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**PUBLISHED SEPTEMBER 29, 2005 & POSTED AT PARISH COMPLEX BY OCTOBER 4, 2005**

## **AGENDA**

**ST. TAMMANY PARISH COUNCIL MEETING**

**THURSDAY, OCTOBER 6, 2005 AT 6:00 P.M.**

**ST. TAMMANY GOVERNMENT COMPLEX**

**21490 KOOP DRIVE, MANDEVILLE, LA.**

**Clerk's Note: Due to Hurricane Katrina, the regular Parish Council meeting scheduled for September 1 could not be held. Certain items from that agenda were heard at the September 28 meeting; with the remaining items being deferred to this meeting.**

**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**

**Jerry Binder**

**Joe Impastato**

**Chris Canulette**

**Barry D. Bagert**

**Henry Billiot**

**Joe "Coach" Thomas**

**Ken Burkhalter**

## **PRESENTATIONS**

**1) Certificate of Recognition to Bears Restaurant (Watson family) as "Business of the Month" for outstanding service to the community. (Thompson/Dean/Impastato)**

**2) Certificate of Recognition in Memory of Paul D. Cordes, Sr. (Brister)**

## **CONSENT CALENDAR**

**Any items not pulled from the consent calendar are automatically approved in whole by one vote. Items pulled from Consent Calendar are discussed and voted upon individually.**

**MINUTES****Special Council Meeting    September 28, 2005****ORDINANCES FOR INTRODUCTION****(Public Hearing November 3, 2005)**

1) Ord. Cal. No. 3163 - Ordinance amending Article I, Section 1-02 of the Home Rule Charter of the Parish of St. Tammany, State of Louisiana, to provide with respect to term limits for St. Tammany Parish Government Elected Officials. (Billiot)

2) Ord. Cal. No. 3167 - Ordinance to amend the Parish Code of Ordinances, Appendix B (Subdivision Regulatory Ord. 499), by amending Section 40-074.01, Parish Enforced Subdivision Restrictions and/or Covenants, to require that the subdivision garbage collection service shall be provided by a single garbage collection company. (Gould)

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Parish Council Regular Meeting    October 6, 2005    Page 2

**RESOLUTIONS**

3) Resolution C. S. No. C-1505 - Resolution requesting Parish Legislative Delegates amend La. R.S. 33:1243 to provide that St. Tammany Parish may impose the maximum penalty for violation of a Parish Ordinance to a fine of \$1,000 and six (6) months imprisonment in the Parish Jail, except where a specific State Statute places a ceiling on such penalties. (Binder/Billiot)  
(Public Safety Committee recommends adoption 8/24/2005)

4) Resolution C.S. No. C-1530 - Resolution establishing Warranty Obligations.  
(Stefancik/President)

**WARRANTY****NAME OF SUBDIVISION RECOMMENDATION**

**THE VINYARDS SUBDIVISION                      RELEASE L.O.C.**  
**AMOUNT: \$10,300                      MAINTENANCE TO REMAIN IN**  
**EXPIRES: NOVEMBER 1, 2005                      HOMEOWNERS' ASSOCIATION**  
**WARD: 3 DISTRICT 3                      (PRIVATE SUBDIVISION)**

**TALLOW CREEK SUBDIVISION, PH 1A                      CALL L.O.C.**  
**AMOUNT: \$19,900                      TO BE BROUGHT INTO THE PARISH**  
**EXPIRES: NOVEMBER 3, 2005                      MAINTENANCE SYSTEM**  
**WARD: 1 DISTRICT: 1**

**ALDRIDGE OAKS SUBDIVISION                      RELEASE L.O.C.**  
**AMOUNT: \$12,800                      TO BE BROUGHT INTO THE PARISH**  
**EXPIRES: NOVEMBER 5, 2005                      MAINTENANCE SYSTEM**  
**WARD: 1 DISTRICT: 1                      (Detention pond to be maintained by owner of occupied lot by pond)**

