

**MINUTES - ST. TAMMANY PARISH REGULAR COUNCIL MEETING - MAY 7, 2009**

**MINUTES OF THE ST. TAMMANY PARISH COUNCIL MEETING ON  
THURSDAY, MAY 7, 2009 AT 6:00 P.M. HELD IN THE  
ST. TAMMANY GOVERNMENT COMPLEX, 21490 KOOP DRIVE, MANDEVILLE, LA.**

**Call to Order by Honorable Jerry Binder, Chairman**

**Invocation by Mr. Burkhalter**

**Pledge of Allegiance by Mr. Dean**

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

**PRESENTATIONS**

**Binder - 1) Certificate of Recognition to Bonnie Romano, Carriage Lane Estates Property Owners Association, for selection as a National Night Out 2008 All Star. (Gould)**

**Gould - presented certificate to Ms. Romano.**

**Bonnie Romano - read information about National Night Out and submitted it for the record. She wants to thank the Council for supporting them. They started out with just a few lawn chairs in the driveway, and now they host the largest single neighborhood event in the Parish. They were the only group in Louisiana to win this award. This year's event is August 4<sup>th</sup>, and she encourages people to participate.**

**Binder - 2) Presentation proclaiming May as Amyotrophic Lateral Sclerosis Awareness Month. (Binder/Davis)**

**Kevin Davis - read proclamation and introduced Mike Franklin from the ALS Association.**

**Mike Franklin - ALS is a neurological disorder that affects 128 people in Louisiana that they are aware of. In St. Tammany Parish, the life expectancy is 2 to 5 years. They just recently met in Washington to raise money in Congress and to encourage research. They are in the process of renewing their bond with the State.**

**Gould -move to open the Off-the-Floor Agenda, second by Thompson. Unanimous with 1 absent (Canulette).**

**Crawford-Howell - moved to move up Item No. 1 from the Off-the-Floor Agenda, second by Gould. Unanimous with 1 absent (Canulette)**

**Binder - 1) Proclamation of May as Skin Cancer Awareness Month and presentation by Tammy Swindler of the Cancer Association of Greater New Orleans (CAGNO) promoting Sun Safety/Skin Cancer Awareness. (Hamauei)**

**Hamauei - skin cancer is a serious disease, but it has a large cure rate if it is discovered early.**

Tammy Swindler - St. Tammany Parish has the 5<sup>th</sup> highest melanoma rate in the state, along with the 3<sup>rd</sup> highest death rate from it. If a child gets a blistering sun burn, it is 3 times more likely that they will develop skin cancer. A tanning bed creates 12 times more UV rays than a normal sun tan. Every year in the Parish, 6 people die from melanoma. One dermatologist's office stated that they diagnose 1,000 skin cancer cases a year. Prevention is the key. Make children wear sun screen and reapply it every 2 hours. Make them wear sunglasses and a cover-up. Stay out of the sun between noon and 2 p.m. Make sure to have all moles examined by a doctor and monitor them for changes.

Hamauei - would like just a few more minutes to address two recent tragedies that occurred in Lacombe. The first tragedy was 4 children who were lost in a trailer fire. He is working with the Chamber of Commerce to see if there is a way to provide smoke detectors for every needy family in the Parish. The second tragedy was that a 2-year old drowned in a makeshift pond that had been dug out to burn trees in. He has Mike Sevante and Neil Hall working on an ordinance that may be helpful in preventing the digging of such ponds in the more densely populated areas of the Parish in order to prevent more accidents.

Sevante - he has been working on an appropriate response to this issue. The Council has already debated and adopted an ordinance regulating swimming pools. However, in this case, it will have to be decided how similar the pond is to a pool. (Ex. size, depth)

Millie Lagasse-grandmother of Lizzie Sturm, who wandered out of her house and fell into a hole that the neighbor had dug to burn trees in. Marie Sturm, Lizzie's 22 year old mother, jumped in, but was unable to climb out. Finally, a third person pulled them both out, but it was too late. The hole was 8 feet deep on the sides and 10 feet deep in the middle. Something needs to be done because a "No Trespassing" sign will not stop a child.

Mr. Lagasse- whether or not the hole had water in it, it was very dangerous. The owner could have gone to Home Depot to buy a \$29.00 orange safety fence, and then this would not have happened.

Lynn Christiansen - she spoke at the Abita Springs town meeting about adopting a law requiring fences. She was told by one of the Alderman that it was not the City's responsibility to enforce that kind of law, it was up to parents to supervise their children. The only municipality in the Parish that has a law is Slidell. She submitted the news article she read into the record.

Neil Hall - the Council does not have jurisdiction in Abita Springs. Louisiana has a law prohibiting attractive nuisances, and thinks that this would apply to pools and ponds. It would be different if the pond was in the middle of 100 acres versus dense neighborhoods. The Parish does not have an ordinance regulating ponds, but he is researching that issue.

