

AGENDA
ST. TAMMANY PARISH COUNCIL MEETING
THURSDAY, JULY 1, 2010 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

PRESENTATION

- 1) Presentation of the Annual Report for COAST by Mary Toti of STARC. (Binder/Davis)
- 2) Certificate of Recognition to Winward, Inc. for its receipt of the Louisiana Economic Development's Lantern Award. (Binder/Davis)

PUBLIC HEARING

- 1) **Public hearing in accordance with open meetings law R.S. 42:1, et seq for consideration and adoption of Resolution C.S. No. C-2902 - Resolution establishing millage rates for the year 2010.** (Binder/Davis)

CONSENT CALENDAR

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	June 3, 2010
Council Committee Meeting	June 23, 2010

ORDINANCES FOR INTRODUCTION
(Public Hearing August 5, 2010)

- 1) **Ord. Cal. No. 4278** - Ordinance to amend the Parish Unified Development Code, Volume 1 (Zoning) to amend Section 6.05 Planned Corridor District. (ZC10-03-036) (Zoning Commission approved 3/2/10) (Binder/Davis) (Tabled 4/1/10, 5/6/10 & 6/3/10)
- 2) **Ord. Cal. No. 4322** - Ordinance to amend the Official Parish Zoning Map to reclassify 1.39 acres on the north and south sides of Dorsey Road and east of Pace Street from A-1-A (Suburban District) to an A-1-A (Suburban District) & MHO (Manufactured Housing Overlay District). (Ward 8, District 14) (ZC10-06-050) (Zoning Commission approved 6/1/10) (Binder/Davis)

3) **Ord. Cal. No. 4323** - Ordinance to amend the Official Parish Zoning Map to reclassify 232.97 acres located south of Pat O'Brien Road, North & South of Spring Clover Road and west of LA Highway 1082 from A-1 (Suburban District) to an A-1 (Suburban District) & RO (Rural Overlay District).(Ward 2, District 2) (ZC10-06-052) (Zoning Commission approved 6/1/10) (Binder/Davis)

4) **Ord. Cal. No. 4324** - Ordinance to amend the Official Parish Zoning Map to reclassify 3.18 acres located east of LA Highway 41, north of Jack Crawford Road, being 67464 Highway 41, Pearl River from A-2 (Suburban District) to an HC-1 (Highway Commercial District). (Ward 6, District 6) (ZC10-06-053) (Zoning Commission approved 6/1/10) (Binder/Davis)

5) **Ord. Cal. No. 4325** - Ordinance to amend the Official Parish Zoning Map to reclassify 0.69 acres located west of Bolden Road, south of James Crosby Road, being 63543 Bolden Road, Pearl River from A-4-A (Single Family Residential District) to A-4-A (Single Family Residential District) & MHO (Manufactured Housing Overlay District). (Ward 8, District 14) (ZC10-06-066) (Zoning Commission approved 6/1/10) (Binder/Davis)

6) **Ord. Cal. No. 4326** - Ordinance to amend the Official Parish Zoning Map to reclassify 49.28 acres located east of Ochsner Blvd., south of Maison du Lac Subdivision, and west of Normandy Oaks Subdivision from A-4 (Single Family Residential District) to A-4-A (Single Family Residential District). (Ward 1, District 1) (ZC10-06-067) (Zoning Commission approved 6/1/10) (Binder/Davis)

7) **Ord. Cal. No. 4327** - Ordinance to amend Parish Code of Ordinances, Chapter 2 Administration, Article I General, Section 2-002.01 Reimbursement - medical, psychiatric, dental expenses by inmates/prisoners, to provide for the amount of co-payment authorized by statute, to provide with respect to reimbursement of medical and dental expenses and to otherwise provide with respect to reimbursement for the expenses of prisoners/inmates. (Binder/Davis)

8) **Ord. Cal. No. 4328** - Emergency Ordinance to impose a 30-day moratorium on the receipt of conditional use permit applications by the Parish Planning Department for Solid Waste Transfer Stations and on the issuance of building permits for the construction of Solid Waste Transfer Stations. (Hamauei)

9) **Ord. Cal. No. 4329** - Ordinance to impose a six (6) month moratorium on the receipt of conditional use permit applications by the Parish Planning Department for solid waste transfer stations and on the issuance of building permits for the construction of solid waste transfer stations. (Hamauei)

