

**THE FOLLOWING MINUTES WERE ADOPTED AT THE NOVEMBER 10, 2016 MEETING  
OF THE MANDEVILLE CITY COUNCIL. MANDEVILLE CITY COUNCIL MINUTES  
FOR THE MEETING OF OCTOBER 27, 2016**

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, prayer was led by Michael Sprague, Chaplin for the State of Louisiana, and then followed by the Pledge of Allegiance.

**PRESENT:** Mike Pulaski, John Keller, Laure' Sica, Clay Madden, David Ellis

**ABSENT:**

**ALSO PRESENT:** Mayor Villere, Edward Deano, City Attorney; David Cressy Assistant Attorney; David deGeneres, Public Works Director; Frank Oliveri, Finance Director; Gretchen McKinney, Human Resources Director, Louissette Scot, Planning Director, Chief Sticker, Victor Franckiewicz, Jessica Roberts, Sonny Shields, Louissette Kidd , Gretchen McKinney.

**MINUTES:**

Adoption of the October 13, 2016 Regular Meeting Minutes.

A motion was made by Mr. Keller and seconded by Mr. Pulaski to adopt the minutes of October 13, 2016. There being no further questions or comments, the motion passed 5-0.

Adoption of the October 19, 2016 Special Meeting Minutes.

A motion was made by Mr. Pulaski and seconded by Mr. Keller to adopt the minutes of October 19, 2016. There being no further questions or comments, the motion passed 5-0.

**PRESENTATION:**

Presentation by the Executive Director of STARC, Dianne Baham, and the Executive Director of Council on Aging St. Tammany (COAST), Julie Agan regarding the upcoming millage renewal on the December ballot. Currently the program feeds 70 citizens at the Community Center daily. This millage renewal is needed due to the federal and state budget cuts. Mr. Madden offered to present a resolution in support of the renewal on the November 10<sup>th</sup> agenda.

**REPORTS AND ANNOUNCEMENTS:**

Mr. Madden reminded everyone of the Halloween festivities and Police Appreciation celebration this Saturday at the Trailhead. He also wanted to recognize Boy Scout troop 119 from St. Timothy's Church who were in attendance.

Mr. Madden asked to move item # 3 in new business to the top of the agenda. With no objections he proceeded with new business.

3. Adoption of [Resolution No. 16-42](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE COOPERATIVE ENDEAVOR AGREEMENT WITH J & J BUILDERS NORTHSORE, INC., TO BE PROVIDED CITY SEWERAGE SERVICES OUTSIDE THE CITY LIMITS PURSUANT TO ORDINANCE NUMBER 14-50; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Introduced by John Keller, Council District III).

A motion was made by Mr. Keller and seconded by Mr. Ellis. Mr. Keller The applicant is requesting connection to the city sewer system. They will have 6 months to annex into city limits. This is for 3 residential lots. Mr. Deano requested for the council to remove the "commercial building" remark with "residential construction" in the cooperative endeavor agreement. Mr. Madden made the motion and it was seconded by Mr. Keller. The motion passed 5-0. Without further comment or questions, the amended resolution passed 5-0.

**OLD BUSINESS:**

1. Adoption 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. (Introduced by Mike Pulaski, Council District II).

Mr. Madden asked the attorneys for an update on the ordinances. Mr. Shields commented the three ordinances are not ready yet but Mr. Franckiewicz hopes to have a clean ordinance for the November 10<sup>th</sup> meeting. This ordinance however would not contain a developmental agreement. Mr. Pulaski inquired how that would affect the project contractually. Mr. Franckiewicz stated he is not sure, we need to see what the council would be approving and how it plays with the developmental agreement. His goal is to have a clear ordinance without cross referencing different documents. Mr. Ellis asked what are the pros and cons for the developmental agreement to be incorporated into the ordinance. Mr. Franckiewicz will provide the council with a chart for clarity.

**Finding#8:**

Mr. Keller wanted to discuss finding #8 from the last council meeting and offer an amendment which reads:

Traffic likely to be generated by the future development within Mariner's Village and the Copeland property should be planned for in addition to the Traffic Impact analysis completed for Port Marigny itself, Further, the pace of Port Marigny's development should be tied directly to the traffic improvements necessary to accommodate the traffic expected. For these reasons the following requirements should apply:

- a- A connection to mariner's Blvd in Mariner's Village is an essential to the long term development of Port Marigny, and should be required to be in place before the development is allowed to go beyond a 25% build out, as described in more detail below, provided that the city exercise its expropriation powers to acquire the necessary land to do so if the land cannot be acquired by Port Marigny voluntarily.
- b- Improvements at the intersection Monroe St. and East Causeway Approach are likewise essential. While the Port Marigny traffic impact analysis indicates that left and right turn lanes at this intersection would be sufficient to accommodate the traffic expected from

Port Marigny only, it appears from preliminary results of the Regional Planning Commission traffic study that these lanes along would not be sufficient to handle all traffic expected in the long term. Accordingly, it would be an unwise use of public resources to implement anything other than a full, long-term improvement to the intersection of Monroe and East Causeway. The best approach appears to be a traffic circle or roundabout. The financial contribution for traffic improvements, and not used solely for turning lanes. The city should aggressively pursue implementing the traffic circle/roundabout improvements with the appropriate entities. Further, the Port Marigny development should be limited to a 25% to 30 build out until these improvements are made, as described in more detail below.

- c- The 25% - 30% build out limitations come from the December 16, 2015 addendum to Traffic Impact Analysis for Port Marigny, prepared by Hal Planning & Engineering, Inc. That study shows that without the Mariner's Blvd. connection, and without improvements at the intersection at Monroe and East Causeway, the level of service for traffic begins to drop at a 25% build out. Adding only the Mariner's Blvd. connection increases the build out threshold to 30% before the level of service drops. Beyond these thresholds, the specified improvements should be in place before development in either Port Marigny or other major future development is allowed to proceed.
- d- Planning for Future Traffic on Monroe St: Preliminary results from the Regional Planning Commission traffic study indicate that turning lanes at Port Marigny may be required to accommodate long term traffic growth – not merely from Port Marigny but from infill development in Old Mandeville and the future development of Mariner's Village. The improvements are not indicated by the traffic studies of Port Marigny itself. However, the level of service impacts on Monroe from only Port Marigny traffic are only marginally acceptable by current standards. Therefore, it is prudent to plan the possibility of such improvements in the long term. However, to maintain the character of the area, it is not desirable to widen Monroe St, and it is highly undesirable to impact the tree canopy on either side of Monroe. Accordingly, the Port Marigny development should reserve space south of Monroe to accommodate future improvements, which could consist soft a wide median south of the existing Monroe St. to preserve the tree canopy, and an east-bound traffic lane south of the median. This would remove east bound traffic from the existing travel lanes of Monroe in the vicinity of Port Marigny, would retain the existing pavement width of Monroe for west-bound traffic, and would allow turning lanes to be incorporated within the existing pavement width of Monroe St. without impacting its essential character. The resulting median areas could be treated as open space if it is configures to meet the TND requirement in the CLURO.

Mr. Keller stated "b and c" provide teeth if improvements are not built timely. However, he feels the city should move forward regardless of the outcome of Port Marigny. Section "a" limits build out if there is no connectivity to Mariner's Village and encourages the city to proceed with expropriation of the land. Mr. Ellis is not sure if we add this finding if it sets a precedent for expropriation. Mr. Keller feels the city has reasonable grounds and the connectivity is not under the control of the developers. The P&Z commission also had a similar finding based upon the number of trips for traffic impact and Mr. Keller felt it was better to go with a percent of build out. Mr. Keller made a motion to substitute finding #8 with the sections "b, c and d" only; this was seconded by Mr. Ellis.

Mr. Burguieres feels this causes a rebuild because of the taking away of property. Also, the findings were last minute and were not available to the public. Mr. Keller stated they were circulated to the council after last meeting and this is only for expropriation for the connectivity to Port Marigny.

Mr. Charles Goodwin stated the government should only take land if it is for the betterment of more than one development. The city should not pay for the expropriation. Mr. Keller has no problem passing this expense to the developer.

Mr. Ellis made a motion to defer the finding; this was seconded by Mr. Keller. Mr. Pulaski stated no one has questions on "b, c, and d" so we need to vote. After much discussion, the motion to defer

failed 3-2 (Pulaski, Sica, Keller against) Mr. Madden made a motion for expression of the council; seconded by Mr. Pulaski. **Revisions to add parts “b, c, and d” to finding #8 passed 5-0.**

Mr. Keller made a motion to vote on section “a” as finding #20; this was seconded by Mr. Ellis. Mr. Madden motioned to defer section “a” until the November 10<sup>th</sup> meeting and this was seconded by Mrs. Sica. With no further comments the motion to **defer section “a” finding #20 passed 5-0.**

Mrs. Debbie Saxs has requested in person and by email for a copy of the 120 day opinion which was provided by David Cressy to the prior council. She was told she could get a copy and now is told by Mr. Madden, per advice of council, the document is privileged. Mrs. Saxs feels it is not privileged because it has been shared. Mr. Madden asked Mr. Deano for his opinion and he stated it is the city’s privilege to waive but is it something they want to do. What is the extent of the waiver once the confidentiality is breached? Mr. Shields suggested he will reformat the document and can send to Mrs. Saxs. Mrs. Saxs does not want a reformatted copy.