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

Resolution C.S. C-2621

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                      April 2, 2009  
Council Committee Meeting                      April 29, 2009

**ORDINANCES FOR INTRODUCTION  
(Public Hearing June 4, 2009)**

- 1) Ord. Cal. No. 4028 - Ordinance to authorize the Parish President, to enter into a lease agreement with Florida Parishes Human Services Authority's Developmental Disabilities Services for space in the St. Tammany Parish State Building (aka-DHH Building). (Binder/Davis) (Tabled 3/5/09 & 4/2/09)
- 2) Ord. Cal. No. 4053 - Ordinance accepting Act of Dedication and Donation of a twenty-five foot right of way and servitude for future improvements, expansion and/or widening of Louisiana Highway 59. (Ward 4, District 5) (Gould)
- 3) Ord. Cal. No. 4054 - Ordinance establishing a "No Parking" Zone on portions of Laurent Road (1-K-4) (District 1) (Dean)
- 4) Ord. Cal. No. 4055 - Ordinance establishing a "No Parking" Zone on portions of Cleveland Street. (Ward 9, District 12) (Binder)
- 5) Ord. Cal. No. 4056 - Ordinance amending the official zoning map of St. Tammany to reclassify land located southeast Tantella Ranch Road and North of Highway 1077, containing 80.83 acres, from SA (Suburban Agricultural) to Planned Unit Development (PUD). (Ward 1, District 1) (ZC05-03-013) (Dean)
- 6) Ord. Cal. No. 4057 - Ordinance to amend Appendix B of the Parish Code of Ordinances, Subdivision Regulatory Ordinance No. 499, specifically, Section 40-045.0 Minor Subdivision Review, Number 1., Subpart (f), Number 2., Subpart (b.) 1.,2.,4. and 5., Number 4 Exemption, and Subsection 40-045.01 Minimum Construction Standards for a Private Drive, creating Subpart (e.), for the purposes of clarification of said sections. (Binder/Davis)
- 7) Ord. Cal. No. 4058 - Ordinance to amend Appendix B of the Parish Code of Ordinances, Subdivision Regulatory Ordinance No. 499, specifically amending Section 40-090.0 Schedule of Fees, Subtitle "Resubdivisions", and creating subtitle "Minor Subdivisions" within same said section. (Binder/Davis)
- 8) Ord. Cal. No. 4059 - Ordinance to amend Ordinance C.S. No- 04-0908, adopted June 3, 2004 which established and validated rates and fees for sewerage and water services provided by systems owned and operated by the Parish to amend Cross Gates Utility. (Binder/Davis)
- 9) Ord. Cal. No. 4060 - Ordinance to authorize the Parish President to purchase, expropriate or acquire certain parcels and/or rights-of-way for the Harrison Avenue Extension Phase 1 Project. (Binder/Davis)
- 10) Ord. Cal. No. 4061 - Ordinance to authorize the Parish President to purchase, expropriate or acquire immovable property, structures and/or rights-of-way for the Fishing Pier Project. (Binder/Davis)
- 11) Ord. Cal. No. 4062 - Ordinance to authorize the Parish President to purchase, expropriate or acquire certain parcels and/or rights-of-way from Cross Gates Utilities, Inc. (Binder/Davis)
- 12) Ord. Cal. No. 4063 - Ordinance to exempt certain properties listed on the National Park Service Registry of Historical Places from the Parish No Net Fill Ordinance requirements. (Binder/Davis)
- 13) Ord. Cal. No. 4064 - Ordinance to correct the Road and Drainage Inventory to include Brownswitch Road; Jefferson Avenue; and Morgan Road Lateral Ditch. (Wards 1, 3 & 8, Districts 1, 5, & 9) (Binder/Davis)
- 14) Ord. Cal. No. 4065 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Willow Bend, Phase 1; Eagle Landing; Abney Farms; Grand Oaks, Phase 1; Northshore Commercial Park; Johnny Smith Memorial Business Park; and Tallow Creek, Phase 1E. (Wards 1, 4, 8 & 9, Districts 1, 7, 9 & 14) (Binder/Davis)
- 15) Ord. Cal. No. 4066 - Ordinance to amend Parish Code, Chapter 13, Division 1 to add a new Section 13-009.00 prohibiting the use of auxiliary or compression engine breaks, commonly referred to as "Jake Brakes" within certain areas of unincorporated St. Tammany Parish.

**RESOLUTIONS**

16) Resolution C. S. NO. C-2616 - Resolution to vacate, in part, the six (6) month moratorium established by Ordinance C.S. No. 05-1173, and any subsequent extension thereof, on the issuance of permits for construction or placement of building structures on property that abuts Louisiana Highway 59, or is located within a distance of two hundred (200') feet of the centerline of the highway, and which property, being situated along said highway, is in the area between the north side of Louisiana Highway 1088 and the south side of I-12. (Ward 4, District 5) (Gould)

17) Resolution C.S. No. C-2617 - Resolution declaring as surplus certain assets and authorizing sale of same. (Binder/Davis)

18) Resolution C.S. No. C-2618 - Resolution to support the Tammany Trace Foundation's application for assistance from the Recreational Trails Program for the Purpose of Constructing a Portion of the Tammany Trace Bike Path within the Camp Salmen Nature Park. (Binder/Davis)

19) Resolution C.S. No. C-2619 - Resolution to support Parish Government's application for assistance from the Recreational Trails Program for the Purpose of Resurfacing the Tammany Trace in the City of Mandeville from Gerard Street to Rapatel Street. (Binder/Davis)

