

MINUTES OF ST. TAMMANY PARISH COUNCIL MEETING

THURSDAY, JUNE 6, 2013 AT 6:00 P.M.

ST. TAMMANY GOVERNMENT COMPLEX

21490 KOOP DRIVE, MANDEVILLE, LA.

Call to Order by Honorable Jerry Binder, Chairman

Invocation by Mr. Smith

Pledge of Allegiance by Mr. Groby

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

PRESENTATIONS

Binder - 1. Certificate of Recognition to Amy Purvis for being named South Eastern Louisiana University's Freshman of the Year. (Binder)

Binder - Amy received this award for among other things, making the Dean's and Ambassador's list and for being the secretary of her Sorority.

Binder - 2. Certificates of Recognition to St. Tammany Parish School Board Principals of the Year. (Gould)

Bellisario - presentation to Mary Jane Smith from Honey Island Elementary for Elementary School Regional Principal of the Year.

Gould - presentation to Susan Patin from Lake Harbor Middle School for Middle School Principal of the Year.

Artigue - presentation to Dr. Michael Peterson from Northshore High School for High School Principal of the year.

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

Binder - 1. Resolution requesting the National Association of Counties, through its Justice and Public Safety Committee, to adopt a resolution at its 2013 Annual Convention in July to memorialize the United States Congress to take such actions as are necessary to preclude, amend, or delay the increase in premium fees for the National Flood Insurance Program as provided by the Biggert-Waters Flood Insurance Act. (Binder)

Pat Brister - when you look at the Act and see what the insurance rates would be raised to over the next five years is astounding. The National Flood Insurance Fund is in debt, but the Act requires it to be sustainable. FEMA has been required to redraw maps which could move houses who built according to old map into a new flood zone making the house not in compliance and making their

5. Ord. Cal. No. 5008 - Ordinance amending the Official Parish Zoning Map to reclassify 5.0192 acres located south of Browns Village Road, west of US Highway 11, being 38008 Browns Village Road from HC-3 (Highway Commercial District) to I-1 (Industrial District). (Ward 8, District 14) (ZC13-05-029) (ZC approved 5/7/13) (Binder/Brister)

6. Ord. Cal. No. 5009 - Ordinance amending the Official Parish Zoning Map to reclassify 1.65 acres located south of US Highway 190 East, west of Square Road, east of Leaning Oak Drive from A-3 (Suburban District) and NC-4 (Neighborhood Institutional District) to NC-4 (Neighborhood Institutional District). (Ward 8, District 13) (ZC approved 5/7/13) (ZC13-05-032) (Binder/Brister)

7. Ord. Cal. No. 5010 - Ordinance amending the Official Parish Zoning Map to reclassify 1.254 acres located west of Bunny Lane, south of Joiner Wymer Road, being 72244 Bunny Lane, from A-1 (Suburban District) to A-3 (Suburban District) & MHO (Manufactured Housing Overlay). (Ward 1, District 3). (ZC13-05-033) (ZC approved 5/7/13) (Binder/Brister)

8. Ord. Cal. No. 5011 - Ordinance amending the Official Parish Zoning Map to reclassify 1 acre located west of Bunny Lane, south of Joiner Wymer Road from A-1 (Suburban District) to A-1 (Suburban District) & MHO (Manufactured Housing Overlay). (Ward 1, District 3) (ZC approved 5/7/13) (ZC13-05-034) (Binder/Brister)

9. Ord. Cal. No. 5012 - Ordinance amending the Official Parish Zoning Map to reclassify 2.392 acres located north of Shortcut Highway, west of Joan Avenue from NC-1 (Professional Office District) to NC-4 (Neighborhood Institutional District). (Ward 8, District 12) (ZC13-05-036) (ZC approved 5/7/13) (Binder/Brister)

10. Ord. Cal. No. 5013 - Ordinance to amend and reenact the Parish Code of Ordinances, Chapter 3 Alcoholic Beverages, Article VII All Wards, to add provisions for the issuance of special event permits, and making necessary renumbering and other technical amendments. (Artigue)

11. Ord. Cal. No. 5014 - Ordinance establishing a Speed Limit of 25 MPH on the Roads within Oak Manor Estates Subdivision. (Ward 9, District 11) (Stefancik)

12. Ord. Cal. No. 5015 - Ordinance establishing the placement of stop signs on Cross Gates Blvd. at the Intersection of Windsor Drive (R08-I-001). (Ward 8, District 9) (Bellisario)

14. Ord. Cal. No. 5017 - Ordinance to provide for the re-establishment of a Regional Planning Commission to include the Parish of Tangipahoa jointly with the Parishes of Jefferson, Orleans, Plaquemines, St. Bernard and St. Tammany. (Binder/Brister)

