

THE FOLLOWING MINUTES WERE ADOPTED AT THE JULY 14, 2016 MEETING OF
THE MANDEVILLE CITY COUNCIL.MANDEVILLE CITY COUNCIL
MINUTES FOR THE SPECIAL MEETING OF JUNE 27, 2016

The special meeting of the Mandeville City Council was called to order by Chairman Madden at 6:00 p.m.

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

ALSO: Louisette Kidd, David Cressy, Mike Pulaski, Laure Sica, and John Keller

1. Discussion of Ordinance No. 15-17

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 MARIIGNY 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).

Mr. Madden announced at the last meeting we started going through the resolution presented by the Planning and Zoning commission. Last meeting we finished the review of master plan and guiding principles and tonight we will start with traffic.

Mr. Cressy said some of the items may have some technical questions which he would have to defer to the traffic engineers at a later date. Mr. Cressy read items 1 and 2 which are basically self-explanatory. Item number 3 discusses how in a TND the idea is walkability and bicycle riding so the majority of people will be internally in the development. The original capture rate was 30% but that as reduced to 5%. Mr. Danielson asked what is the realistic internal capture rate on a development like this. Mr. Bailey commented the highest is 30% but for this development something close to 5-10% seems reasonable.

Mr. Cressy read item #4. This has been changed because they did not really know the size of the first plat. The first subdivision could be two houses and that was not reasonable so it was changed to a subdivision approval of at least 50 units. That starts the clock running for the developmental agreement for when the improvements to the streets have to be done; it is 2 years from that point. Mr. Madden wanted to make sure the new change is to say "a final subdivision plat with at least 50 houses". That was confirmed by Mr. Cressy. Mr. Madden asked how long do they have to file the plat? Mr. Muller commented in the CLURO there is a provision for how long approvals last and he believes they must take action within the year. While the city has proposed the developer put up \$300K and that be paid after a final plat approval has been granted for at least 50 units. It is his understanding that that requirement came about because the city was concerned with just how fast they could do this and secondly there is a study being done by the regional planning commission, a more global study, of traffic. Instead of two turn lanes, there is talk of a larger improvement at E Causeway and Monroe, more specifically a roundabout. It seems to be a good solution as discussed in a meeting with the causeway commission. Their engineer pulled out a design for a roundabout. If the

development is going to put up \$300K, it started out at \$200K, which they thought it was more than their share. Rather than use this \$300K towards turning lanes, the money should be put up and the city can take the \$300K and whether they build the 2 lanes or put it in the roundabout it is their choice. Mr. Muller feels the extent the developer's obligation would have been met. The city can do whatever they want and he hopes the city will forget about the 2 year requirement. Mr. Danielson asked when the comprehensive study will be completed? Mrs. Scott said the mayor told her it will be August or September. Mr. Danielson asked how helpful would it have been if that study was completed earlier. Mrs. Scott stated she is comfortable with what has been presented and does not feel they are behind the curve. Mr. Muller added the Pittman's offered back in August of 2014 to pay for a traffic study, but the speculation was that the study would be bias. They wanted to get a baseline but the offer was not accepted so they furnished their own study. He feels their study contributed a significant amount of data that he assumes will be in the city's baseline findings. Mr. Cressy stated the developmental agreement talks about immediate street improvements and what the developer has to improve once the development begins. The 2 lanes are considered the improvements that were recommended. If the roundabout is the way to go then they would not do the 2 lanes. It is written in such a way that it gives the city alternatives with the \$300K.

Mr. Cressy continued to read item #5. Mr. Cressy stated this is a safeguard of the agreement. Mr. Ellis asked if the 407 is anytime. No, Mr. Cressy stated this is am times.

Mr. Cressy read item #6. Mr. Burguieres asked if there is going to be an actual count to compare with projected numbers once the project got started. Mr. Cressy said yes, this is in the developmental agreement. Mr. Muller stated on Pg. 8 section 4K it states that the city is permitted to make an annual study and report the findings to make sure the developer is complying with the agreement if the development exceeds 407 and the traffic intersections impacted by 20% or more of the development have not been modified. The 20% number is purely jurisdictional.

Mr. Cressy read item #7. This is the regional planning study we have been discussing.

Mr. Cressy read item #8. Mr. Madden had a general question. Hypothetically, if the council passed this, who is it that signs the developmental agreement. Mr. Cressy said the mayor will sign for the city. Mr. Madden is trying to see what will happen in the future when this group is not here. Mr. Cressy said this is addressed in the developmental agreement, it has flexibility.

Mr. Cressy read item #9. Mr. Madden asked if this involves the Copeland property? Mr. Cressy said no the city has a 50" canal and they want servitude over this for utilities. The city wants to see connectivity.

Mr. Cressy read item #10. Mr. Madden asked if anyone has questions. Mr. Danielson said option 1, turn lanes, option 2, roundabout, option 3 roundabouts and connection to Mariners Village. Mr. Cressy said Mariners Village does not come into play. Mr. Danielson said it would be desirable. Mrs. Scott stated the traffic engineers identified a solution to mitigate the traffic produced by Port Marigny. If the traffic circle solves the greater problem they still want connectivity to Mariners Village. Once the process continues and depending upon what phase is being developed it would be required by the subdivision approval process. Mr. Danielson asked when does the city look to move forward with the traffic circle. By the time the traffic study approved end of this year, it would be prudent for the city to budget some money this fiscal year to move the process along. Mr. Madden wanted to confirm nothing is being asked for Lambert or Mariners Village. Mr. Cressy said no North/South traffic issues are being addressed.

Mr. Rhinehart stated the RPC released findings and determined the following: widening lambert is essential. So the question is he assumes there has to widen the street and there is a CLECO power station, who is to share the cost. Also because of prestress should this cost sharing be factored into the agreement? Mr. Cressy said this is not determined to be necessary by their study. Mr. Rhinehart said you can have findings from two different people with different results. Mr. Cressy said the developmental agreement leaves these areas open. Mr. Rhinehart said it appears from the RPC that more needs to be done now rather than later. In the comprehensive plan, which says you must have some substantial reasons for contradicting the comprehensive plan. On page 36 Paragraph 12-1 it states" coordinate with the property owner to mitigate traffic and other constraints to the site for a mix of uses at intensities

that can be supported without introducing unacceptable levels of congestion to Old Mandeville. Primary access should be provided through Mariner's Village and from Monroe Street. The regional planning commission says differ, so there is already a conflict. Mr. Cressy does not think there are any significant reasons for contradiction. Mr. Madden stated he feels these are perfect questions to discuss with a legal counsel and we are still waiting on that. Mr. Muller stated the comprehensive plan is what they have been told to follow; it cannot be changed after the fact. The comprehensive plan is where everything starts. The RPC recommendation takes into consideration a lot of things including the bypass road. The Pitman's are responsible for the traffic they generate not from the bypass road or everyone else. Mr. Rhinehart agrees but it is the council's responsibility to look out for all of their citizens.

Mr. Pulaski said the Copeland's property by Mariners Village can accommodate about 200+ apartments. This is not the Pittman's responsibility but if this is developed the only exit is Mariner's to Monroe. He is concerned if the city proceeds to quickly before the RPC study is presented. He wants to look at the whole potential picture. Mr. Cressy stated the traffic is restricted to the housing units. Mr. Pulaski said the developmental agreement is very complicated and the council needs some assistance with this. Mr. Muller stated they discussed with the Copeland's a joint venture and they elected against it, but, they can only concentrate on their development. Mr. Danielson commented based upon the traffic study, it was determined they do not need Mariner's Village although it would be helpful. Mr. Muller stated the original Mariner's Village plot showed 2 areas of connectivity to Port Marigny and it was never developed.

Mr. Keller commented the traffic solutions at E Causeway and Monroe Street. The cut through would be better than nothing. What happened with the negotiations with the Copeland's? Can it be renewed? He also said there are rumors of negotiations with causeway to use the U-turn for southbound traffic and the causeway commission has turned this down. Can this be renewed? Mr. Muller stated the does not know why the Copeland's did not want to negotiate. Mr. Cressy said the Causeway Commission refused to allow the city to use this U-turn. Mr. Rhinehart said the causeway was against the U-turn. If they knew up front there was no connection with Copeland and the causeway why the first traffic study. Mr. Cressy said if the city has substantial reason to expropriate land but they found out it was different because of the traffic study.

Mrs. Sacks expressed her disapproval of the development. She wanted to know if there have been questions about schools and how the citizen's tax dollars are being spent. She discussed the issued that happened in Baton Rouge when high density developments flood the schools and this lowers their performance and they can become chartered. Old Mandeville will never be the same.

Mrs. Rohrbough commented she would rather see money spent on improving our roads for everyone's benefit then on all of these traffic studies. If the developmental is to happen the city will have to look at several upgrades including Monroe St. The big picture is not to micromanage the development.

Col. Perry commented the developmental plan requires 2 traffic improvements, it acknowledges the AM traffic is the worst case. He has never experienced a traffic issue there but west of Monroe to get onto causeway backs up now. The worst traffic is going west on Monroe, yet the developmental plan does nothing to mitigate that issue. Mr. Burguieres stated the traffic circle should mitigate that issue that is the theory. Col. Perry does not disagree but the developmental plan does not require a traffic circle. Lastly, #10 in the resolution does not say how can the developmental plan require the owner to pay for something that is not identified. Mr. Cressy said the plan does require the \$300K and does have a clause for the unknown.

Mrs. Sica has some questions based on traffic in the CLURO 8.4.9, "eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development. Does this mean you can tell Copeland they cannot develop the property? Mr. Madden asked Mr. Cressy if he can research this for the next meeting on July 14th. Next question is procedural about how many it takes to pass the ordinance, is it 3/5 or 4/5. Mr. Cressy said 3 of the 5. Mrs. Sica stated in the CLURO section 4.3.3.11, it says it requires 4/5th. Mr. Cressy replied the section contiguous to the property is zoned R-2 so it requires 3/5 vote. So what is defined as contiguous? The same paragraph says if 20% of the people next to it are opposed to it then they need a 4/5 vote. Mr. Cressy said yes

20% of the people within a 200 ft. radius they make a petition. It would be 200ft of the development not the subdivision as a whole. Mr. Pulaski said the 200ft. is basically a line.

Mr. Keller wants to say if you add two lanes you would decrease the amount of time westbound from Monroe the light would be longer from traffic coming from Monroe to the intersection but the flow of traffic would be smoother. Mr. Adams said they had a simulation presented at one of their meeting and he would be willing to share this with the council at a traffic meeting.

Mrs., Rhinehart remembered the simulation and thought they were incorrect. The traffic was never backed up to the present day traffic, it did not match.

Mr. Madden asked Mr. Cressy to continue with the grading plan and the section on other. Mr. Cressy read items #1, #2 and #3. Mr. Burguières stated the EIA leads us to believe a site-wide study was done and he is not aware one has been done.

Mr. Cressy read section #1 under 'Other'. Mr. Burguières said if this is state land why are we giving away something of value to a private developer. Mr. Cressy stated they are going to make it an asset to the city. Mr. Muller commented the lease is a non-exclusive lease. The state can lease to the city and Port Marigny at the same time. The city's lease is for a land fill nothing else. They are asking to develop the property together with the state's permission. They will pay and maintain the costs for the city. This is owned by the state not the city and the city cannot sublease the property. He would like the state to eliminate the city's lease provided the developer provides a park and the city is then out of the picture and gets a great amenity. Mr. Madden understands the process, but there are legal issues he is not familiar with.

Mr. Cressy read section #2. Mr. Muller commented the \$1.57million is based upon \$130 per sq. ft. and \$636K goes to the schools. Port Marigny will be paying a large amount of money to the school system. Mr. Burguières asked why the parish is not kicking in more money for the infrastructure. Mr. Danielson said we do have a partnership with the parish and a lot of that money comes from district 3 sales tax.

Mr. Cressy started the discussion of the developmental agreement. He noted that he will be sending the council an updated letter shortly. After reading section #1, Mr. Madden wanted to verify that P&Z wants to keep the greenbelt on Massena south of Monroe St. Mrs. Scott said yes; it is shown in the revised parking plan.

Mr. Cressy continued to read sections 2-8. Mr. Madden confirmed an environmental assessment will be required. Mrs. Scott confirmed they must meet the requirements of the CLURO first and cannot do anything on the property until an environmental study has been submitted. Mr. Danielson confirmed that all of the parks are to be developed at the same time. This resolution has been approved by the P&Z commission, what is the action required by the council. Mr. Cressy said the council is to look at their findings, make their own conclusions. Mr. Danielson stated the findings can be modified then placed in an ordinance. Mr. Cressy agreed the findings can be changed and the developmental agreement will overlap with the ordinance. The CLURO is the law and the developmental agreement is a contract between the city and the Pittman's.

Mr. Pulaski wanted to comment about the apartments. Some people do not like apartments, but how do you convert apartments into condos. You would have to have a majority of the rentals agree to the change and then establish an association to handle the common areas. Mr. Muller stated the owner of the apartments will be a company not individuals. When they are ready to convert to condos, yes they will have to form an association. Mr. Pulaski commented he thought Botanica was supposed to do the same thing and it failed.

Mr. Keller asked if you can put a time limit for the conversion. Mr. Cressy stated you cannot get into the ownership issue they city only controls the use.

Mr. Rhinehart stated the CLURO has a higher standard for approval, a 4/5 vote instead of a 3/5 vote, for a planned unit development next to aR-1 property. Why the difference? Mrs. Scott replied that it is a planned district. Mr. Rhinehart thought the residents of R-1 would be against the higher density developments next to them. Mr. Bailey stated it is difficult for the property owners to know what the height, density, etc. are set at. The TND has these regulations spelled out. Mr. Madden stated this will be looked at more and reported on at the next meeting.

Mr. Bailey commented about the sunset clause. Condos can impose restrictions upon themselves but the city cannot legally impose restrictions.

Mr. Mulvaney would like to request to keep the greenbelt on Massena and parking on the west side of the street only. Mr. Muller stated they developers have not asked for any variances. They agree to all the recommendations and are fine with the parking design on Massena because these lots are back loaded. The streets are actually 24ft where most of the streets in Mandeville are 18ft. The developers have agreed to provide additional parking, to expand the civic use area and to provide an environmental assessment.

Mr. Danielson asked what are the next steps? Mr. Madden stated the next council meeting on 7/14/16 will have Port Marigny on the agenda. They have gone through the ordinance sections 1 and 2; next meeting will discuss sections 3 thru 7 of Ordinance No. 15-17. Mr. Madden wanted to remind everyone the inauguration is this Friday at 10:30, there is a budget meeting on 7/7/16 at 6pm and the next council meeting is 7/14/16 at 6pm.

Mr. Pulaski asked where the council stands on a consultant. Mr. Madden stated at the 5/26/16 council meeting the council denied the resolution to hire Mr. Frankowitz. The mayor said he will bring Mr. Frankowitz back to the new council. Mr. Madden had discussed twice with the mayor finding someone both parties will agree upon and the mayor refused. Mr. Danielson stated although he is not an attorney, you can always ask Mr. Bailey, however it will not be a legal opinion.

ADJOURNMENT:

Mr. Burguières made a motion to adjourn the meeting; this was seconded by Mrs. Buchholz, The meeting adjourned at 8:15 p.m.


Kristine Scherer
Council Clerk


Clay Madden
Council Chairman