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**PUBLISHED APRIL 29, 2004 AND POSTED AT THE PARISH COMPLEX BY MAY 4, 2004
AGENDA**

ST. TAMMANY PARISH COUNCIL MEETING

THURSDAY, MAY 6, 2004 AT 6:00 P.M.

ST. TAMMANY GOVERNMENT COMPLEX

21490 KOOP DRIVE, MANDEVILLE, LA.

Call to Order by Honorable Patricia Brister, Chairman

Invocation by

Pledge of Allegiance by

Roll Call: Marty Dean

Russell Fitzmorris

James A. "Red" Thompson

Marty Gould

Gary Singletary

Joe Impastato

Patricia Brister

Steve Stefancik

Chris Canulette

Barry D. Bagert

Henry Billiot

Jerry Binder

Joe "Coach" Thomas

Ken Burkhalter

PRESENTATIONS

1) Certificate of Recognition to Annadele's Plantation as Business of the Month for outstanding service to the community.

2) Legislative Delegates presentation of Rural Development Grants to President Kevin Davis for Parish entities.

CONSENT CALENDAR

MINUTES

Regular Council Meeting April 1, 2004

Special Council Meeting April 28, 2004

Council Committee Meetings April 28, 2004

ORDINANCES FOR INTRODUCTION

(Public Hearing June 3, 2004)

1) Ord. Cal. No. 2812 - Ordinance to declare Lot 556, Moonraker Subdivision, Phase 3-D, as surplus property and authorize sale of same. (Ward 9, District 13)
(Tabled introduction 4/1/2004 to meet advertising requirements)

2) Ord. Cal. No. 2828 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Hwy. 59, south of Mire Drive and north of Ponchitalawa Creek, being Lot 9 of Square 3 in Red Gap Acres Subdivision, Addition #1, containing 25,350 sq. ft., from SA Suburban Agriculture to C-2 Highway Commercial. (Ward 3, District 5) (ZC 04-03-019)
(Zoning Commission approved 4/6/2004)

3) Ord. Cal. No. 2829 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Dupre Street, north of Caroline Street, being Lot 173-A of Square 173 in Town of Mandeville Subdivision, containing 3.5 acres, from A-2 Suburban to A-4 Single Family Residential. (Ward 4, District 7) (ZC 04-04-021) (Zoning Commission approved 4/6/2004)

4) Ord. Cal. No. 2830 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the west side of Hwy. 21, north of intersection of Hwy. 21 and Hwy. 1077, containing 2.8 acres, from SA Suburban Agriculture to C-1 Neighborhood Commercial. (Ward 1, District 1) (ZC 04-04-022) (Zoning Commission approved 4/6/2004)

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5) Ord. Cal. No. 2831 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the west side of Collins Boulevard, north of West Magee Street, containing 0.54 acres, from SA Suburban Agriculture to C-2 Highway Commercial. (Ward 3, District 2)
(ZC 04-04-023) (Zoning Commission approved 4/6/2004)

6) Ord. Cal. No. 2832 - Ordinance amending the official zoning map of St. Tammany Parish to reclassify land on the northeast corner of Rose Street and Hwy. 36, being Lots 19, 21, 23, 25, 27 and 29 of Square 24 in West Abita Springs Subdivision, containing 12,309 sq. ft., from R-Rural to C-2 Highway Commercial. (Ward 10, District 3) (ZC 04-04-024)
(Zoning Commission approved 4/6/2004)

7) Ord. Cal. No. 2833 - Ordinance amending the official zoning map of St. Tammany Parish to reclassify land on the west side of Hwy. 40, north of Stermer Road, containing 37.11 acres, from R-Rural to A-1 Suburban. (Ward 2, District 2) (ZC 04-04-027)
(Zoning Commission approved 4/6/2004)

8) Ord. Cal. No. 2834 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Hwy. 59, south of I-12, being Lots 9-13 of DeVal Estates Subdivision, containing 2.58 acres, from LC Light Commercial to C-1 Neighborhood Commercial. (Ward 4, District 5) (ZC 04-04-028) (Zoning Commission approved 4/6/2004)

