

**MINUTES OF ST. TAMMANY PARISH COUNCIL MEETING**

**THURSDAY, JUNE 5, 2014 AT 6:00 P.M.**

**ST. TAMMANY GOVERNMENT COMPLEX**

**21490 KOOP DRIVE, MANDEVILLE, LA.**

**Call to Order by Honorable R. Reid Falconer, AIA, Chairman**

**Invocation by Dr. Waylon Bailey, First Baptist Church of Covington**

**Pledge of Allegiance by Mr. Groby**

**Roll Call:**     Marty Dean  
                  Dennis Sharp  
                  James A. (Red) Thompson  
                  Martin W. Gould, Jr.  
                  Richard E. Tanner  
                  Jacob (Jake) Groby  
                  R. Reid Falconer, AIA  
                  Chris Canulette  
                  E. L. Gene Bellisario  
                  Maureen O'Brien  
                  Steve Stefancik  
                  Jerry Binder  
                  Richard Artigue  
                  Thomas (T.J.) Smith, Jr.

**PRESENTATIONS**

**Falconer - 1. Certificate of Appreciation to Dr. Pramod Menon, Interim Coroner. (Binder/Gould)**

**Binder, Gould and President Brister presented certificate.**

**Dr. Menon - feels he has lived up to the challenges of the Coroner's Office and that he is delivering a more functional and transparent office to Dr. Preston. The Coroner's Office has the best staff, he could not have done it without them. They handled very delicate situations with grace. The Parish needs them. He thinks all citizens need to strive for civic responsibility. It was his own sense of civic responsibility which brought him to do this for the Coroner's Office, and he is proud to say he will be available to Dr. Preston as a Deputy Coroner.**

**Falconer - 2. Presentation to recognize Neil Hall for publishing his novel. (Brister)**

**President Brister presented certificate.**

**Neil Hall - explained the novel was inspired by a picture of his son in fatigues during Desert Storm. The novel is a tribute to all veterans, and he will be donating 10 percent of all sales to disabled Veteran's organizations.**

**Falconer - general announcements of meeting procedures.**

**Falconer - 1. Presentation of the Legislative Youth Advisory Council Leadership Award to Alexandra Cloutet by Patrick Flanagan, Advisory Council Member, and Senator Jack Donahue. (Falconer)**

**Patrick Flanagan - the Advisory Council is comprised of students from across the State. They only present this award to six students. Alex demonstrates the outstanding leadership deserving of this award. She is a graduate of Mandeville High School, and manages a schedule consisting of being the Captain of the swim team and a volunteer with four different agencies.**



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

Ord. Cal. No. 5196

Ord. Cal. No. 5211

Resolution C.S. No. C-4051

Resolution C.S. No. C-4066

Resolution C.S. No. C-4075

Ord. Cal. No. 5198

Ord. Cal. No. 5215

Resolution C.S. No. C-4063

Resolution C.S. No. C-4071

Resolution C.S. No. C-4076

Ord. Cal. No. 5207

Resolution C.S. No. C-4065

Resolution C.S. No. C-4074

### 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. (Call to Council Members and Audience for items to pull)

### MINUTES

Regular Council Meeting

May 1, 2014

Council Committee Meeting

May 28, 2014

### ORDINANCES FOR INTRODUCTION

(Public Hearing: July 10, 2014)

1. Ord. Cal. No. 5195 - Ordinance to extend for an additional six (6) months the moratorium on the opening of new streets in Angelic Estates. (Ward 3, District 5) (Gould)

3. Ord. Cal. No. 5197 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire certain parcels, rights of way and/or servitudes for the Hidden Oaks Lane Drainage Project. (Ward 8, District 8) (Falconer/Brister)

5. Ord. Cal. No. 5199 - Ordinance to amend the Parish Code, Appendix C, Unified Development Code, Article 7 Supplemental District Regulations, Section 7.06 Accessory Buildings and Structures, 7.0602 Boat Houses and Boat Slips to increase the permitted size of boat houses. (Artigue)

6. Ord. Cal. No. 5200 - Ordinance to amend the Parish Code, Appendix C, Unified Development Code, Article 2, Definitions, relative to Community Home. (Bellisario)

7. Ord. Cal. No. 5201 - Ordinance to amend Ordinance Council Series No. 03-0723, adopted July 10, 2003 and Ordinance Council Series No. 11-2569, Adopted July 15, 2011, to include all previously adopted ordinances regarding election precincts, locations and boundaries, and to approve precinct splits for polling locations approaching the Louisiana Secretary of State's maximum voter numbers, to approve necessary precinct mergers due to minimum capacity regulations, to approve necessary polling site location changes and all precinct boundaries contained herein. (Falconer)

8. Ord. Cal. No. 5202 - Ordinance to authorize the Parish President to accept the dedication and donation of Chat Court and to incorporate Chat Court into the Parish Road and Drainage Maintenance System. (Ward 5, District 6) (Tanner)

9. Ord. Cal. No. 5203 - Ordinance to authorize the Parish President to acquire by donation a certain utility servitude from Woodlands Property Owners Association, Inc. (Ward 4, Districts 5, 7) (Falconer/Brister)

10. Ord. Cal. No. 5204 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Magnolia Trace Subdivision. (Ward 8, District 9) (Falconer/Brister)



