

PUBLISHED APRIL 27, 2006 AND POSTED AT PARISH COMPLEX BY MAY 2, 2006

AGENDA

ST. TAMMANY PARISH COUNCIL MEETING  
THURSDAY, MAY 4, 2006 AT 6:00 P.M.  
ST. TAMMANY GOVERNMENT COMPLEX  
21490 KOOP DRIVE, MANDEVILLE, LA.

Call to Order by Honorable Steve Stefancik, Chairman

Invocation by

Pledge of Allegiance by

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

PRESENTATIONS

1) Form of Petition and specification of area presented to proposers for the repeal of Parish Council Ordinance C.S. No. 06-1248, adopted 2/2/2006, which amends the official zoning map of St. Tammany Parish, pursuant to St. Tammany Parish Home Rule Charter Article VI.  
(ZC 05-09-059) (Stefancik)

2) Certificate of Recognition to Sal Diecidue for services rendered as a member of the Board of Sewerage District No. 7.  
(Thomas)

CONSENT CALENDAR  
MINUTES

Regular Council Meeting  
Council Committee Meetings

April 6, 2006  
April 26, 2006

ORDINANCES FOR INTRODUCTION

1) Ord. Cal. No. 3267 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building permits for construction or placement of building structures within a portion of Cypress Park Subdivision and a portion of surrounding areas.  
(Ward 7, District 7) (Impastato)

2) Ord. Cal. No. 3268 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building permits for construction or placement of building structures on properties abutting, in whole or in part, a portion of the East I-10 Service Road in Slidell, La.  
(Ward 8, District 8) (Canulette)

3) Ord. Cal. No. 3269 - Ordinance to extend for an additional six (6) months the moratorium on receipt of submissions by the Parish Zoning Commission for rezoning of property within a certain portion of unincorporated Ward 1, District 1. (Dean)

4) Ord. Cal. No. 3270 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building permits for construction or placement of building structures on property within Dove Park Subdivision. (Ward 4, District 5) (Gould)

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5) Ord. Cal. No. 3271 - 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 within a portion of unincorporated Ward 9, District 14, west of Highway 11 and south of Interstate 12. (Burkhalter)

6) Ord. Cal. No. 3272 - Ordinance to extend for an additional six (6) months the moratorium on issuance of permits for construction or placement of building structures on property within a portion of Pineview Heights Subdivision and a portion of surrounding areas.  
(Ward 4, District 5) (Gould)

7) Ord. Cal. No. 3273 - 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 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. (Binder)

8) Ord. Cal. No. 3274 - Ordinance to amend the Parish Code of Ordinances, Chapter 15, Article XIII, Security Systems - False Alarms, to provide for regulations, procedures, administrative hearings and penalties for reduction and prevention of false alarms. (Gould/Thomas)

9) Ord. Cal. No. 3275 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Highway 190, east of North Tranquility Road, west of Honeybee Road, containing 3.43 acres, from SA (Suburban Agricultural) to C-1 Neighborhood Commercial. (Ward 9, District 11) (ZC 06-04-021) (Zoning Commission approved 4/4/06) (Stefancik/Davis)

10) Ord. Cal. No. 3276 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the northeast corner of Highway 40 and Highway 21, containing 18.964 acres, from R-Rural to C-2 Highway Commercial. (Ward 5, District 2) (ZC 06-04-022) (Zoning Commission approved 4/4/06) (Stefancik/Davis)

11) Ord. Cal. No. 3277 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the west side of Perrilloux Road, north of Highway 22, containing 0.92 acres, from R-Rural to C-2 Highway Commercial. (Ward 1, District 1) (ZC 06-04-023) (Zoning Commission approved 4/4/06) (Stefancik/Davis)

12) Ord. Cal. No. 3278 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the southeast corner of Military Road and Robert Road, containing 4.681 acres from A-3 Suburban to A-2 Suburban. (Ward 8, District 9) (ZC 06-04-026) (Zoning Commission approved 4/4/06) (Stefancik/Davis)

13) Ord. Cal. No. 3279 - Ordinance to amend Parish Code, Appendix C, Zoning and Land Use (Zoning Ord. 523), Section 3.03-AN, relative to Minimum Standards for Towers and Antennas and Section 10 relative to Definitions. (ZC 06-04-031) (Zoning Commission approved 4/4/06) (Stefancik/Davis)

14) Ord. Cal. No. 3280 - Ordinance to correct Road Inventory to include extensions of Lawrence Street, Hermina Street and Eric Street. (Ward 9, District 6) (Stefancik/Davis)

