

ST. TAMMANY PARISH COUNCIL MEETING MINUTES

THURSDAY, NOVEMBER 5, 2015 AT 6:00 P.M.

ST. TAMMANY GOVERNMENT COMPLEX

21490 KOOP DRIVE, MANDEVILLE, LA.

Call to Order by Honorable Richard E. Tanner, Chairman

Invocation by Mr. Smith

Pledge of Allegiance by Mr. Binder

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

SPECIAL ITEMS

Tanner - 1) Ord. Cal. No. 5462 - Ordinance adopting the 2016 Parish Operating Budget. (Introduced 10/1/2015)

Stefancik - moved to refer to the December meeting for adoption, second by Bellisario. Unanimous with 1 absent (Gould).

Tanner - 2) Ord. Cal. No. 5463 - Ordinance to establish the 2016-2020 Parish Capital Improvement Budget and Program, and to further identify Fixed Assets & Grants Awards. (Introduced 10/1/2015)

Stefancik - moved to refer to the December meeting for adoption, second by Bellisario. Unanimous with 1 absent (Gould).

PRESENTATIONS

Tanner - 1. Presentation of Proclamation to St. Tammany Parish Government Employee of the Month. (Brister)

Patricia Brister - read and presented to Laurie Ojeda, Executive Secretary, President's Office.

Tanner - 2. Presentation of Jean Day Charitable Collection Fund to Hospice Foundation of the South. (Brister)

Patricia Brister - \$3998.00 raised by employees of the Parish buy donating for the privilege of wearing jeans on Fridays.

Kathy Busco - Executive Director, this money will go a long way. They opened Hospice House in Slidell about a year ago, and since then they have provided care for 70 patients.

Tanner - 3. Presentation by Sheree Flores regarding Families with Disabilities. (Groby)

Groby - this needs to be postponed until next month.

13. Ord. Cal. No. 5490 - Ordinance to correct the Road & Drainage Inventory to include River Road Lateral; Dixie Ranch Road Lateral; Herman Singletary Road Lateral; Buck Run Lateral; 5th Street; and South Street. (Wards 3, 4, 6 & 9) (Districts 2, 5, 6, 9 & 11) (Tanner/Brister)

14. Ord. Cal. No. 5491 - Ordinance to amend the 2015 Operating Budget - Amendment No. 10. (Tanner/Brister)

RESOLUTIONS

3. Resolution C.S. No. C-4444 - Resolution to acknowledge the authority, pursuant to Home Rule Charter, Sections 1-04, 1-06, 3-01 and 3-09, for the Parish of St. Tammany, through the Office of the Parish President, to execute an Intergovernmental Agreement with the Louisiana Department of Transportation and Development for access to real-time traffic video images. (Tanner/Brister)

6. Resolution C.S. No. C-4447 - Resolution to acknowledge the authority, pursuant to Home Rule Charter, Sections 1-04, 1-06, 3-01 and 3-09, for St. Tammany Parish Government, through the Office of the Parish President, to execute a Memorandum of Understanding with Progressive Waste Solutions of LA, Inc. for bill collection services. (Tanner/Brister)

7. Resolution C.S. No. C-4448 - Resolution to acknowledge the authority of the Parish President to execute a Utility Service Agreement with Cleco. (Ward 4, District 5) (Tanner/Brister)

8. Resolution C.S. No. C-4449 - A Resolution to Establish Performance and Warranty Obligations. (Tanner/Brister)

9. Resolution C.S. No. C-4450 - Resolution to authorize the Parish President to execute an agreement with the Louisiana Department of Transportation and Development (LADOTD) for improvements at the St. Tammany Regional Airport. (Tanner/Brister)

10. Resolution C.S. No. C-4451 - Resolution to authorize the Parish President to execute an agreement with the Louisiana Department of Transportation and Development (LADOTD) for improvements at the St. Tammany Regional Airport. (Tanner/Brister)

11. Resolution C.S. No. C-4452 - Resolution to amend Ordinance C.S. No. 14-3426 - Grant Awards. (Tanner/Brister)

12. Resolution C.S. No. C-4453 - Resolution to amend Ordinance C.S. No. 14-3246 to make changes to the Capital Asset List - Facilities and Capital Assets. (Tanner/Brister)

13. Resolution C.S. No. C-4454 - Resolution to amend Ordinance C.S. No. 14-3246 - to make changes to the Capital Improvements List - Parishwide (Fund 300), District Roads (Fund 301-314) and Drainage (316). (Tanner/Brister)

14. Resolution C.S. No. C-4455 - Resolution to acknowledge the authority pursuant to Home Rule Charter, Sections 1-04, 3-01 and 3-09, for St. Tammany Parish Government, through the Office of the Parish President, to execute a Cooperative Endeavor Agreement with Greater New Orleans, Inc. for economic development initiatives. (Tanner/Brister)

END OF CONSENT CALENDAR

Stefancik - moved to adopt the consent calendar less items pulled, second by Bellisario. Unanimous with 1 absent (Gould).

