

**PUBLISHED SEPTEMBER 27, 2007 - POSTED AT PARISH COMPLEX BY OCTOBER 2, 2007**

**AGENDA**

**ST. TAMMANY PARISH COUNCIL MEETING  
THURSDAY, OCTOBER 4, 2007 AT 6:00 P.M.  
ST. TAMMANY GOVERNMENT COMPLEX  
21490 KOOP DRIVE, MANDEVILLE, LA.**

**Call to Order by Honorable Barry Bagert, Chairman**

**Invocation by**

**Pledge of Allegiance by**

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

**PUBLIC HEARING - BOARD OF REVIEW**

**In accordance with the provisions of La. R.S. 47:1992, the St. Tammany Parish Council hereby convenes in public session as a Board of Review to entertain complaints and/or appeals from any person aggrieved by the assessments levied against movable and immovable property.**

**The Parish Council and the Assessor of St. Tammany Parish have duly advertised notice of this public hearing in accordance with law. The deadline for receipt of appeals by taxpayers to the Board of Review was 4:00 p.m. September 27, 2007. If no appeals were lodged by this date, or appeals were lodged but resolved through the Parish Assessor's Office, the period of review will automatically expire and terminate without the need for the Parish Council to reconvene to so declare.**

**Board of Review call for unresolved appeals:**

**PRESENTATIONS**

- 1) Recognize "Dog-On-It Designs Embroidery", Covington, La., as October Business of the Month.**
- 2) Recognize "Arian Nursery & Preschool", Slidell, La., as October Business of the Month.**
- 3) Lee Trent and Nathan Crowe with Vietnam Veterans of America, St. Tammany Parish Chapter #697, regarding Vietnam Memorial Wall coming to St. Tammany.**

**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**

<b>Regular Council Meeting</b>	<b>September 6, 2007</b>
<b>Special Council Meeting</b>	<b>September 26, 2007</b>
<b>Council Committee Meeting</b>	<b>September 26, 2007</b>

**ORDINANCES FOR INTRODUCTION**

1) Ord. Cal. No. 3655 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building permits for construction or placement of building structures in a portion of Cypress Park Subdivision and a portion of surrounding areas in Ward 7, District 7.

2) Ord. Cal. No. 3656 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building permits for construction or placement of building structures on certain properties abutting, in whole or in part, a portion of the East I-10 Service Road in unincorporated Ward 8, District 8.

3) Ord. Cal. No. 3657 - Ordinance to extend for an additional six (6) months the moratorium on receipt of submissions by the Parish Zoning and Planning Commissions for rezoning or resubdivision of property west of Highway 11 and south of Interstate 12 in unincorporated Ward 9, District 14.

4) Ord. Cal. No. 3658 - Emergency ordinance to impose a 30-day moratorium on 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) (Gould) (SUSPEND RULES AND ADOPT)

5) Ord. Cal. No. 3659 - 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.

6) Ord. Cal. No. 3660 - Ordinance to extend for an additional six (6) months the moratorium on the submission of applications to rezone property located within the triangular shaped area bounded on the south by Highway 190, on the east by Tchefuncte River, and on the west by St. Tammany Parish and Tangipahoa Parish line in Ward 1, District 1.

7) Ord. Cal. No. 3661 - Ordinance establishing a "No Thru Trucks" zone on Keys Road, Lalanne Road, and Dummyline Road. (Ward 1, District 1)

8) Ord. Cal. No. 3662 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Oschner Boulevard, west of Highway 21, north of I-12, containing 4.29 acres, from A-4 Single Family Residential to C-3 Planned Commercial Center. (Ward 1, District 1) (ZC07-05-025) (Zoning Commission approved 9/4/2007)

9) Ord. Cal. No. 3663 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Viola Street, east of Highway 59, containing 23.66 acres, from SA Suburban Agricultural to ID Institutional. (Ward 4, District 5) (ZC07-08-051) (Zoning Commission approved 9/4/2007)

10) Ord. Cal. No. 3664 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of River Highlands Boulevard, west of Highway 190, south of the Abita River, containing 9.922 acres from A-2 Suburban, A-3 Suburban, A-4 Single Family Residential and LC Light Commercial to C-2 Highway Commercial. (Ward 3, District 1) (ZC07-09-053) (Zoning Commission approved 9/4/2007)

11) Ord. Cal. No. 3665 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Highway 11, north of North Shore Circle, south of Eden Isles Drive, containing 1.9 acres, from A-6 General Multiple Family Residential to C-2 Highway Commercial. (Ward 9, District 13) (ZC07-09-055) (Zoning Commission approved 9/4/2007)

