

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING** HELD ON TUESDAY, **JUNE 7, 2016 AT 7:00 P.M.** IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA.

The St. Bernard Parish Council, the Governing Authority, met in Regular in the Council Chambers of the St. Bernard Parish Government Complex, Chalmette, Louisiana on June 7, 2016 at seven o'clock p.m. pursuant to notice given to each member and posted in the manner required by law.

The meeting convened at 7:05 p.m. Members present: Council Chair, Kerri Callais, Councilmembers Gillis McCloskey, Howard Luna, Wanda Alcon, Manuel "Monty" Montelongo and Richard "Richie" Lewis.

Members absent: Nathan Gorbaty

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

Reverend Jeff Duke delivered the invocation and Councilmember Alcon led the Pledge of Allegiance.

Councilman Gorbaty is recorded as present at this time.

**#1** On motion of Mr. Lewis, seconded by Mr. Montelongo, it was moved to approve the minutes from the May 17, 2016 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, May 23, 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 Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

**#2** On motion of the Chair, without objection and by unanimous consent, it was moved to recognize the Leadership St. Bernard Class.

**#3** On motion of the Chair, without objection and by unanimous consent, it was moved to recognize the Bayou Bulldogs of St. Bernard.

**#4 President's Report**

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

**#5 Councilmember's District Update**

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

On motion of the Chair, without objection and by unanimous consent, it was moved to address item #22.

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**#22** On motion of Mr. Gorbaty, seconded by Mr. McCloskey, it was moved to discuss St. Bernard Parish water quality and testing procedures.

Discussion ensued; No official action taken.

**#6 Recognize the Public**

No one signed up to speak at this meeting.

**#7 Summary No. 3379**

Introduced by: Administration on 5/17/16

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**

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

## **RESOLUTION SBPC #1594-06-16**

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)**

1. Violet Discount Meat Market, LTD dba Violet Discount Meat Market 5636 E. Judge Perez Drive, Violet, LA 70092 Owner: Tharwat N. Hamed **(Renewal) (Beer & Liquor)**
2. Vu Ngoc Son, Inc. dba Ruby Express 1515 E. Judge Perez Drive, Suite 4, Chalmette, LA 70043 Owner: Son Ngoc Vu **(Renewal) (Beer & Liquor)**
3. 5303 Paris, LLC dba Paris Casino 5353 Paris Road, Chalmette, LA 70043 Members: J. Georges, G. Corchiani, A. Ackel, G. Ackel III, A Tallo and A. Ackel **(Renewal) (Beer & Liquor)**
4. 7759 LLC dba Nicosia's Express Lane 101 Bayou Road, St. Bernard, LA 70085 Owners: Manuel J. Nicosia and Jeffrey D. Nicosia **(Renewal) (Beer & Liquor)**

On motion of Mr. Luna, seconded by Mr. McCloskey, it was moved to amend this item to add the following special event:

1. Name of Organization: Studio Arabi, LLC  
Address: 6707 Saint Claude Avenue, Arabi, LA 70032  
Event: Grand Opening of Studio Arabi  
Location: 6707 Saint Claude Avenue, Arabi, LA  
Date & Time: Saturday, June 25, 2016; 5:00 p.m. – 10:00 p.m.  
Contact Person: Mitchel Gaudet

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

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

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**NAYS:** None

**ABSENT:** None

**ABSTAINED:** Lewis

The Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

On motion of Mr. Montelongo, seconded by Mr. Gorbaty, it was moved to **adopt** Resolution SBPC #1594-06-16, 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

**ABSTAINED:** Lewis

The Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

**RESOLUTION SBPC #1595-06-16**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - WEST (THE AUTHORITY) EXPRESSING TO THE NEW ORLEANS GEOLOGICAL SOCIETY, THE RESPECTFUL REQUEST OF THE AUTHORITY AND ITS CONSTITUENTS, THE ALGIERS LEVEE DISTRICT AND THE WEST JEFFERSON LEVEE DISTRICT, THAT THE NEW ORLEANS GEOLOGICAL SOCIETY (NOGS) FACILITATE THE PRODUCTION OF BASIC PHYSICAL GEOLOGY RESEARCH OF AND IN THE VICINITY OF THE LANDS AND HURRICANE STORM SURGE, DRAINAGE AND FLOOD PREVENTION FACILITIES UNDER THE AUTHORITY'S JURISDICTION.

