

AGENDA

ST. TAMMANY PARISH COUNCIL MEETING
THURSDAY, OCTOBER 04, 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. Presentation by New Heights Therapeutic Riding. (Sharp)

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 - September 10, 2012

Special Council Meeting - September 26, 2012

Council Committee Meeting - September 26, 2012

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

ORDINANCES FOR INTRODUCTION
(Public Hearing November 1, 2012)

1. Ord. Cal. No. 4812 - 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) (Gould) (Zoning Commission approved 6/15/12) (Postponed from 7/12/12 to 9/10/12) (Tabled 9/10/12)

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) (Gould/Brister)

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) (Gould/Brister)

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) (Zoning Commission approved 9/4/12) (Gould/Brister)

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) (Gould/Brister)

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) (Gould/Brister)

7. Ord. Cal. No. 4892 - Ordinance to amend the 2012 Operating Budget - Amendment No. 9. (Gould/Brister)

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. (Smith)

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. (Binder)

10. Ord. Cal. No. 4895 - Ordinance to amend Chapter 9 of the Parish Code of Ordinances, Article XIII, Section 9-071.00 - Garbage District No. 1, Boundaries, to expand the boundaries of said District. (Bellisario)

11. 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. (Gould)

12. Ord. Cal. No. 4897 - Ordinance to amend the Parish Code of Ordinances, Section 7-002.00 Use Of Fill Material Prohibited, Subsection 8 (d) Areas Of Special Concern, relative to Dove Park Subdivision. (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)

2. Resolution C.S. No. C-3517 - Resolution approving the holding of an election in Recreation District No. 2 of the Parish of St. Tammany, State of Louisiana, on Saturday, December 8, 2012, to authorize the levy of a special tax therein. (Tanner)

3. Resolution C.S. No. C-3518 - Resolution establishing Performance Obligations. (District 9) (Gould/Brister)

4. Resolution C.S. No. C-3519 - Resolution to acknowledge the receipt and review of the 2012 Municipal Water Pollution Prevention Environmental Audit Report for the Cross Gates Wastewater Treatment Facility. (Gould/Brister)

5. Resolution C.S. No. C-3520 - Resolution to acknowledge the receipt and review of the 2012 Municipal Water Pollution Prevention Environmental Audit Report for the Highway 22 Wastewater Treatment Facility. (Gould/Brister)

6. Resolution C.S. No. C-3521 - Resolution to acknowledge the receipt and review of the 2011 Municipal Water Pollution Prevention Environmental Audit Report for the Westwood Wastewater Treatment Facility. (Gould/Brister)

7. Resolution C.S. No. C-3522 - Resolution supporting and authorizing the Chief Administrative Officer to formally request the Louisiana Department of Transportation and Development, Division of Aviation, to provide funds to complete the airport improvements at St. Tammany Regional Airport, as specifically described in the Capital Improvement Program Application for State Financial Assistance dated October 31, 2012. (Gould/Brister)

8. Resolution C.S. No. C-3523 - 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-3524 - 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-3525 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012-2016 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Gould/Brister)

11. Resolution C.S. No. C-3526 - Resolution to amend Ordinance C.S. No. 11-2638 the 2012-2016 Capital Improvement Budget & Program, Fixed Asset and Grant Awards to make changes to the Capital Improvements List - District 2. (Gould/Brister)

12. Resolution C.S. No. C-3527 - Resolution stating the Parish Council's approval for the five (5) year renewal of the Restoration Tax Abatement Contract between the LA Department of Economic Development and Abita Blends, LLC/Red Cedar Row/Joel & Leanne Schaefer Restoration (Tax Abatement Contract No. 2002-0145) to participate in the Louisiana Restoration Tax Abatement Program. (District 5) (Gould/Brister)

13. Resolution C.S. No. C-3528 - Resolution appointing Tony Oramous as Member Emeritus to the Board of Commissioners of St. Tammany Recreation District No. 1 in honor of his years of service to the District and Parish. (Gould)

14. Resolution C.S. No. C-3529 - Resolution to support and authorize the Parish President to formally request the Louisiana Office of Community Development to provide funds for renovations to the Fifth Ward Community Recreation Center of St. Tammany, as specifically described in the Local Government Assistance Program Application dated September 14, 2012. (District 6) (Gould/Brister)

END OF CONSENT CALENDAR

APPEALS

1. Wayne Buras, representing Kelly McHugh, appealing the Zoning Commission DENIAL on August 7, 2012 to rezone 150.97 acres 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) to MD-1 (Medical Residential District), A-3 (Suburban District) and A-4 (Single Family Residential) and PUD (Planned Unit Development Overlay). (Ward 1, District 1) (ZC12-08-080) (Tabled 9/10/12)

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. Elizabeth Cumbaa Glass appealing the Zoning Commission DENIAL on September 4, 2012 to rezone 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)

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. Beverly McQuaid, on behalf of Parent Teacher Child Services, Inc., appealing the Zoning Commission DENIAL on September 4, 2012 to rezone 12,000 square feet located east of Soult Street, north of McNamara Street from A-4 (Single Family Education District) to ED-1 (Primary Education District). (Ward 4, District 7) (ZC12-09-088)

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. 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)

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.

5. Holly Biaselmon, Realtor, on behalf of Alice Keith, appealing the Zoning Commission DENIAL on September 4, 2012 to rezone 1.903 acres located south of LA Highway 22, west of Penn's Chapel Road, east of Fairview Oaks Boulevard from HC-1 (Highway Commercial District) to A-8 (Multiple Family Residential District). (Ward 4, District 4) (ZC12-09-091)

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.

6. Walter Pennington appealing the Mandatory Impact Fees for a Building Permit 2012-5693 in accordance with the Mandatory Impact Fee Ordinance.

NOTE: To concur with the Mandatory Impact Fees, a simple majority vote is required and adoption of a resolution.

NOTE: To override the Mandatory Impact Fees, a majority vote of the entire Council is required and adoption of a resolution.

ORDINANCES FOR ADOPTION (Public Hearing)

1. Ord. Cal. No. 4861 - Ordinance amending the official Parish Zoning Map to reclassify 1.8 acres located west of US Highway 11, north of Avenue D from A-3 (Suburban District) to HC-2 (Highway Commercial District). (Ward 8, District 9) (ZC12-08-066) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

2. Ord. Cal. No. 4862 - Ordinance amending the official Parish Zoning Map to reclassify 12.8 acres located east of Booth Road, north of Joiner Road from A-1 (Suburban District) to A-1A (Suburban District). (Ward 2, District 3) (ZC12-08-068) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

3. Ord. Cal. No. 4863 - Ordinance amending the official Parish Zoning Map to reclassify 2.027 acres located south of US Highway 190, east of Neslo Road from A-2 (Suburban District) to HC-2 (Highway Commercial District). (Ward 9, District 14) (ZC12-08-071) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

4. Ord. Cal. No. 4864 - Ordinance amending the official Parish Zoning Map to reclassify 28,800 square feet located at the southwest corner of Bravo Street & 4th Street, being Lots 1 & 2, Square 37, Alexisville, from HC-3 (Highway Commercial District) & A-3 (Suburban District) to NC-2 (Indoor Retail and Service District).(Ward 3, District 5) (ZC12-08-072) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

5. Ord. Cal. No. 4865 - Ordinance amending the official Parish Zoning Map to reclassify 1.966 acres located on the northeast corner of Robert Road & Brownswitch Road from NC-4 (Neighborhood Institutional District) to HC-1(Highway Commercial).(Ward 8, District 8) (ZC12-08-073) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

6. Ord. Cal. No. 4866 - Ordinance amending the official Parish Zoning Map to reclassify 0.29 acre located west of Cass Avenue, north of Coast Blvd, being lots 42A & 43A, Square 6, Central Park, from A-4A (Single Family Residential District) to A-4A (Single Family Residential District) & MHO (Manufactured Housing Overlay). (Ward 8, District 12) (ZC12-08-074) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

7. Ord. Cal. No. 4867 - Ordinance amending the official Parish Zoning Map to reclassify 1.15 acres located at the northeast intersection of LA Highway 36 & LA Highway 21, being 19375 Hwy 36, Covington, from A-1A (Suburban District) to PF-1 (Public Facilities District). (Ward 3, District 2) (ZC12-08-078) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

8. Ord. Cal. No. 4868 - Ordinance amending the official Parish Zoning Map to reclassify 7.44 acres located south of Thompson Road, west of LA Highway 25, being 15086 Thompson Road, Folsom, from A-1 (Suburban District) to A-1A (Suburban District). (Ward 2, District 3) (ZC12-08-079) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