11. Ord. Cal. No. 5205 - Ordinance to correct the Road and Drainage Inventory to include Section Road Lateral; Firetower Road Lateral; two Highway 1078 Laterals; Country Club Drive Lateral; Highway 433 Lateral; Benjamin Road Lateral; Coin Road North; and to rename a portion of Exnicios Drive as Padoc Ranch Road. (Wards 2, 3, 4, 8 & 9) (Districts 2, 3, 4, 5, 6 & 11) (Falconer/Brister)

12. Ord. Cal. No. 5206 - Ordinance amending the official Parish Zoning Map to reclassify 3.02 acres located on the northwest corner of Highway 11 & Frickie Road, South of Johnny F. Smith Blvd. Being a portion of Lot 48-A-1, Johnny F. Smith Memorial Business Park from HC-3 (Highway Commercial District) to I-1 (Industrial District). (Ward 8, District 14). (ZC14-05-044) (ZC approved 5/6/14) (Falconer/Brister)

14. Ord. Cal. No. 5208 - Ordinance amending the official Parish Zoning Map to reclassify 2.03 acres located on the northwest corner of Meadows Blvd. & Airport Road from A-4 (Single-Family Residential District) to PF-1 (Public Facilities District). (Ward 9, District 11). (ZC14-05-042) (ZC approved 5/6/14) (Falconer/Brister)

15. Ord. Cal. No. 5209 - Ordinance amending the official Parish Zoning Map to reclassify 0.24 acre located north of Lakeview Drive, west of Harbor View Court, 278 Lakeview Drive, Unit No. 2. Slidell from A-6 (Multiple Family Residential District) to A-4A (Single Family Residential District). (Ward 9, District 13) (ZC14-05-041) (ZC approved 5/6/14) (Falconer/Brister)

16. Ord. Cal. No. 5210 - Ordinance amending the official Parish Zoning Map to reclassify 11.466 acres located at the southwest corner of Section Road & King Road from A-1 (Suburban District) to A-1-A (Suburban District). (Ward 2, District 6) (ZC14-05-038) (ZC approved 5/6/14) (Falconer/Brister)

18. Ord. Cal. No. 5212 - Ordinance amending the official Parish Zoning Map to reclassify 3.98 acres located south of Highway 22, west of Trapagnier Road, across from Belle Pointe Drive, being 1519 Highway 22 West, Madisonville from HC-1 (Highway Commercial District) to HC-2 (Highway Commercial District). (Ward 1, District 4) (ZC14-05-034) (ZC approved 5/6/14) (Falconer/Brister)

19. Ord. Cal. No. 5213 - Ordinance amending the official Parish Zoning Map to reclassify 11,000 square feet located west of Oak Avenue, South of Sycamore Avenue from A-4 (Single-Family Residential District) to A-4 (Single-Family Residential District) and MHO (Manufactured Housing Overlay). (Ward 8, District 14) (ZC14-05-033) (ZC approved 5/6/14) (Falconer/Brister)

20. Ord. Cal. No. 5214 - Ordinance to amend the 2014 Operating Budget - Amendment No. 5. (Falconer/Brister)

#### RESOLUTIONS

3. Resolution C.S. No. C-4064 - A resolution ordering and calling a special election in St. Tammany Parish Road Lighting District No. 9 and Road Lighting District No. 10 on November 4, 2014, for the purpose of authorizing the renewal of an annual service charge of not to exceed \$50.00 per structure or lot for a period of ten (10) years, for the purpose of paying utility charges for road lighting and maintaining and operating road lighting facilities and equipment within the Districts; and further making application to the State Bond Commission for consent and authorization to hold the aforesaid election; and further providing for other matters in connection therewith. (Canulette/Bellisario)

6. Resolution C.S. No. C-4067 - Resolution To Establish Performance Obligations. (Falconer/Brister)

7. Resolution C.S. No. C-4068 - Resolution to acknowledge the authority, pursuant to Home Rule, Charter Sections 1-04, 1-06, 3-01 and 3-09, for the Parish President to execute an Entity/State Agreement with the Louisiana Department of Transportation and Development for construction of a roundabout at the intersection of Highway 59 and Sharp Road. (Ward 4, Districts 5, 10) (Falconer/Brister)



8. Resolution C.S. No. C-4069 - Resolution to acknowledge the authority, pursuant to Home Rule Charter, Sections 1-04, 1-06, 3-01 and 3-09, for the Parish President to execute an Entity/State Agreement with the Louisiana Department of Transportation and Development for construction of a roundabout at the intersection of Highway 59 and Lonesome Road. (Ward 4, Districts 5, 10) (Falconer/Brister)

9. Resolution C.S. No. C-4070 - 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 Parish President, to execute a Cooperative Endeavor Agreement with St. Tammany Parish Development District for funding of one or more turn lanes near the Highway 1077/1085 interchange. (Ward 1, Districts 1, 3) (Falconer/Brister)

11. Resolution C.S. No. C-4072 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements/Asset List - General Fund - Camp Salmen. (010-87) (Falconer/Brister)

12. Resolution C.S. No. C-4073 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Assets List - Dept. of Health & Human Services - Social Services/CAA. (017-15) (Falconer/Brister)

