

**MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF JUNE 9**

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, David Ellis, Carla Buchholz, Ernest Burguieres, Clay Madden

ABSENT:

ALSO PRESENT: Mayor Villere; David Cressy Assistant Attorney; David deGeneres, Public Works Director; Frank Oliveri, Finance Director; Edward Deano, City Attorney; Louisette Scott, Planning Director; Chief Richard

MINUTES:

1. Adoption of the May 26, 2016 Meeting Minutes.

A motion was made by Mr. Madden and seconded by Mr. Ellis to adopt the minutes of May 28, 2016. There being no further questions or comments, the motion passed 5-0.

2. Adoption of the May 31, 2016 Port Marigny Meeting Minutes.

A motion was made by Mr. Burguieres and seconded by Mr. Ellis to adopt the minutes of May 28, 2016. There being no further questions or comments, the motion passed 5-0.

PRESENTATION:

Ms. Brenda Bertus, CEO of the St. Tammany Economic Development Foundation gave a presentation regarding the overview of their organization. She reviewed their annual report with the administration and the council. They had 14 projects reach completion ins 2015 generating \$52.6 million in investments representing the retention of 2,896 jobs and creating 588 new jobs in the parish.

A presentation was given by Mr. Nick Sims with the Army Corps of Engineers Silver Jackets program. He gave an overview of what the silver jackets program and its relation to flood risk management. He updated the council and administration on the City of Mandeville's pilot program to identify flood risk alternatives and its economic correlation. The mayor stated we have raised about 79 structures to date and have around 6 more they are considering. This will help lower flood insurance premiums and raise property values.

REPORTS AND ANNOUNCEMENTS:

None.

OPENING OF THE AGENDA:

Mr. Madden asked if there were any objections for an opening of the agenda. The motion was made by Mr. Ellis and seconded by Mr. Danielson. With no opposition from the Council Mr. Madden stated this is a liquor license for Bellagios restaurant located at 1633 North Causeway Blvd, Mandeville. The motion for discussion was made by Mrs. Buchholz and seconded by Mr. Ellis. Mr. Chad Bordelon stated this will be an Italian brunch/dinner restaurant and he is partnering with Cesar. Opening will be within the next few weeks. Without further comment or questions, the motion to approve the liquor license passed 5-0.

OLD BUSINESS:

1. Discussion of [Ordinance No. 16-03](#); AN ORDINANCE OF THE CITY OF MANDEVILLE LEVYING AND IMPOSING TAXES ON PROPERTY SUBJECT TO TAXATION IN THE CITY OF MANDEVILLE, STATE OF LOUISIANA, FOR THE YEAR 2016 IN ACCORDANCE WITH THE

PROVISIONS OF ARTICLE VII, SECTION 23(B) AND (C) OF THE 1974 LOUISIANA CONSTITUTION AND R.S. 47:1705 (B) (1) AND (2). (Offered by Clay Madden, Council-at-Large).

Ordinance No. 16-03 was read by title by Mr. Madden. A motion was made by Mr. Ellis and seconded by Mr. Danielson for discussion. Mr. Madden stated this is on the agenda for publication purposes and will be discussed and voted on at the June 23, 2016 Council meeting. Mr. Oliveri stated final numbers from the assessor should be coming next week.

2. Adoption of [Ordinance No. 16-05](#): AN ORDINANCE FOR THE CITY OF MANDEVILLE ADOPTING BUDGET ADJUSTMENT NO. 2; FISCAL YEAR 2015-2016 BUDGET AND TO PROVIDE FOR RELATED MATTERS. (Offered by Carla Buchholz, Council District II).