10) **Ord. Cal. No. 4330** - Ordinance to correct the Road and Drainage Inventory to include Gitz Lane Lateral; Wood View Drive Lateral; Zellie Lane; 84 Lumber Road; and to remove portions of Anthony Road and North Anthony Road. (Wards 1, 2, 3, & 8; Districts 1, 3, 6, 9 & 13) (Binder/Davis)

11) **Ord. Cal. No. 4331** - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Pittman Place; Abita Lakes, Phase 3a; Ashland Oaks Business Park; Terra Bella, Phase 1-A-2; and entering the Rights of Way on Ochsner Blvd. and Horace Street. (Wards 1, 4, 8 & 10; Districts 1, 2, 5, & 9) (Binder/Davis)

12) **Ord. Cal. No. 4332** - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire certain parcels, rights of way and/or servitudes located in Autumn Creek II Subdivision, Phase 2A and all future phases. (Binder/Davis)

13) **Ord. Cal. No. 4333** - Ordinance amending the 2010 Operating Budget. (Binder/Davis)

14) **Ord. Cal. No. 4334** -Ordinance to amend the boundaries and extend for an additional six (6) months the moratorium on the issuance of building or conditional use permits for construction or placement of building structures on property within a portion of unincorporated Town of Alton Subdivision. (Ward 9, District 14) (Burkhalter)

15) **Ord. Cal. No. 4335** - Ordinance to extend for an additional six (6) months the moratorium on the submission and review of zoning and conditional use permit applications, Planning Commission review and on the issuance of building permit applications, for the purpose of construction or placement of multi-family structures on property within unincorporated areas of Council District 12. (Binder)

16) **Ord. Cal. No. 4336** - Ordinance amending the Official Zoning Map to reclassify Square 16: Lots 4 & 5, containing 2 acres, in Pearl Acres Subdivision from A-3 (Suburban District) to HC-1 (Highway Commercial). (ZC10-06-055) (Zoning Commission denied 6/1/10) (Ward 8, District 8) (Canulette)

17) **Ord. Cal. No. 4337** - Ordinance authorizing the Parish President to execute a lease agreement for lease of fifteen (15) parking spaces within the lot on Jefferson Avenue bearing the municipal address 410 Jefferson Avenue, Covington. (Ward 3 District 3).

RESOLUTIONS

18) **Resolution C.S. No. C-2888** - Resolution authorizing special counsel to represent St. Tammany Parish in defending the lawsuit filed in the United States District Court for the Eastern District of Louisiana and entitled Maloney Gaming Management, LLC. Versus Parish of St. Tammany, Civil Action No. 10-01582 "J"(2). (Binder)

19) **Resolution C.S. No. C-2889** - Resolution establishing Warranty Obligations. (Binder/Davis)

WARRANTY

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Enter Parish R.O.W. (Resolution No. 04-160) State, Orange, Walnut St. & Mandeville Ave. Abita Terrace S/D Amount: \$14,400 Expires: August 18, 2010 Ward: 4, District: 7	CALL L.O.C. TO BE BROUGHT INTO THE SELECTIVE PARISH MAINTENANCE SYSTEM
Heritage Oaks Subdivision Amount: \$30,800 Expires: August 30, 2010 Ward:1, District: 1	CALL L.O.C. THIS IS A PRIVATE SUBDIVISION & THE PARISH IS NOT RESPONSIBLE FOR ANY MAINTENANCE

20) **Resolution C.S. No. C- 2890** - Resolution stating Parish Council's endorsement of D1 Sports Training & Therapy of New Orleans, LLC for participation in the Louisiana Enterprise Zone Program. (EZ#20100071) (Binder/Davis)

21) **Resolution C.S. No. C- 2891** - Resolution stating Parish Council's endorsement of Three Rivers Restaurants, LLC for participation in the Louisiana Enterprise Zone Program. (EZ#20100288) (Binder/Davis)

22) **Resolution C.S. No. C-2892** - Resolution stating Parish Council's endorsement of 4 US Investment, LLC DBA Froots, for participation in the Louisiana Enterprise Zone Program. (EZ#20100099) (Binder/Davis)

