

**THE FOLLOWING MINUTES WERE ADOPTED AT THE SEPTEMBER 8, 2016 MEETING OF
THE MANDEVILLE CITY COUNCIL. MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF AUGUST 25, 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 James Mitchell from St. Timothy's United Methodist Church, then followed by the Pledge of Allegiance was recited.

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

ABSENT:

ALSO PRESENT: Mayor Villere, Edward Deano, City Attorney; David Cressy Assistant Attorney; David deGeneres, Public Works Director; Frank Oliveri, Finance Director; Chief Sticker, Sonny Shields, Victor Franckiewicz and Jessica Roberts

MINUTES:

1. Adoption of the August 4, 2016 Budget Work Session Meeting Minutes.

A motion was made by Mr. Keller and seconded by Mr. Ellis to adopt the minutes of August 4, 2016. There being no further questions or comments, the motion passed 5-0.

2. Adoption of the August 8, 2016 Port Marigny Meeting Minutes.

A motion was made by Mr. Ellis and seconded by Mr. Keller to adopt the minutes of August 8, 2016. There being no further questions or comments, the motion passed 5-0

3. Adoption of the August 11, 2016 Regular Meeting Minutes

A motion was made by Mr. Keller and seconded by Mr. Pulaski to adopt the minutes of August 11, 2016. There being no further questions or comments, the motion passed 5-0

4. Adoption of the August 17, 2016 Port Marigny Meeting Minutes

A motion was made by Mr. Keller and seconded by Mr. Ellis to adopt the minutes of August 17, 2016. There being no further questions or comments, the motion passed 5-0

PRESENTATION:

1. The mayor recognized James A Seese III "Alex", from Troop 611 (OLL), for his achievement of Eagle Scout. He thanked Alex for his dedication and commitment to our community.

2. Doc Mansema from the National Association of Mental Illness (NAMI) gave a presentation on his organization. This association provides resources, education and support for mental health issues. Currently, they are managing group homes for 32 individuals. He thanked the city, parish and businesses for their continued support.

3. The Mayor declared September and October, Woman's' Cancer Awareness Months. He presented a proclamation to Kristianne Stewart, creator of Compassion that Compels, for all of her dedication and for the creation of her "Compassion bags" for women diagnosed with Cancer.

REPORTS AND ANNOUNCEMENTS:

Mr. Madden announced the Keep Mandeville Beautiful Clean-up is Saturday September 17th from 9-1pm. He encouraged all to volunteer and enjoy the picnic on the Lakefront after the cleanup.

NEW BUSINESS:

1. Appointment of a member to the Planning & Zoning Board.

Mr. Madden announced the council received three applicants for the open position on the P&Z board: Scott Quillin, Richard Murley and William Sones. All three applicants were given the opportunity to speak and answer any questions from the council. The council agreed all three candidates are well qualified to serve the community. After a brief discussion, a vote was taken and the appointment was awarded to William Sones,

2. Approval of special event liquor license for 30 by Ninety Theatre, Inc. located at 880 Lafayette Street Mandeville for the advertised dates.

A motion was made by Mr. Ellis and seconded by Mr. Keller. Mr. Adolfo Rodrigues, artistic director, announced this is their 3rd season and encouraged all to attend. The plays start with Cat on a Hot Tin Roof, the first week of September and ends with the Nutcracker in December. Without further comment or questions, the motion passed 5-0

3. Adoption of Resolution No. 16-31; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE COOPERATIVE ENDEAVOR AGREEMENT WITH CBH PROPERTIES MANDEVILLE, LLC d/b/a CHRISTIAN BROTHERS AUTOMOTIVE TO BE PROVIDED CITY WATER AND SEWERAGE SERVICES OUTSIDE THE CITY LIMITS PURSUANT TO ORDINANCE NUMBER 14-50; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Ellis and seconded by Mr. Keller for the adoption of Resolution No. 16-31. This is a property off of Hwy 22 where an automotive shop will be located. They are asking for sewer and water from the City with the agreement to annex into city limits within 6 months. Discussion took place regarding a variance for signage. The council could not guarantee a variance, so if they did not meet the CLURO requirements what were they to do. Mr. Keller asked the mayor if there was any cost associated if the council granted the resolution and Christian Brothers decided not to annex. The mayor wanted to remind the applicants they have to abide by the CLURO for their annexation to be granted. The applicant has applied for permits from the Parish and would then enter into a cooperative endeavor agreement with the city. They need a letter of service from the city to keep the process moving however, they did state they needed a variance for their sign (5ft). There was some confusion with the cooperative endeavor agreement presented to the council. Mr. Madden deferred the matter until copies could be printed for the council to review. Mr. Pulaski stated it appeared a revised agreement was sent from Mr. Deano's office after hours and the council did not have copies of the agreement, nor did the applicant, and there were several differences. The council wanted to make sure the applicant knew the council could not grant a variance on the signage they would have to go through the P&Z process. Mrs. Sica inquired if this should be deferred to another meeting so everyone could work things out because there seems to be some confusion. The applicant stated they need to have this finalized tonight; they are working on a deadline. After the council reviewed the revisions from Mr. Deano's office, Mr. Madden made a motion on the floor. In the cooperative endeavor agreement, the word 'Contractor' needs to be changed to "Customer" and the word "business" needs to be changed to "Customer, this was seconded by Mr. Keller. Without further comment or questions the amendment to the resolution passed 5-0. Mr. Pulaski said if the resolution passed tonight, the applicant will have to apply for annexation and comply with the CLURO or apply for variances as needed. Mr. Ellis asked until he is annexed into the city, the applicant will pay 1.5 times the sewer and water fee; once he is annexed in he will revert back to the citizen rate. After a brief delay, Mr. Madden asked why it names the council chairman

as able to execute an agreement. Why now, he has never executed an agreement. Mr. Deano stated the ordinance on the CEA needs to have the approval of the arrangement with the customer and the chairman will certify this agreement. Mr. Madden does not remember signing this for the car wash. Mr. Deano said he knows this has been done before. This needs to be done when people come for utility purposes and confirms this is a council plan. Regarding the same verbiage with the resolution for the audit, Mr. Oliveri said this is a function of the council. Mr. Madden still does not ever recall having his name on the execution of the contract. After further review, the council agreed to the cooperative endeavor agreement however it was up to the applicant to work out any variance issues with the city when they applied for their annexation. Mrs. Scott thought the parking and landscape would not be an issue and she would review their signage requirements with the applicant. The purpose of the annexation ordinance is to assure they will comply with the CLURO. Without further comments or questions, a vote was taken and the resolution passed 5-0.

4. Adoption of Resolution No. 16-32; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE COUNCIL CHAIRMAN TO EXECUTE AN AGREEMENT WITH LaPORTE, APAC FOR THE PURPOSE OF CONDUCTING A FINANCIAL AUDIT FOR THE CITY OF MANDEVILLE AS OF AND FOR THE YEARS ENDING AUGUST 31, 2017 AND THROUGH THE YEARS 2016, 2017, 2018, AND 2019 A FOUR (4) YEAR CONTRACT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Mr. Madden read the resolution for the audit form. Mr. Deano stated the change is to make this a 3 year contract instead of a 4 year contract. Mrs. Sica made a motion to adopt the changes from Mr. Deano's office in globo, this was seconded by Mr. Keller. Without further comments or questions, a vote was taken and the amendment passed 5-0. Mr. Madden went back to the resolution as amended. Mr. Madden stated the council does the contract and then every year, it gets renewed. Mrs. Sica was on the committee which reviewed the applications. The committee reviewed the five applications presented and they were independently reviewed and scored. Their recommendation was for LaPorte. Without further comments or questions, a vote was taken and the amendment passed 5-0.