Ordinance No. 16-05 was read by title by Mr. Madden. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the adoption of Ordinance No. 16-05. Mrs. Buchholz stated this is for water and sewer system in Old Golden Shores and mariners Village, a bucket truck, and pump maintenance. Mrs. Buchholz was asked by Mr. Oliveri and Chief Richard to add money for police cameras. The cameras cannot be repaired and she would like to amend the ordinance to include an amount of \$66,255 for replacement of seven cameras. This was seconded by Mr. Danielson. Mr. Burguieres asked Chief what is the difference between these and the ones he emailed him about. Chief stated these are license plate recognition cameras that are just too old and cannot be repaired. Mr. Danielson asked if this replaces all of the cameras, yes. With no further comments the vote to amend the ordinance passed 5-0. Without further comment or questions about the amended ordinance, roll was called and the ordinance passed 5-0.

Mr. Madden asked if he could move Ordinance 15-17 and do it at the end of new business. With no objections the council proceeded to new business.

NEW BUSINESS:

1. Approval of special event liquor license for Crossfit Franco's for their Crossfit Gulf Coast Games, June 18, 2016 from 8:00am to 4:00 pm, located at 1801 N. Causeway, Mandeville. (Offered by Carla Buchholz, Council District II).

A motion was made by Mr. Danielson and seconded by Mrs. Buchholz for the approval of their gulf coast games. Mr. Danielson stated there will be competitors from throughout the state. Without further comment or questions, the motion passed 5-0.

2. Approval of Substantial completion, task order #4, 2013 Roadway maintenance Contract, Project No. 1301A15, as of May 24, 2016. (Offered by Clay Madden, Council – at – Large).

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz and seconded for approval. Mr. deGeneres said this is the last project and the close out of the last two years. Without further comment or questions, the motion passed 5-0.

3. Approval of Substantial completion, task order #5, 2013 Roadway maintenance Contract, Project No. 1301A15, as of May 9, 2016. (Offered by Clay Madden, Council – at – Large).

A motion was made by Mrs. Buchholz and seconded by Mr. Danielson for the approval. Mr. deGeneres commented this is final close out for the 2013 contract. Without further comment or questions, the motion passed 5-0.

4. Approval of the increase of the base contract not to exceed from \$500K to \$800K, and award Task Order #5 in the amount of \$255K for the 2015 Sewer & Water Maintenance Contract Project No. 14701A2, Contractor: Subterranean Construction LLC. (Offered by Rick Danielson, Council-at-Large).

A motion was made by Mr. Danielson and seconded by Mrs. Buchholz for the approval. Mr. Danielson stated this is increase of the maximum amount so it will potentially cover sewer related issues if needed. Mr. deGeneres is also to cover the remaining work needed in Old Golden Shores. Without further comment or questions, the motion passed 5-0.

5. Adoption of [Resolution No. 16-16](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF MANDEVILLE AND BUTLER SNOW LLP (Offered by Clay Madden).

A motion was made by Mr. Danielson and seconded by Mr. Ellis for the approval. The mayor stated he sent the council the information regarding the attorney he is presenting the council for Port Marigny. Mr. Frankowitz has a planning background and assisted with the charter amendments last year and feels he is a good candidate. Mr. Deano stated the council has already approved Mr. Frankowitz prior as an assistant attorney and meets the qualification he feels they are looking for as an advisor to the council. Mr. Frankowitz is present to answer any questions the council may have. Mr. Danielson thanked Mr. Frankowitz for all the work he has done with the city in the past. Mr. Danielson stated he felt this council should have the opportunity to pick their representative as they discussed hiring Mr. Shields at the last meeting. He asked what is the difference in their backgrounds and if anyone has looked into that. Mr. Deano commented Mr. Shields expertise is primarily construction and preservation which comes into play but not directly what they are looking for. Mr. Danielson said the council will vote on the process and they are being told who the council's attorney should be. They have nothing against Mr. Frankowitz but instead of figuring this out they are being told who they should hire. Mr. Ellis asked Mr. Burguieres if he could comment on the difference in their backgrounds. Mr. Burguieres stated they have similar backgrounds. He noticed on the information given to the council that he is to relay all information to the administration and we do not have attorney client privilege. The council is making the decision and he has a problem with the process of the mayor picking their person. They are both qualified and with the thought of possible litigation, Mr. Shields has expertise in that as well and feels comfortable with him. Since there is friction between the administration and the council, Mr. Shields is totally outside the political process of Port Marigny. Mr. Deano commented the situation between the council and mayor is not good and Mr. Frankowitz has a degree in urban planning. The decision of the council is not to choose the attorney but to accept or reject based upon recommendation by the city attorney. Mr. Frankowitz is qualified and to delay is not a wise course. Mr. Ellis asked what the approval process would be. Mr. Deano stated Mr. Frankowitz is already an assistant attorney approved by the council. Mr. Burguieres commented so is Mr. Shields. Mr. Deano stated Mr. Shields was only for OLL and Mr. Frankowitz was to do whatever he is directed to do, no other appointment would be required. The mayor stated they are pleased with the experience of Mr. Frankowitz and he would not take sides, but review the law and give the best answer for the city. He stated it is unfortunate the council has been so adversarial over the past 4 years. Mr. Danielson commented this became adversarial when the mayor rejected the council's suggestion for Mr.

