

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING** HELD ON TUESDAY, **MAY 16, 2017 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 May 16, 2017 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 3:01 p.m. Members present: Councilmembers: Chairman Richard "Richie" Lewis, Gillis McCloskey, Howard Luna, Wanda Alcon, Manuel "Monty" Montelongo and Kerri Callais.

Members absent: Nathan Gorbaty

Also present were Roxanne Adams, Clerk of Council, serving as official secretary of the Council and President Guy McInnis was present representing Administration.

Councilmember Wanda Alcon delivered the invocation and Councilmember Callais led the Pledge of Allegiance.

#1 On motion of Mr. McCloskey, seconded by Mr. Luna, it was moved to approve the minutes of the May 2, 2017 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, May 12, 2017.

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

#2 On motion of the Chair, without objection and by unanimous consent, it was moved to defer this item until the end of the meeting.

#3 President's Report

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

#4 Councilmember's District Update

Mr. McCloskey:

- Reminded the public about Sippin in the Sunset Thursday, May 18th at 6:00pm
- Thanked Steve Scalise for meeting with him on Monday on the IHNC Lock.
- Thanked St. Bernard Parish on a successful Day at the Capitol event.

Mr. Luna:

- Reminded the public the Bikeway Plan meeting at 5:30 in the Council Chambers followed by the 6:30 Social Bike Ride

Ms. Callais:

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- Requested Administration to follow to ordinance requiring a copy of all employee edits to be submitted to the Council within (24) hours.

#5 Recognize the Public

- Anthony Stepelcovich – Chalmette, LA
- Shane Farragut – Chalmette, LA

On motion of Mr. Lewis, seconded by Mr. McCloskey, it was moved to amend the agenda to adopt two resolutions.

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

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

RESOLUTION SBPC #1722-05-17

A RESOLUTION GIVING PRELIMINARY APPROVAL TO THE ISSUANCE OF NOT EXCEEDING ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) OF TAXABLE CERTIFICATES OF INDEBTEDNESS, OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA; PROVIDING CERTAIN TERMS OF SAID CERTIFICATES; MAKING APPLICATION TO THE STATE BOND COMMISSION FOR APPROVAL OF SAID CERTIFICATES; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

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

RESOLUTION SBPC #1723-05-17

A RESOLUTION GIVING PRELIMINARY APPROVAL TO THE ISSUANCE OF NOT EXCEEDING FOUR MILLION TWO HUNDRED THOUSAND DOLLARS (\$4,200,000) OF TAXABLE LIMITED TAX CERTIFICATES OF INDEBTEDNESS OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA; PROVIDING CERTAIN TERMS OF SAID CERTIFICATES; MAKING APPLICATION TO THE STATE BOND COMMISSION FOR

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APPROVAL OF SAID CERTIFICATES; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

Discussion ensued;

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

On motion of the Chair, without objection and by unanimous consent, it was moved to address item #2.

#2 On a joint motion of the Council, without objection and by unanimous consent, it was moved to recognize Lindi Senez with the David Senez, Jr. Brain Tumor Foundation.

#6 Summary No. 3483

Introduced by: Administration on 5/2/17

AN ORDINANCE TO AUTHORIZE THE RETENTION OF GREGORY J. NOTO TO PROVIDE LEGAL REPRESENTATION TO FORMER PARISH PRESIDENT, DAVID PERALTA IN SHARON SCHAEFER V. DAVID PERALTA, NO.14-270-C AND ANY RELATED MATTERS, AND TO PROVIDE LEGAL REPRESENTATION TO FORMER PARISH PRESIDENT, DAVID PERALTA IN SHARON SCHAEFER V. DAVID PERALTA, INDIVIDUALLY AND OFFICIALLY ST. BERNARD PARISH, ST. BERNARD PARISH SHERIFF'S OFFICE, ST. BERNARD PARISH COUNCIL, SHARON WILLIAMS OFFICIALLY, BILLY MCGOEY OFFICIALLY, MELISSIA O'NEIL OFFICIALLY, DONALD BOURGEOIS OFFICIALLY, KIM OWENS OFFICIALLY, GUY MCINNIS OFFICIALLY, XYZ INSURANCE COMPANIES, USDC NO. 16-17784 AND ANY RELATED MATTERS.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

#7 Summary No. 3484

Planning Commission recommended **APPROVAL** on 4/25/17

Introduced by: Administration on 5/2/17

AN ORDINANCE TO APPROVE **DOCKET Z-2017-006, PETITION OF CHRISTOPHER HAYES FOR CONDITIONAL USE PERMIT TO OPERATE A FOOD TRUCK IN A C-2 ZONE FOR THE PROPERTY LOCATED AT 8304 W. JUDGE PEREZ DR., CHALMETTE, LA 70043.**

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

#8 Summary No. 3485

Introduced by: Administration on 5/2/17

AN ORDINANCE TO AMEND **ORDINANCE SBPC #1838-12-16**, AN ORDINANCE TO ADOPT THE 2017 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

