PUBLIC NOTICE - ST. BERNARD PARISH COUNCIL MEETING - AGENDA

Email: radams@sbpg.net (504) 278-4228 (504) 278-4209 (fax) Posted 12/27/18
Wednesday, January 2, 2019 7:00 p.m. Council Chambers Page 1 of 4

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.

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 Councilmember Luna
E. Pledge of Allegiance by Councilmember McCloskey
F. Recognize Elected Officials

APPROVAL OF MINUTES

1. Motion to approve the minutes of the December 18, 2018 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, December 28, 2018. (Council Chair)

RECOGNITION

2. Motion to recognize the St. Bernard Parish Tourist Commission. (Councilmember Alcon)
3. Motion to recognize Katie Tommaseo, St. Bernard Parish Tourism Office, for a Battle of New Orleans event update. (Administration)
4. Councilmember’s for a District Update
5. Guy McInnis, President's Report
6. Recognize the Public

PUBLIC HEARINGS

7. Summary No. 3673
Planning Commission recommended APPROVAL on 12/11/18
Introduced by: Administration on 12/18/18

AN ORDINANCE TO APPROVE DOCKET Z-2018-020, PETITION OF QLDG LLC. FOR A ZONING CHANGE FROM C-1 TO C-2 TO OPERATE A CAR WASH. PROPERTY LOCATION: 4131 E. JUDGE PEREZ DR. MERAUX, LA 70075.

8. Summary No. 3674
Planning Commission recommended APPROVAL on 12/11/18
Introduced by: Councilmember McCloskey on 12/18/18

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-4; GENERAL PROVISIONS, SUBSECTION 22-4-2.14; ACCESSORY BUILDINGS AND STRUCTURES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.
9. **Summary No. 3675**  
Planning Commission recommended **APPROVAL** on 12/11/18  
Introduced by: Councilmember McCloskey on 12/18/18  

AN ORDINANCE TO **AMEND** CHAPTER 22; ZONING, SECTION 22-5; RESIDENTIAL ZONING DISTRICTS, SUBSECTION 22-5(4a); NO ACCESSORY BUILDING OR STRUCTURE SHALL BE CONSTRUCTED OR PLACED IN SUCH A MANNER THAT IT COULD BE USED AS A DWELLING UNIT OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

10. **Summary No. 3676**  
Introduced by: Administration on 12/18/18  

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

**RESOLUTIONS**

11. Adopt **Resolution SBPC #1902-01-19**, approving permits as recommended by the Alcohol Beverage and Bingo Department:  
(Administration)

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

1. The Kitchen Table Café, LLC dba The Kitchen Table 7005 St. Claude Ave., Arabi, La 70032 Owner: Kevin T. Hackett and Donna M. Caulto (Renewal) (Beer & Liquor)


3. Haider Management, LLC dba Stella Maris Café & Grocery 7555 W. Judge Perez Dr., Arabi, La 70032 Member: Nashat Haider (Renewal) (Beer & Liquor)


5. Money Honey, LLC dba Zig’s Last Stop Lounge 308 E. Judge Perez Dr., Chalmette, La 70043 Member: Thomas Pacaccio, Jr. (Renewal) (Beer & Liquor)

6. Little Maddie, LLC dba Gerald’s Donuts & Restaurant 2101 E. Judge Perez Dr., Chalmette, La 70043 Member: Richard J. Lewis (Renewal) (Beer & Liquor)

**Special Event**

1. Name of Organization: Louisiana Crawfish Festival  
Address: PO Box 1996, Chalmette, La 70044-1996  
Event: Louisiana Crawfish Festival  
Location: Frederick J. Sigur Civic Center  
Date: March 21, 22, 23, 2019  
Time: 11am - 11pm  
Contact: Russell J. Serpas
2. Name of Organization: New Orleans Track Club
   Address: 1050 S. Jefferson Davis Pkwy Ste. 109
   New Orleans, La 70125
   Event: Jackson Day Race
   Location: Starts at Aycock Barn, at Chalmette Battlefield
   makes u-turn Back up on St. Bernard Hwy. ending
   at Aycock Barn. to the finish line. Stays on St.
   Bernard Hwy. the whole time.
   Date: January 6, 2019
   Time: Starting at 8AM
   Contact: Chloe Nicolosi

12. Adopt Resolution SBPC #1903-01-19, a resolution authorizing an application amendment to the
    Louisiana Office of Community Development (CDBG) to spend Community Development Block
    Grant Program Income Funds for the construction of Heights Park and
    a Bridge over the 40 Arpent Canal at St. Claude Heights Park for an increase in the amount of $103,000.00
    for a total CDBG budget of $403,000. (Administration)

ADOPTION

13. Summary No. 3673
    Planning Commission recommended APPROVAL on 12/11/18
    Introduced by: Administration on 12/18/18
    Public Hearing held on 1/2/19

    AN ORDINANCE TO APPROVE DOCKET Z-2018-020, PETITION OF QLDG LLC. FOR A ZONING
    CHANGE FROM C-1 TO C-2 TO OPERATE A CAR WASH. PROPERTY LOCATION: 4131 E. JUDGE PEREZ DR. MERAUX, LA 70075.

14. Summary No. 3674
    Planning Commission recommended APPROVAL on 12/11/18
    Introduced by: Councilmember McCloskey on 12/18/18
    Public Hearing held on 1/2/19

    AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-4; GENERAL PROVISIONS,
    SUBSECTION 22-4-2.14; ACCESSORY BUILDINGS AND STRUCTURES OF THE ST. BERNARD
    PARISH CODE OF ORDINANCES.

15. Summary No. 3675
    Planning Commission recommended APPROVAL on 12/11/18
    Introduced by: Councilmember McCloskey on 12/18/18
    Public Hearing held on 1/2/19

    AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-5; RESIDENTIAL ZONING
    DISTRICTS, SUBSECTION 22-5-5(4a); NO ACCESSORY BUILDING OR STRUCTURE SHALL BE
CONSTRUCTED OR PLACED IN SUCH A MANNER THAT IT COULD BE USED AS A DWELLING UNIT OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

16. Summary No. 3676
Introduced by: Administration on 12/18/18
Public Hearing held on 1/2/19

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

INTRODUCTION

17. Summary No. 3677
Introduced by: Council on 1/2/19

AN ORDINANCE TO AMEND CHAPTER 18; PLANNING AND DEVELOPMENT, ARTICLE I; IN GENERAL, SECTION 18-1; PARISH PLANNING COMMISSION- CREATED; MEMBERSHIP OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

18. Summary No. 3678
Introduced by: Councilmember Lewis on 1/2/19

AN ORDINANCE TO AMEND CHAPTER 17; PERSONNEL, ARTICLE VIII; HOURS OF WORK, LEAVE OF ABSENCE, AND ABSENCE WITHOUT LEAVE, SECTION 17-144; EXHAUSTION OF SICK LEAVE IN THE ST. BERNARD PARISH CODE OF ORDINANCES.