15. Ord. Cal. No. 5018 - Ordinance to amend a Growth Management and Revenue Sharing Agreement between the Parish of St. Tammany, Sales Tax District No. 3 and the Town of Abita Springs and to provide for other matters in connection therewith. (Binder/Brister)

16. Ord. Cal. No. 5019 - Ordinance to amend a Growth Management and Revenue Sharing Agreement between the Parish of St. Tammany, Sales Tax District No. 3 and the City of Covington and to provide for other matters in connection therewith. (Binder/Brister) (Binder/Brister)

17. Ord. Cal. No. 5020 - Ordinance to amend a Sales Tax Enhancement Plan between the Parish of St. Tammany, Sales Tax District No. 3 and the City of Slidell and to provide for other matters in connection therewith. (Binder/Brister)

18. Ord. Cal. No. 5021 - Ordinance to amend a Growth Management and Revenue Sharing Agreement between the Parish of St. Tammany, Sales Tax District No. 3 and the City of Mandeville and to provide for other matters in connection therewith. (Binder/Brister)

19. Ord. Cal. No. 5022 - Ordinance to Amend the 2013 Operating Budget - Amendment No. 4. (Binder/Brister)

20. Ord. Cal. No. 5023 - Ordinance to revoke a portion of Bryan Drive Right-of-way, located in Slidell Ozone Heights Subdivision. (Ward 9, District 14) (Rev13-05-001) (Binder/Brister)

21. Ord. Cal. No. 5024 - Ordinance to rename Carey Court (R09A047) as Chelsea Court. (Ward 9, District 11) (Binder/Brister)

22. Ord. Cal. No. 5025 - Ordinance to correct the Road and Drainage Inventory to include an extension of Rue De La Paix Lateral; an extension of Wise Road; Old Bayou Liberty Road Lateral; Jessie Hyatt Road Lateral; Delaune Road Lateral; and De Val Street Lateral. (Wards 1, 2, 4, 8 & 9) (Districts 3, 5, 6, 11, 12 & 13) (Binder/Brister)

23. Ord. Cal. No. 5026 - Ordinance to extend for an additional six (6) months the moratorium on the approval of rezoning and issuance of plan review permits, not previously received, for property abutting the Louisiana Highway 21 Planned Corridor from Lalanne Road North to Azalea Drive. (Ward 1, District 1) (Dean)

25. Ord. Cal. No. 5028 - Ordinance authorizing the Parish of St. Tammany to accept the dedication and donation of the streets, shoulders, signage and rights of way and situated within Audubon Lake Subdivision and related matters. (District 5) (Gould)

RESOLUTIONS

3. Resolution C.S. No. C-3733 - Resolution to approve and authorize the Parish President to sign and/or execute a Cooperative Endeavor Agreement between the Parish and Folsom for the purpose of assisting Folsom with road improvements. (Ward 2, District 3) (Binder/Brister)

4. Resolution C.S. No. C-3734 - Resolution to approve and authorize the Parish President to sign and/or execute a Cooperative Endeavor Agreement between the Parish Abita Springs for the purpose of assisting Abita Springs with road improvements. (Ward 10, Districts 2, 5, and 6) (Binder/Brister)

5. Resolution C.S. No. C-3735 - Resolution to approve and authorize the Parish President to sign and/or execute a Cooperative Endeavor Agreement between the Parish and Madisonville for the purpose of assisting Madisonville with road improvements. (Ward 1, District 4) (Binder/Brister)

6. Resolution C.S. No. C-3736 - Resolution to approve and authorize the Parish President to sign and/or execute a Cooperative Endeavor Agreement between the Parish and Pearl River for the purpose of assisting Pearl River with road improvements. (Ward 8, District 9 & 14) (Binder/Brister)

7. Resolution C.S. No. C-3737 - Resolution to approve and authorize the Parish President to sign and/or execute a Cooperative Endeavor Agreement between the Sun for the purpose of assisting Sun with road improvements. (Ward 5, District 6) (Binder/Brister)

8. Resolution C.S. No. C-3738 - Resolution to amend Ordinance C.S. No. 12-2862 the 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Capital Assets - Other - Fund 370 - TMDL Projects. (Binder/Brister)

9. Resolution C.S. No. C-3739 - Resolution authorizing the Director of Finance to amend the funds transferred from the Voluntary Developmental Agreements to Capital Fund 370 - TMDL - Casa Bella Retention Pond. (Binder/Brister)

10. Resolution C.S. No. C-3740 - Resolution authorizing the Director of Finance to amend the funds transferred from the Voluntary Developmental Agreements to Capital Fund 370 - TMDL - La. 21 @ La 1077 Water Quality Improvements. (Binder/Brister)

