance with section 5-214.
- (b) The notice of noncompliance shall identify the provision of this article that has been violated. The notice of noncompliance shall state that continued noncompliance may result in additional enforcement actions, including the recovery of any costs incurred by the parish. The notice of noncompliance shall identify a compliance date that must be met and may require without limitation:
  - (1) The elimination of illicit connections or discharges;
  - (2) That violating discharges, practices, or operations shall be terminated;
  - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - (4) Payment of a fine to cover administrative and remediation costs; and
  - (5) The implementation of source control or treatment BMPs.
- (c) The public works director or his designee shall designate the time within which any illicit connection shall be removed. In setting the time limit for compliance, the public works director or his designee shall take into consideration:

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- (1) The quantity and complexity of the work;
  - (2) The consequence of delay;
  - (3) The potential harm to the environment, to public health, and to public and private property; and
  - (4) The cost of remedying the damage.
- (d) If violations are not corrected within the time period set by the public works director or his designee, the violator shall be reported to the OSP. The OSP shall then stop all necessary inspections required for a building permit and/or certificate of occupancy. OSP inspections shall not recommence until the public works director or his designee has approved all required changes, including installation and maintenance of BMPs and updates to the SWPPP, or determined that any other violation that was noted in the notice of noncompliance has been adequately addressed. Moreover, as necessary in order to properly address any violations of this article, the parish may, inter alia, terminate the building permit and/or certificate of occupancy for the relevant site; disconnect any illicit connections to the MS4; and/or discontinue water service to the relevant site.

**Sec. 5-213. - Cease and desist orders.**

The public works director or his designee may issue a cease and desist order. A cease and desist order shall be delivered in accordance with section 5-214. A cease and desist order may direct the owner, operator, contractor, representative, and/or other person responsible for the violation of this article to take any of the following actions:

- (1) Immediately discontinue any prohibited discharge to the parish's MS4.
- (2) Immediately discontinue any other violation of this article.
- (3) Clean up the area affected by the violation.
- (4) Immediately cease any activity which may lead to a violation of the parish's LPDES permit or applicable water quality standards.

**Sec. 5-214. - Delivery of notice.**

Any notice of noncompliance, cease and desist order, or penalty assessment pursuant to the requirements of this article shall be subject to the following requirements:

- (1) The notice shall state that the recipient has a right to appeal the matter as set forth in section 5-216.
- (2) The notice shall state that the recipient may be liable for all costs incurred by the parish in correcting the violation.
- (3) Delivery shall be deemed complete upon either personal delivery to the recipient or delivery to the recipient by the United State Postal Service, via certified mail, return receipt requested, postage prepaid.

**Sec. 5-215. - Penalties.**

Any person violating any provision of this article may be punished by a fine imposed by the public works director according to the following schedule:

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First offense: \$250.00 per day per offense.

Second offense: \$500.00 per day per offense.

Third offense and thereafter: \$1,000.00 per day per offense.

Every day any violation continues shall constitute a separate violation for purposes of this article. Unpaid fines shall, after 30 calendar days, be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue thereafter at a rate of 12 percent per year. A lien against the violator's property may be sought for unpaid fines that are final and no longer subject to review or revision. Fines shall be payable to St. Bernard Parish Government, Attention: Director, Department of Public Works, Chalmette, Louisiana 70043.

Sec. 5-216. - Administrative appeals.

(a) Administrative appeals. A party who has been issued a notice of noncompliance, a cease and desist order, or fine may administratively appeal the same by filing a written petition with the public works director within 15 days of receipt of the notice of noncompliance, cease and desist order, or fine. The petition shall be filed by hand delivery or by mail directed to: Public Works Director, 1125 East St. Bernard Highway, Chalmette, Louisiana 70043. The following information, at a minimum, shall be contained in the petition:

- (1) The name, address, telephone number, and signature of the party filing the appeal, and the name of the owner and operator of the facility if the appeal is being filed by an interested party other than the owner and operator of the facility.
- (2) The name, address, and telephone number of the regulated facility and a facility contact person if different from the party filing the appeal.
- (3) A description of the matter being appealed.
- (4) An indication of the appellant's status as an interested party.
- (5) A statement giving specific reasons why the appellant believes the decision of the public works director or his designee in issuing the notice of noncompliance or the cease and desist order or in imposing the fine is incorrect or does not comply with this article.
- (6) New or different documents, drawings, plans, or other material the appellant believes supports appellant's position.

(b) Hearing. The public works director or his designee shall (a) issue notice of the hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing, and (b) conduct the hearing and take evidence. If the public works director' designee conducts the hearing, such designee shall transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the public works director for action thereon. At any hearing held pursuant to this section, testimony must be under oath. Hearing testimony shall be recorded stenographically if the party who has filed the appeal pays the costs of the same; otherwise, there shall be no recorded transcript of the proceedings. After the public works director has reviewed the evidence, he may issue an order to the person who received the notice of noncompliance or cease and desist order or fine regarding the matter appealed; such order may affirm, modify, or rescind the original notice of noncompliance, cease and desist order, or

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assessment. Decisions of the public works director following any administrative hearing shall be final, shall be in writing, and shall be based on the full and complete written administrative record compiled by the department of public works with opportunity for input from the party requesting the appeal.

Sec. 5-217. - Judicial review.

A party aggrieved by any notice of noncompliance, cease and desist order, or fine issued or imposed by the public works director or his designee shall have the right of judicial review. Proceedings for judicial review must be instituted by filing a petition in the 34th Judicial District Court in and for the Parish of St. Bernard, Louisiana, within 30 days after receipt of notice of the notice of noncompliance, cease and desist order, or fine from the public works director or his designee or, if an administrative hearing is requested, within 30 days after receipt of the decision rendered by the public works director following such administrative hearing.

Sec. 5-218. - Compromise/mitigation of fines.

The public works director may at any time compromise and/or mitigate the amount of fines assessed for a violation of this article based upon an affirmative good faith showing by the violator that one or more of the following mitigating factors is applicable:

- (1) There were no significant previous violations and the facility has historically been in compliance.
- (2) The cause of the violation was due to an act of God, war, or third parties not associated with the facility.
- (3) The nature and gravity of the violation was not significant.
- (4) There have been good faith efforts by the violator to prevent future violations.
- (5) Payment of the full fine amount will create a real and verifiable danger of rendering the facility incapable of future operation.
- (6) There are other pertinent factors which, in the opinion of the public works director, are probative of the fact that the violation did not endanger the public safety, health, or welfare and did not jeopardize the integrity of the MS4.

Sec. 5-219. - Violations deemed a public nuisance.

In addition to the enforcement processes and penalties otherwise provided in this article, any condition caused or permitted to exist in violation of any of the provisions of this article may be a threat to public health, safety, and welfare. In which event, the public works director may declare such violation a public nuisance and may thereafter summarily correct such violation and abate or restore the affected property at the violator's expense. The public works director may also seek injunctive relief under section 5-220 to abate, enjoin, or otherwise compel the cessation of such public nuisance.

