

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

**THURSDAY, OCTOBER 6, 2011 AT 6:00 P.M.**

**ST. TAMMANY GOVERNMENT COMPLEX**

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

**Call to Order by Honorable Martin Gould, Jr., Chairman**

**Invocation by Mr. Falconer**

**Pledge of Allegiance by Mr. Artigue**

**Roll Call: Marty Dean  
Gary Cooper  
James A. "Red" Thompson  
R. Reid Falconer  
Rebecca Howell  
Al Hamauei  
Marty Gould  
Chris Canulette  
E. L. Gene Bellisario  
Henry Billiot  
Steve Stefancik        ABSENT  
Jerry Binder  
Richard Artigue  
Ken Burkhalter**

**PRESENTATIONS**

**Gould - 1. Certificate of Recognition to Len Finley for his years of service on the Board of St. Tammany Parish Sewerage District No. 4. (Falconer)**

**Falconer - moved to table, second by Burkhalter. Unanimous with 1 absent (Stefancik).**

**Gould - 2. Presentation by Captain Greg Schlumbrecht, the St. Tammany Parish Guide Fisherman. (Canulette/Artigue)**

**Captain Schlumbrecht - they are here today to talk about the lack of guide business coming to St. Tammany. There are billboards and ads in guide magazines for fishing in Plaquemines and Houma, but there is no advertising for St. Tammany. With the hurricanes in 2005 and 2006, the oil spill, the opening of the spillway and the fish kill, they are not getting any new business. They want to show people the benefits to the Parish of groups hiring fishing guides. When groups come into the Parish to charter a fishing boat many local businesses benefit. The guides, of course, bait shops, bait fisherman, grocery stores, hotels, tackle stores and restaurants. Then, hopefully, if the groups have a good trip, they will come back. They have talked to the Tourist Commission about advertising the Fishing Guide Industry, but there is still no advertising.**

**Captain Dudley Vandeborne - a lot more people fish from docks and marinas in St. Tammany and put more into our economy than in Plaquemines. When an individual comes in from Baton Rouge, they spend their money here and make a huge economic impact. Thinks the Fishing Guide Industry needs to be advertised.**

**Gould - and you have spoken to the Tourist Commission?**

**Captain Schlumbrecht - yes, and they were told the funds were limited.**

**Gould - Mr. Artigue - please do a resolution for next month to the Tourist Commission to look into supporting the Fishing Guide Industry.**

**Bellisario - on a different note, in the election on October 22, there is an initiative proposition to approve additional homestead exemption for disabled veterans and their families. Please go out and vote.**

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

Ord. Cal. No. 4637

Ord. Cal. No. 4660

Resolution C.S. No. C-3207

Resolution C.S. No. C-3238

Ord. Cal. No. 4645

Ord. Cal. No. 4662

Resolution C.S. No. C-3210

Ord. Cal. No. 4655

Resolution C.S. No. C-3190

Resolution C.S. No. C-3212

Consent Calendar less items pulled:

**CONSENT CALENDAR  
(PAGES 1 THROUGH 5)**

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

September 1, 2011

Special Council Meeting

September 28, 2011

Council Committee Meeting

September 28, 2011

**ORDINANCES FOR INTRODUCTION**

(Public Hearing: November 3, 2011)

3. Ord. Cal. No. 4649 - Ordinance amending the Official Parish Zoning map to reclassify 10.72 acres located south of Ellis Jourdan Road, west of Booth Road from A-1 (Suburban District) and RO (Rural Overlay) to A-1-A (Suburban District) and RO (Rural Overlay). (Ward 2, District 3) (ZC11-08-073 ) (Zoning Commission approved 9/6/11) (Gould/Davis)

4. Ord. Cal. No. 4650 - Ordinance amending the Official Parish Zoning map to reclassify 14.13 acres located north of LA Highway 40, east of House Creek Road, west of Press Sharp Road from A-1 (Suburban District) to A-1-A (Suburban District). (Ward 2, District 2) (ZC11-09-078) (Zoning Commission approved 9/6/11) (Gould/Davis)

5. Ord. Cal. No. 4651 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire certain-rights-of way and/or servitudes located at the southeast intersection of Highway 59 and Highway 1088. (Gould/Davis)

6. Ord. Cal. No. 4652 - Ordinance amending and ratifying Ordinance C.S. No. 11-2547 to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Article 2 Definitions, creating Section 5.36 SWM-1 Solid Waste Management District, Section 5.37 SWM-2 Solid Waste Management District and amending Section 8.01 Minimum Standards. (Bellisario)

7. Ord. Cal. No. 4653 - Ordinance to amend St. Tammany Parish Code of Ordinances, Appendix B, Chapter 40, Subdivision Regulatory Ordinance No. 499, Section 40-045.00 Minor Subdivision Review, particularly paragraphs B and D thereof. (Gould)

8. Ord. Cal. No. 4654 - Ordinance to correct the Road and Drainage Inventory to include a portion of Ford Street; Lee Settlement Road Lateral; Old Barker Road Lateral; Cypress Drive; Stewart Road Lateral; Peyton's Place and Jan Smith Drive. (Wards 2, 3, & 6) (Districts 2, 3, & 6) (Gould/Davis)

10. Ord. Cal. No. 4656 - Ordinance to revoke portions of A Street and 6<sup>th</sup> Avenue right-of-ways, located in Alexiusville Subdivision. (Ward 3, District 1) (Planning Commission approved 9/13/11) (Gould/Davis)