OTHER MATTERS

19. Motion to accept the Monthly Financial Summary Statement of Revenues and Expenditures and Change in Fund Balance for November 2018.

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

Next Regular scheduled Council Meeting will be held Tuesday, January 15, 2019 @ 3:00 p.m.

Approved by: Kerri Callais Time: 12:05 p.m. Date: 12/27/18
On motion of XXXX, seconded by XXXX, it was moved to approve the minutes of the December 18, 2018 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, December 28, 2018.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as XXX.

And the motion was declared xxxxxxx on the 2nd day of January, 2019.

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 Wednesday, January 2, 2019.

Witness my hand and the seal of the Parish of St. Bernard on this 2nd day of January, 2019.

__________________________
ROXANNE ADAMS
CLERK OF COUNCIL
The St. Bernard Parish Council, the Governing Authority, met in Regular Session on Tuesday, December 18, 2018 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 3:04 p.m. Members present: Councilmembers: Council Chair, Kerri Callais, Gillis McCloskey, Nathan Gorbaty, Howard Luna, Wanda Alcon, Manuel “Monty” Montelongo, and Richard “Richie” Lewis.

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

Tommy Walker with Praise Temple Fellowship delivered the invocation and Councilmember Lewis led the Pledge of Allegiance.

#1 On motion of Mr. Gorbaty, seconded by Mr. McCloskey, it was moved to approve the minutes of the December 4, 2018 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, December 14, 2018.

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 18th day of December, 2018.

#2 On joint motion of the Council, without objection and by unanimous consent, it was moved to present the “Celebrating our History” video.

#3 Councilmember’s District Update
A copy of this update is on file with the minutes of this meeting.

#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 Recognize the Public
- Jarred Bradley- Metairie, La
- Sam Salvaggio- Chalmette, La

#6 Summary No. 3666
Planning Commission recommended APPROVAL on 11/27/18
Introduced by: Administration on 12/4/18

AN ORDINANCE TO APPROVE DOCKET Z-2018-019, PETITION OF CPH HOLDINGS LLC FOR A CONDITIONAL USE PERMIT TO OPERATE A LIGHT MANUFACTURING METAL SHOP FOR THE FOLLOWING DESCRIBED PROPERTY: LOT 1C ST. CLAUDE HEIGHT SUBDIVISION. PROPERTY LOCATION: 1231 CENTER ST. ARABI, LA 70032.
NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

#7 Summary No. 3667
Introduced by: Administration on 12/4/18

AN ORDINANCE TO AMEND ORDINANCE SBPC #2019-12-17, AN ORDINANCE TO ADOPT THE 2018 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

#8 Summary No. 3668
Introduced by: Administration on 12/4/18

AN ORDINANCE TO AMEND ORDINANCE SBPC #2019-12-17, AN ORDINANCE TO ADOPT THE 2018 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

#9 Summary No. 3669
Introduced by: Administration on 12/4/18

AN ORDINANCE TO AMEND ORDINANCE SBPC #2019-12-17, AN ORDINANCE TO ADOPT THE 2018 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

#10 Summary No. 3670
Introduced by: Councilmember Luna on 12/4/18

AN ORDINANCE TO AMEND ORDINANCE SBPC #2019-12-17, AN ORDINANCE TO ADOPT THE 2018 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

#11 Summary No. 3671
Introduced by: Councilmember Luna on 12/4/18

AN ORDINANCE NAMING 1201 MISSOURI STREET AS “20 ARPENT PARK”.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

#12 Summary No. 3672
Introduced by: Councilmember Lewis on 12/4/18

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-2; INTERPRETATION, SUBSECTION 22-2-4 DEFINITIONS AND SECTION 22-6; COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, SUBSECTION 22-6-4; PERMITTED USES IN BUSINESS AND INDUSTRIAL DISTRICTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

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

RESOLUTION SBPC #1898-12-18

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. Louisiana CVS Pharmacy, LLC dba CVS/Pharmacy #2597, 2600 Paris Road, Chalmette, La 70043 Manager: Steve Loyola (Renewal) (Beer & Liquor)

2. Kelly Enterprises of La., LLC dba Pastry Pantry Café 2531 Paris Road, Chalmette, La 70043 Owner: Mark & Dawn Hamilton (Renewal) (Beer & Liquor)

3. J&R Quick Stop Inc., dba J&R Quick Stop 8245 Paris Road, Chalmette, La 70043 Owner: Lawrence Bienvenue (Renewal) (Beer & Liquor)

4. Liban Fuels, LLC dba TJ’s Express 7571 W. Judge Perez Dr. Arabi, La 70032 Owner: Toufic Nassif (Renewal)(Beer & Liquor)

Special Event

1. Name of Organization: St. Bernard Irish Italian Islenos Parade
   Address: PO Box 1487, Chalmette, La 70044
   Event: St. Bernard Irish Italian Islenos Parade
   Location: on Judge Perez at the Civic Center and ends at the Civic Center
   Date: April 6, 2019
   Time: 12:00pm (Noon)
   Contact: Chad & Danny O’Neil

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

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** Lewis

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

And the motion was declared **adopted** on the 18th day of December, 2018.

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

**RESOLUTION SBPC #1899-12-18**

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO SUBMIT A LOAN APPLICATION FORM 100A AND ACCOMPANYING DOCUMENTS TO THE DEPARTMENT OF HEALTH ON BEHALF OF ST. BERNARD PARISH FOR THE PURPOSE OF PLACING IMPROVEMENTS TO THE ST. BERNARD PARISH WATER DISTRICT – PWS ID NO. 1087001 ON THE COMPREHENSIVE PRIORITY LIST FOR FUNDING THROUGH THE DRINKING WATER REVOLVING LOAN FUND PROGRAM.

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

**ABSTAIN:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.
And the motion was declared adopted on the 18th day of December, 2018.

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

**RESOLUTION SBPC #1900-12-18**

A RESOLUTION TO APPROVE AND ADOPT THE HOUSING CHOICE VOUCHER PROGRAM (HCV) ADMINISTRATIVE 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 18th day of December, 2018.

