

**MINUTES OF ST. TAMMANY PARISH COUNCIL MEETING
THURSDAY, JUNE 3, 2010 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. Falconer

Pledge of Allegiance by Henry James Calamari, Jr. Council Member

**Roll Call: Marty Dean Arrived at 6:40 p.m.
Gary Cooper
James A. "Red" Thompson
R. Reid Falconer
Marty Gould
Rebecca Crawford-Howell
Jerry Binder
Al Hamauei
Chris Canulette
E. L. Gene Bellisario
Henry Billiot
Steve Stefancik
Richard Artigue
Ken Burkhalter**

Binder - would like to recognize Trey Folsie, the newly appointed Superintendent of Schools. He thinks that the School Board used good judgement in promoting him from Assistant Superintendent.

Trey Folsie - he has always had a good relationship with Kevin Davis and the Council. He looks forward to continuing the relationships.

Binder- Kevin Davis would like to give a status report on the activities related to the oil spill in the Gulf.

Kevin Davis - there are 30 locations along the Parish coast where booms are deployed or ready to be deployed. The Parish has also submitted plans, along with the City of New Orleans, to the Coast Guard and other federal agencies for coastal restoration, and protection, and a back-up plan if the oil makes its way into Lake Pontchartrain. They are planning on placing booms across the entrance to Lake Borgne with a space open for commerce to pass. BP has been given a directive by the Governor to not allow any oil into Lake Pontchartrain. BP has given a check to the Parish in the amount of \$500,000 to reimburse the Parish for its costs so far. The Parish was paying approximately \$8,300 per day for additional employees, tents, booming equipment, pilings at Chef Pass, etc. BP has taken over the initial boom contract, so the Parish is no longer responsible.

PRESENTATION

Binder - 1) Introduction of the Junior Council Member for June - Henry James Calamari. (Binder)

Binder - the Junior Council Member is the son of my nephew. He likes to play golf and tennis with his family. I thought he had told me that his favorite food was asparagus, but actually its pizza.

Binder - 2) Recognition of Northshore High School Graduate - Brad Hewitt. (Bellisario)

Bellisario - (reading certificate) Brad Hewitt had a 4.5 GPA with his honors and advanced placement classes and a 4.0 unweighted GP. He scored a 34 on his ACT. Mr. Hewitt was on the all-state basketball team, the Robotics team, and accomplished many other academic and extracurricular honors.

Binder - 3) Recognition of members of the Mandeville Magic Baseball Team. (Hamauei)

Hamauei - this Bidy Basketball team was the National Champions and had a 32-0 record.

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

Ord. Cal. No. 4278

Resolution C.S. No. C-2855

Consent Calendar less items removed:

CONSENT CALENDAR

Any items not pulled from the Consent Calendar are automatically approved in whole by one vote. Items pulled from the Consent Calendar are discussed and voted upon individually.

MINUTES

| | |
|---------------------------|--------------|
| Regular Council Meeting | May 6, 2010 |
| Council Committee Meeting | May 26, 2010 |

**ORDINANCES FOR INTRODUCTION
(Public Hearing July 1, 2010)**

2) Ord. Cal. No. 4314 - Ordinance amending the Official Parish Zoning Map to reclassify 1.5 acres located on the south side of Gause Blvd, west of Marlborough Street, address 1725 Gause Boulevard, Slidell, from NC-2 (Indoor Retail and Services) to HC-2 (Highway Commercial). (Ward 8, District 13)(ZC10-05-046) (Zoning Commission approved 5/4/2010) (Binder/Davis)

3) Ord. Cal. No. 4315 - Ordinance to correct the Road and Drainage Inventory to include three (3) Sandy Brook Circle Laterals, Blackjack Oak Drive Lateral; South 24th Street Lateral; South 23rd Street; two (2) Heather Drive Laterals; Lazy Creek Drive Lateral; Haas Road Pond; an extension of Surrey Lane; and to remove a portion of Barbee Road. (Wards 1, 3, 4, 7,& 8, Districts 1, 3, 7, 13 & 14) (Binder/Davis)

4) Ord. Cal. No. 4316 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Article 4-Non-conformities, Section 4.02-Abandonment of or Restoration after Damage, to clarify the provisions thereof and to extend the time for repair and replacement of mobile homes. (ZC10-06-058) (Zoning Commission Hearing 6/1/10) (Crawford-Howell)

5) Ord. Cal. No. 4317 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Section 5.25 I-2 Industrial District to add all I-1 District Uses as Permitted Uses. (ZC10-06-059) (Zoning Commission Hearing 6/1/10) (Hamauei)

6) Ord. Cal. No. 4318 - Ordinance to extend for an additional six (6) months the moratorium on the approval of rezoning, issuance of conditional use permits and issuance of plan review permits, not previously received, for property abutting the Louisiana Highway 21 Planned Corridor from Keys Road North to Azalea Drive. (Ward 1, District 1) (Dean)

7) Ord. Cal. No. 4319 - Ordinance to extend for six (6) months the moratorium on the issuance of permits for construction or placement of building structures on certain right-of-way parcels needed for listed capital projects. (Binder/Davis)

