

**MINUTES OF THE ST. TAMMANY PARISH COUNCIL MEETING**

**THURSDAY, JULY 7, 2011 AT 6:00 P.M.**

**ST. TAMMANY GOVERNMENT COMPLEX**

**21490 KOOP DRIVE, MANDEVILLE, LA.**

**Call to Order by Honorable Martin Gould, Jr., Chairman**

**Invocation by Mr. Hamauei**

**Pledge of Allegiance by Mr. Binder**

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

**PUBLIC HEARING**

**Gould - 1) Public hearing in accordance with open meetings law R.S. 42:1, et seq for consideration and adoption of Resolution C.S. No. C-3148 - Resolution establishing millage rates for the year 2011. (Gould/Davis)**

**Leslie Long - this resolution needs to be amended to remove Recreation District No. 7. The remaining millages for 2011 are the same as the millages from 2010. There will be no increase in any.**

**Carlo Hernandez - in the online version of this Resolution, there is a typo in Special Lighting District No. 6. In 2010, the millage was 2.16 and on this one it is listed as 2.61.**

**Gould - we will look into correcting it.**

**Bellisario - moved to amend, second by Howell. Unanimous with no one absent.**

**Bellisario -moved to adopt as amended, second by Binder. Unanimous with no one absent; becomes Resolution C.S. No. C-3148AA.**

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

<b>Ord. Cal. No. 4605</b>	<b>Ord. Cal. No. 4606</b>
<b>Resolution C.S. No. C-3149</b>	<b>Resolution C.S. No. C-3150</b>
<b>Resolution C.S. No. C-3153</b>	<b>Resolution C.S. No. C-3156</b>
<b>Resolution C.S. No. C-3168</b>	

**Consent Calendar less items pulled:**

**CONSENT CALENDAR  
(PAGES 1 THROUGH 6)**

**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

June 2, 2011

Council Committee Meeting

June 29, 2011

## ORDINANCES FOR INTRODUCTION

(Public Hearing: August 4, 2011)

1. Ord. Cal. No. 4594 - Ordinance amending the Official Parish Zoning Map to reclassify 14 acres located north side of Dauphine Street and Brownswitch Road from CB-1 (Community Based Facilities District) to MD-1 (Medical Residential District). (Ward 8, District 9) (ZC11-06-046) (Zoning Commission approved 6/7/11) (Gould/Davis)

2. Ord. Cal. No. 4595 - Ordinance amending the Official Parish Zoning Map to reclassify 0.492 acre located on the southwest corner of US Highway 90 and Middle Pearl River from PF-2 (Public Facilities District) to CB-1 (Community Based Facilities District). (Ward 8, District 13) (ZC11-06-047) (Zoning Commission approved 6/7/11) (Gould/Davis)

3. Ord. Cal. No. 4596 - Ordinance amending the Official Parish Zoning Map to reclassify 33.37 acres located west of LA Highway 40, north of Sams Branch Lane from A-1 (Suburban District) to A-1 (Suburban District) & MHO (Manufactured Housing Overlay). (Ward 2, District 2) (ZC11-06-050) (Zoning Commission approved 6/7/11) (Gould/Davis)

4. Ord. Cal. No. 4597 - Ordinance amending the Official Parish Zoning Map to reclassify 7 acres located south of Gottschalk Road, west of LA Highway 1077, being 10396 Gottschalk Road, Covington from A-1 (Suburban District) to A-2 (Suburban District). (Ward 1, District 1) (ZC11-06-052) (Zoning Commission approved 6/7/11) (Gould/Davis)

5. Ord. Cal. No. 4598 - Ordinance amending the Official Parish Zoning Map to reclassify 16.041 acres located north of J. F. Smith Avenue, west of US Highway 11 from I-1 (Industrial District) to I-2 (Industrial District). (Ward 9, District 14) (ZC11-06-058) (Zoning Commission approved 6/7/11) (Gould/Davis)

6. Ord. Cal. No. 4599 - Ordinance amending the Official Parish Zoning Map to reclassify 50 acres located east of LA Highway 21, north of Cleland Road, from A-1-A (Suburban District) to MD-1 (Medical Residential District). (Ward 10, District 2) (ZC11-06-059) (Zoning Commission approved 6/7/11) (Gould/Davis)

7. Ord. Cal. No. 4600 - Ordinance to amend Parish Code of Ordinances, Appendix B, Chapter 40 Subdivision Regulatory Ordinance No. 499, Section 40-010.7.1 Driveway, to provide for the replacement of a residence on a contiguous parcel being accessed by a private driveway. (Howell)

8. Ord. Cal. No. 4601 - Ordinance to revoke a portion of Iberville Street right-of-way, located in Chinchuba Subdivision. (Ward 4, District 10) (Gould/Davis)

9. Ord. Cal. No. 4602 - Ordinance to correct the Road and Drainage Inventory to remove a portion of Darby Drive; and to rename 84 Lumber Road as Schneider Parkway. (Wards 2 & 8, Districts 3 & 9) (Gould/Davis)

10. Ord. Cal. No. 4603 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Villages at Bocage, Phase 1; Montgomery Terrace, Phase 1; and Normandy Oaks, Phase 5 Subdivisions. (Ward 1, District 1) (Gould/Davis)

11. Ord. Cal. No. 4604 - Ordinance to authorize the Parish President to acquire certain parcels and dispose of certain parcels for Veteran's Cemetery Road Project. (Gould/Davis)

14. Ord. Cal. No. 4607 - Ordinance to impose a six (6) month moratorium on the issuance of building permits for the construction or placement of building structures on property within Dove Park Subdivision. (Ward 4, District 5) (Gould)

15. Ord. Cal. No. 4608 - Ordinance to extend for an additional six (6) months the moratorium on the submission and review of zoning and conditional use permit applications, Planning Commission review and on the issuance of building permits for the purpose of construction or placement of multi-family structures on property within unincorporated areas of Council District 12. (Binder)

16. Ord. Cal. No. 4609 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of building permits for construction or placement of building structures on property within a portion of unincorporated Town of Alton Subdivision. (Ward 9, District 14) (Burkhalter)

### RESOLUTIONS

1. Resolution C.S. No. C-3141 - Resolution to approve and authorize the Parish President to advertise for bid the construction of the drainage improvements for the Huntwyck Village Subdivision, Phase I. (Gould/Davis) (Tabled 6/2/11)

4. Resolution C.S. No. C-3151 - Resolution concurring with the Planning Commission's waiver of detention requirements for Rollin Pastures Subdivision and authorizing waiver of detention fee. (SD11-04-001P)(Ward 2, District 2) (Cooper)

5. Resolution C.S. No. C-3152 - Resolution to vacate in part, the moratorium established by Ordinance C.S. No. 11-2465 on the issuance of building permits for construction or placement of building structures on property within a portion of unincorporated Alton Subdivision to release Lots 8 and 9, Square 38, Alton Subdivision, Slidell. (Ward 8, District 14) (Burkhalter)

7. Resolution C.S. No. C-3154 - Resolution to Establish Warranty and Performance Obligations. (Gould/Davis)

8. Resolution C.S. No. C-3155 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the Drainage Capital Improvements List. (Bellisario/Artigue)

10. Resolution C.S. No. C-3157 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the District 1 Capital Improvements List. (Gould/Davis)

11. Resolution C.S. No. C-3158 -Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards, to make changes to the District 7 Capital Improvements List. (Gould/Davis)

12. Resolution C.S. No. C-3159 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards, to make changes to the District 10 Capital Improvements List. (Gould/Davis)

13. Resolution C.S. No. C-3160 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Facilities) (Gould/Davis)

14. Resolution C.S. No. C-3161 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Gould/Davis)

15. Resolution C.S. No. C-3162 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Gould/Davis)

16. Resolution C.S. No. C-3163 - Resolution approving and authorizing the Parish President to sign and/or execute a cooperative endeavor agreement between the Parish and the Governor's Office of Elderly Affairs regarding the use and maintenance of office space in the Towers Building. (Gould/Davis)

17. Resolution C.S. No. C-3164 - Resolution to approve and authorize the Parish President to sign and/or execute a cooperative endeavor agreement between the Parish and the Louisiana Department of Natural Resources for the purpose of annual renewal of the Parish local Coastal Management Program. (Gould/Davis)

18. Resolution C.S. No. C-3165 - Resolution to approve and authorize the Parish President to sign and/or execute a cooperative endeavor agreement between the Parish of St. Tammany and the City of Covington regarding pedestrian access between the Justice Center and parking areas to be constructed. (Gould/Davis)

19. Resolution C.S. No. C-3166 - Resolution to approve and authorize the Parish President to enter into a cooperative endeavor agreement between the Parish and St. Tammany Recreation District Number 7 for a Park and Ride Facility upon Poitevent Park. (Gould/Davis) (Gould/Davis)

20. Resolution C.S. No. C-3167 - Resolution to approve and authorize the Parish President to sign and/or execute a cooperative endeavor agreement between the Parish and St. Tammany Parish Fire District No. 13. (Gould/Davis)

**END OF CONSENT CALENDAR**

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

Gould - 12. Ord. Cal. No. 4605 - A third supplemental bond ordinance authorizing the issuance of Parish Utilities Revenue Bonds, Series 2011, in accordance with the terms of a General Bond Ordinance adopted on February 4, 2010. (Gould/Davis)

Grant Schlueter - this bond ordinance is for introduction only and comes about as the result of the previous authorization to purchase and improve two new utilities. The ordinance will not be adopted until the purchase prices have been negotiated. The purchase prices will not exceed the appraisal prices. This is the same process used when the Parish was purchasing SELA. After its introduction, it will be carried over for several months before it is adopted.

Thompson - moved to introduce, second by Binder.

Gould - 13. Ord. Cal. No. 4606 - Emergency Ordinance to impose a 30-day Moratorium on the issuance of building permits for the construction or placement of building structures on property within Dove Park Subdivision. (Ward 4, District 5) (Gould)

Thompson - moved to introduce, second by Falconer.

Stefancik - moved to suspend the rules and adopt, second by Falconer. Unanimous with 1 absent (Cooper); becomes Ordinance C.S. No. 11-2546.

Gould - 2. Resolution C.S. No. C-3149 - Resolution approving the holding of an election in St. Tammany Parish Recreation District No. 2 to authorize the levy of a special tax therein. (Gould/Davis)

Schlueter - the Recreation District wants approval for a 3 mil, 10 year tax to create an operating millage that does not currently exist. The election is to be held on the regular fall election date.

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

Gould - 3. Resolution C.S. No. C-3150 - Resolution approving the holding of an election in St. Tammany Parish Fire Protection District No. 3 to authorize the renewal of a special tax therein. (Gould/Davis)

Schlueter - this request is to renew an existing millage.

Hamauei - moved to adopt, second by Thompson. Unanimous with 1 absent (Burkhalter).

Gould - 6. Resolution C.S. No. C-3153 - Resolution to concur/not concur with the City of Covington annexation and rezoning of 15.5 acres from Parish PUD (Planned Unit Development District) to City of Covington PRD (Planned Residential District) which property being a 14.3 acre parcel bounded by Mile Branch Creek, North Filmore, West 29th Avenue and Polders Lane and a 1.2 acre parcel located across a portion of Squares 2908 and 2909 and a portion of Pierce Street. (Ward 3, District 3) (Gould/Davis)

Gould - because of the lawsuit between Fire District No. 12 and the City of Covington, it is recommended this item be removed from the Agenda.

Thompson - moved to remove, second by Bellisario. Unanimous with one absent (Burkhalter).

Gould - 9. Resolution C.S. No. C-3156 - Resolution to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Fund 326) (Gould/Davis)

Leslie Long - the amount for Fiberoptic in this Resolution needs to be increased from \$70,000 to \$100,000.

Canulette - moved to amend, second by Hamauei. Unanimous with no one absent.

Falconer - moved to adopt as amended, second by Hamauei. Unanimous with no one absent; becomes Resolution C.S. No. C-3156AA.

Gould - 21. Resolution C.S. No. C-3168 - Resolution declaring that it is the intention of the Parish Council to provide a limitation on the number of Bond and Tax Elections held each year by taxing authorities requiring Council approval to hold elections. (Gould/Davis)

Bellisario - he would like to table this until next month, so all of the taxing bodies can be advised of what will happen. He also wants to try to arrange for all of the taxing bodies to have elections at the same time.

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

Gould - as there are representatives from the church in the audience, he requests Ord. Cal. Nos. 4571 and 4572 be moved up to be heard.

Binder - moved to move up Ord. Cal. Nos. 4571 and 4572, second by Burkhalter. Unanimous with no one absent.

Gould - 3. Ord. Cal. No. 4571 - Ordinance amending the Official Parish Zoning Map to reclassify 8.93 acres located north of Judge Tanner Boulevard Extension, east of Westwood Drive, from A-1 (Suburban District) to CB-1 (Community Based Facilities District). (Ward 4, District 5) (ZC11-05-039) (Zoning Commission approved 5/3/11) (Introduced 6/2/11)

Jeff Schoen - he represents the Archdiocese and the Most Holy Trinity Catholic Church. He has passed out the site plans for this project and would like to review some basic details. This tract is approximately 360 acres east of Judge Tanner Drive. The request is to rezone 8.93 acres for a church, cemetery and funeral home to be built. The rest of the property is not up for rezoning, but will be part of a community development with the Parish. The Archdiocese will be building 75 foot to 300 foot buffers to separate the church and cemetery from the surrounding neighborhoods. They will also be creating roads and restricting access to certain roads for future traffic improvements. They are placing a conservancy easement to ensure the wetlands part of the property is never put into commerce. The Archdiocese will also be donating some of the property to the Parish for a drainage facility.

Gould - he has been trying to solve the drainage and traffic issues in this area since 2004. He believes this agreement with the church is going to solve a lot of those issues.

Hamauei - moved to adopt, second by Canulette. Unanimous with no one absent; becomes Ordinance C. S. No. 11-2548.

Gould - 4. Ord. Cal. No. 4572 - Ordinance amending the Official Parish Zoning Map to reclassify 45.20 acres located north of Judge Tanner Boulevard Extension, east of Westwood Drive from A-1 (Suburban District) to PF-1 (Public Facilities District). (Ward 4, District 5) (ZC11-05-040) (Zoning Commission approved 5/3/11) (Introduced 6/2/11)

Hamauei - moved to adopt, second by Canulette. Unanimous with no one absent; becomes Ordinance C. S. No. 11-2549.

#### APPEALS

Gould - 1. John and Rayelyn Cerniglia for the Platinum Holding Group appealing the Zoning Commission DENIAL on April 5, 2011 to rezone 56,959 square feet located west of Coffee Street, north of Florida Street from HC-2 (Highway Commercial District) to A-8 (Multiple Family Residential District). (Ward 4, District 10) (ZC11-04-031) (Tabled 5/5/11 and 6/2/11)

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.

Billiot - this request falls into one of the Mandeville annexation areas, and he asked the appellants to talk to the City of Mandeville about the request. He has not heard anything back from them.

Billiot - moved to concur with the denial, second by Canulette. Unanimous with no one absent.

Bellisario - moved to adopt a resolution, second by Canulette. Unanimous with no one absent; becomes Resolution C.S. No. C-3169.

Gould - 2. Rick Wilke appealing the Zoning Commission APPROVAL, as amended, of a proposed Ordinance to amend the Unified Development Code, Volume I (Zoning), Section 5.1704A (NC-4 Maximum Building Size), Section 5.1804A (NC-5 Maximum Building Size) and Section 5.1904A (NC-6 Maximum Building Size). (NOTE: Amendment changed maximum building size to 15,000 feet in NC-6 only) (ZC11-05-035) (Tabled 6/2/11)

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.

Falconer - before discussion on this matter begins, he would like to recuse himself.

Rick Wilke - when the Parish went through rezoning the discussion was that neighborhood commercial would be smaller buildings while highway commercial would be more intensive. NC-2 for example, could be a small drugstore or community church of 5,000 square feet or less. The question is whether there should be a step-up between levels within the neighborhood commercial zone. He estimated the size of buildings in Highway Commercial districts. Mandeville Drugs is 2,500 square feet. Piggly Wiggly is 5,000 square feet. The River Chase outparcel building made of small stores (ATT and Quizznos) is 13,000 square foot total. The idea that neighborhood commercial needs up to 15,000 square feet is ridiculous. All of the businesses he mentioned are highway commercial.

Schoen - he is in support of the amended ordinance recommendation from the Zoning Commission. From NC-4 to NC-6 there is a 10,000 square foot maximum building size, so if a client needed 10,001 square feet, they would have to seek highway commercial zoning. He thinks 15,000 square foot buildings can serve a neighborhood well, but if the Council allows highway commercial, it will disrupt the neighborhood way of life. He suggests making NC-4 12,500 square feet with a 2,500 square foot second floor mezzanine for storage, and moving NC-5 and NC-6 to 15,000 square feet. He thinks allowing mezzanine space for storage will prevent horizontal spread. Also, the properties Mr. Wilke mentioned are all located on a state highway, but that does not mean they needed to be zoned highway commercial.

Wilke - of the properties he mentioned, the biggest single business was a grocery store at 10,000 square feet. What kind of neighborhood business would need 10,000 square feet? There are big steps in the Highway Commercial zones also. If a building needs to be bigger, then it needs to move into a more intense zone.

Schoen - he does not think the focus should be on a particular business, such as a pharmacy. He thinks most of the buildings needing over 10,000 square feet will have two to three different bays for different businesses, such as a cleaners.

Binder - He thinks mezzanine space for storage offers benefits. It allows the business to operate in a smaller footprint, makes leases more attractive, eliminates concrete and keeps grass. He thinks the jump from 10,000 square feet to 20,000 square feet is too big. The 12,500 square foot step, with an additional 20 percent mezzanine space, is more palatable to him. He thinks NC-6 should be 15,000 square feet.

Stefancik - Mr. Fontenot, do we need to put it into the Code if there is going to be a mezzanine for storage inside the building?

Sidney Fontenot - yes. Currently, the Code only states square footage. He thinks the Code should state a specific square footage and allow a specific percentage to allow for storage. For example, a maximum of 10,000 square feet would allow for 5 to 10 percent area for storage. There are not many buildings with mezzanines anymore, but he thinks it may be a good compromise.

Council Discussion ensued.

Binder - moved to concur with the Zoning Commission approval and have the ordinance state a maximum building height in NC-4 of 12,500 square feet, with no more than 20% additional mezzanine space for storage capacity; and NC-5 and NC-6 would be a maximum of 15,000 square feet with no more than 20% additional mezzanine space for storage capacity, second by Canulette. Motion passed with 12 yeas, 1 Nay (Dean) and 1 absent (Falconer).

Binder - moved to introduce the ordinance as amended, second by Stefancik; becomes Ordinance Cal. No. 4610AA.

Gould - 3. David F. Waguespack, counsel for Richard S. Waguespack and Henryetta R. Waguespack, appealing the Zoning Commission DENIAL on June 7, 2011 to rezone 19,633.95 square feet located north of Surgi Drive, east of LA Highway 59, west of Carmen Lane, being 1933 Surgi Drive, from NC-4 (Neighborhood Institutional District) to HC-1 (Highway Commercial District). (Ward 4, District 5) (ZC11-06-048)

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

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

David Waguespack - the property was rezoned from C-2 to NC-4. Their business and the surrounding businesses are food processing, lawnmower repair and automotive repair. Their original request was to change from NC-4 to HC-1, but that may not be appropriate for everyone.

Gould - is HC-1 okay?

Waguespack - it is better than NC-4.

Fontenot - the size of the buildings are consistent with NC zoning, but the uses are consistent with HC, except for a few who may be industrial.

Robert Kunst - he appealed under Appeal #5. He requested industrial zoning. However, he can change some of his process to take the industrial work off-site and then be able to comply with HC-1.

Carlos Hernandez - Zoning recommended NC-4, but the Council changed this area to HC-1 to comply with the uses, but it actually needs to be HC-2. He asks the Council not to rezone this to

highway commercial. The first building on this road is 900 feet from the highway. Highway Commercial is not appropriate and too intensive. He asks it be left as the Zoning staff recommended.

Christine Foster - she represents the group of businesses on the south side of Surgi Road and all of them desire to change to HC-1.

Waguespack - the zoning staff report recommended changing to HC. There are no neighbors in the area who are opposed to that. All of the businesses are light industrial or heavy commercial and have been there for a long time. He asks the Council to approve HC-1.

Hernandez - he was referring to comprehensive rezoning when he stated the staff recommended NC zoning. A majority of the businesses meet with neighborhood commercial requirements from both a square foot standpoint and use standpoint.

Council Discussion ensued.

Gould - he has never had a complaint about the businesses on Surgi Drive. It was C-2 before rezoning. Mr. Fontenot - did the staff recommend approval of HC-1?

Fontenot - yes.

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

Burkhalter - moved to introduce an ordinance, second by Canulette; becomes Ord. Cal. No. 4611.

Gould - 5. Christine Foster of EBS, Robert Kunst, Christine Bacon, Chad Maurello and Robert Pendarvis appealing the Zoning Commission DENIAL on June 7, 2011 to rezone 5.86 acres located south of Surgi Drive, east of LA Highway 59, from NC-4 (Neighborhood Institutional District) to HC-1 (Highway Commercial District). (Ward 4, District 5)(ZC11-06-051)

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.

Kunst - they really ask all of Surgi Drive be rezoned to Highway Commercial. There is only one vacant lot on the street which cannot be built on because it is wetlands, so nothing new will be built. He wants to continue to be a good business in the Parish.

Fontenot - he is willing to work with anyone who needs to come into compliance with the uses in HC-1.

Canulette - moved to override the Zoning Commission denial, second by Bellisario. Unanimous with 2 absent (Billiot, Binder).

Canulette - moved to introduce an ordinance, second by Burkhalter; becomes Ord. Cal. No. 4613.

Mr. Hamauei took over as Chairman.

Hamauei - 4. Linda O'Regan appealing the Zoning Commission DENIAL on June 7, 2011 to rezone 0.966 acre located north of LA Highway 36, west of Manor Street, east of St. Landry, being 20409 Highway 36, from NC-4 (Neighborhood Institutional District) to HC-2 (Highway Commercial District). (Ward 3, District 3)(ZC11-06-049)

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.

Linda Regan - she has been operating a small dog grooming and boarding business. When she bought the business, it was zoned C-2, but then it was rezoned to NC-4 which only allows her to operate half of her business. Her neighbors are a funeral home, an empty commercial building and vacant lots.

Thompson - moved to override the Zoning Commission denial, second by Cooper. Unanimous with 3 absent (Gould, Billiot, Binder).

Stefancik - moved to introduce an ordinance, second by Burkhalter; becomes Ord. Cal. No. 4612.

Hamauei - 6. Michael Hopman appealing the Zoning Commission DENIAL on June 7, 2011 to rezone 19.972 acres located at 75368 Moonshadow Lane, east of Jack Lloyd Road, from A-2 (Suburban District) to NC-6 (Public, Cultural and Recreational District). (Ward 10, District 6)(ZC11-06-055)

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.

Tina Thomas - the business she owns here is the Abita Springs B and B which is known as a quiet place to be. She moved here to expand the business into a retreat and conference center. She originally asked to be rezoned to NC-6 for all of the acres, but then decided to only ask for 20 acres to be rezoned. Her neighbors say she keeps changing her mind and what she wanted to do and at one point she wanted to build an RV park which she does not want to do. They have also said that her guests arrive at 75 miles per hour, but she does not think that is possible on this road. She has letters in support of what she wants to do. Jack Lloyd Road was paved because of her business.

Michael Hodman - they are trying to do a building for 15 people to come out for fitness yoga and chi running. They are trying to make the neighbors happy and they have discovered that CB-1 will accommodate what they want to do. They have 130 acres and only want to rezone 20 acres in the middle of the property.

Thomas - if she cannot run her business, she will have to sell, and two different developers have approached her to buy the property with the intention of building houses.

Clay Richard Hunley - all of the neighbors think she has a hidden agenda. This is a narrow road and they are concerned for the effect a business will have on the traffic. Kids play on this road. There is not enough room for buses and trucks to pass. He and others have tried to rent rooms at the Bed and Breakfast, but were never able to reach the business. They are also concerned about strangers coming to stay there. They think the real issue is she is trying to get the property rezoned to then sell it and leave.

Gary Lacoste - he has lived there for 11 years and raised his kids to adults there. It is a dead end, residential road. A commercial business just would not fit and would cause a traffic problem.

Hodman - rooms can be booked on their website. They are quite often booked on the weekends. Would like the neighbors to think about the traffic new houses would cause.

Hal Wallace - there has always been plenty of opposition to this. This is the third time she has tried to rezone. She actually runs two businesses there. This is a family oriented street with at least 10 of the households related in some way.

Howell - this area is residential with more than 1 acre sites. She could not tell that the B&B was in operation. It was difficult even finding Moonshadow Lane because the road was covered in vines and the road is narrow. There is no way RVs could get down this road. This is strictly a residential area and very quiet.

Howell - moved to concur with the Zoning Commission denial, second by Gould. Unanimous with 1 absent (Billiot).

Gould - moved to adopt a resolution, second by Bellisario. Unanimous with 1 absent (Billiot); becomes Resolution C.S. No. C-3170.

Mr. Gould returned as Chairman.

**ORDINANCES FOR ADOPTION**

**Gould - 1. Ord. Cal. No. 4485AA - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning), Article 2 - Definitions, to create Section 5.36 - SWM-1 - Solid Waste Management District, Section 5.37 - SWM-2 - Solid Waste Management District, Section 5.38 - SWM-3 - Solid Waste Management District and amend Section 8.01 - Minimum Standards. (Introduced 1/6/11) (Tabled 2/3/11, 3/3/11, 4/7/11 & 5/5/11) (Reintroduced 6/2/11)**

**Bellisario - the Solid Waste Management Committee recommends adoption of this finalized version of the Ordinance.**

**Kort Hutchinson - he asks the Council to defer adoption of this because the public has not had a chance to review the final version.**

**Jacob Goby - he also asks the Council to defer adoption considering the lawsuit that is going to be heard in Court next week. This is not a good ordinance and the Council can wait a week before taking action.**

**Sandra Slifer - the League of Women Voters does not feel a 200 foot buffer is appropriate for the SWM-2 class, particularly for a C & D Landfill.**

**Bellisario - it is interesting people are saying this has not been available to the public. Starting in January, there have been 7 public meetings with discussions on this Ordinance. Jeff Schoen, Sandra Slifer and others attended all of them.**

**Hutchinson - all of the changes were not made public and the Court case next week effects this ordinance. The Council is required to publically share all changes made, and they have not done so.**

**Neil Hall - there have been no changes made to this ordinance since the last committee meeting last week. The last few meetings have concerned buffers. From the original meeting, he has stated the buffers were listed in Chapter 9, but needed to be in the Ordinance instead. The changes made to the Ordinance were not substantive amendments. It is now in the final form which was made available at the last public meeting.**

**Stefancik - he does not see how the lawsuit would be effected by the changes they have made to the UDC. The Solid Waste Management Committee has met one to two times a month and have gone through numerous changes which not everyone agrees to, but the public has given their input. The Ordinance may need to be amended at a later date, but he does not see that they should wait until a lawsuit is settled. The Council needs to give direction to the Planning Director on what to do if someone applies for a permit regarding solid waste management again. Mr. Hutchinson, if you have changes, then you need to bring them to the Council, and if the ordinance was not on the Parish website, you could have obtained a copy from the Council staff at any time.**

**Canulette - he is sorry if people missed the meetings. He was involved in most of the meetings, and everyone from the public was allowed to speak, no one was blocked. If the Council waits for the ordinance to be perfect, it will never be adopted. If changes need to be made, then it will be amended. If the lawsuit results in changes, then it will be amended.**

**Bellisario - moved to adopt, second by Canulette. Motion passed with 12 yeas, 1 nay (Burkhalter) and 1 absent (Billiot); becomes Ordinance C.S. No. 11-2547.**

**Gould - 2. Ord. Cal. No. 4486 - Ordinance to create a new section of the Parish Code of Ordinances regarding Transferable Development Rights. (Gould) (Tabled 1/6/11, 2/3/11 and 3/3/11) (Introduced 4/7/11) (Tabled 5/5/11 & 6/2/11)**

**Gould - there will be a presentation to clear up any misinformation and/or misunderstanding of Transferable Development Rights at the Council Agenda Review Committee Meeting on July 27 at 6:00 p.m.**

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

**Gould - 5. Ord. Cal. No. 4573 - Ordinance amending the Official Parish Zoning Map to reclassify 5,500 square feet located west of Oak Street, south of Sycamore Avenue, north of Birch Avenue, being lots 31 & 32, Square 6, Beverly Hills Subdivision from A-4 (Single-Family Residential District)**

to A-4 (Single-Family Residential District) & MHO (Manufactured Housing Overlay). (Ward 8, District 14) (ZC11-05-041)(Zoning Commission approved 5/3/11) (Introduced 6/2/11)

Burkhalter - moved to adopt, second by Stefancik. Unanimous with 2 absent (Canulette, Billiot); becomes Ordinance C.S. No. 11-2550.

Gould - 6. Ord. Cal. No. 4574 - Ordinance amending the Official Parish Zoning Map to reclassify 1.84 acres located north & south of Charlene Lane, east of Carol Lane, west of Elaine Lane, being lots 70 & 76, Ramsey Estates from A-2 (Suburban District) to A-2 (Suburban District) & MHO (Manufactured Housing Overlay). (Ward 3, District 3) (ZC11-05-042) (Zoning Commission approved 5/3/11) (Introduced 6/2/11)

Thompson - moved to adopt, second by Cooper. Unanimous with 2 absent (Canulette, Billiot); becomes Ordinance C.S. No. 11-2551.

Gould - 7. Ord. Cal. No. 4575 - Ordinance amending the Official Parish Zoning Map to reclassify 3.33 acres located along Bayou Court, west of LA Highway 59, being Lots 1, 2, 5, 6, 7 & 8, Project 59 Subdivision from HC-3 (Highway Commercial District) to I-2 (Industrial District). (Ward 3, District 3) (ZC11-05-043) (Zoning Commission approved 5/3/11) (Introduced 6/2/11)

Thompson - moved to adopt, second by Cooper. Unanimous with 2 absent (Canulette, Billiot); becomes Ordinance C.S. No. 11-2552.

