

MINUTES OF ST. TAMMANY PARISH COUNCIL MEETING

THURSDAY, MAY 3, 2012 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. Falconer

Pledge of Allegiance by Mr. Stefancik

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

PRESENTATIONS

Gould - 1. Certificate of Recognition to Lakeshore High School recognizing its first graduating class. (Groby/Smith)

Groby - moved to remove, second by Thompson. Unanimous with 1 absent (Sharp).

Gould - 2. Certificates of Recognition to Pope John Paul High School Girls' and Boys' Power Lifting AA Champs. (Canulette)

Canulette and Pat Brister presented certificates to the students and coaches.

Gould - he would like to recognize the boy scouts from Troop 310 who are here working on their Citizen's badges.

Gould - 4. Proclamation by Parish President declaring May 2012 as Mental Health Month. (Brister)

Celeste Falconer - she works with NAMI St. Tammany which provides free support and educational services for the mentally ill and their families. Their goal is to remove the stigma of mental health in order to avoid the tragic incidence of suicide.

Lavandra Dobbs - with STOP - they provide a team of 2 people at the scene of each suicide in the Parish upon notification from the coroner's office.

Gould - 5. Certificates of Recognition to Mona Nasrawi, Nickolas Houston and Maria Hefte for their participation in the State of Louisiana's Poetry Out Loud Competition. (Brister)

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

Gould - 3. Certificate of Recognition to Paul Dyer for his service to Gravity Drainage District #5. (Gould)

Gould - Mr. Dyer is one of the finest gentlemen he has met. Mr. Dyer was there from the first meeting of the drainage district. He was the Secretary/Treasurer and kept the District out of trouble with the auditors. Most of the drainage changes throughout the Parish over the last 10 years came from suggestions out of Drainage District 5 due in part to Mr. Dyer. Through his 17 years of service, he attended every meeting except for 1.

Paul Dyer - when you volunteer for work, you do not expect to be appreciated. He feels volunteering for the government is special.

Binder - took over as Chairman.

Bellisario - moved to open the Off-the-Floor Agenda to move up Item No. 4, second by Gould. Unanimous with no one absent.

Binder - 4. Off-the-Floor Proclamation recognizing Public Works Week. (Thompson)

Thompson and Brister - presented the proclamation of May 20th through the 26th as Public Works Week. Thanked Eddie Williams and Shannon Davis of the Public Works Department and the entire department for their good work.

Bellisario - recently, he had a call from a constituent wanting him to pass along their thanks to Public Works for going above and beyond in cutting the grass on Amber Street.

Groby - Public Works makes the Council look good.

Binder - recognized Randy Smith, Slidell Chief of Police, who is being appointed to replace Freddy Brennan on the Board for Communication District No. 1.

Randy Smith - Mayor Brennan resigned from Communication District No. 1 and the Chief recommended him to fill the position. He accepts and appreciates the support from the Council and promises to not let anyone down. It is very important to provide equipment and training to the call takers in the 911 System.

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

Ord. Cal. No. 4769

Ord. Cal. No. 4771

Ord. Cal. No. 4776

Resolution C.S. No. C-3380

Resolution C.S. No. C-3390

Consent Calendar less items pulled:

**CONSENT CALENDAR
(PAGES 1 THROUGH 4)**

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

April 5, 2012

Council Committee Meeting

April 25, 2012

ORDINANCES FOR INTRODUCTION

(Public Hearing: June 7, 2012)

2. Ord. Cal. No. 4770 - Ordinance to impose a six (6) month moratorium on the issuance of Agricultural Use Permits within the boundaries of St. Tammany Parish Council District No. 5. (Gould)

4. Ord. Cal. No. 4772 - Ordinance amending the Official Parish Zoning Map to reclassify 2 acres located west of South Fitzmorris Road, north of Eagle Road, south of Bennett Drive, being 76473 S. Fitzmorris Road from A-1 (Suburban District) to A-2 (Suburban District). (Ward 3, District 2) (ZC12-04-025) (Zoning Commission approved 4/3/12) (Gould/Brister)

