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AGENDA

**ST. TAMMANY PARISH COUNCIL MEETING
THURSDAY, JUNE 4, 2009 AT 6:00 P.M.
ST. TAMMANY GOVERNMENT COMPLEX
21490 KOOP DRIVE, MANDEVILLE, LA.**

Call to Order by Honorable Jerry Binder, Chairman

Invocation by

Pledge of Allegiance by

**Roll Call: Marty Dean
Gary Cooper
James A. "Red" Thompson
R. Reid Falconer
Marty Gould
Rebecca Crawford-Howell
Jerry Binder
Al Hamauei
Chris Canulette
E. L. Gene Bellisario
Henry Billiot
Steve Stefancik
Richard Artigue
Ken Burkhalter**

PRESENTATIONS

- 1) Recognition of the Northshore High School Baseball Team for winning the 2009 State Championship. (Bellisario)**
- 2) Certificate of Recognition to Charlie Chapple upon his retirement from the Times Picayune. (Gould)**
- 3) Recognize Dawsey's Hardware of the Lee Road area of Covington as June Business of the Month. (Cooper)**
- 4) A presentation by Parish President Kevin Davis of a proclamation forming the Complete Count Committee. (Binder/ Davis)**

**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	May 7, 2009
Council Committee Meeting	May 27, 2009

**ORDINANCES FOR INTRODUCTION
(Public Hearing July 2, 2009)**

- 1) Ord. Cal. No. 4073 - Ordinance amending the official zoning map of St. Tammany Parish to reclassify land located north LA Highway 36, west of St. Landry Street, being Lot 6, Block 9, Garland's Covington & Claiborne Addition containing 35,800 sq.ft. from SA (Suburban Agricultural) to a C-2 (Highway Commercial). (ZC09-05-008) (Ward 3, District 3) (Zoning Commission approved 5/5/09) (Binder/Davis)**
- 2) Ord. Cal. No. 4074 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning) Section 5.25 I-2 Industrial District relative to General Office Building. (ZC 09-05-009) (Zoning Commission approved 5/5/09) (Binder/Davis)**

3) Ord. Cal. No. 4075- Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning) Sections 5.24 I-1 Industrial & 5.25 I-2 Industrial Districts relative to Recreational Facilities. (ZC09-05-011) (Zoning Commission approved on 5/5/09) (Binder/Davis)

4) Ord. Cal. No. 4076 - Ordinance amending the official zoning map of Comprehensive Rezoning Area One (CRA-1) of St. Tammany Parish to reclassify certain areas as Manufactured Housing Overlay (MHO) (Wards 8 and 9, District 14) (Burkhalter)

5) Ord. Cal. No. 4077 - Ordinance to extend for an additional six (6) months the moratorium on the placement of fill and on the issuance of building permits for construction or placement of building structures on property within Dove Park Subdivision. (Ward 4, District 5) (Gould)

6) Ord. Cal. No. 4078 - Ordinance to extend for an additional six (6) months the moratorium on the receipt of submissions and the approval of applications by the Parish Planning Commission and the Parish Planning Department for the resubdivision of property within Lewisburg Estates Subdivision and a portion of Old Golden Shores Subdivision, and only within the unincorporated boundaries of Ward 4, District 4. (Ward 4, District 4) (Falconer)

7) Ord. Cal. No. 4079 - Ordinance to extend for an additional six (6) months the moratorium on the approval of rezoning, issuance of conditional use permits and issuance of plan review permits, not previously received, for property abutting the Louisiana Highway 21 Planned Corridor from Keys Road North to Azalea Drive. (Ward 1, District 1) (Dean)

8) Ord. Cal. No. 4080 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for construction or placement of building structures on certain right-of-way parcels needed for listed capital projects. (Binder/Davis)

9) Ord. Cal. No. 4081 - Ordinance to declare Slip 89 of Marina Chamale' Condominiums, as surplus property and authorize the Parish to proceed with the process for the sale, lease, or disposal of said property. (Binder/Davis)

10) Ord. Cal. No. 4082 - Ordinance to declare Lot 51, Square 233-A, rural Mandeville, as surplus property and authorize the Parish to proceed with the process for the sale, lease, or disposal of said property. (Binder/Davis)

