

**THE FOLLOWING MINUTES WERE ADOPTED AT THE JUNE 9th MEETING OF THE  
MANDEVILLE CITY COUNCIL.MANDEVILLE CITY COUNCIL MINUTES  
FOR THE MEETING OF MAY 26, 2016**

The regular meeting of the Mandeville City Council was called to order by the Council Chairman at 6:00 p.m. Following the call to order, a moment of silence was observed and the Pledge of Allegiance was recited.

**PRESENT:** Rick Danielson, David Ellis, Carla Buchholz, Ernest Burguieres, Clay Madden

**ABSENT:**

**ALSO PRESENT:** Mayor Villere; David Cressy Assistant Attorney; David deGeneres, Public Works Director; Frank Oliveri, Finance Director; Edward Deano, City Attorney; Louissette Scott, Planning Director; Chief Richard

**MINUTES:**

1. Adoption of the May 12, 2016 Meeting Minutes.

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis to adopt the minutes of May 12, 2016. There being no further questions or comments, the motion passed 5-0.

**PRESENTATION:**

Mr. Madden asked the Council if they had any objection to moving Resolution No. 16-14 to the top of the agenda. With no objections, Mr. Madden asked Mr. Sams to come up to the podium.

8. Adoption of Resolution No. 16-14; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE CONGRATULATING SAMUEL SAMS JR. ON HIS 95<sup>TH</sup> BIRTHDAY AND FOR HIS DEDICATION TO OUR COUNTRY AND SERVICE TO THE CITY OF MANDEVILLE AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Clay Madden, Council-at-Large).

A motion was made by Mr. Danielson and seconded by Mrs. Buchholz for the adoption of Resolution No. 16-14. Mr. Madden read the resolution regarding Mr. Sams dedicated service to our country and thanked him for his service. State Rep. Reid Falconer presented Mr. Sams with a resolution from the state House of Representatives along with the Veterans Honor Metal from the State of Louisiana. There being no further questions or comments, the motion to adopt Resolution No. 16-14 passed 5-0.

Mr. Denis Schexnaydre, CEO of the Youth Service Bureau gave a presentation regarding their organization and its dedication to provide advocacy, counseling, education and intervention for at risk youth and their families.

**OPENING OF THE AGENDA:**

Mr. Madden asked if there were any objections for an opening of the agenda. The motion was made by Mr. Burguieres and seconded by Mr. Ellis. With no opposition from the Council Mr. Madden asked the Mayor to present the proclamation. The Mayor read a proclamation declaring June 2<sup>nd</sup> National Gun Violence Awareness Day.

**REPORTS AND ANNOUNCEMENTS:**

Mr. Madden wanted to congratulate Chief Richard on his reappointment to the LA Commission of Law Enforcement. Mr. Madden reminded everyone of the Mandeville Family Reunion this Sunday, and concert tomorrow night at the Trailhead. Mr. Danielson would like for everyone to remember all those who have served our country and sacrificed themselves for us this Memorial Day. Ms. Tracy Elsensohn wanted to let everyone know that for the MFR all veterans eat for free.

**OLD BUSINESS:**

1. Discussion of Ordinance No. 16-03; AN ORDINANCE OF THE CITY OF MANDEVILLE LEVYING AND IMPOSING TAXES ON PROPERTY SUBJECT TO TAXATION IN THE CITY OF MANDEVILLE, STATE OF LOUISIANA, FOR THE YEAR 2016 IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE VII, SECTION 23(B) AND (C) OF THE 1974 LOUISIANA CONSTITUTION AND R.S. 47:1705 (B) (1) AND (2). (Offered by Clay Madden, Council-at-Large).

Ordinance No. 16-03 was read by title by Mr. Madden. A motion was made by Mr. Ellis and seconded by Mr. Danielson for discussion. Mr. Madden stated this is on the agenda for publication purposes and will be discussed and voted on at the June 23, 2016 Council meeting. The city is waiting on final millage numbers from the assessor's office. The mills so far are: 2.57 for maintenance, 5.08 for police, and 3.38 for police.

2. Adoption of Ordinance No. 16-04 AN ORDINANCE TO AMEND THE CODE OF ORDINANCE OF THE CITY OF MANDEVILLE TO ESTABLISH SEC 2-5 THERETO: TO REQUIRE NOTIFICATION TO THE COUNCIL BY THE MAYOR OF ANY LITIGATION IN WHICH THE CITY IS A PARTY; AND TO PROVIDE FOR RELATED MATTERS (Offered by Ernest Burguières, Council District III).

A motion was made by Mr. Burguières and seconded by Mr. Danielson for the adoption of Ordinance No. 16-04. Mr. Burguières stated this is just requiring notification of litigation especially if the city does not have insurance to cover the cost for budgeting purposes. Mr. Danielson encouraged, but did not feel it needed to be in the ordinance, the council to schedule an executive session every six months or as needed. The mayor feels the ordinance is not necessary, this should be left up to the next council and if the council has any questions they just need to ask him. He stated: "The council cannot make a law to require the mayor to do anything". Mr. Deano suggested it should be handled by policies but would like the ordinance to include dismissals. Also, he stated the mayor is not always privy to some legal cases, some are against the boards. Mr. Ellis suggested to change the word "mayor" to "administration and to add dismissals as a part of the process. The mayor said "this problem has been going on for the past 4 years and the council just needs to come see him for information instead of making resolutions or ordinances demanding the mayor to do something. You can't have an ordinance stating the mayor has to do something. An ordinance says if you don't do something you are violating the law. What happens if he does not know anything about it, who is going to report?" Mr. Danielson had a couple of questions for the mayor in regards to what the council can and cannot do. Mr. Danielson asked the mayor if the budget ordinance is a law. The mayor responded "yes". Mr. Danielson stated so it is the mayors responsibility to execute the budget. The mayor responded "that is correct". So then it is the council telling the mayor to execute the budget, which is a law. The mayor said "no, the council is placing an ordinance allowing me to spend the money but it's not telling me that you have to do everything in this ordinance. Not everything is completed in the ordinance. It does not put restrictions like this ordinance". Mr. Danielson said he was just making a comparison because there was an AG opinion that stated the mayor shall execute the budget as approved. Mr. Burguières commented the mayor should be the one who get served for legal issues. Mr. Deano said not always, sometimes it is his office or it could be the civil service board. Mr. Burguières stated the city has a legal obligation to responds to a suit within 15 days so asking for council notification in 30 days should not be a problem. Mr. Madden asked if the boards are required to inform the mayor if they are part of any litigation. Mr. Ellis agrees with the concept and agrees they should be informed of dismissals, but does not see a need for it to be a part of the ordinance. Mrs. Buchholz agrees this is a good mechanism to make the council aware of legal issues and this needs to be correct especially for the incoming council. She recommended a deferral to rework the ordinance; this was seconded by Mr. Ellis. Mr. Patrick Burke commended an ordinance is just common sense especially since this is tax payer monies." If the mayor does everything legal and

proper, he should have no problem. Mr. Deano should be more concerned with the taxpayers and not the mayor.” Mrs. Buchholz wanted to make it clear that she does not have an issue with the ordinance; the deferment is just to get the ordinance right. Mr. Burke suggests the administration wants a deferment so the next council can vote on this and the mayor will not have it passed. Mr. Deano commented he is more worried with the law and wants to get it correct. With no further questions or comments the vote for a deferral failed 4-1 (Buchholz against). Mr. Danielson made a motion on line 12 to replace mayor with administration. Mrs. Buchholz made a motion on line 32 to add “shall be notified by the administration”. With no further comments, the amendments passed 5-0. Ms. Elsensohn does not feel there should be an ordinance, just better communication between the council and administration. Mr. Pulaski noted there needs to be clarification as how to notify: by mail, email. Mr. Burguières made a motion to amend line 33 to say “be in writing”; this was seconded by Mr. Ellis. Without further comment, the amendment passed 5-0. Mr. Burguières noted a spelling error and made a motion to change the spelling of “weather to whether”. This was seconded by Mrs. Buchholz and without further comment passed 5-0. Mr. Danielson made a motion to add on line 12 “in writing”; this was seconded by Mr. Burguières. Mr. Madden went back to the ordinance as amended. Without further comment or questions, roll was called and the ordinance passed 5-0.

Mr. Madden asked if he could move Ordinance 15-17 and do it at the end of new business. With no objections the council proceeded to new business.

#### **NEW BUSINESS:**

1. Approval of Special Event Permit for City of Mandeville July 4<sup>th</sup> Celebration on the Lake on Monday, July 4, 2016 from 4:00 – 9:00 p.m., no rain date, no departmental costs, and waiver of eating and drinking on the lakefront. (Offered by Clay Madden, Council-at-Large).

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the approval of Special Event Permit for City of Mandeville July 4<sup>th</sup> Celebration on the Lake . The Mayor commented there will be additional restroom facilities. There will be departmental costs as far as traffic is concerned. Mrs. Rohrbough expressed her concern for parking and oak tree protection. She stated the parking is all over the place and can the City do something or issue tickets. Chief Richard commented the parking is a problem but if you restrict areas of the lakefront it just pushes the issue further towards Monroe and causes more problems for emergency vehicles. The worst traffic should last only a few hours and it is impossible for his staff to enforce. Mr. Ellis commented Parks & Parkways is adding mulch to the trees. Mrs. Rohrbough wants to see the trees protected especially in the 2500 block of Lakeshore. She feels the city is too small to host something this large. Without further comment or questions, the motion passed 5-0.

2. Approval of Special Event Permit for Friends of the Poor Annual Walk on Saturday, September 24, 2016 from 8:00 – 11:30 am., no rain date, no departmental costs, and waiver of eating and drinking on the lakefront. (Offered by Clay Madden, Council-at-Large).

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the approval of Special Event Permit for Friends of the Poor Annual Walk. Ms. Walker commented this is a walk nationwide in honor of St. Vincent de Paul. Ms. Walker expressed concern in discovering there is another walk at 1pm on the same day, same location. Jason Kauffman stated the special events committee reviewed the applications and did not see that there would be a conflict between races. Without further comment or questions, the motion passed 5-0.

3. Approval of Special Event Permit for CROP Hunger Walk on Saturday, September 24, 2016 from 1:00 – 4:00 p.m., no rain date, no departmental costs, and waiver of eating and drinking on the lakefront. (Offered by Clay Madden, Council-at-Large).

A motion was made by Mrs. Buchholz and seconded by Mr. Danielson for the approval of Special Event Permit for CROP Hunger Walk. Without further comment or questions, the motion passed 5-0.

4. Approval of the substantial completion for Task order #3, 2015 Sewer and Water maintenance Contract, Project No. 1401A2, Contractor Subterranean Construction LLC as of April 29, 2016. (Offered by Rick Danielson, Council-at-Large).

A motion was made by Mr. Danielson and seconded by Mr. Ellis for the approval of the substantial completion for Task order #3, 2015 Sewer and Water maintenance Contract. Mr. Danielson stated this is for the completion of the task order which was discussed last meeting. Without further comment or questions, the motion passed 5-0.

5. Approval of the final change order for Lift Stations 22, 23 & 33, Contractor Gottfried Contracting, LLC, in the amount of \$21,044.00. (Offered by David Ellis, Council District I)

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz and seconded by Mr. Danielson for the approval of the final change order for Lift Stations 22, 23 & 33. Mr. Ellis commented this is the change order for the slab, pole and culvert at lift stations 22, 23, and 33 and is an increase in price of \$21K. Without further comment or questions, the motion passed 5-0.

6. Approval of the Mayor's appointment of John Crane as Commissioner to the Historic Preservation District Commission of an unexpired term to be 6-1-2016 to 2-28-2019. (Offered by Carla Buchholz, Council District II).

A motion was made by Mrs. Buchholz and seconded by Mr. Danielson for the approval of the Mayor's appointment of John Crane as Commissioner to the Historic Preservation District Commission. Mrs. Buchholz stated Mr. Crane was recommended by the Historic District and recommends his approval. Mr. Crane will fulfill the unexpired term of Mr. Pulaski. Mr. Crane is a recent resident of Mandeville and wants to be a part of making sure we protect the type of city we are known for. Without further comment or questions, the motion passed 5-0.

7. Introduction of Ordinance No. 16-05: AN ORDINANCE FOR THE CITY OF MANDEVILLE ADOPTING BUDGET ADJUSTMENT NO. 2; FISCAL YEAR 2015-2016 BUDGET AND TO PROVIDE FOR RELATED MATTERS. (Offered by Carla Buchholz, Council District II).

Ordinance No. 16-05 was read by title by Mr. Madden. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for its introduction. Ordinance No. 16-05 will be discussed at the June 9<sup>th</sup> council meeting.

9. Adoption of Resolution No. 16-15: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REQUEST AN OPINION FROM THE LOUISIANA ATTORNEY GENERAL FOR THEIR OPINION ON THE HIRING OF A CONSULTANT FOR THE CITY OF MANDEVILLE COUNCIL REGARDING THE PORT MARIGNY PROJECT. (Offered by Ernest Burguières, Council District III).

A motion was made by Mr. Burguières and seconded by Mr. Danielson for the adoption of Resolution No. 16-15. Mr. Burguières stated this is something that started a few weeks ago. He and the city attorney disagree on the council hiring an attorney to advise them on Port Marigny. Mr. Madden said this is a section of the charter that Mr. Burguières and Mr. Deano disagree on the

interpretation. Mr. Deano thinks this is a good idea to ask for an opinion and would like to include section 5.08 b and c which discusses the appointment of assistant city attorneys and professional service agreements. Mr. Burguières made a motion to add section 5.08, seconded by Mr. Ellis. Mr. Madden has spoken with Mr. Deano and they came up with 3 area attorneys to assist with Port Marigny and hopefully the council can agree on one of them. The mayor stated he has not talked about this and he wants to have the conversation off line. Mr. Richard Muller commented Mr. Bailey was hired a year ago and he expressed that he did not want anything to delay the process. "Here we are almost 11 months into the project and his concern is the AG opinion will further delay the project. He hopes the council and administration can expedite the process to move forward". Mr. Madden stated this can be done simultaneously and he does not want this project to be held up any more than necessary. Mr. Deano suggested removing Port Marigny from the resolution. Mr. Madden commented he does not have a problem with the removal but where then do we stand with the Port Marigny consultant? If he agrees to remove Port Marigny from the resolution he wants assurance that there is a process laid out with how to proceed with the hiring of someone to advise the council. Mr. Burguières stated this question has been around for weeks and the mayor could have said he would hire Mr. Shields and get the process started but he has not. Mrs. Buchholz made a motion to remove Port Marigny from the resolution; there was no one who seconded the motion. Mr. Danielson said at the last council meeting it was their desire to hire an additional consultant. This request is in addition to what is going on. The process does not stop this opinion is broader than Port Marigny, but the solution should be found. Mr. Madden wanted to remind about the policies of no tolerance, no clapping will be tolerated. Mr. Ray Baas is representing several civic groups and their desire is for the council to hire a consultant, not necessarily a legal advisor. This project is very important and if the council needs more assistance, they are in favor. Mrs. Buchholz commented this is what the council wants to do; it is just the wording of the process that needs to be resolved. Mr. Pat Rosenau wants to inform the council that speed should not overcome accuracy. They need to do it right and not rush. From his own experiences, when he has rushed to make a decision it was the incorrect one. Mr. Pulaski thought this process was resolved 2 weeks ago. This is a legal opinion and the council can move forward but they need an advisor because there are legal consequences. He encouraged the council to continue this process. The mayor commented two weeks ago he told the council to send to Mr. Deano the requirements or type of advice they wanted and he has not heard from the council to date. As soon as he gets what the council needs, he will bring someone to the council for their approval. Mr. Burguières presented the council with copies of the email he sent to Mr. Deano dated May 18, 2016 which has his scope of skills for the advisor. The mayor said he was not copied on this. Mr. Deano said he responded back to Mr. Madden and addressed the suggestions. Mr. Madden suggested everyone needs to copy the mayor. Mr. Burguières called the question, seconded by Mr. Danielson. The vote passed 5-0 to call the question. Mr. Madden called a vote on the amended resolution. Mr. Burguières made the motion and this was seconded by Mr. Ellis. There being no further questions, the motion to amend the resolution passed 5-0. Back to the resolution as amended. With no further comments or questions, Resolution No. 16-13 passed 5-0.

3. Discussion of Ordinance No. 15-17; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE WITH RESPECT TO ARPENT LOTS 14, 15, 16, 17, 18, 20, 21, A PORTION OF ARPENT LOT 19, (NOT INCLUDING THE SUBDIVIDED LOTS DESIGNATED AS LOTS 1-14, INCLUSIVE, FORMING THE SOUTHWEST CORNER OF KLEBER STREET AND MONROE STREET), PARCELS A AND B, AND A PORTION OF KLEBER STREET, LOCATED IN SECTIONS 46 & 47-T8S-R11E, CITY OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA, MORE PARTICULARLY DESCRIBED ON THE PLAT AND SURVEY PREPARED BY KELLY J. MCHUGH & ASSOCIATES, INC., CIVIL ENGINEERS & LAND SURVEYORS, DATED 12/03/13, REVISED THROUGH JUNE 30, 2015, DWG. NO. 13-136-BS, CONTAINING 76.648 ACRES (THE

“PRESTRESSED CONCRETE SITE”); AMENDING THE OFFICIAL ZONING MAP AND COMPREHENSIVE LAND USE REGULATION ORDINANCE (CLURO) OF THE CITY TO CLASSIFY THE FORMER PRESTRESSED CONCRETE SITE AS A PLANNED COMBINED USE DISTRICT (“PCUD”); APPROVING THE SITE PLAN, MASTER PLAN AND GUIDING PRINCIPLES PREPARED BY ARCHITECTS SOUTHWEST, INC., DATED JUNE 25, 2015, ENTITLED “PORT MARIGNY TND” (COLLECTIVELY THE “MASTER PLAN”); REQUIRING THAT THE MASTER PLAN AND ITS PROVISIONS, TOGETHER WITH THE RESTRICTIVE COVENANTS, BE COVENANTS RUNNING WITH THE LAND; APPROVING THE DEVELOPMENT OF THE PCUD IN ACCORDANCE WITH THE MASTER PLAN AND ACCOMPANYING SUBMITTALS; REVOKING CERTAIN CONSTRUCTION, DRAINAGE AND SEWERAGE SERVITUDE(S) AND GRANTING A SERVITUDE OF PASSAGE AND FOR UTILITIES; GRANTING VARIANCES AS NEEDED TO GIVE FULL EFFECT TO THE MASTER PLAN; ESTABLISHING PROCEDURES FOR ADMINISTERING THE MASTER PLAN; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. (Offered by Carla Buchholz, Council District II).

Ordinance No. 15-17 was read by title by Mr. Madden. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis to open discussion. Mr. Madden stated he has two items he would like to discuss. First, is to ask Mr. Cressy about the advertising requirements and secondly, how the council moves forward. There is a meeting on May 31st and he would like Mrs. Scott to give a brief summary of the process from July 2015 to now. Mr. Cressy said the requirements fall under the Notice of the Public Hearings before the Planning Commission and City Council which shall be given in the same manner as the notice required for zoning amendments. Cluro Section 4.3.1.2. and a mailed notice at least ten (10) days prior to the hearing. There is a developmental agreement that was not in the original ordinance. The ordinance has 9 sections in it; the proposed amendments recommend an addendum. The dvpt agreement does have separate notice requirements. Notice of intention to consider adoption of a developmental agreement shall be published at least three times in the official journal of the municipality and at least ten days shall elapse between the first publication and the date of the hearing. Mr. Danielson stated the official journal is the Farmer and it comes out once a week so we have to notify them for 3 weeks the first time was last week, today and next week.

Mr. Madden wanted to go over dates: it was passed by Planning & Zoning on May 4<sup>th</sup> and then sent to the council. Mrs. Scott said it was a recommendation and it was forwarded on May 13<sup>th</sup> to the Council. Mr. Madden asked if there was advertising before tonight. Mrs. Scott said there is a difference between public meetings and public hearings. The CLURO requirement is for the council to have a public hearing so you must meet the advertising requirements before you go into a public hearing. You can have meetings to prepare for that hearing. Mr. Cressy said a public hearing is where the public participates. Mrs. Scott said you should have topics of what you are to discuss at the public hearings. Mr. Madden asked can you advertise 3 weeks in a row – yes. The first possible time to advertise is next Thursday, June 2<sup>nd</sup>, then June 9<sup>th</sup> and June 16<sup>th</sup>. Mr. Danielson asked if the advertising is just for the developmental agreement. Mrs. Scott said no it is for both the ordinance and the developmental agreement. The first possible date to vote would be on June 23<sup>rd</sup>, is that correct? Mr. Cressy wants to set up a schedule of what to discuss on what date then it will be clearer as how to do the notice. Mr. Danielson asked if the ordinance and the developmental agreement are the same thing. Mr. Cressy said the ordinance has 9 sections in it: proposed amendments and one is to add the developmental agreement to the ordinance. Mr. Danielson said we have already introduced the ordinance a year ago so does that not count as an advertisement. Mrs. Scott said no. Mr. Danielson said we need to advertise the meeting and what we are to discuss. Mrs. Scott said it is better to advertise the ordinance and say specifically what you will discuss; an element such as traffic, fill. Mr. Danielson asked so what can be discussed from now until the advertisement requirement has been met. Mr. Cressy said the “recommended amendments to the ordinance, the development agreement is not in play. Part of the amendments would be to introduce the developmental agreement”. You can start scheduling the hearings. By the time you get into the developmental agreement you would have talked about a lot of what that will cover. Both the developmental agreement and the ordinance will have an attached addendum of the procedures they recommend the council uses. Mr. Madden said the three things he wants to accomplish are: advertising requirements, meeting dates and topics. On 5/31 we will have Mrs. Scott do a brief discussion. Mr. Ellis likes the separation of topics, some are shorter than others. Mr. Burguières stated he had a question about the comprehensive plan. Last meeting he had an executive session and asked if the incoming council could attend. He was told no it would violate attorney/client privilege and they are not

city employees. He understood that, but in his Port Marigny book he received a confidential memo from Mr. Cressy and it was addressed to the incoming council. How does that not violate any privilege? He does not think this was intentional, but an oversight. In this memo it states the Comprehensive plan is law. On page 40 of the City's Comprehensive plan it states comprehensive plans are not law, they are policy documents. He wants the council to be aware it is not law, but should be considered. This plan is supposed to be reviewed every year, ours is from 2007, along with updating policy changes. Mr. Madden said this is a good point, but we are talking about scheduling meetings. Mr. Danielson wanted to schedule meetings so we can advertise. Mr. Burguières said we should not discuss anything until we have a legal advisor. Mr. Danielson said but over the next few weeks, that should be resolved. Mr. Madden said he has questions and suggests at least 2 meetings. Mr. Burguières suggested waiting until the advisor is here and not rush. Mr. Danielson said we will not vote on anything, but we need to move forward. Mrs. Scherer reviewed if she advertises 6/2, 6/9 and 6/16 then on 6/27 the developmental agreement can be introduced. Mr. Cressy said "no, the developmental agreement is not in the mix now. Introducing does not require any notice of introduction". The ordinance and its amendments can be done, one of the amendments is to include the developmental agreement. The amendments need to be adopted then it brings in the developmental agreement. Mr. Madden asked when can we adopt the amendments. Mrs. Scott stated you can't take any action until you have a public hearing. You advertise for your publication requirements, then you can have your public hearings and then you move for adoption on the ordinance and then when you are ready to advertise for the developmental agreement you do your publications. Mr. Ellis asked if Mr. Cressy could give us the best way to do this as far as dates, how to break it out. We have no advertising so far. Mr. Cressy said you can advertise on 6/2, 6/9, and 6/16 then a public hearing can be held to talk about amending the ordinance as early as the 17<sup>th</sup>. Mr. Madden scheduled June 27<sup>th</sup> at 6:00pm in the City Council Chambers as the Port Marigny public hearing date. We will cover on May 31st the suggested amendments to the ordinance and they can be accepted on June 27<sup>th</sup>. Other items to discuss would be the state lease, old servitude agreements, and other housekeeping issues. Mr. Madden said we have two other council meeting that Port Marigny can be discussed. Mr. Ellis wants to be clear on what we advertise on the council agenda. Mr. Madden wanted to state the first possible time we can vote on this would be Monday, June 27<sup>th</sup>. Mr. Danielson said we have to be specific if we are going to put Port Marigny on the council agenda. Mr. Madden said as long as people know we will not vote at those meetings, just discuss if they want to attend. Mr. Muller has two questions: first do you formally accept information from the P&Z? Mr. Cressy said the council signed for it. Second, he would like the developmental agreement be introduced tonight together with a resolution request to hire Sonny Shields to review the developmental agreement. Mr. Cressy said that would be action on an ordinance and sufficient notice has not been advertised. Mr. Muller wants the developmental agreement to be a stand-alone document and should be considered independently. Mr. Cressy stated they cannot do that, any action or amendments have to be advertised 3 times. Mr. Muller stated if you can't introduce the developmental agreement until June 27<sup>th</sup> that delays the process. Mr. Madden asked Mr. Cressy if there is any way to streamline the process. Mr. Cressy will look into it. Mr. Cressy and Mr. Muller disagree on this and Mr. Madden suggested they get together before the next meeting on Tuesday. Mr. Baas said he is here to represent several civic communities and he favors some development but they still have concerns and wishes the council to take their time to get it correct. Mr. Pat Rosenow agrees and said to take your time and get it right, don't rush into a decision. With no further comment, Mr. Madden ended the discussion and announced the next meeting is May 31<sup>st</sup> at 6pm.

**PUBLIC COMMENT:**

Mr. Patrick Burke had several comments regarding the Dennis Ducre case and the malfeasance with the Mayor, HR, and PW director. Mr. Madden asked Mr. Deano if he should allow the discussion because this is regarding another employee. Mr. Deano said it is up to the chair but he sees no conflict. Mr. Burke said Mr. Ducre was fired and the civil service board reversed the decision and had a 90 day suspension with no pay and feels it was unjust. He feels Mr. Ducre should be paid and requests the council to investigate. Mr. Burke feels there are civil service and privacy act violations, sexual harassment. Mr. Madden commented the council does not get involved in HR issues. Mr. Burke said he is asking the council to investigate according to section 2.07, The city council may make investigations into the affairs of the city government. Mr. Ellis asked Mr. Deano how this

would work. Mr. Deano said probably by a resolution but you have to be careful because there is a pending litigation.

Mr. Mike Hurston asked for the city and council to find a way to get along and proceed with business.

Ms. Donna Edwards is asking the council for help regarding an issue she has with the Planning Department. She has a cloud on her condo title because of trees she has removed. Ms. Edwards discussed her case and Mr. Madden suggested the best way to resolve the issue was to have a meeting with the administration, him and Mrs. Buchholz.

Mrs. Donna Barr is with the Masters Association and is requesting the city to maintain the medians on the city streets. The Mayor says this area is open space which is required to be maintained by the subdivision. Mr. Pulaski commented about the discrepancy cutting the medians because the association was sued for cutting the median. It appears an amendment to the declaration must be made. Mr. Madden asked if Mr. Deano can look into this matter.

Ms. Dawn Hunter has concerns with the oak trees planted in her subdivision that is causing damage because of root growth. The mayor said this is common area and is governed by the homeowners association and they need to get with the planning department to make the request and get a permit to remove the trees. Mr. Madden requests she discuss the issue with Mrs. Scott.

Ms. Susan Camus has issues with trees in her neighborhood as well. Mr. Madden asked for her to also get with Mrs. Scott.

#### **FINANCE REPORT:**

Deferred to June 2<sup>nd</sup> budget meeting at the request of Mr. Madden with no objection from Council.

#### **PROJECTS IN PROGRESS (STATUS REPORT):**

- 2013 capital roadway maintenance project -Task order 4
- Drainage work in progress -Finishing up drainage in Fontainbleau Subdivision

Mr. Ellis inquired about the progress in Fountainbleau, all the areas in yellow have been finished? Mr. deGeneres has done all on this task force and the rest will be done in the next budget cycle. Everything on this capital list has been done.

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- 2016 capital roadway maintenance project -Task order 1
- Pre-construction meeting held 5-26-16.
- Will add drainage along Skipper Dr. by the softball field.
- All projects around the schools will be done first to be done before school begins
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- Water & sewer maintenance -Task order 3
- Acceptance of Substantial Completion on Council Agenda
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- Lift stations 22, 23 & 33 -Final Change Order on Council agenda
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- Old golden shores waterlines
- Final water main tie ins and clean up in progress
- Contractor expects demobilization within one week

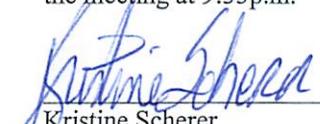
Mr. Danielson inquired about the block of concrete near the sea wall on the Lakefront corner of Carrol and Lakeshore. Mr. deGeneres said they are getting prices at this time, it is more than what Public Works can handle. Mr. Danielson asked Mrs. Scott if she can look at the situation at Don's and the Juice bar. They have picnic tables in their parking spaces. He also inquired about the mulching of the trees. Mrs. Scott stated the mulching will take place tomorrow morning.

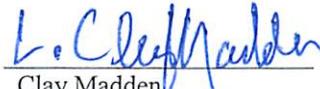
Mrs. Buchholz asked about the servitude agreements on Lovers Lane. Mr. deGeneres commented they had some issues but came to an agreement with some parking for one of the owners. Once they are signed, the project will be put out to bid.

Mr. Ellis inquired about 280 Beau Rivage Dr? Mr. deGeneres put in a work order. Pontchartrain Elementary issues were sent to the school board and they are waiting on a response. Also, What is the status with Dalwill Dr. The mayor said they are waiting for a property owner. Mr. Ellis asked who is the property owner, the mayor said he will discuss off line.

**ADJOURNMENT:**

Mr. Burguieres made a motion to adjourn the meeting, seconded by Mrs. Buchholz. Mr. Madden adjourned the meeting at 9:35p.m.

  
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Kristine Scherer  
Council Clerk

  
\_\_\_\_\_  
Clay Madden  
Council Chairman