11. Ord. Cal. No. 4657 - Ordinance to extend for an additional six (6) months the moratorium on the receipt of submissions by the Parish Zoning and Planning Commissions for the rezoning or resubdivision of property west of Highway 11 and south of Interstate 12 within unincorporated boundaries of Ward 9 in District 14. (Burkhalter)

12. Ord. Cal. No. 4658 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building, occupancy or occupational permits or licenses by any Parish department or agency for any pain management center/clinic whose primary focus or concentration is the prescribing and/or dispensing of pain medication to individuals with complaints of chronic pain which is unaffiliated with any hospital, hospice and/or facility for the treatment of the terminally ill in unincorporated St. Tammany Parish. (Binder)

13. Ord. Cal. No. 4659 - Ordinance to impose a six (6) month moratorium on the issuance of building permits for non-processing transfer stations on property zoned I-2 (Industrial District). (Hamauei)

15. Ord. Cal. No. 4661 - Ordinance to amend Parish Code of Ordinances, Chapter 2, Article V, Tourist and Convention Commission, to provide for changes in Nominations and Appointments to the Commission and Nominating Committee. (Gould)

17. Ord. Cal. No. 4663 - Ordinance establishing a No Thru Truck Zone on Zinnia Drive (1-D-006) and North Azalea Drive (1-D-003). (Ward1, District 1) (Dean)

### RESOLUTIONS

3. Resolution C.S. No. C-3208 - Resolution Establishing Warranty Obligations. (Gould/Davis)

4. Resolution C.S. No. C-3209 - Resolution to Support Fire Protection District No.1's application for assistance from the Louisiana Office of Community Development for the purchase of a Hydrogen Fluoride Emergency Response Kit. (Gould/Davis)

6. Resolution C.S. No. C-3211 - Resolution to support Fire Protection District No. 3's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing Chain Saws and Roof Saws. (Gould/Davis)

8. Resolution C.S. No. C-3213 - Resolution to support Fire Protection District No. 5's application for assistance from the Louisiana Office of Community Development for purchase of new Extrication Equipment and SCBAS. (Gould/Davis)

9. Resolution C.S. No. C-3214 - Resolution to support Fire Protection District No. 6's application for assistance from the Louisiana Office of Community Development for Purchase of new Fire Engine Hoses. (Gould/Davis)

10. Resolution C.S. No. C-3215 - Resolution to Support Fire Protection District No. 7's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing Personal Protective Equipment. (Gould/Davis)

11. Resolution C.S. No. C-3216 - Resolution to support Fire Protection District No. 8's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing Self-Contained Breathing Apparatus Air Packs. (Gould/Davis)

12. Resolution C.S. No. C-3217 - Resolution to Support Fire Protection District No. 9's application for assistance from the Louisiana Office of Community Development for the purchase of Self-Contained Breathing Apparatus Air Packs. (Gould/Davis)

13. Resolution C.S. No. C-3218 - Resolution to Support Fire Protection District No. 11's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing a Repeater Radio System and Foam Pro Paks. (Gould/Davis)

14. Resolution C.S. No. C-3219 - Resolution to Support Fire Protection District No. 12's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing Positive Pressure Ventilation Fans. (Gould/Davis)

15. Resolution C.S. No. C-3220 - Resolution to Support Fire Protection District No. 13's application for assistance from the Louisiana Office of Community Development for purchase of Multi-Gas Detectors. (Gould/Davis)

16. Resolution C.S. No. C-3221 - Resolution supporting and authorizing the Parish Chief Administrative Officer to formally request the Louisiana Department of Transportation and Development, Division of Aviation, to provide funds to complete the airport improvements at St. Tammany Regional Airport, as specifically described in the Capital Improvement Program application for State Financial Assistance dated October 31, 2011. (Gould/Davis)

17. Resolution C.S. No. C-3222 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Gould/Davis)

18. Resolution C.S. No. C-3223 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Gould/Davis)

19. Resolution C.S. No. C-3224 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards.(Gould/Davis)

20. Resolution C.S. No. C-3225 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the District 3 Capital Improvements List. (Gould/Davis)

21. Resolution C.S. No. C-3226 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the District 6 Capital Improvements List.(Gould/Davis)

22. Resolution C.S. No. C-3227 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the District 8 Capital Improvements List. (Gould/Davis)

23. Resolution C.S. No. C-3228 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the District 9 Capital Improvements List. (Gould/Davis)

24. Resolution C.S. No. C-3229 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the District 10 Capital Improvements List. (Gould/Davis)

25. Resolution C.S. No. C-3230 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant awards to make changes to the District 13 Capital Improvements List. (Gould/Davis)

26. Resolution C.S. No. C-3231 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the District 14 Capital Improvements List. (Gould/Davis)

27. Resolution C.S. No. C-3232 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the Drainage Capital Improvements List. (Gould/Davis)

28. Resolution C.S. No. C-3233 - Resolution declaring as surplus certain assets and authorizing the donation or exchange of same. (Gould/Davis)

29. Resolution C.S. No. C-3234 - Resolution approving and authorizing the Parish President to sign and/or execute a utility service agreement between the Parish and Oak Harbor East Utility, LLC for the purpose of providing water and sewer services to the I-10 Twin Span Fishing Pier. (Gould/Davis)

