

AGENDA  
ST. TAMMANY PARISH COUNCIL MEETING  
THURSDAY, OCTOBER 1, 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 Hamauei  
Chris Canulette  
E. L. Gene Bellisario  
Henry Billiot  
Steve Stefancik  
Richard Artigue  
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 taxpayer(s) aggrieved by ad valorem assessments levied against his/her/their property.

The Assessor of St. Tammany Parish has 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 11:59 p.m. September 24, 2009. If no appeals were lodged by this date, or appeals were lodged but resolved through the Parish Assessor's Office, the time 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 J&D Small Engine Repair as the October Business of the Month. (Billiot)
- 2) Presentation by Jay Martin, Executive Director of the Maritime Museum, regarding the Wooden Boat Festival in Madisonville. (Gould)

CONSENT CALENDAR  
(PAGES 2 THROUGH 8)

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	September 3, 2009
Council Committee Meeting	September 23, 2009

ORDINANCES FOR INTRODUCTION  
(Public Hearing November 5, 2009)

- 1) Ord. Cal. No. 4145 - Ordinance to amend Parish Unified Development Code, Volume I (Zoning) Section 7.01 Landscape and Tree Preservation Regulations. (ZC09-08-021) (Zoning Commission approved 9/1/09) (Binder/Davis)

- 2) Ord. Cal. No. 4146 -Ordinance to amend the Parish Unified Development Code, Volume I (Zoning) to add a new zoning classification: Section 6.06 RO - Rural Overlay. (ZC09-08-025) (Zoning Commission approved 9/1/09) (Binder/Davis)
- 3) Ord. Cal. No. 4147 - Ordinance amending the official zoning map of the 2009 South Central Comprehensive Rezoning Area 1 (CRA-1) of St. Tammany Parish to reclassify land located on the northeast corner of LA Highway 434 & Berry Todd Road, south of I-12 containing 10 acres from A-2 (Suburban) to a PF-1 (Public Facilities). (Ward 7, District 7) (ZC09-09-027) (Zoning Commission approved 9/1/09) (Binder/Davis)
- 4) Ord. Cal. No. 4148 - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning), Sections 5.20 HC-1 Highway Commercial District, 5.21 HC-2 Highway Commercial District, 5.22 HC-3 Highway Commercial District, 5.23 HC-4 Highway Commercial District, 5.23a HC-5 Highway Commercial District, 5.24 I-1 Industrial District, 5.25 I-2 Industrial District, 5.26 I-3 Heavy Industrial District, 5.26a I-4 Heavy Industrial District, 5.3 PF-1 Public Facilities, 5.30a PF-2 Public Facilities, 5.30b PF-3 Public Facilities to add the uses of snowball stands, Christmas tree sales, fireworks sales, seasonal seafood sales, seasonal produce sales as an administrative permit. (ZC09-09-028) (Zoning Commission approved 9/1/09) (Binder/Davis)
- 5) Ord. Cal. No. 4149 - Ordinance to correct the Road and Drainage Inventory to delete Ted Willems Road. (Ward 10, District 2) (Binder/Davis)
- 6) Ord. Cal. No. 4150 - Ordinance to rename Pugh Road as Joseph Pugh Road. (Ward 4, District 7) (Binder/Davis)
- 7) Ord. Cal. No. 4151 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories specifically Versailles, Phase 5b2; Guste Island Estates, Parcel C, Phase 1 "The Pines"; and Guste Island Estates, Parcel E, "The Forest" Subdivisions.(Ward 1, District 1) (Binder/Davis)
- 8) Ord. Cal. No. 4152 - Ordinance to authorize the Parish Council to declare Lot 51, Square 233-a Rural Mandeville, as surplus property and authorize the sale of said lot. (Binder/Davis)
- 9) Ord. Cal. No. 4153 - Ordinance to authorize the Parish Council to declare Slip 89 of Marina Chamale' Condominiums, as surplus property and authorize the sale of said parcel.(Binder/Davis)
- 10) Ord. Cal. No. 4154 - 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) (Hamauei)
- 11) Ord. Cal. No. 4155 - 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 Parish abutting, in whole or in part, a portion of East I-10 Service Road, Slidell. (Ward 8, District 8) (Canulette)
- 12) Ord. Cal. No. 4156 - 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 in District 14. (Ward 9, District 14) (Burkhalter)
- 13) Ord. Cal. No. 4157 - 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). (Gould)
- 14) Ord. Cal. No. 4158 - 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.(Binder)

