

**PUBLISHED APRIL 24, 2008 AND POSTED AT PARISH COMPLEX BY APRIL 29, 2008**

**AGENDA**

**ST. TAMMANY PARISH COUNCIL MEETING  
THURSDAY, MAY 1, 2008 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 C. Howell  
Jerry Binder  
Al Hamauei  
Chris Canulette  
E. L. Gene Bellisario  
Henry Billiot  
Steve Stefancik  
Richard Artigue  
Ken Burkhalter**

**PRESENTATIONS**

- 1) Certificate of Recognition honoring Erwin R. Johnson for military service during World War II. (Tabled 3/6/2008 and 4/3/2008 - Hamauei)**
- 2) Certificates of Recognition to Mitchell G. Bogran and Christopher M. Frank for earning the rank of Eagle Scout with Boy Scout Troop 365. (Stefancik)**
- 3) Certificates of Recognition to members of the National Council of Negro Women (NCNW) - Slidell Section - Youth Division. (Burkhalter)**

**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>April 3, 2008</b>
<b>Council Committee Meeting</b>	<b>April 23, 2008</b>

**ORDINANCES FOR INTRODUCTION  
(Public Hearing June 5, 2008)**

- 1) Ord. Cal. No. 3810 - Ordinance to amend Parish Code, Chapter 14 Nuisances, Section 14-003.00 Fires for Yard Debris, Paragraph (B) thereof, to restrict the open burning of leaves and yard debris when located a distance of one thousand (1000') feet or more from the nearest dwelling. (Dean)**
- 2) Ord. Cal. No. 3811 - Ordinance establishing a "No Parking" zone on a portion of Voters Road. (Ward 9, District 13) (Artigue)**
- 3) Ord. Cal. No. 3812 - Ordinance establishing the placement of stop signs at the intersection of Crown Z and Race Horse Road. (Ward 6, District 6) (Crawford-Howell)**
- 4) Ord. Cal. No. 3813 - Ordinance establishing the placement of stop signs at the Pine Street Extension and Oak Downs Drive. (Ward 8, District 6) (Crawford-Howell)**

- 5) Ord. Cal. No. 3814 - Ordinance amending the official zoning map of St. Tammany, to reclassify land on south side of Interstate 12, east of the Target Center, West of Tchefuncte River, containing 88.9 acres, from SA (Suburban Agricultural) to C-2 (Highway Commercial). (Ward 3, District 3) (ZC08-03-012) (Zoning Commission approved 4/1/08) (Binder/Davis)
- 6) Ord. Cal. No. 3815 - Ordinance amending the official zoning map of St. Tammany, to reclassify land on east side of Highway 59, south of Harry Lemons Road, north of Surgi Drive containing 3.61 acres, from C-2 (Highway Commercial) to a PUD (Planned Unit Development). (Ward 4, District 5) (ZC08-03-013) (Zoning Commission approved 4/1/08) (Binder/Davis)
- 7) Ord. Cal. No. 3816- Ordinance amending the official zoning map of St. Tammany, to reclassify land on the southeast side of Tantella Ranch Road and north of Highway 1077, containing 80.83 acres, from SA (suburban agricultural) to a Planned Unit Development (PUD). (Ward 1, District 1) (ZC05-03-013) (Dean)
- 8) Ord. Cal. No. 3817 - Ordinance authorizing the Parish President to execute Cooperative Endeavor Agreement with Gravity Drainage District No. 5 and Sub Drainage District No. 2 to provide drainage improvements between Meadowbrook and Rosedown Subdivisions. (Gould)
- 9) Ord. Cal. No. 3818 - Ordinance to revoke a portion of Edna Street Right-of-Way, located in Mailleville Subdivision. (Ward 3, District 3) (Planning Commission approved 4/8/08) (Binder/Davis)
- 10) Ord. Cal. No. 3819 - Ordinance to revoke a portion of Lemos Street, located in Homeland Heights Subdivision. (Ward 9, District 12) (Planning Commission approved 4/8/08) (Binder/Davis)
- 11) Ord. Cal. No. 3820 - Ordinance to amend Appendix B of the St. Tammany Parish Code of Ordinances, Subdivision Regulatory Ordinance No. 499; specifically, Sections 40-045.0, 2b.5., 40-060.0, 2g., 40-061.0, 3., 40-070.0, and 40-80.0, 1a.ii, 5., and 1b., 2e to replace references to the "Parish Engineer" where depicted and appropriate, with "Director of the Department of Engineering". (Binder/Davis)
- 12) Ord. Cal. No. 3821 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Coquille, Phase 1; Normandy Oaks, Phase 2; Tallow Creek, Phase 1-I-2; and Turtle Creek, Phase 5-3-B Subdivisions. (Ward 9, District 14) (Binder/Davis)
- 13) Ord. Cal. No. 3822 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories. (Wards 1 and 8, Districts 1 and 9) (Binder/Davis)
- 14) Ord. Cal. No. 3823 - Ordinance to correct the Road Inventory to include an extension of Bessie Booth Road, an extension of Dupard Street, an extension of 12<sup>th</sup> Street, also reorganizing the road data of East Howze Beach Road and including West End Boulevard into the maintenance system. (Wards 2, 3, 4 & 9, Districts 1, 3, 10 & 13) (Binder/Davis)
- 15) Ord. Cal. No. 3824 - Ordinance to amend the 2008 Operating Budget. (Binder/Davis)
- 16) Ord. Cal. No. 3825 - Ordinance authorizing the Parish President to accept act of dedication and donation from East Win LLC for a drainage servitude. (Binder/Davis)
- 17) Ord. Cal. 3826 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire all certain parcels and/or rights of way for the US Highway 11 at I-12 interchange improvements project. (Binder/Davis)
- 18) Ord. Cal. No. 3827 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire all certain parcels and/or rights of way for the LA Highway 1077 - 4 lane - I-12 to 1085 project. (Binder/Davis)
- 19) Ord. Cal. No. 3828 - Ordinance to amend the Parish Personnel Rules and Procedures. (Binder/Davis)

20) Ord. Cal. No. 3829 - Ordinance to amend the Parish Code, Chapter 13, to add new sections to provide for operation of motorized vehicles and enforcement of traffic controls on private streets within the Highlands Subdivision. (Ward 2, District 2) (Cooper)

21) Ord. Cal. No. 3830 - Ordinance amending the Parish Code of Ordinances, Chapter 9 Garbage and Trash, Article III Garbage Districts, Division 2 Garbage District No. 1, to amend and reestablish the boundaries of Garbage District No. 1, to provide additional powers and authority, to provide for a comprehensive solid waste management system in District No. 1, and to otherwise provide with respect thereto. (Ward 8, District 9) (Bellisario)

22) Ord. Cal. No. 3831 - Ordinance to amend and reenact Parish Code, Chapter 20, Roads and Bridges, requiring all utilities to be installed within or adjacent to the right of way for Fairway Drive Extension, Emerald Forest Boulevard and Falconer Drive be installed subsurface. (Ward 4, District 5) (Gould)

23) Ord. Cal. No. 3832 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire all certain parcels and/or rights of way for the Ben Thomas Road Improvement Project. (Ward 9, District 14) (Burkhalter)

#### RESOLUTIONS

24) Resolution C.S. No. C-2360 - Resolution to vacate, in part, the six (6) month moratorium established by Ordinance C.S. No. 05-1173, and any subsequent extension thereof, on the issuance of permits for construction or placement of building structures on property that abuts Highway 59, or located within of two hundred (200') feet of the centerline of the highway, and is in the area between the north side of Highway 1088 and the south side of I-12. (Ward 4, District 5)(Gould)

25) Resolution C.S. No. C-2361 - Resolution stating Parish Council endorsement of Abita View, LLC, for participation in the Louisiana Enterprise Zone Program EZ#20071255. (Binder/Davis)

26) Resolution C.S. No. C-2362 - Resolution stating Parish Council endorsement of Slidell Development Company, for participation in the Louisiana Enterprise Zone Program EZ#20071374. (Binder/Davis)

27) Resolution C.S. No. C-2363 - Resolution stating Parish Council endorsement of Ampirical Solutions, LLC, for participation in the Louisiana Enterprise Zone Program EZ#20080094. (Binder/Davis)