30. Resolution C.S. No. C-3235 - Resolution approving and authorizing the Parish President to sign and/or execute a water/wastewater utility service agreement between the Parish and CVS Pharmacy (and/or its affiliates) for the purpose of providing water and sewerage services to the southeast intersection of Highway 59 and Highway 1088. (Gould/Davis)

31. Resolution C.S. No. C-3236 - Resolution authorizing the Parish President to enter into a cooperative endeavor agreement between the Parish and St. Tammany Recreation District No. 7 for a Park and Ride facility upon a certain parcel of land (commonly referred to as Poitevent Park) as more fully described herein; and to rescind Resolution C. S. No. C-3166 adopted July 7, 2011. (Gould/Davis)

32. Resolution C.S. No. C-3237 - Resolution approving and authorizing the Parish President to sign and/or execute a cooperative endeavor agreement between the Parish and the State of Louisiana Office of Community Development for Towers Building Office Space for the Hazard Mitigation Grant Program. (Gould/Davis)

34. Resolution C.S. No. C-3239 - Resolution to authorize the Parish President to submit an Office of Community Development/Disaster Recovery Unit Disaster Recovery Application for Economic Revitalization Program and execute any associated documents pertaining to the Application for Funds. (Gould/Davis)

35. Resolution C.S. No. C-3240 - Resolution approving the issuance of not exceeding one million five hundred thousand dollars (\$1,500,000) of Limited Tax Certificates of Indebtedness, Series 2011 of St. Tammany Parish Recreation District No. 14. (Gould/Davis)

36. Resolution C.S. No. C-3241 - Resolution requesting Parish Administration to install Collapsible Bollard Alternatives to replace Rigid Bollards in restricting vehicle access on the Tammany Trace for the health and safety interests of cyclists and other Trace users. (Gould/Davis)

**END OF CONSENT CALENDAR**

Burkhalter - moved to adopt the Consent Calendar less items removed, second by Artigue. Unanimous with 1 absent (Stefancik).

Gould - 1. Ord. Cal. No. 4637 - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning), Section 8.01, Minimum Standards for Specific Uses, relative to Cemeteries and Mausoleums. (Gould) (Tabled 9/1/11)

Burkhalter - moved to table, second by Artigue. Unanimous with 1 absent (Stefancik).

Gould - 2. Ord. Cal. No. 4645 - Ordinance to amend St. Tammany Parish Code of Ordinances, Section 2-050.01, Selection of Persons for Professional Services, to provide with respect to preference for in-parish providers of professional services. (Billiot) (Tabled 9/1/11)

Billiot - moved to table, second by Bellisario. Unanimous with 1 absent (Stefancik).

Gould - 9. Ord. Cal. No. 4655 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Alamosa Park Subdivision, Phases 3A & 3B. (Ward 4, District 7) (Gould/Davis)

Canulette - moved to table, second by Thompson. Unanimous with 1 absent (Stefancik).

Gould - 14. Ord. Cal. No. 4660 - Ordinance to amend the Parish Code of Ordinances, Chapter 13, to add new sections providing for operation of motorized vehicles and enforcement of traffic controls on private streets within Arbor Walk Subdivision. (Ward 1, District 1) (Dean)

Dean - would like more information on this.

Kim Salter - the Council needs to adopt an ordinance in order for the Sheriff's Office to enforce traffic laws in private subdivisions.

Dean - moved to introduce, second by Thompson.

Gould - 16. Ord. Cal. No. 4662 - Ordinance authorizing the Parish of St. Tammany, through the Parish President, to accept the act of dedication and donation of a portion of Red Rooster Road for inclusion into the road maintenance system. (Ward 8, District 9) (Bellisario)

**Bellisario - moved to table in order for the Planning Commission to hear, second by Burkhalter. Unanimous with 1 absent (Stefancik).**

**Gould - 1. Resolution C.S. No. C-3190 - Resolution to concur/not concur with the City of Slidell annexation and rezoning of 2.3299 acres from Parish HC-2 (Highway Commercial District) to City of Slidell C-4 (Highway Commercial District) with municipal address of 58445 Pearl Acres Road, Slidell. (No. SL2011-05) (Ward 8, District 13) (Gould/Davis) (Tabled 9/1/11)**

**Artigue - moved to table, second by Burkhalter. Unanimous with 1 absent (Stefancik).**

**Gould - 2. Resolution C.S. No. C-3207 - Resolution to concur/not concur with the City of Slidell annexation and rezoning of 0.826 acre from Parish NC-4 (Neighborhood Institutional District) to City of Slidell C-2 (Neighborhood Commercial District) located at Lot 1-B, Square 1, Robbert Park Subdivision Annex #2, municipal address of 58465 Tyler Drive, Slidell. (Ward 8, District 13) (No. SL2011-06) (Gould/Davis)**

**Artigue - moved to table, second by Burkhalter. Unanimous with 1 absent (Stefancik).**

**Gould - 5. Resolution C.S. No. C-3210 - Resolution to support Fire Protection District No. 2's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing updated Extrication Equipment. (Gould/Davis)**

**Falconer - moved to table in order to include in the budget discussions, second by Howell. Unanimous with 1 absent (Stefancik).**

**Gould - 7. Resolution C.S. No. C-3212 - Resolution to support Fire Protection District No. 4's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing a Radiological Monitoring System. (Gould/Davis)**

**Falconer - moved to table in order to include in the budget discussions, second by Canulette. Unanimous with 1 absent (Stefancik).**