Tanner - 1. Ord. Cal. No. 5478 - Ordinance to amend the contract agreement pursuant to LA. R.S. 33:4791.1 between St. Tammany Parish Government and Acadian Ambulance Service, Inc. for the provision of emergency and Non-Emergency ambulance services within specific service areas of St. Tammany Parish. (Stefancik)

Stefancik - they have been negotiating with Acadian Ambulance and Chris Kaufmann, Fire Protection District NO. 1, in order to negotiate an amendment to add Fire Protection District No. 1. They have added new 8 minute time zones and kept the 15 minute zones in the Fire Protection District No. 12 area. They are going to review the data after March 31 to see if changes need to be made.

Stefancik - moved to introduce, second by Smith.

Stefancik - moved to suspend the rules to adopt, second by Canulette. Unanimous with 1 absent (Marty Gould); becomes Ordinance C. S. No. 15-3413.

Tanner - 2. Ord. Cal. No. 5479 - Ordinance to amend Ordinance Council Series Numbers 00-0174, 05-1049, 05-1199, 14-3167, 14-3229 and 15-3262 to provide for amendments to the Personnel Policies pertaining to Benefits, Annual Leave and Sick Leave. (Tanner)

Canulette - moved to introduce, second by Bellisario.

Tanner - 4. Ord. Cal. No. 5481 - Ordinance amending the official Parish Zoning Map to reclassify 3.36 acres located in Section 23, Township 5 South, Range 11 East, with the physical address of 20857 Hwy 40, Bush, from A-1A (Suburban District) to A-2 (Suburban District). (Ward 2, District 6) (To be referred to Zoning Commission) (Tanner)

Carlo - the filing fees in this matter would have been \$450.

Bellisario - moved to introduce, second by Sharp.

Sharp - moved to refer to the Zoning Commission, second by Thompson. Unanimous with 1 absent (Gould).

Tanner - 11. Ord. Cal. No. 5488 - Ordinance amending the official Parish Zoning Map to reclassify 2.88 acres located at the northeast corner of Northpark Blvd & Park Place, being 114 Northpark Blvd, Covington from HC-2 (Highway Commercial District) to HC-2A (Highway Commercial District). (Ward 3, District 5). ZC15-10-071) (ZC approved 10/6/15) (Tanner/Brister)

Lee Mathes - lives in North Park. They have not had an opportunity to speak with Mr. Gould to discuss the possible impacts to this area. Thanks the Council for postponing it.

Dean - moved to postpone, second by Canulette. Unanimous with 1 absent (Gould)

Tanner - 1. Resolution C.S. No. C-4442 - Resolution approving the issuance of not exceeding \$6,500,000 of Certificates of Indebtedness of Communications District No. 1 of St. Tammany Parish, Louisiana. (Bellisario)

Rodney Hart - Executive Director, the Board plans to use these funds to build a 1,600 square foot building to be able to put all of the dispatchers from each entity throughout the Parish in one place, instead of the 5 different ones it is now.

Bellisario - moved to adopt, second by Sharp. Unanimous with 1 absent (Gould).

Tanner - 2. Resolution C.S. No. C-4443 - Resolution to approve the appointment of Adrienne Stroble as Director of Human Resources for the remainder of the 2012-2016 Parish President's term of office. (Tanner/Brister)

Brister - they are very excited that Ms. Stroble is coming on board. She will start in a week and comes very well prepared.

Stefancik - moved to adopt, second by Bellisario. Unanimous with 1 absent (Gould).

Tanner - 4. Resolution C.S. No. C-4445 - Resolution to acknowledge the authority, pursuant to Home Rule Charter, Sections 1-04, 1-06, 3-01 and 3-09, for St. Tammany Parish Government, through the Office of the Parish President, to execute a Cooperative Endeavor Agreement with Leadership Northshore, Inc. to provide for improvements to the St. Tammany Parish Fishing Pier. (Ward 9, District 13) (Tanner/Brister)

Binder - Ms. Blanchard is the chairman of the curriculum for Leadership Northshore. He wanted to thank them for providing shade and benches for the Fishing Pier. This agreement is limited to helping raise funds to improve the Pier. All other Pier functions remain in control of the Parish.

