

ST. TAMMANY PARISH REGULAR COUNCIL MEETING - FEBRUARY 5, 2009

**MINUTES OF ST. TAMMANY PARISH COUNCIL MEETING
ON THURSDAY, FEBRUARY 5, 2009 HELD IN
ST. TAMMANY GOVERNMENT COMPLEX
21490 KOOP DRIVE, MANDEVILLE, LA.**

Call to Order by Honorable Jerry Binder, Chairman

Invocation by Mr. Burkhalter

Pledge of Allegiance by Mr. Falconer

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

Binder - called for items to be removed from Consent Calendar:

**Resolution C.S. No. C-2549
Resolution C.S. No. C-2568
Resolution C.S. No. C-2572**

Consent items less items removed:

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.

MINUTES

Regular Council Meeting	January 8, 2009
Special Council Meeting	January 22, 2009
Council Committee Meeting	January 28, 2009

ORDINANCES FOR INTRODUCTION

1) Ord. Cal. No. 4000 - Ordinance amending the official zoning map of St. Tammany to reclassify land west of La Highway 59, north of Casril Drive containing 5.822 acres from A-2 (Suburban), C-2 (Highway Commercial) & M-1 (Light Industrial) to M-1 (Light Industrial). (ZC09-01-001) (Binder/Davis)

2) Ord. Cal. No. 4001 - Ordinance to repeal and reenact Section 13.001.01 of the Parish Code to prohibit operating a motor vehicle on any Public Levee and to regulate motor vehicles on privately owned and maintained levees. (Binder)

3) Ord. Cal. No. 4002 - Ordinance to amend Ordinance C.S. No. 05-1049, adopted 2/3/05 which established the "personnel policies" to provide for amendments reflected herein. (Binder/Davis)

4) Ord. Cal. No. 4003 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire a certain parcel of land (commonly referred to as Bluebird Street) from Jerry Bohannan. (Ward 9, District 11) (Binder/Davis)

5) Ord. Cal. No. 4004 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Autumn Creek, Phase 1; Countryside, Phase 1; Stonebridge at Madisonville; Madison Farms, Phase 6 & 7; Penn Mill Lakes , Phase 2-b; and Del Sol Subdivisions . (Wards 1 & 3, Districts 1 & 3) (Binder/Davis)

6) Ord. Cal. No. 4005 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for construction on property within a portion of Tammany Forest Subdivision. (Ward 7, District 7) (Hamauei)

7) Ord. Cal. No. 4006 - Ordinance to extend for an additional six (6) months the moratorium on rezoning or resubdivision of property located north of Interstate 12 and abutting or having access to Airport Road. (Ward 9, District 11)

8) Ord. Cal. No. 4007 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of building permits for construction on property on the south side of Lakeview Drive. (Ward 9, District 13) (Artigue)

9) Ord. Cal. No. 4008 - Ordinance to amend Parish Code of Ordinances, Chapter 2, Article III, Parish Council and Ordinance C.S. No. 01-0283, adopted March 1, 2001, regarding cell phone expense policies.

RESOLUTIONS

11) Resolution C.S. No. 2561 - Resolution approving the issuance of \$450,000 of Revenue Anticipation Note, Series 2009, of St. Tammany Parish Fire Protection District No. 2. (Binder/Davis) (Tabled 1/8/09)

12) Resolution C.S. No. 2566 - Resolution approving the issuance of \$100,000 of Certificates of Indebtedness, Series 2009, of Fire Protection District No. 11 of St. Tammany Parish. (Crawford-Howell) (Tabled 1/8/09)

13) Resolution C.S. No. 2567 - Resolution approving the issuance of not exceeding \$111,000 of Certificates of Indebtedness, Series 2009, of St. Tammany Parish Recreation District No. 6. (Binder/Davis)

15) Resolution C.S. No. 2569 - Resolution approving the issuance of \$1,200,000 of Revenue Anticipation Note, Series 2009, of Recreation District No. 1 of St. Tammany Parish. (Binder/Davis)

16) Resolution C.S. No. 2570 - Resolution establishing Warranty Obligations (Binder/Davis)

WARRANTY

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Palm Courts S/D Amount: \$33,600 Expires: March 24, 2009 Ward: 1, District: 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Northshore Commercial Park S/D Amount: \$40,500 Expires: November 15, 2009 Ward: 4, District: 7	RELEASE L.O.C. TO BE BROUGHT INTO SELECTIVE PARISH MAINTENANCE SYSTEM
Barkley Parc, Phase 2A Amount: \$38,400 Expires: March 16, 2009 Ward: 3, District: 3	EXTEND FOR ONE (1) YEAR OR UNTIL CITY OF COVINGTON ANNEXES PHASE 2A

WARRANTY OBLIGATIONS CONTINUED:**Grand Oaks Subdivision, Phase 1****“CALL” WARRANTY****Amount: \$22,100****Expires: March 19, 2009****Ward: 1, District: 1****Casa Bella S/D****EXTEND FOR ONE (1) YEAR OR UNTIL****Amount: \$5,300****WORK IS SATISFACTORILY****Expires: March 17, 2009****ACCOMPLISHED****Ward: 4, District: 5**

17) Resolution C.S. No. C-2571 - Resolution obligating St. Tammany's dedicated funds, grant funds, and in-kind services as the match requirement for the Land and Water Conservation Fund Grant to construct Camp Salmen's Camp Ridge Loop.

END OF CONSENT CALENDAR

Stefancik - moved to adopt the Consent Calendar less items removed, second by Burkhalter. Unanimous with no one absent.

