

MINUTES - ST. TAMMANY PARISH REGULAR COUNCIL MEETING - JUNE 4, 2009

**MINUTES OF THE ST. TAMMANY PARISH COUNCIL MEETING
ON THURSDAY, JUNE 4, 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. Hamauei

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
E. L. Gene Bellisario
Henry Billiot
Steve Stefancik
Richard Artigue
Ken Burkhalter

PRESENTATIONS

Binder 1) Recognition of the Northshore High School Baseball Team for winning the 2009 State Championship. (Bellisario)

Bellisario - Certificates for all of the players and coaches were presented to the head coach of the team at the Council Agenda Review Meeting. (Read Resolution.)

Bellisario - moved to adopt resolution, second by Artigue and Burkhalter. Unanimous with 1 absent (Falconer); becomes Resolution C.S. No. C-2647.

Binder - 2) Certificate of Recognition to Charlie Chapple upon his retirement from the Times Picayune. (Gould)

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

Binder 3) Recognize Dawsey's Hardware of the Lee Road area of Covington as June Business of the Month. (Cooper)

Cooper - This hardware store is not like a regular hardware store. Not only will they sell you what you need, they show you how to use it. Also, though they will not like me to say it, they have been known to open in the middle of the night to help out. (Presented certificate to owner's of store.)

Binder - 4) A presentation by Parish President Kevin Davis of a proclamation forming the Complete Count Committee. (Binder/ Davis)

Davis - he has been meeting with the Census Bureau in order to make sure that St. Tammany receives state and federal funds needed to ensure that the 2010 census is correct. (Read proclamation into record.)

Burkhalter - moved to open the Off-the-Floor Agenda and move-up Items # 6, second by Gould. Unanimous with no one absent.

Binder - 6) Presentation by Mr. David Lemaire, Sr. Program Support Manager for the Employer Partnership Initiative, to Kevin Davis, Parish President and the Parish Council. (Bellisario)

Lt. General Stoltz - representative of the Employer Partnership Initiative - they are asking that the Parish sign an initiative to help employ the Army Reservists.

Canulette - moved to move-up Item #1 from the Off-the-Floor Agenda, second by Gould. Unanimous with no one absent.

Burkhalter - moved to move-up Item #2 from the Off-the-Floor Agenda, second by Artigue. Unanimous with no one absent.

Binder - 1) General Bond Ordinance authorizing the issuance from time to time of Utilities Revenue Bonds of St. Tammany Parish; prescribing the form and certain terms and conditions of said bonds; providing for the payment thereof in principal and interest; and providing for other matters in connection therewith. (Binder)

Alan Offner - These two Bond issues are to get the ball rolling for sewer system improvements in Slidell and Mandeville. The first one takes all of the drainage agencies and puts them together in one ordinance. The supplemental ordinance approves the issuance of up to \$1 million in bonds. The interest rate is less than 1%.

Burkhalter - moved to introduce, second by Bellisario; becomes Ordinance Cal. No. 4089.

Binder - 2) Supplemental Bond Ordinance authorizing the issuance of not exceeding \$1,000,000 of Utilities Revenue Bonds, Series 2009, of St. Tammany Parish, in accordance with the terms of a General Bond Ordinance adopted on July 2, 2009; prescribing the form, and certain terms and conditions of said bonds; and providing for other matters in connection therewith. (Binder)

Burkhalter - moved to introduce, second by Canulette; becomes Ordinance Cal. No. 4090.

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

- Ord. Cal. No. 4087
- Resolution C.S. No. C-2639
- Resolution C.S. No. C-2641

Consent Calendar less items removed:

**CONSENT CALENDAR
(PAGES 2 THROUGH 5)**

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 7, 2009
Council Committee Meeting	May 27, 2009

ORDINANCES FOR INTRODUCTION

(Public Hearing July 2, 2009)

1) Ord. Cal. No. 4073 - Ordinance amending the official zoning map of St. Tammany Parish to reclassify land located north LA Highway 36, west of St. Landry Street, being Lot 6, Block 9, Garland's Covington & Claiborne Addition containing 35,800 sq.ft. from SA (Suburban Agricultural) to a C-2 (Highway Commercial). (ZC09-05-008) (Ward 3, District 3) (Zoning Commission approved 5/5/09) (Binder/Davis)

2) Ord. Cal. No. 4074 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning) Section 5.25 I-2 Industrial District relative to General Office Building. (ZC 09-05-009) (Zoning Commission approved 5/5/09) (Binder/Davis)