12) Ord. Cal. No. 3666 - Ordinance to correct the Road Inventory to include South Factory Road, Oubre Street and an approximate 9240 foot extension of North Factory Road. (Wards 2 & 8, Districts 2 & 9)

13) Ord. Cal. No. 3667 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Marigny Trace, Phase 6A, and Marigny Trace, Phase 6B. (Ward 4, District 10)

14) Ord. Cal. No. 3668 - Ordinance amending and restating Ordinance C.S. No. 07-1592, levying an additional sales and use tax in the Colonial Pinnacle Nord du Lac Economic Development District at a rate of three-quarters of one percent (0.0075%), clarifying certain matters relating to the sales and use tax, and for other matters in connection therewith.

15) Ord. Cal. No. 3669 - Ordinance approving the form of and authorizing the execution of a Cooperative Endeavor Agreement in connection with the Colonial Pinnacle Nord du Lac Economic Development District, and for other matters in connection therewith.

16) Ord. Cal. No. 3670 - Ordinance amending and restating Ordinance C.S. No. 07-1590, levying an additional sale and use tax in the Rooms To Go St. Tammany Economic Development District at reduced rate of three-quarters of one percent (0.0075%), clarifying certain matters relating to the sales and use tax, and for other matters in connection therewith.

17) Ord. Cal. No. 3671 - Ordinance approving the form of and authorizing the execution of a Cooperative Endeavor Agreement in connection with the Rooms To Go St. Tammany Economic Development District, and for other matters in connection therewith.

18) Ord. Cal. No. 3672 - Ordinance to impose a six (6) month moratorium on 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)

**RESOLUTIONS**

19) Resolution C.S. No. C-2192 - Resolution approving an election in Fire Protection District No. 2 on November 17, 2007 to authorize renewal of special tax.

20) Resolution C.S. No. C-2193 - Resolution approving an election in Recreation District No. 1 on November 17, 2007 to authorize renewal of a special tax.

21) Resolution C.S. No. C-2194 - Resolution approving the issuance of \$250,000 of Limited Tax Certificates of Indebtedness, Series 2007, of Fire Protection District No. 8.

22) Resolution C.S. No. C-2195 - Resolution approving an election in Waterworks District No. 2 on November 17, 2007 to authorize incurring of debt and issuance of bonds.

23) Resolution C.S. No. C-2196 - Resolution establishing performance/warranty obligations.

**PERFORMANCE**

<b>NAME OF SUBDIVISION</b>	<b>RECOMMENDATION</b>
Angelic Estates S/D, PH 1A (a.k.a. The Birg) Amount: \$26,000 Expires: October 30, 2007 Ward 3, District 5	<b>EXTEND FOR SIX (6) MONTHS OR                      UNTIL WORK IS                      SATISFACTORILY ACCOMPLISHED</b>

Performance/Warranty continued:

NAME OF SUBDIVISION	RECOMMENDATION
<u>WARRANTY</u>	
Brookstone Subdivision, Phase 3 Amount: \$26,300 Expires: November 4, 2007 Ward 4, District 5	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Guste Island Subdivision, Parcel "A" (The Village) Amount: \$31,000 Expires: November 3, 2007 Ward 1, District 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Hickory Dell Subdivision Amount: \$8,400 Expires: November 15, 2007 Ward 6, District 6	RELEASE L.O.C. TO BE BROUGHT INTO THE SELECTIVE PARISH MAINTENANCE SYSTEM
Northshore Commercial Park Amount: \$40,500 Expires: November 15, 2007 Ward 4, District 7	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Tallow Creek Subdivision, Phase 1-I-1 Amount: \$23,900 Expires: November 17, 2007 Ward 1, District 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Timberlane Subdivision, Phase 2 Amount: \$46,800 Expires: September 12, 2008 Ward 1, District 1	RELEASE L.O.C. PRIVATE SUBDIVISION AND PARISH IS NOT RESPONSIBLE FOR ANY MAINTENANCE.
Penn Mill Lake Subdivision, Phase 2B Amount: \$64,600 Expires: November 8, 2007 Ward 3, District 3	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED

24) Resolution C.S. No. C-2197 - Resolution to amend Ord. C.S. No. 06-1415, the 2007-2011 Capital Improvement Budget and Program, Fixed Asset and Grant Awards.

25) Resolution C.S. No. C-2198 - Resolution to amend Ord. C.S. No. 06-1415, the 2007-2011 Capital Improvement Budget and Program, Fixed Asset and Grant Awards.