16. Resolution C.S. No. C-4077 - Resolution to amend Ordinance C.S. No. 13-3052 - Grant Awards. (Falconer/Brister)

17. Resolution C.S. No. C-4078 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements List - Parishwide - Fund 300. (Falconer/Brister)

18. Resolution C.S. No. C-4079 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements List - District 6 - Fund 306. (Falconer/Brister)

19. Resolution C.S. No. C-4080 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements List - District 8 - Fund 308. (Falconer/Brister)

20. Resolution C.S. No. C-4081 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements List - District 9 - Fund 309. (Falconer/Brister)

21. Resolution C.S. No. C-4082 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements List - District 13 - Fund 313. (Falconer/Brister)

22. Resolution C.S. No. C-4083 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$56,560.00 from drainage fees collected in lieu of on-site drainage improvements in the Pearl River Basin to Capital Fund 316 Drainage for the purpose of developing a model for predicting water levels in the Pearl River Basin. (Falconer/Brister)

23. Resolution C.S. No. C-4084 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements List - Koop Complex (321-00). (Falconer/Brister)

24. Resolution C.S. No. C-4085 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Asset List-Grants-Homeland Security (404-35, 404-37, 404-38). (Falconer/Brister)

25. Resolution C.S. No. C-4086 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements List - Grants - Drainage (416-14) and Environmental Services (420-26). (Falconer/Brister)

26. Resolution C.S. No. C-4087 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements List - Grants - Environmental Services. (420-37 and 420-38) (Falconer/Brister)

27. Resolution C.S. No. C-4088 - Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements List - Grants - Airport (440-10). (Falconer/Brister)



28. Resolution C.S. No. C-4089 -Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements List - Utility Operations (622-95). (Falconer/Brister)

**END OF CONSENT CALENDAR**

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

Falconer - 2. Ord. Cal. No. 5196 - Ordinance to extend for an additional six (6) months the moratorium on the approval of rezoning and issuance of plan review permits, not previously received, for property abutting the Louisiana Highway 21 Planned Corridor from Lalanne Road North to Azalea Drive.(Ward 1, District 1) (Dean)

Dean - moved to introduce, second by Tanner.

\*CLERK'S NOTE - due to the rescheduling of the July Council Meeting, an emergency ordinance needed to be adopted to ensure there was no gap in coverage of the moratorium.

Dean - moved to introduce an emergency ordinance, second by Canulette; becomes Ord. Cal. No. 5216.

Dean - moved to suspend the rules to adopt, second by Thompson. Unanimous with no one absent; becomes Ordinance C.S. No. 14-3138.

Falconer - 4. Ord. Cal. No. 5198 - Ordinance to amend the Parish Code, Chapter 7, Drainage and Flood Control, Article VII, to enact creating St. Tammany Parish Sub-Drainage District No. 5 of Gravity Drainage District No. 5. (Emerald Oaks). (Gould)

Gould - moved to introduce, second by Tanner.

Gould - distributed a memo from the Department of Engineering stating the emergency drainage issues requiring this Sub-Drainage District to be created as soon as possible. (See Clerk's notes)

Gould - moved to suspend the rules to adopt, second by Tanner. Unanimous with no one absent; becomes Ordinance C.S. No. 14-3140.

Falconer - 13. Ord. Cal. No. 5207 -Ordinance amending the official Parish Zoning Map to reclassify 30.1348 acres located north of Northpark Blvd., west of Lake Drive, east of Park Place from HC-3 (Highway Commercial District) & PBC-1 (Planned Business Center) to an PBC-1 (Planned Business Center). (Ward 3, District 5) (ZC14-05-043) (ZC approved 5/6/14) (Falconer/Brister)

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

Falconer - 17. Ord. Cal. No. 5211 - Ordinance amending the official Parish Zoning Map to reclassify 38,203 square feet located on the northeast corner of Orleans Street & Foy Street from A-4 (Single-Family Residential District) to A-4A (Single-Family Residential District). (Ward 4, District 10) (ZC14-05-036) (ZC approved 5/6/14) (Falconer/Brister)

O'Brien - she wanted to explain that after a community meeting, the homeowner has filed a deed restriction.

Hand - legally the Parish does not enforce restrictive covenants. It is the responsibility of the neighboring properties to address any complaints.

O'Brien - moved to introduce, second by Smith.

Falconer - 21. Ord. Cal. No. 5215 - Ordinance amending the official Parish Zoning Map to reclassify 120 acres located east of Lee Road Extension, just south of the Washington/St. Tammany Parish Line from A-1 (Suburban District) to I-1 (Industrial District). (Ward 2, District 6) (ZC14-06-050) (ZC Hearing 6/3/14)



Terri Stevens - she would like to point out this was only approved by the Zoning Commission two days ago and will be introduced tonight before the appeal period ends. The process seems to have been circumvented. At the Agenda Review meeting she expressed her concern that a better communication system needs to be developed to notify nearby properties of what is happening. This property is surrounded by residential zoning, and it will become industrial with no plan for remediation after the gravel pit is no longer being used. She also feels there needs to be a zoning classification for gravel pits.

John Herasymiuk - he lives off of Highway 1082, and there are a lot of trucks traveling to and from the gravel pits. The trucks drive 70 miles an hour, and it is hard on the road. This zoning change is a big jump from A-2 to I-1, but then once it receives I-1 zoning, it will be easy to increase the zoning to I-2, which would allow drilling, etc. He is concerned about the possible uses for this land.