5. Ord. Cal. No. 4773 - Ordinance amending the Official Parish Zoning Map to reclassify 1.088 acres located south of LA Highway 22, west of Indian Trace Blvd. from A-2 (Suburban District) to A-2 (Suburban District) & MHO (Manufactured Housing Overlay), (Ward 1, District 1). (ZC12-04-026) (Zoning Commission approved 4/3/12) (Gould/Brister)

6. Ord. Cal. No. 4774 - Ordinance amending the Official Parish Zoning Map to reclassify 15,900 square feet located west of St. Landry Street, north of LA Highway 36, Garland Addition to the Town of Claiborne from NC-4 (Neighborhood Institutional District) to A-2 (Suburban District). (Ward 3, District 2) (ZC12-04-029) (Zoning Commission approved 4/3/12) (Gould/Brister)

7. Ord. Cal. No. 4775 - Ordinance amending the St. Tammany Parish Code of Ordinances to add preamble, Amend Chapter 1 General Provisions, create Revision Appendix, and relocate portions of Chapter One to Revision Appendix.

9. Ord. Cal. No. 4777 - Ordinance to authorize the Parish President to purchase or otherwise acquire certain parcels, rights-of-way, and/or servitudes for Bayou Castine and Bayou Cane Drainage Management Area Project. (Gould/Brister)

10. Ord. Cal. No. 4778 - Ordinance to revoke a portion of Ada Street, located between Lots 8 & 9, Barbara Place Subdivision, west of Covington. (Ward 1, District 3) (REV12-04-003) (Gould/Brister)

11. Ord. Cal. No. 4779 - Ordinance to amend the St. Tammany Parish Code of Ordinances, Appendix B, Chapter 40 of Subdivision Regulatory Ordinance No. 499, Section 40-050.0 Tentative Subdivision Review, specifically, Section 40-050.04 Essential Utilities Disclosure Requirements. (Gould/Brister)

12. Ord. Cal. No. 4780 - Ordinance to correct the Road and Drainage Inventory to include Short Street Lateral and Alexandre Street Lateral. (Wards 2 & 3, Districts 2 & 3) (Gould/Brister)

13. Ord. Cal. No. 4781 - Ordinance to amend the 2012 Operating Budget - Amendment No. 4. (Gould/Brister)

14. Ord. Cal. No. 4782 - Ordinance to amend Parish Code of Ordinances, Chapter 13, Division 1, Motor Vehicles, Section 13-009.00, Compression Engine Brakes, to prohibit the use of compression brakes within one-half (½) mile of the Intersection of Highway 1077 and Highway 1078. (Ward 2 District 3) (Thompson)

RESOLUTIONS

1. Resolution C.S. No. C-3356 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012 - 2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the Capital Improvements List - Fund 300. (Gould/Brister) (Tabled 4/5/12)

3. Resolution C.S. No. C-3381 - Resolution Establishing Performance and Warranty Obligations. (Gould/Brister)

4. Resolution C.S. No. C-3382 - Resolution to recommend and request the Louisiana Department of Transportation and Development, Federal Off System Bridge Section to add three (3) bridges to the 2011-2013 Federal Off System Bridge Replacement Program. (Gould/Brister)

5. Resolution C.S. No. C-3383 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012-2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Gould/Brister)

6. Resolution C.S. No. C-3384 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012-2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Gould/Brister)

7. Resolution C.S. No. C-3385 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012-2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Gould/Brister)

8. Resolution C.S. No. C-3386 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012-2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Gould/Brister)

9. Resolution C.S. No. C-3387 - Resolution to amend Ordinance C.S. No. 11-2638 2012 the 2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the Capital Improvements List - Fund 300. (Gould/Brister)

10. Resolution C.S. No. C-3388 - Resolution to amend Ordinance C.S. No. 11-2638 2012 the 2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the Capital Improvements List - Fund 316. (Gould/Brister)

11. Resolution C.S. No. C-3389 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012 - 2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the Capital Improvements List - Fund 366. (Gould/Brister)

