

The Mayor and City Council of the City of Gretna met this day on Tuesday, November 22, 2016 11:32 a.m., in Special Session with the following members present: **Mayor Belinda C. Constant Councilmen Wayne A. Rau, Milton L. Crosby, Michael A. Hinyub, Mark K. Miller and Jackie J. Berthelot.**

Absent: None



Invocation / Pledge of Allegiance

Councilman Crosby offered the opening prayer; thereafter the Pledge of Allegiance of the United States of America was recited.



The Special Meeting of the Mayor and City Council of the City of Gretna, called for Tuesday, November 22, 2016, notice was property posted on the bulletin board at the main entrance of Gretna City Hall, 740 2nd Street, Gretna, Louisiana 70053 and uploaded to the City's Website.

Opening Remarks by the Mayor.

The Legislative body of the City of Gretna, LA plans to consider adoption of two (2) resolutions at the January 11, 2017 Council Regular meeting, ordering and calling for a Special Election to be held on Saturday, April 29, 2017; to authorize the levy two (2) ad valorem taxes. One resolution is for renewal of 4.0 mills to provide ambulance service in the City of Gretna including Timberlane annexed area. The second resolution is for renewal of 8.5 mills to provide fire protection in the City of Gretna only; Timberlane fire protection is provided through a CEA with the Terrytown-Fifth District Volunteer Fire Department) (Terrytown VFD).

Again, these resolutions will be up for consideration and adoption at the January 11, 2017 Council Regular meeting. The City's 2017 Legislative calendar will be adopted at the December 14, 2016 meeting.



Business License(s) Hearing:

2110 Pratt Street – 3 J's Restaurant, Justin Wade, Applicant-Managing Member
The City Council approved liquor license on August 10, 2016.

Mrs. Azalea Roussell, Planning and Zoning Official provided to the Council a summary of her on site observations with regards to the reasons for this business license hearing as follows:

The particular license at 2110 Pratt Street began prior to issuance of the liquor license on August 10, 2016. The business owner approached her a few months prior to the issuance of this license to locate at bar at that location. At that time he was advised that a bar could not be located there because there was a moratorium on "Class A" liquor license for bars as well there was distance requirement between bars (Ordinance No. 4752), and there is a bar next to this location. However, after that time, had conversations with the applicant; he approached the city against and was told a restaurant a restaurant could be located there serving alcohol. The applicant applied for that particular type business, was issued the occupational license for a restaurant serving alcohol. The Alcoholic Beverage Permit application was presented to the Council for approval; Council approved the license for that location. After the issuance of the two licenses for the location, there was a special event that took place at that location. There was a lot of traffic and people drinking alcohol outside the premises. The bar next door had a detail officer and the officer from that location went to 2010 Pratt Street and issued a summons; because there was DJ in the restaurant and they were not issued a Special Live Entertainment permit for live entertainment. Apparently, they went to court and this matter was dealt with in City Court. There was a particular note in the police report that was forwarded to Mrs. Roussell, which indicated that Mrs. Roussell had given permission to have that special event at the location without an actual permit at that location, which was definitely inaccurate information.

On one occasion a Special Event permit was issued. After that permit was issued, repeated requests were made to the office for Live Entertainment Permit. After that time, decided to visit the location with a Gretna police officer. Entered the restaurant, observed there was no food inventory in the establishment. There were cases of beer on tables were being placed in the coolers, left the premises at that time. Subsequently Special Event Permits were requested; had conversations with the Police Department as well as the administration (Mayor); decided that no more live entertainment permits will be issued to this location because they were operating outside of the scope of what they were actually licensed for. It was more of bar activity taking place in the evenings. After that, began monitoring the location, checking for activity during the day and documenting each visit; each time the location was passed, it was closed. There were times when they were two vehicles parked there. The location had been not active but for the last two weeks it has been open. Entered the premises observing the facility was set up as a restaurant with food inventory in the kitchen; food preparation items; silverware, napkins, tablecloths etc., this observation was after serving the owner with notice of this hearing and that is where we are today.

Mr. Mark Morgan stressed to all present, that this was a hearing and wanted to make sure that the licensees understood that this was a hearing and they would have an opportunity to ask questions of any of the people who provided information to the Council.

Mr. Mark Morgan, City Attorney summarized and reviewed on the report provided by Mrs. Azalea Roussell, Planning and Zoning Official. He reviewed recapping on the actual activities of the establishment whether it was operating as a restaurant or not.

Mr. John Johnson, owner of 3J's Restaurant was allowed the opportunity to rebut on the report just given by Mrs. Azalea Roussell. Mr. Johnson proceeded to explain in depth on the activities of the business and on the events that occurred preceding today's meeting.