26) Resolution C.S. No. C-2199 - Resolution to amend Ord. C.S. No. 06-1415, the 2007-2011 Capital Improvement Budget and Program, to make changes to Council District 8 Road List to add Lake Village Road.

27) Resolution C.S. No. C-2200 - Resolution to amend Ord. C.S. No. 06-1415, the 2007-2011 Capital Improvement Budget and Program, to make changes to Capital Improvement List for Sub-Drainage District No. 1 of Gravity Drainage District No. 3 (Fund 335).

28) Resolution C.S. No. C-2201 - Resolution to amend Ord. C.S. No. 06-1415, the 2007-2011 Capital Improvement Budget and Program, to make changes to Parishwide Road List (Fund 300-00)

29) Resolution C.S. No. C-2202 - Resolution to amend Ord. C.S. No. 06-1415, the 2007-2011 Capital Improvement Budget and Program, to make changes to the \$50 Million Bond Issue Road List. (Fund 300-01)

### END OF CONSENT CALENDAR

### APPEALS

1) Paul A. Lea, Jr. for applicant James E. Shields, Sr., appealing the Zoning Commission DENIAL on June 5, 2007 to rezone 28 acres on the south side of Highway 1088, east of Trinity Drive, west of Forest Brook Boulevard, from SA Suburban Agricultural and C-1 Neighborhood Commercial to a PUD (Planned Unit Development). (Ward 4, Districts 5 & 7) (ZC07-01-001) (Item referred back to ZC with specific requests 4/5/07; Tabled 7/5/07 thru 9/6/07)

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) Pete and Cynthia Penton appealing the Zoning Commission DENIAL on September 4, 2007 to rezone 3 acres on the west side of Krentel Road, north of I-12, from SA Suburban Agricultural to M-2 Intermediate Industrial. (Ward 7, District 7) (ZC07-09-052)

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) Rykert O. Toledano, Jr., attorney for applicant Leroy Cooper and owner Merle Noullet, appealing the Zoning Commission DENIAL on September 4, 2007 for issuance of a conditional use permit for a day care facility on the north side of Brewster Road, west of Highway 1077, east of Acadian Oak Drive, on 5.14 acres in R-Rural District. (Ward 1, District 1) (CP07-08-134)

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) Lori L. LeBouef appealing the Zoning Commission APPROVAL on September 4, 2007 for issuance of a conditional use permit for a 1,680 sq. ft. mobile home on the east side of Lynn Drive, north of Diane Street, south of Tracy Street, in SA Suburban Agricultural District. (Ward 7, District 7) (CP07-09-144) (Applicant/owner James and Crystal Lavelle)

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.

**ORDINANCES FOR ADOPTION  
(Public Hearing)**

- 1) Ord. Cal. No. 3569 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and developer of Cypress Park Subdivision. (Ward 7, District 7) (Introduced 6/7/07) (Tabled 7/5/07 thru 9/6/07)
- 2) Ord. Cal. No. 3630 - Ordinance authorizing President to execute Transfer and Acceptance of Servitude and Right of Way for Airport Road Extension with the Military Department of State of Louisiana. (Introduced 9/6/2007)
- 3) Ord. Cal. No. 3631 - Ordinance establishing "No Parking" zone on the south side of a portion of 5th Avenue, directly adjacent to Alton Elementary School. (Ward 8, District 14) (Introduced 9/6/2007)
- 4) Ord. Cal. No. 3632 - Ordinance establishing a "No Thru Trucks" zone on Pearl Acres Road. (Ward 8, District 13) (Introduced 9/6/2007)
- 5) Ord. Cal. No. 3633 - 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 certain portions of Highland Park Subdivision. (District 12) (Introduced 9/6/2007)
- 6) Ord. Cal. No. 3634 - 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 unincorporated St. Tammany abutting a portion of Highway 190. (Districts 5 & 10) (Introduced 9/6/2007)
- 7) Ord. Cal. No. 3635 - 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 Tammany Hills Subdivision and a portion of Ingram Estates Subdivision. (Ward 3, District 5) (Introduced 9/6/2007)
- 8) Ord. Cal. No. 3636 - Ordinance to extend for an additional six (6) months the moratorium on issuance of permits for construction or placement of building structures on Eola, Jordan, and Elmer Streets, located west of Soult Street, and on submission of applications to enter Parish rights of way for purpose of extending, opening and/or constructing any unopened portion of said streets. (Ward 4, District 5) (Introduced 9/6/2007)
- 9) Ord. Cal. No. 3637 - Ordinance to extend for an additional six (6) months the moratorium on receipt of applications by the Parish Zoning Commission for mobile home conditional use permits and/or issuance of building permits for placement of mobile homes on property in Bayou Heights Subdivision. (Ward 6, District 6) (Introduced 9/6/2007)
- 10) Ord. Cal. No. 3638 - Ordinance authorizing the Parish President to enter into an Act of Exchange of land comprising a portion of Pinnacle Parkway for new right-of-way for Pinnacle Parkway. (Ward 1, District 1) (Introduced 9/6/2007)
- 11) Ord. Cal. No. 3639 - Ordinance authorizing the Parish President to enter into an Act of Correction of drainage right of way lying and situated within and west of Pinnacle Parkway. (Ward 1, District 1) (Introduced 9/6/2007)
- 12) Ord. Cal. No. 3640 - Ordinance granting approval to the Parish to enter and cross Tammany Trace to access development known as Koop Office Park. (Ward 4, District 7) (Planning Commission approved 8/14/07) (Introduced 9/6/2007)