13. Resolution C.S. No. C-3391 - Resolution to support Alignment P as the Preferred Route of LA 3241 (I-12 to Bush) Traffic Study Report. (Gould/Brister)

14. Resolution C.S. No. C-3392 - Resolution providing for canvassing the returns and declaring the results of the special election held in (I) St. Tammany Parish Lighting District No. 1, (ii) St. Tammany Parish Lighting District No. 4 and (iii) St. Tammany Parish Lighting District No. 7, on Saturday, April 21, 2012, to authorize the renewal of special taxes therein. (Gould/Brister)

15. Resolution C.S. No. C-3393 - Resolution to vacate, in part, the six (6) month moratorium established by Ordinance C.S. No. 07-1516, and any subsequent extensions thereof, on that certain parcel designated as Parcel 10 and particularly described herein below (Ward 9, District 12). (Gould/Brister)

16. Resolution C.S. No. C-3394 - Resolution to vacate the six (6) month moratorium established by ordinance c.s. no. 11-2581, and any subsequent extensions thereof, on issuance of building permits for the construction or placement of building structures on property within Dove Park Subdivision. (Ward 4, District 5) (Gould/Brister)

END OF CONSENT CALENDAR

Thompson - moved to adopt the Consent Calendar less items pulled, second by Groby. Unanimous with no one absent.

Binder - 1. Ord. Cal. No. 4769 - Emergency Ordinance to impose a thirty (30) day moratorium on the issuance of Agricultural Use Permits within the boundaries of St. Tammany Parish Council District No. 5. (Gould)

Gould - moved to introduce, second by Smith.

Gould - moved to suspend the rules and adopt, second by Smith. Unanimous with no one absent; becomes Ordinance C.S. No. 12-2737.

Binder - 3. Ord. Cal. No. 4771 - Ordinance to amend the Unified Development Code of St. Tammany Parish, Section 8.01 Minimum Standards for Specific Uses, Subsection U, Outdoor Advertising (Billboards) to restrict the location of new billboards to within the same highway corridor from which a billboard credit was issued. (Gould)

Gould - moved to introduce and refer to the Zoning Commission, second by Canulette. Unanimous with no one absent.

Binder - 8. Ord. Cal. No. 4776 - 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 12) (Binder)

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

Binder - 2. Resolution C.S. No. C-3380 - Resolution to concur/not concur with the Town of Pearl River Annexation and rezoning of 29.8 acres located in Section 2, Township 8 South, Range 14 East St Tammany Parish from Parish HC-2 (Highway Commercial District) to Town of Pearl River B-2 (Commercial District). (Ward 8, Districts 9 & 11) (PR2012-01) (Gould/Brister)

Bellisario - moved to concur, second by Stefancik. Unanimous with no one absent.

Binder - 12. Resolution C.S. No. C-3390 - Resolution to approve the appointment of Mark Ferrer as Director of Human Resources for the remainder of the 2012-2015 Parish President's Term of Office. (Gould/Brister)

Gould - this item needs to be tabled as there is not currently a Human Resources Department.

Brister - they will be submitting an Ordinance proposing a new Administrative Organizational Chart, including the creation of a Human Resources Department.

Gould - moved to table, second by Bellisario. Motion passed with 12 yeas, 2 nays (Thompson, Tanner) and no one absent.

APPEALS

Binder - 1. Applicant William Michael Sims appealing the Zoning Commission DENIAL on March 6, 2012 to rezone 1 acre located on the southwest corner of Carroll Road and Devon Street from NC-2 (Indoor Retail and Service District) to NC-5 (Retail and Service District). (Ward 9, District 12) (ZC12-03-022) (Tabled 4/5/12)

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.

Binder - Mr. Fontenot? It is his understanding Mr. Sims spoke to Helen Lambert and it was determined Mr. Sims did not need NC-5 zoning.

Sidney Fontenot - he had not heard that, but he knows Mr. Sims was going to try to find some uses within his current zoning.

Gould - moved to concur with the Zoning Commission denial, second by Smith. Unanimous with no one absent.

Canulette - moved to adopt a resolution, second by Smith. Unanimous with no one absent; becomes Resolution C.S. No. C-3395.