Deputy Chief Anthony Christiana stated visiting the location due to complaints and what the city's administration was handling at the time. Upon visiting the business on November 12, 2016, Deputy Christiana stated they were numerous vehicles parked at the location, noted there were two other barrooms located directly next door to each other. Observed the business activities while sitting at the bar; noting he engaged in conversation with the owners regarding the establishment. At that time, it appeared to be a bar serving food; the atmosphere was indicative of a barroom, vibrant nightlife and more engaged to the service of alcohol, dancing as opposed to a seated formal restaurant, where you are seated and served a meal. He noted the police department had no indication it was operating as a restaurant on daytime hours.

Deputy Christiana continued stating that from the report received this past weekend, the business was closed Friday, opened Saturday, closed Sunday. Officers went into the location at approximately 10:00-11:00 PM Saturday evening, observed patrons sitting at the bar drinking alcoholic beverages. No patrons were consuming food at that particular time. To his recollection the police department was called to that location on August 28, 2016 at 1:00 AM.

The Council Members were given the opportunity to ask questions pertaining to the activities of the new business located at 2110 Pratt Street.

Again, Mr. John Johnson, Owner was given the opportunity to rebut on the observations just reported by Deputy Christiana.

Mr. John Johnson again rebutted on observations and situations pointed out in Deputy Christiana's statement. Mr. Johnson stated that this entire situation began wrong altogether. He wanted to open a restaurant with a bar; his funds did not allow him to so he decided to start as a bar and venture into the restaurant (kitchen equipment expensive), everything he spent was out of pocket; his entire family put everything together. He again explained on situations observed by Mrs. Roussell and Deputy Christiana. The incident that the police were called out was not made for his address; it was called out to the La Pointe Bar and Grill address; which drew attention to his business and upon observation by the officer his business was cited.

Owners of the business were called for a meeting with Mayor Constant. At the meeting they were told they were operating as a bar and not as a restaurant. Mr. Johnson explained having to return to work due to lack of funds to keep the business going. He related on situations his family is going through and the reasons why he could not open the business during the day; has not been at the business for the last couple of weeks. Received the business license in September; in the evenings they to open to sell food. He is always cooking and as far as alcohol, he cannot turn people away if they want a drink. Was told he could get special event permit, on that information, he began booking private parties, and catered the food. Applied for special event permit for the booked events; was able to obtain one permit; could not get another permit, was told he was operating as a bar.

Mr. Mark Morgan questioned the dates and activities of the cash register and if the food sales exceeded liquor sales. Mr. Johnson replied the cash register has food, liquor and miscellaneous receipts.

Mr. Johnson's son stepped in to explain on the receipts. He stated that since the business has been opened they have made \$728.00 in alcohol; alcohol and food combined made \$6,858.00. He explained his father does not handle the paperwork of the business, he does; he cooks.

Councilman Rau questioned Mr. Johnson regarding the menu. Mr. Johnson explained he was writing on paper the menu until he could get the correct menu started. It has been rough because they have to pay out of pocket for everything. At this time, it is costly to have menus made.

Councilman Rau questioned if they had records for liquor purchases from an authorized wholesale liquor distributor and how much is that total. Mr. Johnson replied it would be presented at a later date.

Councilman Rau questioned what happened this past Saturday night; stating he visited the site just to observe on any activity taking place.

Mr. Morgan advised the City Council that it had lots of options as to what they can do. Keep the business on probation; restrict the hours of operation. Restrict their operations to be restaurant only or cannot sell alcohol; or withdraw the license. Their testimony is so contradictory, from the city's point. Enough evidence was established and Council has heard testimony, Council can suspend the business license, modify it or leave it as it is. He advised the Council Members to retreat and discuss the matter in order to make a decision.

Councilman Crosby suggested going into Executive Session for more discussions on the situation.

On motion by **Councilman Crosby** and seconded by **Councilman Rau**, **IT WAS RESOLVED** that the Mayor and City Council recess into deliberation/discussion at 12:35 PM for more in depth discussion on the situation relative to the actual activities of the business located at 2110 Pratt Street in order to make an informed decision, and the same was unanimously approved.

The Mayor and City Council reconvened from deliberation at 12:52 PM. All Council Members, City Attorney and City Clerk are present.

Mr. Mark Morgan, City Attorney pointed out the term Executive Session was used; the probationary license, what it means is that the license can be suspended by the licensing officer without a hearing before the City Council. When this matter came up, the Council and the Mayor decided that instead of having the decision made by one person, it would be made by the Council at a hearing. The hearing was conducted; then Council retreated to deliberate the testimony heard during the hearing.

Mr. Morgan explained that having deliberated the Council has determined what they would like to do. The Council wishes to place the license as a restaurant serving alcohol. Extend the probation for a year from today. There will be a probationary license until November 22, 2017. During the term of that probationary period, no special event permits will be granted; the restaurant will be required to stop seating at 11:00 PM and must be completely closed by 12:00 Midnight. They also must also do monthly reporting to the Chief Licensing Officer showing the purchase of food; purchase of alcohol and must show the receipts for the actual retail sales for food and alcohol to the city. Every 30 days they must show the wholesale food purchases, wholesale alcohol purchases and produce the sales receipts for food and alcohol. Finally, all of the alcohol purchases have to be through a license wholesaler. Extend probation from November 22, 2017; limit operating hours until Midnight with the last seating at 11:00 PM. No special events permits will be granted during period of probation and then the reporting requirements for the purchases of food and alcohol as explained.