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

**RESOLUTION SBPC #1901-12-18**

A RESOLUTION PROVIDING FOR CANVASSING THE RETURNS AND DECLARING THE RESULT OF THE SPECIAL ELECTION HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, ON SATURDAY, DECEMBER 8, 2018, TO AMEND ARTICLE II, SEC. 2-01.1 OF THE ST. BERNARD PARISH HOME RULE CHARTER.

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 18th day of December, 2018.

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

**ORDINANCE SBPC #2122-12-18**

**Summary No. 3666**
Planning Commission recommended **APPROVAL** on 11/27/18
Introduced by: Administration on 12/4/18
Public Hearing held on 12/18/18

AN ORDINANCE TO APPROVE DOCKET Z-2018-019, PETITION OF CPH HOLDINGS LLC FOR A CONDITIONAL USE PERMIT TO OPERATE A LIGHT MANUFACTURING METAL SHOP FOR THE FOLLOWING DESCRIBED PROPERTY: LOT 1C ST. CLAUDE HEIGHT SUBDIVISION. PROPERTY LOCATION: 1231 CENTER ST. ARABI, LA 70032.
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 18th day of December, 2018.

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

**ORDINANCE SBPC #2123-12-18**

Summary No. 3667
Introduced by: Administration on 12/4/18
Public Hearing held on 12/18/18

AN ORDINANCE TO AMEND ORDINANCE SBPC #2019-12-17, AN ORDINANCE TO ADOPT THE 2018 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 18th day of December, 2018.

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

**ORDINANCE SBPC #2124-12-18**

Summary No. 3668
Introduced by: Administration on 12/4/18
Public Hearing held on 12/18/18

AN ORDINANCE TO AMEND ORDINANCE SBPC #2019-12-17, AN ORDINANCE TO ADOPT THE 2018 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 18th day of December, 2018.

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

**ORDINANCE SBPC #2125-12-18**
Summary No. 3669
Introduced by: Administration on 12/4/18
Public Hearing held on 12/18/18

AN ORDINANCE TO AMEND ORDINANCE SBPC #2019-12-17, AN ORDINANCE TO ADOPT THE 2018 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 18th day of December, 2018.

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

ORDINANCE SBPC #2126-12-18

Summary No. 3670
Introduced by: Councilmember Luna on 12/4/18
Public Hearing held on 12/18/18

AN ORDINANCE TO AMEND ORDINANCE SBPC #2019-12-17, AN ORDINANCE TO ADOPT THE 2018 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

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 18th day of December, 2018.

#22 On motion of Mr. Luna, seconded by Mr. Gorbaty, it was moved to adopt the following ordinance:

Summary No. 3671
Introduced by: Councilmember Luna on 12/4/18
Public Hearing held on 12/18/18

AN ORDINANCE NAMING 1201 MISSOURI STREET AS “20 ARPENT PARK”.

Discussion ensued.

On the motion of Mr. Luna, seconded by Mr. Lewis, it was moved to amend Summary No. 3671 to read “Goodchildren Park”.

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 18th day of December, 2018.

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

**ORDINANCE SBPC #2127-12-18**

Summary No. 3671
Introduced by: Councilmember Luna on 12/4/18
Public Hearing held on 12/18/18

AN ORDINANCE NAMING 1201 MISSOURI STREET AS “GOODCHILDREN PARK”.

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 18th day of December, 2018.

#23 On the motion of the Chair, without objection and by unanimous consent, it was moved to **table** the following ordinance until the February 5, 2019 Council Meeting:

Summary No. 3672
Introduced by: Councilmember Lewis on 12/4/18
Public Hearing held on 12/18/18
Tabled on 12/18/18 until the 2/5/19 Council Meeting

AN ORDINANCE TO **AMEND** CHAPTER 22; ZONING, SECTION 22-2; INTERPRETATION, SUBSECTION 22-2-4 DEFINITIONS AND SECTION 22-6; COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, SUBSECTION 22-6-4; PERMITTED USES IN BUSINESS AND INDUSTRIAL DISTRICTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

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

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

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.
And the motion was declared adopted on the 18th day of December, 2018.

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

**Summary No. 3673**
Planning Commission recommended APPROVAL on 12/11/18
Introduced by: Administration on 12/18/18

AN ORDINANCE TO APPROVE DOCKET Z-2018-020, AN ORDINANCE TO APPROVE DOCKET Z-2018-020, PETITION OF QLDG LLC. FOR A ZONING CHANGE FROM C-1 TO C-2 TO OPERATE A CAR WASH. PROPERTY LOCATION: 4131 E. JUDGE PEREZ DR. MERAUX, LA 70075.

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 18th day of December, 2018.

#25 On motion of Mr. McCloskey, seconded by Mr. Lewis, it was moved to introduce the following ordinance:

**Summary No. 3674**
Planning Commission recommended APPROVAL on 12/11/18
Introduced by: Councilmember McCloskey on 12/18/18

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-4; GENERAL PROVISIONS, SUBSECTION 22-4-2.14; ACCESSORY BUILDINGS AND STRUCTURES 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 18th day of December, 2018.

#26 On motion of Mr. McCloskey, seconded by Mr. Lewis, it was moved to introduce the following ordinance:

**Summary No. 3675**
Planning Commission recommended APPROVAL on 12/11/18
Introduced by: Councilmember McCloskey on 12/18/18
AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-5; RESIDENTIAL ZONING DISTRICTS, SUBSECTION 22-5-5(4a); NO ACCESSORY BUILDING OR STRUCTURE SHALL BE CONSTRUCTED OR PLACED IN SUCH A MANNER THAT IT COULD BE USED AS A DWELLING UNIT 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 18th day of December, 2018.

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

Summary No. 3676
Introduced by: Administration on 12/18/18
AN ORDINANCE TO AMEND THE ST. BERNARD PARISH PERSONNEL 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 18th day of December, 2018.

#28 Coastal Zone Advisory Committee
No action taken.

On the motion of the Chair, without objection and by unanimous consent, it was moved to remove item #31.

On the motion of the Chair, without objection and by unanimous consent it was moved to address item #29, #30, and #32 in Globo.

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 18th day of December, 2018.
On motion of Mr. McCloskey, seconded by Mr. Lewis, it was moved to enter into Executive Session to discuss Angelicare, LLC et al. v. St. Bernard Parish, et al, USDC E.D., LA #17-7360 and potential litigation between The United States Government and St. Bernard Parish Government related to HUD Complaint No. 06-17-8597-8 and all related matters.

On motion of Mr. McCloskey, seconded by Mr. Lewis, it was moved to enter into Executive Session to discuss Fucich Contracting, Inc. v. Shread-Kuyrkendall and Assoc. Inc. & St. Bernard, USDC, E.D., LA 18-02885.

