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AGENDA

**ST. TAMMANY PARISH COUNCIL MEETING
THURSDAY, MAY 7, 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 Hamauci
Chris Canulette
E. L. Gene Bellisario
Henry Billiot
Steve Stefancik
Richard Artigue
Ken Burkhalter**

PRESENTATIONS

1) Certificate of Recognition to Bonnie Romano, Carriage Lane Estates Property Owners Association, for selection as a National Night Out 2008 All Star. (Gould)

2) Presentation proclaiming May as Amyotrophic Lateral Sclerosis Awareness Month. (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	April 2, 2009
Council Committee Meeting	April 29, 2009

**ORDINANCES FOR INTRODUCTION
(Public Hearing June 4, 2009)**

**1) 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). (Binder/Davis)
(Tabled 3/5/09 & 4/2/09)**

2) 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) (Gould)

3) Ord. Cal. No. 4054 - Ordinance establishing a "No Parking" Zone on portions of Laurent Road (1-K-4) (District 1) (Dean)

4) Ord. Cal. No. 4055 - Ordinance establishing a "No Parking" Zone on portions of Cleveland Street. (Ward 9, District 12) (Binder)

5) 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) (Dean)

6) 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. (Binder/Davis)

7) 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 "Resubdivisons", and creating subtitle "Minor Subdivisions" within same said section. (Binder/Davis)

8) 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. (Binder/Davis)

9) 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. (Binder/Davis)

10) 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. (Binder/Davis)

11) 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. (Binder/Davis)

12) 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. (Binder/Davis)

13) Ord. Cal. No. 4064 - Ordinance to correct the Road and Drainage Inventory to include Brownsitch Road; Jefferson Avenue; and Morgan Road Lateral Ditch. (Wards 1, 3 & 8, Districts 1, 5, & 9) (Binder/Davis)

14) 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) (Binder/Davis)

15) 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.

RESOLUTIONS

16) Resolution C. S. NO. C-2616 - Resolution to vacate, in part, the six (6) month moratorium established by Ordinance C.S. No. 05-1173, and any subsequent extension thereof, on the issuance of permits for construction or placement of building structures on property that abuts Louisiana Highway 59, or is located within a distance of two hundred (200') feet of the centerline of the highway, and which property, being situated along said highway, is in the area between the north side of Louisiana Highway 1088 and the south side of I-12. (Ward 4, District 5) (Gould)

17) Resolution C.S. No. C-2617 - Resolution declaring as surplus certain assets and authorizing sale of same. (Binder/Davis)

18) Resolution C.S. No. C-2618 - Resolution to support the Tammany Trace Foundation's application for assistance from the Recreational Trails Program for the Purpose of Constructing a Portion of the Tammany Trace Bike Path within the Camp Salmen Nature Park. (Binder/Davis)

19) Resolution C.S. No. C-2619 - Resolution to support Parish Government's application for assistance from the Recreational Trails Program for the Purpose of Resurfacing the Tammany Trace in the City of Mandeville from Gerard Street to Rapatel Street. (Binder/Davis)

20) Resolution C.S. No. C-2620 - Resolution stating the Parish Council's endorsement of Delta Core Development, LLC, for participation in the Benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0298). (Binder/Davis)

21) Resolution C.S. No. 2621 - Resolution to concur/not concur with the City of Covington annexation and rezoning of 3.608 acres from Parish C-2 (Highway Commercial) to City of Covington C-3 (Highway Business) located at 1884 Collins Blvd, Sect 45, Township 7 South, Range 11 East. (Ward 3, District 2)

22) Resolution C.S. No. 2622 - Resolution Establishing Warranty Obligations. (Binder/Davis)

WARRANTY

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Ashton Parc Subdivision, Filing 1; Part 1 Amount: \$74,200 Expires: June 26, 2009 Ward: 8 District: 9	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Ashland Oaks Business Park Subdivision Amount: \$32,400 Expires: June 26, 2009 Ward: 1 District: 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Abita Lakes Subdivision, Phase 3A Amount: \$59,400 Expires: June 15, 2009 Ward: 10 District: 2	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED

23) Resolution C.S. No. C-2623 - Resolution authorizing Parish President to enter into a Cooperative Endeavor Agreement with the State of Louisiana, Office of Community Development, to obtain Community Development Block Grant funds for recovery from Hurricanes Gustav and Ike, to develop a program for the Parish to utilize the funds, and to provide public notice of the program pursuant to a Citizen Participation Plan. (Binder/Davis)

24) Resolution C.S. C-2624 - Resolution adopting the updated CDBG Citizen Participation Plan for the Parish Community Development Block Grant Program. (Binder/Davis)

25) Resolution C.S. C-2625 - Resolution adopting the updated CDBG Procurement Procedures for the Parish Community Development Block Grant Program. (Binder/Davis)

26) Resolution C.S. C-2626 - Resolution requesting the Louisiana Legislature to enact legislation to amend article 7, Section 18, of the Louisiana Constitution, relative to assessment, valuation and reappraisal of all property subject to ad valorem taxation, and for the repeal of Paragraph (b) of Section 23, Louisiana Constitution Article 7, relative to subsequent adjustments in the total amount of ad valorem taxes collected by any taxing authority in the year in which the reappraisal and valuation provisions of Section 18, Paragraph (f) of article 7 are implemented.

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)

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) Lance Belcher on behalf of Emerald Forest Condos appealing the Planning Commission APPROVAL on April 14, 2009 of a Petition to enter Parish Right-of-way. (Unopened portion of Emerald Forest Blvd. Extension) (Ward 3, District 5) (Petitioner: Provident Realty Advisors, Inc.)

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

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)

2) Ord. Cal. No. 4014AA - Ordinance amending Ordinance C.S. No. 09-1985, adopted January 8, 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. (Gould) (Tabled 3/5/09) (Introduced 4/2/09)

3) 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)

4) Ord. Cal. No. 4020 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Sections 5.20 through 5.23a, HC- Highway Commercial Zoning Districts relative to height regulations.(Introduced 3/5/09) (Reintroduced 4/2/09)

5) Ord. Cal. No. 4027AA - Ordinance amending and reenacting Section 40-034.01, Contiguous Lot Rule, of the Parish Subdivision Regulatory Ordinance 499, to allow for the combining of substandard lots with abutting rear property lines. (Introduced and Referred to Planning Commission 3/5/09) (Reintroduced 4/2/09)

6) 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)

7) Ord. Cal. No. 4033 - Ordinance amending the official zoning map of St. Tammany to reclassify land north Highway 21, east of Highway 1085 containing 1.73 acres from LC (Light Commercial) to C-2 (Highway Commercial). (Ward 1, District 1) (ZC09-03-005) (Zoning Commission approved 3/3/09) (Introduced 4/2/09)

8) Ord. Cal. No. 4034 - Ordinance establishing a speed limit of 35 mph on Fairhaven Road (2-U-2). (Ward 2, District 2) (Introduced 4/2/09)

9) Ordinance to extend for an additional six (6) months the moratorium on the issuance of building permits for the construction or placement of building structures within a portion of Cypress Park Subdivision and a portion of surrounding areas. (Ward 7, District 7) (Introduced 4/2/09)

10) Ord. Cal. No. 4036 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for the construction or placement of building structures on certain properties within unincorporated St. Tammany abutting, in whole or in part, a portion of East I-10 Service Road, Slidell, Louisiana. (Ward 8, District 8) (Introduced 4/2/09)

11) Ord. Cal. No. 4037 - 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, District 14. (Ward 9, District 14) (Introduced 4/2/09)

12) Ord. Cal. No. 4038 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for any construction activities on, or improvements to, undeveloped property within a portion of Pineview Heights Subdivision and certain surrounding areas. (Ward 4, District 5)(Introduced 4/2/09)

13) Ord. Cal. No. 4039 - 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 4/2/09)

14) Ord. Cal. No. 4040 - Ordinance to extend for an additional six (6) months the moratorium on requests for rezoning of property within the triangular shaped area bounded on the south by Highway 190, on the east by Tchefuncte River, and on the west by the St. Tammany and Tangipahoa Parish line (Ward 1, District 1).(Introduced 4/2/09)

