

**THE FOLLOWING MINUES WERE ADOPTED AT THE JUNE 12, 2015 MEETING OF THE
MANDEVILLE CITY COUNCIL.
MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF MAY 28, 2015**

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

ABSENT: David Ellis

ALSO PRESENT: Mayor Villere, Chief Rick Richard, Frank Oliveri, Finance Director, Laurie Pennison, Assistant City Attorney; David deGeneres, Public Works Director, Louissette Scott, Planning Director, Kim Chatelain, Times Picayune, Advocate

MINUTES:

1. Adoption of the May 14, 2015 Regular Meeting Minutes.

A motion was made by Mr. Burguieres and seconded by Mrs. Buchholz to adopt the minutes of May 14, 2015. The motion passed 4-0.

PRESENTATION:

REPORTS AND ANNOUNCEMENTS:

Mr. Danielson announced the Mandeville Family Reunion was a huge success this past weekend and wanted to thank the American Legion 415, and Mr. & Mrs. Scott, for placing over 250 flags at the Mandeville Cemetery for the military servicemen and women in honor of Memorial Day; he hopes this will become an annual event. The Friends of the Mandeville Cemetery, boy scouts, and several church groups have been working on cleaning and improving the cemetery, if you have not gone by, please visit.

Mr. Danielson also wanted to let everyone know that the rail road crossing lights on Girod Street by the Fire Station are now flashing and operational, thanks to Dennis Bechac who has been working with the Parish on this task.

Mr. Danielson asked for an update about House Bill 39, the council did not know about the bill until it was announced by Baton Rouge. This was one of the options presented by Nan Alexander, but the council did not know it was physically going to the state .The Council wants to know if HB39 will affect the budget. The Mayor stated HB39 will allow all employees to be on an even footing, there will be no impact to the budget. HB39 will allow the City, to control the employee retirement contribution, not MERS. The employee contribution currently is 9.25%. If the MERS contribution rate increases, the City can keep the percentage it pays the same if they choose. Mr. Runyon questioned the incremental cost and requested a formal presentation if any changes will take place.

Mr. Danielson asked the Council if we could move to the front of the agenda: new business 1, 2, 3; and then the finance report due to some items pertain to budgetary issues. There was no objection.

NEW BUSINESS:

1. Approval of liquor license for 527 Causeway LLC. Restaurant to be located at 527 N. Causeway Blvd, Mandeville.

A motion was made by Mr. Burguières and seconded by Mr. Madden for the Approval of the liquor license for 527 Causeway LLC. Mr. Gallagher plans on opening mid-July, with the same core menu but with lunch and dinner specials. Lunch will be served Tuesday thru Friday, and dinner, Monday thru Saturday. Mr. Madden asked if they will have another entrance on E Causeway because he heard businesses in the past have struggled with signage because the entrance was in the shopping center. Mr. Gallagher is addressing the sign issue by having an additional entrance/exit on E Causeway Approach. There being no further discussion or questions, the motion passed 4-0.

2. Approval of special event liquor license for Our Lady of the Lake School, Bingo Family Night, Friday, September 4, 2015 from 6:30pm to 9:30 pm to be located at 316 Lafayette St, Mandeville, no rain date.

There being no further discussion or questions, A motion was made by Mr. Burguières and seconded by Mr. Madden for the Approval of the special event liquor license for Our Lady of the Lake School, Bingo Family Night. The motion passed 4-0.

3. Approval of the Special Event application for the City of Mandeville's Celebration on the Lake to be held on July 4, 2015, rain date July 5, 2015, with a waiver to eating and drinking on the lakefront beginning at 9:00 a.m. and action on departmental costs of \$1,840 for the Police and Public Works Departments costs.

A motion was made by Mr. Madden and seconded by Mrs. Buchholz. Mr. Danielson stated music starts at 5pm with Four Unplugged and fireworks around 8:45pm. The main question is the 9am start date. The hope and the goal was to have people start their day at the Market and do some shopping on Girod Street, then make their way to the Lakefront for the concert and fireworks versus an all-day event at lakefront. The Mayor said people need an opportunity to set up their picnic area and he does not see a need to change the time of the event. Mr. Burguières stated the application, from the City, says event time is 4pm, not 9am expecting close to 2,000 people. Mr. Madden would like to meet in the middle, around noon, that way it still encourages people to go to the market and still have time to set up at the Lakefront. Mrs. Buchholz says the purpose of the 9am start is to set up (no BBQ, only picnicking). The Mayor said we have not said no BBQ on the lakefront, there are no limits. If people want to start at 9am he does not see a problem. Mr. Burguières is worried about the 2,000 people expected per the application with regards to parking and in case there are any emergency situations. The Mayor said you probably will have that many for the fireworks, but not for the picnicking. There is the cost for police and public works in the application to handle any issues. Ms. Buchholz wanted to make sure no charcoal grilling would be allowed. Ms. Pennison stated charcoal grills are not allowed on the lakefront, just propane tanks. Ms. Casaborne said these are the same rules that they have used in the past. Ms. Casaborne will send the council a copy of these rules; they also include no glass on the lakefront. Mr. Frosh questioned the no picnicking, he asked if it is lifted for the day and is the picnicking area specific or anywhere on the lakefront. Mr. Danielson clarified picnicking is all day and not limited to a specific area. Mr. Madden asked how the Mandeville Family Reunion operated last weekend as a comparison. The MFR started at 11 am, but they like to get out there around 9am to get a good spot and get things started. Mr. Madden would like to amend the start time to 11 am. this was seconded by Mr. Burguières.

Ms. Rourbough asked to include in this approval, basic care for the lakefront. People bring tents, elaborate grilling equipment, but they drive on the grass to unload and this can damage the lakefront and its trees. She would like the police to monitor the parking because this creates a safety hazard. The MFR had a wonderful event and used barricades and controlled their event. She wants to make sure the beach is protected. Mr. Madden agrees about the parking concerns and there should be no driving of cars on the lakefront, you must park and then unload your things.

Mr. Burguieres would like to add the police barricades to the application and have them placed just like they did for the MFR. He wants to supplement the amendment Mrs. Buchholz wants to do two different amendments because she has no problem with the 9am start time but would like the barricades put up along the lakefront.

Mr. Danielson said we can do two amendments. Any questions about the start time from the floor: no. All in favor of amending the approval to change the start time from 9am to 11am. The motion to amend start time - passed 3-1 (Mrs. Buchholz opposed). A motion for the second amendment concerning the barricades was made by Mr. Burguieres and seconded by Mr. Madden. Mr. Danielson asked if there is a need for barricades or signs (like parades), or both. The Mayor said there are already no parking signs on the lakefront. If someone parks there then they should be ticketed. The City does not have enough barricades. The stage and main event is where the symphony was held and he does not see an issue with parking due to the tremendous amount of trees in the area. The only place he sees to use barricades is where the band would be unloading equipment. Temporary signs can be used if the council wishes, in areas not covered by barricades. Chief stated he has 5 officers for the event and they will issue tickets if necessary. Mr. Danielson stated this is going to be a huge event, it is one of the few areas that will have fireworks and we need to make sure this is a huge success. Mr. Burguieres wants to supplement his amendment to include barricades where the main event is to be located, and temporary signs in those areas not covered by barricades. All in favor to approve the second amendment to the application- the second amendment to the application was approved 4-0.

Mr. Danielson asked if anyone had any further comments. Mr. Crosby wants to recommend that there is only BBQ in the B3 district for reasons of police enforcement. He feels the police will be busy enough with parking issues. The Mayor has said this has not been a problem in the past but whatever restrictions the council places, the City will advertise. Mr. Frosh stated they have not had restrictions on the BBQ and picnic areas and have never had a problem. Mr. Danielson said they will watch the event closely and make any changes for the next year if necessary. Mr. Coogan stated that the lakefront is for everyone and the start time should be 9am. The longer you stretch out the start time; it will spread out the traffic. Mrs. Rourbough asked what is the clean-up plan, the MFR had success and no trash was left behind. She is concerned that clean-up does not happen until Monday when an event occurs on Saturday. The Mayor stated he has Public Works scheduled that day to pick up trash and then again in Monday (nothing on Sunday). Mr. Madden asked if PW could work Sunday? The Mayor said if the council wants to approve overtime. Mrs. Buchholz asked if there are enough trash receptacles. The Mayor stated that PW will be monitoring the trash containers. Mr. Danielson asked if this is something that Keep Mandeville Beautiful would like to assist with. Mrs. Buchholz said that she can bring it up at the next board meeting, but this is not a budgeted event. Mr. Madden suggested some media assistance with volunteer groups to aide in the cleanup on Sunday if necessary. Mr. Danielson said if everyone does their part and PW does a sweep at the end of the day, there should not be a problem. Mr. Danielson sees this as a very positive conversation since this is the first year, since the Mandeville Seafood Festival has left the lakefront, and the City is putting on a Celebration. We just need to make sure that Lakeshore Drive is protected that day and restored back to its original condition as soon as possible so people can enjoy the lakefront the following day. If we do this right this year we will continue to have this the following year and it will be successful. All in favor of approving the special event application as amended – the approval has passed 4-0.

Mr. Danielson said there are several people here for the introduction of Ordinance No. 15-12. He wanted to inform everyone that this is just an introduction and there is no discussion, comments and discussion will occur in two weeks. The Mayor asked that the floor be open to public comment on this Ordinance because some people cannot attend the next council meeting. Mr. Danielson stated that public comment is used for items that are not at the agenda. The Mayor said he was never aware of this and thought anything could be discussed during public comment.

Mrs. Buchholz would like to hear the comments on this sensitive matter with no discussion. Mrs. Buchholz made a motion to move Public Comment up. Mr. Madden said there were some Facebook comments regarding the Mandeville Family Reunion and he alerted Mr. Frosh of this introductory rule. Mr. Madden does not have a problem moving public comment; however, he does want to reiterate that we do not vote on this tonight and we will debate this ordinance at our next meeting. Mr. Danielson said this is not typical procedures for an introduction, but he will allow the public comment. He stated if we are going to use these comments for information, then we need to at least introduce the ordinance so everyone knows what we are talking about. Mr. Danielson asked that we move Public Comment up and also introduce Ordinance No. 15-12 into Public Comment. Mrs. Buchholz agreed to that motion and this was seconded by Mr. Madden. Just a reminder public comment is limited to 3 minutes and the only comments allowed at this time should pertain to Ordinance No. 15-12. All in favor of the motion, the motion passed 4-0.

