

**MANDEVILLE CITY COUNCIL
MINUTES FOR THE SPECIAL MEETING OF SEPTEMBER 28, 2016**

The special meeting of the Mandeville City Council was called to order by Chairman Madden at 5:00 p.m.

PRESENT: Clay Madden, David Ellis (5:10), John Keller (5:05), Lauré Sica, Mike Pulaski

ALSO: Louisette Kidd, Mayor, Chief Sticker, Jessica Roberts, David Cressy, Sonny Shields, and Victor Franckiewicz

OPENING OF THE AGENDA:

Mr. Madden announced at last week's meeting the council approved the street closure for OLL and was unaware a liquor license application was missing. Mr. Madden made a motion to open the agenda; this was seconded by Mr. Pulaski. The motion to open the agenda passed 3-0. The administration provided the council with the necessary paperwork to review the special event liquor license application for the Festival of the Lake – Our Lady of the Lake Catholic Church – Mandeville, LA – Friday, Saturday & Sunday – October 14-16, 2016. Friday: 5:00 pm – 11:00 pm, Saturday: 12:00 noon – 11:00 pm; Sunday: 11:00 am – 5:00 pm. Mr. Keller made a motion to approve the special event liquor license; this was seconded by Mr. Pulaski. Without further discussion or questions, the motion passed 4-0.

OLD BUSINESS:

1. Executive session under LA. R.S. 42:17(A)(10) to discuss the opinions of counsel regarding Port Marigny that are confidential under La. R. S. 44:4.1(C) and communications with counsel in the rendition of professional legal services that are privileged under the Louisiana Code of Evidence, Art. 506(B).

Mr. Madden announced tonight the council will go into executive session until 7pm. Mr. Pulaski made a motion to call Executive Session to discuss the Port Marigny ordinance; this was seconded by Mr. Keller. The motion passed 4-0. A motion was made by Mr. Pulaski to temporarily recess the meeting until Executive Session was over, this was seconded by Mr. Keller. The motion to recess and move into Executive Session passed 4-0. The council, Louisette Kidd, Mayor, Jessica Roberts, David Cressy, Sonny Shields, and Victor Franckiewicz went into executive session.

Upon the return from the executive session (7:10pm), Mr. Madden wanted to announce that during Executive Session there were no votes taken and no minutes were taken. The council will continue with their findings. He wanted to announce if there is a protest vote, to get it in as soon as possible. The maps designating the 200' parameters will be available at City hall on Monday.

2. 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 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. Madden reminded everyone there are two regular City Council meetings which will have Port Marigny on the agenda, October 13th and October 27th. The council reserves the right to hold another special meeting if needed and will also monitor tonight's attendance. If needed, meeting will be held at the Community Center. He asked if there was a protest vote to please get this in as soon as possible. The map which will be used to designate the parameters for the protest vote will be available on Monday at City Hall. Ms. Melanie Fans does not believe there should be a boundary because it affects the entire area. The CLURO set the 200' rule and if there is 20% on the petition, then it forces a super majority vote from the council. Mr. Keller wanted to remind the public this protest petition is just to determine if the council needs a majority or a super majority vote. Citizens can always speak for/against the ordinance.

Mrs. Sica read a statement: "I would like to remind my fellow council members that we were here because we were elected by the people of Mandeville to be their voice. We are obligated to protect their quality of life and we are equally obligated to apply the CLURO in accordance with the comprehensive plan. It is absolutely possible to find a balance and do all three. Mr. Muller has stated that Port Marigny complies with our comprehensive plan and CLURO, he is wrong. Our comprehensive plan lays out key goals for Mandeville. The goals for pre-stressed property is but one small part. Within that goal there are several objectives that Port Marigny does not meet, the most important of which is that there be access to Port Marigny through Mariner's Village and that Port Marigny not introduce unacceptable levels of congestion to Old Mandeville. The majority of the comprehensive plan is devoted to the character of the city to environmental issues, to meaningful green space, tree canopy, preventing congestion and retaining small town atmosphere. Our CLURO reinforces the comprehensive plan with regulations to prevent congestion and to retain the character of the community. The CLURO is careful to point out that a TND should reflect the historical development patterns of Old Mandeville, Port Marigny does not. We are not representing the residents of Mandeville if we ignore every goal and regulation before us and accept Port Marigny and its high density. It is inconceivable to think the proposed number of 416 complies with our CLURO and is in accordance with our comprehensive plan. We heard from our expert David Baily that the Port Marigny site because of its acreage is too small to be a self-supportive TND. He said that even at the proposed density of 416 Port Marigny will need to rely on outside population for support. A successful version of Port Marigny should mean that years from now it would be difficult to distinguish where its boundaries are. Based on this reasoning there is no justification to consider a number that is wildly out of scale with the surrounding neighborhoods. A number that is nearly triple what is required. Under our CLURO the required density is 154. Port Marigny needs to fit within the character of the community; we need to represent our citizens. Port Marigny at the proposed density is detrimental to the character of the community, does not comply with the CLURO and is not in accordance with our comprehensive plan."

Mr. Keller wanted to discuss the townhouses with Mr. Oubre. At a prior meeting there was discussion of a recalculation, using a different acreage, where are we on the process? Mr. Oubre gave a presentation on the overview of the project. He commented the development is not necessarily "Old Mandeville"; it compares itself to the surrounding neighborhoods which are on the west side. He believes they are following the CLURO and the TND requirements. The difference of the acreage Mrs. Sica questioned is because they are calculating two different things. Mr. Oubre has looked at the possibility of: 1- deleting the Mansion condo and replacing this with a regular cottage; 2- reducing the amount of townhomes; 3- reducing multifamily. These could result in a +/- 37 units for a possible total of 379 units without affecting the business model. Beyond this he would be concerned about the project. He was also asked to look at Kleber St. The problem is the length of the roadway. Kleber would be 1300' roadway and the development has 900' roads.

Mr. Pulaski commented again about traffic. The issue of traffic concerning Port Marigny has been addressed, but the overall traffic issue has not. The council has to consider all of the proposed developments in the area. He is aware

this is not Port Marigny's concern but it is the Council's obligation. He knows the RPC is discussing this with a round-a-bout.

Mr. Brian Rhinehart stated at first the development was proposed as walkable community and it would reduce the traffic counts by 30%. Now it is non self- contained development. The traffic study tends to change; everything appears to have changed since the beginning of the project. Mr. Oubre commented he felt the 30% was unrealistic so they used only 5% traffic capture count.

Ms. Jamie Gephardt said you must use common sense. She attended all the P&Z meeting and there has not been a study that actually shows who is walking and who is driving. This was said to be too costly. In her opinion, with 400 residents, 2 working people in each household, traffic will increase. People will have to leave to go to work and school. She feels the numbers are skewed; the climate here is different than in other areas of the country. She does not see many people walking now, so why would people start with Port Marigny. Mr. Oubre agreed there has been few studies but they are difficult. Their calculations are based on 5%.

Mrs. Debbie Saxs commented this is like ground hog's day; everyone is going round and round with no resolution. The TND is a direct conflict of the language of the CLRUO. She read 8 different reasons supporting her position.

Ms. Angela Alef wanted to comment about the light rail planning. She stated this could easily qualify for federal funding. She also said roundabouts are historically tied to TND's. The goal is to lessen congestion by limiting the vehicles and increasing the bike and pedestrian use, not to allow the traffic you have to flow more frequently.

Mr. Tommy Harris expressed in the meeting he has attended it seems the struggle is with the definition of the CLURO vs comprehensive plan. He read the purpose, as stated in the CLURO (pg. 1), is to lessen congestion, secure safety, to provide adequate light and air; prevent overcrowding of land; and to facilitate the adequate provision of vehicular and pedestrian circulation, schools, parks and other public requirements. His solution is to follow the CLURO first not the TND.

Mr. Bob Batherson believes this is a good project. He is not concerned with traffic; the traffic circle will solve the problem. He also does not think there will be a problem with schools and light rail is not an issue. He lives in Magnolia Ridge and some residents have expressed living in Port Marigny and feels his property value will increase due to the project.

Ms. Electra Fortune is also in favor of the project. She thinks the live work will revive the area and increase property values.

Mr. Richard Muller read from the comprehensive plan – land uses – on page 19. This allows for a more intensive development such as pre-stressed. Also on goal 12, it specifically addressed pre-stressed concrete area as a sub area of Old Mandeville to develop a truly unique development along the lakefront.

Mr. Steve Oubre advised the council the transit development could not be at Port Marigny because it does not meet the criteria. Based on the market study, there are two key segments: baby boomers and millennials with the third segment as mid-career. He does not feel traffic nor will the schools be an issue. Mr. Pulaski asked Mr. Oubre if the 37 units has been formally done. Mr. Oubre stated they were asked to do an analysis and this was their results, it has not been formally done. They will look at this if the council is interested

Mrs. Lee Frederick read the Parks and Parkways resolution regarding the Port Marigny development. (Attached). On a personal note, she is concerned with the effects on air, soil, light and water in the community. She also believes an environmental study is needed before approval so the council can be fully informed.

Mrs. Anne Marie Ferguson read a letter from the Lake Pontchartrain Basin Foundation. The foundation made some recommendations in dealing with storm water contaminations and runoff. (Attached). Mr. Muller commented there

are laws which must be followed to take care of the environmental issues and they are working on a plan to protect the manatees.

Mrs. Claudia Seligman thanked Mrs. Sica and Mr. Pulaski for their role of their project to look at the project as a whole. She thanked Mr. Keller for his persistence regarding the environmental issues raised. In the CLURO 8.5.2.2 paragraph 4 states accommodations (bed and breakfast, small hotels or inns) this does not meet the Port Marigny plan. She stated if there are multiple sets of rules presented, you must work with the more stringent. She suggested, based upon her experience, any revised plans be presented to the council before any approvals.

Mr. Jeff Lyons said there are many different views on the project. He does not think the project has changed. People love living here and he is in support of the project.

Mr. Madden reminded everyone of the regular council meeting Thursday, October 13th at 6pm. This meeting will be held at the Community Center to avoid any attendance issues.

ADJOURNMENT:

Mr. Pulaski made a motion to adjourn the meeting; this was seconded by Mr. Keller. The meeting adjourned at 9:15 p.m.

15/

Kristine Scherer
Council Clerk

15/

Clay Madden
Council Chairman