

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING HELD ON TUESDAY, MAY 4, 2021 AT 7:00 P.M.** IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA.

The St. Bernard Parish Council, the Governing Authority, met in Regular Session on Tuesday, May 20, 2021 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 7:00 p.m. Members present: Councilmembers: Council Chair Richard "Richie" Lewis, Gillis McCloskey, Joshua "Josh" Moran, Howard Luna, Wanda Alcon, Fred Everhardt, Jr., and Kerri Callais.

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

Councilmember Luna delivered the invocation and Councilmember McCloskey led the Pledge of Allegiance.

**#1** On motion of Ms. Callais, seconded by Mr. Moran, it was moved to approve the minutes from the April 20, 2021 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, April 30, 2021.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

**#2 Councilmember 's District Update**

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

**#3 President 's Report**

A copy of this report can be found on the parish website and on facebook.

**#4 Recognize the Public**

- No one appeared to speak.

**#5 Summary No. 3881**

Introduced by: Councilmember McCloskey on 4/6/21

Planning Commission recommended **APPROVAL** on 4/27/21

AN ORDINANCE TO AMEND CHAPTER 22, ZONING; SECTION 22-9, SPECIAL REGULATIONS; SUB-SECTION 22-9-6.9, SCHEDULE USE CHART - REQUIRED OVERLAYS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

**NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM**

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

**RESOLUTION SBPC #2127-05-21**

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)**

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1. 3358 Paris Road, LLC., dba **Café Roma** - 3358 Paris Road, Chalmette, LA 70043 Owner: Mehmet A. Karagul **(Renewal) (Beer and Liquor)**
2. 7759, LLC., dba Nicosia's Express Lane - 101 Bayou Road, St. Bernard, LA 70085. Member(s): Manuel J. Nicosia and Jeffrey D. Nicosia **(Renewal) (Beer and Liquor)**
3. SL & CR, LLC., dba MeMe's Bar & Grille - 712 W. Judge Perez Drive, Chalmette, LA 70043. Owner(s): Charles E. Williams, Jr. & Rae Ann Williams **(Renewal) (Beer and Liquor)**
4. Walgreen Louisiana Co., Inc. dba Walgreens #07415 - 100 W. Judge Perez Drive, Chalmette, LA 70043. Manager: Kevin Krul **(Renewal) (Beer and Liquor)**
5. Walgreen Louisiana Co., Inc. dba Walgreens #13586 - 4141 E. Judge Perez Drive, Meraux, LA 70075. Manager: Ronald Conaway **(Renewal) (Beer and Liquor)**
6. Winn Dixie Montgomery, LLC., dba Winn Dixie #1432 - 3300 Paris Road, Chalmette, LA 70043. President: Robert Randall Onstead **(Renewal) (Beer and Liquor)**

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

### **RESOLUTION SBPC #2128-05-21**

A RESOLUTION PROVIDING FOR CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, ON SATURDAY, APRIL 24, 2021, TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

### **RESOLUTION SBPC #2129-05-21**

A RESOLUTION ADOPTING THE LOUISIANA LEGISLATIVE AUDITOR'S QUESTIONNAIRE.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

### **RESOLUTION SBPC #2130-05-21**

A RESOLUTION TO PARTIALLY RESCIND **RESOLUTION SBPC #2119-04-21**, APPOINTING MEMBERS TO THE BOARD OF ZONING ADJUSTMENTS (BZA) AS IT PERTAINS TO ALISON BARRIOS.

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

**YEAS:** McCloskey, Moran, Alcon, Callais

**NAYS:** Luna, Everhardt

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

### **RESOLUTION SBPC #2131-05-21**

A RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ZONING ADJUSTMENTS (BZA).

On motion of Ms. Callais, seconded by Mr. McCloskey, it was moved to appoint Louis Heier to the Board of Zoning Adjustments (BZA) and expire April 2025.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

### **RESOLUTION SBPC #2132-05-21**

A RESOLUTION STRONGLY OPPOSING SENATE BILL NO. 226, A MEASURE THAT SEEKS TO CREATE AND ESTABLISH THE SOUTHEAST LOUISIANA TAXING DISTRICT AND AUTHORIZES THE LEVY OF A SALES AND USE TAX TO REIMBURSE THE STATE FOR THE

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### COSTS ASSOCIATED WITH THE HURRICANE AND STORM DAMAGE RISK REDUCTION SYSTEM (HSDRRS) INFRASTRUCTURE IMPROVEMENTS.

Discussion ensued;

On motion of Mr. McCloskey, seconded by Mr. Moran, it was moved to amend the title underline 2x "Strongly" and hi-light.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

#### **RESOLUTION SBPC #2132-05-21**

A RESOLUTION **STRONGLY** OPPOSING SENATE BILL NO. 226, A MEASURE THAT SEEKS TO CREATE AND ESTABLISH THE SOUTHEAST LOUISIANA TAXING DISTRICT AND AUTHORIZES THE LEVY OF A SALES AND USE TAX TO REIMBURSE THE STATE FOR THE COSTS ASSOCIATED WITH THE HURRICANE AND STORM DAMAGE RISK REDUCTION SYSTEM (HSDRRS) INFRASTRUCTURE IMPROVEMENTS.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

**#12** On motion of Ms. Callais, seconded by Mrs. Alcon, it was moved to **table** the following ordinance until the May 18, 2021 Council Meeting:

#### **Summary No. 3877**

Planning Commission recommended **DENIAL** on 9/22/20

Introduced by: Administration on 3/2/21

Public Hearing held on 4/20/21

Tabled on 4/20/21 until 5/4/21

Tabled on 5/4/21 until 5/18/21

AN ORDINANCE TO APPROVE **DOCKET Z-2020-014**, PETITION OF BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ PC FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A NEW TELECOMMUNICATIONS TOWER IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT. PROPERTY LOCATION: 8900 W. ST. BERNARD HWY. CHALMETTE, LA 70043.