20) Resolution C.S. No. C-2620 - Resolution stating the Parish Council's endorsement of Delta Core Development, LLC, for participation in the Benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0298). (Binder/Davis)

22) Resolution C.S. No. 2622 - Resolution Establishing Warranty Obligations. (Binder/Davis)

**WARRANTY**

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Ashton Parc Subdivision, Filing 1; Part 1 Amount: \$74,200 Expires: June 26, 2009 Ward: 8 District: 9	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Ashland Oaks Business Park Subdivision Amount: \$32,400 Expires: June 26, 2009 Ward: 1 District: 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Abita Lakes Subdivision, Phase 3A Amount: \$59,400 Expires: June 15, 2009 Ward: 10 District: 2	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED

23) Resolution C.S. No. C-2623 - Resolution authorizing Parish President to enter into a Cooperative Endeavor Agreement with the State of Louisiana, Office of Community Development, to obtain Community Development Block Grant funds for recovery from Hurricanes Gustav and Ike, to develop a program for the Parish to utilize the funds, and to provide public notice of the program pursuant to a Citizen Participation Plan. (Binder/Davis)

24) Resolution C.S. C-2624 - Resolution adopting the updated CDBG Citizen Participation Plan for the Parish Community Development Block Grant Program. (Binder/Davis)

25) Resolution C.S. C-2625 - Resolution adopting the updated CDBG Procurement Procedures for the Parish Community Development Block Grant Program. (Binder/Davis)

26) Resolution C.S. C-2626 - Resolution requesting the Louisiana Legislature to enact legislation to amend article 7, Section 18, of the Louisiana Constitution, relative to assessment, valuation and reappraisal of all property subject to ad valorem taxation, and for the repeal of Paragraph (b) of Section 23, Louisiana Constitution Article 7, relative to subsequent adjustments in the total amount of ad valorem taxes collected by any taxing authority in the year in which the reappraisal and valuation provisions of Section 18, Paragraph (f) of article 7 are implemented.

END OF CONSENT CALENDAR

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

Items pulled from the Consent Calendar:

Binder - 21) Resolution C.S. No. 2621 - Resolution to concur/not concur with the City of Covington annexation and rezoning of 3.608 acres from Parish C-2 (Highway Commercial) to City of Covington C-3 (Highway Business) located at 1884 Collins Blvd, Sect 45, Township 7 South, Range 11 East. (Ward 3, District 2)

Cooper - moved to remove item from the agenda, second by Gould. Unanimous with 1 absent (Canulette).

APPEALS

1) Applicant Sheldon Fleming appealing the Zoning Commission DENIAL on April 7, 2009 to rezone 5 acres north of US Highway 190, west of Pleasant Drive. (Ward 9, District 11) (ZC09-04-007)

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.

Bill Houston - representative for Mr. Fleming, requests that this matter be tabled until next month.

Stefancik - moved to table, second by Artigue. Unanimous with 1 absent.

2) Lance Belcher on behalf of Emerald Forest Condos appealing the Planning Commission APPROVAL on April 14, 2009 of a Petition to enter Parish Right-of-way. (Unopened portion of Emerald Forest Blvd. Extension) (Ward 3, District 5) (Petitioner: Provident Realty Advisors, Inc.)

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

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

Binder - It appears that Mr. Belcher is not here.

Gould - Gravity Drainage District No. 5 conducted a review of this complex and discovered that someone removed a berm from the back of the property. The removal of the berm is a violation of drainage requirements, and he is asking that someone from the Engineering Department go out to inspect the situation.

Gould - moved to concur with the Planning approval, second by Falconer. Unanimous with 1 absent (Canulette).

Billiot - moved to adopt a resolution, second by Gould. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2627.

**ORDINANCES FOR ADOPTION**

**Binder - 1) Ord. Cal. No. 4010 - Ordinance to amend the Unified Development Code sections governing TND-1 and TND-2 Traditional Neighborhood Development Zoning Districts. (Introduced 2/5/09)(Referred to Zoning 3/5/09) (Tabled 4/2/09)**

**Binder - this matter was tabled by the Zoning Commission at its May 5, 2009 meeting.**

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

**Binder - 2) Ord. Cal. No. 4014AA - Ordinance amending Ordinance C.S. No. 09-1985, adopted January 8, 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. (Gould) (Tabled 3/5/09) (Introduced 4/2/09)**

**Hall - he made the clarifications requested by Mr. Stefancik and now this is ready to adopt.**

**Billiot - is this limited to the special areas listed here or is it parishwide?**

**Hamauei - Cane Bayou is the border on one side and it extends to the district line he shares with Mr. Stefancik.**

**Billiot - but the critical drainage areas are parishwide?**

**Hall - yes.**

**Davis - he just wants to point out that the special area in just one district is going to be difficult to permit and enforce. Mistakes will be made. The Parish is already involved in 2 lawsuits over where boundary lines fall.**

**Hamauei - he did this because it is below I-12 where the insurance rates are high and there is a lot of flooding. It needs to be controlled. Briar Lake was the only place that they could put in a line to separate his district from Stefancik's. However, all of the lots in that area are developed.**

**Davis - he just wanted to point out that it would have to go through 3 departments and it may take a few tries to get it correct.**