3) Ord. Cal. No. 4075- Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning) Sections 5.24 I-1 Industrial & 5.25 I-2 Industrial Districts relative to Recreational Facilities. (ZC09-05-011) (Zoning Commission approved on 5/5/09)

(Binder/Davis)

4) Ord. Cal. No. 4076 - Ordinance amending the official zoning map of Comprehensive Rezoning Area One (CRA-1) of St. Tammany Parish to reclassify certain areas as Manufactured Housing Overlay (MHO) (Wards 8 and 9, District 14) (Burkhalter)

5) Ord. Cal. No. 4077 - Ordinance to extend for an additional six (6) months the moratorium on the placement of fill and on the issuance of building permits for construction or placement of building structures on property within Dove Park Subdivision. (Ward 4, District 5) (Gould)

6) Ord. Cal. No. 4078 - Ordinance to extend for an additional six (6) months the moratorium on the receipt of submissions and the approval of applications by the Parish Planning Commission and the Parish Planning Department for the resubdivision of property within Lewisburg Estates Subdivision and a portion of Old Golden Shores Subdivision, and only within the unincorporated boundaries of Ward 4, District 4. (Ward 4, District 4) (Falconer)

7) Ord. Cal. No. 4079 - 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)

8) Ord. Cal. No. 4080 - Ordinance to extend for an additional 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)

9) Ord. Cal. No. 4081 - Ordinance to declare Slip 89 of Marina Chamale' Condominiums, as surplus property and authorize the Parish to proceed with the process for the sale, lease, or disposal of said property. (Binder/Davis)

10) Ord. Cal. No. 4082 - Ordinance to declare Lot 51, Square 233-A, rural Mandeville, as surplus property and authorize the Parish to proceed with the process for the sale, lease, or disposal of said property. (Binder/Davis)

11) Ord. Cal. No. 4083 - Ordinance to adopt a voluntary developmental agreement between the Parish and John Mamoulides, the developer of Lake Ramsey, Phase 4-A and 5 Subdivision. (Ward 3, District 3) (Approved by Planning Commission 5/12/09) (Binder/Davis)

12) Ord. Cal. No. 4084 - Ordinance to revoke a portion of Park Place located in Highland Park Subdivision. (Ward 9, District 12) (Approved by Planning Commission 5/12/09) (Binder/Davis)

13) Ord. Cal. No. 4085 - Ordinance to correct the Road and Drainage Inventory to include Camellia Drive. (Ward 3, District 3)

14) Ord. Cal. No. 4086 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Raiford Oaks, Phase 1 Subdivision. (Ward 1, District 1)

16) Ord. Cal. No. 4088 - Ordinance to amend the Parish Code, Chapter 15, Article II, Watercraft Speed Limits, to establish a "Dead Slow, No Wake" Zone for a portion of the Pearl River Navigational Canal. (Crawford-Howell)

RESOLUTIONS

18) Resolution C.S. No. C-2640 - Resolution authorizing the Parish President to sign and/or execute an Intergovernmental Agreement with the City of Mandeville to implement the Wastewater Management Plan. (Binder/Davis)

20) Resolution C.S. No. C-2642 - Resolution to rescind Resolution Police Jury Series No. 96-7604, adopted May 16, 1996; to provide for the re-opening of Cleo Road. (Ward 8, District 6) (Binder/Davis)

21) Resolution C.S. No. C-2643 - Resolution to amend Ordinance C.S. No. 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

22) Resolution C.S. No. C-2644 - Resolution to amend Ordinance C.S. No. 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

23) Resolution C.S. No. C-2645 - Resolution requesting the Louisiana Public Service Commission to provide notice to the Parish governing authority of the filing of an application and public hearing of any proposed rate schedule by a public utility which could result in a change in rates to customers in St. Tammany Parish. (Bellisario)

24) Resolution C.S. No. C-2646 - Resolution requesting St. Tammany Parish Hospital Service District No. 2 to provide notice to the Parish governing authority of its regular monthly meetings, required quarterly financial overview and current financial status meetings, and required meeting to present the audited and certified financial statement for the previous fiscal year. (Bellisario)

END OF CONSENT CALENDAR

Gould - moved to adopt the Consent Calendar less items removed, second by Falconer. Unanimous with no one absent.

Items pulled from the Consent Calendar:

15) Ord. Cal. No. 4087 - 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 Zoning of the Southeast Study Area. (Approved by Zoning Commission on May 19, 2009) (Binder/Davis)

Bellisario - submitted two amendments into the record.

