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## AGENDA

### ST. TAMMANY PARISH COUNCIL MEETING

THURSDAY, APRIL 7, 2005 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**

**Jerry Binder**

**Joe Impastato**

**Chris Canulette**

**Barry D. Bagert**

**Henry Billiot**

**Joe "Coach" Thomas**

**Ken Burkhalter**

### PRESENTATIONS

1) Certificate of Recognition to Julie Flanagan, Title Express, LLC, as "Business of the Month" for outstanding service to the community. (Binder)

2) Certificates of Recognition to Fontainebleau High School 2005 NCAA outstanding student athletes. (Gould)

3) Proclamation declaring 2005 as the "League of Women Voters of St. Tammany Year". (Stefancik/Davis)

4) Proclamation declaring April 3rd through 9th as "Junior Auxiliary Week in Slidell". (Stefancik/Davis)

### 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

**Regular Council Meeting**    **March 3, 2005**  
**Special Council Meeting**    **March 30, 2005**  
**Council Committee Meetings**    **March 30, 2005**

## **ORDINANCES FOR INTRODUCTION**

**(Public Hearing on May 5, 2005)**

**1) Ord. Cal. No. 3045 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the south side of Highway 21, west of Highway 40, east of Daisy Drive, containing 1.14 acres, from R Rural to C-2 Highway Commercial. (Ward 5, District 6) (Ward 5, District 6) (ZC 05-03-014)  
(Zoning Commission approved 3/1/2005) (Stefancik/President)**

**2) Ord. Cal. No. 3046 - Ordinance to amend Ordinance C. S. No. 05-1052, adopted February 3, 2005, relative to a Voluntary Developmental Agreement between the Parish and the Azby Fund, owner of Wadsworth Subdivision. (Ward 4, District 7) (Impastato)**

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**3) Ord. Cal. No. 3047 - Ordinance to amend Ord. C.S. No. 04-0908, adopted 6/3/2004, 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. (Stefancik/President)**

**4) Ord. Cal. No. 3048 - Ordinance to enter and cross Tammany Trace for developer of Oaklawn Trace Subdivision to provide pedestrian access. (Ward 7, District 7) (Stefancik/President)**

**5) Ord. Cal. No. 3049 - Ordinance to correct Road Inventory to include a portion of 5th Street, a portion of 10th Street, 11th Street, Brown's Road, Prosper Street and Bernard Road; and correct Drainage Inventory to include ditch located off Delos Road. (Wards 2, 3, 4, 7 & 9, Districts 3, 4, 7 & 14) (Stefancik/President)**

**6) Ord. Cal. No. 3050 - Ordinance accepting finalized subdivisions into Road and Drainage Inventories, specifically Black River Forest, Phase 3, Kingspoint, Phase 8Q3, Autumn Lakes, MCH Industrial Park, Autumn Wind, Phase 1, Emerald Creek, Phase 1, Grand Champions of Oak Harbor, Filing 1, Madison Farms, Phase 4, Black River Forest, Phase 9, Southdown, Phase 1, Highland Oaks Estates, Marple Lane (entrance to River Oaks, Addition 9), Forest Brook, Phase 5A, Kingspoint, Phase 8Q6, Les Bois, Phase 1, Turtle Creek, Phase 5-1A, and Kingspoint, Phase 8Q5.  
(Wards 1, 3, 4, 8, 9 & 10, Districts 1, 5, 7, 8, 12, 13 & 14) (Stefancik/President)**

**7) Ord. Cal. No. 3051 - Ordinance authorizing Parish President to accept the Act of Dedication and Donation of Rue de la Parc for inclusion into the Road Maintenance System. (Ward 8, District 9)  
(Stefancik/President)**

**8) Ord. Cal. No. 3052 - Ordinance to amend Code, Chapter 13, to add sections to provide for the operation of motorized vehicles and enforcement of traffic controls on private streets within Oak Harbor Subdivision (PUD). (Ward 9, Districts 12 & 13) (Binder)**

9) Ord. Cal. No. 3053 - Ordinance amending and reenacting Parish Code, Chapter 14, to enact Article III, to prohibit blighted property and derelict and dangerous buildings or other structures, to establish enforcement procedures and penalties associated with correcting, securing, repairing, condemning, demolishing, and/or removing any such blighted or dangerous condition, and to otherwise provide with respect thereto. (Impastato)