Sec. 5-220. - Injunctive relief.

If a person has violated or continues to violate the provisions of this article, the public works director or his designee may petition for a temporary restraining order and/or a preliminary and/or permanent injunction restraining the person from activities that would create further violations

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and/or compelling the person to comply with this article and/or perform abatement or remediation of the violation.

Sec. 5-221. - Remedies not exclusive.

The remedies set forth in this article are not exclusive of any other remedies available under any applicable federal, state, or local law; and the parish may pursue such individual or cumulative remedies as it deems appropriate to address violations of this article.

Secs. 5-222. - Reserved.

DIVISION 8. - CITIZEN PARTICIPATION

Sec. 5-223. - Citizen reports of violations.

- (a) All citizens are encouraged to report to the parish any spills, releases, illicit discharges, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the state, and any other violation of this article of which they become aware.
- (b) All citizen reports received by telephone, in writing, and in person will be kept on file for a period of three years. When necessary, complaints will be referred to the other appropriate local, state, or federal agencies.

**#28**

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**Summary No. 3365**

Introduced by: Administration on 4/5/16

AN ORDINANCE TO AMEND CHAPTER 5; BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, PROVISIONS TO CREATE A NEW ARTICLE IX; STORMWATER, TO 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" to create "ARTICLE IX; STORMWATER" to amend 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.

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Extract #28 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 5<sup>th</sup> day of April, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

**#27**

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**Summary No. 3364**

Planning Commission made **NO RECOMMENDATION** on 3/22/16  
Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-009**, PETITION OF STERLING J. CARDON, JR. FOR A ZONING CHANGE FROM "R-1 (SINGLE FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) FOR THE PROPERTY LOCATED AT 2200 TRIO STREET, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That **DOCKET Z-2016-009**, Petition Sterling J. Cardon, Jr. for a Zoning Change from "R-1 (Single Family Residential) to R-3 (Multi-Family Residential) zoning district for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Culotta Subdivision designated as Lot 47 and Trio Subdivision designated as Lot 48.

Property Location: 2200 Trio Street, Chalmette, LA 70043.

**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.

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Extract #27 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 5<sup>th</sup> day of April, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

**#26**

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**Summary No. 3363**

Planning Commission recommended **APPROVAL** with conditions on 3/29/16  
Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-008**, PETITION OF GERALD FORSTELL OF CHALMETTE REFINERY, LLC FOR A CONDITIONAL USE PERMIT IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 500 W. ST. BERNARD HIGHWAY, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That **DOCKET Z-2016-008**, Petition of Gerald Forstell of Chalmette Refinery, LLC for a Conditional Use Permit in an I-2 (Heavy Industrial) zoning district for the following described property:

Parcels A1, A2, A3, B2 and Tract E of Section 5 and 6 of Township 13 South, Range 12 East of St. Bernard Parish, bounded by Paris Road, St. Bernard Highway, the Mississippi River and Parcel B3.

Property Location: 500 W. St. Bernard Highway, Chalmette, LA 70043.

**The Planning Commission recommends APPROVAL with the following conditions:**

1. No building permits or licenses for this project shall be issued until final development plans are approved and recorded. Site plan approval shall become null and void in one (1) year from the date of approval if the activities have not commenced and the site plan shall be considered to be disapproved per Section 22-10-1.3(h) of the Zoning Code.
2. The applicant shall comply with all state and federal requirements including, but not limited to, the provisions of existing and/or permits for site operations.
3. Tree planting along the entire extent of the front property line fronting on E. St. Bernard Hwy occupied by Chalmette Refinery.
4. TK-D0311 exterior shall be painted in the color of *sky blue* or equivalent.
5. Pile driving shall not occur outside of the hours of 7am-7pm.

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Extract #26 continued  
April 5, 2016

**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 Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 5<sup>th</sup> day of April, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

## #25

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

### **Summary No. 3362**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-007**, PETITION OF RALPH MENESSES FOR A ZONING CHANGE FROM "R-2, (TWO FAMILY RESIDENTIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 400 E. SOLIDELLE STREET, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That **DOCKET Z-2016-007**, Petition of Ralph Menesses for a Zoning Change from "R-2, (Two Family Residential)" to "C-2, (General Commercial)" zoning district for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Versailles, Square 149, designated as Lot 16.

Property Location: 400 E. Solidelle Street, Chalmette, LA 70043.

**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.

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Extract #25 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 5<sup>th</sup> day of April, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

## #24

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

### **Summary No. 3361**

Planning Commission recommended **APPROVAL** on 3/22/16  
Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-006**, PETITION OF JTS PROPERTIES, LLC FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO-FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 1108 – 10 LEBEAU ST., ARABI, LA 70032.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That **DOCKET Z-2016-006**, Petition of JTS Properties, LLC for a Zoning Change from "R-1, (Single Family Residential)" to "R-2, (Two-Family Residential)" zoning district for the following described property:

Two certain lots of ground situated in the Parish of St. Bernard, Friscoville Subdivision, Sq. 102, designated as lots 34 and 35.

Property Location: 1108 – 10 LeBeau St., Arabi, La 70032.

**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 #24 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 5<sup>th</sup> day of April, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

## #23

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

### **Summary No. 3360**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-005**, PETITION OF KEVIN WILLIAMS FOR A ZONING CHANGE FROM "C-1, (NEIGHBORHOOD COMMERCIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 7820 E. ST. BERNARD HIGHWAY, VIOLET, LA 70092.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That **DOCKET Z-2016-005**, Petition of Kevin Williams for a Zoning Change from "C-1, (Neighborhood Commercial)" to "C-2, (General Commercial)" zoning district for the following described property:

One (1) certain parcel of land situated in the Parish of St. Bernard, Poydras Plantation, Square No. 5.

Property Location: 7820 E. St. Bernard Highway, Violet, LA 70092.

**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 #23 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 5<sup>th</sup> day of April, 2016.

---

ROXANNE ADAMS  
CLERK OF COUNCIL

**#22**

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**Summary No. 3369**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-004**, PETITION OF PETITION OF ALBERT ALVEREZ FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 2104 WALKERS LANE, MERAUX, LA 70075.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That **DOCKET Z-2016-004**, Petition of Gerald Forstell of Chalmette Refinery, LLC for a Conditional Use Permit in an I-2 (Heavy Industrial) zoning district for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Walkers Lane Subdivision, Section 2, designated as lot 22.

Property Location: 2104 Walkers Lane, Meraux, LA 70075.

**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 #22 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 5<sup>th</sup> day of April, 2016.