15) Ord. Cal. No. 4041 - Ordinance to authorize the Parish President to execute an Act of Nullity of the adjudicated property sale to Dallas Wilson of May 8, 2008 and refund the purchase price. (Introduced 4/2/09)

16) Ord. Cal. No. 4042 - Ordinance to amend the Parish Code of Ordinances, Section 2-009.00, Parish Fees and Service Charge, transportation and drainage impact fees. (Introduced 4/2/09)

17) Ord. Cal. No. 4043 - Ordinance to correct the Road and Drainage Inventory to include Honeydew Lane; to add a portion to Scotch Pine Drive; and to delete portions of Monroe Crawford Road; Reed Road; and Allen Road. (Wards 2, 4, 6 & 10, Districts 2, 4 & 6) (Introduced 4/2/09)

18) Ord. Cal. No. 4044 - Ordinance to correct the Road and Drainage Inventory to include Rheusaw Parker Road Lateral. (Ward 6, District 6) (Introduced 4/2/09)

19) Ord. Cal. No. 4045 - Ordinance amending the 2008 Operating Budget. (Introduced 4/2/09)

20) Ord. Cal. No. 4046 - Ordinance amending the 2009 Operating Budget. (Introduced 4/2/09)

21) Ord. Cal. No. 4047 - Ordinance to amend the Parish Code of Ordinances, Chapter 16, Parks, Recreation and Scenic Neighborhoods, to establish a new Article XIX, creating Recreation District No. 16, and amending Article IV, to merge and consolidate Recreation District No. 3 into and with the New Recreation District No. 16. (Introduced 4/2/09)

22) Ord. Cal. 4049 - Ordinance to impose a six (6) month moratorium on the receipt of applications by the Parish Zoning Commission for mobile home conditional use permits and/or on the issuance of building permits for placement of mobile homes on property within the subdivision known as Hillcrest Country Club, Additions #1, 2, 3 and 4. (Ward 6, District 6) (Introduced 4/2/09)

23) Ord. Cal. No. 4050 - Ordinance to authorize Parish President to purchase, expropriate or otherwise acquire all certain parcels and/or rights of way for the Old Military Road at Cleo Road Project. (Introduced 4/2/09)

24) Ord. Cal. No. 4051 - Ordinance amending the 2009 Operating Budget. (Introduced 4/2/09)

25) Ord. Cal. No. 4052 - Ordinance to amend the Parish Code of Ordinances Section 2-009.00 Parish Fees and Service Charges, Subsection B. III - Subdivision and Associated Fees. (Introduced 4/2/09)

NOMINATIONS

1) Resolution to appoint _____ (alternate member) to replace John Scott Fischer (resigned) to the Parish Board of Zoning Adjustments. (Binder)

APPOINTMENTS

1) Resolution to appoint Phillip P. Moore to St. Tammany Parish Recreation District No. 2 to replace Anita Fincher (resigned). (Cooper and Crawford-Howell)

2) Resolution to appoint Lynette M. Stermer to St. Tammany Parish Recreation District No. 6 to replace Annette Taylor (resigned). (Cooper)

3) Resolution to appoint Jorge Fernandez to Fire Protection District No. 13 to replace Alex Brett (resigned). (Dean)

4) Resolution to reappoint Thomas Laizer, III, Paul Dyer and Robert Bergeron (terms expired) to St. Tammany Parish (Gravity) Drainage District No. 5. (Gould)

5) Resolution to reappoint Otto Mehrgut, Andy Bumpas, Alain Flexer, John Lavanway and David Bates (Terms Expired) to St. Tammany Parish Sub-drainage District No. 2 of (Gravity) Drainage District No. 5 (Meadowbrook Subdivision). (Gould)

6) Resolution to appoint David Haine to St. Tammany Parish Sewer District No. 4 to replace William Marsalis. (Falconer)

EXECUTIVE SESSION

Lawsuit entitled: XL Bingo v. Kevin Davis, as President of St. Tammany Parish, 22nd JDC No. 2009-12032 "A"