MINUTES OF ST. TAMMANY PARISH COUNCIL MEETING
THURSDAY, SEPTEMBER 5, 2019 AT 6:00 P.M.
ST. TAMMANY GOVERNMENT COMPLEX
21490 KOOP DRIVE, MANDEVILLE, LA.

Call to Order by Honorable Michael R. Lorino, Jr., Chairman

Pledge of Allegiance by Rykert Toledano

Invocation by Pastor George Burris with St. James Baptist Church

Roll Call: Marty Dean
          David Fitzgerald
          James A. (Red) Thompson
          Rykert O. Toledano, Jr.
          Richard E. Tanner
          E. L. Gene Bellisario
          Michael R. Lorino, Jr.
          Jacob (Jake) Groby
          Chris Canulette
          Maureen “MO” O’Brien
          Steve Stefancik
          Jerry Binder
          S. Michele Blanchard
          Thomas (T.J.) Smith, Jr.

SPECIAL ITEMS

PUBLIC HEARING - BOARD OF REVIEW

Lorino - In accordance with the provisions of L.A. R.S. 47:1992, the St. Tammany Parish Council hereby convenes in public session as a Board of Review to entertain complaints and/or appeals from any taxpayer(s) aggrieved by ad valorem assessments levied against his/her/their property.

The Assessor of St. Tammany Parish has duly advertised notice of this public hearing in accordance with law. The deadline for receipt of appeals by taxpayers to the Board of Review will be 4:30 p.m. September 10, 2019. If no appeals are lodged by this date, or appeals are lodged but resolved through the Parish Assessor’s Office, the time will automatically expire and terminate without the need for the Parish Council to reconvene to so declare.

PRESENTATIONS

Lorino - 1. Presentation of Proclamation to St. Tammany Parish Government Employee of the Month. (Brister)

Brister - presented to Laura Gatlin, been with the Parish for nine years starting in Department of Engineering and is now a Project Manager in Public Works.

Lorino - 2. Recognition of service to St. Tammany presented to Senator Jack Donahue and Representatives Kevin Pearson and Scott Simon. (Brister)

Lorino - 3. Certificates of Recognition to Republican Teens. (Stefancik)

Lorino - 4. Presentation by Eric Bosch with LaPort CPAs regarding the 2018 St. Tammany Parish Annual Audit. (Lorino)
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Eric Bosch - they received the full and complete cooperation of the staff of St. Tammany Parish Government. The auditor gave an unmodified opinion which is the highest level of achievement along with no significant deficiencies or non compliance. Several minor issues were noted, but all have been corrected accordingly.

Lorino - 5. Presentation by Bob Ryals, Slidell Ministers Association, regarding the appointment of a Faith-Based Liaison to the St. Tammany Parish Office of Homeland Security and Emergency Preparedness. (Bellisario)

Bob Ryals -(read part of the Resolution) the scope of the liaison position they are creating, is to have a liaison for not only natural disasters, but pandemics, mass shootings, terror attacks, etc. Their quest is to develop coordination of 170 plus churches, Latter Day Saints, Good Samaritans in the case of disaster. There is a need for a small crew of paid stand-by individuals who will gather contact information for the decision makers of the church and what services they offer, such as feeding ministries and transportation. During an emergency, the Faith Based Liaison has 2 seats in the Emergency Operations. The other groups (Sheriff, CLECO, WST) who have seats in the EOC are funded by their organizations. The Faith based Liaison doesn’t have a place to fund a salary from, they are asking for this Resolution to help the public to understand that they need funding for vehicles, salaries, etc. They will receive funds from private groups only, not from government funds.

Jim Fatic - Northshore Disaster Recovery - They are now trying to collaborate with the Faith-Based Community. They asking for some legitimacy. Instead of waiting for a disaster to hit, they will have all of the information they need. Northshore Disaster Recovery is a non-profit, but they are not asking for money.

Bellisario - he wants to make sure everyone knows that the Parish Government will not employ or Fund.

APPOINTMENTS

Lorino - 1. Resolution to appoint Dr. Charlie Foy, George Landrum, and John Raymond to the Board of Commissioners for the St. Tammany Parish Fire Alarm Appeals Board. (Lorino/Bellisario) (Parishwide)

Robby Marquette - this ordinance has been a tremendous help and gives them a tool to solve the problems of multiple alarms. They have been able to talk to owners of places such as apartments and business. They fined one business and another decide to take training.

Chris Kaufman - thanks the Council Members for coming to the Chief’s meetings and staying on the cutting edge in the Parish. Jefferson Parish is copying this ordinance for their fire service.

Bellisario - moved to suspend the rules to appoint, second by Canulette. Unanimous with no one absent; becomes Resolution C.S. No. C-6172.

Lorino -2. Resolution to appoint one member to replace Ryan Murphy (resigned) on the Board of Commissioners for St. Tammany Parish Fire Protection District No. 8. (Fitzgerald/Toledano/Tanner)

Fitzgerald - moved to postpone, second by Thompson. Unanimous with no one absent.

Canulette - moved to move up Ord. Cal. No. 6066AA, second by Stefancik. Unanimous with no one absent.

Lorino - this ordinance will include the phrase “shall not” when it is considered in November. Read a statement from Legal regarding why the ordinance needed to be postponed.

Lorino - 1. Ord. Cal. No. 6066AA - Ordinance to amend Section 115-3 of the Parish Code of Ordinances relative to fill mitigation. (Lorino) (Introduced 11/1/18) (Postponed from 12/6/18) (Postponed 6/6/19 and 7/11/19) (Amended 7/31/19) (Reintroduced 8/8/19) (Postponed 9/5/19)
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Al Hamauer - he represents the Northshore Homebuilders Association, East and West Chambers, Northshore Business Council, Association of Realtors, and St. Tammany Corp. - they are concerned about the proper growth and development of this community in safe and sound ways and to prevent flooding. They feel additional analysis is needed. They never want to override the health and safety of the citizens. All of the parties should be working together on this issue. They support the re-institution of the original work group. Everyone also needs to be aware of the economic impacts of the construction industry.

Margie Vicknair - Pray - thinks what the government needs to understand is that people are angry because of the greed for the unholy dollar, and they are losing investments because of flooding. She is worried that “shall not” was the only change and does not understand why it is a legal issue with a need to postpone. She feels most people want a moratorium on building in flood areas.

Cindy Winch - she is glad that this issue is being postponed because we need to consider why we need retention ponds.

Alan Matthews - some are saying postponing is just to move it past the election. It looks like passing the buck.

John Martin - he thinks that the phrase “shall not” should remain in the ordinance.

Joan Simon - Riverwood - she is sorry it is being postponed because it is just a stall tactic and too political.

Council Discussion ensued.

Karlin Riles - the question they are reviewing is how an appeal of this ordinance will work, such as if it will be heard by the board of Adjustments or somewhere else.

Stefancik - moved to postpone, second by Canulette. Motion passed with 13 yeas and 1 nay (Groby).

Lorino - call to Council and Audience for items to be pulled from the Consent Calendar.

Reso No. C-6161  Reso No. C-6162  Reso No. C-6168

CONSENT CALENDAR

Any items not pulled from the Consent Calendar are automatically approved in whole by one vote. Items pulled from the Consent Calendar are discussed and voted upon individually. A majority vote of the entire Council (8) is required to adopt the Consent Calendar. (Call to Council Members and Audience for items to pull)

MINUTES

Regular Council Meeting  August 8, 2019
Council Committee Meeting  August 28, 2019

ORDINANCES FOR INTRODUCTION
(Public Hearing: October 3, 2019)

1. Ord. Cal. No. 6223 - Ordinance to extend for six (6) months the moratorium on receipt of submissions by the Parish Planning and Zoning Commission for the re-subdivision or re-zoning of property and/or on the issuance of permits by the Parish Department of Planning and Development/Permits for the construction or placement of any commercial building structures on property having access to and/or fronting on Brewster Road. (Ward 1, District 1) (Dean)

2. Ord. Cal. No. 6224 - Ordinance to extend for six (6) months the moratorium on receipt of submissions by the Parish Planning and Zoning Commission for the re-subdivision or re-zoning of property and/or the issuance of permits for construction or placement of any building structures on property within a defined area within St. Tammany Parish Council District 14. (Smith)
3. Ord. Cal. No. 6225 - Ordinance to enter the Tammany Trace for the purpose of construction and drainage modifications in conjunction with the development of the Bellevue Estates Subdivision located in Ward 4, District 7. (TR19-05-001) (Lorino/Brister)

4. Ord. Cal. No. 6226 - Ordinance to revoke portion of Edna Street and N 7th Street, located south of Sunshine Avenue and east of Zula Street in the Town of Mailleville Subdivision, south of Covington, Louisiana. Ward 3, District 2. (REV 19-05-001) (Lorino/Brister)

5. Ord. Cal. No. 6227 - Ordinance to revoke an unopened portion of H Street as delineated on the Town of Alexiusville Subdivision Plat (Map #171B) located south of 13th Street and north of 14th Street between Square 135 and Square 134 of the Town of Alexiusville Subdivision, south of Covington, Louisiana, Ward 3, District 2. (REV 19-07-002) (Lorino/Brister)

6. Ord. Cal. No. 6228 - Ordinance to authorize the transfer of certain parcels for the Highway 41 Spur Bridge to the Town of Pearl River (Ward 8, Districts 6, 9) (Lorino/Brister)

7. Ord. Cal. No. 6229 - Ordinance amending the St. Tammany Parish Unified Development Code, Chapter 130 to amend Section 130-969 relative to permitted uses in HC-3 (Highway Commercial District) to add new permitted use (Crematorium), to amend Section 130-1050 relative to the permitted uses in I-1 (Industrial District) to add a new permitted use (Crematorium), and to amend Section 130-1264, PF-1 (Public Facilities District) to remove a permitted use (Crematorium). (2019-1524-ZC) (ZC approved 8/6/19) (Lorino/Brister)

8. Ord. Cal. No. 6230 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Turtle Creek Subdivision, Phase 5-2 (Ward 8, District 9). (Lorino/Brister)

9. Ord. Cal. No. 6231 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Wadsworth Subdivision. (Ward 4, District 5) (Lorino/Brister)

10. Ord. Cal. No. 6232 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically the Birg Subdivision, AKA- Angelic Estates. (Ward 3, District 5) (Lorino/Brister)

11. Ord. Cal. No. 6233 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Raiford Oaks Phase 3. (Ward 1, District 1) (Lorino/Brister)

12. Ord. Cal. No. 6234 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Raiford Oaks, Phase 2A. (Ward 1, District 1) (Lorino/Brister)

13. Ord. Cal. No. 6235 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Ruelle Court Subdivision. (Ward 1, District 1) (Lorino/Brister)

14. Ord. Cal. No. 6236 - Ordinance to correct the Road & Drainage Inventory to include Bigner Road Lateral. (Ward 4, District 4) (Lorino/Brister)

15. Ord. Cal. No. 6237 - Ordinance to amend the 2019 Operating Budget - Amendment No. 10. (Lorino/Brister)

16. Ord. Cal. No. 6238 - Ordinance to amend the Parish Code of Ordinances, Chapter 26 Nuisances, Article 1- General to create Section 26-12 - Enforcement and Compensation. (Lorino/Brister)

17. Ord. Cal. No. 6239 - Ordinance establishing a No Thru Trucks Zone on Hudson Street. (Ward 8, District 12) (Binder)
RESOLUTIONS

3. Resolution C.S. No. C-6163 - Resolution to acknowledge the authority, pursuant to Home Rule Charter, Sections 1-04, 3-01 and 3-09 for St. Tammany Parish Government, through the Office of the Parish President, to execute a Cooperative Endeavor Agreement with Start Corporation for operation of group homes on the Safe Haven Campus (Ward 4, District 7) (Lorino/Brister)

4. Resolution C.S. No. C-6164 - Resolution to acknowledge the authority, pursuant to Chapter 40 of the Parish Code of Ordinances for St. Tammany Parish Government, through the Office of the Parish President, to execute a Utility Services Agreement for the provision of water and sewerage treatment services to Preston Vineyard Subdivision (Ward 1, District 3) (Lorino/Brister)

5. Resolution C.S. No. C-6165 - Resolution to acknowledge the authority, pursuant to Home Rule Charter, Sections 1-04, 1-06, 3-01 and 3-09, for St. Tammany Parish Government, through the Office of the Parish President, to execute an Entity/State Agreement with the Louisiana Department of Transportation and Development for construction of improvements to I-12 between LA 21 and LA 59 (Wards 3, 4; Districts 1, 5) (Lorino/Brister)

6. Resolution C.S. No. C-6166 - Resolution to take action on Warranty and Performance Obligations. (Lorino/Brister)

7. Resolution C.S. No. C-6167 - Resolution authorizing the filing of an application with the Louisiana Department of Transportation and Development for a grant under 49 CFR 5311, Formula Grant for Rural Areas and 49 CFR 5339, Grants for Bus and Bus Facility Program. (Lorino/Brister)

9. Resolution C.S. No. C-6169 - Resolution to amend Ordinance C.S. No. 19-4050 the 2019 Grant Budget. (Lorino/Brister)

10. Resolution C.S. No. C-6170 - Resolution to amend Ordinance C.S. No. 18-3977 to make changes to the 2019 Capital Improvement Budget and Capital Assets. (Lorino/Brister)

END OF CONSENT CALENDAR

Canulette - moved to adopt the consent calendar less items pulled, seconded by Stefancik. Unanimous with no one absent.

Lorino - 1. Resolution C.S. No. C-6161 - Resolution approving the issuance of not exceeding Seventy-Five Thousand Dollars ($75,000) of Limited Tax Certificates of Indebtedness of Fire Protection District No. 9 of the Parish of St. Tammany, State of Louisiana. (Tanner)

Lorino - 2. Resolution C.S. No. C-6162 - Resolution supporting the appointment of a paid Faith-Based Liaison to the St. Tammany Parish Office of Homeland Security and Emergency Preparedness organization and the funding of this position. (Bellisario)

Lorino - 8. Resolution C.S. No. C-6168 - Resolution to concur/not concur with the City of Slidell annexation and rezoning of 0.44 acre located on Indiana Avenue, identified as Lots 2 and 3 of Segari Addition, located in Lot 5 of Section 3, Township 9 South, Range 14 East, from Parish A-4 D (Single Family Residential District) to Slidell A-6 (Single Family Residential District) (Ward 9, District 14) (Lorino/Brister)

PEPEALS

Lorino - 1. Anita and Charles Yarbrough, Mary Casper, Christina Fleming, and Joseph Pizzuto appealing the Zoning Commission APPROVAL on June 4, 2019 to rezone 2.5 acres south of West Powerline Road, west of Highway 41, being 37190 West Powerline Road from A-2 (Suburban District) to A-2 (Single Family Residential District) and MHO (Manufactured Housing Overlay). (Ward 8, District 9) (2019-1439-ZO) (Petitioner: Mark David Bersuder) (Postponed 7/11/19)

NOTE: To concur with zoning APPROVAL, a simple majority vote is required and introduction of an ordinance.
NOTE: To override Zoning APPROVAL, a majority vote of the entire Council is required and adoption of a resolution.

Bellisario - he worked with Administration, the Petitioner and the Appellant, and they reached the following resolutions to the problems presented (read into the record). The Petitioners and the Appellant have agreed to the conditions.

Bellisario - moved to concur with the Zoning approval, second by Thompson. Unanimous with no one absent.

Bellisario - moved to introduce an ordinance, second by Tanner; becomes Ord. Cal. No. 6240.

Lorino - 2. Ivan Milicevic appealing the Zoning Commission DENIAL on August 6, 2019 to rezone 3.93 acres located south of Highway 435, east of W. Merrimeade Lane, west of White Oaks Lane from A-1 (Suburban District) and RO (Rural Overlay) to HC-3 (Highway Commercial District) and RO (Rural Overlay). (Ward 10, District 6) (2019-1517-ZC)

NOTE: To concur with Zoning DENIAL, a simple majority vote is required and adoption of a resolution.

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

Richard Baumgartner - he requests that the Council concur with the denial. The Plan is supposed to balance rural and commercial planning. Attempts at spot zoning unbalances and disrupts the dynamics of the area. It also raises concerns of what the next owner will build there.

Robert Baumgartner - he is opposed to this rezoning. He participated in the Northeast Comprehensive Rezoning Study. Until now, they have been successful in maintaining the zoning.

Randy Ponthieux - we do not need this type of zoning in an area that is predominately residential.

Ivan Milicevic - this is on Highway 435 and was approved to build a wine tasting venue. He owns 10 acres and wants to park cars on the side of the building. He was told he needed to rezone. If this is denied, he will have to remove some of his grape vines.

Baumgartner - they are not worried about what Mr. Milicevic plans. They are just concerned about what would be built if he sells the property.

Milicevic - he just wants the property to be rezoned, so he can build his parking lot.

Dean - can it be lower zoning?

Sidney Fontenot - it has to be at least HC-2 because the parking lot is for the business which is zoned HC-2.

Tanner - how many acres?

Milicevic - 40 acres, 9 of which are grapes and some of which is a pond.

Tanner - how many functions will you have per year?

Milicevic - may be only on weekends for now. He has received a lot of interest in the wine tasting. It will be a gravel parking lot.

Stefancik - maybe the parties can do a deed restrictions or rezone only a small portion of the property for the parking lot?

Riles - the Council should not consider deed restrictions, but the parties should consider them.
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NOTE: To override Zoning APPROVAL, a majority vote of the entire Council is required and adoption of a resolution.

Bellisario - he worked with Administration, the Petitioner and the Appellant, and they reached the following resolutions to the problems presented (read into the record). The Petitioners and the Appellant have agreed to the conditions.

Bellisario - moved to concur with the Zoning approval, second by Thompson. Unanimous with no one absent.

Bellisario - moved to introduce an ordinance, second by Tanner; becomes Ord. Cal. No. 6240.

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NOTE: To concur with Zoning DENIAL, a simple majority vote is required and adoption of a resolution.

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Stefancik - maybe the parties can do a deed restrictions or rezone only a small portion of the property for the parking lot?

Riles - the Council should not consider deed restrictions, but the parties should consider them.
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Tanner - moved to postpone, second by Canulette. Unanimous with no one absent.

ORDINANCES FOR ADOPTION

Lorino - 2. Ord. Cal. No. 6186 - Ordinance amending the Official Parish Zoning Map to reclassify 1.12 acres located north of Highway 190 East, east of Panther Street and west of Northshore Lane, being Lots 12 to 25, Beverly Heights Manor, Slidell from HC-2 (Highway Commercial District) to A-4A (Single-Family Residential District), (Ward 8, District 13) (2019-1418-ZC) (Blanchard) (ZC Approved 5/7/19) (Introduced 6/6/19) (Postponed 7/11/19 and 8/8/19)

Blanchard - moved to postpone, second by Smith. Unanimous with no one absent.

Lorino - 3. Ord. Cal. No. 6213 - Ordinance to extend for six (6) months the moratorium on the receipt of submissions by the Parish Zoning and Planning Commissions for the rezoning or re-subdivision of property and/or on the issuance of permits for construction or placement of any building structures on property south of Interstate 12, north of Highway 190, west of Highway 11, and east of the Precinct S19 Boundary Line within unincorporated boundaries of Ward 9 in District 14. (Ward 9 in District 14) (Smith) (Introduced 8/8/19)

Smith - moved to adopt, second by Blanchard. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 19-4130.

Lorino - 4. Ord. Cal. No. 6214 - Ordinance to authorize St. Tammany Parish Government, through the Office of the Parish President, to accept the dedication and donation of Wells Road for the use as a public street and providing for other matters in connection therewith. (Ward 1, District 3) (Thompson) (Introduced 8/8/19)

Thompson - moved to adopt, second by Dean. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 19-4131.

Lorino - 5. Ord. Cal. No. 6215 - Ordinance to amend Ordinance Council Series No. 19-4108 - Ordinance to Amend the Parish Code of Ordinances Section 6-34 - Location Restrictions. (Thompson) (Introduced 8/8/19)

Carlo Hernandez - this ordinance tried to change the distance of alcohol sales from 500 feet from schools, churches, etc. to 300 feet or less. He is requesting the Council to make the distance 500 feet or more again.

Terry Hand - the last amendment changed the distance to 300 feet or less, which stated that would have to get a waiver from the state. Now, the ordinance is tracking state law which makes the distance 300 feet or greater allowing the sales of packaged beer and wine only.

Thompson - unincorporated St. Tammany had different restrictions than the Parish municipalities and the State. He just wanted to make all of the laws equal.

Thompson - moved to adopt, second by Dean. Unanimous with no one absent; becomes Ordinance C.S. No. 19-4132.

Lorino - 6. Ord. Cal. No. 6216 - Ordinance to declare multiple tax adjudicated properties as surplus property and to authorize St. Tammany Parish to proceed with the process for the advertising and sale of such adjudicated properties. (Lorino/Brister) (Introduced 8/8/19)

Bellisario - moved to adopt, second by Toledano. Unanimous with no one absent; becomes Ordinance C.S. No. 19-4133.

Lorino - 7. Ord. Cal. No. 6217 - Ordinance amending the Official Parish Zoning Map to reclassify 5 acres located south of Boyd Road, east of Tanteta Ranch Road from A-1 (Suburban District) to A-1 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 1, District 3) (2019-1474-ZC) (ZC approved 7/2/19) (Lorino/Brister) (Introduced 8/8/19)
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Thompson - moved to adopt, second by Fitzgerald. Unanimous with no one absent; becomes Ordinance C.S. No. 19-4134.


Tanner - moved to postpone, second by Bellisario. Unanimous with no one absent.


Stefancik - moved to adopt, second by Bellisario. Unanimous with no one absent; becomes Ordinance C.S. No. 19-4135.

Lorino - 10. Ord. Cal. No. 6220 - Ordinance amending the Official Parish Zoning Map to reclassify 0.61 acre located east of Josephine Street, south of Mill Road, north of Ohio Road, being Lot 7, Covington from A-2 (Suburban District) to A-2 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 3, District 2) (2019-1484-ZC) (ZC approved 7/2/19) (Fitzgerald) (Introduced 8/8/19)

Fitzgerald - moved to adopt, second by Thompson. Unanimous with no one absent; becomes Ordinance C.S. No. 19-4136.


Teledano - moved to adopt, second by Bellisario. Unanimous with no one absent; becomes Ordinance C.S. No. 19-4137.


Teledano - moved to adopt, second by Bellisario. Unanimous with no one absent; becomes Ordinance C.S. No. 19-4138.

Canuette - moved to open the Off-the-Floor Agenda, second by Stefancik. Unanimous with no one absent.

SEPTEMBER 5, 2019 - ITEMS OFF-THE-FLOOR

Lorino - 1. Resolution to approve recommendations and authorize Civil Division Assistant District Attorney to proceed with the settlement of a lawsuit entitled Joyce Matkowski versus St. Tammany Parish Government, et al. (Lorino/Briste)

Stefancik - moved to adopt, second by Bellisario. Unanimous with no one absent; becomes Resolution C.S. C-6171.

There being no further business, meeting adjourned at the call of the Chairman.

Michael R. Lorino, Jr., Council Chairman

Teresa L. Ford, Council Clerk