

PUBLISHED APRIL 26, 2007 AND POSTED AT THE PARISH COMPLEX BY MAY 1, 2007

AGENDA

**ST. TAMMANY PARISH COUNCIL MEETING
THURSDAY, MAY 3, 2007 AT 6:00 P.M.
ST. TAMMANY GOVERNMENT COMPLEX
21490 KOOP DRIVE, MANDEVILLE, LA.**

Call to Order by Honorable Barry Bagert, Chairman

Invocation by

Pledge of Allegiance by

**Roll Call: Marty Dean
Russell Fitzmorris
James A. "Red" Thompson
Patricia P. Brister
Marty Gould
Gary Singletary
Barry Bagert
Al Hamauei
Chris Canulette
Henry Billiot
Steve Stefancik
Jerry Binder
Joe "Coach" Thomas
Ken Burkhalter**

PRESENTATIONS

Recognition of "Slidell Steel" 9-Year Old Boys Bidy Basketball Team for winning the 2007 State Championship.

CONSENT CALENDAR

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

MINUTES

**Regular Council Meeting April 5, 2007
Council Committee Meeting April 25, 2007**

**ORDINANCES FOR INTRODUCTION
(Public Hearing June 7, 2007)**

1) Ord. Cal. No. 3552 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Bob Baxter Road, north of Hemphill Road, containing 52.0767 acres, from Rural to A-1 Suburban. (Ward 5, District 2) (ZC07-03-017) (Zoning Commission approved 4/3/07)

2) Ord. Cal. No. 3553 - Ordinance to amend Ord. C.S. 00-0168, adopted 7/6/2000, amending the official zoning map of St. Tammany to reclassify 332.26 acres on the south side of Lowe Davis Road, approximately 0.9 miles east of Highway 59, east of Long Branch, west of Perez Lane, from A-2 Suburban to PUD, to provide major amendments to original PUD plan. (Ward 10, District 5) (ZC00-05-036) (Zoning Commission approved 4/3/07)

3) Ord. Cal. No. 3554 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the south side of Marshall Road, east of Highway 59, north of North Drive, containing 13 acres, from SA Suburban Agricultural to M-2 Intermediate Industrial. (Ward 4, District 7) (ZC07-04-019) (Zoning Commission approved 4/3/07)

4) Ord. Cal. No. 3555 - Ordinance to amend Ord. C.S. No. 04-0844, adopted 3/4/2004, amending the official zoning map of St. Tammany to reclassify 359.147 acres west of Trapagnier Road, on the south side of Highway 22, from C-2 Highway Commercial to PUD, to provide major amendments to original PUD plan. (Ward 1, District 1) (ZC04-01-003) (Zoning Commission approved 4/3/07)

5) Ord. Cal. No. 3556 - Ordinance establishing a "No Parking" zone on both sides of a portion of Lake Village Court. (Ward 8, District 8)

6) Ord. Cal. No. 3557 - Ordinance to revoke a portion of Walnut Street right-of-way, located in Ponchatolowa Subdivision. (Ward 4, District 7) (Planning Commission approved 4/10/2007)

7) Ord. Cal. No. 3558 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Calvin Shoemare, developer of Tuscany West Estates Subdivision. (Ward 1, District 1) (Planning Commission approved 4/10/2007)

8) Ord. Cal. No. 3559 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Webber Land & Development Corp., developer of Weston Glen Subdivision. (Ward 1, District 1) (Planning Commission approved 4/10/2007)

9) Ord. Cal. No. 3560 - Ordinance to amend Ordinance C.S. No. 07-1496, adopted January 4, 2007, to change the polling location for Precincts 401 and 421.

10) Ord. Cal. No. 3561 - Ordinance to amend the Parish Code of Ordinances, Chapter 18, by adding a new Article thereto creating "Rooms To Go St. Tammany Economic Development District", defining the boundaries thereof from which area local and state sales tax increments will be determined and used to finance economic development projects on a cash basis to fund a portion of the cost of economic development projects in accordance with LSA R.S. 33:9038.31 et seq., and providing for other matters in connection therewith.

11) Ord. Cal. No. 3562 - Ordinance levying an additional sales tax of one cent (0.01%) in the "Rooms To Go St. Tammany Economic Development District", designating the full amount of such additional sales tax as the sales tax increments in the district from which the local and state sales tax increments will be determined and used to finance economic development projects on a cash basis in accordance with LSA R.S. 33:9038.31 et seq., and providing for other matters in connection therewith.