**RESOLUTIONS**

10) Resolution C.S. No. C-1380 - Resolution to vacate, in part, the Moratorium established by Ord. C.S. No. 05-1070 on issuance of building permits for construction or placement of building structures on property within a portion of The Birg Boulevard Subdivision. (Ward 3, District 5) (Gould)

11) Resolution C.S. No. C-1381 - Resolution to concur/not concur with City of Slidell annexation and rezoning of 0.204 acres at the southeast corner of 8th and Jackson Streets (Lots 17-19, Square 4, North End Subdivision, Addition No. 2), from Parish SA Suburban Agriculture to City of Slidell A-6 Single Family Residential. (Ward 9, District 14) (Stefancik/President)

12) Resolution C.S. No. C-1382 - Resolution to concur/not concur with Town of Pearl River annexation and rezoning of 21.462 acres on the west side of Highway 41, between D.G. Holly Drive and Murray Road, from Parish R-Rural to Town of Pearl River R-1A Residential. (Ward 8, District 6) (Stefancik/President)

13) Resolution C.S. No. C-1383 - Resolution to recognize and confirm Administration appointment of Administrative Hearing Officer. (Stefancik/President)

14) Resolution C.S. No. C-1384 - Resolution to amend Ord. C.S. No. 04-0988, the 2005-2009 Capital Improvement Budget and Program, to make changes to the Capital Improvements Budget. (Stefancik/President)

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15) Resolution C.S. No. C-1385 - Resolution establishing Warranty Obligations.

**WARRANTY**

**NAME OF SUBDIVISION RECOMMENDATION**

ENTER PARISH ROW (RESOLUTION NO. 03-101)      EXTEND FOR ONE (1) YEAR OR  
 COURS CARSON & JOANS STREETS      UNTIL WORK SATISFACTORILY  
 TOWN OF MANDEVILLE (UNINCORPORATED)      ACCOMPLISHED

AMOUNT: \$21,000  
 EXPIRES: MAY 10, 2005  
 WARD: 4    DISTRICT: 7

RUELLE DU CHENE S/D, PHASE 1      EXTEND FOR ONE (1) YEAR OR  
 AMOUNT: \$46,200      UNTIL WORK SATISFACTORILY  
 EXPIRES: MAY 6, 2005      ACCOMPLISHED  
 WARD: 1    DISTRICT: 1

RUELLE DU CHENE S/D, PHASE 2      EXTEND FOR ONE (1) YEAR OR  
 AMOUNT: \$16,300      UNTIL WORK SATISFACTORILY



include Steven Street. (Impastato)

17) Resolution C.S. No. C-1387 - Resolution to amend Ord. C.S. No. 04-0988, the 2005-2009 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Stefancik/President)

18) Resolution C.S. No. C-1388 - Resolution supporting Parish Government application to the Edward Byrne Memorial Justice Assistance Program to fund Sheriff Deputy Patrol on the Tammany Trace. (Stefancik/President)

19) Resolution C.S. No. C-1389 - Resolution ordering and calling special elections to be held in Road Lighting District No. 9 and Road Lighting District No. 10 on July 16, 2005 to authorize the levy of service charges therein; making application to State Bond Commission and providing for other matters in connection therewith. (Canulette/Bagert)

20) Resolution C.S. No. C-1390 - Resolution authorizing and directing publication in the official journal of a summary of the Engineering and Economic Feasibility Report in accordance with Section 5-08 of the Home Rule Charter. (Stefancik/President)

21) Resolution C.S. No. C-1391 - Resolution ordering and calling a special election to be held in Sales Tax District No. Three to authorize the continuation and rededication of a sales and use tax therein; making application to State Bond Commission, and for other matters in connection therewith. (Stefancik/President)

#### END OF CONSENT CALENDAR

#### APPEALS

1) Paul J. Mayronne, Attorney for applicant CERP Development, LLC, appealing the Planning Commission DENIAL on February 9, 2005 to enter parish rights-of-way (Desire, Estate, Homestead, Manor, Robert and Walker Streets) for purpose of gaining access to property. (Ward 3, District 3) (TABLED 3/3/2005)

