**MINUTES**

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

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, we continued with the Pledge of Allegiance then observed a moment of silent prayer.

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

**Also present:** Mayor Madden, Clif Siverd, Interim Dir. Public Works, Louisette Scott, Dir. of Planning, Kathleen Sides, Finance Director, Elizabeth Sconzert, City Attorney, and Chief Sticker

Mr. Danielson explained the council was meeting via Zoom and wanted to read the statue that allows the public body to meet to possibly clarify any questions. The council would like to meet in person and hopefully that will happen very soon. The council will continue to work with the administration and mayor to get back to the Community Center soon.

Pursuant to Executive Proclamation 6 JBE 2021, this shall serve as certification that in light of the spread of COVID-19 the Mandeville City Council will be meeting via videoconference on Thursday, January 28, 2021 at 6:00 p.m. In compliance with La. R.S. 42:17.1. The statue reads: Under La. R.S. 42:17.1, when there is a gubernatorially declared state of emergency, a public body conduct and its members may attend and participate in a public meeting via electronic means. To do so, the presiding officer of the public body must certify on the notice of the meeting that the agenda is limited to one or more of the following:

\* Matters that are directly related to the public body’s response to the emergency and are critical to the health, safety or welfare of the public;

\* Matters that if they are delayed will cause curtailment of vital public services or severe economic dislocation and hardship;

\* Matters that are critical to the continuation of the business of the public body and that are not able to be postponed to a meeting held in accordance with the other provisions of the Open Meeting Law due to a legal requirement or other deadline that cannot be postponed or delayed by the public body; or

\* Other matters that are critical or time-sensitive and that in the determination of the presiding officer should not be delayed; however, such matters shall not be considered at the meeting unless 2/3 vote of the members present at the meeting approve the consideration of the matters.

Mr. Danielson explained he used criteria #4, critical or time-sensitive matters to conduct the meeting. Before every item he will ask for a vote to move forward with the agenda, this would require 2/3 vote of the council or 4 votes. If we have 4 votes we will proceed, if not, then it will be moved to the next meeting.

Mrs. Sconzert stated legal has looked at each item on the agenda before it was posted and under their analysis it meets the standards because it’s an “or” standard. The matters have to be has to be critical or time sensitive and it’s up to the determination of the chair and the legal team agrees with this.

Mrs. Bush wanted to make sure we understood why this is happening. Normally you have avoid ability and a penalty we could be subject to as members of a public body so she appreciates the analysis because we do not want to subject the city to anything unwanted in the future.

**MINUTES:**

Adoption of the January 14, 2021 Meeting Minutes.

Mr. Danielson asked for a motion to move forward with the agenda item. A motion was made by Dr. Kreller and seconded by Mr. Danielson to discuss the adoption of the minutes of January 14, 2021 meeting minutes. A hand vote was required and the adoption passed 4-1 (Zuckerman opposed).

**REPORTS & ANNOUNCEMENTS**:

The mayor announced the first of the Friday night dew drop concert will be this Friday at 7pm and can be found on the Trailhead, Dew Drop and City of Mandeville Facebook accounts. Mr. Danielson confirmed with the mayor the Community Center remains closed to all public activities and City Hall is open by appointment only. The mayor agreed, signs are posted with phone numbers.

**OLD BUSINESS**:

1.Adoption of [Ordinance No. 20-26](https://www.cityofmandeville.com/wp-content/uploads/2021/01/20-26.pdf); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE APPROVING A CONDITIONAL USE PERMIT FOR THE USE DESIGNATED UNDER CLURO SECTION 6.4.42.3 LODGING (TRANSIENT) SHORT-TERM RENTAL: WHOLE HOUSE RENTAL, LOCATED ON 131 LAFITTE ST., SQ. 1, A PORTION OF LOT 12; ZONED B-3 OLD MANDEVILLE BUSINESS DISTRICT; APPROVING SITE PLAN, FLOOR PLAN, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion to discuss was made by Dr. Kreller and seconded by Mr. Danielson. A vote to proceed discussion failed 3-2. Mrs. McGuire and Mr. Zuckerman voted against, therefore it could not be discussed. Mr. Danielson stated this will now be taken up at the February 11, 2021 council meeting

