

**MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF NOVEMBER 13, 2014**

The regular meeting of the Mandeville City Council was called to order by the Mayor Pro Tem at 6:30 p.m. Following the call to order, a moment of silence was observed and the Pledge of Allegiance was recited.

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

ABSENT:

ALSO PRESENT: Mayor Villere, Chief Richard; Frank Oliveri, Finance Director; Edward Deano, City Attorney; David deGeneres, Public Works Director; Kim Chatelain, Times Picayune; Betsy Swenson, Tammany West
Faimon Roberts, Advocate

MINUTES:

1. Adoption of the October 23, 2014 Regular Meeting Minutes.

A motion was made by Mr. Ellis and seconded by Mr. Madden for the adoption of the October 23, 2014 regular meeting minutes. The motion passed 5-0.

PRESENTATIONS:

1. Clay Madden introduced Julie Mickles Agan, the new Executive Director of the Council on Aging St. Tammany (COAST).

REPORTS AND ANNOUNCEMENTS:

1. Mr. Danielson announced the Council appointment to the Mandeville Financial Oversight Committee. Mr. Burguières will serve January through June 2015 and Mrs. Buchholz will serve July through December 2015. A motion was made by Mr. Danielson and seconded by Mr. Ellis for the joint appointment to the Financial Oversight Committee. The motion passed 5-0.
2. The Mayor presented awards to ten 2014 Girod Street Christmas Banner Art Contest Winners.
3. There will be a GFOA webinar, entitled Build a Better Budget Document, held on November 18, 2014 at 1:00 pm at City Hall. The training session is open to the public.
4. The Mayor announced a public meeting in District I, at the Department of Public Works, to be held on Wednesday, November 19, 2014 at 6:00 pm on traffic calming measures for Heavens Drive. Letters announcing the meeting went out to homeowner groups and residents on Heavens Drive.

NEW BUSINESS:

6. Approval of a Special Event Liquor License Application for 30 by Ninety Theatre, Inc. for wine and beer to be sold at the plays on the following dates and times at the Paul R. Spitzfaden Community Center, 3090 East Causeway Approach, Mandeville, LA

November 13, 2014	6:30-9:00 p.m.	
November 14, 2014	6:30-9:00 p.m.	
November 15, 2014	1:00-4:30 p.m.	6:30-9:00 p.m.
November 21, 2014	6:30-9:00 p.m.	
November 22, 2014	1:00-4:30 p.m.	6:30-9:00 p.m.
November 23, 2014	1:00-4:30 p.m.	6:30-9:00 p.m.
December 11, 2014	6:00-8:30 p.m.	
December 12, 2014	6:00-8:30 p.m.	
December 13, 2014	1:00-4:00 p.m.	6:30-8:30 p.m.
December 14, 2014	1:00-4:00 p.m.	6:30-8:30 p.m.
December 19, 2014	6:00-8:30 p.m.	
December 20, 2014	1:00-4:00 p.m.	6:00-8:30 p.m.

A motion was made by Mr. Burguières and seconded by Mrs. Buchholz for the approval of the special event liquor license application for 30 by Ninety Theatre, Inc. for their events at the Paul R. Spitzfaden Community Center to be held November 13, 2014 through December 20, 2014. The motion passed 5-0.

OLD BUSINESS:

1. Adoption of Ordinance No. 14-39, ORDINANCE FOR THE CITY OF MANDEVILLE TO PROVIDE FOR A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE DEVELOPMENT AND CONSTRUCTION OF GROUND FLOOR RESIDENTIAL UNITS IN THE TOWN CENTER ZONING DISTRICT OF THE CITY OF MANDEVILLE AND TO PROVIDE FOR RELATED MATTERS