11. Resolution C.S. No. C-3741 - Resolution authorizing the Director of Finance to amend the funds transferred from the Voluntary Developmental Agreements to Capital Fund 370 - TMDL - Little Creek Retention Pond. (Binder/Brister)

12. Resolution C.S. No. C-3742 - Resolution authorizing the Director of Finance to amend the funds transferred from the Voluntary Developmental Agreements to Capital Fund 370 - TMDL - La 59 Water Quality Improvements. (Binder/Brister)

13. Resolution C.S. No. C-3743 - Resolution authorizing the Director of Finance to amend the funds transferred from the Voluntary Developmental Agreements to Capital Fund 370 - TMDL - Water Quality Improvements US 190 / La. 22. (Binder/Brister)

14. Resolution C.S. No. C-3744 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$75,625.00 from the Voluntary Developmental Agreements to Capital Fund 370 - TMDL- Del Sol Pond. (Binder/Brister)

15. Resolution C.S. No. C-3745 - Resolution to amend Ordinance C.S. No. 12-2862 - 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Drainage (Fund 316). (Binder/Brister)

16. Resolution C.S. No. C-3746 - Resolution to amend Ordinance C.S. No. 12-2862 - 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards. (Binder/Brister)

17. Resolution C.S. No. C-3747 - Resolution to amend Ordinance C.S. No. 12-2862 - 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Capital Assets - Fund 418 - Local Coastal Zone. (Binder/Brister)

18. Resolution C.S. No. C-3748 - Resolution to amend Ordinance C.S. No. 12-2862 - 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - District 6. (Fund 306) (Binder/Brister)

19. Resolution C.S. No. C-3749 - Resolution to amend Ordinance C.S. No. 12-2862 - 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - District 14. (Fund 314). (Binder/Brister)

20. Resolution C.S. No. C-3750 - Resolution to amend Ordinance C.S. No. 12-2862 - 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Facilities - Fund 403 - Fairgrounds Annex. (Binder/Brister)

21. Resolution C.S. No. C-3751 - Resolution to amend Ordinance C.S. No. 12-2862 - 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Facilities - Fund 622 - Tammany Utilities. (Binder/Brister)

22. Resolution C.S. No. C-3752 - Resolution to amend Ordinance C.S. No. 12-2862 - 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Other - Fund 401 - Development. (Binder/Brister)

23. Resolution C.S. No. C-3753 - Resolution to amend Ordinance C.S. No. 12-2862 - 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Capital Assets - Fund 020 & Fund 420 - Environmental Services - Reno Hills. (Binder/Brister)

24. Resolution C.S. No. C-3754 - Resolution to amend Ordinance C.S. No. 12-2862 - 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Capital Assets - Fund 010-25 Public Information Office. (Binder/Brister)

25. Resolution C.S. No. C-3755 - Resolution to amend Ordinance C.S. No. 12-2862 - 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Other - Fishing Pier. (Binder/Brister)

26. Resolution C.S. No. C-3756 - Resolution Establishing Performance Obligations. (Binder/Brister)

27. Resolution C.S. No. C-3757 - Resolution to authorize certain actions and authority required by the State of Louisiana Community Development Block Grant (LCDBG) Disaster Recovery Program. (Binder/Brister)

28. Resolution C.S. No. C-3758 - Resolution for acceptance of completion of Huntwyck Village Subdivision drainage improvements, Phase I Project, State Project No. 576-52-0010/H.009241. (Binder/Brister)

30. Resolution C.S. No. C-3760 - Resolution to approve and authorize the Chief Administrative Officer to sign the contract for the Low Income Home Energy Assistance Program funded through the Louisiana Association of Community Action Partnership (LACAP) and the Director and CAA Office Manager to authorize weekly reports for reimbursement. (Binder/Brister)

END OF CONSENT CALENDAR

Gould - moved to refer the Consent Calendar, less items pulled, to the full Council. Unanimous with no one absent.

Binder - 13. Ord. Cal. No. 5016 - Ordinance amending the Official Parish Zoning Map to reclassify 197.58 acres located within Hickory Hills Subdivision from A-1 (Suburban District), A-2 (Suburban District) and A-4 (Single Family Residential District) to A-1 (Suburban District), A-2 (Suburban District) and A-4 (Single Family Residential District) and MHO (Manufacturing Housing Overlay). (Ward 8, District 9) (Bellisario) (ZC13-06-041) (Bellisario)

Bellisario - moved to postpone, second by Canulette. Unanimous with no one absent.

Binder - 24. Ord. Cal. No. 5027 - Ordinance to amend the Code of Ordinances, Sec. 2-010.00 Communications District No. 1 relative to the composition of members of the board of commissioners and related matters. (Binder/Brister)

Stefancik - this Ordinance needs to be amended to make some clarifications.