23) **Resolution C.S. No. C-2893** - Resolution approving and authorizing the Parish President to sign and/ or execute a Cooperative Endeavor Agreement between the Parish and the City of Slidell for the purpose of raising a berm located on 5.4 acres south of Interstate 12 and west of US Highway 11. (Binder/Davis)

24) **Resolution C.S. No. C-2894** - Resolution to amend Ordinance C.S. No. 09-2166 - 2010-2014 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

25) **Resolution C.S. No. C-2895** - Resolution to amend Ordinance C.S. No. 09-2166 - 2010-2014 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

26) **Resolution C.S. No. C-2896** - Resolution to amend Ordinance C.S. No. 09-2166 - 2010-2014 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the Capital Road List - Fund 300 to add US190 improvements from LA22 - Interstate 12. (Binder/Davis)

27) **Resolution C.S. No. C-2897** - Resolution to amend Ordinance C.S. No. 09-2166 - 2010-2014 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

28) **Resolution C.S. No. C-2898** - Resolution giving preliminary approval to the issuance of not to exceed Two Million Dollars (\$2,000,000) of a Parish Sales Tax Bonds, Series 2010 (Jail); providing certain terms of said bonds; making application to the State Bond Commission for approval of said Bonds; and providing for other matters in connection therewith. (Binder/Davis)

29) **Resolution C.S. No. C-2899** - Resolution obligating Parish Government's Dedicated Funds, Grant Funds, and In-kind Services as the Match Requirement for the Land and Water Conservation Fund Grant to construct Camp Salmen's Gum Bayou Boardwalk in the Goldfish Bayou Basin Interpretive Trail. (Binder/Davis)

30) **Resolution C.S. No. C-2900** - Resolution to vacate, in part, the six (6) month moratorium established by Ordinance C.S. No. 10-2253, and any subsequent extension thereof, on the issuance of permits for construction or placement of building structures on property within a portion of Tammany Hills Subdivision and a portion of Ingram Estates Subdivision. (Ward 3, District 5) (Gould)

31) **Resolution C.S. No. C-2901** - Resolution supporting State Project No. 013-11-0039 with the Regional Planning Commission for improvements on US Highway 190 (North Causeway Approach), to include auxiliary lanes and cold-plane and overlay on LA Highway 22 to I-12; providing improved safety, efficiency and enhanced riding surfaces. (Falconer/Gould)

END OF CONSENT CALENDAR

APPEALS

1) **Jeffery Schoen representing Maurmont Properties, LLC appealing the Zoning Commission DENIAL on May 4, 2010 of a text change in the Parish Unified Development Code, Section 7.0213 Sign Regulations. (ZC#10-05-048) (Tabled 6/3/10)**

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) **Robert Schank, Leon and Jane Golemi, Cori Renfroe, and Karen Brantly, individually appealing the Zoning Commission APPROVAL to rezone 529.6 acres located on the north, south, east and west sides of Three Rivers Road and west of Highway 190 from PF-1 (Public Facilities) to MD-4 (Medical Research). (ZC10-05-045) (Tabled 6/3/10)**

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) **George Scariano appealing the Zoning Commission DENIAL on June 1, 2010 to rezone 23,153 square feet located east of Highway 59 and south of Robert Road, being 69408 Highway 59, Abita Springs from HC-2 (Highway Commercial District) to I-1 (Industrial District). (Ward 4, District 7) (ZC10-06-064)**

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) **Sandra Slifer appealing the Zoning Commission DENIAL of a text change in the Parish Unified Development Code, Volume I (Zoning), Section 2, Definitions and Section 5.26A - I-4 (Heavy Industrial District), relative to Waste Transfer Stations. (ZC10-06-065)**

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) **Ken Burkhalter appealing the Zoning Commission DENIAL on June 1, 2010 to rezone parcels located on the east side of US Highway 11 and north of Haas Road from A-4 (Single Family Residential District) to A-4 (Single Family Residential District) and MHO (Manufactured Housing Overlay). (Ward 8, District 14) (ZC10-06-051)**