11) Ord. Cal. No. 4083 - Ordinance to adopt a voluntary developmental agreement between the Parish and John Mamoulides, the developer of Lake Ramsey, Phase 4-A and 5 Subdivision. (Ward 3, District 3) (Approved by Planning Commission 5/12/09) (Binder/Davis)

12) Ord. Cal. No. 4084 - Ordinance to revoke a portion of Park Place located in Highland Park Subdivision. (Ward 9, District 12) (Approved by Planning Commission 5/12/09) (Binder/Davis)

13) Ord. Cal. No. 4085 - Ordinance to correct the Road and Drainage Inventory to include Camellia Drive. (Ward 3, District 3)

14) Ord. Cal. No. 4086 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Raiford Oaks, Phase 1 Subdivision. (Ward 1, District 1)

15) Ord. Cal. No. 4087 - Ordinance to amend the Unified Development Code, Volume 1 - Zoning, by adopting the recommendation of the Parish Zoning Commission, as amended, relative to the Comprehensive Zoning of the Southeast Study Area. (Approved by Zoning Commission on May 19, 2009) (Binder/Davis)

16) Ord. Cal. No. 4088 - Ordinance to amend the Parish Code, Chapter 15, Article II, Watercraft Speed Limits, to establish a "Dead Slow, No Wake" Zone for a portion of the Pearl River Navigational Canal. (Crawford-Howell)

RESOLUTIONS

17) Resolution C.S. No. C - 2639 - Resolution approving the holding of an election in St. Tammany Parish Fire Protection District No. 7 to authorize the levy of a special tax therein. (Binder/Davis)

18) Resolution C.S. No. C-2640 - Resolution authorizing the Parish President to sign and/or execute an Intergovernmental Agreement with the City of Mandeville to implement the Wastewater Management Plan. (Binder/Davis)

19) Resolution C.S. No. C-2641 - Resolution Establishing Warranty Obligations. (Binder/Davis)

(1.) PERFORMANCE

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
The Fountains S/D Amount: \$35,000 Expires: July 9, 2009 Ward:4, District: 5	PERFORMANCE OBLIGATION EXTEND FOR SIX (6) MONTHS

(2.) WARRANTY

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Guste Island Estates S/D, Parcel C, Ph. 1 (The Pines) Amount: \$33,900 Expires: July 18, 2009 Ward:1, District: 1	"CALL" WARRANTY
Guste Island Estates S/D, Parcel E, (The Forest) Amount: \$34,500 Expires: July 18, 2009 Ward:1, District: 1	"CALL" WARRANTY
Ashton Parc S/D, Filing 1, Part 1 Amount: \$74,200 Expires: June 26, 2009 Ward:8, District: 9	RELEASE L.O.C. THIS IS A PRIVATE S/D & THE PARISH IS NOT RESPONSIBLE FOR ANY MAINTENANCE
Pittman Place S/D Amount: \$29,100 Expires: July 26, 2009 Ward:8, District: 9	"CALL" WARRANTY

20) Resolution C.S. No. C-2642 - Resolution to rescind Resolution Police Jury Series No. 96-7604, adopted May 16, 1996; to provide for the re-opening of Cleo Road. (Ward 8, District 6) (Binder/Davis)

21) Resolution C.S. No. C-2643 - Resolution to amend Ordinance C.S. No. 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

22) Resolution C.S. No. C-2644 - Resolution to amend Ordinance C.S. No. 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

23) Resolution C.S. No. C-2645 - Resolution requesting the Louisiana Public Service Commission to provide notice to the Parish governing authority of the filing of an application and public hearing of any proposed rate schedule by a public utility which could result in a change in rates to customers in St. Tammany Parish. (Bellisario)

24) Resolution C.S. No. C-2646 - Resolution requesting St. Tammany Parish Hospital Service District No. 2 to provide notice to the Parish governing authority of its regular monthly meetings, required quarterly financial overview and current financial status meetings, and required meeting to present the audited and certified financial statement for the previous fiscal year. (Bellisario)

END OF CONSENT CALENDAR

APPEALS

1) Applicant Sheldon Fleming appealing the Zoning Commission DENIAL on April 7, 2009 to rezone 5 acres north of US Highway 190, west of Pleasant Drive. (Ward 9, District 11) (ZC09-04-007) (Tabled 5/7/09)

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) Applicant Leroy Cooper for George and Deborah Hallal appealing the Zoning Commission DENIAL on May 5, 2009 to rezone 2.484 acres north of Hoffman Road, east of Alexander Street and west of State Street. (Ward 4, District 7) (ZC09-05-012)

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) Applicant Rachel Miller appealing the Zoning Commission DENIAL on May 5, 2009 of a conditional use permit to use a 1280 square foot mobile home as a second home located south of Dean Road, east of Robert Road. (Ward 8, District 9) (CP09-05-045)

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.

