

**MANDEVILLE CITY COUNCIL MINUTES  
FOR THE MEETING OF MARCH 27, 2014**

The regular meeting of the Mandeville City Council was called to order by Councilman Danielson at 6:00 p.m. Following the call to order, a moment of silence was observed and the Pledge of Allegiance was recited.

**PRESENT:** Clay Madden (6:27 pm), Rick Danielson, David Ellis, Carla Buchholz, Ernest Burguières

**ABSENT:**

**ALSO PRESENT:** Mayor Villere, Chief Richard; Frank Oliveri, Finance Director; Louissette, Kidd, Planning Director; David deGeneres, Director of Public Works; Edward Deano, City Attorney; Henry DiFranco, City Engineer; Kim Chatelain, Times Picayune; Faimon Roberts, The Advocate

**MINUTES:**

1. Adoption of the March 13, 2014 Regular Meeting Minutes

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the adoption of the March 13, 2014 regular meeting minutes. The motion to adopt the minutes passed 4-0, with Mr. Madden temporarily absent.

**REPORTS AND ANNOUNCEMENTS:**

1. Mr. Oliveri presented the Finance Report for the five month period ending January 31, 2014. Overall governmental revenue collected was \$9.8 million and operating expenses totaled \$5.2 million for the same time period. Ad valorem taxes were \$2.1 million. Overall expenditures to include capital outlay were \$5.9 million. The general fund balance is currently \$10.7 million of which we have committed funds of \$1.9 million. Overall governmental fund balances are \$42.1 million, of which we have committed \$8.5 million to capital outlay for the fiscal year.

**PRESENTATION:**

1. Mr. Danielson presented a certificate of appreciation to Kathy Foley, Director with Pelican Park and Recreation District #1 in recognition of their 25<sup>th</sup> anniversary. The Park has grown into a 230 acre facility, featuring 33 fields, two dog parks, a skate board park, walking trails and multiple facilities, bringing in over 1 million visitors per year.

**NEW BUSINESS:**

1. Appointment to Fire Board District #4

There were two candidates for consideration for the appointment to Fire Board District#4. Candidates, Mr. Thomas Adoue and Mr. Ambrose Amedee, took a few minutes each to address the Council. The Council appointed Mr. Ambrose Amedee to Fire Board District #4 with a vote of 2-1, with Mr. Ellis voting for Mr. Adoue, Mrs. Buchholz abstaining and Mr. Madden temporarily absent.

2. Approval of special event liquor license application for LaCarreta of Mandeville, 1200 West Causeway Approach, Mandeville, 70471 for Cinco de Mayo, 11:00 am to 10:00 pm

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the approval of the special event liquor license application for LaCarreta of Mandeville, 1200 West Causeway Approach, Mandeville, 70471 for Cinco de Mayo, 11:00 am to 10:00 pm. The motion passed 4-0, with Mr. Madden temporarily absent.

**OLD BUSINESS:**

1. Adoption of Ordinance No. 14-03, AN ORDINANCE: AMENDING THE COMPREHENSIVE LAND USE REGULATIONS ORDINANCE, INCLUDING SECTIONS 2.5.2 QUALIFICATIONS AND DUTIES OF THE PLANNING DIRECTOR, 4.3.1.1 ET SEQ METHODS OF INITIATION OF AMENDMENT, ELIMINATION OF REFERENCES TO THE COMMUNITY APPEARANCE COMMISSION, 6.3 AND 6.4 LAND USE DEFINITIONS, 7.5.10 ET SEQ OLD MANDEVILLE BUSINESS DISTRICT 8.1 ET SEQ SUPPLEMENTAL REGULATIONS, 8.2.3 OUTDOOR DINING, 9.1 ET PARKING AND LANDSCAPING REQUIREMENTS, AND ARTICLE 10 SIGNS; AMENDING THE B-3 DESIGN REGULATIONS AND GUIDELINES AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mrs. Buchholz and seconded by Mr. Danielson for the adoption of Ordinance No. 14-03. Mrs. Kidd stated that these amendments were a result of the 2013/2014 short-term work program adopted by the Planning Commission in June of 2013. The Planning Commission established four committees to study CLURO changes and other actions required to address challenges related to signage, parking in Old Mandeville, citywide traffic problems and protection of environmental critical and sensitive areas. This ordinance addresses phase one of the priorities in the short term work program to include substantive changes related to issues in Old Mandeville and clarification and amendments to regulations for height of structures and regulations for electronic signage. The Planning Commission at their meeting of March 11<sup>th</sup> recommended the adoption of Ordinance No. 14-03 with all of the amendments that were outlined by Michael Lauer at the Council meeting of March 13<sup>th</sup>. Mrs. Kidd requested an administrative amendment under section 3.3.91 Height of Structure, to change "habitable floor" to "story". A motion was made by Mr. Danielson and seconded by Mr. Ellis to amend section 3.3.91 to change "habitable floor" to "story". The motion to amend passed 4-0, with Mr. Madden temporarily absent. A motion was made by Mr.

Ellis and seconded by Mr. Burguières to amend section 10.5.4.9 Electronic Message Centers or Digital Signs, to allow electronic message centers or digital signs as part of a monument sign only on North Causeway Boulevard or on any State and Federal Highway (to exclude East and West Approach). Mrs. Buchholz asked the City Attorney if this amendment could be considered outside of a public workshop. Mr. Deano stated yes, legally the Council could consider amendments, but it is a matter of Council policy. Mrs. Buchholz stated that she did not agree with approving amendments after the public hearings were concluded and after the Planning Commission released their recommendation. Mayor Villere concurred. He suggested that the issue be referred back to Planning & Zoning for the next phase of CLURO amendments. Mr. Nixon Adams concurred and added that it was a new idea that could be addressed in phase II. Mr. Deano stated that the City and possibly the School Board might have nonconforming digital signs on the East and West Causeway that would have to be taken into account. Mr. Don Thompson, resident of Sanctuary Subdivision, asked the Council to consider that public input without the proper notice is not public input. Mr. Barrett McGuire, resident of Lakeshore Drive, objected to any substantial amendment without public input through the Planning and Zoning public hearings process. A motion was made by Mr. Ellis and seconded by Mr. Danielson to defer the amendment to limit the locations of electronic message centers or digital signs as part of a monument sign and refer the issue for Phase II of CLURO amendment public hearings. The motion passed 5-0. Mr. Danielson asked for explanation of the regulation establishing maximum building ground floor area. Mrs. Kidd stated that the regulation sets a maximum standard, of ground floor area, for the establishment of large-scale buildings (commercial or residential) within the B-3 Business District. No floor shall exceed the maximum floor area unless the Zoning Commission finds the building meets exception criteria as outlined in section 7.5.10.2.3. The maximum square footage standard started at 5,000 and through the public hearing process changed to 3,000. There was further discussion on the purpose of the regulation. Mr. Barrett McGuire stated that the latest information of the Planning and Zoning Commission's recommendation posted on the City's website indicated 5,000 square feet. He urged the Council not to amend the square footage to 3,000 without proper public notice and debate. Mr. Danielson pointed out that on page eight of the recommendation from the Planning Commission the regulation states "3,000" but on page nine it states "5,000". Mrs. Kidd stated that the recommendation from the Planning Commission was 3,000 square feet but the table on page nine was not updated. Mr. Nixon Adams stated that almost every commercial use that comes into the B3 district requires a zoning permit. The Planning and Zoning Commission can put conditions (usually site development conditions) on almost anything to make sure it is compatible with the neighborhood around it. So there are controls in place. Mr. Rick Denney, with the Chamber and OMBA, stated that he was against the standard of 3,000 sq. ft. because it would restrict business opportunity and an opportunity to increase sales tax revenue. A motion was made by Mr. Danielson and seconded by Mrs. Buchholz to change 3,000 sq. ft. on page eight of the CLURO amendment recommendations to 5,000 sq. ft. for consistency. Mayor Villere suggested that the Council adopt the 5,000 sq. ft. standard and then ask the Planning Commission to address possibly reducing the square footage during the next round (Phase II) of the CLURO amendment public hearings. Mr. Burguières stated that the 5,000 sq. ft. standard was not set in stone; the Planning Commission will allow exceptions to insure that the building is appropriate for its intended use and compatible with the neighborhood. He added that the recommendation from the Planning Commission after public hearings with Michael Laner was 3,000 sq. ft. After further debate, the motion to amend to the square footage from 3,000 to 5,000 on page eight of the CLURO amendments passed 4-1, with Mr. Burguières voting against. There being no further discussion, Ordinance No. 14-03 passed, as amended, 5-0.

2. Adoption of Ordinance No. 14-05, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AMEND THE PLANNED COMBINED USE DISTRICT CREATED UNDER ORDINANCE 00-25, AND AMENDED UNDER ORDINANCE 01-19, 03-04, AND 04-11 LAKESIDE VILLAGE PHASE 1 AS DEPICTED ON THE FINAL PLAN BY GULF ENGINEERS & CONSULTANTS DATED NOVEMBER 19, 2013; APPROVING THE SITE DEVELOPMENT CRITERIA AND DESIGN CRITERIA; WAIVING CERTAIN REQUIREMENTS REGARDING THE CONTENTS OF SAID SITE PLAN; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Danielson and seconded by Mrs. Buchholz for the adoption of Ordinance No. 14-05. Mrs. Kidd stated that the Planning and Zoning Commission at their meeting of March 25, 2014 voted unanimously to recommend adoption of Ordinance No 14-05. This Ordinance allows for the construction of single family residences on lots 32A-45A and reduces the overall number of dwelling units by 13, from 57 to 45. The original Ordinance, No. 00-25, created the planned combined use district and called for both townhomes and single family residences. The single family dwellings will run from 2,200 to 2,500 sq. As previously approved, two lots were set aside for a community center, common amenities, and a pond with surrounding park and pathways. There being no questions, the motion to adopt Ordinance No. 14-05 passed 5-0.

**NEW BUSINESS:**

3. Adoption of Resolution No. 14-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE PROCLAIMING THE MONTH OF APRIL 2014 AS CHILD ABUSE PREVENTION MONTH

A motion was made by Mr. Danielson and seconded by Mr. Ellis for the adoption of Resolution No. 14-14. Mayor Villere presented a proclamation to Mr. Don Thompson, President of the Exchange Club of West St. Tammany, to declare the month of April as Child Abuse Prevention Month. Mr. Thompson addressed the Council to explain their mission and outline the details of the activities planned for the month of April. The motion to adopt Resolution No. 14-14 passed 5-0.

4. Adoption of Resolution No. 14-15, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ESTABLISHING A REQUIRED PROCEDURE TO OUTLINE HOW ORDINANCES AND RESOLUTIONS ARE PLACED ON THE REGULAR COUNCIL MEETING AGENDAS AND PROVIDING

FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Burguières and seconded by Mr. Danielson to defer the adoption of Resolution No. 14-15. There being no discussion, the motion to defer passed 5-0.

5. Adoption of Resolution No. 14-16, A RESOLUTION ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF MANDEVILLE, STATE OF LOUISIANA, TO AUTHORIZE THE CONTINUATION AND REDEDICATION OF A SALES AND USE TAX THEREIN; MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Ellis and seconded by Mr. Burguières for the adoption of Resolution No. 14-16. Mr. Danielson stated that this was the next step to get the sales tax rededication on the ballot this fall. At the last meeting the Council made some amendments to the recommendation from the financial oversight committee and voted on a Resolution to include certain criteria in the proposition language. Now the proposal was back before the Council with language drafted by our Bond Counsel. Mr. Hugh Martin, with Foley & Judell, explained the proposition to the Council. The proposition continues to levy the 1% sales tax in perpetuity commencing on January 1, 2015. The purpose of the tax would be used as follows (1) 50% for any lawful corporate purpose, and (2) 50% for the original purpose plus flood protection, including the payment of salaries and acquiring of all necessary land, equipment and furnishings. The City shall be authorized to fund the proceeds of the tax into bonds for capital improvements. A motion was made by Mr. Burguières and seconded by Mr. Ellis to delete perpetuity and replace with a ten year term to expire on December 31, 2029. Mayor Villere explained the benefits of establishing a permanent and stable source of revenue for the City. He added that it would allow the City to return property taxes to the citizens. Ultimately this is a decision for the voters. Mr. Vince Talazac, resident of Beau Rivage, stated that his concern was that there was no written plan on how the Administration plans to return funds back to the citizens. He added he does not see a plan to increase revenue or decrease operating costs; the current strategy appears to be defensive in nature. Mayor Villere disagreed and stated that there has been a reduction in the number of City employees and operating expenses have declined in areas where the administration has an effect. After discussion on the benefits of both options, the motion to amend passed 4-1, with Mrs. Buchholz voting against. There being no further questions, the motion to adopt Resolution No 14-16 passed, as amended, 5-0.

6. Approval of the Preliminary Package of Charter Amendments for Public Hearing and Schedule Public Hearings for April and May.

The Council set the following dates for public hearings to discuss the preliminary package of charter amendments prior to their adoption: (1) Monday, April 14, 2014, 6:00 pm; (2) Tuesday, April 29, 2014, 6:00 pm; and (3) Thursday, May 8, 2014, 5:30 pm. The amendments will be categorized into four categories: (1) technical changes generally to clarify text or comply with state law; (2) substantive changes with specific language recommendations; (3) open topics from citizens; and (4) other topics without recommendations. The agenda of each public hearing will cover:

1. Presentation on the purpose of the hearing and on home rule charters and their place in local government
2. Recommended Technical Changes – These changes are technical in nature and generally involve updating the charter to track current state law or clarify ambiguous text. These changes should be considered as one package.
3. Substantive Changes – Topics with specific language recommended; topics to include:
  - Council term limits – increase from two to three consecutive terms
  - Council vacancy appointments – change appointing power from Governor to Mayor
  - Council salary change – require any change in council salary to be made 90 days before the qualifying deadline for the next term
  - Prohibit targeting specific employees for salary reduction
  - Open meetings – require council members elect to comply with open meetings law
  - Council agendas – protect the right of any single council member to place an item on the council agenda
  - Council organization and presiding officer – allow council to change initial organization and elect chair by majority vote rather than two-thirds
  - Council selection of city auditor – require an open selection process
  - Authority to acquire real estate – clarify that authority can be provided in the budget ordinance in lieu of a separate ordinance
  - Emergency powers – allow temporary suspension of or modifications of existing ordinances for limited periods during an emergency
  - Electronic signatures – allow mayor to use electronic signatures if authorized by ordinance
  - Chief administrative officer – allow but not require establishment of CAO position by ordinance
  - Special attorney for council – allow the appointment of a special counsel to advise the council under specific circumstances and with four affirmative votes
  - Capital budget - require disclosure of prior unexpended balances and expressly provide authority to rescind prior authorizations
  - Professional services and other non-low bid contracting – establish minimum competitive procurement and process standards for discretionary procurements when state law does not require award to the lowest bidder
4. Open Topics – Invite citizen input on any charter topic of interest
5. Other Topics without recommendations, public input is requested
  - Lifetime term limits for Council and Mayor
  - Council authority to call mayoral recall referendum

- Provide additional civil service protection for Human Resources Director
- Charter protection for city's comprehensive plan
- Contingency for councilmember replacement upon disability
- Job tenure protection for Chief of Police
- Elected Chief of Police
- Automatic authorization for acquiring servitude for capital projects without specific ordinance
- Clarify Council oversight power

7. Introduction of Ordinance No. 14-06, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO SUSPEND FURTHER ACTION ON THE PROPOSED MANDEVILLE WETLAND PROTECTION STRUCTURE AND WETLANDS RESTORATION PROJECT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Ordinance No. 14-06 was read by title by Mr. Madden. A motion was made by Mr. Burguières and seconded by Mr. Ellis for its introduction. Mr. Madden stated that he would allow discussion on the introduction since he received feedback from the City's legal department. He turned the floor over to Mr. Deano. Mr. Deano stated that this was a subject that he completely recused himself from. Mr. Madden stated that the discussion will then be brought up at the April 10<sup>th</sup> meeting. Mayor Villere stated that it was Council policy for all Resolutions and Ordinances to go through legal review by the City Attorney prior to being placed on the agenda. He asked if this Ordinance obtained legal approval. Did the opinion of the assistant City Attorney get to this Council? Mrs. Buchholz stated yes; we have it in writing. Mr. Madden stated that he got the opinion, secondhand, that this instrument should not go to the Council. Mayor Villere asked – are you not going to follow the advice of Counsel? Mr. Madden stated that he thought it was different because it was an introduction. Mayor Villere stated that the Council should not entertain any part of this issue. Mr. Madden stated that, in the future, he would appreciate if the assistant City Attorney would attend the Council meeting under these circumstances. Mayor Villere stated that the Council was in violation of their own rule. Mr. Madden stated that he thought this was a special case. Mr. Burguières stated that Mr. Walker never assisted him in drafting the instrument. He only advised what was wrong with it. Mr. Burguières asked was it his job to help with the draft or find a way to kill it. He added that his intent was to protect all of us (Mayor and Council) while waiting for the outcome of a request for an ethics opinion filed over a year ago. The request to the Ethics Board was in writing and copied to the Council, Administration and press. We have no opinion from the Ethics Board; prudence would dictate that you hold off on things until we receive the opinion. He asked for help in drafting a Resolution that would pass muster until the Board of Ethics rules an opinion. There was further debate between Mr. Burguières and the Mayor. Mr. Burguières stated that he was told by the assistant City Attorney that either party could get out of the contract. Mayor Villere stated that there were two contracts. The contract with UNO was for a grant and if we do not fulfill the grant, it will cost the City money. Plus the project has not been funded to go forward. He added that this Ordinance was improper. Mr. Deano concurred and stated that it was not a legal instrument. He added that Mr. Burguières' statement that Mr. Walker has been instructed to "kill this thing" is unfounded and irresponsible. He stated that if someone wanted Mr. Walker to be in attendance this evening, someone should have told him that. Secondly, the comments and requests came, as far as he was concerned, today. And somehow it is completely unreasonable that Mr. Burguières did not get what he wanted today. Mr. Burguières disagreed and stated that he made his request for help a week ago. There was further discussion on procedure and if the introduction could be deferred. Mr. Burguières asked if he could receive legal assistance in drafting his Resolution. Mr. Deano stated yes.

8. Introduction of Ordinance No. 14-07, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MANDEVILLE TO ESTABLISH SECTION 2.4 THERETO; TO REQUIRE DISCLOSURE OF CERTAIN POLITICAL CONTRIBUTIONS MADE BY THOSE ENTITIES RESPONDING TO REQUESTS FOR SUBMITTALS TO CONTRACT ON A NON-BID BASIS AND TO PROVIDE FOR RELATED MATTERS

Ordinance No. 14-07 was read by title by Mr. Madden. A motion was made by Mr. Ellis and seconded by Mr. Burguières for its introduction.

**PUBLIC COMMENT:**

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

1. Capital Roadway Maintenance Project – Asphalt paving is almost complete. The sidewalk on Carroll and bike path improvements remains. Engineering is putting together Task Order No.2.
2. Girod Street Landscaping & Lighting Project, Phase III – No change.
3. Monroe Street Sewer Lift Station – The pipeline and structural work is complete. The contractor is preparing to install electrical equipment and controls.
4. Tyler Thomas Park Restrooms – The preconstruction meeting was held on March 11, 2014 and the notice to proceed was issued for April 3, 2014. It is a 90 day contract.
5. Hurricane Isaac Water Meter Replacement – 500 meters have been installed. The non-standard sizes are on order.
6. Community Center Rehabilitation – The restroom work and plumbing modifications are underway. Demolition and foundation work for the exterior canopy is complete. The contractor is framing the canopy.

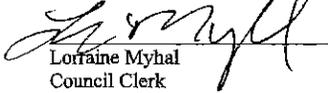
7. Hurricane Isaac Pile Cap Replacement – The preconstruction meeting was held on March 25, 2014. The contractor to mobilize to the jobsite in approximately two weeks.

8. Lotus Drive/Village Lane Drainage Project – The construction contracts have been executed. The preconstruction meeting is scheduled for April 1, 2014.

The water tower project bids on April 9<sup>th</sup>. The West Beach Park Playground was reviewed by Parks and Parkways and should come back before the Council on April 10<sup>th</sup>. The Parks and Parkways Committee recommended moving the swings to the Harbor Playground. Mrs. Buchholz asked to visit swings for the West Beach Playground in the next budget cycle. The shoreline study is underway, five locations were chosen for beta testing. The locations are being measured and then the cost will be determined. The flap is custom made according to our specifications and takes approximately 6-8 weeks.

**ADJOURNMENT:**

The Mayor Pro Tem adjourned the meeting at 9:00 p.m.

  
Lorraine Myhal  
Council Clerk

  
Clay Madden  
Mayor Pro Tem