

**THE FOLLOWING MINUTES WERE ADOPTED AT THE AUGUST 11, 2016 MEETING OF  
THE MANDEVILLE CITY COUNCIL. MANDEVILLE CITY COUNCIL MINUTES  
FOR THE MEETING OF JULY 28, 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, prayer was led by pastor Ken Schroeder from the First Baptist Church of Mandeville, then followed by the Pledge of Allegiance was recited.

**PRESENT:** David Ellis, Mike Pulaski, John Keller, Laure' Sica, Clay Madden

**ABSENT:** Mayor Villere

**ALSO PRESENT:** Edward Deano, City Attorney; David Cressy Assistant Attorney; David deGeneres, Public Works Director; Frank Oliveri, Finance Director; Cpt. Ruple

Mr. Madden started the meeting by welcoming the new members of the council to their first city council meeting.

**MINUTES:**

1. Adoption of the July 7, 2016 Budget Work Session Meeting Minutes.

A motion was made by Mr. Keller and seconded by Mr. Ellis to adopt the minutes of July 7, 2016. There being no further questions or comments, the motion passed 5-0.

2. Adoption of the July 14, 2016 Regular Meeting Minutes.

A motion was made by Mr. Keller and seconded by Mr. Pulaski to adopt the minutes of July 14, 2016. There being no further questions or comments, the motion passed 5-0.

**PRESENTATION:**

none

**REPORTS AND ANNOUNCEMENTS:**

None.

**OPENING OF THE AGENDA:**

Mr. Madden was asked by the administration to introduce an ordinance at the opening of the agenda. Mr. Ellis made a motion to open the agenda; this was seconded by Mr. Pulaski. Without further comments or questions, the motion to open the agenda passed 5-0.

1. Introduction of Ordinance No. 16-10; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO DESIGNATE LIVINGSTON STREET AS A ONE WAY STREET FOR ALL TRAFFIC BETWEEN LAMARQUE STREET AND CLAUSEL STREET MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 7:00 A.M. AND 9:00 A.M. AND BETWEEN THE HOURS OF 3:00 P.M. AND 5:00 P.M. AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Clay Madden, Council at Large)

Ordinance No. 16-10 was read by title by Mr. Madden. A motion was made by Mr. Keller and seconded by Mr. Ellis. This ordinance has to do with changing a street to one way during school hours. This ordinance was referred to the public works, police department and planning for review. Mr. Madden asked if comments could be received next week so they could have this ordinance on the August 11<sup>th</sup> agenda.

Mr. Madden asked if there were no objections to handle new business first because items in old business were time consuming. With no objections from the council, Mr. Madden proceeded with new business.

BEFORE ACTIVITY TAKES PLACE AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Clay Madden, Council-at-Large)

A motion was made by Mr. Ellis and seconded by Mr. Keller for the adoption of Resolution No. 16-29. Mr. Madden stated this came to the council a few years ago and was voted down. Ms. Vera Clay, Director of the St. Tammany Parish Health and Human Services discussed the grant opportunity with the council. This would be for low income residents for the proposed year 2017-2019. The maximum dollar amount one can receive would be \$15K if they meet all the requirements and she wanted to stress this is for repairs and maintenance on existing homes, no new construction will take place. Mr. Keller inquired if the city will contribute any funds? The answer was no, but the city will not be able to participate in other grants such as HUD and state CGBD programs. Mr. Ellis stated it would help the less fortunate receive funds to repair their homes but does it put the city on the line for anything. He is aware Covington has participated in this program and has not experienced any problems. Mr. Pulaski inquired as to who will represent the city in these developmental agreements. Ms. Clay commented the city can pick a representative but the grant has to be followed by the established guidelines. Ms. Sica stated she would prefer not to vote on this tonight since she is just learning about the program and asked if we could vote at the next meeting. Ms. Lenfant stated we are already past the deadline and the mayor already sent her the draft resolution so tonight has to be the final vote. Mr. Keller asked Mr. Madden and Mr. Ellis why the council voted this down 2 years ago. Mr. Madden said he heard nothing but negative input from his constituents, it ties you to the federal government rules and regulations and he did not feel comfortable. Mr. Ellis expressed there was a general concern of potential federal overreach. The council proposed to use city funds instead of federal. They held a public meeting to discuss this option and had little response. Mr. Keller asked how much funds were taking about. Ms. Clay stated it is \$890K for 201/2017 for the parish. The money allocated to the city is based upon the number of entitlement districts and then it goes by applications. The city can opt out any time because the city never receives the funds.

