

**MINUTES OF ST. TAMMANY PARISH COUNCIL MEETING
THURSDAY, MARCH 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. Sharp

Pledge of Allegiance by Mr. Groby

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

PRESENTATIONS

Tanner -1. Presentation by Hillary Corliss, Restore Coastal Louisiana, regarding Marsh Grass Planting. (Groby)

Tanner - this item needs to be postponed to next month.

Tanner - 2. Presentation of Proclamation to Cheryl Arabie. (Brister)

Patricia Brister and Tanner - read and presented to Cheryl Arabie for retiring after 34 years of service to St. Tammany Parish schools.

Superintendent Trey Folse - he admires most Ms. Arabie's ability to balance her family and work life.

Cheryl Arabie - she thanks everyone for the recognition. She has four of six of her grandchildren in St. Tammany Parish public schools. She is planning to do a lot of volunteer work. This is a great community.

Tanner - asks Shannon Davis to come and introduce new hire for the Department of Public Works.

Shannon Davis - Mike Noto will be his new Assistant Director. Mr. Noto comes from the same position at the City of Slidell and comes with a wealth of experience. Marc Crawford has worked in almost every capacity in the Parish.

Artigue - moved to open the Off-the-Floor Agenda and move up all items, second by Smith. Unanimous with no one absent.

OFF-THE-FLOOR AGENDA

Tanner - 1. Presentation to Melissa O'Donnell, Northshore Government Affairs Director, New Orleans Metropolitan Association of Realtors, proclaiming March 16, 2015 as Realtor Appreciation Day. (Tanner)

Tanner - presented certificate to Melissa O'Donnell.

Tanner - 2. Presentation of STARC Disability Awareness by Dianne Baham. (Tanner)

Dianne Baham - March is Disability Awareness month. One in every six children is born with a developmental disability. STARC has a service training advocacy to enhance the lives of those who they serve through programs such as their art program.

Tanner - call to Council and Audience for items to be pulled from the Consent Calendar.

Ord. Cal. No. 5347

Ord. Cal. No. 5352

CONSENT CALENDAR

Any items not pulled from the Consent Calendar are automatically approved in whole by one vote. Items pulled from the Consent Calendar are discussed and voted upon individually. (Call to Council Members and Audience for items to pull)

MINUTES

Regular Council Meeting

February 5, 2015

Council Committee Meeting

February 25, 2015

ORDINANCES FOR INTRODUCTION

(Public Hearing: April 2, 2015)

2. Ord. Cal. No. 5348 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Weston Glen Subdivision, Phase 1, Filing 1 and Filing 2. (Ward 1, District 1) (Tanner/Brister)

3. Ord. Cal. No. 5349 - Ordinance to correct the Road & Drainage Inventory to include Genie Drive Lateral; Boyd Road Lateral; and Salvation Church Cemetery Road Lateral. (Wards 6 & 8, Districts 11 & 14) (Tanner/Brister)

4. Ord. Cal. No. 5350 - Ordinance to authorize the Parish of St. Tammany, through the Office of the Parish President, to extend a lease on office space in the Koop Drive Administrative Complex to the State of Louisiana, Office of State Fire Marshal. (Tanner/Brister)

5. Ord. Cal. No. 5351 - Ordinance to declare tax adjudicated property as surplus property and authorize the Parish to proceed with the process for the advertising and sale of such adjudicated property. (Tanner/Brister)

7. Ord. Cal. No. 5353 - Ordinance amending the Official Parish Zoning Map to reclassify 1 acre located south of Gaude Court, east of LA Highway 1085, being Lot 1-B, 208 Gaude Court, Madisonville from A-1 (Suburban District) to A-1 (Suburban District) and RO (Rural Overlay). (Ward 1, District 1) (ZC15-02-010) (ZC approved 2/3/15) (Tanner/Brister)

8. Ord. Cal. No. 5354 - Ordinance amending the Official Parish Zoning Map to reclassify 19,000 square feet located north of Mashie Street, east of Iron Street, west of Wood Street, being Lot 5, Square 8, Hillcrest Country Club Estates Add No. 2 from A-3 (Suburban District) to A-3 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 10, District 6) (ZC15-02-011) (ZC approved 2/3/15) (Tanner/Brister)