4) Applicant Brenda G. Holden appealing the Zoning Commission DENIAL on May 5, 2009 of a conditional use permit for a 1792 square foot church located east of 7th Street and east of US Highway 11, being 706 7th Street, Pearl River. (Ward 8, District 9) (CP09-05-048)

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.

ORDINANCES FOR ADOPTION

1) Ord. Cal. No. 4010 - Ordinance to amend the Unified Development Code sections governing TND-1 and TND-2 Traditional Neighborhood Development Zoning Districts. (Introduced 2/5/09)(Referred to Zoning 3/5/09) (Tabled 4/2/09 & 5/7/09)

2) Ord. Cal. No. 4019 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning) Section 5.21 HC-2 Highway Commercial Zoning Districts relative to automotive sales and service. (Introduced 3/5/09) (Tabled 4/2/09 & 5/7/09)

3) Ord. Cal. No. 4028 - Ordinance to authorize the Parish President, to enter into a lease agreement with Florida Parishes Human Services Authority's Developmental Disabilities Services for space in the St. Tammany Parish State Building (aka-DHH Building). (Tabled 3/5/09, 4/2/09) (Introduced 5/7/09)

4) Ord. Cal. No. 4029AA - Ordinance to amend the Unified Development Code, Volume 1 - Zoning, by adopting the recommendation of the Parish Zoning Commission, as amended, relative to the Comprehensive Rezoning of the South West Study Area. (Introduced 3/5/09) (Reintroduced 4/2/09 & 5/7/09)

5) Ord. Cal. No. 4053 - Ordinance accepting Act of Dedication and Donation of a twenty-five foot right of way and servitude for future improvements, expansion and/or widening of Louisiana Highway 59. (Ward 4, District 5) (Introduced 5/7/09)

6) Ord. Cal. No. 4054 - Ordinance establishing a "No Parking" Zone on portions of Laurent Road (1-K-4) (District 1) (Introduced 5/7/09)

7) Ord. Cal. No. 4055 - Ordinance establishing a "No Parking" Zone on portions of Cleveland Street. (Ward 9, District 12) (Introduced 5/7/09)

8) Ord. Cal. No. 4056 - Ordinance amending the official zoning map of St. Tammany to reclassify land located southeast Tantella Ranch Road and North of Highway 1077, containing 80.83 acres, from SA (Suburban Agricultural) to Planned Unit Development (PUD). (Ward 1, District 1) (ZC05-03-013) (Introduced 5/7/09)

9) Ord. Cal. No. 4057 - Ordinance to amend Appendix B of the Parish Code of Ordinances, Subdivision Regulatory Ordinance No. 499, specifically, Section 40-045.0 Minor Subdivision Review, Number 1., Subpart (f), Number 2., Subpart (b.) 1.,2.,4. and 5., Number 4 Exemption, and Subsection 40-045.01 Minimum Construction Standards for a Private Drive, creating Subpart (e.), for the purposes of clarification of said sections. (Introduced 5/7/09)

10) Ord. Cal. No. 4058 - Ordinance to amend Appendix B of the Parish Code of Ordinances, Subdivision Regulatory Ordinance No. 499, specifically amending Section 40-090.0 Schedule of Fees, Subtitle "Resubdivisions", and creating subtitle "Minor Subdivisions" within same said section. (Introduced 5/7/09)

11) Ord. Cal. No. 4059 - Ordinance to amend Ordinance C.S. No- 04-0908, adopted June 3, 2004 which established and validated rates and fees for sewerage and water services provided by systems owned and operated by the Parish to amend Cross Gates Utility. (Introduced 5/7/09)

12) Ord. Cal. No. 4060 - Ordinance to authorize the Parish President to purchase, expropriate or acquire certain parcels and/or rights-of-way for the Harrison Avenue Extension Phase 1 Project. (Introduced 5/7/09)

