

THE FOLLOWING MINUTES WERE ADOPTED AT THE AUGUST 25, 2016 MEETING OF
THE MANDEVILLE CITY COUNCIL. MANDEVILLE CITY COUNCIL
MINUTES FOR THE SPECIAL MEETING OF AUGUST 17 2016

The special meeting of the Mandeville City Council was called to order by Chairman Madden at 6:00 p.m.

PRESENT: Clay Madden, David Ellis, John Keller (6:30), Laure Sica, Mike Pulaski (7:30)
ALSO: Louisette Kidd, Sonny Shields, and Victor Franckiewicz

1. 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 announced this meeting will discuss fill and environmental issues. This meeting is for the council and constituents to ask questions.

Mr. Ellis had a question about land uses. The development is 422 total units. Under the CLURO 8.5.2.1 housing diversity it states at least fifty percent of residential units shall be single family attached or detached units. Are the townhomes, apartments, and mansion condos attached? Mrs. Scott replied they are all attached. He just wants to make sure they meet the requirement. Mrs. Scott read the revised breakdown and they do meet the requirement. Mr. Madden asked if Mrs. Scott could send the council that breakdown. Mrs. Sica inquired if the town homes are attached who is in charge of the common wall. Mr. Oubre stated the wall is owned as fee simple, each owner owns to the center of the wall. There will be an association for the townhomes.

Mrs. Sica stated the plan presented was a conceptual grading plan and any variances would have to go back to P&Z. The developmental agreement already states a hardship gives an automatic variance. She feels this should be removed from the agreement and the ordinance. Mr. Cressy stated this is one of the recommendations from the P&Z commission. Mr. Muller said in his opinion they should be allowed a certain amount of fill to prevent flooding. The fill they are requesting would have minimal displacement.

Mr. Muller introduced several people he brought to the meeting: Tom Brown with Biological Services, Eugene Joanen and George Hudson who can answer any questions the council has for environmental purposes.

Mrs. Sica inquired about ponds being filled in on the development. Mr. Brown stated there is wetland area on the western side of the site that is going to be preserved. The pond Mrs. Sica is inquiring about is a manmade pond and is considered for the development as "other waters."

Mr. Gene Joanen gave a presentation regarding the history of the site to the preside development. He does not feel based upon his research there is an environmental issue on the site. There are state and federal guidelines which will be followed and if there is something found, it will be handled according to the DEQ guidelines. He wanted to remind the council the entire site will be surveyed and it will not be done in phases. Mrs. Sica asked if there will be a complete assessment before anything starts. Mr. Joanna stated this is a low risk site. Materials from the site will be moved to other areas of the site and some will even be used on other projects. He will do a baseline drill investigation for the site. He has researched and spoke with employees who worked on the site and is confident no contaminates were used, just water and vegetable oil. He key is to make sure contaminates do not contact storm water, groundwater or human contacts. Mr. Madden commented this project will require multiple banks and insurance companies and they all require testing before they give loans or insure the property. Mrs. Scott stated an environmental assessment is due with the first subdivision application and P&Z has made a recommendation to require this as well. Mr. Keller wanted to make sure there will be a baseline study done before any cut and fill would begin. This was confirmed by Mr. Joanen. Mr. Keller also inquired about dust protection. Mr. Joanen stated rules are in place for emissions such as screening and water. Once the project is past the cut and fill phase he does not see dust as a concern.

Mr. Brian Rhinehart stated he is not saying vegetables were not used at the site, but in his experience, sometimes there is a chemical additive used to strengthen concrete. Mr. Joanen stated he does not see any evidence of chemical used but if there were chemicals used on the site it should show up on a baseline study. He spoke to several workers and they confirmed no chemicals were used. Mr. Rhinehart commented testing should be done and not just take someone's work for it.

Ms. Claudia Sullivan added a few core samples do not give the full picture. Prior to the 60's there were little EPA standards for the containment of liquids and disposal. Who has the liability if something comes up, the city or the developer? Mr. Madden asked the attorney's to research the liability question. Mr. Joanen stated again he see nothing wrong with the site and if something did come up it will be addressed.

Ms. Debbie Sachs read an email she sent to the council. Here is her email: Does this sound familiar? 'No matter where you live, I'll bet that there have been hundreds of condos built in the center of your town recently. Over the last ten years there has been a 'planning revolution' across the US. Your commercial, industrial, and multi-residential land was rezoned to 'mixed use.' Nearly everything that got approvals for development was designed the same way: ground floor retail with two stories of residential above. Mixed use. Very hard to finance for construction, and very hard to manage since it has to have a high density of people in order to justify the retail. A lot of it is empty and most of the ground floor retail is empty too. High bankruptcy rate. So what? Most of your towns provided funding and/or infrastructure development for these private projects. They used Redevelopment Agency funds. Your money. Specifically, your property taxes. Notice how there's very little money in your General Funds now, and most of that is going to pay Police and Fire? Your street lights are off, your parks are shaggy, your roads are pot-holed, and your hospitals are closing. The money that should be used for these things is diverted into the Redevelopment Agency. It's the only agency in government that can float a bond without a vote of the people. And they did that, and now you're paying off those bonds for the next 45 years with your property taxes. Did you know that? And by the way, even if Redevelopment is ended, as in California, they still have to pay off existing debt--for 30 to 45 years. Rosa Koire was interviewed by attorney James E.A. Slaton (New Orleans) for the American Bar Association's Probate and Property magazine on behalf of lawyers, advisors to planning departments, and developers interested in promoting "smart growth". The purpose of the interview was how to quell/address citizen opposition to high density developments,

smart growth, new urbanism (or whatever name you want to call these high density development schemes). At the time of this interview, Slaton was a resident of the North Shore. At about minute 7, he addresses the light rail that no one has mentioned to the citizens of Mandeville/St Tammany?? ..and at about minute 24, Seaside is mentioned which coincidentally used the same architect as Port Marigny. What else are we NOT being told about Port Marigny? Dr. Michael Coffman, of Sovereignty International and Environmental Perspectives Inc., presents "The Smart Growth Fraud". It was Dr Coffman's map and research that was sent to the floor of the U.S. Senate. When the senators saw it, they voted UNANIMOUSLY NOT to ratify the U.N. biodiversity treaty. After watching Dr. Coffman's video, is there anything worse that this council could do to the citizens of Mandeville/St Tammany? I hope that, as Mandeville's newly elected council, you will work to represent the citizens of Mandeville rather than those who come from outside of our city in search of our hard-earned tax dollars/resources. We entrust those dollars/resources to you along with the duty to retain the character and vision of Old Mandeville-- above all else--per the CLURO and Comprehensive Plan as is clearly supported across the political spectrum by the taxpaying citizens of Mandeville. This 'proposed high density development' needs to be nixed. Anything else promises that the best view of Mandeville/St Tammany will be in the rear view mirror.

Mr. Pat Rosenow commented on the drainage. The developers are relying on assumptions; they do not know what will happen until they start. They have brought in many experts but consider their opinions: who brought them in and what the personally gain. He is not saying he are no telling the truth, but it may be altered because of what is personally at stake. Regarding the environmental issue, it is hard to see that there is a finding of no impact, no one knows for sure and EPA practices were very lax years ago.

Col. Brett Perry inquires where the study is listed. Mr. Madden stated it is part of the ordinance. Col. Perry recommends studying the whole site, not just one piece and also studying the noise, air quality, traffic and socio-economic impacts the development will cause.

Mr. Ren Clark recommended having the city hire someone to work with the developer to verify the environmental results. The study is in everyone's best interest. Mr. Madden asked the attorney's to research if the city could get an environmental consultant and have them in place when the analysis is ready. The Mayor commented the city cannot do this until the council makes a decision but when it goes to P&Z they will look at the study. Mr. Madden does not mean to hire a person now, just have the plan in place. The Mayor said the city does not even know when an application will be made. Mr. Muller will work with Mr. Joanen to develop a scope of work. The study works hand in hand with DEQ and the also have 3rd party reviews available. Mr. Brown commented they will need federal permits and those will include water quality certifications and a review from DEQ.

Ms. Claudia Sullivan recommends a second set of eyes to review the study. The city needs to protect the citizens as well as those who will be living on the site.

Mr. Ren Clark asked if anyone has contacted the prior owners of the site: Brown and Root. They are sure to have a list of materials used for review.

Mr. Victor Franckiewicz inquired if there was a phase 1 in the site history or the cumulative effects of all the analysis rolls up into what you would call a phase 1. Mr. Joanen stated there has not been a phase one study done yet. They are researching the body of data available to them and he will bring his plan to the DEQ. Phase 2 is where they would do an intrusive investigation and do some spot checks. So a phase 1 study has not been done yet, the project has not been established yet. Mr. Keller stated so the baseline will not be done until after the approval. Could a scope of the inspection be prepared in advance so a consultant can look at this and say it is sufficient? Mr. Muller agreed that would not be a problem to develop. Mr. Cressy stated they will use the form established in the P& Z review. Mr. Ellis agreed a 3rd party should review the study.

Col. Brett Perry wanted to remind the council we can look at what happened to the site in the past, but what will be the impact of the project when it is done.

Mr. Brian Rhinehart does not really understand with the amount of fill requested to be added to the site, how is the impact only 1/100". Mr. George Hudson commented the drainage impact will go two ways: offsite drainage and to site drainage. The surface water will flow into the lake. The fill plan will displace the water and based upon his finding will have no impact on the area. Mr. Rosenow wanted to make sure they would take into account a heavy rainfall and winds, not just a slow surge. Mr. Clark stated Mandeville does not drain well, it floods. We are seeing greater flooding and we need to look at developing things better. Ms. Sacks is concerned about the water erosion. Mr. Hudson has not looked at this impact because he feels the water will go into the lake and not impact the area.

Mr. Madden reminded everyone of the regular council meeting Thursday at 6pm. The next Port Marigny meeting is August 31st to discuss the developmental agreement. Mr. Muller inquired if they were on the agenda this Thursday, Mr. Madden replied yes.

ADJOURNMENT:

Mr. Keller made a motion to adjourn the meeting; this was seconded by Mr. Ellis. The meeting adjourned at 8:15 p.m.



Kristine Scherer
Council Clerk



Clay Madden
Council Chairman