

**MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF OCTOBER 23, 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: Rick Danielson, Clay Madden, 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; John Walker, St. Tammany Farmer; Faimon Roberts, Advocate; Betsy Swenson, Tammany West

MINUTES:

1. Adoption of the October 9, 2014 Regular Meeting Minutes.

A motion was made by Mr. Burguières and seconded by Mr. Ellis for the adoption of the October 9, 2014 regular meeting minutes. The motion passed 5-0.

PRESENTATIONS:

Alan Black and Warren Montgomery, District Attorney Candidates, introduced themselves to the City Council.

REPORTS AND ANNOUNCEMENTS:

1. Highway 190 Widening Project – the project is near completion with an expected finish target date of November 15, 2014. The contractor will post lane closures. The left turn from Hwy 190 onto Lonesome Rd. will close and also the left turn from Lonesome Rd. onto Hwy 190 will close. The four lanes of traffic will be open by Monday. The Mayor announced that temporary signage and banners, by the affected businesses, would be allowed through the holidays.
2. Congratulations to the Mandeville Police Department on their arrest after a joint task force investigation.
3. Friday, November 7th is "Black and Gold" Day in honor of the Saints.

OPENING OF THE AGENDA:

1. Approval of Special Event Liquor License Application for the Old Mandeville Business Association for their special event The Empty Bowl Project to be held on November 3, 2014 at the Pontchartrain Yacht Club

A motion was made by Mr. Danielson and seconded by Mr. Burguières to add the above item under the opening of the agenda. The motion passed 5-0.

2. The List of Litigation to which the City of Mandeville is a Party for the Executive Session:

- a. Hilda Maestri Landry and the Robert S. Maestri Trust v. City of Mandeville and the State of Louisiana Department of Transportation and Development, 22nd JDC Number 2003-15772, Division "D"
- b. F.G. Miller, et al vs. City of Mandeville, 22nd JDC 2014-10618 "A" AS OF OCT 20, 2014 MANDAMUS DENIED CASE DISMISSED
- c. Ross Lynch vs. City of Mandeville, et al 22nd JDC 2011-13196 "G" – Crain
- d. Roy O. Hardin, III vs. City of Mandeville, St. Tammany Parish, Stephanie Jordan, et al - 22nd JDC 2012-10569 "G" – Crain Gardner
- e. Webber Land & Development vs. City of Mandeville, et al 2013-15356 Div "H" 22nd JDC
- f. Markovich – Diamond Properties vs. City of Mandeville, et al USDC – Eastern District filed on November 6, 2013. Case Number 13-5122 Section B
- g. Cohen Vander vs. Louisiana Municipal Management Agency Group, City of Mandeville, Ryan Corey (COREY RYAN) a/a March 18, 2014, 22nd JDC 2014-11269 "D"
- h. Geralyn Hickey vs. St. Tammany Parish Trace, et al, 2014-12327 "B" 22nd JDC
- i. Michael Waller Mark Pepe and Trace Units, LLC vs. City of Mandeville, City of Mandeville Planning and Zoning Commission and City of Mandeville City Counsel, 22nd JDC - 2014-13251 Division "B"

A motion was made by Mr. Danielson and seconded by Mr. Ellis to add the above item to the agenda, as part of the Executive Session, under the opening of the agenda. The motion passed 5-0.

OLD BUSINESS:

1. 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 Mrs. Buchholz and seconded by Mr. Burguières for the adoption of Ordinance No. 14-39. Mr. Danielson stated that this Ordinance was introduced at the end of August and deferred in early September to allow for public hearings by the Planning and Zoning Commission. The proposed Ordinance would establish a moratorium for a 12 month period on the issuance of any permits for the construction of ground floor residential development fronting on streets within the Town Center Zoning District while all CLURO amendments, phase II, go through the public hearing process. A motion was made by Mr. Madden and seconded by Mr. Ellis to defer the adoption of Ordinance No. 14-39 to the next Council meeting to be held on November 13, 2014. He stated that a few OMBAs members requested additional time. He requested that the Mayor and Planning Director meet with his constituents for further explanation and clarification prior to adoption. Mayor Villere stated that there was ample opportunity to attend a hearing and seek more information. He discouraged the Council from deferring without any specific information or objections. Why wasn't the meeting for clarification called during the public notice time period? Mr. Madden stated that there was confusion that he seeks to clear up. Mrs. Kidd stated that the Planning and Zoning Commission held a work session and public hearing for this Ordinance and at their meeting held on October 21st voted unanimously to recommend adoption of Ordinance 14-39, revised through September 10, 2014. The Planning and Zoning Commission requested that the Ordinance be introduced in August to allow for a moratorium while the criteria for the Town Center District was being addressed. We run the risk of having someone come in, plan, invest and build ground floor residential units which would defeat the entire purpose of the Town Center District and the mixed use environment. She added that language was added to establish criteria for vested rights determination and the appeal process. Mr. Nixon Adams concurred with Mrs. Kidd and asked the Council not to defer the moratorium. Mr. Deano asked if the constituents who had questions expressed interest in developing property in the Town Center District. Mr. Madden stated no. After further discussion, the motion to defer passed 3-2, with Mrs. Buchholz and Mr. Danielson voting against. Mr. Madden stated that he would send out an email and set the date and time for the meeting. Mr. Danielson stated that it should be posted as a public meeting and suggested meeting thirty minutes before the November 13th regular Council meeting.

