

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING** HELD ON **TUESDAY, AUGUST 15, 2023 AT 3:00 P.M.** IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA.

The St. Bernard Parish Council, the Governing Authority, met in Regular Session on Tuesday, August 15, 2023 at three o'clock p.m. pursuant to notice given to each member and posted in the manner required by law.

The meeting convened at 3:00 p.m. Members present: Council Chair 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 and Guy McInnis, Parish President and John Lane, CAO were representing Administration.

Councilmember Callais delivered the invocation and Councilmember Everhardt led the Pledge of Allegiance.

#1 On motion of Mrs. Callais, seconded by Mr. McCloskey, it was moved to approve the minutes from the August 1, 2023 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, August 11, 2023.

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 15th day of August, 2023.

#2 On joint motion of the Council Chair, without objection and by unanimous consent, it was moved to receive an update from the Capital Projects Department.

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 15th day of August, 2023.

#4 **President's Report**

No action taken on this item.

#5 **Recognize the Public**

- David Deharde - Arabi, LA
- Travis Thurman - St. Bernard, LA

On motion of the Council Chair, without objection and by unanimous consent, it was moved to address Item #3.

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 15th day of August, 2023.

#3 Councilmember's District Update

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

#6 Summary No. 4103

Planning Commission recommended **APPROVAL** on 7/25/23

Introduced by: Administration on 8/1/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-006**, PETITION OF OLIVIER PLANTATION LLC FOR A CONDITIONAL USE FOR A BURROW OR EXCAVATION PITS. SITE LOCATION: LOTS 92-A-1A IN NW ¼ OF SECTION 21, E OF ½ OF SECTION 21 AND SURROUNDING AREA.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM

#7 Summary No. 4104

Planning Commission recommended **APPROVAL** on 7/25/23

Introduced by: Administration on 8/1/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-007**, PETITION OF OLIVIER PLANTATION LLC FOR A CONDITIONAL USE FOR A BURROW OR EXCAVATION PITS. SITE LOCATION: LOTS F1, F2 & F3 IN NW ¼ OF SECTION 21, E OF ½ OF SECTION 21 AND SURROUNDING AREA.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM

#8 Summary No. 4105

Planning Commission recommended **APPROVAL** on 7/25/23

Introduced by: Administration on 8/1/23

AN ORDINANCE TO **AMEND** CHAPTER 22, ZONING; SECTION 22-7; SITE DEVELOPMENT STANDARDS; SUBSECTION 22-7-4, SIGN REGULATIONS; SUB-SUBSECTION 22-7-4.5, DIMENSIONS, CONDITIONS, AND RESTRICTIONS FOR SIGN TYPES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM

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

RESOLUTION SBPC #2317-08-23

A RESOLUTION TO RE-APPOINT DANIEL SOLIS AS THE COLLEGE BOARD MEMBER ON THE ST. BERNARD FIRE PROTECTION DISTRICTS NO. 1 -2, FIRE CIVIL SERVICE BOARD

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 15th day of August, 2023.

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

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RESOLUTION SBPC #2318-08-23

A RESOLUTION TO CALL A SPECIAL ELECTION TO FILL THE VACANCY IN THE OFFICE OF CONSTABLE, WARD I WITHIN THE PARISH OF ST. BERNARD.

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 Chairman, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 15th day of August, 2023.

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

EMERGENCY ORDINANCE SBPC #2508-08-23

Summary No. 4107

AN EMERGENCY ORDINANCE TO AUTHORIZE THE RETENTION OF BLUE WILLIAMS, L.L.P., TO PROVIDE LEGAL REPRESENTATION FOR ST. BERNARD PARISH GOVERNMENT IN THE CASE OF ST. BERNARD PARISH GOVERNMENT V THE BOARD OF COMMISSIONERS FOR THE PORT OF NEW ORLEANS, 34th JDC 23-1006.

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 15th day of August, 2023.

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

Summary No. 4095

Introduced by: Councilmember Everhardt on 6/6/23

Public Hearing held on 7/5/23

Tabled on 7/5/23 until 8/1/23

Tabled on 8/1/23 until 8/15/23

AN ORDINANCE TO **AMEND ORDINANCE SBPC #2472-12-22**, CHAPTER 11; HEALTH AND SANITATION; ARTICLE IX, PROHIBITING THE SALE AND DISTRIBUTION OF IMPORTED SHRIMP, **CRAB MEAT AND CRAWFISH**; TO CREATE AND ADD SECTION 11-31**34** ENFORCEMENT OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

On motion of Mr. Everhardt, seconded by Mr. Luna, it was moved to **table** Summary No. 4095 until the September 5, 2023 Council Meeting.

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

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ABSENT: None

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

And the motion was declared **adopted** on the 15th day of August, 2023.

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

Summary No. 4103

Planning Commission recommended **APPROVAL** on 7/25/23

Introduced by: Administration on 8/1/23

Public Hearing held on 8/15/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-006**, PETITION OF OLIVIER PLANTATION LLC FOR A CONDITIONAL USE FOR A BURROW OR EXCAVATION PITS. SITE LOCATION: LOTS 92-A-1A IN NW ¼ OF SECTION 21, E OF ½ OF SECTION 21 AND SURROUNDING AREA.