**Note:** To concur with planning denial, a simple majority vote is required and adoption of a resolution.

**Note:** To override planning denial, a majority vote of the entire council is required and adoption of a resolution.

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2) Attorney Jeff Schoen for applicant/owner Lonesome Development, LLC, appealing the Zoning Commission DENIAL on August 4, 2004 to rezone 206.437 acres west of Tantella Ranch Road, east of Highway 1077, north of intersection of Tantella Ranch Road and Highway 1077, from SA Suburban Agriculture to PUD. (Ward 1, District 1) (ZC 04-07-055) (TABLED 3/3/2005)

**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 introduction of an ordinance.

3) Attorney Paul J. Mayronne for applicant Leroy J. Cooper and owner Ruelle du Chene Developers LLC, appealing the Zoning Commission DENIAL on March 1, 2005 to rezone 78.7 acres on the west side of Highway 1077, north of intersection of Highway 1077 and Highway 190, from R-Rural and SA Suburban Agriculture to PUD (Planned Unit Development). (Ward 1, District 1) (ZC 04-06-047)

**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.

4) Attorney Paul J. Mayronne for applicant Cheryl and Mark Malkemus and owner The Planche Company, LLC, et al, appealing the Zoning Commission DENIAL on March 1, 2005 to rezone 375 acres on the north side of Bricker Road and Highway 1085, south of the Tchefuncte River, east of Rousseau Road, from SA Suburban Agriculture to PUD (Planned Unit Development) (Ward 1, District 1) (ZC 04-10-083)

**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.

5) Felicia Stallard appealing the Zoning Commission APPROVAL on March 1, 2005 to rezone 112 acres on the east side of Highway 1077, north of Highway 1085 across from Stanga Road, from SA Suburban Agriculture to PUD (Planned Unit Development). (Ward 1, District 1) (ZC 04-11-093)  
(Applicant Allan Coudrain and owner Patricia Planche Bopp, et al)

**Note:** To concur with zoning approval, a simple majority vote is required and introduction of an ordinance.

**Note:** To override zoning denial, a majority vote of the entire council is required and adoption of a resolution.

6) Attorney Jeffrey D. Schoen for applicant Rockhurst Interests, LLC and owner Succession of Agnes Blasi, appealing the Zoning Commission DENIAL on March 1, 2005 to rezone 62.092 acres on the south side of Highway 1085, west of Highway 21, east of Highway 1077, from SA Suburban Agriculture to PUD (Planned Unit Development) (Ward 1, District 1) (ZC 04-11-095)

**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.

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**7) Andrea Audibert on behalf of applicant Robert J. Beck and owner Trinity Construction of St. Tammany, Inc., appealing the Zoning Commission DENIAL on March 1, 2005 to rezone 23,485 square feet of land on the east side of Choctaw Drive, south of East Gause Boulevard (being Lot 3, Square 10, Robbert Park Subdivision), from A-4 Single Family Residential to LC Light Commercial.**

**(Ward 8, District 13) (ZC 05-02-003)**

**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.**

**8) Applicant Tim Jackson and owner Adrian and Paula Camp appealing the Zoning Commission DENIAL by failed motion on March 1, 2005 to rezone 54.543 acres on the north side of Highway 1085, east of White Chapel Road, across from Village des Bois and Lake Placid Drive, from SA Suburban Agriculture to A-4 Single Family Residential. (Ward 1, District 1) (ZC 05-02-008)**

**Note: To concur with zoning denial by failed motion, a simple majority vote is required and adoption of a resolution.**

**Note: To override zoning denial by failed motion, a majority vote of the entire council is required and introduction of an ordinance.**

**9) Applicant Franklin Kyle (Kyle Associates) and owner Mauberret Realty, LLC appealing the Zoning Commission DENIAL on March 1, 2005 to rezone 158 acres on the west side of Fish Hatchery Road, north of Pontchartrain Drive, from SA Suburban Agriculture to PUD (Planned Unit Development) (Ward 7, District 7)(ZC 05-02-011)**

**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.**

**10) James E. Maurin (Sterling Properties, Inc.) on behalf of applicant Richard C. Lambert and owner Succession of Emilie Kolb, et al, appealing the Zoning Commission DENIAL on March 1, 2005 to rezone 168.385 acres at the southwest corner of I-12 and Highway 21, behind Target Shopping Center, from SA Suburban Agriculture to A-3 Suburban & C-2 Highway Commercial.**