2.Adoption of [Ordinance No. 20-27;](https://www.cityofmandeville.com/wp-content/uploads/2021/01/20-27.pdf) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE APPROVING A CONDITIONAL USE PERMIT FOR THE USE DESIGNATED UNDER CLURO SECTION 6.4.42.3 LODGING (TRANSIENT) SHORT-TERM RENTAL: WHOLE HOUSE RENTAL, LOCATED ON 131 LAFITTE ST. UNIT B, SQ. 1, A PORTION OF LOT 12; ZONED B-3 OLD MANDEVILLE BUSINESS DISTRICT; APPROVING SITE PLAN, FLOOR PLAN, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion to discuss was made by Dr. Kreller and seconded by Mr. Danielson. A vote to proceed discussion failed 3-2. Mrs. McGuire and Mr. Zuckerman voted against, therefore it could not be discussed. Mr. Danielson stated this will now be taken up at the February 11, 2021 council meeting

**NEW BUSINESS:**

1. Approval of [task order #3](https://www.cityofmandeville.com/wp-content/uploads/2021/01/task-order-3.pdf), Water and Sewer Maintenance and Emergency Repairs Final Design and Bidding. A motion to discuss was made by Mrs. Bush and seconded by Mr. Zuckerman. A vote to proceed discussion passed 5-0. Mr. Danielson explained this task order is regarding Emergency Repairs for Sewerage and Water. Basically, Principal Engineering will finish the drawings, then prepare the bid documents. Once the project has been awarded then it will be managed by Digital Engineering. With no further questions from the council or the audience, a vote was taken and the task order passed 5-0.

2. introduction of [Ordinance No. 21-02](https://www.cityofmandeville.com/wp-content/uploads/2021/01/ord-21-02.pdf); AN Ordinance for the City of Mandeville to enact a twelve month amortization on SECTION 10.5.3.11 ELECTRONIC MESSAGE CENTERS OR DIGITAL SIGNS OF THE LAND USE REGULATIONS OF APPENDIX A- COMPREHENSIVE LAND USE REGULATIONS OF THE CITY OF MANDEVILLE AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion to discuss was made by Dr. Kreller and seconded by Mr. Danielson. A vote to proceed discussion failed 3-2. Mrs. McGuire and Mr. Zuckerman voted against, therefore it could not be discussed. Mr. Danielson stated this will now be taken up at the February 11, 2021 council meeting

3. Withdrawal of [Ordinance No. 20-33](https://www.cityofmandeville.com/wp-content/uploads/2020/12/ord-20-33-r.pdf); AN ORDINANCE OF THE COUNCIL OF THE CITY OF MANDEVILLE AMENDING SECTION 10.5.3.11 ELECTRONIC MESSAGE CENTERS OR DIGITAL SIGNS OF THE LAND USE REGULATIONS OF APPENDIX A- COMPREHENSIVE LAND USE REGULATIONS OF THE CITY OF MANDEVILLE AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion to discuss was made by Dr. Kreller and seconded by Mr. Danielson. A vote to proceed discussion failed 3-2. Mrs. McGuire and Mr. Zuckerman voted against, therefore it could not be discussed. Mr. Danielson stated this will now be taken up at the February 11, 2021 council meeting

4. Introduction of [Ordinance No. 21-03](https://www.cityofmandeville.com/wp-content/uploads/2021/01/ord-21-03.pdf); AN ORDINANCE OF THE COUNCIL OF THE CITY OF MANDEVILLE AMENDING SECTION 17-86 OF CHAPTER 17 OF THE CITY OF MANDEVILLE CODE OF ORDINANCES AND SECTION 5.1.15 OF APPENDIX A- COMPREHENSIVE LAND USE REGULATIONS OF THE CITY OF MANDEVILLE AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion to discuss was made by Dr. Kreller and seconded by Mrs. Bush. A vote to proceed discussion failed 3-2. Mrs. McGuire and Mr. Zuckerman voted against, therefore it could not be discussed. Mr. Danielson stated this will now be taken up at the February 11, 2021 council meeting

**PUBLIC COMMENT:**

The mayor wanted to thank Mrs. Casborne and Mrs. Delagdo for their innovative ideas during this pandemic. They have decorated City Hall for Mardi Gras to participate in a contest. The mayor stated the city is planning for summer events and will monitor the situation.

Mr. Danielson explained he has spoken with the mayor and the Council will start having quarterly updates on capital projects. These updates should begin in February.

**FINANCE REPORT:** this will be moved to the next meeting.

**PROJECTS IN PROGRESS**

**1. 2018 Roadway Maintenance Contract** a. T.O. 3; 95% Complete

1. Miscellaneous drainage and pavement work ongoing.

2. Drainage improvements in Shadows – work is 75% complete.

3. Additional brick paver crossings on Girod & Lafitte – construction awaiting scheduling.

* 1. a. T.O. 4; 45% Complete 1. Miscellaneous pavement work replacing failed concrete road panels in Old Golden Shores halfway complete.
  2. b. T.O. 5; Approved by the City Council on 12-17-2020

1. 4. St. Ann sidewalk -95% complete between Botanica and St. Ann Wine Bar

**2. 2016 Sewer and Water Maintenance Contract**

1. Awaiting certificate of clear lean.

**3. Bayou Castine Seawall Repair** - Awarded.

a. Gill’s Crane Services @ $922,224.00

* 1. b. Deck joist being installed.
  2. c. North side of sidewalk complete.
  3. d. Pile supports installed.

**4. FD4 Station 42 Warning Signs -** Awarded a. Subterranean Construction LLC @ $28,400.00.

* 1. b. Notice to Proceed -9/28/20 – Signs installed, awaiting control panel installation.

**5. Lift Stations 12 & 24 -** Awarded. a. Subterranean Construction, LLC @ $588,230.00

* 1. b. Notice to Proceed, 10/01/20.
  2. c. All mechanical components complete and installed, awaiting control panel.

**6. Effluent Pump Modifications** a. Contracts routed for signature.

**7. Sunset Point Restrooms** a. Plans complete.

* 1. b. Project ready for proposals to go out

Mr. Zuckerman requested a status of the Bayou Castine sea wall and estimated date of completion. Mr. Siverd explained it was originally scheduled to be finished mid-March but recent add ons will delay the project.

Dr. Kreller appreciates the work being done with the St. Ann sidewalks. The residents appreciate the extension. Dr. Kreller also inquired about the Golden Glen bridge repair. Mr. Siverd explained this will be added to a future task order.

Mr. Jay Seastrunk said stop signs were added at Carondelet and South Street but no pavement markings were added. Is there a plan to install pavement markers at the new stop signs? Mr. Siverd explained this is not on the short term list but will see if it can be added to the Roadway Maintenance Contract under striping.

Mr. Danielson explained he will keep everyone updated on the status of the next meeting.

Dr. Kreller explained LA RS42:17.1 - the intent of the governor was not to hold up the business of the city or municipalities in LA. The intent was during this time to deal with the issue as best as possible and that is why the zoom meetings are being held. Apparently, some of the residents and councilman are focusing on the words “critical and time sensitive”. His position as an elected councilman by the citizens, is to do the work of the city and not to impede the work or to halt it. He does not intend or feel the governor had any intention to have this delay of actions by the council or any commission of the city. How do you define “time sensitive and critical”? When somebody has a short term rental and they have put money up for a permit and they have things that have been approved by P&Z and P&Z sends it to us for approval. This falls under time sensitive and moves the city forward. Some councilmen disagree, but he feels strongly that any delay in any of these ordinances is not in the best interest of the City of Mandeville.

Mr. Danielson agrees and he felt these items were time sensitive or critical and followed the revised statue as presented when including them on the agenda. These items will be delayed until the next meeting and hopefully we will move forward. Mr. Danielson would much rather meet in person but at this time it is the most responsible thing to meet virtually with the hope of not holding up city business. Three weeks ago Mr. Danielson discussed the meetings with the mayor and at that time the mayor shut down government facilities - for all the right reasons.

Mrs. McGuire asked if there will be a vote as to how to hold the next meeting or is it up to the chairman. Mr. Danielson feels if the Community Center and government facilities are closed how can the Council meet responsibly. Mrs. Sconzert stated under the statue it is up to the discretion of the chair. Positivity rates have decreased so if the mayor was to open the Community Center and other public facilities that could determine if the Council will meet in person or not. Meeting in person when public facilities are closed is kind of contradictory. Mr. Danielson feels it will not be long before we can get back to our regular in person meetings. Dr. Kreller feels with Mardi Gras coming up we have to look at kids on vacation and parties. We have to be concerned that the cases may rise in the next few weeks and not let our guard down. It is the Council’s duty to make sure the safety of the citizens are protected. Many citizens who attend our meeting are over 50+ and we need to monitor the situation before we make any changes.

**ADJOURNMENT:**

Mrs. Bush made a motion to adjourn the meeting, seconded by Mr. Zuckerman. Mr. Danielson adjourned the meeting at 6:40p.m.

/s/ /s/

Kristine Scherer Rick Danielson

Council Clerk Council Chairman