

**MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF AUGUST 11, 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 Michael Sprague, Chaplin for the State for the State of Louisiana, 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,

Mr. Madden wanted to recognize the MPD for their service and dedication to our community.

MINUTES:

1. Adoption of the July 25, 2016 Budget Work Session Meeting Minutes.

A motion was made by Mr. Keller and seconded by Mr. Ellis to adopt the minutes of July 25, 2016. There being no further questions or comments, the motion passed 5-0.

2. Adoption of the July 28, 2016 Regular Meeting Minutes.

A motion was made by Mr. Keller and seconded by Mr. Pulaski to adopt the minutes of July 28, 2016. There being no further questions or comments, the motion passed 5-0.

PRESENTATION:

The Mayor presented a proclamation to Jacob Butcher, owner of Leftees, declaring August 13, 2016 Left-Hander's Day. There are only 10% of the population that are left handed, and this is to raise awareness of the everyday issues that lefties face as they live in a world designed for right-handers.

REPORTS AND ANNOUNCEMENTS:

Mr. Madden announced the Mandeville City Council is soliciting resumes for their appointment to the Mandeville Planning & Zoning Commission. Applications will be accepted until Monday, August 22, 2016 at 4:00pm

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.

NEW BUSINESS:

1. Approval of the Waiver of eating and drinking on the lakefront on Saturday, September 17, 2016, no rain date, from 9 a.m. to noon for the Keep Mandeville Beach Sweep and the waiver of departmental costs in the amount of \$2,532.00

A motion was made by Mr. Keller and seconded by Mr. Ellis. Mrs. Sica commented this is an annual event for the city and encouraged everyone's participation. Without further comment or questions, the motion passed 5-0

2. Approval of the liquor license for Nan's New Orleans Café & Poboy, located at 700 Florida Ave. Mandeville

A motion was made by Mr. Pulaski and seconded by Mr. Ellis. Mr. Pulaski stated this is for a restaurant located on the east side of town which connects to the Just Chilin's. Mr. Folse

spoke about his café which will be New Orleans Style and family friendly. Without further comment or questions, the motion passed 5-0

3. Adoption of [Resolution No. 16-30](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE CONFIRMING THE MAYOR'S APPOINTMENT FOR THE CHIEF OF POLICE POSITION 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. 16-30. Mr. Madden read the resolution in its entirety. Mr. Pulaski commented he is very happy to have a selection from within the police department. Next Tuesday there will be a meet and greet for the new chief at the community center and all are encouraged to attend. Mr. Madden read a statement from retired Chief Richard and congratulated Chief Sticker upon his new appointment. Without further comments or questions, a vote was taken and the resolution passed 5-0.

7. Introduction 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. This ordinance 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. At this time he would like to start reviewing any amendments propose by the council. Mr. Pulaski made a motion to #1 to read:

- “No transfer of funds in the amount greater than \$5,000 of a fund appropriation may be made between line items within that fund. If there is a need to transfer more than \$5,000 within a line item, it must come to the council for council approval.” This was seconded by David Ellis. Without further comments or questions, a vote was taken and amendment passed 5-0.

Mr. Pulaski made a motion to add amendment #6 to read:

- “Directors’ and the Mayor’s Salaries and Supplements are listed as listed on Exhibit “B” by position. This was seconded by Mr. Keller. Without further comments or questions, a vote was taken and amendment passed 5-0.

Mr. Pulaski made a motion to add amendment #7 to read:

- “Council Budget Exhibit “C” expenditures are included in Exhibit “D” as amended. “ This was seconded by Mr. Ellis. Discussion took place regarding the \$50K for a special council attorney and the assignment of legal fees to the Council. Mr. Keller stated the money would be used if the need arose and if we had approval from the attorney general. Once that is determined and if we need special council it will then go through the hiring

process. Mr. Madden is opposed to having the legal fees for Mr. Deano assigned to the council, that was not the intent of the request. Mr. Oliveri stated if you want a council budget you have to have the expenses. He will send the council Mr. Deano's bills for their review for expenses incurred by the council. Mr. Madden stated most of Mr. Deano's bills should be for the council but for instance, many cases are an administrative request to go before the council, who gets charged? Mr. Madden does not feel the council should be charged for the daily works at City Hall. Mrs. Sica feels this would make the council and Mr. Deano more accountable. Mr. Keller stated this will just create more work and he was not sure it was a good idea to start but if the purpose is transparency, the city attorney expenses should be included.

Mr. Pulaski withdrew his amendment and this was seconded by Mr. Keller. Mr. Madden made a motion to include the legal cost for the city attorney as \$100K; this was seconded by Mr. Keller. Mr. Burguieres stated all the council originally wanted was money for a special council if it was needed, and this has turned in to something much bigger. He does not recommend this for the council because he feels Mr. Deano's billing will increase. Mr. Deano stated this will provide transparency and will hold everyone accountable. Mr. Ellis stated the city council meetings are for the city not just for the council so who would be billed? Mr. Madden does not want to regret something later on and would like to table this or he will vote against. Mr. Pulaski feels this will give a good picture of the legal fees and where they are coming from. If the council or administration needs more money for legal fees they can come back with a budget adjustment. Mr. Madden withdrew his motion and this was seconded by Mr. Keller.

Mr. Madden made a motion for amendment #7 to read:

- "Council Budget Exhibit "C" expenditures are included in Exhibit "D" as amended. The exhibit would include \$50K for special council and \$25K for legal costs. This was seconded by Mr. Ellis. Without further comments or questions, a vote was taken and amendment passed 5-0.

Mr. Pulaski made a motion to add amendment #8 and amendment #9 which reads:

Exhibit "D" is amended to include the following as discussed in our Budget hearings:

- Police Seizure funds revenue of \$61,000 and Police Expenditures of \$51,000
- Parks and Parkways reduction in the amount of \$202,000
- Council Budget increase the Attorney allocation to \$75,000
- Elevations Grant Revenue of \$400,000 and Expenditures of \$400,000 related to approved Grants.
- Paying Agent Cost Reduced to \$869 from \$65,835.

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."

Mr. Keller wanted to make sure the total for attorney fees was still \$185K. Mr. Oliveri stated yes the total will remain the same. Mr. Ellis inquired why the decrease in agent cost. Mr.

Oliveri stated this was the amount of interest from the previous year and was an error. Mr. Keller asked Mr. Deano why we must include the definition of professional services. Mr. Deano stated this is for budget purposes and the way to avoid this every year is to create an ordinance defining what professional services would be. With the change in attorney fees for the council, Mr. Keller seconded the motion made by Mr. Pulaski. Without further comments or questions, a vote was taken and amendment passed 5-0.

Mr. Burguieres inquired about the unfunded retiree health cost. Last year the council funded \$250K and he did not see where it was included this year. He recommended adding the line item because the fund is increasing. Mr. Oliveri stated retirement is one thing and unfunded OPEC is another. Mr. Ellis wants to make sure this gets funded. Mr. Madden asked how this relates to the 1% increase he is proposing to employees. Mr. Oliveri stated we pay into this every year. Mr. Haacke stated the unfunded liability is about \$5.5 million and growing every year. He sent Mr. Deano a letter about setting up a trust fund or uses an assigned fund balance to handle this issue from the unassigned fund balance. There is about \$10 million that could be assigned. He recommends the council assign \$2-5 million with a separate ordinance; it does not affect the budget. Mrs. Sica asked if we need to add the assigned fund balance in the budget book. Mr. Oliveri stated we need to add it to the policy.

Mr. Madden wanted to discuss the 1% retirement cost that the mayor proposed to pass along to the employees. Mr. Ellis made a motion to not start the contribution until January 1, 2017. He feels it gives a little bit more time for employees to be prepared. Mrs. Sica inquired if the city was sure of the increase. The mayor commented the city has already received the increase and his intent is to pass along a 1% increase to the employees every year. The city pays 32% for MERS and 41% to MPERS. Mr. Pulaski knows there has been some talk about increase health care costs, is there a way to avoid a double hit to the employees. The mayor stated there is no way to know the health costs at this time, he anticipates a minor increase. Mr. Oliveri stated the increase is budgeted at 4% of which the city will pay, but more than the 4% will be passed to the employees. The motion to defer the health cost until January 1, 2017 was seconded by Mr. Keller and Mr. Ellis. Without further comments or questions, a vote was taken and amendment passed 5-0.

Mr. Madden announced this was the end of discussion for the operating budget and it will be adopted at the August 25th City Council meeting. 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 start of the capital amendments. He made the council aware the police fence has been taken care of this budget year. Mr. Ellis asked why there was an asterisk by the HWY 22 project. Mr. Oliveri stated he may have typed the asterisk but there are no comments.

Mr. Ellis made a motion to add amendment #1 to read:

- Add item Hwy 22 Engineering share contract with Parish \$350,000.00

This was seconded by Mr. Keller. Mr. Pulaski asked if we allocate this money are we sure the project will happen. Mr. Ellis assured the council if it was not in the budget it would not happen. The mayor stated the parish has the funds to do this state project and it is not the responsibility of Mandeville and does not benefit our citizens. Mr. Ellis disagrees, the project is in his district and directly affects all Mandeville residents, they all use Hwy 22 and this is a perfect use of the D3 funds. The mayor commented this is on the edge of the city and again does not benefit the citizens; he is opposed to the project and is not giving the parish any

money. Mr. Ellis stated this is all because he was not given money from the Parish for elevation so now he is not giving them money for this project. Mr. Pulaski inquired if they could allocate the money to get it moving but put stipulations. What are our options? Mr. Ellis stated our city engineer can call GEC and work out any issues, review the scope, etc. Mr. Madden thinks this should be a priority in the budget; we put money in the budget all the time for projects that do not happen or get carried over, why is this different. Yes it is a joint project, but this will help the people who live and work in Mandeville. Mr. Keller made a motion to defer this to the next meeting so more research can be done. Mr. Ellis withdrew his motion and this was seconded by Mr. Madden.

Mrs. Sica does not want to rush the budget and wanted to know if we could schedule one more meeting; this was seconded by Mr. Pulaski. Mr. Madden scheduled another budget meeting for Wednesday, August 24th at 6pm.

3. 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 reviewing the compliance with the CLURO and Comprehensive Plan. Mr. Muller stated the project meets the maximum density even though Mrs. Sica feels it should be more towards the minimum required. Mrs. Sica states the law gives the minimum and maximum but also give the council discretionary powers. She feels traffic is still an issue and the project is not compatible with Ole Mandeville but more like Mariner's Village. Mr. Muller stated this project meets the legally required density.

Mrs. Sica states they are obligated to apply the regulations of the CLURO but the council should approve the minimum necessary to mitigate the unfavorable impacts and insure compatibility with the surrounding areas. Under these regulations the required density for Port Marigny is 183; there is no justification to prove a higher density is required. Mr. Muller stated at the prior meeting that they cannot afford to do a lower density; this is not for the council to consider. It is a violation of the CLURO to consider the financial aspects of an applicant. Health, safety, welfare

and esthetics are the areas we are to be concerned about according to the CLURO. Mr. Oubre at the last meeting stated whoever wrote the CLURO had extensive knowledge which Mrs. Sica agrees. The CLURO states 4 housing units per acre are for a viable TND and the council should not second guess this number. The project consists predominately of apartments and townhomes which do not reflect Old Mandeville. Based upon her findings the council has two options: deny Port Marigny or approve Port Marigny at the required minimum of 183.

Mr. Cressy stated Mrs. Sica if she disagrees with the project she must present her reasons supported by substantiated facts, not just her opinion.

Mr. Madden wanted to state he has researched the 3 minute sanding rule for public comment and discovered this was never a resolution. He encourages public discussion and after discussing with Mr. Pulaski they would like to move the public comment to 5 minutes as an unofficial rule. Of course, if someone needs more time the council will allow.

Mr. Pat Rosenow commented why is the council even here if the project is between the minimum and maximum? The council is here to determine if the proposal is in the best interest of the citizens. He urged the council to use their common sense and not just worry about how much money the developers have spent or the experts they have brought in. Their obligation is to the citizens of Mandeville.

Mr. Brian Rhinehart commented the comprehensive plan was written in 2007 and should be adapted as things change. Since Katrina the area has changed rapidly. Just because you can do something does not mean you should.

Mr. Gerald Keller added there needs to be a compromise to allow for more people to get behind this project.

Mr. Pat Rosenow wanted to comment about the findings the council needs to make. You don't have to prove your findings, and they just need to be substantiated by reasonable information. Mr. Ellis asked what would be reasonable findings. Mr. Cressy said some of P&Z's findings for their conclusions. Mrs. Scott will send the council the compliance report. Mr. Pulaski asked if their special council can help them with their findings to assure that they are substantiated. Mr. Madden wanted to announce the new attorneys suggested to having an executive session for Port Marigny. Mr. Cressy stated they cannot do this because of the open meeting law. Executive session is for legal matters and HR issues. Mr. Cressy will talk to the attorney's tomorrow.

Mr. Madden reminded everyone of the two remaining public hearings for the Port Marigny Development:

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.

4. Call to Executive Session –

Mr. Ellis made a motion to call Executive Session to discuss the following cases:

- Davis vs. City of Mandeville;
- Geralyn Hickey vs. City of Mandeville 22nd JDC Case Number: 201412327 DIV. "B";
- Mike Waller vs. COM- Planning and Zoning 22nd JDC Case Number: 201413251 DIV. "B";
- K. Miazza on Behalf of Minor, P. Miazza vs. St. Tammany Parish School Board, COM 22nd JDC Case Number: 201514121 DIV. "D";
- L. Liberto vs. COM- Civil Board;

- S. Weber vs. COM- Civil Board;
- Antonio Cornacchia vs. Williams, Spitzfaden Community Center- COM 22nd JDC Case Number: 201610515 DIV. “C”;
- Andel, L. vs. COM 22nd JDC Case Number: 201215911 DIV. “I” ;
- Andel, L. vs. COM 1st Circuit Court of Appeal Case Number: 201511827 DIV. “B”
- Ducree, D. vs. DPPW COM 22nd JDC Case Number: 201514238 DIV. “F”
- Markovich – Diamond Properties vs. City of Mandeville, et al USDC – Eastern District filed on November 6, 2013. Case Number 13-5122 Section B-4

This was seconded by Mrs. Sica to call an Executive Session. The motion passed 5-0. A motion was made by Mr. Keller to temporarily recess the meeting until Executive Session was over, this was seconded by Mr. Pulaski. The motion to recess and move into Executive Session passed 5-0. The City Council and the City Attorney entered into the Executive Session.

Upon return from executive session, Mr. Madden wanted to announce that during Executive Session there were no votes taken and no minutes were taken.

PUBLIC COMMENT:

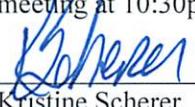
None

PROJECTS IN PROGRESS (STATUS REPORT):

Mr. Madden waived the projects in progress presentation. If anyone has any questions they can call Mr. deGeneres.

ADJOURNMENT:

Mr. Ellis made a motion to adjourn the meeting, seconded by Mr. Keller. Mr. Madden adjourned the meeting at 10:30p.m.



 Kristine Scherer
 Council Clerk



 Clay Madden
 Council Chairman