Jeff Schoen - represents the petitioner. He does not think this is appropriate to debate here. He suggested to Mr. Tanner that if the Zoning Commission approved this unanimously, then he might want to introduce it at tonight's meeting. They know any appeal was possible. The introduction tonight will provide an opportunity to have the ordinance adopted quickly. His client wants to apply for an administrative permit, so he can make the abandoned dirt pit safe again. He will have to meet all the current regulations for dirt pits in making sure it is safe. He has not skirted any public hearings.

Tanner - it is not a gravel pit. It is a dirt pit, and there seems to be a lot of confusion about its location. The property is surrounded by swampland and two other dirt pits. The trucks on Highway 1082 are not coming from here, they are coming from gravel pits in Washington Parish headed to New Orleans. Everyone needs to realize that all of the foundations in the Parish came from these dirt pits.

Tanner - moved to introduce, second by Thompson.

Falconer - 1. Resolution C.S. No. C-4051 - Resolution to concur/not concur with the City of Slidell annexation and rezoning of 12.001 acres located on U.S. Highway 190 (Gause Blvd West) in Section 5, Township 9 South, Range 14 East from Parish HC-2 (Highway Commercial) and A-2 (Suburban District) to Slidell A-8 (High Density Urban District). (Ward 9, District 11) (Falconer/Brister) (Postponed 5/1/14)

Stefancik - he worked with the City of Slidell, and they reached an agreement to concur with the stipulation there will not be any new cuts on Highway 190.

Stefancik - moved to adopt, second by Binder. Unanimous with no one absent.

Falconer - 2. Resolution C.S. No. C-4063 - Resolution to request the St. Tammany Parish Department of Environmental Services develop a protocol for the establishment of baseline testing for potable water utilizing U.S. Environmental Protection Agency (EPA) testing methods and certified labs for potable water testing in order to provide potable water certification. (Groby)

O'Brien - moved to table until after the Appeal, second by Canulette. Unanimous with no one absent.

Falconer - 4. Resolution C.S. No. C-4065 - Resolution requesting the Louisiana Commissioner of Conservation to consider delaying a decision on the issuance of any permits relative to hydraulic fracturing in St. Tammany Parish. (Groby)

Canulette - moved to table until after the Appeal, second by O'Brien. Unanimous with no one absent.

Falconer - 5. Resolution C.S. No. C-4066 - Resolution to request the St. Tammany Parish Public Library reopen a satellite library in southeastern St. Tammany Parish. (Binder)



Binder - he has asked three people from the Library system to come and discuss this. Donald Westmoreland, Dr. Morgan and Becky Taylor. Hurricane Katrina destroyed the satellite library in southeast St. Tammany. He met with Mr. Westmoreland and the Board who have agreed that the need for a satellite library is there and they have found a few locations of at least 6,000 square feet which would be suitable.

Mr. Westmoreland - the satellite library was on Pontchartrain, and Slidell has waited patiently while the Madisonville branch was built. Now that there is more flood protection in the area it is a possibility.

Dr. Morgan - thanks the Council for considering this resolution. They want a bigger presence on the east end of the Parish. The Slidell branch is the biggest branch in the Parish, but they feel the need for an additional library to provide more resources for schools. The people in the east are readers and they are very involved in the technology available at the library. They are not asking for money, they just want permission to make inquiries into the possibility of a new Slidell branch.

Binder - a new branch would serve schools on the south side of Slidell, such as Brock Elementary, St. Tammany Junior High, Our Lady of Lourdes and First Baptist, Salmen High School, Carolyn Park and Bayou Woods.

Smith - Mr. Westmoreland - he appreciates the need for this. You stated there will be no fund increase at this time, but the Parish is about to enter the budget process, is this action connected with the tax/millage renewal.

Binder - there are already a considerable amount of funds available for renovation, but at no time, did they discuss raising millage. This is only about existing funds, not a precursor to a millage increase.

Binder - moved to adopt, second by Canulette. Unanimous with no one absent.

Falconer - 10. Resolution C.S. No. C-4071 - Resolution to create the position of Director of Mental Health for the St. Tammany Parish Coroner's Office and to set the salary of the Director of Mental Health and also that of the Chief Investigator as required by Louisiana House Act No. 181 (R.S. 13:5725). (Falconer)

Tanner - the Agenda Review Committee recommended this Resolution be broken into two resolutions, one for the Director of Mental Health and one for the position of Chief Investigator. No salary was recommended for either position.

Sharp - everyone agrees that these positions need to exist, but he thinks that salaries need some discussion before decisions are made.

Sharp - moved to split matter into separate resolutions, second by Gould. Unanimous with no one absent.

Tanner - the salary options for Mental Health Director are \$180,000 on a contract basis or \$150,000 as an employee.

Dr. Preston - the Chief Investigator is not a new position. The Chief Investigator is a critical part of every coroner's office. The salary he is requesting is \$50,000 less than the last Chief Investigator's, but he plans to make the new Chief work a lot harder. He will serve as a liaison with all of the death investigators. By the way, the death investigators also work as mental health investigators, which makes it critical to have a director of mental health.

Leslie Long - Dr. Preston is asking for a salary at Grade 12, Step 1.

Sharp - moved to adopt a Resolution to create the position of Mental Health Director for the Coroner's Office, second by Dean. Unanimous with no one absent; replaces Resolution C.S. No. C-4071.



Tanner - moved to set the salary of the Chief Investigator for the Coroner's Office at \$54,882, second by Canulette. Unanimous with no one absent; becomes Resolution C.S. No. C-4090.

Binder - as far as the Mental Health Director, he thinks hiring the director on a contract basis defeats the purpose. He thinks it needs to be a salaried position with benefits. This position is needed. Mental health is very important.

O'Brien - She talked to the citizens in her District about the salary, and they would like to see the salary set lower to leave room for increase. Dr. Difatta makes about that salary, but he has been working for 15 years. She is not saying they should low ball the salary, but she thinks \$180,000 is a little high.

Dr. Preston - the job description for this position states salary is commiserate with experience. His candidate has over 30 years of experience in the mental health field. He is going to ask the new Mental Health Director to do a lot more than what the law requires, which is just to sign Coroner's Emergency Certificates (CEC). Jefferson Parish pays its director \$300,000 to do just that. He expects his Mental Health Director to become involved in each CEC and work with STOPS (St. Tammany Outreach for the Prevention of Suicide) and NAMI (National Alliance on Mental Illness) with an experienced psychiatrist on staff and working with these organizations, they may be able to avoid some crises. A contracted physician is bound by the rules of contract. If he is on the staff, then he can be hired or fired as needed.

Council discussion ensued.

Dr. Preston - his hope is to have a psychiatrist in on the first level of the commitment stages to establish easier access and not have to rely on investigators and law enforcement to have patients committed. This will save money on Sheriff's deputies, hospital beds, etc.

Gould - moved to call the question, second by Canulette. Motion passes with 12 yeas, 2 nays (Stefancik, Smith) and 1 absent (O'Brien).

Binder - moved to set the Coroner's Office Mental Health Director's salary at \$180,000 including benefits, second by Canulette. Motion passed with 8 yeas, 6 nays (Sharp, Thompson, Tanner, O'Brien, Stefancik and Smith) and no one absent; becomes Resolution C.S. No. C-4091.

Falconer - 13. Resolution C.S. No. C-4074 - Resolution to concur/ not concur with the Slidell annexation and rezoning of 1.35 acres located at the southeast corner of the intersection of Gause Blvd East at Frederick Drive from Parish HC-2 (Highway Commercial District) to Slidell C-4 (Highway Commercial District). (Ward 8, District 8) (Falconer/Brister)

Canulette - moved to concur, second by Gould. Unanimous with 2 absent (Bellisario, Stefancik).

Falconer - 14. Resolution C.S. No. C-4075 - Resolution to concur/ not concur with the Slidell annexation and rezoning of 3.26 acres located at 2528 Old Spanish Trail (Highway 433) from Parish HC-2 (Highway Commercial District) to Slidell C-4 (Highway Commercial District) (Ward 8, District 13) (Falconer/Brister)

Artigue - moved to concur, second by Canulette. Unanimous with 2 absent (Bellisario, Stefancik).

Falconer - 15. Resolution C.S. No. C-4076 - Resolution to concur/ not concur with the Slidell annexation and rezoning of 2.683 acres located at the intersection of Lindberg Drive and McKinney Road from Parish HC-2 (Highway Commercial District) to Slidell C-4 (Highway Commercial District). (Ward 8, District 14) (Falconer/Brister)

Smith - moved to concur, second by Artigue. Unanimous with 1 absent (Stefancik).



## APPEALS

Falconer - 1. Dawn Kahl and Keith Province appealing the Zoning Commission APPROVAL on April 1, 2014 to rezone 3.5 acres located north of Nina Drive, west of Transmitter Road, Oaklawn East Subdivision from A-4 (Single-Family Residential District) to A-4 (Single-Family Residential District) and MHO (Manufactured Housing Overlay). (Ward 7, District 7) (ZC14-04-029) (Applicant: Jeff Schoen on behalf of Michael Fridge) (Postponed 5/1/14)

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.

Grobby - moved to postpone, second by Thompson. Unanimous with 2 absent (Stefancik, Artigue).

O'Brien - moved to bring Ord. Cal. No. 4063 and Ord. Cal. No. 4065 off of the table, second by Bellisario. Unanimous with 1 absent (Artigue).

Falconer - 2. Resolution C.S. No. C-4063 - Resolution to request the St. Tammany Parish Department of Environmental Services develop a protocol for the establishment of baseline testing for potable water utilizing U.S. Environmental Protection Agency (EPA) testing methods and certified labs for potable water testing in order to provide potable water certification. (Grobby)

Kay Fallon - she is in favor of baseline testing for water, but she thinks there is also a need for testing regulations for air quality. She has spoken to firemen who say they do not have the proper equipment to handle any potential fracking accidents.

Deborah Burst - she agrees with Kay Fallon, but she thinks more details are needed regarding testing, such as whether testing results will be offered to the public. Also, the Council needs to realize that some citizens do not have computers, and there needs to be a way to better disburse information in an emergency, such as a boil water order.

Grobby - read a statement into the record. (See Clerk's Notes)

Grobby moved to adopt, second by O'Brien. Unanimous with no one absent.

Falconer - 4. Resolution C.S. No. C-4065 - Resolution requesting the Louisiana Commissioner of Conservation to consider delaying a decision on the issuance of any permits relative to hydraulic fracturing in St. Tammany Parish. (Grobby)

Burst - read a message from a friend in Texas regarding how she moved to her ideal place when they were told the water had become contaminated by fracking, and she and her son became sick. They were told by the government and the oil companies that the studies showing the water was contaminated were wrong. The oil companies were not taking any responsibility.

Maurice Dupre - research mathematician - wants to know if the Council and citizens are aware that all of the accidents that have been caused by fracking would fill a pool as big as a football field. Fracking wastewater is more dangerous because of the list of unknowns. The EPA only guesses what the maximum tolerance amounts are.

Robert Cuppay - he is opposed to fracking.

Terrilyn Peterson - she is a resident of the Parish and a public employee. She thinks the Council needs to pass an ordinance that fracking is not allowed. The Parish is known for good health and clean air and water. She wants it to stay that way for her kids.

Michael Finn - he has been a doctor since 1976. When he moved here, there was a creosote factory across from his house. His son and two other children contracted Hodgkins Disease. Everything we do for our bodies or in the environment will have an effect. The experts are often wrong. The problems may not show up until our grandchildren grow up. The Council's obligation is to the people of the Parish, and the Council should not allow oil development into this community.



Melissa Pearson - she is a homeowner and business owner. Rarely hear of people in favor of fracking. What she is hearing, which is disconcerting, is that the Council cannot do anything about fracking, that it is out of their hands. We can beat this. We are Americans and "Big Oil" will not win. The Council need to complete a ban on fracking. It is our right as Americans.

Kort Hutchinson - St. Martin Parish filed a lawsuit on July 10, 2013 against the EPA. The EPA inspected a plant and failed to keep records of it. They also did not have an inspector or accountable person on site, and failed to have a plan for dump valves.

Groby - moved to adopt, second by Bellisario. Unanimous with 1 absent (Dean).

O'Brien - moved to open the Off-the-Floor Agenda to move up Item Nos. 2 and 3, second by Canulette. Unanimous with 1 absent (Artigue).

Falconer - 2. Resolution authorizing Special Counsel to represent St. Tammany Parish and to proceed with the filing of a declaratory judgment action and petition for injunctive relief against the Office of Conservation of the Louisiana Department of Natural Resources, regarding the issuance of oil and gas drilling permits in the Parish of St. Tammany. (Gould)

Falconer - 3. Proposed litigation regarding St. Tammany Parish vs. Commissioner of Conservation, Louisiana Department of Natural Resources, involving the determination of the Parish's zoning authority and the State's regulatory authority pertaining to oil and gas exploration in St. Tammany Parish.

Terry Hand - Item No. 3 was originally going to be a discussion item, but it will be handled as part of Item No. 2.

Callie Casstevens - she is an environmental attorney and there is a lot of misinformation on this topic. An environmental assessment should be conducted per Federal law, if the action will have a significant impact on the human environment. She suggests having the assessment done, and consider passing an ordinance banning fracking.

Dr. Stephanie Houston Grey - she asks the Council to consider a ban on fracking along with all other legal measures. She feels it will have an effect. Fracking has been banned in France, Vermont, and many counties in New York and Pennsylvania. Fracking creates stress related illnesses. It is important to play the legal game as well as can, but the citizens want to feel confidence in Government.

Janine Williams - the best approach to take is to ban fracking, which has taken place in 400 plus municipalities. The State statute forbids the Parish from impeding with oil and gas, but it is not in effect until the drilling permit is issued. Now is the time to ban. The Council swore an oath to protect the public health and safety, and to do anything less than ban fracking is not living up to that oath. We do not owe the oil and gas companies anything.

James Blazek - he is the legal chairman for CCST - they have five attorneys on the team with one environmental attorney, and they are working with attorneys from Loyola and Tulane. All have encouraged the Council to consider their oaths, the preamble to the Home Rule Charter and the Louisiana and US Constitutions. He has represented and defended oil companies when accidents occurred. Even though the companies were safety conscious, accidents occurred. Plus all of the companies have contractors and subcontractors working for them.

Deborah Burst - she has been living here for 30 years. In 1979, they crossed a creek to build their house. She is a writer and photographer who works outside in the heat because she cannot stop thinking about the beauty of this Parish. There is a long list of oil companies looking for land in the Parish to pierce Tuscaloosa Shale. Contractors and oil companies can sell leases to someone else.

Rick Franzo - the Parish's quality of life and sole source aquifer are at risk. The State laws are weak and empower the oil companies. The decisions made here today will effect the lives of the citizens for years to come. Everyone needs to work together to protect their way of life. The legal



opportunities available are deep, including working with environmental lawyers at Loyola and Tulane. CCST will defend the community to the Supreme Court with or without the Parish Government. They do not support this resolution. They will only support an Ordinance to ban fracking.

Johnmichal Myhal - he knows the Council is concerned that legal fees will bankrupt the Parish. As a tax payer, he gives permission to do that. He learned from Hurricane Katrina that one can recover economically, but you cannot un-poison the water.

Gould - Rick Poirier with Blue Williams will be researching the issues. He asks Mr. Poirier to explore the ban as part of the legal process. He lives here too and lives close to where the fracking will happen.

Gould - moved to adopt, second by Smith. Unanimous with no one absent.

### ORDINANCES FOR ADOPTION

Falconer - 1. Ord. Cal. No. 5168 - Ordinance to amend Ordinance Council Series Numbers 00-0174, 05-1049 and 05-1199 to provide for amendments to the Personnel Policies pertaining to compensation. (Introduced 3/6/14) (Postponed and referred to Finance Committee 4/3/14 and 5/1/14)

Stefancik - moved to postpone to the August meeting,

Canulette - why?

Stefancik - because the salary study will not be completed until August, so that will be the earliest this matter can be discussed.

Stefancik - reiterated motion to postpone to the August meeting, second by Gould. Unanimous with no one absent.

Falconer - 2. Ord. Cal. No. 5170 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume 1 (Zoning) Section 5.27 MD-1 (Medical Residential District), Section 5.28 MD-2 (Medical Clinic District), and Section 5.29 MD-3 (Medical Facility District) relative to buffer, setback, and height regulation. (ZC-14-02-019) (Introduced 3/6/14) (Postponed 4/3/14, 5/1/14 and 6/5/14)

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

Falconer - 3. Ord. Cal. No. 5172 - Ordinance to amend and reenact Section 3-164.00 Location Restrictions of the Alcoholic Beverage Regulations under Article VII - All Wards. (Introduced 4/3/14) (Postponed 5/1/14 and 6/5/14)

Gould - moved to postpone, second by Sharp. Unanimous with no one absent.

Falconer - 4. Ord. Cal. No. 5186 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Montgomery Terrace, Phase 3 Subdivision. (Ward 1, District 1) (Introduced 5/1/14)

Dean - moved to adopt, second by Sharp. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 14-3141.

Falconer - 5. Ord. Cal. No. 5187 - Ordinance to correct the Road and Drainage Inventory to delete Coquille Drive and White Ash Loop; and to rename W. Railroad Avenue as Adair Street. (Wards 1 & 4) (Districts 4 & 10) (Introduced 5/1/14)

O'Brien - moved to adopt, second by Stefancik. Unanimous with no one absent; becomes Ordinance C.S. No. 14-3142.



Falconer - 6. Ord. Cal. No. 5188 - Ordinance amending the Official Parish Zoning Map to reclassify 1.47 acres located south of US Highway 190, east of Banner Road, west of Westminster Drive from HC-1 (Highway Commercial District) to HC-2 (Highway Commercial District). (Ward 9, District 14) (ZC14-04-032) (ZC Approved 4/1/14) (Introduced 5/1/14)

Smith - moved to adopt, second by Tanner. Unanimous with no one absent; becomes Ordinance C.S. No. 14-3143.

Falconer - 7. Ord. Cal. No. 5189 - Ordinance amending the Official Parish Zoning Map to reclassify 0.49 acre located south of Mashie Street, west of Ace Street, east of Iron Street, being lot 27, Square 7, Hillcrest Country Club Subdivision, Addition No 2 from A-3 (Suburban District) to A-3 (Suburban District) & MHO (Manufactured Housing Overlay). (Ward 10, District 6) (ZC14-04-031) (ZC Approved 4/1/14) (Introduced 5/1/14)

Tanner - moved to adopt, second by Gould. Unanimous with no one absent; becomes Ordinance C.S. No. 14-3144.

Falconer - 8. Ord. Cal. No. 5190 - Ordinance amending the Official Parish Zoning Map to reclassify 4 acres located north of Stewart Road, east of Green Valley Road, being 12132 Stewart Road, Folsom from A-1 (Suburban District) to A-1 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 3, District 3) (ZC14-04-030) (ZC Approved 4/1/14) (Introduced 5/1/14)

Thompson - moved to adopt, second by Gould. Unanimous with no one absent; becomes Ordinance C.S. No. 14-3145.

Falconer - 9. Ord. Cal. No. 5191 - Ordinance to Amend the 2014 Operating Budget - Amendment No. 4. (Introduced 5/1/14)

Bellisario - moved to adopt, second by Canulette. Unanimous with no one absent; becomes Ordinance C.S. No. 14-3146.

Falconer - 10. Ord. Cal. No. 5192 - Ordinance amending the official Parish Zoning Map to reclassify 0.91 acre located south of US Highway 190, east of Lake Road, west of Bayou Lacombe, being 28214 Highway 190, Lacombe from A-2 (Suburban District) to HC-2 (Highway Commercial District). (Ward 7, District 7) (ZC14-03-020) (Introduced 5/1/14)

Groby - moved to adopt, second by Tanner. Unanimous with no one absent; becomes Ordinance C.S. No. 14-3147.

Falconer - 11. Ord. Cal. No. 5193 - Ordinance amending the official Parish Zoning Map to reclassify 3.31 acres located north of Henry Road, east of Lee Road from A-1-A (Suburban District) to A-3 (Suburban District). (Ward 2, District 2) (ZC14-04-027) (Introduced 5/1/14)

Sharp - moved to adopt, second by Groby. Unanimous with no one absent; becomes Ordinance C.S. No. 14-3148.