**Billiot - he is not sure he is happy with this ordinance.**

**Stefancik - he agrees with Mr. Davis. He has always been opposed to singling out only one district to pass an ordinance. He is in agreement with these changes, but thinks that if administration has problems, maybe it should be tabled to make sure all of the areas are defined. Thinks Council should introduce the amendments and then table.**

**Burkhalter - he agrees with Stefancik about tabling. His area has a quite a few 50 foot lots of record. He would like this tabled so that he can become more involved and discuss adding his district further.**

**Bellisario - he has been looking at the ordinance trying to absorb what it means, and he would like to see a map to see the different defined areas and how unwieldy they will be to enforce.**

**Binder - he understand's Mr. Davis' point, but Mr. Davis also said that as long as the Council understood that there might be problems, thinks should try it out in Mr. Hamauei's district to see how it works. If Mr. Hamauei wants to give it a shot, he is not in opposition. If Mr. Davis' point does prove true, then Mr. Hamauei should be willing to revert to the old ordinance.**

**Oiler - it is not just about this one piece. It starts with that, but then becomes a PUD, then a moratorium, then the set backs will be changed. Also, right now this is just one district, but what happens when the Parish is redistricted? There needs to be standardization or it will all become unmanageable.**

Hamauei - he has been in real estate and lived in Lacombe for 40 years. The area he has defined is Lacombe. He does not see it being redistricted, though it could happen. He has seen the issues in the areas above and below I-12. He has been on this road for six months, heard all of the concerns, and thinks that he can deal with it.

Steve - thinks that if the Council eliminates sections of this ordinance and leave just the area Mr. Hamauei has defined, the Council can see how to make it work.

Hamauei - he is okay with anything as long as his district is left alone.

Hall - we already regulate the critical drainage areas and they are well-defined. The only way this ordinance will come in front of the Engineering Department is for approval if a swail is needed.

Davis - they already do the critical drainage and things slip through. That is a problem. He just wanted to point out that the Council needs to know that this is a complicated issue and something will slip through.

Hamauei - moved to amend and adopt, second by Gould. Motion passed with 8 yeas (Dean, Cooper, Thompson, Falconer, Hamauei, Binder, Artigue), 5 Nays (Crawford-Howell, Bellisario, Billiot, Stefancik, Burkhalter) and 1 absent (Canulette); becomes Ordinance C.S. No. 09-2038.

Binder - 3) Ord. Cal. No. 4019 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning) Section 5.21 HC-2 Highway Commercial Zoning Districts relative to automotive sales and service. (Introduced 3/5/09) (Tabled 4/2/09)

Stefancik - moved to table, second by Burkhalter. Unanimous with 1 absent (Canulette).

Binder - 4) Ord. Cal. No. 4020AA - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Sections 5.20 through 5.23a, HC- Highway Commercial Zoning Districts relative to height regulations.(Introduced 3/5/09) (Reintroduced 4/2/09)

Dan Whiteline - he urges the Council to support this because the existing restrictions are not sufficient. For example: the construction of the Residence Inn Hotel was built at 35 feet with no increased set backs, which is twice the permitted limit. There is another building being built that is twice the size that was permitted and yesterday, they removed the 3 remaining oak trees on the property leaving no tree buffer. If the Council approves the comprehensive rezoning, then it will not be an issue, but the rezoning for his area has been tabled. Conditional Use Permits should not allow the devaluation of nearby properties.

Stefancik - did the assessor reduce the property values in your area?

Whiteline -no. He requested her to, but she did not, and she is appealing the Board of Review's decision.

Falconer - moved to adopt, second by Dean. Unanimous with 3 absent (Canulette, Billiot, Burkhalter); becomes Ordinance C.S. No. 09-2039.

Binder - 5) Ord. Cal. No. 4027AA - Ordinance amending and reenacting Section 40-034.01, Contiguous Lot Rule, of the Parish Subdivision Regulatory Ordinance 499, to allow for the combining of substandard lots with abutting rear property lines. (Introduced and Referred to Planning Commission 3/5/09) (Reintroduced 4/2/09)

Stefancik - moved to adopt, second by Gould. Unanimous with 2 absent (Canulette, Billiot); becomes Ordinance C.S. No. 09-2040.

Binder - 6) Ord. Cal. No. 4029AA - Ordinance to amend the Unified Development Code, Volume 1 - Zoning, by adopting the recommendation of the Parish Zoning Commission, as amended, relative to the Comprehensive Rezoning of the South West Study Area. (Introduced 3/5/09) (Reintroduced 4/2/09)

Gould - he has 7 amendments that he would like to place into the record.

Sevante - are any of those amendments ones that were discussed at Committee last week?

Gould - 3 of them.

Falconer - He has 8 amendments to enter into the record.

Sevante - how many of them are from the Committee meeting?

Falconer - 2.

Dean - he has several amendments, but he is not ready to enter them into the record. He will do so next month for Mr. Fontenot to update the map.

Fontenot - he will take all of the amendments submitted tonight and have the map updated before the end of the month. He hopes that this area will be adopted in July because that is when they plan to introduce the Southeast Study Area.

Billiot - he approved a PUD on Walder Road and he needs to make sure it is put on the map.

Tim Deano - he thought the zoning map would reflect the 2002 consent judgment of his property, but it does not.

Billiot - is this the Fairway Tract?