---

ROXANNE ADAMS  
CLERK OF COUNCIL



G/L ACCOUNT CODE				ACCOUNT TITLE	ENTRY AMOUNT	
<u>FUND</u>	<u>COST CENTER</u>	<u>PROJECT</u>	<u>LEDGER CODE</u>		<u>INCREASE</u>	<u>DECREASE</u>
190	5255	0000	535448	Professional Services	\$100,000.00	
190	5255	0000	499001	Transfer from General Fund	\$100,000.00	
001	2320	0000	599190	Transfer to Coastal Impact	\$100,000.00	
001	2320	0000	391000	Net Effect on Fund Balance	\$0.00	\$100,000.00
This Budget Amendment is to create a comprehensive master plan for coastal projects in St. Bernard Parish.						

**#21**

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**ORDINANCE SBPC #XXXX-XX-XX**

**Summary No. 3359**

Introduced by: Administration on 3/15/16

Public hearing held on 4/5/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That St. Bernard Parish Annual Operating and Capital Budget for 2016 is hereby amended as per attached in Exhibit "A".

**WHEREAS**, each department shall be treated as a separate fund for the purpose of the five percent (5%) budgetary compliance in accordance with the state law; and,

**WHEREAS**, no monies shall be moved from one fund or department without official action taken by the Parish Council; and,

**WHEREAS**, all revenues generated by a specific department shall be budgeted as a revenue within that department's specific budget.

**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.

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Extract #21 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
ROXANNE ADAMS  
CLERK OF COUNCIL

\_\_\_\_\_  
KERRI CALLAIS  
COUNCIL CHAIR

Delivered to the Parish President \_\_\_\_\_  
Date and Time

Approved \_\_\_\_\_ Vetoed \_\_\_\_\_

Parish President \_\_\_\_\_  
Guy McInnis

Returned to Clerk of the Council \_\_\_\_\_  
Date and Time

Received by \_\_\_\_\_

**EXHIBIT "A"**  
**SUMMARY NO. 3358**

**Chapter 10.5 – Flood Damage Prevention**

Section 10.5-5. - Definitions of works and terms used.

...Omitted for Brevity...

Floodway. See regulatory floodway.

Freeboard means a factor of safety above the base flood elevation. For purposes of this chapter, freeboard is an additional eighteen (18) inches above the base flood elevation in the areas of special flood hazards, and is eighteen (18) inches above **either: (a) the nearest adjacent base flood elevation or (b) the highest adjacent grade in other areas.**

Functionally dependent use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

...Omitted for Brevity...

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Section 10.5-32. - Specific standards.

All new construction or substantial damage or substantial improvement work in St. Bernard Parish regardless of being located in or out of special flood hazard areas is required to meet the following provisions:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation plus an additional eighteen (18) inches of freeboard. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in article IV, 10.5-23(1)(a), is satisfied. In areas located outside of special flood hazard areas the lowest floor (including basement) must be built at eighteen (18) inches above **either: a) the nearest adjacent base flood elevation or b) the highest adjacent grade.**
- (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood elevation plus an additional eighteen (18) inches of freeboard, or together with attendant utility and sanitary facilities, be designed so that below the base flood elevation plus an additional eighteen (18) inches of freeboard the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. In areas located outside of special flood hazard areas the lowest floor (including basement) must be built at eighteen (18) inches above **either: (a) the nearest adjacent base flood elevation or (b) the highest adjacent grade** or meet the floodproofing requirement herein described to a height of eighteen (18) inches above **either: (a) the nearest adjacent base flood elevation or (b) the highest adjacent grade.** A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific

**EXHIBIT "A"**  
**SUMMARY NO. 3358**

elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

- (3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
  - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) Manufactured homes.
  - (a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
  - (b) Require that manufactured homes that are placed or substantially improved within the areas of special flood hazard be elevated on a permanent foundation such that the bottom of the longitudinal structural I beam of the manufactured home is elevated to or above the base flood elevation plus an additional eighteen (18) inches of freeboard and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - (c) Require that manufactured homes that are placed or substantially improved outside the areas of special flood hazard be elevated on a permanent foundation such that the bottom of the longitudinal structural I beam of the manufactured home is elevated to or above eighteen (18) inches above **either: a) the nearest adjacent base flood elevation or (b) the highest adjacent grade**, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) Recreational vehicles. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than one hundred eighty (180) consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of article IV, section 10.5-23(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- (6) Diversionary structures. No new permits shall be issued for diversionary structures.

**#20**

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**ORDINANCE SBPC #XXXX-XX-XX**

**Summary No. 3358**

Introduced by: Administration on 3/15/16

Public hearing held on 4/5/16

AN ORDINANCE TO AMEND CHAPTER 10.5; FLOOD DAMAGE PREVENTION, SECTION 10.5-5; DEFINITIONS OF WORKS AND TERMS USED AND SECTION 10.5-32; SPECIFIC STANDARDS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That Chapter 10.5; Flood Damage Prevention, Section 10.5-5; Definitions of works and terms used and Section 10.5-32; Specific Standards of the St. Bernard Parish code of ordinances is hereby amended 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 #20 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
ROXANNE ADAMS  
CLERK OF COUNCIL

\_\_\_\_\_  
KERRI CALLAIS  
COUNCIL CHAIR

Delivered to the Parish President \_\_\_\_\_  
Date and Time

Approved \_\_\_\_\_ Vetoed \_\_\_\_\_

Parish President \_\_\_\_\_  
Guy McInnis

Returned to Clerk of the Council \_\_\_\_\_  
Date and Time

Received by \_\_\_\_\_

**#19**

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**ORDINANCE SBPC #XXXX-XX-XX**

**Summary No. 3357**

Introduced by: Councilmember Lewis on 3/15/16

Public hearing held on 4/5/16

AN ORDINANCE TO DECLARE 620 COUGAR DRIVE SURPLUS, TO REMOVE IT FROM ANY PREVIOUSLY CREATED BUILDER'S BUNDLE AND TO REQUIRE THAT THE PARISH PRESIDENT OR HIS DESIGNEE SELL THE PROPERTY IN ACCORDANCE WITH THE DISPOSITION PLAN.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**WHEREAS**, the Parish considers 620 Cougar Drive, Arabi, Louisiana (hereinafter referred to as "the Property") as surplus and not needed for a public purpose; and

**WHEREAS**, the Parish intends to transfer the Property in compliance with state law.

**SECTION 1.** The Property (620 Cougar Drive, Arabi, Louisiana) is hereby declared surplus and is not needed for any public purpose.

**SECTION 2.** The Property is hereby removed from any previously created Builder's Bundle.

**SECTION 3.** The Parish President or his designee is hereby required to sell the property in accordance with the laws of Louisiana.

**SECTION 4.** The Parish President or his designee is hereby required to sell the property in accordance with the approved disposition plan.

**SECTION 5.** The Parish President is authorized to nominate a designee by use of a power of attorney to sell the property with no warranty of title the Property in accordance with the laws of Louisiana.