9. Ord. Cal. No. 5355 - Ordinance amending the Official Parish Zoning Map to reclassify 1 acre located east of Isabel Swamp Road, north of LA Highway 40 from A-1 (Suburban District) to AT-1 (Animal Training/Housing District). (Ward 5, District 6) (ZC15-02-012) (ZC approved 2/3/15) (Tanner/Brister)

10. Ord. Cal. No. 5356 - Ordinance amending the Official Parish Zoning Map to reclassify 58.29 acres located south of US Highway 190, east of south Tranquility Road, being 31294 Hwy 190, Lacombe from PF-1 (Public Facilities District), NC-4 (Neighborhood Institutional District) and A-2 (Suburban District) to ED-2 (Higher Education District). (Ward 9, District 11) (ZC15-02-013) (ZC approved 2/3/15) (Tanner/Brister)

11. Ord. Cal. No. 5357 - Ordinance amending the Official Parish Zoning Map to reclassify 5.1 acres located west of Jim Willie Road, north of Haskins Road, west of LA Highway 1077 from A-2 (Suburban District) to A-2 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 1, District 3) (ZC15-02-014) (ZC approved 2/3/15) (Tanner/Brister)

12. Ord. Cal. No. 5358 - Ordinance amending the Official Parish Zoning Map to reclassify 5.1 acres located east of Chartier Oaks Drive and Wolverine Drive, south of Three Rivers Road from HC-1 (Highway Commercial District) and PBC-1 (Planned Business Center) to PBC-1 (Planned Business Center). (Ward 3, District 5)(ZC15-02-015)(ZC approved 2/3/15) (Tanner/Brister)

13. Ord. Cal. No. 5359 - Ordinance amending the Official Parish Zoning Map to reclassify 4.668 acres located west of Camp Villere Road, north of US Highway 190 from HC-2 (Highway Commercial District) and NC-4 (Neighborhood Institutional District) to I-2 (Industrial District). (Ward 9, District 11) (ZC15-02-016) (ZC approved 2/3/15) (Tanner/Brister)

14. Ord. Cal. No. 5360 - Ordinance amending the 2014 Operating Budget - Amendment 12. (Tanner/Brister)

15. Ord. Cal. No. 5361 - Ordinance to amend Ordinance C.S. No. 13-3052 the 2014-2018 Capital Improvement Budget and Program, Fixed Assets and Grant Awards. (Tanner/Brister)

16. Ord. Cal. No. 5362 - Ordinance to amend 2015 Operating Budget. - Amendment No. 2. (Tanner/Brister)

RESOLUTIONS

1. Resolution C.S. No. C-4291 - Resolution establishing Warranty Obligations. (Tanner/Brister)

2. Resolution C.S. No. C-4292 - Resolution to acknowledge authority, pursuant to the Home Rule Charter, Sections 1-04, 1-06, 3-01 and 3-09, of the Parish President to execute a Cooperative Endeavor Agreement with the City of Slidell for the cleaning of Breckenridge Canal. (Ward 8, Districts 8, 9 and 13) (Tanner/Brister)

3. Resolution C.S. No. C-4293 - Resolution to acknowledge the authority, pursuant to Home Rule Charter, Sections 1-04, 3-01 and 3-09, of the Parish President to execute a Cooperative Endeavor Agreement with Huntwyck Village Homeowners Association, Inc. for the use and maintenance of Parish-acquired SRL/HMGP Properties. (Ward 9, District 14) (Tanner/Brister)

4. Resolution C.S. No. C-4294 - Resolution for the State of Louisiana, Department of Transportation and Development to authorize the Parish President, Patricia P. Brister, to sign any contracts or documents as related to the Highway 21 Bike Path and acknowledge full responsibility for the required local match, for design engineering, construction, administration and testing, managing and maintaining the project, and for any legal liability incurred as a result of the project. (Tanner/Brister)

5. Resolution C.S. No. C-4295 - Resolution to amend Ordinance C.S. No. 14-3246 - Grant Awards. (Tanner/Brister)

6. Resolution C.S. No. C-4296 - Resolution to amend Ordinance C.S. No. 14-3246 to make changes to the Capital Improvements List - Capital Assets. (Tanner/Brister)