9) Ord. Cal. No. 2835 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Hwy. 1085, west of intersection of Hwy. 1085 and Hwy. 1077, containing 118.9 acres, from R-Rural to M-2 Intermediate Industrial. (Ward 1, District 1)
(ZC 04-04-030) (Zoning Commission approved 4/6/2004)

10) Ord. Cal. No. 2836 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Montmartre Street, between Jackson Avenue and Atalin Street, containing 2.85 acres, from A-3 Suburban to A-4 Single Family Residential. (Ward 4, District 10) (ZC 04-04-031) (Zoning Commission approved 4/6/2004)

11) Ord. Cal. No. 2837 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the west side of Penn Mill Road, north of Hwy. 190, containing 32 acres, from SA Suburban Agriculture to PUD (Planned Unit Development). (Ward 3, District 3) (ZC 04-04-032) (Zoning Commission approved 4/6/2004)

12) Ord. Cal. No. 2838 - Ordinance establishing a "No Truck Route" on Burns Cemetery Road. (Ward 2, District 3)

13) Ord. Cal. No. 2839 - Ordinance to authorize Parish to purchase Lots 1, 2, 8, 9 and 10, Pinehurst Subdivision, commonly referred to as "Animal Services Property."

14) Ord. Cal. No. 2840 - Ordinance to authorize Parish to accept donation of 10-foot strip of land south of Koop Drive.

15) Ord. Cal. No. 2841 - Ordinance to authorize the Parish to purchase Lots 1, 3 and 5, Square 345A, Town of Mandeville to relocate lateral canal of Bayou Castine.

16) Ord. Cal.No. 2842 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Pass On It Properties, LLC, developer of Tammany West Multiplex Subdivision. (Ward 1, District 1)

17) Ord. Cal. No. 2843 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Lonesome Development, developer of The Landing At Tchefuncta Subdivision. (Ward 1, District 1)

18) Ord. Cal. No. 2844 - Ordinance to revoke Berry Avenue right-of-way in Pinecrest Subdivision. (Ward 7, District 7)

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19) Ord. Cal. No. 2845 - Ordinance amending the 2004 Operating Budget.

20) Ord. Cal. No. 2846 - Ordinance to amend Ord. C.S. No. 04-0828, adopted 2/5/2004, establishing and validating rates and fees for sewerage and water services provided by systems owned and operated by the Parish to include Cross Gates Utility.

21) Ord. Cal. No. 2847 - Ordinance to impose a six (6) month moratorium on issuance of permits for construction or placement of building structures on certain properties within unincorporated St. Tammany Parish abutting, in whole or in part, a portion of the East I-10 Service Road, Slidell, Louisiana. (Ward 8, District 8)

RESOLUTIONS

22) Resolution C.S. No. C-1090 - Resolution approving holding an election in Sub-Drainage District No. 1 (Parcel) of Drainage District No. 3 on November 2, 2004 to authorize renewal of

parcel fee therein.

23) Resolution C.S. No. C-1091 - Resolution requesting that the Federal Emergency Management Agency (FEMA) determine, in consultation with the U.S. Army Corps of Engineers, the continued accuracy of the existing base flood elevations along the Pearl River Navigational Canal from the Washington Parish/St. Tammany Parish line to the intersection of the Pearl River Navigational Canal and the West Pearl River.

24) Resolution C.S. No. C-1092 - Resolution requesting the Housing Element Focus Group of ND 2025 include within its elements of the Comprehensive Plan recommendations for establishment of future mobile home and manufactured housing zoning districts.

25) Resolution C.S. No. C-1093 - Resolution to concur/not concur with Town of Pearl River annexation and rezoning of 11.57 acres at St. Peter & Paul Catholic Church (66192 St. Mary Drive) from Parish Rural to City of Pearl River R-1 District.

26) Resolution C.S. No. C-1094 - Resolution authorizing Parish President to enter into an agreement with DOTD to install roadway lighting at Oak Harbor/I-10.