Items pulled from Consent Calendar:

Binder - 10) Resolution C.S. No. 2549 - Resolution approving the issuance of \$500,000 of Revenue Anticipation Note, Series 2009, of St. Tammany Parish Fire Protection District No. 4. (Binder/Davis) (Tabled 1/8/09)

Grant Schlueter -this is for Fire District No. 4; however all of the districts are looking for cash flow borrowing approval due to the delay in tax funds being received. The Fire District has to have approval from the State Bond Commission and the Parish Council in order to borrow the funds. The borrowing is cautionary in case they need to borrow for salaries. They are limited to borrowing the amount of the short fall.

Falconer - he knows that 2 of his constituents have received their tax bills, and they did not conform with what the Board of Review recommended. He wants the Council to contact the Assessor to get records of all of the tax bills.

Binder - the Board of Review decisions should have gone out on the tax bills?

Sevante - that is correct.

Binder - the State Constitution states that the Board of Review decision is the one that should appear on the tax bills. Why did the correct bills not go out?

Sevante - it appears that the assessor does not have all of the records that the Board of Review provided. They are in the process of trying to figure out where the information was lost, not entered or not provided. If the tax bill does not show the Board of Review amount, constituents should contact the Council office to get a copy of their Board of Review to bring to the Assessor. If the constituent cannot resolve the issue with the Assessor, then they should go to the Tax Commission. The Council Office will continue to work with the Assessor to solve the problem.

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

Binder - 14) Resolution C.S. No. 2568 - Resolution approving the issuance of \$100,000 of Certificates of Indebtedness, Series 2009, of Recreation District No. 11 of St. Tammany Parish. (Binder/Davis)

Binder - there is a typographical error in this that needs to be corrects. The Certificates will actually only be for \$40,000 rather than \$100,000.

Hamauei - moved to adopt, second by Thompson. Unanimous with no one absent.

Binder - 18) Resolution C.S. No. C-2572 - Resolution to concur/not concur with Abita Springs Annexation and rezoning of 0.86 acres from Parish C-2 Highway Commercial to Abita Springs HC (Historic Commercial) in West Abita Springs Subdivision.(Ward 10, District 2) (AB2009-01) (Binder/Davis)

Cooper - moved to concur with the annexation, second by Thompson. Unanimous with no one absent.

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

Burkhalter - moved to move up Item No. 1 from the Off-the-Floor, second by Stefancik. Unanimous with no one absent.

Binder - 1) Resolution approving the holding of an election in St. Tammany Parish Recreation District No. 2 of to authorize the levy of a special tax therein. (Cooper)

Cooper - would like to move forward with this. He has seen the paperwork from the Department of Treasury and talked to Recreation District No. 2. He would like to approve, so that they can make their first payment.

Cooper - moved to adopt, second by Falconer. Unanimous with no one absent; becomes Resolution C.S. No. C-2577.

APPEALS

Binder - 1) Bruce Nesbitt and Steve Smith appealing the Zoning Commission APPROVAL and Applicant Jeffrey Schoen on behalf IESILA Corporation appealing to request modifications to four (4) conditions set by the Zoning Commission on January 6, 2009 of a conditional use permit for a 10,500 Non-Processing Waste Transfer Station located at the end of Coastal Blvd, east of LA Highway 25 (Ward 3, District 2) (CP08-12-187)

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

NOTE: To concur with Zoning APPROVAL with modifications requested, a majority vote of the entire council is required and adoption of a resolution.

NOTE: To override Zoning APPROVAL, a majority vote of the entire Council is required and adoption of a resolution.

Binder - there are multiple appeals on this issue. The Council will be hearing Mr. Nesbitt, Mr. Smith and Mr. Schoen's appeals all at the same time. Then the Council will vote on the Nesbitt and Smith appeals and finally, if necessary, the Council will vote on the modifications Mr. Schoen is asking for. Because of the number of appeals, each side will have 10 minutes for their presentation with 4 minutes of rebuttal time.

Alex Perajine - with the Northwest St. Tammany Civic Association. They feel there is no need for an additional transfer station on the Northshore. Especially if it will only have 6 trucks. There are already 21 residential trucks on the Northshore with 8 commercial trucks and 3 other transfer stations. Next, the law regarding granting of conditional use permits is that the permit should not be granted if it will adversely effect the area and neighbors (ex: property value, air quality, etc.)

Fred Combel - represents the reception facility that will be only 2000 feet from the transfer station. They hold weddings, employ 40 people and deal with vendors from nearly 50 other businesses. The owner's opponents are telling everyone about the transfer facility being built near here. The owner is afraid of the smell, flies, racoons, etc. She has invested a great deal of money in the business and even recently bought additional land, so she could expand the facility. She will not expand if this transfer station is allowed.

Ted Dittmer - represents Covington Industrial Park which has 60 acres of land on Hwy 25 contiguous to the transfer station site. There are currently 14 businesses in the park that oppose this permit request. The businesses feel that the transfer station will have an adverse economic effect in the area. The owners are 2 years and 4.5 million dollars into the development of the industrial park and have plans for an additional 2 million dollar expansion. One of the businesses, "It Straps On" wants to expand, but has the project on hold until this issue is decided.

Abbot Justin Brown - represents St. Joseph's Abbey and its monks and students, they are all in solidarity with the opinion of the other businesses. The Abbey is 200 feet north of the proposed site. The Abbey has been a good neighbor in St. Tammany for over 100 years. It remains a sacred place of prayer, quiet, art history, education, and a unique part of the community. The monks gather 5 times a day to pray. There are 80 full time students and other part-time students. The Abbey is in the historic registry, and hosts retreats and community events in its auditorium. The transfer station will have adverse effect on the Abbey economically, environmentally and many other ways.