Gould - last month someone came in and questioned the legality of the consent decree.

Tobin Eason - lives on Sharp Road and has been very involved with this zoning issue. The consent judgment kept coming up as they researched and discussed this land, which was in a "lockbox" lawsuit about property lines. Rob Barnett represented the Parish. Eason could not figure out how the consent judgment could usurp the authority of the Council, because, if it did, the judgment would become null as there were no public hearings about the changes.

Gould - there are 8 different items that he looked at when deciding to downzone this property. He met with engineers, determined the quality of the wetlands and the process to get the road through. This project is the road only and traffic is only a tool, not development. He looked at other accesses if the road were not approved. Hwy. 59, Sharp, and Dove Park are all problems. Doing an engineering project in a high quality flood plain is an iffy proposition. He looked at the existing zoning and this property was never zoned, so no public hearings were held. He attended the Zoning Hearing on this to hear public opinion. He amended the tract to the east of this, and thinks that there is room to rezone some and satisfy Mr. Deano.

Deano - he is confused because if the Parish says that the consent judgment is not valid, then the part of the judgment where they donated land for the bike path should be returned to him.

Hall - the zoning process by constitution is a legislative process. The body cannot take action until it receives a recommendation from the Zoning Commission. Zoning only happens by legislative action. That is not to say that the court judgment cannot happen, but the only times it has happened were to perfect the zoning. The Commission has not made a recommendation to change the zoning here, nor has the Council. Even if there were a consent judgment that established zoning, it does not forever prohibit the Council from comprehensive rezoning that is in the best interest of the public. In one example, property was downzoned in order to prevent a landfill. His point is that just because the zoning has been established for many years, it does not preclude this body from changing it in the best interest of the public.

Deano - Mr. Gould said that he is willing to make a change to part of the property, but not all of it?

Gould - he would like to discuss a proposal with him to rezone part of the property east of the Trace and consider what happened in the northeast side of the property. He would like some suggestions from Mr. Deano and he will review them.



Bruce Cox - his property is at the corner of Sharp and Highway 59, which is the only corner at that intersection that is not zoned commercial. The subdivision behind him Deval Estates is in favor of the property being commercial and signed a petition to that fact.

Gould - disagrees with his statement that the homeowners want this.

Sonia Mellinger - lives behind Mr. Cox's property. He is a neighborhood's worst nightmare, the residents have not signed a paper for him saying he can do what he wants. He has been selling used cars from the property for the last 8 years. He was even warned by the State to stop. He cut down all of the trees, and they would just like for him to go away. She had a real estate agent tell her that his property devalued their homes.

Dean - moved amend and reintroduce, second by Gould. Unanimous with 4 absent (Cooper, Canulette, Bellisario, Stefancik).

Binder - 7) Ord. Cal. No. 4033 - Ordinance amending the official zoning map of St. Tammany to reclassify land north Highway 21, east of Highway 1085 containing 1.73 acres from LC (Light Commercial) to C-2 (Highway Commercial). (Ward 1, District 1) (ZC09-03-005) (Zoning Commission approved 3/3/09) (Introduced 4/2/09)

Dean - moved to adopt, second by Thompson. Unanimous with 3 absent (Cooper, Canulette, Stefancik); becomes Ordinance C.S. No. 09-2041.

Binder - 8) Ord. Cal. No. 4034 - Ordinance establishing a speed limit of 35 mph on Fairhaven Road (2-U-2). (Ward 2, District 2) (Introduced 4/2/09)

Thompson - moved to adopt, second by Dean. Unanimous with 5 absent (Cooper, Falconer, Gould, Canulette, Stefancik); becomes Ordinance C.S. No. 09-2042.

Binder - 9) Ord. Cal. No. 4035 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of building permits for the construction or placement of building structures within a portion of Cypress Park Subdivision and a portion of surrounding areas. (Ward 7, District 7) (Introduced 4/2/09)

Hamauei - moved to adopt, second by Burkhalter. Unanimous with 3 absent (Gould, Canulette, Stefancik); becomes Ordinance C.S. No. 09-2043.

Binder - 10) Ord. Cal. No. 4036 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for the construction or placement of building structures on certain properties within unincorporated St. Tammany abutting, in whole or in part, a portion of East I-10 Service Road, Slidell, Louisiana. (Ward 8, District 8) (Introduced 4/2/09)

Bellisario - moved to adopt, second by Burkhalter. Unanimous with 2 absent (Canulette, Stefancik); becomes Ordinance C.S. No. 09-2044.

Binder - 11) Ord. Cal. No. 4037 - Ordinance to extend for an additional six (6) months the moratorium on the receipt of submissions by the parish zoning and planning commissions for the rezoning or resubdivision of property west of highway 11 and south of interstate 12 within unincorporated boundaries of Ward 9, District 14. (Ward 9, District 14) (Introduced 4/2/09)

Burkhalter - moved to adopt, second by Artigue. Unanimous with 2 absent (Canulette, Stefancik); becomes Ordinance C.S. No. 09-2045.

Binder - 12) Ord. Cal. No. 4038 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for any construction activities on, or improvements to, undeveloped property within a portion of Pineview Heights Subdivision and certain surrounding areas. (Ward 4, District 5) (Introduced 4/2/09)

Gould - moved to adopt, second by Crawford-Howell. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2046.