On motion of **Councilman Crosby** and seconded by **Councilman Rau**, **IT WAS RESOLVED** as determined by the City Council in deliberation, stipulations and or restrictions will adhere to the business located at 2110 Pratt Street as follows: Extend probation to November 22, 2017; limit operating hours until Midnight with the last seating at 11:00 PM and completely closed by 12:00 Midnight. No special events permits will be granted during probationary period; and do monthly reporting of wholesale purchases of food and alcohol and produce sales receipts for food and alcohol to the Chief Licensing Officer of the City of Gretna, Louisiana by the following vote:

Yeas: **Councilmen Crosby, Rau, Hinyub, Miller and Berthelot**

Nays: None

Absent: None

Mr. John Johnson was given the opportunity to comment on the decision by the Council. He stated that without a special event permit it is difficult to operate a business in a dead zone and all they wanted to do is to be able to have banquets and birthdays.

Mayor Constant summarized and clarified to Mr. Johnson as follows: The license as a restaurant does not allow the business to have events where you rent out space for a special event. The venue is supposed to be a restaurant, and the license could be suspended on that issue alone. The business is not an event hall, if it wanted to be an event hall, then they would have to contact Mrs. Azalea Roussell, Chief Licensing Officer and her know that the business wants to be licensed as an event hall. Mrs. Roussell has had extensive conversations with the owners concerning the business' operations because initially Mr. Johnson wanted to open as a bar, due to Code requirements, they resorted to open up as a restaurant; but as of today is still not a restaurant. The Council has assisted the business in this effort, because today's testimony of using flyers advertising come have your private party, that is against the business license. The Council could have suspended the license on that issue alone, and this business needs to be a successful restaurant. The difference between this business and other businesses throughout Gretna is that they are restaurants. This Council has given this business the opportunity to be a restaurant. The restaurant can have 40 people come and have a great meal and it could celebrate somebody's birthday; and a special event permit is not needed for that. The business could have lost their occupational license today and now the business has a year to become a successful restaurant.

The city will continue to work with the owners on their business becoming a successful restaurant.



43 Westbank Expressway - Cameron Jones, Applicant
For: Used cars lot for parking and landscaping. (District 1)

Mr. David Boyd, City Engineer provided a site plan review report for 43 Westbank Expressway and offered the following observations:

Existing Conditions

The property is currently vacant but was previously used as a retail store. The west side of the site has an existing building and the remainder of the site is paved with concrete. There is a rollover curb entrance-exit off the Porter Street and a curbed cutout entrance-exit off the Westbank Expressway. There is no greenspace on the site.

Proposed Site Plan

The submitted site plan proposes to renovate the existing building and convert it to used car lot office. The paved portions of the site will be restriped to indicate that parking spaces and landscaping will be installed around the site (2 Class A trees and 6 Class B trees as required in planter boxes).

Comments

Per the City of Gretna’s zoning map, the lot is zoned C-2 Conditional Use. There minimum lot size in a C-2 district is 5,000 square feet. The lot meets this requirement (7418 square feet).

Per the City of Gretna’s Code of Ordinances, the front yard requirement for C-2 is 20 feet. The side yard requirement is 5 feet. The rear yard requirement is 15 feet. The existing building does not meet this requirement but does not expand in footprint.

The proposed development does not change the existing runoff from its current rate condition.

This site plan meets the requirement for parking on the site. Based on the use, 1 parking spot per 400’ leasable area. The leasable area is 1338 s.f. so rounding up, 4 parking spots are required. The plan proposes 4 spaces including 1 handicapped space.

This site plan meets the requirements of the Code of Ordinance and is recommended for approval.

On motion by **Councilman Crosby** and seconded by **Councilman Rau**, **IT WAS RESOLVED** to accept the Site Plan Review Committee favorable recommendation to approve the site plan review request for **43 Westbank Expressway**, used cars lot for parking and landscaping, by the following vote:

Yeas: **Councilmen Crosby, Rau, Hinyub Miller and Berthelot**
Nays: None
Absent: None

There were no comments from the public and/or council members.



There was no other city business to conduct.

On motion by **Councilman Rau** and seconded by **Councilman Berthelot**, **IT WAS RESOLVED** to adjourn the Mayor and City Council Special Meeting (Hearing for business located at 2110 Pratt Street) at 1:10 p.m., and the same was unanimously approved.

Respectfully submitted,

/S/ NORMA J. CRUZ
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

/S/ BELINDA C. CONSTANT
MAYOR
CITY OF GRETNA
STATE OF LOUISIANA

A TRUE COPY:

/S/ NORMA J. CRUZ
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA