

**MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF JUNE 26, 2014**

The regular meeting of the Mandeville City Council was called to order by the Mayor Pro Tem at 7:00 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; Louissette, Kidd, Planning Director; Edward Deano, City Attorney; Henry DiFranco, City Engineer; Kim Chatelain, Times Picayune; Faimon Roberts, The Advocate; David Folse, Tammany West

MINUTES:

1. Adoption of the June 12, 2014 Regular Meeting Minutes.

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for the adoption of the June 12, 2014 regular meeting minutes. The motion passed 5-0.

PRESENTATIONS:

1. Mayor Villere presented Mrs. Susan Russell, Director of Keep Mandeville Beautiful, with a gift and announced that she was leaving her KMB position to become the new Director of Keep Louisiana Beautiful. Mrs. Buchholz read a statement on behalf of the Board of KMB to congratulate Mrs. Russell and acknowledge her leadership and accomplishments over the past eight years.

2. Mr. Rick Franzo, President of Concerned Citizens of St. Tammany Parish (CCSTP), gave the Council an update on the oil and gas activity by Helis Oil and Gas Company in St. Tammany Parish and the recent DNR public hearing on the matter. He introduced the legal team of Mr. Jim Blazek, Ms. Callie Casstevens and Mr. Donald Lee who spoke on the method and components of oil and gas extraction, horizontal high-volume hydraulic fracturing "fracking", the aquifers of St Tammany Parish, the DNR permitting process, the track record of Helis Oil, and the environmental, health and economic impacts of fracking. Mr. Franzo stated that Slidell, Abita Springs and Covington have all passed Resolutions opposing fracking activity by Helis Oil and Gas Company and that the CCSTP was in support of Mandeville's Resolution, up for discussion and adoption later this evening.

REPORTS AND ANNOUNCEMENTS:

OLD BUSINESS:

1. Adoption of Ordinance No. 14-15 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AMENDING AND ADOPTING THE PERSONNEL POLICIES RULE 2.0 UPDATING SECTION 2.06 HOURS OF WORK FOR THE MUNICIPAL EMPLOYEES' CIVIL SERVICE SYSTEM, AND ITS EMPLOYEE RULES AND REGULATIONS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Danielson and seconded by Mr. Ellis for the adoption of Ordinance No. 14-15. Mr. Danielson stated that there were two updates to section 2.06. The recommendation from HR and the Civil Service Board was to change the clock-in policy to no earlier than seven minutes; it is currently five minutes. The second recommendation was to require that employees reporting to work late or leaving work early be docked in ¼ hour increments. There being no questions, the motion to adopt Ordinance No 14-15 passed 4-0, with Mrs. Buchholz being absent.

2. Adoption of Ordinance No. 14-28, AN ORDINANCE TO AMEND AND REORDAIN SECTION 6.7(F)(2) OF THE CITY OF MANDEVILLE CODE OF ORDINANCES TO PROVIDE FOR THE PRICE FOR THE SALE OF BURIAL SITES AND TO PROVIDE FOR RELATED MATTERS

A motion was made by Mr. Danielson and seconded by Mr. Ellis for the adoption of Ordinance No. 14-28. Mayor Villere stated that our price of crypts was updated when the City built the last mausoleum but the price of burial sites has not been updated in quite a while. This effort will bring the price to market level. He added that there were plans to expand the cemetery. Mr. Danielson asked if our pricing was comparable to Covington's prices. Mayor Villere stated yes. There being no further questions, the motion to adopt Ordinance No 14-28 passed 4-0, with Mrs. Buchholz being absent.

NEW BUSINESS:

1. Approval of a Special Event Liquor License Application for the St. Vincent de Paul Charity Walk to be held on September 27, 2014 from 8:00 am to Noon, with no rain date.

A motion was made by Mr. Ellis and seconded by Mr. Burguières for the approval of the special event liquor license application for the St. Vincent de Paul Charity Walk to be held on September 27, 2014 from 8:00 am to Noon, with no rain date. The motion passed 4-0, with Mrs. Buchholz being absent.

2. Approval of the Substantial Completion date for the Modifications to the Spitzfaden Community Center Project as of June 5, 2014.

A motion was made by Mr. Danielson and seconded by Mr. Ellis for the approval of the substantial completion date for the modifications to the Spitzfaden Community Center Project as of June 5, 2014. The motion passed 4-0, with Mrs. Buchholz being absent.

3. Approval of the Final Change Order for the Monroe Street Sewer Lift Station and Force Main Improvements Project, Project No. 41123, in the additive amount of \$27,416.10 and Date of Substantial Completion as of June 5, 2014

A motion was made by Mr. Ellis and seconded by Mr. Danielson for the approval of the final change order for the Monroe Street Sewer Lift Station and Force Main Improvements Project, Project No. 41123, in the additive amount of \$27,416.10 and date of substantial completion as of June 5, 2014. The motion passed 4-0, with Mrs. Buchholz being absent.

4. Adoption of Resolution No. 14-31, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE SUPPORTING A PROHIBITION ON HYDRAULIC FRACTURING AND HORIZONTAL DRILLING ("FRACKING") IN ST. TAMMANY PARISH AND TO AUTHORIZE THE MAYOR OF THE CITY OF MANDEVILLE TO TAKE ACTION AS NECESSARY TO OPPOSE THE APPROVAL OF FRACKING

A motion was made by Mr. Ellis and seconded by Mr. Danielson for the adoption of Resolution No 14-31. Mr. Ellis stated that he was offering this Resolution for discussion because the Mayor called us (the Council) out, by means of the media. Mr. Danielson stated that he was never called out by the Mayor and the Council has never discussed the environmental, health and economic impacts of fracking, as the Resolution suggests. He added that the Council has only heard one side of the story on this topic and has not been supplied with studies that reveal property values being negatively impacted. He asked Mr. Ellis if he was offering the Resolution on behalf of a majority of constituents in District I. He added that in the big scheme of things, it appears that this Resolution carries zero weight. According to the LA R.S. 30-28, "No other agency or political subdivision of the State shall have the authority and are hereby expressly forbidden to prohibit or interfere with the drilling of a well". Mr. Ellis stated that we could research ourselves to death; but the most important job we have (as a Council) is protecting our City limits. Mr. Danielson stated that we have a responsibility to hear both sides of the story and to understand an issue before we vote on it. Mr. Madden recommended removing the section that authorizes the Mayor to institute legal proceedings before any Court since the Parish was already involved in legal proceedings. Mr. Deano stated that the City would be allowed to join a lawsuit if that phrase was left in the Resolution. Mr. Madden felt that Mandeville citizens would be paying for legal fees twice. Mayor Villere stated that he agreed with Mr. Danielson; not everyone knows the full story or what the consequences are down the road. He asked - was the risk worth the reward? He added that Mandeville citizens get no reward; measure the reward and then make your decision. Mr. Burguières recommended amending the Resolution to remove all language and replace with a single statement "The Council opposes hydraulic fracking in the City of Mandeville". Mr. Ellis stated no, he was not opposed to the technology of fracking. Mr. Burguières asked -- what do you hope to accomplish? Mr. Ellis stated -- a coalition. He added that he was willing to defer the Resolution for more discussion; he was not for it or against it but open to more input from constituents. Mr. Burguières asked by voting for this, who is going to have the ability to affect a change or stop this process? Mr. Deano stated that the DNR or the Corp of Engineers would be interested in Mandeville's opinion during their comment periods. The state statute that Mr. Danielson quoted does not prevent a political body from expressing their will; they just cannot use their own code of ordinances to prevent drilling. Mr. Burguières stated that his concern was interfering with the property rights of the land owner; we might get dragged into a legal battle. There was further discussion about refining the Resolution to express an opinion and remove legal action. Citizens who spoke in opposition to hydraulic fracking included Ren Clark, Belinda Parker Brown, Lloyd Kelly, Rita McDonald, Linda Fielding, Gary Leonard, Donald Lee and Charles Goodwin. Ms. Casstevens, an environmental attorney, addressed the concerns of Mr. Danielson with regards to violations to LA R.S. 30-28. She stated that the quoted revised statute pertains to permit holders and Helix Oil does not have a permit. So the Council has the ability and obligation to act and protect the health and welfare of their constituents. She added that this year, there were cases of ground water contamination issues reported in other states. Mr. Blazek reminded the Council that the Louisiana Legislative Auditor released a negative report on DNR, the regulatory agency over drilling, and implied that they were incompetent. Mr. Danielson stated that the St. Tammany Parish Government did not come out against fracking in a weeks' time; we have not had any discussions on this as a Council. Mr. Blazek added that the Council has an obligation to educate themselves of the dangers and encouraged the Council to study further. Mr. Donald Lee stated that property rights are not paramount over and against the people's right to have a safe environment to live. C.J. Klein, Mandeville student, stated that fracking allows for much more natural gas to be obtained, has two to three times less emissions than coal and could potentially provide for dozens to hundreds of well-paying jobs. Mr. Deano stated that the subject was deferred in Abita Springs for two meetings so the issue of deferral was not unusual. Mr. Franzo confirmed that Resolutions were passed, opposing hydraulic fracking, in Slidell, Covington and Abita Springs. He added that at the end of the day, the Parish Council is going to have to step up to the plate and handle this issue. A motion was made by Mr. Danielson and seconded by Mr. Ellis to defer the adoption of Resolution No 14-31. Mr. Danielson stated that he would like to strengthen the language with additional research, include points from Mandeville citizens and hopefully hear view points from the pro-fracking side. Mr. Burguières encouraged the audience to spend their resources, in opposing fracking, where the action occurs and where the decisions will be made. Mr. Madden stated that he did an informal poll of his constituents and the results came back 60% for and 40% against. He added that he would like to hear the arguments for and challenged proponents to attend a meeting. Question on the motion to defer was called by Mr. Burguières and seconded by Mr. Danielson. The motion to call the question passed 4-0, with Mrs. Buchholz being absent. The

motion to defer the adoption of Resolution No. 14-31 passed 4-0, with Mrs. Buchholz being absent.

5. Adoption of Resolution No. 14-34, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE APPOINTING A MAYOR PRO TEMPORE FOR THE MANDEVILLE CITY COUNCIL FOR THE TERM OF JULY 1, 2014 THROUGH JUNE 30, 2015; 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. 14-34. There being no questions, the motion to adopt Resolution No 14-34 passed 4-0, with Mrs. Buchholz being absent.

6. Adoption of Resolution No. 14-35, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AWARDED THE ST. TAMMANY FARMER AS THE CITY OF MANDEVILLE'S OFFICIAL JOURNAL FOR JULY 1, 2014 THROUGH JUNE 30, 2015

A motion was made by Mr. Danielson and seconded by Mr. Burguieres for the adoption of Resolution No. 14-35. There being no questions, the motion to adopt Resolution No 14-35 passed 4-0, with Mrs. Buchholz being absent.

7. Adoption of Resolution No. 14-36, 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 FUNDS APPROPRIATED FOR A PARTICULAR PROJECT IN A CAPITAL BUDGET AND IF THE CITY COUNCIL, IN THE CAPITAL OR OPERATING BUDGET, MAY CONDITION APPROPRIATIONS ON A LINE ITEM ON THE MAYOR'S EXPENDITURE FUNDS BUDGETED FOR A PARTICULAR PROJECT

A motion was made by Mr. Danielson and seconded by Mr. Ellis for the adoption of Resolution No. 14-36. Mr. Danielson stated that he would like to seek more information and an opinion on what happens to the capital budget once it was approved. Specifically, what was the Administration's responsibility and the authority of the Council in carrying out the budget? He added that he was seeking this opinion on the advice from the City Attorney. Mayor Villere asked for clarification; does it mean that the Administration has to spend appropriated money? Mr. Danielson stated that the law was not clear on this question, so we are asking for a review and an opinion. This was not about a specific budgeted item. There being no further questions, the motion to adopt Resolution No 14-36 passed 4-0, with Mrs. Buchholz being absent.

8. Set Budget Work Sessions for 2014/2015 Capital and Operating Budgets

Four (4) Budget Work Sessions were set: (1) Monday, July 14, 2014; (2) Tuesday, July 29, 2014; (3) Thursday, August 7, 2014; (4) Monday, August 11, 2014. All meetings will be held in the court room at City Hall and will begin at 6:00 pm. There was consensus to adopt the dates by Resolution at the July 10, 2014 regular meeting.

9. Introduction of Ordinance No. 14-30, AN ORDINANCE TO ORDAIN SECTION 2-3 OF THE CITY OF MANDEVILLE CODE OF ORDINANCES TO PROVIDE FOR THE STARTING TIME OF THE MONTHLY MANDEVILLE CITY COUNCIL MEETINGS

Ordinance No. 14-30 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mr. Ellis for its introduction.

There was consensus to defer the Projects in Progress Report and Monthly Financial Report to the July 10, 2014 meeting due to the late hour.

ADJOURNMENT:

Mr. Madden adjourned the meeting at 9:30 p.m.


Lorraine Myhal
Council Clerk


Clay Madden
Mayor Pro Tem