Mr. Madden proceeded with council findings:

**Finding #15:**

Planning Commission finding on an environmental impact assessment should be implemented. In order to preserve and promote the health, safety, and welfare of Mandeville, the P&Z’s finding and recommendation regarding an EIA for the site should be adopted and an EIA must be performed prior to any development of the site, in accordance with the CLURO’s subdivision regulations.

Mr. Keller stated this was deferred from the last meeting because the council received a memo regarding the EIA study from the developers. After reviewing their submittal, Mr. Keller recommends the following change to the finding:

Planning Commission finding on an environmental impact assessment should be implemented. In order to preserve and promote the health, safety, and welfare of Mandeville, the P&Z’s finding and recommendation regarding an Environmental Impact Assessment (EIA) for the site should be adopted and EIA must be performed for the entire site prior to any site preparation, grading, or filling. If necessary, the EIA should be performed and evaluated in advance of the customary subdivision approval process to insure that environmental impacts are assessed before any significant site preparation, clean up, or grading and filling is performed. The EIA should satisfy the more stringent requirements set out in either of the following:

The standards described in the U.S. Environmental Protection Agency regulations found at 24 CFR part 312, Standards for Conducting All Appropriate Inquiries, and in accordance with the ASTM standards cited at 24 CFR 312.11 of those regulations; or

The “Environmental Assessment Program for Port Marigny” by Balance Consulting, Inc. dated October 19, 2016.

Where a specific requirement, test, or standard is addressed by both of the documents described above, the requirement that is more protective of the environment shall apply. In performing the EIA, the following topics should be specifically considered:

- a- The potential for environmental impacts from the adjacent Poitevent & Favre Lumber Mill operated in the 1913 to 1925 time frame, including the potential for

any impacts from creosote or naval stores production, if such operations were conducted at the lumber mill.

- b- The potential for asbestos on the Port Marigny site, either in connection with concrete component production, steam boilers and associated piping, or other potential sources.

There was some discussion about the difference between an environmental impact and an environmental assessment along with the requirements in phase 1 and phase 2 of the development. Mr. Franckiewicz stated the intent is to phase both in the findings in reference to standards. Mr. Pulaski inquired if it is required to have an environmental impact before an ordinance is passed. Mrs. Claudia Segilman commented it is recommended by FEMA because they look at the total impact of the area, it is however not required by law. Mr. Muller added phase 1 will be done and if they have any issues during phase 2, the developers will address those issues. They will check the concrete and monitor air quality and such during construction; he does not see a problem.

Without further comments or questions, Mr. Madden made a motion for expression of the council; seconded by Mr. Pulaski. A vote was taken and **finding #15 passed 5-0.**

**Finding #17:** A final grading and fill plan must be presented to Planning & Zoning for approval during the subdivision process. In order to preserve and promote the health, safety, and welfare of Mandeville, a final grading and fill plan compliant with CLURO 5.2.3 should be submitted to Planning & Zoning before final subdivision approval.

Mrs. Sica commented this is a finding from the P&Z resolution. The plan labeled “The Grading Plan (cut and fill)” prepared by Kelly McHugh and Associates is a conceptual cut and fill plan, not a final grading plan. Concerns were expressed about the amount of fill and terrain alteration in the plan, possible biotic and hydraulic effects, runoff filtration impact, and the environmental consideration in light of the site’s history of industrial use. The suggestion was the final grading plan be presented when they go through final subdivision process.

Mr. Muller commented this finding (5.2.3) is for residential lots, their plan is to grade and fill the entire site. Only after the grade and fill would 5.2.3 apply, he feels this is not an applicable finding. Mr. Keller agrees with Mr. Muller – this applies only to residential lots and is not applicable to the entire site. Mrs. Scott added the plan presented was conceptual and the P&Z commission wanted another review at the subdivision process. Mr. Keller made a motion to remove the reference to 5.2.3; this was seconded by Mr. Ellis. Without further comments or questions, a vote was taken and the change to finding #17 passed 5-0. Without further comments or questions, a vote was taken and **finding #17 as amended passed 5-0.**

**Finding #18:** Density is too high given limited access to site: Port Marigny has proposed the City’s highest density development in an older section of town with extremely limited access on Monroe Street. The density of the proposed development is too high because the limited access of Monroe Street as it exists today cannot support the proposed high density development.

Mrs. Sica commented most people are not opposed to the TND but are opposed to the proposed number of 416 which is at the maximum end of the scale. Port Marigny has 38.6 acres and under the CLURO the required housing density for 38.6 acres is 154. Port Marigny has proposed 416 which is almost triple that number. The proposed amount of apartments, single family homes, and mixed use are the highest density per acre in Mandeville. The two biggest reasons the

proposed densities cannot be supported are location and limited access. Port Marigny is located in an older section of the town surrounded by neighborhoods with much lower density. The CLURO and comprehensive plan have policies and regulations designed to protect the older areas from development and congestion that would be detrimental. The comprehensive plan states, in fill development particularly in older neighborhoods should be consistent with existing scale and character. The proposed 416 dwellings is not consistent with existing neighborhoods, it contradicts the goals of the comprehensive plan to retain a small town atmosphere and will cause irreparable harm to the existing neighborhoods. The second challenge regarding density is the limited access. Port Marigny has not established a second access through Mariner's Village as required by the comprehensive plan. Access is limited to a two lane 30mph Monroe St. without much room for improvement. The P&Z recommended during their January 2016 meeting that there would be a reconsideration of proposed density following any failures to make the Mariner's Village connection. Due to the limited access of Monroe Street it would be irresponsible for the council to approve the proposed density that could potentially introduce unacceptable levels of congestion to Old Mandeville. Under the CLURO and comprehensive plan, Port Marigny could be proposed at a much lower density and still be a viable TND. The proposed density because of location and limited access does not fit the size and scale of the community and has the potential to cause undue traffic congestion.

Mr. Keller does not agree with everything said, but does agree with the ultimate finding. He agrees Port Marigny has proposed the city's highest density development in an older section of town with extremely limited access on Monroe St. He commented the density of the proposed development is too high because of the limited access to Monroe Street, as it exists today it cannot support the high density development.

Mr. Muller stated the density complies with 8.5.2.1.2 which established the maximum and minimum limits. Their architects determined the maximum allowable to be built is 561; the master plan is now 416 residential units (a reduction of 28%). The closest mixed use area is Mariner's Village; this is referenced on pg. 19 of the comprehensive plan. The plan envisions these two properties will be connected and work together. He feels the plan is compliant and the density requirements are reasonable and allowed. Mariner's Village has 310 attached residential units, 13 detached residential units, 11+ acres of property available for commercial uses and a marina. It also has 2 vacant parcels of land zoned R-3 which net of streets could accommodate 243 residential units. This capacity could be 566 units and 4.6 acres of commercial yet to be developed. Mr. Muller feels the plans again are compliant. Mr. Oubre will look at redrawing the plans with the findings and see if they can reduce the density and accommodate the findings and if the project is marketable. They do not want the owners or city to have a failed project.

Mrs. Scott read sections 2 and 3 under the master findings and principles section from the Planning & Zoning resolution 16-01. She stated the only density that is allowed in the TND and not in the other is the 24 per acre.

Mr. Pulaski stated David Bailey previously commented this TND is too small and is not viable on its own. Mr. Muller disagreed. He understood Mr. Bailey to say the density would not support the commercial, it would need the surrounding neighborhoods, but Mr. Bailey never said it was not a viable TND. Mr. Pulaski stated if it cannot support itself, he does not feel it is a viable TND.

Mr. Madden inquired if new plans were submitted how does that affect the timeline? Mr. Franckiewicz stated the applicant is looking to see if this is something they can work with. The existing ordinance includes attachments which can be incorporate by reference. There will still be many things which would have to go back to the P&Z board for review.

Ms. Peggy Baldwin asked how new plans can be brought before the council and not go to P&Z. Mr. Shields commented the council can approve, deny or approve with conditions. It is up to the council and what is submitted could be a different project.

Mrs. Claudia Segilman reminded the council about the CLURO details of health safety and welfare. This is a hard decision. This is not a revitalization; this is an existing suburban community. She also reminded the council revised plans should be submitted and reviewed before it can be incorporated and/or approved.

Judge Rosenow stated during the P&Z deliberations, they stated the numbers were fine but the council can use discretion. When the council makes their findings, if they are forced to approve a number because of a law or other reason, they need to inform the public. Without further comments or questions, a vote was taken and **finding #18 passed 5-0.**

**Finding #19:** The development needs to have green infrastructure in place because of the fragile eco-system of the site and its surrounding area:

Storm water runoff and the protection of Lake Pontchartrain are not adequately addressed, if addressed at all, in the 6/18/16 Master Plan and Ordinance 15-17. In order to preserve and protect the fragile and unique ecosystem of Lake Pontchartrain, which is immediately adjacent to the site, and to preserve and promote the health, safety, and welfare of Mandeville, storm water runoff needs to be addressed and adequate green infrastructure proposed for the development.

