

## MINUTES

### FOR THE CITY COUNCIL MEETING OF NOVEMBER 17, 2022

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:** Jill McGuire, Rick Danielson, Skelly Kreller, Rebecca Bush

**ABSENT:** Jason Zuckerman

**Also present:** Elizabeth Sconzert, City Attorney, Kathleen Sides, Finance Director, Mayor Madden, Cara Bartholomew, Planning Director

#### MINUTES:

Adoption of the October 27, 2022, Meeting Minutes. A motion was made by Mrs. Bush and seconded by Dr. Kreller. With no further comments or questions a vote was taken and the minutes were adopted 4-0.

#### REPORTS AND ANNOUNCEMENTS:

Mr. Danielson stated last week was not only Veterans Day, but the 101<sup>st</sup> birthday of the Marine Corp. He expressed his gratitude for all who have and are currently serving our country. We must remember to thank them not only on Veterans Day, but every day for their sacrifice and service to our country. Mr. Danielson announced numerous events happening before the next City Council meeting. The Glass Recycle event has been rescheduled to this Saturday from 9-noon at the Community Center. Friday December 2<sup>nd</sup> will be the OMBA Sips of the Season from 5-9pm. Saturday, December 3<sup>rd</sup> will be the Santa parade starting at 4pm followed by the Boat Parade beginning at 5:30pm. The Trailhead Market will have two days of extended Holiday Market hours: December 3<sup>rd</sup> and December 10<sup>th</sup> the Market hours will be from 9am – 3pm. Saturday, December 10<sup>th</sup> is the Christmas Past Festival from 10am – 4pm. Finally, Friday, December 16<sup>th</sup> is a free movie night at the Trailhead starting at 6pm.

#### PRESENTATION:

Mr. Dan McLean, Director of Postlethwaite & Netterville, oversaw the completion of the audit that ended in October. He reviewed the required communication with the Council. After his presentation, Mr. Philip Rebowe, Director of Client Services, reviewed the financial. Mr. Danielson asked how this audit compared with other municipalities our size? Mr. McLean explained the city had more adjustments than normal but about the same with internal controls. A lot had to do with the timing of the audit. He is hoping the findings can be fixed for the next audit. Postlethwaite & Netterville will present and discuss the FY21 audit. Mr. Danielson asked if it is rare for a municipality to have no findings? Mr. McLean said not at all, some have findings because they cannot fix them or have other issues. These findings can easily be fixed. From a fiscal point, sales taxes are still up even though there is a decrease in the general fund balance. Dr. Kreller asked where the city stands with drafting standards and procedures. The reason is because the due date for the FY22 audit is coming up in February 2023. Mr. McLean stated the city closed the books on 8/30/2022 and he has set up the process for the audit. There will be preliminary work in December and much of the work is in January. We should be able to finish and have the statements ready in February but that is based upon getting the information on time. Dr. Kreller asked should the Council have been notified ahead of time of the deficiencies in record keeping. Mr. McLean stated the method of notification is via this report although it should have been done in February of this year. They thought it was prudent to add to the report that we need to do better in the financial reporting process. Mr. Danielson asked about the 5% variance flag, what did we do wrong? In the past we corrected them at the end of the fiscal year. Mr. McLean said with the adjustments that was part of the 5% rule. They advise the city to monitor this monthly/quarterly and not wait until year