8) Ord. Cal. No. 4320 - Ordinance amending the Official Parish Zoning Map (CRA-1) to reclassify 1.90 acres located on the south side of Montana Drive, east of Shady Pine Road from A-2 (Suburban) to ED-1 (Primary Education). (Ward 7, District 7) (ZC10-06-061) (Zoning Commission Hearing 6/1/10) (Hamauei)

RESOLUTIONS

10) Resolution C.S. No. C-2875 - Resolution to amend Ordinance C.S. No. 09-2166 - 2010-2014 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

11) Resolution C.S. No. C-2876 - Resolution to amend Ordinance C.S. No. 09-2166 - 2010-2014 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

12) Resolution C.S. No. C-2877 - Resolution supporting Parish Government's Grant Application and Obligation of Funds as the Match Requirement for the Recreational Trails Program to Construct Camp Salmen's Flatwoods Crescent Loop - Camp Circuit Trail. (Binder/Davis)

13) Resolution C.S. No. C-2878 - Resolution calling a special election to authorize the renewal of a special drainage tax and making application to the State Bond Commission. (Binder/Davis)

14) Resolution C.S. No. C-2879 - Resolution Establishing Warranty Obligations. (Binder/Davis)

WARRANTY

| <u>NAME OF SUBDIVISION</u> | <u>RECOMMENDATION</u> |
|--|---|
| Ashland Oaks Business Park S/D Amount: \$32,400 Expires: June 26, 2010 Ward:1, District: 1 | RELEASE WARRANTY OBLIGATION ESTABLISH PERFORMANCE OBLIGATION FOR SIX (6) MONTHS |
| Abita Lakes S/D, Phase 3A Amount: \$59,400 Expires: June 15, 2010 Ward: 10, District: 2 | RELEASE L.O.C. TO BE BROUGHT INTO THE SELECTIVE PARISH MAINTENANCE SYSTEM |
| Enter Parish R.O.W. (Resolution No. 08-137) Glendale Heights S/D (Horace St.) Amount: \$16,500 Expires: July 16, 2010 Ward: 4, District: 5 | RELEASE L.O.C. TO BE BROUGHT INTO THE SELECTIVE PARISH MAINTENANCE SYSTEM |

15) Resolution C.S. No. C-2880 - Resolution authorizing the Parish President to sign and/ or execute a Cooperative Endeavor Agreement between the Parish and Drainage District No. 4. (Binder/Davis)

16) Resolution C.S. No. C-2881 - Resolution stating Parish Council's endorsement of Mr. Mudbug, Inc., for participation in the Louisiana Enterprise Zone Program. (EZ#20100504). (Binder/Davis)

17) Resolution C.S. No. C-2882 - Resolution to vacate, in part, the moratorium established by Ordinance C. S. No. 10-2208 on issuance of building permits for construction or placement of building structures on property within a portion of unincorporated Town of Alton Subdivision. (Ward 9, District 14) (Burkhalter)

END OF CONSENT CALENDAR

Stefancik - moved to adopt Consent Calendar less items removed, second by Bellisario. Unanimous with 1 absent (Burkhalter).

Binder - 1) Ord. Cal. No. 4278 - Ordinance to amend the Parish Unified Development Code, Volume 1 (Zoning) to amend Section 6.05 Planned Corridor District. (ZC10-03-036) (Zoning Commission approved 3/2/10) (Tabled 4/1/10 & 5/6/10) (Binder/Davis)

Bellisario - has scheduled a meeting with Staff, Mr. Canulette and Mr. Artigue to discuss if enough areas still need to be developed to cause the necessity of a Planned Corridor.

Bellisario - moved to table, second by Artigue. Unanimous with no one absent.

Binder - 9) Resolution C.S. No. C-2855 - Resolution to concur/not concur with the Town of Pearl River annexation and rezoning of 13.28 acres from Parish Rural to Pearl River Residential which property is located at 6197 Highway 41 Spur, 6201 and 6203 Highway 41 Spur, Section 38, Township 7 South, Range 14 East, Pearl River. (Ward 6, District 6) (Tabled 5/6/10) (Annexation #PR2010-01) (Binder/Davis)

Crawford-Howell - moved to concur, second by Burkhalter. Unanimous with no one absent.

APPEALS

Binder - 1) Jeffery Schoen for Louis G. (Pat) Miramon appealing the Zoning Commission DENIAL on April 6, 2010 to rezone 13.08 acres east of Military Road, south of Cross Gates Boulevard from A-6 (Multiple Family Residential) to A-8 (Multi Family Residential. (Ward 8, District 9) (ZC10-03-035) (Tabled 5/6/10)

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.

Jeff Schoen - his client has not been able to create a new plan that would meet with the constituents approval. They are willing to withdraw their appeal with the understanding that the case will be remanded back to the Zoning Commission, with the addition of 2 parcels, and then be readvertised to be heard by the Zoning Commission in August.

Bellisario - moved to remove this from the agenda and remand it back to the Zoning Commission with the addition of 2 parcels, second by Canulette. Unanimous with no one absent.

Binder - 2) Michel D. Richard appealing the Zoning Commission DENIAL on April 6, 2010 to rezone 0.78 acres south of Interstate 12, east of Gray Lane and north of Dove Park Road from A-1A (Suburban) to HC-1 (Highway Commercial). (Ward 4, District 5) (ZC10-04-039) (Tabled 5/6/10)

NOTE: To concur with Zoning DENIAL, a simple majority vote is required and adoption of a resolution; and removal of Ordinance Cal. No. 4243 from the agenda.