12) Ord. Cal. No. 3563 - Ordinance to amend the Parish Code of Ordinances, Chapter 18, by adding a new Article thereto creating "Colonial Pinnacle Nord du Lac Economic Development District", defining the boundaries thereof from which area local and state sales tax increments will be determined and used to finance economic development projects on a cash basis to fund a portion of the cost of economic development projects in accordance with LSA R.S. 33:9038.31 et seq., and providing for other matters in connection therewith.

13) Ord. Cal. No. 3564 - Ordinance levying an additional sales tax of three quarters cent (0.0075%) in the "Colonial Pinnacle Nord du Lac Economic Development District", designating the full amount of such additional sales tax as the sales tax increments in the District from which the local and state sales tax increments will be determined and used to finance economic development projects on a cash basis in accordance with LSA R.S. 33:9038.31 et seq., designating the initial annual baseline collection rate and establishing a monthly baseline collection rate for the District, pledging and dedicating such tax increments to reimburse economic development costs on a cash basis, and providing for other matters in connection therewith.

RESOLUTIONS

14) Resolution C.S. No. C-2074 - Resolution to support the call for an independent bipartisan commission to investigate failure of the Federal levee system on August 29, 2005 that flooded St. Tammany, St. Bernard, Plaquemines, Orleans and St. Charles Parishes.

15) Resolution C.S. No. C-2075 - Resolution approving issuance of \$100,000 of Certificates of Indebtedness, Series 2007 of Fire Protection District No. 11.

16) Resolution C.S. No. C-2076 - Resolution approving holding an election in Fire Protection District No. 8 on Saturday, July 21, 2007, to authorize continuation and rededication of special taxes therein.

17) Resolution C.S. No. C-2077 - Resolution stating Council endorsement of Watch Systems, LLC for participation in benefits of Louisiana Enterprise Zone Program.

18) Resolution C.S. No. C-2078 - Resolution stating Council endorsement of Kay D. Daniel, D.D.S., A.P.D.C., for participation in benefits of Louisiana Enterprise Zone Program.

19) Resolution C.S. No. C-2079 - Resolution stating Council endorsement of Rooms To Go Louisiana Corp. for participation in benefits of Louisiana Enterprise Zone Program.

20) Resolution C.S. No. C-2080 - Resolution to concur/not concur with Town of Pearl River annexation and rezoning of 331.5 acres located at 63076 Highway 1091 from Parish M-2 Intermediate Industrial and Rural District to Town of Pearl River M-2 Heavy Industrial Districts. (Ward 8, District 9)

21) Resolution C.S. No. C-2081 - Resolution to amend Ord. C.S. No. 06-1415, the 2007-2011 Capital Improvement Budget and Program, to make changes to Council District 7 Road List to include Wild Flower Lane and Brown Street.

22) Resolution C.S. No. C-2082 - Resolution to amend Ord. C.S. No. 06-1415, the 2007-2011 Capital Improvement Budget and Program, Fixed Assets and Grant Awards.

23) Resolution C.S. No. C-2083 - Resolution establishing warranty obligations.

WARRANTY

NAME OF SUBDIVISION	RECOMMENDATION
FOX BRANCH ESTATES, PH2 AMOUNT: \$41,800 EXPIRES: JUNE 16, 2007 WARD: 1 DISTRICT: 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS ACCOMPLISHED
THE DOMINION, PH 2 AMOUNT: \$60,000 EXPIRES: JUNE 7, 2007 WARD: 1 DISTRICT: 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS ACCOMPLISHED
JOHNNY F. SMITH MEM. BUSINESS PARK AMOUNT: \$36,800 EXPIRES: JUNE 2, 2007 WARD: 9 DISTRICT: 14	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS ACCOMPLISHED

Warranty Obligations continued:

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
TAMMANY MIDDLE, LLC PH 1 (HOLIDAY SQ BLVD) AMOUNT: \$23,800 EXPIRES: JUNE 20, 2007 WARD: 1 DISTRICT: 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS ACCOMPLISHED
BELLE POINT S/D AMOUNT: \$57,600 EXPIRES: JUNE 16, 2007 WARD: 1 DISTRICT: 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS ACCOMPLISHED
PENN MILL LAKES S/D PH 2A-3 AMOUNT: \$41,600 EXPIRES: JUNE 14, 2007 WARD: 3 DISTRICT: 3	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS ACCOMPLISHED
NATCHEZ TRACE S/D AMOUNT: \$90,000 EXPIRES: JUNE 27, 2007 WARD: 1 DISTRICT: 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS ACCOMPLISHED
NORMANDY OAKS S/D, PH1 AMOUNT: \$36,400 EXPIRES: JUNE 22, 2007 WARD: 1 DISTRICT: 1	RELEASE L.O.C UPON EXPIRATION TO BE BROUGHT INTO SELECTIVE PARISH MAINTENANCE SYSTEM

24) Resolution C.S. No. C-2084 - Resolution declaring as surplus certain assets and authorizing sale of same.

25) Resolution C.S. No. C-2085 - Resolution to amend Ord. C.S. No. 06-1415, the 2007-2011 Capital Improvement Budget and Program, to make changes to Council District 14 Road List to include South Harrison Drive Extension.

26) Resolution C.S. No. C-2086 - Resolution authorizing the publication of a Notice describing the boundaries of the "Rooms To Go St. Tammany Economic Development District", and providing for other matters in connection therewith.

27) Resolution C.S. No. C-2087 - Resolution authorizing the publication of a Notice describing the boundaries of the "Colonial Pinnacle Nord du Lac Economic Development District", and providing for other matters in connection therewith.

END OF CONSENT CALENDAR

APPEALS

1) Carlo Hernandez appealing the Zoning Commission APPROVAL on March 6, 2007 to rezone 21.211 acres of land on the north side of Little Creek Road, east of Highway 59, from SA Suburban Agricultural to C-2 Highway Commercial. (Ward 4, District 7) (ZC07-03-012) (Applicant Jeffrey D. Schoen; Owner - Church of the King) (TABLED 4/5/2007)

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.

2) Jeffrey D. Schoen, Attorney for applicant Jimmy D. Gill, Jr., appealing the Zoning Commission DENIAL on April 3, 2007 to rezone 0.75 acres on the west side of Highway 59, south of Caroline Street, north of America Street, from A-2 Suburban to C-2 Highway Commercial. (Ward 4, District 10) (ZC07-04-020)

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) Vincent F. Wynne, Jr. appealing the Zoning Commission DENIAL on April 3, 2007 to rezone 11.56 acres on the east side of Highway 1077, south of Highway 190, north of Joiner-Wymer Road, from SA Suburban Agricultural to C-1 Neighborhood Commercial. (Ward 1, District 1)(ZC07-01-006) (Applicant Leroy Cooper, Owner Aphelion Holdings, LLC/John Yemelos) (Appeal #3 rezoning and #4 conditional use permit to be taken together)

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.

4) Vincent F. Wynne, Jr. appealing the Zoning Commission DENIAL on April 3, 2007 for issuance of a conditional use permit for a 246,985 sq. ft. mini storage on the east side of Highway 1077, south of Highway 190, north of Joiner-Wymer Road.(Ward 1, District 1)(CP06-12-224) (Applicant Leroy Cooper, Owner Aphelion Holdings, LLC/John Yemelos) (Appeal #4 conditional use permit and #3 rezoning to be taken together)

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 adoption of a resolution for permit.

ORDINANCES FOR ADOPTION

1) Ord. Cal. No. 3459 As Amended - Ordinance amending the official zoning map of St. Tammany to reclassify land at the end of Indian Trace, south of Highway 22, containing 41.087 acres, from Rural to A-4 Single Family Residential. (Ward 1, District 1) (ZC06-11-110) (Zoning Commission approved 11/8/06) (Introduced 12/7/06)(Tabled 1/4/07 - 3/1/07) (Reintroduced as amended 4/5/2007)

2) Ord. Cal. No. 3487 As Amended - Ordinance to adopt the St. Tammany Parish Unified Development Code. (Reintroduced as amended 4/5/2007)

3) Ord. Cal. No. 3520 - Ordinance to adopt a Voluntary Developmental Agreement between the Parish and the developer of Equestrian Subdivision. (Ward 7, District 7) (Introduced 4/5/07)