Blanchard - moved to adopt, second by Binder. Unanimous with 1 absent (Gould).

Tanner - 5. Resolution C.S. No. C-4446 - Resolution to acknowledge the authority, pursuant to Home Rule Charter, Sections 1-04, 1-06, 3-01 and 3-09, for St. Tammany Parish Government, through the Office of the Parish President, to execute a Cooperative Endeavor Agreement with The Tchefuncte River Foundation, Inc. for operation and improvements to Northshore Beach.(Ward 9, District 13) (Tanner/Brister)

Blanchard - she thanks the Friends of Northshore Beach who have made some efforts to clean up the Beach, and she thanks the Tchefuncte River Foundation for talking to them. Unfortunately, the work was not in the scope of the Foundations projects right now. The biggest problem is that the beach is a public beach, but that does not mean it is automatically funded.

Blanchard - moved to remove, second by Bellisario. Unanimous with 1 absent (Gould).

APPEALS

Tanner - 1. Bruce Cox appealing the Zoning Commission DENIAL on October 6, 2015 to rezone 70,808 square feet located on the northwest corner of Sharp Road, and Highway 59, DeVal Estates, from A-3 (Suburban District) to HC-2 (Highway Commercial District).(Ward 4, District 5) (ZC15-10-072)

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.

Bruce Cox - spoke to Marty on Friday, and Marty said he was in California just back from China, and would not have a chance to meet with him about this appeal. He is asking that it be tabled until next month.

Bellisario - he and Mr. Gould spoke about this matter, and he has the file and is ready to proceed on Mr. Gould's behalf.

Binder - the process coming before the Council does not rely on any one Council member, and the Council is prepared to proceed.

Bruce Cox - he has been before the Council three times over the last 15 years, and each time has been denied. This property is the only corner on Highway 59, which is not commercial, and there is no good reason for that. The State is planning to buy a portion of his property to make a roundabout. He is not prepared tonight, he had an appraiser who was going to speak. He lost the opportunity to sell to CVS because the property was not zoned commercial. He has lost 6 other businesses because the property is not commercial. He bought the property with the intent of making it commercial, and never had plans to live on it. He is being penalized.

Rykert Toledano - he spoke to Mr. Gould today, and he never indicated that he intended to postpone this matter. This property is very unique, but with redistricting, and the denial of rezoning, it has always been a purely residential area. In his view, it does not lend itself to commercial. Deval Estates is on a road parallel to the highway, but it is all zoned residential. He feels that Mr. Cox may feel he needs to get it rezoned in order to receive more money when the State takes the land.

Gary Mellinger - the Deval Estates Homeowners' Association worked with the Parish for the 2025 plan, and they gave up a lot by allowing part of the Subdivision to become a buffer and they gave other land to Lakeshore Estates who needed it. This is a community that has been there for 25 years, which is much longer than Mr. Cox has owned the property.

There is no difference from Highway 59 at Lonesome Road, which are commercial properties, even though they are surrounded by residential. He has the Homeowners' agreement to remove his property from the subdivision. Seventeen thousand cars are going by everyday. This should be a commercial lot.

Mellinger - this property is in the center of Deval Estates. There is no way it could have been removed from the subdivision. He would like to see proof of the approval Mr. Cox mentioned. They ask that this matter be rejected. Mr. Cox does not live here, and he only bought the property to flip it for commercial gain. It is their home. His petition endangers property values and their way of life.

Council discussion ensued.

O'Brien - moved to postpone, second by Groby. Motion failed with 8 nays, 5 yeas (Falconer, Tanner, Groby, O'Brien, Smith) and 1 absent (Gould).

Canulette - moved to concur with the denial, second by Bellisario. Motion passed with 9 yeas, 4 nays (Falconer, Groby, O'Brien, Smith), and 1 absent (Gould).

Bellisario - moved to adopt a resolution, second by Canulette. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-4456.

Tanner - 2. Linda Keating Fussell appealing the Planning Commission DENIAL on October 13, 2015 to create a Minor Subdivision of Parcel C located in Section 28, Township 5 South, Range 11 East, being 18293 Million Dollar Road, by creating Parcels C-1, C-2, C-3, C-4. (Ward 2, District 6) (2015-29-MSP)

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

NOTE: To override the Planning Denial, a 2/3 vote (9) is required and adoption of a resolution.