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and adoption of Ordinance Cal. No. 4243.

Paul Mayronne - after the last Council meeting, his client went back and met with the residents. His client was simply trying to maintain some type of commercial zoning for his property and correct the mistake made during rezoning. They reached a compromise that his client would accept NC-1. Most of the residents were pleased, but, as with any compromise it is not perfect. However, both sides can live with the compromise.

Scott Desalvo - distributed a map showing the servitude leading to the applicant's property that passes in front of her house from Dove Park Road and the fact that the properties are on a lake. She thinks that Mr. Richard wants the property to be commercial so that he open a dive shop and make use of the lake. She does not think that commercial zoning would be appropriate in this area.

Tina Lesange - she owns a house near this area. Paul Mayronne explained to her that the applicant would be able to build an office building on his property under the NC-1 zoning. The servitude is a gravel road with a one lane bridge on it. The creek floods the road when it rains hard and prevents egress. She does not see how the road could be expanded. Also, there are boundary disputes regarding this property, and one portion of it is owned by 6 people.

Mayronne - there are a number of issues and lawsuits regarding this property. However, none of them are germane to this rezoning and need to be handled in a different venue. He respectfully disagrees that commercial zoning would be detrimental to this area. The property was commercial for ten years before and after Ms. Lesange bought there. If they decided to build commercial, they would have to meet all of the necessary requirements to get a building permit.

Marvin Lesange - he supports it being commercial. The property has been commercial since the Desalvos owned it. His concern is that if the sign on the property, which is involved in lawsuits, is brought down, the owners of that property would suffer financial difficulty.

Ms. Desalvo - the property may have been zoned commercial, but it was never used that way. The lady who owned it before did not use it as commercial.

Ms. Lesange - the billboard has not been used until recently. She talked to the Department of Transportation who said that even if the zoning would change to residential, the sign could still be used and would not have to come down.

Gould - the Lesange family sold the property to Mr. Richard as commercial at a C-2 price. In order for Mr. Richard to build a business out there, he would need a minimum of C-1. There are access problems, but that is an Engineering problem. There has to be some sense of fair play. The rezoning took the C-2 away when it should not have, so he recommends NC-1. This item is related to Ord. Cal. No. 4243.

Gould - moved to override the Zoning Commission denial and rezone the property as NC-1, Falconer seconded. Unanimous with no one absent.

Binder - 4) Ord. Cal. No. 4243 - Ordinance amending the Official Zoning Map of the 2009 South West Comprehensive Rezoning Area (CRA-2) to reclassify 0.78 acre located in Section 24, Township 7 South, Range 11 East from A-2 (Suburban) to HC-1 (Highway Commercial). (Ward 4, District 5) (Introduced 2/4/10) (ZC10-04-039) (Tabled 3/2/10 & 4/1/10) (Zoning Commission Denied 4/6/10) (Related to Appeal #2) (Tabled 5/6/10)

Gould - moved to amend the property from A-1-A to NC-1, seconded by Falconer. Unanimous with no one absent.

Gould - moved to adopt as amended, second by Falconer. Unanimous with no one absent; becomes Ordinance C.S. No. 10-2277.

Binder - 3) Jeffery Schoen representing Maurmont Properties, LLC appealing the Zoning Commission DENIAL on May 4, 2010 of a text change in the Parish Unified Development Code, Section 7.0213 Sign Regulations. (ZC#10-05-048)

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.

Jeff Schoen - based on a discussion with his client, Mr. Dean, the Associations of Associations and the Planning Department, they would like to table this matter to allow them to meet some more.

Dean - moved to table, second by Thompson. Unanimous with no one absent.

Binder - 4) Robert Schank, Leon and Jane Golemi, Cori Renfroe, and Karen Brantly, individually appealing the Zoning Commission APPROVAL to rezone 529.6 acres located on the north, south, east and west sides of Three Rivers Road and west of Highway 190 from PF-1 (Public Facilities) to MD-4 (Medical Research). (ZC10-05-045)

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 - he represent the opposition in this matter, not the appellants. However, his client and the appellants submitted a joint request to table this matter.

Dean - moved to table, second by Thompson. Unanimous with no one absent.

ORDINANCES FOR ADOPTION

Binder - 1) Ord. Cal. No. 4171AAII - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Article 2 Definitions and Section 5.2102, Paragraph (2) Convenience Stores (w/gas), to provide a definition for convenience store and to provide requirements for convenience stores selling gas as an accessory use in the HC-2 Highway Commercial District. (Introduced 11/5/09) (ZC10-01-009) (Zoning Commission approved 2/2/10) (Tabled 12/3/09, 1/7/10, 2/4/10, 3/4/10 & 4/1/10) (reintroduced 5/6/10)

Stefancik - moved to reintroduce, second by Burkhalter.

Binder - 2) Ord. Cal. No. 4209AA - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning), Section 8.01, Minimum Standards for Specific Uses, relative to agricultural and decorative ponds. (Tabled 12/3/09 & 1/7/10)(Amended & re-introduced 2/4/10) (ZC10-01-016) (Zoning Commission approved 3/2/10)(Tabled 3/4/10, 4/1/10 & 5/6/10)

Bellisario - would like to have a meeting to determine where they are in the process. Need to get a copy of the document that is being drafted.