Jeff Schoen - represents IESI LA Corp, known as Coast Waste Service (CWS). The permit request is for a non-processing waste transfer station.

Burkhalter - wants to understand who the petitioner is in this situation.

Schoen - Coastal Waste Service, who owns Lot 3 which is 11 acres, and Chris Jean, who is the former owner of and consultant to CWS. Jean also owns other lots in the in and around this area. There are a lot of misconceptions about this project. This is a non-processing transfer station where all of the garbage is moved from a truck to a container. All of the garbage is moved out each day and the building is washed clean each day. This site is the prototypical site that the EPA would suggest for this station, and the station will be surrounded by 125 acres. There are residents in the vicinity, but there is a good separation between them and the proposed business. The Zoning Commission has approved this project on 3 separate occasions. First, in 2006 with 11 conditions imposed, then in Feb. 2008, which extended the original permit and conditions, and now it has been approved again, but with 27 conditions, which are to ensure that there will not be any negative impact to the area due to sight, sound or smell. The TIA has been approved and the Parish engineer has said there is no need for additional improvements. However, his client is willing to make additional improvements to make the project even better: 1) down-zone the part of the property that fronts on Hwy 25, so that business can be built there (ex: cleaner, coffee shop) preventing the transfer station from being seen from the road. 2) will pay for and provide turning lanes into Coastal Blvd. to provide for a more efficient flow of vehicles. Unfortunately, his client cannot commit to completing these items before occupation of the station because they cannot control zoning or DOTD, but will make every effort to accomplish. The reason they will only have 6 trucks is because that is what the original permit asked for, but that will also take care of all of the station's needs. The station is needed to prepare garbage and take it out of state to approve landfills. Suggests that the handling of garbage is one that needs to be looked at as an item of public necessity. There is a station in Slidell and on Highway 59, but the western side of the Parish is going to be the largest growing area, so they would like to have the option to place the station here. Would like the Council to consider the 10-15 year history of the station on Hwy 59, which has not had any sight, smell or sound complaints.

Perajine - the residents in the surrounding area are numerous and part of the Northwest St. Tammany Civic Association. Schoen has offered no evidence that the station will not reduce that value of houses. Also, Schoen offered down-zoning to M-2, and the residents do not mind M-2 businesses, but even those businesses have said that they will not expand if this goes through. The total deferred lost investments that he discovered due to lost businesses is 14 million dollars. As for the need for the facility, CWS already has 28 trucks and 2 transfer stations. Orleans Parish only has one station. The misconception here is that the opposition is based on anything other than law. Conditional use permits should not be granted if they will adversely effect the area.

Schoen - they have a significant difference of opinion. This project was first approved in November 2006, then was renewed again in February 2008 and there was no objection either of those times. He has not see an appraisal or an appraiser showing what the economic impact of this will be. The best evidence of what will happen is the Hwy 59 corridor. There are 2 facilities in the area. One is a transfer station and the other is a pickup station. He does not see any dire economic consequence here. Both of those businesses has been well run and have not deterred from the local area. In fact,

recently, several coffee shops, boutique shops, etc. has popped up in front of the M2 district. That is why his client is offering to down-zone the front lots. They would like to make room for goods and services so that people would not have to drive to Folsom or Covington. This facility will employ 110 people, plus it will pay taxes to the Parish.

Bellisario - he has looked at and studied this issue for over 100 hours. Originally he was against it, but he has since changed his mind. He reviewed an environmental report from the EPA dated March 20, 2007 which set the criteria to operate a transfer station. He also examined the environmental and traffic issues. He thinks this is an appropriate place for this facility. IESI has 63 facilities in 8 states and over 5 years it has only had 8 non-compliance occurrences. He spoke to a DEQ officer who said that he will come out to investigate and if the odor is over the property line, the facility will be cited. However, there were no previous occurrences of odor complaints in other areas. The southern boundary is 8.8 miles away from the facility, so traffic is not going to be an issue.

Burkhalter - Mr. Schoen - what is the difference between the two types of facilities you have mentioned.

Schoen - waste transfer station is non-processing meaning there is no separation of waste, adding of water, burning, etc. Also, no recycling. There is an approximately 10,000 square foot area where the garbage trucks enter and dump the garbage into trailers. Once the trailer is full, it is brought to Avondale. The north and south side doors will be closed at times except when trucks are entering or exiting due to the fact that studies show that the wind could effect the odor from those sides. The garbage trucks are washed inside the building on a slab designed to capture all of the water in a double lined steel tank. Once the tank is near capacity, it is brought to another place for disposal, so that none of the waste water becomes part of the ground water. There will be full-time employees available to hand-pick and run a bobcat in case of any spilled garbage. All of the activity happens inside the building in order to protect the area from noise and order and the building is protected from sight by buffers.

Cooper - it is beyond him how any council member who was elected to serve the people can approve this project. No one can tell him that noise and smells are not going to effect the people. He wants to move to override the Zoning decision and represent the people.

Stefancik - he went and walked the site, drove on the industrial roads and by the Abbey. He had a hard time seeing the site from any of those places. There is a difference between a transfer station and a pick-up station. He rides on the Trace by both facilities on Highway 59 and has not been bothered by smells. He thinks that the vote on this needs to be based on whether it is appropriate for this area. He knows that no one wants it in their backyard, but as long as there is garbage, there is a need to pick it up and take it away. There was a Parish landfill that was shut down by the DEQ. If the transfer station is approved, it will have to be run correctly and then it will never be cited by the DEQ.

Thompson - Mr. Schoen - is your client interested in down-zoning the 3 parcels on Highway 25 win or lose?