**Gould - the Council has formed a Budget Committee to meet with select departments for the purpose of educating the Council members regarding the 2012 budgets. It consists of Mr. Billiot, who is the Chairman, Mr. Falconer, Mr. Hamauei, Mr. Canulette, Mr. Bellisario and Mr. Stefancik. If the public has any questions, they may submit them to the committee members. The meetings will be open for the public to observe, but not participate because of time restraints. Public comment will be heard at the November 3<sup>rd</sup> Council Meeting.**

**Gould - 33. Resolution C.S. No. C-3238 - Resolution authorizing the Parish President to take all actions necessary to obtain Department of Housing and Urban Development Sustainable Communities Regional Planning Grant. (Gould/Davis)**

**Kort Hutchinson - this is an item which concerns many because it is a type of action coming in many areas of the United States and citizens are standing up against it. This is a plan by HUD and DOTD related to United Nations Agenda 21. It undermines private property ownership and is supported by Presidents Obama and Clinton. HUD has been successful in spending money to support a program the nation does not need. This is social engineering where the Federal government has stepped over the States in funding and grants.**

**Kevin Davis - this is an \$850,000 grant for the Northshore to be used to study transportation, roadway improvements, connections to Tangipahoa Parish, coastal protection and water quality. He thinks it is a very positive thing. It is designed to keep rural areas rural and have development near the interstates. He is not sure how it attaches to the UN Plan. This is a study like New Direction 2025 and to plan for the next 25 years. No where in the grant application does it take away property owners' rights. The study is designed to use public input to make the decisions. The grant has been written, and the Parish made it through Round 1. If this Resolution is not passed, the Parish will be out of the process. This does not have anything to do with property rights. He researched the issue, and it is not connected to the United Nations.**

**Mike Walsh - read and submitted an article (See Exhibit A).**

**Gould - if we pass this Resolution tonight, can we later withdraw the grant application?**

**Davis - yes. This is a planning grant. The Council is the one who passes the laws. The Council is not changing any ordinances or duties in the Parish government by applying for this grant.**

**Bill Oiler - the first Parish transportation plan was created in 2002 and most of the projects planned have been completed. During that time, the Parish has realized there is a lot more traffic going between Tangipahoa and St. Tammany Parishes. If more avenues are not created off of I-12, the Parish will not be able to continue to bring in the businesses it wants. There is also a need to address other traffic and drainage issues.**

**Binder - Mr. Davis, as you are familiar with this grant, other than applying for it and making it to the second stage to submit a resolution, are there any strings attached to applying for this? Is there any mention of requirements from HUD, etc.?**

**Davis - no. It's based on public input. There will be many public meetings. If he feels it is headed toward taking property ownership rights, he will stop it. This is just a tool to plan and develop traffic and drainage for the next 20 to 25 years.**

**Binder - Mr. Hall, would we be voting our rights away?**

**Neil Hall - no, and he does not think it locks the Parish into anything either.**

**Karen Champagne - we keep calling this a grant, but we need to call it taxpayer money. This is why the economy is bad. What is the criteria to be approved?**

**Davis - public meetings have to be held to discuss issues similar to what happened in 2025. He is willing to come back before the Council if and when they receive the grant.**

**Dean - he does not see any harm going forward with this now and asking more questions later.**

**Burkhalter - moved to adopt, second by Binder. Motion passes with 11 yeas, 2 nays (Gould, Billiot) and 1 absent (Stefancik).**

**Gould - Mr. Binder - do you have a motion about entering Executive Session?**

**Binder - I can make a motion if you like, Mr. Chairman.**

**Binder - motion to enter Executive Session, second by Bellisario. Unanimous with 1 absent (Stefancik).**

**Gould - this is regarding the lawsuit everyone is here about. Since there are so many people, the Council is going in the back to try and hash this thing out.**

**Enter Executive Session**

**Thompson - moved to leave Executive Session, second by Cooper.**

**Billiot - vote to leave Executive Session.**

**Motion was unanimous with 1 absent (Stefancik).**

**Exit Executive Session**

**Binder - regarding Executive Session, in the matter entitled: St. Tammany Parish v. Concerned Citizens of Lacombe, Inc., et al, 22<sup>nd</sup> JDC No. 2011-11620 "F". Considering those who attended the special meeting and tonight's meeting, he thinks they deserve a vote and it needs to occur tonight. Therefore, he is putting forth a motion and will then explain what a yes and no vote would mean in regards to the motion. Motion to defer to the decisions of St Tammany Parish Legal Counsel in this litigation as has always been the case during litigation. If any Council Member votes yes, it would**

mean to defer this matter in litigation to Legal Counsel. If any Council Member votes no, it would mean to not defer to Legal Counsel. Is that a legal motion, Mr. Hall?

Hall - yes.

Binder - motion to adopt a resolution to defer to the decisions of St. Tammany Parish Legal Counsel in the litigation entitled: St. Tammany Parish v. Concerned Citizens of Lacombe, Inc., et al, 22<sup>nd</sup> JDC No. 2011-11620 "F", second by Thompson. Motion passed with 10 yeas, 3 nays (Gould, Hamauei, Billiot) and 1 absent (Stefancik).

Gould - let's take a five minute recess.

Rick Franzo - Louisiana Open Meetings Law requires Executive Session be placed in the agenda, not done. Also, if not on the agenda, the request for Executive Session must be voted onto the agenda, was not done. The Council must take a vote to go into an Executive Session, not done. If going into Executive Session to discuss a pending lawsuit, the case name and the case number, must be read into the record, not done. So basically, what you did, was broke the law, and you made it a kangaroo court the way you conducted it, so basically what you came out with was invalid based on your own law, based on the Constitution.