4. Introduction 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 RELATED MATTERS (Offered by Rick Danielson, Council at Large)

Ordinance No. 15-12 was read by title by Mr. Danielson. A motion was made by Mr. Madden and seconded by Mr. Danielson for its introduction. Mr. Danielson said the jest of this ordinance is to establish certain areas for non-profit and charitable groups to hold their events. Mr. Madden wanted to let the public know that this ordinance is looking at 4 locations right now; it can be changed and amended when it is up for debate in two weeks. Mr. Danielson opened the floor for public comment.

Mr. Frosh, MFR, stated that they have had the reunion for the past 4 years and they have never had an incident on the lakefront. They enjoy using the areas between Lafayette and Wilkinson, as some attendees use the oak tree area for shade. As a longtime resident, they enjoy the lakefront and their attendance has grown each year. Ms. Alstonson said that as a resident Mandevillian, she wants her grandchildren to use the lakefront as she had as a child. The lakefront is zoned "O", not B-3, and some other locations just do not work for everyone. She feels it is an area that brings the community together, under the oaks. The elderly cannot take the heat and the oaks are a nice location. As long as their event is clean, and they abide by the law, they should be able to hold their event anywhere on the lakefront. Mr. Pool said the oak trees are the most majestic area of the lakefront. To be restricted from using that area is unacceptable, it belongs to everyone. Mr. Crosby does not have an issue with picnicking on the lakefront. The MFR has grown each year and there are pictures of golf cart, trucks etc. on the lakefront from certain events. If this continues, as groups expand, so do costs, and he feels that fees should be charged to reflect the needs of certain events. There are other areas such as Fontainebleau State Park which has trees and could handle those larger events. Ms. Thibodeaux said some spots are historic to people and they want to hold their event in the same location, not Fontainebleau State Park and she would like to use the oaks. There are the same safety concerns when you have a home being built a block from the lakefront with construction trucks parked in the street. Ms. Fister who lives in Nashville said the Family Reunion is all about family, not a festival. She was raised here in Mandeville and feels the MFR is well run and should be able to use the oaks. Mr. Frosh asked what happened to bring on the introduction, why do they want to change? Mr. Danielson said it was made to develop a policy because there are a lot of groups that do want to hold their event here in Mandeville. There are some businesses who would like to take advantage of those areas as well. So the proposed policy is to give us direction of where these special events can and should be held. You would make an application to the special event committee and tell them the type of event, scope of the event, size, time, etc. and they will work with the group to say maybe

your best area is one of these designated areas. It is never to prohibit, it is to give a policy so everyone can understand the rules. Different areas of town have different infrastructures, public bathrooms, parking, etc. If you do an event near say the B3 area, it can possibly provide a benefit to the local businesses. The reason is multi-phased and is only a start. This is only for non-profit and charitable organizations, wedding on the lakefront are not affected. Wedding go through the City and do not require a permit. Ms. Bulliard stated the reason the MFR uses that particular area on the lakefront is they all went to school together and they have a history and it is special to them. Mr. Danielson said with no other public comment on this issue, we will proceed to the Finance Report after a short break.

Finance Report: Mr. Oliveri stated the city has collected 415.9 million of the budgeted operating revenue or 70.73% of the budget. We have spent \$8.8 million of operating expenditures. Of that the city has spent \$2.6 million of the \$8.4 million capital budget which represents about 30.93% of the general overall capital outlay for the year. We have \$2.2 million in projects on the way in the general fund. And \$3.6 million in the street fund that are not committed at this time. We will end up with about \$10.6 million in the general fund. Sewerage and water funds are in line and we have \$6.5 million in liquidity and \$9.6 million in special sales tax fund. When you look at revenue, we go from \$2.7 million to \$2 million that has to do with the ad valorem taxes. Sales tax slight increase from 14.8 to 16.2. Interest rates overall not to change. Mr. Runyon questioned how many full time employees were in forecast (actuals based from 4 yrs. – 111ppl). We have 2.6 million in new money – he thought the plan was to roll back the ad valorem taxes into the general fund and now the city wants to roll back only half. Why do we need to have a huge surplus, he would like to see the detail of the salary/budget and number of employees. The Mayor said they were never rolling back all the taxes. Mr. Oliveri wanted to have a strategic plan and that has not happened. We have to build a surplus in the general fund because we have projects that now come from the general fund. The Mayor said these are forecasted numbers; there will be discussions of other items that will be taken into consideration of the forecast. We can always roll back more money to the taxpayers, it is not necessary to roll back everything this year. They will take a look at things later and make adjustments. Mr. Coogan said depending upon the inventory tax legislation; the sales tax revenue will drop. It will drop because as a business they get an inventory bill from the Sherriff's department. They do not question this bill because they know they will be made whole from the state, but with this new law, they will now only get a portion back and business will now question this bill. The Mayor said the City does not get affected from this tax.

Mr. Madden wanted to thank Mr. Oliveri for this exercise. Mr. Burguieres has questions with the sales tax issues and wonders if they should invite the sales tax people from the Sherriff's office to give a presentation. He wants to talk about the sales tax inequities and help our growing fund balance. Shawn McManus spoke a few years ago and he will see if he can come back for a discussion.