**SECTION 6.** Any party to a transaction may rely on the execution of instruments hereunder by the Parish President or designee as conclusive evidence that such instruments are authorized by this ordinance and are consistent with the restrictions contained herein and Louisiana State Law.

**SECTION 7** 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 8** 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 Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
ROXANNE ADAMS  
CLERK OF COUNCIL

\_\_\_\_\_  
KERRI CALLAIS  
COUNCIL CHAIR

Delivered to the Parish President \_\_\_\_\_  
Date and Time

Approved \_\_\_\_\_ Vetoed \_\_\_\_\_

Page -3-  
Extract #19 continued  
April 5, 2016

Parish President

\_\_\_\_\_  
Guy McInnis

Returned to Clerk of the Council

\_\_\_\_\_  
Date and Time

Received by

\_\_\_\_\_

**#17**

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**RESOLUTION SBPC #1564-04-16**

RESOLUTION URGING THE SUPPORT OF LEGISLATION TO CONTINUE FUNDING FOR THE LSU AGCENTER OFFICES AND FURTHER REQUESTING THE SUPPORT OF THE POLICE JURY ASSOCIATION OF LOUISIANA AND ALL PARISH GOVERNMENTS OF THE STATE OF SAID POSITION.

**WHEREAS**, the St. Bernard Parish Council urges and requests that the Governor, State Legislators, and the Louisiana Board of Regents fully fund the LSU AgCenter (LSUAC) at the same level of State appropriations due to the critical economic development and educational services they provide in all 64 Louisiana parishes; and,

**WHEREAS**, agricultural research developed through the Experiment Stations and delivery of research through the Cooperative Extension Service is vital and necessary to provide the technology to help farmers and ranchers provide a high quality, safe and affordable food supply for Louisiana people; and,

**WHEREAS**, agricultural research and cooperative extension is vital and necessary to provide the technology to support agricultural production and development related to jobs in Louisiana, an industry worth over \$30 Billion to the Louisiana economy; and,

**WHEREAS**, the AgCenter's off campus research stations provide core research support for Louisiana farmers and ranchers; and,

**WHEREAS**, the AgCenter's Cooperative Extension Service is a Parish partner providing research-based information to farmers, ranchers, and citizens throughout the state through 64 parish-based offices that are provided by local government; and,

**WHEREAS**, over 130 local police juries, and consolidated governments, school boards, district attorneys, and sheriffs in Louisiana are currently participating in supporting cooperative agreements with the LSU AgCenter supporting Parish level programs; and,

**WHEREAS**, the LSU AgCenter implements a very effective 4-H youth development program impacting over 225,000 children in all 64 parishes and this program is vital to the education and life skill development of Louisiana you; and,

Page -2-  
Extract #17 continued  
April 5, 2016

**WHEREAS**, the AgCenter's family and consumer Science programs provide critical information to families on nutrition, healthy lifestyles, financial management, and childhood development; and,

**WHEREAS**, through this partnership, research-based information and transferred through an effective system in every parish using grass roots advisory councils that identify local needs, based on citizen development.

**NOW, THEREFORE, BE IT RESOLVED, THAT WE THE MEMBERS OF THE ST. BERNARD PARISH COUNCIL**, does hereby urge the support of Legislation to continue funding for the LSU AgCenter Offices and further requests the support of the Police Jury Association of Louisiana and all Parish Governments of the State for said position.

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 5<sup>th</sup> day of April, 2016.

---

ROXANNE ADAMS  
CLERK OF COUNCIL

## #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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

### **RESOLUTION SBPC #1563-04-16**

A RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S COMMUNITY-BASED RESTORATION PROGRAM/COASTAL AND MARINE HABITAT RESTORATION GRANT PROGRAM IN THE AMOUNT OF \$150,000.00 FOR THE ST. BERNARD PARISH COMPREHENSIVE GHOST CRAB TRAP REMOVAL PROGRAM.

**WHEREAS**, the National Oceanic and Atmospheric Administration (NOAA) has established the Community-Based Restoration Program/Coastal and Marine Habitat Restoration Grant Program to support fish habitat restoration projects that use an ecosystem-based approach to foster species recovery and increase fish populations, contributing to ecosystem and community resilience; and

**WHEREAS**, the agency has established as a priority those projects which address threatened, endangered, or managed species under the Magnuson-Stevens Fishery Conservation and Management Act; and

**WHEREAS**, St. Bernard Parish is interested in working with the Lake Pontchartrain Basin Foundation (LPBF) to undertake this project; and

**WHEREAS**, the LPBF is dedicated to restoring and preserving the water quality, coast and habitats of the entire 10,000 square miles of the Lake Pontchartrain basin working in partnership with all segments of the community; and

**WHEREAS**, ghost crab traps are lost or abandoned wire crab traps used ubiquitously across coastal Louisiana to harvest Louisiana's prized blue crab; and

**WHEREAS**, these traps can become displaced, lost and abandoned over time and when left unattended, can produce a cycle of death for fish who feed on their algae, barnacles that grow on them; and

**WHEREAS**, the LPBF is actively assisting the State of Louisiana with ghost crab trap removal, including 1,384 traps that have been removed from the east side of Lake Pontchartrain to date; and

Page -2-  
Extract #16 continued  
April 5, 2016

**WHEREAS**, is estimated a huge number of ghost traps are located in Lake Borgne and throughout St. Bernard Parish; and

**WHEREAS**, the NOAA program referenced above provides an opportunity to seek grant funds to undertake a comprehensive approach to this problem for the Lake Borgne area; and

**WHEREAS**, there is no local match required for this grant application but partnerships are strongly encouraged; and

**WHEREAS**, it is advantageous for St. Bernard Parish Government to partner with LPBF to seek this grant funding due to their unique expertise in this area.

**NOW THEREFORE BE IT RESOLVED** the St. Bernard Parish Council, does hereby authorize the Administration to partner with the Lake Pontchartrain Basin Foundation to pursue grant funding for ghost crab trap removal; and

**BE IT FURTHER RESOLVED**, St. Bernard Parish Council does authorize submission of a grant application to the National Oceanic and Atmospheric Administration's (NOAA) Community-Based Restoration Program/Coastal and Marine Habitat Restoration Grant Program to fund the St. Bernard Parish Comprehensive Ghost Crab Trap Removal Program in the amount of \$150,000.00; and

**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 National Oceanic and Atmospheric Administration's (NOAA) Community-Based Restoration Program/Coastal and Marine Habitat Restoration Grant Program.

Page -3-  
Extract #16 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 5<sup>th</sup> day of April, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

## #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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

### **RESOLUTION SBPC #1562-04-16**

A RESOLUTION URGING CONGRESS TO MAINTAIN THE OCS REVENUE SHARING ARRANGEMENTS PASSED UNDER THE GULF OF MEXICO ENERGY AND SECURITY ACT OF 2006.