**(Ward 1, District 1)**

**(ZC 05-03-012)**

**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.**

**11) Applicant Heidi Roth and Annie Roth Lefevre and owner Body Expressions, Inc. appealing the Zoning Commission DENIAL on March 1, 2005 to rezone 26,012 square feet of land on the southwest corner of Dupard Street and Highway 59 from A-2 Suburban to C-2 Highway Commercial.  
(Ward 4, District 10) (ZC 05-03-015)**

**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.**

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**12) Attorney Jeffrey D. Schoen on behalf of owner Dan R. Singletary appealing the Zoning Commission DENIAL by failed motion on March 1, 2005 for issuance of conditional use permit for a cellular tower on 3,750 square feet of land located on the north side of Doug Crowe Road, east of Highway 41, in an R-Rural District. (Ward 6, District 6) (CP 05-03-024)**

**Note: To concur with zoning denial by failed motion, a simple majority vote is required and adoption of a resolution.**

**Note: To override zoning denial by failed motion, a majority vote of the entire council is required and adoption of a resolution.**

**13) Thomas Laizer, III appealing the Zoning Commission APPROVAL on March 1, 2005 for issuance of a conditional use permit for a 1,280 square foot mobile home to be located on the north side of Soell Drive west of 11th Avenue in an SA Suburban Agriculture District. (Ward 3, District 5)  
(CP 05-03-025) (Applicant/owner Dolores T. Kendall)**

**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. 3020 - 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 a certain portion of Highland Park Subdivision. (District 12) (Introduced 3/3/2005)**

**2) Ord. Cal. No. 3021 - 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 unincorporated St. Tammany Parish abutting a portion of Highway 190 south and east of its intersection with Causeway Boulevard to its intersection with Florida Street. (Districts 5 and 10)**

**(Introduced 3/3/2005)**

**3) Ord. Cal. No. 3022 - Ordinance amending the official zoning map of St. Tammany to reclassify land north of Hwy. 1085, north of Bootlegger Run Subdivision, containing 8.74 acres, from A-2 Suburban to M-2 Intermediate Industrial. (Ward 1, District 1) (ZC 04-10-080) (Zoning Commission approved 2/1/2005) (Introduced 3/3/2005)**

**4) Ord. Cal. No. 3023 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the south side of Hwy. 190, west of Thompson Road, east of Sylve Road, containing 1.0 acre, from SA Suburban Agriculture to C-2 Highway Commercial. (Ward 9, District 11) (ZC 02-02-007) (Zoning Commission approved 2/1/2005) (Introduced 3/3/2005)**

**5) Ord. Cal. No. 3024 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of 8th Street, north of Marquette Street, south of Iberville (Lots 35, 36 37 & 38, Sq. 13, Chinchuba Subdivision), containing 14,400 sq. ft., from SA Suburban Agriculture to C-1 Neighborhood Commercial. (Ward 4, District 4) (ZC 05-02-004) (Zoning Commission approved 2/1/2005) (Introduced 3/3/2005)**

**6) Ord. Cal. No. 3025 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the west side of Hwy. 1129, north of Atwood Road, south of Jarrell Road, containing 4 acres, from R-Rural to ID Institutional. (Ward 2, District 2) (ZC 05-02-006) (Zoning Commission approved 2/1/2005) (Introduced 3/3/2005)**

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**7) Ord. Cal. No. 3026 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the south side of Pittman Road, west of Dean Road, containing 17.55 acres, from SA Suburban Agriculture to A-3 Suburban. (Ward 8, District 9) (ZC 05-02-010) (Zoning Commission approved 2/1/2005) (Introduced 3/3/2005)**

**8) Ord. Cal. No. 3027 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Advance Mortgage Company, LLC, developer of a portion of Squares 42 and 48, Tammany Hills Subdivision. (Ward 3, District 5) (Planning Commission approved 2/9/2005) (Introduced 3/3/2005)**

**9) Ord. Cal. No. 3028 - Ordinance to amend Code, Appendix B (Ord. 499, Subdivision Regs), Section 40-041.0 Developmental Agreements, subsection 40-041.03 Applicability. (Planning Commission approved 2/9/2005) (Introduced 3/3/2005)**

**10) Ord. Cal. No. 3029 - Ordinance to amend Ord. C.S. No. 03-0775, the 2004-2008 Capital Improvement Budget and Program, and further identify Fixed Asset and Grant Awards. (Introduced 3/3/2005)**

