

MINUTES OF ST. TAMMANY PARISH COUNCIL MEETING

THURSDAY, DECEMBER 5, 2013 AT 6:00 P.M.

ST. TAMMANY GOVERNMENT COMPLEX

21490 KOOP DRIVE, MANDEVILLE, LA.

Call to Order by Honorable Jerry Binder, Chairman

Invocation by Mr. Smith

Pledge of Allegiance by Eagle Scouts from Troops 98 and 310

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

PRESENTATIONS

Binder - 1. Certificate of Recognition to Troop 310 Eagle Scouts - Matthew Bertucci, Evan Young, Kyle Gould, Jacob Arenstam. (Gould)

Gould - it is a great pleasure to recognize the youth of this Parish, including his son, Kyle. Kyle has been a very active member of the Scouts and has worked hard to complete all of the requirements for Eagle Scout. All of these young men have been together for eight years, and they and their parents have all worked hard toward this.

Binder - he and Mr. Falconer attended the Honor Court for their Eagle Scout Ceremony. They left the ceremony feeling that the future will be bright with these young men in it.

Binder - 2. Certificate of Recognition to Troop 98 Eagle Scout - Jordan Hanley. (Bellisario)

Bellisario - Jordan's Eagle Scout project was replacing down spouts, cleaning out drains and gardening in the Slidell area for damage caused by Hurricane Isaac.

Stefancik - moved to open the Off-the-Floor Agenda and move-up Item No. 1, second by Canulette. Unanimous with no one absent.

Binder - 1. Certificate of Recognition to John O'Neil to recognize his time as the Director of St. Tammany Parish Fire Services. (Brister)

Patricia Brister - it is an honor for her to present this certificate to John O'Neil and thank him for his determination to improve the fire services which the Fire Departments provide to the citizens of St. Tammany Parish.

John O'Neil - it has been a pleasure working with the Parish President, Council, Fire Departments and staff, but now he is going to learn how to play golf.

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

Ord. Cal. No. 5114	Ord. Cal. No. 5117	Resolution C.S. No. C-3861
Resolution C.S. No. C-3863	Resolution C.S. No. C-3869	Resolution C.S. No. C-3872
Resolution C.S. No. C-3873	Resolution C.S. No. C-3874	Resolution C.S. No. C-3875

**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. (Call to Council Members and Audience for items to pull)

MINUTES

Regular Council Meeting	November 7, 2013
Council Committee Meeting	NONE

**ORDINANCES FOR INTRODUCTION
(Public Hearing: February 6, 2014)**

1. Ord. Cal. No. 5109 - Ordinance to amend St. Tammany Parish Code of Ordinances, Chapter 7 Drainage and Flood Control, Article III Drainage District No. 2, Sec. 7-061.00 Reorganization, Boundaries, to amend and reestablish the boundaries of Drainage District No. 2. (Ward 9, District13) (Artigue)
2. Ord. Cal. No. 5110 - Ordinance amending the Official Parish Zoning Map to reclassify a parcel of land in Section 42, Township 6 South, Range 11 East, more specifically municipal address 72292 Wilkinson Street, Covington from A-2 (Suburban District) and NC-4 (Neighborhood Institutional District) to A-2 . (Ward 3, District 2) (Sharp)
3. Ord. Cal. No. 5111 - Ordinance amending the Official Parish Zoning Map to reclassify 2.74 acres located on the north side of Bruhl Road, east of LA Highway 25, 15143 Bruhl Road, Folsom from A-1 (Suburban District) to A-2 (Suburban District). (Ward 2, District 3) (ZC13-11-082) (Zoning Commission approved 11/12/13) (Binder/Brister)
4. Ord. Cal. No. 5112 - Ordinance amending the Official Parish Zoning Map to reclassify 15,000 square feet located on north of Magnolia Drive, east of Sycamore Drive, being 4809 Magnolia Drive, Slidell from A-3 (Suburban District) to A-3 (Suburban District) & MHO (Manufactured Housing Overlay). (Ward 8, District 9) (ZC13-11-078) (Zoning Commission approved 11/12/13) (Binder/Brister)
5. Ord. Cal. No. 5113 - Ordinance amending the Official Parish Zoning Map to reclassify 39,989.4 square feet located on the northwest corner of Francis Street & Eagle Street, being 73483 Eagle Street, Abita Springs from A-3 (Suburban District) to A-3 (Suburban District) & MHO (Manufactured Housing Overlay). (Ward 6, District 6) (ZC13-11-075) (Zoning Commission approved 11/12/13) (Binder/Brister)
7. Ord. Cal. No. 5115 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Colonial Pinnacle Nor du Lac minor subdivision Westshore Drive (a/k/a Access Road #2). (Ward 1, District 1) (Binder/Brister)
8. Ord. Cal. No. 5116 - Ordinance amending the Official Parish Zoning Map to reclassify 3.0 acres located on north of Maison du Lac Blvd., west of LA Highway 1085 from NC-2 (Indoor Retail and Service District) to an MD-2 (Medical Clinic District). (Ward 1, District 1) (ZC13-11-076) (Zoning Commission approved 11/12/13) (Binder/Brister)
10. Ord. Cal. No. 5118 - Ordinance to impose a six (6) month moratorium on the opening of new streets in Angelic Estates. (Ward 3, District 5) (Gould)

11. Ord. Cal. No. 5119 - Ordinance to extend for an additional six (6) months the moratorium on the approval of rezoning and issuance of plan review permits, not previously received, for property abutting the Louisiana Highway 21 Planned Corridor from Lalanne Road North to Azalea Drive. (Ward 1, District 1) (Dean)

RESOLUTIONS

2. Resolution C.S. No. C-3862 - Resolution to approve the holding of an election in St. Tammany Parish Recreation District No. 1 on Saturday, April 5, 2014, to authorize the levy of a special tax therein. (Falconer)

4. Resolution C.S. No. C-3864 - Resolution to amend Ordinance C.S. No. 12-2862 the 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Capital Assets - Fishing Pier Kiosk. (Binder/Brister)

5. Resolution C.S. No. C-3865 - Resolution to amend Ordinance C.S. No. 12-2862 the 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Other - Fishing Pier. (Binder/Brister)

6. Resolution C.S. No. C-3866 - Resolution to amend Ordinance C.S. No. 12-2862 the 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Capital Assets - Tammany Utilities. (Binder/Brister)

7. Resolution C.S. No. C-3867 - Resolution authorizing the Director of Finance to transfer funds collected under Ordinance Police Jury Series No. 96-2434 to Fund 020 for the Reno Hills Sewer Collection System Construction Project. (Binder/Brister)

8. Resolution C.S. No. C-3868 - A Resolution Establishing Performance and Warranty Obligations. (Binder/Brister)

10. Resolution C.S. No. C-3870 - Resolution to amend Ordinance C.S. No. 12-2862 the 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - Other (Reno Hills Project). (Binder/Brister)

11. Resolution C.S. No. C-3871 - Resolution to amend Ordinance C.S. No. 12-2862 the 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards. (Binder/Brister)

16. Resolution C.S. No. C-3876 - Resolution to amend Ordinance C.S. No. 12-2862 the 2013 - 2017 Capital Improvement Budget and Program, Fixed Asset, and Grant Awards to make changes to the Capital Improvements List - District 6 (Fund 306). (Binder/Brister)

END OF CONSENT CALENDAR

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

Binder - 6. Ord. Cal. No. 5114 - Ordinance to authorize the Parish President to acquire certain parcels, rights of way and/or servitudes for the Pinewood Circle Site Triangle Project. (Ward 8, District 9). (Binder/Brister)

Bellisario - he wants to acknowledge the administration's efforts in resolving this public safety issue.

Bellisario - moved to introduce, second by Canulette.

Binder - 9. Ord. Cal. No. 5117 - Emergency ordinance to impose a thirty (30) day moratorium, with a (5) day extension, on the opening of new streets in Angelic Estates. (Ward 3, District 5) (Gould)
*CLERK'S NOTE: a two-third's vote of the Council is required to adopt this Ordinance.

Gould - moved to introduce, second by Thompson.

Gould - moved to suspend the rules and adopt, second by Thompson.

Eric Johansson - the proposed ordinance cites Section 2-14 of the Home Rule Charter. He printed a copy of the Home Rule Charter to distribute. He submits the proposed Ordinance falls short of the requirements of Section 2-14. The Home Rule Charter states the Council may adopted an emergency ordinance: "To meet a public emergency affecting life, health, property or public safety" No such emergency exists. The Charter requires that an emergency ordinance: "contain a specific statement describing the emergency." Because there is no emergency, no such statement is included in the Ordinance. His final comment is please do not rely on precedence to adopt this Ordinance, having done something in the past, does not justify doing it again.

Gould - for the record, what we have is some developers who keep selling off pieces of this Angelic Estates and have never met the requirements to supply various documents to turn the streets over so the Parish can maintain them. As long as we continue to allow them to open the streets, they are not going to turn the information over, and it is causing damage to the down street properties. That is the reason for the Ordinance in the first place, and the reason we are doing it in emergency form is so the developers do not try to rush out and pull a permit on opening up the street while we are waiting on the six month moratorium to be voted on next month.

Terri Lewis Stevens -725 Dove Park Road. Has this been documented because I did not see any of this online posted regarding the Agenda tonight, and is it documented and where is it documented, that any damage is occurring, and I don't even know all of the particulars regarding this to, and I don't know anyone else in the room might know what the emergency is, so we would like a little bit more information on it before you...

Gould - check with the Department of Engineering. They have all of the records.

Stevens - do you have them here tonight where you're going to vote on this issue?

Gould - no.

Stevens - do you know what's been justifiably damaged or harmed, who's been harmed?

Gould - I have been out to the site to see and received the complaints.

Stevens - so nothing's been documented? Is that what you are saying?

Gould - no, it is documented.

Stevens - shouldn't the public be aware of that or should it be somewhere that the public can review that information if you are going to prohibit anything?

Gould - I just told you to go to the Department of Engineering.

Stevens - I can't do that right now, though.

Gould - well, that is not my fault. This Agenda has been posted for quite some time.

Stevens - I don't know that the information was readily available, that's my point.

Gould - Did you ask?

Stevens - do I need to? Shouldn't it be attached to the Agenda item that should be under review. I looked at what was online. All I'm saying is, you're going to vote on something, and I don't think anybody in the room knows what you're going to vote on or why you're going to vote on it. And you're now saying that it was verbally transmitted to you that some damage has occurred rather than it actually being documented and published. That's my contention.

Gould - I disagree with you.

Binder - Ms. Stevens, I understand the point you are making, but I think that Mr. Gould, from what I am hearing, he is trying to protect other people's property.

Stevens - from what though? He hasn't established what.

Binder - he did say.

Stevens - what did he say?

Binder - he explained.

Gould - Mr. Chairman, this is not a debate.

Binder - thank you Ms. Stevens.

Stevens - so the public won't know. Okay, thank you.

Binder - for the record, Mr. Gould stated his reasons why he is moving forward with this as an emergency ordinance. It is on the record. It will be on the DVD. I heard it. I think the rest of the Council members heard it.

Canulette - Mr. Henderson, can you explain the date and the time line the Agenda comes out? Because it's been out for two weeks. Can you explain the dates and when it is readily available for the public, please?

Don Henderson - The Agenda for this meeting was published online a week ago last Monday.

Gould - call the question.

Stefancik - he talked to Mr. Sevante and he is a little concerned. He has no problem with the 30 day moratorium being issued. It is the five days additional. He does not read the Charter the same way as our legal Counsels do. He has a problem with it because he does not think the Charter allows the Council to extend over 30 days in one setting the way I read the Charter. There is nothing specifically in there that denies this, but the way the Charter was written, he does not think that was the intent. If our Legal Counsel rules that the five days is an exception that we could do, and I understand that the next meeting is the 9th of January, I understand the five days. I just do not understand our being able to go over the 30 day moratorium without having another meeting. He will accept what Legal Counsel says.

Sevante - he understands what Mr. Stefancik is saying, but Section 2-14 Paragraph C of the Home Rule Charter states: "Emergency ordinances shall be effective for no longer than thirty (30) consecutive days after final adoption, except that the council, by the favorable vote of two-thirds vote of its authorized membership, may extend the life of the emergency ordinance for a period not to exceed an additional thirty (30) consecutive days." Mr. Hand and I consulted with each other and under the circumstances of this meeting, the fact that the regular Agenda Review Committee Meeting is not going to occur this month and the relatively short time that this Ordinance is necessary, 35 days, before the six month Ordinance is adopted at the January 9th Meeting, it is appropriate for the Council to adopt this Ordinance for 35 days total pursuant and consistent with this provision in the Home Rule Charter, subject to this Ordinance receiving 10 votes (two-thirds), vote of the Council.

Gould - reiterated motion to suspend the rules and adopt, second by Thompson. Unanimous with no one absent; becomes Ordinance C.S. No. 13-3050.

Binder - 1. Resolution C.S. No. C-3861 - Resolution approving the issuance of not exceeding \$3,000,000 of Limited Tax Certificates of Indebtedness of St. Tammany Parish Fire Protection District No. 1. (Binder)

Grant Schleuter - Foley and Judell - this will fund capital improvements, including the purchase of a new ladder truck. The Bond will be repaid by the millage collections. The Fire Protection District would like to proceed with this as soon as possible because they plan to close the bids on January 10, 2014.

Smith - will they be purchasing additional equipment or replacing old equipment or both?

Dan Crowley - they have three trucks which are out of order needing repair and one truck which needs to be replaced. They will also be paying for some fire station relocations.

Stefancik - will this require an increase or roll-up of the existing millage?

Crowley - they have a capital request which needs to be met, so they wanted to spread the repayment over the 10 year millage. The millage was not rolled forward this year, it was left where it was. We are funding this equipment purchase with reserve funds and the bond issue. However, the millage will have to be increased at some point in the future.

Stefancik - he wants to make sure the citizens understand the Fire Department's Bond rating has a great impact on insurance.

Bellisario - they are currently working on reducing the fund balance in order to avoid raising millages.

Canulette - which fire stations are being relocated?

Crowley - Central Station 11 is being moved due to flooding issues and is being relocated near the Fremeaux exit on the Interstate.

Council Discussion ensued.

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

Binder - 3. Resolution C.S. No. C-3863 - Resolution to set the salaries of the employees of the St. Tammany Parish Coroner's Office pursuant to Louisiana House Act No. 181 (R.S. 13:5725). (Binder)

Henderson - at the October 2 meeting the Council set the salaries for the CFO of the Coroner's office. Dr. Menon is asking for that title to be changed to Office Administrator and a new position of secretary/receptionist be added to ease his staff's burdens by releasing a person to be able to work in the lab full-time.

Tanner - we do not have any pay grades for specific titles?

Binder - next week Dr. Menon is going to review the steps and labor grades and where to place employees to allow the Coroner's Office to give it's employees raises.

Tanner - he thinks they need to have salaries based on job titles.

Binder - the Council will vote to approve the salaries and the budget for the Coroner's Office at the January Council Meeting.

Rick Franzo - when the new Coroner is elected, will there be a salary set for that position?

Bellisario - salaries are not the only Parish responsibility, but they also control the millage and require a forensic audit.

Ken Fielder - Office Administrator for Coroner's Office. He is very happy to be working with Dr. Menon to turn the ship in the right direction and make it work. They are very happy with the staff.

Bellisario - moved to rename the position of CFO to Office Administrator, create the job of secretary/receptionist and set the salary for that position at Labor Grade 5, Step 1 which is \$23,400 per year, second by Artigue. Unanimous with 2 absent (Falconer, Stefancik).

Binder - 9. Resolution C.S. No. C-3869 - Resolution to authorize the filing of an application with the Louisiana Department of Transportation and Development (LADOTD) for a grant under 49 CFR 5311, Non-Urbanized Area Formula Program and/or 49 CFR 5309, Discretionary Capital Program. (Binder/Brister)

Bellisario - he would like an explanation of what this is.

Gina Campo - this is the annual allocation for the GoStat Rural Transportation Program. They need to file this application in order to receive the funds.

Tanner - moved to adopt, second by Gould. Unanimous with 1 absent (Falconer).

Binder - 12. Resolution C.S. No. C-3872 - Resolution to concur/not concur with the City of Slidell annexation and rezoning of 2.99 acres located at the intersection of Amber Street and Coral Street in Lots 1, 2, 3, Square 17, Pearl Acres Subdivision from Parish HC-2 (Highway Commercial District) to Slidell C-2 (City Neighborhood Commercial District). (Ward 8, District 9) (Binder/Brister)

Henderson - this piece of property was recommended for annexation with another piece of property. The request for the annexation of the original piece of property was withdrawn which made this piece of property non-contiguous to City property. The City approves the withdrawal of the application for annexation.

Smith - by looking at the map, it is hard to believe how much this property is not contiguous.

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

Binder - 13. Resolution C.S. No. C-3873 - Resolution to concur/not concur with the City of Slidell annexation and rezoning of .308 acres located at 770 East I-10 Service Road, Lindberg Glenn Annex, Slidell from Parish HC-2 (Highway Commercial District) to Slidell C-4 (Highway Commercial District). (Ward 8, District 13) (Binder/Brister)

Artigue - moved to concur, second by Smith. Unanimous with no one absent.

Binder - 14. Resolution C.S. No. C-3874 - Resolution to concur/not concur with the City of Slidell annexation and rezoning of 1.934 acres located at 2504 Old Spanish Trail, Slidell from Parish HC-2 (Highway Commercial District) to Slidell C-4 (Highway Commercial District). (Ward 8, District 13) (Binder/Brister)

Artigue - moved to concur, second by Canulette. Unanimous with no one absent.

Binder - 15. Resolution C.S. No. C-3875 - Resolution to concur/not concur with the City of Slidell annexation and rezoning of 0.36 acres located at 1717 Beth Drive, Slidell from Parish A-4 (Single Family Residential District) to Slidell A-6 (Single Family Residential District). (Ward 8, District 12) (Binder/Brister)

Smith - is this in association with Racetrac?

Binder - no. This is strictly regarding City water and sewerage.

Gould - move to concur, second by Thompson. Unanimous with no one absent.

APPEAL

Binder - 1. Alton Jenkins appealing the Zoning Commission APPROVAL on November 12, 2013 to rezone 1 acre (amended from 4 acres) located west of Isabel Swamp Road, north of Highway 40 from A-2 (Suburban District) to A-2 (Subdivision District) and MHO (Manufactured Housing Overlay). (Ward 2, District 6) (ZC13-11-077) (Applicant: Parish Council by Motion 9/5/12) *Clerk's Note: Zoning Commission amended the request to 1 acre instead of 4 acres.

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

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

Tanner - Mr. Jenkins is not here. He applied for a MHO overlay of 4 acres, but the Zoning Commission only recommended approval for one acre. He is going to override the Zoning recommendation and approve the MHO for all 4 acres.

Tanner - moved to override the Zoning approval, second by Falconer. Unanimous with 1 absent (Smith).

Tanner - moved to introduce an ordinance approving a MHO for 4 acres, second by Gould.

ORDINANCES FOR ADOPTION

Binder - 1. Ord. Cal. No. 5081 - Ordinance adopting the 2014 Parish Operating Budget. (Introduced 9/25/13) (Postponed 11/7/13)

Brister - they have been working on this for some months, and she thanks the Council for participating in the process.

Binder - thanks the Administration for being so well prepared. The Council held about 10 nights of meetings for budget review of all Parish Departments and outside agencies such as the Assessor and COAST.

Brandy Morris - she is concerned about No. 39 regarding the Coroner's budget. She would like to know why some of the line items are blank when there is a surplus reflected?

Bellisario - the Parish is just a pass-through for the funds for the Coroner's Office.

Leslie Long - the Coroner is holding a Public Hearing on December 16th to announce their budget, and they will present the budget to the Council at its January Council meeting. There is a page in the Budget book which details the Coroner's budget. This Ordinance is just a summary.

Carlo Hernandez - on the Parish's website main page there is a link to the 200 page Budget. He thanks the Administration and Council for placing it online and in the libraries, and also for making all of the budget meetings at night. He again would like to point out there are four Parish lighting districts with large amounts of excess funds. He encourages the Public to call Public Works to request street lights. He is hopeful the lighting project on Highway 1088 at I-12 will happen soon since it is scheduled for 2014. He also calculated the Parish would have collected \$16,000 in fees, if the Council had not waived the fees by sending zoning requests by Motion.

Brister - the fees were waived due to mistakes made in Zoning issues during times such as Comprehensive rezoning. The fees are not waived arbitrarily.

Bellisario - he would like to form a committee to set a criteria for zoning items sent by Motion.

Stefancik - there may be a different way to fix mistakes made in Zoning because waiving the fees portrays the wrong picture.

Binder - he would like to point out Mr. Hernandez was the only member of the public to attend all of the budget meetings.

Tanner - moved to adopt, second by Groby. Unanimous with no one absent; becomes Ordinance C.S. No. 13-3051.

Binder - 2. Ord. Cal. No. 5082 - Ordinance adopting the 2014-2018 Parish Capital Improvement Budget and Program, and to further identify Fixed Assets & Grants Awards. (Introduced 9/25/13) (Postponed 11/7/13)

Bellisario - moved to adopt, second by Groby. Unanimous with no one absent; becomes Ordinance C.S. No. 13-3052.

Binder - 3. Ord. Cal. No. 5097 - Ordinance to amend Code of Ordinances, Appendix B, Chapter 40 Subdivision Regulatory Ordinance No. 499, relative to roadway testing and inspection standards and related matters for residential and commercial subdivisions, and to provide for the modification and/or deletion of other relevant sections in connection therewith. (Introduced and referred to Planning Commission 11/7/13)

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

Binder - 4. Ord. Cal. No. 5098 - Ordinance to correct the Road and Drainage Inventory to include: Leaf Circle, Forest Circle, Rustic Circle and Greenery Circle. (Ward 8 District 9) (Introduced 11/7/13)

Bellisario - moved to adopt, second by Canulette. Unanimous with no one absent; becomes Ordinance C.S. No. 13-3053.

Binder - 5. Ord. Cal. No. 5099 - Ordinance to amend Ordinances C.S. No. 08-1980, 11-2503, 11-2502, and to amend and reenact Code of Ordinances, Chapter 2, Precincts, to effect a voting precinct split, and boundary adjustments and descriptions for the convenience of voters and in compliance with state law. (Wards 4 & 6) (Districts 4 & 6) (Introduced 11/7/13)

Falconer - moved to adopt, second by Tanner. Unanimous with no one absent; becomes Ordinance C.S. No. 13-3054.

Binder - 6. Ord. Cal. No. 5100 - Ordinance establishing a No Parking Zone on Place St. Claude and Place St. Germain. (Ward 1, District 1) (Introduced 11/7/13)

Dean - moved to adopt, second by Gould. Unanimous with no one absent; becomes Ordinance C.S. No. 13-3055.

Binder - 7. Ord. Cal. No. 5101 - Ordinance to authorize the Parish President to acquire certain parcels, rights of way and/or servitudes for the Fritchie Barn Expansion Project. (Ward 8, District 9) (Introduced 11/7/13)

Bellisario - moved to adopt, second by Stefancik. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-3056.

Binder - 8. Ord. Cal. No. 5102 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire certain parcels, rights of way and/or servitudes for the Slidell Levee Segment SO4 Project. (Ward 9, District 13) (Introduced 11/7/13)

Canulette - the Federal Government just implemented a plan for the levee system which leaves St. Tammany as the only Parish on the lake not covered by levees.

Binder - he has talked to Congress members Scalise, Vitter and Landrieu who are all on our side and fighting for levee protection.

Brister - she will be at a breakfast meeting tomorrow morning begging for help for a levee system.

Artigue - moved to adopt, second by Stefancik. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-3057.

Binder - 9. Ord. Cal. No. 5103 - Ordinance to authorize the Parish President to acquire certain parcels, rights of way and/or servitudes for the Sharp Road Drainage Improvements Project. (Ward 4) (Districts 4 and 5) (Introduced 11/7/13)

Gould - moved to adopt, second by Falconer. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-3058.

Binder - 10. Ord. Cal. No. 5104 - Ordinance amending the official Parish Zoning Map to reclassify 3.89 acres located east of LA Highway 1077, north of Laurent Road, south of Brewster Road from A-2 (Suburban District) to NC-6 (Public, Cultural and Recreational District). (Ward 1, District 1). (ZC13-10-074) (Introduced 11/7/13)

Dean - moved to adopt, second by Sharp. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-3059.

Binder - 11. Ord. Cal. No. 5105 - Ordinance to correct the Road and Drainage Inventory to include Dummyline Road Lateral; Thorner Road Lateral, Parish Line Road; and Acadian Drive Lateral. (Wards 1, 2, 6 and 8) (Districts 1, 6 and 11) (Introduced 11/7/13)

Dean - moved to adopt, second by Tanner. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-3060.

Binder - 12. Ord. Cal. No. 5106 - Ordinance to amend the Parish Code of Ordinances, Chapter 15, Article II, Watercraft Speed Limits, Section 15-006.00 to provide for inclusion of the private canals of Madisonville on the Lake Subdivision under the "Dead Slow, No Wake" Zones and to otherwise provide with respect thereto. (Ward 1, District 4) (Introduced 11/7/13)

Falconer - moved to adopt, second by Gould. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-3061.

Binder - 13. Ord. Cal. No. 5107 - Ordinance to amend the Code of Ordinances, Chapter 8, providing for the amendment of the boundaries of Fire Protection District No. 4 and Fire Protection District No. 7. (Introduced 11/7/13)

Bellisario - moved to adopt, second by Stefancik. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-3062.

Binder - 14. Ord. Cal. No. 5108 - Ordinance to amend the 2013 Operating Budget - Amendment No. 9. (Introduced 11/7/13)

Bellisario - moved to adopt, second by Stefancik. Unanimous with 1 absent (Smith); becomes Ordinance C.S. No. 13-3063.

NOMINATIONS

Binder - 1. Nominate one member to replace Marty Dean (term expired) on the Board of Directors for Florida Parishes Human Services. (Binder)

Dean - this Board was created by the State Legislature in the early 1990s. The money was dedicated with the understanding that the Parishes would better know how to spend it for mental health disorders. The budget funds facilities such as Hammond Mental Health and Northlake Addictive Disorders. They are in need of more money. He is asking everyone to write our Legislators and ask them to come to board meetings and encourage their support for funding.

Brister - thanks Mr. Dean for working on this Board. There are still major behavioral health issues in this Parish. It is hard work with little reward.

Dean - moved to nominate David Cressey, second by Gould.

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

Dean - moved to suspend the rules and appoint David Cressey, second by O'Brien. Unanimous with no one absent; becomes Resolution C.S. No. C-3877.

APPOINTMENTS

Binder - 1. Resolution to appoint Don Nix to replace Mark Aylor (resigned) to the Board of Commissioners for St. Tammany Parish Sub-drainage District 1 of Gravity Drainage District 3. (District 8) (Postponed 11/7/13)

Canulette - thanks Mr. Aylor for all of his hard work.

Canulette - moved to appoint, second by Bellisario. Unanimous with no one absent; becomes Resolution C.S. No. C-3877.

DISCUSSIONS AND OTHER MATTERS

Binder - 1. Motion to refer to the Zoning Commission for the recommendation of a text change to the Unified Development Code to include Residential Uses (i.e. One Single-Family Dwelling, Private Garages and Accessory Structures and Garage Apartment or Guest House under 1000 square feet of habitable floor space) within the NC-1 Professional Office District. (O'Brien)

O'Brien - this property was mistakenly zoned commercial, so this motion is to protect property rights by allowing these people to stay in their homes.

O'Brien - moved to refer, second by Smith. Unanimous with no one absent.

Binder - 2. Motion to refer to the Zoning Commission for the recommendation of an amendment to the requirements to MD-1, MD-2, MD-3 of the Unified Development Code to require any property abutting a single family residentially zoned property where the building height exceeds thirty-five feet (35'), the first 100' from the Common Property Line shall be maintained as a no-cut buffer. (Gould)

Stevens - she would like to know how this rezoning request came about. She would like 100 foot no cut buffer between residential and commercial property regardless of the height of the building.

Gould - after studying the zoning map it became apparent that residential property abutting MD zones needed some safeguards. However, requiring all commercial properties to meet this requirement would take properties out of commerce.

Bob McDaniel - a 35 foot structure is a three-story building with a flat roof. Three stories 15 feet from the side of his property would be horrible. His property was already clear cut when he bought it, and he built 80 feet from the property line, but a three-story building 15 feet away from his property line will over look his back yard. He will have no privacy. He has tried to sell his house to get away from this development, but he has not been able to sell it. Everybody knows there are no restrictions next door to him, and they can do whatever they want. That's why he is asking for height restrictions lower than 35 feet. He does not want a three-story building overlooking his backyard.

Gould - currently the requirement is anything over 30 feet requires a 100 foot buffer.

Stevens - When, Mr. McDaniel built his property, the lot next to him was residential and had been residential for 100 years. Now, even what was originally proposed by the developer for this property, has become even larger. The Parish needs controls over what is being developed.

Canulette - this is being referred to the Zoning Commission, so it was come back before the Council allowing several more times for this to be discussed.

Gould - moved to refer, second by Dean. Unanimous with no one absent.

OFF-THE-FLOOR AGENDA

Binder - 2. Ordinance to authorize the Parish of St. Tammany, through the office of the Parish President to acquire certain parcels, rights of way and/or servitudes from the Archdiocese of New Orleans, for Holy Trinity Drive, and further, for the Parish to incorporated Holy Trinity Drive into the Parish Maintenance System. (Ward 4, District 5). (Binder/Brister)

Gould - moved to introduce, second by Stefancik.

Stefancik - before we go ahead with discussion, the last motion was a motion to refer and the discussion had nothing to do with the motion. What we are looking at here is just a Motion to Introduce and nothing else. I suggest that we remind the people to keep comments to the motion which is provided.

Stevens - thanked Mr. Binder for doing an excellent job asking for public comment almost every time. Regarding the Ordinance, earlier this evening, twice she thinks already, it has been mentioned that things were not put on the Agenda in advance of the meeting, and this particular item was not because she looked, she pulled every thing off. It was added after, after, after the fact, it might even have only been today. So, she's very concerned that A. It just got put on the Agenda, it wasn't on there the requisite amount of time for people to review it. B. She would like to know why the Parish would consider incorporation into the public Parish Maintenance System of this roadway which has not yet been completed. Also, she would like to know what the proposed assessed value is that the Parish is willing to pay and whether or not that is consistent with residential property as was this particular tract of land. Lastly, why is this being considered on tonight's Agenda as a health, safety

and welfare issue, when in fact, this public road was not necessary per the traffic study and per requested information from the traffic engineer because the public street next to it, Westwood, accommodated the local traffic. It is a public road. This road was created solely for this development.

Stefancik - Mr. Chairman - I have to ask, I'm sorry, but this is not relevant to the motion to introduce.

Stevens - I think it is relevant to what you are proposing to do which is purchase, allowing the Parish President to purchase this property.

Stefancik - this has to go through another vote and hearing and every thing else before this Council and that is when all of that should be discussed.

Binder -Mr. Stefancik - he tries to err on the side of letting people who show up for the meeting have a voice. I understand that is your point of view. Ms. Stevens, do you have any other item or issue you would like to discuss? Because this is introduction only.

Stevens - I know but on the previous occasions regarding this particular project, it's been introduced this way, so the public loses immediately their first chance to object or bring up concerns, bring up questions, if you bring it up at the last minute. Nobody knew about this before they showed up or looked at the Agenda today. They didn't know about it before and I just don't think that's fair. We're supposed to get three passes at it. Today's pass is effectively gone, if I had not shown up to say something about it. Because it was off the floor, off the floor, I mean it was almost verbal.

Binder - thank you ma'am.

Stevens - so I'm very concerned. This issue happens over and over. This has happened with this project before.

Kelly Rabalais - this is one of the obligations that the Parish set out about a year ago for this project according to our cooperative endeavor agreement. This is the first major acquisition that the Parish will take. It is a road right-of-way, and it will be purchased for fair market value which is what State law requires the Parish to take. This is the Ordinance that authorizes us to acquire it, and then put it into our maintenance system after it has been inspected by our Department of Engineering to make sure it meets all of our standards. It is not completed. Once it is completed we will get notice, we will inspect it, and then we will set it for closing where we will go through our due diligence period.

Brister - if that takes more than a month it can be tabled for two more months.

Gould - the first time we approved the construction of this road and made a commitment to take part in the purchase of the right-of-way, it was in May 2011 in front of the Zoning Commission, and there were 300 people in this room. The second time they made the commitment, it was before the Parish Council, and that was July 2011, and there were unanimously approved and not opposed, so, for the record, it has been out there.

Gould- call the question.

Gould - reiterated motion to introduce, second by Stefancik; becomes Ord. Cal. No. 5121.

Binder - 3. Ordinance amending the 2013 Operating Budget - Amendment #10. (Binder/Brister)

Stefancik - moved to introduce, second by Tanner; becomes Ord. Cal. No. 5122.

Binder - 4. Resolution to declaring a vacancy in the office of St. Tammany Parish Constable for Ward 4, and to call a special election to fill the vacancy pursuant to Louisiana R.S. 18:402, 18:602 and 13:2583, and to provide for any other related matters in connection therewith. (Gould)

Gould - Michael Hand passed away Thanksgiving Day and the Council only has 10 days to fill his vacant position.

Gould - moved to adopt, second by Bellisario. Unanimous with 2 absent (Canulette, Artigue); becomes Resolution C.S. No. C-3879.

Binder - 5. Resolution to appoint an interim St. Tammany Parish Constable for Ward 4 to fill the vacancy and assume the duties of that office until an election can be held and the successor is elected and takes office, pursuant to Louisiana R.S. 13:2583. (Gould)

Gould - nominated Catherine Hand, second by Groby.

Smith - moved to close the nominations, second by Stefancik. Unanimous with 2 absent (Canulette, Artigue).

Smith - moved to appoint, second by Stefancik. Unanimous with 2 absent (Canulette, Artigue) and 1 abstention (Falconer); becomes Resolution C.S. No. C-3880.

Binder - 6. Resolution to appoint one (1) member to the St. Tammany Parish Tourist and Convention Commission. (Mark Meyers' term expires 12/31/13. (Binder)

Smith - he has served with Mr. Meyers over the past year, and Mr. Meyers has served in a manner which is indicative of the way the Council wants people to serve.

Smith - moved to nominate Mark Meyers, second by Gould.

Smith - moved to close nominations, second by Gould. Unanimous with 2 absent (Canulette, Artigue).

Smith - moved to suspend the rules and appoint, second by Gould. Unanimous with 2 absent (Canulette, Artigue); becomes Resolution C.S. No. C-3881.

Eric Johansson - question about suspending the rules. When the rules are suspended, that does not suspend the Home Rule Charter, it just suspends rules regarding the item.

Binder - in the case of Parishwide Boards, the nominees usually lay over until the next meeting. In this case, there is only one nominee, so the rules may be suspended to appoint.

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


TERRY BINDER, COUNCIL CHAIRMAN


THERESA L. FORD, COUNCIL CLERK