

THE FOLLOWING MINUES WERE ADOPTED AT THE JUNE 25, 2015 MEETING OF THE
MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF JUNE 11, 2015

The regular meeting of the Mandeville City Council was called to order by 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, Clay Madden, Carla Buchholz, David Ellis

ABSENT: Ernest Burguieres

ALSO PRESENT: Chief Rick Richard, Frank Oliveri, Finance Director, Laurie Pennison, Assistant City Attorney; David deGeneres, Public Works Director, Louissette Scott, Planning Director, Michael Lauer, Alia Casborne, Cultural Development Director, Kim Chatelain, Times Picayune, Advocate

MINUTES:

1. Adoption of the May 28, 2015 Regular Meeting Minutes.

A motion was made by Mr. Madden and seconded by Mrs. Buchholz to adopt the minutes of May 28, 2015. The motion passed 4-0.

PRESENTATION:

Mr. Danielson stated the Silver Jackets, part of the Army Corps of Engineers, will be making a presentation on Flood protection at one of our future meetings.

REPORTS AND ANNOUNCEMENTS:

Mr. Danielson announced that the Mayor and Mr. Burguieres are out of town for this meeting. He also asked the Council if he could move to the front of the agenda Ordinance 15-12 because there are a lot of people here to discuss that ordinance. There was no objection.

Mr. Danielson wanted to ask everyone to keep Mr. Deano and his family in your thoughts and prayers. Mr. Deano's wife, Suzie, had passed away last week after a very lengthy illness. She had been very active in the community on all sorts of levels and hopefully Mr. Deano will be back with us soon.

OLD BUSINESS:

1. Introduction of Ordinance No. 15-12; AN ORDINANCE TO AMEND THE CITY OF MANDEVILLE CODE OF ORDINANCES BY ESTABLISHING THERETO SECTION 11-136.11 (S); TO PROVIDE FOR THE LOCATION OF PERMITTED SPECIAL EVENTS WITHIN THE CITY LIMITS OF MANDEVILLE AND TO PROVIDE FOR RELATED MATTERS (Offered by Rick Danielson, Council at Large)

Ordinance No. 15-12 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for its introduction. Mr. Danielson said this is his ordinance and over the last two weeks, he have heard comments from the audience, residents, and visitors. He has received a lot of feedback from social media and appreciates everyone's feedback on both sides. What he would like to do because of the feedback, along with the fact the Mayor and Mr. Burguieres are not present at this meeting, is to defer this item until the July 23, 2015 council meeting. If the deferral is approved, he would also like for the special events committee and

INCLUDES REFORMATTING THE ENTIRE ORDINANCE; ESTABLISHING A CONSISTENT NUMBERING SYSTEM; UPDATING DEFINITIONS; REPLACING ZONING PERMITS WITH SPECIAL USE PERMITS; MODIFYING THE GRADING, FILL AND FOUNDATIONS SUPPLEMENT TO ADDRESS DISTINCT ISSUES IN THE DRAINAGE OVERLAY DISTRICT AND OTHER AREAS OF THE CITY; MODIFYING THE TOWN CENTER DISTRICT TO ADDRESS PARKING, RESIDENTIAL USES AND RESIDENTIAL DENSITIES; INCORPORATING THE CITY'S HISTORIC DISTRICT REGULATIONS; REORGANIZING AND CLARIFYING THE SIGN CODE; CORRECTING VARIOUS ERRORS AND OMISSIONS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Carla Buchholz, Council District II)

Ordinance No. 15-11 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Madden for its introduction. Mrs. Buchholz stated this has been a year-long process with the Planning & Zoning Commission and with Mr. Lauer. Mr. Danielson asked to review where the Council is right now with this Ordinance. At the last meeting, the Council started the discussion of the CLURO; there has been no vote on any of the recommended changes to the CLURO. They have just started the overview of all of the recommendations. They had gotten a portion of the way through and stopped at the discussion of the sign regulations. There are several other components of the changes and they have asked Mr. Lauer to go through the rest of the changes tonight. We can ask questions/comments along the way, we are not going to spend the entire night on it, but if there are comments/questions for the specific sections, we will address them at that time and also at public comment at the end of the presentation. Mr. Danielson commented that he does not know if the council will be prepared to vote on this ordinance or any amendments that will be made tonight. He did want to make one thing clear; there will be no vote until the Council feels everyone understands the changes and that they answer any questions the public may have regarding these changes.