Binder - 13) Ord. Cal. No. 4039 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building, occupancy or occupational permits or licenses by any parish department or agency for any pain management center/clinic whose primary focus or concentration is the prescribing and/or dispensing of pain medication to individuals with complaints of chronic pain which is unaffiliated with any hospital, hospice and/or facility for the treatment of the terminally ill in unincorporated St. Tammany Parish. (Introduced 4/2/09)

Hamauei - moved to adopt, second by Artigue. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2047.

Binder - 14) Ord. Cal. No. 4040 - Ordinance to extend for an additional six (6) months the moratorium on requests for rezoning of property within the triangular shaped area bounded on the south by Highway 190, on the east by Tchefuncte River, and on the west by the St. Tammany and Tangipahoa Parish line (Ward 1, District 1).(Introduced 4/2/09)

Dean - moved to adopt, second by Thompson. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2048.

Binder - 15) Ord. Cal. No. 4041 - Ordinance to authorize the Parish President to execute an Act of Nullity of the adjudicated property sale to Dallas Wilson of May 8, 2008 and refund the purchase price. (Introduced 4/2/09)

Burkhalter - asked Kelly Rabalis if the City of Slidell was contacted about this property, since the sale cannot go forward.

Kelly Rabalis - she has contacted Tim Mathison to see if the property can be included in Slidell's demolition program. She has not heard back from him yet.

Burkhalter - moved to adopt, second by Hamauei. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2049.

Binder - 16) Ord. Cal. No. 4042 -Ordinance to amend the Parish Code of Ordinances, Section 2-009.00, Parish Fees and Service Charge, transportation and drainage impact fees. (Introduced 4/2/09)

Gould - he would like the Administration staff to look at raising the limit set to help relieve the lower income families.

Fontenot - it is currently set on a sliding scale according to income by HUD.

Bellisario - also would like to see if, in some cases, the \$3,000 fee can be delayed until after occupancy is granted.

Burkhalter - moved to adopt, second by Bellisario. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2050.

Binder - 17) Ord. Cal. No. 4043 - Ordinance to correct the Road and Drainage Inventory to include Honeydew Lane; to add a portion to Scotch Pine Drive; and to delete portions of Monroe Crawford Road; Reed Road; and Allen Road. (Wards 2, 4, 6 & 10, Districts 2, 4 & 6) (Introduced 4/2/09)

Cooper - moved to adopt, second by Gould. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2051.

Binder - 18) Ord. Cal. No. 4044 - Ordinance to correct the Road and Drainage Inventory to include Rhusaw Parker Road Lateral. (Ward 6, District 6) (Introduced 4/2/09)

Crawford-Howell - moved to adopt, second by Cooper. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2052.

Binder - 19) Ord. Cal. No. 4045 - Ordinance amending the 2008 Operating Budget. (Introduced 4/2/09)

Stefancik - moved to adopt, second by Artigue. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2053.

Binder - 20) Ord. Cal. No. 4046 - Ordinance amending the 2009 Operating Budget. (Introduced 4/2/09)

Burkhalter - would like an update from Finance on where the Parish stands on Capital Projects for this year.

Kim Salter - there is a hold on all Capital projects for 2009. The income of the Parish for the first two months of this year is down by 14%. They are hoping for a change sometime later in the year.

Binder - in times like this, tax revenue needs to be tracked, and he thinks the administration is doing it well.

Stefancik - moved to adopt, second by Burkhalter. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2054.

Binder - 21) Ord. Cal. No. 4047 - Ordinance to amend the Parish Code of Ordinances, Chapter 16, Parks, Recreation and Scenic Neighborhoods, to establish a new Article XIX, creating Recreation District No. 16, and amending Article IV, to merge and consolidate Recreation District No. 3 into and with the New Recreation District No. 16. (Introduced 4/2/09)

Burkhalter - moved to introduce, second by Artigue. Unanimous with 2 absent (Dean, Canulette); becomes Ordinance C.S. No. 09-2055.

Binder - 22) Ord. Cal. 4049 - Ordinance to impose a six (6) month moratorium on the receipt of applications by the Parish Zoning Commission for mobile home conditional use permits and/or on the issuance of building permits for placement of mobile homes on property within the subdivision known as Hillcrest Country Club, Additions #1, 2, 3 and 4. (Ward 6, District 6) (Introduced 4/2/09)

Crawford-Howell - there is no Addition 4 for this subdivision, so that needs to be removed from the Ordinance.

Crawford-Howell - moved to adopt, second by Thompson. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2056.

Binder - 23) Ord. Cal. No. 4050 - Ordinance to authorize Parish President to purchase, expropriate or otherwise acquire all certain parcels and/or rights of way for the Old Military Road at Cleo Road Project. (Introduced 4/2/09)

Bellisario - moved to adopt, second by Crawford-Howell. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2057.

Binder - 24) Ord. Cal. No. 4051 - Ordinance amending the 2009 Operating Budget. (Introduced 4/2/09)

Stefancik - moved to adopt, second by Artigue. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2058.

Binder - 25) Ord. Cal. No. 4052 - Ordinance to amend the Parish Code of Ordinances Section 2-009.00 Parish Fees and Service Charges, Subsection B. III - Subdivision and Associated Fees. (Introduced 4/2/09)

Stefancik - moved to adopt, second by Burkhalter. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2059.