7. Resolution C.S. No. C-4297 - Resolution to amend Ordinance C.S. No. 14-3246 - Grant Awards. (Tanner/Brister)

8. Resolution C.S. No. C-4298 - Resolution to amend Ordinance C.S. No. 14-3246 to make changes to the Capital Improvements List - Parishwide (Fund 300). (Tanner/Brister)

9. Resolution C.S. No. C-4299 - Resolution to amend Ordinance C.S. No. 14-3246 to make changes to the Capital Improvements List - District 13. (Fund 313)(Tanner/Brister)

10. Resolution C.S. No. C-4300 - Resolution to amend Ordinance C.S. No. 14-3246 to make changes to the Capital Improvements List - Drainage. (Fund 316) (Tanner/Brister)

11. Resolution C.S. No. C-4301 - Resolution to amend Ordinance C.S. No. 14-3246 to make changes to the Capital Improvements List - District 7 (Fund 307). (Tanner/Brister)

END OF CONSENT CALENDAR

Canulette - moved to adopt the consent calendar less items pulled, second by Gould. Unanimous with no one absent.

Tanner - 1. Ord. Cal. No. 5347 - Ordinance to amend the 2015 Operating Budget - Amendment No. 1. (Tanner/Brister)

Stefancik - the Coroner's request to transfer funds in order that he may hire an additional Pathologist and Technician is included in this ordinance.

Binder - moved to introduce, second by Stefancik.

Tanner - 6. Ord. Cal. No. 5352 - Ordinance to amend Ordinance Sec. 2-091.00 and Sec. 2-092.00 of the St. Tammany Parish Code of Ordinances for the reorganization of Parish Departments. (Tanner/Brister)

Terri Lewis Stevens - she is concerned about the Engineering Department becoming part of the Public Works Department. Normally the engineers are the ones asking Public Works to do work and not the other way around. She is not sure how this will work for the public good if Engineering and Public Works are not separate entities.

Canulette - moved to introduce, second by Gould. Unanimous with no one absent.

APPEALS

Tanner - 1. Jeanne Stangle and Barbara Dodds appealing the Zoning Commission DENIAL on February 3, 2015 for a Text Change to the Parish Code of Ordinances, Section 7.06 Accessory Buildings and Structures regarding the permitted size of boat houses on designated scenic streams. (ZC15-02-017)

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 adoption of Ord. Cal. No. 5307, introduced October 2, 2014, and scheduled for Public Hearing on April 2, 2015.

Barbara Dodds - League of Women Voters - they are appealing the Zoning Commission's decision to reject the language submitted to them by the Council. The Commission had no real reason as to why they denied the Ordinance, and there seemed to be some confusion over what they were even voting on. Boat houses on scenic rivers are the only ones which will be affected by this Ordinance. Boat houses on canals and the lake will not be affected.

Jeanne Stangle - she has lived on Bayou Liberty for 39 years, and they have been lobbying for legislation to include Bayou Liberty as a scenic river. She does not think the general public's lived would be enriched by large boat houses. She asks them to please preserve scenic rivers.

Gould - Mr. Fontenot, what was the reasoning of the Zoning Commission for denial?

Sidney Fontenot - the Commissioners were confused about the scenic stream designation, and one of the commissioners was concerned for clients who wanted to be able to put up any size of boat house.

Council discussion ensued.

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

Tanner - the Ordinance for this was introduced in October and will be heard at the April 2, 2015 meeting.

Tanner - 2. Robert Fontcuberta appealing the Zoning Commission APPROVAL on February 3, 2015 to rezone 2 acres located north of Highway 1085, west of White Chapel Road from A-1 (Suburban District) to AT-1 (Animal Training District). (Ward 1, District 3) (ZC15-01-008) (Applicant: Paul Mayronne on behalf of Jason and Scarlett Dalton)

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

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

Thompson - Mr. Fontcuberta withdrew his appeal.

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

Canulette - moved to introduce an ordinance, second by Bellisario; becomes Ord. Cal. No. 5363.

Tanner - 3. Noella Thonn appealing the Planning Commission DENIAL on February 10, 2015 for resubdivision of Red Gap Acres, Block 2 (A-2 Suburban District) located west of Ravine Drive and south of Harrison Avenue, south of Covington. (Ward 4, District 5) (RS15-01-005)

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.