Mr. Pulaski stated this is a result of the LPBF letter which was addressed to the council at a prior meeting. Mr. Muller has no objection to the finding. Without further comments or questions, a vote was taken and **finding #17 as amended passed 5-0.**

Mr. Madden announced this was the end of the discussion on findings. Mrs. Sica wanted to make a statement.

Mrs. Sica wants to be clear she is not against this project but based upon the findings and the proposed density, she does not see how the ordinance can pass. She believes it is time to vote. She does not believe under the CLURO the council has the authority to revise the Port Marigny plan. The review process for a planned district application is contained in article 4.3. Under article 4.3.7 the application goes first to the P&Z where they have four choices: recommend for approval, approval with conditions, approval in modified form, or denial. The application then comes to the council where under 4.3.3.9 the council has three choices: approve, approve with conditions, or deny. Of note, is that we are not granted the authority to modify the application, we can only add conditions for approval. Our findings represent much more than conditions for approval, they require substantive changes to the Port Marigny master plan. We have 19 agreed upon findings. If we write a new ordinance that attempts to modify the plan we would be acting outside our scope and potentially costing the city hundreds of thousands of dollars in attorney fees, we are currently racking up bills from three attorneys. Our job is oversight. I believe we have done our job and we have done due diligence on many findings. Based on these findings this application cannot be approved. I do not think we should drag this process out any longer. I think we should vote to deny so the applicants can take this time to modify their plan and resubmit. That is the process in or CLURO and I think we should adhere to it.

Mrs. Sica made a motion to deny based upon the findings; this was seconded by Mr. Ellis.

Mr. Pulaski's concern is if we vote, would it take 3 or 4. Mr. Keller feels we need to vote to pass or deny. Mr. Deano was asked if you can have such a motion. After review, he stated you can have a motion to deny. Mr. Pulaski questioned to vote on ordinance 15-17, knowing a petition has been presented, what number do you use. Mr. Deano stated without certification, you would go with a majority. Mr. Keller feels we have given the public a timeline and this is not consistent with the timeline presented; he would be against a vote tonight. Mr. Madden agreed, he would like to give notice of a vote to the constituents. The original question of a motion to deny would be possible. If it fails, you are back to the original ordinance.

Mr. Pulaski asked the question if we vote to deny 15-17, what do we do with the findings we have been working on. Would this come back as a new ordinance and go through P&Z? If the attorneys come back with a new ordinance, does 15-17 automatically go away. Mr. Madden feels if the motion to deny fails, we are back to the original timeline. If the motion passes, the ordinance is dead. Mrs. Sica does not see where in the CLURO we can rewrite the ordinance and not go through the process again. Mr. Madden thought we could approve with conditions and it would not have to go back to P&Z. Mr. Shields commented he would not see a reason why it would have to go back to P&Z but the applicant would have to come up with a plan which meets all of those conditions. Mrs. Sica pointed out there are so many conditions it is not practical. Mr. Pulaski feels with all the findings approved so far, ordinance 15-17 cannot be approved. By voting on the findings, aren't you denying 15-17? Mr. Muller commented if the council denies ordinance 15-17, then that starts the clock on the appeal period to the district court not withstanding the pending three ordinances. Mr. Pulaski said if we deny this then the council should put a hold on the other three ordinances until the appeals court makes a ruling. Mr. Muller stated if the process is to replace 15-17 with these three new ordinances, he is not sure they have anything to do with the application. Mr. Franckiewicz commented 15-17 in its current form does not satisfy any of the findings. The council can amend 15-17 however, there are so many amendments, he does not recommend this. This was the reason for starting with a clean ordinance. The council does not have to send a new plan to the P&Z board. The reason for 15-17 and the other ordinances on the agenda is for timing of publication requirements. If you were to deny 15-17 with the intention of using the other three ordinances, it brings another level in the process. Mr. Shields announced he would not count on being able to revive 15-17 with the three ordinances. Mr. Keller does not feel we should vote to deny. If we do deny, we would not be able to resurrect this and it would be over. We have given the citizens a timeline and the applicants may come up with a totally new plan. They are entitled to see if they can meet the findings presented by the council. Mr. Muller feels if it is denied, the applicant must wait one year before resubmitting. Mrs. Sica feels the council is stepping out of their bounds, the process is for them to resubmit. Judge Rosenow agrees with Mrs. Sica's analysis but the vote should be taken when the public has been notified. Mrs. Claudia Seligman wanted to reiterate, there are a number of findings and conditions so will there be a plan submitted to review before a vote. There needs to be a visual plan. Mr. Madden stated the next meeting is November 10<sup>th</sup> and the agenda is due November 3<sup>rd</sup>. Hopefully we would have the new ordinance ready. Mr. Muller stated the vote should be made with exhibits to make sure what is tangible. He cannot promise they would have something by next week, they have questions and need to work with the findings received tonight. If there is a vote on the 10<sup>th</sup>, they would have to vote on what has been submitted. Mr. Madden hopes to have everything ready by the 10<sup>th</sup> but if we need to schedule another meeting, they will. Mrs. Peggy Baldwin agrees with Mrs. Sica's point. More cost will be incurred and it seems it has to go back to P&Z. At some point you have to say it is done and vote. Mr. Burguières suggested the applicant can always ask for a deferral to avoid the one year waiting period. The applicant's dilemma is the amount of findings and they should present some plan showing they are willing to comply. Mr. Madden stated there are too many unknowns. Mr. Pulaski asked who makes the determination if a new plan meets the findings. Mr. Muller stated he thought it would be the council's decision. He is not sure this is even feasible, they will work with their people and come to a conclusion. Mr. Ellis would like to see the best way to get to an end result. He is against the denial of the project tonight but is not voting for the project as is. Mrs. Sica still believes the council does not have the authority to revise a master plan. She does not like the fighting, the executive meetings, the private meetings without council, it needs to come to an end. Mrs. Sica made a motion to withdraw her motion to deny; this was seconded by Mr. Ellis. A vote was taken, the motion to withdraw passed 5-0.