Shields a month ago. Mr. Danielson confirmed to Mr. Deano that he understood him to say the council can either accept or reject the resolution, why cannot they amend the resolution. Mr. Deano stated you cannot amend because of the charter. Mr. Danielson said we have always amended resolutions so why not now. Mr. Deano will research. The mayor commented this resolution is to accept/reject the mayor's recommendation, there are not substitutes. The problem between the mayor and this council is they do not want to follow the rules and they want to make it up as they go along. Mr. Madden asked where the rules are in the charter, he does not ever remember not being able to amend a resolution before. Mr. Burguieres commented he was always under the impression a resolution can be amended and if the administration did not agree with the resolution, they could always ignore it. Mr. Burguieres read charter section 5.08 "D" and 5.08 "B". Mrs. Buchholz commented they want the best qualified person to advise this council. Both are qualified applicants however Mr. Frankowitz' qualifications are a tad more. Trying to dance around the system is not necessary. The council needs to be able to vote on the right person. Mr. Burguieres final recommendation is to delete to correspond to the city attorney and the mayor, just to communicate to the council. They mayor said the attorney does not only represent the council but the administration and the city, this creates a wedge. Mr. Ellis stated there are other entities that have council representation separate from administration. He wants to be able to make the best decision possible in an expeditious way. He would like to have Mr. Frankowitz involved but to exclude Mr. Shields is not proper so if that cannot happen, he will vote this resolution down. Mr. Burguieres asked Mr. Frankowitz how to resolve this conflict, the council makes the decision? Mr. Frankowitz commented first the entity is the city of Mandeville. As the City's charter is made up, the differences of opinions can exist, but the engagement would be with the City of Mandeville. All information would be shared with the city as a whole unless the engagement process is redefined. The issue of confidences runs into the open meetings law. A matter of public policy/concern is to be done in public except in limited circumstances. Confidences would be between the City of Mandeville and the developer. Mr. Burguieres stated he has an AG opinion pending regarding if the council can hire their own attorney. If that comes back confirmed the council would be able to hire their own attorney. This is a difficult situation, there is a lot of mistrust and he is trying to find someone who is not connected.

Mr. Brian Rhinehart commented that the Parish is going through the same thing. He used the analogy if someone was arrested and they could choose between a court appointed lawyer and one they could choose, he would go with the lawyer he can pick for himself.