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

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**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

## **ORDINANCE SBPC #2305-05-21**

### **Summary No. 3881**

Introduced by: Councilmember McCloskey on 4/6/21

Planning Commission recommended **APPROVAL** on 4/27/21

Public Hearing held on 5/4/21

AN ORDINANCE TO AMEND CHAPTER 22, ZONING; SECTION 22-9, SPECIAL REGULATIONS; SUB-SECTION 22-9-6.9, SCHEDULE USE CHART - REQUIRED OVERLAYS 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, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

### **Summary No. 3884**

Introduced by: Administration on 5/4/21

AN ORDINANCE TO AUTHORIZE THE RETENTION OF GUICE A. GIAMBRONE, III OF BLUE WILLIAMS, L.L.P., TO PROVIDE LEGAL REPRESENTATION FOR ST. BERNARD PARISH GOVERNMENT IN THE CASE OF ST. BERNARD FIREFIGHTERS LOCAL 1468, ET AL. V. ST. BERNARD PARISH IN 34<sup>th</sup> J.D.C. NO. 21-0417.

Discussion ensued;

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

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## Summary No. 3885

Introduced by: Council on 5/4/21

AN ORDINANCE LEVYING AND IMPOSING CERTAIN TAXES FOR 2021 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE PARISH OF ST. BERNARD, ROAD LIGHTING DISTRICT NO. 1, ROAD DISTRICT NO. 1, GARBAGE DISTRICT NO. 1, FIRE PROTECTION DISTRICT NO. 1 AND FIRE PROTECTION DISTRICT NO. 2.

Public hearing will be held on May 18, 2021 at 3:00 pm

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

**ABSTAINED:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

## Summary No. 3886

Planning Commission recommended **APPROVAL** on 4/27/21

Introduced by: Administration on 5/4/21

AN ORDINANCE TO APPROVE **DOCKET Z-2021-006**, PETITION OF SIDNEY TORRES III FOR A ZONING CHANGE FROM R-1, C-1 TO A-1. PROPERTY LOCATION 8121, 8122, 8114 & 8201 SARO LANE AND LOTS F-2B, F-3B-1, D-1-B & D-2B, ST. BERNARD, LA 70085.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

## Summary No. 3887

Introduced by: Administration on 5/4/21

AN ORDINANCE TO DECLARE THE PROPERTIES ON THE ATTACHED EXHIBIT "A" AS SURPLUS AND TO AUTHORIZE THE PARISH PRESIDENT TO EXECUTE ALL NECESSARY DOCUMENTS TO TRANSFER SAID PROPERTIES.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

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**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

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

## **Summary No. 3888**

Introduced by: Administration on 5/4/21

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2280-12-20**, AN ORDINANCE TO ADOPT THE 2021 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, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

**#19** On joint motion of the Chair, without objection and by unanimous consent, it was moved to accept the Monthly Financial Summary Statement of Revenues and Expenditures and Change in Fund Balance for March, 2021.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

## **#20 Coastal Zone Advisory Committee**

No action taken.

On motion of the Council Chair, without objection and by unanimous consent, it was moved to take items #21 and #22 in globo.

**#21** Motion to enter into Executive Session to discuss St. Bernard Firefighters Local 1468, et al. v. St. Bernard Parish, 34<sup>th</sup> J.D.C. No. 21-0417.  
(Administration)

**#22** Motion to enter into Executive Session to discuss Alvaro Hernandez, et al vs. St. Bernard Parish Government, et al No. 21-0403, Div. "B".  
(Administration)

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

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**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

**#21** On motion of the Council Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to discuss St. Bernard Firefighters Local 1468, et al. v. St. Bernard Parish, 34<sup>th</sup> J.D.C. No. 21-0417.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

**#22** On motion of the Council Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to discuss Alvaro Hernandez, et al vs. St. Bernard Parish Government, et al No. 21-0403, Div. "B".

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

On motion of the Council 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, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.



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**#21** On motion of Ms. Callais, seconded by Mr. Moran, it was moved to accept the advice of legal counsel in the matter of St. Bernard Firefighters Local 1468, et al. v. St. Bernard Parish, 34<sup>th</sup> J.D.C. No. 21-0417.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

**#22** On motion of Ms. Callais, seconded by Mr. Moran, it was moved to accept the advice of legal counsel in the matter of Alvaro Hernandez, et al vs. St. Bernard Parish Government, et al No. 21-0403, Div. "B".

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 4<sup>th</sup> day of May, 2021.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 7:50 p.m. on the 4<sup>th</sup> day of May, 2021.

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  
Lewis  
ROXANNE ADAMS  
LEWIS  
CLERK OF COUNCIL

Richard "Richie"  
RICHARD "RICHIE"  
COUNCIL CHAIR