

MINUTES OF ST. TAMMANY PARISH COUNCIL MEETING - SEPTEMBER 3, 2009

**MINUTES OF THE ST. TAMMANY PARISH COUNCIL MEETING
ON THURSDAY, SEPTEMBER 3, 2009 AT 6:00 P.M. HELD IN
THE ST. TAMMANY GOVERNMENT COMPLEX
21490 KOOP DRIVE, MANDEVILLE, LA.**

Call to Order by Honorable Jerry Binder, Chairman

Invocation by Mr. Canulette

Pledge of Allegiance by Mr. Cooper

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	Absent
Richard Artigue	
Ken Burkhalter	Absent

PRESENTATIONS

Binder -1) Presentation by Chief Gary Mendow and Greg Lemons regarding the fire rating of Fire Protection District No. 8. (Crawford-Howell)

Crawford-Howell - Greg Lemmons is going to speak about the fire rating of Fire Protection District No. 8, which covers Districts 2, 3, 6 and 7.

Lemons - member of the Fire District Board, this Fire District covers Ward 10, the Abita Walheim area. The main station is in Abita Springs. In the early spring, their fire rating was a 5, but due to an increase in man power from 9 members to 17, the fire rating was reduced to a 4 in May. Due to the decrease in the fire rating, the insurance for the residents in this fire district will go down. Chief Gary Mendow wanted to speak; however, he was called away on a fire call.

Falconer - moved to move Item No. 20 under Ordinances for Adoption to the start of the Consent Calendar, second by Thompson. Unanimous with 2 absent (Stefancik, Burkhalter).

Binder - 20) Ord. Cal. No. 4127 - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning) Section 5.30B PF-3 Public Facilities District relative to Title and Permitted Uses. (ZC09-07-020) (Introduced 8/6/09)

Paul Mayronne - speaking on behalf of Jeff Schoen, read a statement into the record regarding Richard Blossman's objection and opposition to this ordinance.

Reid - moved to adopt, second by Bellisario. Unanimous with 2 absent (Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2131.

PUBLIC HEARING

Binder - Public hearing in accordance with open meetings law R.S. 42:1, et seq for consideration and adoption of Resolution C.S. No. C-2686 - Resolution establishing millage rates for the year 2009. (Binder/Davis)

Binder - asks that all speakers keep statements brief, and if they hear someone else express their opinion to refrain from repeating.

Frances Amatto - according to the proposed millages it appears that there will be a reduction of 15% in millages. However, the Assessor sent a letter saying that he would be paying 15% more. It looks like the Parish is just trying to appease residents and not doing anything to solve the problems.

Binder - he wants to clarify the 2 segments that make up property taxes. The first part is the assessment of the property by the Parish Assessor. None of the taxing bodies, such as the Parish, the Fire Districts, the school board or the library, have a say in what the assessment of a house is. The only thing the Parish and other taxing bodies can decide is whether to roll millages forward or back.

Sevante - 2008 was a reassessment year. Once the assessor completed assessing all of the properties in the Parish, she set the adjusted millage rate based on information from the pervious year, plus growth. When the Council adopted the adjusted millage, it indicated that it would collect the same amount of money in 2008 as in 2007. Now, in 2009, the Parish is saying that it will not collect any more taxes than it did in 2007 or 2008.

Amatto - then why am I paying more taxes?

Binder - if the Parish stays at its adjusted rate, then the Parish remains revenue neutral because some citizens' assessments may have gone down while others have gone up.

Hall - everyone needs to understand that the increased assessed value of your property, even if all of the millages remain the same, will increase property taxes. Taxes will still go up because of the drastic increase in the assessed value.

David DeVun - he went through the appeal process last year, the Board of Review modified his assessment. He paid his taxes and the assessor cashed his check, but then 6 weeks later he received an additional bill. He appealed to the State Tax Commission and went to Baton Rouge, but it was like a Kangaroo Court that lasted all of 10 minutes and he lost. He asked what recourse he had to appeal the Tax Commission's decision and was told that he needed to have the legislature pass a bill. He knows that will not help because only 7 Parishes in Louisiana had assessment issues, so the law will not be changed. He received notice in the mail today from the assessor that his taxes were going to be raised another 15% this year.

Binder - the assessor is duly elected in each Parish. Last year the assessor received 15,000 to 20,000 appeals. 2000 of those were appealed to the Council as the Board of Review. The Board worked 8-9 nights and Saturdays to hear all of the appeals. The Assessor appealed a lot of the Board of Review decisions to the Tax Commission. The Council wanted to represent those who were appealed, but the law does not allowed that. The Council has heard that the decisions were not fair. Unfortunately, that has to be changed at the State level. The Council members have spoken to the State delegates and all of the delegates are upset. The only other recourse, if the appeal is denied by the Tax Commission, is to file suit in court.

Falconer - he is shocked that Mr. Devun is able to present a letter stating that his assessment is going up by 15%. The Assessor stated that the 2009 taxes would be based on the Fair Market Value as of December 31, 2008. The Consumer Price Index is down for the first time, so the assessments should be down also. He encourages everyone to take advantage of the Assessor's rolls being open and file an appeal with her.

Sevante - the Assessor's rolls will close on September 15th. The Board of Review has to receive all appeals no later than September 24th.

DeVun - the assessor told his wife that the Board of Review process is a joke.

Binder - the Board's decision is law if the Assessor does not appeal.

Falconer - it is important to file with the Assessor and the Board at the same time. You are filing a request for a review with the Assessor and an Appeal with the Board.

Bellisario - he would like for all of the citizens who receive an increase this year to let the Board know if they also filed an appeal last year.

Cathy and Bob Lorio - they reviewed the Assessor's website and discovered that a bunch of people on the west end of the Parish had their assessments lowered, including the assessor and her entire neighborhood. Kevin Davis' assessment stayed the same. Lorio is an attorney and he went to the Tax Commission and won his appeal, but this year he received a letter that his taxes are increasing by 15% anyway.

Binder - he lives on the east side of the Parish and his assessment went up drastically. Last year, he, Mike Sevante and Gene Bellisario went to Baton Rouge to meet with the Tax Commission. They spoke to the Tax Commission representative for the Parish and told them all of the horror stories citizens had reported to the Board. The representative was not sure why all of the horrors occurred. Not long after the meeting, the commission attorney was fired from the tax commission. Clearly, the system is broken. The requirement to have the Board of Review is not only state law, but it is in the Louisiana Constitution. Still, the Board's decisions went to the Tax Commission and fell on deaf ears.

Hall - unfortunately, he was not allowed to represent any of the taxpayers, which he would have loved to do. Instead, he composed a legal memo detailing the proper procedures of the Assessor, the Board and the Tax Commission. He also had the Commission make the memo part of each taxpayers' record, which the Commission did. The Assessor's rolls are currently open for review. He wants to make it clear that the citizens are not filing an appeal with the Assessor, they are requesting review of their assessment. The only appeal is to the Council as the Board of Review. His personal and legal opinion is that the Assessor should not be able to appeal the Board's decision because the only parties with an interest in the assessment process are the citizens and the taxing bodies.

Lorio - for his hearing with the Tax Commission, he subpoenaed his records from the Assessor, but she never provided him with anything. Then, she brought the records to his hearing. He protested her submission of the records, but the Tax Commission allowed the records to be used. He did win, but now he has to deal with the retribution. He wants to point out that the assessment of the Assessor's house went down by \$70,000.

Binder - the Tax Commission has got to act in an impartial manner. If the homeowner is right, then they should win and vice-versa. The Board only lowered people based on good information, then the good people had to go to the Tax Commission, and then they were not given the time of day.

Kevin Davis - he would like to review the letter stating that the taxes are increasing by 15%. The taxes should have been set by now, and he does not see how raising them again can be legal. All of the assessments are supposed to be completed, as she is giving the information to the taxing bodies so that they can make their millage decision. Do we need to file a Class Action suit?

Hall - there had been some question as to whether or not there would be a partial reassessment this year. That may be why the letters were sent out.

DeVun - how long can the Parish continue to roll back the millages without services suffering?

Davis - the Assessor also receives a millage. It seems like the people who appealed to the Tax Commission last year are the ones receiving an increase this year.

Hall - the various taxing bodies have the right to appeal and file a lawsuit.

Chris Wells - he bought a house in Golden Shores at an inflated price after Katrina. Now a lot of houses are selling for way below their appraised values.

Jim Regal - for 4 years, he has paid 10 times the amount of taxes as his neighbor. The system needs to be more homogenized.

Rob Meyer - his comments are going to cut across the grain. He read in the newspaper that the City of Mandeville is giving its employees raises. Just today he saw police officers standing around talking in the front of the neighborhood with their cars running. Why can't the government just cut spending?

Bill Smith - he had 20 properties that were assessed at 200% higher. He was able to negotiate a number of them, but also had to appeal some to the Board of Review. He has already received a 15% increase letter on one of the properties, and he has not even had his hearing in front of the Tax Commission from last year. The problem is with the revenue neutral portion of the Code. It is just words, it does not compute.

Davis - the Parish Government is mainly run on the Alimony Tax. They were told last year that they would make \$3.8 million. They have only collected \$3.4 million. Still, they are telling taxing bodies not to roll up, so that it helps the people, but with high assessments, people are still seeing a tax increase.

Sevante - he spoke to the Sheriff who is the one that actually collects the taxes. The numbers suggest that 98% of residents in St. Tammany paid their tax bill. There have been 6000 change orders by the Assessor to adjust assessments down. That could explain the shortfall in revenue.

Falconer - moved to adopt, second by Gould. Unanimous with 2 absent (Stefancik, Burkhalter).

Binder - called for items to be pulled from the Consent Calendar:

- Ord. Cal. No. 4111
- Ord. Cal. No. 4144
- Resolution C.S. No. C-2693

Consent Calendar less items pulled:

CONSENT CALENDAR

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

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|---------------------------|-----------------|
| Regular Council Meeting | August 6, 2009 |
| Council Committee Meeting | August 26, 2009 |

**ORDINANCES FOR INTRODUCTION
(Public Hearing October 1, 2009)**

2) 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) (Binder/Davis)

3) 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) (Binder/Davis)

4) 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) (Binder/Davis)

5) 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) (Binder/Davis)

6) 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) (Binder/Davis)

7) 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) (Binder/Davis)

8) 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) (Cooper)

9) 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) (Cooper)

10) 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) (Crawford-Howell)

11) 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) (Binder)

12) 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)(Gould)

13) 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 Soutl 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) (Gould)

14) 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) (Crawford-Howell)

15) 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) (Burkhalter)

16) Ord. Cal. No. 4142 - Ordinance to correct the Road Inventory to include an approximate 325 foot length of Walnut Street. (Ward 4, District 5) (Gould)

17) 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) (Hamauei)

RESOLUTIONS

19) Resolution C.S. No. C-2687 - Resolution to amend Ordinance C.S. No. 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Binder/Davis)

20) Resolution C.S. No. C-2688 - Resolution to amend Ordinance C.S. No. 08-1968 - 2009-2013 Capital Improvement Budget and Program, Fixed Asset and Grant Awards. (Thompson)

21) Resolution C.S. No. C-2689 - Resolution authorizing the Parish Government to administer grants appropriated to the Parish Council in Act 122 of the Louisiana 2009 regular session of the Legislature. (Binder/Davis)

22) Resolution C.S. No. C-2690 - Resolution supporting the Parish President authorizing the Chief Administrative Officer to sign all grant documents relating to Louisiana Act 122 of 2009 Line Item Appropriations, on his behalf. (Binder/Davis)

23) Resolution C.S. No. C-2691 - Resolution approving the issuance of not exceeding \$42,000 of Limited Tax Certificates, Series 2009, of St. Tammany Parish Recreation District No. 11. (Wards 3 and 10, Districts 2, 3, 5, 6 and 7) (Binder/Davis)

24) Resolution C.S. No. C-2692 - Resolution authorizing the Chief Administrative Officer to execute an agreement with the Louisiana Department of Transportation and Development to expand the apron area (apron, taxiway, and drainage) at the St. Tammany Regional Airport. (Binder/Davis)

26) Resolution C.S. No. C-2694 - Resolution establishing Warranty Obligations.

(1.) PERFORMANCE

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Angelic Estates S/D, Phase 1A Amount: \$26,000 Expires: October 30, 2009 Ward: 3, District: 5	<i>PERFORMANCE OBLIGATION</i> EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED

(2.) WARRANTY

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Versailles S/D, Phase 5B-2 Amount: \$3,500 Expired: December 6, 2009 Ward: 1, District: 1	RELEASE L.O.C. TO BE BROUGHT INTO THE SELECTIVE PARISH MAINTENANCE SYSTEM

WARRANTY OBLIGATIONS CONTINUED:

Terra Bella S/D, Phase 1-A-1 Amount: \$61,900 Expires: October 9, 2009 Ward: 1, District: 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
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Tuscany West Estates S/D Amount: \$155,500 Expires: October 14, 2009 Ward: 1, District: 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
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27) Resolution C.S. No. C-2695 - Resolution of intention of the Parish Council to abolish Sewerage District No. 6, ordering and directing due notice of the proposed abolishment and setting a hearing date for any and all objections thereto. (Ward 3, District 3) (Thompson)

END OF CONSENT CALENDAR

Billiot - moved to adopt the Consent Calendar less items pulled, second by Artigue. Unanimous with 3 absent (Falconer, Stefancik, Burkhalter).

Binder - 1) 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).

Sevante - as this item has not yet been introduced, this item was removed from the Zoning Commission Agenda by Mr. Fontenot.

Hamauei - moved to introduce and refer to the Zoning Commission, second by Canulette.

Binder - 18) 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. (Cooper)

Gary - moved to introduce, second by Thompson.

Binder - 25) Resolution C.S. No. C-2693 - Resolution to concur/not concur with the City of Covington annexation and rezoning of 7.263 acres from parish C2 - Highway Commercial and SA - Suburban Agriculture to City of Covington C3 - Highway Business District located in Section 42, Township 6 South, Range 11 East, Greensburg Land District. (Ward 3, District 1) (Binder/Davis)

Dean - moved to remove from the Agenda, second by Gould. Unanimous with 2 absent (Stefancik, Burkhalter).

APPEALS

Binder - 1) Applicant Leroy Cooper for George and Deborah Hallal appealing the Zoning Commission DENIAL on May 5, 2009 to rezone 2.484 acres north of Hoffman Road, east of Alexander Street and west of State Street. (Ward 4, District 7) (ZC09-05-012) (Postponed for 3 months at 6/4/09 Council Meeting)

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.

Hamauei - he received a letter from the petitioner asking that this appeal be withdrawn.

Hamauei - moved to concur with the Zoning Denial, second by Gould. Unanimous with 2 absent (Stefancik, Burkhalter).

Hamauei - moved to adopt a resolution, second by Thompson. Unanimous with 2 absent (Stefancik, Burkhalter); becomes Resolution C.S. No. C-2696.

ORDINANCES FOR ADOPTION

Binder - 1) Ord. Cal. No. 4029AA - Ordinance to amend the Unified Development Code, Volume 1 - Zoning, by adopting the recommendation of the Parish Zoning Commission, as amended, relative to the Comprehensive Rezoning of the South West Study Area. (Introduced 3/5/09) (Reintroduced 4/2/09 & 5/7/09, 6/4/09, 7/2/09 & 8/6/09)

Rita McDonald - lives in Crestwood near the playground. Crestwood is concerned that a tree buffer will not be left when the new road and apartment complex are built.

Fontenot - tree buffers are not a rezoning issue.

Cindy Bryer - adding more apartments to St. Tammany is just causing the area to become more like Metairie. Their main concern is the tree buffer. The continuation of Emerald Forest Blvd is a good thing, but the buffer is needed. The President of the Civic Association thinks that the trees are going to be cut down and a fence built.

Binder - the time to deal with this issue is when the project begins.

Bryer - no, the time is now before the land is sold again or something else is built. Now is the chance to get the land. Somebody needs to talk about the proposed road and the thought of cutting down the trees will destroy the quality of life for Crestwood. There are a lot of voters in Crestwood that could sway a vote of the Council.

Don Lobb - he wants to know if the deed restriction exists to make sure a buffer is put in on 1085 to ensure that any commercial cannot be seen from the road. The main industry in St. Tammany is land, and, when you take it away, it changes the ambiance.

Paul Mayronne - his clients are committed to the deed restriction. The fact of the vote tonight will not hinder the progress of negotiations with Mr. Dean. Also, read statement from Jeff Schoen regarding Mr. Blossman.

Falconer - moved to adopt, second by Gould. Unanimous with 2 absent (Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2116.

Binder - 2) Ord. Cal. No. 4087AA - Ordinance to amend the Unified Development Code, Volume 1 - Zoning, by adopting the recommendation of the Parish Zoning Commission, as amended, relative to the Comprehensive Zoning of the Southeast Study Area. (Approved by Zoning Commission on May 19, 2009)(Introduced 6/4/09) (Reintroduced 7/2/09 & 8/6/09)

Bellisario - moved to adopt, second by Artigue. Unanimous with 2 absent (Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2117.

Binder - 3) 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)

Gould - he thinks he has a solution that will satisfy all of the residents, but needs to work out a few details.

Gould - moved to table, second by Thompson. Unanimous with 3 absent (Falconer, Stefancik, Burkhalter).

Binder - 4) Ord. Cal. No. 4110 - Ordinance to amend the Parish Unified Development Code, Volume I (Zoning), Section 5.31 Ed-1, Primary Education District, relative to Permitted Uses. (ZC09-07-019) (Zoning Commission Approved 7/7/09) (Introduced 8/6/09)

Bellisario - moved to adopt, second by Artigue. Unanimous with 3 absent (Falconer, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2118.

Binder - 5) Ord. Cal. No. 4112 - Ordinance establishing a "No Thru Trucks" Zone on Brookter Street. (8-V-108) (Ward 8, District 13) (Introduced 8/6/09)

Artigue - moved to adopt, second by Bellisario. Unanimous with 3 absent (Falconer, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2119.

Binder - 6) Ord. Cal. No. 4113 - Ordinance to reaffirm and ratify Ordinance C.S. No. 09-2098, adopted July 2, 2009 and rezoning 261 acres from A-4 to I-1. (Ward 4, District 7) (ZC09-08-026) (Introduced 8/6/09 and referred to Zoning Commission)

Hamauei - moved to adopt pending the 10 day appeal period, second by Gould. Unanimous with 3 absent (Falconer, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2120.

Binder - 7) Ord. Cal. No. 4114 - 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 property within a portion of Tammany Forest Subdivision. (Ward 7, District 7) (Introduced 8/6/09)

Hamauei - moved to adopt, second by Artigue. Unanimous with 3 absent (Falconer, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2121.

Binder - 8) Ord. Cal. No. 4115 - Ordinance to extend for an additional six (6) months the moratorium on the receipt of submissions by the Parish Zoning and Planning Commissions, for rezoning or resubdivision of property, not previously applied for, located north of Interstate 12 and

abutting or having access to Airport Road, within the unincorporated boundaries of Ward 9, District 11. (Ward 9, District 11) (Introduced 8/6/09)

Bellisario - moved to adopt, second by Artigue. Unanimous with 4 absent (Falconer, Canulette, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2122.

Binder - 9) Ord. Cal. No. 4116 - Ordinance to authorize the Parish to proceed with the advertising and posting of Slip 89 of Marina Chamale' Condominiums, which has been declared as surplus property. (Introduced 8/6/09)

Artigue - moved to adopt, second by Bellisario. Unanimous with 4 absent (Falconer, Canulette, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2123.

Binder - 10) Ord. Cal. No. 4117 - Ordinance to authorize the Parish to proceed with the advertising and posting of Lot 51, Square 233-a, Rural Mandeville, which has been declared as surplus property. (Introduced 8/6/09)

Hamauei - moved to adopt, second by Bellisario. Unanimous with 4 absent (Falconer, Canulette, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2124.

Binder - 11) Ord. Cal. No. 4118 - Ordinance to amend Parish Code, Chapter 2, Article I, Section 2-007.00(d), Purchasing Procedures, and provide for repeal, severability and date of enactment. (Introduced 8/6/09)

Bellisario - moved to adopt, second by Artigue. Unanimous with 4 absent (Falconer, Canulette, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2125.

Binder - 12) Ord. Cal. No. 4119 - Ordinance amending the 2009 Operating Budget. (Introduced 8/6/09)

Thompson - moved to adopt, second by Gould. Unanimous with 4 absent (Falconer, Canulette, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2126.

Binder - 13) Ord. Cal. No. 4120 - Ordinance to impose a six (6) month moratorium on the issuance of building permits and occupancy permits for structures that are connected to or will be provided sewer service by Utilities, Inc. of Louisiana, utilizing the lift station located at the entrance of Crestwood Estates.(Introduced 8/6/09)

Gould -he would like to have the engineer from Utilities, Inc. explain what happened.

David Scalapano - the lift station at Crestwood had some odor issues. The odor was not from the lift station itself but from a hole in a pipe that was damaged by construction. They changed the fitting and still have carbon canisters to help control any remaining odors. The multi-year plan is to send some of Crestwood's water through a new lift station near Lowes and then eventually to a much bigger lift station.

Mr. Williams - for Utilities, Inc. he would like to emphasize that the Arrowwood/Northpark facility is a regional facility that handles over 8 miles of south Covington and north Mandeville. Over the years they have added a 2nd drainage route and are planning a 3rd to make sure they continue to have the capacity they need to serve.

Gould - has the odor gone away since the pipe was fixed?

Bob Reise - Crestwood - the problem has been addressed and there are no more odors.

Gould - Mr. Gordon - do you concur with the analysis of the system?

Greg Gordon - Environmental Services - yes. It works. The pipes have been fixed and the new station will help relieve the system. All of the issues have been addressed.

Gould - in your opinion, is this moratorium still warranted?

Gordon - no.

Gould - moved to remove from the agenda. second by Crawford-Howell. Unanimous with 3 absent (Falconer, Stefancik, Burkhalter).

Binder - 14) Ord. Cal. No. 4121 - Ordinance amending the official zoning map of the St. Tammany 2009 South Central Comprehensive Rezoning Area One (CRA-1) to reclassify land located in Sections 16 & 21, Township 7 South, Range 13 East containing 20.5661 acres from A-4 (Single Family Residential) to A-4-A (Single Family Residential). (Ward 6, District 6) (ZC09-09-030) (Introduced 8/6/09 and referred to the Zoning Commission)

Crawford-Howell - moved to adopt pending the 10 day appeal period, second by Artigue. Unanimous with 3 absent (Falconer, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2127.

Binder - 15) Ord. Cal. No. 4122 - Ordinance to amend Parish Code, Chapter 14 Nuisances, Article I, Section 14-003.00 Fires for Yard Debris, to amend paragraph (D) thereof, prohibiting burning of leaves and yard debris on lots less than 12,600 square feet in size. (Introduced 8/6/09)

Gould - moved to adopt, second by Canulette. Unanimous with 3 absent (Falconer, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2128.

Binder - 16) Ord. Cal. No. 4123 - Ordinance to correct the Road and Drainage Inventory to include a portion of Frank Pierre Road. (Ward 2, District 3) (Introduced 8/6/09)

Thompson - moved to adopt, second by Cooper. Unanimous with 4 absent (Falconer, Gould, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2129.

Binder - 17) Ord. Cal. No. 4124 - Ordinance authorizing the Parish President to proceed with an expropriation and acquisition of the assets of Southeastern Louisiana Water & Sewer Co., L.L.C. (Introduced 8/6/09)

Hamauei - moved to adopt, second by Bellisario. Unanimous with 3 absent (Gould, Stefancik, Burkhalter); becomes Ordinance C.S. No. 09-2130.

Binder - 18) 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)

Bellisario - moved to table, second by Canulette. Unanimous with 3 absent (Gould, Stefancik, Burkhalter).

Binder - 19) 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)

Bellisario - moved to ^{table} ~~adopt~~, second by Canulette. Unanimous with 3 absent (Gould, Stefancik, Burkhalter).
corrected by TLF clerk 11/4/09

APPOINTMENTS

Binder - 1) Resolution to appoint Jerry Neil Granger to St. Tammany Parish Recreation District No. 6 (Lee Road/Folsom). (Cooper)

Cooper - moved to adopt, second by Thompson. Unanimous with 3 absent (Gould, Stefancik, Burkhalter)

Bellisario - moved to open the Off-the-Floor Agenda, second by Canulette. Unanimous with 3 absent (Gould, Stefancik, Burkhalter).

OFF-THE-FLOOR

Binder - 1) Discussion of the results of the public bids from Garbage District No. 1 which encompasses the Cross Gates Utility System. (Bellisario)

Bellisario - just wanted to state that there will be a public meeting on September 22nd or 27th to give the results of the public bids received for Garbage District No. 1.

Binder - 2) 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. 5 Road List to Add Emerald Forest Blvd. (Gould).

Dean - moved to adopt, second by Cooper. Unanimous with 3 absent (Gould, Stefancik, Burkhalter).

Crawford-Howel - Verbal Off-the-Floor -Resolution providing notice of intention to redistrict 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)

Hall - this issue needs to come Off-the-Floor because he has just received notice that it has become a public safety issue. The two districts need to be combined so that they can combine resources to better provide services.

Crawford-Howell - moved to adopt, second by Cooper. Unanimous with 3 absent (Gould, Stefancik, Burkhalter); becomes Resolution C.S. No. C-2699.

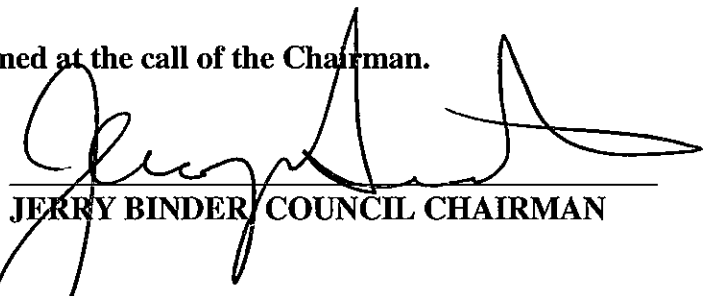
Falconer - resolution to vacate the moratorium established by Ordinance C.S. No. 08-1730 on the receipt of submissions and the approval of applications by the Parish Planning Commission and the Parish Planning Department for the resubdivision of property within Lewisburg Estates Subdivision and a portion of Old Golden Shores Subdivision within the unincorporated Ward 4, District 4.

Falconer - he promised that once the Southwest Comprehensive Rezoning was passed that he would remove this moratorium.

Falconer - moved to adopt, second by Canulette. Unanimous with 4 absent (Dean, Gould, Stefancik, Burkhalter); becomes Resolution C.S. No. C-2700.

There being no further business, meeting adjourned at the call of the Chairman.


THERESA L. FORD, COUNCIL CLERK


JERRY BINDER, COUNCIL CHAIRMAN