Mr. Madden asked Mr. Franckiewicz if the council could have an agenda review where findings can be locked, possibly by calling the question. The reason is more questions and delaying the process. Mr. Franckiewicz does not advise this because you are basically cutting off debate when the home rule

charter grants the right for council to participate in meetings. An informal agreement could be made but stopping debate is against the home rule charter.

Mr. Madden stated the three ordinances regarding Port Marigny are not ready yet so he assumes they will be deferred. Mr. Keller suggested to discuss those now, there were no objections.

5. Adoption of [Ordinance No. 16-15](#); AN ORDINANCE OF THE CITY OF MANDEVILLE PERTAINING TO THE ZONING OF PROPERTY GENERALLY KNOWN AS THE "PRESTRESSED CONCRETE SITE" OR "PORT MARIGNY" LOCATED IN SECTIONS 46 & 47, T8S-R11E, CITY OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA, CONTAINING 76.648 ACRES, MORE OR LESS; AMENDING THE OFFICIAL ZONING MAP AND COMPREHENSIVE LAND USE REGULATION ORDINANCE (CLURO) OF THE CITY TO CLASSIFY THE PROPERTY AS A PLANNED COMBINED USE DISTRICT ("PCUD") AND TO ESTABLISH APPROVAL REQUIREMENTS FOR SPECIFIED USES; APPROVING THE MASTER PLAN AND GUIDING PRINCIPLES PREPARED BY ARCHITECTS SOUTHWEST, INC., AS AMENDED; APPROVING A CONCEPTUAL DEVELOPMENT PLAN; APPROVING A DEVELOPMENT AGREEMENT FOR THE PROPERTY; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. (Introduced by Mike Pulaski, Council District II)

Ordinance No. 16-15 was read by title by Mr. Madden. Mr. Ellis made a motion to defer ordinance 16-15; this was seconded by Mr. Keller. Without further comments or questions, the motion to defer ordinance 16-15 passed 5-0.

6. Adoption of [Ordinance No. 16-16](#); AN ORDINANCE OF THE CITY OF MANDEVILLE RELATED TO PROPERTY GENERALLY KNOWN AS THE "PRESTRESSED CONCRETE SITE" OR "PORT MARIGNY" RATIFYING THE REVOCATION OF KLEBER STREET; REVOKING CERTAIN CONSTRUCTION, DRAINAGE AND SEWERAGE SERVITUDE(S) AND GRANTING A SERVITUDE OF PASSAGE AND FOR UTILITIES; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.. (Introduced by Mike Pulaski, Council District II)

Ordinance No. 16-16 was read by title by Mr. Madden. Mr. Ellis made a motion to defer ordinance 16-16; this was seconded by Mr. Keller. Without further comments or questions, the motion to defer ordinance 16-16 passed 5-0.