Binder - 2. Maurice LeGardeur appealing the Zoning Commission APPROVAL on March 6, 2012 to rezone 4.1 acres located north of Defries Road, east of Highway 25 from A-1 (Suburban District) to A-2 (Suburban District). (Ward 2, District 3) (ZC12-01-002) (Applicant: Parish Council by Motion 11/3/11) (Tabled 4/5/12)

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.

Thompson - moved to table, second by Tanner. Unanimous with no one absent.

Binder - 3. Applicant Steve Owens appealing the Zoning Commission DENIAL on April 3, 2012 to rezone 10,500 square feet located north of Pear Street, east of Highway 190 Service Road, west of Orleans Avenue from A-3 (Suburban District) to A-5 (Two Family Residential District). (Ward 4, District 5) (ZC12-04-027)

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.

Steve Owen - he represents his mother Barbara Owens. The Zoning staff report recommends approval of this rezoning. The Zoning Commission denied the request because of opposition from the subdivision. This is unfair. His mother bought this property with the intent to build duplexes. One was built, but when she went to build a second duplex, the zoning had been changed to single family. The opposition states it will cause the property values to drop, but duplexes have been there for 30 years. His mother only has one lot that is not developed. He does not think the addition of two more families would effect the neighborhood, but not being able to build does effect his mother. She has the property for sale and has received an offer for \$12,000, if the property were rezoned to accommodate a duplex, she could sell it for \$25,000.

Elizabeth Bolick - she was at the Zoning meeting and believes Mr. Owen misrepresented what the staff said. The staff just said they had no objection. There is a difference between ownership and rental. Comprehensive rezoning made this area single family residential.

Carolyn Wiegand - this property is behind hers. It is 70 feet wide and spans about half of her property. Comprehensive rezoning was done to prevent piecemeal property zoning. The owner of this property is in California, and she bought the property on good faith over 30 years ago. Ms. Owens should have expected some change during that time. She has offered to buy the property on three separate occasions, but the price was too high and Ms. Owens refuses to negotiate.

Judy Muntz - her mother tried to buy the property, but Ms. Owens refuses to negotiate.

Fred Schrou - he has lived in the area since before the duplexes. He thinks the duplexes have reduced the property value. They have smaller yards, more cars, the children have to play in the street. He thinks it is better to have less cars and more yard.

Owens - the staff recommended A-5 zoning be approved. As far as the offers to buy, they have always been well below market value. He thinks a duplex will have little effect on the neighborhood.

Ruby Murray - the proper lot for a double house is supposed to be 75 feet wide, and this property is only 70 feet wide.

Wiegand - she has no interest in buying the property, and is fine with a single family house behind her.

Gould - when this area went through comprehensive rezoning, the entire north side of Pear Street was zoned single family. It was designated A-3 instead of A-4 to ensure less density. He has spoken with the residents and feel they have stated their cases well.

Gould- moved to concur with the Zoning denial, second by Bellisario. Unanimous with no one absent.

Gould - moved to adopt a resolution, second by Canulette. Unanimous with no one absent; becomes Resolution C.S. No. C-3396.

ORDINANCES FOR ADOPTION

Binder - 1. Ord. Cal. No. 4746 - Ordinance to ratify and re-adopt Ordinance Calendar No. 4638, Ordinance C.S. No. 11-2610, which amended Parish Unified Development Code, Volume I (Zoning), Sections 5.10 and 7.08, to include provisions for development of land on the south side of Lakeview Drive. (Ward 9, District 13) (Introduced 4/5/12)

Artigue - moved to adopt, second by Smith. Unanimous with no one absent; becomes Ordinance C.S. No. 12-2714.

Binder - 2. Ord. Cal. No. 4747 - Ordinance establishing a No Thru Trucks zone on Surgi Drive. (4-E-90) (Ward 4, District 5) (Introduced 4/5/12)

Gould - moved to adopt, second by Stefancik. Unanimous with no one absent; becomes Ordinance C.S. No. 12-2715.

Binder - 3. Ord. Cal. No. 4748 - Ordinance amending the Official Parish Zoning Map to reclassify 14.24 acres located north and south of Sloat Road, east of Vincent Road from A-3 (Suburban District) to I-3 (Heavy Industrial District-2.95 acres), I-2 (Industrial District- 6.5 acres), HC-1 (Highway Commercial District - 3.2 acres) and A-3 (Suburban District - 1.6 acres). (Ward 9, District 12) (ZC12-02-012) (Zoning Commission Approved 3/6/12) (Introduced 4/5/12)

Canulette - moved to adopt, second by Gould. Unanimous with 1 absent (Dean); becomes Ordinance C.S. No. 12-2716.

Binder - 4. Ord. Cal. No. 4749 - Ordinance amending the Official Parish Zoning Map to reclassify 10.76 acres located east and west of Lee Settlement Road, north of Doris Road, south of Dudley Road from A-1 (Suburban District) to A-1-A (Suburban District-4.08 acres & 3.33 acres) and A-2 (Suburban District- 1 acre & 2.18 acres). (Ward 2, District 3) (ZC12-03-017) (Zoning Commission Approved 3/6/12) (Introduced 4/5/12)

Thompson - moved to adopt, second by Tanner. Unanimous with 2 absent (Dean, Gould); becomes Ordinance C.S. No. 12-2717.

Binder - 5. Ord. Cal. No. 4750 - Ordinance amending the Official Parish Zoning Map to reclassify 20 acres located north of LA Highway 36, west of LA Highway 1088 from A-3 (Suburban District) to I-1 (Industrial District). (Ward 6, District 6) (ZC12-03-019) (Zoning Commission Approved 3/6/12) (Introduced 4/5/12)

Tanner - moved to adopt, second by Falconer. Unanimous with 1 absent (Dean); becomes Ordinance C.S. No. 12-2718.

Binder - 6. Ord. Cal. No. 4751 - Ordinance amending the Official Parish Zoning Map to reclassify 18.677 acres located west of LA Highway 25, north of C. Gotti Road, south of Willie Road, being 78689 Highway 25, Folsom from A-1 (Suburban District) to PF-1 (Public Facilities District). (Ward 2, District 3) (ZC12-03-020) (Zoning Commission Approved 3/6/12) (Introduced 4/5/12)

Thompson - moved to adopt, second by Sharp. Unanimous with no one absent; becomes Ordinance C.S. No. 12-2719.

Binder - 7. Ord. Cal. No. 4752 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning) Section 7.01 Landscape and Tree Preservation Regulations relative to grade of trees and credit for existing trees (ZC12-03-024) (Zoning Commission Approved 3/6/12) (Introduced 4/5/12)

Bellisario - moved to adopt, second by Canulette. Unanimous with no one absent; becomes Ordinance C.S. No. 12-2720.

Binder - 8. Ord. Cal. No. 4753 - Ordinance to authorize the Parish President to acquire, by Donation, certain rights of way and/or servitudes located at the Intersection of Hwy. 190 and N. Second Street in Covington, Louisiana. (Introduced 4/5/12)

Thompson - moved to adopt, second by Groby. Unanimous with 1 absent (Stefancik); becomes Ordinance C.S. No. 12-2721.

Binder - 9. Ord. Cal. No. 4754 - Ordinance to correct the Road and Drainage Inventory to include Tee Street Lateral and 2 Highway 435 Laterals. (Ward 6, District 6) (Introduced 4/5/12)

Tanner - moved to adopt, second by Thompson. Unanimous with 1 absent (Stefancik); becomes Ordinance C.S. No. 12-2722.

Binder - 10. Ord. Cal. No. 4755 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Tuscany West; Pine Creek Acres, Phase 2A; Guste Island, Parcel C, Phase 2; and Entering the Right of Way of Fay Street in Town of Mandeville Subdivision. (Wards 1 & 4) (Districts 1 & 7) (Introduced 4/5/12)

Dean - moved to adopt, second by Groby. Unanimous with 1 absent (Stefancik); becomes Ordinance C.S. No. 12-2723.

Binder - 11. Ord. Cal. No. 4756AA - Ordinance to revoke a portion of 19th Avenue and E. Street rights-of-way, located west of U. S. Highway 190, south of Covington. (Ward 1, District 1) (Introduced 4/5/12)

Gould - moved to adopt, second by Canulette. Unanimous with 1 absent (Stefancik); becomes Ordinance C.S. No. 12-2724.

Binder - 12. Ord. Cal. No. 4757AA - Ordinance to amend Ordinance C.S. No. 10-2406 the 2011-2015 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Introduced 4/5/12)

Bellisario - moved to adopt, second by Gould. Unanimous with 1 absent (Stefancik); becomes Ordinance C.S. No. 12-2725.

Binder - 13. Ord. Cal. No. 4758 - Ordinance to amend the 2011 Operating Budget - Amendment No. 7. (Introduced 4/5/12)

Bellisario - moved to adopt, second by Artigue. Unanimous with 1 absent (Stefancik); becomes Ordinance C.S. No. 12-2726.

Binder - 14. Ord. Cal. No. 4759 - Ordinance to amend the 2011 Operating Budget - Amendment No. 8. (Introduced 4/5/12)

Canulette - moved to adopt, second by Artigue. Unanimous with 1 absent (Stefancik); becomes Ordinance C.S. No. 12-2727.

Binder - 15. Ord. Cal. No. 4760AA - Ordinance to amend the 2012 Operating Budget - Amendment No. 2. (Introduced 4/5/12)

Bellisario - moved to adopt, second by Artigue. Unanimous with 1 absent (Stefancik); becomes Ordinance C.S. No. 12-2728.

Binder - 16. Ord. Cal. No. 4761 - 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. (Introduced 4/5/12)

Smith - moved to adopt, second by Artigue. Unanimous with 1 absent (Stefancik); becomes Ordinance C.S. No. 12-2729.

Binder - 17. Ord. Cal. No. 4762 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building, occupancy or occupational permits or licenses by any Parish department or agency for any pain management center/clinic whose primary focus or concentration is the

prescribing and/or dispensing of pain medication to individuals with complaints of chronic pain which is unaffiliated with any hospital, hospice and/or facility for the treatment of the terminally ill in unincorporated St. Tammany Parish. (Introduced 4/5/12)

Gould - moved to adopt, second by O'Brien. Unanimous with no one absent; becomes Ordinance C.S. No. 12-2730.

Binder - 18. Ord. Cal. No. 4763 - Ordinance to amend and reenact Parish Code of Ordinances, Chapter 2, Article III, Section 2-031.03, Parish Council Committees, to make changes relative thereto. (Introduced 4/5/12)

Stefancik - moved to adopt, second by Artigue. Unanimous with no one absent; becomes Ordinance C.S. No. 12-2731.

Binder - 19. Ord. Cal. No. 4764 - Ordinance to amend Parish Ordinance C. S. No. 08-1752 relative to the revocation/alienation of a portion of Marigny Avenue right-of-way, located in Mandeville Subdivision, and to authorize an Act of Exchange and acceptance of a servitude in connection therewith. (Introduced 4/5/12)

Grobby - moved to adopt, second by Canulette. Unanimous with 1 absent (Falconer); becomes Ordinance C.S. No. 12-2732.

Binder - 20. Ord. Cal. No. 4765 - Ordinance to amend Parish Code, Chapter 20 Roads and Bridges, Article III, Road Lighting Districts, Section 20-006.00 District No. 6, to amend the boundaries thereof. (Introduced 4/5/12)

Grobby - moved to adopt, second by Tanner. Unanimous with no one absent; becomes Ordinance C.S. No. 12-2733.

Binder - 21. Ord. Cal. No. 4766 - Ordinance to amend the 2012 Operating Budget - Amendment No. 3. (Introduced 4/5/12)

Canulette - moved to adopt, second by Dean. Unanimous with no one absent; becomes Ordinance C.S. No. 12-2734.

Binder - 22. Ord. Cal. No. 4767 - Ordinance accepting Act of Dedication and Donation of a twenty-five (25') foot right-of-way and servitude for the future improvement of the extension of Max Jude Lane, and to accept said servitude and right-of-way into the Parish Selective Road Maintenance System. (Ward 4, District 5) (Introduced 4/5/12)

Gould - moved to adopt, second by Stefancik. Unanimous with no one absent; becomes Ordinance C.S. No. 12-2735.

Binder - 23. Ord. Cal. No. 4768 - Ordinance to amend Parish Code of Ordinances, Chapter 7 Drainage and Flood Control, Article 1 Section 7-002.00 use of fill materials prohibited, to provide for additional areas of special concern and regulations related thereto. (Introduced 4/5/12)

Neil Hall - this item needs to be amended to include clarifications regarding Lakeview and Carr Drives.

Artigue - moved to amend, second by Stefancik. Unanimous with no one absent; becomes Ord. Cal. No. 4768AA.

Stefancik - moved to adopt, second by Artigue. Unanimous with no one absent; becomes Ordinance C.S. No. 12-2736.

NOMINATIONS

Binder - 1. Resolution to appoint three (3) members _____, _____, _____ to the Board of Commissioners of St. Tammany Recreation District No. 16. (Smith) (Tabled 4/5/12)

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

APPOINTMENTS

Binder - 1. Resolution to reappoint George Osbourn, Robert Fontcuberta, Jorge Fernandez, Rev. Chopin Cusachs. (Thompson)

Thompson - moved to adopt, second by Dean. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-3397.

Binder - 2. Resolution to appoint Gene Bellisario to Parish Hospital Services District No. 2 Appointing Authority (Slidell Memorial Hospital). (Binder)

Canulette - moved to adopt, second by O'Brien. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-3398.

Binder - 3. Resolution to reappoint Theresa Risley (Term expired) to Parish Fire Protection District No. 1. (Stefancik)

Stefancik - moved to adopt, second by Canulette. Motion passed with 12 yeas, 1 nay (Artigue) and 1 absent (Gould); becomes Resolution C.S. No. C-3399.

Binder - 4. Resolution to reappoint Tim Fandal, Louis Brookter, Brian Schneider and Luke Spicuzza (Terms expired) to the Board of Zoning Adjustments. (Gould)

Canulette - moved to adopt, second by Thompson. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-3400.

DISCUSSION AND OTHER MATTERS

Binder - 1. Motion to refer to Zoning Commission for recommendation the proposed re-zoning of 1.970 acres of land in Section 11, Township 9 South, Range 14 East, bearing the physical address of 1750 McKinney Rd, from its current zoning HC-2 (Highway Commercial District), to A-2 (Suburban District) Ward 8, District 14. (Smith)

Smith - moved to refer, second by Stefancik. Unanimous with 1 absent (Gould).

Binder - 2. Motion to refer to Zoning Commission for recommendation the proposed re-zoning of .5108 acres of land in Section 17, Township 9 South, Range 15 East, bearing the physical address of 41233 Hwy 190 E, from its current zoning A-3 (Suburban District), to A-3 (Suburban District) and MHO (Manufactured Housing Overlay) Ward 8, District 13. (Artigue)

Artigue - moved to refer, second by Stefancik. Unanimous with 1 absent (Gould).

Binder - 3. Motion to refer to Zoning Commission for recommendation the proposed re-zoning of 2 parcels of land containing 6 acres in Section 42, Township 6 South, Range 11 East, from its current zoning A-1A (Suburban District), to A-2 (Suburban District) Ward 3, District 2. (Sharp)

Sharp - moved to refer, second by Thompson. Unanimous with 1 absent (Gould).

Binder - 4. Motion to refer to Zoning Commission for recommendation the proposed re-zoning of 2 parcels of land containing 6 acres in Section 42, Township 6 South, Range 11 East, from its current zoning A-1A (Suburban District), to A-2 (Suburban District) Ward 3, District 2. (Sharp)

Sharp - moved to refer, second by Tanner. Unanimous with 1 absent (Gould).

Binder - 5. Motion to refer to Zoning Commission for recommendation the proposed re-zoning of a parcel of land in Section 12, Township 6 South, Range 10 East, bearing the physical address of 76184 Beverly Dr, from its current zoning A-2 (Suburban District), to A-2 (Suburban District) and RO (Rural Overly) Ward 3, District 3. (Thompson)

Thompson - moved to refer, second by Tanner. Unanimous with 1 absent (Gould).

ITEMS OFF-THE-FLOOR

Binder - 1. Motion to refer to Zoning Commission for recommendation the proposed re-zoning of 1 acre of land in Section 25, Township 9 South, Range 10 East, bearing the physical address of 15319 Ronald Reagan Hwy, from its current zoning A-1A (Suburban District), to HC-2 (Highway Commercial District) (Ward 3, District 3) (Thompson)

Thompson - moved to refer, second by Dean. Unanimous with 1 absent (Gould).

Binder - 2. Resolution to reappoint John Sammons, Richard Singletary and Eddie Smith, and to appoint Rusty Yates and Brett Bennett to St. Tammany Parish Fire Protection District No. 7. (Tanner)

Tanner - moved to table, second by Thompson. Unanimous with 1 absent (Gould).

Binder - 3. Resolution to vacate, in part, the six (6) month moratorium established by Ordinance C.S. No. 06-1263, and any subsequent extensions thereof, for the limited purpose of re-subdivision of parcels one and two. (Ward 9, District 11) (Stefancik)

Stefancik - moved to adopt, second by Artigue. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-3401.

Binder - 5. Resolution authorizing St. Tammany Parish Recreation District No. 16, State of Louisiana, to use the parish seal as part of its official logo pursuant to Louisiana Revised Statute 33:21. (Bellisario)

Bellisario - moved to adopt, second by Smith. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-3402.

Binder - 6. Resolution expressing opposition to House Bill 1203 in the 2012 Louisiana Legislature which exempts prescription drugs from sales and use tax charged by taxing bodies statewide. (Bellisario).

Bellisario - this is dealing with sales tax on prescription drugs moving through the state legislation, which would allow the state to cut the Parish's taxes.

Neil Hall - State statutes give the State exemptions to be able to tell the Parish what to do.

Bellisario - moved to adopt, second by Canulette. Motion passed 12 yeas, 1 Nay (Smith), 1 absent (Gould); becomes Resolution C.S. No. C- 3403.

Binder - 7. Resolution expressing opposition to Senate Bills 269 and 273 in the 2012 Louisiana Legislature which place a cap on franchise fees and similar charges assessed by local government to electric, gas, and water utility companies using public rights of way to provide service to customers. (Bellisario)

Bellisario - this bill deals with franchise fees. The Parish is able to assess five percent on utilities for repair and use of our right-of-ways. This bill would reduce the assessment to two percent. The companion bill would prevent the billing and collection from the utilities of the two percent.

Smith - is he right in assuming that utility companies would pass this fee along to the customers?

Bellisario - yes, it currently appears on the bills.

Binder - how is the money currently used?

Leslie Long - it goes into Environmental Services to help regulate utilities.

Bellisario - moved to adopt, second by Stefancik. Motion passed with 12 yeas, 1 Nay (Smith) and 1 absent (Gould); becomes Resolution C.S. No. C-3404.

8. Discussion: Audits from Component Units (Fire Protection District No. 12, Recreation District Nos. 1, 2 and 4) (Gould)

Leslie Long - we were waiting on audit reports from these component units in order to complete the Parish audit. All Districts have now submitted their reports.

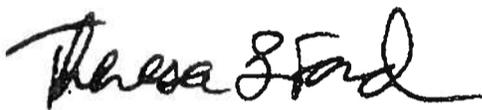
Bellisario - moved to hear a Resolution to appoint Randy Smith to Communication District No. 1. Unanimous with 1 absent (Gould).

Stefancik - moved to suspend the rules and adopt, second by Artigue. Unanimous with 1 absent (Gould); becomes Resolution C.S. No. C-3405.

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



MARTIN W. GOULD, JR., COUNCIL CHAIRMAN



THERESA L. FORD, COUNCIL CLERK