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

1) **Ord. Cal. No. 4171AIII - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Article 2 Definitions and Section 5.2102, Paragraph (2) Convenience Stores (w/gas), to provide a definition for convenience store and to provide requirements for convenience stores selling gas as an accessory use in the HC-2 Highway Commercial District. (Introduced 11/5/09) (ZC10-01-009) (Zoning Commission approved 2/2/10) (Tabled 12/3/09, 1/7/10, 2/4/10, 3/4/10 & 4/1/10) (reintroduced 5/6/10 & 6/3/10)**

2) **Ord. Cal. No. 4209AA - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning), Section 8.01, Minimum Standards for Specific Uses, relative to agricultural and decorative ponds. (Tabled 12/3/09 & 1/7/10)(Amended & re-introduced 2/4/10) (ZC10-01-016) (Zoning Commission approved 3/2/10)(Tabled 3/4/10, 4/1/10, 5/6/10 & 6/3/10)**

3) **Ord. Cal. No. 4213AII - Ordinance to amend Parish Unified Development Code, Volume I (Zoning) Sections 5.24 - 5.26a, I-1, I-2, I-3 and I-4 Industrial Districts, relative to Commercial Excavations. (ZC09-11-032) (Zoning Commission approved 12/1/09) (Introduced 1/7/10 & reintroduced 2/4/10) (Adopted 3/4/10) (Reconsidered, rescinded & tabled 4/1/10) (Tabled 5/6/10 & 6/3/10)**

4) **Ord. Cal. No. 4252AA - Ordinance to amend and reenact Parish Code of Ordinances, Chapter 20, Roads and Bridges Section 20.010.03 Location and Placement of Public and Private Utility Equipment and Collection and/or Distribution Lines in Parish Rights of Way. (Introduced 2/4/10) (Tabled 3/2/10, 4/1/10, 5/6/10 & 6/3/10)**

5) **Ord. Cal. No. 4275 - Ordinance to amend the Parish Unified Development Code, Section 7.02 Sign Regulations, relative to permitted signs for properties located along the Interstate 10 Service Road. (Ward 9, District 13) (Introduced 3/4/10)(ZC#10-06-054) (Zoning Commission amended and approved 6/1/10) (Tabled 4/1/10, 5/6/10 & 6/3/10)**

6) **Ord. Cal. No. 4296** - Ordinance amending Ordinance C. S. No. 09-2038, adopted May 7, 2009, making changes to Land Use Regulations Ordinance No. 523 As Amended, Section 6.01, and Unified Development Code Section 7.0801, Modifications and Exceptions, Lots of Record, Amending Side Yard Setback and Driveway Requirements. (Introduced 4/1/10)(ZC#10-07-068) (Zoning Commission Hearing 7/6/10) (Tabled 5/6/10 & 6/3/10)

7) **Ord. Cal. No. 4306** - Ordinance accepting the Act of Dedication and Donation of Spinner Road for inclusion into the Road Maintenance System. (Ward 6, District 6) (Introduced 5/6/10 & 6/3/10)

8) **Ord. Cal. No. 4308** - Ordinance amending the 2009 Parish Zoning Map of the South West Comprehensive Rezoning Area (CRA-2) to rezone 54.56 acres commonly referred to as Covington Country Club, located south of Country Club Drive and is designated as CB-1 (Community Based Facilities), in part, and in part as A-2 (Suburban). (Ward 4, District 4) (ZC10-01-008) (Introduced 5/6/10) (Tabled 6/3/10)

9) **Ord. Cal. No. 4309** - Ordinance amending the 2009 Zoning Map South West Comprehensive Rezoning Area (CRA-2) to reclassify 90.60 acres commonly referred to as Covington Country Club, located North of Country Club Drive and designated as CB-1 (Community Based Facilities), in part, and, in part, as A-2 (Suburban). (Ward 4, District 4) (ZC10-01-007) (Introduced 5/6/10) (Tabled 6/3/10)

10) **Ord. Cal. No. 4314** - Ordinance amending the Official Parish Zoning Map to reclassify 1.5 acres located on the south side of Gause Blvd, west of Malborough Street, address 1725 Gause Boulevard, Slidell, from NC-2 (Indoor Retail and Services) to HC-2 (Highway Commercial). (Ward 8, District 13)(ZC10-05-046) (Zoning Commission approved 5/4/2010) (Introduced 6/3/10)