Mr. Cox is not in favor of this program. He is always Leary of dealing with federal money and what regulation you are required to follow. He feels this should be for the elderly and not for those who just mismanage their funds.

Mr. Albers wanted the council to make sure they are aware of the needs and benefits. How many homes will be repaired and what is the benefit to the community.

Ms. Clay stated they can spend from \$5 - \$15 K per home it all depends upon how many applicants are received. Ms. Lenfant stated all of the other communities have agreed to the CEA's except for Slidell because they have their own grant. She wanted to assure residents this is not to build section 8 housing and cannot be used for new construction. The city already accepts federal money for homes on the lakefront and other federal grants so this is for the lower income residents.

Without further comments or questions, a vote was taken and the resolution passed 4-1 (Madden against).

7. Introduction of Ordinance No. 16-09; AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE REGULATIONS ORDINANCE, INCLUDING SECTION 5.2.3, GRADING

SUPPLEMENT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by David Ellis, Council District I).

Ordinance No. 16-09 was read by title by Mr. Madden. A motion was made by Mr. Ellis and seconded by Mr. Keller. This ordinance was referred to planning & Zoning for review and will be voted on at a later date.

**OLD BUSINESS:**

1. Discussion of Ordinance No. 16-07; AN ORDINANCE TO APPROPRIATE FUNDS RELATIVE TO AND FOR ADOPTION OF THE OPERATING BUDGET FOR THE CITY OF MANDEVILLE; AND TO ESTABLISH THE ADMINISTRATION OF EXPENDITURES THEREOF AND TO PROVIDE FOR RELATED MATTERS. (Offered by Laure Sica, Council-at-Large)

Mr. Madden announced the council has had three budget work sessions. They have ended the operating budget and have moved on to the capital budget. Mr. Madden asked if there were any questions from the council. There were no other operating budget questions at this time.

2. Discussion of Ordinance No. 16-08; AN ORDINANCE TO APPROPRIATE FUNDS RELATIVE TO AND FOR ADOPTION OF THE CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF MANDEVILLE; AND TO ESTABLISH THE ADMINISTRATION OF EXPENDITURES THEREOF AND TO PROVIDE FOR RELATED MATTERS. (Offered by Laure Sica, Council-at-Large)

Mr. Madden announced the council briefly discussed the capital budget on Monday. He asked the council if there were any questions at this time. Mr. Ellis had a question about a line item related to engineering fees in the general fund category. He wants to request approximately \$300K to be allocated for the DOTD Hwy 22 project. The parish has agreed to pay \$300K for the drainage design and the city would pay for a portion of the roadway design. Mr. Madden commented this would help with the Roquette Lodge drainage problem. Mrs. Lenfant wanted to add this is a joint project with the parish and DOTD and they are asking the city to partner in the funding to assist with the improvements. Mr. deGeneres stated the mayor is not in favor of this and recommended Mr. Ellis to meet with the mayor to discuss.

Mrs. Sica has a concern regarding the capital projects. The city is proposing about \$27- 28 million dollars in capital projects and not one is for flood protection. Mr. deGeneres stated any flood related projects will come out of the general government fund. He is happy to discuss her issues at a later date.

3. Adoption of Resolution No. 16-25; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE CONFIRMING THE CITY ATTORNEY'S APPOINTMENTS FOR ASSISTANT CITY ATTORNEYS (Offered by Clay Madden, Council-at-Large)

3. Adoption of Resolution No. 16-23; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF MANDEVILLE AND BUTLER SNOW LLP (Offered by Clay Madden, Council-at-Large)

Mr. Madden announced this was deferred last council meeting so Mr. Deano could continue to rework on the agreement. A motion was made by Mr. Ellis and seconded by Mr. Keller for the adoption of Resolution No. 16-23. The council, with the assistance of Mr. Pulaski, has come to a compromise and would like to hire both Victor Franckowicz and Mr. Shields. They would decide upon their specific topics to discuss with the council. Mr.

Ellis thanked Mr. Pulaski for spearheading this resolution. Mr. Pulaski read the new resolution and asked if anyone has any questions. Ms. Sica asked Mr. Deano if Mr. Shields has been contacted. Mr. Deano replied he has been sent the scope but he has not heard back from him. Ms. Sica wanted to know what happens if he does not agree with the scope. Mr. Deano stated then they would just use Mr. Franckowitz. Ms. Sica made a motion to add to the language "the contract is contingent upon both Victor Franckowitz and Shields agreeing to the terms. If both do not agree, the resolution is null and void." Mr. Keller disagreed and thought they should just move along with the resolution and not delay any further. Mr. Deano stated this is the heart of the compromise and intent of this resolution, if one party does not agree then we are back to square one. Without further comments or discussion the vote for the amendment presented by Mrs. Sica passed 4-1 (Keller against).

Mr. Madden asked if the two attorney's decides their scope does that mean you can't just talk to one about the project. Mr. Deano stated the intent was to divide up duties and those questions would go to the respected attorney. Mr. Madden asked if this resolution meant he could not call either attorney, he just does not trust Mr. Franckowitz. Mr. Deano replied no, but it is not recommended because you could get two different opinions. Mr. Madden said he does not have a problem if one attorney emailed the other to verify they were on the same page. Mr. Madden wants the free will to call either on any subject. Mr. Pulaski feels they two attorneys will determine what is best based up on their expertise and that is who you should be calling. The resolution will not work without structure.

Mr. Burguieres commented the practical matter has been resolved and suggested you just ask them to check with the other party before giving an answer.

Mr. Muller thanked the council and administration for coming to a solution.

Mr. Lyons asked if this would cost twice as much. Mr. Pulaski said not if it is done correctly but it would be more than just one attorney.

Mr. Moore asked if two attorneys are a standard. Mr. Pulaski explained how the charter is set up and the mayor's selection was not approved and the council's suggestions were not approved by the mayor so this is a compromise.

Mr. Madden wanted to review why we are here. The prior council wanted a specific attorney and that was approved by the mayor. He stated the council is the ones who are voting on the Port Marigny development and he feels they should have the attorney they feel comfortable with. The mayor disagreed. He went to the mayor on two different occasions and offered to select 3 other neutral attorneys to pick from and the mayor refused, this brought us to today. The only questions he has left regarding Port Marigny are legal ones. Mr. Madden asked again to Mr. Deano if this resolution would prevent him from calling either attorney for specific questions. Mr. Deano replied he cannot answer for the attorneys but he advises to ask the question to the attorney outlined in the scope.

Without further comments or questions, a vote was taken and the amended resolution no. 16-23 passed 5-0.

#### 4. Adoption of Resolution No. 16-25; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE CONFIRMING THE CITY ATTORNEY'S APPOINTMENTS FOR ASSISTANT CITY ATTORNEYS (Offered by Clay Madden, Council-at-Large)

A motion was made by Mr. Pulaski and seconded by Mr. Keller for the adoption of Resolution No. 16-25. Mr. Madden commented this was a resolution deferred from the last council meeting. Mr. Pulaski wanted to make a motion to delete line #7, general issues?

Council...Butler Snow, this was seconded by Mr. Keller. Mr. Madden does not understand if the council cannot have their own attorney why is it in the

resolution. Mr. Deano stated Butler Snow was approved by the prior council for the charter revisions. Mr. Madden feels the council should budget \$50K this year for their own attorney. He recommended to keep the line item but remove Butler Snow and just put TBA. There is an attorney general opinion pending that will tell the council if they can hire their own attorney and if they can, the money will already be in the budget. If the AG opinion states the council cannot hire their own attorney, the money is just not spent. Mr. Ellis thought that would be putting the cart before the horse. Mr. Deano stated the council can hire their employees, but an attorney is not an employee it falls under a professional service contract which goes to the administration for approval. Mr. Keller commented there are three new council members and we should not think that we would need an attorney to resolve conflicts. Mr. Madden is not asking for conflict, but if there is a need, the money and authority is there. Without further discussion or comments a vote was taken to remove line 7 completely, this failed 2-3 (Ellis, Madden, and Sica against). Mr. Madden made a motion to just remove Butler Snow and replace it with TBA; this was seconded by Mr. Pulaski. Without further discussion or comments a vote was taken and this passed 5-0.

Discussion took place about the results of the AG opinion and the RFQ process. When do you start and when are we expected to receive the opinion. Mr. Keller inquired if we agree to the resolution do we get another vote before we hire an attorney. Mr. Pulaski said yes, we need to vote to add this to the budget and then a vote for the attorney. Mr. Keller made a motion to add under TBA, this is contingent upon the approval from the Attorney General and then approval after the RFQ process. Without further discussion or comments a vote was taken and this passed 5-0.

Mr. Madden went back to the amended resolution. Without further discussion or comments a vote was taken and resolution No. 16-25 passed 5-0.

5. 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 Mike Pulaski, Council District II).

Mr. Muller gave a presentation on the covenants and restrictions of the Port Marigny development. There will be two associations: residential and commercial, a design review board, an activities committee and an board for the "institute". The institute will be formed for the purpose of advancing the arts in the common areas and conduct fundraisers. Mr. Madden inquired who would enforce the covenants. Mr. Muller replied that the residential association will have the procedures laid out for violations.

Mrs. Rohrbough had some questions about the restrictive covenants and wanted to know about the architecture for the commercial areas. Mr. Muller commented the commercial design will have t be approved by the P&Z board and is keeping in the same general idea of the development.

Mr. Clark wanted to remind the council about granting variances as needed, they are to be used for hardship no based upon economic reasons.

Ms. Sachs reiterated her concerns with the Port Marigny development. She was asked by the council to email her statement so it could be included in the minutes.

Mrs. Mulvany lives in Hermitage and wanted to know if their subdivision was only allowed to have 1' of fill, why is the city considering allowing the request by Port Marigny to add more. Mr. Muller stated they are just trying to be level with Sunset Point and Mariners Village. It is different than getting a variance for a single home, this is on blank land and would put everyone at the same elevation. Mrs. Mulvany does not want to see flooding because of the added fill.

Mr. Madden scheduled three public hearings for the Port Marigny Development:

Monday, August 8 – Traffic and Density

Wednesday, August 17 – Fill and environmental study

Wednesday, August 31 – developmental agreement

All of these meeting will be held in the city council chambers from 6-8pm.

**PUBLIC COMMENT:**

Mr. Lyons wanted to ask the council a question about the budgetary appropriations. What would they do if they mayor did not adhere to them. Mr. Madden stated the Attorney General stated the mayor has to follow the appropriations, He would hope the mayor would abide by them, but if not then they would have to ask the city attorney the next legal course of action. Mr. Keller stated that is a legal question and he would have to ask the city attorney what their options would be, but possibly a writ of mandamus. Mr. Deano said this would be looked at on a case by case basis. There are some reasons why an appropriation does not happen, but the mayor cannot just ignore the council's appropriations.

Mr. Burke wanted to inform the council that today he filed assault charges against the mayor from an incident on July 4<sup>th</sup>. He asked the council about the status of the investigation and his inability to meet with Mr. McGuire. Mr. Madden informed Mr. Burke he and Mr. Pulaski have met with Mr. Deano regarding his issues and the city council does not get involved in personnel issues. He recommends going to the civil service board because the council has no jurisdiction to deal with this issue. Mr. Burke asked what if civil service does not listen. Mr. Deano suggested filing a complaint and going through their channels. Mr. Burke also suggested changing the city logo because the rebel flag is offensive. Mr. Ruple commented he can go to the civil service board, EEOC, or file a civil suit in the 22<sup>nd</sup> judicial but the person must file the complaint.

Mr. Deano suggested the council make rules for the public comment period.

Mrs. Braud requests the council have the city cut the medians in Mariners Village.

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

**2016 CAPITAL ROADWAY MAINTENANCE PROJECT**

**TASK ORDER 1**

- Drainage and paving work in progress.
  - Skipper Dr. – paving & drainage complete
  - Garden Ave. – paving & drainage complete
  - Livingston/Clausel – milling & drainage complete
  - Maple St. – Drainage in progress & milling complete

**WATER & SEWER MAINTENANCE**

**TASK ORDER 4**

- Coordinating preliminary utility locates.

**TASK ORDER 5**

- Water main work on Cindy Lou installed & tested
- Driveway replacement and tie-in's in progress

**LIFT STATION 29 REPLACEMENT**

- Working on construction contracts

**ADJOURNMENT:**

Mr. Ellis made a motion to adjourn the meeting, seconded by Mr. Keller. Mr. Madden adjourned the meeting at 10:00p.m.



Kristine Scherer  
Council Clerk



Clay Madden  
Council Chairman