15) Ord. Cal. No. 3281 - Ordinance amending the 2006 Operating Budget. (Stefancik/Davis)

16) Ord. Cal. No. 3282 - Ordinance to amend Parish Code, Chapter 7, Articles V and VII, providing for amendments to boundaries of Gravity Drainage District No. 4 and Gravity Drainage District No. 5, and directing Council Chairman to give due notice thereof. (Gould)

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17) Ord. Cal. No. 3283 - Ordinance providing for incurring debt and issuance of \$4,000,000 of Limited Tax Revenue Bonds, Series 2006; prescribing the form, terms and conditions of said Bonds; designating the date, denomination and place of payment; providing for payment thereof in principal and interest; authorizing the agreement with Paying Agent; and for other matters in connection therewith. (Coroner). (Stefancik/Davis)

18) Ord. Cal. No. 3284 - Ordinance to amend the Parish Code, Chapter 21, Article II, Division 8, to provide for the abolishment of Sewerage District No. 7 and directing the Council Chairman to give due notice thereof. (Thomas)

#### RESOLUTIONS

19) Resolution C.S. No. C-1701 - Resolution providing for opening sealed bids for purchase of \$50 Million of Sales Tax Bonds, Series 2006 of Sales Tax District No. Three, approving Official Notice of Bond Sale and Official Statement in connection therewith, and authorizing certain officials to sign copies thereof as evidence of approval thereof. (Stefancik/Davis)

20) Resolution C.S. No. C-1702 - Resolution accepting bid for the purchase of \$50 Million of Sales Tax Bonds, Series 2006, of Sales Tax District No. Three. (Stefancik/Davis)

21) Resolution C.S. No. C-1703 - Resolution establishing Warranty Obligations. (Stefancik/Davis)

#### W A R R A N T Y

#### NAME OF SUBDIVISION RECOMMENDATION

PENN MILL LAKES S/D PH 2-A-3  
AMOUNT: \$41,600  
EXPIRES: JUNE 14, 2006  
WARD 3, DISTRICT 3

EXTEND FOR ONE (1 YEAR) OR  
UNTIL WORK IS SATISFACTORILY  
ACCOMPLISHED

TAMMANY MIDDLE LLC S/D, PH1  
 AMOUNT: \$23,800  
 EXPIRES: JUNE 20, 2006  
 WARD 1, DISTRICT 1

EXTEND FOR ONE (1) YEAR OR  
 UNTIL WORK IS SATISFACTORILY  
 ACCOMPLISHED

TIMBERLANE S/D, PH 1  
 AMOUNT: \$21,600  
 EXPIRES: AUGUST 12, 2006  
 WARD 1, DISTRICT 1

RELEASE L.O.C.  
 TO REMAIN IN THE OWNERSHIP  
 OF HOMEOWNERS ASSOCIATION  
 PRIVATE SUBDIVISION

FOX BRANCH ESTATES S/D, PH 2  
 AMOUNT: \$41,800  
 EXPIRES: JUNE 6, 2006  
 WARD 1, DISTRICT 1

EXTEND FOR ONE (1) YEAR OR  
 UNTIL WORK IS SATISFACTORILY  
 ACCOMPLISHED

22) Resolution C.S. No. C-1704 - Resolution to amend Ord. C.S. No. 05-1205, the 2006-2010 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Stefancik/Davis)

23) Resolution C.S. No. C-1705 - Resolution declaring as surplus certain assets and authorizing sale of same. (Stefancik/Davis)

24) Resolution C.S. No. C-1706 - Resolution permitting Parish President to enter an Intergovernmental Agreement with City of Mandeville for sharing costs related to Highway 22 East drainage improvements, Phase II.B of Highway 22 and Bayou Tete L'Ours area drainage improvements. (Stefancik/Davis)

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25) Resolution C.S. No. C-1707 - Resolution authorizing Parish President or CAO to negotiate and execute a contract with Louisiana Department of Health and Hospitals for funding a Public Health Clinic with Social Services Block Grant funding. (Stefancik/Davis)

26) Resolution C.S. No. C-1708 - Resolution rescinding Resolution C.S. No. C-0033, which authorized the Director of Community Action Agency to apply, accept, administer and execute documents in connection with all program grants vital to providing community services subject to review of the Parish President. (Stefancik/Davis)

27) Resolution C.S. No. C-1709 - Resolution adopting a Handicap Policy and Grievance Procedures. (Stefancik/Davis)

28) Resolution C.S. No. C-1710 - Resolution to concur/not concur with Town of Pearl River annexation and rezoning of 1.15 acres at 65199 Highway 41 (Lot 6B, Section 2, T-8-S, R-14-E), from Parish R-Rural to Town of Pearl River B-2 Highway Commercial. (Ward 8, District 6) (Stefancik/Davis)

29) Resolution C.S. No. C-1711 - Resolution to concur/not concur with Town of Mandeville annexation and rezoning of 69.9 acres located in Section 38, T-7-S, R-10-E, from Parish R-Rural to Town of Madisonville A-Residential. (Ward 1, District 1) (Stefancik/Davis)

30) Resolution C.S. No. C-1712 - Resolution to concur/not concur with City of Slidell annexation and rezoning of 1.47 acres, being Lots 22 and 23, Square 1, Lindberg Glen Annex, from Parish C-2 Highway Commercial to City of Slidell C-4 Highway Commercial. (Ward 8, District 14) (Stefancik/Davis)

31) Resolution C.S. No. C-1713 - Resolution to concur/not concur with City of Covington annexation and rezoning of 1.525 acres, being Lots 60, 61 and a portion of 62 on Washington Avenue and 2nd Street, Town of Claiborne, from Parish C-1 Neighborhood Commercial to City of Covington C-2 Neighborhood Commercial. (Ward 3, District 3) (Stefancik/Davis)

32) Resolution C.S. No. C-1714 - Resolution authorizing filing of applications with the Federal Transit Administration (FTA) of the U.S. Department of Transportation, for Federal Transportation Assistance authorized by 49 USC, Chapter 53, Title 23 of the United States Code and other Federal Statutes administered by the Federal Transit Administration. (Stefancik/Davis)

33) Resolution C.S. No. C-1715 - Resolution of intention to amend the boundaries of Gravity Drainage District No. 4 and Gravity Drainage District No. 5, and directing the Council Chairman to give due notice thereof. (Gould)

34) Resolution C.S. No. C-1716 - Resolution to vacate, in part, the moratorium established by Ord. C.S. No. 05-1216 on issuance of building permits for construction or placement of building structures on property within a portion of Cypress Park Subdivision and surrounding areas. (Ward 7, District 7) (Impastato)

35) Resolution C.S. No. C-1717 - Resolution authorizing the advertising for sealed bids for the purchase of Four Million Dollars (\$4,000,000) of Limited Tax Revenue Bonds, Series 2006 of the Parish of St. Tammany; making application to the State Bond Commission for consent and authority to issue and sell said bonds; and providing for other matters in connection therewith. (Coroner). (Stefancik/Davis)

END OF CONSENT CALENDAR

**APPEALS**

1) Applicant Oliver J. Kerwin appealing the Zoning Commission APPROVAL on December 6, 2005 of a conditional use permit for a 3840 sq. ft. Auto Repair/Body Shop on the south side of Highway 190, west of 24th Street, across from Henderson Road, in a C-2 Highway Commercial District. (Ward 7, District 7) (CP 05-12-111) (Tabled 1/5/2006 thru 4/6/2006)

Note: To concur with Zoning approval with conditions, a simple majority vote is required and adoption of a Resolution.

Note: To override Zoning approval with conditions, a majority vote of the entire Council is required and adoption of a Resolution.

2) Applicant Brenda Coleman appealing the Zoning Commission DENIAL on March 7, 2006 to rezone 1.677 acres on northeast corner of Highway 22 and Kathman Drive ( Lot 23, Square 5, Live Oak Hills) from R-Rural to A-6 General Multi-Family Residential. (Ward 1, District 1) (ZC 06-03-017) (Tabled 4/6/2006)

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 Gary Kern appealing the Zoning Commission DENIAL on February 7, 2006, for issuance of a conditional use permit for a 1,010 sq. ft. mobile home on the south side of Crescent Drive, west of Tranquility Trail, being Lot 80 of Beau Village. (Ward 7, District 7) (CP 06-01-009) (Owner Robert B. Hurst) (Tabled 4/6/2006)

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 Steve Duvernay appealing the Zoning Commission DENIAL on April 4, 2006 for issuance of conditional use permit for a construction and debris landfill on 120 acres located on the east and west sides of Teal Road, north of Industry Pit Road. (Ward 6, District 6) (CP 06-04-069) (Owner Hickory Oaks, LLC)

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.