9. Ord. Cal. No. 4870 - Ordinance amending the official Parish Zoning Map to reclassify 2.14 acres located east of Commercial Drive, north of Browns Village Road, being 114 Commercial Drive, Slidell from I-1 (Industrial District) to NC-6 (Public, Cultural and Recreational District). (Ward 9, District 14) (ZC12-08-082) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

10. Ord. Cal. No. 4871 - Ordinance amending the official Parish Zoning Map to reclassify 6,000 square feet located on the northeast corner of Rex Avenue & Davis Street, being lot 188, Three Rivers Heights from A-4 (Single Family Residential District) to A-4 (Single Family Residential District) & MHO (Manufactured Housing Overlay). (Ward 1, District 1) (ZC12-08-084) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

11. Ord. Cal. No. 4872 - Ordinance amending the official Parish Zoning Map to reclassify 14.6 acres located north of Emerald Forest Blvd, east of Falconer Drive to a PUD (Planned Unit Development Overlay). (Ward 3, District 5) (ZC12-08-076) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

12. Ord. Cal. No. 4873 - Ordinance amending the official Parish Zoning Map to reclassify 14.6 acres located north of Emerald Forest Blvd, east of Falconer Drive from NC-4 (Neighborhood Institutional District) & NC-1 (Professional Office District) to A-4A (Single-Family Residential District). (Ward 3, District 5) (ZC12-08-077) (Zoning Commission Approved 8/7/12) (Introduced 9/10/12)

13. Ord. Cal. No. 4874 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for construction or placement of building structures on property within certain portions of Highland Park Subdivision. (District 12) (Introduced 9/10/12)

14. Ord. Cal. No. 4875 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of building permits for construction or placement of building structures on property within portions of Beverly Hills and Kingspoint Subdivisions. (Ward 8, District 14) (Introduced 9/10/12)

15. Ord. Cal. No. 4876 - Ordinance to correct the Road and Drainage Inventory to include Lake Catherine Drive Lateral, and an extension of Shady Lane Road; also to delete a portion of St. Amand Street, a portion of Turquoise Street, and a portion of Airport Road Lateral. (Wards 1, 3, 4, 7 & 10, Districts 2, 3, 4, 6 & 11) (Introduced 9/10/12)

16. Ord. Cal. No. 4877 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Stirling Boulevard Extension Subdivision. (Ward 1, District 1) (Introduced 9/10/12)

17. Ord. Cal. No. 4878 - Ordinance to authorize the Parish President to Grant a Utility Servitude to Parkway Pipeline, LLC in and through the Bayou Castine and Bayou Cane Drainage Management Area. (Ward 4, District 7) (Introduced 9/10/12)

18. Ord. Cal. No. 4879 - Ordinance to amend the 2012 Operating Budget - Amendment No. 8. (Introduced 9/10/12)

19. Ord. Cal. No. 4880 - Ordinance to amend Chapter 9 of the Parish Code of Ordinances, Article XIII Section 9-071.00 Garbage District No. 1, Boundaries, and Section 9-072.01, Service Area, to amend the recently expanded boundaries to include additional areas. (Introduced 9/10/12)

20. Ord. Cal. No. 4882 - Ordinance to impose a six (6) month moratorium on the issuance of administrative permits for agricultural uses within the boundaries of St. Tammany Parish Council District No. 4. (Introduced 9/10/12)

21. Ord. Cal. No. 4883 - Ordinance amending the Official Parish Zoning Map to reclassify 0.907 acre located south of LA Highway 1088, east of Forest Brook Blvd from A-2 (Suburban District) to NC-2 (Indoor Retail and Service District). (Ward 4, District 7). (ZC12-08-069) (Introduced 9/10/12)

22. Ord. Cal. 4884 - Ordinance amending the Official Parish Zoning Map to reclassify 111.402 acres located south of Dove Park Road, north of Sharp Road, east of Fairway Drive from A-1 (Suburban District) & CB-1 (Community Based Facilities District) to CB-1 (Community Based Facilities District), MD-1 (Medical Residential District) and PF-1 (Public Facilities District). (Ward 4, District 5). (ZC12-09-087) (Zoning Commission approved 9/4/12) (Introduced 9/10/12)

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)

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) (Gould)

3. Nominate one (1) individual to appoint to Parish Planning and Zoning Commission. (Parishwide) (Smith)