Stefancik - moved to amend, second by Bellisario.

Binder - 1. Resolution C.S. No. C-3731 - Resolution requesting the Parish Code Enforcement Unit perform a code violations sweep to address issues which currently exist on Highway 59 between I-12 and the town limits of Abita Springs. (Gould)

Gould - he has been driving up and down Highway 59 to and from Abita, he has noticed there is a lot of land which is not really being maintained. The citizens need to take more pride in the area and the corridor leading into Abita. The Town of Abita also passed a Resolution requesting this.

Brister - she appreciates Administration being asked to conduct this sweep, and asks the Council Office to back them up when citizens call asking the status of projects.

Binder - 2. Resolution C.S. No. C-3732 - Resolution to approve the appointment of Director of Culture, Recreation, and Tourism Department for the remainder of the 2012-2015 Parish President's term of office. (Binder/Brister)

Brister - this Department was created because the Parish has acquired a number of public facilities such as the Fishing Pier and the Tammany Trace, and they want them to all be under one department. She would like to introduce Wensel Conroy who will be the director of the Department and be charged with finding revenue to help fund all of these programs. She thinks everyone will appreciate the job Ms. Conroy will do.

Binder - 29. Resolution C.S. No. C-3759 - Resolution to authorize Patricia P. Brister, President of St. Tammany Parish, to submit an application for an Environmental Corridor Planning Grant to access Hurricanes Katrina/Rita Community Development Block Grant Program funds for disaster recovery. (Binder/Brister)

Carol Fox - she asks the Council members to research this resolution before adopting it and applying for this grant. She has a list of questions she thinks need to be answered before this Resolution is adopted. (See Questions in Clerk's Folder).

Brister - this is simply the first step to apply for the grant for disaster recovery. All it will do is allow her to sign the paperwork needed for the application.

Gina Campo - this is a planning grant which is to help research areas around the Trace, which the Parish already owns and are already green space, to see if the land needs to be held in conservation and used for the possible extension of the Trace.

Brister - taking land is a whole other legal process. They do not even know if any of the property is private. Most of the property is wetlands and cannot be built on. Also, grants have very stringent rules to meet.

Council Discussion ensued.

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

APPEALS

Binder - 3. Allen Vest appealing the Zoning Commission DENIAL on May 7, 2013 to rezone 33,365 square feet located south of US Highway 190, west of South Pontchartrain Drive, being 25638 Highway 190, from A-1-A (Suburban District) to HC-1 (Highway Commercial District). (Ward 4, District 7) (ZC13-05-024)

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

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

Groby - Mr. Vest submitted a letter requesting this appeal to be withdrawn.

Groby - moved to concur with the Zoning denial, second by Stefancik. Unanimous with no one absent.

Groby - moved to adopt a resolution, second by Stefancik. Unanimous with no one absent; becomes Resolution C.S. No. C-3764.

Binder - 5. Charles Floca and Rick Cassanova appealing the Zoning Commission APPROVAL on May 7, 2013 to rezone 4.913 acres located east of LA Highway 437, south of Brunning Road from A-1-A (Suburban District) and HC-1 (Highway Commercial District) to HC-2 (Highway Commercial District). (Ward 2, District 2) (ZC13-05-030) (Applicant: Andrew Klein)

NOTE: To concur with Zoning APPROVAL, a simple majority vote is required and introduction of an ordinance.

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

Jeff Schoen - represents Paul Dorsey. He spoke to the appellants before the meeting. The parties have been working together on deed restrictions to make this change acceptable to all parties in the Lee Road Community. Mr. Sharp has been very attentive to the constituents and the developer. He asks the Council to concur with the addition of the Deed Restrictions.

Charles Floca - he is in agreement with the deed restrictions and appreciates Mr. Dorsey's assistance in working it out.

Casanova - this is an agreement which works out because everyone is unhappy.

Sharp - moved to concur with the Zoning approval with the addition of deed restrictions, second by Gould. Unanimous with 1 absent (Tanner).

Sharp - moved to introduce an ordinance, second by Thompson; becomes Ord. Cal. No. 5030.

Binder - 1. Robert Bolin appealing the Zoning Commission DENIAL on February 5, 2013 to rezone 1.01 acres located north of Highway 1088, east of Viola Street from NC-4 (Neighborhood Commercial District) to HC-2 (Highway Commercial District).(Ward 4, District 5) (ZC13-02-008) (Postponed 3/7/13, 4/4/13 and 5/2/13)

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

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

Robert Bolin - at the Council meeting last month, he was trying to fix the property which was rezoned to Commercial in 1986 and then to NC-4 during comprehensive rezoning. He agrees to accept Mr. Gould's offer to rezone his property to HC-1 instead of HC-2.