28) Resolution C.S. No. C-2364 - Resolution stating Parish Council endorsement of Brasfield & Gorrie, LLC, for participation in the Louisiana Enterprise Zone Program EZ#20080120. (Binder/Davis)

29) Resolution C.S. No. C-2365 - Resolution to concur/not concur with the City of Slidell annexation and rezoning of 1.9325 acres from Parish C-2 Highway Commercial to City of Slidell C-2 Neighborhood Commercial, which property is bounded on the west by Robert Road, on the south by Interstate 12, on the north by Country Club Plaza Shopping Center and on the east by W.T. Eddins property. (Ward 8, District 9) (Binder/Davis)

30) Resolution C.S. No. C-2366 - Resolution to support St. Tammany Parish Government's application for assistance from the land and water conservation fund for the purpose of constructing the Camp Ridge Loop. (Binder/Davis)

31) Resolution C.S. No. C-2367 - Resolution to amend Ordinance C.S. No. 07-1680, the 2008-2012 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

32) Resolution C.S. No. C-2368 - Resolution to amend Ordinance C.S. No. 07-1680, the 2008-2012 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

33) Resolution C.S. No. C-2369 - Resolution declaring as surplus certain assets and authorizing sale of same. (Binder/Davis)

34) Resolution C.S. No. C-2370 - Resolution establishing warranty obligations. (Binder/Davis)  
WARRANTY

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
<p>Abita Lakes Subdivision, Phase 3A</p> <p>Amount: \$59,400</p> <p>Expires: June 15, 2008</p> <p>Ward:10 District: 2</p>	<p>EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED</p>
<p>Ashland Oaks Business Park Subdivision</p> <p>Amount: \$32,400</p> <p>Expires: June 26, 2008</p> <p>Ward:1 District: 1</p>	<p>EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED</p>
<p>Johnny Smith Memorial Business Park S/D</p> <p>Amount: \$36,800</p> <p>Expires: June 2, 2008</p> <p>Ward:9 District: 14</p>	<p>RELEASE L.O.C. TO BE BROUGHT INTO THE SELECTIVE PARISH MAINTENANCE SYSTEM</p>
<p>Natchez Trace Subdivision, Phase 1</p> <p>Amount: \$90,000</p> <p>Expires: June 27, 2008</p> <p>Ward: 1</p>	<p>RELEASE L.O.C. PRIVATE SUBDIVISION TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION</p>
<p>The Orchard at St. Tammany Oaks S/D</p> <p>Amount: \$35,300</p> <p>Expires: May 30, 2008</p> <p>Ward: 3 District: 5</p>	<p>RELEASE L.O.C PRIVATE SUBDIVISION TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION</p>
<p>Enter Parish Right of Way-Resolution No. 06-166</p> <p>2<sup>nd</sup> &amp; 3<sup>rd</sup> Streets (Between Jefferson and Madison Avenues) Tammany Hills Subdivision</p> <p>Amount: \$21,800</p> <p>Expires: June 06, 2008</p> <p>Ward:3 District: 5</p>	<p>EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED</p>

35) Resolution C.S. No. 2371 - Resolutions authorizing the expenditure of funds to update parish watershed protection regulations for implementation within and through Chapter 7 of the Parish Code of Ordinances. (Gould)

36) Resolution C.S. 2372 - Resolution ordering and calling special election to authorize renewal of special taxes for the Animal Shelter and Council on Aging, making application to State Bond Commission, and for or other matters in connection therewith. (Binder/Davis)

END OF CONSENT CALENDAR

APPEALS

1) Applicant Leroy J. Cooper appealing the Zoning Commission DENIAL on January 2, 2008 to rezone 13.3 acres on the west side of Highway 59, north of Walder Road, from SA Suburban Agricultural to C-2 Highway Commercial. (Ward 4, District 10) (ZC08-01-005) (Tabled 2/14/2008, 3/6/2008 and 4/3/2008)

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) David E. Kerr appealing the Zoning Commission APPROVAL on April 1, 2008 to rezone 74.23 acres on the north side of I-12, west of Holiday Square Blvd, south of Versaille Subdivision, from A-4 Single Family Residential, C-1 Neighborhood Commercial and C-2 Highway Commercial to a PUD Planned Unit Development. (Ward 3, District 1) (ZC08-01-007) (Applicant Mark Johnson)