OLD BUSINESS:

1. Adoption of Resolution No. 15-28; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SERVICES WITH FISCHER'S INC FOR THE REROOFING OF CITY HALL AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Carla Buchholz, Council District II)

Resolution No. 15-28 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Burguieres for its introduction. Mrs. Buchholz said this is to replace the roof of City Hall. Mr. Madden wanted to make it clear that the second resolution on the agenda is for renovation and addition of City Hall which will affect the roof, but this resolution is for the

replacement of the roof now; these are two different things. Mr. Madden said the roof is in this year's budget and we can move forward with this resolution. Mrs. Buchholz stated the roof is in need of replacement and the A/C has issues. She said this resolution is only for the roof, but we all agree that the roof has to be replaced. The expansion if approved will have to tie into this resolution/roof replacement. Mr. Madden asked the Mayor if this resolution (15-28) passed and the expansion/addition did not for a year or so, we are still not wasting any money because the roof needs to be repaired right now. The Mayor stated that is true, but the architects would want to tie into the existing roof to make sure it was compatible with the proposed addition/renovation. Mr. Weldon said the design phase would be 4-6 months and the construction phase around 8-10 months. What the City has now is a roof leak problem, it needs to be fixed. The lobby space will be where the porches are now which contains part of the roof, so if the addition happens, part of the roof will have to be addressed. There being no questions, the motion to adopt Resolution No. 15-28 passed 4-0.

2. Adoption of Resolution No. 15-29: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES WITH FAUNTLEROY LATHAM WELDON BARRE' ARCHITECTS FOR THE ARCHITECTURAL SERVICES FOR THE EXPANSION OF CITY HALL AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Carla Buchholz, Council District II)

Resolution No. 15-29 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Madden for its introduction. Mrs. Buchholz said she is not sure if the renovation/addition is needed at this time, however she said we should plan for this and the first step is to hire a firm to see what direction we will go in. We are not asking for the 2.5 million now, but just to hire the firm to start the process. Mr. Burguieres has heard from his constituents that this is a want, not a need, and he thinks it is wiser to create line item in the budget and in a few years see if we need this addition. Mr. Madden has also heard from constituents that City Hall has to improve but it might not be the #1 need right now. He would like to see after they start to discuss the capital budgets what items are prioritized. There are some other things that he feels he needs to look at before he makes a decision. Mr. Weldon said this is not only about a council chamber addition; this is about the renovation of a 40yr old building. The building needs to be brought up to code, there are security issues, electrical issues, ADA compliance issues and it has to meet the needs of the public. The project is estimated at 2.5 million. This is just approving the hiring of a design firm to handle the public input of designing their building and plan the project. Mr. Danielson asked Mr. Weldon that the 2.5 million includes the addition/renovation, but does he feel the City has a spacing problem or a footprint problem? Mr. Weldon said the staffing needs have changed and there is just no more room. The reason they look at adding the council chambers is so they can do this in phases, so it is completely operational. The council addition can start and once that is open, then the current chambers can be renovated and still completely meet the needs of the public. To start from scratch would be more expensive. Mr. Danielson wonders if the building could be renovated and brings things up to code and not spend \$2.5 million. He thinks the roof is a need, the addition is a want. Can this be accomplished? Mr. Weldon said they have looked at this and it is just too expensive to try and renovate and service the public and not do any expansion. Using the council chambers as a phasing project is the best way to approach the project. Mr. Mitchell did the preliminary studies and tried to change the labels on offices and it just did not work. The functions of the building have changed over the past 40 years. They looked at minor changes within the same footprint and determined more space was needed. Doing it in phases, and building a new council chamber first, will minimize the inconvenience. If the process starts now, it will fall into election season

and you will be able to get public input from your constituents. This is a vote on just the planning phase not the project. Mr. Danielson said that if the council approves the project for design, you in a sense are committing to the project. The input he has gotten so far is do we need to spend this much money now, what is the responsibility to the constituents. Mr. Burguieres wanted to know if the Community Center can be used for council meeting; his constituents are not in favor of this spending of money. The Mayor said the Community Center is just not feasible; the Community Center is rented for the next 2 months every night and logistically, its impractical. There are a number of expansion needs for this building: court, council meetings, planning meetings, other parish wide meetings, etc. Mr. Danielson said he would like to look at other options. Mr. Runyon wanted to know if the City could develop a list of wants and needs. Mrs. Buchholz agrees that it needs to be the right plan before we approve the start of this process. Mr. Danielson wanted to see if we could look at a plan for renovating this building separate from an addition before we commit ourselves to this plan. Mrs. Buchholz asked Mr. Mitchell if he has talked to the employees about their thoughts of the plan. Mr. Mitchell has not meet with them yet, but he has looked at what the City needs to do to have the building come into compliance. The City can renovate bathrooms, install exit ramps, etc. first, but the idea was to include it in the entire renovation/expansion. It is more cost effective to do the larger plan that they presented. He stated you can have tents, erect metal buildings, move to the trail head to hold meetings, but it just would not serve the public properly. Mr. Coogan said the council should comply with the regulations. There are no sprinkler systems in this building and the liability exposure outweighs the decision to spend \$150K. Mr. Danielson feels the need is the renovation, not the expansion. Mr. Adams says the building is just out of character for the City of Mandeville. He hears people say they would like to at least renovate the exterior of the building. Mr. Danielson asked for a vote for the adoption of Resolution No. 15-29. After a vote, the adoption of resolution has failed 1-3. (Mrs. Buchholz for; Mr. Danielson, Mr. Madden, Mr. Burguieres against)

Mr. Madden would like to see if we can get a new resolution for the next meeting with things that have to be fixed now. For example, in phase one: you the bathrooms, electrical and then goes in to the next phase. Mr. Danielson wanted to thank Mr. Weldon and his team for the work they have done so far. The council is not giving up on this plan; they just want to see if there are other options available before they would move forward.

3. Discussion of Ordinance No. 15-10, 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 2015 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 David Ellis, Council District I)

Ordinance No. 15-10 was read by title by Mr. Danielson. This ordinance will be voted on at our June 25, 2015 meeting. It is on the agenda to meet our publication and advertising requirements. This Ordinance has to do with the property tax roll back. Mr. Oliveri said we have 3 millages and the ad valorem tax was rolled back to 3.57 enabling the City to refund money to the citizens. This was a rate decided by the City and can be change again in a few years, the City wanted to try and get as close to \$700K as possible. Mr. Danielson said it is easier to roll back than forward. Mr. Oliveri said it averages on a \$250K property about \$90-100 refund. Mr. Oliveri said you can set your millage every year, but there is a four year span in which the reassessment period occurs and if you do not roll to the max millage in a four year period you have to reset your maximum millage based upon that period of time. During that 4 year period there has to be a one year reset. The Mayor said you need to protect that number because if you do have a drop in revenue there is no cushion in order to maintain services; then you would have to hope your sales tax revenues will increase. This gives sustainable revenues for the City but gives the council an opportunity to see where they are and adjust that millage to maintain an adequate

funding for the City as well as to provide a roll back in taxes to give money back to the public. The Mayor said they have the opportunity to do the building at this time using this money and we will still have around \$10 million in fund balance. After the building would be completed, we can assess our position and then make a recommendation back to the council as to giving more money back to the residents.

Mr. Madden asked: what is the time line to get this to the tax assessor's office? Mr. Oliveri said we are working with their time line and are complying with the requirements.

Mr. Haydel has been opposed to the high tax rate they have been paying for the past few years, so he is pleased to hear they are interested in reducing the taxes. However, he is unhappy about the proposed decrease, it should be substantially more. The total City fund balance is \$30 million and even spending \$2.5 million on building the lowest we would be is \$8 million. With that said, why do we still talk about critical needs when we have this huge balance? You always have the flexibility to adjust millage and anything that is not needed should be returned to the citizens.

Mr. Runyon said there is no shortage in the budget so why not give the residents more money back. The businesses in Mandeville are taking a hard hit, we are not going to have 20% reduction in sales tax so there is not scenario that we will lose this unless we have a huge disaster and then FEMA will pay the city back. He wants it given back to the homeowners and business', it can be increased if needed next year. The Mayor wanted to clear things up. There are a lot of expenses that come from a hurricane that you do not get out of a restricted fund, it comes from general fund. Mandeville was one of the only cities that did not go into the red during Katrina because we had a protected fund balance at the time. He does not want to deplete the fund balance; the incremental increase in the general fund is not significant. He wants to do the conservative thing and give back what we can, and in two years we can reassess our position and give back more later. Mr. Danielson stated this item will remain on the agenda until a vote the second meeting in June.

4. Adoption of Ordinance No. 15-11; AN ORDINANCE: REPEALING THE EXISTING COMPREHENSIVE LAND USE REGULATIONS ORDINANCE AND ADOPTING A REVISED COMPREHENSIVE LAND USE REGULATIONS ORDINANCE THAT INCLUDES REFORMATTING THE ENTIRE ORDINANCE; ESTABLISHING A CONSISTENT NUMBERING SYSTEM; UPDATING DEFINITIONS; REPLACING ZONING PERMITS WITH SPECIAL USE PERMITS; MODIFYING THE GRADING, FILL AND FOUNDATIONS SUPPLEMENT TO ADDRESS DISTINCT ISSUES IN THE DRAINAGE OVERLAY DISTRICT AND OTHER AREAS OF THE CITY; MODIFYING THE TOWN CENTER DISTRICT TO ADDRESS PARKING, RESIDENTIAL USES AND RESIDENTIAL DENSITIES; INCORPORATING THE CITY'S HISTORIC DISTRICT REGULATIONS; REORGANIZING AND CLARIFYING THE SIGN CODE; CORRECTING VARIOUS ERRORS AND OMISSIONS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Carla Buchholz, Council District II)