Noella Thonn - she lives in Jefferson, Louisiana. She was told she could not subdivide her property because she would need a new sewer system, and there were too many systems in the area already. The area is full of 100 foot lots, and she feels that subdividing her lot would not cause more sewerage issues. She is trying to dispel her mother's estate, and she cannot sell the lot because of its current lot size.

Gould - he drove the area, and it is a mixed bag of zoning back there. The staff recommended denial because of DEQ problems. The Parish is trying to solve the sewage and water problems in the area. Also, there is a lot of runoff from those problems. He does not feel that only making a profit by splitting the property is a compelling reason to create two new substandard lots.

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

Gould - moved to adopt a resolution, second by Bellisario. Unanimous with no one absent; becomes Resolution C.S. No. C-4302.

ORDINANCES FOR ADOPTION

Tanner - 1. Ord. Cal. No. 5336 - Ordinance to authorize the Parish President to extend a lease on a portion of the Folsom Barn for a communications tower and execute a Lease Agreement. (Ward 2, District 3) (Tanner/Brister)

Thompson - moved to adopt, second by Sharp. Unanimous with no one absent; becomes Ordinance C.S. No. 15-3285.

Tanner - 2. Ord. Cal. No. 5337 - 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. (Tanner/Brister)

Binder - moved to adopt, second by Falconer. Unanimous with no one absent; becomes Ordinance C.S. No. 15-3286.

Tanner - 3. Ord. Cal. No. 5338 - Ordinance to authorize the Parish President to acquire certain parcels, rights of way and/or servitudes for the Folsom Barn expansion Project. (Ward 2, District 3) (Tanner/Brister)

Thompson - moved to adopt, second by Sharp. Unanimous with no one absent; becomes Ordinance C.S. No. 15-3287.

Tanner - 4. Ord. Cal. No. 5339 - Ordinance amending the Official Parish Zoning Map to reclassify 74.46 acres located south of Highway 36, east of Otis Road from A-4 (Single Family Residential) and A-3 (Suburban District) to PF-1 (Public Facilities District) (Ward 6, District 11) (ZC15-01-006) (ZC approved 1/6/15) (Tanner/Brister)

Stefancik - moved to adopt, second by Bellisario. Unanimous with no one absent; becomes Ordinance C.S. No. 15-3288.

Tanner - 5. Ord. Cal. No. 5340 - Ordinance amending the Official Parish Zoning Map to reclassify 3 acres located south of Baham Road, west of Highway 1077, being 12274 Baham Road, Covington, from A-1 (Suburban District) to A-1 (Suburban District) and MHO (Manufactured Housing Overlay). (Ward 1, District 3) (ZC15-01-003) (ZC approved 1/6/15) (Tanner/Brister)

Thompson - moved to adopt, second by Gould. Unanimous with no one absent; becomes Ordinance C.S. No. 15-3289.

Tanner - 6. Ord. Cal. No. 5341 - Ordinance amending the Official Parish Zoning Map to reclassify 0.36 acre located north of Walnut Street, west of Palmetto Avenue from A-5 (Two Family Residential District) and HC (Highway Commercial District) to A-7 (Multi Family Residential District). (Ward 4, District 5) (ZC15-01-001) (ZC approved 1/6/15) (Tanner/Brister)

Gould - moved to adopt, second by Thompson. Unanimous with no one absent; becomes Ordinance C.S. No. 15-3290.

Tanner - 7. Ord. Cal. No. 5342 - Ordinance to authorize the Parish President to acquire certain parcels, rights of way and/or servitudes for Sharp Road Drainage Improvements Project. (Ward 4, Districts 4 and 5) (Tanner/Brister)

Jennifer Fruchtnicht - she lives at 801 Dove Park and has several subdivisions worth of drainage flowing across her property.

Gould - Mr. Chairman, Ms. Fruchtnicht is a party to a lawsuit involving Dove Park. However, this matter deals with Sharp Road, and what Ms. Fruchtnicht has to say is not germane to this topic.

Stevens - she and Ms. Fruchtnicht feel that the Sharp Road Drainage has something to do with Dove Park.

Gould - again, Ms. Stevens is also a party to the lawsuit and is trying to further her cause. This is not germane to the subject.

