**MINUTES**

**FOR THE CITY COUNCIL MEETING OF OCTOBER 28, 2021**

The regular meeting of the Mandeville City Council was called to order by the Council Chairman at 6:00 p.m. followed by roll call.

**ROLL CALL - present:** Jason Zuckerman, Jill McGuire, Rick Danielson, Rebecca Bush, Skelly Kreller

**Also present:** Cara Bartholomew, Dir. of Planning, Kathleen Sides, Finance Director, Elizabeth Sconzert, City Attorney, Keith LaGrange, Public Works Director

**MINUTES:**

1. Adoption of the October 14, 2021, Regular Meeting Minutes. A motion was made by Mrs. Bush and seconded by Mrs. McGuire to adopt the minutes. With no further comments or questions a vote was taken and the minutes were adopted 5-0.

**REPORTS AND ANNOUNCEMENTS**:

 Mr. Zuckerman reminded everyone: Early Voting begins Saturday 10/30 thru 11/6. There will be a Flood Summit 11/2 at the Community Center starting at 5:30pm and the All-Soul’s Day Blessing will be held at the Mandeville Cemetery 11/2 starting at 6:30pm. America Recycles Day will be at the Community Center 11/13 from 9am – noon. There will be a limit of 3 boxes of paper per household, but no limit on other recyclables. Finally, election day is Saturday 11/13.

Dr. Kreller mentioned today is Bernard de Marigny’s 236 yr. old birthday.

The mayor announced Trailhead Market is this weekend. Also, next weekend is the Ozone festival around the Trailhead and the OLL Festival. Tomorrow night is a pop-up concert at the Trailhead at 6:30pm.

**PRESENTATION:**

The mayor presented the new Emergency Operations Plan. Mr. Danielson noticed in the plan there is no real role for the City Council. The mayor stated the plan is an administrative function and the council clerk will be the volunteer coordinator. Mr. Danielson agrees with this addition but there is no role for the Council; he feels there should be Council involvement. The mayor stated he invited the Council to meetings, but this is administrative. Mr. Danielson noted on page 16 -Continuity of Operations, less than 72hrs its states the mayor will list an individual’s name in the letter as the second in command, should it not be the Council Chairman? The mayor is the incident coordinator, if he can’t be there in 72hrs why would the council chair not be acting in that role? The current plan leaves that open-ended for the mayor to best determine who is available based on the circumstances. Mr. Danielson believes the Council chairman as the next senior elected official next to the mayor, would serve as that backup. The mayor explained it was better to leave that open so the mayor could name the Police Chief or PW Director if Council would not be available. Mr. Plia stated one concern was the knowledge of a successor of the program, it would be better if it was someone on the team already. More than 72hrs its automatically the Council Chair, so why not the same for less than 72hrs? The Council Chair is the 2nd senior elected official and should be back up and that plays into the role of Council involvement. Mr. Zuckerman feels we need to look at this. Dr. Kreller feels if the mayor cannot be here for more than 72 hrs., the Charter states the next in line is the Chairman, it should be the same for less than 72hrs. Dr. Kreller agrees this is an administrative plan, but the Council plays a big role. He stated the chair would be the second highest elected official in the city and that’s who should oversee the city, not a director, not an assistant, or anything like that. Mr. Plia explained there are only 3 people with authority: Parish President, Mayor, Governor, that is why no other was mentioned. Mr. Danielson asked to make this succession process automatically to the council chairman. Mr. Zuckerman agrees and feels there are more suggestions to discuss before we call this a final draft. The mayor commented if they did not have a plan in progress, he would have looked towards Mr. LeGrange for second in command. If the mayor needs to sleep for say 4 hours, you want to put someone else in charge.

**OLD BUSINESS**:

1.Adoption of [Ordinance No. 21-28](https://www.cityofmandeville.com/wp-content/uploads/2021/10/ord-21-28.pdf); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AMENDING THE CODE OF ORDINANCES, CHAPTER 11, SECTION 11-64 URINATING IN PUBLIC PLACES PROHIBITED; DEFINITION; PENALTY; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH: A motion was made by Mrs. McGuire and second by Dr. Kreller. Dr. Kreller explained this is to define the issue and provide for the penalty of mayor’s court. Mrs. Morvant explained lots of businesses have come into the city and therefore bringing outsiders. She appreciates the council’s concern with keeping the city’s ambiance. With no further comments or questions, a vote was taken, and the ordinance was approved 5-0.

2.Adoption of [Ordinance No. 21-29](https://www.cityofmandeville.com/wp-content/uploads/2021/10/21-29-rev.pdf); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE APPROVING A CONDITIONAL USE PERMIT FOR ACCESSORY OUTDOOR SEATING WITHIN THE JEFFERSON STREET RIGHT OF WAYA motion was made by Mrs. Bush and second by Mrs. McGuire. Mrs. McGuire explained this is for the Grapeful Ape; originally, they were an inside bar and then covid happened. They were allowed to have outdoor seating during covid, and this is to allow the tables to be in the public right-of-way. P&Z recommended approval with conditions: limit tables in ROW to 5; submit parking plan to show shared spaces with neighboring property; ensure all seating outside site triangle; tables/dividers shall be 3ft from edge of street and business not in violation of any city ordinance. The owners spoke about their plan. They understand this is not approval for food trucks. They discussed their public parking issue and how other businesses have use of the right of way. They do not want to do barriers outside; other businesses do not have this. They have made parking arrangements with Cameo. They will increase their insurance coverage upon approval. Outdoor seating increases their sales, so they hope for approval of the permit. Mr. Zuckerman stated this PowerPoint has not been submitted to the city/nor approved. Mr. Danielson stated these plans would meet the recommendations. Mrs. McGuire stated the parking plan has not been submitted or approved yet. Mrs. McGuire explained the neighbors stated the original plan was to be inside and now it’s going outside, so now the neighbors do not have the opportunity to express concerns. Some of their concerns are about headlights, parking. She would prefer to defer this vote until this has been reviewed with the Planning Department. Mr. Zuckerman feels the small businesses are essential to the character of Mandeville and we need to support those businesses and not make them more difficult. He has concerns about adding barriers and thinks it is a good idea to send back to Planning especially since it has conditions. Mrs. Bush asked if the parking plan submitted complies with the CLURO it does not have to go back to P&Z. Mr. Danielson stated you could approve contingent upon Planning approving the parking plan; then it would not need to be deferred if the council is comfortable. Mrs. McGuire is just not sure of another place where people are backing out. Ms. Bartholomew states backing-out is allowed with the right size and space. They are asking for seating is where the parking would have been. Dr. Kreller agrees we could add conditions if needed instead of deferring because of only one meeting in November and December. The council needs to be concerned with the use of the right-of way only, the other parts are the responsibility of P&Z. They recommended and accepted the plan with the noted conditions. Dr. Kreller stated the city would have to uphold the enforcement. Mrs. McGuire is concerned these conditions need to be meet before approved. She also wants to address the neighbor’s concerns. She feels this is a done deal if we approve now. Mr. Danielson stated any conditions must be met or else they would be in violation and the permit would be revoked. Ms. Bartholomew stated to enforce they have to be made aware of the violation. Mrs. McGuire wants to still defer and vet the parking further. She would like to do something with the headlights. Dr. Kreller explained there is a wooden fence in the back and there would be no area to plant any type of landscaping to block headlights. He feels everything is in order. Mr. Zuckerman feels the #3 is not practical and does not make sense. He questions if the site line is even doable.; this is all over town. Dr. Kreller agrees to remove #3. That was put in mainly for corner lots with streets, not driveways according to the current and former city attorneys.

Mr. Buff agreed with the parking issues. He stated the top failure of historic districts have failed because businesses were too restrictive. He recommends supporting the businesses.

Mr. Schnexayder is in support of the outdoor seating and most places have parking along the public streets. It brings families together; they converted an abandoned building.