On motion of Mr. McCloskey, seconded by Mr. Lewis, it was moved to enter into Executive Session to discuss Kristen Welch-Bush v. SBPG 34th J.D.C. No. 119,629.

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 18th day of December, 2018.

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

And the motion was declared **adopted** on the 18th day of December, 2018.

On motion of Mr. Luna, seconded by Mr. Montelongo, it was moved to accept the advice of legal counsel in the matter of Angelicare, LLC et al. v. St. Bernard Parish, et al, USDC E.D., LA #17-7360 and potential litigation between The United States Government and St. Bernard Parish Government related to HUD Complaint No. 06-17-8597-8 and all related matters.

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 18th day of December, 2018.
On motion of Mr. Luna, seconded by Mr. Montelongo, it was moved to accept the advice of legal counsel in the matter of Fucich Contracting, Inc. v. Shread-Kuyrkendall and Assoc. Inc. & St. Bernard, USDC, E.D., LA 18-02885.

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

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

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 18th day of December, 2018.

On motion of Mr. Luna, seconded by Mr. Montelongo, it was moved to accept the advice of legal counsel in the matter of Kristen Welch-Bush v. SBPG 34th J.D.C. No. 119,629.

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 18th day of December, 2018.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 5:15 p.m. on the 18th day of December, 2018.

**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
PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON WEDNESDAY, JANUARY 2, 2019 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 DECEMBER 18, 2018 COUNCIL MEETING:

Summary No. 3673
Planning Commission recommended APPROVAL on 12/11/18
Introduced by: Administration on 12/18/18

AN ORDINANCE TO APPROVE DOCKET Z-2018-020, AN ORDINANCE TO APPROVE DOCKET Z-2018-020, PETITION OF QLDG LLC. FOR A ZONING CHANGE FROM C-1 TO C-2 TO OPERATE A CAR WASH. PROPERTY LOCATION: 4131 E. JUDGE PEREZ DR. MERAUX, LA 70075.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve Docket Z-2018-020, petition of QLDG LLC. for a zoning change from C-1 to C-2 to operate a car wash.

Property Location: 4131 E. JUDGE PEREZ DR. 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.

BY DIRECTION OF

Kerri Callais
KERRI CALLAIS
COUNCIL CHAIR
PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON WEDNESDAY, JANUARY 2, 2019 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 DECEMBER 18, 2018 COUNCIL MEETING:

Summary No. 3674
Planning Commission recommended APPROVAL on 12/11/18
Introduced by: Councilmember McCloskey on 12/18/18

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-4; GENERAL PROVISIONS, SUBSECTION 22-4-2.14; ACCESSORY BUILDINGS AND STRUCTURES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 22; Zoning, Section 22-4; General Provisions, Subsection 22-4-2.14; Accessory Buildings and Structures 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
Sec. 22-4. - General provisions.

Omit for Brevity


(a) The following provisions shall regulate the location of accessory buildings with respect to required yards:

(1) Accessory buildings shall be prohibited in any required front yard or side street side yard.

(2) Where an accessory building is located in a zone requiring a side yard and such building is entirely to the rear of the principal structure, the accessory building shall be distant at least three (3) feet (sky clearance) from any adjoining lot line.

(3) Where any portion of an accessory building projects between a principal structure and the side lot line, the accessory building shall comply with the required side yard restriction for a principal structure in the zone in which it is located.

(4) Where a corner lot adjoins in the rear a lot in any residential zone, no part of an accessory building within twenty-five (25) feet of the common lot line shall extend closer to the street than the actual or required depth, whichever is less, of the front yard for the principal structure on the adjoining lot.

(b) Accessory buildings shall not exceed eighteen (18) feet fifteen (15) feet in mean height and ten (10) feet in height at the eave except for barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural Zone. Detached carports shall not exceed sixteen (16) feet in height at the ridge and fourteen (14) feet in height at the eave.

(c) Where any portion of or entire accessory building in a residential zone occupies the required rear yard, said portion or entire accessory building shall not occupy more than seventy (70) percent of the required rear yard.

(d) Metal accessory buildings shall not exceed one hundred twenty (120) square feet and nine (9) feet in height; and shall not be located closer than fifty (50) feet to a front property line.

(e) For purposes of this chapter, shipping containers, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage buildings.
Summary No. 3674  
Exhibit “A”  
Ordinance SBPC #XXXX-XX-XX

(1) A shipping container or similar items are prohibited from the following zoning districts: R-1, R-2, R-3, R-1(M), R-4, RO, C-1, C-2, C-3 and SBV.

(2) Shipping containers or similar items are not subject to variances or waivers by the board of zoning adjustments in zoning districts where prohibited.

(3) Shipping containers or similar items may be used for the temporary location of an office, equipment and/or materials storage structure during non-residential construction which is taking place on the property where the shipping container or similar item is located, subject to an active building permit.

(4) The temporary placement of portable site storage containers (PODS) not exceeding one hundred fifty (150) square feet in total area on residentially zoned properties, or on properties the primary use of which is residential, for a limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding thirty (30) days in any twelve-month period. An extension is subject to the review and approval of the director of the department of community development.

RECOMMENDATIONS TO THE PLANNING COMMISSION  
Staff recommends approval of TC-2018-020.
PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON WEDNESDAY, JANUARY 2, 2019 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 DECEMBER 18, 2018 COUNCIL MEETING:

Summary No. 3675
Planning Commission recommended APPROVAL on 12/11/18
Introduced by: Councilmember McCloskey on 12/18/18

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-5; RESIDENTIAL ZONING DISTRICTS, SUBSECTION 22-5-5(4a); NO ACCESSORY BUILDING OR STRUCTURE SHALL BE CONSTRUCTED OR PLACED IN SUCH A MANNER THAT IT COULD BE USED AS A DWELLING UNIT OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 22; Zoning, Section 22-5; Residential Zoning Districts, Subsection 22-5-5(4a); No Accessory Building or Structure shall be constructed or placed in such manner that it could be used as a dwelling unit 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
Chapter 22 - Zoning
Sec. 22-5 – Residential Zoning Districts
Subsection 22-5-5(4a) – No accessory building or structure shall be constructed or placed in such a manner that it could be used as a dwelling unit.

Sec. 22-5. - Residential zoning districts.
Omit for Brevity

22-5-5. No accessory building or structure shall be constructed or placed in such a manner that it could be used as a dwelling unit. All accessory buildings or structures must be permitted by the department of community development, and such structure must be accompanied by a completed dwelling with a certificate of occupancy unless they are being used for a lawful commercial purpose in the appropriate zone with the exception of barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural Zone.

