

MINUTES - ST. TAMMANY PARISH REGULAR COUNCIL MEETING - MARCH 5, 2009

AGENDA

**MINUTES OF THE ST. TAMMANY PARISH COUNCIL MEETING ON THURSDAY,
MARCH 5, 2009 HELD IN PARISH ADMINISTRATIVE COMPLEX,
21490 KOOP DRIVE, MANDEVILLE, LA**

Call to Order by Honorable Marty Gould, Vice-Chairman

Invocation by Mr. Falconer

Pledge of Allegiance by Mr. Artigue

Roll Call: **Marty Dean**
 Gary Cooper
 James A. "Red" Thompson
 R. Reid Falconer
 Marty Gould
 Rebecca Crawford-Howell
 Jerry Binder **Absent**
 Al Hamauei
 Chris Canulette
 E. L. Gene Bellisario
 Henry Billiot
 Steve Stefancik
 Richard Artigue
 Ken Burkhalter **Arrived at 6:12 pm**

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

Ord. Cal. No. 4014
Ord. Cal. No. 4027
Ord. Cal. No. 4028
Ord. Cal. No. 4029
Resolution C.S. No. C-2592

Consent Calendar less items removed:

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

Regular Council Meeting February 5, 2009
Council Committee Meeting February 25, 2009

ORDINANCES FOR INTRODUCTION
(Public Hearing April 2, 2009)

1) Ord. Cal. No. 4011 - Ordinance amending the official zoning map of St. Tammany to reclassify land located east of Military Road, south of Sycamore Drive containing 81.58 acres of land from PUD (Planned Unit Development) to A-1 (Suburban). (Ward 8, District 9) (ZC09-02-002) (Zoning Commission approved 2/3/09) (Binder/Davis)

2) Ord. Cal. No. 4012 - Ordinance amending the official zoning map of St. Tammany to reclassify land located northwest of Highway 25 & Highway 1077 containing 4.767 acres from R (Rural) to ID (Institutional). (Ward 2, District 3) (ZC09-02-003) (Zoning Commission approved 2/3/09) (Binder/Davis)

3) Ord. Cal. No. 4013 - Ordinance amending the official zoning map of St. Tammany to reclassify land located on south Eden Street, east of Industry Park containing 0.46 acres from SA (Suburban Agricultural) to M-1 (Light Industrial). (Ward 3, District 3) (ZC09-02-004) (Zoning Commission approved 2/3/09) (Binder/Davis)

5) Ord. Cal. No. 4015 - 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)

6) Ord. Cal. No. 4016 - 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 Soult 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)

7) Ord. Cal. No. 4017 - Ordinance to extend for an additional six (6) months the moratorium on the receipt of applications 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)

8) Ord. Cal. No. 4018 - 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)

9) Ord. Cal. No. 4019 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning) Section 5.21 HC-2 Highway Commercial Zoning Districts relative to automotive sales and service. (Binder/Davis)

10) Ord. Cal. No. 4020 - Ordinance to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), Sections 5.20 through 5.23a, HC- Highway Commercial Zoning Districts relative to height regulations. (Binder/Davis)

11) Ord. Cal. No. 4021 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Grand Maison, Phase 2; Northpointe Business Park, Phase 1; and Northpointe Business Park, Phase 2; and enter Parish Right of Way on Pansy Street and Independence Street. (Wards 1, 3 & 4, Districts 1, 3 & 5) (Binder/Davis)

12) Ord. Cal. No. 4022 - Ordinance to correct the Road and Drainage Inventory to include South Hay Hollow Road Lateral; Palm Street Lateral and Fish Hatchery Road Lateral. (Wards 2, 7 & 9, Districts 2, 7 & 12) (Binder/Davis)

13) Ord. Cal. No. 4023 - Ordinance to amend Ordinance C.S. No. 07-1680, 2008-2012 Capital Improvement Budget to identify changes to the Capital Improvement List for 2008-2012. (Binder/Davis)

14) Ord. Cal. No. 4024 - Ordinance to amend Ordinance C.S. No. 07-1680, 2008-2012 Capital Improvement Budget and identify Fixed Assets and Grant Awards. (Binder/Davis)

15) Ord. Cal. No. 4025 - Ordinance providing for the incurring of debt and issuance of Four Million Dollars (\$4,000,000) of St. Tammany Parish Revenue Bonds, Series 2009 for water and sewerage facilities improvements; prescribing the form, terms and conditions of said Bonds; designating the date, denomination and place of payment of said Bonds; providing for the payment thereof in principal and interest; authorizing the agreement with the Paying Agent; and providing for other matters in connection therewith. (Binder/Davis)

16) Ord. Cal. No. 4026 - 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)

RESOLUTIONS

20) Resolution C.S. No. C-2582 - Resolution approving the holding of an election in St. Tammany Parish Recreation District No. 6 to authorize the levy of a special tax therein. (Binder/Davis)

21) Resolution C.S. No. C-2583 - Resolution establishing Warranty Obligations. (Binder/Davis)

WARRANTY

<u>NAME OF SUBDIVISION</u>	<u>RECOMMENDATION</u>
Willow Bend Subdivision, Phase 1 Amount: \$26,400 Expires: April 10, 2009 Ward:1, District: 1	RELEASE L.O.C. TO BE BROUGHT INTO THE SELECTIVE PARISH MAINTENANCE SYSTEM
Enter Parish R.O.W. (Resolution No. 07-154) I-10 Service Road/Howze Beach Road Amount: \$81,000 Expires: April 15, 2009 Ward:9, District: 13	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Eagle Landing - Entrance Amount: \$1,200 Expires: April 21, 2009 Ward: 1, District: 1	EXTEND FOR ONE (1) YEAR OR UNTIL WORK IS SATISFACTORILY ACCOMPLISHED
Eagle Landing Subdivision Amount: \$63,240.00 Expires: April 29, 2009 Ward: 1, District: 1	RELEASE L.O.C. TO BE BROUGHT INTO THE SELECTIVE PARISH MAINTENANCE SYSTEM
Autumn Creek Subdivision, Phase 2 Amount: \$37,000 Expires: July 7, 2009 Ward:1, District: 1	RELEASE WARRANTY OBLIGATION AND ESTABLISH A PERFORMANCE OBLIGATION FOR SIX (6) MONTHS
Abney Farms Subdivision Amount: \$6,000 Expires: May 8, 2009 Ward: 8, District: 9	RELEASE L.O.C. TO BE BROUGHT INTO THE SELECTIVE PARISH MAINTENANCE SYSTEM
Barkley Parc Subdivision, Phase 2A Amount: \$38,400 Expires: March 16, 2009 Ward:3, District: 3	RELEASE L.O.C.
Grand Oaks Subdivision, Phase 1 Amount: \$22,100 Expires: March 19, 2009 Ward:1, District: 1	RELEASE L.O.C. TO BE BROUGHT INTO THE SELECTIVE PARISH MAINTENANCE SYSTEM

22)Resolution C.S. No. C-2584 - Resolution stating Council endorsement of BGL Grocers, Inc. for participation in the benefits of Louisiana Enterprise Zone Program. (Binder/Davis)

23) Resolution C.S. No. C-2585 - Resolution stating Council endorsement of Dauphin Stewart Corp. for participation in the benefits of Louisiana Enterprise Zone Program. (Binder/Davis)

24) Resolution C.S. No. C-2586 - Resolution stating Council endorsement of Children's College, LLC for participation in the benefits of Louisiana Enterprise Zone Program. (Binder/Davis)

25) Resolution C.S. No. C-2587- Resolution to amend Ordinance C.S. No. 08-1968, 2009-2013 Capital Improvement Budget, Fixed Asset and Grant Awards. (Binder/Davis)

26) Resolution C.S. No. C-2588 - Resolution to amend Ordinance C.S. No. 08-1968, 2009-2013 Capital Improvement Budget, Fixed Asset and Grant Awards. (Binder/Davis)

27) Resolution C.S. No. C-2589 - Resolution to amend Resolution C.S. No. C-2556 in order to remove the information telephone number provided when the parish adopted a policy for communicating information to persons with hearing impairments for the State of Louisiana Community Development Block Grant ("LCDBG") Disaster Recovery Program. (Binder/Davis)

28) Resolution C.S. No. C-2590 - Resolution certifying the population census counts for the Fire Protection Districts of St. Tammany Parish. (Binder Davis)

29) Resolution C.S. No. C-2591 - Resolution giving preliminary approval to the issuance of not to exceed Four Million Dollars (\$4,000,000) of St. Tammany Parish Revenue Bonds for water and sewerage facilities improvements; providing certain terms of said Revenue Bonds, making application to the State Bond Commission for the approval of said Revenue Bonds, and providing for other matters in connection therewith.
(Binder/Davis)

31) Resolution C.S. No. C-2593 - Resolution to vacate, in part, the moratorium established by Ordinance C.S. No. 08-1928 on issuance of building permits for construction or placement of building structures on property located on the south side of Lakeview Drive, to release Lot 7, North Shore Sites Subdivision (Ward 8, District 13)(Ward 8, District 13)

END OF CONSENT CALENDAR

Thompson - moved to adopt Consent Calendar less items removed, second by Canulette. Unanimous with 2 absent. (Binder, Burkhalter)

Gould - 4) Ord. Cal. No. 4014 - Ordinance amending Ordinance C.S. No. 09-1985, adopted January 8, 2009 making changes to Land Use Regulations Ordinance No. 523 as Amended, Section 6.01, and Unified Development Code Section 7.0801, Modifications and Exceptions, Lots of Record, amending side yard setback and driveway requirements. (Gould)

Bellisario - moved to table, second by Artigue. Unanimous with 2 absent. (Binder, Burkhalter)

Gould - 17) Ord. Cal. No. 4027 - Ordinance amending and reenacting Section 40-034.01, Contiguous Lot Rule, of the Parish Subdivision Regulatory Ordinance 499, to allow for the combining of substandard lots with abutting rear property lines. (Binder/Davis) (Introduce and refer to the Planning Commission)

Stefancik - moved to introduce and refer to Planning Commission, second by Artigue. Unanimous with 3 absent. (Billiot, Binder, Burkhalter)

Gould - 18) Ord. Cal. No. 4028 - Ordinance to authorize the Parish President, to enter into a lease agreement with Florida Parishes Human Services Authority's Developmental Disabilities Services for space in the St. Tammany Parish State Building (aka-DHH Building).(Binder/Davis)

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

Gould - 19) Ord. Cal. No. 4029 - 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. (Binder/Davis)

Gould - public hearings on this ordinance will take place at the Council Agenda Review Meeting on March 25, 2009 and then again at the regular Council meeting on April 2.

Stefancik - moved to introduce, second by Bellisario.

Gould - 30) Resolution C.S. No. C-2592 - Resolution authorizing the Parish President to sign an amendment to a Cooperative Endeavor Agreement with the State of Louisiana, Division of Administration to increase St. Tammany Parish's allotment of Disaster Recovery Funds for the purpose of implementing the Parish Long Term Community Recovery Plans.(Binder/Davis)

Bellisario - moved to remove, second by Canulette. Unanimous with 3 absent. (Billiot, Binder, Burkhalter)

APPEALS

Gould - 1) Jeff Schoen on behalf of Phillip Yee appealing the Zoning Commission DENIAL on January February 5, 2009 of a conditional use permit for a 4800 sq. ft. cellular tower on the north side of Gause Blvd. west of Sunset Drive, address 1717 Highway 190, West. (Ward 9, District 11) (CP09-01-006)

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.

Stefancik - has talked to Mr. Schoen and they have agreed to table this appeal indefinitely.

Stefancik - moved to postpone indefinitely, second by Billiot. Unanimous with 1 absent. (Binder)

ORDINANCES FOR ADOPTION

Gould - 1) Ord. Cal. No. 3902AA - Ordinance to amend the Unified Development Code, Volume 1 - Zoning, relative to the Comprehensive Rezoning of the South Central Study Area. (Introduced 10/2/08) (Tabled 11/6/08 & 12/4/08) (Reintroduced as amended 1/8/09 & 2/5/09)

Amendments were proposed by Mr. Hamauei, Mr. Stefancik, Mr. Gould and Mr. Burkhalter as indicated in Exhibit A entered into the record.

Jeff Schoen - he has 2 clients in the Highway 1088/Interstate 12 area who will be effected by Mr. Hamauei's amendments. He appreciates Mr. Hamauei advising him of his intentions in this area. He knows that this whole South Central Study area has been the guinea pig for this entire rezoning process, but he would be remiss in not saying that his clients did not receive what they had requested since the area was returned to A2 zoning. They are very disappointed that this area changed considering its location next to what will become a state of the art intersection. He is, however looking forward to further participating in this process.

Stefancik - he wants to make sure what is about to happen. He thought last month was the last month that amendments would be made and the ordinance would be adopted this month. Now the Council will be reintroducing this again?

Gould - we usually take public comment at the committee meeting.

Stefancik - strongly encourages that there will be no more changes.

Sandra Slifer - Since Mr. Hamauei agreed to have his public meeting on March 10th, she thinks it would be great if the Council and the Planning Department could have the maps ready for Tuesday night.

Hamauei - if he has to handwrite the changes himself, the maps will be available.

Holly Moralis - she has tried to keep up with what is going to in her area. The last she checked her area was going to remain residential. Then they found out that it was changing. They want to know what the developers are planning. That is why Mr. Hamauei scheduled the meeting for the 10th. They are willing to listen to what the developer has to say and she will gather the information for Mr. Hamauei from all of the people present who would like to attend the meeting.

Hamauei - the Council has to realize that it is difficult to follow what has been happening in this process. They do not know that the "South Central District" means their area. He cannot contact all 14,000 people in his district to advise them of all changes. People are still looking for the yellow signs, but he knows that we cannot place yellow signs all over the Parish to show all of the areas being re-zoned. There is not a hurry. He does not care how long it takes as long as he can reach all of his citizens.

Stefancik - feels like we just keep dragging this out. His entire district is in the South Central Area and he wants to get some buildings and other jobs started. He would like to see it adopted, so that people can move on with their projects. He has people who want to build an assisted living center, but they can not start because it has not been re-zoned. He realizes that we have to consider all people's concerns, but he wants the Council to come prepared to vote next month. If something needs to be amended, the Council can do so after it is adopted.

Bellisario - if we keep this going, it could take another year. There has been enough public notice on this and we need to move because there will always be people who do not read the paper or check the website.

Burkhalter - hopes that the Council has learned from this process. Maybe should not have done such a large area at once. His District is split over 2 areas, so maybe should do the rezoning by district within the areas. When you try to do such large areas, it becomes tangled. He is not sure what the answer is, but we do need to move forward. Once we adopt it, how do we make changes?

Bellisario - Sidney, if we adopt this, when can people come in to request a change.

Fontenot - once the ordinance is adopted, rezoning requests go back to the normal process.

Dean - we need to get this nailed down. The process has not slowed. The Southwest Study Area has gone through a successful meeting and approval by the Zoning Commission. The third area has already started. It seems to be working okay. He hopes that we do not just go and adopt it. He thinks we may need a few more months.

Hamauei - he just made the change to 300 acres a month ago and then the people complained, so he changed it back to try and have the homeowners and developers meet. The interchange has not even been started yet. That is the confusion.

Schoen - he mentioned to Mr. Hamauei that because he just found out about this, he will not be able to make the Tuesday meeting because he has a Planning Commission meeting and a school board meeting. However, he will make himself available whenever Mr. Hamauei and the homeowners are ready.

Stefancik - if we adopt this, then a council person can bring changes to the Council, so the process can continue. Mr. Dean, it has been a year and a half since this was introduced and people are still coming in with changes. I hope that your district does not take that long. If we initiate a change once this has been adopted, it will still have to go through the Zoning Commission.

Fontenot - correct, if something was missed, the council member could initiate the process.

Stefancik - and the homeowner would not have to pay the fees if the council member initiates.

Hamauei - moved to reintroduce, second by Mr. Bellisario.

Gould - 2) Ord. Cal. No. 3909AA - Ordinance to amend the Parish Unified Development Code, Article 6, Overlays to add Section 6.06, Mixed Use District. (Introduced 8/7/08 and Referred to Zoning) (ZC08-10-057) (Tabled by Council 9/11/08, 10/2/08, 11/6/08 & 12/4/08) (Tabled by Zoning Commission 10/7/08) (Zoning Commission Denied 11/5/08) (Reintroduced 1/8/09) (Tabled 2/5/09)

Bellisario - moved to remove from the agenda, second by Stefancik. Unanimous with 1 absent. (Binder)

Gould - 3) Ord. Cal. No. 3967 - Ordinance to amend Parish Code of Ordinances, Appendix C, Land

Use Regulations Ordinance No. 523 as amended, Sections 2.0205 and 6.01 to add new provisions for development of land on the south side of Lakeview Drive. (Ward 9, District 13) (Introduced 12/4/08) (Tabled 1/8/09 & 2/5/09 pending Zoning Commission review)

Mike Sevante - this ordinance was approved by the Zoning Commission at its March 3, 2009 meeting and given zoning number ZC09-03-006. The Commission recommended a language change from seaward to lakeward. Mr. Artigue did not have any objections to that change. Recommended that because this is a technical matter, it can be amended and adopted. Also, if ordinance was adopted, recommended the removal of the moratorium for this area.

Artigue - moved to amend, second by Canulette. Unanimous with 1 absent (Binder).

Artigue - moved to adopt as amended, second by Bellisario. Unanimous with 2 absent (Copper, Binder); becomes Ord. C.S. No. 09-2009.

Gould - 4) Ord. Cal. No. 4000 - Ordinance amending the official zoning map of St. Tammany to reclassify land west of La Highway 59, north of Casril Drive containing 5.822 acres from A-2 (Suburban), C-2 (Highway Commercial) & M-1 (Light Industrial) to M-1 (Light Industrial). (ZC09-01-001) (Introduced 2/5/09)

Thompson - moved to adopt, second by Falconer. Unanimous with 2 absent (Cooper, Binder); becomes Ord. C.S. 09-2010.

Gould - 5) Ord. Cal. No. 4001 - Ordinance to repeal and reenact Section 13.001.01 of the Parish Code to prohibit operating a motor vehicle on any Public Levee and to regulate motor vehicles on privately owned and maintained levees. (Introduced 2/5/09)

Stefancik - moved to adopt, second by Bellisario. Unanimous with 3 absent (Cooper, Binder, Burkhalter); becomes Ord. C.S. 09-2011.

Gould - 6) Ord. Cal. No. 4002 - Ordinance to amend Ordinance C.S. No. 05-1049, adopted 2/3/05 which established the "personnel policies" to provide for amendments reflected herein. (Introduced 2/5/09)

Thompson - moved to adopt, second by Dean. Unanimous with 2 absent (Copper, Binder); becomes Ord. C.S. No. 09-2012.

Gould - 7) Ord. Cal. No. 4003 - Ordinance to authorize the Parish President to purchase, expropriate or otherwise acquire a certain parcel of land (commonly referred to as Bluebird Street) from Jerry Bohannan. (Ward 9, District 11) (Introduced 2/5/09)

Stefancik - moved to adopt, second by Bellisario. Unanimous with 2 absent (Copper, Binder); becomes Ord. C.S. No. 09-2013.

Gould - 8) Ord. Cal. No. 4004 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Autumn Creek, Phase 1; Countryside, Phase 1; Stonebridge at Madisonville; Madison Farms, Phase 6 & 7; Penn Mill Lakes, Phase 2-b; and Del Sol Subdivisions (Wards 1 & 3, Districts 1 & 3) (Introduced 2/5/09)

Thompson - moved to adopt, second by Dean. Unanimous with 2 absent (Copper, Binder); becomes Ord. C.S. No. 09-2014.

Gould - 9) Ord. Cal. No. 4005 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of permits for construction on property within a portion of Tammany Forest Subdivision. (Ward 7, District 7) (Introduced 2/5/09)

Hamauei - moved to adopt, second by Burkhalter. Unanimous with 2 absent (Copper, Binder); becomes Ord. C.S. No. 09-2015.

Gould - 10) Ord. Cal. No. 4006 - Ordinance to extend for an additional six (6) months the moratorium on rezoning or resubdivision of property located north of Interstate 12 and abutting or having access to Airport Road. (Ward 9, District 11) (Introduced 2/5/09)

Stefancik - moved to adopt, second by Bellisario. Unanimous with 2 absent (Copper, Binder); becomes Ord. C.S. No. 09-2016.

Gould - 11) Ord. Cal. No. 4007 - Ordinance to extend for an additional six (6) months the moratorium on the issuance of building permits for construction on property on the south side of Lakeview Drive. (Ward 9, District 13) (Introduced 2/5/09)

Artigue moved to remove from the agenda, second by Burkhalter. Unanimous with 2 absent (Copper, Binder).

Gould - 12) Ord. Cal. No. 4008 - Ordinance to amend Parish Code of Ordinances, Chapter 2, Article III, Parish Council and Ordinance C.S. No. 01-0283, adopted March 1, 2001, regarding cell phone expense policies. (Introduced 2/5/09)

Bellisario - moved to adopt, second by Dean. Unanimous with 2 absent (Copper, Binder); becomes Ord. C.S. No. 09-2017.

Gould - 13) Ord. Cal. No. 4009 - Ordinance accepting finalized subdivisions into the Road & Drainage Inventories, specifically Marigny Trace, Phase 6a and Marigny Trace, Phase 6b Subdivisions. (Ward 4, District 10) (Introduced 2/5/09)

Billiot - moved to adopt, second by Bellisario. Unanimous with 2 absent (Copper, Binder); becomes Ord. C.S. No. 09-2018.

Gould - 14) Ord. Cal. No. 4010 - Ordinance to amend the Unified Development Code sections governing TND-1 and TND-2 Traditional Neighborhood Development Zoning Districts. (Introduced 2/5/09)

Bellisario - moved to refer to Zoning Commission, second by Stefancik. Unanimous with absent (Binder).

Burkhalter - moved to open the Off-the-Floor Agenda, second by Stefancik. Unanimous with 1 absent.

Burkhalter - has a questions for Sidney - has the Planning Department come up with a plan to handle the remaining blighted housing in the Parish that FEMA will not pay to remove?

Fontenot - we are still trying to locate the funds to remove them. We may have identified some grants, but are still working on it.

Sevante - also, the LA Recovery Fair is coming up and there will be several agencies there offering grant opportunities.

Canulette - looking at the Off-the-Floor agenda, I thought that we had new rules regulating what was placed on the agenda? Does a resolution to appoint really qualify?

Sevante - the rules do not state why an item can or cannot be placed on the agenda. Each item just needs an explanation as to why it needs to be on the agenda, such as: time sensitivity, which is the most common. In this case, a board member needs to be replaced in order to assure a quorum.

Gould - they are also trying to hold an election to renew some millages.

Gould - 1) Ordinance authorizing the Parish President to enter into a Cooperative Agreement for the purpose of granting a servitude to access property, to provide for construction and maintenance thereof by grantee, and to otherwise provide with respect thereto. (Ward 3, District 3) (Thompson)

Thompson - moved to introduce, second by Cooper. Unanimous with 1 absent (Binder); becomes Ord. Cal. No. 4030.

Gould - 2) Resolution approving the holding of an election in St. Tammany Parish Recreation District No. 11 to authorize the levy of a special tax. (Hamauei)

Hamauei - the Recreation District needs to build a new building.

Hamauei - moved to adopt, second by Bellisario. Unanimous with 1 absent (Binder); becomes Resolution C.S. No. C-2594.

Gould - 3) Resolution requesting that the Louisiana Tax Commission hold its hearings in St. Tammany Parish on any appeal of a decision reached by the Parish Council in its capacity as the Board of Assessment Review for the 2008 tax year. (Binder/Bellisario)

Neil Hall - the Assessor appealed 330 of the Board of Reviews decisions. The Council met in Baton Rouge with the Tax Commission and have asked that they hold the appeal hearings here.

Gould - thinks that the Tax Commission should come here. Especially considering the people have already paid their tax bills and are now receiving notice that they may not have paid enough.

Hall - until the Tax Commission hears the appeals on the Board's decisions, the decision is not final. In the meeting with the Tax Commission, we empathically asked the Commission to hold the hearings in the Parish to avoid further costs to the tax payers. The Commission indicated that they could do that, but even with the large number of appeals, they have advised the Council that they cannot hold the hearings here.

David DeVun - what was the number of original appeals?

Gould - 12,000 to the Assessor and then the Board of Review heard approximately 500 of those.

Sevante - the assessor appealed 330 of the 500 Board of Review Decisions.

DeVun - originally they were told to go to the Assessors office to appeal. Then the Assessor said that they were going to be contacted, but they never were. When they checked the website, their Board of Review recommendation was not there.

Neil Hall - there is no such thing as filing an appeal with the Assessor. Her tax rolls are open for a very specific amount of time. A homeowner can protest her rolls, but there is no formal appeal to her. She is supposed to certify her rolls and then give them to the Council. The way it should work is that the homeowner protests the assessor's decision, if the assessor does not satisfy their protest, then they can appeal to the Council as the Board of Review. The homeowner then comes to the Board of Review and states what they think is the fair market value of their house. The Board of Review makes its decision and submits it to the Tax Commission and the Assessor. If the homeowner is unhappy with the Board's decision, they can appeal to the Tax Commission. The Assessor also can appeal the Board's decision to the Tax Commission. The Tax Commission's decision is final. Once the Assessors' rolls are closed, she can not increase the taxes without giving the tax payer a 30 day notice to pay the increase.

Falconer - would it be fair to say that when the Assessor's rolls are closed it is actually just a review, not an appeal?

Hall - absolutely. A citizen can protest to the Assessor, but the only appeal goes to the Board. Then, the Assessor, the citizen or a tax body can appeal the Board's decision to the Tax Commission.

Falconer - has a constituent who is 80 years old and it will be very difficult for her to make the trip to Baton Rouge for her appeal, but she is planning to go.

Bellisario - moved to adopt, second by Falconer. Unanimous with 1 absent (Binder); becomes Resolution C.S. No. C-2595.

Gould - 4) Resolution to appoint Matt Ray to replace Collins Tackaberry (resigned) to the board of commissioners for Recreation District No. 11. (Gould)

Burkhalter - moved to appoint, second by Artigue. Unanimous with 1 absent (Binder); becomes Resolution C.S. No. C-2596.

Gould - 5) Resolution authorizing the Parish Government's concurrence of the fare structure to be implemented by Louisiana Area Commuter Transportation, LLC, contracted operator of Demand Response Public Transportation within the rural areas of St. Tammany. (Gould)

John Tobin - Director of Social Services. This resolution is so that the Parish can change from one vendor to another to provide public transportation because COAST is no longer able to provide transportation services.

Burkhalter - moved to adopt, second by Bellisario. Unanimous with 1 absent (Binder); becomes Resolution C.S. No. C-2597.

Gould - 6) Ordinance to Replace Parish Code of Ordinances, Chapter 2, Section 2-004.00, an ordinance creating the St. Tammany Parish Transit Authority and appointing members thereof (Ord. No. 1126, adopted 03/13/1980)and to provide for changes reflected herein. (Gould)

Burkhalter - moved to introduce, second by Bellisario. Unanimous with 1 absent (Binder); becomes Ord. Cal. No. 4031.

Gould - 7) Ordinance to authorize the Parish President to sign and/or execute transfer documents for Right-of-Way needed for State 1088 Interchange Project. (Hamauei)

Hamauei - moved to introduce, second by Canulette. Unanimous with 1 absent (Binder); becomes Ord. Cal. No. 4032.


Canulette - moved to enter Executive Session, second by Billiot. Unanimous with 1 absent (Binder).

EXECUTIVE SESSION

Lawsuit entitled: Manton v. Strain, USDC No. 09-339 "R" (3)

Canulette - moved to exit Executive Session, second by Bellisario. Unanimous with 1 absent (Binder).

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


JERRY BINDER, COUNCIL CHAIRMAN


THERESA L. FORD, COUNCIL CLERK