**WHEREAS**, the Gulf of Mexico Energy Security Act of 2006 (“GOMESA” or the “Act”) provides for the sharing of qualified Outer Continental Shelf (“OCS”) revenues to Gulf Coast states and their political subdivisions that host energy production in order to help mitigate for the demands associated with that production on infrastructure and natural resources; and

**WHEREAS**, GOMESA stipulates that funds can only be used for the purposes of coastal protection including conservation, restoration, hurricane protection, or infrastructure directly affected by coastal wetland losses, the mitigation of damage to wildlife and natural resources, and the mitigation of effects from Outer Continental Shelf activities through onshore infrastructure projects, and associated administrative costs; and

**WHEREAS**, in 2006, the people of Louisiana voted overwhelmingly to constitutionally dedicate the revenues received through GOMESA to the Coastal Protection and Restoration Trust Fund for the purposes of coastal wetlands conservation, coastal restoration, hurricane protection, or infrastructure directly impacted by coastal wetland losses; and

**WHEREAS**, revenues received by Louisiana and its eligible coastal parishes from 2009 to 2015 under phase one of GOMESA provided only \$11.5 million to the state, but phase two is estimated to generate more than ten times as much revenue each year for coastal projects; and

**WHEREAS**, GOMESA revenues have long been seen as a crucial, reliable, recurring revenue stream to support Louisiana’s coastal protection and restoration work; and

**WHEREAS**, since 2007 the State of Louisiana has created a framework for its coastal protection and restoration program and set the national standard for

Page -2-  
Extract #15 continued  
April 5, 2016

utilizing world-class science and engineering and public outreach to meet the challenges of a vanishing coast through its *Comprehensive Master Plan for a Sustainable Coast* (“*Coastal Master Plan*”); and

**WHEREAS**, the 2012 Coastal Master Plan further evolved Louisiana’s approach to coastal protection and restoration with the prioritization of projects in a resource-constrained funding and physical environment; and

**WHEREAS**, Louisiana’s land loss crisis demands a robust, integrated coastal protection and restoration program that operates effectively and urgently for the safety, livelihoods, culture, and enjoyment of its people; and

**WHEREAS**, the entire United States derives fantastic benefit from the natural assets of coastal Louisiana including its energy resources, the commerce and connections provided by its ports and waterways, its seafood production, and many other invaluable ecosystem services; and

**WHEREAS**, Louisiana’s coastline has already lost 25% of its 1932 land area and without the implementation of large scale restoration projects could lose an additional 1,750 square miles of land at the end of fifty years; and

**WHEREAS**, Louisiana has a science-based plan to meet these challenges that include massive public investments in the restoration of America’s largest river delta, structural protection where necessary, and an extensive program to flood-proof, elevate, and voluntarily acquire homes and businesses at greatest risk of flooding; and

**WHEREAS**, by maintaining GOMESA, Congress can follow through on a promise nearly ten years old, support the state of Louisiana’s efforts to provide for a sustainable coast, help to protect and maintain nationally significant economic and natural resources, and help reduce federal liabilities like insured properties in the National Flood Insurance Program and future hurricane disaster payouts.

**THEREFORE, BE IT RESOLVED**, that the St. Bernard Parish Council does hereby urge and request that Congress maintain the revenue sharing arrangements established under GOMESA 2006 for the creation of a recurring funding stream in support of Louisiana’s coastal program.

Page -3-  
Extract #15 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 5<sup>th</sup> day of April, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

**#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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

**RESOLUTION SBPC #1561-04-16**

A RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE LOUISIANA DEPARTMENT OF CULTURE, RECREATION AND TOURISM'S 2016 LAND AND WATER CONSERVATION GRANT PROGRAM FOR TORRES PARK PATH AND LIGHTING PROJECT IN THE AMOUNT OF \$119,086

**WHEREAS**, the U.S. Fish and Wildlife Service's Land and Water Conservation Fund Program is administered in Louisiana by the Louisiana Office of Culture, Recreation and Tourism; and,

**WHEREAS**, the Louisiana Office of Culture, Recreation and Tourism has issued a call for project grant applications for the 2016 Land and Water Conservation Fund Program; and

**WHEREAS**, the intent of this program is to provide 50/50 matching funds for recreational projects for local governments in the State of Louisiana (federal dollars are equally matched with local dollars for this grant); and

**WHEREAS**, this program provided funding in 2015 for the path lighting at Sidney D. Torres Park (Phase I); and

**WHEREAS**, additional funding is needed to complete the path lighting around the south and east park perimeter so that the entire path will be lit and available to be enjoyed by residents in the early morning and evening hours; and

**WHEREAS**, additional funding is sought for an interior 6 ft. wide concrete path that will link the four sides of the park with the pond bridge.

**NOW THEREFORE BE IT RESOLVED**, 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 Culture, Recreation and Tourism's 2016 Land and Water Conservation Fund Grant Program in the amount of \$119,086 (total project cost: \$238,172) for the St. Bernard Parish Sidney Torres Park Path and Lighting Project.

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Extract #14 continued  
April 5, 2016

**BE IT FURTHER RESOLVED**, the St. Bernard Parish Council does hereby authorize the commitment of One hundred nineteen thousand eighty-six dollars (119,086) in local matching funds for this project application, if awarded.

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 5<sup>th</sup> day of April, 2016.

---

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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

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

## RESOLUTION SBPC #1560-04-16

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)

<u>Establishment</u>	<u>Beer</u>	<u>Liquor</u>
1. Maxinh, LLC dba St. Roch Kitchen #4 5840-A E. Judge Perez Drive, Violet, LA 70092	X	X
2. Original Armond's Eatery, LLC dba Armond's Eatery 808 E. Judge Perez Drive, Chalmette, LA 70043	X	X
3. Par 3 Diner, Inc. dba Par 3 Diner 2401 Paris Road, Chalmette, LA 70043	X	X
4. S & P Chevron, LLC dba S & P Chevron 6205 E. St. Bernard Hwy., Violet, LA 70092	X	X
5. Sadi, Inc. dba Village Food and Beverage Discount 601 E. Judge Perez Drive, Chamlette, LA 70043	X	X
6. South End Zone Bienvenu, LLC dba South End Zone 8241 W. St. Bernard Hwy., Chalmette, LA 70043	X	X
7. Tag's Meat Market, Inc. dba Tag's Deli 1207 E. Judge Perez Drive, Chalmette, LA 70043	X	X

Page -2-  
Extract #13 continued  
April 5, 2016

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 5<sup>th</sup> day of April, 2016.