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

Binder - 3) Ord. Cal. No. 4213AAII - Ordinance to amend Parish Unified Development Code, Volume I (Zoning) Sections 5.24 - 5.26a, I-1, I-2, I-3 and I-4 Industrial Districts, relative to Commercial Excavations. (ZC09-11-032) (Zoning Commission approved 12/1/09) (Introduced 1/7/10 & reintroduced 2/4/10) (Adopted 3/4/10) (Reconsidered, rescinded & tabled 4/1/10) (Tabled 5/6/10)

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

Binder - 5) Ord. Cal. No. 4244AAII - Ordinance to amend Parish Code of Ordinances, Appendix B, Chapter 40 Subdivision Regulatory Ordinance No. 499, Section 40-045.00 Minor Subdivision Review, to provide criteria for the waiver of public hearing and administrative approval of minor subdivisions. (Introduced 2/4/10) (Amended and reintroduced 3/2/10) (Planning Commission approved 3/9/10) (Tabled 4/1/10) (Amended and reintroduce 4/28/10) (Tabled 5/6/10)

Sandra Slifer - she submitted some changes to this ordinance, and she understands that the Council may not have had the time to review them. They would like the Council to table this matter and work with the AOA. They want to remind the Council that they are persistent and will continue to work with them, tonight, next month and in the near future.

Bruce Nesbitt - Civic Association. The way the ordinance is written now, 5 days notice would be given to the Council before a minor subdivision is approved, but that does not give the Council any time for recourse. Their amendment gives 14 days notice and would give the Council more of a chance to send the minor subdivision before the Planning Commission if they deem it necessary.

Hamauei - he does not think that it is legal to give the Council the chance to stop the process of a minor subdivision.

Hall - that is correct and giving the Council that power opens the Council up to liability.

Bellisario - he does not think that the Council should micro-manage the process. He cannot support that amendment.

Gould - he thinks the Council should approve the ordinance as written, but still work with the AOA, and whoever else to discuss amendments. He thinks that stopping the forward motion of this will hurt some people who it normally would not effect.

Cooper - he agrees with Mr. Gould that the moratorium on minor subdivisions has put a lot of people on hold for a long time. He appreciates Ms. Slifer's input.

Hamauei - this ordinance has come a long way. There was not anything like this before and the Council has worked hard to get it done. The moratorium has had a very negative effect.

Gould - moved to adopt, second by Bellisario. Unanimous with no one absent; becomes Ordinance C.S. No. 10-2278.

Hall - has prepared a Resolution to vacate the moratorium which will become effective once this Ordinance has been signed.

Gould - moved to adopt, second by Burkhalter. Unanimous with no one absent; becomes Resolution C.S. No. C-2883.

Binder - 6) Ord. Cal. No. 4252 -Ordinance to amend and reenact Parish Code of Ordinances, Chapter 20, Roads and Bridges Section 20.010.03 Location and Placement of Public and Private Utility Equipment and Collection and/or Distribution Lines in Parish Rights of Way. (Introduced 2/4/10) (Tabled 3/2/10, 4/1/10 & 5/6/10)

Gould - moved to table, second by Burkhalter. Unanimous with no one absent.

Binder - 7) Ord. Cal. No. 4275 - Ordinance to amend the Parish Unified Development Code, Section 7.02 Sign Regulations, relative to permitted signs for properties located along the Interstate 10 Service Road. (Ward 9, District 13) (Introduced 3/4/10)(ZC#10-06-054) (Zoning Commission Hearing 6/1/10) (Tabled 4/1/10 & 5/6/10)

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

Binder - 8) Ord. Cal. No. 4287 - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning) Sections 5.10 and 7.08 to include provisions for development of land on the south side of Lakeview Drive. (Ward 9, District 13) (Introduced 4/1/10) (ZC10-05-047) (Zoning Commission Approved 5/4/2010) (Tabled 5/6/10)

Artigue - moved to adopt, second by Canulette. Unanimous with no one absent; becomes Ordinance C.S. No. 10-2279.

Binder - 9) Ord. Cal. No. 4289 - Ordinance revoking the dedication of the unopened right of way known as Ozone Street, part of which is located in the Pineland Park Estates Subdivision and in the Deer Run Subdivision (a/k/a Woodridge on the Lake Subdivision).(Ward 4, District 4)(Introduced 4/1/10) (Planning Commission approved 5/11/2010) (Tabled 5/6/10)

Falconer - moved to adopt, second by Thompson. Unanimous with no one absent; becomes Ordinance C.S. No. 10-2280.

Binder - 10) Ord. Cal. No. 4296 - Ordinance Amending Ordinance C. S. No. 09-2038, adopted May 7, 2009, making changes to Land Use Regulations Ordinance No. 523 As Amended, Section 6.01, and Unified Development Code Section 7.0801, Modifications and Exceptions, Lots of Record, Amending Side Yard Setback and Driveway Requirements. (Introduced 4/1/10)(ZC#10-07-068) (Zoning Commission Hearing 7/6/10) (Tabled 5/6/10)

Gould -moved to table, second by Bellisario. Unanimous with no one absent.