Schoen - thinks that the offer was conditional on a win, but he thinks they will still be willing to discuss it if they lose. The same applies to the north/south turn lanes.

Thompson - he represents the area across the highway from this site, and there is not one person in his area who is in favor of it. He is going to vote against it.

Cooper - sometimes the opposition is not about "not in my backyard". These people live and work all over the Parish.

Binder - he did not devote 100 hours to this project, but he did ask a lot of questions, and he knows that it is important to Mr. Cooper and Mr. Thompson. Regardless of where the transfer station is placed, the Parish needs to move the garbage out of the neighborhoods and into approved landfills. A transfer station that takes the garbage away is preferable to a dump. He rode all around Slidell on Saturday within a mile radius of the Slidell transfer station. There are several churches, schools and homes in that area that have all been there for a long time. His home is within a mile, and he has lived there for 33 years and raised 8 children there, who played and rode their bikes outside.

He does not smell the transfer station, nor has he heard any complaints about it. He has heard about Highway 59 and the expansion around the transfer station and has eaten there and the Tammany Trace is within 1/2 mile. If he thought this station would degrade the current businesses, he would not vote for it, but he took an oath to do his duty.

Artigue - he lives in the opposite direction from the Slidell transfer station than Mr. Binder. He has never had a problem with the smell, nor seen students at Delgado Community College right next to it with masks on. He attended a meeting at Vintage Court and the word perception came up. He does not perceive that this will effect property values.

Cooper - he has heard the Council say that they do not think this will reduce property values, but know one knows what it will effect.

Schoen - his client is content with the current conditions of the Zoning Commission, but proposed some additional language for clarification. There will be retractable doors on the north and south ends. The applicant will make every reasonable effort to remove the garbage from the facility every day, but if they are unable to it will be removed on the next business day.

Stefancik - if the garbage is left overnight, wants it to stay in the truck with the truck inside the building.

Schoen - the garbage will be contained in the truck covered by an auto tarp and the truck will be behind closed doors.

Nesbitt - you are forgetting that the large area on the west side does not have a door. The building is not enclosed, it has one whole open side. Thinks that they should request it to be totally enclosed.

Schoen - none of the other 3 facilities are required to be closed. The trailers are on the lower level within the building. The trucks are on the top level between the closed north and south doors. Mr. Matthews intends to always have the garbage enclosed.

Binder - in speaking with Mr. Hall, Mr. Schoen needs to add conditions with reasonable times for application to the Zoning Commission to request to down-zone the 3 parcels and a reasonable amount of time to request the DOTD approval of the turn lanes.

Schoen - would like to meet with Mr. Thompson and Mr. Cooper, so will apply to the Zoning Commission before the first Monday in April. Would like 90 days to analyze and make a design to submit to Ms. Lala about the turn lanes by June 1st and with her approval will make good faith effort to do submit to the DOTD 30 days after that.

Binder - Fontenot - the open door questions. There are 3 openings?

Schoen - it is not industry standard to have west/east doors, and no appeal was made about adding a door.

Perajine - the west side is completely open. If a truck is late on Friday, then it will sit all weekend.

Burkhalter - from what you are saying, Mr. Schoen, if the trucks come in late, then the garbage will be dumped into the trailer, covered by a tarp, the doors will be closed and the building washed down?

Schoen - the facility will have a six day work week from Monday to Saturday from 6am to 6pm.

Falconer - why are there no doors on the west side?

Schoen - mostly an economic issue. Offering the turn lanes on the highway is costing extra. Also, we specifically discussed with the Engineering Department if the entire building needed to be enclosed, and they stated that it was not necessary. Also, it is not the industry standard to enclose the building. If the odor crosses the property line or the site is a mess, then they understand that Code Enforcement, Environmental Services and the DEQ will all come to inspect.

Bellisario - he sat in the meeting and they discussed other options of closing the west side - possibly air curtains. Also, all complaints will be sent straight to DEQ.

Schoen - this is the first time that he has heard about closing the west side, but if it means that much, they will install doors, but they will be open during business hours.

Cooper - moved to override the Zoning approval, second by Thompson. Motion failed with 5 yeas (Dean, Cooper, Thompson, Falconer, Billiot), 8 nays (Gould, Crawford-Howell, Binder, Canulette, Bellisario, Stefancik, Artigue, Burkhalter) and 1 abstention (Hamauei).

Burkhalter - moved to adopt a resolution to concur with the Zoning approval with all of the conditions from Zoning Commission and Council, second by Canulette. Motion passed with 13 yeas and 1 abstention (Hamauei); becomes Resolution C.S. C-2573.

2) Aimee Lavergne appealing the Zoning Commission APPROVAL on January 6, 2009 of a conditional use permit for a 1,456 sq. ft. mobile home on the east side of Holly Drive, south of Oak Drive. (Ward 8, District 9) (CP09-01-005) (Applicant Amy Deal)

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

NOTE: To override Zoning APPROVAL, a majority vote of the entire Council is required and adoption of a resolution.

Aimee Lavergne - she just purchased property near this property and is concerned that if the Conditional Use Permit is allowed that it will effect her property value. She has a lot of equity in her home.

Bellisario - he has spoken to the applicant, Amy Deal. She and her husband are currently in school, but are planning to build a house. Ms. Lavergne's house is the only brick house in the immediate area, all of the other streets have mixed uses and he feels this is an appropriate use.

Bellisario - moved to concur with the Zoning approval, second by Burkhalter. Unanimous with 1 absent (Cooper).

Bellisario - moved to adopt a resolution, second by Stefancik. Unanimous with 1 absent (Cooper); becomes Resolution C.S. No. C-2574.