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#9 Summary No. 3486

Introduced by: Administration on 5/2/17

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

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

RESOLUTION SBPC #1719-05-17

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

Beer and/or Liquor Permit(s)

1. Vaughan's Bar, Inc. dba Barracuda's Lounge 7907 E. St. Bernard Highway, Suite A St. Bernard, La 70085 Owner: Ricky "Tony Melerine" **(Renewal) (Beer & Liquor)**
2. Nap's Place, LLC dba Speck's Bar 2603 Hopedale Highway St. Bernard, LA 70085 Member(s): Craig & Aline Napoli **(Renewal) (Beer & Liquor)**
3. 7759, LLC, dba Nicosia's Express Lane 101 Bayou Road St. Bernard, La 70085 Owner: Manuel J. Nicosia, & Jeffrey D. Nicosia **(Renewal) (Beer & Liquor)**
4. Rick's Veteran's , LLC dba Magnolia Discount 7600 W. Judge Perez Drive Arabi, La 70032 Owner: Zahran Bazzar **(Renewal) (Beer & Liquor)**
5. Winn Dixie Montgomery, LLC dba Winn Dixie # 432 3300 Paris Road Chalmette, LA 70043 Owner: Robert Randall Onstead **(Renewal) (Beer & Liquor)**
6. Victory Fuel Enterprises, LLC dba 5303 Deli & Food 5303 Paris Road Chalmette, LA 70043 Manager: John K. Roberts, III **(Renewal) (Beer & Liquor)**
7. Hot Wok Asian Buffet Inc. dba Hot Wok Asian Buffet 8700 W. Judge Perez Drive, Ste. O Chalmette, La 70043 Owner: Shan Rong Lin **(Renewal) (Beer & Liquor)**
8. Who Dat Yat Chat, LLC dba Who Dat Yat Chat 5805 E. Judge Perez Drive Violet, La 70092 Members: Lisa Graves & Darleen Levy **(Renewal) (Beer & Liquor)**

Special Event

1. Name of Organization: Carolyn Park Boosters Club
Address: 405 Lynx Dr. Arabi, La
Event: First Responders Cabbage Ball Tournament
Location: Carolyn Park
Date: June 3, 2017
Time: 5PM til 8PM

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

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YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

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

RESOLUTION SBPC #1720-05-17

A RESOLUTION APPOINTING A NEW MEMBER AS THE COLLEGE BOARD MEMBER OF THE ST. BERNARD PARISH FIRE PROTECTION DISTRICTS NO. 1-2, FIRE CIVIL SERVICE BOARD.

Discussion ensued;

On motion of Ms. Callais, seconded by Mrs. Alcon, it was moved to re-appoint Daniel Solis.

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

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

RESOLUTION SBPC #1721-05-17

A RESOLUTION APPROVING AN APPLICATION FOR GRANT FUNDS FROM THE AMERICAN FLY FISHING TRADE ASSOCIATION FISHERIES FUND FOR THE ST. BERNARD PARISH MANGROVE PLANTING PROGRAM IN THE AMOUNT OF \$7,500.00.

Discussion ensued;

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

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ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

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

ORDINANCE SBPC #1877-05-17

Summary No. 3479

Introduced by: Administration on 4/18/17

Public hearing held 5/2/17

Tabled on 5/2/17 until 5/16/17

AN ORDINANCE TO AMEND THE ST. BERNARD PARISH GOVERNMENT PERSONNEL PLAN.

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

YEAS: McCloskey, Luna, Alcon, Montelongo

NAYS: Callais

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

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

ORDINANCE SBPC #1878-05-17

Summary No. 3483

Introduced by: Administration on 5/2/17

Public hearing held on 5/16/17

AN ORDINANCE TO AUTHORIZE THE RETENTION OF GREGORY J. NOTO TO PROVIDE LEGAL REPRESENTATION TO FORMER PARISH PRESIDENT, DAVID PERALTA IN SHARON SCHAEFER V. DAVID PERALTA, NO.14-270-C AND ANY RELATED MATTERS, AND TO PROVIDE LEGAL REPRESENTATION TO FORMER PARISH PRESIDENT, DAVID PERALTA IN SHARON SCHAEFER V. DAVID PERALTA, INDIVIDUALLY AND OFFICIALLY ST. BERNARD PARISH, ST. BERNARD PARISH SHERIFF'S OFFICE, ST. BERNARD PARISH COUNCIL, SHARON WILLIAMS OFFICIALLY, BILLY MCGOEY OFFICIALLY, MELISSIA O'NEIL OFFICIALLY, DONALD BOURGEOIS OFFICIALLY, KIM

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OWENS OFFICIALLY, GUY MCINNIS OFFICIALLY, XYZ INSURANCE COMPANIES, USDC NO. 16-17784 AND ANY RELATED MATTERS.

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

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

ORDINANCE SBPC #1879-05-17

Summary No. 3484

Planning Commission recommended **APPROVAL** on 4/25/17

Introduced by: Administration on 5/2/17

Public hearing held on 5/16/17

AN ORDINANCE TO APPROVE **DOCKET Z-2017-006**, PETITION OF CHRISTOPHER HAYES FOR CONDITIONAL USE PERMIT TO OPERATE A FOOD TRUCK IN A C-2 ZONE FOR THE PROPERTY LOCATED AT 8304 W. JUDGE PEREZ DR., CHALMETTE, LA 70043.

Discussion ensued;

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

YEAS: McCloskey, Luna, Alcon, Montelongo

NAYS: Callais

ABSENT: Gorbaty

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

And the motion was declared **adopted** on the 16th day of May, 2017.

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

ORDINANCE SBPC #1880-05-17

Summary No. 3485

Introduced by: Administration on 5/2/17

Public hearing held on 5/16/17

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AN ORDINANCE TO AMEND **ORDINANCE SBPC #1838-12-16**, AN ORDINANCE TO ADOPT THE 2017 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, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

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

ORDINANCE SBPC #1881-05-17

Summary No. 3486

Introduced by: Administration on 5/2/17

Public hearing held on 5/16/17

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, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

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

Summary No. 3491

Introduced by: Administration on 5/16/17

AN ORDINANCE TO AUTHORIZE THE PARISH PRESIDENT TO ACCEPT THE DONATION OF 409 SERPAS DRIVE, ARABI, LA, 600 PERRIN DRIVE, ARABI, LA AND 2245 BAYOU ROAD, ST. BERNARD, LA FROM ST. BERNARD PROJECT, INC. AND EXECUTE ANY NECESSARY DOCUMENTS FOR THE DONATION.

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

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YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

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

Summary No. 3492

Introduced by: Councilmember McCloskey

AN ORDINANCE TO **REPEAL ORDINANCE SBPC #1871-04-17**, AN ORDINANCE TO APPROVE **DOCKET Z-2017-005**, PETITION DANIEL LESTER, FOR A ZONING CHANGE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL) FOR THE PROPERTY LOCATED AT 1243 ANGELA STREET, ARABI, LA 70032.

Discussion ensued;

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

YEAS: McCloskey

NAYS: Luna, Alcon, Montelongo, Callais

ABSENT: Gorbaty

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

And the motion was declared **failed** on the 16th day of May, 2017.

#20 Coastal Zone Advisory Committee

No official action taken.

On motion of Mr. Luna, seconded by Mr. McCloskey, it was moved to address items #21 - #24 in Globo.

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

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And the motion was declared adopted on the 16th day of May, 2017.

#21 On motion of Mr. Luna, seconded by Mr. McCloskey, it was moved to enter into Executive Session to discuss Parish of St. Bernard v. Lafarge North America, Inc., et al, U.S. Eastern District No. 11-02350.

#22 On motion of Mr. Luna, seconded by Mr. McCloskey, it was moved to enter into Executive Session to discuss Lorraine Hernandez v. St. Bernard Parish, OWC No. 16-07735.

#23 On motion of Mr. Luna, seconded by Mr. McCloskey, it was moved to enter into Executive Session to discuss Lisa Alphonso v. Parish of St. Bernard and its liability insurer, ABC Insurance Company, No. 113-845, Division C.

#24 On motion of Mr. Luna, seconded by Mr. McCloskey, it was moved to enter into Executive Session to discuss Jody Nunez v. John Landry and St. Bernard Parish Government, No. 15-0116, Div. C, 34th JDC.

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

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

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

#21 On motion of Ms. Callais, seconded by Mr. Montelongo, it was moved to accept the advice of Legal Counsel in the matter of St. Bernard v. Lafarge North America, Inc., et al, U.S. Eastern District No. 11-02350.

#22 On motion of Ms. Callais, seconded by Mr. Montelongo, it was moved to accept the advice of Legal Counsel in the matter of Lorraine Hernandez v. St. Bernard Parish, OWC No. 16-07735.

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#23 On motion of Ms. Callais, seconded by Mr. Montelongo, it was moved to accept the advice of Legal Counsel in the matter of Lisa Alphonso v. Parish of St. Bernard and its liability insurer, ABC Insurance Company, No. 113-845, Division C.

#24 On motion of Ms. Callais, seconded by Mr. Montelongo, it was moved to accept the advice of Legal Counsel in the matter of Jody Nunez v. John Landry and St. Bernard Parish Government, No. 15-0116, Div. C, 34th JDC.

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

YEAS: McCloskey, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared adopted on the 16th day of May, 2017.

The following Public Hearing Notice was read into the official record:

Notice is hereby given that the Parish Council of the Parish of St. Bernard, State of Louisiana, plans to consider an ordinance adopting ad valorem tax millages for 2017 at a meeting of the Parish Council on June 6, 2017 at 7:00 p.m. at the Council Chambers of the St. Bernard Parish Government Complex, 8201 West Judge Perez Drive, Chalmette, Louisiana.

Next Regular scheduled Council Meeting will be held Tuesday, June 6, 2017 @ 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

Richard J. Lewis

RICHARD J. LEWIS
COUNCIL CHAIR