5. Adoption of Resolution No. 16-33: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AUTHORIZE THE USE OF ANY ADDITIONAL PUBLIC FUNDS THAT WOULD OTHERWISE BE DEDUCTED FROM EMPLOYEE SALARIES TO PAY THE EMPLOYEE CONTRIBUTIONS TO THE MUNICIPAL EMPLOYEES RETIREMENT SYSTEM; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Pulaski and seconded by Mr. Keller for the adoption of Resolution No. 16-33. Mr. Keller said his understanding is there was legislation passed in 2015 which allows us to treat employees equally with regard to their retirement. Prior to this employees hired prior to Jan 2014 were treated differently. This requires a vote by the city council. Tax benefits are to both the employee and the city paying less in social security taxes. The mayor stated it places everyone in the same position, it affects the FICA and saves the city about \$30K a year. Mr. Ellis asked what effect it has on the budget. Mr. Oliveri stated it is just a change in a line item, no changes in the budget. Without further comments or questions, a vote was taken and the resolution passed 5-0.

OLD BUSINESS:

1. Adoption of Ordinance No. 16-11; AN ORDINANCE FOR THE CITY OF MANDEVILLE ADOPTING BUDGET ADJUSTMENT NO. 3; FISCAL YEAR 2015-2016 BUDGET AND TO PROVIDE FOR RELATED MATTERS.

Ordinance No. 16-11 was read by title by Mr. Madden. A motion was made by Mr. Ellis and seconded by Mr. Keller. Mr. Madden stated this is a budget adjustment for this fiscal year. All council has been provided a list of the affected areas. Mr. Madden asked if anyone has any questions. Mr. Oliveri stated the biggest one was for sales tax due to a carryover and a grant which was collected last year. Mr. Ellis asked what the civil service expenses were. Mr. Oliveri stated this was for legal services. Without further comments or questions, a vote was taken and the ordinance passed 5-0.

2. Adoption 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

Ordinance No. 16-17 was read by title by Mr. Madden. A motion was made by Mr. Pulaski and seconded by Mr. Keller. Mr. Madden announced the council has made some amendments which they are going to vote on tonight. Prior to this meeting we have had several budget amendments and the council had voted on some amendments already on the operating budget. Mrs. Sica stated no transfer of funds greater than \$5K and Mr. Deano asked that there is no transfer of funds for mayor and director salaries. Mr. Oliveri stated this is why exhibit was created the salaries are listed and cannot change. Mrs. Sica made a motion to add "no transfer of funds including exhibit B" to make it clear what happened last year does not happen again, this was seconded by Mr. Ellis. Mrs. Sica also would like to request a salary survey for next year and does not want to create a disparity of wages especially since some employees will not get a raise this year and other will take pay cut because of the retiree benefit increase. Mr. Pulaski is still confused as to the role of the "budget book". This has messages and goals but when the council adopts Ordinance 16-07, we adopt what is listed in the ordinance, not the book, it is just statements. Mr. Oliveri said he makes the changes in the book when possible, the exhibits are the appropriations. Without further comments or questions, a vote was taken and the ordinance passed 5-0.

3. Adoption 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.

Ordinance No. 16-11 was read by title by Mr. Madden. A motion was made by Mrs. Sica and seconded by Mr. Pulaski. Mr. Madden has been compiling the amendments from the council members. He would like to review the amendments one by one and vote individually. The first amendment is for police cars. Mr. Pulaski made a motion to add 5 police cars and include in Exhibit "A" \$175K and (#5 cars), this was seconded by Mr. Keller. Without further comments or questions, a vote was taken and the amendment passed 5-0.

The second amendment was for Hwy 22. Mr. Ellis stated we have discussed this project for a while and after the meeting he attended they have decided to add a CEA to the payment. The mayor said this is a project on Hwy 22 by Dalwill and consists of widening and drainage. The

parish needs assistance but with stipulations for the city's commitment. There are still questions regarding the project, the mayor does not have problem putting money in the budget as long as he has some control over time frames etc. A motion was made by Mr. Ellis to add an asterisk (*) "up to \$350K for the Hwy 22 drainage and roadway project for shared project with the parish and DOTD pursuant to the CEA that is agreed upon; this was seconded by Mr. Pulaski.

The third amendment was regarding Lakefront restoration. Mr. Madden has had response from his constituents and this is not a want at this time and he would like to make a motion to remove the project, this was seconded by Mr. Ellis. The Mayor stated this was not what Mr. Madden said last night, he was for the project with stipulations. Mr. Pulaski thought we agreed on the project with stipulation of grants received. He is in favor of the project even without grants because it will rebuild the wetlands and stop the salt water intrusion. Mrs. Sica express she is hearing push back from her constituents as well. She offered a compromise if they reduce the project to \$500K in hope soft getting a grant for the wetlands and the \$500K can be used towards the bike path. The mayor stated you have to assign the money before you can go after the grants, he thought we had a contingency on the amount. Mr. Keller agrees with the project and feels the wetlands need to be restored. Mrs. Sica and Mr. Pulaski and Mr. Ellis agreed to add a contingency with a certain percentage of grant money to be received. Without further comments or questions, a vote was taken and the amendment failed 2-3 (Keller, Pulaski, Sica against).

Mrs. Sica made a motion to keep the \$2.5 million with a contingent upon receiving at least 50% of the monies from grants; this was seconded by Mr. Keller. Mr. Burguieres expressed his concern for using city money for private/nonprofit property. Mr. Goodwin was not aware this was not city property and wanted to know why we are not spending money on flood and drainage for the lakefront instead of a bike path. Mr. Madden agreed and thought there are other projects that should be done first. The mayor is fine to add this to the budget and he is willing to look for the grants. Mr. Oliveri stated if you don't have the full amount in the budget, you cannot go out to bid. Mr. Ellis agrees other projects have been shelved but he would agree to a grant stipulation. Mr. Pulaski feels this needs to be done, grant or no grant. Without further comments or questions, a vote was taken and the amendment passed 5-0.

Mr. Madden discussed City Hall. The money is not to exceed \$250K and would be used towards design work. Mr. Madden asked if this \$250K represents 10% of the project, does this commit the project to a \$2.5 million dollar amount. The mayor stated if we can do city hall cheaper we will, it does not hold us to a certain dollar amount. Mr. Pulaski stated this \$250K allows for a scope of work with options. Mr. DiFranco stated they will present to the Council a few options and the fee for the project will be established by the scope of work. Mr. Madden made a motion for the dollar amount not to exceed \$250K for design work, this was seconded by Mr. Keller. Mr. Keller would like to see city hall renovation options and a new city hall option. Without further comments or questions, a vote was taken and the amendment passed 5-0.

Mr. Pulaski wanted to adopt the technical amendments:

1-City Engineer shall provide the City Council with a midyear update on all open items greater than \$40,000 in the Capital Improvement Budget related to the infrastructure of the City.

2-Budget is to be Administration as per Section 5-04 and 5-05 of the City Charter

3-The Administration will request a budget amendment if the City Engineers estimate exceed the apportion in Exhibit "A"

4-Any servitudes or right of ways that are necessary for the construction, operation or use of any project contained in the Capital Improvement Budget and where the acquisition of such servitude or right of way does not in itself require the expenditure is approved as provided for in Section 2-10(12) of the City Charter."

5-Professional Services Contracts as it pertains to funds appropriated by the budget and as covered by Section 5-08 of the Mandeville City Charter shall be those contracts in which the primary service is performed by those holding the designation or certification as a medical doctor, attorney, architect, or engineer."

Without further comments or questions, a vote was taken and the amendment passed 5-0.

Mr. Madden went back to the ordinance as amended. Without further comments or questions, a vote was taken and ordinance 16-08 passed 5-0.

Mr. Deano made a statement to the council. He wanted to thank the council for adopting this on behalf of the Green Fund. At a later date a representative will explain the history between the Green Fund and the City. One issue that was never raised was there was a CEA approved and this council was encouraged to vote against. There is a contract and the Green Fund has solicited money on the basis this project was to move forward. The credibility of the city is at stake when dealing with nonprofits.

4. 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.

Mr. Madden asked the attorney's if they have any answers for the council questions. The first question was whether the Port Marigny ordinance would require a ¾ vote to be approved or if there was a super majority that came into play. Mr. Shield stated regarding the supermajority vote, there are 3 elements in place: 1- contiguous property (does not apply); 2) the 20% protest provision and 3) adverse there to. Parts two and three the attorneys would like more time to research. The second questions was: if the

Council was required to take any action within 120 days when a recommendation was presented to them from the P&Z board. The lawyers do not feel this is does not apply .

Mr. Madden stated P&Z has voted on their findings and he encouraged the council to start working on their findings for discussion. Anything the council members would like to see changed, send to Mr. Madden and he will make a master list and they will eventually vote on each item suggested. The developmental agreement and the ordinance will be discussed at the 8/31 meeting. Mr. Pulaski stated the ordinance needs to be worked first because the development agreement depends heavily upon what is stated in the ordinance. Mr. Madden wanted to make sure we can discuss the ordinance even though we advertised the developmental agreement. Mr. Cressy stated that is fine.

Ms. Jessica Roberts discussed the 20% factor, protest provision. The CLURO states: In the event the decision of the Planning Commission on the application for a Planned District or Conditional Use Permit is adverse thereto, or in the event a protest against the proposed Planned District or Conditional Use Permit is presented, in writing, to the City Council, duly signed and acknowledged by the owners of at least twenty (20) percent of the property situated in the area bounded by lines two hundred (200) feet in each direction and one each side of the area included in such proposed Planned District, such ordinance approving the Planned District shall not be passed except by an affirmative vote of a four-fifths (4/5) majority of the members of the City Council.

There are 2 potential interpretations: 1) numerical number of property owners or 2) 20% of the land. She feels the 20% applies to all of the land, not 20% of the owners of land. She is also citing RS: 33:47-25. Mr. Ellis asked about the section on Kleber St., if that would play into the 20%. Mr. Shields does not think this would matter because it would be within the 20%. The owners of the land could be included in the 20%

Mr. Rosenow would like a legal notice of the decision and the statues to support their reason. He is asking the council to waive some of their attorney client privilege so the constituents can make their own decisions and justifications. Mr. Franckowitz stated he can share the statues and references but not on the advice they would give the council that is privileged. Mr. Burguieres states what he thinks Mr. Rosenow would like is similar to an appellate brief, just a statement of how they arrived at their decision , not advice. Mrs. Saxs feels the developmental agreement needs to be removed because it is based upon presumptions.

PUBLIC COMMENT:

FINANCE REPORT:

Waived

PROJECTS IN PROGRESS (STATUS REPORT):

2016 CAPITAL ROADWAY MAINTENANCE PROJECT-TASK ORDER 1

Drainage and paving work completed on

- o Skipper Dr. -Garden Ave. -Livingston/Clausel -Maple St.

- In progress
 - o Carondelet St. - Drainage improvements near intersections of Center & Jefferson St
 - o Parking improvements on Lakeshore Dr.
- Upcoming
 - o Carondelet Street. Mill and overlay.
 - o Hutchinson Street. Drainage improvements and mill and overlay.
 - o Villere Street. Drainage improvements and mill and overlay.
 - o Lafayette Street. Mill and overlay.

WATER & SEWER MAINTENANCE -TASK ORDER 4

- In progress
 - o Lafitte St – installed new water line between Claiborne & Jefferson
 - o Foy St – installing new water main between Florida Street and Montgomery Street.
- Upcoming

- Moores Rd – new water main from West Approach to Hwy 22

TASK ORDER 5

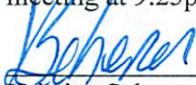
- Completed
 - Replaced sewer manhole on Sanctuary Blvd. at Cardinal Lane
- In progress
 - Cindy Lou – installing new water main from Copal to Laurel
 - Esquinance St – installing new water main to Live Oak
 - New water services at various locations in Golden Glen
- Upcoming
 - Miscellaneous water & sewer repairs

LIFT STATION 29 REPLACEMENT

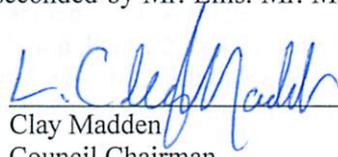
- Pre-construction meeting scheduled for August 23
- Construction expected to begin early October

ADJOURNMENT:

Mr. Keller made a motion to adjourn the meeting, seconded by Mr. Ellis. Mr. Madden adjourned the meeting at 9:25p.m.



Kristine Scherer
Council Clerk



Clay Madden
Council Chairman