15) Ord. Cal. No. 4159 - 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 the St. Tammany and Tangipahoa Parish line. (Dean)

16) Ord. Cal. No. 4160 - Ordinance to extend for an additional six (6) months the 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) (Crawford-Howell)

17) Ord. Cal. No. 4161 - Ordinance to consolidate St. Tammany Parish Fire Protection District No. 9 and St. Tammany Parish Fire Protection District No. 10. to reestablish Fire Protection District No. 9 after enlarging and fixing the boundaries of Fire Protection District No. 9 to include therein and therewith all of the territory situated within the existing boundaries of Fire Protection District No. 10, which includes the Village of Sun.(Ward 5, Districts 2 and 6) (Crawford-Howell)

18) Ord. Cal. No. 4162 - Ordinance revoking the unaccepted dedication of a strip of property for an unnamed street that has not been constructed and is not needed for public purposes. (Ward 1, District 1) (Dean)

19) Ord. Cal. No. 4163 - Ordinance adopting the 2010 Parish Operating Budget. (Binder/Davis)

20) Ord. Cal. No. 4164 - Ordinance adopting the 2010-2014 Parish Capital Improvement Budget and Program, and further identify Fixed Assets & Grants Awards. (Binder/Davis)

21) Ord. Cal. No. 4165 - Ordinance to amend the Parish Code of Ordinances, Chapter 4 Animals, Fowl and Reptiles, Article V Animal Control, Section 4-125.00 Public Nuisance, and Ordinance C.S. No. 09-2000, adopted February 5, 2009, to prohibit roadside and parking lot sales of animals throughout the unincorporated areas of St. Tammany Parish. (Ward 1, District 1) (Dean)

22) Ord. Cal. No. 4166 - Ordinance amending the official zoning map of the 2009 South Central Comprehensive Rezoning Area One (CRA-1) of St. Tammany Parish to reclassify land north and south of East Main Street and Clesi Avenue, east of Transmitter Road from A-3 (Suburban) to A-3 and Mobile Home Overlay (MHO).(Ward 6, District 11) (Stefancik)

23) Ord. Cal. No. 4167 - Ordinance amending the official zoning map of the 2009 South West Comprehensive Rezoning Area Two (CRA-2) of St. Tammany Parish to reclassify land in the Southern Corner of Keys Road and Hwy 21 from Professional Office (NC1) and Neighborhood Institutional (NC4) to Medical Residential (MD1). (Ward 1, District 1) (Dean)

24) Ord. Cal. No. 4168 - Ordinance amending the official zoning map of the 2009 South West Comprehensive Rezoning Area Two (CRA-2) of St. Tammany Parish to reclassify land at the corner of Joiner Wymer Road and Hwy 1077 from Suburban (A-3) to Single Family Residential (A4). (Ward 1, District 1) (Dean)

25) Ord. Cal. No. 4169 - Ordinance to amend the Parish Code of Ordinances, Chapter 21, Article II, Division 7, to provide for the abolishment of St. Tammany Parish Sewerage District No. 6 and for all other matters in connection therewith. (Thompson)

#### RESOLUTIONS

26) Resolution C.S. No. C-2701 - Resolution stating Council endorsement of Winn-Dixie-Montgomery for participation in benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0749) (Binder/Davis)

27) Resolution C.S. No. C-2702- Resolution stating Council endorsement of TruSM, Inc. for participation in benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0801) (Binder/Davis)

28) Resolution C.S. No. C-2703 - Resolution stating Council endorsement of Boudreaux & Thibodeaux's Cajun Landing, LLC. for participation in benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0805) (Binder/Davis)

29) Resolution C.S. No. C-2704 - Resolution stating Council endorsement of CPU2, LLC for participation in the benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0869) (Binder/Davis)

30) Resolution C.S. No. C-2705 - Resolution stating Council endorsement of Anderson Memory Care Center, LLC for participation in the benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0910) (Binder/Davis)

31) Resolution C.S. No. C-2706 - Resolution stating Council endorsement of Summerfield Retirement Community, LLC for participation in the benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0911) (Binder/Davis)

32) Resolution C.S. No. 2707 - Resolution stating Council endorsement of First Bank & Trust for participation in the benefits of the Louisiana Enterprise Zone Program. (EZ#2009-0930) (Binder/Davis)

33) Resolution C.S. No. C-2708 - Resolution establishing Warranty Obligations. (Binder/Davis)

**PERFORMANCE**

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Pontchartrain Oaks Estates S/D Amount: \$31,000 Expires: July 26, 2010 Ward: 1, District: 1	<i>PERFORMANCE OBLIGATION</i> RELEASE L.O.C. THIS IS A PRIVATE SUBDIVISION AND THE PARISH IS NOT RESPONSIBLE FOR ANY MAINTENANCE

**WARRANTY**

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Alamosa Park S/D, Phase 3A Amount: \$18,000 Expires: November 19, 2009 Ward: 4, District: 7	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Terra Bella S/D, Phase 1-A-1 Amount: \$61,900 Expires: October 9, 2009 Ward: 1, District: 1	RELEASE L.O.C. TO BE BROUGHT INTO SELECTIVE PARISH MAINTENANCE SYSTEM
Guste Island Estates S/D, Parcel A, "The Village" Amount: \$31,000 Expires: November 3, 2009 Ward: 1, District: 1	RELEASE WARRANTY OBLIGATION AND ESTABLISH A PERFORMANCE OBLIGATION FOR SIX (6) MONTHS
Stonebrook S/D Amount: \$10,900 Expires: November 1, 2009 Ward: 4, District: 10	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED

34) Resolution C.S. No. C-2709 - Resolution to amend Ordinance C.S. No 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

35) Resolution C.S. No. C-2710 - Resolution to amend Ordinance C.S. No 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards to make changes to the Council District No. 10 Road List. (Binder/Davis)

36) Resolution C.S. No. C-2711 - Resolution to support Fire Protection District No. 3's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing extrication materials. (Binder/Davis)

37) Resolution C.S. No. C-2712 - Resolution to support Fire Protection District No. 5's application for assistance from the Louisiana Office of Community Development for the purchase of new extrication equipment. (Binder/Davis)

38) Resolution C.S. No. C-2713 - Resolution to Support Fire Protection District No. 6's application for assistance from the Louisiana Office of Community Development for the purchase of two diesel generators for reliable sources of power. (Binder/Davis)

39) Resolution C.S. No. C-2714 - Resolution to Support Fire Protection District No. 7's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing personal protective equipment.(Binder/Davis)

40) Resolution C.S. No. C-2715 - Resolution to Support Fire Protection District No. 8's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing necessary equipment to bring the department up to national standards. (Binder/Davis)

41) Resolution C.S. No. C-2716 - Resolution to Support Fire Protection District No. 9's application for assistance from the Louisiana Office of Community Development for the purchase self contained breathing apparatus air packs. (Binder/Davis)

42) Resolution C.S. No. C-2717 - Resolution to Support Fire Protection District No. 11's application for assistance from the Louisiana Office of Community Development for the purpose of purchasing digital radios.(Binder/Davis)

43) Resolution C.S. No. C-2718 - Resolution to Support Fire Protection District No. 13's application for assistance from the Louisiana Office of Community Development for the purchase of training software.(Binder/Davis)

