

**THE FOLLOWING MINUTES WERE ADOPTED AT THE APRIL 23, 2015 MEETING OF  
THE MANDEVILLE CITY COUNCIL.  
MANDEVILLE CITY COUNCIL MINUTES  
FOR THE MEETING OF APRIL 9, 2015**

The regular meeting of the Mandeville City Council was called to order by Council Chairman at 6:00 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 Burguieres

**ABSENT:**

**ALSO PRESENT:** Mayor Villere, Chief Rick Richard, Frank Oliveri, Finance Director, Lori Pennison, Assistant City Attorney, David Cressy, Assistant City Attorney; David deGeneres, Public Works Director, Kim Chatelain, Times Picayune, Advocate

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**MINUTES:**

1. Adoption of the March 26, 2015 Regular Meeting Minutes.

A motion was made by Mrs. Buchholz and seconded by Mr. Burguieres to adopt the minutes of March 26, 2015. The motion passed 5-0.

**REPORTS AND ANNOUNCEMENTS:**

Mr. Danielson wanted to recognize on behalf of the City Council, Sgt. Pat Pitre for her 30 years of service with the Mandeville Police Department. We thank her for her service.

There is the Caladium bulb sale this Saturday at the Trailhead starting at 9am headed up by the Parks and Parkway Commission.

The Mayor wanted to let everyone know that the midterm charrette for Pre-stress is going on this week. Their last presentation is this Monday at 5:30. So far comments are positive. Once finished they will send a recommended ordinance to the P & Z Commission and then go through the Council process. This will take a number of years and will go through many phases.

**OLD BUSINESS:**

1. Adoption of Ordinance No. 15-07, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AMENDING THE MANDEVILLE CODE OF ORDINANCES, CHAPTER NINE, HEALTH AND SANITATION, SECTION 9-2(A) TO BROADEN THE DEFINITION OF PROHIBITED DEPOSITS ON PRIVATE OR PUBLIC PROPERTY (Offered by Ernest Burguieres, Council District III)

Ordinance No. 15-07 was read by title by Mr. Danielson. A motion was made by Mr. Ellis and seconded by Mr. Burguieres. Mr. Burguieres has had complaints from his constituents regarding animal waste. Mr. Ellis stated that this is not unique to our community, the focus is the lakefront but the problem is city-wide. Mr. Danielson asked what else we can do along with this ordinance. Mrs. Buchholz suggested looking into Keep Mandeville Beautiful to perhaps better educate the citizens, but she feels like this ordinance is a strong arm of government saying "you must do this". Education and signage are key and we should research other measures before passing such a law. KMB received a 10K grant to assist with litter abatement last year and they purchased doggie stations, which are being used. Regardless of a law, people will either pick up after their pets or they will not. If this law if passed, how would it be enforced? We are a small community with a more organic feel and the more ordinances we pass every time someone

complains I feel are unnecessary. KMB would be glad to assist Mr. Burguieres asked how would you prove this would be effective? Mrs. Buchholz said there is a reduction in our litter collection based upon our City-wide clean up and Public works states that the doggie receptacles are full and therefore being used. Mrs. Buchholz asked what type of fine are we looking at? David Cressy said this law would be similar to the litter law which carries a fine up to \$500.00; they would get a ticket and go through the court process. The Mayor stated that this ordinance is a waste of time for the police and court system; this is a heavy hand of government. The Mayor does not believe that this is a big issue and an officer will not go out to deal with an animal waste issue, they have better things to do. He recommends the council vote this down. Mr. Ellis states he supports an ordinance deterring blight and trash and agrees we need to have more people clean the city, but he does not want to overregulate. He would like to get assistance from KMB to research possible solutions. Mr. Burguieres said the police would not have to go out and give tickets, he suggests volunteer code enforcers. He feels if there is not rule, what is there to enforce. He requests a list of litter tickets from Chief from the past 6 months. He wants to change the behavior of people, not just collect fines, but fines have an effect on people.

Mr. Danielson opened the floor to public comment. Ms. Bretschger said in Southern California they have dog free zones, which could be a possible solution. Mr. McGuire stated that there are no problems on the lakefront. Why pass a law that is unenforceable? He does not want his tax dollars spend for MPD to handle dog waste issues; they need to focus on other issues. Chief Richard states the MPD issues only a handful (3) of litter tickets. His officers will not look for violators, but if they get a complaint, they will send an officer out and determine if a ticket is warranted. If the officer does not see the violation, then an affidavit must be made from the witness and then they would need to come to court to testify.

