

**MINUTES ST. TAMMANY PARISH COUNCIL MEETING - JULY 2, 2009**

**MINUTES OF THE ST. TAMMANY PARISH COUNCIL MEETING  
ON THURSDAY, JULY 2, 2009 AT 6:00 P.M. HELD IN  
THE ST. TAMMANY GOVERNMENT COMPLEX  
21490 KOOP DRIVE, MANDEVILLE, LA.**

**Call to Order by Honorable Jerry Binder, Chairman**

**Invocation by Ms. Crawford-Howell**

**Pledge of Allegiance by Nicholas Hursey, Junior Councilman of the Month**

**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 - introduced Nicholas Hursey from Slidell as Junior Councilman for the meeting.**

**PRESENTATIONS**

**1) Erik Skrmetta - Discussion on Resolution C.S. No. C-2645 regarding providing notice to the Parish Governing Authority of filing of any proposed rate schedule by a public utility. (Bellisario)**

**Eric Skrmetta - wants to submit letters regarding his work as Public Service Commissioner for the First District. It is his intention to individually notify each Parish in his District when a subject that would concern that Parish arises. He has submitted rule changes based on formula rate plans where certain factors are plugged into the numbers to determine what the increases would need to be, such as reevaluating the rates every two years.**

**Hamauei -do you think that a required review at 2 years would encourage water companies to ask for a rate increase when it is not needed?**

**Skrmetta - all of the costs are transparent. A company could not hide a cost in order to get a rate increase that it did not need. Actually, these rules would encourage the opposite because it allows the necessary costs to be presented and causes the companies to provide a good quality product. The transmission system of the water is what causes the increases. If there were a 2 year cycle for rate review, then there would only be a 2-3% increase in rates as opposed to 50% caused by Louisiana Water Service after 7 years with no increase.**

**Burkhalter - how long will companies like CLECO be allowed to include Hurricane repair fees on their bills?**

**Skrmetta - there is a longstanding mechanism in place that is to allow the company to recover only a portion of the repair costs over a period of years. The problem now is having Hurricanes Gustav and Ike back to back. There has been no abuse to the system as far as the costs recovered from clients. Now, customers should see a drop in fuel costs as compared to last year.**

**2) Hurricane Protection for St. Tammany Parish as presented by the U.S. Army Corps of Engineers at its public meeting on June 16, 2009. (Binder)**

Binder - the goal of inviting the Corps of Engineers to present information tonight is to basically answer the questions: how do we keep the lake out of St. Tammany, when can something be built and where will the money be coming from?

Steven Scalise - U.S. Representative - St. Tammany needs Category 5 hurricane protection. Hurricane Katrina proved that the level of flood control here was inadequate. The cheapest option should not be the one that is chosen. The water needs to be kept out of the lake with flood structures such as weirs, levees in the Rigolets. The cost of not doing anything is much greater than the cost of building flood protection. Two things are needed to give the Parish flood protection. First, levees, locks or weirs need to be built. The second is to restore the coast line. One of the solutions is to have the federal government give Louisiana an immediate share of oil and gas revenues. Louisiana is losing land every day. He is going to stand with the Parish to get all of the flood protection that is needed.

Council discussion ensued.

Thomas Holden - representative Corps of Engineers - he is going to give a brief presentation that should answer the Council's questions and may provide for additional comments. (Showed a Power Point presentation and submitted a copy into the record)

Council discussion ensued.

Holden - LACPR has been working to ensure that a system protection plan will happen for both Louisiana and Mississippi. Mississippi is farther ahead than Louisiana because they are working on more of a non-structural plan, such as raising houses, not building levees.

Council discussion ensued.

Holden - he will talk to Col. Lee and advise him that requests have been made to extend the Corps of Engineers comment period and hold additional, non-technical community meetings. The State needs to know what plan the local government wants to take, such as putting all of the money into repairing the ecosystem (coastline) or building structures and barriers or splitting the money between the two. Once the State knows what the Parish wants, then they can tell the Federal government. After the plan is submitted to and approved by Congress, it would take maybe 3 to 5 years to implement it.

Council discussion ensued.

Holden - they learned from the meeting in Slidell. They are adjusting the public sessions, so that the public will be able to better participate.

Binder - called for items to be pulled from the Consent Calendar:

- Ord. Cal. No. 4094
- Resolution C.S. No. C-2658
- Resolution C.S. No. C-2661

Consent Calendar 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	June 4, 2009
Council Committee Meeting	June 24, 2009

**ORDINANCES FOR INTRODUCTION**  
(Public Hearing August 6, 2009)

2) Ord. Cal. No. 4095 - Ordinance amending the official zoning map of St. Tammany to reclassify land located east of South Oaklawn Drive, south of US Highway 190 containing 1.12 acres from A-1 (Suburban) A-3 (Suburban). (Ward 7, District 7) (ZC09-06-014) (Zoning Commission Approved 6/2/09) (Binder/Davis)

3) Ord. Cal. No. 4096 - Ordinance to amend Appendix C of the St. Tammany Parish Code of Ordinances, Land Use Regulations Ordinance No. 523 As Amended, Section 4 off Street Parking and Loading Regulations and the St. Tammany Parish Unified Development Code, Volume I (Zoning), Section 7.07 Off Street Parking and Loading Regulations. (ZC09-06-015) (Zoning Commission Approved 6/2/09) (Binder/Davis)

4) Ord. Cal. No. 4097 - 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) (Gould)

5) Ord. Cal. No. 4098 - 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. (Binder)

6) Ord. Cal. No. 4099 - 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) (Burkhalter)

7) Ord. Cal. No. 4100 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire all certain parcels and/or rights of way for the Voters Road/Highway 433 Project. (Binder/Davis)

8) Ord. Cal. No. 4101 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire all certain parcels and/or rights of way for Lot 1 and Lot 2, Square 11, Alton Subdivision. (Binder/Davis)

9) Ord. Cal. No. 4102 - Ordinance to permit the crossing of the Tammany Trace for the purpose of providing subsurface drainage and maintenance of a retention/detention pond for Henry Mayfield Elementary School. (Ward 9, District 11) (Trc09-06-001) (Planning Commission approved 6/9/09) (Binder/Davis)

10) Ord. Cal. No. 4103 - Ordinance to correct the Road and Drainage Inventory to include Heltemes Lane Lateral, Francis Street lateral and an extension of Hillcrest Blvd. Lateral. (Wards 6 & 7, Districts 6 & 7) (Binder/Davis)

11) Ord. Cal. No. 4104 - Ordinance to amend the Parish Code, Chapter 13, to add new sections to provide for enforcement of traffic controls on private streets within Fox Branch Estates Subdivision. (Ward 1, District 1) (Dean)

12) Ord. Cal. No. 4105 - Ordinance amending Parish zoning map of Comprehensive Rezoning Area One (CRA-1) to add certain parcels of property to the Ponderosa Ranches Manufactured Housing Overlay (MHO). (Ward 9, District 6) (Crawford-Howell)

13) Ord. Cal. No. 4106 - Ordinance amending Parish zoning map of Comprehensive Rezoning Area One (CRA-1) to add certain parcels of property to the Timberland Mobile Home Park Manufactured Housing Overlay (MHO). (Ward 7, District 11) (Stefancik)

14) Ord. Cal. No. 4107 - Ordinance to amend Ordinance C.S. No. 09-1997, adopted January 8, 2009, and St. Tammany Parish Coastal Zone Management Ordinance P.J. S. No. 92-1607, to provide additional guidelines for land reclamation activities adjacent to Lakeview Drive, Slidell. (Ward 8, District 13) (Artigue)

**RESOLUTIONS**

16) Resolution C.S. No. C-2659 - Resolution endorsing Pool Corporation to participate in the Louisiana Enterprise Zone Program. (Binder/Davis)

17) Resolution C.S. No. C-2660 - Resolution establishing Warranty Obligations. (Binder/Davis)

**WARRANTY**

<u><b>NAME OF SUBDIVISION</b></u>	<u><b>RECOMMENDATION</b></u>
Enter Parish R.O.W. - Resolution 04-160 State, Orange, Walnut St. & Mandeville Ave. Abita Terrace S/D Amount: \$14,400 Expires: August 18, 2009 Ward: 4, District: 7	Extend For One (1) Year Or Until Work Satisfactorily Accomplished
Normandy Oaks Subdivision, Phase 3A Amount: \$35,500 Expires: August 12, 2009 Ward:1, District: 1	Release L.O.C. To Be Brought Into The Selective Parish Maintenance System
Normandy Oaks Subdivision, Phase 3B Amount: \$15,600 Expires: August 12, 2009 Ward:1, District: 1	Release L.O.C. To Be Brought Into The Selective Parish Maintenance System
Enter Parish R.O.W. - Resolution 05-223 Echo Street - Alexiusville Subdivision Amount: \$3,000 Expires: August 30, 2009 Ward:3, District: 1	Release Warranty Obligation & Establish A Performance Obligation For Six (6) Months
Heritage Oaks Subdivision Amount: \$30,800 Expires: August 30, 2009 Ward:1, District: 1	Extend For One (1) Year Or Until Work Is Satisfactorily Accomplished
Casa Bella Subdivision Amount: \$5,300 Expires: March 17, 2010 Ward: 4, District: 5	Release Warranty Obligation To Be Brought Into The Selective Parish Maintenance System
Guste Island Estates, Parcel C, Ph. 1 "The Pines" Amount: \$33,900 Expires: July 18, 2009 Ward: 1, District:1	Release Warranty Obligation & Establish Performance Obligation For Six (6) Months
Guste Island Estates, Parcel E, "The Forest" Amount: \$34,500 Expires: July 18, 2009 Ward:1, District: 1	Release Warranty Obligation & Establish Performance Obligation For Six (6) Months
<b>WARRANTY OBLIGATIONS CONTINUED:</b>	
Pontchartrain Oaks Estates Subdivision Amount: \$31,000 Expires: August 4, 2009 Ward:1, District: 1	Release Warranty Obligation & Establish A Performance Obligation For Six (6) Months
Pittman Place Subdivision Amount: \$29,100 Expires: July 26, 2009 Ward:8, District: 9	Release Warranty Obligation & Establish Performance Obligation For Six (6) Months

19) Resolution C.S. No. C-2662 - Resolution to amend Ordinance C.S. No. 08-1968, 2009-2013 Capital Improvement Budget and Program, Fixed Assesst and Grant Awards. (Binder/Davis)

20) Resolution C.S. No. C-2663 - Resolution authorizing Parish President to take all actions necessary to obtain Department of Energy funding under the Energy Efficiency and Conservation Block Grant Program.

END OF CONSENT CALENDAR

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

1) Ord. Cal. No. 4094 - Ordinance amending the official zoning map of St. Tammany to reclassify land located east of LA Highway 25, North of Hard Hat Drive containing 24.971 acres from M-2 (Intermediate Industrial) to a PUD (Planned Unit Development). (Ward 3, District 2) (ZC09-06-013) (Zoning Commission Approved 6/2/09) (Binder/Davis)

Binder - due to a typographical error, this ordinance needs to be amended to state 9.462 acres instead of 24.971.

Cooper - moved to amend, second by Burkhalter. Unanimous with no one absent.

Cooper - moved to introduce as amended, second by Thompson.

15) Resolution C.S. No. C-2658 - Resolution approving the holding of an election in St. Tammany Parish Drainage District No. 4 on Saturday, October 17, 2009 to authorize the renewal of a maintenance and operation tax therein. (Artigue)

Falconer - just want to ask about the Public Notice in the paper about the roll up of Parish Millages?

Kim Salter - the law requires that any millage discussion has to be advertised and the Parish advertises in advance to make sure it is not missed. This does not mean that the millage discussion will be in September, they do not have any figures as of yet from the Assessor.

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

18) Resolution C.S. No. C-2661 - Resolution to concur/not concur with the Town of Pearl River annexation and rezoning of .347 acres from Parish SA (Suburban Agriculture) to Town of Pearl River B-2 (Commercial), Lot 8A, Square 22, Village of Guthrie in Sect 12, T-8-S, R-14-E (Ward 8, District 9) (Binder/Davis)

Bellisario - he and Ms. Crawford-Howell met with the Mayor of Pearl River to discuss water issues in Guthrie. The Mayor has agreed to work with the Parish to solve the problems.

Bellisario moved to concur, second by Crawford-Howell. Unaniomous with no one absent.

ORDINANCES FOR ADOPTION

1) Ord. Cal. No. 4010AA - Ordinance to amend the Unified Development Code sections governing TND-1 and TND-2 Traditional Neighborhood Development Zoning Districts. (Introduced 2/5/09)(Referred to Zoning 3/5/09) (Tabled 4/2/09, 5/7/09 & 6/4/09)

Sidney Fontenot - this needs to be amended because there were several areas in these TND documents that need to be clarified to indicate that reviews would be conducted by the Planning Department.

Burkhalter - moved to amend, second by Bellisario. Unanimous with no one absent.

Burkhalter - moved to adopt, second by Bellisario. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2079.

2) Ord. Cal. No. 4019AA - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning) Section 5.21 HC-2 Highway Commercial Zoning Districts relative to automotive sales and service. (Introduced 3/5/09) (Tabled 4/2/09 & 5/7/09) (Reintroduced 6/4/09)

Gould - moved to adopt, second by Thompson. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2080.

3) Ord. Cal. No. 4029AA - Ordinance to amend the Unified Development Code, Volume 1 - Zoning, by adopting the recommendation of the Parish Zoning Commission, as amended, relative to the Comprehensive Rezoning of the Southwest Study Area. (Introduced 3/5/09) (Reintroduced 4/2/09 & 5/7/09 & 6/4/09)

Chris Jordan - representing Tammany Oaks Church - they have expressed a zoning change to Mr. Gould to change a portion of the property from NC1 to A3.

Susan Mainint - they own 19 acres on Brewster Road. All of Brewster Road has been changed to A2. They would like their property returned to A3, which would allow 2 houses per acre.

Dean - all due respect for the history of the area, but what he knows is that Brewster Road has too many subdivisions and is way overbuilt. Widening the road has been hard because they have to make it safe for the people who already live there. He believes that Brewster Road does not need any more density and is going to leave it A2.

Gould, Falconer, Thompson, Dean and Billiot - entered amendments into the record.

Gould - moved to amend, second by Falconer. Unanimous with no one absent.

Gould - moved to reintroduce, second by Falconer.

Binder - 4) Ord. Cal. No. 4073 - Ordinance amending the official zoning map of St. Tammany Parish to reclassify land located north LA Highway 36, west of St. Landry Street, being Lot 6, Block 9, Garland's Covington & Claiborne Addition containing 35,800 sq.ft. from SA (Suburban Agricultural) to a C-2 (Highway Commercial). (ZC09-05-008) (Ward 3, District 3) (Zoning Commission approved 5/5/09) (Introduced 6/4/09)

Thompson - moved to adopt, second by Falconer. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2081.

Binder - 5) Ord. Cal. No. 4074 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning) Section 5.25 I-2 Industrial District relative to General Office Building. (ZC 09-05-009) (Zoning Commission approved 5/5/09) (Introduced 6/4/09)

Hamauei - moved to adopt, second by Bellisari. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2082.

Binder - 6) Ord. Cal. No. 4075 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning) Sections 5.24 I-1 Industrial & 5.25 I-2 Industrial Districts relative to Recreational Facilities. (ZC09-05-011) (Zoning Commission approved on 5/5/09) (Introduced 6/4/09)

Canulette - moved to adopt, second by Burkhalter. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2083.

Binder - 7) Ord. Cal. No. 4076 - Ordinance amending the official zoning map of Comprehensive Rezoning Area One (CRA-1) of St. Tammany Parish to reclassify certain areas as Manufactured Housing Overlay (MHO). (Wards 8 and 9, District 14) (Introduced 6/4/09)

Burkhalter - moved to adopt, second by Artigue. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2084.

Binder - 8) Ord. Cal. No. 4077 - Ordinance to extend for an additional six (6) months the moratorium on the placement of fill and on the issuance of building permits for construction or placement of building structures on property within Dove Park Subdivision . (Ward 4, District 5)(Introduced 6/4/09)

Gould - moved to adopt, second by Thompson. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2085.

Binder - 9) Ord. Cal. No. 4078 - Ordinance to extend for an additional six (6) months the moratorium on the receipt of submissions and the approval of applications by the Parish Planning Commission and the Parish Planning Department for the resubdivision of property within Lewisburg Estates Subdivision and a portion of Old Golden Shores Subdivision, and only within the unincorporated boundaries of Ward 4, District 4.(Ward 4, District 4) (Introduced 6/4/09)

Falconer - the intent of this moratorium is to prevent any new subdivisions in this area. Once the Southwest Area of the Comprehensive Rezoning is adopted, he intends to remove the moratorium.

Falconer - moved to adopt, second by Gould. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2086.

Binder - 10) Ord. Cal. No. 4079 - Ordinance to extend for an additional six (6) months the moratorium on the approval of rezoning, issuance of conditional use permits and issuance of plan review permits, not previously received, for property abutting the Louisiana Highway 21 Planned Corridor from Keys Road North to Azalea Drive. (Ward 1, District 1) (Introduced 6/4/09)

Dean - moved to adopt, second by Thompson. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2087.

Binder - 11) Ord. Cal. No. 4080 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for construction or placement of building structures on certain right-of-way parcels needed for listed capital projects. (Introduced 6/4/09)

Burkhalter - moved to adopt, second by Artigue. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2088.

Binder - 12) Ord. Cal. No. 4081 - Ordinance to declare Slip 89 of Marina Chamale' Condominiums, as surplus property and authorize the Parish to proceed with the process for the sale , lease, or disposal of said property. (Introduced 6/4/09)

Gould - moved to adopt, second by Falconer. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2089.

Binder - 13) Ord. Cal. No. 4082 - Ordinance to declare Lot 51, Square 233-A, rural Mandeville, as surplus property and authorize the Parish to proceed with the process for the sale , lease, or disposal of said property. (Introduced 6/4/09)

Gould - moved to adopt, second by Crawford-Howell. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2090.

Binder - 14) Ord. Cal. No. 4083 - Ordinance to adopt a voluntary developmental agreement between the Parish and John Mamoulides, the developer of Lake Ramsey, Phase 4-A and 5 Subdivision. (Ward 3, District 3) (Approved by Planning Commission 5/12/09) (Introduced 6/4/09)

Thompson - moved to adopt, second by Cooper. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2091.

Binder - 15) Ord. Cal. No. 4084 - Ordinance to revoke a portion of Park Place located in Highland Park Subdivision. (Ward 9, District 12) (Approved by Planning Commission 5/12/09) (Introduced 6/4/09)

Hamauei - moved to adopt, second by Burkhalter. Burkhalter - Unanimous with no one absent; becomes Ordinance C.S. No. 09-2092.

Binder -16) Ord. Cal. No. 4085 - Ordinance to correct the Road and Drainage Inventory to include Camellia Drive. (Introduced 6/4/09)

Burkhalter - moved to adopt, second by Canulette. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2093.

Binder - 17) Ord. Cal. No. 4086 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Raiford Oaks, Phase 1 Subdivision. (Ward 1, District 1) (Introduced 6/4/09)

Dean - moved to adopt, second by Thompson. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2094.

Binder - 18) Ord. Cal. No. 4087 - Ordinance to amend the Unified Development Code, Volume 1 - Zoning, by adopting the recommendation of the Parish Zoning Commission, as amended, relative to the Comprehensive Zoning of the Southeast Study Area. (Approved by Zoning Commission on May 19, 2009)(Introduced 6/4/09)

Burkhalter and Bellisario - submitted amendments.

Burkhalter - moved to amend, second by Artigue. Unanimous with no one absent.

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

Binder - 19) Ord. Cal. No. 4088 - Ordinance to amend the Parish Code, Chapter 15, Article II, Watercraft Speed Limits, to establish a "Dead Slow, No Wake" Zone for a portion of the Pearl River Navigational Canal. (Introduced 6/4/09)

Crawford-Howell - moved to adopt, second by Gould. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2095.

Binder - 20) Ord. Cal. No. 4089 - General Bond Ordinance authorizing the issuance from time to time of Utilities Revenue Bonds of St. Tammany Parish; prescribing the form and certain terms and conditions of said bonds; providing for the payment thereof in principal and interest; and providing for other matters in connectin therewith. (Introduced 6/4/09)

Alan Offner - represents Foley and Judell. This is a general bond ordinance to allow the Council to issue bonds for improvements to utilities in unincorporated Covington and Slidell. The bond is ordered by the DEQ.

Falconer - they had a good discussion about Bonds at the Committee meeting. He requested a different summary of each bond ordinance which would include a summary of fees. He spoke with Leslie Long and they are going to put a plan in place.

Stefancik - moved to adopt, second by Canulette. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2096.

Binder - 21) Ord. Cal. No. 4090 - Supplemental Bond Ordinance authorizing the issuance of not exceeding \$1,000,000 of Utilities Revenue Bonds, Series 2009, of St. Tammany Parish, in accordance with the terms of a General Bond Ordinance adopted on July 2, 2009; prescribing the form, and certain terms and conditions of said bonds; and providing for other matters in connection therewith. (Introduced 6/4/09)

Stefancik - moved to adopt, second by Burkhalter. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2097.

Burkhalter - moved to open the Off-the-Floor Agenda and move-up Item #4, second by Stefancik. Unanimous with 1 absent (Thompson).

Binder - 4) Resolution approving holding of an election in St. Tammany Parish Recreation District No. 14 to authorize the incurring of debt and issuance of bonds. (Dean)



Dean - the Recreation District needs another \$3.3 million in bonds for improvements. This is a great opportunity for the people to vote for the bonds without raising the millage.

Grant Schleuter - represents Foley & Judell - representing the District. This item is a \$3 million bond election on October 17, 2009. The District has indicated that no millage increase is necessary to repay the bonds.

Dean - moved to adopt, second by Gould. Unanimous with no one absent; becomes Resolution C.S. No. C-2668.

Binder - 22) Ord. Cal. No. 4091 - Ordinance to amend and reenact Parish Code of Ordinances, Chapter 14 Nuisances, Article I in General, Section 14-002.00 Illustrative Enumeration, to prohibit unfenced agricultural and decorative ponds, oxidation ponds, and pits that may hold rainwater, which are located on residential lots less than one hundred and fifty feet in width. (Introduced 6/4/09)

Sandra Slifer - thinks that there needs to be more of a distinction between a decorative pond and a pit. There is no description of what is considered a decorative pond. She thinks they need to be defined by slope, depth, etc. A lot of people have spent a lot of money on decorative ponds in their front yards to beautify their subdivisions. They would not want to put a 4 foot fence around them.

Neil - he appreciates the comments. He has done a tremendous amount of legal research into this matter. The jurisprudence states that oxidation ponds particularly are dangerous. Case law shows that ponds can be compared to pools. The Parish requires pools to be fenced, he would assume in order to protect small children from wandering into them. If pools and ponds are comparable, then there is no reason not to require fences. Webster's Dictionary defines a pond as smaller than a lake and artificially made. If the ordinance were to define ponds by dimensions, then we may end up excluding more dangerous smaller or larger ponds or pits. He feels compelled to do more work on the pit issues, but feels that the pond section is fine. The ordinance only applies to unincorporated areas with lots less than 150 feet because those are the more densely populated areas.

Council discussion ensued.

Hamauei - this issue is a big concern and he thinks it needs to be addressed. This discussion is far from what he wanted to do, but he is not going to give this up. He is going to work with Neil and present a revised version next month.

Hamauei - moved to table, second by Burkhalter. Unanimous with 1 absent (Cooper)

23) Ord. Cal. No. 4092 - Ordinance to close a portion of K West Street for an indefinite period of time, located in Tammany Hills Subdivision. (Ward 3, District 5) (Introduced 6/4/09)

Jeff Jeanfreau - he lives on K West - he worked with the Parish 25 years ago to straighten out the problem with the curve on Harrison. It was the best solution. Blocking the end of K West street causes issues with EMS, Police, Fire and Garbage trucks trying to access the middle and end of the street. He watched a Kentwood truck back into a driveway to turn around, and he knows that is against their policy. He knows that the person on the corner is the one that started the petition. But, as she bought the house a few years ago, he does not understand why she is just now complaining. He talked to several people who said they signed the petition because they were mad that people were using the street as a cut through, but the opening of Falconer Drive solved that issue. All of the fire breaks and lanes are gone. He does not know why K West was singled out to block off because all of the streets that access Harrison are just as dangerous. His elderly mother is afraid she will need EMS and they will not be able to get her out quickly.

Harold Glossop - they live on the corner, and, when they bought the property, the curve had ditches that would have stopped cars from running into his house. Now all of the ditches have been paved over. One of the ditches saved his house once because a truck drove into it.

Tina Glossop - they think the solution is to put a turnaround on the lot across from them. The Parish already owns the property. She does not believe that the situation is as dramatic as the man said about access by emergency vehicles. The emergency barriers were not placed until after Mr. Gould and the Parish came out and saw how dangerous the situation was. She sits on her front

porch and watches the 18 wheelers pass by. Before she was not afraid because there were natural barriers like trees, bushes and ditches that protected her house. Now, they are all gone. They back straight out of their driveway into the turning lane on Harrison.

Gould - he thinks that both sides have made perfect points, but, when he went out there, he saw how it leads directly toward the Glossops' house. He thinks the real solution is a barrier or railing that will make people take the curve instead of heading straight. He thinks that leaving it closed may not be the best idea due to Mr. Jeanfreau's point. He knows that it is an inconvenience, but he wants to work with the Engineering Department to find a solution and then address it at the August meeting.

Gould - moved to table, second by Falconer. Unanimous with 1 absent (Cooper).

Binder - 24) Ord. Cal. No. 4093 - Ordinance amending the official zoning map of St. Tammany to reclassify land located south of Highway 36, and east of the St. Tammany Airport containing 261 acres from A-4 (Single Family-UDC) to I-1 (Industrial). (Introduced 6/4/09)

Burkhalter - moved to adopt, second by Bellisario. Unanimous with 1 absent (Cooper); becomes Ordinance C.S. No. 09-2098.

**NOMINATIONS**

Binder - 1) Resolution to appoint 4 members \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ to the Housing Authority of St. Tammany. (Parishwide)(Burkhalter)

Burkhalter - nominates Dr. Otis Campbell, Gary Elish, Maureen Clary, Linda Cloud.

Stefancik - moved to close nominations, second by Burkhalter.

Burkhalter - moved to suspend the rules and appoint the nominees, second by Artigue. Unanimous with 1 absent (Cooper); becomes Resolution C.S. No. C-2664.

**APPOINTMENTS**

Binder - 1) Resolution to reappoint Michael Moore, Brent Cordell and Ross Legarde to St. Tammany Parish Water District No. 3. (District 4) (Falconer)

Falconer - moved to adopt, second by Thompson. Unanimous with 1 absent (Cooper); becomes Resolution C.S. No. C-2665.

**OFF-THE-FLOOR**

Burkhalter - moved to open the Off-the-Floor Agenda, second by Falconer. Unanimous with 1 absent (Cooper).

Binder - 1) Resolution authorizing the Parish President to execute a Cooperative Endeavor Agreement by and between Arbor Holdings, L.L.C., Scalfano Engineering, Inc. and the Parish of St. Tammany. (Gould)

Gould - moved to adopt, second by Burkhalter. Unanimous with 1 absent (Cooper); becomes Resolution C.S. No. C-2666.

Binder - 2) Ordinance to amend Ordinance C.S. No. 08-1779, adopted March 6, 2008 to approve location changes for polling sites. (Binder)

Hamauei - moved to introduce, second by Burkhalter; becomes Ordinance Cal. No. 4108.

Binder - 3) Resolution to amend Ordinance C. S. No. 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Thompson)

Thompson - moved to adopt, second by Dean. Unanimous with 1 absent (Cooper); becomes Resolution C.S. No. C-2667.

Binder - called for any verbal Off-the-Floor items:

Hamauei - Ordinance authorizing the acceptance of certain drainage servitudes located within the Forest Brook Subdivision into the Parish Maintenance System (Ward 4, District 7)

Bellisario - Resolution of the St. Tammany Parish Council in opposition to discharge permit and permit modification filed with Louisiana Department of Environmental Quality by Slidell Landfill, LLC.

Bellisario - he also wanted to let everyone know that one of the members of the St. Tammany Hospital Services District No. 2 (Slidell Memorial Hospital) Permanent Nominating Committee has passed away and therefore there will be a need to nominate a replacement at the next meeting.

Burkhalter - he wants to challenge these verbal off-the-floor items based on the Council's rules for submitting items verbally. He does not feel that any of these items meet the criteria as set forth in Resolution C.S. No. C-1982 adopted on January 4th, 2007.

Hamauei - he disagrees that his does not meet the criteria as the drainage in this area is a serious issue that needs to be handled immediately.

Sevante - procedurally each Council Member should be given the opportunity to explain the reason they have brought their item verbally off-the-floor prior to the vote on hearing the item being taken. He believes that Mr. Burkhalter is a bit premature with his challenge.

Hall - per the new state law before any item is considered off-the-floor by the Council, the Council Member is allowed to identify the matter with reasonable specificity and defend the reason it needs to be considered.

Hamauei - this is a matter of public health and safety that has been a problem for quite awhile, but the Parish has now come up with some solutions.

Binder - there needs to be a vote to allow Mr. Hamauei's item to be heard off-the-floor.

Kevin Davis - he encourages support of this ordinance because they think they have found a solution to the problem and they need to fix it before another hurricane comes.

Hamauei - moved for the Council to consider his item off-the-floor, second by Bellisario. Motion failed, 1 Nay (Burkhalter) and 1 absent (Cooper).

Bellisario - according to Resolution C.S. No. 1982, each off-the-floor item needs to only meet one of the criteria listed. He believes that his issue is time sensitive and needs to be heard. He is concerned that if they wait too long to pass this resolution, it may be too late for it to accomplish anything.

Davis - he agrees with Mr. Bellisario on this issue. What concerns him are several items in the permit application by the owners of the landfill asking for an extension. (Read several items from permit application and submitted it for the record.) He fears that the DEQ will accept the application and approve the extension without holding a public hearing. There are a lot of politics involved with this issue. St. Tammany needs to let the state delegation know that it is not right for the DEQ to make a decision without a public hearing.

Artigue - he thinks the same should go for the Council. He thinks the public needs to have the opportunity to have a say in what happens with the landfill. The Council needs to hear both sides of the issue and since this came off-the-floor, the public does not know that we are discussing it. He thinks it needs to be tabled until next month.

Collier - he would like to remind the Council that this issue came up in 2006 and within 13 days over 100 people met at the Harbor Center about it. There was a lot of documentation sent to the DEQ. He thinks that there is no question that the people want the landfill closed. There is no one who benefits from the operation of the Slidell landfill except the owners

Jack Francionne - represents Brian Harris Chevrolet Autoplex - all of the dealerships near the landfill are opposed to an extension of its permit. They constantly have to pick up garbage, clean cars and spend more money on advertising to get customers.

Wilke - he lives on the west side of the Parish, but is in the loop on what happens on the East side of the Parish. He thinks time is of the essence here, and this issue effects all of the Parish. The Comprehensive Rezoning is happening so that the people will know what is going to be near then. They have been promised that this landfill would close next year.

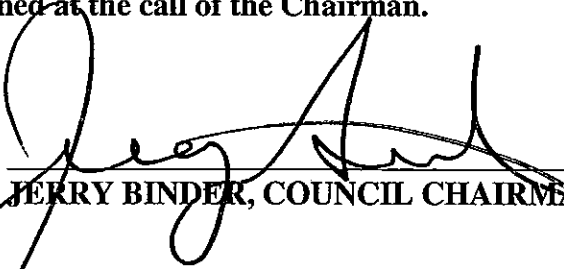
Council discussion ensued.

Bellisario - moved for the Council to consider his item off-the-floor, second by Hamauei. Motion failed, 5 Nays (Crawford-Howell, Canulette, Stefancik, Artigue, Burkhalter) and 1 absent (Cooper).

Burkhalter - moved to reconsider Mr. Hamauei's off-the-floor item, second by Hamauei. Motion is unanimous with 1 absent (Cooper).

Hamauei - moved to introduce, second by Mr. Gould; becomes Ordinance Calendar No. 4109.

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

  
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JERRY BINDER, COUNCIL CHAIRMAN

  
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THERESA L. FORD, COUNCIL CLERK