Gould - 8. Ord. Cal. No. 4576 - Ordinance amending the Official Parish Zoning Map to reclassify 1.65 acres located west side of LA Highway 59, north of Emile Strain, south of Florence Road from HC-2 (Highway Commercial District) to an I-1 (Industrial District). (Ward 4, District 7) (ZC11-05-044) (Zoning Commission approved 5/3/11) (Introduced 6/2/11)

Hamauei - moved to adopt, second by Bellisario. Unanimous with 2 absent (Canulette, Billiot); becomes Ordinance C.S. No. 11-2553.

Gould - 9. Ord. Cal. No. 4577 - Ordinance amending the Official Parish Zoning Map to reclassify 8.13 acres located west of 4th Avenue, south of Helenbirg Road from A-2 (Suburban District) to A-3 (Suburban District). (Ward 3, District 5) (ZC11-05-045) (Zoning Commission approved 5/3/11) (Introduced 6/2/11)

Thompson - moved to adopt, second by Bellisario. Unanimous with 2 absent (Cooper, Billiot); becomes Ordinance C.S. No. 11-2554.

Gould - 10. Ord. Cal. No. 4578 - Ordinance to amend the 2011 Operating Budget - Amendment No. 5. (Introduced 6/2/11)

Artigue - moved to adopt, second by Burkhalter. Unanimous with 2 absent (Cooper, Billiot); becomes Ordinance C.S. No. 11-2555.

Gould - 11. Ord. Cal. No. 4579 - Ordinance to correct the Road and Drainage Inventory to include Bivins Road, Monterey Pond, Bull Run Lateral, East Powerline Road Lateral, West Cherrywood Lane Lateral, and an extension to Bessie Booth Road. (Wards 2, 4, 8 & 9) (Districts 3, 6 & 10) (Introduced 6/2/11)

Thompson - moved to adopt, second by Cooper. Unanimous with 1 absent (Billiot); becomes Ordinance C.S. No. 11-2556.

Gould - 12. Ord. Cal. No. 4580 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire certain parcels, rights of way and/or servitudes for Cours Carson drainage improvements. (Introduced 6/2/11)

Binder - moved to adopt, second by Burkhalter. Unanimous with 1 absent (Billiot); becomes Ordinance C.S. No. 11-2557.

Gould - 13. Ord. Cal. No. 4581 - Ordinance to authorize the Parish President to acquire certain parcels, rights of way and/or servitudes for the Highway 59 at Highway 1088 Right Turning Lane Project. (Introduced 6/2/11)

Thompson - moved to adopt, second by Howell. Unanimous with 1 absent (Billiot); becomes Ordinance C.S. No. 11-2558.

Gould - 14. Ord. Cal. No. 4582 - Ordinance to authorize the Parish President to acquire certain parcels, rights of way and/or servitudes for Project Icebox Infrastructure-84 Lumber Road Connector. (Introduced 6/2/11)

Canulette - moved to adopt, second by Burkhalter. Unanimous with 1 absent (Billiot); becomes Ordinance C.S. No. 11-2559.

Gould - 15. Ord. Cal. No. 4583 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire certain parcels, rights of way and/or servitudes for Project Icebox Infrastructure-old Military Road Turning Lane. (Introduced 6/2/11)

Bellisario - moved to adopt, second by Canulette. Unanimous with 1 absent (Billiot); becomes Ordinance C.S. No. 11-2560.

Gould - 16. Ord. Cal. No. 4584 - Ordinance to amend Ordinance C.S. No. 10-2357, adopted October 7, 2010, which established and validated rates and fees for sewerage and water services provided by systems owned and operated by the Parish. (Introduced 6/2/11)

Bellisario - moved to adopt, second by Canulette. Unanimous with 1 absent (Billiot); becomes Ordinance C.S. No. 11-2561.

Gould - 17. Ord. Cal. No. 4585 - Ordinance to authorize the Parish President to enter into an inter-governmental agreement with the St. Tammany Parish School Board for the transfer of property in and around The Learning Center. (Introduced 6/2/11)

Bellisario - moved to adopt, second by Binder. Unanimous with 2 absent (Cooper, Billiot); becomes Ordinance C.S. No. 11-2562.

Gould - 18. Ord. Cal. No. 4586 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire all certain parcels and/or rights of way for Learning Center Boulevard. (Introduced 6/2/11)

Bellisario - moved to adopt, second by Burkhalter. Unanimous with 2 absent (Cooper, Billiot); becomes Ordinance C.S. No. 11-2563.

Gould - 19. Ord. Cal. No. 4587 - Ordinance establishing the placement of a "Do Not Enter" Sign on Westwood Drive with its intersection with Dove Park Road at the entrance to Westwood Estates Subdivision. (Ward 4, District 5) (Introduced 6/2/11)

Thompson - moved to adopt, second by Falconer. Unanimous with 2 absent (Cooper, Billiot); becomes Ordinance C.S. No. 11-2564.

Gould - 20. Ord. Cal. No. 4588 - Ordinance establishing the placement of a "Do Not Enter" Sign on Westwood Drive with its intersection with Sharp Road at the entrance to Westwood Estates Subdivision. (Ward 4, District 5) (Introduced 6/2/11)

Burkhalter - moved to adopt, second by Bellisario. Unanimous with 2 absent (Cooper, Billiot); becomes Ordinance C.S. No. 11-2565.

Gould - 21. Ord. Cal. No. 4589AA - Ordinance to amend and 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 Keys Road North to Lalane Drive. (Ward 1, District 1) (Introduced 6/2/11)

Dean - moved to adopt, second by Thompson. Unanimous with 2 absent (Cooper, Billiot); becomes Ordinance C.S. No. 11-2566.

Gould - 22. Ord. Cal. No. 4590 - Ordinance providing for the incurring of debt and issuance of not exceeding \$2,000,000 in Parish Sales Tax Bonds, Series 2011 (Jail). (Introduced 6/2/11)

Bellisario - moved to adopt, second by Burkhalter. Motion passes with 12 yeas, 1 Abstention

(Hamauei) and 1 absent (Billiot); becomes Ordinance C.S. No. 11-2567.

Gould - 23. Ord. Cal. No. 4591 - Ordinance amending the Official Parish Zoning Map to reclassify 2 acres located north of Brewster Road, west of Powerline Road, being parcels A & B from A-2 (Suburban District) to A-5 (Two Family Residential District). (Ward 1, District 1) (ZC11-05-038) (Council overrode Zoning Commission denial - Introduced 6/2/11)

Dean - moved to table, second by Cooper. Unanimous with 1 absent (Billiot).

Gould - 24. Ord. Cal. No. 4592 - Ordinance amending Ordinance C.S. No. 10-2399 and the Official Parish Zoning Map to reclassify 14.09 acres located east of Slaughter Road, south of LA Highway 36, west of Reed Road from the present zoning districts to A-2 (Suburban District - ±1.45 acres) HC-2 (Highway Commercial District - ±0.37 acres) and I-2 (Industrial District- ±12.27 acres). (Ward 6, District 6) (ZC10-07-069) (Introduced 6/2/11)

Rusty Yates - this has been going on for a year and a half. It has been in front of the Council three times and before Zoning six times, and now Mr. Hendrix filed a lawsuit and got what he wanted. He would appreciate it if the Council could leave the property at A-2 and I-1, but Mr. Hall said that the property should be at I-2 and they have no choice. His question is if the property is sold, can the same business be continued on the property?

Hall - he cannot discuss the matter because of the litigation.

Howell - she has supported the community in not allowing this property to become I-2 because of the history behind it. The wrong property was advertised and with an incorrect key stroke it became I-2 during rezoning. She cannot support this ordinance.

Thompson - moved to adopt, second by Hamauei. Motion passed with 8 yeas, 3 nays (Gould, Howell, Bellisario) and 3 absent (Dean, Billiot, Burkhalter); becomes Ordinance C.S. No. 11-2568.

Gould - 25. Ord. Cal. No. 4593 - Ordinance to confirm and re-establish polling locations for precincts re-established by Ordinance C.S. No. 11-2503 and in conjunction with redistricting according to the 2010 Federal Decennial Census and in compliance with the requirements of the Voting Rights Act of 1965 and LA. R.S. 18:532 et. Seq. (Introduced 6/2/11) (Introduced 6/2/11)

Artigue - moved to adopt, second by Binder. Unanimous with 3 absent (Dean, Billiot, Burkhalter); becomes Ordinance C.S. No. 11-2569.

#### DISCUSSION AND OTHER MATTERS

Gould - 1. Motion to refer to the Zoning Commission for recommendation of a proposed Manufactured Home Overlay (MHO) on Lot 16, Ponderosa Subdivision, Phase I. (Ward 9, District 6) (Howell)

Howell - moved to refer, second by Bellisario. Unanimous with 3 absent (Dean, Billiot, Burkhalter).

Gould - 2. Motion to refer to the Zoning Commission for recommendation the proposed rezoning of a portion of land fronting Highway 190 to a depth of 200 feet from present A-3 (Suburban District) to HC-2 (Highway Commercial District). (Ward 7, District 7) (Hamauei)

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

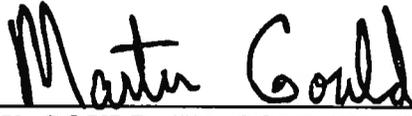
#### VERBAL OFF-THE-FLOOR

Hamauei - 1. Resolution to approve and authorize St. Tammany Parish through the Office of the Parish President to prepare and submit an application to the Louisiana Department of Wildlife and Fisheries through the Sport Fish Restoration (Wallop-Breaux) Program for assistance in the implementation of construction of the St. Tammany Parish Fishing Pier Boating Facility; providing for necessary documentation of the need for the construction and providing other matters in connection therewith.

Hamauei - moved to hear the resolution off-the-floor, second by Canulette. Unanimous with 3 absent (Dean, Billiot, Burkhalter).

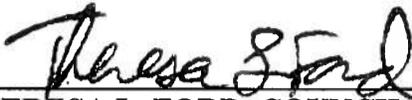
Hamauei - moved to adopt, second by Binder. Unanimous with 3 absent (Dean, Billiot, Burkhalter); becomes Resolution C.S. No. C-3171.

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



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MARTIN W. GOULD, JR., COUNCIL CHAIRMAN



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THERESA L. FORD, COUNCIL CLERK