**BEAU ARBRE SUBDIVISION                      EXTEND FOR ONE (1) YEAR OR  
 AMOUNT: \$28,700                      UNTIL WORK IS SATISFACTORILY  
 EXPIRES: NOVEMBER 5, 2005                      ACCOMPLISHED  
 WARD: 1 DISTRICT: 1**

**TCHEFUNCTE TRACE SOUTH, PH 1A                      CALL L.O.C.  
 AMOUNT: \$900                      MAINTENANCE TO REMAIN IN  
 EXPIRES: NOVEMBER 19, 2005                      HOMEOWNERS' ASSOCIATION  
 WARD: 1 DISTRICT: 1                      (PRIVATE SUBDIVISION)**

**THE LANDINGS OF CROSS GATES, PH 3                      RELEASE L.O.C.  
 AMOUNT: \$18,600                      MAINTENANCE TO REMAIN IN  
 EXPIRES: NOVEMBER 29, 2005                      HOMEOWNERS' ASSOCIATION  
 WARD: 8 DISTRICT: 9                      (PRIVATE SUBDIVISION)**

**5) Resolution C.S. No. C-1531 - Resolution appointing officers and contact persons for Sewer District No. 6 upgrades for purposes of the Louisiana Community Development Block Grant Program. (Wards 3 & 10, District 3) (Stefancik/President)**

**6) Resolution C.S. No. C-1532 - Resolution to support Parish Government application for assistance from the Department of Homeland Security Assistance to Firefighters Grant Program for purpose of constructing Tammany Safety Town at the Tammany Trace Trailhead. (Stefancik/President)**

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**Parish Council Regular Meeting                      October 6, 2005                      Page 3**

**7) Resolution C.S. No. C-1533 - Resolution to support Parish Government application to Governor's Office of Rural Development for purpose of funding Sheriff Deputy Patrol on the Tammany Trace. (Stefancik/President)**

**8) Resolution C.S. No. C-1534 - Resolution to support Parish Government application to Governor's Office of Rural Development for purpose of constructing Tammany Safety Town at the Tammany Trace Trailhead. (Stefancik/President)**

**9) Resolution C.S. No. C-1535 - Resolution adopting Residential Anti-Displacement and Relocation Assistance Plan. (Stefancik/President)**

**10) Resolution C.S. No. C-1536 - Resolution to concur/not concur with City of Covington annexation and rezoning of 5 acres off Highway 190 Bypass, from Parish SA Suburban Agricultural District to City of Covington C-1 Community Business District. (Ward 3, District 3) (Stefancik/President)**

**11) Resolution C.S. No. C-1537 - Resolution to concur/not concur with City of Covington annexation and rezoning of 36.05 acres at Phase 1 Barkley Parc Subdivision (contains 71 lots; total proposed development contains 178 lots) from Parish PUD - Planned Unit Development to City of Covington PRD - Planned Residential Development District. (Ward 8, District 3) (Stefancik/President)**

**12) Resolution C.S. No. C-1538 - Resolution to concur/not concur with City of Slidell annexation and rezoning of 2.702 acres south of Highway 190 (Shortcut Hwy.) with Nellie Drive to the west of**

parcel, from Parish LC Light Commercial to City of Slidell C-4 Highway Commercial. (Ward 8, District 14) (Stefancik/President)

13) Resolution C.S. No. C-1539 - Resolution to concur/not concur with City of Slidell annexation and rezoning of .7679 acres located as follows: I-10 Frontage Road, Nellie Drive to the west and I-10 to the east, from Parish LC Light Commercial to City of Slidell C-4 Highway Commercial. (Ward 8, District 14) (Stefancik/President)

14) Resolution C.S. No. C-1540 - Resolution to concur/not concur with City of Slidell annexation and rezoning of .5303 acres fronting 114.84 feet on Fremaux (northside), nearest street to the west is Nellie Drive and to the east is I-10 Service Road, from Parish LC Light Commercial to City of Slidell C-4 Highway Commercial. (Ward 8, District 14) (Stefancik/President)

15) Resolution C.S. No. 1541 - Resolution to concur/not concur with City of Slidell annexation and rezoning of 3.734 acres fronting Fremaux (northside), nearest street to west is Nellie Drive and to the east is I-10 Service Road, from Parish C-2 Highway Commercial to City of Slidell C-4 Highway Commercial. (Ward 8, District 14) (Stefancik/President)

#### END OF CONSENT CALENDAR

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Parish Council Regular Meeting      October 6, 2005      Page 4

#### APPEALS

**THE FOLLOWING APPEALS WERE NOT HEARD 9/1/05 DUE TO HURRICANE KATRINA**

1) Bill Magee, Attorney for owners Bill and Shari Karanas, appealing the Zoning Commission DENIAL on April 5, 2005 for issuance of a conditional use permit for a 7,877 square foot Maternity Home to be located on the south side of Highway 1088, west of Forest Brook Boulevard, in an SA Suburban Agriculture District. (Ward 4, District 7)(CP05-02-017)  
(TABLED 5/5/2005 through 8/4/2005)

**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.**

2) Mark Johnston appealing the Zoning Commission APPROVAL on August 3, 2005 to rezone 5.46 acres at the end of Atalin Street, south of Tortoise Drive, west of Marigny Trace Subdivision, from SA Suburban Agriculture to A-4 Single Family Residential. (Ward 4, District 10) (ZC 05-08-050) (Applicant Scalfano Engineering, Owner Modern America Realty Services) (Darin Boudreaux withdrew his appeal 8/22/2005)

**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) William J. Smith appealing the Zoning Commission APPROVAL on August 3, 2005 to rezone 37.79 acres on the south side of Highway 1085 and on the north side of I-12, west of Highway 1077, from R-Rural to M-2 Intermediate Industrial. (Ward 1, District 1) (ZC 05-08-051) (Applicant Jeff Schoen, Attorney for Zenith Interest Partnership)

**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.**

4) Carlo Hernandez appealing the Zoning Commission APPROVAL on August 3, 2005 of amendment to Land Use Ord. No. 523, Section 3.03 Minimum Standards, to authorize administrative approval of conditional use permits for mobile homes in a subdivision that has received prior Zoning Commission consideration and Council consideration and approval for utilization of the blanket conditional use procedure. (ZC 05-08-054) (Land Use text change per Ord. Cal. No. 3106 As Amended and reintroduced by Parish Council 8/4/2005)

**NOTE: TO CONCUR WITH ZONING APPROVAL, A SIMPLE MAJORITY VOTE IS REQUIRED AND ADOPTION OF ORD. CAL. NO. 3106 AS AMENDED (ITEM #1 UNDER ORDINANCES FOR ADOPTION)**

**NOTE: TO OVERRIDE ZONING APPROVAL, A MAJORITY VOTE OF THE ENTIRE COUNCIL IS REQUIRED, REMOVAL OF ORD. CAL. NO. 3106 AS AMENDED AND ADOPTION OF A RESOLUTION.**

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Parish Council Regular Meeting      October 6, 2005      Page 5

5) Sam Ethridge, Jr. appealing the Zoning Commission APPROVAL on August 3, 2005 for issuance of a conditional use permit for a 160' Monopole Cellular Tower on the south side of Walder Road, west of Highway 59, in a Suburban Agricultural District. (Ward 4, District 10) (CP 05-08-074) (Applicant Chris Emmer for Mystic Porte, LLC)

**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) Paul J. Mayronne, Attorney for applicant Ruelle Du Chene Developers, LLC, appealing the Planning Commission condition attached to Tentative Subdivision Approval on July 12, 2005 for Eagle Landing. (Ward 1, District 1) (SD 05-07-018)