Charles Jeanfreau - president of Woodlands Homeowners Association. Mr. Gould has been a champion for the subdivision. They were not informed an appeal had been filed in this matter. This is an overwhelming residential area. He thinks the comprehensive rezoning changes were well thought out and executed. This highway is a nice country road to take to school and work. He thinks the area subdivisions have bigger chips in the pot and that adding commercial property will lower their property value.

Linda Foreman - there are 458 houses in Quail Ridge which is directly across the street from this property. There is no green space between them and this property. They moved here for the quiet and tranquility. It was not just an investment in a house, but in family and future. Listed uses above NC-4 zoning allow up to a 40,000 square foot building. It is in their backyards. Dry cleaners and funeral homes are allowed which could contaminate the water supply. There has already been an increase in traffic from the interstate interchange and Lakeshore High School. They have been working to get proper roads and improvement and infrastructure. There are no middle lanes or shoulders and only one entrance and exit to the subdivision. Promises have been made for improvements but nothing has happened. People are running stop signs and endangering children. It is scary to turn into the subdivision with people speeding behind them. Safety should be integral to all projects at their beginning. Commercial operations can lead to increased crime. She requests the Council respect the foresight of the Planning and Zoning Commission.

Bolin - he apologizes about all of this. He is not going to sell drugs or build a funeral home. He has no plans to build anything. He just wants to get his investment to be a return to him. He is willing to accept the compromise and is sorry everyone is so upset. The maximum building size he can build on his lot is 15,000 square feet because it is only an acre of land. There is also a moratorium in place so he cannot build right now.

John Amberman - immediate past president for Grand Terrace Homeowners - no one in the subdivision is in favor of this zoning change. There are still plenty uses in NC-4 which will make money.

Richard Rawl - 10,000 square feet is only a footprint size, but he can get more footage by building up. There was just an accident on Highway 1088, tonight there were new tire marks leading into the ditch. If Mr. Bolin gets HC-2, he can sell the property and the next owner could ask to build anything.

Bolin - the largest building he can build is 10,000 square feet because of the number of parking spaces required, so the building has to be smaller in order to allow for the spaces. The traffic problem has lessened since the interchange was built. His property has not caused the problems out there.

Gould - he wants to thank the residents from the 1088 area who sent emails. He appreciates comments from and the community getting involved in the community. Sidney - when the comprehensive rezoning was being done, this property was rezoned to NC-4. Where did the determination come from that it would be better served as NC-4?

Sidney Fontenot - the property is surrounded by a number of residential lots and smaller lots. They would need to be combined to accommodate larger scale buildings. When the property was originally rezoned commercial, it may have been over zoning of the property.

Gould - it was a careful process, not a mistake in zoning.

Council discussion ensued.

Gould - moved to concur with the Zoning denial, second by Thompson. Unanimous with no one absent.

Gould - moved to adopt a resolution, second by Thompson. Unanimous with no one absent; becomes Resolution C.S. C-3762.

Binder - 2. Ronald Gilmore appealing the Zoning Commission DENIAL on May 7, 2013 to rezone 1.15 acres located south of Brown's Village Road, west of Donniss Drive from A-3 (Suburban District) to I-1 (Industrial District).(Ward 9, District 14) (ZC13-05-023)

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

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

Binder - the appellant is not here.

Smith - moved to concur with the Zoning denial, second by Bellisario. Unanimous with 1 absent (Canulette)

Smith - moved to adopt a resolution, second by Stefancik. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-3763.

Binder - 4. Jack Sessions appealing the Zoning Commission DENIAL on May 7, 2013 to rezone 25,000 square feet located west of Highway 11, north of 3rd Avenue from A-4 (Single-Family Residential District) to I-1 (Industrial District). (Ward 8, District 14) (ZC13-05-028)

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

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

Smith - he has been in extensive discussion with Mr. Sessions and feels with the previous history as commercial tire store, Mr. Sessions new intended use is acceptable.

Sessions - this is a big metal building which was built as commercial property, but was rezoned in Comprehensive Rezoning. He is willing to file a deed restriction on the property only allowing the body shop he wants to build.

Council Discussion ensued.

Terry Hand - a deed restriction in favor of the neighboring property and eliminating all other uses in I-1 is acceptable, but remember the Council does not enforce deed restrictions.

Smith - moved to override the Zoning denial, second by Artigue. Unanimous with no one absent.

Canulette - moved to introduce an ordinance predicated on the filing of a deed restriction, second by Smith; becomes Ord. Cal. No. 5029.