Ordinance No. 15-11 was read by title by Mr. Danielson. A motion was made by Mr. Madden and seconded by Mrs. Buchholz for its introduction. Mrs. Buchholz states these are corrections/additions to the CLURO that have been recommended by the Planning and Zoning Commission after months of public meetings and discussions. Mr. Michael Lauer was hired to give his opinion on these changes and he is here to make the presentation. Mr. Danielson stated that this is the start of the discussion with Mr. Lauer and this ordinance will stay on the agenda until ready to vote, which will probably be the last meeting in June. We have a summary of the recommended changes and any discussion we need to have we will, some of the changes are just re-numbering. Mr. Madden questioned we are discussing an ordinance with multiple changes. Can we vote on the changes in pieces as amendments, or do we have to pass the whole thing as one. Mr. Danielson said through the discussion if we want to amend a recommendation we can

and it will go back to the whole ordinance; at the end we will vote on the final ordinance with any changes we have recommended. Mr. Lauer said it is hard to adopt a portion of the ordinance basically because the entire thing has been re-numbered so to go through in pieces is recommended. Mr. Madden asked if we have a plan on when to vote on this because it has been available to the public for some time and this is just to have discussion with the council. He would like to see a timeframe established so it does not go into July. Mr. Burguières said he wants to make sure that everything has been reviewed with the City Attorney so we don't make any changes or approve something that has not gone through the City Attorney's office. Mr. Danielson stated he felt we can go through this and vote the end of June. He wanted to ask Mr. Lauer if he can come back for the next two meetings to be available for discussion.

Mr. Lauer started his discussion. The Planning and Zoning Commission have held 7 workshops and 2 public hearings regarding the proposed CLURO changes. There are mainly two large changes: grading and fill, and signage. He also stated there are relatively few legal details that have been changed. This orientated from the short term work program that is held every year, and this planning commission, identifies what they feel the City needs to do to achieve the City's goals. The committee discussed what is the difference between a technical issue and an esthetic issue. There were a range of opinions and disagreements, but the recommendations are consistent with the findings of the committee. First, he must say these changes do not affect prior approvals, any prior approvals can proceed, existing uses are granted. There is no prior approval that would be affected other than electronic signs and car dealerships (landscape compliance). The entire document has been reformatted and is more user friendly; you can click on any point and get to a reference section. Zoning permits has been re-named; it's really a special use permit. Then they have clarified the criteria and its uses because it has not been clear what factors can be considered in their approvals. It is clear that the use may be allowed by right, but the planning commission can determine what setbacks, where the entrances are located, dumpsters, things like that. We clarified the distinctions between variances and exceptions. A variance is a hardship based condition that is unique to a property and it should not be granted unless it meets some of those criteria. There are many cases right now where if certain facts exist we grant a variance, but that should be an exception. If you call those a variance you weaken your ability to say no to a variance. There are 2 types of exceptions, those that can be made by the zoning commission and those that can be made by the staff. The staff has a much tighter leash, they are very specific. We clarified the text between CLURO text and zoning map amendments, there were concerns about notices and how it gets done. We have the grading supplement to address which talks about not only grading, but fill and foundations which will require extensive discussions at a later meeting. Side setbacks have been increased due to drainage and the fact you have to go up in space. Town center changes to relax parking standards, address alleys and residences on the ground floor. Drainage overlay district was modified to correspond with changes to the grading and fill. The standards are much more explicit so they no longer require a special zoning permit if part of the house falls in the DOD. The historic preservation district was in a separate location so we moved it into this section. Sight triangles had a one size fits all and not all intersections are the same. Some areas need a smaller triangle because traffic is not moving so fast, others think if you push buildings back artificially you actually need a larger triangle, but that is not the case. Auto dealerships are just another commercial use so they need to comply with the greenbelt and parking standards of the City. These sites tend to be overloaded and not attractive, so this requires that any newly established dealership meet these standards. For those already existing that don't meet those standards, they either need to comply or relocate within the next 4 years. We reorganized the signs which we will go into right now. Ms. Buchholz asked if we are aware if the City Attorney has reviewed all of these recommendations before we start the discussion. Mr. Burguières has stated he spoke with Mr. Deano yesterday and he told him he had not reviewed them. Mrs. Buchholz asked if we can make sure he reviews this before we take any action. Mrs. Scott said the biggest question with the signage was the amortization