**NOTE: TO CONCUR WITH PLANNING COMMISSION CONDITIONAL TENTATIVE SUBDIVISION APPROVAL, A SIMPLE MAJORITY VOTE IS REQUIRED AND ADOPTION OF A RESOLUTION.**

**NOTE: TO OVERRIDE PLANNING COMMISSION CONDITIONAL TENTATIVE SUBDIVISION APPROVAL, A MAJORITY VOTE OF THE ENTIRE COUNCIL IS REQUIRED AND ADOPTION OF A RESOLUTION.**

**7) Hazel Sinclair appealing the Planning Commission APPROVAL on August 9, 2005 of Tentative Subdivision Review for Weston Glen. (Ward 1, District 1) (SD 05-08-020) (Applicant/Developer/Owner Webber Land and Development Corp.)**

**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**

#### **(Public Hearing)**

**1) Ord. Cal. No. 3106 As Amended - Ordinance to amend Parish Code, Appendix C, Land Use Ord. 523, Section 3.03 Minimum Standards, Paragraph R, Manufactured Homes or Mobile Homes, subparagraph 5, Waiver of Public Hearing, to authorize administrative approval of conditional use permits for mobile homes in subdivisions that received prior Zoning Commission consideration and Council consideration and approval for utilization of the blanket conditional use procedure for administrative issuance of such permits. (ZC 05-08-054) (Reintroduced as amended 8/4/2005) (THIS ORDINANCE IS SUBJECT OF APPEAL #4) (Commerce & Development Committee Referred to Council based on Appeal 8/24/2005)**

**2) Ord. Cal. No. 3109 - Ordinance to rename Oak Harbor Boulevard East as Lakeshore Boulevard East. (Ward 9, District 13) (Introduced 6/2/2005) (TABLED 7/7/2005 and 8/4/2005) (Government Affairs Committee recommends adoption 8/24/2005)**

**3) Ord. Cal. No. 3110 - Ordinance to rename Harbor Center Boulevard as Lakeshore Boulevard North. (Ward 9, District 13) (Introduced 6/2/2005) (TABLED 7/7/2005 and 8/4/2005) (Government Affairs Committee recommends adoption 8/24/2005)**

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**Parish Council Regular Meeting      October 6, 2005      Page 6**

**4) Ord. Cal. No. 3139 - Ordinance authorizing the Parish President to accept the Act of Dedication and Donation of J. F. Smith Avenue, Johnny Smith Boulevard, Mechanical Drive and Production Drive, located in Johnny F. Smith Memorial Business Park and to include same into the Parish Road Maintenance System. (Ward 8, District 14) (Introduced 8/4/2005) (Commerce & Development Committee recommends adoption 8/24/2005)**

**5) Ord. Cal. No. 3141 - Ordinance establishing a "No Parking" zone on Javery Road. (Ward 8, District 14) (Introduced 8/4/2005) (Public Safety recommends adoption 8/24/2005)**

**6) Ord. Cal. No. 3142 - Ordinance establishing a "No Thru Trucks" zone on Pace Street. (Ward 8, District 14) (Introduced 8/4/2005) (Public Safety recommends adoption 8/24/2005)**

**7) Ord. Cal. No. 3145 - Ordinance to authorize the Parish President to purchase land at 134 Crapemyrtle Circle to improve drainage and flood protection in the general area. (Ward 1, District 4) (Introduced 8/4/2005) (Finance Committee recommends adoption 8/24/2005)**

8) Ord. Cal. No. 3147 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Vista Street, south of I-12, west of Highway 1077, containing 25 acres, from R-Rural to A-4 Single Family Residential. (Ward 1, District 1) (ZC 04-11-094) (Zoning Commission approved 8/3/2005) (Introduced 9/28/05)

9) Ord. Cal. No. 3148 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the west side of Ruelle Du Chene Drive, south of Brewster Road, containing 4.5 acres, from R-Rural to A-3 Suburban. (Ward 1, District 1) (ZC 05-06-040) (Zoning Commission approved 8/3/2005) (Introduced 9/28/05)