44) Resolution C.S. No. C-2719 - Resolution to vacate, in part, the moratorium established by Ordinance C.S. No. 09-2027 on issuance of building permits for construction or placement of building structures on property within a portion of Beverly Hills and Kingspoint Subdivisions, to release Lot 17-a, Square 3. (Ward 8, District 14) (Burkhalter)

45) Resolution C.S. No. C-2720 - Resolution redistricting St. Tammany Parish Fire Protection District No. 9 and St. Tammany Parish Fire Protection District No. 10 by enlarging and fixing the boundaries of Fire Protection District No. 9 to include therein and therewith all of the territory situated within the existing boundaries of Fire Protection District No. 10, which includes the Village of Sun. (Ward 5, District 2 and 6) (Binder/Davis)

46) Resolution C.S. No. C-2721 - Resolution giving preliminary approval to the issuance of not to exceed Forty Five Million Dollars (\$45,000,000) of Utility Revenue Bonds of St. Tammany Parish; providing certain terms of said Revenue Bonds, making application to the State Bond Commission for the approval of said Revenue Bonds, and providing for other matters in connection therewith.(Binder/Davis)

**END OF CONSENT CALENDAR**

**ORDINANCES FOR ADOPTION**

1) Ord. Cal. No. 4092 - Ordinance to close a portion of K West Street for an indefinite period of time, located in Alexisville Subdivision. (Ward 3, District 5) (Introduced 6/4/09) (Tabled 7/2/09, 8/6/09 & 9/3/09)

2) Ord. Cal. No. 4111 - Ordinance amending the official zoning map of the St. Tammany 2009 South Central Comprehensive Rezoning Area One (CRA-1) to reclassify land located in Section 14, Township 7 South, Range 12 East containing 100 acres from A-4 (Single-family Residential) to TND-1 (Traditional Neighborhood Development). (Ward 6, District 7) (Hamauei) (ZC09-07-017) (Tabled by Zoning Commission 7/7/09 and 8/6/09) (Council tabled introduction 8/6/09). (Introduced 9/3/09)

3) Ord. Cal. No. 4125 - Ordinance to concur/not concur with the de-annexation ordinance of the City of Slidell, describing the area to be annexed into unincorporated St. Tammany and the new boundaries thereof, and also classifying the annexed property as A-4 (Single Family Residential) (STP 2009-01) (Ward 8, District 9) (Introduced 8/6/09) (Tabled 9/3/09)

4) Ord. Cal. No. 4126 - Ordinance to concur/not concur with the de-annexation ordinance of the City of Slidell describing the area to be annexed into unincorporated St. Tammany and the new boundaries thereof, and also classifying the annexed property as A-4 (Single Family Residential). (STP 2009-02) (Ward 9, District 12) (Introduced 8/6/09)(Tabled 9/3/09)

5) Ord. Cal. No. 4128 - Ordinance to amend Appendix C of the Parish Code of Ordinances, Land Use Regulations Ordinance No. 523 as amended, Section 4 Off Street Parking and Loading Regulations and the Parish Unified Development Code, Volume I (Zoning), Section 7.07 Off Street Parking and Loading Regulations. (ZC09-08-022) (Zoning Commission approved 8/4/09) (Introduced 9/3/09)

6) Ord. Cal. No. 4129 - Ordinance amending zoning map of Parish Comprehensive Rezoning Area One (CRA-1) to reclassify a certain area as Manufactured Housing Overlay (MHO). (Ward 7, District 7) (ZC09-08-023) (Zoning Commission approved 8/4/09) (Introduced 9/3/09)

7) Ord. Cal. No. 4130 - Ordinance to Correct the Road and Drainage Inventory to include Madie Lane, and Bienville Road Lateral, and delete Cleo Road. (Wards 2, 8 & 9, Districts 2, 6 & 11) (Introduced 9/3/09)

8) Ord. Cal. No. 4131 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Autumn Creek, Phase 2; Normandy Oaks, Phase 3A; Normandy Oaks, Phase 3B; and Casa Bella Subdivisions. (Wards 1 & 4, Districts 1 & 5) (Introduced 9/3/09)