Hall - the Executive Session was on the Special Session Agenda, and at that meeting, when the Council came out of Executive Session, they postponed the Session to this meeting. It was announced at this meeting and that was proper procedure.

#### APPEALS

1. Applicant Michael Bentson appealing the Zoning Commission DENIAL on September 6, 2011 to rezone 4.035 acres located at the northeast intersection of Military Road and Oak Alley Drive from A-1 (Suburban District) to NC-6 (Public, Cultural and Recreational District). (Ward 8, District 9) (ZC11-07-061)

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.

Karen Lambert - she represents the shareholders of the recreation facility. They would like to change the request for NC-6 to CB-1. They met with the citizens to accept CB-1 with a rural overlay to allow for the owner to build a residence.

Bellisario - this case has gone on for the last few months, and he thinks they have finally reached an agreement.

June Burell - she lives in Magnolia Forest and opposes this behind the scenes rezoning. She has serious opposition to the rural overlay. The overlay opens options that could be detrimental to this area, including administrative permits for cabins, bungalows, or a commercial kitchen. She does realize the key word is permitted use, but there is no guarantee that he will not receive permission to build what he wants. Mr. Bentson has always expressed the need to build all of his plans in order to run his ministries. Please do not open Pandora's Box with the overlay.

Dale Wingrave - this has been back and forth for a month. He represents not just Magnolia Forest, but the surrounding neighborhoods. He obtained 358 signatures against usage of this property as commercial property. He does not believe that the minister is going to stay with just building a simple house with a garage. If the Council goes forward with the rezoning, he asks them to place a deed restriction on it. There was supposed to be a deed restriction against the sale of alcohol, but it seems to have disappeared.

**Lambert - there is a flaw in Mr. Wingrave's comments. They are no longer asking for NC-6 but CB with a rural overlay. Also, according to the last newsletter, Ms. Burell is not a member of the Homeowner's Association.**

**Billiot - are they asking to put a single family residence?**

**Bellisario - the owner wants to run the existing recreational facility under CB-2. The rural overlay would allow him and his family to live on the property. Alcohol is already sold there and can only be sold in the clubhouse. He has a commercial oven where they would bake bread to distribute. Nothing will be sold from the property.**

**Billiot - he is confused as to why the Council cannot restrict the sale of alcohol.**

**Bellisario - all recreational facilities are allowed to sell alcohol.**

**Binder - can they just request CB-1 without going back to the Zoning Commission because it is down-zoning?**

**Hall - yes.**

**Sidney Fontenot - as long as the compromise zoning is the same as was originally requested, it can be amended without going before the Zoning Commission again.**

**Binder - Mr. Wingrave - what is this about a bakery, alcohol, no alcohol?**

**Wingrave - he has spoken to the owner before. He is running Extreme Ministries and wants a lot of extremes. The owner told him he wanted to do a bed and breakfast. If the owner does not want to do a bed and breakfast, then he thinks the Council should place a deed restriction. He knows the Parish cannot enforce that, so he will hire an attorney to do so if it becomes necessary.**

**Canulette - usually when we compromise, we do deed restrictions. Why are there none here?**

**Bellisario - the B&B this man wanted to do was illegal. He was talking about building bungalows that would serve 3 meals a day. The agreement at the meeting that any type of B&B would not and could not happen. He agreed to use half of his land for his residence and a garage with an apartment or a guest house. The other half is the recreation facility. With this being a non-conforming use, he is limited in how much he can add to the facility. If he does want to add more, he still has to go through the process.**

**Bellisario - moved to override the Zoning Commission Denial as amended to CB-1 with a Rural Overlay, second by Canulette. Motion passes with 11 yeas, 1 nay (Burkhalter) and 2 absent (Cooper and Stefancik).**

**Bellisario - moved to introduce an ordinance, second by Canulette; becomes Ord. Cal. No. 4664.**

**Gould - 2. Applicant Rhonda Hansen appealing the Zoning Commission DENIAL on September 6, 2011 to rezone 11 acres located north of McLain Road, east of Section Road, west of Modicum Lane from A-1 (Suburban District) to A-2 (Suburban District). (Ward 2, District 2) (ZC11-09-080)**

**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.**

**Cooper - he met with Ms. Hansen and understands what she wants to do. There is no opposition to it.**

**Cooper - moved to override the Zoning Commission denial, second by Hamauei. Unanimous with 1 absent (Stefancik).**

Cooper - moved to introduce an ordinance, second by Canulette; becomes Ord. Cal. No. 4665.

Gould - 3. Applicant Michael Saucier for Goodbee Land Company, LLC appealing the Zoning Commission DENIAL on September 6, 2011 to rezone 4.91 acres located on the southeast corner of LA Highway 1085 and LA Highway 1077 from HC-2 (Highway Commercial District) to HC-3 (Highway Commercial District). (Ward 1, District 1) (ZC11-06-054)

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.

Dean - Mr. Saucier requested this matter be tabled.

Dean - moved to table, second by Thompson. Unanimous with 2 absent (Stefancik, Binder).