Mr. Danielson commented until the AG gives an answer on what council's authority is, this mayor has made it clear who we are going to hire. We are a month further down the road with what the mayor wants not the council. If this is denied tonight, the mayor will still not get the council to hire who he wants and we are no further along. Mr. Madden asked the mayor in the event of a rejected vote for Shields or Frankowitz would he be open to looking in to another person. The mayor said why the council cannot approve Frankowitz. He did consider Shields and thought Frankowitz was a better choice. The process is the process. Mr. Madden asked if there was another option to meet in the middle. The mayor will not consider a third option he will bring Frankowitz to the new council. Mr. Madden stated he is trying to move this along. Mr. Danielson asked if he thought Mr. Shields was not qualified why did he not say so weeks ago. The mayor said there is a qualified person in front of you but you did not get your person so he will go to the new council. The mayor said this will not be resolved unless you vote yes. Mr. Ellis stated it seems like a strong arm from the mayor. Mr. Madden said this is a comfort level, they are both qualified. Mr. Burguieres said the issue is trust. Mr. Ellis said the council needs a comfort feeling before they can vote on this so his opinion is to keep Mr. Frankowitz as an assistant attorney and the administration at the next meeting replaces him with someone else. Mr. Madden said the mayor will not do this. Mr. Danielson wanted to comment the mayor keeps saying this council is holding the process up but he could have approved Mr.

Shields a month ago. He decided not to work with the council and wanted his person. The mayor denies he is delaying anything, it's the council. Mr. Ellis asked if they could amend the resolution. Mr. Cressy said you cannot amend the resolution. Mr. Ellis offered to amend the resolution to include both Mr. Shields as the primary attorney to work directly with the city council and Mr. Frankowitz to be involved as needed. This was seconded by Mr. Burguières. Mrs. Buchholz had a question if this is working outside the bounds of the city charter. Mr. Deano said yes and read 5.08 "C". The construction of law is that if there is a law directly on point it overrides the general law to amend a resolution. So the charter says you vote to approve/disapprove only on this matter. Mr. Madden said there is motion on the table. Ms. Buchholz stated she cannot vote on something the city attorney says is illegal. Mr. Ellis withdrew his amendment.

Mr. Muller wanted to suggest in the interim while waiting on the AG opinion, would it not be in the best interest to accept the resolution. If the AG opinion comes back and you can hire an attorney, you can proceed from there. The process will still continue. Mr. Madden feels there are other options, but the process does not stop. Without further comment or questions, Mr. Madden called a vote and the motion failed 1-4 (Buchholz for).

3. Discussion of [Ordinance No. 15-17](#); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE WITH RESPECT TO ARPENT LOTS 14, 15, 16, 17, 18, 20, 21, A PORTION OF ARPENT LOT 19, (NOT INCLUDING THE SUBDIVIDED LOTS DESIGNATED AS LOTS 1-14, INCLUSIVE, FORMING THE SOUTHWEST CORNER OF KLEBER STREET AND MONROE STREET), PARCELS A AND B, AND A PORTION OF KLEBER STREET, LOCATED IN SECTIONS 46 & 47-T8S-R11E, CITY OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA, MORE PARTICULARLY DESCRIBED ON THE PLAT AND SURVEY PREPARED BY KELLY J. MCHUGH & ASSOCIATES, INC., CIVIL ENGINEERS & LAND SURVEYORS, DATED 12/03/13, REVISED THROUGH JUNE 30, 2015, DWG. NO. 13-136-BS, CONTAINING 76.648 ACRES (THE "PRESTRESSED CONCRETE SITE"); AMENDING THE OFFICIAL ZONING MAP AND COMPREHENSIVE LAND USE REGULATION ORDINANCE (CLURO) OF THE CITY TO CLASSIFY THE FORMER PRESTRESSED CONCRETE SITE AS A PLANNED COMBINED USE DISTRICT ("PCUD"); APPROVING THE SITE PLAN, MASTER PLAN AND GUIDING PRINCIPLES PREPARED BY ARCHITECTS SOUTHWEST, INC., DATED JUNE 25, 2015, ENTITLED "PORT MARIGNY TND" (COLLECTIVELY THE "MASTER PLAN"); REQUIRING THAT THE MASTER PLAN AND ITS PROVISIONS, TOGETHER WITH THE RESTRICTIVE COVENANTS, BE COVENANTS RUNNING WITH THE LAND; APPROVING THE DEVELOPMENT OF THE PCUD IN ACCORDANCE WITH THE MASTER PLAN AND ACCOMPANYING SUBMITTALS; REVOKING CERTAIN CONSTRUCTION, DRAINAGE AND SEWERAGE SERVITUDE(S) AND GRANTING A SERVITUDE OF PASSAGE AND FOR UTILITIES; GRANTING VARIANCES AS NEEDED TO GIVE FULL EFFECT TO THE MASTER PLAN; ESTABLISHING PROCEDURES FOR ADMINISTERING THE MASTER PLAN; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. (Offered by Carla Buchholz, Council District II). Topics will include:

Section 1: Classification of the Prestressed Concrete Site and Section 2: Approval of certain uses and the discussion of the developmental agreement.

Ordinance No. 15-17 was read by title by Mr. Madden. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis to open discussion. Mr. Madden made a motion to formally introduce the developmental agreement (section 11), this was sectioned by Mrs. Buchholz. This will get us into the proper state for advertising requirements. Mr. Madden stated this will be a vote to add the developmental agreement to the ordinance. Without further questions or comments, the vote to add section 11, the developmental agreement, passed 5-0.

Mr. Cressy started to discuss section 2. The original ordinance has section two approving conditional uses for the project. In review, the planning commission decided it had to be broken down into two uses: one requiring a special permit before subdivision and the second by-right within the development. This section really discusses land uses. Mr. Oubre began to discuss how this design came about. Over the course of the last year, many issues were dealt with such as traffic and there were compromises. He discussed how the process does not work if you try and piece meal the project. The completed review has changes that addressed concerns and revised the guiding principles. When the final draft was presented in March, there were several questions and the draft was sent to the council with additional recommendations as a result of those questions. There is a small reduction in density, originally 420 units now 416. This is to include a request to have more green space in the neighborhood. Eight lots have been taken out and replaced with a public park. The other request was to increase the civic space. We also had a concern with the Massena street frontage and on street parking. There was an additional acre of paved parking added. The lots fronting Massena are the mansion lots and they do not have driveways, they are alley loaded. Along the frontage of Massena will be a linear green to provide additional setback for those homes. There was a discussion about street widths and they are suggesting parking on one side only. The market studies pointed out there are two demographics who want to locate but you don't have enough of the location (Old Mandeville) they are looking for: millennials and baby boomers whose interest is history, rather walk than drive, smaller and higher quality living. The development will have 70 mixed use units, one Mansion condos containing 4 units which are positioned along Monroe St., Cottages, townhouses, neighborhood houses and then large neighborhood houses. There needs to be a life in the center to drive the development. Mr. Ellis asked if there is a time frame to develop. Mr. Oubre stated there is no time frame. Mr. Madden asked who determines the rent. Mr. Oubre said the code creates the level of refinement, it will not be inexpensive to develop. Everything has to respond to each other, the apartments cannot bring down the houses and vice versa, he expects around \$150 a sq. ft. The Zimmerman study understands how a TND works and what it will market and they forecasted Port Marigny to have 658 units we are over 400. Mr. Oubre reviewed his power point presentation (attached). The commitment is to adopt the document then the developer has to abide by this document or else they have to start the process again. A lot of the site has steel pile that goes down at least 60ft and cannot be removed or cut so part of the strategy is to cover those areas and build elevated houses.

Mr. Burguires has a question about the market study, it helps the developer not the city. The market study is for the developers benefit. He wants to make sure we don't damage the product we have now or have something happen like Mariners Village. Mr. Oubre wanted to address the market study, it was to give a rational understanding. Because of what Mandeville is and the dynamics of a top quality development (TND), it was the tool to pick and choose from. The business side is to have the site clean to provide an economic impact. The TND is an ecosystem and the density is part of why this becomes a real place.

Mr. Madden asked the question what happened with Mariners Village. Sometime around the mid-nineties is started to die down. The concern is the back apartments from constituents. What is it about Port Marigny that can close to ensure it won't be another Mariners Village? Mr. Oubre stated what about Mariners Village represents Mandeville, it is a suburban concept. Those projects were an

attempt to recreate the values but it was not done properly: streets are too wide, it's not walkable, it was an urban failure, and TND's have worked everywhere.

Mr. Muller commented about Mariners Village. Several things effected that development: interest rates went up and the bank that financed the Village had to take it back; the properties purchased by Copeland had an effect and then when the overpass was built. Port Marigny tells you what use and dimensions are to be allowed this was not the same as Mariners Village. Also, the comprehensive plan is made for the city, the market study did not guide the development, it was the comprehensive plan.

Mr. Brian Rhinehart commented about the market study. The selling point for the study was the visibility of the hotel from the Causeway that is not what the city is about. Many things could be misinterpreted from the study. What restrictions were lacking in Mariners Village? Mr. Muller feels it was the architectural control committee and the bank that had to take it back. They wanted to sell it and not be concerned with the architectural design of the project.

Mr. Oubre said there were three market studies: residential, commercial. The character of the hotel can be Old Mandeville, signage will be followed by the city's ordinance.

Mr. Rosenhow commented this is the first step in a detailed process. He thinks there is an assumption about parking on Massena with back entrance. Many people fill their garages with stuff not cars. The assumption of not a lot of cars is not true. Don't walk away from your common sense. Just because an expert says its true may not be correct. The question is not that they dropped density to 415, the question is if 415 are too much. Mr. Muller wanted to point out the market study is to get an idea of the market conditions, the density is controlled by the city. They reduced the number by 25%. Mr. Burguieres asked if they could adjust the minimum density, there needs to be a happy medium.

Col. Perry wanted to discuss maximum density and the CLURO does have a minimum density of 4 dwellings per acre. The minimum is about 181 and he feels they are closer to the maximum.

Ms. Margo Rhinehart wanted to remind everyone that all of this talk of a TND was done prior to the big population boom. She is not sure that in today's environment a TND would have been encouraged. We have a lot of traffic and crowding in schools.

Mr. Denny stated all of these are put in as a safe guard. The development cannot continue if the first phase is not in compliance.

Mr. Madden wanted to remind everyone the developmental agreement requires three advertisements before a vote. June 23rd, June 30th and July 7th then the first available time to vote would be after that. Should they schedule a special meeting to discuss Port Marigny. Mr. Madden does not feel the need for a special meeting because we have a meeting on the 27th of June. You have to advertise the earliest date it can be approved and back into the 3 weeks. Mr. Madden decided for the purposes of advertising it will be July 14th but he still holds the right to hold other meetings if necessary.

Mr. Madden reminded everyone there is a budget meeting on July 7th and another meeting could be scheduled.

PUBLIC COMMENT:

None

PROJECTS IN PROGRESS (STATUS REPORT):

2013 Capital Roadway maintenance project -Task order 4 & 5

- Substantial completion on Council Agenda

2016 Capital Roadway maintenance project -Task order 1

- Skipper Drive drainage work in progress.

Water & Sewer maintenance -Task order 4

- Sewer & water repair work in progress

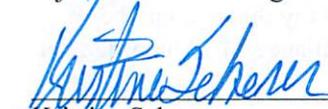
Old Golden Shores waterlines

- Final walk through held
- Substantially complete as of June 7
- Contractor working punch list and clean up.

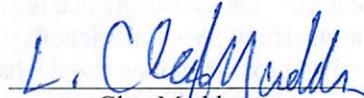
Mr. Danielson asked if any new updated on the sea wall. Mr. deGeneres said they are working on to see how big the hole is this week, they are bringing in a diving group.

ADJOURNMENT:

Mr. Burguieres made a motion to adjourn the meeting, seconded by Mr. Danielson. Mr. Madden adjourned the meeting at 9:05p.m.



Kristine Scherer
Council Clerk



Clay Madden
Council Chairman