Binder - 6. Clint Pierson, Jr. appealing the Zoning Commission APPROVAL on May 7, 2013 to rezone 3 acres located at the north end of Shady Lane and Paillet Drive from A-1 (Suburban District)

to A-1-A (Suburban District). (Ward 4, District 4) (ZC13-05-035) (Applicant: Jeffery Schoen on behalf of St. Tammany Parish Water District #3)

NOTE: To concur with Zoning APPROVAL, a simple majority vote is required and introduction of an ordinance.

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

Clint Pearson - represents Mrs. Kachin, the previous owner of this property. The property was needed by Water District No. 3 for the purpose of drilling a well. The owner and Water District No. 3 could not agree on a price for the property, so the Water District filed an expropriation suit and won. Mrs. Kachin has filed an appeal to the suit. The property is not actually in Water District No. 2, which serves Covington Country Club and Riverwood. They feel the District should not be able to rezone property they will not be able to use. There is a lot of litigation involved in this matter, and it does not seem logical for the Water District No. 3 to be able to rezone the property when they move lose it in the appeal.

Terry Hand - the fact that the property is not in the water district boundaries should have been mentioned at the expropriation trial. Now the property belongs to the water district and it can come before the Council to ask to amend the boundaries of the water district.

Jeff Schoen - the established facts are that Water District No. 3 was successful in a trial case and was awarded a judgment which gives title of the property to the Water District. In order to rezone property, one must have ownership of the property. The Court orbitally said the property was 3 acres, but it is actually 5 acres. Therefore, the property needs to be rezoned from A-1 to A-1-A. This is not the right time or venue for a discussion of how the property was obtained.

Falconer - moved to concur with the Zoning approval, second by Thompson. Unanimous with no one absent.

Falconer - moved to introduce an ordinance, second by Tanner; becomes Ord. Cal. No. 5031.

Binder - 7. Randy Falgout appealing the Zoning Commission DENIAL on May 7, 2013 to rezone 1.64 acres located at the northwest corner of Press Sharp Road and Maurice Taylor Road from A-2 (Suburban District) to A-2 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 2, District 6) (ZC13-05-037)

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

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

Randy Falgout - this property was originally 7 acres, which were broken into 4 lots and had manufactured homes on it. He believes the problem is not the type of home, but the people who live there. He has 11 acres and a manufactured home where his daughter lives. He also has a disabled son who cannot afford to build a house. The whole neighborhood is mixed with houses and manufactured homes. His is not sure where the opposition to this is coming from.

Oscar McCann - he lives next to this parcel. The original divisions of this property was so he could give the property to his children. Instead, all of the properties have been sold. When he moved in there were 43 mobile homes, now many have been moved out or replaced with much newer models. People are building nice houses in this neighborhood which is increasing the property values.

Falgout- it is not the homes, it is the people. The new manufactured homes if they are well maintained are very nice.

Oscar McCann - this gentleman does not live in the community. There is a moratorium in the area and the mobile homes are being taken out, and they do not want them back.

Linda Martini - she built a 3700 square foot house because the neighborhood was clean and pretty. Mobile homes will bring down the property value.

Falgout-the did not intend to ruin property values.

Tanner - he lives on House Creek Road and the first house on his road is a mobile home. There are 7 mobile homes between him and the highway. The Parish has restrictions on how mobile homes must look and many he has seen look better than some houses.

Tanner - moved to override the Zoning denial, second by Gould. Unanimous with 2 absent (Falconer, Canulette).

Tanner - moved to introduce an ordinance, second by Gould; becomes Ord. Cal. No. 5032.

Binder - 8. Kristin McLaren appealing the Zoning Commission APPROVAL on May 7, 2013 to rezone 7,200 square feet located at the northwest corner of Marquette Street and 3rd Street from HC-2 (Highway Commercial District) to A-5 (Two Family Residential District). (Ward 4, District 5) (ZC05-13-038) (Applicant: Adelaide Nolan)

NOTE: To concur with Zoning APPROVAL, a simple majority vote is required and introduction of an ordinance.

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

Kristin McLaren - she is the president of the Homeowners' Association. This property is just outside of their subdivision. Currently it is zoned HC and they are not sure how it received the zoning because it is a residential area and not on the highway. They are requesting the property be rezoned as A-4 to make it uniform with the rest of the area. The fear is that A-5 will lower the property values. Agrees it should not be commercial.

Adelaide Nolan - she has sold 2 rental properties recently and would like to build new rental properties near when she lives to make it easier for her to maintain them. Ms. McLaren does not think she will be able to install enough parking places required by the new zoning. There will be 25 feet by 30 feet available to allow 3 parking spaces per family. She contacted 13 of 19 residents who live near her and none of them objected.

McClaren - she appreciated what Ms. Nolan is trying to do, but the street is not wide enough to accommodate parking. She believes there is a place in the Parish for affordable housing, but does not think it is here.