13) Ord. Cal. No. 4061 - Ordinance to authorize the Parish President to purchase, expropriate or acquire immovable property, structures and/or rights-of-way for the Fishing Pier Project. (Introduced 5/7/09)

14) Ord. Cal. No. 4062 - Ordinance to authorize the Parish President to purchase, expropriate or acquire certain parcels and/or rights-of-way from Cross Gates Utilities, Inc. (Introduced 5/7/09)

15) Ord. Cal. No. 4063 - Ordinance to exempt certain properties listed on the National Park Service Registry of Historical Places from the Parish No Net Fill Ordinance requirements. (Introduced 5/7/09)

16) Ord. Cal. No. 4064 - Ordinance to correct the Road and Drainage Inventory to include Brownswitch Road; Jefferson Avenue; and Morgan Road Lateral Ditch. (Wards 1, 3 & 8, Districts 1, 5, & 9) (Introduced 5/7/09)

17) Ord. Cal. No. 4065 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Willow Bend, Phase 1; Eagle Landing; Abney Farms; Grand Oaks, Phase 1; Northshore Commercial Park; Johnny Smith Memorial Business Park; and Tallow Creek, Phase 1E. (Wards 1, 4, 8 & 9, Districts 1, 7, 9 & 14) (Introduced 5/7/09)

18) Ord. Cal. No. 4066 - Ordinance to amend Parish Code, Chapter 13, Division 1 to add a new Section 13-009.00 prohibiting the use of auxiliary or compression engine breaks, commonly referred to as "Jake Brakes" within certain areas of unincorporated St. Tammany Parish. (Introduced 5/7/09)

19) Ord. Cal. No. 4068 - Ordinance to impose a six (6) month day moratorium on placement of fill and issuance of permits for construction, renovation, improvement or placement of buildings on property within the boundaries of the subdivision known as Serenity Oaks. (Ward 9, District 14) (Introduced 5/7/09)

20) Ord. Cal. No. 4069 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire all certain parcels and/or rights of way for the Schneider Canal Levee Project. (Introduced 5/7/09)

21) Ord. Cal. No. 4070 - Ordinance amending Parish Code of Ordinances, Article II, Watercraft Speed Limits, Section 15-006.00A, to provide for the exclusion of certain private canals or waterways of Lakeshore Estates from the "Dead Slow, No Wake" Zones. (Ward 9, District 13) (Artigue)

22) Ord. Cal. No. 4071 - Ordinance to amend and reenact Chapter 12, Article V Charitable Raffles, Bingo, Keno and Pull-tab Games, Division 1, General, Section 12-025.10 of the Parish Code of Ordinances, to prohibit any person, association, organization, or corporation to hold, operate or conduct the specific game of chance identified as electronic video bingo in the unincorporated areas of St. Tammany Parish. (Introduced 5/7/09)

23) Ordinance Cal. No. 4072 - Ordinance to amend and reenact Article V of Chapter 12 of the St. Tammany Parish Code of Ordinances regulating charitable raffles, bingo, keno and pull-tab games. (Introduced 5/7/09)

AWARD OF BIDS

BID ITEM	BID NUMBER	FUND
Parish Official Journal July 1, 2009 - June 30, 2010	502-03-09-17-2	

APPOINTMENTS

1) Resolution to re-appoint Danny Schaus and Chad Collings to St. Tammany Parish Development District. (Binder)

2) Resolution to re-appoint Dr. Kumar Amaraneni to St. Tammany Hospital Services District No. 2 Permanent Nominating Committee (Slidell Memorial Hospital). (Bellisario)

3) Resolution to appoint Thomas J. Miller to replace R.A. Legendre (resigned) to St. Tammany Parish Water District No. 3. (Falconer)

4) Resolution to reappoint Melanie Watkins, Ysonde Bolande, Kathy Haywood, Tom Jarlock, Julie S. Eudy, Beth Heinz and Leo Casnave to the 22nd Judicial District Children and Youth Planning Board. (Binder)

EXECUTIVE SESSION

Lawsuit entitled: Aymond Development, L.L.C. v. St. Tammany Parish, 22nd JDC Case No. 2007-13118 "E"