Mr. Danielson states this would be difficult to enforce. Mr. Danielson wants to learn more about what KMB could come up with and see a whole plan; they can meet with Ms. Gouzy. Mr. Danielson would be interested in deferring this ordinance. Mrs. Buchholz states there are already "curb your dog" signage on the lakefront and future receptacles will encompass all three (recycle, trash, doggie). The administration has agreed to service all stations. She will ask KMB to look for more ways to work with this issue. Mr. Madden has mixed feeling about this ordinance. He wants to support Mr. Burguieres but agrees with Mrs. Buchholz and the Mayor that there are other ways to expand on this issue. Why not suggest to KMB that they develop a program and revisit this ordinance after 1 year then decided if an ordinance is needed. These ordinances are a response to Mr. Burguieres constituents' complaints so let's see if the complaints would go down after we put something in place with KMB. If nothing works then he will support the ordinance His theory is most people that don't pick up after their dogs, don't live in Mandeville.

Ms. Haveman says she rides her bike on the lakefront 6 days a week and she thinks the citizens feel the city will not enforce their own laws. People eat on the lakefront and nothing happens.

There being no further discussion, a motioned was made by Mr. Ellis to vote. Roll was called and the adoption of Ordinance No. 15-07 failed 1-4 with Mr. Danielson, Mr. Ellis, Mrs. Buchholz and Mr. Madden against.

Adoption of Resolution No. 15-15, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO APPROVE A COOPERATIVE ENDEAVOR AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND NORTHSORE COMMUNITY FOUNDATION, INC.; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Ernest Burguieres, Council District III)

Resolution No. 15-15 was read by title by Mr. Danielson A motion was made by Mr. Danielson and seconded by Mr. .Ellis. Mr. Burguieres requests to withdraw the resolution at the request of his constituents. They do not feel it would be viable and the conditions put forth by Mr. McGuire are concerning.

Mr. Danielson stated we have spent a long time discussing this topic. Since then, we all have received a lot of feedback from our constituents.

Mr. McGuire stated the condition he put forward were all debatable, but no one asked him to modify his changes so he would like to go on record as stating the motion to withdraw is not because of him, but because of the lack of collaboration with the city. Mr. Madden asked if he felt the city should spend money on any CEA with any conditions. Mr. McGuire said "no", the city should only spend taxpayer's money unless they are all in agreement. The conditions he put forward were to guarantee complete access to the public; those conditions seem to be a concern to the city so he is glad it is being withdrawn now before any money is spent on the study. Mr. Danielson thanked Mr. McGuire for his flexibility.

A motion was made to withdraw by Mr. Madden and seconded by Mrs. Buchholz. The adoption of Resolution No 15-15 was withdrawn. 5-0.

### **NEW BUSINESS:**

1..Approval of the special event Liquor license for George's Mexican Restaurant Cinco De Mayo May 2, 2015, no rain date, from noon to 11pm

A motion was made by Mr. Madden and seconded by Mrs. Buchholz for the approval of the liquor license application for the special event Liquor license for George's Mexican Restaurant Cinco De Mayo May 2, 2015, no rain date, from noon to 11pm

Mrs. Buchholz is concerned that with a DJ in the parking lot the noise will be disturbing to residents. She asked Ms. Espinal if a 10pm cut off would be fine with the volume of the music turned down between 9-10pm. Ms. Espinal stated that would not be a problem, and her date is Tuesday May 5<sup>th</sup>, not Saturday May 2<sup>nd</sup>.

A motion was made by Mr. Madden and seconded by Mrs. Buchholz to amend the date of the function to Saturday, May 5, 2015; motion was passed 5-0. Chief Richard asked if they would have a detail officer and Ms. Espinal agreed. The motion was then made to approve the special event liquor license for the amended time with a detail officer. Motion was made by Ms. Buchholz and seconded by Mr. Ellis. The motion passed 5-0. There being no further discussion or questions, a motion was made by Mrs. Buchholz and seconded by Mr. Madden to approve the amended special event liquor license for George's. The motion passed 5-0.

2. Approval of special event Liquor license for La Carreta of Mandeville, May 5, 2015, no rain date, from 10am – 10pm.

A motion was made by Mr. Madden and seconded by Mrs. Buchholz. Mr. Ellis stated he has received complaints from the residents of the Shadows over the past year and he would like to make the same stipulations as George's: music ends at 10pm, with detailed officer. Ms. Bretscher stated they are having a live band contracted 6- 9pm and they would like the option to extend the contract by one hour if the people want to stay. They do have detailed officers scheduled. Mr. Ellis asked if they could lower the volume of the band. Ms. Bretscher would like the option of 10pm; she will also look at adjusting the stage away from the Shadows to help minimize the noise. Ms. Buchholz wanted to clarify that if there is a noise complaint, they will send an officer out.

Mr. Danielson made a motion to approve with the stipulation of volume be turned down from 9-10 and a detailed officer be present. Motion was seconded by Mr. Ellis. There being no further discussion or questions, the motion to approve the amended special event liquor license for La Carreta of Mandeville passed 5-0.

3. Adoption of Resolution No. 15-17, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE INFORMING THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OF ACTIONS TAKEN BY THE CITY COUNCIL OF THE CITY OF MANDEVILLE REGARDING THE WASTE WATER TREATMENT PLANT (Offered by Rick Danielson, Council At Large)

Resolution No. 15-17 was read by title by Mr. Danielson A motion was made by Mrs. Buchholz and seconded by Mr. Madden for the adoption of Resolution No. 15-17. Mr. DeGeneres stated that the audit has been favorable. Over the past few years we have actually gone down, which is good. A lower score it always better. With the proposed items in the upcoming budget we are hoping to resolve a few overflows and spills. Mr. Ellis asked about the smoke testing that occurred in Fountainbleau subdivision. Mr. DeGeneres stated they found a lot of caps that were broken from grass cutting when the smoke testing was being conducted. There being no further discussion or questions, the motion to adopt Resolution No. 15-17 passed 5-0.

4. Adoption of Resolution No. 15-18, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE PROCLAIMING THE MONTH OF APRIL 2015 AS CHILD ABUSE PREVENTION MONTH. (Offered by Clay Madden, Council at Large)

Resolution No. 15-18 was read by title by Mr. Danielson A motion was made by Mr. Madden and seconded by Mr. Ellis for the adoption of Resolution No. 15-18. Mr. Madden stated this is just to piggy back on the proclamation last month made by the Mayor declaring April Child Prevention Month. This is heavily promoted by the West St Tammany exchange club and is nationally recognized by Congress. There being no further discussion or questions, the motion to adopt Resolution No. 15-18 passed 5-0.

5. Adoption of a Resolution No. 15-19, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE RECOMMENDS THAT THE ADMINISTRATION ESTABLISH ADDITIONAL PROCEDURES IN PREPARATION OF THE CITY BUDGET (Offered by Ernest Burguières, Councilman District III)

Resolution No. 15-19 was read by title by Mr. Danielson A motion was made by Mr. Burguières and seconded by Mr. Madden for the adoption of Resolution No. 15-19.

Mr. Burguières stated this is something the MFOC has been debating. The committee recommends that the capital budget be presented before the operating budget and should include the following items: addition of summary pages by categories and departments, the amount of funds that each voter approved sales tax generates, a list of the separation of positions when there is more than one classification title and step and all funds should include budgeted year actuals and projected, as well as requested current year comparable. He thinks this is a good best practice and should help us out.

Mr. Danielson stated the MFOC has spent the last few months discuss the budget process and has made a recommendations on how to improve the process It has been a goal of this council to find ways to improve the budget process, not that anything is broken, just ways to improve the process and make things flow better..

Mr. Madden has stated that after their first term of council, the 2013-2014 budget went through a major overhaul. This recommendation takes some items such as formatting that the MFOC would like to bring back. It is really all about how the budget is presented and structured. These things are nothing new, just thing that were done prior, and we would ask the administration to bring it back.

Ms. Buchholz asked how is this a better structure to do operating before the capital budget? Mr. Burguières says the operating budget is more fixed, more day to day, and the capital is typically something that if you had to put it off you can. You have to pay the employees, you have to pay the electric bill, but do you have to buy that piece of equipment. Mr. Madden said the operating budget is stuff that needs to be funded, capital is more of when do you do things and how many projects. When we did operating first he did not feel as rushed and thought the process flowed

smoother. The last two years when we did capital first, it seemed to drag on. The goal will be to have less meetings and he feels if we do things this way, we will have fewer meetings. His constituents had commented that they also understood the budget better with the prior presentations. Mr. Madden attached sample appendices of what we used in the past and was liked by the MFOC and his constituents. These 4 items are all in the budget; it is just how it is presented, almost simplifying.

Mr. Olivieri says this is just more reporting, requiring many more man hours to prepare. Some of this stuff is already there. The more reports you put in the more things that may not tie back into one system. He wants people to help him out because it is a lot more burdomson. We went from 52 pages to 177 pages; you are adding another set of pages. The council wanted what we have crafted and now want to start unwinding. Putting in an extra column will crunch the size of the numbers and the council complained about the size of the numbers.

The Mayor stated that before coming to a resolution we should be able to sit down and look at the information you want. We have never denied the information that the council wants. It is premature to do a resolution without knowing what it is going to cost and how much addition time it will take. The council is asking for something that they don't know what the result is. We look at following the state formats, they may want something in a different format, so before you go to a resolution we need to sit down and talk about some of these things and we can probably come to an agreement, but tonight he is not prepared to say what he will and won't agree on.

Mr. Danielson said first this resolution is about doing operating before capital. Does anyone have any questions on this? The Mayor said we have never done operating budget first, capital was always done first. Even now the council is meeting with us to see what capital items are appropriate before you go into an operating budget. We have to generate revenue before we can go into the expense side. Capital projects are all contingent upon being funded; they are almost done hand in hand. If you wait and pass an operating budget first we will have to redo the operating budget to match what you add or delete on the capital budget. There are many places you have to make adjustments and those numbers must agree with one another. The city of Mandeville is going to get more money into the general fund that it ever has in the past. It is not a matter of whether we want to do it or do we have the money, we have the money to do it. It is just saying that we have a responsibility to the tax payers to spend the money wisely. To change the order to satisfy 4-5 people is not what we should be doing. We need to see what is best for the administration to prepare so we get the final product out in a timely matter.

Mr. Danielson asked Mr. Burguieres in the MFOC research of other municipalities, what did they do, operating or capital budgets first? Mr. Burguieres said he would defer to Mr. Madden on that, but he still feels the things you need to pay first is operating, once you take care of your operating needs, then the money left over is available for capital projects. It makes more sense because he is looking into introducing a line item for employee trust fund for the unfunded employee retirement. That is a big chunk of money which would affect what money would be available for capital expenditures. This shows up in our audit report as an unfunded mandate.

Mr. Madden said the other budgets they looked at did operating budget first, not all, but a majority. If we want to cut down on these workshops and have the process flow smoother, then it should be presented to us clearly so that we can easily explain the budget to our constituents. This is just about presentation and person preference, it is not about what is in the budget, just presentation and the format.

The Mayor said some of the formats have changed because of the legislative auditors. Mr. Danielson said one of the items they passed a few months ago was to have the MFOC look at ways to improve the budget process, secondly, look at things that need to be in the budget and finally, look at items that we need and those that are not needed in the budget. He states it is nice to say we have a 177 page budget but it how much of that is the council looking at, the public looking at, how much of it is truly needed It would be nice to have what is required by law, required by Gatsby, required by the auditors, and determine what makes the most sense to the council. We need to be able to easily analyze the budget, which is our number one responsibility, so we can present it to the public, and approve it in a timely manner. It would be nice to cut down on meetings but the process and discussion must start before July. Some of us are already doing that with Mr. DeGeneres and Mr. DeFranco which would be very helpful. But if we wait until the middle of July to go through this we are already behind the curve. This is helpful now because we can say to the administration these are thing we would like to see now instead of in June

A motion to call the question for a vote was made by Mr. Ellis, seconded by Mr. Madden. There being no further discussion or questions, the motion to adopt Resolution No. 15-19 passed 5-0

5. Adoption of Resolution No 15-20, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AUTHORIZE AND DIRECT THE MAYOR TO EXECUTE AND ENTER INTO A COOPERATIVE ENDEAVOR AGREEMENT WITH THE STATE OF LOUISIANA OFFICE OF FACILITY PLANNING FOR A CLASS ROOM ADDITION FOR THE CITY OF MANDEVILLE POLICE DEPARTMENT (Offered by Carla Buchholz, Councilman District II)

Resolution No. 15-20 was read by title by Mr. Danielson A motion was made by Mrs. Buchholz and seconded by Mr. Madden for the adoption of Resolution No. 15-20. Mrs. Buchholz stated this is part one of the funding for the new classroom for the MPD. The original request was for \$270K. We have been approved for the \$25K, and additional funding is to come in the next legislative session. Mr. Danielson confirmed this is the building that started with Friends of Mandeville Police, moving from their fundraising efforts to funding from the state. There being no further discussion or questions, the motion to adopt Resolution No. 15-20 passed 5-0

7. Adoption of Resolution No. 15-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE PROCLAIMING THE MONTH OF APRIL 2015 AS FAIR HOUSING MONTH. (Offered by David Ellis, Councilman District I)

Resolution No. 15-21 was read by title by Mr. Danielson A motion was made by Mr. Ellis and seconded by Mr. Madden for the adoption of Resolution No. 15-21. Mr. Ellis stated this is supporting the fair and equal housing act in the City of Mandeville. This is a resolution that will piggy back the proclamation the Mayor is presenting. The Mayor read the proclamation declaring April as Fair Housing Month. There being no further discussion or questions, the motion to adopt Resolution No. 15-21 passed 5-0.

8. Approval of the change order No. 2 – Girod Street Intersection Improvements Project No. 1006A36, in the additive amount of \$15,845.44. (Offered by Ernest Burguieres, Councilman District III)

A motion was made by Mr. Burguieres and seconded by Mrs. Buchholz for the approval of change order No. 2. Mr. Burguieres stated this is for the replacement of asphalt and piping that was determined to be damaged at the Madison Street intersection. There being no further discussion or questions, the motion to approve change order No. 2 Girod Street Intersection Improvements Project No. 1006A36 passed 5-0.

9. Introduction of Ordinance No. 15-08, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO EFFECT THE ANNEXATION OF LOT X CONTAINING 0.31 ACRES AND A PARCEL OF GROUND CONTAINING 0.38 ACRES IN SQUARE 113, TOWN OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA INTO THE CORPORATE LIMITS OF THE CITY OF MANDEVILLE DESIGNATING AND ASSIGNING THE PROPERTY FOR PURPOSES OF ZONING AS B-2 HWY BUSINESS DISTRICT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Ernest Burguieres, Councilman District III)

Ordinance No. 15-08 was read by title by Mr. Danielson A motion was made by Mr. Burguieres and seconded by Mrs. Buchholz for the introduction of Ordinance No. 15-08.

10. Introduction of Ordinance No. 15-09 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ADOPTING THE JOB CLASSIFICATION, POSITION DESCRIPTION, AND PAY SCALE FOR THE POSITION OF ASSISTANT CHIEF WITHIN THE POLICE DEPARTMENT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. (Offered by Rick Danielson, Council At Large)

Ordinance No. 15-09 was read by title by Mr. Danielson A motion was made by Mr. Madden and seconded by Mr. Ellis for the introduction of Ordinance No. 15-09. Mr. Danielson was confirming that is a re-titling of an existing position this is not an opening

#### **PUBLIC COMMENT:**

Mr. Danielson discussed the IG taskforce new audit process which starts with the fiscal year ending June 30<sup>th</sup>. The auditors held 2 meetings in the parish to bring them up to speed on their process and the next steps. Next week, Mr. Oliveri will receive a bill from the auditors indicating what their costs will be, and they seem to be minimal. Two months prior to the end of the fiscal year, the city will receive from the auditors, a list of procedures that need to be reviewed and additional audit items that they are looking for. The most municipalities will be asked for 4/5 items based upon surveys that were taken. All of the audits are customized and the best score is 1 and the worst is 5. These items will be in addition to our regular financial audit. We can use whatever CPA we want and they will review our processes. When the full financial audit is submitted this legislative audit report will be included. The biggest question was to have a full inspector general or an enhanced audit process. A full AG would cost somewhere around 2.5 million a year and all of these audits will be well less than a million. Their goal is to increase oversight and develop a proactive process. Down the road the city's costs will go down because we will not have to pay start-up costs.

The Mayor stated he would like to help the council advertise for an audit firm, the council selects the firm. Last year Postlethwaite & Netterville's contract was extended for 1 year only and we need to either extend their contract (for a total of 5 yrs.) or start to look at other options with a specified number of years.

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

1. Capital Roadway Maintenance Project-second batch of asphalt roadwork in progress, culvert and driveway replacement in progress will dig ditches after culverts are in.
2. Girod Street Landscaping & Lighting Project, Phase III
3. Lotus Drive/Village Lane Drainage Project- pipe installation complete, substantial completion inspection to be made next week, they are working on punch list.
4. Rapatel Water Tower- some sheets were not bent properly, nearly complete
5. Fire Hydrant Replacement Project- substantially complete, punch list items
6. Fire Suppression System for Dew Drop
7. Lift Station 21 Relocation – 30%complete
8. Lift Station 19 Relocation- 65% complete
9. Girod Street Overlay Improvements- Claiborne intersection concrete poured, opening up Friday

10. West Causeway Approach Pathway Project

**ADJOURNMENT**

Mr. Danielson adjourned the meeting at 7:40 p.m.

  
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Kristine Scherer  
Council Clerk

  
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Rick Danielson  
Council Chairman