Gould - moved to adopt, second by Falconer. Unanimous with no one absent; becomes Ordinance C.S. No. 15-3291.

Tanner - 8. Ord. Cal. No. 5343 - Ordinance to Amend the 2014 Operating Budget - Amendment No. 11. (Tanner/Brister)

Canulette - moved to adopt, second by Stefancik. Unanimous with no one absent; becomes Ordinance C.S. No. 15-3292.

Tanner - 9. Ord. Cal. No. 5344 - Ordinance to amend Ordinance C.S. No. 13-3052 the 2014-2018 Capital Improvements Budget and Program; and to further identify changes to the Capital Improvement List for 2014-2018.. (Tanner/Brister)

Thompson - moved to adopt, second by Bellisario. Unanimous with no one absent; becomes Ordinance C.S. No. 15-3293.

Tanner - 10. Ord. Cal. 5345 - Ordinance amending the Official Parish Zoning Map to reclassify 0.997 acre located north of Highway 190 from NC-4 (Neighborhood Institutional District) to HC-2 (Highway Commercial District). (Ward 9, District 11) (ZC15-01-004) (Introduced 2/5/15)

Dean - moved to adopt, second by Gould. Unanimous with no one absent; becomes Ordinance C.S. No. 15-3294.

Tanner - 11. Ord. Cal. No. 5346 - Ordinance amending the Official Parish Zoning Map to reclassify 4.8715 acres located north of Powell Drive, west of Doss Drive, south of I-12 from HC-2 (Highway Commercial District) to I-2 (Industrial District). (Ward 9, District 14) (ZC15-01-002) (Introduced 2/5/15)

Smith- wants to enter a Deed Restriction, which has been filed with the Clerk of Court, into the official record.

Smith - moved to adopt, second by Canulette. Unanimous with no one absent; becomes Ordinance C.S. No. 15-3295.

APPOINTMENTS

Tanner - 1. Resolution to appoint Greg Byers to replace Jeff Barker (resigned) on the Board of Directors for the St. Tammany Parish Fire District No. 6. (Districts 2, 6) (Sharp)

Sharp - moved to adopt, second by Thompson. Unanimous with no one absent; becomes Resolution C.S. No. C-4303.

Tanner - Mr. Hand has informed me that we need to read each Executive Session individually and open the floor for comments.

Tanner - 1. St. Tammany Parish Government v. James H. Welsh, Commissioner of Conservation. 19th JDC for the Parish of East Baton Rouge, Docket No. 631370.

Tanner - 2. Ronald A. Goux v. St. Tammany Parish Government, LA. Supreme Court No. 2014-OC-2471, Court of Appeals, First Circuit No. 2013 CA 1387, 22nd JDC No. 2013-10576F

Tanner - 3. Terri Lewis Stevens, et al vs. St. Tammany Parish Government, 22nd JDC, Number 2014-m j10649, Division "H".

Jennifer Fruchtnicht - she has water filled with e coli flowing through her property . If she had known the Parish had a servitude on her property, she never would have bought it. There are three subdivisions draining through her yard, and the water is contaminated.

Gould - moved to enter Executive Session, second by Stefancik. Unanimous with no one absent.

Gould - moved to exit Executive Session, second by Stefancik. Unanimous with no one absent.

EXECUTIVE SESSION

Tanner - 1. St. Tammany Parish Government v. James H. Welsh, Commissioner of Conservation. 19th JDC for the Parish of East Baton Rouge, Docket No. 631370.

Tanner - no action necessary.

Tanner - 2. Ronald A. Goux v. St. Tammany Parish Government, LA. Supreme Court No. 2014-OC-2471, Court of Appeals, First Circuit No. 2013 CA 1387, 22nd JDC No. 2013-10576F

Terry Hand - read court judgement into the record.

Tanner - no action necessary.

Tanner - 3. Terri Lewis Stevens, et al vs. St. Tammany Parish Government, 22nd JDC, Number 2014-10649, Division "H".

Gould - moved to adopt a Resolution to authorize the Parish President to obtain special counsel for litigation matters pertaining to Dove Park Road and the surrounding area, second by Canulette. Unanimous with no one absent; becomes Resolution C.S. No. C-4304.

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



RICHARD TANNER, COUNCIL CHAIRMAN



THERESA L. FORD, COUNCIL CLERK