---

ROXANNE ADAMS  
CLERK OF COUNCIL

**St. Bernard Parish Government**  
**Proposed 2016 Budget Amendment 3-15-2016**  
**Summary No. 3359**  
**Ordinance SBPC #XXXX-XX-XX**

G/L ACCOUNT CODE				ACCOUNT TITLE	ENTRY AMOUNT	
FUND	COST CENTER	PROJECT	LEDGER CODE		INCREASE	DECREASE
060	3425	2006	420324	Federal Grants		\$ 80,000.00
060	3425	2006	505444	Pension Costs		\$ 8,385.00
060	3425	2006	505456	Salaries		\$ 64,500.00
060	3425	2006	505466	Taxes - Payroll		\$ 935.25
060	3425	2006	520434	Insurance - Hospital & Life		\$ 6,179.75
190	3425	0000	420324	Federal Grants	\$	80,000.00
190	3425	0000	505444	Pension Costs	\$	8,385.00
190	3425	0000	505456	Salaries	\$	64,500.00
190	3425	0000	505466	Taxes - Payroll	\$	935.25
190	3425	0000	520434	Insurance - Hospital & Life	\$	6,179.75
190	3425	0000	430509	State Reimb-LGAP	\$	16,142.00
190	3425	0000	560104	Computer Equipment	\$	16,142.00
190	3425	0072	420324	Federal Grants	\$	70,000.00
190	3425	0072	545472	Travel & Training	\$	31,520.00
190	3425	0072	560104	Computer Equipment	\$	34,980.00
190	3425	0072	560495	Grant - RPC	\$	3,500.00
			391000	Net Effect on Fund Balance	\$0.00	\$0.00
<i>This Budget Amendment is to move funds previously budgeted for the GIS Manager and related grants from Community Development to the State &amp; Federal Grants Fund and add new fully reimbursable grant revenues and expenditures to this department.</i>						

G/L ACCOUNT CODE				ACCOUNT TITLE	ENTRY AMOUNT	
<u>FUND</u>	<u>COST CENTER</u>	<u>PROJECT</u>	<u>LEDGER CODE</u>		<u>INCREASE</u>	<u>DECREASE</u>
190	5255	0000	535448	Professional Services	\$100,000.00	
190	5255	0000	499001	Transfer from General Fund	\$100,000.00	
001	2320	0000	599190	Transfer to Coastal Impact	\$100,000.00	
001	2320	0000	391000	Net Effect on Fund Balance	\$0.00	\$100,000.00
This Budget Amendment is to create a comprehensive master plan for coastal projects in St. Bernard Parish.						

## PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 5, 2016 AT SEVEN (7:00) 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 MARCH 15, 2016 COUNCIL MEETING:

### **Summary No. 3359**

Introduced by: Administration on 3/15/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That St. Bernard Parish Annual Operating and Capital Budget for 2016 is hereby amended as per attached in Exhibit "A".

**WHEREAS**, each department shall be treated as a separate fund for the purpose of the five percent (5%) budgetary compliance in accordance with the state law; and,

**WHEREAS**, no monies shall be moved from one fund or department without official action taken by the Parish Council; and,

**WHEREAS**, all revenues generated by a specific department shall be budgeted as a revenue within that department's specific budget.

**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

***Kerri Callais***

KERRI CALLAIS  
COUNCIL CHAIR

**EXHIBIT "A"**  
**SUMMARY NO. 3358**

**Chapter 10.5 – Flood Damage Prevention**

Section 10.5-5. - Definitions of works and terms used.

...Omitted for Brevity...

Floodway. See regulatory floodway.

Freeboard means a factor of safety above the base flood elevation. For purposes of this chapter, freeboard is an additional eighteen (18) inches above the base flood elevation in the areas of special flood hazards, and is eighteen (18) inches above **either: (a) the nearest adjacent base flood elevation or (b) the highest adjacent grade in other areas.**

Functionally dependent use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

...Omitted for Brevity...

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Section 10.5-32. - Specific standards.

All new construction or substantial damage or substantial improvement work in St. Bernard Parish regardless of being located in or out of special flood hazard areas is required to meet the following provisions:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation plus an additional eighteen (18) inches of freeboard. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in article IV, 10.5-23(1)(a), is satisfied. In areas located outside of special flood hazard areas the lowest floor (including basement) must be built at eighteen (18) inches above **either: a) the nearest adjacent base flood elevation or b) the highest adjacent grade.**
- (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood elevation plus an additional eighteen (18) inches of freeboard, or together with attendant utility and sanitary facilities, be designed so that below the base flood elevation plus an additional eighteen (18) inches of freeboard the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. In areas located outside of special flood hazard areas the lowest floor (including basement) must be built at eighteen (18) inches above **either: (a) the nearest adjacent base flood elevation or (b) the highest adjacent grade** or meet the floodproofing requirement herein described to a height of eighteen (18) inches above **either: (a) the nearest adjacent base flood elevation or (b) the highest adjacent grade.** A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific

**EXHIBIT "A"**  
**SUMMARY NO. 3358**

elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

- (3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
  - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) Manufactured homes.
  - (a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
  - (b) Require that manufactured homes that are placed or substantially improved within the areas of special flood hazard be elevated on a permanent foundation such that the bottom of the longitudinal structural I beam of the manufactured home is elevated to or above the base flood elevation plus an additional eighteen (18) inches of freeboard and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - (c) Require that manufactured homes that are placed or substantially improved outside the areas of special flood hazard be elevated on a permanent foundation such that the bottom of the longitudinal structural I beam of the manufactured home is elevated to or above eighteen (18) inches above **either: a) the nearest adjacent base flood elevation or (b) the highest adjacent grade**, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) Recreational vehicles. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than one hundred eighty (180) consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of article IV, section 10.5-23(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- (6) Diversionary structures. No new permits shall be issued for diversionary structures.

## PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 5, 2016 AT SEVEN (7:00) 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 MARCH 15, 2016 COUNCIL MEETING:

### **Summary No. 3358**

Introduced by: Administration on 3/15/16

AN ORDINANCE TO AMEND CHAPTER 10.5; FLOOD DAMAGE PREVENTION, SECTION 10.5-5; DEFINITIONS OF WORKS AND TERMS USED AND SECTION 10.5-32; SPECIFIC STANDARDS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That Chapter 10.5; Flood Damage Prevention, Section 10.5-5; Definitions of works and terms used and Section 10.5-32; Specific Standards of the St. Bernard Parish code of ordinances is hereby amended 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

*Kerri Callais*

KERRI CALLAIS  
COUNCIL CHAIR

## PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 5, 2016 AT SEVEN (7:00) 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 MARCH 15, 2016 COUNCIL MEETING:

### **Summary No. 3357**

Introduced by: Councilmember Lewis on 3/15/16

AN ORDINANCE TO DECLARE 620 COUGAR DRIVE SURPLUS, TO REMOVE IT FROM ANY PREVIOUSLY CREATED BUILDER'S BUNDLE AND TO REQUIRE THAT THE PARISH PRESIDENT OR HIS DESIGNEE SELL THE PROPERTY IN ACCORDANCE WITH THE DISPOSITION PLAN.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**WHEREAS**, the Parish considers 620 Cougar Drive, Arabi, Louisiana (hereinafter referred to as "the Property") as surplus and not needed for a public purpose; and

**WHEREAS**, the Parish intends to transfer the Property in compliance with state law.

**SECTION 1.** The Property (620 Cougar Drive, Arabi, Louisiana) is hereby declared surplus and is not needed for any public purpose.