7. Adoption of [Ordinance No. 16-17](#); AN ORDINANCE OF THE CITY OF MANDEVILLE RELATED TO PROPERTY GENERALLY KNOWN AS THE "PRESTRESSED CONCRETE SITE" OR "PORT MARIGNY" AUTHORIZING AMENDMENTS TO THE LEASE BETWEEN THE CITY OF MANDEVILLE AND THE STATE OF LOUISIANA (THROUGH THE DEPARTMENT OF NATURAL RESOURCES AND LATER THROUGH THE DIVISION OF ADMINISTRATION) TO CHANGE THE PURPOSE OF THE LEASE FROM CONSTRUCTION OF A LAND FILL TO USE AS A PUBLIC PARK; TO MODIFY THE DESCRIPTION OF THE LEASED PREMISES TO CONFORM TO A 1998 BOUNDARY AGREEMENT BETWEEN THE STATE OF LOUISIANA AND PITTMAN ASSETS, LLC; TO AUTHORIZE A COOPERATIVE ENDEAVOR AGREEMENT, SUBJECT TO THE APPROVAL OF THE STATE, FOR DEVELOPING AND MAINTAINING THE PUBLIC PARK AREA; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. (Introduced by Mike Pulaski, Council District II)

Ordinance No. 16-17 was read by title by Mr. Madden. Mr. Ellis made a motion to defer ordinance 16-17; this was seconded by Mr. Keller. Without further comments or questions, the motion to defer ordinance 16-17 passed 5-0.

2. Adoption of [Ordinance No. 16-14](#); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO EFFECT THE ANNEXATION OF 6.365 ACRES TRACT OF LAND KNOWN AS THE REMAINDER OF SQUARE 118 AND A PORTION OF FORMER

ORLEANS STREET (NOW CLOSED) INTO THE CORPORATE LIMITS OF THE CITY OF MANDEVILLE DESIGNATING AND ASSIGNING THE PROPERTY FOR PURPOSES OF ZONING AS B-2 HIGHWAY BUSINESS DISTRICT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Introduced by John Keller, Council District III)

Ordinance No. 16-14 was read by title by Mr. Madden. A motion was made by Mr. Keller and seconded by Mr. Ellis. Mr. Keller has had a request from the applicant to defer this until the November 10<sup>th</sup> meeting. Without further comments or questions, the motion to defer ordinance 16-14 passed 5-0.

3. Adoption of [Ordinance No. 16-12](#); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE CREATING THE POSITION OF PERMIT COORDINATOR TO REPLACE THE POSITION OF PERMIT CLERK WITHIN PLANNING DEPARTMENT AND ADOPTING AND AMENDING THE CLASSIFICATION, JOB DESCRIPTION AND PAY SCALE AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Introduced by Mike Pulaski, Council District II)

Ordinance No. 16-12 was read by title by Mr. Madden. A motion was made by Mr. Pulaski and seconded by Mrs. Sica. Mrs. McKinney stated in the self-evaluation process, there is a question, does the current job description meet the tasks of the job. When an employee says no, the HR department and director conducts a review of the position. In this case the job has enlarged so a new description has been created and a request to change classification from a clerk I to a clerk II. This includes a certification which will be done within the year. The process then gets approved by the mayor and then goes before the council for pay. Mrs. Sica asked what is the pay increase. Mrs. McKinney stated she does not know off hand, but about 10-12%. Mr. Burguieres inquired what is the current and proposed salary. Mrs. McKinney replied \$19,292 to \$23,878 for the starting step. Mr. Deano requested an amendment to reflect the pay increase to begin on November 9, 2016. Mr. Madden made a motion for the change; seconded by Mr. Keller. Without further comments or questions, the amendment passed 5-0. Without further comments or questions, ordinance 16-12 passed 5-0.

4. Adoption of [Ordinance No. 16-13](#); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE CREATING THE POSITION OF BUILDING OFFICIAL TO REPLACE THE POSITION OF BUILDING INSPECTOR WITHIN PLANNING DEPARTMENT AND ADOPTING AND AMENDING THE CLASSIFICATION, JOB DESCRIPTION AND PAY SCALE AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Introduced by Mike Pulaski, Council District II)

Ordinance No. 16-13 was read by title by Mr. Madden. A motion was made by Mr. Pulaski and seconded by Mr. Keller. Mr. Pulaski stated this is a change from building inspector to building official. Mrs. McKinney stated there was a state change which required anyone who does work be an official and required certification. This is a request to move the position to a professional exempt position, salary, no punch or overtime, and a change from step 11 to 12, the highest level on civil service. Based upon a salary survey she conducted, she is requesting the step level for the position to start at \$28.96/hr. or \$52,707. Mrs. Scott provided the council with the evolution of the position. Mr. Madden asked what is the current salary. Mrs. McKinney said the \$19.56/hr. \$35,599 and will go to \$28.96 at \$52,900. Mr. Burguieres asked what is different between this official title and the duties Chris Brown use to do compared to what this new person hired in January does. This is a \$17,000 increase in pay. Mrs. McKinney stated Chris was topped out and they hire based upon qualifications. Mr.