Mr. Lauer stated last week we discussed signage and tonight he will discuss three topics: grading, fill, and foundation; town center; and amendments to the sign regulations. Some of these are the options they have discussed about the electronic message centers. Mr. Lauer talked last meeting about how they came about these recommended changes. He wanted to walk through the details of these amendments. The first amendment is a recommendation to the draft that was published. The draft that was published discussed the distances for grade measurements for both pre and post development. After discussion with the City Engineer, Building Official, they are recommending that we keep the tradition of getting pre and post development information and make sure they comply with both state and local drainage requirements, then authorize the City Engineer or Public Works Director to specify the number and location of the points as needed. Each site is different and there are a lot of different drainage situations. The other thing is the staff has made a lot of progress with resolving problems before they happen by doing their inspections after forms have been set but before the underground utilities have been set. That helps resolve any drainage issues before any concrete is poured. The drainage rules differ by area, we have three different areas: drainage overlay district, sub area A, and sub area B. This is based upon a map line based upon a 6ft contour line used for site development issues and the 5t is used for subdivision purposes. Sub area A is between Galvez, south of Monroe all the way to Bayou Castaine and the Lake. Subarea B is Galvez, Florida, Bayou Castaine and Monroe. The third area is the rest of the city. The rules for the DOD and sub area A are the same except for one exception. The proposed rules will have no change to natural grade except they will allow up to 6" fill under the roofline of the building, grading is allowed for subsurface, no fill within the drip line of protected trees, we do allow for muck and fill when engineering requires that. The exception is areas outside of areas A and B, west of Galvez, where there are lots greater than 20,000 sq. ft. we have a development pattern that used chain wall and fill and on the larger lots it is relatively easy to accomplish that without causing water to spill out on

adjacent properties. Conceptually, within the buildable area, it will be up to 6" high, and in that area are both drainage and character concerns. The planning commission recommended that we go with pier or pile construction. The historic character is more consistent with open bottoms. The other aspect of that is grade beams will be required to be below surface, slabs are not allowed for habitable spaces but will be allowed for parking and other non-habitable spaces. For driveways, they will be at grade except when providing access to a garage and cannot be located within 5ft of the side or rear property line except when they providing access to parking. Parking lots are all going to be commercial in nature and will be subject to the special use permit discusses at the last meeting. No portion of the parking surface can be more than 6" above natural grade, handicapped and accessibility ramps can no longer be slabs or elevated concrete structures. For the area north of Monroe, we do have some areas where the DOD does encroach, and this is where the DOD restrictions would apply. Slabs would be allowed with up to 2ft of fill underneath, any more would require pier construction. Finished floors for attached garages can be no more than 1 ft. and fill has to taper with a 3-1 side slope, not to extend outside the buildable area. This is new. Over time these small swales fill up and cause drainage issues for the smaller neighboring properties. The fill for driveways is not to exceed 6" except to provide access to the garage. Where there are "V" zones, pile construction is required, everywhere else the pier, pile or slab is an option with the exception of the grade limitations. Driveways are to be at grade, except to provide access to the garage and not elevated more than 6" and not closer than 5 feet from side or rear property line. For lots greater than 20,000 sq. ft. there is a maximum of 24" of un-retained fill. If the garage is greater than 24", driveways must be located at least 15 feet from property line. Another practice the City has been doing is requiring a drainage plan for any structure larger than 200 sq. ft. or closer than 10 ft. to any property line, this shows up as a red line, but is a practice that is going to continue. Natural grade has been defined. If a dwelling ever existed and was destroyed or damaged they can rebuild on the existing foundation but there should be a window of not more than 2 years. Mr. Danielson asked if there are any questions before Mr. Lauer gets into Town Center. Town Center is not included in the fill limitations for sub area B.

Mr. Mitchell has questions as to why FEMA states you can have 24" fill and goes into detail as how fill can be used. In a "V" zone 24" is ok and caused no problems to a dwelling and its neighbors. The drainage plan must show how it is not going to affect your neighbors, at least in this publication. FEMA said you should have a freeboard between the fill and slab. One problem is trying to fit everyone in one category. All properties are different and should be treated differently because of their natural configuration. He objects to the 6" because it does not take into account all situations, they need to define the difference between structural and non-structural fill. This needs to go through engineers not the planning commission. There needs to be some set of reviews to deal with everyone on a case by case basis. Mr. Adams said the planning board does not have a lot of engineers but they do have some sub-committees and talk about the issues. They went through the committees for their input and listened to their recommendations. They did have public meetings and did not hear many objections. If an additional study is needed we may need to do that, but this is what came out of our meetings. Mr. Crosby stated he appreciates the process and they are satisfied with the results. Their situation is a little simpler than Old Mandeville, but they are happy so far. Mr. Madden asked Mr. Crosby if he felt this policy would deter people from building new homes? Mr. Crosby said he cannot make that decision, but coming from his perspective, he does not see any changes that would prevent anyone from building a home. Mr. Mitchell stated everyone has pros and cons when they are getting ready to build and he does not feel this would deter anyone from building in Mandeville.

Mr. Lauer wanted to discuss Towne Center. One of the big concerns is that it is a very active place. The challenge is you need to get to that area and when you have residential fronts is can detract from commercial vitality. The first thing the regulation does is to limit ground floor

residential facing the street, unless approved by the CUP, they can still face the alley. The densities are artificially low. Right now you are required to have 3,000 ft. of lot area for each unit; we have changed to 2,000 to increase the density. For on street parking, they have deleted culver ting requirements. We are also giving full credit for on street parking abutting the site and only 2 parking spaces per lot. For outside storage or displays they are not allowed except for business-hour sidewalk displays. Alleys are required north of General Pershing and South of Woodrow – alternative rear access authorized by the Zoning Commission to accept alternative rear access.

Mr. Pershaw commented the re-wording of the appeal process has subtle changes. Basically it says you can't petition a regulation within a zoning but you can petition the zoning. He did a petition on the Old Town Center zoning but now with these changes you can't petition. Ms. Pennison wanted to clarify, this is sec 4.3.1, that the process has not changed, you can still petition. Mr. Lauer stated there is a map amendment and a text amendment. A map amendment requires a certain number of people to sign a petition; a text amendment can be done by one person. This would be to change a regulation. Mr. Pershaw would like it to be better clarified. Mr. Lauer will try to make the changes to better specify and clarify the procedures to appeal. Mr. Pershaw also wanted to address the appeal process. If he has a problem with a decision from the P & Z board, why does he have to appeal to that same board? Ms. Pennison said this is something that the legal department is working on.

Mr. Lauer has presented some options for the council to look over that deals with signs and grading options. These options can be approved separately or together. Option A: EMC are prohibited in all zoning districts except when serving as a public directional or public informational sign established by any public agency on publicly owned property, meeting the definition of an incidental sign – having not more than twenty (20) square feet per sign face, 40 square feet for signs with two faces. For purposed this section, the twenty (20) square feet of sign face may be apportioned between up to three signs. Option B: allows certain existing signs to exist as of June 1, 2015; 1- EMC's with sign faces of 30 sq. ft. in area that are located 100 ft. or less from the nearest public right of way; or EMC's with sign faces of 40 sq. ft. in area that are located more than 100 sq. ft. from the nearest public right of way. Mr. Lauer stated they have not addressed operational issues, the frequency of message changes and locations at this time.

Mr. Madden stated that the P & Z recommended a total ban on the city with the amortization of 5 years, so this option now presented came from where and who asked for it? Mr. Lauer stated there was unanimity with the commission, listening to public comments, and this is just for the council's information. Mr. Danielson said they had in the last meeting heard from the citizens and asked Mr. Lauer for any options to consider. The council can approve the ban, include some of these options, Mr. Lauer was just giving us additional feedback to make the correct decision. Mrs. Buchholz said the intent of allowing small signs is for things such as the size of gas signs and some drug stores. Most of these signs are 16 to 20 sq. ft. and Mr. Lauer said some of these options are to allow some flexibility. Mr. Danielson stated the legal department still is reviewing these options.

Mr. Quillan commented the final vote for the commission was 4-3 for the ban on signs. There were various options put on the table similar to what Mr. Lauer has just presented.

Mr. Blache stated the commission was not in complete agreement on this. There is a place for this type of technology and it allows shopping centers to get rid of sign clutter. A perfect example is the K-Mart shopping center. He thinks most people have a problem with the jerkiness of the messages placed on the sign. A gradual fade in and fade out along with lighting can work and it could be beneficial. To completely throw this out should not be an option.

Mr. Adams stated the biggest public input was people did not want the public signs because there was no way to enforce them. Mr. Danielson said if we allowed some signs, we could go all different ways on the rules such as color, frequency, transition, etc. Mr. Lauer stated this is possible.

Mr. Quillan stated the other part of the sign recommendations regard minimum letter sizes. This is hard to establish with shopping centers with several tenants and having the EMC's would allow tenants to be served properly.

Mr. Barnett spoke in favor of not doing the ban and since then the international sign organization sent a large packet to the Mayor and the City Council (council has not received). They include case studies of other districts about how they force their regulations. Some have the client sign a notarized affidavit stating he understands the following rules and if he does not abide, he loses his right to have the sign. This is something that the City may want to consider using and it is kept with their zoning permit or sign application folder. It cuts out a lot of the enforcement issues because they signed accepting the rules.

Mr. Clark said if and when the EMC signs are allowed, every click someone is making money.

Mr. Madden thinks the community has spoken on this, he appreciates the Council taking its time, but we have gotten a recommendation from the P & Z commission, we need to be careful and listen to our constituents. We need to vote on this at the next meeting and not drag this on. We cannot vote on a portion, but we can make amendments, and then vote.

Mrs. Buchholz said she would like to look over option A and B. To her it is more of a convenience to be able to read visually a number at night for the price of gas, or small wording, nothing flashing or moving. She does not recall that discussion at the meetings.

Mr. Waller wanted to read into the record an email to Mr. Burguieres from April of this year: He and his partner, Mark Pepe, have filed a lawsuit against the city. There are only so many ways you can change the CLURO and they were very specific in the language so we filed a petition, and now it has been rephrased.

Upon review of the proposed changes to the CLURO I have noticed that the new language amends, removes the right to petition for a change in any regulation out of the code (pg. 43) a change can be made for a zoning classification but not for an individual regulation within the classification. In my opinion I am 99.99% of residents would not keep such a change or even understand such a change. That is serves no good public purpose and only attempts to increase the control of the zoning board while suppressing our rights which are those that are supposed to protect. I hope you would stand against what I would consider this particular piece of power and those tactics. Where you aware this change would reduce individual rights and group rights?

Where you or any other commissioners or mayor's staff or the City's Attorney consulted or had any input? It greatly concerns me that these types of vague modification seem to routinely find their way into such documents. The result of which is to force litigation if any dispute arises. This of course puts the City in a greatly advantageous position simply due to the economics of such litigation. Please support me in this position and stand up for the rights of your constituent. Thank you- Mark Pepe.

Mr. Waller says this is all about taking away a right; so what they want is the category to be left just as it is. Mrs. Pennison wanted to state that Mr. Waller has sued the City of Mandeville so she cautioned the Council that such discussion of this matter should be held in executive session.

Mr. Danielson said we can discuss this section based upon his conversations we have had the past meetings and can review them with Mrs. Pennison. The section is not meant to take away any rights, it is just to clarify. These changes were made by Mr. Lauer and the Planning board not the legal department.

Mr. Danielson stated we will digest all of the comments and information received and come back in two weeks. At that time we can make any amendments if needed and hopefully have a vote at our next meeting. He requests to defer this vote until the June 25, 2015 meeting; this was seconded by Mrs. Buchholz. Mr. Madden asked when we have a CLURO change or even a budget change that we just print the page the change affected instead of the entire packet. Without any further comment, the deferral was approved 4-0.

4. Adoption of Resolution No. 15-32; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE A MAINTENANCE AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND THE STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, OFFICE OF ENGINEERING (DOTD) FOR MOWING AND LITTER PICKUP FOR THE FISCAL YEAR ENDING JUNE 30, 2016 AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Rick Danielson, Council at Large)

Resolution No 15-32 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for its introduction. Mr. Danielson stated this is just a renewal of a contract we have with the DOTD. Mr. deGeneres stated we have the mowing and litter pick up approximately every 2-3 weeks and the state pays about \$11k. With no further public comment, questions or Council discussion, the motion passed 4-0.

5. Adoption of Resolution No. 15-33; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ADOPTING THE CHANGES TO THE CITY OF MANDEVILLE'S UPDATED HAZARDS MITIGATION PLAN ORIGINALLY PASSED IN 2004 AND THE CHANGES ADOPTED IN 2010. (Offered by Rick Danielson, Council at Large)

Resolution No. 15-33 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Danielson for its introduction. Mr. Danielson stated this is the Hazard Mitigation Plan that we must participate in with the Parish. If a storm would happen we must be a participant to receive funding. The Parish's plan now encompasses multiple municipalities this is the general plan and the City can tailor its plan to be more specific. Mr. DeGeneres commented that the City has its own Hazard Mitigation Plan that is ongoing living plan and this just includes us with the Parish and FEMA. This is a plan that will also go through the short term work program. With no further public comment, questions or Council discussion, the motion passed 4-0.

6. Adoption of Resolution No. 15-34; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR THE OLD GOLDEN SHORES WATER MAIN REHABILITATION PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Carla Buchholz, Council District II)

Resolution No. 15-34 was read by title by Mr. Danielson. A motion was made by Mr. Madden and seconded by Mr. Ellis and Mrs. Buchholz for its introduction. Mrs. Buchholz stated this is replacing old water lines in Old Golden Shores that are deteriorating and has been a part of the capital budget for the last few years. The same notifications will be given out to residents if their water will be affected. With no further public comment, questions or Council discussion, the motion passed 4-0.

PUBLIC COMMENT:

PROJECTS IN PROGRESS (STATUS REPORT):

1. Capital Roadway Maintenance Project – working in Golden Glen

2. Lotus Drive/Village Lane Drainage Project –approved substantial completion, working on punch list.
3. Rapatel Water Tower- control building construction has begun; painters will be in next weeks
- 4 Lift Station 21 Relocation – currently laying lines, 40% complete, Sept 30 final date
- 5- Dew Drop Fire Suppression – waiting on electrical for alarms to be energized for Fire Marshall approval
6. Lift Station 19 Relocation- electrical work to be completed next week
7. Lift Stations 22, 23 & 33- start date in late June
8. Girod Street Overlay Improvements – paver work to be completed next week
9. Storm Drain Check Valves – 29 being installed, 22 already completed. June 19 end date

ADJOURNMENT:

Mr. Danielson adjourned the meeting at 8:05 p.m.



Kristine Scherer
Council Clerk



Rick S. Danielson
Council Chairman