**SECTION 2.** The Property is hereby removed from any previously created Builder's Bundle.

**SECTION 3.** The Parish President or his designee is hereby required to sell the property in accordance with the laws of Louisiana.

**SECTION 4.** The Parish President or his designee is hereby required to sell the property in accordance with the approved disposition plan.

**SECTION 5.** The Parish President is authorized to nominate a designee by use of a power of attorney to sell the property with no warranty of title the Property in accordance with the laws of Louisiana.

**SECTION 6.** Any party to a transaction may rely on the execution of instruments hereunder by the Parish President or designee as conclusive evidence that such instruments are authorized by this ordinance and are consistent with the restrictions contained herein and Louisiana State Law.

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**SECTION 7** 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 8** 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  
*Kerri Callais*  
KERRI CALLAIS  
COUNCIL CHAIR

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING** HELD ON TUESDAY, **MARCH 15, 2016 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 in the Council Chambers of the St. Bernard Parish Government Complex, Chalmette, Louisiana on March 15, 2016 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: Council Chair, Kerri Callais, Councilmembers Gillis McCloskey, Nathan Gorbaty, Howard Luna, Wanda Alcon, Manuel "Monty" Montelongo and Richard "Richie" Lewis.

Members absent: None

Also present were Roxanne Adams, Clerk of Council, serving as official secretary of the Council and CAO, Ronnie Alonzo was present representing Administration.

Minister Jerry Troxclair delivered the invocation and Councilmember Lewis led the Pledge of Allegiance.

**#1** On motion of Mr. McCloskey, seconded by Mrs. Alcon, it was moved to approve the minutes from the March 1, 2016 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, March 11, 2016.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

**#2 President's Report**

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

**#3 Councilmember's District Update**

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

Ms. Callais took Chair's Privilege to recognize Startup St. Bernard Winners.

**#4 Recognize the Public**

- Anthony Stepelcovich – Chalmette, LA

**#5 Summary No. 3353**

Introduced by: Administration on 3/1/16

**Minutes of the St. Bernard Parish Council Meeting of March 15, 2016**

**Page -2-**

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

**NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE**

**#6 Summary No. 3354**

Introduced by: Councilmember Callais on 3/1/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1301-05-12**, ORDINANCE TO AMEND CHAPTER 5, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE II COASTAL ZONE MANAGEMENT; SECTION 5-33 OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

**NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE**

**#7 Summary No. 3356**

Introduced by: Councilmember Montelongo on 3/1/16

AN ORDINANCE TO **AMEND** CHAPTER 15 OIL, GAS, AND MINERAL EXPLORATION, REMOVAL AND TRANSPORTING; OTHER LAND-DISTURBING AND WATER-DISTURBING ACTIVITIES; ARTICLE II SEISMIC ACTIVITY; SECTION 15-37 OPERATION OF AIR BOATS REGULATED OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

**NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE**

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

**RESOLUTION SBPC #1553-03-16**

**Beer and/or Liquor Permit(s)**

1. The Kimmy Group, LLC dba The Palms Too 8001-B W. St. Bernard Highway, Arabi, LA 70032 Member: Charles L. Bienvenu Expires: March 31, 2016 **(Renewal) (Beer & Liquor)**
2. M & P Servicios Hispanos, LLC dba M & P Servicios Hispanos 8823 W. Judge Perez Drive, Chalmette, LA 70043 Members: Gary Fischer and Monica Fischer Expired: January 31, 2016 **(Renewal) (Beer & Liquor)**
3. Penny's Café', Inc. dba Penny's Café 5442 E. Judge Perez Drive, Violet, LA 70092 Owners: David and Penny Lepine Expired: February 28, 2016 **(Renewal) (Beer only)**
4. Rick's Veteran's, LLC dba Magnolia Discount 7600 W. Judge Perez Drive, Arabi, LA 70032 Owner: Fouad El Jaouhari Expires: March 31, 2016 **(Renewal)(Beer & Liquor)**
5. Rocky & Carlo's, Inc. dba Rocky & Carlo's Restaurant & Bar 613 W. St. Bernard Highway, Chalmette, LA 70043 Owners: Thomas Tommaseo, Tommoso G. Tommaseo and Leonanda Tommaseo Gioe Expires: March 31, 2016 **(Renewal)(Beer & Liquor)**
6. Nap's Place, LLC dba Speck's Bar 2603 Hopedale Highway, St. Bernard, LA 70085 Members: Craig and Aline Napoli Expires: February 28, 2016 **(Renewal) (Beer & Liquor)**

**Special Event Permit(s)**

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1. Name of Organization: The Voices Foundation  
Address: 821 Angela Avenue, Arabi, LA 70032  
Contact Person: Barry Lemoine  
Name of Event: Robin Hood  
Location Event: Docville Farm, 5128 E St. Bernard Hwy, Violet, LA 70092  
Date and Time: April 8 and 9, 2016, 7:30-10:00 p.m.

On motion of the Chair, without objection and by unanimous consent, it was moved to amend this item to include the following:

7. The Kitchen Table Café, LLC dba The Kitchen Table Café 7005 St. Claude Avenue, Arabi, LA 70032  
**(Renewal) (Beer & Liquor)**

### Special Event Permit(s)

2. Name of Organization: Community Kickball Tournament  
Address: 8201 W. Judge Perez Drive, Chalmette, LA  
Contact Person: Councilman Gillis McCloskey  
Name of Event: Community Kickball Tournament  
Location Event: Carolyn Park Playground  
Lynx Drive and Badger Drive  
Date and Time: April 3, 2016, 2:00 – 5:00 p.m.

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

**ABSTAINED:** Lewis

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

On motion of Mr. Montelongo, seconded by Mr. McCloskey, it was moved to **adopt** Resolution SBPC #1553-03-16, as amended.

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

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**ABSTAINED:** Lewis

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**RESOLUTION SBPC #1554-03-16**

A RESOLUTION APPOINTING NEW MEMBERS TO THE OLD ARABI HISTORIC COMMISSION.

<u>Member</u>	<u>Expiration Date</u>	<u>Appointee From</u>
Ray Lauga Jr.	06/18/17	Old Arabi Neighborhood Association
Col. Tim Chastin	03/15/18	Jackson Barracks Commandant

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**RESOLUTION SBPC #1555-03-16**

A RESOLUTION TO APPOINT MEMBERS TO THE ST. BERNARD PARISH HOME MORTGAGE AUTHORITY BOARD.