1. The following accessory buildings and structures are permitted in the rear and side yards:
   a. Storage sheds, detached garages and carports, playhouses, swimming pools, bath houses, antenna, dishes, and other outbuildings or structures.
   b. Fences, stone walls, and retaining wall. (Retaining walls shall not have to comply with setbacks.)
   c. Dog houses, runs, kennels, and penned areas.

2. An accessory building or structure that does not comply with the above requirements may be permitted by variance if the board of zoning adjustments finds that such accessory building or structure will be compatible with the location in which it is proposed to be built after considering:
   a. The character of the neighborhood and area;
   b. The size and shape of the lot;
   c. The location of the accessory structure; and
   d. The proposed use of the accessory structure.

3. Fences are permitted on lots without a dwelling when they share a common property line with a lot with an occupied dwelling (with a certificate of occupancy) under same ownership. The property shall meet the following conditions:
   a. When a servitude separates adjacent lots under common ownership, the property owner shall submit written approval from the servitude holder to the department of community development prior to the issuance of the fence permit.
   Fences shall have at least one (1) latched gate or opening to the lot.

4. All detached residential accessory buildings and structures shall be subject to the following conditions (this provision shall not apply to accessory buildings and structures in C-1 Neighborhood Commercial, C-2 General Commercial, I-1, Light
a. Residential accessory buildings and structures shall not occupy more than seventy (70) percent of the required rear yard. The allowable square footage of combined accessory structures shall not exceed one hundred sixty (160) square feet per one thousand (1,000) square feet of total lot size. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.

1. Not more than one thousand and six hundred (1,600) square feet of total accessory structure(s) shall be allowed per parcel in common ownership.

b. Accessory buildings and structures with plumbing improvements or finished space not used for parking, access, or storage shall meet parish requirements for elevated dwellings when located in a special flood hazard area.

1. Plumbing improvements shall consist of not more than a toilet, sink, washer and dryer.
2. Accessory buildings, as described in 22-5-5-4b, including properties outside of special flood hazard areas, shall be sited on the lot and appear to be an accessory to the main structure. Buildings shall not appear to be a main residential building. Building placement and style shall be approved by the director of the department of community.

c. Property owners who seek to build an accessory building or structure for parking, access, or storage uses only, with an enclosure exceeding five hundred (500) square feet, shall floodproof the building when located in a special flood hazard area.

d. Residential accessory buildings and structures shall not exceed eighteen (18) feet in height, fifteen (15) feet in mean height and ten (10) feet in height at the eave measured from the finished floor to the highest point of the coping of a flat roof; to the mean height level between eaves and ridge for gable, hip and gambrel roofs; and to the deck line of a mansard roof. Carports shall not exceed sixteen (16) feet in height at the ridge and fourteen (14) feet in height at the eave.

e. Residential accessory buildings and structures must be fenced in. Garages may not be fenced in on the front side of a dwelling in instances where there is an impervious driveway leading to the structure. In instances where a garage is located on a lot which has a rear yard that fronts a street, the structure must be fenced in along the width of the rear property setback. A portion of the rear property setback may remain unfenced only for the width of the required rear impervious driveway leading to the garage. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.
f. When used as an accessory to a dwelling, metal storage buildings shall not exceed one hundred twenty (120) square feet in area and nine (9) feet in height. Metal storage buildings shall not front a rear property setback when said property has a rear property line which fronts a street. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.

g. Portable storage units such as PODS are allowed in any district for a period not to exceed thirty (30) days and shall only be permitted in the rear or side yard in accordance with the provisions outlined in section 22-5-5.4.e of this chapter. Mobile homes, travel trailers, and recreational vehicles may not be used as portable storage units.

RECOMMENDATIONS TO THE PLANNING COMMISSION
Staff recommends approval of TC-2018-021.
PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON WEDNESDAY, JANUARY 2, 2019 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 DECEMBER 18, 2018 COUNCIL MEETING:

Summary No. 3676
Introduced by: Administration on 12/18/18

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

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Government Personnel Plan is hereby amended as per attached in Exhibits.

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
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#11


On motion of XXXX, seconded by XXXX, it was moved to adopt the following resolution:

RESOLUTION SBPC #1902-01-19

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

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

1. The Kitchen Table Café, LLC dba The Kitchen Table 7005 St. Claude Ave., Arabi, La 70032 Owner: Kevin T. Hackett and Donna M. Caulto *(Renewal)* (Beer & Liquor)


3. Haider Management, LLC dba Stella Maris Café & Grocery 7555 W. Judge Perez Dr., Arabi, La 70032 Member: Nashat Haider *(Renewal)* (Beer & Liquor)


5. Money Honey, LLC dba Zig’s Last Stop Lounge 308 E. Judge Perez Dr., Chalmette, La 70043 Member: Thomas Pacaccio, Jr. *(Renewal)* (Beer & Liquor)

6. Little Maddie, LLC dba Gerald’s Donuts & Restaurant 2101 E. Judge Perez Dr., Chalmette, La 70043 Member: Richard J. Lewis *(Renewal)* (Beer & Liquor)

**Special Event**

1. Name of Organization: Louisiana Crawfish Festival
   Address: PO Box 1996, Chalmette, La 70044-1996
   Event: Louisiana Crawfish Festival
   Location: Frederick J. Sigur Civic Center
   Date: March 21, 22, 23, 23, 2019
January 2, 2019

Time: 11am- 11pm
Contact: Russell J. Serpas

2. Name of Organization: New Orleans Track Club
   Address: 1050 S. Jefferson Davis Pkwy Ste. 109
            New Orleans, La 70125
   Event: Jackson Day Race
   Location: Starts at Aycock Barn, at Chalmette Battlefield makes u-turn Back up on St. Bernard Hwy. ending at Aycock Barn. to the finish line. Stays on St. Bernard Hwy. the whole time.
   Date: January 6, 2019
   Time: Starting at 8AM
   Contact: Chloe Nicolosi

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

YEAS:

NAYS:

ABSENT:

ABSTAIN:

The Council Chair, Mr. Lewis, cast his vote as XXX.

And the motion was declared xxxxxxx on the 2nd day of January, 2019.
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 Wednesday, January 2, 2019.

Witness my hand and the seal of the Parish of St. Bernard on this 2nd day of January, 2019.