A motion was made by Mr. Ellis and seconded by Mr. Danielson for the adoption of Ordinance No. 14-39. Mr. Danielson reviewed the time schedule of the introduction and P&Z public hearings held for Ordinance No. 14-39 during August and September. The proposed Ordinance would establish a moratorium for a 12 month period on the

issuance of any permits for the construction of ground floor residential development fronting on streets within the Town Center Zoning District while all CLURO amendments, phase II, go through the public hearing process. At the last regular council meeting, the Ordinance was deferred based off of some concerns shared by OMBA. Mr. Danielson stated that he met with Ms. Kidd and some of the OMBA Board to discuss their issues and concerns about legal language within the Ordinance. Before offering an amendment to replace the word moratorium with "interim developmental ordinance to suspend" he opened the floor for discussion. Mr. Burguières stated that he received an email from some OMBA Board members last week, sharing the same concerns regarding legal language. Mr. Deano explained that the Ordinance was drafted by the consultant for P&Z, Mr. Michael Lauer, who is leading the public hearing process for the second phase of the CLURO amendments. He stated that Mr. Lauer added the vested rights language because the property owners may have the right for a permit after the government has suspended the issuance of permits. Someone may have already achieved a vested right to a permit. This language recognizes property owner's rights. Mrs. Buchholz directed a question to Mr. Madden, since he requested the deferral at the last meeting, why a public meeting was not called to address OMBA's issues. Mr. Madden stated that after talking with some OMBA members, it was a discussion he preferred to have at a regular Council meeting and not during a conference room meeting. Mr. Deano asked for clarification – was there knowledge of a pending permit? Mr. Burguières stated that he did not know of any. Mr. Danielson stated that the president of OMBA invited him to their board meeting so he had a chance to discuss the moratorium and their concerns. Based on the discussions with OMBA and Ms. Kidd, he suggested amending the moratorium language to state "interim developmental ordinance to suspend" which he plans to offer as an amendment after hearing from the public. Mayor Villere stated that the word "moratorium" actually spells out the intent of the Ordinance. If we had used the interim developmental language to suspend, we would have created some confusion. Mr. Madden asked if the town center district has ever been amended to include restrictions. Mayor Villere stated – had you submitted your questions to us prior to the meeting, we could have provided you with answers this evening. Mr. Madden stated that to his knowledge, we have had this zoning in place for fifteen years. What is so special about now? Mr. Danielson stated that this was the second phase of Mr. Lauer's review of the CLURO and the recommendations that the Council, along with P&Z, sent to Mr. Lauer for his review. This was a starting point for that review. We had a joint meeting with P&Z six months ago to discuss and plan the next phase of the CLURO review. The town center district was a part of that next phase. Mr. Denny Perschall, with Acadian Millwork and New Orleans resident, stated that fifteen years ago we (the property owners) were presented with a project and overlay district that would blanket that area. It did not contain any of these regulations. He stated that in the past few years the regulation of 3,000 sq ft of land per unit was added and he was never informed and never saw a sign or notice. The same thing is happening again; he was not notified of the moratorium ordinance. He stated that what he signed up for fifteen years ago is changing and he opposed the moratorium. Mr. Perschall added that he does not have any immediate plans for the land. Mr. Danielson restated that this Ordinance only suspends permits until the final amendments can be approved through a public hearing process. Mr. Perschall stated that his main concern was the lack of notification and communication on the City's part and added that fifteen years ago there were no density issues in the town center zoning. Mayor Villere stated that there was no intention to depart from a live-work environment with retail commercial on the bottom floor and residential at the top. Ms. Tess Dennie, property owner on Lafitte Street and past president of OMBA, spoke in favor of commercial (bottom floor) and residential (top) zoning in the town center district. She stated that during the 2007 proposal of condos in the B3 area, we wanted the CLURO to require a percentage of the downstairs area to be commercial. She encouraged the Council to help the property owners of the town center to be in compliance and develop. What is good for them and the town center is good for everybody. Mr. Madden stated that his question of – what has changed in the last fifteen years to warrant this moratorium – has not been answered satisfactorily. He stated that the concern he heard from his constituents was about the language contained in lines 49 through 92 regarding vested rights. He asked - Why was it added and what does it mean? A motion was made by Mr. Madden and seconded by Mr. Burguières to remove lines 49 through 92. Mr. Perschall suggested a meeting with all property owners before the ordinance is voted on. Mrs. Buchholz agreed. Mr. Madden withdrew his motion to amend. A motion was made by Mr. Burguières and seconded by Mr. Madden to defer the adoption of Ordinance No. 14-39 until a special meeting for more discussion was held. The motion to defer passed 5-0.

NEW BUSINESS:

1. Introduction of Ordinance No. 14-48, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REZONE FROM PRD, PLANNED RESIDENTIAL DISTRICT TO R-1, SINGLE FAMILY RESIDENTIAL DISTRICT A PARCEL OF LAND CONSISTING OF 13.661 ACRES SITUATED IN SECTIONS 4 AND 44, TOWNSHIP 8 SOUTH, RANGE 11 EAST, COMPRISING PROPOSED PHASE 4B OF THE SANCTUARY DESCRIBED IN ACCORDANCE WITH A TENTATIVE SUBDIVISION PLAN BY GEC DATED AUGUST 15, 2014 ATTACHED AS EXHIBIT "A," HEREINAFTER REFERRED TO AS "SUBJECT PROPERTY."

Ordinance No. 14-48 was read by title by Mr. Danielson. A motion was made by Mr. Burguières and seconded by Mr. Ellis for its introduction. The Ordinance was referred to the Planning and Zoning Commission.

2. Introduction of Ordinance No. 14-49, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REZONE FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO B-2, HIGHWAY BUSINESS DISTRICT, A PORTION OF ARPENT LOTS 78 AND 79, CITY OF MANDEVILLE AS REFERENCED IN RESUBDIVISION PLAT BY KELLY McHUGH AND ASSOCIATES, INC., DATED SEPTEMBER 25, 2003 AND RECORDED IN MAP FILE NUMBER 3322A, HEREINAFTER REFERRED TO AS "SUBJECT PROPERTY."

Ordinance No. 14-49 was read by title by Mr. Danielson. A motion was made by Mr. Madden and seconded by Mrs. Buchholz for its introduction. The Ordinance was referred to the Planning and Zoning Commission.

3. Introduction of Ordinance No. 14-50, AN ORDINANCE TO AMEND AND REORDAIN SECTION 17-30 OF THE MANDEVILLE CODE OF ORDINANCES TO REGULATE THE MOVING OF CITY SEWER AND WATER SERVICE TO PROPERTIES LOCATED OUTSIDE THE CITY OF MANDEVILLE AND TO PROVIDE FOR RELATED MATTERS

Ordinance No. 14-50 was read by title by Mr. Danielson. A motion was made by Mr. Ellis and seconded by Mr. Burguières for its introduction.

4. Adoption of Resolution No 14-60, A resolution providing for canvassing the returns and declaring the result of the election held in the City of Mandeville, State of Louisiana, on Tuesday, November 4, 2014, to authorize the continuation and rededication of a sales and use tax therein.

A motion was made by Mrs. Buchholz and seconded by Mr. Madden for the adoption of Resolution No. 14-60. Mr. Danielson announced the election results. Mr. Madden asked when do the funds transfer into the general account fund. Mr. Oliveri stated that it can happen immediately, but it should be held for thirty days to allow for anyone who wants to contest the results. Once we are clear, we can start in December with taxes collected from November. The Mayor stated that they would come to the Council with a budget adjustment which would reflect the transfer of funds and a forecast for the remainder of the year. There being no further discussion or questions, the motion to adopt Resolution No. 14-60 passed 5-0.

5. Adoption of Resolution No. 14-61, A resolution providing for canvassing the returns and declaring the result of the election held in the City of Mandeville, State of Louisiana, on Tuesday, November 4, 2014, to consider amendments to the Mandeville Home Rule Charter.

A motion was made by Mr. Burguières and seconded by Mrs. Buchholz for the adoption of Resolution No. 14-61. Mr. Danielson announced that four charter amendments were sent to the voters on November 4th. Amendments one, two and four passed by a majority of the votes cast by the qualified electors. Proposition three was defeated. Mr. Victor Franckiewicz stated that he verified the election numbers in the draft resolution with the Secretary of State and the numbers were accurate and consistent. He added that he will roll all the changes into a new complete version which will be ready for the Council by the December meeting. The changes will become effective January 1st. There being no further discussion or questions, the motion to adopt Resolution No. 14-61 passed 5-0.

7. Executive Session - Report on litigation:

Markovich – Diamond Properties vs. City of Mandeville, et al
USDC – Eastern District filed on November 6, 2013. Case Number 13-5122 Section B- John Carter Nielson Firm, City of Mandeville, and Laurie Pennison; Robert Reich, for Markovich

A motion was made by Mr. Danielson and seconded by Mr. Madden to suspend the meeting at 7:45 pm and move into executive session. Mr. Danielson invited the Council, the Mayor and Ms. Laurie Pennison and Mr. William DeJean to attend the session. He announced that there will be no minutes or notes taken during the session. The motion to suspend the meeting passed 5-0.

A motion was made by Mr. Danielson and seconded by Mr. Madden to reconvene the Council meeting at 8:40 pm. Mr. Danielson announced that no Council action was taken during the executive session. The motion to reconvene passed 5-0.

FINANCE REPORT:

The City's general fund balance is currently \$10.3 million of which we have committed funds of \$2.3 million leaving an uncommitted fund balance of \$8.0 million. The overall governmental fund balances are \$44.2 million of which \$8.0 million is committed to capital outlay projects for the fiscal year. Sales tax revenue is on target. In the first two months, the City collected 13.11% of budgeted operating revenue. Lower revenues are expected during the first 150 days of the fiscal year because ad valorem taxes are collected between late December and the end of March. Grant revenue from the Water Tower Project and FEMA related projects is expected to be collected during FY 2015. Operating expenditures incurred over the first two months total \$1.9 million or 13.54% of the operating expenditures. Several projects in progress, where contracts were let in FY 2014, include: street improvements, Lotus Drive Drainage, Mariner's Village Slope Stabilization, Girod Street Landscaping, Police Surveillance Cameras and other smaller general projects.

PUBLIC COMMENT:

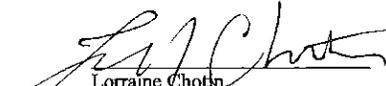
PROJECTS IN PROGRESS (STATUS REPORT):

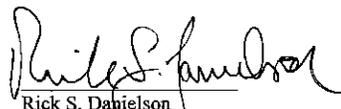
1. Capital Roadway Maintenance Project – The culvert installation on Cindy Lou is nearing completion. Asphalt patching at various locations around the City remain.
2. Girod Street Landscaping & Lighting Project, Phase III – No change.
3. Lotus Drive/Village Lane Drainage Project – The contractor is mobilizing to complete the next phase of work at Garden Ave. and Lotus Dr.
4. Hurricane Isaac Recovery Bridge Replacement – A walk through was held on November 6th and the project is substantially complete.

5. Isaac Recovery Sewer Lift Station Electrical Rehabilitation – The project is substantially complete.
6. Rapatel Water Tower – The pilings have been driven. The foundation construction is in progress.
7. Mariner's Village Slope Stabilization – A walk through was held on November 12th and the project is substantially complete.
8. Fire Hydrant Replacement Project – The project is 30% complete. Mr. Burguieres requested an email notification the day before water has to be shut off.
9. Fire Suppression System for Dew Drop – Submittal preparation for Fire Marshal approval is in progress. The application to LASFM is expected by early next week.
10. Lift Station 21 Relocation – A conditional notice to proceed has been issued. Work is expected to begin after January 1, 2015.
11. Lift Station 19 Relocation – The pre-construction meeting is scheduled for November 19, 2014. Work is expected to begin after January 1, 2015.

ADJOURNMENT:

Mr. Danielson adjourned the meeting at 8:55 p.m.


Lorraine Chotin
Council Clerk


Rick S. Danielson
Mayor Pro Tem