4) Ord. Cal. No. 3521 - Ordinance establishing a "No Parking" zone on both sides of a portion of Fairway Drive. (Ward 4, District 5) (Introduced 4/5/07)

5) Ord. Cal. No. 3522 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Highway 40, west of Jerry Willis Road, containing 213.65 acres, from Rural to A-1 Suburban. (Ward 5, District 2) (ZC07-02-009) (Zoning Commission approved 3/6/2007) (Introduced 4/5/07)

6) Ord. Cal. No. 3523 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Highway 25, north of Hard Hat Road, containing 4.35 acres, from A-2 Suburban and A-3 Suburban to M-2 Intermediate Industrial. (Ward 3, District 2) (ZC07-03-011) (Zoning Commission approved 3/6/2007) (Introduced 4/5/07)

7) Ord. Cal. No. 3524 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the northeast corner of Brownsitch Road and St. Louis Street, containing 22,530 sq. ft., from A-3 Suburban to C-1 Neighborhood Commercial. (Ward 8, District 9) (ZC07-03-013) (Zoning Commission approved 3/6/2007) (Introduced 4/5/07)

8) Ord. Cal. No. 3525 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the south side of Brownsitch Road, west of Military Road, east of Jacob Road, containing 0.391 acres, from SA Suburban Agricultural to C-2 Highway Commercial. (Ward 8, District 9) (ZC07-03-014) (Zoning Commission approved 3/6/2007) (Introduced 4/5/07)

9) Ord. Cal. No. 3526 - Ordinance establishing a "No Thru Trucks" zone on North Willie Road. (Ward 2, District 3) (Introduced 4/5/07)

10) Ord. Cal. No. 3527 - Ordinance to amend Parish Code, Appendix B, Subdivision Regulatory Ord. 499, Section 40-070.02 Final Plan Procurement. (Planning Commission approved 3/13/07) (Introduced 4/5/07)

11) Ord. Cal. No. 3528 - Ordinance to authorize Parish President to enter a Nonexclusive Servitude Agreement with Washington-St. Tammany Electric Cooperative for a 1.82 acre parcel in Sections 4 and 5, Township 8 South, Range 13 East, along Highway 434. (Ward 6, District 6) (Introduced 4/5/07)

12) Ord. Cal. No. 3529 - Ordinance to accept the highest bid and authorize sale of surplus property to Patrice Jenkins for the eastern half of Lot 23, Square 2, Ben Giordano Subdivision. (Ward 8, District 14) (Introduced 4/5/07)

13) Ord. Cal. No. 3530 - Ordinance to accept the highest bid and authorize sale of surplus property to Dallas Wilson for Lots 13 and 16, being 827 Eleanor Street. (Ward 9, District 14) (Introduced 4/5/07)

14) Ord. Cal. No. 3531 - Ordinance to authorize Parish President to purchase and/or expropriate that parcel of land commonly referred to as the O'Neill property, eight (8) lots in Section D, Square 117, Alexiusville Subdivision, in connection with the extension of Falconer Drive. (Ward 3, District 5) (Introduced 4/5/07)

15) Ord. Cal. No. 3532 - Ordinance to authorize Parish President to purchase Lot 20A, Tammany Hills Subdivision, from SMG Real Estate Investments, Inc., for the purpose of improving drainage. (Ward 4, District 5) (Introduced 4/5/07)

16) Ord. Cal. No. 3533 - Ordinance to correct road inventory to include a portion of McDonald Road, Travis Core Road, a portion of Rose Street, Core Road, a portion of Jenkins Road, a portion of Fourth Avenue, a portion of Ogise Richardson Road, Ryan Road, Patrick Lane and Dreamland Court. (Wards 1, 2, 3, 6 & 10, Districts 1, 2, 3, 5 & 6) (Introduced 4/5/07)

17) Ord. Cal. No. 3534 - Ordinance establishing a "No Thru Trucks" zone on Crestwood Boulevard and Turnwood Drive. (Ward 3, District 5) (Introduced 4/5/07)

18) Ord. Cal. No. 3535 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Penn Mill Lakes, Phase 2-A-2; Post Oak Landing; Penn Mill Lakes, Phase 1; Les Bois, Phase 2-B; "F" Street; Tammany Middle, LLC, Phase 2; Tallow Creek, Phase 1-B; 10th Street; and Angelic Estates, Phase 1-A a/k/a The Birg. (Wards 1, 3 & 4, Districts 1, 3, 4 & 5) (Introduced 4/5/07)