Deano requested an amendment to reflect the pay increase to begin on November 9, 2016. Mr. Madden made a motion for the change; seconded by Mr. Keller. Without further comments or questions, the amendment passed 5-0. Without further comments or questions, ordinance 16-13 passed 5-0.

8. Adoption of [Ordinance No. 16-18](#); AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MANDEVILLE BY AMENDING SECTIONS 17-14, 17-15 (c) (1) (2) (3) AND ESTABLISHING (c) (5) THERETO AND AMENDING SECTION 17-19 RELATIVE TO THE COLLECTION AND LEVYING OF SEWERAGE AND WATER SERVICE FEES AND TO PROVIDE FOR RELATED MATTERS CONNECTION THEREWITH (Introduced by Mike Pulaski, Council District II)

Ordinance No. 16-18 was read by title by Mr. Madden. A motion was made by Mr. Pulaski and seconded by Mrs. Sica. Mr. Pulaski had discussed this with Mr. Oliveri over the past month and he asked him to explain. Mr. Oliveri stated every year they produce a sewer analysis, the water rate has not changed since 2008. There are three items changing in this ordinance: first, the water proposal presented is to drop the minimum usage from 4,000 to 3,000 gallons. If you use 4,000 gallons you will see \$1.10 increase. This helps pay for chemicals. Secondly, in January there will be an additional \$1.00 a month increase for testing fees, this is a state fee. Also there are changing the sewer reset date, it was 18 months and now it will be re-evaluated after 4 month. Third item is if we cannot collect payment when service is disconnected, it will go to a collection agency and they will pay the collection service fee. Without further comments or questions, the motion to adopt ordinance 16-18 passed 5-0.

**NEW BUSINESS:**

1. Adoption of [Resolution No. 16-40](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR LIFT STATION 30 IMPROVEMENTS AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Introduced by Clay Madden, Council-at-Large)

A motion was made by Mr. Keller and seconded by Mr. Ellis. This is for the improvements on Lift station 30 on Lovers Lane. Without further comment or questions, the resolution passed 5-0

2. Adoption of [Resolution No. 16-41](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE IN SUPPORT OF DECLARING TUESDAY, NOVEMBER 8, 2016 A LEGAL HOLIDAY AND A DAY OF REST FOR CITY OF MANDEVILLE EMPLOYEES IN KEEPING WITH GOVERNOR EDWARDS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Introduced by John Keller, Council District III).

A motion was made by Mr. Keller and seconded by Mr. Ellis. Mr. Keller stated this is granting the city employees a holiday for election day, City Hall is a polling place. Several other municipalities who have polling places are closed as well. Without further comment or questions, the resolution passed 5-0

**PUBLIC COMMENT:**

**FINANCE REPORT:**

Mr. Oliveri stated the legal bills are currently at 44% of the budget. He will offer a budget amendment for the bypass road (came in higher than the budgeted estimate) and to increase the legal fees for the rest of the year. Property tax collections are in January.

**PROJECTS IN PROGRESS (STATUS REPORT):**

**2016 CAPITAL ROADWAY MAINTENANCE PROJECT**

**TASK ORDER 1**

- Mill and overlay complete
  - Carondelet St
  - Hutchinson St
  - Villere St.
  - Lafayette St.
- In progress
  - Clean up & punch list items

**WATER & SEWER MAINTENANCE**

**TASK ORDER 4**

- In progress
  - Moores Road – Finalizing new water main from W. Causeway Approach and Highway 22.

**TASK ORDER 5**

- In progress
  - Miscellaneous water services at various locations throughout City

**LIFT STATION 29 REPLACEMENT**

- Construction underway
- Clearing & grubbing on site
- Lift Station excavation to begin next week.

**MARINER'S VILLAGE WATERLINES**

- Notice to proceed issued for November 1, 2016

**LIFT STATIONS 40 & F IMPROVEMENTS**

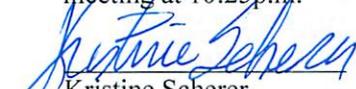
- Constructed expected to begin in early December.

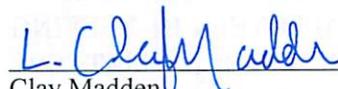
**LIFT STATION 30**

- Acceptance of lowest bidder on Council agenda

**ADJOURNMENT:**

Mr. Ellis made a motion to adjourn the meeting, seconded by Mr. Keller. Mr. Madden adjourned the meeting at 10:25p.m.

  
Kristine Scherer  
Council Clerk

  
Clay Madden  
Council Chairman