10) Ord. Cal. No. 3149 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Highway 36, west of Reed Road, east of Deer Run Road, containing 4.319 acres, from R-Rural to C-2 Highway Commercial. (Ward 6, District 6) (ZC 05-08-053) (Zoning Commission approved 8/3/2005) (Introduced 9/28/05)

11) Ord. Cal. No. 3150 - 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 on certain property within unincorporated St. Tammany Parish abutting a portion of Highway 190 south and east from its intersection with Causeway Boulevard to its intersection with Florida Street. (Districts 5 & 10) (Introduced 9/28/05)

12) Ord. Cal. No. 3151 - 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 certain portion of Highland Park Subdivision. (District 12) (Introduced 9/28/05)

13) Ord. Cal. No. 3152 - Ordinance to revoke a portion of an unnamed alley in Lacombe Park Subdivision. (Ward 7, District 7) (REV 05-08-003) (Planning Commission approved 8/9/05) (Introduced 9/28/05)

14) Ord. Cal. No. 3153 - Ordinance authorizing Parish President to accept dedication and donation of John T. Prats Road for inclusion into the Parish Road Maintenance System. (Ward 10, District 2) (Introduced 9/28/05)

15) Ord. Cal. No. 3154 - Ordinance to correct Road Inventory to include Cotton Lane. (Ward 8, District 11) (Introduced 9/28/05)

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Parish Council Regular Meeting      October 6, 2005      Page 7

16) Ord. Cal. No. 3155 - Ordinance to amend Ord. C.S. No. 05-1049, adopted February 3, 2005, which established the "Personnel Policies" to provide for amendments thereto. (Introduced 9/28/05)

17) Ord. Cal. No. 3156 - Ordinance amending the Parish Code, Chapter 20, to establish a new Section 20-015.00, Mailboxes within Parish Rights-of-way. (Introduced 9/28/05)

18) Ord. Cal. No. 3157 - Ordinance providing for the sale of not exceeding \$14,000,000 of Sales Tax Refunding Bonds (Jail) and for other matters in connection therewith. (Introduced 9/28/05)

19) Ord. Cal. No. 3158 - Ordinance providing for issuance of Sales Tax Refunding Bonds (Jail) and for other matters in connection therewith. (Introduced 9/28/05)

20) Ord. Cal. No. 3159 - Ordinance providing for the sale of not exceeding \$31,000,000 of Sales Tax Refunding Bonds (Justice Complex) and for other matter in connection therewith. (Introduced 9/28/05)

21) Ord. Cal. No. 3160 - Ordinance providing for issuance of Sales Tax Refunding Bonds (Justice Complex) and for other matters in connection therewith. (Introduced 9/28/05)

22) Ord. Cal. No. 3161 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building permits for construction of placement of structures on any properties within unincorporated St. Tammany abutting, in whole or in part, Tantella Ranch Road and any properties abutting, in whole or in part, Highway 1077 from Highway 190 to the Parish line, and which properties use said roadways for purposes of ingress and egress said properties. (Ward 1, District 1) (Introduced 9/28/05)

23) Ord. Cal. No. 3162 - Ordinance to amend Parish Code to provide for creation of the 22nd Judicial District Children and Youth Planning Board, establishing the composition thereof, and to provide for other matters relative to La. R.S. 46:1941.1 et seq. (Introduced 9/28/05)

24) Ord. Cal. No. 3164 - Ordinance to amend Ordinance C. S. No. 05-1162, adopted August 4, 2005, and Appendix B of the Parish Code, Subdivision Regulatory Ord. No. 499, specifically Section 40-020.0 Exemptions. (Introduced 9/28/05)

#### APPOINTMENTS

1) Resolution to appoint \_\_\_\_\_ to replace Kyle Bruhl (resigned) to Recreation District No. 12. (Thompson)