2. Adoption of Ordinance No. 14-45, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE DECLARING CERTAIN VEHICLES AS SURPLUS AND NO LONGER NEEDED FOR CITY USE; AUTHORIZING THE MAYOR TO EXCHANGE OR DONATE SURPLUS VEHICLES; AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mrs. Buchholz and seconded by Mr. Burguières for the adoption of Ordinance No. 14-45. A motion was made by Mr. Danielson and seconded by Mr. Burguières to amend Ordinance No. 14-45 by adding a third police vehicle to declare surplus and exchange as part of an insurance settlement. The motion to amend passed 5-0. There being no questions, the motion to adopt Ordinance No. 14-45 passed, as amended, 5-0.

3. Adoption of Ordinance No. 14-46, AN ORDINANCE FOR THE CITY OF MANDEVILLE ADOPTING BUDGET ADJUSTMENT NO. 01; FISCAL YEAR 2014-2015 BUDGET AND TO PROVIDE FOR RELATED MATTERS

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the adoption of Ordinance No. 14-46. Mr. Danielson stated that this was a follow up for the police vehicle that was involved in an accident last month. It will adjust the budget for the insurance claim and the cost of the new vehicle. There being no questions, the motion to adopt Ordinance No. 14-46 passed 5-0.

NEW BUSINESS:

2. Approval of Liquor License Application for Panda Sushi, Inc., 1633 N. Causeway Blvd, Mandeville LA 70471

A motion was made by Mrs. Buchholz and seconded by Mr. Burguières for the approval of the liquor license application for Panda Sushi, Inc., 1633 N. Causeway Blvd, Mandeville LA 70471. The motion passed 5-0.

3. Approval of Special Event Liquor License Application for The Lake Pontchartrain Basin Foundation for their event Let's Make Waves Cocktail Party & Silent Auction to be held on November 7, 2014, 7:00pm-10:00pm at the Pontchartrain yacht Club.

A motion was made by Mr. Burguières and seconded by Mrs. Buchholz for the approval of the special event liquor license application for The Lake Pontchartrain Basin Foundation for their event Let's Make Waves Cocktail Party & Silent Auction to be held on November 7, 2014, 7:00pm-10:00pm at the Pontchartrain Yacht Club. The motion passed 5-0.

OPENING OF THE AGENDA:

1. Approval of Special Event Liquor License Application for the Old Mandeville Business Association for their

special event The Empty Bowl Project to be held on November 3, 2014 at the Pontchartrain Yacht Club

A motion was made by Mr. Burguieres and seconded by Mrs. Buchholz for the approval of the special event liquor license application for the Old Mandeville Business Association for their special event The Empty Bowl Project to be held on November 3, 2014 at the Pontchartrain Yacht Club. Mr. Rick Denney, with OMB, stated that the event will be held on November 9th and not the 3rd as posted on the application. The correction was noted and included in the original motion by Mr. Burguieres. The motion to approve passed 5-0.

4. Approval of Final Change Order for the WWTP Headworks Modification & Sluice Gate Replacement Project in the additive amount of \$19,165 and five (5) days of additional contract time and approval of the Certificate of Substantial Completion as of October 6, 2014

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for the approval of the final change order for the WWTP Headworks Modification & Sluice Gate Replacement Project in the additive amount of \$19,165 and five (5) days of additional contract time and approval of the Certificate of Substantial Completion as of October 6, 2014. Mr. Ellis stated that the additional contract time was due to a weather delay. Mr. deGeneres stated that the project came in under budget. The motion passed 5-0.

5. Approval of Task Order No. 5, Sewer System Evaluation Study, for Girod Street, in the amount of \$22,000

A motion was made by Mr. Burguieres and seconded by Mrs. Buchholz for the approval of Task Order No. 5 Sewer System Evaluation Study, for Girod Street, in the amount of \$22,000. Mr. deGeneres stated that the City Engineer recommended that we piggy back off of the St. John the Baptist April 2010 pricing agreement for this task. The study needs to be conducted before the Girod Street Improvements project begins. The motion passed 5-0.

6. Adoption of Resolution No. 14-57, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND NRP GROUP, INC. FOR SERVICES IN CONNECTION WITH ODOR CONTROL FOR WASTEWATER TREATMENT PROJECT ACTIVITIES, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mrs. Buchholz and seconded by Mr. Burguieres for the adoption of Resolution No. 14-57. Mr. deGeneres stated that this was an annual service contract to monitor our entire collection system, apply chemicals to reduce odors and corrosion and provide feedback via reports. The contract can be renewed for 3-5 years. Our daily flow can be anywhere from 2 to 4 million gallons. There being no questions, the motion to adopt Resolution No. 14-57 passed 5-0.

7. Adoption of Resolution No. 14-58, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE REQUESTING THAT THE ST. TAMMANY PARISH GOVERNMENT PARTNER WITH THE CITY OF MANDEVILLE AND PARTICIPATE IN THE PLANNING, DESIGN, AND FUNDING OF THE HWY 190 / FLORIDA STREET LANDSCAPE IMPROVEMENT PROJECT THROUGH OLD MANDEVILLE

A motion was made by Mrs. Buchholz and seconded by Mr. Burguieres for the adoption of Resolution No. 14-58. Mr. Danielson stated that this was a follow up to the Hwy 190 landscaping project that was approved in the budget a few months ago. The project was requested by the Parks and Parkways Committee. It was approved contingent upon a partnership with St. Tammany Parish to participate in the planning, cost, design and eventually maintenance. Mr. Danielson added that the Parish has some in house design capabilities that they can contribute to the process. It is approximately a \$500,000 project that would be done over a 4-5 year period of time. Mayor Villere stated that the City has some property along the north side of Hwy 190 so the cost split would probably be 60% City of Mandeville and 40% St. Tammany Parish. There being no further discussion, the motion to adopt Resolution No. 14-58 passed 5-0.

8. Adoption of Resolution No. 14-59, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE IN SUPPORT OF DECLARING TUESDAY, NOVEMBER 4, 2014 A LEGAL HOLIDAY AND A DAY OF REST FOR CITY OF MANDEVILLE EMPLOYEES IN KEEPING WITH GOVERNOR JINDAL AND ST. TAMMANY PARISH PRESIDENT BRISTER; 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. 14-59. There being no questions, the motion to adopt Resolution No. 14-59 passed 5-0.

FINANCE REPORT:

Our revenue stream starts to catch up in Fall as franchise fees and property taxes start coming in. The first payment of franchise taxes usually occurs in October and the collection of ad valorem taxes begins in December. Sales tax revenue is on target. Some of our capital projects incur more expenses up front once the contract is let. Once the final billings from projects for work completed in FY 2014 have been received, the Council will be notified on the amount to be carried forward in FY 2015. Overall the general fund is a little over \$10 million of which we have committed funds of \$2.4 million for capital projects.

PUBLIC COMMENT:

1. Mr. Ellis stated that he has received feedback about the poetry artwork on the lakefront. He suggested that the poetry be relocated to the gazebo. He added that he was in support of the sales tax rededication proposition that the voters will consider on November 4th and encouraged all to vote. Mayor Villere concurred and stated that in conjunction with the rededication of sales tax, property taxes will be considered. He added that we cannot guarantee a reduction in property tax, although it is his recommendation, because it is a separate issue that the Council will consider in June 2015 for the following year.
2. Mr. Madden asked for an update regarding the reported damage to the seawall. Mr. deGeneres stated that it was cosmetic damage and not structural damage. The damage occurred when they dug out culverts that silt up.
3. The public is invited to attend a webinar training session called Building a Better Budget Document, by GFOA, to be held on November 18, 1:00 - 3:00pm, at City Hall.

PROJECTS IN PROGRESS (STATUS REPORT):

1. Capital Roadway Maintenance Project – The Heavens Drive curbing project is complete. The Cindy Lou Drive drainage project is in progress under Task Order No. 2. Citywide asphalt patching will start the beginning of November.
2. Girod Street Landscaping & Lighting Project, Phase III – No change.
3. Lotus Drive/Village Lane Drainage Project – The contractor to return on October 27th to commence next phase of work at Lotus Drive and Garden Avenue. The contractor is waiting for his materials to arrive.
4. Hurricane Isaac Recovery Bridge Replacement – The asphalt walkway and site grading will begin on Tuesday, October 28, 2014.
5. Isaac Recovery Sewer Lift Station Electrical Rehabilitation – Eleven out of eleven stations have been completed.
6. Rapatel Water Tower – Foundation pile driving to commence this week.
7. Mariner's Village Slope Stabilization – The concrete parking lot work is expected to be completed next week.
8. Fire Hydrant Replacement Project – Construction began on October 20, 2014.
9. Fire Suppression System for Dew Drop – The contractor is preparing shop drawings and Louisiana State Fire Marshal submittals.
10. Lift Station 21 Relocation – The preconstruction meeting was held on October 21, 2014.
11. Lift Station 19 Relocation – The contractual paperwork is being processed.

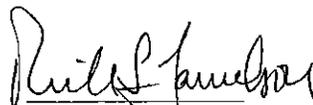
NEW BUSINESS:

1. Executive Session - Report on litigation to which the City of Mandeville is a party.
A motion was made by Mr. Danielson and seconded by Mrs. Buchholz to suspend the meeting at 7:06 pm and move into executive session. Mr. Danielson invited the Council, the Council Clerk, the Mayor and Mr. Deano to attend the session. The motion passed 5-0.
A motion was made by Mr. Danielson and seconded by Mr. Ellis to reconvene the Council meeting at 7:34 pm. Mr. Danielson announced that no vote or minutes were taken during the executive session. The motion to reconvene passed 5-0.

ADJOURNMENT:

Mr. Danielson adjourned the meeting at 7:35 p.m.


Lorraine Chotin
Council Clerk


Rick S. Danielson
Mayor Pro Tem