

**MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF SEPTEMBER 11, 2014**

The regular meeting of the Mandeville City Council was called to order by the Mayor Pro Tem 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, Rick Danielson, David Ellis, Carla Buchholz, Ernest Burguières

ABSENT:

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

MINUTES:

1. Adoption of the August 28, 2014 Regular Meeting Minutes.

A motion was made by Mr. Ellis and seconded by Mr. Madden for the adoption of the August 28, 2014 regular meeting minutes. The motion passed 5-0.

PRESENTATIONS:

1. Jeff St. Romain, CEO with Habitat for Humanity St. Tammany West, spoke to the Council about their mission and economic impact on the community. The 501(c)3 organization has been in St. Tammany for 34 years and has helped to provide homes, with interest free mortgages, to over 230 homeowners. Habitat for Humanity is a retail business as much as it is a construction business utilizing local services and products.

REPORTS AND ANNOUNCEMENTS:

1. DOTD Project on Hwy 190 – St. Joseph Road is scheduled to open on Monday evening, September 15th. The entire project is expected to be complete by November.

There being no objection, Mr. Danielson moved two items (1) Resolution No 14-41 and (2) Ordinance No 14-38, under Old Business, to the end of the agenda items under New Business.

NEW BUSINESS:

3. Adoption of Resolution No. 14-49, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE THE RECOGNIZING THE PRINCIPLES OF THE SPEAK YOUR PEACE PROJECT AND THEIR NINE SIMPLE RULES DESIGNED TO IMPROVE COMMUNICATION, CIVIL DISCOURSE, AND PUBLIC DEBATE

A motion was made by Mr. Ellis and seconded by Mr. Madden for the adoption of Resolution No. 14-49. Ms. Lacey Toledano, St. Tammany West Chamber of Commerce's President and CEO, addressed the Council to explain the national public awareness campaign encouraging a more civil discourse. "The Speak Your Peace" initiative is meant to lead and encourage healthy debates, in a way that respects each person's opinion, and is directed at citizens, business owners, employees, and elected officials. The campaign, modeled after a similar initiative that began in Duluth, Minnesota, provides nine principles which serve as guidelines to more effective and respectful communications and human relations. There being no questions, the motion to adopt Resolution No. 14-49 passed 5-0.

OLD BUSINESS:

2. Adoption of Ordinance No. 14-37, AN ORDINANCE TO AMEND THE HISTORIC SURVEY OF LOUISIANA PREPARED BY SALLY REEVES DATED FEBRUARY 4, 2009 CONTRACT NUMBER 20619 BY ADDING THERETO CERTAIN ACCESSORY STRUCTURES LOCATED AT 2441 LAKESHORE DRIVE AND 129 CARROLL STREET

A motion was made by Mr. Burguières and seconded by Mr. Madden for the adoption of Ordinance No. 14-37. The Historic District Commission has identified two accessory structures as contributing structures and recommended that they be added to the Historic Preservation District Survey prepared by Sally Reeves and dated February 4, 2009. Mrs. Kidd stated that the Ordinance reflects the latest revisions and specifies that the structures are contributing. Mr. Danielson read each technical amendment. A motion was made by Mr. Danielson and seconded by Mr. Burguières to accept the revisions as written. The motion to adopt the amendments passed 5-0. Mrs. Kidd stated that they received a grant to hire a consultant to update the Historic survey in the near future, and many properties and accessory structures need to be added to the survey. These two accessory structures need to be elevated and added to the survey so that they do not have to comply with all of the FEMA requirements. There being no further discussion, the motion to adopt Ordinance No. 14-37 passed, as amended, 5-0.

4. 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. Burguières and seconded by Mrs. Buchholz for the adoption of Ordinance No. 14-39. Mrs. Kidd requested that the Council defer the adoption until October 23, 2014 to allow for a review by the Planning and Zoning Commission. A motion was made by Mr. Danielson and seconded by Mr. Ellis to defer the adoption of Ordinance No. 14-39 to October 23, 2014 in order to receive a recommendation from the Planning and Zoning Commission. The motion to defer passed 5-0.

5. Adoption of Ordinance No. 14-40, AN ORDINANCE FOR THE CITY OF MANDEVILLE TO PROVIDE FOR THE CLARIFICATION OF THE TERM "HISTORIC SURVEY OF MANDEVILLE LOUISIANA". TO AMEND SECTIONS 7-4, 7-7(A)(B), 7-8 (I)(K) AND SECTION 7-12 TO PROVIDE FOR CLARIFICATION OF THE TERM "HISTORIC SURVEY OF MANDEVILLE LOUISIANA" AND TO PROVIDE FOR RELATED MATTERS

A motion was made by Mrs. Buchholz and seconded by Mr. Burguières for the adoption of Ordinance No. 14-40. Mrs. Kidd stated that Ordinance 12-32, which created the Historic District, did not mention the survey prepared by Sally Reeves. In order to amend that survey we need to amend the original Ordinance to name that survey. The Ordinance also includes the definition of accessory structures instead of referring back to the CLURO. Mr. Danielson stated that the revised Ordinance includes the amendments, identified with strikes and underlined additions, as stated by Mrs. Kidd this evening. A motion was made by Mr. Danielson and seconded by Mr. Burguières to include the amendments to Ordinance No. 14-40 as presented. The motion to amend passed 5-0. There being no further discussion, the motion to adopt Ordinance No. 14-40 passed, as amended, 5-0.

NEW BUSINESS:

1. Set Meeting Dates for November and December Council Meetings

A motion was made by Mr. Danielson and seconded by Mr. Ellis to set the Council meetings dates for November and December to be: November 13, 2014, 6:30 pm and December 18, 2014, 6:00 pm. The motion passed 5-0.

2. Approval of the certificate of substantial completion for Tyler Thomas Park Restroom as of July 16, 2014 and an addition of \$2,442.50 to the contract.

A motion was made by Mr. Madden and seconded by Mr. Burguières for the approval of the certificate of substantial completion for the Tyler Thomas Park Restroom Project as of July 16, 2014 and an addition of \$2,442.50 to the contract. Mr. deGeneres stated that the additional cost was primarily for the installation of the floor topping (stain) on the concrete. The motion passed 5-0.

4. Adoption of Resolution No. 14-50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE RECOMMENDING ITEMS TO BE REVIEWED AND RESEARCHED BY THE MANDEVILLE FINANCIAL OVERSIGHT COMMITTEE WITH COMMITTEE RECOMMENDATIONS TO BE CONSIDERED FOR INCORPORATION INTO THE OPERATING BUDGET AND CAPITAL BUDGET

A motion was made by Mr. Madden and seconded by Mr. Ellis for the adoption of Resolution No. 14-50. Mr. Danielson stated that this comes out of discussions, held during the budget hearings, where it was decided that the budget process cannot be limited to July and August. The process should start early in the year. Prior to July, the Council needs to determine what items they wish to include (and not include) in the budget document. Mr. Danielson stated that he would like the MFOC to research the items outlined in this Resolution and work with the Administration to make recommendations back to the Council prior to a strategic planning session targeted for after the holidays. A motion was made by Mr. Burguières to amend the Resolution by including an additional item to develop performance measurements for the acquisition of capital assets. Mr. Danielson stated that he saw this as a separate item to be included in the review process and not in the budget process. Mr. Burguières stated that his intent was to keep a record of issues or failures so we do not repeat mistakes. Mr. Madden stated that this concept of performance indicators was something the State implements and was necessary. Mr. Burguières stated that this idea could be considered as a stand-alone Resolution and withdrew his motion to amend. Mrs. Buchholz stated that asking a committee to look at exhibits and charts to be included or not seems like busy work; the Council has already asked for these items and addressed their concerns with the Administration during the budget work sessions. Mr. Danielson stated that the purpose of the MFOC was to provide guidance to the Council on the budget process. Mr. Burguières stated that it was his hope that the MFOC recommendation would be to streamline the budget document. Mrs. Buchholz agreed but stated that the Council can make requests and suggestions directly to the Finance Director. Mr. Danielson added that there should also be citizen input and consideration. Mr. Madden stated that the MFOC brings a study of best practices with their recommendation which is very useful. He added that it was appropriate for the MFOC to research what other municipalities offer and compare budget documents. Mr. Madden stated that he would like to make the budget format as user friendly as possible. Mr. Oliveri stated that the Administration went through the effort to incorporate GFOA best practices and format examples from Bowling Kentucky as requested by the Council. If there is too much information, we can take it out. Mr. Ellis expressed appreciation for the improved budget format and the additional information it provides. Mr. Madden reiterated that the purpose of this Resolution was to keep the GFOA requirements while making the format more user-friendly. Mayor Villere stated that the budget process has to remain the same; he suggested starting the process and the budget discussion earlier. He added that he wanted to know what the Council would like to include in the budget, not what the committee wanted to see. Mr. Glen Runyon read three GFOA best practices which are not currently being utilized in the City's budget format. He recommended taking all the best practices, conduct a gap analysis, and then prioritize the gaps and determine what is important to the City of Mandeville. Mr. Deano stated that the Resolution suggests that the MFOC work with the Administration but what he was hearing tonight was that the

Administration prefers to work directly with the Council. There has been no response back to that question; the establishment of the MFOC beckons that question. Mr. Burguières stated that the MFOC brings expertise that the Council may not have. Mr. Madden added that the committee was formed so we could have discussions about the budget all year long. After further debate, a motion was made by Mr. Danielson and seconded by Mr. Madden to amend Resolution No. 14-50 to include a committee recommendation deadline of December 18, 2014. The motion to amend passed 5-0. The motion to adopt Resolution No 14-50 required a unanimous vote and failed 4-1, with Mrs. Buchholz voting against.

5. Adoption of Resolution No. 14-51, A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MANDEVILLE EXPRESSING THE SUPPORT OF CONSTITUTIONAL AMENDMENT 3 (ACT 871 OF THE 2014 REGULAR SESSION OF THE LOUISIANA LEGISLATURE) AND CONSTITUTIONAL AMENDMENT 10 (ACT 436 OF THE REGULAR SESSION OF THE LOUISIANA LEGISLATURE), CONSTITUTIONAL AMENDMENTS TO ASSIST MUNICIPALITIES IN THE FIGHT AGAINST BLIGHTED PROPERTY

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for the adoption of Resolution No. 14-51. This Resolution was drafted by and recommended to all municipalities by LMA in support of two State Constitutional amendments that will appear on the ballot on November 4th. Mr. Deano stated that this would address the issue of entering into third party agreements (CEA) to auction off adjudicated properties. It addresses the constitutional problem of cooperative endeavor agreements with private entities. The second amendment changes the redemptive period from three years to eighteen months on blighted properties. This is a policy decision. Mr. Burguières stated that New Orleans does a poor job with their tax sales and he can foresee a problem with proper notice and procedure. There being no further questions, the motion to adopt Resolution No. 14-51 passed 4-1, with Mr. Burguières voting against.

6. Adoption of Resolution No. 14-52, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR THE FIRE SUPPRESSION SYSTEM FOR THE DEW DROP SOCIAL & BENEVOLENT HALL PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Madden and seconded by Mrs. Buchholz for the adoption of Resolution No. 14-52. The responsible bidder was Jefferson Sprinkler in the amount of \$32,625. The estimated cost was \$35,000. There being no questions, the motion to adopt Resolution No. 14-52 passed 5-0.

7. Adoption of Resolution No. 14-53, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR THE LIFT STATION 21 RELOCATION PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the adoption of Resolution No. 14-53. The City received six bids. The lowest responsive and responsible bidder was Magnolia Construction Company in the amount of \$1,064,131.90. Mr. Burguières requested a map or image of the proposed site of the project. Mr. deGeneres stated that this lift station will be located at the end of Heavens Drive. There being no questions, the motion to adopt Resolution No. 14-53 passed 5-0.

8. Introduction of Ordinance No. 14-41, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ADOPTING THE JOB CLASSIFICATION, POSITION DESCRIPTION, AND PAY FOR THE POSITION OF CLERK II – ADMINISTRATIVE COORDINATOR AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Ordinance No. 14-41 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for its introduction.

OLD BUSINESS:

3. Adoption of Ordinance No. 14-38, AN ORDINANCE OF THE CITY OF MANDEVILLE TO PROVIDE FOR A MORATORIUM ON THE ISSUANCE OF A CERTIFICATE FOR APPROPRIATENESS FOR DEMOLITIONS AND RELOCATIONS BY THE HISTORIC PRESERVATION DISTRICT COMMISSION IN THE TOWN CENTER DISTRICT IN THE CITY OF MANDEVILLE AND TO PROVIDE FOR RELATED MATTERS

A motion was made by Mrs. Buchholz and seconded by Mr. Burguières for the adoption of Ordinance No. 14-38. Mrs. Kidd stated that the revisions show that the moratorium was on the issuance of a permit for demolitions and relocations and not on the certificate of appropriateness. The purpose of the Ordinance was to establish a moratorium for a 12 month period for a demolition and/or relocation permit within the historic preservation district, while the new survey was being conducted, to ensure that the historic preservation district was not undermined by the loss of potentially historic structures. The survey conducted in 2009, surveyed structures built prior to 1941. Structures are eligible to be historic for fifty years so we do not have any structures surveyed from 1941 through 1965. The City has received a grant to survey and update the inventory of historic properties within the historic district. The survey will assist in the identification of those potentially eligible for federal tax benefits or other state and local incentives. The Historic Preservation District Commission has recommended a 12 month moratorium on demolition or relocation while the 2009 survey is being brought up to date. She stated that the amendments she distributed clarifies that the moratorium is on the issuance of demolition or relocation permits for structures within

the historic preservation district. The CLURO identifies the permitting process for demolition and The Historic Preservation District Commission would hear all appeals. The deadline for the completion of the new survey is scheduled for June 15, 2015. A motion was made by Mr. Madden and seconded by Mr. Ellis to amend Ordinance No 14-38 by changing the deadline for the moratorium from 12 months to June 30, 2015. The motion to amend passed 5-0. Mr. Runyon asked why The Historic Preservation District Commission would hear appeals for demolitions and relocations and not the City Council, since it applies to all structures. Mrs. Kidd stated that the Ordinance that created the historic district and the Commission has review criteria in section 7-14 that states any appeal shall be governed by section 14. That outlines what the Commission would review for the demolition certificate of appropriateness. The appeal of the decision of the Commission would be heard by the Council. We would ask that the Council follow that review criteria. A motion was made by Mr. Danielson and seconded by Mrs. Buchholz to defer the adoption of Ordinance No 14-38, as amended, to the end of the meeting to allow Mrs. Kidd to finalize the amendments. The motion to defer passed 5-0.

1. Adoption of Resolution No. 14-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REQUEST AN OPINION FROM THE LOUISIANA ATTORNEY GENERAL FOR AN OPINION ON THE PUBLIC RECORDS REQUEST TO THE CITY OF MANDEVILLE, DATED FEBRUARY 28, 2014 AND REVISED ON APRIL 4, 2014

A motion was made by Mr. Ellis and seconded by Mr. Burguières for the adoption of Resolution No. 14-41. The Resolution was deferred to allow for the City Attorney to review and respond to the Council's questions to the Attorney General. Mr. Burguières stated that he met with the City Attorney and agrees with his drafted letter to the Attorney General. We share all of his concerns. Most of the referenced cases speak of the institution's documents and activities and do not necessarily address the individual responsibilities. We all want to know the distinction between what is and is not a public record. Mr. Dean's explanation and examples of legislative privilege are helpful. Institutional documents are obviously public records. The grey area concerns individual records; who bears the responsibility of production? So there are still some uncertainties. Also, there seems to be some confusion on what the City Attorney's role is in this request. Mr. Burguières suggested meeting again with Mr. Deano to revise and further improve the questions to the Attorney General. Mr. Deano stated that the real questions were (1) What is the duty of the custodian who is not the City? and (2) What is the role of the City Attorney under our Charter and under our Code of Conduct? The law is pretty clear on the rest of the questions. Mr. Deano stated that under our charter the City Attorney is the legal advisor. Mr. Burguières stated that he would benefit if he had another week or two to discuss the questions with Mr. Deano. Mr. Danielson clarified that Mr. Deano has already sent some questions to the Attorney General on behalf of the Mayor, some questions have been answered and other questions are pending. Mr. Deano stated yes; the role of the custodian, who is not the institution, has not been flushed out yet. Plus, how our own Code of Conduct meets with State law has not been addressed. A motion was made by Mr. Burguières and seconded by Mr. Madden to defer the adoption of Resolution No. 14-41 until the September 25th regular meeting. Mr. Runyon asked that the Council clarify in their final request to the Attorney General, that "only the writings used in the performance of the functions of the public body should be classified as a public record". He stated that there were a dozen of Attorney General Opinions that state that same language. He reiterated that he would like to see that phraseology incorporated into one of the questions to the Attorney General. Mr. Deano stated that he sent the Charter and the Code of Conduct Ordinance to the Attorney General along with his questions. Mr. Runyon stated that we should also include the Ordinance that created the MFOC to determine if communications were used in the performance of the functions of the committee. Mr. Vince Talazac stated that he received an email from the City Attorney requesting our emails and texts messages and stated that he was concerned that he could unknowingly violate or waive a privilege. He added that the process seemed haphazard and the public records request appears politically motivated which begets the basis of the concern around the attorney/client privilege. He stated that the City Attorney serves at the pleasure of the Mayor, so political motivation is a concern. There appears to be a conflict of interest. Mr. Deano clarified that the entire request to Mr. Talazac was to send all emails and text messages that dealt with City business. There being no further discussion, the motion to defer the adoption of Resolution No 14-41 to September 25, 2014 passed 5-0.

OLD BUSINESS:

3. Adoption of Ordinance No. 14-38, AN ORDINANCE OF THE CITY OF MANDEVILLE TO PROVIDE FOR A MORATORIUM ON THE ISSUANCE OF A CERTIFICATE FOR APPROPRIATENESS FOR DEMOLITIONS AND RELOCATIONS BY THE HISTORIC PRESERVATION DISTRICT COMMISSION IN THE TOWN CENTER DISTRICT IN THE CITY OF MANDEVILLE AND TO PROVIDE FOR RELATED MATTERS

Mrs. Kidd distributed amendments, as previously discussed, to the Council. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis to adopt the amendments previously discussed and presented by Mrs. Kidd. There being no questions, the motion to adopt the amendments passed 5-0. The motion to adopt Ordinance No. 14-38, as amended, passed 5-0.

PUBLIC COMMENT:

1. Mr. Henry W. Rosenthal, 326 Coffee Street, stated that he was concerned that nothing has been prepared for hurricane season and worried about debris in the ditches around his neighborhood. He added that structures have flooded three times in five years. The bayou has shallow spots and needs to be dredged or cleaned out. Mayor Villere stated that the clean-up normally happens in the winter, by hand vs. machine, when foliage is reduced and obstructions can be observed. The DOC working groups are currently not in service per the Sheriff's Office. That situation should be rectified soon. Mr. deGeneres stated that they are only allowed to de-slug; the removal of vegetation or dirt would require a corp permit. Mr. DiFranco stated that digging the bayou deeper would only make

it worse if a hurricane came through. He clarified that the corp permit lasts for five years and then they can be renewed.

FINANCE REPORT:

Mr. Oliveri stated that strategic planning is the first part of long-term planning, as mentioned by Mr. Runyon, and we are taking the first steps to get there.

Audit Findings Report:

Segregation of Duties – No change.

Local Budget Act – Budget amendments were passed at the end of the fiscal year which keeps the City in compliance.

Checks – The Finance Department team is in the process of identifying stale checks that have to be turned over and funds remitted to the State by October 31, 2014.

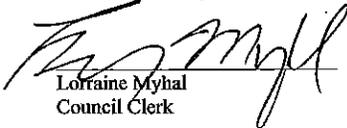
Close-out for the fiscal year – We are working on getting the capital asset schedules up to date. August bank reconciliations are in progress. Investments have been reconciled. Inter-fund receivables and payables are settled on a quarterly basis. Final adjustments will be done when the August statements are closed-out.

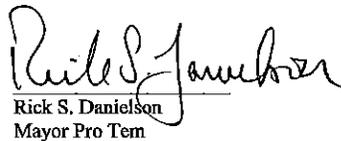
PROJECTS IN PROGRESS (STATUS REPORT):

1. Capital Roadway Maintenance Project – The intersection at Hwy 190 and St. Joseph is being poured on Friday and will be open on Monday, September 15th. The drainage project on Marigny Avenue and is 85% complete. The contractor has completed the city-wide crack sealing project.
2. Girod Street Landscaping & Lighting Project, Phase III – There is a new project manager at the State level who has reviewed the whole project and has asked for additional changes on the plans.
3. Lotus Drive/Village Lane Drainage Project – The project is on hold due to a AT&T delay.
4. Hurricane Isaac Recovery Bridge Replacement – The bridge is in place. The contractor will begin the concrete work on the approaches and asphalt paths.
5. Isaac Recovery Sewer Lift Station Electrical Rehabilitation - The project is 85% complete; there are two lift stations remaining.
6. Rapatel Water Tower - The water lines were tied in this week. Pile driving for the tower foundation will begin next week.
7. WWTP Headworks Rehabilitation & Sluice Gates – The headworks coating is complete. Divers will remove two additional gates today and install four gates next week.
8. Mariner's Village Slope Stabilization – The ditch work is 85% complete. The concrete parking lot repair is scheduled for next week.
9. Fire Hydrant Replacement Project – The pre-construction meeting is scheduled for next week.

ADJOURNMENT:

Mr. Danielson adjourned the meeting at 8:30 p.m.


Lorraine Myhal
Council Clerk


Rick S. Danielson
Mayor Pro Tem