________________________
ROXANNE ADAMS
CLERK OF COUNCIL

On motion of XXXX, seconded by XXXX it was moved to adopt the following resolution:

RESOLUTION SBPC #1903-01-19

A RESOLUTION AUTHORIZING AN APPLICATION AMENDMENT TO THE LOUISIANA OFFICE OF COMMUNITY DEVELOPMENT (CDBG) TO SPEND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME FUNDS FOR THE CONSTRUCTION OF HEIGHTS PARK AND A BRIDGE OVER THE 40 ARPENT CANAL AT ST. CLAUDE HEIGHTS PARK FOR AN INCREASE IN THE AMOUNT OF $103,000.00 FOR A TOTAL CDBG BUDGET OF $403,000.

WHEREAS, there are many former LLT vacant lots along canals in St. Bernard Parish; and,

WHEREAS, the Parish’s Comprehensive Plan and Integrated Water Resources Management Plan promotes development of parks along the canals throughout St. Bernard Parish; and,

WHEREAS, St. Bernard Parish is seeking to spend program income funds to construct Heights Park and build a bridge to connect Heights Park to the 40 Arpent Wetland Observatory; and,

WHEREAS, St. Bernard Parish has previously authorized $300,000 for the proposed project at Heights Park.

NOW THEREFORE BE IT RESOLVED the St. Bernard Parish Council, does hereby authorize the submission of an application amendment to the State of Louisiana Office of Community Development for Heights Park for an increase in the amount of $103,000, for a total CDBG budget of $403,000; and,

BE IT FURTHER RESOLVED, the St. Bernard Parish Council, does hereby authorize the President of St. Bernard Parish Government to sign and execute all required application documents and agreements and any amendments thereof, and all of the necessary reports, assurances, contracts and any other documents required in connection with this Louisiana Office of Community Development Block Grant Program.
January 2, 2019

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as XXX.

And the motion was declared adopted on the 2nd day of January, 2019.

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 Wednesday, January 2, 2019.

Witness my hand and the seal of the Parish of St. Bernard on this 2nd day of January, 2019.

________________________
ROXANNE ADAMS
CLERK OF COUNCIL

On motion of XXXX, seconded by XXXX, it was moved to adopt the following ordinance:

Summary No. 3673
Planning Commission recommended APPROVAL on 12/11/18
Introduced by: Administration on 12/18/18
Public Hearing held on 1/2/19

AN ORDINANCE TO APPROVE DOCKET Z-2018-020, AN ORDINANCE TO APPROVE DOCKET Z-2018-020, PETITION OF QLDG LLC. FOR A ZONING CHANGE FROM C-1 TO C-2 TO OPERATE A CAR WASH. PROPERTY LOCATION: 4131 E. JUDGE PEREZ DR. MERAUX, LA 70075.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve Docket Z-2018-020, petition of QLDG LLC. for a zoning change from C-1 to C-2 to operate a car wash.

Property Location: 4131 E. JUDGE PEREZ DR. 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.
The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as XXX.
And the motion was declared xxxxxx on the 2nd day of January, 2019.

ROXANNE ADAMS  
CLERK OF COUNCIL

RICHARD “RICHIE” LEWIS  
COUNCIL CHAIR

Delivered to the Parish President  ________________  
Date and Time

Received by  __________________________

Approved ________________  Vetoed ________________

Parish President  __________________________  
Guy McInnis

Returned to Clerk of the Council  ________________  
Date and Time

Received by  __________________________
On motion of XXXX, seconded by XXXX, it was moved to adopt the following ordinance:

Summary No. 3674
Planning Commission recommended APPROVAL on 12/11/18
Introduced by: Councilmember McCloskey on 12/18/18
Public Hearing held on 1/2/19

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-4; GENERAL PROVISIONS, SUBSECTION 22-4-2.14; ACCESSORY BUILDINGS AND STRUCTURES of the ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 22; Zoning, Section 22-4; General Provisions, Subsection 22-4-2.14; Accessory Buildings and Structures 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.

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

YEAS:

NAYS:

ABSENT:
The Council Chair, Mr. Lewis, cast his vote as \textit{XXX}.

And the motion was declared \textit{xxxxxx} on the 2\textsuperscript{nd} day of January, 2019.

\begin{center}
ROXANNE ADAMS  \\
CLERK OF COUNCIL
\end{center}

\begin{center}
RICHARD "RICHIE" LEWIS  \\
COUNCIL CHAIR
\end{center}

Delivered to the Parish President \hfill \text{Date and Time}

Received by \hfill \text{Date and Time}

Approved \hfill Vetoed

Parish President \hfill Guy McInnis

Returned to Clerk of the Council \hfill Date and Time

Received by \hfill \text{Date and Time}
Chapter 22 - Zoning  
Sec. 22-4 – General Provisions  
22-4-2.14 – Accessory Buildings and Structures

Sec. 22-4. - General provisions.

Omit for Brevity


(a) The following provisions shall regulate the location of accessory buildings with respect to required yards:

(1) Accessory buildings shall be prohibited in any required front yard or side street side yard.

(2) Where an accessory building is located in a zone requiring a side yard and such building is entirely to the rear of the principal structure, the accessory building shall be distant at least three (3) feet (sky clearance) from any adjoining lot line.

(3) Where any portion of an accessory building projects between a principal structure and the side lot line, the accessory building shall comply with the required side yard restriction for a principal structure in the zone in which it is located.

(4) Where a corner lot adjoins in the rear a lot in any residential zone, no part of an accessory building within twenty-five (25) feet of the common lot line shall extend closer to the street than the actual or required depth, whichever is less, of the front yard for the principal structure on the adjoining lot.

(b) Accessory buildings shall not exceed eighteen (18) feet fifteen (15) feet in mean height and ten (10) feet in height at the eave except for barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural Zone. Detached carports shall not exceed sixteen (16) feet in height at the ridge and fourteen (14) feet in height at the eave.

(c) Where any portion of or entire accessory building in a residential zone occupies the required rear yard, said portion or entire accessory building shall not occupy more than seventy (70) percent of the required rear yard.

(d) Metal accessory buildings shall not exceed one hundred twenty (120) square feet and nine (9) feet in height; and shall not be located closer than fifty (50) feet to a front property line.

(e) For purposes of this chapter, shipping containers, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage buildings.
Summary No. 3674
Exhibit “A”
Ordinance SBPC #XXXX-XX-XX

(1) A shipping container or similar items are prohibited from the following zoning districts: R-1, R-2, R-3, R-1(M), R-4, RO, C-1, C-2, C-3 and SBV.

(2) Shipping containers or similar items are not subject to variances or waivers by the board of zoning adjustments in zoning districts where prohibited.