Nolan - the zoning on 3rd Street is mostly commercial. She is planning on building an attractive structure and does not think it will bring property values down.

Gould - looking at the zoning in the area, he believes the intent of the plan as adopted was that they wanted to take this area and unify it as commercial. He thinks someday the whole area will be commercial.

Gould - moved to override the Zoning approval, second by Canulette. Unanimous with 2 absent (Sharp, Smith).

Gould- moved to adopt a resolution, second by Tanner. Unanimous with 1 absent (Smith); becomes Resolution C.S. No. C-3765.

ORDINANCES FOR ADOPTION

Binder - 1. Ord. Cal. No. 4990 - Ordinance amending the Official Parish Zoning Map to reclassify 1.97 acres located south of Lowe Davis Road, east of United Church Road, being 21288 Lowe Davis Road, Covington from A-2 (Suburban District) to A-2 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 3, District 6) (ZC13-03-012) (ZC approved 4/2/13) (Introduced 5/2/13)

Tanner - moved to adopt, second by Thompson. Unanimous with 2 absent (O'Brien, Smith); becomes Ordinance C.S. No. 13-2949.

Falconer - 2. Ord. Cal. No. 4991 - Ordinance amending the Official Parish Zoning Map to reclassify 5.31 acres located east of Atwood Road, west of Lee Road, being 19423 Atwood Road, Covington from A-1A (Suburban District) to A-2 (Suburban District). (Ward 2, District 2) (ZC13-04-016) (ZC approved 4/2/13) (Introduced 5/2/13)

Sharp - moved to adopt, second by Thompson. Unanimous with 2 absent (O'Brien, Smith); becomes Ordinance C.S. No. 13-2950.

Falconer - 3. Ord. Cal. No. 4992 - Ordinance amending the Official Parish Zoning Map to reclassify 3.285 acres located at the southeast corner of Sharp Chapel Road & LA Highway 40 from A-1 (Suburban District) to A-2 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 2, District 6) (ZC13-04-017) (ZC approved 4/2/13) (Introduced 5/2/13)

Tanner - moved to adopt, second by Thompson. Unanimous with 2 absent (O'Brien, Smith); becomes Ordinance C.S. No. 13-2951.

Falconer - 4. Ord. Cal. No. 4993 - Ordinance amending the Official Parish Zoning Map to reclassify 2.64 acres located south of Jakes Road, west of LA Highway 450, north of Hart Road from A-1 (Suburban District) to A-2 (Suburban District). (Ward 2, District 3) (ZC13-04-018) (ZC approved 4/2/13) (Introduced 5/2/13)

Thompson - moved to adopt, second by Tanner. Unanimous with 2 absent (O'Brien, Smith); becomes Ordinance C.S. No. 13-2952.

Falconer - 5. Ord. Cal. No. 4994 - Ordinance amending the Official Parish Zoning Map to reclassify 0.570 acres located on the northeast corner of LA Highway 36 & Bullard Street from NC-4 (Neighborhood Institutional District) to HC-2 (Highway Commercial District). (Ward 3, District 2) (ZC13-04-020) (ZC approved 4/2/13) (Introduced 5/2/13)

Sharp - moved to adopt, second by Tanner. Unanimous with 2 absent (O'Brien, Smith); becomes Ordinance C.S. No. 13-2953.

Falconer - 6. Ord. Cal. No. 4995 - Ordinance amending the Official Parish Zoning Map to reclassify 16.811 acres located at the end of Andrew Drive, east of Hollycrest Lane from NC-2 (Indoor Retail and Service District) and PBC-1 (Planned Business Center) to A-4A (Single-Family Residential District). (Ward 3, District 5) (ZC13-04-021) (ZC approved 4/2/13) (Introduced 5/2/13)

Gould - moved to adopt, second by Binder. Unanimous with 2 absent (O'Brien, Smith); becomes Ordinance C.S. No. 13-2954.

Falconer - 7. Ord. Cal. No. 4996 - Ordinance amending the Official Parish Zoning Map to establish a PUD (Planned Unit Development Overlay) for 16.811 acres located at the end of Andrew Drive, east of Hollycrest Lane. (Ward 3, District 5). (ZC13-04-022) (ZC approved 4/2/13) (Introduced 5/2/13)

Gould - moved to adopt, second by Tanner. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-2955.

Falconer - 8. Ord. Cal. No. 4997 - Ordinance to declare Lots 69 and 70, Mandeville Subdivision, as surplus tax-adjudicated property and authorize the donation of said property to Habitat for Humanity St. Tammany West. (Ward 4, District 10) (Introduced 5/2/13)

O'Brien - moved to adopt, second by Stefancik. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-2956.