11) **Ord. Cal. No. 4315** - Ordinance to correct the Road and Drainage Inventory to include three (3) Sandy Brook Circle Laterals, Blackjack Oak Drive Lateral; South 24th Street Lateral; South 23rd Street; two (2) Heather Drive Laterals; Lazy Creek Drive Lateral; Haas Road Pond; an extension of Surrey Lane; and to remove a portion of Barbee Road. (Wards 1, 3, 4, 7, & 8; Districts 1, 3, 7, 13 & 14) (Introduced 6/3/10)

12) **Ord. Cal. No. 4316** - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Article 4-Non-conformities, Section 4.02-Abandonment of or Restoration after Damage, to clarify the provisions thereof and to extend the time for repair and replacement of mobile homes. (ZC10-06-058) (Zoning Commission amended and approved 6/1/10) (Introduced 6/3/10)

13) **Ord. Cal. No. 4317** - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Section 5.25 I-2 Industrial District to add all I-1 District Uses as Permitted Uses. (ZC10-06-059) (Zoning Commission amended and approved 6/1/10) (Introduced 6/3/10)

14) **Ord. Cal. No. 4318** - 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) (Introduced 6/3/10)

15) **Ord. Cal. No. 4319** - Ordinance to extend for 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. (Introduced 6/3/10)

16) **Ord. Cal. No. 4320** - Ordinance amending the Official Parish Zoning Map (CRA-1) to reclassify 1.90 acres located on the south side of Montana Drive, east of Shady Pine Road from A-2 (Suburban) to ED-1 (Primary Education). (Ward 7, District 7) (ZC10-06-061) (Zoning Commission approved 6/1/10) (Introduced 6/3/10)

17) **Ord. Cal. No. 4321** - Ordinance to authorize the Parish President to accept the Act of Dedication and Donation of Public Rail Crossing at Schneider Parkway for inclusion into the Road Maintenance System. (Introduced 6/3/10)

APPOINTMENTS

1) Resolution to appoint Mike Delahoussaye to replace John Beyls (resigned) to the Board of Commissioners of Fire Protection District No. 2. (District 1) (Dean)

2) Resolution to reappoint James E. Morrison to St. Tammany Parish Hospital Services District No. 2 Permanent Nominating Committee. (Term expires - July 10, 2010). (Bellisario)

DISCUSSION AND OTHER MATTERS

1) **Motion to refer to the Zoning Commission** for recommendation the proposed rezoning of approximately 1.6 acres on Riverside Drive, Covington, LA within the North West Comprehensive Rezoning Area (CRA-5) currently zoned A-1-A to NC-2. (Ward 3, District 1) (Dean)

2) **Motion to refer to the Zoning Commission** for recommendation the proposed rezoning of 3.48 acres at the entrance of Belle Pointe Subdivision within the South West Comprehensive Rezoning Area (CRA-2) currently zoned HC-1 to HC-2. (Ward 1, District 1) (Dean)

3) **Motion to refer to the Zoning Commission** for recommendation an amendment to the Official Zoning Map of St. Tammany Parish (South East Comprehensive Rezoning Area CRA-3) to reclassify 10 parcels totaling 133.01 acres east of Jack Lloyd Road from A-2 (Suburban District) to NC-6 (Public, Cultural, Recreational District). (Ward 6, District 6)(Crawford-Howell)

4) **Motion to refer to Zoning Commission** for recommendation the proposed rezoning of 1.6 acres situated in Section 32, Township 7 South, Range 12 East, from it present A-2 (Suburban District) to NC-1 (Neighborhood Commercial District). (Ward 4, District 5) (Gould)

5) **Motion to refer to Zoning Commission** for recommendation the proposed rezoning of 1.03 acres from A-1 (Suburban District) to A-3 (Suburban District). (Ward 2, District 2)(Cooper)

6) **Motion to refer to Zoning Commission** for recommendation the proposed rezoning of 8.74 acres from A-1 (Suburban District) to A-1-A (Suburban District). (Ward 2, District 2)(Cooper)

EXECUTIVE SESSION

1) Lawsuit filed in the United States District Court for the Eastern District of Louisiana entitled: "Maloney Gaming Management, LLC versus Parish of St. Tammany, Civil Action No. 10-01582 "J"(2)"