Bellisario - moved to introduce, second by Stefancik.

17) Resolution C.S. No. C - 2639 - Resolution approving the holding of an election in St. Tammany Parish Fire Protection District No. 7 to authorize the levy of a special tax therein. (Binder/Davis)

Crawford- Howell - wanted to clarify that this is not an election for a new tax. It is a ten year renewal tax.

Crawford-Howell - moved to adopt, second by Gould. Unanimous with no one absent.

19) Resolution C.S. No. C-2641 - Resolution Establishing Warranty Obligations. (Binder/Davis)

(1.) **PERFORMANCE**

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
The Fountains S/D Amount: \$35,000 Expires: July 9, 2009 Ward:4, District: 5	PERFORMANCE OBLIGATION EXTEND FOR SIX (6) MONTHS

(2.) **WARRANTY**

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Guste Island Estates S/D, Parcel C, Ph. 1 (The Pines) Amount: \$33,900 Expires: July 18, 2009 Ward:1, District: 1	"CALL" WARRANTY
Guste Island Estates S/D, Parcel E, (The Forest) Amount: \$34,500 Expires: July 18, 2009 Ward:1, District: 1	"CALL" WARRANTY
Ashton Parc S/D, Filing 1, Part 1	RELEASE L.O.C.

Amount: \$74,200
Expires: June 26, 2009
Ward:8, District: 9

**THIS IS A PRIVATE S/D & THE
PARISH IS NOT RESPONSIBLE
FOR ANY MAINTENANCE**

Pittman Place S/D
Amount: \$29,100
Expires: July 26, 2009
Ward:8, District: 9

“CALL” WARRANTY

Elizabeth Smythe - need to table the two items regarding Guste Island Estates and the one regarding Pittman Place at the request of the developers who are working to solve the issues.

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

Artigue - moved to move-up Item #s 22 and 23 from Ordinances for Adoption, seconded by Bellisario. Unanimous with no one absent.

Binder - 22) Ord. Cal. No. 4071 - Ordinance to amend and reenact Chapter 12, Article V Charitable Raffles, Bingo, Keno and Pull-tab Games, Division 1, General, Section 12-025.10 of the Parish Code of Ordinances, to prohibit any person, association, organization, or corporation to hold, operate or conduct the specific game of chance identified as Electronic/Video Bingo in the unincorporated areas of St. Tammany Parish. (Introduced 5/7/09)

Binder - we will hear both sides of this issue - those on behalf of Electronic/video and those in opposition. Then it will come back to the Council for discussion. After the discussion, the Council will vote on the first Ordinance which will ban Electronic/Video Bingo. If that ordinance passes, then the Council will not vote on the second ordinance which would regulate Electronic/Video Bingo. If the first Ordinance fails, then there will be an additional hearing about regulating Electronic/Video Bingo. If you have heard people before you express your view, please try not to be repetitive.

Buzzy Brown - represents the St. Tammany Memorial Cancer Fund. They allocate funds for academic scholarships for cancer patients. They are a 501 C organization and hold fund raisers in the communities, but they feel they need to find a new way to raise money in these economic times. They feel that Bingo is a valid option.

Judy Jackson - represents Northshore Basketball League and they support charitable gaming to help inner city youth go to college, do community service and they would like to build a community center. Video Bingo will bring in new jobs and revenue to the community. It is alcohol free entertainment.

Cathy Deno - St. Tammany Art Association past president. They are a 50 year old organization that brings the arts to St. Tammany. They have 800 members, and when they polled about using Video Bingo to raise money, they received only one negative response. Fund raising is being threatened by this economy.

Virginia Rankin - represents the St. Francis Animal Sanctuary - she is the face and mouthpiece of the abandoned and abused animals from New Orleans and St. Tammany. She grew up playing Bingo. They help to complete families through pet adoption. They are a true no kill facility, and they ask that Video Bingo is approved, so that they can continue to do their good works.

Barbara Gibson - Mayor for the Village of Sun - they have a Video Bingo place. It was the best thing that could have happened to them because the Village of Sun does not have an income base. Video Bingo has brought in over \$117,000 in just one year. The charities that they provide for are the Food Bank and the Fire Department. The first check from the Video Bingo to the Village was for \$30,000, the budget for the whole year is only \$100,000. The benefits outweigh the cons. They have set aside 10% of the revenue from Video Bingo to build a water park at the locks. The Village is losing some of its bond money, and they need to raise money somehow. The Village now has a summer arts and crafts program due to Video Bingo. She is not saying that the Parish should have Video Bingo, but Sun loves it. She thinks it is a good thing and that the Council should weigh the positives and negatives before deciding.