end. According to state statute they should be timely, so as soon as you know you do not meet the 5% rule, you should make the adjustment. Mrs. Sides stated the city will now start meeting quarterly to review the budget. Mr. Danielson asked what the process for the audit is. Mr. McLean explained the fiscal year closes end of August, then gathering information in November, January compile information and then February present the report. Mr. Danielson asked of the employee pick up contribution what were we missing that you did not get. Mr. McLean stated the city council adopted an ordinance several years ago for the MERS, they were not provided that document for MPERS. Mrs. Sides presented them tonight documentation from the Civil Service Board that would cover that requirement. Mr. Danielson asked about Mr. Todd Turneau from Richards CPA. He was asked to assist the finance director with the audit and why was this not a flag? Mr. McLean explained as long as you don't hire someone to contradict the audits findings that is acceptable. They were told they assisted with the reconciliation of depreciation, transfers, and receivables and provided documentation to support the balances. Mr. Danielson asked if it was common to seek out assistance. It happens because the auditors cannot assist with their own audit. In the past the auditors prepared some of these schedules for the city. Now, the city has to prepare these schedules. Mrs. Sides biggest finding was not getting things in a timely manner. She reminded the city she was 15 months without a full top 3 level staff from 9/20 to 12/21. Having said that her department should have started in July preparing for this audit and she has just started in November, because she has just finished the prior audit in October. She is again starting behind. This year she has a team, but they have not been fully trained yet. The extensions were not all due to not being ready, some had to do with scheduling of the auditors. Currently, she is working with a CPA to determine what things can be done in house and what has to be done by a 3<sup>rd</sup> party. Mr. McLean stated there will be a single audit and then a separate internal audit next year.

Mr. Glen Runyon stated there were a lot of adjustments and the internal audit committee could have helped the administration with the audit process. He also asked about the liability of the Federal Funds. He was told it is around \$2.3 million but there is not allocation of how to spend that money in the budget. Mrs. Sides stated the money is in income and they have until 2026 to spend it. She is suggesting using it for "loss revenue".

#### **OLD BUSINESS:**

1. Adoption of amended Ordinance No. 22-22; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE REAPPORTIONING THE CITY COUNCIL DISTRICTS ESTABLISHED BY THE CITY CHARTER IN ACCORDANCE WITH THE POPULATION OF THE CITY OF MANDEVILLE REPORTED AS A RESULT OF THE 2020 FEDERAL CENSUS; DEFINING THE DISTRICTS CREATED AS A RESULT THEREOF; SUBMITTING THE SAID DISTRICTS FOR REVIEW BY THE UNITED STATES DEPARTMENT OF JUSTICE; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. McGuire and seconded by Dr. Kreller. Mr. Danielson explained this is just a housekeeping issue. The council made a motion to accept a change on Barbara Place and it needed to go back to P&Z for review. With no further comments or questions a vote was taken and the ordinance passed 4-0.

#### **NEW BUSINESS:**

1. Approval of the liquor license for Smoke.Cigarettes.Beer to be located at 3960 W. Florida St. Unit 4, Mandeville. A motion was made by Mrs. Bush and seconded by Dr. Kreller. Dr. Kreller explained this is for a new business off the Florida Extension by Rouses. All paperwork is in order. With no further comments or questions, a vote was taken, and the liquor license was approved 4-0

2. Approval of the liquor license for Business-ology d.b.a. Daisy Dukes, located at 1200 W. Causeway Suite 13, Mandeville. A motion was made by Mrs. Bush and seconded by Mrs. McGuire.

Dr. Kreller explained this is just a new owner for Daisy Dukes and all paperwork is in order. With no further comments or questions, a vote was taken, and the liquor license was approved 4-0

3. Approval of OMBA Christmas Past to be held on Saturday, December 10, 2022, from 10 am – 3 pm with a rain date of December 11, 2022. Starting at the Trailhead and ending at Lakeshore (or Claiborne based upon attendance). A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. Danielson explained this is the annual Christmas event which has always been a sellout. Mr. Danielson stated he has spoken to Chief Schleim about the barricades on Claiborne and wants to make a motion to block off only the north side of Claiborne. This was seconded by Mrs. Bush. With no further comments or questions, a vote was taken, and the motion was approved 4-0. Mrs. Walker who lives on Girod street would like to have the residents informed when streets will be closed. She stated this was done in the past and has now stopped. Mrs. McGuire suggested the organizations could be required to distribute flyers as part of their special event packet. Mr. Haggerty, with OMBA, stated they have flyers already printed and plan on distributing. With no further comments or questions the amended special event was approved 4-0