9) Ord. Cal. No. 4132 - Ordinance to Revoke a Portion of Iberville Street Right-of-Way, located in Chinchuba Subdivision. (Approved by Planning Commission 8/11/09) (Ward 4, District 5) (Introduced 9/3/09)

10) Ord. Cal. No. 4133 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire all parcels and/or Rights-of-way on Pugh Road. (District 7) (Introduced 9/3/09)

11) Ord. Cal. No. 4134 - Ordinance authorizing the Parish to accept the dedication of the streets and roadways situated within the Highlands Subdivision and identified as Highlands Crest Drive, Tartan Trace, Piper Place, Heather Hollow, White Oak Court and Terrace Trace. (Ward 2, District 2) (Introduced 9/3/09)

12) Ord. Cal. No. 4135 - Ordinance amending the official zoning map of the Parish to reclassify land located east of LA Highway 1082 and approximately eight miles north of the intersection of LA Highway 21 and LA Highway 1082 containing 440.78 acres from R-Rural to A-1 - Suburban. (Ward 5, District 2) (ZC07-05-023)

13) Ord. Cal. No. 4136- Ordinance authorizing the Parish President to execute a Cooperative Endeavor Agreement between the Parish and Recreational District No. 7 for the placement and construction of a pavilion at Lock #1. (Ward 6, District 6) (Introduced 9/3/09)

14) Ord. Cal. No. 4137 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for construction or placement of building structures on property within certain portions of Highland Park Subdivision (District 12) (Introduced 9/3/09)

15) Ord. Cal. No. 4138 -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 9/3/09)

16) Ord. Cal. No. 4139 - 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 the submission of any application to enter the parish rights of way for the purpose of extending, opening and/or constructing any unopened portion of said streets. (Ward 4, District 5) (Introduced 9/3/09)

17) Ord. Cal. No. 4140 - Ordinance to extend for an additional six (6) months the 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 Bayou Heights Subdivision. (Ward 6, District 6) (Introduced 9/3/09)

18) Ord. Cal. No. 4141 - Ordinance to extend for an additional six (6) month the moratorium on the issuance of building permits for construction or placement of building structures on property within portions of Beverly Hills and Kingspoint Subdivisions. (Ward 8, District 14) (Introduced 9/3/09)

19) Ord. Cal. No. 4142 - Ordinance to correct the Road Inventory to include an approximate 325 foot length of Walnut Street. (Ward 4, District 5) (Introduced 9/3/09)

20) Ord. Cal. No. 4143 - Ordinance to amend the Parish Code, Chapter 15, Article II, Watercraft Speed Limits, to establish a “Dead Slow, No Wake” zone for the canals in Bayou Lacombe Manor Subdivision (Ward 7, District 7) (Introduced 9/3/09)

21) Ord. Cal. No. 4144 - Ordinance to amend Ordinance C.S. No. 09-2074, adopted June 4, 2009, and Parish Code of Ordinances, Chapter 13, Motor Vehicles Traffic, Division I, Section 13-009.00, restricting the use of auxiliary or compression engine brakes, commonly referred to as “Jake Brakes”, within unincorporated St. Tammany Parish. (Introduced 9/3/09)

**APPOINTMENTS**

1) Resolution to reappoint Vesey Jay Richardson (term expired) to Hospital Service District No. 1 (St. Tammany Parish Hospital) (Thompson/Crawford-Howell)

2) Resolution to appoint Kathleen Schmidt to replace Belinda Tackaberry (moved out of district) to Gravity Drainage District No. 5. (Gould)

3) Resolution to appoint/reappoint four (4) members \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ as Trustees to the Finance Authority of St. Tammany Parish for three year terms beginning on the date of expiration of terms of office of current trustees in order to preserve staggered terms of office pursuant to Ordinance C.S. No. 06-1368. (Richard Muller or replacement, term until 10/2011) (Ronald Randolph or replacement, term until 10/2011) (Peter Cavignac or replacement, term until 10/2012) (Dave Anderson or replacement, term until 2012).