(3) Shipping containers or similar items may be used for the temporary location of an office, equipment and/or materials storage structure during non-residential construction which is taking place on the property where the shipping container or similar item is located, subject to an active building permit.

(4) The temporary placement of portable site storage containers (PODS) not exceeding one hundred fifty (150) square feet in total area on residentially zoned properties, or on properties the primary use of which is residential, for a limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding thirty (30) days in any twelve-month period. An extension is subject to the review and approval of the director of the department of community development.

RECOMMENDATIONS TO THE PLANNING COMMISSION
Staff recommends approval of TC-2018-020.
On motion of XXXX, seconded by XXXX, it was moved to adopt the following ordinance:

Summary No. 3675
Planning Commission recommended APPROVAL on 12/11/18
Introduced by: Councilmember McCloskey on 12/18/18
Public Hearing held on 1/2/19

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-5; RESIDENTIAL ZONING DISTRICTS, SUBSECTION 22-5-5(4a); NO ACCESSORY BUILDING OR STRUCTURE SHALL BE CONSTRUCTED OR PLACED IN SUCH A MANNER THAT IT COULD BE USED AS A DWELLING UNIT OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 22; Zoning, Section 22-5; Residential Zoning Districts, Subsection 22-5-5(4a); No Accessory Building or Structure shall be constructed or placed in such manner that it could be used as a dwelling unit 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.
The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

**YEAS:**

**NAYS:**

**ABSENT:**

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

And the motion was declared **xxxxxx** on the 2\textsuperscript{nd} day of January, 2019.

\[\text{____________________} \quad \text{____________________}\]

ROXANNE ADAMS \hspace{1cm} RICHARD “RICHIE” LEWIS

CLERK OF COUNCIL \hspace{1cm} COUNCIL CHAIR

Delivered to the Parish President \hspace{1cm} Date and Time

Received by \hspace{15cm}

Approved \hspace{1cm} Vetoed

Parish President \hspace{1cm} Guy McInnis

Returned to Clerk of the Council \hspace{1cm} Date and Time

Received by \hspace{15cm}
Chapter 22 - Zoning
Sec. 22-5 – Residential Zoning Districts
Subsection 22-5-5(4a) – No accessory building or structure shall be constructed or placed in such a manner that it could be used as a dwelling unit

Sec. 22-5. - Residential zoning districts.

Omit for Brevity

22-5-5. No accessory building or structure shall be constructed or placed in such a manner that it could be used as a dwelling unit. All accessory buildings or structures must be permitted by the department of community development, and such structure must be accompanied by a completed dwelling with a certificate of occupancy unless they are being used for a lawful commercial purpose in the appropriate zone with the exception of barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural Zone.

1. The following accessory buildings and structures are permitted in the rear and side yards:
   a. Storage sheds, detached garages and carports, playhouses, swimming pools, bath houses, antenna, dishes, and other outbuildings or structures.
   b. Fences, stone walls, and retaining wall. (Retaining walls shall not have to comply with setbacks.)
   c. Dog houses, runs, kennels, and penned areas.

2. An accessory building or structure that does not comply with the above requirements may be permitted by variance if the board of zoning adjustments finds that such accessory building or structure will be compatible with the location in which it is proposed to be built after considering:
   a. The character of the neighborhood and area;
   b. The size and shape of the lot;
   c. The location of the accessory structure; and
   d. The proposed use of the accessory structure.

3. Fences are permitted on lots without a dwelling when they share a common property line with a lot with an occupied dwelling (with a certificate of occupancy) under same ownership. The property shall meet the following conditions:
   a. When a servitude separates adjacent lots under common ownership, the property owner shall submit written approval from the servitude holder to the department of community development prior to the issuance of the fence permit.

   Fences shall have at least one (1) latched gate or opening to the lot.

4. All detached residential accessory buildings and structures shall be subject to the following conditions (this provision shall not apply to accessory buildings and structures in C-1 Neighborhood Commercial, C-2 General Commercial, I-1, Light
Industrial, A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones):

a. Residential accessory buildings and structures shall not occupy more than seventy (70) percent of the required rear yard. The allowable square footage of combined accessory structures shall not exceed one hundred sixty (160) square feet per one thousand (1,000) square feet of total lot size. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.

1. Not more than one thousand and six hundred (1,600) square feet of total accessory structure(s) shall be allowed per parcel in common ownership.

b. Accessory buildings and structures with plumbing improvements or finished space not used for parking, access, or storage shall meet parish requirements for elevated dwellings when located in a special flood hazard area.

1. Plumbing improvements shall consist of not more than a toilet, sink, washer and dryer.

2. Accessory buildings, as described in 22-5-5-4b, including properties outside of special flood hazard areas, shall be sited on the lot and appear to be an accessory to the main structure. Buildings shall not appear to be a main residential building. Building placement and style shall be approved by the director of the department of community.

c. Property owners who seek to build an accessory building or structure for parking, access, or storage uses only, with an enclosure exceeding five hundred (500) square feet, shall floodproof the building when located in a special flood hazard area.

d. Residential accessory buildings and structures shall not exceed eighteen (18) feet in height, fifteen (15) feet in mean height and ten (10) feet in height at the eave measured from the finished floor to the highest point of the coping of a flat roof; to the mean height level between eaves and ridge for gable, hip and gambrel roofs; and to the deck line of a mansard roof. Carports shall not exceed sixteen (16) feet in height at the ridge and fourteen (14) feet in height at the eave.

e. Residential accessory buildings and structures must be fenced in. Garages may not be fenced in on the front side of a dwelling in instances where there is an impervious driveway leading to the structure. In instances where a garage is located on a lot which has a rear yard that fronts a street, the structure must be fenced in along the width of the rear property setback. A portion of the rear property setback may remain unfenced only for the width of the required rear impervious driveway leading to the garage. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.
f. When used as an accessory to a dwelling, metal storage buildings shall not exceed one hundred twenty (120) square feet in area and nine (9) feet in height. Metal storage buildings shall not front a rear property setback when said property has a rear property line which fronts a street. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.

g. Portable storage units such as PODS are allowed in any district for a period not to exceed thirty (30) days and shall only be permitted in the rear or side yard in accordance with the provisions outlined in section 22-5-5.4.e of this chapter. Mobile homes, travel trailers, and recreational vehicles may not be used as portable storage units.

RECOMMENDATIONS TO THE PLANNING COMMISSION
Staff recommends approval of TC-2018-021.