19) Ord. Cal. No. 3536 - Ordinance amending the 2006 Operating Budget. (Introduced 4/5/07)

20) Ord. Cal. No. 3537 - Ordinance amending the 2007 Operating Budget. (Introduced 4/5/07)

21) Ord. Cal. No. 3538 - Ordinance to amend Parish Code, Appendix D, Buildings and Construction, to include minimum finished floor elevation requirements. (Introduced 4/5/07)

22) Ord. Cal. No. 3539 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building permits for Cypress Park Subdivision and a portion of surrounding areas. (Ward 7, District 7) (Introduced 4/5/07)

23) Ord. Cal. No. 3540 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building permits on certain properties abutting, in whole or in part, a portion of the East I-10 Service Road. (Ward 8, District 8) (Introduced 4/5/07)

24) Ord. Cal. No. 3541 - Ordinance to extend for an additional six (6) months the moratorium on receipt of submissions by the Parish Zoning and Planning Commissions for rezoning or resubdivision of property west of Highway 11 and south of I-12. (Ward 9, District 14) (Introduced 4/5/07)

25) Ord. Cal. No. 3542 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building permits for a portion of Pineview Heights Subdivision and a portion of surrounding areas in unincorporated St. Tammany Parish. (Ward 4, District 5) (Introduced 4/5/07)

26) Ord. Cal. No. 3543 - Ordinance to extend for an additional six 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 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 treatment of the terminally ill in unincorporated St. Tammany Parish. (Introduced 4/5/07)

27) Ord. Cal. No. 3544 - Ordinance to extend for an additional six (6) months the moratorium on submissions of applications to rezone property located within the triangular shaped area bounded on the south by Highway 190, on the east by the Tchefuncte River, and on the west by the St. Tammany and Tangipahoa Parish line. (Ward 1, District 1) (Introduced 4/5/07)

28) Ord. Cal. No. 3545 - Ordinance to adopt a Voluntary Developmental Agreement and ratify actions of the Parish President with respect to donation of immovable property by Abita Springs Timber Company, LLC. (Introduced 4/5/07)

29) Ord. Cal. No. 3546 As Amended - Ordinance to authorize the Parish President to negotiate the purchase and/or expropriation of land currently situated between the W-15 and the Haas Road Retention Pond, owned by Troy Hebert, for the purpose of drainage improvements. (Ward 8, District 14) (Introduced 4/5/07)

30) Ord. Cal. No. 3547 - Ordinance to authorize the Parish President to negotiate the purchase and/or expropriation of a strip of land on Henry Gaines Road, currently owned by Martin and Dennis DeJean, for the purpose of drainage improvements. (Ward 6, District 6) (Introduced 4/5/07)

31) Ord. Cal. No. 3548 - Ordinance to authorize the Parish President to enter into a Nonexclusive Servitude Agreement with BellSouth Telecommunications, Inc. for a .052 acre parcel along Morgan Bluff Road for telecommunications equipment. (Ward 8, District 9) (Introduced 4/5/07)

32) Ord. Cal. No. 3549 - Ordinance to authorize the Parish President to accept a lateral drainage easement from Gulf South Equities for inclusion into the Parish Maintenance System. (Ward 9, District 11) (Introduced 4/5/07)

33) Ord. Cal. No. 3550 - Ordinance to authorize the Parish President to purchase and/or expropriate those certain parcels of land and/or exchange of such parish properties with those lots and squares currently owned by The Succession of Gore, situated within the Alexiusville Subdivision between Crestwood Boulevard and Harrison Avenue, forming the proposed extension of Falconer Drive. (Ward 3, District 5) (Introduced 4/5/07)

34) Ord. Cal. No. 3551 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Highway 190, east of Fish Hatchery Road, west of Highway 434, containing 9.49 acres, from SA Suburban Agricultural to 1.66 acres C-2 Highway Commercial and 7.83 acres as A-2 Suburban. (Ward 7, District 7) (ZC07-01-002) (Introduced from appeal 4/5/2007)

EXECUTIVE SESSION

- 1) Lawsuit entitled: "Hummingbird vs. St. Tammany, et al"
22nd JDC No. 2003-15179**