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**PUBLISHED OCTOBER 28, 2004 AND POSTED AT PARISH COMPLEX NOVEMBER 1, 2004  
AGENDA**

**ST. TAMMANY PARISH COUNCIL MEETING**

**THURSDAY, NOVEMBER 4, 2004 AT 6:00 P.M.**

**ST. TAMMANY GOVERNMENT COMPLEX**

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

**Call to Order by Honorable Patricia Brister, Chairman**

**Invocation by**

**Pledge of Allegiance by**

**Roll Call: Marty Dean**

**Russell Fitzmorris**

**James A. "Red" Thompson**

**Marty Gould**

**Gary Singletary**

**Joe Impastato**

**Patricia Brister**

**Steve Stefancik**

**Chris Canulette**

**Barry D. Bagert**

**Henry Billiot**

**Jerry Binder**

**Joe "Coach" Thomas**

**Ken Burkhalter**

**PUBLIC HEARING - BUDGETS**

**The purpose of this hearing is to receive public input on the proposed 2005 Operating Budget and the 2005-2009 Capital Improvement Budget and Program. Complete copies of the proposed budgets are available for public inspection at the Parish Council Office and the following public libraries: Covington Branch, Abita Springs Branch, Causeway Branch, Lacombe Branch, Lee Road Branch, Madisonville Branch, Mandeville Branch and Slidell Branch. Due notice of this public hearing was published in the St. Tammany Farmer and Slidell Sentry News on October 14, 2004.**

**Call for input and/or public comments on the following budget ordinances prior to consideration for adoption by the Council:**

- 1) Ord. Cal. No. 2933 - Ordinance adopting the 2005 Operating Budget. (Introduced 9/29/2004)**
- 2) Ord. Cal. No. 2934 - Ordinance to establish the 2005-2009 Capital Improvement Budget and Program, and identify fixed asset and grant awards. (Introduced 9/29/2004)**

## PRESENTATIONS

1) Certificate of Recognition to Schwing's Seafood Three Rivers as Business of the Month for outstanding service to the community.

### CONSENT CALENDAR

### MINUTES

Regular Council Meeting      October 7, 2004  
Council Committee Meetings      October 27, 2004  
Special Council Board of Review      October 27, 2004

### ORDINANCES FOR INTRODUCTION

(Public Hearing December 2, 2004)

1) Ord. Cal. No. 2946 -Ordinance amending the official zoning map of St. Tammany to reclassify land on the south side of Hwy. 190, east of Transmitter Rd. and west of S. Tranquility Drive, containing 81.73 acres, from C-1 Neighborhood Commercial and SA Suburban Agriculture to a PUD Planned Unit Development.(Ward 7, Districts 7 & 11)(ZC 04-08-067)(Zoning Commission approved 10/5/2004)

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2) Ord. Cal. No. 2947 - Ordinance to amend Code of Ordinances, Appendix C, (Ord. 523, Land Use Regs), Section 5.13 Accessory Buildings & Structures, and Section 10 - Definitions (Accessory Buildings, Accessory Structures or Uses). (ZC 04-08-065) (Zoning Commission approved 10/5/2005)

3) Ord. Cal. No. 2948 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Dupard Street, west of Soult Street (in Square 214 of Town of Mandeville Subdivision), containing 1.87 acres, from A-2 Suburban to A-4 Single Family Residential.  
(Ward 4, District 10) (ZC 04-10-082) (Zoning Commission approved 10/5/2004)

4) Ord. Cal. No. 2949 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Highway 21, north of intersection of Hwy. 21 and Hwy. 1077 (Lots 3 & 4 of New Madisonville Subdivision), containing 10,476 square feet, from SA Suburban Agriculture to LC Light Commercial.(Ward 1, District 1) (ZC 04-10-084) (Zoning Commission approved 10/5/2004)

5) Ord. Cal. No. 2950 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Krentel Road, south of Bayou Lacombe, containing 6.667 acres, from SA Suburban Agriculture to C-2 Highway Commercial. (Ward 7, District 7) (ZC 04-10-086) (Zoning Commission approved 10/5/2004)