Binder - 11) Ord. Cal. No. 4297 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Section 2 Definitions and Section 5.26a I-4 Heavy Industrial District, Relative to Waste Transfer Stations. (Introduced 4/1/10) (ZC#10-06-065) (Zoning Commission Hearing 6/1/10) (Tabled 5/6/10)

Binder - the Zoning Commission denied this ordinance at its June 1, 2010 meeting.

Fontenot - he proposed to the Commission, and they agreed, that requiring I-1 Zoning for waste transfer stations would be overkill. He suggested that it be amended to I-2 Zoning and require a conditional use permit. He thinks this situation is exactly what conditional use permits were

intended for. He told the Zoning Commission that he would draft a new ordinance for I-2 for them to consider.

Hamauei - If we remove this ordinance from the agenda, how long will it take to get the new one heard by the Zoning Commission?

Fontenot - it would need to be advertised, but could probably have it back in front of the Council by August.

Sevante - do we currently have any zoning requirements in place regarding waste transfer stations?

Fontenot - no. it would require interpretation as to what zoning it could be placed in. Seeing as it is not listed as a permitted use under any classification, then it probably would not be allowed.

Barbara Dodds - they would like to make sure that Mr. Fontenot has gone to the DEQ regarding the definition of waste transfer stations because there are two different types. Only one has to obtain a permit from the DEQ.

Jeff Schoen - he represents IESI, and does not disagree with removal of this ordinance from the agenda. He thinks that I-2 is too intensive. He thinks allowing public input would cause a problem, because these facilities are necessary. If not approved, the garbage cannot be moved in and out of the Parish, especially considering that the landfill is being closed. What would happen if there was another hurricane?

Hamauei - if we wanted to place an emergency moratorium on the issuance of permits for waste transfer stations, would we do it off-the-floor?

Sevante - yes.

Hamauei - moved to remove, second by Dean. Unanimous with 3 absent (Gould, Billiot, Burkhalter).

Binder - 12) Ord. Cal. No. 4299 - Ordinance to authorize the Parish President to acquire certain parcels of immovable property approved by the Hazard Mitigation Grant Program.

Crawford-Howell - moved to adopt, second by Stefancik. Unanimous with 1 absent (Burkhalter); becomes Ordinance C.S. No. 10-2281.

Binder - 13) Ord. Cal. No. 4300 - Ordinance revoking the tacit dedication of a portion of the right of way known as Rob Road. (Ward 2, District 2) (Introduced 5/6/10)

Cooper - moved to remove, second by Stefancik. Unanimous with 1 absent (Burkhalkter)

Binder - 14) Ord. Cal. No. 4301 - Ordinance to correct the Road and Drainage Inventory to include Clesi Avenue Lateral; Oak Cove Lateral; Blue Crane No. 1 Drive Lateral; Glenwood Street Lateral; Comanche Drive Lateral; Smith Road Lateral; R.R. Avenue Lateral; and an Extension of Allison Road; and to remove Creole Road Lateral; 2 Fish Hatchery Road Laterals; and Mandane Drive Lateral. (Wards 2, 3, 5, 7 & 8, Districts 2, 3, 6, 7 & 9) (Introduced 5/6/10)

Bellisario - moved to adopt, second by Thompson. Unanimous with 1 absent (Burkhalter); becomes Ordinance C.S. No. 10-2282.

Binder - 15) Ord. Cal. No. 4302 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Penn Mill Lakes, Phase 2C; Guste Island Estates, Parcel A "the Village"; and Pine Creek Acres, Phase 1A Subdivisions. (Wards 1 & 3, Districts 1 & 3) (Introduced 5/6/10)

Dean - moved to adopt, second by Thompson. Unanimous with 2 absent (Canulette, Burkhalter); becomes Ordinance C.S. No. 10-2283.

Binder - 16) Ord. Cal. No. 4303 - Ordinance amending the 2010 Operating Budget. (Binder/Davis)

Stefancik - moved to adopt, second by Thompson. Unanimous with 2 absent (Canulette, Burkhalter); becomes Ordinance C.S. No. 10-2284.

Binder - 17) Ord. Cal. No. 4304 - Ordinance amending the official parish zoning map to reclassify land located south of Central Avenue, west of Chris Kennedy Road, being 36464 Central Ave, Pearl River containing 1.0331 acres from A-2 (Suburban) to A-2 (Suburban) & MHO (Mobile Home Overlay). (Ward 6, District 6). (ZC10-04-041) (Zoning Commission approved 4/6/10) (Introduced 5/6/10)

Crawford-Howell - moved to adopt, second by Thompson. Unanimous with 2 absent (Canulette, Burkhalter); becomes Ordinance C.S. No. 10-2285.

Binder - 18) Ord. Cal. No. 4305 - Ordinance to amend Parish Unified Development Code, Volume I (Zoning), Sections 5.13 A-7(d) and 5.13a A-8(d) Multi-family Residential District - Density, to provide for a building height restriction of thirty-five (35') feet under specified circumstances. (ZC10-04-042) (Zoning Commission approved 4/6/10) (Introduced 5/6/10)

Gould - how is the 35 feet figured? Is it from the eaves?

Fontenot - they measure from the eaves to the peak and divide that by 2 to get the total height.

Council discussion ensued.

Bellisario - moved to adopt, second by Gould. Unanimous with 1 absent (Burkhalter); becomes Ordinance C.S. No. 10-2286.