#### ORDINANCES FOR ADOPTION

Gould - 1. Ord. Cal. No. 4591 - Ordinance amending the Official Parish Zoning Map to reclassify 2 acres located north of Brewster Road, west of Powerline Road, being parcels A & B from A-2 (Suburban District) to A-5 (Two Family Residential District). (Ward 1, District 1) (ZC11-05-038) (Council overrode Zoning Commission denial - Introduced 6/2/11) (Tabled 7/7/11, 8/4/11 & 9/1/11)

Dean - moved to table, second by Thompson. Unanimous with 2 absent (Cooper, Stefancik).

Gould - 2. Ord. Cal. No. 4605 - A third supplemental bond ordinance authorizing the issuance of Parish Utilities Revenue Bonds, Series 2011, in accordance with the terms of a General Bond Ordinance adopted on February 4, 2010. (Introduced 7/7/11) (Tabled 8/4/11 & 9/1/11)

Bellisario - moved to remove at the request of Administration, second by Burkhalter. Unanimous with 2 absent (Cooper, Stefancik).

Gould - 3. Ord. Cal. No. 4621 - Ordinance revoking the dedication of the unopened, unnamed street right-of-way which is located on a parcel of ground identified as Lot 6, 5 acre farm lots, in the SW 1/4 of Section 14, Township 8 South, Range 14 East. (Introduced 8/4/11) (Referred to the Planning Commission 9/1/11)

Bellisario - moved to table, second by Burkhalter. Unanimous with 2 absent (Cooper, Stefancik).

Gould - 4. Ord. Cal. No. 4628 - Ordinance amending the Official Parish Zoning Map to reclassify 0.411 acre located north of Oriental Drive, east of North Oaklawn Drive, Oriental Heights, from A-3 (Suburban District) to A-3 (Suburban District) & MHO (Manufactured Housing Overlay). (Ward 7, District 7) (ZC11-08-068) (Zoning Commission approved 8/2/11) (Introduced 9/1/11)

Hamauei - moved to adopt, second by Bellisario. Unanimous with 2 absent (Cooper, Stefancik); becomes Ordinance C.S. No. 11-2601.

Gould - 5. Ord. Cal. No. 4629 - Ordinance amending the Official Parish Zoning Map to reclassify 0.72 acre located north of US Highway 190, east of Sherwood Drive, west of Briar Lake Drive from A-3 (Suburban District) to HC-2 (Highway Commercial District). (Ward 7, District 7) (ZC11-08-069) (Zoning Commission approved 8/2/11) (Introduced 9/1/11)

Hamauei - moved to adopt, second by Hamauei. Unanimous with 2 absent (Cooper, Stefancik); becomes Ordinance C.S. No. 11-2602.

Gould - 6. Ord. Cal. No. 4630 - Ordinance amending the Official Parish Zoning Map to reclassify 5.65 acres located south of LA Highway 1088, west of Forest Brook Blvd., being 23098 Highway 1088, Mandeville from A-4 (Single Family Residential District) to NC-4 (Neighborhood Institutional District). (Ward 4, District 7) (ZC11-08-070) (Zoning Commission approved 8/2/11) (Introduced 9/1/11)

**Bellisario - moved to adopt, second by Howell. Unanimous with 2 absent (Cooper, Stefancik); becomes Ordinance C.S. No. 11-2603.**

**Gould - 7. Ord. Cal. No. 4631 - Ordinance amending the Official Parish Zoning Map to reclassify 9.81 acres located south of LA Highway 36, west of Gartner Drive from A-3 (Suburban District) to I-2 (Industrial District). (Ward 3, District 3) (ZC11-08-071) (Zoning Commission approved 8/2/11) (Introduced 9/1/11)**

**Thompson - moved to adopt, second by Dean. Unanimous with 2 absent (Cooper, Stefancik); becomes Ordinance C.S. No. 11-2604.**

**Gould - 8. Ord. Cal. No. 4632 - Ordinance amending the Official Parish Zoning Map to reclassify 1 acre located west of Carroll Drive, north of Lake Ramsey Road, Lake Vista Estates, from A-2 (Suburban District) to A-2 (Suburban District) & MHO (Manufactured Overlay District). (Ward 3, District 3) (ZC11-08-072) (Zoning Commission approved 8/2/11) (Introduced 9/1/11)**

**Thompson - moved to adopt, second by Falconer. Unanimous with 2 absent (Cooper, Stefancik); becomes Ordinance C.S. No. 11-2605.**

**Gould - 9. Ord. Cal. No. 4633 - Ordinance amending the Official Parish Zoning Map to reclassify 40,000 square feet located north side of Bobcat Run, east of Fawn Run, Ponderosa Ranches from A-2 (Suburban District) to A-2 (Suburban District) & MHO (Manufactured Housing Overlay). (Ward 9, District 6) (ZC11-08-074) (Zoning Commission approved 8/2/11) (Introduced 9/1/11)**

**Howell - moved to adopt, second by Thompson. Unanimous with 2 absent (Stefancik, Burkhalter); becomes Ordinance C.S. No. 11-2606.**

**Gould - 10. Ord. Cal. No. 4634 - Ordinance amending the Official Parish Zoning Map to reclassify 1.47 acre located south of Cypress Street, west of Tranquility Lane, north of US Highway 190, Uranium Park, from A-3 (Suburban District) to A-3 (Suburban District) & MHO (Manufactured Housing Overlay). (Ward 7, District 7) (ZC11-08-075) (Zoning Commission approved 8/2/11) (Introduced 9/1/11)**