Brice Jones - he is there on behalf of Video Bingo - Call Bingo does not have a limit on access, but state law prohibits anyone under 18 years old from playing Video Bingo. (Submitted a brochure supporting Video Bingo and read from it) The state legislature regulated Video Bingo under Title 4 of the Revised Statutes. A large critical segment of the population are volunteers for charities. The proposed regulation is not to Video Poker, but to Video Bingo. The machines may appear similar, but in other forms of gaming, the revenue goes entirely to the owner of the establishment. In Video Bingo, 45% of the income goes to charity with 55% to the distributor and of that 12% goes to the Parish for regulation costs. XL Bingo is willing to give up to 20% to the Parish.

Falconer - point of order. Mr. Jones seems to be negotiating the percentage of tax for his client.

Binder - Mr. Jones, right now we are discussing the pros and cons of this issue. If the Council adopts the ban, then no further hearing will be held. If they do not adopt the ban, then you can discuss percentages.

Jones - As the Mayor has indicated, Video Bingo already exists in St. Tammany Parish. Any ordinance to ban it would only effect the unincorporated areas. There are a lot of volunteers in this community that give their time and effort to help people in need. Those volunteers need help in finding new methods of raising money. If you consider the previous speakers, volunteers want to help animals, sick people, volunteer firefighters and more.

James Mitchell - he is the pastor of St. Timothy Methodist Church in Mandeville. He loves the government of St. Tammany Parish and appreciates all they do for the community. He wants to point out that the faith based portion of the Parish are an important part of the community, and as a part of the community, they are opposed to Video Bingo. They see it as the same thing as Video Poker. It is gambling. It is not our grandparents Bingo. It is addictive and destructive to people. He would at a look to regulate Video Bingo as a vote to approve gambling.

Gerald Gibson - he is a resident of Madisonville. He was very proud when the Parish outlawed Video Poker in 1996. He thinks this is an effort to make an end run around that vote.

Byron Brown - he is the pastor of the Baptist church in unincorporated Lacombe. He is deeply concerned for the statements made about how Video Bingo will bring the Parish revenue and jobs. He has spoken to 4 families this week who lost their jobs and may lose their houses. He does not see how Video Bingo can be a quick fix. The Mayor of Sun stated that they received \$100,000 in revenue, but that money came from the people of Sun playing the Video Bingo.

Liz Ditterier - scientist at Tulane. Her work is hypothesis driven research. The hypothesis here is that Video Bingo will raise money for charities. However, if people want to give money to the volunteers, then they will give it straight to the charity.

Tony Zenck - lives in St. Tammany. Gambling is gambling. He was a bit blinded with the talk of cancer, but the brochure that came was anonymous. He didn't expect to hear from these people, but gambling revenue is not the answer. He started gambling with \$20 and won \$60. Then he spent \$20 and won \$1700. The he proceeded to lose everything he owned over the next 20 years. He has been clean for 13 years. It used to be that Gambler's Anonymous was for people gambling on horses and football, but now it is mostly people addicted to Video Poker.

Charles Vandercook - he retired from retail business and the non-profit world. He spent more money out of his budget helping out people who lost their homes, food, etc because they were spending their money on Bingo. Non-profits have an obligation to spend their money on things that match their purpose.

Charles Busby - he was the Business Editor at the Sun Herald in the 1990s. They went to Las Vegas and Reno to research both sides of the gambling issues. People want to know why gambling was successful where it was. Speaking economically, the only places that gambling was successful were places with a well-established tourism industry. In places that did not have tourism, then it just moves the money from one form of entertainment to the gambling. The people already in the amusement and entertainment businesses lost business. Be aware that it will change the mix just for the idea that charities will gain.

Jill Spence - she has been in the travel agency business for 30 years and is familiar with gambling. It is great as a tourism industry, but not in order to raise money for charities. Unless the Parish plans for hotels and other entertainment venues, Video Bingo is not the answer.

Rick Wilke - this is his personal opinion not representing an organization. He does not deny that charities need money. In Call Bingo, there is always a winner. Video Bingo is a chance and odds and very similar to other games of chance. XL Bingo says the cost of doing business is to donate to charities, but they are still in business to make money.

Artigue - he sees that the people are against Video Bingo, but he still thinks that charities need money and help. This is not the same Parish as it was in 1996. This is not a quick fix, but the Parish needs money, and if it helps some, then it should be done. If people are going to gamble, they are going to do it in Mississippi or New Orleans. Why not take a piece of that pie?

Falconer - the total Parish budget is \$50 million. This brochure states that Video Bingo will bring in roughly \$80,000 in fees. That is not nearly enough to regulate Video Bingo. It would take more than that to keep children out of the Video Bingo area. The charity has to pay for the rental of the space. What is the owners cut of the money? A lot more than \$80,000. He thinks there is a need to go back to tradition and roll up our sleeves to find a better way to raise money.

Bellisario - he is involved with Community Action and he has seen the people coming in to request aid. These Video Bingo halls are built in low income areas with a pay day loan company right next door. There is a social cost with people hoping to win money to pay the rent. Right now there are 7 licenses and the Council is only talking about 3. We need to not create bigger social costs.

Binder - he was leaning strongly toward banning Video Bingo, but as a public official, he thinks it is important to hear both sides. He has not changed his mind. He has purposely not asked his constituents their opinion on this because he wanted to see how many people came and told him they wanted Video Bingo. Only 1 did, but he received hundreds of phone calls, e-mails and personal visits asking him not to approve it. It is hard to hear about the recovering gambler, and he does not want to be giving money to the food bank who is then feeding the people who have lost their money at Video Bingo.

Bellisario - moved to adopt, second by Falconer. Motion passed with 13 Yeas, 1 Nay (Artigue), no one absent; becomes Ordinance C.S. No. 09-2078.

Binder - 23) Ordinance Cal. No. 4072 - Ordinance to amend and reenact Article V of Chapter 12 of the St. Tammany Parish Code of Ordinances regulating charitable raffles, bingo, keno and pull-tab games. (Introduced 5/7/09)

Stefancik - moved to remove, second by Burkhalter. Unanimous with no one absent.

APPEALS

Hamauei - moved to move-up Appeal #2, second by Marty Gould. Unanimous with no one absent.

Binder - 2) Applicant Leroy Cooper for George and Deborah Hallal appealing the Zoning Commission DENIAL on May 5, 2009 to rezone 2.484 acres north of Hoffman Road, east of Alexander Street and west of State Street. (Ward 4, District 7) (ZC09-05-012)

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.

Hamauei - he met with the petitioner and explained that when they had the comprehensive rezoning, they had extensive discussions about placing more density and drainage problems in this area. They are going to re-advertise and have a new meeting with him, Marty Gould and all of the people from the area that want to attend.

Hall - this appeal is for a specific area, but the meeting they are planning is to discuss the entire rezoning of the area.

Hamauei - moved to postpone for three months until the September meeting, second by Gould. Unanimous with no one absent.

Binder - 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) (Tabled 5/7/09)

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 - represents Mr. Fleming. The original request for rezoning was filed on April 2nd. However, the comprehensive rezoning ordinance for this area was adopted on April 5th. The request was for rezoning the property to C2, but the comprehensive rezoning became effective on April 17th rezoning the property differently. He would like this matter to be rezoned on the basis of the fact that they cannot hold his client to 2 different zoning classifications.

Stefancik - he needs to clarify what classification Mr. Fleming was asking for? He thought he was asking for C2.

Hall - the Zoning Commission should have applied the ordinance in effect at the time Mr. Fleming filed and the denial of the application for C2 was denied according to the old ordinance. The fact that comprehensive rezoning was happening was irrelevant. As he appreciates it, the issue before the Council is the denial by the Zoning Commission to rezoning the property from SA to C2.

Stefancik - he agreed to postpone this for a month in order for Mr. Houston to make his case. They had several discussions over the month, but in this case, all of the surrounding area is A2 (SA under the old ordinance) and C2 is not consistent with the surrounding zoning.

Houston - the Zoning Commission did not address changing the property to C2, they addressed it as a TND.

Stefancik - does not understand how they could have discussed it as a TND when it is only 5 acres.

Sidney Fontenot - the request was for C2. The staff notes said that there was a TND in the area. The Zoning Commission decided that under the old and new laws that C2 Highway Commercial was not appropriate.

Hall - the Commission may have discussed the future zoning of this area, but their decision was based on the application that was presented.

Hall - because the Zoning classifications have changed, Mr. Fleming can submit a new application for a different zoning change.

Stefancik - moved to concur with the Zoning Commission Denial, second by Billiot. Unanimous with no one absent.

Stefancik - moved to adopt a resolution, second by Burkhalter. Unanimous with no one absent; becomes Resolution C.S. No. C-2648.

Binder - 3) Applicant Rachel Miller appealing the Zoning Commission DENIAL on May 5, 2009 of a conditional use permit to use a 1280 square foot mobile home as a second home located south of Dean Road, east of Robert Road. (Ward 8, District 9) (CP09-05-045)

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 a resolution.

Rachel Miller - the Planning Commission determined that she could not put a second residence on her property because it was not big enough. She just wants to replace an old trailer that was already on her property. The property across the street has 2 trailers and she does not think it meets the acreage requirement.

Bellisario - there are very few homes in this area and does not know of ones with several trailers.

Council Discussion ensued.

Bellisario - moved to override the Zoning Commission Denial, second by Burkhalter. Unanimous with no one absent.

Bellisario - moved to adopt a resolution, second by Billiot. Unanimous with no one absent; becomes Resolution C.S. No. C-2649.

Binder - 4) Applicant Brenda G. Holden appealing the Zoning Commission DENIAL on May 5, 2009 of a conditional use permit for a 1792 square foot church located east of 7th Street and east of US Highway 11, being 706 7th Street, Pearl River. (Ward 8, District 9) (CP09-05-048)

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 adoption of a resolution.

Bellisario - he received a letter from the applicant asking that the Appeal be withdrawn.

Bellisario - moved to withdraw appeal, second by Burkhalter. Unanimous with no one absent.

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 & 5/7/09)

Neil Hall - this Ordinance was approved with some technical changes by the Zoning Commission. It needs to be tabled until next month.

Canulette - moved to table, second by Hamauei. Unanimous with 1 absent (Bellisario).

Binder - 2) 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 & 5/7/09)

Stefancik - after speaking with Sidney Fontenot, he would like to amend this from allowing 5 acre lots to allowing only 2 acres lots.

Stefancik - moved to amend, second by Gould. Unanimous with 2 absent (Bellisario and Burkhalter).

Stefancik - moved to reintroduce, second by Gould.

Binder - 3) 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). (Tabled 3/5/09, 4/2/09) (Introduced 5/7/09)

Hamauei - moved to adopt, second by Gould. Unanimous with 1 absent (Burkhalter); becomes Ordinance C.S. No. 09-2060.

Binder - 4) 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 & 5/7/09)

Binder - accept amendments from Dean, Falconer and Gould to be entered into the record.

Gould - moved to amend and reintroduce, second by Canulette. Unanimous with 1 absent (Bellisario).

Binder - 5) 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) (Introduced 5/7/09)

Gould - moved to adopt, second by Thompson. Unanimous with 2 absent (Bellisario, Billiot); becomes Ordinance C.S. No. 09-2061.

Binder - 6) Ord. Cal. No. 4054 - Ordinance establishing a "No Parking" Zone on portions of Laurent Road (1-K-4) (District 1) (Introduced 5/7/09)

Dean - moved to adopt, second by Cooper. Unanimous with 1 absent (Billiot); becomes Ordinance C.S. No. 09-2062.

Binder - 7) Ord. Cal. No. 4055 - Ordinance establishing a "No Parking" Zone on portions of Cleveland Street. (Ward 9, District 12) (Introduced 5/7/09)

Hamauei - moved to adopt, second by Stefancik. Unanimous with 1 absent (Billiot); becomes Ordinance C.S. No. 09-2063.

Binder - 8) 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) (Introduced 5/7/09)

Carolyn Condo - representing the Goodbee Civic Association. They object to this PUD. Since Katrina, this site has been used as a burn site. They would like to see this area reviewed to make sure that there are not any hazardous materials left by the burning. Also, Tantella Ranch road is barely wide enough for 2 cars to pass (distributed photos). The road was recently resurfaced due to damage caused by trucks trying to get to the burn site. They ask that the Council continue to agree to leave this area as A1.

Dean - The density here is A2 and the surrounding area is also A2. He is recommending that the Comprehensive rezoning in this area be A1 and A2.

Hall - this needs to be amended to remove the sentence regarding Phase II. That was created a long time ago and now, there is not a Phase II. This is a minor change, so it can still be adopted.

Dean - moved to amend and adopt, second by Cooper. Unanimous with no one absent; becomes Ordinance C.S. No. 09-2064.

Binder - 9) 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. (Introduced 5/7/09)

Canulette - moved to adopt, second by Hamauei. Unanimous with 2 absent (Bellisario, Binder); becomes Ordinance C.S. No. 09-2065.

Binder - 10) 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. (Introduced 5/7/09)

Thompson - moved to adopt, second by Billiot. Unanimous with 2 absent (Bellisario, Binder); becomes Ordinance C.S. No. 09-2066.

Binder - 11) 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. (Introduced 5/7/09)

Billiot - moved to adopt, second by Burkhalter. Unanimous with 1 absent (Binder); becomes Ordinance C.S. No. 09-2067.

Binder - 12) 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. (Introduced 5/7/09)

Hamauei - moved to adopt, second by Billiot. Unanimous with 1 absent (Binder); becomes Ordinance C.S. No. 09-2068.

Binder - 13) 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. (Introduced 5/7/09)

Artigue - moved to adopt, second by Burkhalter. Unanimous with 1 absent (Binder); becomes Ordinance C.S. No. 09-2069.

Binder - 14) 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. (Introduced 5/7/09)

Bellisario - moved to adopt, second by Burkhalter. Unanimous with 1 absent (Binder); becomes Ordinance C.S. No. 09-2070.

Binder - 15) 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. (Introduced 5/7/09)

Falconer - moved to adopt, second by Bellisario. Unanimous with 1 absent (Binder); becomes Ordinance C.S. No. 09-2071.

Binder - 16) 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) (Introduced 5/7/09)

Bellisario - moved to adopt, second by Artigue. Unanimous with 1 absent (Binder); becomes Ordinance C.S. No. 09-2072.

Binder - 17) 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) (Introduced 5/7/09)

Dean - moved to adopt, second by Falconer. Unanimous with 1 absent (Binder); becomes Ordinance C.S. No. 09-2073.

Binder - 18) 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. (Introduced 5/7/09)

Cooper - moved to adopt, second by Billiot. Unanimous with 1 absent (Binder); becomes Ordinance C.S. No. 09-2074.

Binder - 19) Ord. Cal. No. 4068 - 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) (Introduced 5/7/09)

Burkhalter - moved to adopt, second by Artigue. Unanimous with 1 absent (Binder); becomes Ordinance C.S. No. 09-2075.

Binder - 20) Ord. Cal. No. 4069 - 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. (Introduced 5/7/09)

Artigue - moved to adopt, second by Bellisario. Unanimous with 1 absent (Binder); becomes Ordinance C.S. No. 09-2076.

Binder - 21) Ord. Cal. No. 4070 - Ordinance amending Parish Code of Ordinances, Article II, Watercraft 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 - moved to adopt, second by Bellisario. Unanimous with 1 absent (Binder); becomes Ordinance C.S. No. 09-2077.

AWARD OF BIDS

<u>BID ITEM</u>	<u>BID NUMBER</u>	<u>FUND</u>
Parish Official Journal July 1, 2009 - June 30, 2010	502-03-09-17-2	

Leslie Long - bids were opened on May 18, 2009 and there was only one bid received.

Burkhalter - Does the Farmer have a website?

Mike Sevante - They use the Louisiana Press website, but it is hard to find, and they usually do not post items until after the Public Notice deadline.

Burkhalter - is there a reason that we cannot make part of the bid a requirement that the official journal has a website?

Sevante - most of the bid requirements come from the State, but local jurisdictions can add to it. However, one of the reasons that other papers do not bid is because of their cost of circulation is higher, so their bid is higher. The Farmer's cost of circulation is lower, so they are always the lowest bid.

Gould - that makes it upside down because the reason we publish the notices and agendas is to get information out to the public, we need to review the process.

We also need to consider the possibility of posting public notices on our website. Not to replace the official journal, just as another source of information.

Dean - posting on our website would help in the situations when the yellow signs fall down, etc. The Farmer is only \$20 per year and it is mailed to the clients. It has always bid lower. Other papers make their livings off of ads, but if constituents want to be notified, they can get a subscription to the Farmer. Thinks the bid process is working.

Gould - with all due respect, he disagrees. Before he became involved with the Council, he had never even heard of the Farmer.

Binder - thinks the Council needs to make having a website a requirement of the bid. It can't cost that much and they can raise their subscription cost to \$22 per year.

Sevante - the Farmer does distribute throughout the Parish, but a constituent would have to look for it.

Stefancik - moved to accept the bid for Parish Official Journal, second by Burkhalter. Motion passes with 13 yeas, 1 abstention (Bellisario), no one absent.

APPOINTMENTS

Binder - 1) Resolution to re-appoint Danny Schaus and Chad Collings to St. Tammany Parish Development District. (Binder)

Stefancik - moved to adopt, second by Burkhalter. Unanimous with no one absent; becomes Resolution C.S. No. C-2650.

Binder - 2) Resolution to re-appoint Dr. Kumar Amaraneni to St. Tammany Hospital Services District No. 2 Permanent Nominating Committee (Slidell Memorial Hospital). (Bellisario)

Stefancik - moved to adopt, second by Bellisario. Unanimous with no one absent; becomes Resolution C.S. No. C-2651.

Binder - 3) Resolution to appoint Thomas J. Miller to replace R.A. Legendre (resigned) to St. Tammany Parish Water District No. 3. (Falconer)

Falconer - moved to adopt, second by Thompson. Unanimous with 1 absent; becomes Resolution C.S. No. C-2652.

Binder - 4) Resolution to reappoint Melanie Watkins, Ysonde Bolande, Kathy Haywood, Tom Jarlock, Julie S. Eudy, Beth Heinz and Leo Casnave to the 22nd Judicial District Children and Youth Planning Board. (Binder)

Stefancik - moved to adopt, second by Bellisario. Unanimous with no one absent; becomes Resolution C.S. No. C-2653.

OFF-THE-FLOOR

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

Binder - 3) Ordinance to amend and reenact Parish Code of Ordinances, Chapter 14 Nuisances, Article I in General, Section 14-002.00 Illustrative Enumeration, to prohibit unfenced agricultural and decorative ponds, oxidation ponds, and pits that may hold rainwater, which are located on residential lots less than one hundred and fifty feet in width. (Hamauei)

Hamauei - moved to introduce, second by Bellisario; becomes Ordinance Cal. No. 4091.

Binder - 4) Ordinance to close a portion of K West Street for an indefinite period of time, located in Tammany Hills Subdivision. (Ward 3, District 5) (Gould)

Falconer - moved to introduce, second by Binder; becomes Ordinance Cal. No. 4092.

Binder - 5) Resolution to amend Ordinance C.S. No. 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Thompson)

Thompson - moved to adopt, second by Copper. Unanimous with 1 absent (Artigue); becomes Resolution C.S. C-2655.

VERBAL OFF-THE-FLOOR

Hamauei - Resolution requesting the Parish legislative delegation support House Bill 833 relative to the organization of the Coastal Protection & Restoration Authority (CPRA) and creation of its implementation arm, the Office of Coastal Protection and Restoration (OCPR), within the office of the governor.

Sevante - this bill was passed in the House today and is to combine all of the Coastal Protection agencies under the Office of the Governor.

Hamauei - moved to hear the matter verbally off-the-floor, second by Bellisario. Unanimous with 1 absent (Billiot).

Hamauei - moved to adopt, second by Bellisario. Unanimous with 1 absent (Billiot); becomes Resolution C.S. No. C-2656.

Hamauei - Ordinance amending the official zoning map of St. Tammany Parish to reclassify a land located generally south of LA. Highway 36, and east of the St. Tammany Airport and which property comprises a total of 261 acres from its present A-4 (Single Family-UDC) to I-1 (Industrial). (Ward 4, District 7).

Hamauei - moved to hear the matter verbally off-the-floor, second by Stefancik. Unanimous with 1 absent (Burkhalter).

Hamauei - moved to introduce, second by Thompson; becomes Ord. Cal. No. 4093.

Stefancik - Resolution supporting the LaCPR Plan and Specific Plan Alternative.

Stefancik - This is the Corps of Engineers announcing their plans to provide surge protection to the residents of St Tammany Parish. The Corps is having a meeting on June 16th to discuss the different alternatives.

Stefancik - moved to hear the matter verbally off-the-floor, second by Burkhalter. Unanimous with no one absent.

Stefancik - moved to adopt, second by Burkhalter. Unanimous with no one absent; becomes Resolution C.S. No. C-2657.

EXECUTIVE SESSION

Binder - Lawsuit entitled: Aymond Development, L.L.C. v. St. Tammany Parish, 22nd JDC Case No. 2007-13118 "E"

Stefancik - moved to adopt resolution accepting Counsel's recommendation, second by Bellisario. Unanimous with no one absent; becomes Resolution C.S. No. C-2654.

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



JERRY BINDER, COUNCIL CHAIRMAN



THERESA L. FORD, COUNCIL CLERK