Binder - 19) Ord. Cal. No. 4306 - Ordinance accepting the Act of Dedication and Donation of Spinner Road for inclusion into the Road Maintenance System. (Ward 6, District 6) (Introduced 5/6/10)

Crawford-Howell - moved to table, second by Canulette. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 20) Ord. Cal. No. 4307 - Ordinance accepting the Act of Dedication and Donation of Ford Drive for inclusion into the Road Maintenance System. (Ward 6, District 6) (Introduced 5/6/10)

Crawford-Howell - moved to remove, second by Gould. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 21) Ord. Cal. No. 4308 - Ordinance amending the 2009 Parish Zoning Map of the South West Comprehensive Rezoning Area (CRA-2) to rezone 54.56 acres commonly referred to as Covington Country Club, located south of Country Club Drive and is designated as CB-1 (Community Based Facilities), in part, and in part as A-2 (Suburban). (Ward 4, District 4) (ZC10-01-008) (Introduced 5/6/10)

Falconer - moved to table, second by Gould. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 22) Ord. Cal. No. 4309 - Ordinance amending the 2009 Zoning Map South West Comprehensive Rezoning Area (CRA-2) to reclassify 90.60 acres commonly referred to as Covington Country Club, located North of Country Club Drive and designated as CB-1 (Community Based Facilities), in part, and, in part, as A-2 (Suburban). (Ward 4, District 4) (ZC10-01-007) (Introduced 5/6/10)

Falconer - moved to table, second by Thompson. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 23) Ord. Cal. No. 4310 - Ordinance to extend for an additional six (6) months the moratorium on the placement of fill and on the issuance of permits for construction, renovation, improvement or placement of any building or structures on property within the boundaries of the subdivision known as Serenity Oaks.(Ward 9, District 14) (Introduced 5/6/10)

Canulette - moved to adopt, second by Hamauei. Unanimous with 2 absent (Artigue, Burkhalter); becomes Ordinance C.S. No. 10-2287.

Binder - 24) Ord. Cal. No. 4312 - Ordinance amending the Official Parish Zoning Map to reclassify 7.49 acres located on the Northwest Corner of La Highway 59 & Lonesome Road from NC-4 (Neighborhood Institutional) to a HC-2 (Highway Commercial).(Ward 4, District 10) (ZC10-04-043) (Zoning Commission Denied 4/6/10) Council overrode denial and introduced 5/6/10)

Billiot - Mr. Mayronne - what is the status of the deed restrictions?

Mayronne - he has it drafted and should have it signed and filed by Monday.

Billiot - moved to adopt, second by Gould. Unanimous with 2 absent (Artigue, Burkhalter); becomes Ordinance C.S. No. 10-2288.

Binder - 25) Ord. Cal. No. 4313 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire certain roads and/or road rights-of-way in and around subdivision entrances for Parc du Lac and Lakewood Heights Subdivisions and certain drainage servitudes and common grounds for the Parc du Lac Project. (Introduced 5/6/2010)

Billiot - moved to adopt, second by Bellisario. Unanimous with 2 absent (Artigue, Burkhalter); becomes Ordinance C.S. No. 10-2289.

AWARD OF BIDS

| Binder - | <u>BID ITEM</u> | <u>BID NUMBER</u> | <u>FUND</u> |
|----------|---|-------------------|-------------|
| | Parish Official Journal July 1, 2010 - June 30, 2011 | 502-03-10-13-2 | |

Leslie Long - The Farmer was the only newspaper to place a bid. It was for \$1.10 per column inch. Last year the bid was \$1.04 per column inch.

Stefancik - moved to accept bid, second by Hamauei. Unanimous with 2 absent (Artigue, Burkhalter).

DISCUSSION AND OTHER MATTERS

Binder - 1) Motion to refer to the Zoning Commission for recommendation the proposed rezoning of a 6 acre parcel bearing physical address 120 Fairview Drive, Madisonville, within the South West Comprehensive Rezoning Area (CRA-2) currently zoned A-4 to HC-2. (survey attached)(Ward 4, District 4) (Falconer)

Falconer - moved to refer, second by Gould. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 2) Motion to refer to Zoning Commission for recommendation the proposed rezoning of .0994 acres situated in Section 35, Township 8 South, Range 14 East, from PF-1 (Public Facilities) to HC-1 (Highway Commercial). (Ward 8, District 9)(Bellisario)

Bellisario - moved to refer, second by Canulette. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 3) Motion to refer to Zoning Commission for recommendation the proposed rezoning of 3 parcels situated in Section 14, Township 7 South, Range 11 East, from A-1A (Suburban District) to A-2 (Suburban District). (Ward 3, District 5)(Gould)

Gould - moved to refer, second by Thompson. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 4) Motion to refer to Zoning Commission for recommendation the proposed rezoning of 9.232 acres situated in Section 17, Township 5 South, Range 11 East, from A-1 (Suburban District) to A-2 (Suburban District). (Ward 2, District 2)(Cooper)

Cooper - moved to refer, second by Thompson. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 5) Motion to refer to Zoning Commission for recommendation the proposed rezoning of 4 acres situated in Section 50, Township 5 South, Range 12 East, from A-1 (Suburban District) to A-2 (Suburban District).(Ward 2, District 2)(Cooper)

