

**THE FOLLOWING MINUTES WERE ADOPTED AT THE AUGUST 13, 2015
MEETING OF THE MANDEVILLE CITY COUNCIL.
MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF JULY 23, 2015**

The regular meeting of the Mandeville City Council was called to order by the Council Chairman 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, Ernest Burguieres

ABSENT: Carla Buchholz

ALSO PRESENT: Mayor Villere, Assistant Police Chief Ron Ruple; Edward Deano, City Attorney; Henry DiFranco, City Engineer; Kim Chatelain, Times Picayune; Betsy Swenson, Tammany West; Faimon Roberts, Advocate; John Walker, St. Tammany Farmer

MINUTES:

1. Adoption of the July 7, 2015 Budget Meeting Minutes.

A motion was made by Mr. Burguieres and seconded by Mr. Danielson to adopt the minutes of July 7, 2015. There being no further questions or comments, the motion passed 4-0.

2. Adoption of the July 9, 2015 City Council Meeting Minutes.

A motion was made by Mr. Ellis and seconded by Mr. Burguieres to adopt the minutes of July 9, 2015. There being no further questions or comments, the motion passed 4-0.

REPORTS AND ANNOUNCEMENTS:

Mr. Madden wanted to announce that there will be a second Budget Work Session on Monday, July 27, 2015 at 6:00 p.m. in the City Council Chambers.

There will be a reformation of the Bicycle and Pedestrian Committee. Resumes will be accepted until Friday, August 21, 2015 and a committee will be appointed at the August 27th City Council Meeting. All interested parties are invited to apply.

Mr. Burguieres wanted to recognize and thank the Picayune for their article and video regarding the Mandeville Lakefront and its future.

OPENING OF THE AGENDA:

Mr. Madden made a motion to open the agenda and introduce Resolution No. 15-46, this was seconded by Mr. Danielson. With no objection from the Council or the public, the motion to open the agenda with Resolution 15-46 passed 4-0.

Mr. Madden read Resolution No. 15-46 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE INTERGOVERNMENTAL AGREEMENT WITH DAVID WILSON TO BE PROVIDED CITY WATER AND SEWERAGE SERVICES OUTSIDE THE CITY LIMITS PURSUANT TO ORDINANCE NUMBER 14-50; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Burguieres and seconded by Mr. Danielson to introduce the resolution. Mr. Madden said David Wilson, owner of 404 Lorraine Drive, Mandeville, which is

outside the City limits, desires to have services for sewer and water delivered by the City of Mandeville. Pursuant to City of Mandeville Ordinance 14-50, David Wilson must provide an application and enter into a Cooperative Agreement with the City of Mandeville and have such approved by the City of Mandeville Council. He is located in Parc du Lac subdivision, but you have to go through Lakewood Heights to get to his house. He is located next to a City lift station and will pay the fees required along with 1.5 times the water rate. With no further questions or comments, Resolution No. 15-46 passed 4-0.

OLD BUSINESS:

1. Adoption of Ordinance No. 15-12: AN ORDINANCE TO AMEND THE CITY OF MANDEVILLE CODE OF ORDINANCES BY ESTABLISHING THERETO SECTION 11-136.11 (S); TO PROVIDE FOR THE LOCATION OF PERMITTED SPECIAL EVENTS WITHIN THE CITY LIMITS OF MANDEVILLE AND TO PROVIDE FOR RELATD MATTERS (Offered by Rick Danielson, Council at Large)

Ordinance No. 15-12 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mr. Burguières.

Mr. Danielson wanted to first offer his condolences for the Guitierrez family for the passing of their brother, Seth.

Mr. Danielson wanted to say that this ordinance was introduced at the end of May and at that time, they made a motion to send it to Parks and Parkways and the Special Events Committee for input. This Ordinance is a policy to designate areas for special events which continue to grow in our community. The Lakefront is a special place to celebrate, but it is not the only place to hold an event. The goal is to develop a policy to designate certain areas where these events could and should be held, and it has nothing to do with one specific group or organization. Marigny's vision is that the Lakefront is for everyone and to do this is not to prevent anyone from using the Lakefront. This was created to find a way to preserve and protect the Lakefront so everyone can enjoy it for years to come. In the 2007 Comprehensive Plan, the vision for the City, has a few goals: to establish and maintain accessible recreation serving all residents; maintain and enhance the Lakefront as a signature of the City; retain open access to the Lakefront for residents and visitors in accordance with Marigny's mandate; designate appropriate areas of the Lakefront for picnicking and special events; pursuant to Marigny's vision, the areas south of Lakeshore Drive should be retained as an open space for passive recreation and special occasion uses, such as weddings and festivals in designated areas. Mr. Danielson read Bernard Xavier de Marigny de Mandeville's plan which stated that: "The space situated between Lake Street and the Lake will always remain free and for common use; that no individual nor corporation shall raise any edifice whatsoever, nor change its destination, and that the banks of the Lake facing the said space will also remain forever free and for common usage." Goal 10: To retain the Lakeshore as a community focus while preserving the integrity of abutting residential neighborhoods. Policy 10.1: Pursuant to Marigny's vision, the area south of Lakeshore Drive should be retained as open space for passive recreation and special occasion uses, such as weddings and festivals in designated areas. Mr. Danielson stated this is the Comprehensive Plan that was adopted by the City, if we ignore the plan, why have a plan, this is the bigger broader issue. Based off of this plan and input from citizens from all over on both sides of the issue, he has designated four areas: Marigny and Coffee, the Harbor, the Trailhead, and Sunset Point. About a month ago, based upon some comments and feedback from the committees which are well appreciated, they have come up with recommendations for the special events. Those recommendations he feels are well needed, but do not address what this ordinance is about. This ordinance is about location. Mr.

Danielson would like to offer an amendment to the first location. He would like to change it from Marigny and Coffee to west of Girod to east of Ravine aux Coquille. This was seconded by Mr. Burguieres.

Mr. Madden asked if any questions on the amendment. Mr. Stacy asked why was this not advertised. Mr. Deano said an amendment does not need an advertisement. Without any further comments or questions, the amendment passed 3-1 (Mr. Ellis against).

Mr. Madden asked if any questions on the amended Ordinance. The Mayor said he has no problem protecting the Lakefront, but the committees have added verbiage to their evaluation process that would address some concerns. He feels we should add the restrictions and if there is a problem, then deal with it instead of eliminations. Several residents spoke both for and against the ordinance. Many felt that the Lakefront is for everyone and there should not be restrictions. If there are policies and guidelines in place or more that need to be added, that is fine. They like the new additions to the Special Events and Parks and Parkways review list. Some of these items are: trash pick up, police details, restroom facilities, no vehicular traffic on the Lakefront, mulching around the trees, etc. Some residents feel the committees should be able to do their job and enforce their new rules. Many residents expressed their desire for the shade trees, not necessarily grassy areas. It is just too hot and the Oaks have a special meaning to their families and other groups and they reiterated this is a public piece of land. Other residents feel the ordinance is necessary and existing guidelines are just not strong enough. They feel we need to manage a resource for things that are irreplaceable such as the live oaks. They stated that there are other alternative locations, but all agreed there needs to be a policy in place to preserve the Lakefront and be proactive to address any potential issues.

Mr. Danielson stated this does not apply for families or small groups' this is for non-profit organizations and special events.

Mr. Burguieres wanted to make an amendment to add in area #2, on however amplified music will not be allowed in the area, seconded by Mr. Danielson. Mr. Burguieres said this is all about managing areas. Audubon Park, City Park, and Yellowstone all have designated areas for activities. The Mayor said this has not been brought to the Special Events Committee and does not serve the needs of the public. There are activities such as LPO, and other events that have music, we have a noise ordinance. Mr. Danielson asked if there could be a friendly amendment to include the excerpt of: Mardi Paws, LPO, Winter on the Water, and the 4th of July Celebration. Mr. Deano said this could cause some legal issues by singling out certain groups. Mr. Stacy said the noise is addressed in the Special Events recommendations; to limit band time, and change the position of the stage. Several citizens spoke out against this amendment. They said you can't take the music out of the lakefront and restrict it in one area. The Mayor opposed this addition; you cannot have an event with music at the Harbor. He received a petition from 10 Old Mandeville Business' who support this ordinance. Several residents believe this amendment should be voted down, it needs to be refined instead of making exceptions to the rule that you are trying to establish. The City has a noise ordinance and it should be enforced instead of eliminated. Mr. Danielson asked to withdraw this amendment and suggested they research the policy on music/noise; this was seconded by Mr. Ellis. The vote to withdraw to remove the amplified music from the ordinance passed 4-0.

Mr. Madden asked for one final round of comments before the vote of the original amended ordinance. Mr. Frosch recommended to defer the vote until there is a full Council. Mr. Madden said Mrs. Buchholz had a statement that she wanted to be read in to the record due to her absence. "I believe this ordinance is very well intentioned and it has led to important discussions the City

needed to have. However, after the procedural reviews by the Special Events and Parks and Parkways Committees, I'm inclined to agree that a better solution would be to enhance the existing processes. The existing ordinance can be modified to address any current and future concerns from the community. I would like to thank the committees of citizens that have worked very hard and have given their time to reach their recommendation which is to withdraw Ordinance No. 15-12. I feel the citizens have spoken. I hope my colleagues will join me and vote down this ordinance to more tightly regulate special events on the City's historic lakefront." Mr. Danielson stated he agrees the amendments to Special Events and Parks and Parkways are needed and he is sorry this ordinance has become so emotional for everyone, but this is more than just about the oak trees, it is a policy. Without further comments or questions, a vote was taken and Ordinance 15-12 passed 3-1 (Ellis against).

2. Discussion of Ordinance No. 15-15; AN ORDINANCE TO APPROPRIATE FUNDS RELATIVE TO AND FOR ADOPTION OF THE OPERATING BUDGET FOR THE CITY OF MANDEVILLE; AND TO ESTABLISH THE ADMINISTRATION OF EXPENDITURES THEREOF AND TO PROVIDE FOR RELATED MATTERS (Offered by Rick Danielson, Council at Large)

Ordinance No. 15-15 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mr. Ellis. Mr. Madden wanted to state there are at least 2 more budget workshops with the intention of passing the budget in August if possible. The next budget workshop will be Monday, July 27, 2015 at 6:00 p.m. in the Council Chambers.

Mr. Danielson asked the Mayor under the Police Operating Budget, if the items in question were cut or were they reduced because they meet the budgetary needs. The Mayor will get with Chief and Mr. Oliveri so he can have an answer for next Monday's Budget Session.

3. Discussion of Ordinance No. 15-16; AN ORDINANCE TO APPROPRIATE FUNDS RELATIVE TO AND FOR ADOPTION OF THE CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF MANDEVILLE; AND TO ESTABLISH THE ADMINISTRATION OF EXPENDITURES THEREOF AND TO PROVIDE FOR RELATED MATTERS (Offered by Rick Danielson, Council at Large)

Ordinance No. 15-16 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mr. Ellis. Mr. Madden stated they will begin the capital budget hopefully at the next budget session, July 27, 2015.

NEW BUSINESS:

1. Appointment of a consultant to advise the City Council, Planning Commission and staff on the Port Marigny Development Project. Mr. Madden stated a committee was formed to develop a scope of work for the Port Marigny consultant. The committee consisted of 2 Council members, Mrs. Scott, Nixon Adams and a member of the Planning and Zoning Board. Three applications were received and the committee members scored them independently. The recommendation from the committee was David Bailey. Mr. Danielson made a motion to authorize the Mayor to issue a contract to retain Mr. Bailey as the consultant for the Port Marigny Project. Mr. Muller said he is looking forward to working with Mr. Bailey. Without further public comment or questions, the motion passed 4-0.

2. Adoption of Resolution No. 15-43; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AUTHORIZE THE USE OF ANY ADDITIONAL PUBLIC

FUNDS THAT WOULD OTHERWISE BE DEDUCTED FROM EMPLOYEE SALARIES TO PAY THE EMPLOYEE CONTRIBUTIONS TO THE MUNICIPAL EMPLOYEES RETIREMENT SYSTEM; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by David Ellis, Councilman District I)

Resolution No. 15-43 was read by title by Mr. Madden. A motion was made by Mr. Danielson and was not seconded. Resolution No. 15-43 failed for lack of a second for introduction.

3. Adoption of Resolution No. 15-44: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE IN SET THE SERVICE OR TRANSACTION FEE FOR THE MANDEVILLE FIELD OFFICE OF MOTOR VEHICLES (Offered by David Ellis, Councilman District I)

Resolution No. 15-44 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mr. Ellis.

4. Introduction of Ordinance No. 15-14; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ADOPTING THE JOB CLASSIFICATION AND PAY SCALE FOR REPLACING THE POSITION TITLE OF CORPORAL, SERGEANT, LIEUTENANT, AND CAPTAIN WITHIN THE POLICE DEPARTMENT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Rick Danielson, Council at Large)

Ordinance No. 15-14 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mr. Ellis. Ordinance 15-14 will be up for discussion at the next Council meeting on August 13, 2015.

PUBLIC COMMENT:

Mr. Madden announced that the next P & Z meeting will be July 28th at 7:00 p.m. and the next Council meeting is August 13 at 6:00 p.m.

FINANCE REPORT:

Due to Mr. Oliveri's absence, Mr. Madden asked that his report be presented at the next Council meeting.

PROJECTS IN PROGRESS (STATUS REPORT):

CAPITAL ROADWAY MAINTENANCE PROJECT
TASK ORDER 3

- Asphalt roadway work complete
- Culvert and driveway replacement in progress

LOTUS DRIVE/VILLAGE LANE DRAINAGE

- Final closeout documentation expected to be presented on the next Council Agenda

RAPATEL WATER TOWER

- Painting nearly complete
- Electrical and mechanical equipment installation and general site work remain

LIFT STATION 21

- Contractor currently working to get the new station running

DEW DROP FIRE SUPPRESSION

- Electrical service is complete
- Final activation to be accomplished prior to closeout

LIFT STATION 19 RELOCATION

- New station up and running. Contractor currently dismantling old station
- Site restoration and ditch work remain

LIFT STATIONS 22, 23, & 33

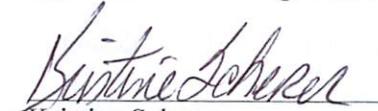
- Construction expected to begin in early August

OLD GOLDEN SHORES WATERLINES

- Drawing up contractual paperwork

ADJOURNMENT:

Mr. Burguières made a motion to adjourn the meeting, seconded by Mr. Ellis. Mr. Madden adjourned the meeting at 8:35 p.m.



Kristine Scherer
Council Clerk



Clay Madden
Council Chairman