On motion of Mr. Gorbaty, seconded by Mr. McCloskey, it was moved to amend the title of this resolution to read the following:

A RESOLUTION ASKING THE NEW ORLEANS GEOLOGICAL SOCIETY (NOGS) TO FACILITATE THE PRODUCTION OF BASIC GEOLOGICAL RESEARCH OF AND IN THE VICINITY OF ST. BERNARD PARISH TO ALLOW FOR MORE DETAILED STUDY OF SUBSIDENCE.

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

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**ABSENT:** None

The Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

On motion of Mr. Gorbaty, seconded by Mr. Montelongo, it was moved to **adopt** Resolution SBPC #1595-06-16, as amended.

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

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

**NAYS:** None

**ABSENT:** None

The Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

**RESOLUTION SBPC #1596-06-16**

A RESOLUTION DIRECTING THE COMMUNITY DEVELOPMENT DEPARTMENT TO DRAFT A SHIPPING CONTAINER AND OUTDOOR STORAGE CONTAINER ORDINANCE TO BE SUBMITTED TO THE PLANNING COMMISSION WITHIN SIXTY (60) DAYS.

On motion of Mr. Luna, seconded by Mr. Montelongo, it was moved to amend the title of this resolution to read:

A RESOLUTION RESPECTFULLY REQUESTING THE PARISH PRESIDENT FOR ASSISTANCE FOR THE COMMUNITY DEVELOPMENT DEPARTMENT TO DRAFT A SHIPPING CONTAINER AND OUTDOOR STORAGE CONTAINER ORDINANCE TO BE SUBMITTED TO THE PLANNING COMMISSION WITHIN SIXTY (60) DAYS.

Discussion ensued;

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

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

**NAYS:** McCloskey, Lewis

**ABSENT:** None

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

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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On motion of Mr. Luna, seconded by Mrs. Alcon, it was moved to **adopt** Resolution SBPC #1596-06-16, as amended.

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

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

**NAYS:** McCloskey, Lewis

**ABSENT:** None

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

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

## **RESOLUTION SBPC #1597-06-16**

A RESOLUTION APPOINTING THE FOLLOWING MEMBERS TO THE AMERICANS WITH DISABILITIES ACT (ADA) BOARD.

On motion of Mr. Lewis, seconded by Mrs. Alcon, it was moved to amend this item to appoint the following members:

<u>Member</u>	<u>Expiration</u>
Carolyn Armstrong	May 2018
William Deano	May 2019

Discussion ensued;

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

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

**NAYS:** Gorbaty

**ABSENT:** None

The Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

On motion of Mr. Gorbaty, seconded by Mrs. Alcon, it was moved to defer this item until after item #20.

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 Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

On motion of the Chair, without objection and by unanimous consent, it was moved to remove item #12.

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

**ORDINANCE SBPC #1788-06-16**

**Summary No. 3379**

Introduced by: Administration on 5/17/16

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, Luna, Alcon, Montelongo

**NAYS:** Gorbaty, Lewis

**ABSENT:** None

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

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

**Summary No. 3381**

Introduced by: Administration on 6/7/16

AN ORDINANCE TO **REPEAL** CHAPTER 13; OCCUPATIONAL LICENSE, TAXES AND REGULATIONS, SECTION 13-44; PERMIT REQUIREMENTS FOR DISTRIBUTION AND SOLICITATION IN THE ST. BERNARD PARISH CODE OF ORDINANCES.

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 Chairman, Ms. Callais, cast his vote as **YEA**.

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And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

**Summary No. 3382**

Introduced by: Administration on 6/7/16

AN ORDINANCE TO **AMEND** CHAPTER 22; ZONING, SECTION 2; INTERPRETATION, SUBSECTION 4; DEFINITIONS IN 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, Montelongo, Lewis

**NAYS:** Alcon

**ABSENT:** None

The Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

**Summary No. 3383**

Introduced by: Administration on 6/7/16

AN ORDINANCE TO **AMEND** CHAPTER 22; ZONING, SECTION 5; RESIDENTIAL ZONING DISTRICTS, SUBSECTION 4; PERMITTED USES IN RESIDENTIAL DISTRICTS IN 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 Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

**Summary No. 3384**

Introduced by: Administration on 6/7/16

AN ORDINANCE TO **AMEND** CHAPTER 22; ZONING, SECTION 6; COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, SUBSECTION 4; PERMITTED USES IN BUSINESS AND INDUSTRIAL DISTRICTS IN THE ST. BERNARD PARISH CODE OF ORDINANCES.