Cooper - moved to refer, second by Thompson. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 6) Motion to refer to Zoning Commission for recommendation the proposed rezoning of 9.82 acres situated in Section 29, Township 4 South, Range 11 East, from A-1 (Suburban District) to A-1A (Suburban District). (Ward 2, District 2)(Cooper)

Cooper - moved to refer, second by Thompson. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 7) Motion to refer to Zoning Commission for recommendation the proposed rezoning of a certain area on Perkins Road currently zoned A-2 (Suburban District) to MHO (Manufactured Housing Overlay). (Ward 7, District 7) (Hamauei)

Hamauei - moved to refer, second by Canulette. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 8) Motion to refer to the Zoning Commission for consideration of amendment to the Unified Development Code, Volume 1-Zoning, Section 5 Zoning Districts, to delete from Household Agriculture as a permitted use in the A-4 and A-4A- Zoning Districts the raising of any livestock weighing more than ten (10) pounds and to delete Household Agriculture as a permitted use in A5 - A8 zoning districts. (Gould)

Gould - moved to refer, second by Hamauei. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 9) Motion to refer to Zoning Commission for recommendation the proposed rezoning of that portion of ground situated on the westerly side of Highway 11 beginning at the intersection of Highway 11 and Northshore Circle to Lake Pontchartrain from A-4-A (Single Family Residential) to CB-1 (Community Based Facilities). (Ward 9, District 13) (Artigue)

Bellisario - moved to refer, second by Canulette. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 10) Motion to refer to the Zoning Commission for recommendation of an amendment to the Official Zoning Map of St. Tammany Parish (North East Comprehensive Rezoning Area CRA-3) to reclassify 10 parcels totaling 133.01 acres east of Jack Lloyd Road from A-2 (Suburban) to NC-6 (Public, Cultural, Recreational). (Ward 6, District 6)(Crawford-Howell)

Crawford-Howell - moved to refer, second by Hamauei. Unanimous with 2 absent (Artigue, Burkhalter).

Binder - 11) Motion to refer to the Zoning Commission for recommendation an amendment to the Official Parish Zoning Map (South Central Comprehensive Rezoning Area CR-1) to reclassify Phase II of Hickory Village Subdivision as MHO. (Ward 6, District 6) (Crawford Howell)

Crawford-Howell - moved to refer, second by Hamauei. Unanimous with 2 absent (Artigue, Burkhalter).

Sevante - the reason that there are so many motions is that the Council decided at its working retreat that June would be the deadline to submit all motions for Zoning changes. The Council will be introducing an ordinance to ratify all of the Comprehensive Rezoning Changes next month, with the anticipated adoption in August. After that Ordinance is adopted any zoning changes will have to go through the normal process.

Stefancik - moved to open the Off-the-Floor agenda, second by Burkhalter. Unanimous with no one absent.

OFF-THE-FLOOR

Binder - 1) Reconsideration of Ordinance C.S. No. 10-2275, adopted May 6, 2010, to amend Parish Code of Ordinances, Chapter 7, Section 7-050.00, Drainage and Paving Plan (Commercial, Industrial and Institutional Developments) to add certain Multi-Family Developments and provisions relative to Phased Developments. (Bellisario)

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

Bellisario - moved to amend and adopt as amended, second by Gould. Unanimous with no one absent; becomes Ordinance C.S. No. 10-2275AA.

Binder - 2) Ordinance to authorize the Parish President to accept the Act of Dedication and Donation of Public Rail Crossing at Schnedider Parkway for inclusion into the Road Maintenance System. (Bellisario)

Bellisario - moved to introduce, second by Stefancik; becomes Ord. Cal. No. 4321.

Binder - 3) Resolution to vacate the moratorium established on the issuance of building permits for construction or placement of building structures on property within a portion of Council District 6 Boundaries. Ward 8, District 6 (Crawford-Howell)

Crawford-Howell - moved to remove, second by Thompson. Unanimous with 2 absent. (Dean, Canulette).

Binder - 4) Resolution to vacate, in part, the six (6) month moratorium established by Ordinance C.S. No. 10-2212, and any subsequent extension thereof, on the receipt of applications for Minor Subdivision Review and administrative approval, to release therefrom the parcel on the attached survey Section 40, Township 5 South, Range 12 East. (Ward 2, District 2) (Cooper)

Cooper - moved to adopt, second by Falconer. Unanimous with 2 absent. (Dean, Canulette); becomes Resolution C.S. No. C-2884.

Binder - 5) Resolution to vacate, in part, the moratorium established by Ordinance C.S. No. 10-2272 on issuance of building permits for construction or placement of building structures on property within a portion of Cypress Park Subdivision and surrounding areas. (Ward 7, District 7) (Hamauei)

Hamauei - moved to adopt, second by Crawford-Howell. Unanimous with 2 absent. (Dean, Canulette); becomes Resolution C.S. No. C-2885.

Binder - 6) Motion to refer to the Zoning Commission for recommendation the removal of the Manufactured Housing Overlay (MHO) along 5th Avenue and 9th Avenue within the North East Study Area. (CRA-4) (Ward 10, District 6) (Crawford-Howell)

Crawford-Howell - moved to refer, second by Gould. Unanimous with 2 absent. (Dean, Canulette).