13) Ord. Cal. No. 3641 - Ordinance to declare undeveloped property on the corner of Rue Esplanade and Military Road in Slidell as surplus and authorize sale, lease, and/or disposal of same. (District 13) (Introduced 9/6/2007)

14) Ord. Cal. No. 3642 - Ordinance authorizing the Parish President to accept the donation and/or exchange of such parish properties with those lots and squares currently owned by Tammany Holding Company, situated Lakeshore Boulevard East through West End Boulevard to Howze Beach Road. (District 13) (Introduced 9/6/2007)

15) Ord. Cal. No. 3643 - Ordinance amending 2007 Operating Budget. (Introduced 9/6/2007)

16) Ord. Cal. No. 3644 - Ordinance establishing a "No Parking" zone on a portion of St. Joseph Street. (Ward 7, District 7) (Introduced 9/6/2007)

17) Ord. Cal. No. 3645 - Ordinance to correct road inventory to include Achee Road and 312 foot extension of Gamma Avenue. (Wards 1 & 3, Districts 1 & 2) (Introduced 9/6/2007)

18) Ord. Cal. No. 3646 - Ordinance accepting finalized subdivisions into road and drainage inventories, specifically Tammany Middle, Phase 1; Ashton Oaks, Phase 4; Beau Arbre, Phase 1; The Dominion, Phase 2; Autumn Haven; River Oaks, Phase 10-B-1; River Oaks, Phase 10-B-2; Oak Plain, Phase 2; and Belle Pointe Subdivisions. (Wards 1,7, 8 & 9, Districts 1,7, 8 & 13)(Introduced 9/6/2007)

19) Ord. Cal. No. 3647 - Ordinance approving and authorizing execution of agreement between Parish and Hiawatha Recreational Park for use of parish owned Sullivan Road Recreational Property. (Ward 9, District 14) (Introduced 9/6/2007)

20) Ord. Cal. No. 3648 - Ordinance authorizing Parish President to purchase Square 328, Town of Mandeville Subdivision, Mandeville, La. (Ward 4, District 10) (Introduced 9/6/2007)

21) Ord. Cal. No. 3649 - Ordinance authorizing Parish President to accept donation of property by DOTD on south side of I-12 at former rest area bordering the Tchefuncte River. (Introduced 9/6/2007)

22) Ord. Cal. No. 3650 - Ordinance authorizing Parish President to accept dedication of right-of-way by Wainer Brothers on north side of I-12 at former rest area. (Introduced 9/6/2007)

23) Ord. Cal. No. 3651 - Ordinance authorizing Parish President to accept dedication of right-of-way by Sterling of Mandeville on south side of I-12 at former rest area. (Introduced 9/6/2007)

24) Ord. Cal. No. 3652 - Ordinance to amend Parish Code, Chapter 13, to add sections for operation of motorized vehicles and enforcement of traffic controls on private streets in The Reserve Subdivision and Estates at the Reserve Subdivision. (Ward 4, District 10) (Introduced 9/6/2007)

#### APPOINTMENTS

1) Resolution to appoint John S. Fischer and Robert C. Schaefer, Sr. to replace Lloyd Cusimano and Terri Drennan Price as Alternate members for the Parish Board of Adjustments.

2) Resolution to reappoint James L. Core (term expired 9/21/07) for Ward 2 and reappoint Tom Davis (term expired 9/16/2007) for Ward 4 to Hospital Service District No. 1.

3) Resolution to appoint Brent Cordell to replace William J. Burkstaller (resigned due to illness) to Water District No. 3. (Riverwood/Covington Country Club)