Mrs. McGuire explained this is a tavern so if someone under 21 is outside, you are increasing the footprint of the building. Mrs. Sconzert limits the sale to anyone under 21 and no one under 8 is to loiter. No one under 18 should be on the presence of the tavern. Mrs. McGuire asked so basically no one under 18 can be on premises and no sales under 21. Dr. Kreller spoke with ATC office, and they stated this will not jeopardize their license. However, they must notify the office of any increase of premises prior to expanding. A tavern is licensed which prohibits any person under 18 on their license premises. Mrs. McGuire wants to make sure they know the license can be revoked if someone under 18 yrs. is on the premises.

Several other residents spoke in support of the Grapeful Ape.

Mr. Zucker read a statement of opposition from Mr. and Mrs. Walker expressing their concerns with the proposed approval.

Mr. Zuckerman made a motion: #2 amend to say, “applicant must submit an approved parking plan” and delete #3; seconded by Dr. Kreller. With no further comments or questions, a vote was taken, and the motion passed 5-0.

Mrs. McGuire made a motion to have the parking plan submitted within 30 days and indemnification for insurance is received before issuance; seconded by Dr. Kreller. With no further comments or questions, a vote was taken, and the motion passed 5-0.

Mr. Danielson made the motion to change 6.8.8 to be amended to say 6.8.6 in the “now, therefore, be it ordained”; seconded by Dr. Kreller. With no further comments or questions, a vote was taken, and the motion passed 5-0.

 With no further comments or questions, a vote was taken, and the ordinance was approved 5-0.

3.Adoption of [Ordinance No. 21-30](https://www.cityofmandeville.com/wp-content/uploads/2021/10/21-30.pdf); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AMENDING THE CODE OF ORDINANCES, CHAPTER 10, TO INCLUDE SECTION 10-73 AS A PROHIBITION OF PARKING OR TRAVERSING ON MEDIAN STRIP; DEFINITION; PENALTY; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. Bush and second by Mr. Danielson. Dr. Kreller explained this came about with two subdivisions where people were parking on the median. Chief Todd requested an ordinance to enforce this issue. Dr. Kreller would like signs to be placed in the medians to make residents aware. The mayor feels he would like a vote of the homeowner’s associations before placing signs on the medians. With no further comments or questions, a vote was taken, and the ordinance was approved 5-0.

**NEW BUSINESS**:

1. Approval of the special event and liquor application for St. Ann Wine Bar’s Halloween Event, Friday, November 5, 2021, from 5pm – 11:00pm to be located at 22 St. Ann. Request approval for alcohol and music in the parking lot and extended hours outdoors until 11:00pm.

A motion was made by Mrs. McGuire and seconded by Mr. Danielson. Dr. Kreller explained the band will end at 10pm and guests will move indoors. With no further comments or questions, a vote was taken, and the application was approved 5-0

2.Approval of the special event and liquor application for St. Ann Wine Bar’s Private Event, Saturday, December 11, 2021, from 5pm – 11:00pm to be located at 22 St. Ann. Request approval for alcohol and music in the parking lot and extended hours outdoors until 11:00pm.

A motion was made by Mrs. Bush and seconded by Mr. Danielson. Dr. Kreller explained this is a private Christmas Party. They will also have the band end at 10pm and move indoors afterwards. With no further comments or questions, a vote was taken, and the application was approved 5-0

3.Approval of the special event and liquor application for St. Ann Wine Bar’s New Year’s Eve Event, Thursday and Friday, December 30-31, 2021, from 5pm – 11:00pm to be located at 22 St. Ann. Request approval for alcohol and music in the parking lot and extended hours outdoors until 11:00pm. A motion was made by Mrs. Bush and seconded by Mr. Danielson. Dr. Kreller explained this is for New Year’s Eve and the band will end at 11pm and move indoors afterwards…….. With no further comments or questions, a vote was taken, and the application was approved 5-0

**FINANCE REPORT**:

Mrs. Sides presented the finance report for end of the year August 2021. There are still invoices coming in that need to be added to this report. Revenues were $24.8 million, expenditures $17.2 million. We are over budget 110% on revenues and expenses were at 69% we had a lot of capital outlay did not spend this fiscal year. Enterprise is at 3.4 million in revenues and 2.68 expenditures: 84% of budget and 52% expenditures. Sales tax is $1.4 million for August vs $1.2 million last fiscal year.

Hurricane Ida we spent $2.6 million with another $1.7 million going out tomorrow, estimate to complete is $1.5 million. On track to get reimbursed quickly (60 days).

**PUBLIC COMMENT:**

Mr. Toomey is here to follow up on the traffic light at Monroe and Causeway. The mayor spoke with the Causeway Commission and they are still having issues; they are trying to resolve this.

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

**1. Effluent Pump Station** (2101A04)**–** Construction

a. DNA Underground, LLC @ $176,700.00

b. Change Order for bypass pumping - $32,100.00 Approved.

c. Equipment delivery expected 10/29/21; work to begin 11/01/21.

d. Change Order for additional 120 days approved – new substantial completion date 01/30/22

**2. Sunset Point Restrooms** (2101A05) **–** Construction

a. Awarded to BSD Construction LLC - $234,696.00

b. Pre-construction Meeting held 6/15/21

c. Notice to Proceed – 10/25/21

d. Moved building out of VE zone.

**3. Trailhead Splash Park Replacement** (2101A06) - Construction

a. Awarded to Francise Horticultural Services, Inc. - $231,098.65

b. Notice of Award sent 6/3/21

c. Contract signed 6/9/21 – Contracts received 6/22/21

d. Pre-construction Meeting held 6/25/21

e. Notice to Proceed – 7/6/21

f. Started demolition of concrete – 7/19/21

g. Contractor poured splashpad 10/25/21, working on tie-ins.

**4. Wastewater Treatment Plant - Erosion Control Project** (2101A09) – Construction

a. Change Order to increase contract amount to $1,845,000.00 approved by Council 6/24/21.

b. Task Order #2 approved by the Council 6/24/21 - $1,475,705.00.

c. Pre-construction meeting held 8/12/21.

d. Notice to Proceed-8/25/21.

e. Contractor submitting RFI’s in and moving sheeting on to site to begin work. Waiting on concrete mats.

**5. Monroe @ East Causeway Intersection & Traffic Control Improvements** – Bidding

a. Bid Date – 9/22/21

b. Addendum #1 issued due to Hurricane Ida to postponed original bid date of 9/8/2021

c. Addendum #2 issued to distribute pre-bid conference meeting minutes and question responses.

d. 10/14/21 Approved Low Bidder is Kort’s Construction Services - $268,586.00

e. Working on contract documents.

**6. 2018 Roadway Maintenance Contract** (2101A12) - Construction (Subterranean)

a. T.O. 5 67% Complete - $790,000.00

 1. Drainage improvements in Fontainebleau Subdivision.

 2. Sidewalk improvements on Monroe Street.

 3. Various concrete panel replacements.

 4. Various asphalt surface patching.

b. T.O. 6 – Ditch Cleaning and Culvert Cleaning 5% Complete - $800,000.00

 1. Approved by Council 6/24/21.

 2. Contracts signed by Mayor – 7/16/21.

 3. Started 8/11/21-Purple Martin Lane-The Sanctuary.

 4. ON HOLD DUE TO DEBRIS PICKUP

**7. 2021 Water & Sewer Maintenance Contract** - Construction (Subterranean)

a. T.O. 1 15% Complete –$501,000.00

1. Includes outstanding water leaks, tap repairs, hydrant replacements, and sewer line repairs.

**ADJOURNMENT:**

Mrs. Bush made a motion to adjourn the meeting, seconded by Mrs. McGuire. Mr. Zuckerman adjourned the meeting at 8:10p.m.

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Kristine Scherer Jason Zuckerman

Council Clerk Council Chairman