

**THE FOLLOWING MINUTES WERE ADOPTED AT THE SEPTEMBER 22, 2016  
MEETING OF THE MANDEVILLE CITY COUNCIL. MANDEVILLE CITY COUNCIL  
MINUTES FOR THE MEETING OF SEPTEMBER 8, 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 Father Mark Lomax from OLL Catholic Church, then followed by the Pledge of Allegiance was recited.

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

**ABSENT:** David Ellis

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

**MINUTES:**

1. Adoption of the August 24, 2016 Budget Work Session Meeting Minutes.

A motion was made by Mr. Pulaski and seconded by Mr. Keller to adopt the minutes of August 24, 2016. There being no further questions or comments, the motion passed 4-0.

2. Adoption of the August 25, 2016 Regular Meeting Minutes.

A motion was made by Mr. Pulaski and seconded by Mr. Keller to adopt the minutes of August 25, 2016. There being no further questions or comments, the motion passed 4-0

3. Adoption of the August 31, 2016 Port Marigny Meeting Minutes

A motion was made by Mr. Pulaski and seconded by Mr. Keller to adopt the minutes of August 31, 2016. Mrs. Sica had one correction on the minutes. On pg. 2, second paragraph towards the bottom "Mrs. Sica does not feel marketability is not the council's issue" remove the second word "not". It should read "Mrs. Sica does not feel marketability is the council's issue." There being no further questions or comments, the motion passed 4-0

**REPORTS AND ANNOUNCEMENTS:**

Mr. Madden wanted to remind everyone of the Keep Mandeville Beautiful Clean up on Saturday September 17<sup>th</sup> from 9-1pm. He encouraged everyone to participate if possible by contacting Peggy May, director of KMB.

**OPENING OF THE AGENDA:**

Mr. Madden stated there was one item for the opening of the agenda. Mr. Keller made a motion to open the agenda, this was seconded by Mrs. Sica. The motion to open the agenda passed 4-0. The item for discussion is the approval of the liquor license for St. Roch Mandeville, LLC, dba as St. Roch Family Restaurant & Market, located at 301 Lafitte St, Mandeville. Mr. Keller commented this is on the opening of the agenda because the restaurant would like to open on Friday. A motion was made by Mr. Keller and seconded by Mr. Pulaski for approval. Without further comment or questions, the motion passed 4-0

**OLD BUSINESS:**

1. Adoption of [Ordinance No. 16-09](#); AN ORDINANCE AMENDING THE COMPREHENSIVE LANDUSE 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. Keller and seconded by Mrs. Sica for discussion. Mr. Madden stated this is an ordinance in Mr. Ellis's district and he is out of town today. There are some questions which still need to be answered so Mr. Crosby has asked for this to be deferred until the next meeting . Mr. Madden

made a motion to defer this ordinance, seconded by Mr. Pulaski. Without further comments or questions, the motion to defer until the September 22<sup>nd</sup> council meeting passed 4-0.

2. 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).

Ordinance No. 15-17 was read by title by Mr. Madden. A motion was made by Mrs. Sica and seconded by Mr. Keller. Mr. Madden wanted to give an update on the question of an executive session. Mr. Franckiewicz has informed the council they can have an executive session to discuss legalities involving Port Marigny. The council has scheduled two special Port Marigny meetings (Sept 21<sup>st</sup> and September 28<sup>th</sup>) in addition to the regular city council meetings. Mr. Madden wanted to announce the council will have an executive session on Wednesday September 21<sup>st</sup> at 6pm. He will start the special Port Marigny meeting with the executive session and wanted to let the public be informed the special Port Marigny meeting will begin no earlier than 6:45pm. He does not want the public to get here at 6:00pm and wait for 45 minutes. Tonight the council will continue to discuss some of its findings and he has asked Mr. Franckiewicz to review some of the legal aspects.

Mr. Franckiewicz wanted to discuss the executive session. This meeting will be to discuss a running list of legal issues not on the proposal itself. He then wanted to go over a suggestion on how the council should move forward to get to some closure. The ordinance which stands before the council had been introduced a year ago and now includes recommendations from P&Z. He would like for the council to consider reintroducing a clean copy of the ordinance with the pending amendments for a clean base line. Secondly, he suggests dividing the ordinance into three sections: zoning, servitudes, and the lease for the recreation area. While they are all related it provides a clean picture for the council to vote up or down on each item. Finally, he suggests the reintroduced ordinance be submitted at the September 22<sup>nd</sup> meeting. At the October 13<sup>th</sup> council meeting, council can debate the ordinance and any amendments. At the end of the meeting or thereafter, then recompile the ordinance. Council can then wait

for two weeks having the ordinance in a semifinal form, to review and see the effects of any amendments. This would allow a possible vote on October 27<sup>th</sup>. The interval is also for another reason, the possible opposition of the ordinance. This gives a clear baseline for the constituents if they want to exercise their rights, the staff to tally the votes and see if it would require a super majority or if it can be done by a simple majority. He also would suggest adopting a resolution to set out this schedule so the public is on the same page.

Mr. Madden agrees with the reintroduction of a clean copy of the ordinance on September 22<sup>nd</sup>. However, he feels the schedule there after should be set by the council. He is not sure if all discussions can be done on October 13<sup>th</sup>, it might take a little longer. Mr. Pulaski asked a question regarding the super majority and the filing of a petition. Is he clear that they want to suggest that a filing not occur until the new ordinance is re-introduced? Mr. Franckiewicz stated the CLURO language is not clear about the timing and format of the protest. He feels it is best to protest a finished product. This clears the way if there is a dispute after the final ordinance that those who protest are sure what they were protesting against. Mr. Pulaski asked who determines if it is a valid protest. Mr. Franckiewicz stated it would be the council because it is their interpretation of their ordinance. He envisions the protest to be presented in writing, then the staff will have to check to see if the owners are within the 200 ft. boundary, and then if it meets the 20% criteria. The 20% criteria would be determined by a majority vote and that in turn would decide if a super majority vote would be needed. Mr. Keller inquired if we reintroduce a new ordinance, does it have to go back to Planning & Zoning. Mr. Franckiewicz stated the council can introduce a new ordinance without going back to the P&Z board when dealing with a planned development or a conditional use.

Mr. Jeff Lyons asked Mr. Cressy and Mr. Deano if the council can go into executive session regarding Port Marigny. Both stated they agreed with the executive session. Mr. Lyons wanted to know if the attorney for Port Marigny would be invited into the executive session. Mr. Madden replied no.

Mr. Pulaski asked the administration if there is a meeting to be held between the staff council and Port Marigny, the council would like to be informed and invited in advance.

Mr. Pat Rosenow commented they are well on their way with the protest. He is not sure if the attorneys are suggesting they wait until the new ordinance is introduced to start getting signatures. Mr. Madden inquired when does the clock start for signatures, does it start with the new ordinance or can it start now. Mr. Keller stated we should establish a deadline and asked the council attorney's to research. Mr. Pulaski said the big issue is density and that number is not changing so he does not know why the citizens would have to wait. The council amendments are more fact finding. Mr. Franckiewicz stated the ordinance does not limit when they can protest but the developer could say that the protest was issued before the final ordinance and therefore could question how many would have still signed the protest. Mr. Franckiewicz just thought with a schedule it takes away some of the gray area. Mrs. Sica asked if the protest could say they are opposed to the project with a density of "X" amount, would that work?

Mr. Muller inquired if anyone has a map of the area. He feels that would be a good start and give an idea of the property line.

Mr. Burguieres stated the language about the protest petition in the CLURO does not require that a reason be given for electing to require the “super majority” triggered by the protest petition and therefore concerns about any changes in the ordinance are irrelevant. He also suggested the council should commission the creation of a map showing the boundaries of the 200’ line and identify the property owners in the affected area. Mr. Franckiewicz agreed and asked Mrs. Scott get together to create one map that could be used by all.

Mr. Pat Rosenow commented if streets are to be excluded in the 200ft area, then the Lake should be excluded as well.

Mr. Pulaski stated we need to establish a time line for things like: when opposition is due, validity of the protest, time line for appeal, etc. Mr. Cressy disagreed and does not think we should tell citizens how to protest and give them legal advice. Mr. Rosenow disagreed and does not feel the citizens should be left in the dark as to the council’s criteria for a valid petition.

Mr. Madden wanted to allow Mr. Muller time for comment. Mr. Muller stated in the first submittal there were various exhibits attached. He reviewed a few of those exhibits concerning servitudes and the ratification of the revocation of Kleber. He stated Kleber was already revoked because it was no longer needed and is in the middle of the Pre-stress property. The developers will provide a comprehensive sewerage collection system. Mr. Pulaski wanted to confirm the street was revoked but that the servitude was not. Mrs. Sica stated under the TND whether the city revoked it or not, under the street layout, the TND should “maintain and restore where feasible” – why not restore. Mrs. Sica stated there are no streets that go directly to the water. A TND is supposed to reflect these patterns and she feels Kleber should go to the state property on the Lake. If it does not go to the lake it does not comply with the TND standards.

Mr. Steve Oubre stated the vision is in the comprehensive plan, this was used to develop the CLURO, and this is what they based their development on. There seems to be confusion about the CLURO, they are following the CLURO and are introducing a grid with the TND. The TND is a different element and is made up differently than a traditional subdivision. Mr. Oubre discussed the calculations he used to determine the development. He excluded the streets and rights of ways first. Mrs. Sica stated it does not state this in the CLURO. (8.5.2.1.2a). Mr. Oubre disagrees with the interpretation from Mrs. Sica, he states a TND is different. Mr. Keller states there seems to be a disagreement with the interpretation of the right-of-way and he would like Mr. Franckiewicz to take a look at this for the council because it is very confusing. Mr. Pulaski commented someone told him that we follow the comprehensive plan and it states we should have a TND at the pre-stress site, he does not see this in the plan. He is trying to understand why we are boxing ourselves into the TND, the comprehensive plan says a “vibrant walkable mixed use”. Mr. Oubre said the TND meets those criteria. Mr. Muller added goal 12 says “following new urbanism principles” and that is a TND.

Mrs. Sica does not think the townhouses meet the regulations. Mrs. Scott stated this is a different zoning district. Mrs. Sica said that in article 8 it does not give you the specifics so according to 7.5.15.5 you have to go back to your zoning districts. Mrs. Scott commented the restrictions are outlined for a TND. Mrs. Sica stated again it does not outline the criteria

which is why you have to go to the specific zoning, it only gives the specifics of an apartment not a townhome. An apartment is not a townhome. Mr. Pulaski commented the TND then controls the development, not the CLURO.

Ms. Judith Otaro discussed her power point regarding the open space requirements in a TND. (8.5.2.3) and a common open space (CLURO 162 – 164) in regards to the inclusion of water bodies. This is what they used to determine their open space calculations. Mr. Pulaski stated the marina slip is not a common area so how does the public access the waterways. Mr. Oubre stated there are 4 access points (no boat ramps), but an area for kayaking. Mr. Keller asked the council attorney's to look at this for the interpretation of the common space requirement. Ms. Otaro then reviewed how the density was calculated (8.5.1.2), the effective Planned Development Zoning Approval, and 7.5.15.5. All of these regulations were followed when determining the density of the plan. Mrs. Sica stated there has to be some specific rules not just their interpretation. Ms. Otaro commented their experts used these documents, interpreted them and came up with the calculations presented. They are not designated sizes in the TND but this is how they were interpreted.

Mr. Madden asked the council if they were ready to start discussing their findings. Mr. Pulaski wanted to know if we should do more findings before the executive session. Mr. Franckiewicz stated the executive session may affect how you express some of your findings and some may become more important than others. Mr. Pulaski suggested waiting until after the executive session to continue with the council findings. All council members were in agreement.

Mr. Pat Rosenow stated there is a lot of ambiguity. Port Marigny will make their case for the developers and council needs to use their discretion and realize there is no perfect answer. The council needs to decide what is in the best interest of the city and the constituents.

Mr. Ren Clark stated this is a huge teaching moment and there must be clarification.

Mr. Keller stated he still has some items of concern:

- 1- The environmental study: he wants to see a scope of testing proposed before start of the cut and fill, to make sure we have a proper scope. He would like to see this before a vote.
- 2- The RPC study talks about a round-a-bout. He wants this approved and built before we add more lanes to E. Causeway. If a round-a-bout is needed, maybe we should ask the developers for a larger share of the cost. Also, there should be a provision for the Copeland development and future developments.
- 3- Hotel rooms: does the developer need 120 rooms or is there a lower number to be proposed and would the market study support this. He is hoping for some negotiations on this number.
- 4- He wants to see the change for the other commercial developments from conditional use to special use
- 5- Shoring up the language in the development agreement if the traffic goes over the 407, there would be some teeth in that provision.

Mr. Madden stated the \$300K from the developer can be used for anything so it could be applied to a round-a-bout. Mr. Keller expressed a round-a-bout is more expensive than the

lanes so he would like exploring a higher contribution. Mr. Pulaski has the same concern and one of their criteria is they can look at the potential development of other properties. He wants to have some contingencies regarding the round-a-bout. Mr. Muller stated this is what they agreed to give the city and the city can use it however it wishes. Mr. Keller said when they agreed upon the number it was for the turn lanes not a round-a-bout which is a higher price. The mayor commented the RPC looks at a 20 yr. build out and all proposed developments. The round-a-bout would solve the long term problem and they are still talking with the Causeway Commission.

Mr. Madden ended discussion on Port Marigny. The executive session is on the 9/21 with the Port Marigny meeting starting at 6:45, then 9/22 is our regular council meeting.

### **NEW BUSINESS:**

1. Adoption of [Resolution No. 16-34](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR MARINER'S VILLAGE WATER MAIN REPLACEMENT PROJECT No.1301A23 AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Mike Pulaski, Council District II)

A motion was made by Mr. Keller and seconded by Mr. Pulaski for the adoption of Resolution No. 16-34. Mr. Pulaski stated this is for the water main replacement in Mariners Village. Kyle and Associates oversees the work and then Principle oversees Kyle and Associates. Mr. deGeneres stated Kyle designed the project and Principle oversees all projects. The project which estimates will take 8 months has come in under budget by \$300K. Without further comments or questions, a vote was taken and the resolution passed 4-0.

2. Adoption of [Resolution No. 16-35](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR LIFT STATIONS 40 & F IMPROVEMENTS No.15027 AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Mike Pulaski, Council District II)

A motion was made Mr. Keller and seconded by Mr. Pulaski for the adoption of Resolution No. 16-35. Mr. Pulaski stated these two lift stations will improve the overall flow for the city. Without further comments or questions, a vote was taken and the amendment passed 4-0.

3. Adoption of Amendments to [Resolution No. 16-27](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ESTABLISHING PROCEDURES ON HOW ORDINANCES AND RESOLUTIONS ARE PLACED ON THE REGULAR COUNCIL MEETING AGENDAS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Clay Madden, Council-at-Large)

A motion was made by Mr. Keller and seconded by Mr. Pulaski for the adoption of Resolution No. 16-27. Mr. Madden commented this is an amendment to the council rules established at the first council meeting. These changes hopefully will prevent any last minute changes like we have been experiencing at prior council meetings. Mr. Madden read the requested changes. Mr. Pulaski commented the first change from "offer" to "introduce" indicates the council member will introduce the topic. To offer gives the assumption you are in favor of the item and that may not be the case. Mr. Deano has a concern with #4 of the amendments. Since a council member has to "introduce" an item, it suggests the department

heads have until Wednesday instead of Monday to submit items to the city attorney. Mr. Pulaski made a motion to remove the Wednesday all together and make all agenda items due on Monday, 10 days prior to the Council meeting; this was seconded by Mr. Madden. Without further comments or questions, a vote was taken and the resolution passed 4-0.

**PUBLIC COMMENT:**

Mr. Keller has two issues he wanted to discuss. The first was a constituent on Wilkinson and Villere asking if the city can put sand in her yard where the busses run over her grass. The second is concerning a neighbor not removing their trash can from the street. He would like to know if there is an ordinance or how to deal with this issue. The mayor said they will talk about this later.

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

**2016 CAPITAL ROADWAY MAINTENANCE PROJECT-TASK ORDER 1**

Drainage and paving work completed on :Skipper Dr. -Garden Ave. - Livingston/Clausel Maple St.- Carondelet St. (Center /Jefferson) Parking on Lakeshore Dr.

In progress-Hutchinson St. - Drainage improvements.

Carondelet St. - Drainage improvements near Mandeville Junior High School.

Upcoming-Carondelet St. - Mill and overlay.

Hutchinson St. - Mill and overlay.

Villere St. - Drainage improvements and mill and overlay.

Lafayette St. - Mill and overlay.

**WATER & SEWER MAINTENANCE -TASK ORDER 4**

Complete-Lafitte St - New water line between Claiborne and Jefferson St.

In progress-Foy St -New water main between Florida and Montgomery St.

Upcoming - Moores Rd - New water main between the West Causeway Approach and Hwy 22

**TASK ORDER 5**

Complete-Replaced sewer manhole at the intersection of Sanctuary Blvd. and Cardinal Lane.

Cindy Lou Place - New water main between Copal and Laurel St.

In progress-Esquinance St. - New water main between Live Oak St. and City service area

New water services at various locations throughout Golden Glen Subdivision

Upcoming-Miscellaneous water and sewer repairs at various locations throughout the City.

**LIFT STATION 29 REPLACEMENT**

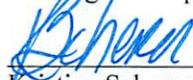
Pre-construction meeting held August 23

Construction expected to begin early October

Mr. Pulaski inquired about the work on Causeway and Monroe St. Mr. deGeneres stated one pump has failed and they are currently using a bypass pump while they are working on the repairs.

**ADJOURNMENT:**

Mr. Keller made a motion to adjourn the meeting, seconded by Mrs. Sica. Mr. Madden adjourned the meeting at 8:25p.m.

  
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Kristine Scherer  
Council Clerk

  
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Clay Madden  
Council Chairman