

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

The regular meeting of the Mandeville City Council was called to order by Mayor Pro Tem Madden. 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: Mayor Villere

ALSO PRESENT: Chief Richard; Frank Oliveri, Finance Director; Louissette, Kidd, Planning Director; David deGeneres, Director of Public Works; Edward Deano, City Attorney; David deGeneres, Director of Public Works; Laurie Pennison, Assistant City Attorney; Chris Brown, Building Inspector; Polly Greene, St. Tammany Farmer, Kim Chatelain, Times Picayune; Faimon Roberts, The Advocate

MINUTES:

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

A motion was made by Mr. Ellis and seconded by Mr. Danielson for the adoption of the February 13, 2014 regular meeting minutes. The motion to adopt the minutes passed 5-0.

REPORTS AND ANNOUNCEMENTS:

1. Mr. Madden announced that the Council seeks to appoint a board member to Fire Board District #4. Candidates interested in being considered for the appointment should submit a letter of consideration and/or a resume to the City Council Clerk by Thursday, March 20, 2014, 4:00 p.m.

2. Mr. Danielson announced that the IG Task Force submitted their final report to the State Legislature. The report includes recommendations of all the research conducted since August 2013. The primary recommendation included an enhanced forensic type audit for municipalities and governmental agencies that would be completed in addition to their annual audit rather than establishing an office for the Inspector General for St. Tammany Parish.

3. Mr. Ellis reported that the Council sent a letter of support to members of the House of Representatives in support of H.R. 3370, The Homeowner Flood Insurance Affordability Act. This legislation will be considered next week.

NEW BUSINESS:

A motion was made by Mr. Ellis and seconded by Mr. Danielson to move items #1 and #2 under new business before the presentation. The motion passed 5-0.

1. Approval of Liquor License Application for Sake Garden, 1705 Highway 190 Mandeville, LA 70448

A motion was made by Mr. Danielson and seconded by Mrs. Buchholz for the approval of the liquor license application for Sake Garden, 1405 Highway 190, Mandeville, LA 70448. The motion passed 5-0.

2. Waiver of eating and drinking at the Harbor Pavilion during the Fun Run for Mary, Queen of Peace Catholic School on Saturday, April 12, 2014, from 8 a.m. to noon.

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the approval of the waiver of eating and drinking at the Harbor Pavilion during the Fun Run for Mary, Queen of Peace Catholic School on Saturday, April 12, 2014, from 8 a.m. to noon. The motion passed 5-0.

PRESENTATION:

1. Adam Perkins, with Duffreche-Perkins & Associates, LLC, presented a conceptual landscape design plan for property located along East Causeway Approach and Highway 190. The long leaf pine savannah design plan features native plantings to include wildflowers, live oaks, cherry bark oaks, long leaf pines, and Southeast Louisiana prairie plants. Advantages of the design include: low maintenance with a single yearly cutting; irrigation of "native" area is not essential; views of existing businesses are retained; public awareness signs will aid maintenance; and species used are highly resistant to pine-bark borers. The project is set to begin this spring.

PUBLIC HEARINGS:

1. Rule to show cause why structure located at 3341 Avenue C in Mandeville, Louisiana should not be condemned pursuant to LSA-R.S. 33:4761 et seq

Mr. Brown presented his recommendation to condemn said structure pursuant to criteria in LA RS 33:4762 et seq. Ms. Pennison provided the Council members with photographs of said structure. Upon hearing of testimony and the submission of evidence, a motion was made by Mr. Burguières and seconded by Mr. Ellis to find that the subject structure is in dilapidated and dangerous condition which endangers the public welfare and that said structure shall be condemned and caused to be demolished or removed as allowed by law within ninety (90) days. Should the defendant fail to remove or demolish the structure, the City of Mandeville reserves the right to remove or demolish the structure upon the expiration of ninety (90) days. The Mayor is authorized to engage the services of the National

Guard if so required according to law. Further, the Mayor is directed to calculate the costs of these proceedings, and include such costs, along with attorney's fees and interest, to the cost of demolition or removal as assessments against the property owner and secured by a lien against the property. The assessment shall be transmitted to the tax Assessor of St. Tammany Parish and added to the property owner's tax bill pursuant to LSA-R.S. 33:4766E(1). Upon a roll call of the Council members, the motion passed 5-0.

2. Rule to show cause why structure located at 535 Kleber Street in Mandeville, Louisiana should not be condemned pursuant to LSA-R.S. 33:4761 et seq

Mrs. Pennison requested that the public hearing for 535 Kleber Street be deferred to the March 27, 2014 regular Council meeting. She stated that not all of the public hearing notice requirements were met in time. A motion was made by Mr. Ellis and seconded by Mr. Danielson to defer the public hearing to March 27, 2014. The motion to defer passed 5-0.

3. Rule to show cause why structure located at the property described below should not be condemned pursuant to LSA-R.S. 33:4761 et seq

A STRUCTURE LOCATED ON A PROPERTY LOCATED ON THE DESCRIBED PROPERTY:

THAT CERTAIN PIECE OR PARCEL OF GROUND, TOGETHER WITH ALL BUILDINGS AND IMPROVEMENTS THEREON SITUATED IN SQUARE 20, CITY OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA, MORE FULLY DESCRIBED, TO-WIT:

ONE CERTAIN LOT OF GROUND MEASURING 106 FEET FRONTING ON GERARD STREET, THE SAME IN WIDTH ACROSS THE REAR, BY A DEPTH OF 202 FEET, ALL BETWEEN EQUAL AND PARALLEL LINES. SAID PARCEL COMMENCES AT A DISTANCE OF 124 FEET FROM THE CORNER OF SQUARE 20 FORMED BY THE INTERSECTION OF GERARD STREET AND MONROE STREET. (MUNICIPAL NOS. 513 AND 515 GERARD STREET).

BEING A PORTION OF THE PROPERTY ACQUIRED BY WALTER R. WMITH, SR., ET AL FROM THE SUCCESSION OF WALTER R. SMITH, JR., NO. 6516 OF THE 22ND JUDICIAL DISTRICT COURT BY JUDGMENT DATED AUGUST 2, 1974 AS RECORDED IN C OB 736, FOLIO 309. FURTHER ACQUIRED BY PARTITION FROM NEDRA V. SMITH DATED AUGUST 2, 1974, AS RECORDED IN COB 737, FOLIO 148.

Mr. Brown presented his recommendation to condemn said structure pursuant to criteria in LA RS 33:4762 et seq. Ms. Pennison provided the Council members with photographs of said structure. Mrs. Beck Rohrbough, with the Old Mandeville Historic Association, requested that the said structure be referred to the Mandeville Historic District Commission for evaluation of potential historic significance and for determination if said structure should be included as a contributing structure on the historic survey created by Sally K. Reeves in 2009. Mr. Deano recommended that Mrs. Rohrbough's suggestion be considered separately from the motion to condemn, as a resolution of the Council. The Council concurred. Upon hearing of testimony and the submission of evidence, a motion was made by Mr. Burguires and seconded by Mr. Danielson to find that the subject structure is in dilapidated and dangerous condition which endangers the public welfare and that said structure shall be condemned and caused to be demolished or removed as allowed by law within ninety (90) days. Should the defendant fail to remove or demolish the structure, the City of Mandeville reserves the right to remove or demolish the structure upon the expiration of ninety (90) days. The Mayor is authorized to engage the services of the National Guard if so required according to law. Further, the mayor is directed to calculate the costs of these proceedings, and include such costs, along with attorney's fees and interest, to the cost of demolition or removal as assessments against the property owner and secured by a lien against the property. The assessment shall be transmitted to the tax Assessor of St. Tammany Parish and added to the property owner's tax bill pursuant to LSA-R.S. 33:4766E(1). Upon a roll call of the Council members, the motion passed 5-0.

OPENING OF THE AGENDA:

1. Adoption of Resolution No. 14-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REFER A CERTAIN STRUCTURE LOCATED ON PROPERTY SITUATED IN SQUARE 20, CITY OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA TO THE MANDEVILLE HISTORIC DISTRICT COMMISSION FOR EVALUATION OF POTENTIAL HISTORICAL SIGNIFICANCE AND TO DETERMINE IF SAID STRUCTURE SHOULD BE INCLUDED AS A CONTRIBUTING STRUCTURE ON THE HISTORIC SURVEY CREATED BY SALLY K. REEVES ON FEBRUARY 4, 2009

A motion was made by Mr. Danielson and seconded by Mr. Burguires to open the agenda for the above item. The motion to open the agenda passed 5-0. A motion was made by Mr. Burguires and seconded by Mr. Danielson to waive the policy requiring the advertisement of all Resolutions on the City website seven days prior to adoption. The motion to waive the advertisement requirement passed 5-0. A motion was made by Mr. Burguires and seconded by Mr. Danielson for the adoption of Resolution No. 14-08, a Resolution of the Mandeville City Council to refer a certain structure located on property situate in square 20, City of Mandeville, St Tammany Parish, Louisiana to the Mandeville Historic District Commission for evaluation of potential historical significance and to determine if said structure should be included as a contributing structure on the Historic Survey created by Sally K. Reeves on February 4, 2009. The motion to adopt Resolution No. 14-08 passed 5-0.

OLD BUSINESS:

1. Adoption of Ordinance No. 14-02, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO EFFECT THE ANNEXATION OF A PORTION OF GROUND ON LOVERS LANE CONTAINING 1.708 ACRES OF LAND, MORE OR LESS, SITUATED IN SECTION 38, TOWNSHIP 7 SOUTH, RANGE 11 EAST, GREENSBURG LAND DISTRICT, ST. TAMMANY PARISH, INTO THE CORPORATE LIMITS OF THE CITY OF MANDEVILLE DESIGNATING AND ASSIGNING THE PROPERTY FOR PURPOSES OF ZONING AS B-2, HIGHWAY BUSINESS DISTRICT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for the adoption of Ordinance No. 14-02. Mrs. Kidd stated that Ordinance 14-02 was introduced on January 23, 2014 to annex a portion of ground on Lover's Lane containing 1.708 acres of vacant land into the City limits, Council District I, with a proposed B-2, Highway Business District, zoning designation in accordance with the survey prepared by Kelly McHugh & Associates dated November 27, 2012. This property is identified as an infill and is a target area for annexation as identified in the City's Growth Management Plan. The Planning and Zoning Commission voted to recommend the adoption of Ordinance No. 14-02 at their meeting of February 11, 2014 and Mr. Ellis stated that he was also in favor of the annexation. There being no further discussion, the motion to adopt Ordinance No. 14-02 passed 5-0.

2. Adoption of Ordinance No. 14-04, ORDINANCE OF THE CITY OF MANDEVILLE, LOUISIANA, AUTHORIZING A FRANCHISE AGREEMENT BETWEEN ATMOS ENERGY CORPORATION GRANTING THE RIGHT TO USE THE PRESENT AND FUTURE STREETS, ROADS, HIGHWAYS, ALLEYS, BRIDGES AND PUBLIC WAYS, FOR SUCH PURPOSES; UNDER THE TERMS AND CONDITIONS TO WHICH SUCH FRANCHISE AND RIGHTS ARE SUBJECT; AND PRESCRIBING THE TERM OF SUCH FRANCHISE AND RIGHTS

A motion was made by Mr. Danielson and seconded by Mrs. Buchholz for the adoption of Ordinance No. 14-04. Mr. Danielson stated that this was a renewal of our current agreement with Atmos. Mr. Deano stated that there were some minor changes. The City removed public parks and the Trailhead from the property that can be used by Atmos. Mr. Ellis asked if this contract was the most favorable for the City. Mr. Oliveri stated that this was the same franchise rate that the City has been enjoying for the past twenty years. We are limited by the State to a 5% franchise fee. There being no further questions, the motion to adopt Ordinance No 14-04 passed 5-0.

NEW BUSINESS:

3. Adoption of Resolution No. 14-07, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR THE LOTUS DRIVE NORTH AND VILLAGE LANE SOUTH DRAINAGE IMPROVEMENTS PROJECT, GEC PROJECT No. 0052.5491411.054 AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE APPARENT LOW BIDDER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Ellis and seconded by Mr. Burguieres for the adoption of Resolution No. 14-07. Mr. Vince Talazac, 235 Garden Avenue, asked if the funding, related to FEMA and Hurricane Isaac, was approved. Mr. deGeneres stated yes, FEMA has approved the project. There being no further discussion, the motion to adopt Resolution No. 14-07 passed 5-0.

4. Introduction 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

Ordinance No. 14-05 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mrs. Buchholz for its introduction. The Ordinance was referred to the Planning and Zoning Commission.

MONTHLY FINANCIAL REPORT:

Mr. Oliveri stated the City has accumulated \$5.6 million in revenue for the first four months and \$4.6 million in expenditures. Sales tax collected is ahead of budget and property taxes will be reflected in the January monthly report. The Enterprise Fund is reporting \$258,000 in profits, without depreciation. Overall, we have \$40 million in governmental funds.

PUBLIC COMMENT:

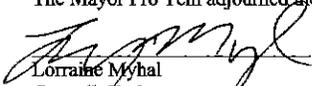
PROJECTS IN PROGRESS (STATUS REPORT):

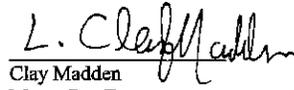
1. Capital Roadway Maintenance Project – The asphalt milling and patching is approximately 60% complete. The culvert replacements, on the East side of the City, are nearly complete.
2. Girod Street Landscaping & Lighting Project, Phase III – No change.

3. Monroe Street Sewer Lift Station – The pump station wet well and value pit have been installed. The electrical and mechanical equipment is on order and expected soon.
4. Tyler Thomas Park Restrooms – The pre-construction meeting is scheduled for March 11, 2014.
5. Hurricane Isaac Water Meter Replacement – 350 new meters have been installed. The project is approximately 50% complete.
6. Community Center Rehabilitation – The contractor expects to begin work next week.
7. Shoreline Protection Study – The Department of Public Works is obtaining pricing on duckbill flaps for beta testing on Lakeshore Drive. The RFP has been sent out and proposals are due March 11, 2014.

ADJOURNMENT:

The Mayor Pro Tem adjourned the meeting at 9:02 p.m.


Lorraine Myhal
Council Clerk


Clay Madden
Mayor Pro Tem