3) Allen L. Dauterive, et al appealing the Planning Commission APPROVAL on January 13, 2009 of a Petition to enter Parish Right-of-way. (Palmetto Greens Drive) (Ward 3, District 5) (Petitioner: Provident Realty Advisors, Inc.)

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

NOTE: To override Planning APPROVAL, a majority vote of the entire Council is required and adoption of a resolution.

Allen Dauterive - lives at Emerald Forest Condos and represents the Condo Association. They own their condos and take pride in taking care of their homes. This request would allow a new street to be built allowing access to new rental apartments. The traffic will be bad. The right-of-way outlet to Highway 59 would be another entrance to the apartments. It does not seem fair to allow that much access to the apartments. Drainage will also be an issue. Have there been any drainage proposals or studies about what will happen if the apartments are allowed?

Jeff Schoen - he represents the applicant, Provident Realty Advisors, Inc., who is the owner of Lot P-1. He wants to clarify what has occurred, his client was asking to procure approval from the Planning Commission to enter the right-of-way in order to create a road. It is now more complicated because the Parish has the right-of-way that will create Emerald Forest Blvd. Because they do not know when Emerald Forest will be completed, his client would like to go forward with his projects. The Public should understand that this tract has been A-6 (multi-family) for approximately 20 years.

In order to get the building permit, they have to submit a Traffic Impact Analysis. It is an important issue and it will be addressed at the appropriate time. They must also submit a complete hydrological study to get a building permit, and satisfy the drainage district. The Planning Commission approved the right-of-way request. If they can work with the Parish to complete part of Emerald Forest Blvd., they are willing to make that the legal entrance.

Dauterive - why can't they delay until the north side of Falconer is complete?

Schoen - his client purchased the property and is ready to move forward. He plans to pull the permit within the next 60 days. It does not mean that they are going to build the road right away. They may be able to finish Emerald Forest before his client would have to build the road, but his client has an investment and would like to move forward with his plans.

Dauterive - if his client would wait, he would have a better right-of-way with a two-lane highway. Would think his client would want to wait.

Gould - Mr. Hall - this process is simply a request to enter a right-of-way?

Hall - yes, this is simply a request to enter the right-of-way. They would have to meet Parish requirements to construct the road and drainage. At this time he does not have access to his property, and he has a legal right to be able to access and build on his property. The Parish would prefer that they enter through Emerald Forest, but that project has not even received a pour permit. Regrettably, the Council does not have much of a choice, but to grant access.

Dauterive - they take pride in their property, which they own not rent. Also, have they considered the Wetlands?

Gould - he would like to commend all of the residents of the Emerald Forest Condos. They take part in the community, such as volunteering in the schools.

Dauterive - yes, they are older but they still participate in the community, they vote and try to live life in a manner of quietness.

Gould - Mr. Schoen - I have a request of your client that he does not have to agree to, but please ask them to consider building in a condo style rather than apartments.

Gould - moved to concur with Planning approval, second by Canulette. Motion passed with 12 yeas, 1 abstention (Falconer) and 1 absent (Cooper).

Gould - moved to adopt resolution, second by Burkhalter. Unanimous with 1 absent (Cooper); becomes Resolution C.S. No. C-2575.

ORDINANCES FOR ADOPTION

1) Ord. Cal. No. 3902AA - Ordinance to amend the Unified Development Code, Volume 1 - Zoning, relative to the Comprehensive Rezoning of the South Central Study Area. (Introduced 10/2/08) (Tabled 11/6/08 & 12/4/08) (Reintroduced 1/8/09)

Binder - first the Council will hear public discussion on this and then several Council members had amendments to add. After the amendments have been stated, it will be reintroduced and will come up for adoption again next month.

Billiot - what could be a substantive change regarding Comprehensive Rezoning?

Hall - because you are actually making changes to each zoning district, it is substantive rather than just clarification.

Billiot - at this rate, it will never be adopted.

Hall - if the Council wants to adopt it now and then go back to make amendments, it could. However, he thinks it is appropriate to amend it before it is adopted. The Council needs to keep in mind that any change requires public comment.

Hamauei - is there any time that we can say there will be no more changes?

Hall - if the Council wants to do that, they can, but as long as Council Members want to add changes, you have to continue to have public hearings.

Gould - these are the last changes for him.

Binder - the Council knew coming in that there were going to be several Council Members wanting to add changes.

Sevante - amendments can not take effect until the ordinance is adopted.

Binder - it is important that the Public be allowed to comment.

Hamauei - he has 20 amendments to make just from the hearing at the Committee meeting.

Stefancik - for the record, he asked the Council in December to hold this ordinance up because of the fact that he had been in the hospital. He knows that Mr. Hamauei asked for a delay for the same reason, but now it needs to get moving.

Lee Landry - he just became aware that this rezoning is happening and he discovered that his family property is going to be downsized from commercial to single residence. They have owned the land for 25 years, and it is surrounded by commercial property. They would like for it not to be changed away from commercial.

Binder - your concerns are going to be addressed by Mr. Hamauei.

Ted Dittimer - represents JL Fitzgerald who owns the other half of Mr. Landry's property. Wanted to thank Mr. Hamauei for his assistance.

Chuck Gorney - he was alarmed when he found out that the property next to him on Anchorage Road was going to be changed. He talked to Mr. Hamauei and wanted to know why a yellow sign was not posted. He has been there over 20 years and he is the new kid on the block. They do not have the infrastructure and do not want high density.

Binder - one of Mr. Hamauei's amendments solves your problem.

Rob Logan - spoke about his property.