6) Ord. Cal. No. 2951 - Ordinance amending the official zoning map of St. Tammany to reclassify land south of Highway 1088, west of Forest Brook Subdivision, containing 7,626 square feet, from C-2 Highway Commercial to A-4 Single Family Residential. (Ward 4, District 7) (ZC

**04-10-088) (Zoning Commission approved 10/5/2004)**

**7) Ord. Cal. No. 2952 - Ordinance to amend Code of Ordinances, Appendix C (Ord. 523, Land Use Regs), Section 5.03 Sign Regulations relative to Permitted Signs for Properties located along I-10 Service Road. (ZC 04-10-091)**

**8) Ord. Cal. No. 2953 - 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 within unincorporated St. Tammany Parish abutting, in whole or in part, Soult Street between Highway 190 and Highway 1088 and which use Soult Street for the purposes of gaining access to said properties. (Ward 4, Districts 7 & 10)**

**9) Ord. Cal. No. 2954 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building permits for the construction or placement of building structures within a portion of Cypress Park Subdivision and surrounding areas in Ward 7, District 7.**

**10) Ord. Cal. No. 2955 - 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 properties within unincorporated St. Tammany Parish abutting, in whole or in part, a portion of the East I-10 Service Road in Slidell. (Ward 8, District 8)**

**11) Ord. Cal. No. 2956 - Ordinance to extend for an additional 120 days the moratorium on receipt of submissions by the Parish Zoning and Planning Commissions for rezoning of property within unincorporated St. Tammany Parish abutting, in whole or in part, U.S. Highway 190-Business between the Slidell City limits and La. Highway 1090 (S. Military Road). (Ward 8, Districts 12, 13 and 14)**

**12) Ord. Cal. No. 2957 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Autumn Creek, LLC, developer of Autumn Creek Subdivision. (Ward 1, District 1)**

**13) Ord. Cal. No. 2958 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Donald E. Pate & Robert Rathe, developers of The Plantation Subdivision. (Ward 5, District 2)**

**14) Ord. Cal. No. 2959 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and RTM, LLC, developer of Madison Villas Subdivision. (Ward 1, District 1)**

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**15) Ord. Cal. No. 2960 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Paris Properties, LLC, developer of Autumn Haven Subdivision. (Ward 4, District 7)**

**16) Ord. Cal. No. 2961 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Arbor Holdings, LLC, developer of The Fountains Subdivision. (Ward 4, District 5)**

**17) Ord. Cal. No. 2962 - Ordinance to revoke a portion of 14th and 15th Avenue rights of way, located in the Town of Alexiusville Subdivision, south of Covington. (Ward 3, District 1)**

18) Ord. Cal. No. 2963 - Ordinance to ratify action of Parish President to enter into a Drainage & Construction and Maintenance Agreement with Donna Pfeifer McDonald and Kevin McDonald.

19) Ord. Cal. No. 2964 - Ordinance authorizing the execution of an Agreement pursuant to La. R.S. 33:4791.1 between St. Tammany 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.

20) Ord. Cal. No. 2965 - Ordinance to amend Code of Ordinances, Appendix B (Ord. 499 Subdivision Regs), Section 40-061.0 Additional Requirements to Preliminary Subdivision Review, to provide for back slope requirements of roadside ditches.

21) Ord. Cal. No. 2966 - Emergency Ordinance to impose a 30-day moratorium on the issuance of permits for the construction or placement of building structures on property within a portion of Pineview Heights Subdivision and surrounding area. (Ward 4, District 5)

22) Ord. Cal. No. 2967 - Ordinance to impose a six (6) month moratorium on the issuance of permits for the construction or placement of building structures on property within a portion of Pineview Heights Subdivision and surrounding area. (Ward 4, District 5)

23) Ord. Cal. No. 2968 - Ordinance to amend Code of Ordinances, Chapter 3, Article, XII, Section 3-400.00 Adoption of State Law concerning Emergency Medical Services.

## RESOLUTIONS

24) Resolution C.S. No. C-1265 - Resolution approving the holding of an election in Fire Protection District No. 5 on January 15, 2005 to authorize special tax (renewal).