5) Candis D. Pettis appealing the Zoning Commission APPROVAL on March 7, 2006 for issuance of a conditional use permit for 86,000 sq. ft. land reclamation site on east side of Highway 41, south of Howard O'Berry Road. (Ward 6, District 6) (CP 06-03-054) (Applicant Eva Chermie; owner Elvira and Henry Gaines) (Tabled 4/6/2006)

Note: To concur with Zoning approval, a simple majority vote is required and adoption of a Resolution.

Note: To override Zoning approval, a majority vote of the entire Council is required and adoption of a Resolution.

6) Applicant Charles J. and Barbara Hasselbeck appealing the Zoning Commission DENIAL on April 4, 2006 to rezone 4.78 acres located on the southeast corner of Highway 22 and Mitcham Road from R (Rural) to C-1 Neighborhood Commercial. (Ward 1, District 1) (ZC 06-04-025)

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.

7) Kevin Kratzberg appealing the Zoning Commission APPROVAL on April 4, 2006 for issuance of a conditional use permit for a 348,480 sq. ft. addition to an existing multi-family residential development on the east side of Falconer Drive, south of Emerald Forest Boulevard, in a C-2 Highway Commercial District. (Ward 3, District 5) (CP 06-02-030) (Applicant Leroy Cooper; owner The Forest, LLC, and Salvador Modica)

Note: To concur with Zoning approval, a simple majority vote is required and adoption of a Resolution.

Note: To override Zoning approval, a majority vote of the entire Council is required and adoption of a Resolution.

8) Duane and Alice Bowser appealing the Zoning Commission APPROVAL on April 4, 2006 for issuance of a conditional use permit for a 1,000 sq. ft. land excavation and reclamation site on the west side of Bayou Paquet Road, south of Chene Drive, in an A-2 (Suburban) District. (Ward 7, District 7) (CP 06-03-060) (Applicant James Russell)

Note: To concur with Zoning approval, a simple majority vote is required and adoption of a Resolution.

Note: To override Zoning approval, a majority vote of the entire Council is required and adoption of a Resolution.

9) Lenny Coats appealing the Zoning Commission APPROVAL on April 4, 2006 for issuance of a conditional use permit for 3,600 sq. ft. duplexes located on the west side of Guillory Road, north of Highway 190, in a C-2 Highway Commercial District. (Ward 4, District 7) (CP 06-04-074) (Applicant Julian J. Rodrigue, Jr.; owner Felix and Ada Valdes)

Note: To concur with Zoning approval, a simple majority vote is required and adoption of a Resolution.

Note: To override Zoning approval, a majority vote of the entire Council is required and adoption of a Resolution.

10) Carlo Hernandez and Richard Hines/Hines Management Group, LLC, appealing the Zoning Commission APPROVAL on April 4, 2006 for issuance of a conditional use permit for a funeral home/cemetery/mausoleum on 11.26 acres located on the north side of Highway 1088, south of I-12, in an SA Suburban Agriculture District. (Ward 4, District 10) (CP 03-12-152) (Applicant Jeffrey D. Schoen; owner Donald and Beverly Jenkins)

Note: To concur with Zoning approval, a simple majority vote is required and adoption of a Resolution.

Note: To override Zoning approval, a majority vote of the entire Council is required and adoption of a Resolution.

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ORDINANCES FOR ADOPTION  
(Public Hearing)

1) Ord. Cal. No. 3245 - Ordinance to amend Parish Code, Chapter 16, providing for amendments to boundaries of Recreation District No. 10 and Recreation District No. 1, and for repeal, severability and date of enactment. (Ward 3, District 5) (Introduced 3/2/06)(Tabled 4/6/2006)

2) Ord. Cal. No. 3251 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north and east sides of Robert Road, south of Cornibe Henry Road, north of Red Rooster Road, containing 50.71 acres, from SA Suburban Agricultural to a PUD (Planned Unit Development). (Ward 8, District 9) (ZC 05-12-076) (Zoning Commission approved 3/7/2006) Introduced 4/6/06

3) Ord. Cal. No. ~~3252~~ - Ordinance amending the official zoning map of St. Tammany to reclassify land on the west side of Highway 11, south of Spartan Drive, containing 4800 sq. ft., from C-1 Neighborhood Commercial to C-2 Highway Commercial. (Ward 9, District 13) (ZC 06-03-014) (Zoning Commission approved 3/7/2006) (Introduced 4/6/06)

4) Ord. Cal. No. 3253 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Highway 190, west of I-10, being Lots 7 & 8, containing 2.5 acres, from SA Suburban Agricultural to C-2 Highway Commercial. (Ward 8, District 14) (ZC 06-03-015) (Zoning Commission approved 3/7/2006) (Introduced 4/6/06)