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) Applicants Salvatrice P. and Gary M. Billiot appealing the Zoning Commission DENIAL on April 1, 2008 of a conditional use permit for a 2,240 sq. ft. mobile home on the south side of Baleyhi Road, east of South Oaklawn Drive (Lot 92, West Oaklawn Subdivision). (Ward 7, District 7)(CP08-04-056)

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) Carlo Hernandez appealing the Zoning Commission APPROVAL on April 1, 2008 of a conditional use permit for the addition of a 10,500 sq. ft. swimming pool on the south side of LA Highway 1088, west of Forest Brook Blvd. (Ward 4, District 7) (CP08-04-062)(Applicant James E. Sheilds)

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 4/3/2008)

2) Ord. Cal. No. 3785 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Wilson Road, east of Highway 21, west of Highway 59, containing 101.74 acres, from SA Suburban Agricultural to PUD (Planned Unit Development). (Ward 3, District 2) (ZC05-08-052) (Zoning Commission approved 3/4/2008) (Introduced 4/3/08)

3) Ord. Cal. No. 3786 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Highway 36, east of St. Landry Street, being a portion of Lot 4, Block 10, Garland's Covington & Claiborne Addition, containing 38,700 sq. ft., from SA Suburban Agricultural to C-2 Highway Commercial. (Ward 3, District 3) (ZC08-03-009) (Zoning Commission approved 3/4/2008) (Introduced 4/3/08)

4) Ord. Cal. No. 3787 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Highway 190 (Short Cut Road), east of Beth Drive, west of Nellie Drive, being Lots 9 & 10, Square 4, Pine Shadows Subdivision, containing 0.32 acre, from LC Light Commercial to C-2 Highway Commercial. (Ward 8, District 14) (ZC08-03-010) (Zoning Commission approved 3/4/2008) (Introduced 4/3/08)

5) Ord. Cal. No. 3788 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Ochsner Boulevard Extension, containing 57.23 acres, from SA Suburban Agricultural to A-4 Single Family Residential. (Ward 1, District 1) (ZC08-03-014) (Zoning Commission approved 3/4/2008) (Introduced 4/3/08)

6) Ord. Cal. No. 3789AA - Ordinance amending the official zoning map of St. Tammany to reclassify land on the southeast corner of Highway 25 and River Road, containing 4.132 acres, from A-2 Suburban to C-2 Highway Commercial. (Ward 3, District 3) (ZC07-12-080) (Zoning Commission approved 3/4/2008) (Introduced 4/3/08)

7) Ord. Cal. No. 3790 - Ordinance amending Parish Code, Appendix C, Land Use Regulatory Ord. 523, Section 2.10, LC Light Commercial District, to provide adjustments in square feet of floor space for office and professional buildings, for assisted living centers, adjustment in minimum lot area and minimum area regulations. (Introduced 4/3/08 and referred to Zoning Commission)

8) Ord. Cal. No. 3791 - Ordinance to revoke a portion of Marigold Drive right-of-way in Flower Estates Subdivision. (Ward 1, District 1) (Planning Commission approved 3-11-2008) (Introduced 4/3/08)

9) Ord. Cal. No. 3792 - Ordinance to revoke a portion of 1st Avenue right-of-way in Town of Alton Subdivision. (Ward 8, District 14) (Planning Commission approved 3-11-2008) (Introduced 4/3/08)

10) Ord. Cal. No. 3793 - Ordinance to rename River Road (R08D001) as Old Highway 11. (Ward 8, District 6) (Introduced 4/3/08)

11) Ord. Cal. No. 3794 - Ordinance accepting finalized subdivisions into the Road and Drainage Inventories, specifically Castine Oaks, Phase 1; Versailles, Phase 5C; and entering the right of way in Tammany Terrace, Phase 1. (Wards 3 & 4, Districts 1, 2 & 10) (Introduced 4/3/08)

12) Ord. Cal. No. 3795 - Ordinance to authorize the Parish President to execute Developmental Agreement between the Parish and CP Nord du Lac JV, LLC. (Introduced 4/3/08)

13) Ord. Cal. No. 3796 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire certain parcels and/or rights of way for the Highway 1077 and Highway 1085 Intersection Project. (Introduced 4/3/08)

14) Ord. Cal. No. 3797 - Ordinance to authorize the Parish President to execute Developmental Agreement between the Parish and Maurmont Properties, LLC. (Introduced 4/3/08)

15) Ord. Cal. No. 3798 - Ordinance to authorize the Parish President to execute Cooperative Endeavor Agreement by and between the Parish and the City of Slidell. (Introduced 4/3/08)

16) Ord. Cal. No. 3799 - Ordinance amending the 2008 Operating Budget. (Introduced 4/3/08)

17) Ord. Cal. No. 3800 - Ordinance authorizing the Parish President to accept the dedication of Colonial Court, Donnette Street right of way, drainage servitude and detention pond areas situated within Colonial Village Subdivision. (Ward 4, District 5) (Introduced 4/3/08)

18) Ord. Cal. No. 3801 - Ordinance to extend for an additional six (6) months the moratorium on issuance of building permits for construction or placement of building structures within a portion of Cypress Park Subdivision and a portion of surrounding areas. (Introduced 4/3/08)

19) Ord. Cal. No. 3802 - Ordinance to extend for an additional six (6) months the moratorium on permits for construction or placement of building structures on certain properties abutting, in whole or in part, a portion of East I-10 Service Road. (Introduced 4/3/08)

20) Ord. Cal. No. 3803 - 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. (Introduced 4/3/08)

21) Ord. Cal. No. 3804 - Ordinance to extend for an additional six (6) months the 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. (Introduced 4/3/08)

22) Ord. Cal. No. 3805 - 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 unaffiliated with any hospital, hospice or facility for treatment of the terminally ill in unincorporated St. Tammany. (Introduced 4/3/08)

23) Ord. Cal. No. 3806 - Ordinance to extend for an additional six (6) months the moratorium on submission of applications to rezone property within the triangular shaped area bounded on the south by Highway 190, on the east by the Tchefuncte River, and on the west by the St. Tammany/Tangipahoa Parish line. (Introduced 4/3/08)

24) Ord. Cal. No. 3807 - Ordinance authorizing the Parish to accept dedication and donation of streets, rights of way and drainage servitudes situated within Parc du Lac Subdivision. (Ward 4, District 10) (Introduced 4/3/08 and referred to Planning Commission)

25) Ord. Cal. No. 3808 - Ordinance to amend and reenact the Parish Code of Ordinance, Chapter 11, Article II, Mosquito Abatement District No. 2, to rename the district St. Tammany Parish Mosquito Abatement District. (Introduced 4/3/08).

26) Ord. Cal. No. 3809 - Ordinance authorizing the Parish to accept dedication and donation of a drainage weir situated within Parc du Lac Subdivision. (Ward 4, District 10) (Introduced 4/3/08 and referred to Planning Commission)

#### NOMINATIONS

1) Resolution to appoint one (1) member \_\_\_\_\_ to the Board of Trustees for the St. Tammany Parish Finance Authority for a term of three years. (Prior member Peter Link-term expired). (Parishwide) (Stefancik)

#### APPOINTMENTS

1) Resolution to appoint \_\_\_\_\_ to fill unexpired term of Eugene L. Bellisario (resigned when elected Parish Councilman) on Hospital Service District No. 2 Permanent Nominating Committee. (Wards 6, 7, 8 & 9) (Council/Parish President)

2) Resolution to appoint Andrew Failla, Phyllis Delpugit and to reappoint Peter Finger to Recreation District No. 5. (All Terms expired) (District 6) (Crawford-Howell).

3) Resolution to reappoint Leo Casnave, Sorola J. Palmer, Dewey Spies, and John Dussouy (terms expired) to Fire Protection District No. 3. (District 7) (Hamauei)

4) Resolution to reappoint Rick Danileson, Steven Meyer, M.D., Bill Matthews, Anthony Oramous and Todd Richards (terms expired) to Recreation District No. 1. (Districts 4, 5, 7, & 10) (Falconer)

5) Resolution to reappoint John J. Brady, Billy Ray Duncan, Richard Singletary and James D. Scroggins (terms expired) to Fire Protection District No. 7. (District 6) Crawford-Howell)