Sharp - moved to concur, second by Thompson. Unanimous with 1 absent (Gould).

Sharp - moved to adopt a resolution, second by Bellisario. Unanimous with 1 absent; becomes Resolution C.S. No. C-4457.

ORDINANCES FOR ADOPTION

Tanner - 1. Ord. Cal. No. 5465 - Ordinance authorizing the Parish President to enter into one or more servitude agreements with various utility providers for the provision of utility services to the St. Tammany Advanced Campus. (Ward 7, District 11). (Introduced 10/1/15)

Stefancik - moved to adopt, second by Bellisario. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 15-3414.

Tanner - 2. Ord. Cal. No. 5466 - Ordinance to declare multiple tax adjudicated properties as surplus property and authorize the Parish to proceed with the process for the advertising and sale of such adjudicated properties. (Introduced 10/1/15)

Bellisario - moved to adopt, second by Bellisario. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 15-3415.

Tanner - 3. Ord. Cal. No. 5467 - Ordinance to authorize the Parish of St. Tammany, through the Office of the Parish President, to declare Lots 27 and 28, Galeria Commercial Park, Phase 1, Tract 1 as surplus property and to authorize the private sale and disposal of said property to the St. Tammany Parish School Board. (Ward 8, District 8)

Canulette - moved to adopt, second by Bellisario. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 15-3416.

Tanner - 4. Ord. Cal. No. 5468 - Ordinance to correct the Road & Drainage Inventory to include Adrienne Street Lateral and Rue Royal Lateral. (Wards 1 & 8) (Districts 1 & 13) (Introduced 10/1/15)

Bellisario - moved to adopt, second by Canulette. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 15-3417.

Tanner - 5. Ord. Cal. No. 5469 - Ordinance amending the official zoning map of St. Tammany Parish, La, to reclassify a certain parcel located at the southwest corner of LA Highway 59 & Soell Drive, being 70271 LA Highway 59, Abita Springs and which property comprises a total of 20,000 Sq.ft of land more or less, from its present I-1 (Industrial District) to an HC-2 (Highway Commercial District). (Ward 3 & 4, District 5) (ZC15-09-069) (ZC approved 9/1/2015) (Introduced 10/1/15)

Thompson - moved to adopt, second by Falconer. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 15-3418.

Tanner - 6. Ord. Cal. No. 5470 - Ordinance amending the official Parish Zoning Map to reclassify 21,600 square feet located east of 8th Street, west of 7th Street and north of Iberville, Chinchuba Subdivision from NC-1 (Professional Office District) to ED-1 (Primary Education District) (Ward 4, District 4). (ZC15-09-068) (ZC approved 9/1/2015) (Introduced 10/1/15)

Falconer - moved to adopt, second by Dean. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 15-3419.

Tanner - 7. Ord. Cal. No. 5471- Ordinance amending the official Parish Zoning Map to reclassify 3.507 acres located east of Stirling Blvd., south of I-12, north of Brewster Road from PBC-1 (Planned Business Center) to HC-3 (Highway Commercial District). (Ward 1, District 1) (ZC15-09-067) (ZC approved 9/1/2015) (Introduced 10/1/15)

Dean - moved to amend, second by Thompson. Unanimous with 1 absent (Gould); becomes Ord. Cal. No. 5471AA.

Dean - moved to adopt as amended, second by Thompson. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 15-3420.

Tanner - 8. Ord. Cal. No. 5472 - Ordinance amending the official Parish Zoning Map to reclassify 2.7046 located north of Browns Village Road, west of US Highway 11 from I-1 (Industrial District) and HC-1 (Highway Commercial District) to I-1 (Industrial District), HC-1 (Highway Commercial District) and MHO (Manufactured Housing Overlay). (Ward 9, District 14). (ZC15-09-066) (ZC approved 9/1/2015) (Introduced 10/1/15)

Smith - moved to adopt, second by Canulette. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 15-3421.

Tanner - 9. Ord. Cal. No. 5473 - Ordinance to extend a six-month moratorium on the issuance of permits for construction, or placement of building structures on any properties within unincorporated St. Tammany Parish within five hundred (500) feet of the centerline on the south side of Highway 1088 from Sout Street to Hickory Street. (Ward 4, District 7) (Introduced 10/1/15)

Groby - moved to adopt, second by Falconer. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 15-3422.