On motion of XXXX, seconded by XXXX, it was moved to adopt the following ordinance:

**Summary No. 3676**
Introduced by: Administration on 12/18/18
Public Hearing held on 1/2/19

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

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That St. Bernard Parish Government Personnel Plan is hereby amended as per attached in Exhibits.

**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 Council Chair, Mr. Lewis, cast his vote as XXX.

And the motion was declared xxxxxx on the 2nd day of January, 2019.

______________________  __________________________
ROXANNE ADAMS        RICHARD "RICHIE" LEWIS
CLERK OF COUNCIL     COUNCIL CHAIR

Delivered to the Parish President     ______________
Date and Time

Received by     ____________________________

Approved ___________________  Vetoed ___________________

Parish President     __________________________
Guy McInnis

Returned to Clerk of the Council     ______________
Date and Time

Received by     ____________________________
## ST. BERNARD PARISH GOVERNMENT

**CLASSIFIED SUPPORT PERSONNEL PAY SCALE**

Adopted January 17, 2017; Effective January 1, 2017 as of December 18, 2018

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On motion of XXXX, seconded by XXXX, it was moved to introduce the following ordinance:

Summary No. 3677
Introduced by: Council on 1/2/19

AN ORDINANCE TO AMEND CHAPTER 18; PLANNING AND DEVELOPMENT, ARTICLE I; IN GENERAL, SECTION 18-1; PARISH PLANNING COMMISSION- CREATED; MEMBERSHIP OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 18; Planning and Development, Article I; In General, Section 18-1; Parish Planning Commission- Created; Membership 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.

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

YEAS:

NAYS:

ABSENT:
The Council Chair, Mr. Lewis, cast his vote as XXX.

And the motion was declared xxxxxx on the 2nd day of January, 2019.

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 Wednesday, January 2, 2019.

Witness my hand and the seal of the Parish of St. Bernard on this 2nd day of January, 2019.

________________________
ROXANNE ADAMS
CLERK OF COUNCIL
Chapter 18 - Planning and Development
Article I - In General
Sec. 18-1 – Parish Planning Commission – Created; Membership

Sec. 18-1. - Parish planning commission—Created; membership.

(a) There is hereby created a parish planning commission which shall consist of seven (7) members, all to be appointed by the council, which may remove any member of the commission, after public hearing, for inefficiency, neglect of duty or malfeasance or by a majority vote of the council. One (1) member shall be appointed from each of the five (5) councilmanic districts and one (1) member shall be elected from each of the two councilman-at-large divisions. The first quorum of the newly constituted board shall not be determined until the new commissioners are sworn in.
On motion of XXXX, seconded by XXXX, it was moved to introduce the following ordinance:

Summary No. 3678
Introduced by: Councilmember Lewis on 1/2/19

AN ORDINANCE TO AMEND CHAPTER 17; PERSONNEL, ARTICLE VIII; HOURS OF WORK, LEAVE OF ABSENCE, AND ABSENCE WITHOUT LEAVE, SECTION 17-144; EXHAUSTION OF SICK LEAVE IN THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby amend Chapter 17; Personnel, Article VIII; Hours of Work, Leave of Absence, and Absence Without Leave, Section 17-144; Exhaustion of Sick Leave as attached as 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.

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

YEAS:

NAYS:

ABSENT:
The Council Chair, Mr. Lewis, cast his vote as XXX.

And the motion was declared adopted on the 2nd day of January, 2019.

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 Wednesday, January 2, 2019.

Witness my hand and the seal of the Parish of St. Bernard on this 2nd day of January, 2019.

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ROXANNE ADAMS
CLERK OF COUNCIL
Sec. 17-144. - Exhaustion of sick leave.

Sick or annual leave donation.

(1) Employees who are eligible to donate and receive leave shall be:
   A full-time employee who accrues sick or annual leave and has been continuously employed by the parish government for not less than twelve (12) months.

(2) The employee must have a "serious health condition" in order to be eligible to receive donated sick or annual leave. "Serious health condition" shall mean the employee:
   (a) Is undergoing or in need of impatient care; or
   (b) Has been or will be incapacitated for more than three (3) days with continuing treatment by a health care provider; or
   (c) Cannot work due to a serious medical condition; or
   (d) Has a serious medical condition that requires multiple treatments.

(3) The employee must provide written certification from a licensed physician of a "serious health condition" which makes them ineligible to work.

(4) Employees can only utilize donated leave when they have exhausted their entire accrued sick and annual leave for the current year.

(5) All donated annual leave shall be converted to sick leave.

(6) The donation of sick or annual leave is on an hour-by-hour basis without regard to the dollar value of the donated or used leave.

(7) The minimum number of sick or annual leave hours that may be donated by any one (1) employee to another employee is seven (7) hours.

(8) The maximum number of sick or annual leave hours that may be donated by an employee to another employee in one (1) calendar year is eighty (80) hours.

(9) No individual employee may receive donated leave in excess of four hundred eighty (480) hours during the course of one (1) consecutive twelve-month period unless approved by the human resources director and chief administrative officer. Once it becomes apparent that an employee will need in excess of four hundred eighty (480) hours, the chief administrative officer shall consider the needs of the department, the needs of the parish and budget considerations before approving additional donated leave.

(10) Employees must not receive or utilize donated sick or annual leave in the following circumstances:
   (a) Any occupationally related accident or illness which is compensable under Workers' Compensation benefits;
   (b) Disability incurred in the course of the commission of a felony (including driving while impaired) or assault; or
   (c) During the period of any disciplinary suspension;
(d) While receiving disability insurance benefits; or
(e) After the termination of employment.

(11) An eligible employee may request donated leave by submitting a written request to the human resources department through the employee request form for donation of sick or annual leave. The form must be approved by the department head, human resources director and chief administrative officer.

(12) Once the request for donated leave is approved, the human resources director will send a notice to employees giving them the opportunity to donate leave to the eligible employee. The director of human resources is the only person who may request donated leave on behalf of an eligible employee.

(13) An eligible employee may donate sick or annual leave by submitting a written request to the human resources department through the employee donation form for sick or annual leave. The form must be approved by the department head, human resources director and chief administration officer.

(14) Donated leave will be transferred from the donor(s) each pay period in the order received, as need by the eligible employee for loss time relating to the specific approved health condition.

(15) Once the employee is released to return to work from the specific health condition, the employee is no longer eligible to receive or use donated leave.

(16) In the event of a chronic illness or injury requiring episodic treatment (dialysis, chemotherapy, radiation therapy, physical therapy), the recipient may use donated leave in non-consecutive increments. When considering chronic illness or circumstances not specifically covered in this policy, each case will be reviewed by the human resources director and chief administrative officer on an individual basis.