4. To consider whether to move forward with a proposed zoning amendment. Z22-10-03. 290 Oakwood Dr, Tanglewood Subdivision. Under CLURO Art. 4.3.1.2.4, the Council must make a final ye or nay vote on any proposed Zoning Amendment. Request a rezoning from R-1X Single Family to B-1 Neighborhood Business. A motion was made by Mrs. Bush and seconded by Dr. Kreller. Dr. Kreller explained this case was presented to P&Z and was unanimously denied. Ms. Bartholomew explained Tanglewood Subdivision was annexed in 1985 was originally R-4. The city changed the zoning from R-4 to R-1 for all interior lots. The commission found there was no compelling reason to rezone an existing R-1 lot to B-1. Mrs. McGuire. Mr. Danielson explained this is a reduction after rectifying final quantities. With no further comments or questions, a vote was taken, and the Council agreed with the recommendation of P&Z to deny the zoning change 4-0

5. To consider whether to move forward with a proposed zoning amendment. Z22-10-04. Colbert Street Square 82 Lot 11, Old Town of Mandeville. Under CLURO Art. 4.3.1.2.4, the Council must make a final ye or nay vote on any proposed Zoning Amendment. Request a rezoning from B-1 Neighborhood Business to R-1 Single Family. A motion was made by Mrs. Bush and seconded by Dr. Kreller. Mrs. McGuire explained this case is requesting a zoning change from B-1 to R-1. This was presented to P&Z commission, and they recommended approval of the change. Ms. Bartholomew explained the property owner has 2 lots with different zoning. He would like to build a single-family residence and therefore is requesting the change. With no further comments or questions, a vote was taken, and the Council agreed with the recommendation of P&Z to approve the zoning change 4-0.

6. Adoption of Resolution No. 22-46; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ADOPTING THE LOUISIANA COMPLIANCE QUESTIONNAIRE. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. Danielson explained this is a procedural part of this year's audit and must be completed and adopted by the Council. With no further comments or questions, a vote was taken, and the resolution passed 4-0.

7. Adoption of Resolution No. 22-47; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND KYLE ASSOCIATES, LLC AND PROVIDING FOR OTHER MATTERS

IN CONNECTION THEREWITH. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. Danielson explained this is for Lift stations A (Montgomery at Dupre) and Lift station 27 (Mandeville High Blvd.). The estimated cost is \$137,727. With no further comments or questions, a vote was taken, and the resolution passed 4-0.

8. Adoption of Resolution NO. 22-48; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND HIGH TIDE CONSULTANTS, LLC AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Dr. Kreller and seconded by Mrs. McGuire. Mr. Danielson explained this for planning, surveying, design, permitting, bidding, construction administration and resident inspection for the Old Golden Shores Drainage Improvements Project. Mr. Danielson asked for an estimated time frame. Mr. LeBreton explained the survey would take place in 30-45 days, then there will be a study and finally a presentation of the master project. Mr., Sean Peret feels there are some safety projects in OGS that he would like completed and hopes they will not be postponed. They have 90 ft. of culverting in front of his residence that is a safety hazard and has been on the books for year to complete. The Council and mayor assured Mr. Peret they are committed to getting this project completed and address all the safety issues. With no further comments or questions, a vote was taken, and the resolution passed 4-0.

9. Adoption of Resolution No. 22-49; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND BURK-KLEINPETER, INC. AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mrs. McGuire explained this is for the inspection and review of major damage areas of the seawall and to perform an overall inspection. Mr. LeGrange stated the city needs to know if they should continue with repairs on the seawall or start having the conversation about full replacement. Mr. Henry Picard stated the inspection will begin shortly and will take about 45 days. After the inspection the city will get a report in around 6 months with the condition and recommendation of the seawall. There will be a team of divers (5 people) who will do the underwater inspection in January. The cost of this project is \$275,146. With no further comments or questions, a vote was taken, and the resolution passed 4-0.

10. Introduction of Ordinance No. 22-28; AN ORDINANCE FOR THE CITY OF MANDEVILLE ADOPTING SECTION 13-6 THROUGH SECTION 13-9 OF THE CODE OF ORDINANCES, FORMERLY RESERVED, FOR THE LOCATION/PLACEMENT OF PUBLIC AND PRIVATE UTILITIES IN CITY RIGHTS-OF-WAY AND THE PROCEDURE. A motion was made by Dr. Kreller and seconded by Mrs. McGuire. Mr. Danielson stated this will be voted upon at our next meeting.

11. Introduction of Ordinance No. 22-29; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE CREATING SECTION 2.9 OF THE CODE OF ORDINANCES OF THE CITY OF MANDEVILLE; TO ESTABLISHING THE POLICIES AND PROCEDURES OF MAYOR'S COURT; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. Danielson stated this will be voted upon at our next meeting.

12. Introduction of Ordinance No. 22-30; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AMEND NUMEROUS SECTIONS OF THE MANDEVILLE

CODE OF ORDINANCES RELATIVE TO FEES, FINES AND PENALTIES SET FORTH THEREIN AND ADOPTING APPENDIX C TO THE CODE OF ORDINANCES TO SERVE AS A FEE SCHEDULE FOR THE CITY OF MANDEVILLE AND TO PROVIDE FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Dr. Kreller and seconded by Mrs. McGuire. Mr. Danielson stated this will be referred to Planning & Zoning since it has changes to the CLURO.

**PUBLIC COMMENT:**

Ms. Walker wanted to discuss the food truck issue at the Grapeful Ape and she is not aware if they have a permit. She stated this is not allowed and she contacted the police. She is wondering how things are enforced when people still violate the rules. Mrs. Sconzert stated if a violation occurs the code enforcement officer notifies the violator and either gives them a warning or a ticket and it goes through the mayor's court process. If there is an established pattern, then a more aggressive action can be taken. Secondly, she was wondering if it is allowed for Cameo to have additional vendors outside on her property. Ms. Bartholomew will do research on this topic. Ms. Walker stated the Grapeful Ape was allowed to have the outdoor space as long as they don't have any infractions and she would like things to be enforced. The mayor stated after hours, the only thing to do is call the police. If it is an infraction, they will be ticketed. Mrs. Sconzert explained there needs to be a policy established. The citizens will have to be diligent in recording this for documentation. Ms. Walker asked how is this documented because she has reported several violations in the past and nothing seems to be happening. Ms. Bartholomew stated the most helpful would be to send an email to code enforcement. That email goes to the police, code enforcement and Ms. Bartholomew. Mrs. McGuire explained the Grapeful Ape was a conditional approval and they have to follow the rules 24/7. Ms. Bartholomew will have to pull the case and figure out how to proceed.

Mr. Brian Rhinehart would like to see a more formalized enforcement because P&Z makes exceptions to the CLURO, and they expect for them to be enforced. If this is not happening, then he is reluctant to allow some conditional uses.

Ms. Bonnie Abbey asked since she knows they will be rewriting the code, will there be anything addressing the marinas? Ms. Sconzert explained yes, but the marinas are multi-jurisdictional. Mrs. Sconzert stressed citizens contacting the other jurisdictions with concerns as well so there is something specific to follow up on.

Chief Schliem does not feel comfortable with the police going out after hours for code enforcement, they are not trained on the issues.

Mr. Danielson suggested having a code enforcement process meeting in January.

The mayor stated code enforcement is a priority. He never heard anything about a marina during the 8 years he was on the council; now we hear a lot. Many people have come to look at the marinas and he has spent a lot of time on this subject and it's a work in progress. He does not recall while he was on the council a business having a special event without a permit, although he is sure it happened. That is a new issue since covid. He does not think the city should pay for a nighttime code enforcement officer and he agrees with Chief the police should not be interpreting ordinances, that not their purview. There is separation of duties. He is committed to equal enforcement, and he will continue to work interdepartmentally to figure things out. Some of these issues are newer, he never saw these when he was on the council.

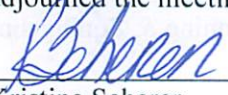
**A discussion took place regarding code enforcement**

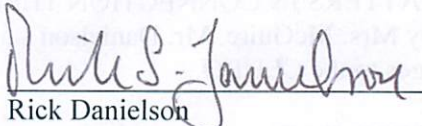
**PUBLIC WORKS UPDATE:**

Mr. LeGrange gave a recap of the latest projects and their estimated completion dates.

**ADJOURNMENT:**

Dr. Kreller made a motion to adjourn the meeting, seconded by Mrs. Bush. Mr. Danielson adjourned the meeting at 8:25 p.m.

  
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Kristine Scherer  
Council Clerk

  
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Rick Danielson  
Council Chairman