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**PUBLISHED DECEMBER 29, 2005 & POSTED AT PARISH COMPLEX BY JANUARY 4, 2006  
AGENDA**

**ST. TAMMANY PARISH COUNCIL MEETING**

**THURSDAY, JANUARY 5, 2006 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**

**ELECTION OF OFFICERS**

**1) Resolution C.S. No. C-1612 - Resolution to appoint a Chairman of the Parish Council for the calendar year 2006. (Stefancik)**

**2) Resolution C.S. No. C-1613 - Resolution to appoint a Vice-Chairman of the Parish Council for the calendar year 2006. (Stefancik)**

**PRESENTATIONS**

**1) Certificate of Recognition to Thompson Packers, Inc. of Slidell as "Business of the Month" for outstanding service to the community. (Burkhalter)**

**2) Recognition of Parish Fire Protection Districts for outstanding services throughout Hurricanes Katrina and Rita. (Impastato)**

**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    December 1, 2005  
Council Committees        None in December 2005

### ORDINANCES FOR INTRODUCTION

(Public Hearing February 2, 2006)

1) Ord. Cal. No. 3195 - Ordinance to amend Parish Code of Ordinances, Appendix C (Land Use Ord. 523), Section 2.0902, Paragraph A, to provide that a site should use flood hazard areas, if present, for recreational areas. (ZC 05-09-067) (Zoning Commission approved 12/6/2005) (Stefancik/Davis) (Legal Counsel requests introduce and postpone pending Court ruling on appeal cases)

2) Ord. Cal. No. 3196 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for the construction or placement of building structures within an area of Ward 5, District 6. (Singletary)

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3) Ord. Cal. No. 3197 - 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 that abuts Louisiana Highway 59, or is located within a distance of two hundred (200') feet of the centerline of the highway, and which property, being situated along said highway, is in the area between the north side of Louisiana Highway 1088 and the south side of I-12. (Ward 3, District 5) (Gould)

4) Ord. Cal. No. 3198 - Ordinance to amend the Parish Code of Ordinances, Chapter 15, to enact Article XVII, Section 15-985.00, to provide that any person required to register for life as a sex offender with the Sheriff shall be required to wear a location tracking electronic monitoring device to aid the sheriff's office in verifying that all required information and notifications are current and being provided within the designated areas. (Binder/Billiot)

5) Ord. Cal. No. 3199 - Ordinance concurring in Tangipahoa Parish Council Ord. No. 05-64 authorizing Tangipahoa Parish Sewerage District No. 1 to collect/treat sewerage from public and private entities in St. Tammany Parish, particularly Bedico Creek Development, by amending and reenacting St. Tammany Parish Code of Ordinances, Section 21-401.10 Community Sewerage System Required, designating the existing provisions thereof as Subsection (A) and enacting a new Subsection (B). (Dean)

6) Ord. Cal. No. 3200 - Ordinance amending the official zoning map of St. Tammany to reclassify land on west side of Thompson Road, north of Timber Ridge Drive, south of Sylve Road, containing 39.2158 acres, from A-4 Single Family Residential & SA Suburban Agricultural to a PUD (Planned Unit Development). (Ward 9, District 11) (ZC 05-10-072) (Zoning Commission approved 12/6/05) (Stefancik/Davis)

7) Ord. Cal. No. 3201 - Ordinance amending the official zoning map of St. Tammany to

reclassify land on the south side of Highway 1085, west of Highway 21, across from Bricker Road, containing 49.3 acres, from SA Suburban Agricultural to a PUD (Planning Unit Development). (Ward 1, District 1) (ZC 04-11-092) (Zoning Commission approved 12/6/05) (Stefancik/Davis)

8) Ord. Cal. No. 3202 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the southwest corner of Highway 190 and Sylve Road, containing 3.027 acres, from SA Suburban Agricultural to C-2 Highway Commercial. (Ward 9, District 11) (ZC 05-12-075)  
(Zoning Commission approved 12/6/05) (Stefancik/Davis)

9) Ord. Cal. No. 3203 - Ordinance amending the official zoning map of St. Tammany to reclassify land located on the south side of Highway 21, north of Zinnia Drive, west of Marigold Drive, being Lots 291 and 292, Flower Estates Subdivision, containing 80,000 sq. ft., from A-2 Suburban to C-2 Highway Commercial. (Ward 1, District 1) (ZC 05-12-079) (Zoning Commission approved 12/6/05) (Stefancik/Davis)

10) Ord. Cal. No. 3204 - Ordinance to correct the road inventory to include an extension of Second Street in Ward 3, District 3. (Stefancik/Davis)

11) Ord. Cal. No. 3205 - Ordinance accepting finalized subdivisions into the road and drainage inventories, specifically Tallow Creek, Phase 1A, Aldridge Oaks, and Tchefuncte South, Phase 1A. (Ward 1, District 1) (Stefancik/Davis)

12) Ord. Cal. No. 3206 - Ordinance to amend Ord. C.S. No. 01-0310 to remove Mossy Oaks Subdivision and amend Ord. C.S. No. 05-1101 to remove Grand Champions of Oak Harbor, Filing 1, from subdivisions being accepted into the maintenance system. (Wards 8 & 9, Districts 9 & 12) (Stefancik/Davis)

### **RESOLUTIONS**

13) Resolution C.S. No. C-1614 - Resolution to concur/not concur with the City of Slidell annexation and rezoning of 1.05 acres, located north of I-12 Service Road near the intersection of Airport Road, from Parish C-2 Highway Commercial to City of Slidell C-4 Highway Commercial. (Ward 9, District 11) (Stefancik/Davis)

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14) Resolution C.S. No. C-1615 - Resolution stating Council endorsement of Farkleberry Farms, LLC, d/b/a Long Branch, for participation in benefits of the Louisiana Enterprise Zone Program. (Stefancik/Davis)

15) Resolution C.S. No. C-1616 - Resolution stating Council endorsement of WOW Café and Wingery for participation in benefits of the Louisiana Enterprise Zone Program. (Stefancik/Davis)

16) Resolution C.S. No. C-1617 - Resolution establishing Warranty Obligations. (Stefancik/Davis)

### **WARRANTY**

**NAME OF SUBDIVISION RECOMMENDATION**

**FAIRVIEW OAKS BUSINESS PARK            EXTEND FOR ONE (1 YEAR) OR  
 AMOUNT: \$25,900                    UNTIL WORK IS SATISFACTORILY  
 EXPIRES: FEBRUARY 2, 2006            ACCOMPLISHED  
 WARD: 4 DISTRICT: 4**

**CASTINE OAKS SUBDIVISION PH 1            EXTEND FOR ONE (1) YEAR OR  
 AMOUNT: \$2,700                    UNTIL WORK IS SATISFACTORILY  
 EXPIRES: FEBRUARY 15, 2006            ACCOMPLISHED  
 WARD: 4 DISTRICT 10**

**TALLOW CREEK SUBDIVISION PH 1G            EXTEND FOR ONE (1) YEAR OR  
 AMOUNT: \$17,000                    UNTIL WORK IS SATISFACTORILY  
 EXPIRES: FEBRUARY 14, 2006            ACCOMPLISHED  
 WARD: 1 DISTRICT: 1**

**CLIPPER ESTATES SUBDIVISION, PH 7A            RELEASE L.O.C.  
 AMOUNT: \$10,700                    MAINTENANCE TO REMAIN IN  
 EXPIRES: FEBRUARY 25, 2006            HOMEOWNERS' ASSOCIATION  
 WARD: 9 DISTRICT: 13                    (PRIVATE SUBDIVISION)**

**TAMMANY WEST MULTIPLEX, PH 2B            RELEASE L.O.C.  
 AMOUNT: \$16,700                    TO BE BROUGHT INTO THE PARISH  
 EXPIRES: JANUARY 7, 2006            PARISH MAINTENANCE SYSTEM  
 WARD: 1 DISTRICT 1**

**TALLOW CREEK SUBDIVISION, PH 1C            RELEASE L.O.C.  
 AMOUNT: \$19,600                    TO BE BROUGHT INTO THE PARISH  
 EXPIRES: FEBRUARY 4, 2006            MAINTENANCE SYSTEM  
 WARD: 1 DISTRICT 1**

**TALLOW CREEK SUBDIVISION, PH 1A            RELEASE L.O.C.  
 AMOUNT: \$19,900                    TO BE BROUGHT INTO THE PARISH  
 EXPIRES: NOVEMBER 3, 2006            MAINTENANCE SYSTEM  
 WARD 1: DISTRICT: 1**

**17) Resolution C.S. No. C-1618 - Resolution to amend Ord. C.S. No. 04-0988, the 2005-2009 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Stefancik/Davis)**

**18) Resolution C.S. No. C-1619 - Resolution authorizing transfer of \$98,500.00 from Voluntary Developmental Agreement Escrow Accounts in District No. 1 to the Department of Engineering. (Stefancik/Davis)**

**19) Resolution C.S. No. C-1620 - Resolution authorizing an application with DOTD for a grant under 49 CFR 5311, Non-Urbanized Area Formula Program, and/or 49 CFR 5309, Discretionary Capital Program. (Stefancik/Davis)**

20) Resolution C.S. No. C-1621 - Resolution to vacate, in part, the moratorium established by Ord. C.S. No. 04-1026, and any subsequent extension thereof, on receipt of submissions by the Parish Zoning Commission for rezoning property within a certain portion of unincorporated Ward 1, District 1, being 10.719 acres fronting the south side of Highway 22. (Dean)

### END OF CONSENT CALENDAR

### APPEALS

1) Jeffrey D. Schoen, Attorney for Applicant Michael H. Fitzpatrick, appealing the Zoning Commission DENIAL by failed motion on November 1, 2005 to rezone 14.5 acres on the west side of Rapatel Street, north of Highway 190, from SA (Suburban Agricultural) to a PUD (Planned Unit Development). (Ward 4, District 7) (ZC 05-10-071) (Tabled 12/1/2005) (Letter received withdrawing appeal and rezoning application 12/13/2005)

2) Shelstone Wallace Carr, et al appealing the Zoning Commission APPROVAL on December 6, 2005 to rezone 76.18 acres on the north side of I-12, east of Highway 21, from A-3 Suburban, A-4 Single Family Residential & LC Light Commercial to C-2 Highway Commercial. (Ward 1, District 1) (ZC 05-09-059) (Applicant Colonial Properties Trust) (GOES WITH CP APPEAL #3)

3) Shelstone Wallace Carr, et al appealing the Zoning Commission APPROVAL on December 6, 2005 for issuance of a conditional use permit for a 1,092,690 sq. ft. retail shopping center to be located on the north side of I-12, east of Highway 21. (Ward 1, District 1) (CP 05-09-091) (Applicant Richard Yeilding) (GOES WITH ZC APPEAL #2)

4) Jeffrey D. Schoen, Attorney for applicant Leroy Cooper, appealing the Zoning Commission DENIAL on December 6, 2005 to rezone 13.17 acres at the end of Caroline Court, east of Highway 190, south of Park Place Drive, from C-2 Highway Commercial to a PUD (Planned Unit Development), in Ward 3, District 5. (ZC 05-12-077)

5) Terry F. Day appealing the Zoning Commission APPROVAL on December 6, 2005 of a conditional use permit for 60,000 sq. ft. land reclamation site on the south side of Highway 190, west of Thompson Road, in a C-2 Highway Commercial District. (Ward 9, District 11) (CP 05-12-121) (Applicant Norman Ducre, III)

6) Applicant Adolph Ringen appealing the Zoning Commission DENIAL on December 6, 2005 of a conditional use permit for an 840 sq. ft. billboard replacement on the southeast corner of North Causeway Boulevard Service Road and Forest Lane, being Lot 2-A, Forest Park Subdivision, in a C-2 Highway Commercial District. (Ward 4, District 10) (CP 05-12-117)

7) Applicant Oliver J. Kerwin appealing the Zoning Commission APPROVAL on December 6, 2005 of a conditional use permit for a 3840 sq. ft. Auto Repair/Body Shop on the south side of Highway 190, west of 24th Street, across from Henderson Road, in a C-2 Highway Commercial District. (Ward 7, District 7) (CP 05-12-111)

8) Kyle Associates, LLC, for applicant Iverson Investments, LLC, appealing the Planning Commission Tentative Subdivision DENIAL on December 13, 2005 for Sierra Ridge, located south

of Koepp Road, south of Highway 22, west of Madisonville, in Ward 1, District 1. (SD 05-12-032)

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9) Freddy Falgoust appealing the Planning Commission APPROVAL on December 13, 2005 of ordinance for temporary closure of a portion of Pine Avenue in Whispering Timbers Subdivision, subject to stipulations. (Ward 1, District 1) (REV 05-12-004)

## ORDINANCES FOR ADOPTION

### (Public Hearing)

1) Ord. Cal. No. 3167 - Ordinance to amend Parish Code of Ordinances, Appendix B, by amending and reenacting Section 40-074.01, Parish Enforced Subdivision Restrictions and/or Covenants, Subdivision Regulatory Ord. 499, to require that the subdivision garbage collection service shall be provided by a single garbage collection company. (Introduced 10/6/2005) (Planning Commission recommended DENIAL 11/8/2005) (Tabled 12/1/05)

2) Ord. Cal. No. 3173 As Amended - Ordinance amending and reenacting Parish Code of Ordinances, Section 20-010.00, Placement of Public and Private Utilities in Parish Rights-of-Way, and Section 20-010.01, Procedures and Standards for Granting Permission to Enter Parish Rights-of-Way for Gaining Access to Property, to require that all new subdivisions and subdivisions of record to have utilities installed underground. (Reintroduced as amended 12/1/2005)

3) Ord. Cal. No. 3182 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Bricker Road and Highway 1085, south of the Tchefuncte River, east of Rousseau Road, containing 375 acres, from SA (Suburban Agriculture) to a PUD (Planned Unit Development). (Ward 1, District 1) (ZC 04-10-083) (Zoning Commission approved 11/1/2005) (Introduced 12/1/05)

4) Ord. Cal. No. 3183 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Plantation Street, north of Shady Lane, south of Wilson Road, containing 21.27 acres, from SA (Suburban Agricultural) to A-2 (Suburban). (Ward 3, District 3) (ZC 05-07-049) (Zoning Commission approved 11/1/2005) (Introduced 12/1/05)

5) Ord. Cal. No. 3184 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Brownsitch Road, east of Highway 11, containing 0.9867 acres, from C-1 (Neighborhood Commercial) to C-2 (Highway Commercial). (Ward 8, District 9) (ZC 05-09-055) (Zoning Commission approved 11/1/2005) (Introduced 12/1/05)

6) Ord. Cal. No. 3185 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the south side of Koepp Road and Highway 22, west of Black River, containing 16.33 acres, from R (Rural) to A-3 (Suburban). (Ward 1, District 1) (ZC 05-09-057) (Zoning Commission approved 11/1/2005) (Introduced 12/1/05)

7) Ord. Cal. No. 3186 - Ordinance amending the official zoning map of St. Tammany, to reclassify land on northeast corner of Wilkinson and Orleans Streets, being a portion of Square

149, containing 22,800 sq. ft., from SA (Suburban Agricultural) to LC (Light Commercial) (Ward 4, District 10) (ZC 05-09-058) (Zoning Commission approved 11/1/2005) (Introduced 12/1/05)

8) Ord. Cal. No. 3187 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Highway 22, east of Highway 1085, west of Oak Park Drive, containing 33.223 acres, from R (Rural) to A-4 (Single Family Residential). (Ward 1, District 1) (ZC 05-09-065) (Zoning Commission approved 11/1/2005) (Introduced 12/1/05)

9) Ord. Cal. No. 3188 - 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 3.42 acres, from SA (Suburban Agricultural) to C-2 (Highway Commercial). (Ward 3, District 3) (ZC 05-10-069) (Zoning Commission approved 11/1/2005) (Introduced 12/1/05)

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10) Ord. Cal. No. 3189 - Ordinance amending the official zoning map of St. Tammany to reclassify land located on the north side of Soell Drive, west of Highway 59, containing 0.498 acres, from SA (Suburban Agricultural) to C-1 (Neighborhood Commercial). (Ward 3, District 3) (ZC 05-10-070) (Zoning Commission approved 11/1/2005) (Introduced 12/1/05)

11) Ord. Cal. No. 3190 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the north side of Highway 22 and the east side of Perrilloux Road, containing 92.4 acres, from A-2 (Suburban) and R (Rural) to A-4 (Single Family Residential). (Ward 1, District 1) (ZC 05-11-073) (Zoning Commission approved 11/1/2005) (Introduced 12/1/05)

12) Ord. Cal. No. 3191 - Ordinance to adopt Voluntary Developmental Agreement between the Parish and Lonesome Development, LLC, developer of Del Sol Subdivision. (Ward 1, District 1) (Introduced 12/1/05)

13) Ord. Cal. No. 3192 - 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) (Introduced from appeal 12/1/05)

14) Ord. Cal. No. 3193 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the northwest corner of Highway 21 and LaLanne Road, containing 15.500 acres, from SA Suburban Agricultural to PUD Planned Unit Development in Ward 1, District 1. (ZC05-09-061) (Introduced from appeal 12/1/05)

15) Ord. Cal. No. 3194 - Ordinance amending the official zoning map of St. Tammany to reclassify land on the east side of Trepagnier Road, west of Koepp Road, south of Highway 22, containing 85.281 acres, from SA Suburban Agricultural to A-3 Suburban District. (Ward 1, District 1) (ZC05-09-062) (Introduced from appeal 12/1/05)

#### NOMINATIONS

1) Resolution to replace Bryan M. Gowland and H. Sam Smalley (terms expired 12/31/2005) to

**the St. Tammany Parish Tourist and Convention Commission. The Tourist Commission Nominating Committee has submitted recommendations pursuant to Parish Code of Ordinances, Section 2-061.00, et seq. (Parishwide)**

**APPOINTMENTS**

**1) Resolution to appoint \_\_\_\_\_ to replace Thomas J. Havrilla (resigned) to Sewerage District No. 7. (Thomas)**