Discussion ensued;

On motion of Mr. Everhardt, seconded by Mr. Luna, it was moved to **amend** Summary No. 4103 to add conditions:

- All extracted materials and excavation machinery shall be set back from all property lines a minimum of one hundred feet. No area of excavation shall be closer than one hundred feet to any property line or right-of-way line adjacent to or abutting an existing residential subdivision.
- All borrow pits will be required to maintain side slopes no steeper than 1:3.
- The borrow pit shall not be used for the disposal of any material not originally found in the borrow pit or approved by the Louisiana Department of Environmental Quality and the St. Bernard Parish Department of Public Works.

Discussion ensued on amendment;

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

YEAS: Luna, Everhardt

NAYS: McCloskey, Moran, Alcon, Callais

ABSENT: None

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

And the motion was declared **failed** on the 15th day of August, 2023.

The amendment failed.

On motion of Mr. Moran, seconded by Ms. Callais, it was moved to **adopt** the following ordinance as originally submitted:

ORDINANCE SBPC #2509-08-23

Summary No. 4103

Planning Commission recommended **APPROVAL** on 7/25/23

Introduced by: Administration on 8/1/23

Public Hearing held on 8/15/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-006**, PETITION OF OLIVIER PLANTATION LLC FOR A CONDITIONAL USE FOR A BURROW OR EXCAVATION PITS. SITE LOCATION: LOTS 92-A-1A IN NW ¼ OF SECTION 21, E OF ½ OF SECTION 21 AND SURROUNDING AREA.

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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 15th day of August, 2023.

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

Summary No. 4104

Planning Commission recommended **APPROVAL** on 7/25/23

Introduced by: Administration on 8/1/23

Public Hearing held on 8/15/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-007**, PETITION OF OLIVIER PLANTATION LLC FOR A CONDITIONAL USE FOR A BURROW OR EXCAVATION PITS. SITE LOCATION: LOTS F1, F2 & F3 IN NW ¼ OF SECTION 21, E OF ½ OF SECTION 21 AND SURROUNDING AREA.

On motion of Mr. Everhardt, seconded by Mr. Luna, it was moved to **amend** Summary No. 4104 to add conditions:

- All extracted materials and excavation machinery shall be set back from all property lines a minimum of one hundred feet. No area of excavation shall be closer than one hundred feet to any property line or right-of-way line adjacent to or abutting an existing residential subdivision.
- All borrow pits will be required to maintain side slopes no steeper than 1:3.
- The borrow pit shall not be used for the disposal of any material not originally found in the borrow pit or approved by the Louisiana Department of Environmental Quality and the St. Bernard Parish Department of Public Works.

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

YEAS: Luna, Everhardt

NAYS: McCloskey, Moran, Alcon, Callais

ABSENT: None

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

And the motion was declared **failed** on the 15th day of August, 2023.

The amendment failed.

On motion of Ms. Callais, seconded by Mr. Moran, it was moved to **adopt** the following ordinance as originally submitted:

ORDINANCE SBPC #2510-08-23

Summary No. 4104

Planning Commission recommended **APPROVAL** on 7/25/23

Introduced by: Administration on 8/1/23

Public Hearing held on 8/15/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-007**, PETITION OF OLIVIER PLANTATION LLC FOR A CONDITIONAL USE FOR A BURROW OR EXCAVATION PITS. SITE LOCATION: LOTS F1, F2 & F3 IN NW ¼ OF SECTION 21, E OF ½ OF SECTION 21 AND SURROUNDING AREA.

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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 15th day of August, 2023.

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

ORDINANCE SBPC #2511-08-23

Summary No. 4105

Planning Commission recommended **APPROVAL** on 7/25/23

Introduced by: Administration on 8/1/23

Public Hearing held on 8/15/23

AN ORDINANCE TO **AMEND** CHAPTER 22, ZONING; SECTION 22-7; SITE DEVELOPMENT STANDARDS; SUBSECTION 22-7-4, SIGN REGULATIONS; SUB-SUBSECTION 22-7-4.5, DIMENSIONS, CONDITIONS, AND RESTRICTIONS FOR SIGN TYPES 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 15th day of August, 2023.

#16 Coastal Zone Advisory Committee

No action taken on this item.

On motion of the Council Chair, without objection and by unanimous consent, it was moved to address items #17, #18, and #19 in globo.

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 15th day of August, 2023.

#17 On motion of the Council Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to review the Judgement List.

#18 On motion of the Council Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to discuss Melissa Seal v St Bernard Parish, **Animal Control** and Amanda Forde, 34th JDC No. 22-0227.

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#19 On motion of the Council Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to discuss James Kildahl v. St. Bernard Parish Fire Department. OWC#22-05887.

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 15th day of August, 2023.

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 15th day of August, 2023.

#17 On motion of Ms. Callais, seconded by Mr. Moran, it was moved to accept the advice of legal counsel in the matter of the Judgement List.

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 15th day of August, 2023.

#18 On motion of Ms. Callais, seconded by Mr. Moran, it was moved to accept the advice of legal counsel in the matter of Melissa Seal v St Bernard Parish, **Animal Control** and Amanda Forde, 34th JDC No. 22-0227.

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 15th day of August, 2023.

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#19 On motion of Ms. Callais, seconded by Mr. Moran, it was moved to accept the advice of legal counsel in the matter of James Kildahl v. St. Bernard Parish Fire Department. OWC#22-05887.

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 15th day of August, 2023.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 5:05 p.m. on the 15th day of August, 2023.

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
CLERK OF COUNCIL

Richard "Richie"

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR