

**MINUTES OF ST. TAMMANY PARISH COUNCIL MEETING - OCTOBER 1, 2009**

**MINUTES OF THE ST. TAMMANY PARISH COUNCIL MEETING  
ON THURSDAY, OCTOBER 1, 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 Mr. Falconer**

**Pledge of Allegiance by Mr. Burkhalter**

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

**PUBLIC HEARING - BOARD OF REVIEW**

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

The Assessor of St. Tammany Parish has duly advertised notice of this public hearing in accordance with law. The deadline for receipt of appeals by taxpayers to the Board of Review was 11:59 p.m. September 24, 2009. If no appeals were lodged by this date, or appeals were lodged but resolved through the Parish Assessor's Office, the time will automatically expire and terminate without the need for the Parish Council to reconvene to so declare.

**Board of Review call for unresolved appeals:**

**Binder - the Council is named by the Louisiana Constitution to serve as the Board of Review for any unresolved assessment appeals. There are some unresolved appeals, and they will be heard on Monday, October 5<sup>th</sup> and Wednesday, October 7<sup>th</sup> beginning at 6pm. Appellants have been or will be contacted by telephone to be advised of their hearing date.**

**PRESENTATIONS**

**Binder - 1) Recognize J&D Small Engine Repair as the October Business of the Month. (Billiot)**

**Tony Thiery - he is much better with wrenches than microphones. He and Jason Bourgeois appreciate the recognition. They have been in business for 10 years and they plan to stay. They stayed during Hurricane Katrina in order to provide generators.**

**Binder - 2) Presentation by Jay Martin, Executive Director of the Maritime Museum, regarding the Wooden Boat Festival in Madisonville. (Gould)**

**Jay Martin - this is the 20<sup>th</sup> anniversary of the Madisonville Boat Festival. There will be family activities, more bands than ever before, good food and good times. Some of the money raised is used to hold a camp for Southeastern students. One of the camp activities is to build a submarine to help with math and science skills. The remainder of the money is for the restoration of the Tchefuncte River Lighthouse. Eventually, they would like to buy a boat to take people to visit the Lighthouse. The Lighthouse is a good representation of the maritime history in this area. The website for the festival is: [www.woodenboatfest.org](http://www.woodenboatfest.org).**

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

- Ord. Cal. No. 4150
- Ord. Cal. No. 4163
- Ord. Cal. No. 4164
- Resolution C.S. No. C-2721

Consent Calendar less items pulled:

**CONSENT CALENDAR  
(PAGES 2 THROUGH 8)**

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	September 3, 2009
Council Committee Meeting	September 23, 2009

**ORDINANCES FOR INTRODUCTION  
(Public Hearing November 5, 2009)**

1) Ord. Cal. No. 4145 - Ordinance to amend Parish Unified Development Code, Volume I (Zoning) Section 7.01 Landscape and Tree Preservation Regulations. (ZC09-08-021) (Zoning Commission approved 9/1/09) (Binder/Davis)

2) Ord. Cal. No. 4146 -Ordinance to amend the Parish Unified Development Code, Volume I (Zoning) to add a new zoning classification: Section 6.06 RO - Rural Overlay. (ZC09-08-025) (Zoning Commission approved 9/1/09) (Binder/Davis)

3) Ord. Cal. No. 4147 - Ordinance amending the official zoning map of the 2009 South Central Comprehensive Rezoning Area 1 (CRA-1) of St. Tammany Parish to reclassify land located on the northeast corner of LA Highway 434 & Berry Todd Road, south of I-12 containing 10 acres from A-2 (Suburban) to a PF-1 (Public Facilities). (Ward 7, District 7) (ZC09-09-027) (Zoning Commission approved 9/1/09) (Binder/Davis)

4) Ord. Cal. No. 4148 - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning), Sections 5.20 HC-1 Highway Commercial District, 5.21 HC-2 Highway Commercial District, 5.22 HC-3 Highway Commercial District, 5.23 HC-4 Highway Commercial District, 5.23a HC-5 Highway Commercial District, 5.24 I-1 Industrial District, 5.25 I-2 Industrial District, 5.26 I-3 Heavy Industrial District, 5.26a I-4 Heavy Industrial District, 5.3 PF-1 Public Facilities, 5.30a PF-2 Public Facilities, 5.30b PF-3 Public Facilities to add the uses of snowball stands, Christmas tree sales, fireworks sales, seasonal seafood sales, seasonal produce sales as an administrative permit. (ZC09-09-028) (Zoning Commission approved 9/1/09) (Binder/Davis)

5) Ord. Cal. No. 4149 - Ordinance to correct the Road and Drainage Inventory to delete Ted Willems Road. (Ward 10, District 2) (Binder/Davis)

7) Ord. Cal. No. 4151 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories specifically Versailles, Phase 5b2; Guste Island Estates, Parcel C, Phase 1 "The Pines"; and Guste Island Estates, Parcel E, "The Forest" Subdivisions.(Ward 1, District 1) (Binder/Davis)

8) Ord. Cal. No. 4152 - Ordinance to authorize the Parish Council to declare Lot 51, Square 233-a Rural Mandeville, as surplus property and authorize the sale of said lot. (Binder/Davis)

9) Ord. Cal. No. 4153 - Ordinance to authorize the Parish Council to declare Slip 89 of Marina Chamale' Condominiums, as surplus property and authorize the sale of said parcel.(Binder/Davis)

10) Ord. Cal. No. 4154 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of building permits for the construction or placement of building structures within a portion of Cypress Park Subdivision and a portion of surrounding areas. (Ward 7, District 7) (Hamauei)

11) Ord. Cal. No. 4155 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for the construction or placement of building structures on certain properties within unincorporated St. Tammany Parish abutting, in whole or in part, a portion of East I-10 Service Road, Slidell. (Ward 8, District 8) (Canulette)

12) Ord. Cal. No. 4156 - 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. (Ward 9, District 14) (Burkhalter)

13) Ord. Cal. No. 4157 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for any construction activities on, or improvements to, undeveloped property within a portion of Pineview Heights Subdivision and certain surrounding areas. (Ward 4, District 5). (Gould)

14) Ord. Cal. No. 4158 - 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)

15) Ord. Cal. No. 4159 - Ordinance to extend for an additional six (6) months the moratorium on the submission of applications to rezone property located within the triangular shaped area bounded on the south by Highway 190, on the east by Tchefuncte River, and on the west by the St. Tammany and Tangipahoa Parish line. (Dean)

16) Ord. Cal. No. 4160 - Ordinance to extend for an additional six (6) months the moratorium on the receipt of applications by the Parish Zoning Commission for mobile home conditional use permits and/or on the issuance of building permits for placement of mobile homes on property within the subdivision known as Hillcrest Country Club, Additions #1, 2, 3 and 4. (Ward 6, District 6) (Crawford-Howell)

17) Ord. Cal. No. 4161 - Ordinance to consolidate St. Tammany Parish Fire Protection District No. 9 and St. Tammany Parish Fire Protection District No. 10. to reestablish Fire Protection District No. 9 after enlarging and fixing the boundaries of Fire Protection District No. 9 to include therein and therewith all of the territory situated within the existing boundaries of Fire Protection District No. 10, which includes the Village of Sun.(Ward 5, Districts 2 and 6) (Crawford-Howell)

18) Ord. Cal. No. 4162 - Ordinance revoking the unaccepted dedication of a strip of property for an unnamed street that has not been constructed and is not needed for public purposes. (Ward 1, District 1) (Dean)

21) Ord. Cal. No. 4165 - Ordinance to amend the Parish Code of Ordinances, Chapter 4 Animals, Fowl and Reptiles, Article V Animal Control, Section 4-125.00 Public Nuisance, and Ordinance C.S. No. 09-2000, adopted February 5, 2009, to prohibit roadside and parking lot sales of animals throughout the unincorporated areas of St. Tammany Parish. (Ward 1, District 1) (Dean)

22) Ord. Cal. No. 4166 - Ordinance amending the official zoning map of the 2009 South Central Comprehensive Rezoning Area One (CRA-1) of St. Tammany Parish to reclassify land north and south of East Main Street and Clesi Avenue, east of Transmitter Road from A-3 (Suburban) to A-3 and Mobile Home Overlay (MHO).(Ward 6, District 11) (Stefancik)

23) Ord. Cal. No. 4167 - Ordinance amending the official zoning map of the 2009 South West Comprehensive Rezoning Area Two (CRA-2) of St. Tammany Parish to reclassify land in the Southern Corner of Keys Road and Hwy 21 from Professional Office (NC1) and Neighborhood Institutional (NC4) to Medical Residential (MD1). (Ward 1, District 1) (Dean)

24) Ord. Cal. No. 4168 - Ordinance amending the official zoning map of the 2009 South West Comprehensive Rezoning Area Two (CRA-2) of St. Tammany Parish to reclassify land at the corner of Joiner Wymer Road and Hwy 1077 from Suburban (A-3) to Single Family Residential (A4). (Ward 1, District 1) (Dean)

25) Ord. Cal. No. 4169 - Ordinance to amend the Parish Code of Ordinances, Chapter 21, Article II, Division 7, to provide for the abolishment of St. Tammany Parish Sewerage District No. 6 and for all other matters in connection therewith. (Thompson)

**RESOLUTIONS**

26) Resolution C.S. No. C-2701 - Resolution stating Council endorsement of Winn-Dixie-Montgomery for participation in benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0749) (Binder/Davis)

27) Resolution C.S. No. C-2702- Resolution stating Council endorsement of TruSM, Inc. for participation in benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0801) (Binder/Davis)

28) Resolution C.S. No. C-2703 - Resolution stating Council endorsement of Boudreaux & Thibodeaux's Cajun Landing, LLC. for participation in benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0805) (Binder/Davis)

29) Resolution C.S. No. C-2704 - Resolution stating Council endorsement of CPU2, LLC for participation in the benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0869) (Binder/Davis)

30) Resolution C.S. No. C-2705 - Resolution stating Council endorsement of Anderson Memory Care Center, LLC for participation in the benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0910) (Binder/Davis)

31) Resolution C.S. No. C-2706 - Resolution stating Council endorsement of Summerfield Retirement Community, LLC for participation in the benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0911) (Binder/Davis)

32) Resolution C.S. No. 2707 - Resolution stating Council endorsement of First Bank & Trust for participation in the benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0930) (Binder/Davis)

33) Resolution C.S. No. C-2708 - Resolution establishing Warranty Obligations. (Binder/Davis)

**PERFORMANCE**

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Pontchartrain Oaks Estates S/D Amount: \$31,000 Expires: July 26, 2010 Ward: 1, District: 1	<i>PERFORMANCE OBLIGATION</i> RELEASE L.O.C. THIS IS A PRIVATE SUBDIVISION AND THE PARISH IS NOT RESPONSIBLE FOR ANY MAINTENANCE

**WARRANTY**

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Alamosa Park S/D, Phase 3A Amount: \$18,000 Expires: November 19, 2009 Ward: 4, District: 7	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED

**WARRANTY OBLIGATIONS CONT.****Terra Bella S/D, Phase 1-A-1****Amount: \$61,900****Expires: October 9, 2009****Ward: 1, District: 1****Guste Island Estates S/D, Parcel A, "The Village"****Amount: \$31,000****Expires: November 3, 2009****Ward: 1, District: 1****Stonebrook S/D****Amount: \$10,900****Expires: November 1, 2009****Ward: 4, District: 10****RELEASE L.O.C.****TO BE BROUGHT INTO SELECTIVE  
PARISH MAINTENANCE SYSTEM****RELEASE WARRANTY OBLIGATION  
AND ESTABLISH A  
PERFORMANCE OBLIGATION  
FOR SIX (6) MONTHS****EXTEND FOR ONE (1) YEAR****OR UNTIL WORK IS****SATISFACTORILY ACCOMPLISHED**

34) Resolution C.S. No. C-2709 - Resolution to amend Ordinance C.S. No 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

35) Resolution C.S. No. C-2710 - Resolution to amend Ordinance C.S. No 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the Council District No. 10 Road List. (Binder/Davis)

36) Resolution C.S. No. C-2711 - Resolution to support Fire Protection District No. 3's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing extrication materials. (Binder/Davis)

37) Resolution C.S. No. C-2712 - Resolution to support Fire Protection District No. 5's application for assistance from the Louisiana Office of Community Development for the purchase of new extrication equipment. (Binder/Davis)

38) Resolution C.S. No. C-2713 - Resolution to Support Fire Protection District No. 6's application for assistance from the Louisiana Office of Community Development for the purchase of two diesel generators for reliable sources of power. (Binder/Davis)

39) Resolution C.S. No. C-2714 - 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.(Binder/Davis)

40) Resolution C.S. No. C-2715 - Resolution to Support Fire Protection District No. 8's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing necessary equipment to bring the department up to national standards. (Binder/Davis)

41) Resolution C.S. No. C-2716 - Resolution to Support Fire Protection District No. 9's application for assistance from the Louisiana Office of Community Development for the purchase self contained breathing apparatus air packs. (Binder/Davis)

42) Resolution C.S. No. C-2717 - Resolution to Support Fire Protection District No. 11's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing digital radios.(Binder/Davis)

43) Resolution C.S. No. C-2718 - Resolution to Support Fire Protection District No. 13's application for assistance from the Louisiana Office of Community Development for the purchase of training software.(Binder/Davis)

44) Resolution C.S. No. C-2719 - Resolution to vacate, in part, the moratorium established by Ordinance C.S. No. 09-2027 on issuance of building permits for construction or placement of building structures on property within a portion of Beverly Hills and Kingspoint Subdivisions, to release Lot 17-a, Square 3. (Ward 8, District 14) (Burkhalter)

45) Resolution C.S. No. C-2720 - Resolution redistricting St. Tammany Parish Fire Protection District No. 9 and St. Tammany Parish Fire Protection District No. 10 by enlarging and fixing the boundaries of Fire Protection District No. 9 to include therein and therewith all of the territory situated within the existing boundaries of Fire Protection District No. 10, which includes the Village of Sun. (Ward 5, District 2 and 6) (Binder/Davis)

END OF CONSENT CALENDAR

Falconer - moved to adopt the Consent Calendar less items pulled, second by Dean. Unanimous with 1 absent (Gould).

6) Ord. Cal. No. 4150 - Ordinance to rename Pugh Road as Joseph Pugh Road. (Ward 4, District 7) (Binder/Davis)

Sevante - wanted to bring to Mr. Hamauei's attention that this ordinance for introduction is to rename Pugh Road. Also, Ordinance Calendar No. 4133, which is up for adoption, may be related to this Ordinance. A brick and metal monument sign has been constructed in this area stating that the road is Pugh Road. It may be necessary to discuss with the Public Works Department why the name of the road needs to be changed.

Hamauei - moved to table until the name change can be discussed, second by Burkhalter. Unanimous with 1 absent (Gould).

Binder - 19) Ord. Cal. No. 4163 - Ordinance adopting the 2010 Parish Operating Budget. (Binder/Davis)

Binder - in reference to this Ordinance and Ordinance No. 4164, the Council will hold a Public Hearing on November 5<sup>th</sup> to discuss the Parish Operating and Capital Improvements for 2010. Copies of the budgets will be made available for review at the Parish Council Office and the following Parish Library Branches: Covington, Abita Springs, Causeway, Folsom, Lacombe, Lee Road, Mandeville, Pearl River and Slidell Robert Blvd.

Kevin Davis - submitted a letter of explanation of the budgets. He believes that the impact of the down economy will linger even though the Federal Government says the economy is improving. Parish employees will not receive Merit increases again this year and no new employees will be hired. The exception to that is a new employee that will be added to intern with Neil Hall anticipating his retirement.

Binder - 20) Ord. Cal. No. 4164 - Ordinance adopting the 2010-2014 Parish Capital Improvement Budget and Program, and further identify Fixed Assets & Grants Awards. (Binder/Davis)

46) Resolution C.S. No. C-2721 - Resolution giving preliminary approval to the issuance of not to exceed Forty Five Million Dollars (\$45,000,000) of Utility Revenue Bonds of St. Tammany Parish; providing certain terms of said Revenue Bonds, making application to the State Bond Commission for the approval of said Revenue Bonds, and providing for other matters in connection therewith. (Binder/Davis)

Falconer - he wanted to discuss this issue further. He does not want to delay the acquisition of this utility, but at the same time it is uncomfortable for him to make a 45 million dollar public bond issue. He wants to make sure that the Parish gets the best possible deal for the public who have to pay for it.

Davis - once the Parish secures this utility, it will be run as a private entity. It is a method that has worked with Cross Gates since the Parish has owned it and there have been not rate increases in that time. He would not be recommending this purchase if he thought there was any chance of not being able to pay the bond back or rate increases to the customers. They are trying to accomplish this deal before the end of the year for tax purposes. Typically, bond resolutions ask for very high amounts, but the actual amount used is way less than the amount asked for. The Parish could secure money in different ways than bonds, but that has proven to cause financial issues in other parishes. The Parish currently has such a high bond rating because of its prior history in handling bonds. He thinks the Parish is on the right course and a bond is the right thing to do.

Grant Schlueter - Bond Counsel - the reason they have brought this resolution is that the Parish is close to a purchase agreement with SELA. If they are able to reach the agreement, the resolution and preliminary bond items need to be ready, so everything can be completed by the end of the year. Once the agreement is completed, then an ordinance is prepared for the introduction and adoption of the sale of the bonds.

Council discussion ensued.

Falconer - the final issue is who is actually advising us as a Council. He just wants to understand the process and obtain the best deal for the public. Thinks that if we had an individual financial advisor to give us the information, it would help the Council to make the right decisions.

Binder - introduced Jim Ryan of Government Consultants of Louisiana.

Jim Ryan - his firm is Bond Counsel for most of the Florida Parishes, West Baton Rouge Parish, Bossier Parish and several others. They are also bond counsel for the City of Slidell. He was asked to help the Council better understand how the bond process works. He has worked with Mr. Schlueter in the past and is looking forward to working with him now.

Binder - the council wants to express that they would like for Mr. Schlueter and Mr. Ryan to work together. The Council just felt the need to understand what they should be doing in regards to bonds.

Falconer - moved to amend to add an increase of the term of the bond to 40 years, second by Hamauei. Unanimous with 1 absent (Gould).

Falconer - moved to amend to add the authority to seek alternatives to revenue bond funding, second by Burkhalter. Unanimous with 1 absent (Gould).

Falconer - moved to amend to appoint Government Consultants of Louisiana, Inc. as Financial Advisor to the Council. Motion passed with 1 nay (Stefancik) and 1 absent (Gould).

#### ORDINANCES FOR ADOPTION

Binder - 1) Ord. Cal. No. 4092 - Ordinance to close a portion of K West Street for an indefinite period of time, located in Alexisville Subdivision. (Ward 3, District 5) (Introduced 6/4/09) (Tabled 7/2/09, 8/6/09 & 9/3/09)

Billiot - moved to remove, second by Burkhalter. Unanimous with 1 absent (Gould).

Binder - 2) Ord. Cal. No. 4111 - Ordinance amending the official zoning map of the St. Tammany 2009 South Central Comprehensive Rezoning Area One (CRA-1) to reclassify land located in Section 14, Township 7 South, Range 12 East containing 100 acres from A-4 (Single-family Residential) to TND-1 (Traditional Neighborhood Development). (Ward 6, District 7) (Hamauei) (ZC09-07-017) (Tabled by Zoning Commission 7/7/09 and 8/6/09) (Council tabled introduction 8/6/09). (Introduced 9/3/09)

Binder - this item is schedule to be heard at the October 6, 2009 Zoning Commission meeting.

Hamauei - moved to table, second by Bellisario. Unanimous with 1 absent (Gould).

Binder - 3) Ord. Cal. No. 4125 - Ordinance to concur/not concur with the de-annexation ordinance of the City of Slidell, describing the area to be annexed into unincorporated St. Tammany and the new boundaries thereof, and also classifying the annexed property as A-4 (Single Family Residential) (STP 2009-01) (Ward 8, District 9) (Introduced 8/6/09) (Tabled 9/3/09)

Binder - the City of Slidell needs to hear this matter before the Council can consider it. It is currently scheduled for the Slidell City Council meeting on October 13, 2009.

Bellisario - moved to table, second by Artigue. Unanimous with 1 absent (Gould).

**Binder - 4) Ord. Cal. No. 4126 - Ordinance to concur/not concur with the de-annexation ordinance of the City of Slidell describing the area to be annexed into unincorporated St. Tammany and the new boundaries thereof, and also classifying the annexed property as A-4 (Single Family Residential). (STP 2009-02) (Ward 9, District 12) (Introduced 8/6/09)(Tabled 9/3/09)**

**Binder - the City of Slidell also needs to hear this matter before the Council can consider it. It is currently scheduled for the Slidell City Council meeting on October 13, 2009.**

**Hamauei - moved to table, second by Bellisario. Unanimous with 1 absent (Gould).**

**Binder - 5) Ord. Cal. No. 4128 - Ordinance to amend Appendix C of the Parish Code of Ordinances, Land Use Regulations Ordinance No. 523 as amended, Section 4 Off Street Parking and Loading Regulations and the Parish Unified Development Code, Volume I (Zoning), Section 7.07 Off Street Parking and Loading Regulations. (ZC09-08-022) (Zoning Commission approved 8/4/09) (Introduced 9/3/09)**

**Burkhalter - moved to adopt, second by Artigue. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 09-2132.**

**Binder - 6) Ord. Cal. No. 4129 - Ordinance amending zoning map of Parish Comprehensive Rezoning Area One (CRA-1) to reclassify a certain area as Manufactured Housing Overlay (MHO). (Ward 7, District 11) (ZC09-08-023) (Zoning Commission approved 8/4/09) (Introduced 9/3/09)**

**Stefancik - moved to adopt, second by Artigue. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 09-2133.**

**Binder - 7) Ord. Cal. No. 4130 - Ordinance to Correct the Road and Drainage Inventory to include Madie Lane, and Bienville Road Lateral, and delete Cleo Road. (Wards 2, 8 & 9, Districts 2, 6 & 11) (Introduced 9/3/09)**

**Crawford-Howell - why is this being removed from the Inventory List?**

**Sevante - because it is inside of the Pearl River city limits.**

**Cooper - moved to adopt, second by Crawford-Howell. Unanimous with 2 absent (Gould, Burkhalter); becomes Ordinance C.S. No. 09-2134.**

**Binder - 8) Ord. Cal. No. 4131 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Autumn Creek, Phase 2; Normandy Oaks, Phase 3A; Normandy Oaks, Phase 3B; and Casa Bella Subdivisions. (Wards 1 & 4, Districts 1 & 5) (Introduced 9/3/09)**

**Billiot - moved to amend the ordinance to remove Casa Bella Ponds Nos. 1 and 2, second by Dean. Unanimous with 2 absent (Gould, Burkhalter).**

**Dean - moved to adopt, second by Falconer. Unanimous with 2 absent (Gould, Burkhalter); becomes Ordinance C.S. No. 09-2135.**

**Binder - 9) Ord. Cal. No. 4132 - Ordinance to Revoke a Portion of Iberville Street Right-of-Way, located in Chinchuba Subdivision. (Approved by Planning Commission 8/11/09) (Ward 4, District 5) (Introduced 9/3/09)**

**Bellisario - moved to adopt, second by Crawford-Howell. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 09-2136.**

**Binder - 10) Ord. Cal. No. 4133 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire all parcels and/or Rights-of-way on Pugh Road. (District 7) (Introduced 9/3/09)**

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



**Binder - 11) Ord. Cal. No. 4134 - Ordinance authorizing the Parish to accept the dedication of the streets and roadways situated within the Highlands Subdivision and identified as Highlands Crest Drive, Tartan Trace, Piper Place, Heather Hollow, White Oak Court and Terrace Trace. (Ward 2, District 2) (Introduced 9/3/09)**

**Mary Ann Toussaint - submitted information into the record. she has been a resident of the Highlands Subdivision for 8 years. She would like to know what Ordinance gives the authority to bring roads in a subdivision into the Parish Maintenance System? There are over 3 miles of road in the subdivision in deplorable condition due to construction vehicles traveling the roads. Also wants to know if the Parish Engineering Department finds that the roads are not in substantial compliance with the Parish regulations, then will the subdivision have to bring the roads into compliance before they are accepted into the system? The roads need to be completely re-done and the subdivision cannot afford to do it.**

**Terry Trahan - resident of The Highlands since he built house in 2000. He referred to the information entered into the record by Ms. Toussaint. Legal actions have been taken against the developer of the subdivision and as plaintiffs' in the suit, they paid to have an engineering report drafted. The report stated that no sub-base was placed before the roads were built. The weight and speeding of the construction vehicles caused the roads to deteriorate. He also questions the vote to request to enter the Parish System taken by the Highland Board of Directors because the numbers do not add up to the total number of Homeowners.**

**Hall - (read state statutes) This is a case of a private subdivision wanting to enter the Parish System. The Parish can require that the roads be brought into compliance before they are accepted, but they do not have to. He would say that it is extremely rare that every road that has come into the system has met all of the Parish standards. In order to be brought into the Parish System, private subdivisions have to appear in front of the Planning Commission to amend its plat, then the roads have to be brought into the system and the private gates have to be taken down. The Parish can bring the roads into the system as long as they meet construction standards. The Engineering Department does have to go out to inspect the roads, but the streets do not have to meet the Parish standards.**

**April McCuller - she serves on the Board of Directors as Treasurer for The Highlands. She wants to clarify the vote information that Mr. Trahan talked about. At the time of the vote, there were only 98 homeowners in good standing with the Homeowners' Association. Only 68 of those homeowners voted, and, at that time, 56 homeowners voted in favor of requesting that the Parish accept their roads into the Parish System.**

**Binder - have the homeowners been contributing money to repair the roads?**

**McCuller - yes, the Board takes money from the dues, as they can, to apply to road repairs. However, the previous Board was so involved in the litigation to get the developer to fix the roads that they chose not to contribute money to repairs.**

**Council discussion ensued.**

**Davis - this project is going through Public Works and Mr. Cooper has worked with Public Works to use his Capital for an overlay in The Highlands.**

**Cooper - he has not promised The Highlands that he would fix or rebuild the roads. He did offer them a small percentage of his Capital budget to place an overlay.**

**Council discussion ensued.**

**Tom Hughball - legal counsel for The Highlands. The meeting to vote on requesting entry into the Parish System was duly called, noticed, etc. The numbers stated came from the number of people who had the entitlement to vote. The Secretary decides that according to the number of homeowners in good standing. He believes that the resolution attesting to the vote that was taken along with the Secretary's Certification met all of the necessary requirements. He is not aware of any homeowner who has questioned the validity of the vote.**

**Council discussion ensued.**

Steve Lucia - President of The Highlands' Homeowners' Association - when they met with the different Parish departments, they were told that they were in substantial compliance.

Davis - the roads being brought up to standards first has been the norm for accepting roads into the System. The problem with some of the subdivisions is that they never collected fees, at all, to maintain the roads. Thinks that the developers need to assess the homeowners to maintain the roads and that issue should be addressed through the Development Code. In this case, the Highlands were told that if they took the gates down, the Parish would bring it into the system and put in an overlay to make the roads safe. He also believes that there are only 5 homeowners in the lawsuit against the developer.

Council discussion ensued.

Rebecca Flatman - she bought her property in 2000 and built her house in 2005. There were not gates in place when she built her house, and she did not know that they were considered a private subdivision. They are paying taxes, too. All they want is serviceable roads to their homes. The subdivision asked to and was released from the lawsuit. There are only those few in the lawsuit that do not want to enter the Parish System. The rest of the homeowners want this.

Cooper - moved to table, second by Stefancik. Motion passed with 11 Yeas, 2 Nays (Artigue, Burkhalter) and 1 absent (Gould).

Falconer - he noticed that one of the gentlemen that spoke was wearing a sidearm. He thinks that the Council should have a policy that does not allow sidearms in Chambers.

Binder - 12) Ord. Cal. No. 4135 - Ordinance amending the official zoning map of the Parish to reclassify land located east of LA Highway 1082 and approximately eight miles north of the intersection of LA Highway 21 and LA Highway 1082 containing 440.78 acres from R-Rural to A-1 - Suburban. (Ward 5, District 2) (ZC07-05-023)

Cooper - moved to adopt, second by Thompson. Unanimous with 2 absent (Gould, Bellisario); becomes Ordinance C.S. No. 09-2137.

Binder - 13) Ord. Cal. No. 4136- Ordinance authorizing the Parish President to execute a Cooperative Endeavor Agreement between the Parish and Recreational District No. 7 for the placement and construction of a pavilion at Lock #1. (Ward 6, District 6) (Introduced 9/3/09)

Crawford-Howell - moved to adopt, second by Thompson. Unanimous with 3 absent (Cooper, Gould, Bellisario); becomes Ordinance C.S. No. 09-2138.

Binder - 14) Ord. Cal. No. 4137 - 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 9/3/09)

Hamauei - moved to adopt, second by Burkhalter. Unanimous with 3 absent (Cooper, Gould, Bellisario); becomes Ordinance C.S. No. 09-2139.

Binder - 15) Ord. Cal. No. 4138 -Ordinance to extend for an additional six (6) months the moratorium on issuance of permits for construction or placement of building structures on property within a portion of Tammany Hills Subdivision and a portion of Ingram Estates Subdivision. (Ward 3, District 5) (Introduced 9/3/09)

Burkhalter - moved to adopt, second by Billiot. Unanimous with 3 absent (Cooper, Gould, Bellisario); becomes Ordinance C.S. No. 09-2140.

Binder - 16) Ord. Cal. No. 4139 - Ordinance to extend for an additional six (6) months the moratorium on issuance of permits for construction or placement of building structures on Eola, Jordan and Elmer Streets, located west of soult street, and on the submission of any application to enter the parish rights of way for the purpose of extending, opening and/or constructing any unopened portion of said streets. (Ward 4, District 5) (Introduced 9/3/09)

Artigue - moved to adopt, second by Billiot. Unanimous with 3 absent (Cooper, Gould, Bellisario); becomes Ordinance C.S. No. 09-2141.

Binder - 17) Ord. Cal. No. 4140 - Ordinance to extend for an additional six (6) months the moratorium on the receipt of applications by the parish zoning commission for mobile home conditional use permits and/or on the issuance of building permits for placement of mobile homes on property within Bayou Heights Subdivision. (Ward 6, District 6) (Introduced 9/3/09)

Crawford-Howell - moved to adopt, second by Thompson. Unanimous with 3 absent (Cooper, Gould, Bellisario); becomes Ordinance C.S. No. 09-2142.

Binder - 18) Ord. Cal. No. 4141 - Ordinance to extend for an additional six (6) month 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 9/3/09)

Burkhalter - moved to adopt, second by Artigue. Unanimous with 2 absent (Gould, Bellisario); becomes Ordinance C.S. No. 09-2143.

Binder - 19) Ord. Cal. No. 4142 - Ordinance to correct the Road Inventory to include an approximate 325 foot length of Walnut Street. (Ward 4, District 5) (Introduced 9/3/09)

Crawford-Howell - moved to adopt, second by Burkhalter. Unanimous with 2 absent (Gould, Billiot); becomes Ordinance C.S. No. 09-2144.

Binder - 20) Ord. Cal. No. 4143 - Ordinance to amend the Parish Code, Chapter 15, Article II, Watercraft Speed Limits, to establish a "Dead Slow, No Wake" zone for the canals in Bayou Lacombe Manor Subdivision (Ward 7, District 7) (Introduced 9/3/09)

Hamauei - moved to adopt, second by Artigue. Unanimous with 2 absent (Gould, Billiot); becomes Ordinance C.S. No. 09-2145.

Binder - 21) Ord. Cal. No. 4144 - Ordinance to amend Ordinance C.S. No. 09-2074, adopted June 4, 2009, and Parish Code of Ordinances, Chapter 13, Motor Vehicles Traffic, Division I, Section 13-009.00, restricting the use of auxiliary or compression engine brakes, commonly referred to as "Jake Brakes", within unincorporated St. Tammany Parish. (Introduced 9/3/09)

Burkhalter - moved to adopt, second by Cooper. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 09-4146.

#### APPOINTMENTS

Binder - 1) Resolution to reappoint Vesey Jay Richardson (term expired) to Hospital Service District No. 1 (St. Tammany Parish Hospital) (Thompson/Crawford-Howell)

Thompson - moved to adopt, second by Crawford-Howell. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-2722.

Binder - 2) Resolution to appoint Kathleen Schmidt to replace Belinda Tackaberry (moved out of district) to Gravity Drainage District No. 5. (Gould)

Burkhalter - moved to adopt, second by Stefancik. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-2723.

Binder - 3) Resolution to appoint/reappoint four (4) members \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ as Trustees to the Finance Authority of St. Tammany Parish for three year terms beginning on the date of expiration of terms of office of current trustees in order to preserve staggered terms of office pursuant to Ordinance C.S. No. 06-1368. (Richard Muller or replacement, term until 10/2011) (Ronald Randolph or replacement, term until 10/2011) (Peter Cavignac or replacement, term until 10/2012) (Dave Anderson or replacement, term until 2012).

Stefancik - moved to nominate Richard Muller, Ronald Randolph, Peter Cavignac and Dave Anderson, second by Hamauei.

Burkhalter - moved to close the nominations, second by Canulette.

Stefancik - moved to adopt, second by Hamauei. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-2724.

Crawford-Howell - moved to open the Off-the-Floor Agenda, second by Hamauei. Unanimous with 1 absent (Gould).

**OFF-THE-FLOOR**

Binder - 1) Resolution authorizing special counsel to represent St. Tammany Parish in bankruptcy matters. (Binder)

Kelly Rabalais - the contractor, NATCO, Inc., that was working on the rebuilding of the Towers Building filed for bankruptcy in Tennessee. The case needs to be litigated using a Tennessee lawyer. The Parish has the option of pulling the Performance Bond, so that work can be continued. It does not have to wait until this matter is litigated.

Stefancik - moved to adopt, second by Bellisario. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-2725.

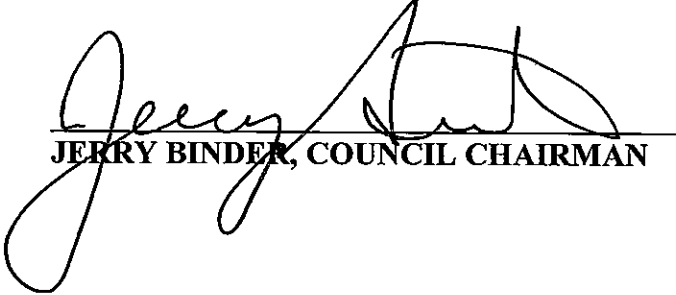
**VERBAL OFF-THE-FLOOR**

Burkhalter - 1) Resolution to vacate, in part, the moratorium established by Ordinance C.S. No. 09-2027 on issuance of building permits for construction or placement of building structures on property within a portion of Beverly Hills and Kingspoint Subdivisions, to release Lots 31 &32, Square 8. (Ward 8, District 14)

Burkhalter - moved to have Resolution considered Off-the-Floor, second by Canulette. Unanimous with 1 absent (Gould).

Burkhalter - moved to adopt, second by Canulette. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-2726.

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

  
JERRY BINDER, COUNCIL CHAIRMAN

  
THERESA L. FORD, COUNCIL CLERK