

AGENDA

ST. TAMMANY PARISH COUNCIL MEETING
THURSDAY, MAY 03, 2012 AT 6:00PM
ST. TAMMANY GOVERNMENT COMPLEX
21490 KOOP DRIVE, MANDEVILLE, LA.

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

Invocation by _____

Pledge of Allegiance by _____

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

1. Certificate of Recognition to Lakeshore High School recognizing its first graduating class. (Groby/Smith)
2. Certificates of Recognition to Pope John Paul High School Girls' and Boys' Power Lifting AA Champs. (Canulette)
3. Certificate of Recognition to Paul Dyer for his service to Gravity Drainage District #5. (Gould)
4. Proclamation by Parish President declaring May 2012 as Mental Health Month. (Brister)
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)

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.

MINUTES

Regular Council Meeting - April 5, 2012

Council Committee Meeting - April 25, 2012

ORDINANCES FOR INTRODUCTION
(Public Hearing June 7, 2012)

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)
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)
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)
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.
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)
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 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)

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)

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. (Facilities) (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. (Fund 316) (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)

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)

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). (Thompson)

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

APPEALS

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.

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.

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.

ORDINANCES FOR ADOPTION (Public Hearing)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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 3, District 5) (Introduced 4/5/12)

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)

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

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

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

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)

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)

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)

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)

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)

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

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)

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)

NOMINATIONS

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

APPOINTMENTS

1. Resolution to reappoint George Osbourn, Robert Fontcuberta, Jorge Fernandez, Rev. Chopin Cusachs to Parish Fire Protection District No. 13. (Thompson)

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

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

4. Resolution to reappoint Tim Fandal, Louis Brookter, Brian Schneider and Robert Schaefer (Terms expired) to the Board of Zoning Adjustments. (Gould)

DISCUSSIONS AND OTHER MATTERS

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)
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)
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)
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)
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)