#### NOMINATIONS

Binder - 1) Resolution to appoint \_\_\_\_\_ (alternate member) to replace John Scott Fischer (resigned) to the Parish Board of Zoning Adjustments. (Binder)

Crawford-Howell - nominated Luke Spicuzza, second by Gould.

Billiot - moved to close the nominations, second by Gould.

Burkhalter - moved to suspend the rules and appoint Luke Spicuzza, second by Crawford-Howell. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2637.

#### APPOINTMENTS

Binder - 1) Resolution to appoint Phillip P. Moore to St. Tammany Parish Recreation District No. 2 to replace Anita Fincher (resigned). (Cooper and Crawford-Howell)

Cooper - moved to adopt, second by Crawford-Howell. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2628.

Binder - 2) Resolution to appoint Lynette M. Stermer to St. Tammany Parish Recreation District No. 6 to replace Annette Taylor (resigned). (Cooper)

Cooper - moved to adopt, second by Thompson. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C - 2629.

Binder - 3) Resolution to appoint Jorge Fernandez to Fire Protection District No. 13 to replace Alex Brett (resigned). (Dean)

Dean - moved to adopt, second by Falconer. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2630.

Binder - 4) Resolution to reappoint Thomas Laizer, III, Paul Dyer and Robert Bergeron (terms expired) to St. Tammany Parish (Gravity) Drainage District No. 5. (Gould)

Gould - moved to adopt, second by Thompson. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2631.

Binder - 5) Resolution to reappoint Otto Mehrgut, Andy Bumpas, Alain Flexer, John Lavanway and David Bates (Terms Expired) to St. Tammany Parish Sub-drainage District No. 2 of (Gravity) Drainage District No. 5 (Meadowbrook Subdivision). (Gould)

Gould - moved to adopt, second by Falconer. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2632.

Binder - 6) Resolution to appoint David Haines to St. Tammany Parish Sewer District No. 4 to replace William Marsalis. (Falconer)

Falconer - moved to adopt, second by Thompson. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2633.

#### Off-the-Floor Agenda

Stefancik - moved to open the Off-the-Floor Agenda, second by Burkhalter. Unanimous with 2 absent (Canulette, Gould).

Binder - 2) Emergency ordinance to impose a 30 day moratorium on placement of fill and issuance of permits for construction, renovation, improvement or placement of buildings on property within the boundaries of the subdivision known as Serenity Oaks. (Ward 9, District 14) (Burkhalter)

Burkhalter - moved to introduce, second by Stefancik; becomes Ord. Cal. No. 4067.

Burkhalter - moved to suspend the rules and adopt, second by Stefancik. Unanimous with 2 absent (Canulette, Gould); becomes Ordinance C.S. No. 09-2037.

Binder - 3) Ordinance to impose a six (6) month day moratorium on placement of fill and issuance of permits for construction, renovation, improvement or placement of buildings on property within the boundaries of the subdivision known as Serenity Oaks. (Ward 9, District 14) (Burkhalter)

Burkhalter - a lot of things have been occurring in this area without the proper permits. He has a meeting with the State to fix the problem.

Burkhalter - moved to introduce, second by Stefancik; becomes Ord. Cal. No. 4068.

Binder - 4) Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire all certain parcels and/or rights of way for the Schneider Canal Levee Project. (Artigue)

Artigue - moved to introduce, second by Burkhalter; becomes Ord. Cal. No. 4069.

Binder - 5) Resolution to support the Parish's application for assistance from the Louisiana Department of Transportation's Enhancement Grant Program for the purpose of redeveloping a portion of the existing I-10 Twin Span Bridge into a Recreational Fishing Pier. (Artigue)

Artigue - moved to adopt, second by Stefancik. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2634.

Binder - 6) Ordinance approving an amended pricing catalog and expanded response time zones of Acadian Ambulance Service, Inc. as sole provider of emergency and non-emergency ambulance services within the service areas of unincorporated St. Tammany Parish. (Stefancik)

Binder - this should actually be a Resolution, not an Ordinance.

Stefancik - moved to adopt, second by Artigue. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2635.

Binder - 7) Resolution requesting Louisiana State Legislature enact House Bill No. 749 in the 2009 Regular Session to provide for assessment of service charges, subject to voter approval, within Parish Road Lighting Districts. (Burkhalter)

Burkhalter - he wants to thank the Sheriff's office for helping out in his area. Lately, there have been shots fired in the dark, and the deputies are having a hard time finding the shooters.

Burkhalter - moved to adopt, second by Artigue. Motion passed with 12 yeas, 1 nay (Gould) and 1 absent (Canulette); becomes Resolution C.S. No. C-2636.

Binder - 8) Ordinance amending Parish Code of Ordinances, Article II, Water craft Speed Limits, Section 15-006.00A, to provide for the exclusion of certain private canals or waterways of Lakeshore Estates from the "Dead Slow, No Wake" Zones. (Ward 9, District 13) (Artigue)

Artigue - he is amending this because the homeowners in the area are willing to provide all of the required signs and buoys.

Artigue - moved to introduce, second by Burkhalter; becomes Ord. Cal. No. 4070.