Binder - 7) Motion to refer to the Zoning Commission for recommendation an Ordinance amending the Official Parish Zoning Map of the 2009 South East Comprehensive Rezoning Area (CRA-2) to reclassify two parcels, parcel 1 containing .732 acres and parcel 2 containing 4.890 acres from A-3 (Suburban District) to AT-1 (Animal Training District). (CRA-2) (Ward 8, District 14) (Burkhalter)

Burkhalter - moved to refer, second by Artigue. Unanimous with 2 absent. (Dean, Canulette).

Binder - 8) Motion to refer to zoning commission for recommendation the proposed rezoning of 5.0 acres situated in Section 29, Township 4 South, Range 11 East, from A-1 (Suburban District) to A-2 (Suburban District). (Ward 2, District 2)(Cooper)

Cooper - moved to refer, second by Crawford-Howell. Unanimous with 2 absent. (Dean, Canulette).

Binder - 9) Motion to refer to Zoning Commission for recommendation the proposed rezoning of 14.16 acres situated in Section 29, Township 4 South, Range 11 East, from A-1 (Suburban District) to A-1-A (Suburban District). (Ward 2, District 2)(Cooper)

Cooper - moved to refer, second by Thompson. Unanimous with 2 absent. (Dean, Canulette).

Binder - 10) Motion to refer to zoning commission for recommendation the proposed rezoning of 9.31 acres situated in Section 13, Township 5 South, Range 11 East, from A-1 (Suburban District) to A-1-A (Suburban District). (Ward 2, District 2)(Cooper)

Cooper - moved to refer, second by Thompson. Unanimous with 2 absent. (Dean, Canulette).

Binder - 11) Motion to direct the St. Tammany Parish Planning Commission to create a Planned Corridor Overlay for the Tammany Trace; to provide for a public review process; to provide for a waiver process for public structures and certain single family homes; to create rear facade finish requirements for new structures (specifically prohibiting metal and vinyl siding); to provide for enhanced rear set back requirements for new structures; to restrict building heights of new structures within 100 feet of trace boundary; to prohibit outside storage within 100 feet of trace boundary; to require greater buffering requirements between the trace boundary and new structures; and to provide for any other safeguards deemed necessary to protect the esthetic value of the Tammany Trace. (Gould)

Gould - moved to refer, second by Thompson. Unanimous with 2 absent. (Dean, Canulette).

VERBAL OFF-THE-FLOOR

Binder - 12) Resolution to amend Ordinance C.S. No. 09-2166 - 2010-2014 Capital Improvement Budget and Program, Fixed Asset and Grant Awards.

Stefancik - moved to adopt, second by Canulette. Unanimous with 3 absent. (Dean, Artigue, Burkhalter); becomes Resolution C.S. No. C-2886.

Cooper - 13) Resolution to vacate, in part, the six (6) month moratorium established by Ordinance C.S. No. 10-2212, and any subsequent extension thereof, on the receipt of applications for minor subdivision review and administrative approval, to release therefrom the parcel on the attached survey Section 6, Township 5 South, Range 12 East (Ward 2, District 2).

Cooper - moved to adopt, second by Stefancik. Unanimous with 1 absent (Dean); becomes Resolution C.S. No. C-2887.

Hamauei - 14) Motion to refer to the Zoning Commission for recommendation amending I-1 Zoning Classification to provide for the definition of processing and non-processing waste transfer stations and to create a CPU process therein.

Hamauei - moved to hear the motion, second by Stefancik. Motion failed with 2 nays (Artigue and Burkhalter), 1 absent (Dean) and 11 yeas.

Hamauei - 15) Emergency Moratorium on issuing of permits for any waste transfer stations.

Hamauei - moved to hear the moratorium, second by Billiot. Motion ailed with 7 nays (Cooper, Thompson, Gould, Crawford-Howell, Bellisario, Artigue, Burkhalter), 1 absent (Dean) and 6 yeas.

Hamauei - he would like to ask for clarification from Mr. Fontenot that if someone came in and applied for a permit for a waste transfer, they would be told no.

Fontenot - I hesitate to say that it would not go through. It would left up to interpretation as there are no permitted uses that include waste transfer stations.

Binder - legal interpretation?

Hall - no. According to the Charter, if the permit does not fall within a permitted use, it is left up to the interpretation of the Planning Director.

Council discussion ensued.

Hamauei - would like to reconsider Ord. Cal. No. 4297 - which was removed from the agenda.

Hamauei - moved to hear the motion, second by Stefancik. Motion failed with 7 nays (Cooper, Thompson, Crawford-Howell, Canulette, Bellisario, Artigue, Burkhalter), 2 absent (Dean, Billiot) and 5 yeas.

EXECUTIVE SESSION

Binder - 1) Authorization to pay property damage claim of Iona D. Norcise.

Stefancik - moved to enter Executive Session, second by Bellisario. Unanimous with 2 absent (Dean, Billiot).

Executive Session held.

Burkhalter - moved to come out of Executive Session, second by Canulette. Unanimous with 3 absent (Dean, Billiot, Gould).

Burkhalter - moved to authorize payment of property damage claim, second by Canulette. Unanimous with 3 absent (Dean, Billiot, Gould).

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



JERRY RINDER, COUNCIL CHAIRMAN



THERESA L. FORD, COUNCIL CLERK