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On motion of Mr. Luna, seconded by Mr. Lewis, it was moved to amend this item to add the following changes:

	RO	A-1	C-1	C-2	C-3	I-1	I-2	SA	SBV
<del>Day care centers and nursery schools</del>		P	P	P	P			P	
<del>Kindergartens and nursery schools</del>		P	P	P	P			P	CU

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 Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

**Summary No. 3384**

Introduced by: Administration on 6/7/16

AN ORDINANCE TO **AMEND** CHAPTER 22; ZONING, SECTION 6; COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, SUBSECTION 4; PERMITTED USES IN BUSINESS AND INDUSTRIAL DISTRICTS IN 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 Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

**Summary No. 3385**

Introduced by: Administration on 6/7/16

AN ORDINANCE TO **AMEND** CHAPTER 22; ZONING, SECTION 7; SITE DEVELOPMENT STANDARDS,

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**SUBSECTION 3; OFF-STREET PARKING AND LOADING REQUIREMENTS IN 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 Chairman, Ms. Callais, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

**Summary No. 3386**

Planning Commission made **NO RECOMMENDATION** on 5/24/16

Introduced by: Administration on 6/7/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-010**, PETITION OF ZACHARY SMITH FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "C-1, (NEIGHBORHOOD COMMERCIAL)" FOR THE PROPERTY LOCATED AT 2700 MONTESQUIEU STREET, CHALMETTE, LA 70043.

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

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

**Summary No. 3387**

Introduced by: Councilmember Luna on 6/7/16

AN ORDINANCE PLACING A NINETY (90) DAY MORATORIUM ON THE PLACEMENT OF SHIPPING CONTAINERS AND OUTDOOR STORAGE CONTAINERS FOR MORE THAN THIRTY (30) DAYS IN R-1, R-2, R-3, C-1 AND C-2 DISTRICTS.

Discussion ensued;

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

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**YEAS:** Luna, Alcon

**NAYS:** McCloskey, Gorbaty, Montelongo, Lewis

**ABSENT:** None

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

And the motion was declared **failed** on the 7<sup>th</sup> day of June, 2016.

**#21 Coastal Zone Advisory Committee**

No official action taken

On motion of the Chair, without objection and by unanimous consent, it was moved to re-address item #11.

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

**RESOLUTION SBPC #1597-06-16**

A RESOLUTION APPOINTING THE FOLLOWING MEMBERS TO THE AMERICANS WITH DISABILITIES ACT (ADA) BOARD.

<u>Member</u>	<u>Expiration</u>
Carolyn Armstrong	May 2018
William Deano	May 2019

On motion of Mr. Gorbaty, seconded by Mr. McCloskey, it was moved to amend this item to remove Mr. William Deano and replace with Mr. Nicolas Cusimano.

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

**YEAS:** McCloskey, Luna, Alcon,

**NAYS:** Luna, Montelongo, Lewis

**ABSENT:** None

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

And the motion was declared **failed** on the 7<sup>th</sup> day of June, 2016.

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

**RESOLUTION SBPC #1597-06-16**

A RESOLUTION APPOINTING THE FOLLOWING MEMBERS TO THE AMERICANS WITH DISABILITIES ACT (ADA) BOARD.

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<u>Member</u>	<u>Expiration</u>
Carolyn Armstrong	May 2018
William Deano	May 2019

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

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

**NAYS:** Gorbaty

**ABSENT:** None

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

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

**#23** On motion of Mr. McCloskey, seconded by Mr. Montelongo, it was moved to enter into Executive Session to discuss Joseph Rigby vs. Craig Taffaro, et al, USDC Eastern District No. 12-2537

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

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

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

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

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

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

On motion of Mr. Luna, seconded by Mr. McCloskey, it was moved to accept the advice of Legal Counsel in the matter of Joseph Rigby vs. Craig Taffaro, et al, USDC Eastern District No. 12-2537

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

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

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 7<sup>th</sup> day of June, 2016.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 9:08 p.m. on the 7<sup>th</sup> day of June, 2016.

Next Regular scheduled Council Meeting will be held Tuesday, June 21, 2016 @ 3:00 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