Walter Links - concerned that he will no longer be able to keep his chickens, etc.

Fontenot - the A classification still includes limited farm animals and household agricultural use.

Wilke - he is a board member for Northlake Nature Center and want to be sure it has been changed in its PF status.

Gould - that is one of his three amendments.

Crawford-Howell - submitted several changes.

Hamauei - he has 22 changes. He wants to point out that this is the first area to be rezoned, and it has been a long difficult process. Most of his district is in this area, but he does not feel that he can adopt it until his citizens can review a finalized map. This process has not been done in over 20 years. He has 22 changes, but he probably turned down 22 other requests.

Binder - he wants the Council to get this right rather than rush it, but also thinks it shouldn't be dragged out.

Wilke - once this ordinance is adopted, will the changes go into place or will they have to wait for the entire parish to be rezoned?

Binder - the changes will be made by area, not the whole Parish.

Crawford-Howell - wants to make sure that any changes made in her area only happen at her request, not anyone else's.

Fontenot - he cannot change the map on his own.

Sheldon Flemming - wants to have his property added to the list.

Stefancik - that property is in my district. The property is zoned A-2 and all of the surrounding area is A2. Mr. Flemming has done several things to this and other properties that he should not have. He has been cited and found guilty in the Administrative Court. I will not sponsor his changes.

Hall - all changes need to have a Council sponsor.

Gould - moved to reintroduce as amended, second by Burkhalter.

Binder - 2) Ord. Cal. No. 3909AA - Ordinance to amend the Parish Unified Development Code, Article 6, Overlays to add Section 6.06, Mixed Use District. (Introduced 8/7/08 and Referred to Zoning) (ZC08-10-057) (Tabled by Council 9/11/08, 10/2/08, 11/6/08 & 12/4/08)) (Tabled by Zoning Commission 10/7/08) (Zoning Commission Denied 11/5/08) (Reintroduced 1/8/09)

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

Gould - 3) Ord. Cal. No. 3961 - Ordinance amending the official zoning map of St. Tammany to reclassify land located on east of Perrilloux Road, north of Highway 22 containing 12.6105 acres from A-4 (Single-Family Residential) & C-2 (Highway Commercial) to ID (Institutional). (Ward 1, District 1) (ZC08-10-059) (Zoning Commission Approved October 7, 2008) (Introduced 11/6/08) (Tabled 12/4/08 & 1/8/09)

Dean - moved to adopt, second by Artigue. Unanimous with 4 absent (Cooper, Thompson, Falconer, Binder); becomes Ord. C.S. No. 09-1998.

Gould - 4) Ord. Cal. No. 3967 - Ordinance to amend Parish Code of Ordinances, Appendix C, Land Use Regulations Ordinance No. 523 as amended, Sections 2.0205 and 6.01 to add new provisions for development of land on the south side of Lakeview Drive. (Ward 9, District 13) (Introduced 12/4/08) (Tabled 1/8/09 pending Zoning Commission review)

Artigue - moved to table, second by Burkhalter. Unanimous with 4 absent (Cooper, Thompson, Falconer, Binder).

Gould - 5) Ord. Cal. No. 3982 - Ordinance authorizing the publication of a notice of intention to create the Wadsworth Community Development District under the authority of Chapter 27-b of Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9039.11, et seq.). (Introduced 1/8/09)

Hamauei - moved to adopt, second by Burkhalter. Unanimous with 3 absent (Cooper, Falconer, Binder); becomes Ord. C.S. No. 09-1999.

Gould - 6) Ord. Cal. No. 3988 - Ordinance amending the St. Tammany Parish Code of Ordinances, Chapter 4 Animals, Fowl and Reptiles, Article V Animal Control, to amend and reenact sections 4-120.00 through 4-136.00, providing comprehensive regulations governing animal control and welfare, and to otherwise provide with respect thereto. (Tabled 12/4/08) (Introduced 1/8/09)

Billiot - moved to adopt, second by Artigue. Unanimous with 3 absent (Cooper, Falconer, Binder); becomes Resolution C.S. No. C - 09-2000.

Gould - 7) Ord. Cal. No. 3991 - Ordinance amending the official zoning map of St. Tammany to reclassify land located at the end of Iron Street, South of Hwy 435 containing 14.42 acres of land from R (Rural) to A-3 (Suburban).(ZC08-08-047) (Ward 10, District 6)(Zoning Commission Approved 12/2/08)(Introduced 1/8/09)

Crawford-Howell - moved to adopt, second by Thompson. Unanimous with 3 absent (Cooper, Thompson, Binder; becomes Resolution C.S. No. C-2001

Gould - 8) Ord. Cal. No. 3992 - Ordinance amending the official zoning map of St. Tammany to reclassify land located west Hwy 190, north of Three Rivers Road containing 0.34 acre from C-2 (Highway Commercial) LC (Light Commercial). (District, Ward 3, District 1) (ZC08-12-063) (Zoning Commission Approved 12/2/08)(Introduced 1/8/09)

Dean - moved to adopt, second by Thompson. Unanimous with 2 absent (Cooper, Binder); becomes Resolution C.S. No. C-2002.

Gould - 9) Ord. Cal. No. 3993 - Ordinance amending the official zoning map of St. Tammany to reclassify land located West Highway 190, north of Three Rivers Road containing 0.57 acres from C-2 (Highway Commercial) to C-1 (Neighborhood Commercial). (Ward 3, District 1) (ZC08-12-064)(Zoning Commission Approved 12/2/08)(Introduced 1/8/09)

Dean - moved to adopt, second by Thompson. Unanimous with 2 absent (Cooper, Binder); becomes Resolution C.S. No. C-2003.