25) Resolution C.S. No. C-1266 - Resolution establishing warranty obligations.

## WARRANTY

### NAME OF SUBDIVISION RECOMMENDATION

<b>AUTUMN LAKES SUBDIVISION</b>	<b>CALL L.O.C.</b>
<b>AMOUNT: \$37,100</b>	<b>TO BE BROUGHT INTO THE</b>
<b>EXPIRES: DECEMBER 10, 2004</b>	<b>MAINTENANCE SYSTEM</b>
<b>WARD: 8 DISTRICT: 8</b>	

<b>EMERALD CREEK SUBDIVISION, PHASE 1</b>	<b>CALL L.O.C.</b>
<b>AMOUNT: \$21,400</b>	<b>TO BE BROUGHT INTO THE</b>
<b>EXPIRES: DECEMBER 12, 2004</b>	<b>MAINTENANCE SYSTEM</b>
<b>WARD: 10 DISTRICT: 7</b>	

<b>KINGSPPOINT SUBDIVISION, PHASE 8Q-6</b>	<b>EXTEND FOR ONE (1) YEAR OR</b>
<b>AMOUNT: \$17,100</b>	<b>UNTIL WORK SATISFACTORILY</b>
<b>EXPIRES: DECEMBER 4, 2004</b>	<b>ACCOMPLISHED</b>
<b>WARD: 8 DISTRICT: 13</b>	

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Warranty Obligations continued

NAME OF SUBDIVISION RECOMMENDATION

MCH INDUSTRIAL PARK SUBDIVISION      CALL L.O.C.  
AMOUNT: \$18,300      TO BE BROUGHT INTO THE  
EXPIRES: DECEMBER 6, 2004      MAINTENANCE SYSTEM  
WARD: 4      DISTRICT: 7

26) Resolution C.S. No. C-1267 - Resolution certifying that St. Tammany Parish shall comply with all requirements of the State of Louisiana Off-System Bridge Replacement Program.

27) Resolution C.S. No. C-1268 - Resolution establishing load limits on bridges within Off-System Bridge Replacement Program and further directing the Department of Engineering to record same within the records of the Clerk of Court.

28) Resolution C.S. No. C-1269 - Resolution to amend Ord. C.S. No. 03-0775, the 2004-2008 Capital Improvement Budget and Program to make changes to the Capital Improvements General Road List to include Meadowlake Drive.

29) Resolution C.S. No. C-1270 - Resolution to concur/not concur with Town of Pearl River annexation and rezoning of 8.51 acres on the west side of Highway 41 on either side of D.G. Holly Road, from Parish R-Rural District to Town of Pearl River R-1 Residential District. (Ward 8, District 6)

30) Resolution C.S. No. C-1271 - Resolution to concur/not concur with City of Covington annexation and rezoning of 2.38 acres (2501 Hwy. 190), being Square 17 and a portion of Square 22 in Town of Mailleville, including the revoked Thelma Street, from Parish C-2 Highway Commercial District to City of Covington C-3 Highway Business District. (Ward 3, District 1)

31) Resolution C.S. No. C-1272 - Resolution to concur/not concur with City of Covington annexation and rezoning of 1.32 acres (19295 3rd Street), being Square 41, Mailleville, from Parish C-2 Highway Commercial to City of Covington C-3 Highway Business District. (Ward 3, District 3)

32) Resolution C.S. No. C-1273 - Resolution to amend Ord. C.S. No. 03-0775, the 2004-2008 Capital Improvement Budget and Program, Fixed Assets and Grant Awards.

33) Resolution C.S. No. C-1274 - Resolution naming Laporte, Sehrt, Romig & Hand as the Audit Firm for the Fiscal Year 2004.

34) Resolution C.S. No. C-1275 - Resolution authorizing the Parish, through the Office of the Parish President, to release and pay to Gravity Drainage District No. 5 all escrowed funds on hand as to Maple Ridge Subdivision deposited as per the Developmental Agreement of Record.

35) Resolution C.S. No. C-1276 - Resolution authorizing the Parish, through the Office of the

Parish President, to release and pay to Gravity Drainage District No. 5 all escrowed funds on hand as to Northpark Subdivision deposited as per the Developmental Agreement of Record.