Tanner - 10. Ord. Cal. No. 5474 - Ordinance to amend St. Tammany Parish, Code of Ordinances, Chapter 7, Drainage and Flood Control, Article I, section 7-002.00, Use of fill Materials Prohibited, to provide with respect the placement of fill within prohibited areas and within the boundaries of Gravity Drainage District No. 5. (Introduced 10/1/15)

Jean Thibadeaux - he is in support of this change. The current rules allow fill to be mitigated, these new rules will discourage the fill being removed from the site. The only place fill can be mitigated is on-site.

Falconer - he needs to recuse himself from this matter.

Stefancik - he thinks the Council should consider enacting this Parishwide.

Bellisario - moved to adopt, second by Thompson. Motion passed with 1 abstention (Falconer) and 1 absent (Gould); becomes Ordinance C.S. No. 15-3423.

Tanner - 11. Ord. Cal. No. 5476 - Ordinance amending the Official Parish Zoning Map to reclassify 6.30 acres located in Section 6, Township 8 south, Range 12 east, being 22475 Highway 1088, from A-3 (Residential District) to NC-3 (Neighborhood Commercial District). (District 5) (Referred to Zoning Commission 10/1/15)

Stefancik - this needs to be postponed until after the Zoning Commission hears it, second by Bellisario. Unanimous with 1 absent (Gould).

Tanner - 12. Ord. Cal. No. 5477 - Ordinance to amend Ord. C.S. No. 07-1545, adopted April 5, 2007 regarding a major amendment to the PUD Planned Unit Development Overlay for a 188.54 acre parcel located on the south side of LA Highway 433, west of U S Highway 90, north of Lake Pontchartrain. (Ward 8, District 13) (ZC83-07-076) (Introduced 10/1/15)

Blanchard - moved to adopt, second by Binder. Unanimous with 1 absent (Gould); becomes Ordinance C.S. No. 15-3424.

APPOINTMENTS

Tanner - 1. Resolution to reappoint Jerry Binder to Hospital Services District No. 2 (Slidell Memorial Hospital) Appointing Authority. (Bellisario)

Stefancik - moved to appoint, second by Bellisario. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-4458.

DISCUSSIONS AND OTHER MATTERS

PURSUANT TO LA. R.S. 42:19.1

NOTICE OF CONSIDERATION OF ACTION REGARDING SERVICE CHARGE

Tanner - NOTICE IS HEREBY GIVEN that Road Lighting District No. 9 of the Parish of St. Tammany, State of Louisiana will meet on Thursday, January 7, 2016, at 6:00 p.m., at the St. Tammany Government Complex, 21490 Koop Drive, Mandeville, Louisiana, at which time there will be consideration of action regarding the levy and collection of an annual service charge dedicated to paying utility charges for road lighting and maintaining and operating road lighting facilities and equipment within the District. This action is contingent upon favorable passage of the proposition at the election on November 21, 2015.

Bellisario - moved to open the Off-the-Floor Agenda, second by Dean. Unanimous with 2 absent (Sharp, Gould).

ITEMS OFF-THE-FLOOR

Tanner - 1. Ordinance to amend the 2015 Operating Budget - Amendment 11. (Bellisario)

Bellisario - moved to introduce, second by Canulette; becomes Ord. Cal. No. 5492.

Tanner - 2. Resolution to amend Ordinance C.S. No. 14-3246 to make changes to the Capital Asset List - Facilities and Capital Assets. (Bellisario)

Bellisario - moved to adopt, second by O'Brien. Unanimous with 2 absent (Sharp, Gould).

Stefancik - moved to enter Executive Session, second by Canulette. Unanimous with 2 absent (Sharp, Gould).

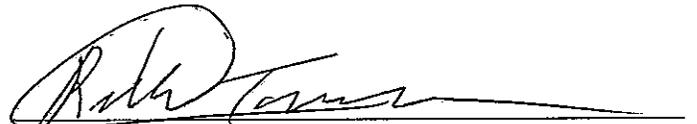
EXECUTIVE SESSION

Tanner - 1. In re: Claim # 15D90G240092 (15-032) - Stranco, Solid Waste - 8/11/2015

Groby - moved to exit Executive Session. Unanimous with 3 absent (Sharp, Thompson, Gould).

Stefancik - moved to adopt a Resolution approving the Parish Council Attorney to proceed with the settlement of the referenced matter, second by Bellisario. Unanimous with 3 absent (Sharp, Thompson, Gould); becomes Resolution C.S. No. C-4459.

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


RICHARD TANNER, COUNCIL CHAIRMAN


THERESA L. FORD, COUNCIL CLERK