period to make sure he was comfortable. Mrs. Scott has had some discussion with Mr. Deano and her understanding was that he was comfortable with the amortization period and she provided him some more information but we can make sure that is communicated to him. Mr. Burguires said he does not feel it will be a problem if the City gives an amortization time frame for a property, that should be sufficient. Mr. Madden wants to make sure everything we discuss is approved through the legal department before we vote on anything. Mr. Danielson stated we are not taking any action on the issue tonight, just a discussion. Mr. Lauer stated the sign ordinance over time was complex and they have made it easier to understand and see what is required and what are those standards. They have updated a number of the definitions of signs. The current ordinance lacks content neutrality. There are some provisions that are based on the content of the sign and that is not allowed – it's illegal, you must be content neutral. You can deal with signs per type, just not content. They created a term for incidental signs, these are small minor signs not legible from the Right of way (store hours, menu boards, gas pump signs), and he will talk about this later, they do not count against signage. We tweaked the definition of monument signs because there was a dilemma with people creating pole signs with skirts that did not reach the ground. They have a different character. Window signs were clarified. Incidental signs are signs that can't be seen in the right of way with generally a smaller font size less than 2" tall. There is a clarification for a correction in the draft for informational signs and public direction on informational signs; they are exempt right now in the draft so that is regardless of what you do with the EMC the current draft will exempt public directional signs. For a lighted sign, if it's within 5 feet of the window it's considered a window sign, if it is further than 5 feet it's an interior sign. The maximum size for incidental signs is limited to 4ft. For temporary real estate signs: B-3 and TC districts will match the residential district standards for sizes of real estate signs. For commercial districts, the permanent temporary signs for lease (usually a 4x8 sheet of plywood), if you are going to have a for lease sign you need to use some of the sign space allotted to that property. It can be used as a window sign, empty space on the monument sign; it becomes part of the entire sign package. For large commercial vehicles that become de-facto signs, those are not allowed. We have not addressed a panel van, catering size van; there is no jurisdiction that has found a good way to address these. For window signs they are to be made of temporary materials, adhesive lettering is excluded except for incidental signs. Window signs should be inside the window and current regulations is maintained that the window sign should not occupy more than 50% of the window, but here has been a change to 25% for all windows. Monument signs are too big and 50 sq. ft. is plenty. We cover how the monument sign is measured from grade instead of the crown of the road. But there is an exception process that if the monument sign is below grade of the ground, the zoning commission can use their special use permit and allow an increase in the height of the sign to be elevated a little higher. There is a long history for monument signs for multi occupant centers, monument sign have become more pieces of vanity than informational. You have a lot of signs that have 10-15 businesses, none of which you can read, and those do not meet standards for readability. They are actually looking at speed and setbacks and have determined the lettering size should be 8-11" tall. The ordinance currently has 9" as acceptable. For a large center with a lot of frontage, the new ordinance will allow for a second monument sign which would allow for all tenants to have visibility. For electronic messaging signs, the commission started with a reduction in the areas and ultimately recommended a prohibition of EMC except for incidental signs. Those existing signs still have to comply with the brightness dimming and animation limitations. There are some out there that the City is working to enforce on. Under the current draft all of those would be amortized and have to be removed within 5 years. One area of debate was should we allow for EMC in some context (gas prices) but the staff did research on drug stores and most that have EMC are in the 20-25sq ft. range, on the smaller size. So if you decide not to go with an all-out prohibition you could either: 1- allow for the smaller signs. Mr. Madden asked if you can do it per square footage. Mr. Lauer said yes. Mrs. Buchholz asked to repeat the square footage of the drug stores. Mr. Lauer

stated most were 20-22 sq. ft. but there was a bank with 32sq ft. Walgreens for instance has on Hwy 190 is 27 Sq., Florida has 22 sq., Hwy 22, CVS on Hwy 190 – 15 sq. ft. Gas stations are around 18 sq. ft. per face realizing there are two faces. The second option to consider is to exempt some of the smaller signs. These are questions the planning commission faced. Mr. Madden asked if you can approve the total ban with the exemption of signs that are a certain size. Mr. Lauer said yes. The important part of this process is to make sure you have an appeals process for the amortization. The people have spent a large amount of money and should have a right to appeal. Mr. Madden asked if the appeals process is included in the ordinance and who do they appeal to. Mr. Lauer said yes the appeal process is included and they would appeal to the zoning commission for amortization only. The applicant would present the cost and document that the sign has not been depreciated. Mr. Burguières asked if there is some other committee/council that can hear the appeal because you are asking relief from the same body that created the policy. Ms. Pennison stated that that is the process for appeals outlined in the CLURO. Mr. Madden has some problems with the appeals process as written, but that would be a separate issue and would have to be dealt with at a later date. Mr. Danielson asked to stop the discussion of the ordinance right now because there are people here that want to speak regarding the electronic signs and next meeting we will start up again.

Mr. Barnett asked why the elimination of the electronic signs. He states you do not have to re-write the ordinance, just enforce the code. Just 6 months ago they were talking about having shopping centers use electronic signs so they could advertise their tenants better. Mr. Lauer said the issues were dark skies and character within the community. There were a number of citizens that said they don't fit, they are too bright, and there are enforcement issues. Mr. Barnett said there are a number of areas that do not enforce their sign codes and they just change the code instead of enforcement. You don't need to change the code, just enforce the codes that you have. Ms. Fabre-Smith said that the CLURO has standards that were built a long time ago and still stands true. It is about protecting dark skies and the quality of our live and resisting the look of Veterans Blvd. We have gone to great lengths to prevent our community from looking like that. There are about 30 pages in the CLURO just relating to signs and this was done before the electronic signs came to place. To the casual observer, the electronic sign just do not fit in with the character of the City. She said code enforcement is not the City's strong point so she cautions tinkering with sizes, brightness. She is ok with the amortization, that seems to be fair, but she does not want any new electronic signs. If it does not fit it should not be lit.

Mr. Coogan presented the council with 2 pictures of his electronic signs. First of all he said every business cannot afford this type of sign, they don't have the location for it or the traffic does not dictate a need for them. But there are 8 message centers in the City, 6 of them generated over \$32 million in sales in the first 6 months of this year, and the sales tax generated was \$766K. In February of 2014, P&Z passed an ordinance to impose dimming devices and brightness for electronic signs and now only one year later you are talking about abolishing signs, it is too early. He lets the City use his sign for free to advertise KMB, trailhead, and free messages to the MPD for lakefront issues. There are companies that have a 10 y warranty on lights and the amortization is only 5 years. He said there is a possible federal statute that says if an administration eliminates an asset, such as a sign, the City must buy back and remove the sign. He would like the City Attorney to look in to that. He also feels that the Causeway Commission signs must be removed as well because they provide advertisement not just directional. Mr. Madden asked how much Mr. Coogan's sign cost - \$72K, and the R&R sign was \$30K and was just installed and that has a 10 yr. warranty.