5) Ord. Cal. No. 3254 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the west side of 7th Street, north of Iberville Street (Lots 7, 8, 13 & 14, Square 8, Chinchuba Subdivision), containing 14,400 sq. ft., from SA Suburban Agricultural to C-1 Neighborhood Commercial. (Ward 4, District 4) (ZC 06-03-016) (Zoning Commission approved 3/7/2006) (Introduced 4/6/06)

6) Ord. Cal. No. 3255 - Ordinance to amend the Parish Code of Ordinances to repeal and reenact Article II of Chapter 14, to prohibit accumulation and storage of one or more abandoned, inoperative, dismantled or wrecked vehicles on public or private property, to provide for the removal, storage and disposition of such vehicles, and to provide for notice and enforcement procedures. (Introduced 4/6/06)

7) Ord. Cal. No. 3256 - Ordinance to amend the Parish Code of Ordinances, Chapter 14, Nuisances, Article II, to enact Sections 14-050.00 through 14-055.00 to establish procedures for removal and disposition of damaged and unattended vehicles and boats from public and private property following a natural disaster declared to be an emergency. (Introduced 4/6/06)

8) Ord. Cal. No. 3257 - Ordinance to revoke 32 foot non-designated right of way located in Orchard Drive Subdivision. (Ward 3, District 5) (Introduced 4/6/06)

9) Ord. Cal. No. 3258 - Ordinance to amend Code, Appendix B, Section 40-080.0 Resubdivision Review, Subsection B, Minor Resubdivision, regarding survey plats. (Planning Commission approved 3/14/2006) (Introduced 4/6/06)

10) Ord. Cal. No. 3259 - Ordinance to correct the road inventory to include 6th Street, 9th Street, Sam's Branch Road, and an extension of Golden Lane. (Wards 2, 8 & 10, Districts 2 & 6) (Introduced 4/6/06)

11) Ord. Cal. No. 3260 - Ordinance accepting Les Bois, Phase 2A, Forest Brook, Phase 4C4, Forest Brook, Phase 5B, Tammany West Multiplex, Phase 2B, Tallow Creek, Phase 1C, Tallow Creek, Phase 1A, and The Trace Subdivisions, into Parish Road and Drainage Inventories. (Wards 1, 4 & 9, Districts 1, 7 & 11) (Introduced 4/6/06)

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12) Ord. Cal. No. 3261 - Ordinance establishing a "No Thru Trucks" zone on Jackson Street, between Highway 21 and Plantation Street. (Ward 3, District 3) (Introduced 4/6/06)

13) Ord. Cal. No. 3262 - Ordinance to amend Ord. C.S. No. 04-0998, the 2005-2009 Capital Improvements Budget and Program, and further identify changes to the Capital Improvement List for 2005-2009. (Introduced 4/6/06)

14) Ord. Cal. No. 3263 - Ordinance amending 2006 Operating Budget. (Introduced 4/6/06)

15) Ord. Cal. No. 3264 - Ordinance providing for the sale of \$50 Million of Sales Tax Bonds, Series 2006 of Sales Tax District No. Three, prescribing the form, terms and conditions of such bonds and providing for payment thereof; authorizing an agreement with the paying agent, and providing for other matters in connection therewith. (Introduced 4/6/06)

16) Ord. Cal. No. 3265 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the southwest corner of Orleans Street and Clausel Street, north of Highway 190, containing 39,107 square feet, from C-1 Neighborhood Commercial to A-6 General Multi-Family Residential. (Ward 4, District 10) (ZC 06-01-001) (Introduced from appeal 4/6/2006)

17) Ord. Cal. No. 3266 - Ordinance establishing Wastewater Pre-Treatment Standards for industrial and light industrial wastewater facilities connected to Parish owned treatment facilities, and provide for repeal, severability and date of enactment. (Introduced 4/6/2006)

#### APPOINTMENTS

1) Resolution to appoint \_\_\_\_\_ to replace Thomas J. Havrilla (resigned) to Sewerage District No. 7. (District 13 appointment) (Tabled 1/5/2006 thru 4/6/2006)

#### EXECUTIVE SESSION

Executive Session regarding the following lawsuits: (Stefancik)

- 1) "River of Compassion Ministeries vs. St. Tammany Parish," 22nd JDC No. 2005-14673.
- 2) "Earlie Warren vs. St. Tammany Parish School Board, et al," 22nd JDC No. 2005-12406.