#### Verbal Off-the-Floor

Billiot - Resolution requesting Recreation District #1 approve free parking at Pelican Park for all festival attendees during the 2009 Greater Mandeville Seafood Festival.

Stefancik - move to open verbal off-the-floor, second by Hamauei. Unanimous with 1 absent (Canulette).

Billiot - moved to adopt resolution, second by Hamauei. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2638.

Burkhalter - Would like to recognize May 7, 2009 as National Prayer Day.

Stefancik - moved to open verbal Off-the-Floor, second by Burkhalter. Unanimous with 1 absent (Canulette).

Burkhalter - moved to recognize May 7, 2009 as National Prayer Day, second by Stefancik. Unanimous with 1 absent (Canulette).

Gould- he would like to ask the Zoning Staff to consider amending the ED1 classification to add a 4<sup>th</sup> classification with regard to daycares. Right now daycares are in NC1 and that is not the appropriate place for daycares.

Burkhalter - wants to know if the houses on the blighted property list are going to be taken down any time soon considering the fact that revenue is down? In the Kingspoint Subdivision, he has a lot of blighted houses next door to houses with children. Is there any way possible to set up volunteers to demolish these properties?

Oiler - the Parish attorney is telling him that volunteers are not a good idea. However, the Parish is currently chasing grant money that will be used to demolish the houses. They should know in the next few months if the Parish will receive the money.

Hamauei - if there is an abandoned house on valuable land. Is there any way to lien the property?

Oiler - the problem with that is that the contractor wants to be paid. We do have liens on properties, but it is still a slow process.

Hamauei - could a contractor come forward to claim the property and sell it to cover the cost of tearing down the house?

Kelly Rabalais - the Parish has to think of the issue of who owns the property. When a property comes in front of the administrative law judge and is declared blighted, the Parish has to demolish it, but there is the cost for a contractor. If the Parish has lien rights, then they can go in and seize the property, but then have to decided how to sell the property.

Hamauei - what about private citizens?

Davis - the problem is that the Parish needs a funding source. They have been trying to use LRA money, but the money that was promised has not come. The Parish General Fund money is already allocated, and the only way to change the income of the Parish is to raise taxes. The Parish is 5 million dollars down, and has used 2 million dollars of reserve funds. It can't fix district roads until it can find money. He does not like that. They have tried to get contractors to lien property with the promise that the Parish will pay later, but they do not want to do that. They have done everything to keep the bond ratings up. All of the parishes are down on issuing building permits. As far as using volunteer groups, you have to look at it legally. It becomes a liability issue. Also, when demolishing a house, you have to have the EPA, DEQ and historical people on site to give the okay. He would tear down all of the blighted houses tonight if he could.

Hamauei - he thinks it is important for the people to hear the Parish discuss this publically.

Davis - the Parish only receives 3 million dollars in property taxes each year.

Binder -why can't the Parish get stimulus funding from the Federal Government to tear down these properties, and then reimburse them with the sale proceeds of the properties that were demolished? All we want is for our neighborhoods to look good.

Davis - we have asked for that in our visits to Washington. However, all of the senators outside of Louisiana, say that Katrina is over, and they want to get their state taken care of. We can't keep running the Parish as is in this economy, but which department should they get rid of? Code Enforcement is kept busy by citizen complaints alone. They do not have time to go out and find problems. Going to have figure this out ourselves.

Hamauei - we have to come up with alternative revenue sources. Need to have public meetings with business, etc. because depending on building permits will not make it happen.

Davis - he knows that different interest groups think that they are trying to build on every property in the Parish, but they are not. Right now the Parish cannot even fund recreational programs for kids. He knows the Council is angry, but there is no money.

Burkhalter - he appreciates all that Mr. Davis has done. He is glad that they are discussing this, but did not mean for it to get so big.

Davis - one of the problems is that people voted against lighting districts. They want lights in their district, but they do not want to pay taxes for them. Even without the national economy problem, they knew this was coming. Cities in the Parish can afford to cut the grass because they do not allow the homestead exemption for property taxes, and they have much smaller areas to mow.

Gould - we need to be brutally honest with citizens that there is no money to operate the Parish. The Parish is not funded to any other degree than by sales and property taxes.

Falconer - after the property assessments, no one will approve a new tax for a long time. Thinks the Parish needs to review how it allocates the taxes it receives.

**EXECUTIVE SESSION**

Artigue - moved to enter Executive Session, second by Burkhalter. Unanimous with 1 absent (Canulette).

Binder - Lawsuit entitled: XL Bingo v. Kevin Davis, as President of St. Tammany Parish, 22<sup>nd</sup> JDC No. 2009-12032 "A"

Falconer - moved to come out of Executive Session, second by Dean. Unanimous with 1 absent (Canulette).

Falconer - moved to introduce an ordinance outlawing video bingo in unincorporated areas of St. Tammany Parish, second by Bellisario; becomes Ord. Cal. No. 4071.

Artigue - moved to introduce an ordinance to regulate video bingo with the Parish receiving 12% of the fee, second by Burkhalter; becomes Ord. Cal. No. 4072.

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

  
\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

  
\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK



Handwritten text, possibly a signature or a list of names, located in the lower middle section of the page. The text is faint and difficult to read.

