

MINUTES OF ST. TAMMANY PARISH COUNCIL MEETING - NOVEMBER 5, 2009

MINUTES OF THE ST. TAMMANY PARISH COUNCIL MEETING
ON THURSDAY, NOVEMBER 5, 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 ABSENT
E. L. Gene Bellisario
Henry Billiot
Steve Stefancik
Richard Artigue
Ken Burkhalter

PRESENTATION

Binder - 1) Presentation of Certificate in Memoriam to the family of Mrs. Norma Lee Gleghorn Gavin. (Bellisario)

Bellisario, Stefancik, Falconer and Kevin Davis presented certificate to Lou Gavin.

Lou Gavin - appreciates this certificate, Norma was on the Board of Directors for Lakeview and Lallie Kemp Hospitals and a member of the League of Women Voters. He knows that she is in Heaven letting everyone know that there is a new sheriff in town creating new committees and bylaws.

PUBLIC HEARING
2010 PARISH OPERATING/CAPITAL BUDGETS

Binder - 1) Ord. Cal. No. 4163- Ordinance adopting the 2010 Parish Operating Budget. (Introduced 10/1/09)

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

Binder - 2) Ord. Cal. No. 4164- Ordinance to establish the 2010-2014 Capital Improvement Budget and Program, and further identify Fixed Asset and Grant Awards. (Introduced 10/1/09)

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

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

Ord. Cal. No. 4150	Ord. Cal. No. 4179
Ord. Cal. No. 4171	Ord. Cal. No. 4180
Ord. Cal. No. 4173	Ord. Cal. No. 4181
Ord. Cal. No. 4174	Ord. Cal. No. 4182
Ord. Cal. No. 4175	Ord. Cal. No. 4197
Ord. Cal. No. 4176	Resolution C.S. No. C-2728
Ord. Cal. No. 4177	Resolution C.S. No. C-2733
Ord. Cal. No. 4178	Resolution C.S. No. C-2734
	Resolution C.S. No. C-2736

Consent Calendar less items pulled:

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	October 1, 2009
Council Committee Meeting	October 28, 2009

ORDINANCES FOR INTRODUCTION
(Public Hearing December 3, 2009)

2) Ord. Cal. No. 4170 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Sections 5.01 E-1 Estate District, 5.02 E-2 Estate District, 5.03 E-3 Estate District, 5.04 E-4 Estate District, 5.05 A-1 Suburban District, 5.06 A-1-A Suburban District, 5.07 A-2 Suburban District, 5.08 A-3 Suburban District to add the use of day care home as an Administrative Permit. (ZC09-09-029) (Zoning Commission Approved 10/6/2009) (Binder/Davis)

4) Ord. Cal. No. 4172 - Ordinance establishing a "No Parking Zone" on Pawns Lane. (8-I-66) (Ward 8, District 9) (Bellisario)

12) Ord. Cal. No. 4180- Ordinance amending Appendix C of the Parish Code of Ordinances, Land Use Regulations Ordinance No. 523 as amended, Section 4 - Off-Street Parking and Loading Regulations and Parish Unified Development Code, Volume I (Zoning), Section 7.07 Off-Street Parking and Loading Regulations.(ZC09-06-015) (Zoning Commission Approved 6/2/2009) (Binder/Davis)

15) Ord. Cal. No. 4183 -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) (Burkhalter)

16) Ord. Cal. No. 4184 - Ordinance to amend and reenact Section 20-011.01 of the Parish Code of Ordinances to provide additional requirements for the opening and/or extension of Emerald Forest Boulevard. (Ward 3 District 5) (Gould)

17) Ord. Cal. No. 4185 - Ordinance to authorize the execution of an agreement pursuant to L.A.R.S. 33:4791.1 between Parish Government and Acadian Ambulance Service, Inc. for the provision of emergency and non-emergency ambulance services within specific service areas of St. Tammany Parish. (Canulette)

18) Ord. Cal. No. 4186 - Ordinance to authorize Parish President to acquire certain movable and immovable assets from Southeastern Louisiana Water and Sewer Company, LLC. (SELA). (Binder/Davis)

19) Ord. Cal. No. 4187 - Ordinance to authorize the Parish President to employ certain individuals to operate the parish sewer and water services. (Binder/Davis)

20) Ord. Cal. No. 4188 - Ordinance to accept the highest bid and authorize sale of surplus property to Russell A. Traina, for Slip 89 of Marina Chamale' Condominiums. (Binder/Davis)

21) Ord. Cal. No. 4189 - Ordinance to accept the highest bid and authorize sale of surplus property to Thomas Laizer, III for Lot 51, Square 233-A, Mandeville. (Binder/Davis)

22) Ord. Cal. No. 4190 - Ordinance to revoke a portion of Airport Road Right-of-Way located at the intersection of LA. Highway 25, Covington. (Ward 3, District 2) (Binder/Davis)

23) Ord. Cal. No. 4191 - Ordinance to correct the Road and Drainage Inventory to include Frank Blackwell Road Lateral; Doubloon Bayou Lateral; and Marigold Drive Lateral. (Wards 1, 6 & 8, Districts 1, 6 & 13) (Binder/Davis)

24) Ord. Cal. No. 4192 - Ordinance to rename Curley Road (R06H054) as Harry Kerlec Road. (Ward 6, District 6) (Binder/Davis)

25) Ord. Cal. No. 4193 - Amended and restated General Bond Ordinance authorizing the issuance from time to time of Parish Utilities Revenue Bonds; 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/Davis)

26) Ord. Cal. No. 4194 - Amended and restated First Supplemental Bond Ordinance authorizing the issuance of not exceeding \$1,000,000 of Parish Utilities Revenue Bonds, Series 2009A, in accordance with the terms of a General Bond Ordinance adopted on _____, 2009; prescribing the form, and certain terms and conditions of said bonds; and providing for other matters in connection therewith. (Binder/Davis)

27) Ord. Cal. No. 4195 - Second Supplemental Bond Ordinance authorizing the issuance of _____ of Parish Utilities Revenue Bonds, Series 2009B, in accordance with the terms of a General Bond Ordinance adopted on _____, 2009; prescribing the form, and certain terms and conditions of said bonds; and providing for other matters in connection therewith. (Binder/Davis)

28) Ord. Cal. No. 4196 - 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. (Binder/Davis)

RESOLUTIONS

30) Resolution C.S. No. C-2727 - Resolution requesting the Parish Library Board of Control purchase property and construct new library facilities within the Town of Abita Springs as part of its Long Range Capital Program. (Hamauei)

32) Resolution C.S. No. C-2729 - Resolution stating Parish Council's Endorsement of Slidell Dental Associates, LLC, for participation in the benefits of the Louisiana Enterprise Zone Program. (EZ#2009-1024) (Binder/Davis)

33) Resolution C.S. No. C-2730 - Resolution to amend Ordinance C.S. No. 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

34) Resolution C.S. No. C-2731 - Resolution supporting and authorizing the Parish Chief Administrative Officer to formally request that LA DOTD, Division of Aviation provide funds to complete the airport improvements at St. Tammany Regional Airport, as specifically described in the Capital Improvement Program Application for State Financial Assistance dated October 29, 2009. (Binder/Davis)

35) Resolution C.S. No. C-2732 - Resolution naming Laporte, Sehrt, Romig & Hand as the Parish audit firm for the fiscal year 2009 (Binder/Davis).

38) Resolution C.S. No. C-2735 - Resolution authorizing the Parish President to submit the Hurricanes Gustav and Ike Community Development Block Grant Application Proposal Form. (Binder/Davis)

40) Resolution C.S. No. C-2737 - Resolution establishing Warranty Items. (Binder/Davis)

PERFORMANCE

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
River Highlands S/D, Phase 1 Amount: \$21,300 Expires: June 8, 2009 Ward: 3, District: 1	EXTEND FOR SIX (6) MONTHS OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED

WARRANTY

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Country Lane Patio Homes S/D, Phase 1 Amount: \$21,100 Expires: December 27, 2009 Ward:8, District: 13	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED

41) Resolution C.S. No. C-2738 - Resolution certifying that St. Tammany Parish shall comply with all requirements of the State of Louisiana Off-system Bridge Replacement Program. (Binder/Davis)

42) Resolution C.S. No. C-2739 - Resolution establishing load limits on bridges within the Off-system Bridge Replacement Program for St. Tammany Parish. (Binder/Davis)

END OF CONSENT CALENDAR

Gould - moved to adopt consent calendar less items removed, second by Thompson. Unanimous with 1 absent (Canulette).

Binder - 1) Ord. Cal. No. 4150 - Ordinance to rename Pugh Road as Joseph Pugh Road. (Ward 4, District 7) (Binder/Davis) (Tabled 10/1/09)

Hamauei - moved to remove from agenda per recommendation of Public Works and 911 Addressing, second by Bellisario. Unanimous with 1 absent (Canulette).

Binder - 3) Ord. Cal. No. 4171 - 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. (Dean)

Dean - moved to introduce and refer to the Zoning Commission, second by Burkhalter.

Binder - 5) Ord. Cal. No. 4173 - Ordinance amending the official zoning map of the 2009 South West Comprehensive Rezoning Area (CRA-2) of St. Tammany Parish to reclassify Lots 1, 2, 3 and 4 of Section D, Square 20, Alexiusville Subdivision, from its present NC-1 (Professional Office) to NC-5 (Retail and Service). (Ward 3, District 5) (Gould)

Gould - moved to introduce and refer to the Zoning Commission, second by Thompson.

Binder - 6) Ord. Cal. No. 4174 - Ordinance amending the official zoning map of the 2009 South West Comprehensive Rezoning Area (CRA-2) of St. Tammany Parish to reclassify Lots 1, 2, 3 and 4 of Section A, and Lots 1, 2, 3 and 4 of Section B, now designated as Lot 1-A in Square 20, Alexiusville Subdivision, from its present NC-1 (Professional Office) to NC-5 (Retail and Service). (Ward 3, District 5) (Gould)

Gould - moved to introduce and refer to the Zoning Commission, second by Thompson.

Binder - 7) Ord. Cal. No. 4175 - Ordinance amending the official zoning map of the 2009 South West Comprehensive Rezoning Area (CRA-2) of St. Tammany Parish to reclassify Lots 1, 2, 3 and 4 of Section C, Square 20, Alexiusville Subdivision, from its present NC-1 (Professional Office) to NC-5 (Retail and Service).(Ward 3, District 5) (Gould)

Gould - moved to introduce and refer to the Zoning Commission, second by Crawford-Howell.

Binder - 8) Ord. Cal. No. 4176 - Ordinance amending the official zoning map of the 2009 South West Comprehensive Rezoning Area (CRA-2) of St. Tammany Parish to reclassify 1.145 acres located at 136 Fairview Drive from Single-family Residential (A-4) to Indoor Retail and Service (NC-2). (Ward 4, District 4) (Falconer)

Falconer - moved to introduce and refer to the Zoning Commission, second by Thompson.

Binder - 9) Ord. Cal. No. 4177 - Ordinance amending the official zoning map of the 2009 South West Comprehensive Rezoning Area (CRA-2) of St. Tammany Parish to reclassify Parkview Plaza Phase 1 and 2 located in Section 54, Township 7 South, Range 11 East from Multiple-family Residential (A-6) to Highway Commercial (HC-2). (Ward 4, District 4) (Falconer).

Falconer - moved to introduce and refer to the Zoning Commission, second by Thompson.

Binder - 10) Ord. Cal. No. 4178 - Ordinance amending Parish Unified Development Code, Volume I, Section 6.0202 - General Standards and Criteria of the Manufactured Housing Overlay Regulations. (Crawford-Howell)

Crawford-Howell - moved to introduce and refer to the Zoning Commission, second by Gould.

Binder - 11) Ord. Cal. No. 4179 - Ordinance amending the Parish Unified Development Code, Volume I, Sections governing TND-1 AND TND-2 (Traditional Neighborhood Development Zoning), specifically Sections 5.3503, 5.3503A, 5.3523 and 5.3523A. (Hamauei)

Hamauei - moved to introduce and refer to the Zoning Commission, second by Burkhalter.

Binder - 13) Ord. Cal. No. 4181- Ordinance amending zoning in the 2009 South East Comprehensive Rezoning Area (CRA-3) to reclassify Lot 6, Square 14 in Pearl Acres Subdivision from its Present Suburban(A-3) to Professional Office (NC-1) (Ward 8, District 8) (Canulette)

Bellisario - moved to introduce and refer to the Zoning Commission, second by Burkhalter.

Binder - 14) Ord. Cal. No. 4182 - Ordinance amending zoning in the 2009 South East Comprehensive Rezoning Area Three (CRA-3) to reclassify Square 2: Lots 7-11, Square 3: Lots 1-12, Square 6: Lots 1, 2, and 9-13, and containing 24 acres in Pearl Acres Subdivision from Suburban District (A-3) to Animal Training / Housing (AT-1). (Ward 8, District 8)(Canulette)

Burkhalter - moved to introduce and refer to the Zoning Commission, second by Bellisario.

Binder - 29) Ord. Cal. No. 4197 - Ordinance amending zoning in the South Central Comprehensive Rezoning Area (CRA-1) to reclassify certain areas as Manufactured Housing Overlay (MHO). (Ward 8, District 14)

Burkhalter - moved to introduce and refer to the Zoning Commission, second by Artigue.

Binder - 31) Resolution C.S. No. C-2728 - Resolution giving preliminary approval to the issuance of not to exceed forty five million dollars (\$45,000,000) of Parish Utilities Revenue Bonds; providing certain terms of said revenue bonds, making application to the State Bond Commission for the approval of said revenue bonds, and providing for other matters. (Binder/Davis)

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

Binder - 6) Resolution C.S. No. C-2733 - Resolution to concur/not concur with the City of Slidell annexation and rezoning of 10.5324 acres from Parish C-2 Highway Commercial to City of Slidell C-4 Highway Commercial located on Lots 14A and 15A Lake Gardens Subdivision. (SL2009-01) (Ward 9, District 13) (Binder/Davis)

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

Binder - 37) Resolution C.S. No. C-2734 - Resolution to concur/not concur with the Town of Pearl River Annexation and rezoning of 1.94 acres from Parish A-2 (UDC) Suburban to Town of Pearl River R-1-A Single Family Restricted located in the North West Quarter of the South East Quadrant, of Section 11, Township 8 South, Range 14 East. (PR2009-02) (Ward 8, District 6) (Binder/Davis)

Crawford-Howell - moved to concur, second by Thompson. Unanimous with 1 absent (Canulette).

Binder - 39) Resolution C.S. No. C-2736 - Resolution naming Inside Northside an official bicentennial partner providing a publication for the 2010 Bicentennial Celebration of St. Tammany.

(Binder/Davis)

Kevin Davis - next year, 2010, will be the bicentennial for St. Tammany Parish. The Parish has been working with Inside Northside to create a publication which will document the history of the Parish from 1810-2010.

Artigue - moved to adopt, second by Hamauei. Unanimous with 1 absent (Canulatte).

APPEALS

1) Applicant Jeffrey LaPorte appealing the Zoning Commission DENIAL on October 6, 2009 to rezone 28,800 sq. ft. north of 9th Avenue, east of Falconer Drive, West of K West Street. (Ward 3, District 5) (ZC09-10-031)

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.

Janet Naquin - she is in opposition of rezoning in this area and feels that it is currently zoned appropriately.

Gould - he promised the residents that this area would remain residential.

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

Gould - moved to adopt a resolution, second by Thompson. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2740.

2) Applicant Joy Burnett appealing the Zoning Commission DENIAL on October 6, 2009 of a conditional use permit for a 1,748 square foot Commercial Dog Kennel north of Eagle Road, west of South Fitzmorris Road, address 102 Eagle Road, Covington. (Ward 3, District 2) (CP09-10-080)

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.

Joy Burnett - she no longer wants the commercial rezoning. She was led to believe that she needed a Conditional Use Permit in order to have her land rezoned commercial. She no longer wants the land to be rezoned commercial. She just wants to be able to keep at least four of the remaining dogs on her property. These dogs are owned by her and not adoptable. She is also asking for more time to move all of the other dogs out of the Parish.

John Miranda - he has lived on Eagle Road since 1983. They received a certified letter notifying them of this appeal. They do not want a commercial dog kennel in their area, but they do not want to deny Ms. Burnett her rights to keep her animals. The original deed to his house states that no animals were allowed to create a nuisance in the neighborhood. Three other commercial licenses have been denied in this area previously.

Bill Davis - his property abuts Ms. Burnett's. She has 23 animals and says that 9 of them are her personal pets. There is a lot of barking. If it is true that she is not trying to open a commercial kennel, then he is not against her keeping some of the dogs as pets. However, the current number that she has is outrageous.

Lloyd Garranginer - his property also abuts Ms. Burnett's. He appreciates her interest in maintaining some of the animals, but he is against her keeping all of the ones that are there. He asks that the council maintain the peace and harmony of the neighborhood by limiting the number of

animals she is allowed to keep.

Unidentified woman - wants to speak on behalf of Ms. Burnett. Ms. Burnett rescued most of these dogs after Hurricane Katrina. Ms. Burnett has had a lot of dogs for a while and has been making her best attempt to bring down the number that she keeps. Ms. Burnett just wants to keep 9 of the current dogs.

Cooper - Ms. Burnett - how many dogs do you have right now?

Burnett - 23.

Cooper - how much time do you need to move them? Did you know about the deed restrictions?

Burnett - she checked her deed through the Clerk of Court and it does not say anything about animals.

Cooper - there is an ad on the internet that states you will pet sit animals, including reptiles, in your home.

Burnett - that was her daughter who actually wants to pet sit in other people's homes.

Cooper - he wants to grant her 45 days to move all of the animals except for 5. He also wants to prohibit her from selling or buying any animals.

Stefancik - he can understand denying the appeal tonight, but can the Council restrict the number of animals she keeps?

Davis - there is an Ordinance that states that she can have 6 animals.

Sidney Fontenot - it states that on five acres or more, 6 animals are allowed.

Neil Hall - that is correct. She can keep 6 animals. If the Council concurs with the denial, then she is automatically limited to 6 animals. He is not sure if the Council can grant her 45 days to correct the situation.

Davis - the normal process would be to send out Code Enforcement, who would give her 10 days to correct the problem before they would cite them. Then she would have 30 days to correct it before she would have to appear in court. He thinks they can work with her to give her time to remove the animals.

Cooper - moved to concur with the denial, second by Thompson. Unanimous with 1 absent (Canulette).

Cooper - moved to adopt a resolution, second by Stefancik. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2741.

ORDINANCES FOR ADOPTION

Binder - 1) Ord. Cal. No. 4111 - Ordinance amending the official zoning map of the St. Tammany 2009 South Central Comprehensive Rezoning Area One (CRA-1) to reclassify land located in Section 14, Township 7 South, Range 12 East containing 100 acres from A-4 (Single-family Residential) to TND-1 (Traditional Neighborhood Development). (Ward 6, District 7) (Hamauei) (ZC09-07-017) (Introduced 9/3/09) (Tabled 10/1/09) (Zoning Commission tabled indefinitely 10/6/09)

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

Binder - 2) Ord. Cal. No. 4125 - Ordinance to concur/not concur with the de-annexation ordinance of the City of Slidell, describing the area to be annexed into unincorporated St. Tammany and the new boundaries thereof, and also classifying the annexed property as A-4 (Single Family Residential) (STP 2009-01) (Ward 8, District 9) (Introduced 8/6/09) (Tabled 9/3/09 & 10/1/09)

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

Binder - 3) Ord. Cal. No. 4126 - Ordinance to concur/not concur with the de-annexation ordinance of the City of Slidell describing the area to be annexed into unincorporated St. Tammany and the new boundaries thereof, and also classifying the annexed property as A-4 (Single Family Residential). (STP 2009-02) (Ward 9, District 12) (Introduced 8/6/09)(Tabled 9/3/09 & 10/1/09)

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

Binder - 4) Ord. Cal. No. 4133 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire all parcels and/or Rights-of-way on Pugh Road. (District 7) (Introduced 9/3/09) (Tabled 10/1/09)

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

Binder - 5) Ord. Cal. No. 4134 - Ordinance authorizing the Parish to accept the dedication of the streets and roadways situated within the Highlands Subdivision and identified as Highlands Crest Drive, Tartan Trace, Piper Place, Heather Hollow, White Oak Court and Terrace Trace. (Ward 2, District 2) (Introduced 9/3/09) (Tabled 10/1/09)

Cooper - Mr. Hall can you clarify that the Highlands Homeowners Association has all of the information needed to proceed with this?

Hall - there are a total of 126 lots in this subdivision and the Parish has received written approval from 70 lot owners which is 55% of the Homeowners and that is all that is needed.

Cooper - he wants the Highlands Subdivision residents to know that he has a lot of roads in his district, and he is not promising to fix the roads right away. It will depend on how much money he has and how many other roads entered the system before this subdivision.

Cooper - moved to adopt, second by Artigue. Unanimous with 2 absent (Dean, Canulette); becomes Ordinance C.S. No. 09-2147.

Binder - 6) Ord. Cal. No. 4145 - Ordinance to amend Parish Unified Development Code, Volume I (Zoning) Section 7.01 Landscape and Tree Preservation Regulations. (ZC09-08-021) (Zoning Commission approved 9/1/09) (Binder/Davis)

Burkhalter - moved to adopt, second by Crawford-Howell. Unanimous with 2 absent (Cooper, Canulette); becomes Ordinance C.S. No. 09-2148.

Binder - 7) Ord. Cal. No. 4146 - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning) to add a new zoning classification: Section 6.06 RO - Rural Overlay. (ZC09-08-025) (Zoning Commission approved 9/1/09) (Introduced 10/1/09)

Crawford-Howell - moved to adopt, second by Hamauei. Unanimous with 2 absent (Cooper, Canulette); becomes Ordinance C.S. No. 09-2149.

Binder - 8) Ord. Cal. No. 4147 - Ordinance amending the official zoning map of the 2009 South Central Comprehensive Rezoning Area 1 (CRA-1) of St. Tammany Parish to reclassify land located on the northeast corner of LA Highway 434 & Berry Todd Road, south of I-12 containing 10 acres from A-2 (Suburban) to a PF-1 (Public Facilities). (Ward 7, District 7) (ZC09-09-027) (Zoning Commission approved 9/1/09) (Introduced 10/1/09)

Hamauei - moved to adopt, second by Burkhalter. Unanimous with 2 absent (Cooper, Canulette); becomes Ordinance C.S. No. 09-2150.

Binder - 9) Ord. Cal. No. 4148AA - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning), Sections 5.20 HC-1 Highway Commercial District, 5.21 HC-2 Highway Commercial District, 5.22 HC-3 Highway Commercial District, 5.23 HC-4 Highway Commercial District, 5.23a HC-5 Highway Commercial District, 5.24 I-1 Industrial District, 5.25 I-2 Industrial District, 5.26 I-3 Heavy Industrial District, 5.26a I-4 Heavy Industrial District, 5.3 PF-1 Public

Facilities, 5.30a PF-2 Public Facilities, 5.30b PF-3 Public Facilities to add the uses of snowball stands, Christmas tree sales, fireworks sales, seasonal seafood sales, seasonal produce sales as an administrative permit. (ZC09-09-028) (Zoning Commission approved 9/1/09) (Introduced 10/1/09) Hamauei - moved to adopt, second by Burkhalter. Unanimous with 3 absent (Gould, Cooper, Canulette); becomes Ordinance C.S. No. 09-2151.

Binder - 10) Ord. Cal. No. 4149 - Ordinance to correct the Road and Drainage Inventory to delete Ted Willems Road. (Ward 10, District 2) (Introduced 10/1/09)

Cooper - moved to adopt, second by Dean. Unanimous with 2 absent (Gould, Canulette); becomes Ordinance C.S. No. 09-2152.

Binder - 11) Ord. Cal. No. 4151 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories specifically Versailles, Phase 5b2; Guste Island Estates, Parcel C, Phase 1 "The Pines"; and Guste Island Estates, Parcel E, "The Forest" Subdivisions. (Ward 1, District 1) (Introduced 10/1/09)

Dean - moved to adopt, second by Cooper. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2153.

Binder - 12) Ord. Cal. No. 4152 - Ordinance to authorize the Parish Council to declare Lot 51, Square 233-a Rural Mandeville, as surplus property and authorize the sale of said lot. (Introduced 10/1/09)

Billiot - moved to adopt, second by Burkhalter. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2154.

Binder - 13) Ord. Cal. No. 4153 - Ordinance to authorize the Parish Council to declare Slip 89 of Marina Chamale' Condominiums, as surplus property and authorize the sale of said parcel. (Introduced 10/1/09)

Burkhalter - moved to adopt, second by Falconer. Unanimous with 2 absent (Crawford-Howell, Canulette); becomes Ordinance C.S. No. 09-2155.

Binder - 14) Ord. Cal. No. 4154 - 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 10/1/09)

Hamauei - moved to adopt, second by Bellisario. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2156.

Binder - 15) Ord. Cal. No. 4155 - 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 Parish abutting, in whole or in part, a portion of East I-10 Service Road, Slidell. (Ward 8, District 8) (Introduced 10/1/09)

Bellisario - moved to adopt, second by Burkhalter. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2157.

Binder - 16) Ord. Cal. No. 4156 - 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 in District 14. (Ward 9, District 14) (Introduced 10/1/09)

Burkhalter - moved to adopt, second by Artigue. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2158.

Binder - 17) Ord. Cal. No. 4157 - 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 10/1/09)

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

Binder - 18) Ord. Cal. No. 4158 - 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 10/1/09)

Hamauei - moved to adopt, second by Burkhalter. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2159.

Binder - 19) Ord. Cal. No. 4159 - Ordinance to extend for an additional six (6) months the moratorium on the submission of applications to rezone property located 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 10/1/09)

Dean - moved to remove from the agenda, second by Falconer. Unanimous with 1 absent (Canulette).

Binder - 20) Ord. Cal. No. 4160 - Ordinance to extend for an additional six (6) months the 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 10/1/09)

Crawford-Howell - moved to adopt, second by Gould. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2160.

Binder - 21) Ord. Cal. No. 4161 - Ordinance to consolidate St. Tammany Parish Fire Protection District No. 9 and St. Tammany Parish Fire Protection District No. 10. to reestablish Fire Protection District No. 9 after enlarging and fixing the boundaries of Fire Protection District No. 9 to include therein and therewith all of the territory situated within the existing boundaries of Fire Protection District No. 10, which includes the Village of Sun. (Ward 5, Districts 2 and 6) (Introduced 10/1/09)

Crawford-Howell - moved to adopt, second by Cooper. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2161.

Binder - 22) Ord. Cal. No. 4162 - Ordinance revoking the unaccepted dedication of a strip of property for an unnamed street that has not been constructed and is not needed for public purposes. (Ward 1, District 1) (Introduced 10/1/09)

Dean - moved to adopt, second by Hamauei. Motion passed with 1 nay (Gould) and 2 absent (Canulette, Burkhalter); becomes Ordinance C.S. No. 09-2162.

Binder - 23) Ord. Cal. No. 4165 - Ordinance to amend the Parish Code of Ordinances, Chapter 4 Animals, Fowl and Reptiles, Article V Animal Control, Section 4-125.00 Public Nuisance, and Ordinance C.S. No. 09-2000, adopted February 5, 2009, to prohibit roadside and parking lot sales of animals throughout the unincorporated areas of St. Tammany Parish. (Introduced 10/1/09)

Dean - moved to adopt, second by Bellisario. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. No. 09-2163.

Binder - 24) Ord. Cal. No. 4166 - Ordinance amending the official zoning map of the 2009 South Central Comprehensive Rezoning Area One (CRA-1) of St. Tammany Parish to reclassify land north and south of East Main Street and Clesi Avenue, east of Transmitter Road from A-3 (Suburban) to A-3 and Mobile Home Overlay (MHO). (Ward 6, District 11) (Introduced 10/1/09)

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

25) Ord. Cal. No. 4167 - Ordinance amending the official zoning map of the 2009 South West

Comprehensive Rezoning Area (CRA-2) (CRA-2) of St. Tammany Parish to reclassify land in the southern corner of Keys Road and Hwy 21 from Professional Office (NC1) and Neighborhood Institutional (NC4) to Medical Residential (MD1). (Ward 1, District 1) (Introduced 10/1/09)

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

Binder - 26) Ord. Cal. No. 4168 - Ordinance amending the official zoning map of the 2009 South West Comprehensive Rezoning Area (CRA-2) (CRA-2) of St. Tammany Parish to reclassify land at the corner of Joiner Wymer Road and Hwy 1077 from Suburban (A-3) to Single Family Residential (A4). (Ward 1, District 1) (Introduced 10/1/09)

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

Binder - 27) Ord. Cal. No. 4169 - Ordinance to amend the Parish Code of Ordinances, Chapter 21, Article II, Division 7, to provide for the abolishment of St. Tammany Parish Sewerage District No. 6 and for all other matters in connection therewith. (Introduced 10/1/09)

Thompson - moved to adopt, second by Dean. Unanimous with 1 absent (Canulette); becomes Ordinance C.S. 09-2164.

APPOINTMENTS

Binder - 1) Resolution to appoint Jeff Hages to replace Mike Moore (resigned) to St. Tammany Parish Water Board District No. 3. (Falconer)

Falconer - moved to adopt, second by Thompson. Unanimous with 1 absent (Canulette); becomes Resolution C.S. C-2742.

Binder - 2) Resolution to appoint Harvey Hayden and James Scott Leblanc to redistricted St. Tammany Parish Fire Protection District No. 9. (Crawford-Howell)

Sevante - due to the merger of Fire Protection Districts 9 and 10, the appointments have changed. James Scott Leblanc will be appointed by Kevin Davis and Harvey Hayden will be appointed by Ms. Crawford-Howell. The Village of Sun will appoint two (2) members and then the four (4) board members will nominate a fifth member.

Crawford-Howell - moved to adopt, second by Cooper. Unanimous with 2 absent (Canulette, Billiot); becomes Resolution C.S. No. C-2743.

Binder - 3) Resolution to appoint Rosalie Boudreaux to replace Marc Guillory (resigned) to St. Tammany Parish Fire Protection District No. 2. (Dean)

Dean - moved to adopt, second by Thompson. Unanimous with 1 absent (Canulette).

Falconer - moved to open the Off-the-Floor Agenda, second by Crawford-Howell. Unanimous with 1 absent (Canulette).

OFF-THE-FLOOR

Binder - 1) Resolution to amend Ordinance C.S. 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Assets and Grant Awards. (Thompson)

Thompson - moved to adopt, second by Gould. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2745.

Binder - 2) Resolution remanding and referring to the Zoning Commission for consideration of the Comprehensive Rezoning Designation for those properties identified on the South West Area Zoning Map within the area commonly referred to as the Covington Country Club and being designated, in part, as CB-1 Community Based Facilities District. (Ward 4, District 4) (Falconer)

Falconer - on August 28, 2009 a resubdivision was approved that created 8 smaller lots in this subdivision. Neither the Zoning Commission nor the Council were aware of this resubdivision at

the time the Comprehensive Rezoning for this area was adopted.

Falconer - moved to adopt, second by Gould. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2746.

Binder - 4) Resolution approving the holding of a special emergency election in St. Tammany Parish Fire Protection District No. 5 on Saturday, December 26, 2009 to authorize the continuation of a special tax therein. (Thompson)

Falconer - he finds it distasteful for an election to be held the day after Christmas. How did the fire district find itself in this position?

Donald Hames - Chairman of the fire Board. The Fire District was not notified by the Assessor's office that the election needed to happen before the end of the year.

Chief Pittman - normally the fire district receives a notice from the Assessor that the tax is coming due and they need to put it out to a vote. However, ignorance is not an excuse. It was also an overlook on the part of the district.

Falconer - he understands that mistakes happen. The rezoning that the Council is doing is an example of that.

Pittman - they just received a letter from the Legislative Auditor's Office that listed all 69 taxing districts and stated all of the beginning dates and expiration dates of the millages for each body. The fire district board is comprised of lay people. They are not lawyers and did not know that an election needed to be held. In May, the district had to complete a paper to establish the millage rate. They never thought that it may be time for it to expire. The district has 2 millages both of which were rolled back. They receive about \$400,000 from those millages, and if they do not receive that money, then the fire district is sunk.

Gould - Chief Pittman is not just the Chief, but he attends all of the emergencies in the district. He does not have a lot of support staff.

Pittman - they are making a chart for the deadlines for both of the millages. The district serves 700 people and they are trying to expand the coverage. They have 5 full-time employees and several part-time. He is asking for this election for the people who they serve.

Grant Schlueter - the Assessor's office told him that if there was any way to hold a special emergency election before the end of the year, then they would file a supplemental tax bill to be sent out by the Sheriff. The Secretary of State said that they would have to meet all of the publication dates and that the last possible day to hold the election is December 26th because it has to be on a Saturday. They were just barely able to satisfy those requirements.

Binder - is it the role of the Assessor to notify the district?

Schlueter - she is not legally obligated, but thinks that they do it as a safeguard. The same thing has happened in parishes all across the state.

Davis - the Governor has not yet approved the election. His concern is that if the election is not approved is there a Plan B?

Schlueter - no, then the tax cannot be collected this year.

Davis - can they do interim borrowing?

Schlueter - they could and they will still receive the money from collection of the smaller millage.

Davis - thinks that the Council should adopt 2 other resolutions, one to give to the Governor and one to the State Treasurer encouraging them to approve the election.

Thompson - moved to adopt, second by Gould. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2748.

Stefancik - moved to adopt a Resolution to be sent to the Governor requesting approval of the election, second by Burkhalter. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2749.

Stefancik - moved to adopt a Resolution to be sent to the State Treasurer requesting approval of the election, second by Burkhalter. Unanimous with 1 absent (Canulette); becomes Resolution C.S. No. C-2750.

Binder - 3) Discussion - truck traffic at the intersection of Ben Thomas Road and U.S. Highway 11 in Slidell. (Burkhalter)

Burkhalter - this issue has been a thorn in his side for many years. In the last week alone, 3 trucks haven fallen into the ditch causing the shoulder to collapse while turning onto Highway 11. Mr. Davis offered the Parishes' help by widening the apron at this intersection, and the State Government is working on widening the highway. He would like for signs to be installed stating the trucks need to enter the road from Highway 190. All of the speed limit and weight limit signs have been knocked down.

Davis - he does not know if the Parish can legally install signs, but he does know that they can not enforce it.

Hall - Highway 11 is a State Highway and the Parish is not allowed to install signs on it. The most the Council can do is send a resolution to the Department of Transportation.

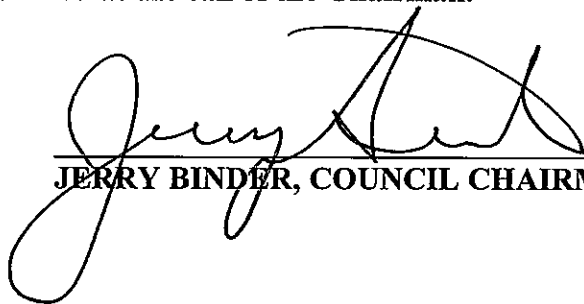
Council discussion ensued.

Burkhalter - moved to adopt a resolution to the Louisiana Department of Transportation urging them to install no turn signs, second by Stefancik. Unanimous with 3 absent (Dean, Gould, Canulette); becomes Resolution C.S. No. C-2747.

DISCUSSION

Davis - he wanted to give an update on Southeast Louisiana flood control plans. He had a meeting with the Federal government about the W14 Canal. The problem is that Congress has decided to revamp the Corp of Engineers and they have asked for all of the Corps' current projects to be reviewed, so now it may take another 18 months before any type of flood control is even started. He is drafting a letter to the government asking why the South Shore has \$14.5 billion to spend and the North Shore has none. The Corps' brochure of projects in South Louisiana does not mention the North Shore at all.

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


JERRY BINDER, COUNCIL CHAIRMAN


THERESA L. FORD, COUNCIL CLERK