Gould - 10) Ord. Cal. No. 3994 - Ordinance to rename Machinist Row as Stainless Road. (Ward 3, District 2)(Introduced 1/8/09)

Thompson - moved to adopt, second by Falconer. Unanimous with 2 absent (Cooper, Binder); becomes Resolution C.S. No. C-2004.

Gould - 11) Ord. Cal. No. 3996 - 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 that abuts Highway 59, or is located within a distance of two hundred (200') feet of the centerline of the Highway, and which property, being situated along said highway, is in the area between the north side of Highway 1088 and the south side of I-12. (Ward 4, District 5)(Introduced 1/8/09)

Burkhalter - moved to adopt, second by Stefancik. Unanimous with 2 absent (Cooper, Binder); becomes Resolution C.S. No. C-2005.

Gould - 12) Ord. Cal. No. 3997 - Ordinance to extend for an additional six (6) months the moratorium on the submission and review of zoning and conditional use permit applications, Planning Commission Review and on the issuance of building permit applications, for the purpose of construction or placement of multi-family structures on property within unincorporated areas of Council District 12. (Introduced 1/8/09)

Bellisario - moved to adopt, second by Burkhalter. Unanimous with 2 absent (Cooper, Binder); becomes Resolution C.S. No. C-2006.

Gould - 13) Ord. Cal. No. 3998 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of building or conditional use permits for construction or placement of building structures on property within a portion of unincorporated Town of Alton Subdivision. (Ward 9, District 14) (Introduced 1/8/09)

Burkhalter - moved to adopt, second by Artigue. Unanimous with 2 absent (Cooper, Binder); becomes Resolution C.S. No. C-2007.

Gould - 14) Ord. Cal. No. 3999 - Ordinance to extend the three (3) month moratorium on the issuance of permits for construction or placement of building structures on property located within the Sub Drainage District #3 of Gravity Drainage District #5 and areas generally north and east of the District. (Introduced 1/8/09)

Walter Kristiansen - lives at 45 Walnut Place - the basis for this moratorium is drainage. He has lived in Northpark for 13 years. Back in November, the residents voted to create a sub-drainage district. They taxed themselves to solve the drainage problems. They found an expert to do research. No hydrological studies have been done in the area. People has had drainage approved without having a study. He is concerned about further commercial business coming in to the area. Would like the Council to support the extension.

Gould - thinks that District 5 had Kelly McHue do a study of the bayou prior to any construction.

John Lawrence - lives in Northpark and wants to stay. He is opposed to the moratorium. There is only one piece of property left to be developed and the moratorium was put into place because of it. Now, other residents want to install pools, etc. He wants to extend his patio but cannot get a permit because of the moratorium. If the moratorium is left in place, it needs to be limited to new construction, and all of that area has already been developed. This was put in place because the residents did not want a 3 story building near them.

Kristiansen - there is a drainage issue that has been exacerbated by the outside construction. This was never meant to effect the residents who wanted to build patios and pools.

Gerrard Bowers represents J.P.'s interest - his is the only lot left that has not been developed. He met with residents and made changes to his building to make them happy. He has to move forward with his plans. It has already been approved.

Kevin Davis - everything that happens makes an impact in that Bayou Moga area. He appreciates that it is a commercial area. The public has taxed themselves, he doesn't want to get into an issue with Mr. Bowers who has other issues also. Thinks that the gentleman with the patio should be considered. Thinks that we need to move forward with moratorium.

Betingna - he had drainage problems before and doesn't want something irrevocable done, when they can step back and solve the problem.

Davis - if the Council gives just 90 more days, we should be able to create a plan.

Gould - the problem lies with cleaning the creek and where to store a lot of rain water.

Dean - there is not a Council member who doesn't know that he does not like this moratorium. This is a zoning issue, not drainage. There was no problem until this man said that he wanted to build a building. At first, it was a 30 day moratorium, then 3 months, now another 3 months. If the comprehensive rezoning does not go through, then they will be asking for more time. I am not going to make a motion to adopt this.

Stefancik - the Council has to vote on the ordinance.

Hall - it is always the best practice to affirm an ordinance. The Council can make a motion to remove it from the agenda.

Ms. Campbell - please reconsider what you could be doing to an entire neighborhood. This is not just about that property. It is about the surrounding areas. Zea's was allowed to build to the old regulations. There is no information to see what will be the results of further building. We don't get a second chance.

Hall - can amend it to allow applications for pools, building, etc. to be reviewed by engineering for approval.

Hamauei - we have vacated portions or moratoriums before, why can we not do that here?

Oiler - there have been situations where the location of a pool has actually exacerbated the drainage issue.

Dean - moved to remove item from agenda, second by Thompson. Motion failed 6 Yeas (Dean, Thompson, Falconer, Binder, Crawford-Howell, Hamauei), 7 Nays (Gould, Canulette, Bellisario, Billiot, Stefancik, Artigue, Burkhalter) and 1 absent (Cooper).

Stefancik - moved to amend to add condition about Engineering approving building of pools, patios, etc., second by Burkhalter. Motion passed with 12 yeas, 1 nay (Hamauei) and 1 absent (Cooper).

Stefancik - moved to adopt as amended, second by Burkhalter. Motion passed with 11 yeas, 2 nays (Dean, Hamauei) and 1 absent (Cooper); becomes Ordinance C.S. No. 09-2008.

APPOINTMENT

Gould - 1) Resolution to appoint one (1) member _____ to the St. Tammany Parish Recreation District No. 1 to replace Todd Richard (resigned). (Ward 4, Districts 4, 5, 7 & 10) (Falconer)

Falconer - moved to appoint Warren Montgomery, second by Binder. Unanimous with 1 absent (Cooper); becomes Resolution C.S. No. C-2576.