27) Resolution C.S. No. C-1095 - Resolution to concur/not concur with City of Slidell annexation and rezoning of 5.36 acres, bounded by Indiana Street and Segari Addition, 9th Street, North End Addition and the railroad, from Parish SA Suburban Agriculture to City of Slidell A-6 Single Family Residential District.

28) Resolution C.S. No. C-1096 - Resolution to concur/not concur with City of Mandeville annexation and rezoning of 6.196.34 sq. ft. at the northwest corner of Coffee and Highway 190 from Parish C-2 Highway Commercial to City of Mandeville B-2 Highway Business District.

29) Resolution C.S. No. C-1097 - Resolution stating Council endorsement of Pontchartrain Materials Corp. LLC for participation in benefits of Louisiana Enterprise Zone Program.

30) Resolution C.S. No. C-1098 - Resolution stating Council endorsement of Pelican Athletic Club LLC for participation in benefits of Louisiana Enterprise Zone Program.

31) Resolution C.S. No. C-1099 - Resolution to amend Ord. C.S. No. 03-0775, the 2004-2008 Capital Improvement Budget and Program, Fixed Asset and Grant Awards.

32) Resolution C.S. No. C-1100 - Resolution authorizing Parish President to enter agreement with Bayou Lacombe Crab Festival Commission, Inc. for use of John Henry Davis Park for festival to be held June 25-27, 2004, subject to meeting all requirements.

33) Resolution C.S. No. C-1101 - Resolution granting permission to A. J. Montalbano to enter Anchorage Drive right of way to provide and/or maintain landscaping.

34) Resolution C.S. No. C-1102 - Resolution establishing Warranty Obligations.

WARRANTYNAME OF SUBDIVISION RECOMMENDATION

**ENTER PARISH ROW (RES. 03-128) RELEASE L.O.C.
 HOOVER DRIVE TO REMAIN IN THE PARISH
 AMOUNT: \$6,000 MAINTENANCE SYSTEM
 EXPIRES: JUNE 12, 2004
 WARD 8, DISTRICT 13**

**FOREST BROOK, PHASE 4C-3 EXTEND FOR ONE (1) YEAR OR
 AMOUNT: \$16,500 UNTIL WORK IS SATISFACTORILY
 EXPIRES: JUNE 5, 2004 ACCOMPLISHED
 WARD 4, DISTRICT 7**

**KINGSPPOINT, PHASE 8Q-1 EXTEND FOR ONE (1) YEAR OR
 AMOUNT: \$26,900 UNTIL WORK IS SATISFACTORILY
 EXPIRES: JUNE 27, 2004 ACCOMPLISHED
 WARD 8, DISTRICT 14**

**KINGSPPOINT, PHASE 8Q-5 EXTEND FOR ONE (1) YEAR OR
 AMOUNT: \$16,100 UNTIL WORK IS SATISFACTORILY
 EXPIRES: JUNE 4, 2004 ACCOMPLISHED
 WARD 8, DISTRICT 14**

35) Resolution C.S. No. C-1103 - Resolution to grant design exception for construction of Fitzgerald Church Road Bridge to increase the maximum allowable grade without vertical curves.

36) Resolution C.S. No. C-1104 - Resolution to amend Ord. C.S. No. 03-0775, the 2004-2008 Capital Improvement Budget and Program, to make changes to Council District 4 road list to include Magnolia Street and Elm Street.

37) Resolution C.S. No. C-1105 - Resolution to amend Ord. C.S. No. 03-0775, the 2004-2008 Capital Improvement Budget and Program, to make changes to Council District 10 road list to include Caroline Street and Fern Place.

38) Resolution C.S. No. C-1106 - Resolution to adopt a Voluntary Developmental Agreement between the Parish and Chateau Nouveau, LLC, developer of Old Mandeville Woods. (Ward 4, District 10)

END OF CONSENT CALENDARAPPEALS

1) Applicant Jonathan Pearson, Pearson Real Estates Services, Inc., appealing the Zoning Commission DENIAL on February 3, 2004 to rezone 29.46 acres of land on the west side of I-59, south of the East Pearl River, from C-2 Highway Commercial to M-2 Intermediate Industrial. (Ward 6, District 6) (ZC 04-01-004) (Tabled 3/4/2004 and April 1, 2004)

2) Applicant Roy Tasso Mullett appealing the Zoning Commission DENIAL on March 2, 2004 to rezone 16.67 acres of land on the north side of Highway 21, west of the intersection of Highway 21 and Highway 40, from R-Rural to C-2 Highway Commercial. (Ward 2, District 2) (ZC 04-03-016) (Tabled 4/1/2004)

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3) Rehearing on appeal following reconsideration by Planning Commission on April 13, 2004 for Tentative Subdivision Review of Timber Branch II in Ward 1, District 1 (SD 04-01-003) (Upon reconsideration, Tentative Subdivision Review approval was NOT granted by Planning Commission) (Original appellant Hazel Sinclair) (Developer/owner A. J. Hand, et al)

4) Bill and Susan Griffith, et al appealing the Zoning Commission APPROVAL on April 6, 2004 to rezone 23.9 acres on the east side of Military Road, north of Crowe's Landing Road, from SA Suburban Agriculture to A-3 Suburban District. (Ward 8, District 9) (ZC 04-04-029) (Applicant/owner C. Reese Owen and Ronald Duhe)

5) Paul J. Mayronne, for applicant Scoggin Homes, Inc., appealing the Planning Commission DENIAL on April 13, 2004 to enter Parish right of way, Coyne Road, to gain access to property. (Ward 2, District 2)

ORDINANCES FOR ADOPTION

(Public Hearing)

1) Ord. Cal. No. 2757 As Amended - Ordinance to amend Parish Code of Ordinances, Chapter 14, Article I, to amend and reenact Section 14-002.00 Illustrative Enumeration, and to create a new Section 14-010.00 entitled Prohibited Tree Cuttings and Associated Debris. (Reintroduced as amended 4/1/2004)

2) Ord. Cal. No. 2789 - Ordinance accepting finalized subdivisions into the road and drainage inventories, specifically Forest Brook, Phase 4-C-2, Marigny Trace, Phase 4, and Covington Meadows, Phase 1. (Wards 3 and 4, Districts 5 and 7) (Introduced 3/4/2004; Tabled 4/1/2004)

3) Ord. Cal. No. 2802 - Ordinance to extend for an additional six (6) months the moratorium on issuance of permits for construction or placement of building structures on certain property within Highland Park Subdivision. (Ward 9, District 12) (Introduced 4/1/2004)

4) Ord. Cal. No. 2803 - Ordinance amending official zoning map of St. Tammany to reclassify land on the north side of Highway 22, east of Perrilloux Road, containing 64.29 acres, from R-Rural to PUD (Planned Unit Development) (Ward 1, District 1) (ZC 04-02-012) (Zoning Commission approved 3/2/2004) (Introduced 4/1/2004)

5) Ord. Cal. No. 2804 - Ordinance amending official zoning map of St. Tammany to reclassify land on the east side of Lee Road, between Brunning and Knights Roads, containing 0.77 acres, from R-Rural to C-2 Highway Commercial. (Ward 2, District 2) (ZC 04-03-015) (Zoning Commission approved 3/2/2004) (Introduced 4/1/2004)

6) Ord. Cal. No. 2805 - Ordinance amending official zoning map of St. Tammany to reclassify

land on the north side of Highway 90, south of the East Poitevent Canal, containing 1.0 acre, from SA Suburban Agriculture to RC Recreational/Conservation. (Ward 8, District 13) (ZC 04-03-017) (Zoning Commission approved 3/2/2004) (Introduced 4/1/2004)

7) Ord. Cal. No. 2806 - Ordinance to amend Ord. C.S. No. 02-0566, the 2003-2007 Capital Improvement Budget and Program, to identify changes to Capital Improvement List for 2003-2007. (Introduced 4/1/2004)

8) Ord. Cal. No. 2807 - Ordinance to correct road inventory to include Natures Way and an extension of East Howze Beach Road. (Ward 9, Districts 7 and 13) (Introduced 4/1/2004)

9) Ord. Cal. No. 2808 - Ordinance accepting finalized subdivision into road and drainage inventories, specifically Forest Brook, Phase 4-C-1. (Ward 4, District 7) (Introduced 4/1/2004)

10) Ord. Cal. No. 2809 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Uncas Favret, developer of Fairway Oaks Business Park Subdivision. (Ward 4, District 4) (Introduced 4/1/2004)

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11) Ord. Cal. No. 2810 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and GW Contractors, Inc., developer of Starwood Subdivision. (Ward 2, District 3) (Introduced 4/1/2004)

12) Ord. Cal. No. 2811 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and CLM Development, L.L.C., developer of Post Oak Landing Subdivision. (Ward 1, District 1) (Introduced 4/1/2004)

13) Ord. Cal. No. 2813 - Ordinance to amend Ord. C.S. No. 04-0828, adopted 2/5/2004, establishing and validating rates and fees for sewerage and water services provided by systems owned and operated by the Parish. (Introduced 4/1/2004)

14) Ord. Cal. No. 2814 - Ordinance to amend Code, Chapter 18, Article III, relative to St. Tammany Parish Planning Commission. (Introduced 4/1/2004)

15) Ord. Cal. No. 2815 - Ordinance to amend Code, Chapter 18, Article IV, relative to St. Tammany Parish Zoning Commission. (Introduced 4/1/2004)

16) Ord. Cal. No. 2816 - Ordinance to amend Code, Chapter 7, Drainage and Flood Control, Article I, Section 7-002.00 Limiting the Placement of Fill on Property Adjacent to Certain Waterways and Drainage Ways. (Introduced 4/1/2004)

17) Ord. Cal. No. 2817 - Ordinance amending the official zoning map of St. Tammany to reclassify a land on the northwest corner of Highway 21 and Dummyline Road, containing 0.44 acres more or less, from its present SA (Suburban Agriculture) to LC (Light Commercial) (Ward 1, District 1) (ZC 04-02-013) (Introduced from appeal 4/1/2004)

18) Ord. Cal. No. 2819 - Ordinance to impose a six-month moratorium on receipt of submissions by the Planning Commission for opening and/or extension of any unopened Parish right of way

without the installation of central water and community sewerage for properties located within Council Districts 5, 7 and 10, unincorporated St. Tammany Parish. (Ward 3, 4, 6, 7, 9 and 10, Districts 5, 7 and 10) (Introduced 4/1/2004)

19) Ord. Cal. No. 2820 - Ordinance establishing a "No Truck Route" on Hollycrest Boulevard. (Ward 3, District 5) (Introduced 4/1/2004)

20) Ord. Cal. No. 2821 - Ordinance establishing a "No Thru Trucks" zone on Malbrough Drive and Manzella Drive. (Ward 8, District 13) (Introduced 4/1/2004)

21) Ord. Cal. No. 2822 - Ordinance establishing a portion of Garden Drive as "One Way" traffic only. (District 11) (Introduced 4/1/2004)

22) Ord. Cal. No. 2823 - Ordinance to impose a six-month moratorium on the issuance of building permits for any new residential or commercial development that would ingress and egress via Military Road to allow time for DOTD to install turn lanes on Military Road (Highway 1090) at Brownsitch Road. (Ward 8, District 9) (Introduced 4/1/2004)

23) Ord. Cal. No. 2824 - Ordinance to amend Ordinance C.S. No. 04-0862, adopted April 1, 2004, and the Parish Code of Ordinances, Chapter 7, Drainage and Flood Control, Article I, governing the placement of net fill on certain properties. (Introduced 4/28/2004)

APPOINTMENTS

1) Resolution to appoint _____ to replace Jeffery K. Barker (resigned) to Fire Protection District No. 6. (Fitzmorris) (Tabled 3/4/2004 and 4/1/2004)

2) Resolution to reappoint Edward A. Sicard to Fire Protection District No. 5. (Thompson) (Tabled 4/1/2004)