Falconer - 9. Ord. Cal. No. 4998 - Ordinance to correct the Road and Drainage Inventory to include Rue Acadian Lateral; 4 Sycamore Place Laterals; River Road Lateral; and Bonnie Lane Lateral. (Wards 3, 4 & 8) (Districts 2, 3, 7 & 13) (Introduced 5/2/13)

Artigue - moved to adopt, second by Tanner. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-2957.

Falconer - 10. Ord. Cal. No. 4999 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically entering the right-of-way of 5th Avenue within Town of Alton Subdivision; and The Birg Boulevard Subdivision, Phase 1-B-1. (Wards 3 & 8) (Districts 5 & 14)

Gould - moved to adopt, second by Tanner. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-2958.

Falconer - 11. Ord. Cal. No. 5000 - Ordinance to correct the Road and Drainage Inventory to include Military Heights Drive Lateral. (Ward 3, District 2) (Introduced 5/2/13)

Sharp - moved to adopt, second by Thompson. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-2959.

Falconer - 12. Ord. Cal. No. 5001 - Ordinance to amend Parish Code of Ordinances, Chapter 13, Division 1, Motor Vehicles, Section 13-009.00, compression brakes, to prohibit the use of compression brakes on Hwy 437 between River Road and Hwy 1081 (a.k.a. Stafford Road). (Ward 3, District 2) (Introduced 5/2/13)

Sharp - moved to adopt, second by Thompson. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-2960.

Falconer - 13. Ord. Cal. No. 5002 - Ordinance to amend Parish Code of Ordinances, Chapter 9, article XIII, Section 9-071-00 - Garbage District No. 1, Boundaries, and Section 9-072.01, Service Area, to amend the boundaries thereof to include Hidden Oaks Lane (8-L-012). (Ward 8, District 8) (Introduced 5/2/13)

Canulette - moved to adopt, second by Bellisario. Unanimous with no one absent (Smith); becomes Ordinance C.S. No. 13-2961.

Falconer - 14. Ord. Cal. No. 5003 - Ordinance to rename Horace Street as Starfish Lane. (Ward 4, District 5) (Introduced 5/2/13)

Gould - moved to adopt, second by Tanner. Unanimous with no one absent (Smith); becomes Ordinance C.S. No. 13-2962.

NOMINATIONS

Falconer - 1. Nominate one (1) member to the St. Tammany Parish Zoning and Planning Boards to replace Dale Mackie (resigned). (Parishwide Appointment) (Stefancik)

Stefancik - moved to open nominations, second by Groby. Unanimous with no one absent.

Stefancik - nominated Kirk Drumm, second by Bellisario.

Canulette - moved to close nominations, second by

APPOINTMENTS

Falconer - 1. Resolution to appoint one (1) member to the board for the St. Tammany Parish Tourist and Convention Commission to represent the west side of the Parish. (Binder) (Nominations: Laura Cressy and Sharon Lo Drucker)

Stefancik - moved to appoint Sharon Lo Drucker, second by Bellisario. Unanimous with no one absent; becomes Resolution C.S. No. C-3767.

Falconer - 2. Resolution to appoint Ryan Murphy to replace Danny Curtis (resigned) to the Board of Commissioners for the St. Tammany Parish Fire Protection District No. 8. (Gould)

Gould - moved to appoint, second by Tanner. Unanimous with no one absent; becomes Resolution C.S. No. C-3768.

AWARD OF BIDS

Falconer - BID ITEM: Parish Official Journal, July 1, 2013 - June 30, 2014

BID NUMBER: 502-03-13-15-2

Lowest Responsible Bidder at \$0.90 per column inch - The St. Tammany Farmer

Leslie Long - they asked for bids from the local newspapers and advertised on the Parish website and in the St. Tammany Farmer.

Tanner - moved to accept the bid, second by Bellisario. Unanimous with no one absent.

DISCUSSIONS AND OTHER MATTERS

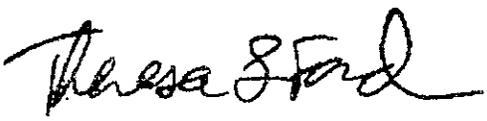
Falconer - 1. Motion to refer to Zoning Commission for recommendation the proposed re-zoning of 1.397 acres on U. S. Hwy. 190 Bypass in Section 38, Township 6 South, Range 11 East from its current zoning of I-1 (Industrial District) to HC-2 (Highway Commercial District). (Ward 3, District 3) (Thompson)

Thompson - moved to refer, second by Dean. Unanimous with no one absent (Smith).

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



JERRY BENDER, COUNCIL CHAIRMAN



THERESA L. FORD, COUNCIL CLERK