Falconer - 12. Ord. Cal. No. 5194 - Ordinance to amend the St. Tammany Parish Code of Ordinances, Chapter 20 Roads & Bridges, Sec. 20-013.00 to provide for additional road and drainage security requirements. (Introduced 5/1/14)

Gould - moved to adopt, second by Tanner. Unanimous with no one absent; becomes Ordinance C.S. No. 14-3149.

#### APPOINTMENTS

Falconer - 1. Resolution to appoint Daniel Seiden to replace Robert Whelan on St. Tammany Parish Recreation District No. 1. (Falconer)

Groby - moved to appoint, second by Tanner. Unanimous with no one absent; becomes Resolution C.S. No. C-4092.



Falconer - 2. Resolution to appoint Cynthia Lawson, Don Johnsen, Jorden Johnson, Rosie Dufrene, Carol Jacobson to the board for St. Tammany Parish Sub-Drainage District No. 2 of Gravity Drainage District No. 5. (Gould)

Gould - moved to appoint, second by Tanner. Unanimous with no one absent; becomes Resolution C.S. C-4093.

#### AWARD OF BIDS

BID ITEM: Parish Official Journal, July 1, 2014 - June 30, 2015

BID NUMBER: 502-02-14-24-2

Lowest Responsible Bidder at \$0.94 per column inch - The St. Tammany Farmer

Gould - moved to accept bid, second by Thompson. Unanimous with no one absent.

#### DISCUSSIONS AND OTHER MATTERS

Falconer - 1. Motion to refer to Zoning Commission for recommendation on the proposed re-zoning of 4.736 acres located on Okeefenokee Road in Section 40, Township 8 South, Range 14 East from A-2 (Suburban District) to A-2 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 8, District 6) (Tanner)

Tanner - moved to refer, second by Gould. Unanimous with no one absent.

Falconer - 2. Motion to refer to Zoning Commission for recommendation on the proposed re-zoning of 4.906 acres located at the intersection of Shelby Road and Section Road in Section 16, Township 5 South, Range 11 East from A-1 (Suburban District) to A-2 (Suburban District). (Ward 2, District 6) (Tanner)

Tanner - moved to refer, second by Thompson. Unanimous with no one absent.

O'Brien - moved to open the Off-the-Floor Agenda to discuss the remaining items, second by Canulette. Unanimous with no one absent.

#### OFF-THE-FLOOR

Falconer - 4. Resolution to amend the major road system list developed as part of the Transportation Impact Fee Study to add the Mandeville Bypass Road as part of the Major Road System. (Tanner)

Tanner - moved to adopt, second by Thompson. Unanimous with no one absent; becomes Resolution C.S. No. C-4096.

Falconer - 5. Resolution to amend Ordinance C.S. No. 13-3052 to make changes to the Capital Improvements List - for the acquisition of Southeast Louisiana Hospital property from the State of Louisiana. (Stefancik)

Stefancik - moved to adopt, second by Artigue. Unanimous with no one absent; becomes Resolution C.S. No. C-4097.

Falconer - 6. Emergency Ordinance authorizing the Parish of St. Tammany, through the Office of the Parish President, to purchase 296 acres comprising the former Southeast Louisiana Hospital site from the State of Louisiana. (Ward 4, District 7) (Tanner)

Bellisario - has the fair market value been determined?

Brister - yes. They have received four appraisals on the property.

Tanner - moved to introduce, second by Groby; becomes Ord. Cal. No. 5217.



Tanner - moved to suspend the rules and adopt, second by Groby. Unanimous with no one absent.; becomes Ordinance C.S. No. 14-3139.

Falconer - 7. Ordinance authorizing the Parish of St. Tammany, through the Office of the Parish President, to purchase 296 acres comprising the former Southeast Louisiana Hospital site from the State of Louisiana. (Ward 4, District 7) (Tanner)

Kelly Rabalais - this Ordinance needs to be amended to reflect it will be effective immediately upon adoption.

Sevante - suggests that this item be considered at the June 25 Special Council Meeting.

Tanner - moved to amend to reflect effective immediately upon adoption and to address the item at the June 25 Special Council Meeting, second by Smith. Unanimous with 1 absent (Gould).

Tanner - moved to introduce, second by Gould; becomes Ord. Cal. No. 5218.

Stefancik - two members of the Board of Sewerage District No. 2 resigned last week, and it is necessary to appoint 2 new members as soon as possible to establish a quorum. Moved to open this item for discussion, second by Bellisario. Unanimous with 1 absent (Gould).

Stefancik - moved to appoint Wayne Day and Greg Nieto to replace Jerry Mullett and Ken Miller on Sewerage District No. 2, second by Artigue. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-4098.

Canulette - moved to enter executive session, second by Sharp. Unanimous with 1 absent (Gould).

#### EXECUTIVE SESSION

Falconer - 1. Lawsuit entitled: Doris Felderman, et al v. Edward Gornak, et al, 22<sup>nd</sup> Judicial District Court, Case No. 2010-13604, Division "J".

Canulette - moved to exit Executive Session, second by Stefancik. Unanimous with 1 absent (Gould).

Stefancik - moved to adopt a Resolution authorizing settlement of the referenced lawsuit, second by Bellisario. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-4094.

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

  
R. REID FALCONER, AIA, COUNCIL CHAIRMAN

  
THERESA L. FORD, COUNCIL CLERK