Mr. Matthews likes the look and feel of the old city, not these large electronic signs. He thinks they are too distracting and take away from the ambiance of the neighborhood. He said size does matter.

Ms. Alleman is against the electronic signs. The CLURO was written to preserve the community. On a safety note, the flashings are too bright and distracting. The one by R&R you can see from

the overpass. She feels there are other ways to promote a business.

Mr. Adams said about a year ago the P&Z approved the use of operation signs with specifications. Theoretically, there is no reason why an electronic sign can't look like a sign someone has painted. There is the definition of pixels and he had a problem banning something that just deals with technology. But apparently what we had in place just did not work. The signs can be changed quickly and one minute complies with code and the next minute not. This was a tough decision for the P&Z commission but ultimately it came down to an enforcement issue. It was a 6-1 vote. In the public hearing they heard most people wanted a total ban.

Ms. Roubough said that P&Z spent a lot of time and had open meetings so she feels this should be easy to approve. The signs are distracting if they are nothing but a steady light and not used for safety issues.

She wants it on the Causeway for informational purposes. The historic district is now established and to have electronic signs on Florida St, the introduction to the historic district, is terrible. She feels this is a solution and even if it costs the City money, it will save the character of the City.

Mr. Danielson asked to stop the discussion for signs and will continue at the next meeting. Mr. Danielson asked if Mr. Lauer can come back for the next two meetings and asked the administration what we need to do to extend his contract for the next two meetings. Mr. Madden wanted to make it clear that he would like the City Attorney to look at the amortization, limiting the square footage and the rest of the sign revisions to make sure we don't have any legal issues.

5. Adoption of Resolution No. 15-30; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE REQUESTING THAT THE ST. TAMMANY PARISH GOVERNMENT BROADCAST THE VIDEOTAPED MEETINGS OF THE MANDEVILLE CITY COUNCIL ON THE ST. TAMMANY PARISH PUBLIC ACCESS CHANNEL (Offered by Rick Danielson, Council at Large)

Resolution No. 15-30 was read by title by Mr. Danielson A motion was made by Mr. Burguieres and seconded by Mr. Madden for the adoption of Resolution No. 15-30. Mr. Danielson stated we have been posting our meetings on the website; this is an additional way of providing transparency to the public. This does not cost any money, just an email. There being no further discussion or questions, the motion to adopt Resolution No. 15-30 passed 4-0

6. Adoption of Resolution No. 15-31; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE RECOMMENDING THAT THE ADMINISTRATION ESTABLISH A LINE ITEM IN THE BUDGET SPECIFICALLY FOR RETIRED EMPLOYEE HEALTH BENEFITS TO BE MANAGED BY THE ADMINISTRATION AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Ernest Burguieres, District III and Clay Madden, Council at Large)

Resolution No. 15-31 was read by title by Mr. Danielson A motion was made by Mr. Burguieres and seconded by Mr. Madden for the adoption of Resolution No. 15-31. Mr. Burguieres stated this is something mentioned in the audit and is not funded. Currently we hope that we don't have to pay anything out of the fund balance, this is just a way for you to commit the money. The audit shows that the amount of liability is growing so he feels it is wise to put the money aside. It is being paid now as needed out of the general fund, this would just be a line item within the general and used as planning tool. He recommends \$250K a year but it can be addressed during the budget hearings. Mr. Madden said it is just a planning tool and likes the idea of putting away a little every

year. The Mayor does not want to create a separate line item for a fund balance; it can just be an assignment. He stated you can change the assignment every, you are basically creating a fund balance in a line item. If it reaches around \$500K the item will need to be audited so it would create more of a problem. You can accomplish the same thing with an assignment. Mr. Danielson asked what is the difference between an assignment and a line item. There being no further discussion or questions, the motion to adopt Resolution No. 15-30 passed 4-0

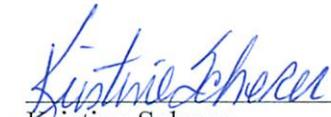
PUBLIC COMMENT:

PROJECTS IN PROGRESS (STATUS REPORT):

1. Capital Roadway Maintenance Project – working in Golden Glen
2. Lotus Drive/Village Lane Drainage Project –approved substantial completion, working on punch list.
3. Rapatel Water Tower- control building construction has begun; painters will be in next weeks
4. Lift Station 21 Relocation – currently laying lines, 40% complete, Sept 30 final date
- 5- Dew Drop Fire Suppression – waiting on electrical for alarms to be energized for Fire Marshall approval
6. Lift Station 19 Relocation- electrical work to be completed next week
7. Lift Stations 22, 23 & 33- start date in late June
8. Girod Street Overlay Improvements – paver work to be completed next week
9. Storm Drain Check Valves – 29 being installed, 22 already completed. June 19 end date

ADJOURNMENT:

Mr. Danielson adjourned the meeting at 10:20 p.m.



Kristine Scherer

Council Clerk

Rick S. Danielson
Council Chairman