36) Resolution C.S. No. C-1277 - Resolution authorizing the Parish, through the Office of the Parish President, to release and pay to Gravity Drainage District No. 5 all escrowed funds on hand as to the initial phase of Northpark Subdivision.

### END OF CONSENT CALENDAR

### APPEALS

1) Applicant Huey J. Brown appealing the Zoning Commission DENIAL on September 7, 2004 to rezone 0.94 acres at the northeast corner of Sharp Road and Lochmere Drive from A-2 Suburban to A-3 Suburban. (Ward 4, District 5) (ZC 04-09-074) (Tabled 10/7/2004)

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2) Morris Gottesman, Carolyn Palermo, Mandy Drake, Linda Bennett, Mark Taylor and Susan Cox appealing the Zoning Commission APPROVAL on October 5, 2004 to rezone 1,859.94 acres east of Hwy. 1129 and north of Simalusa Estates, from R-Rural to A-1 Single Family Residential. (Ward 2, District 2) (ZC 04-07-057) (Applicant Alaska Seaboard Partners Limited Partnership represented by Jeff Schoen)

3) Pamela and John Taylor appealing the Zoning Commission APPROVAL on October 5, 2004 to rezone 4.13 acres on the south side of Hwy. 190, east of 17th Street and west of 15th Street (Squares 79 & 80 in Lacombe Park), from SA Suburban Agriculture to C-1 Neighborhood Commercial. (Ward 7, District 7) (ZC 04-09-073) (Applicant Lawrence W. Haik, Sr)

4) Elwin C. Ordoyne, III appealing the Zoning Commission DENIAL on October 5, 2004 to rezone 12,500 sq. ft. of land on the west side of Dwyer Street, north of Coast Blvd. (Lots 32-35, Sq. 14, Central Park Subdivision), from C-1 Neighborhood Commercial to C-2 Highway Commercial. (Ward 8, District 12) (ZC 04-10-090)

5) Nicole M. Dorignac appealing the Zoning Commission APPROVAL on October 5, 2004 for issuance of a conditional use permit for a sewage treatment plant to be located on 2 acres of land north of Hwy. 1085 and west of Hwy. 1077, in an M-2 Intermediate Industrial District. (Applicant Southeastern Louisiana Water & Sewer Co., LLC) (Ward 1, District 1) (CP 04-10-118)

### ORDINANCES FOR ADOPTION

1) Ord. Cal. No. 2808 - Ordinance accepting finalized subdivision into road and drainage inventories, specifically Forest Brook, Phase 4C1. (Ward 4, District 7) (Introduced 4/1/2004) (Tabled 10/7/2004)

2) Ord. Cal. No. 2928 As Amended - Ordinance to amend Parish Code, Chapter 2, Section 2-009.00, Parish Fees and Service Charges, to impose Transportation and Drainage Impact Fees. (Amended and Reintroduced 10/7/2004)

3) Ord. Cal. No. 2929 - Ordinance to amend Parish Code, Appendix C (Ord. 523 Land Use Regs), Section 5.16, relative to Standards for Landscaping and Tree Preservation Regulations. (ZC04- 06-049) (Introduced 9/2/2004) (Tabled 10/7/2004)

4) Ord. Cal. No. 2935 - 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 a portion of Highland Park Subdivision. (Introduced 10/7/2004)

5) Ord. Cal. No. 2936 - Ordinance to extend for an additional six (6) months the moratorium on the receipt of submissions by the Planning Commission for opening and/or extension of any unopened Parish right of way without the installation of central water and community sewerage for properties located within unincorporated areas of Council Districts 5, 7 and 10 (Wards 3, 4, 6, 7, 9 and 10). (Introduced 10/7/2004) (Remove due to passage of Ord. 04-0983 on 10/7/04)

6) Ord. Cal. No. 2937 - Ordinance amending the official zoning map of St. Tammany to reclassify land east of Leeds Drive, south of Parkpoint Drive, containing 6.340 acres, from PUD (Planned Unit Development) to A-3 Suburban. (Ward 8, District 9) (ZC 04-07-064) (Zoning Commission approved 9/7/2004) (Introduced 10/7/2004)