**Dean - moved to adopt, second by Howell. Unanimous with 2 absent (Stefancik, Burkhalter); becomes Ordinance C.S. No. 11-2607.**

**Gould - 11. Ord. Cal. No. 4635 - Ordinance amending the Official Parish Zoning Map to reclassify 28,658 square feet located west of LA Highway 1077, north of Dendinger Cemetery Road from A-3 (Suburban District) to NC-4 (Neighborhood Institutional District). (Ward 1, District 1) (ZC11-08-076) (Zoning Commission approved 8/2/11) (Introduced 9/1/11)**

**Dean - moved to adopt, second by Thompson. Unanimous with 3 absent (Cooper, Stefancik, Burkhalter); becomes Ordinance C.S. No. 11-2608.**

**Gould - 12. Ord. Cal. No. 4636 As Amended - Ordinance amending the Official Parish Zoning Map to reclassify 4.82 acres located east of LA Highway 59, north of Little Creek Road, across from Koop Drive, from HC-2 (Highway Commercial District) to HC-3 (Highway Commercial District). (Ward 4, District 7) (ZC11-08-077) (Zoning Commission approved 8/2/11) (Introduced 9/1/11)**

**Hamauei - moved to adopt, second by Falconer. Unanimous with 2 absent (Cooper, Stefancik); becomes Ordinance C.S. No. 11-2609.**

**Gould - 13. Ord. Cal. No. 4638 - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning), Sections 5.10 and 7.08, to include provisions for development of land on the south side of Lakeview Drive. (Ward 9, District 13) (Introduced 9/1/11)**

**Artigue - moved to adopt, second by Binder. Unanimous with 2 absent (Cooper, Stefancik); becomes Ordinance C.S. No. 11-2610.**

**Gould - 14. Ord. Cal. No. 4639 - Ordinance to authorize the Parish President, to acquire certain parcels, rights of way and/or servitudes for LA 1085/Bootlegger Road Widening (Bootlegger Road/Francis Road Roundabout). (Introduced 9/1/11)**

Dean - moved to adopt, second by Thompson. Unanimous with 2 absent (Cooper, Stefancik); becomes Ordinance C.S. No. 11-2611.

Gould - 15. Ord. Cal. No. 4640 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for construction or placement of building structures on property within certain portions of Highland Park Subdivision. (District 12) (Introduced 9/1/11)

Burkhalter - moved to adopt, second by Burkhalter. Unanimous with 2 absent (Cooper, Stefancik); becomes Ordinance C.S. No. 11-2612.

Gould - 16. Ord. Cal. No. 4643 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of building permits for construction or placement of building structures on property within portions of Beverly Hills and Kingspoint Subdivisions. (Ward 8, District 14) (Introduced 9/1/11)

Burkhalter - moved to adopt, second by Billiot. Unanimous with 2 absent (Cooper, Stefancik); becomes Ordinance C.S. No. 11-2613.

Gould - 17. Ord. Cal. No. 4644 As Amended - Ordinance to amend Parish Code of Ordinances, Chapter 14, Nuisances, Paragraph (D) of Section 14-003.00 Fires for Yard Debris, to exclude the unincorporated areas within voting precincts MD1 and 102 from the prohibition on burning of leaves and yard debris within the boundaries of Council District 4. (Introduced 9/1/11)

Falconer - moved to adopt, second by Thompson. Unanimous with 2 absent (Cooper, Stefancik); becomes Ordinance C.S. No. 11-2614.

Gould - 18. Ord. Cal. No. 4646 - Ordinance to amend the St. Tammany Parish Code of Ordinances, Chapter 4, Animals, Fowl and Reptiles, Section 4-121.00 Definition of private kennels in relation to the requirements for animal establishment permits. (Introduced 9/1/11)

Neil Hall - after discussions with Animal Service, this matter needs to be tabled until next month, so amendments may be made.

Thompson - moved to table, second by Bellisario. Unanimous with 2 absent (Cooper, Stefancik).

**NOMINATIONS**

Gould - 1. Resolution to appoint six (6) members \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ to the Board of Commissioners of St. Tammany Recreation District No. 16. (Burkhalter) (Tabled 8/4/11 & 9/1/11)

Burkhalter - moved to table, second by Canulette. Unanimous with 2 absent (Cooper, Stefancik).

Gould - 2. Resolution to appoint one member to replace Peter Link (Term Expired) on the Finance Authority of St. Tammany Parish. (Stefancik) (Tabled 9/1/11)

Billiot - moved to table, second by Bellisario. Unanimous with 2 absent (Cooper, Stefancik).

3. Resolution to appoint one member to replace Dr. Kumar Amaraneni to the St. Tammany Hospital Services District No. 2 (Slidell Memorial Hospital) Permanent Nominating Committee. (Districts 6, 7, 8, 9, 11, 12, 13, 14) (Bellisario)

Bellisario - moved to table, second by Burkhalter. Unanimous with 2 absent (Cooper, Stefancik).

**APPOINTMENTS**

Gould - 1. Resolution to appoint Suzy Labadot to replace Mike Taylor (resigned) to St. Tammany Parish Fire Protection District No. 12. (Gould)

Burkhalter - moved to appoint, second by Canulette. Unanimous with 2 absent (Cooper, Stefancik); becomes Resolution C.S. No. C-3243.

**DISCUSSION AND OTHER MATTERS**

**Gould - 1. Motion to refer to the Zoning Commission for recommendation the proposed rezoning of Lot 1-B, Square 1, Hickory Heights from A-2 (Suburban District) to A-2 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 9, District 6) (Howell)**

**Howell - moved to refer, second by Burkhalter. Unanimous with 2 absent (Cooper, Stefancik).**

**Gould - 2. Motion to refer to the Zoning Commission for recommendation the proposed re-zoning of Lot 96, Lake Vista Estates Subdivision from A-2 (Suburban District) to A-2 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 3, District 3) (Thompson)**

**Thompson - moved to refer, second by Dean. Unanimous with 2 absent (Cooper, Stefancik).**

**Gould - 3. Motion to refer to the Zoning Commission for recommendation the proposed re-zoning of 20.96 acres fronting LA Highway 1078 from A-1 (Suburban District) to A-1-A (Suburban District). (Ward 3, District 3) (Thompson)**

**Thompson - moved to refer, second by Falconer. Unanimous with 2 absent (Cooper, Stefancik).**

**Gould - 4. Discussion: Review of Impact Fees. (Cooper/Howell)**

**Howell - she is glad to see Impacts Fees are going to be reviewed again.**

**Terry Hand - it was brought up at the Agenda Review Meeting and there is a consultant reviewing it for possible changes.**

**Howell - there are a lot of people in her District who do not understand why they have been charged an impact fee. She thinks the fees are preventing building because people cannot afford it.**

**Burkhalter - he would also like to review these fees because changing them could jumpstart new building in the Parish. A lot of people have to finance impact fees in order to afford them.**

**Cooper - he encourages each Council Member to read the impact fee ordinance to see if any amendments can be made. He feels that the public does not understand the ordinance.**

**Gould - he agrees need to review. A lot happens out in the country with the splitting of lots, etc. and the impact fees need to be levied at the time of construction.**

**Binder - he is also willing to look at the ordinance along with administration.**

**Burkhalter - moved to open the Off-the-Floor-Agenda, second by Bellisario. Unanimous with 1 absent (Stefancik).**

**OCTOBER 6, 2011- ITEMS OFF-THE-FLOOR**

**Gould - 1. Ordinance to correct the road and drainage inventory to include a portion of North 8th Street. (Ward 8, District 14) (Burkhalter)**

**Burkhalter - moved to introduce, second by Canulette; becomes Ord. Cal. No. 4666.**

**Gould - 2. Ordinance establishing a No Parking Zone on John Smith Road (8-I-025). (Ward 8, District 14) (Burkhalter)**

**Burkhalter - he asks Public Works to implement this as soon as possible. The Sheriff is having problems in this area.**

**Burkhalter - moved to introduce, second by Bellisario; becomes Ord. Cal. No. 4667.**

**Gould - 3. Ordinance to amend, clarify and re-certify Ordinance Police Jury Series No. 86-685, Revoking a portion of Cherry Street in the Claiborne Subdivision, St. Tammany Parish, State of Louisiana. (Thompson)**

Thompson - moved to introduce, second by Dean; becomes Ord. Cal. No. 4668.

Gould - 4. Ordinance to Authorize the Parish of St. Tammany, through the Office of the Parish President, to acquire certain parcels, rights-of-way, and/or servitudes for the Covington Barn Extension Project. (Thompson)

Thompson - moved to introduce, second by Cooper; becomes Ord. Cal. No. 4669.

Gould - 5. Motion to refer to the Zoning Commission for recommendation the proposed rezoning of 1.04 acres located on Lot 7 of Old Folks Orphan Homesites from A-4-A (Suburban District) to A-4-A (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 8, District 14) (Burkhalter)

Burkhalter - moved to refer, second by Artigue. Unanimous with 1 absent (Stefancik).

Gould - 6. Motion to refer to the Zoning Commission for recommendation the proposed rezoning 32,683 square feet located north of Labarre Street, west of Foy Street, Mandeville, from A-4 (Single-family Residential District) to A-4-A (Single-family Residential District). (Ward 45, District 10) (Billiot)

Billiot - moved to refer, second by Burkhalter. Unanimous with 1 absent (Stefancik).

**VERBAL OFF-THE-FLOOR**

Gould - 7. Ordinance to authorize the Parish of St. Tammany, through the Office of the Parish President, to acquire certain parcels, rights-of-way and/or servitudes for Meadowlake Subdivision Drainage Improvements. (Artigue)

Artigue - moved to introduce, second by Burkhalter; becomes Ord. Cal. No. 4670.

Gould - 8. Ordinance to authorize the Parish of St. Tammany, through the Office of the Parish President, to acquire certain parcels of immovable property approved by the Hazard Mitigation Grant Program and Severe Repetitive Loss Program. (Artigue)

Artigue - moved to introduce, second by Binder; becomes Ord. Cal. No. 4671.

Gould - 9. Ordinance to authorize the Parish of St. Tammany, through the Office of the Parish President, to purchase, expropriate or otherwise acquire certain rights-of-way and/or servitudes located near the Howze Beach Outfall Canal and West End Boulevard in Slidell, Louisiana. (Artigue)

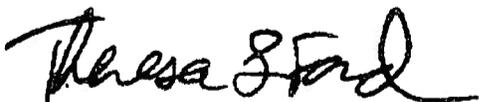
Artigue - moved to introduce, second by Burkhalter; becomes Ord. Cal. No. 4672.

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



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MARTIN W. GOULD, JR., COUNCIL CHAIRMAN



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THERESA L. FORD, COUNCIL CLERK