OFF-THE-FLOOR AGENDA

Gould - 2) Resolution to amend Resolution C-1968, adopted December 7, 2006, concurring with the Zoning Commission approval of Plan Review for 11,250 sq. ft. restaurant on the east side of Highway 21, south of Hyacinth Drive. (Ward 1, District 1) (PR06-09-005)(Dean)

Thompson - moved to adopt, second by Falconer. Unanimous with 2 absent (Cooper, Burkhalter); becomes Resolution C.S. No. C-2578.

Gould - 3) Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Marigny Trace, Phase 6a; and Marigny Trace, Phase 6b Subdivisions (Ward 4, District 10) (Dean)

Billiot - moved to introduce, second by Bellisario; becomes Ord. Cal. No. 4009.

Gould - 4) Reconsideration and amendment of Ordinance C.S. No. 09-1985 adopted January 8, 2009, which amended the side yard set-backs. (Gould)

Gould - his intention last month was for the Ordinance to be amended to state less than 50 feet rather than 50 feet or less, which is what was adopted.

Hamauei - the whole purpose of this ordinance was to prevent lots from being so close together and not cause drainage issues.

Stefancik - thinks that need to table this for 30 days so that it can be discussed further. However, he is not sure it can be tabled because it is a reconsideration. He wants to defer to Mr. Hall.

Hall - it can be reconsidered at the next meeting. The intention here is to make a clarification rather than substantive changes.

Stefancik - this is not a clarification. Mr. Gould wants the change it to read less than 50 feet.

Neil - if it is an amendment then it needs to be considered tonight.

Sevante - several months ago Mr. Gould stated that he wanted lots of 50 feet or more to have side yard set-backs of 7.5 feet. The ordinance that was adopted states that lots of 50 feet or less will have side yard set-backs of 5 feet.

Billiot - that may be what the ordinance said, but that is not what he voted for.

Sevante - may need to remove and discuss amending?

Stefancik - moved to remove from agenda, second by Burkhalter. Unanimous with 2 absent (Dean, Cooper).

Gould - 5) Ordinance to amend the Unified Development Code sections governing TND-1 and TND-2 Traditional Neighborhood Development Zoning Districts. (Binder)

Rick Wilke - he understands that there were problems with this ordinance and would like an explanation as to what was done.

Hall - over the course of Comprehensive Rezoning, they thought there was a need to create rezoning for TND (Traditional Neighborhood District). With the TND zoning classification, a person would first have to submit a general plan and then a specific plan before the area could be rezoned in order to allow for the Comprehensive Rezoning. This allows a TND Concept to be submitted to the Planning Commission for review and if approved, then it will be zoned a TND Concept. The next step would be to submit a general plan, and then the person has 3 years to submit the Specific Plan with the option of a 1 year extension. There is no time limit to submit a general plan, but if the project does not move forward within 3 to 4 years, the property will be rezoned.

Wilke - Does the 3 year time limit start when the TND concept is submitted?

Hall - the provision is that once the General Plan is approved, they have 36 months to move forward with the Specific Plan. There is no clock on the TND Concept Plan.

Stefancik - moved to introduce, second by Bellisario; becomes Ord. Cal. No. 4040.

Gould - 6) Resolution to vacate, in part, the moratorium established by Ordinance C.S. No. 08-1928 on issuance of permits for property on the south side of Lakeview Drive to Release Lot 22A, Pont Lake Subdivision.(Ward 8, District 13)(Artigue)

Artigue - moved to adopt, second by Burkhalter. Unanimous with 4 absent (Dean, Cooper, Billiot, Binder); becomes Resolution C.S. No. C-2579.

Gould - 7) Resolution to vacate, in part, the moratorium established by Ordinance C.S. No. 08-1928 on issuance of permits for property on the south side of Lakeview Drive to Release Lot 34, North Shore Sites Subdivision.(Ward 8, District 13)(Artigue)

Artigue - moved to adopt, second by Bellisario. Unanimous with 4 absent (Dean, Cooper, Billiot, Binder); becomes Resolution C.S. No. 2580.

VERBAL OFF-THE-FLOOR

Thompson - Resolution to reappoint David E Root (Term Expired) to St. Tammany Parish Fire Protection District No. 8.

Thompson - moved to adopt, second by Falconer. Unanimous with 4 absent (Dean, Cooper, Billiot, Binder); becomes Resolution C.S. No. C-2581.

EXECUTIVE SESSION

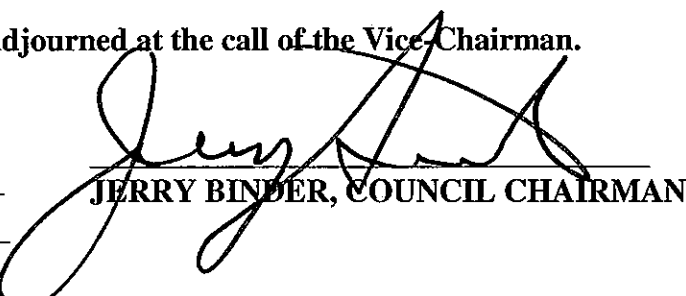
Gould - Lawsuit entitled: N.W. St. Tammany Civic Association, et al v. St. Tammany Parish, 22nd Judicial District Court No. 2008-14871'D', First Circuit Court of Appeal No. 2009-CA-0094.

Neil Hall - no action is necessary regarding this matter.

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



THERESA L. FORD, COUNCIL CLERK



JERRY BINDER, COUNCIL CHAIRMAN



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