**11) Ord. Cal. No. 3030 - Ordinance to correct Road Inventory to include Lenoir Road and Otis Drive. (Wards 2 & 6, Districts 3 & 6) (Introduced 3/3/2005)**

12) Ord. Cal. No. 3031 - Ordinance amending the 2005 Operating Budget. (Introduced 3/3/2005)

13) Ord. Cal. No. 3032 - Ordinance to amend Ord. C.S. No. 03-0775, the 2004-2008 Capital Improvement Budget and Program, and further identify changes to Capital Improvement List for 2004- 2008. (Introduced 3/3/2005)

14) Ord. Cal. No. 3033 - Ordinance to ratify action of the Parish President to accept donation of property in connection with construction of turn lane at Harrison Avenue and Highway 59. (Ward 3, District 3) (Introduced 3/3/2005)

15) Ord. Cal. No. 3034 - Ordinance to ratify action of the Parish President to negotiate an Act of Cash Sale in connection with construction of a turn lane at Harrison Avenue and Highway 59. (Ward 3, District 3) (Introduced 3/3/2005)

16) Ord. Cal. No. 3035 - Ordinance to amend Code, Appendix B (Ord. 499, Subdivision Regs), Section 40-037 Drainage, to include by reference Parish Code Chapter 7 Drainage and Flood Control Regulations. (Introduced 3/3/2005) (Planning Commission approved 3/8/2005)

17) Ord. Cal. No. 3036 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Highway 25, south of St. Gertrude Drive, north of Hard Hat Road, containing 1.81 acres, from LC Light Commercial to C-2 Highway Commercial. (Ward 3, District 2) (ZC 04-12-106) (Introduced from appeal 3/3/2005)

18) Ord. Cal. No. 3037 - Ordinance amending the official zoning map of St. Tammany to reclassify land south of Highway 22, west of Penn's Chapel Road, containing 89.56 acres, from SA Suburban Agriculture and C-2 Highway Commercial to PUD (Planned Unit Development). (Ward 4, District 4) (ZC 04-10-087) (Introduced from appeal 3/3/2005)

19) Ord. Cal. No. 3038 - Ordinance authorizing Parish President to accept transfer of ownership of a portion of Oak Harbor Boulevard and to include same into the Road Maintenance System. (Ward 9, District 13) (Introduced 3/3/2005)

20) Ord. Cal. No. 3039 - Ordinance to authorize Parish President to acquire a right-of-way for structural improvement for the Lacombe Bayou Branch on Lake Road. (Ward 7, District 7) (Introduced 3/3/2005)

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21) Ord. Cal. No. 3041 - Ordinance to impose a six-month moratorium on issuance of building permits for construction or placement of building structures on properties within unincorporated St. Tammany abutting, in whole or in part, Tantella Ranch Road and properties abutting, in whole or in part, Highway 1077 from Highway 190 to the Parish line, and which properties use said roadways for ingress to and egress from said properties. (Ward 1, District 1) (Introduced 3/3/2005)

22) Ord. Cal. No. 3042 - Ordinance to amend the St. Tammany Parish Code of Ordinances, Chapter 1, Article I, to hereinafter establish additional authority of the Bureau of Administrative

**Adjudication and to additionally authorize the levy of fines, the imposition of penalties and other remedies, and to otherwise provide with respect thereto. (Introduced 3/3/2005)**

**23) Ord. Cal. No. 3043 - Ordinance to amend Agreement between the Parish Government and Acadian Ambulance Service, Inc. for the provision of emergency and non emergency ambulance services within the service area of St. Tammany Parish (to exclude Ward 7) (Introduced 3/3/2005)**

#### **APPOINTMENTS**

**1) Resolution to reappoint Harold Lewis, Dwight Smith and William Hart (terms expired) to Recreation District No. 4. (Impastato)**

**2) Resolution to appoint two (2) members to the St. Tammany Parish Tourist and Convention Commission from the following nominations made March 3, 2005:**

**Evans Spiceland      Mark Wilson      Connie Born      Gayle Petty-Johnson  
Jim Pertuit          Nicole Rodrigue      Zachary Casey**

**3) Resolution to reappoint or replace John P. Romano (term expires 4/13/2005) to Hospital Service District No. 1 for Ward 1. (Dean)**