7) Ord. Cal. No. 2938 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the northwest corner of Lowe Davis Road and Plantation Street, containing 15.29 acres, from SA Suburban Agriculture to A-2 Suburban. (Ward 3, District 3) (ZC 04-09-069) (Zoning Commission approved 9/7/2004) (Introduced 10/7/2004)

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8) Ord. Cal. No. 2939 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Hwy. 11, south of Oak Harbor Blvd. and north of Eden Isles Drive, being Lots 23, 24, 26 and 27 in Eden Isles Subdivision, Unit 1, containing 1.54 acres, from A-6 General Multiple Family to C-2 Highway Commercial. (Ward 9, District 12) (ZC 04-09-070) (Zoning Commission approved 9/7/2004) (Introduced 10/7/2004)

9) Ord. Cal. No. 2940 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the southeast corner of Hwy. 59 and Caroline Street in Square 156 of Town of Mandeville Subdivision, containing 0.52 acres, from A-2 Suburban to LC Light Commercial. (Ward 4, District 10) (ZC 04-09-071)(Zoning Commission approved 9/7/2004) (Introduced 10/7/2004)

10) Ord. Cal. No. 2941 - Ordinance amending the official zoning map of St. Tammany to reclassify land north of Hwy. 1085, west of Rousseau Road and east of White Chapel Road, containing 50.972 acres, from SA Suburban Agriculture to PUD Planned Unit Development. (Ward 1, District 1) (ZC 04-09-075) (Zoning Commission approved 9/7/2004) (Introduced 10/7/2004)

11) Ord. Cal. No. 2942 - Ordinance amending the official zoning map of St. Tammany to reclassify land at the northeast corner of Brownsitch Road and Walnut Street, being Lots 7-8, Square 1, Ozone Pines Subdivision, containing 15,000 sq. ft., from A-3 Suburban to C-2 Highway Commercial. (Ward 8, District 9) (ZC 04-09-076) (Zoning Commission approved 9/7/2004) (Introduced

**10/7/2004)**

**12) Ord. Cal. No. 2943 - Ordinance amending the official zoning map of St. Tammany to reclassify land at the southeast corner of Hwy. 36 and Barbee Road, containing 0.67 acres, from SA Suburban Agriculture to M-2 Intermediate Industrial. (Ward 3, District 3) (ZC 04-09-077) (Zoning Commission approved 9/7/2004) (Introduced 10/7/2004)**

**13) Ord. Cal. No. 2944 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Fairway Gardenhomes, LLC, developer of Lot 11B of Suburban Estates Subdivision. (Ward 4, District 5) (Introduced 10/7/2004)**

**14) Ord. Cal. No. 2945 - Ordinance to impose a six-month moratorium on issuance of permits for construction or placement of building structures on property abutting a portion of Highway 190 in unincorporated St. Tammany. (Ward 4, Districts 5 & 10) (Introduced 10/7/2004)**

### **NOMINATIONS**

**1) Resolution to appoint \_\_\_\_\_ to replace Edward P. "Bubby" Lyons (resigned) to the East Florida Parishes Retirement District (term expires 7/5/2005 per state law). (Parishwide) (Tabled 9/2/2004 and 10/7/2004)**

**2) Resolution to appoint Kelly Brewster, R.N., Administrative Director of Emergency Room, Columbia Lakeview Regional Hospital, and Sylvia Lowe, R.N., Emergency Room Clinical Manager, as alternative, to replace Bill Singletary as a member of the Quality Assurance Panel. (Canulette)**

### **EXECUTIVE SESSION**

**1) Lawsuit entitled "Kyle C. Wild vs. Parish of St. Tammany, Tammany Trace Foundation, et al",  
19th JDC No. 520181, Section 23**

**2) Authorization to take legal action in the matter of  
"Louisiana Lumber, Inc. vs. Berrigan Construction Co., Ltd.,  
and Betty Raynor, wife of/and Joseph Leonard Restor"  
22nd JDC No. 2002-13559 Division H**

**3) Authorization to take legal action against U.S. Agencies**