Discussion ensued;

<b>NAME</b>	<b>EXPIRATION DATE</b>
Guy McInnis	March 15, 2020
Wanda Alcon	March 15, 2020

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**RESOLUTION SBPC #1556-03-16**

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO EXECUTE AGREEMENTS RELATED TO RESTORE ACT FUNDING.

Discussion ensued;

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**RESOLUTION SBPC #1557-03-16**

A RESOLUTION AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO ADOPT THE LATEST CITIZEN PARTICIPATION PLAN POLICIES SET FORTH BY THE LA DIVISION OF ADMINISTRATION, OFFICE OF COMMUNITY DEVELOPMENT - DISASTER RECOVERY UNIT, IN RELATION TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISASTER RECOVERY FUNDS.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**RESOLUTION SBPC #1558-03-16**

A RESOLUTION AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO ADOPT THE LATEST PROCUREMENT POLICIES SET FORTH BY THE LA DIVISION OF ADMINISTRATION, OFFICE OF COMMUNITY DEVELOPMENT - DISASTER RECOVERY UNIT, IN RELATION TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISASTER RECOVERY FUNDS.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**RESOLUTION SBPC #1559-03-16**

A RESOLUTION PROHIBITING THE USE OF THE BP OIL MONEY FOR ANY AND ALL SALARIES PERTAINING TO ST. BERNARD PARISH GOVERNMENT EMPLOYEES AND ANY PROFESSIONAL SERVICES CONTRACTS.

Discussion ensued;

On motion of Mr. Luna, seconded by Mr. Gorbaty, it was moved to remove the language, "and any professional services contracts."

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

**YEAS:** Gorbaty, Luna, Montelongo, Lewis

**NAYS:** McCloskey, Alcon

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

Discussion ensued further as amended;

On motion of Mr. Gorbaty, seconded by Mr. Lewis, it was moved to **adopt** the following resolution, as amended:

**RESOLUTION SBPC #1559-03-16**

A RESOLUTION PROHIBITING THE USE OF THE BP OIL MONEY FOR ANY AND ALL SALARIES PERTAINING TO ST. BERNARD PARISH GOVERNMENT EMPLOYEES.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Lewis

**NAYS:** Montelongo

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **NAY**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**ORDINANCE SBPC #1744-03-16**

**Summary No. 3353**

Introduced by: Administration on 3/1/16

EFC recommended **APPROVAL** on 3/9/16

Public hearing held on 3/15/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 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, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**ORDINANCE SBPC #1745-03-16**

**Summary No. 3354**

Introduced by: Councilmember Callais on 3/1/16

EFC recommended **APPROVAL** on 3/9/16

Public hearing held on 3/15/16

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AN ORDINANCE TO **AMEND ORDINANCE SBPC #1301-05-12**, ORDINANCE TO AMEND CHAPTER 5, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE II COASTAL ZONE MANAGEMENT; SECTION 5-33 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, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

## **Summary No. 3356**

Introduced by: Councilmember Montelongo on 3/1/16

EFC made **No Recommendation** on 3/9/16

Public hearing held on 3/15/16

AN ORDINANCE TO AMEND CHAPTER 15 OIL, GAS, AND MINERAL EXPLORATION, REMOVAL AND TRANSPORTING; OTHER LAND-DISTURBING AND WATER-DISTURBING ACTIVITIES; ARTICLE II SEISMIC ACTIVITY; SECTION 15-37 OPERATION OF AIR BOATS REGULATED OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

On motion of Mr. Montelongo, seconded by Mr. McCloskey, it was moved to **amend** Summary No. 3356 by making the following changes:

- Section (a) remove "two (2) mile(s) and revert back to one-half (½) mile
- Section (d) remove "between 9:30 p.m. and 4:30 a.m." and replace with "during the period beginning one-half (½) hour after sunset and ending at sunrise"

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**ORDINANCE SBPC #1746-03-16**

**Summary No. 3356**

Introduced by: Councilmember Montelongo on 3/1/16

EFC made **No Recommendation** on 3/9/16

Public hearing held on 3/15/16

AN ORDINANCE TO AMEND CHAPTER 15 OIL, GAS, AND MINERAL EXPLORATION, REMOVAL AND TRANSPORTING; OTHER LAND-DISTURBING AND WATER-DISTURBING ACTIVITIES; ARTICLE II SEISMIC ACTIVITY; SECTION 15-37 OPERATION OF AIR BOATS REGULATED 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, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**Summary No. 3357**

Introduced by: Councilmember Lewis on 3/15/16

AN ORDINANCE TO DECLARE 620 COUGAR DRIVE SURPLUS, TO REMOVE IT FROM ANY PREVIOUSLY CREATED BUILDER'S BUNDLE AND TO REQUIRE THAT THE PARISH PRESIDENT OR HIS DESIGNEE SELL THE PROPERTY BY A PUBLIC AUCTION.

On motion of Mr. Lewis, seconded by Mr. Gorbaty, it was moved to amend this item reflect the disposition plan and not a public auction.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

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And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**Summary No. 3357**

Introduced by: Councilmember Lewis on 3/15/16

AN ORDINANCE TO DECLARE 620 COUGAR DRIVE SURPLUS, TO REMOVE IT FROM ANY PREVIOUSLY CREATED BUILDER'S BUNDLE AND TO REQUIRE THAT THE PARISH PRESIDENT OR HIS DESIGNEE SELL THE PROPERTY IN ACCORDANCE WITH THE DISPOSITION PLAN.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**Summary No. 3358**

Introduced by: Administration on 3/15/16

AN ORDINANCE TO AMEND CHAPTER 10.5; FLOOD DAMAGE PREVENTION, SECTION 10.5-5; DEFINITIONS OF WORKS AND TERMS USED AND SECTION 10.5-32; SPECIFIC STANDARDS 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, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

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

**Summary No. 3359**

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Introduced by: Administration on 3/15/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 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, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

**#21 Coastal Zone Advisory Committee**

No official action taken

There being no further business for discussion, the Council Chair declared the meeting adjourned at 4:09 p.m. on the 15<sup>th</sup> day of March, 2016.

Next Regular scheduled Council Meeting will be held Tuesday, April 5, 2016 @ 7:00 p.m.

**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*

ROXANNE ADAMS  
CLERK OF COUNCIL

*Kerri Callais*

KERRI CALLAIS  
COUNCIL CHAIR

**#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, APRIL 5, 2016 AT SEVEN O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to approve the minutes from the March 15, 2016 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, March 25, 2016.

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

**YEAS:**

**NAYS:**

**ABSENT:**

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of April, 2016.

#### 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, April 5, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 5<sup>th</sup> day of April, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL