

PUBLISHED OCTOBER 25, 2012 AND POSTED AT PARISH COMPLEX BY OCTOBER 29, 2012

AGENDA

ST. TAMMANY PARISH COUNCIL MEETING
THURSDAY, NOVEMBER 01, 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.

SPECIAL ITEMS

1) Ord. Cal. No. 4885 - Ordinance adopting the 2013 Parish Operating Budget. (Introduced September 26, 2012)

2) Ord. Cal. No. 4886 - Ordinance adopting the 2013-2017 Parish Capital Improvement Budget and Program, and further identify Fixed Assets & Grants Awards. (Introduced September 26, 2012)

PRESENTATIONS

1. Proclamation by the Parish President of November 9, 2012 as Black and Gold Day. (Gould/Brister)

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CONSENT CALENDAR
(PAGES 2 THROUGH 5)

Any items not pulled from the Consent Calendar are automatically approved in whole by one vote. Items pulled from the Consent Calendar are discussed and voted upon individually.

MINUTES

Regular Council Meeting - October 4, 2012

Special Council Meeting - October 10, 2012

Council Committee Meeting - October 24, 2012

ORDINANCES FOR INTRODUCTION
(Public Hearing December 6, 2012)

1. Ord. Cal. No. 4901 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume 1 (Zoning), to create a new Section 6.08 Regional Business Center Overlay, to allow for Coordinated Design Standards and Flexible Design Standards for Planned Commercial or Office Developments. (ZC12-08-065) (Gould/Brister) (Zoning Commission Approved 10/2/12)

2. Ord. Cal. No. 4902 - Ordinance amending the Official Parish Zoning Map to reclassify 2 acres located east of La Highway 450, north of Ed Williams Road East, south of the Washington Parish Line from A-1 (Suburban District) to A-1 (Suburban District) & MHO (Manufactured Housing Overlay). (Ward 2, District 3) (ZC12-08-085) (Gould/Brister) (Zoning Commission Approved 10/2/12)

3. Ord. Cal. No. 4903 - Ordinance amending the Official Parish Zoning Map to reclassify 1 acre located at the Southeast Corner of US Highway 190 East and Apple Pie Ridge Road from A-1 (Suburban District) to HC-2 (Highway Commercial District). (Ward 8, District 13) (ZC12-10-094) (Gould/Brister) (Zoning Commission Approved 10/2/12)

4. Ord. Cal. No. 4904 - Ordinance amending the Official Parish Zoning Map to reclassify 0.79 acre located on the Southwest Corner of US Highway 190 East & Apple Pie Ridge Road from A-1 (Suburban District) to HC-2 (Highway Commercial District). (Ward 8, District 13) (ZC12-10-095) (Gould/Brister) (Zoning Commission Approved 10/2/12)

5. Ord. Cal. No. 4905 - Ordinance amending the Official Parish Zoning Map to reclassify 6.7452 acres located north of La Highway 1085, west of Tallow Creek Blvd from A-3 (Suburban District) to PF-1 (Public Facilities District). (Ward 1, District 3) (ZC12-10-096) (Gould/Brister) (Zoning Commission Approved 10/2/12)

6. Ord. Cal. No. 4906 - Ordinance amending the Official Parish Zoning Map to reclassify 32.5 acres located west of LA Highway 1085, north of Rue Maison du Lac Blvd from MD-1 (Medical Residential District) to A-4 (Single-family Residential District). (Ward 1, District 1) (ZC12-10-100) (Gould/Brister) (Zoning Commission Approved 10/2/12)

7. Ord. Cal. No. 4907 - Ordinance amending the Official Parish Zoning Map to reclassify 32.5 acres located west of LA Highway 1085, north of Rue Maison du Lac Blvd to a PUD (Planned Unit Development Overlay). (Ward 1, District 1) (ZC12-10-101) (Gould/Brister) (Zoning Commission Approved 10/2/12)

8. Ord. Cal. No. 4908 - Ordinance amending the Official Parish Zoning Map to reclassify 3.05 acres located east of Helen Drive, north of LA Highway 22, being 57 Helen Drive, Madisonville from HC-2 (Highway Commercial District) to A-4 (Single-family Residential District). (Ward 1, District 1) (ZC12-10-102) (Gould/Brister) (Zoning Commission Approved 10/2/12)

9. Ord. Cal. No. 4909 - Ordinance amending the Official Parish Zoning Map to reclassify 53.5 acres located north LA Highway 1085, west of Tallow Creek Blvd from A-3 (Suburban District) & PF-2 (Public Facilities District) to A-3 (Suburban District), PF-2 (Public Facilities District) & PUD (Planned Unit Development Overlay). (Ward 1, District 3) (ZC12-10-104) (Gould/Brister) (Zoning Commission Approved 10/2/12)

10. Ord. Cal. No. 4910 - Ordinance to amend and reenact Section 3-105.00 of Article V, Chapter 3 of the St. Tammany Parish Code of Ordinances, Alcoholic Beverages, in General, and to repeal Sections 3-190.00 through 3-190.04 of Article VIII. (Artigue)

11. Ord. Cal. No. 4911 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Palm Courts and Covington Place Cottages, Phase 1 Subdivisions. (Wards 1 & 3) (Districts 1 & 2) (Gould/Brister)

12. Ord. Cal. No. 4912 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of Agricultural Use Permits within the boundaries of St. Tammany Parish Council District No. 5. (Gould)

RESOLUTIONS

1. Resolution C.S. No. C-3472 - Resolution approving the issuance of not exceeding \$ 600,000 of Limited Tax Certificates, Series 2012, of St. Tammany Fire Protection District No. 4, State of Louisiana. (Falconer) (Postponed 8/2/12, 9/10/12, 10/4/12)

2. Resolution C.S. No. C-3539 - Resolution to vacate, in part, the six (6) month moratorium established by Ordinance C.S. No. 08-1741, and any subsequent extensions thereof, for the limited purpose of allowing the approval of rezoning applications and/or the issuance of plan review permits on the property located at 200 Pinnacle Drive, Covington, as more particularly described herein. (Ward 1, District 1) (Dean)

3. Resolution C.S. No. C-3540 - Resolution to Concur/Not Concur with the City of Slidell annexation and rezoning of 0.361 acre from Parish HC-2 (Highway Commercial District) to City of Slidell C-4 (Highway Commercial District) located at 1600 Lindberg Drive, Slidell. (Ward 8, District 14) (SL2012-03) (Gould/Brister)

4. Resolution C.S. No. C-3541 - Resolution to Concur/Not Concur with the City of Slidell annexation and rezoning of 1.966 acres from Parish HC-1 (Highway Commercial District) to City of Slidell C-2 (Neighborhood Commercial District) located at 800 Brownsitch Road, Slidell. (Ward 8, District 8) (SL2012-04) (Gould/Brister)

5. Resolution C.S. No. C-3542 - Resolution to authorize the Chief Administrative Officer to execute an agreement with the Louisiana Department of Transportation and Development ("LA DOTD") for the Taxiway Extension and Hangar Apron - Phase II at the St. Tammany Regional Airport. (Ward 4, District 7) (Gould/Brister)

6. Resolution C.S. No. C-3543 - Resolution to approve and authorize the Parish President to sign and/or execute a Cooperative Endeavor Agreement between the Parish and the Northshore Harbor Center District (NHCD) for the construction of a digital video pylon sign by the Northshore Harbor Center District. (Ward 9, District 13) (Gould/Brister)
7. Resolution C.S. No. C-3544 - Resolution stating the St. Tammany Parish Council's endorsement of Alliance Laser Inc, for participation in the benefits of the Louisiana Enterprise Zone Program. (Ward 8, District 14) (EZ#20120997) (Gould/Brister)
8. Resolution C.S. No. C-3545 - A Resolution Establishing Performance Obligations. (Gould/Brister)
9. Resolution C.S. No. C-3546 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012 - 2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Gould/Brister)
10. Resolution C.S. No. C-3547 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012-2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Capital Assets - Other) (Gould/Brister)
11. Resolution C.S. No. C-3548 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012-2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Gould/Brister)
12. Resolution C.S. No. C-3549 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$ 150,713.07 from the Capital Improvements District 7 account to the Developmental Agreements Escrow Account. (Gould/Brister)
13. Resolution C.S. No. C-3550 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$ 64,890.00 from the Voluntary Developmental Agreements Escrow Account to Capital Fund 370 - TMDL. (District 5) (Gould/Brister)
14. Resolution C.S. No. C-3551 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$ 324,724.64 from the Voluntary Developmental Agreements Escrow Account to Capital Fund 370 - TMDL. (District 1) (Gould/Brister)
15. Resolution C.S. No. C-3552 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$ 191,280.00 from the Voluntary Developmental Agreements Escrow Account to Capital Fund 370 - TMDL. (District 5) (Gould/Brister)
16. Resolution C.S. No. C-3553 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$ 25,619.00 from the Voluntary Developmental Agreements Escrow Account to Capital Fund 370 - TMDL. (Districts 13 and 14) (Gould/Brister)
17. Resolution C.S. No. C-3554 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$ 113,200.00 from the Voluntary Developmental Agreements Escrow Account to Capital Fund 370 - TMDL. (District 5) (Gould/Brister)
18. Resolution C.S. No. C-3555 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$ 125,960.40 from the Voluntary Developmental Agreements Escrow Account to Capital Fund 370 - TMDL. (Districts 4 and 5) (Gould/Brister)
19. Resolution C.S. No. C-3556 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012-2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Capital Assets - Other) (Gould/Brister)
20. Resolution C.S. No. C-3557 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$ 32,250.00 from the Voluntary Developmental Agreements Escrow Account to Capital Fund 302 - District 2. (Gould/Brister)

21. Resolution C.S. No. C-3558 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$ 16,000.00 from the Voluntary Developmental Agreements Escrow Account to Capital Fund 306 - District 6. (Gould/Brister)

22. Resolution C.S. No. C-3559 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$ 29,000.00 from the Voluntary Developmental Agreements Escrow Account to Capital Fund 309 - District 9. (Gould/Brister)

23. Resolution C.S. No. C-3560 - Resolution authorizing the Director of Finance to transfer funds in the amount of \$ 1,000.00 from the Voluntary Developmental Agreements Escrow Account to Capital Fund 310 - District 10. (Gould/Brister)

24. Resolution C.S. No. C-3561 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012-2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Drainage) (Gould/Brister)

25. Resolution C.S. No. C-3562 - Resolution to approve and authorize the Parish President to sign and/or execute a Cooperative Endeavor Agreement between the Parish and the City of Covington for the City's temporary use of Parish property at the corner of N. Madison Street and W. 26th Avenue. (Ward 3, District 3) (Gould/Brister)

26. Resolution C.S. No. C-3563 - Resolution to approve and authorize St. Tammany Parish through the Office of the Parish President to sign and/or execute a Cooperative Endeavor Agreement between the Parish of St. Tammany and the St. Tammany Fire Protection District No. 1 for the use of the Steele Road Well Site as a temporary fire station. (Ward 8, District 9) (Gould/Brister)

27. Resolution C.S. No. C-3564 - Resolution to approve and authorize the Parish President to sign and/or execute a Cooperative Endeavor Agreement between the Parish and the Louisiana Public Defender Board for the 22nd Judicial District for office space in the Towers Building. (Gould/Brister)

28. Resolution C.S. No. C-3565 - Resolution to approve and authorize the Parish President to sign and/or execute a Cooperative Endeavor Agreement between the Parish and the Tammany Trace Foundation to provide fund raisers to generate revenue for operation and improvements to Tammany Trace, Kids Konnection playground and Camp Salmen Park. (Gould/Brister)

29. Resolution C.S. No. C-3566 - Resolution to declare certain movable property surplus and authorizing disposition of same. (Gould/Brister)

30. Resolution C.S. No. C-3567 - Resolution in support of the Lake Pontchartrain Barrier Project included in the Louisiana Coastal Protection and Restoration Authority's 2012 Master Plan. (Artigue)

END OF CONSENT CALENDAR

APPEALS

1. Scott Jordon appealing the Zoning Commission DENIAL on September 4, 2012 to rezone 1.19 acres located east of LA Highway 41, north of Bill Stoltz Road, south of Jack Crawford Road from A-3 (Suburban District) to I-1 (Industrial District). (Ward 6, District 6) (ZC12-09-090) (Tabled 10/4/12)

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. Gregory Benfatti appealing the Zoning Commission DENIAL on October 2, 2012 to rezone 11,000 square feet located west of Brookter Road, south of US Highway 190 East from A-4 (Single Family Residential District) to HC-2 (Highway Commercial District). (Ward 8, District 14) (ZC12-10-098)

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.

3. Susan Lagarde appealing the Zoning Commission APPROVAL on October 2, 2012 to rezone 8.901 acres located on the southeast corner of LA Highway 1077 and LA Highway 1085 from HC-2 (Highway Commercial District) to HC-2A (Highway Commercial District). (Ward 1, District 1) (ZC12-10-099) (Applicant: Clint Pierson, Sr.)

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.

4. Pastor Kathleen Javery-Bacon, et al, appealing the Zoning Commission APPROVAL on October 2, 2012 to rezone 2.12 acres located south of Ben Thomas Road, east of Javery Road, west of US Highway 11 from A-4 (Single Family Residential District) to I-2 (Industrial District). (Ward 9, District 14) (ZC12-10-103) (Applicant: Douglas and Shirley Fischer)

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.

5. Paul Mayronne appealing the Planning Commission APPROVAL on October 9, 2012 of Tentative Subdivision Review of River Club Subdivision. (Ward 1, District 1) (SD12-08-005)(Applicant: Delta Land Holding, LLC)

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

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

ORDINANCES FOR ADOPTION (Public Hearing)

1. Ord. Cal. No. 4812AA - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning) Section 5.29 - MD-3 (Medical Facility District), relative to height regulations & Section 5.29A - MD-4 (Medical Research District), relative to buffer, setback and height regulations. (ZC12-06-046)(ZC approved 6/5/12) (Postponed from 7/12/12 to 9/10/12) (Tabled 9/10/12) (Introduced and amended 10/4/12)

2. Ord. Cal. No. 4887 - Ordinance amending the Official Parish Zoning Map to reclassify 6.33 acres located west of LA Highway 41, south of Gus Baldwin Road, being 73469 Hwy 41, Pearl River from A-2 (Suburban District) to PF-1 (Public Facilities District). (Ward 6, District 6) (ZC12-08-067) (Zoning Commission approved 9/4/12) (Introduced 10/4/12)

3. Ord. Cal. No. 4888 - Ordinance amending the Official Parish Zoning Map to reclassify 11 acres located north of McLain Road, east of Section Road, west of Modica Lane from A-1 (Suburban District) to A-2 (Suburban District). (Ward 2, District 6) (ZC11-09-080) (Zoning Commission approved 9/4/12) (Introduced 10/4/12)

4. Ord. Cal. No. 4889 - Ordinance amending the Official Parish Zoning Map to reclassify 1.5 acres located west of Tulip Drive, south of Davis Landing Road, being 309 Tulip Drive, Slidell from A-2 (Suburban District) to A-2 (Suburban District) & MHO (Manufactured Home Overlay). (Ward 8, District 9) (ZC12-09-089) (Introduced 10/4/12)

5. Ord. Cal. No. 4890 - Ordinance to authorize the Parish President to grant a Non-exclusive Utility Servitude to Washington-St. Tammany Electric Cooperative, Inc. along Highway 1129 (Lee Road) at Johnny F. Smith Memorial Park. (Ward 2, District 6) (Zoning Commission approved 9/4/12) (Introduced 10/4/12)

6. Ord. Cal. No. 4891 - Ordinance to declare undeveloped property on the northwest corner of Rue Esplanade and Military Road in Slidell as surplus property and to authorize the private sale, public auction and/or disposal of said property described herein. (Ward 8, District 13) (Introduced 10/4/12)

7. Ord. Cal. No. 4892 - Ordinance to amend the 2012 Operating Budget - Amendment No. 9. (Introduced 10/4/12)

8. Ord. Cal. No. 4893 - 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 10/4/12)

9. Ord. Cal. No. 4894 - 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 10/4/12)

10. Ord. Cal. No. 4896 - Ordinance to amend Parish Code of Ordinances, Chapter 20 Roads and Bridges, Article 1, Section 20-010.03.01 Public & Private Utilities in and adjacent to Certain Parish Road Rights-of-Way, to provide for the installation of subsurface utilities in connection with the future construction of Holy Trinity Drive. (Introduced 10/4/12)

11. Ord. Cal. No. 4898 - Ordinance amending the Official Parish Zoning Map to reclassify 150.97 acres located south of East Brewster Road, west of the Tchefuncte River from MD-1 (Medical Residential District), A-3 (Suburban District) and A-4 (Single Family Residential District) to MD-1 (Medical Residential District), A-3 (Suburban District), A-4 (Single Family Residential District) & PUD (Planned Unit Development Overlay). (Ward 1, District 1). (ZC12-08-080) (Introduced 10/4/12)

12. Ord. Cal. No. 4899 - Ordinance amending the Official Parish Zoning Map to reclassify 49,503 square feet located on the southeast corner of US Highway 190 and South Oaklawn Drive from NC-1 (Professional Office District) to NC-2 (Indoor Retail and Service District), (Ward 7, District 7). (ZC12-09-086) (Introduced 10/4/12)

13. Ord. Cal. No. 4900 - Ordinance amending the Official Parish Zoning Map to reclassify 12,000 square feet located east of Soult Street, north of McNamara Street, south of Dupard Street, being 1335 Soult St, Mandeville from A-4 (Single-Family Residential District) to ED-1 (Primary Education District). (Ward 4, District 7) (ZC12-09-088) (Introduced 10/4/12)

NOMINATIONS

1. Nominate two (2) individuals to appoint to the Board of Commissioners of St. Tammany Recreation District No. 16. (Districts 8, 9, 11, 12, 13, 14) (Smith) (Postponed 8/2/12, 9/10/12, 10/4/12)

2. Nominate four (4) individuals to appoint to the Board of Commissioners of St. Tammany Recreation District No. 10. (Districts 1, 2, 3, 4, 5) (Tabled 10/4/12) (Gould)

3. Resolution to appoint Sarada LeBourgeois to the Community Action Agency Advisory Board representing Public and Private Organizations. (Parishwide)(O'Brien)

APPOINTMENTS

1. Resolution to appoint one (1) individual to the Parish Planning and Zoning Commission. (Parishwide) (Smith) (Nominees: Ronald Randolph and Kort Hutchinson)

2. Resolution to appoint Candice Lemons and Stacey Cuevas to replace Lynette Stermer and fill a vacant position on St. Tammany Parish Recreation District No. 6. (Districts 2 and 6) (Tanner)

3. Resolution to appoint Eugene Patrick Phillips to replace Alan Flexer (moved out of District) to St. Tammany Parish Sub-drainage District No. 2 of Gravity Drainage No. 5. (District 5) (Gould)

DISCUSSIONS AND OTHER MATTERS

1. Motion to refer to the Zoning Commission for recommendation of a Mobile Home Overlay (MHO) on parcels located on the north and south sides of Charlene Drive, west of Chris Kennedy Road. (Ward 6, District 11) (Stefancik)

EXECUTIVE SESSION

1. Omni Pinnacle, LLC v. The Parish of St. Tammany, 22nd JDC No. 2008-10595, Division E.
2. CLECO vs. St. Tammany Parish, Claim No. 60.3277.