**MINUTES**

**FOR THE CITY COUNCIL MEETING OF OCTOBER 14, 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 September 23, 2021, Regular Meeting Minutes. A motion was made by Mrs. Bush and seconded by Dr. Kreller 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 of the new election date of November 13th. The city is to consider and take action with respect to adopting a resolution confirming an election date change pursuant to Executive Order of the Governor; establishing a new date to canvass the returns of the election; and providing for other matters in connection therewith. Early voting is October 30th thru November 6th.

Mr. Zuckerman announced the mayor is with Chief in D.C. for Police Week to honor Capt. Vinnie Liberto. There will be a flood summit November 2nd with more information to follow. Mr. Zuckerman announced some upcoming events: this weekend, OMBA Sip-n-Stroll; October 23rd he Symphony on the Lake. The October 28th City Council meeting will have a discussion of the new Emergency Plan and the results of the Salary Survey.

**PRESENTATION:**

Ms. Suzanne Krieger, chairperson of the St. Tammany Levee Drainage and Conservation District, discussed the proposed constitutional amendment # 3 – funding for the Levee District.

**OLD BUSINESS**:

1.Adoption of [Ordinance No. 21-23](https://www.cityofmandeville.com/wp-content/uploads/2021/10/rev-21-23.pdf); AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MANDEVILLE TO REZONE THE SOUTH ONE HALF OF SQUARE SEVENTY-FOUR (74) OF THE CITY OF MANDEVILLE, ST. TAMMANY PARISH, STATE OF LOUISIANA, FROM PM-2 MARINA DISTRICT – NON-WATERFRONT LOTS, TO O, OPEN SPACE/RECREATION; AND PROVIDING FOR FURTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. Bush and second by Mr. Danielson. Mrs. McGuire stated the city bought the ball field and therefore, the zoning needs to be changed from marina district to open space. This would also add to the city’s CRS rating by having more green space within the city. With no further comments or questions, a vote was taken, and the ordinance was approved 5-0.

2.Adoption of [Ordinance No. 21-24](https://www.cityofmandeville.com/wp-content/uploads/2021/10/final-21-24.pdf); AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MANDEVILLE TO REZONE DOUBLE SQUARE 33, LOT 2 OF THE CITY OF MANDEVILLE, ST. TAMMANY PARISH, STATE OF LOUISIANA, FROM R-3 MULTI-FAMILY RESIDENTIAL DISTRICT, TO O, OPEN SPACE/RECREATION; AND PROVIDING FOR FURTHER MATTERS IN CONNECTION THEREWITH.A motion was made by Mrs. Bush and second by Mrs. McGuire. Mrs. McGuire stated this is a lot on Carroll St adjacent to Ravine Au Coquille which has flooded many times. Having the city purchase the property would prevent any structure aside from recreational, to be developed. This went before the P&Z commission and was voted unanimously for rezoning. With no further comments or questions, a vote was taken, and the ordinance was approved 5-0.

3.Adoption of [Ordinance No. 21-39](https://www.cityofmandeville.com/wp-content/uploads/2021/09/ord-21-39.pdf); AN ORDINANCE OF THE COUNCIL OF THE CITY OF MANDEVILLE AMENDING SECTION 2-8 OF CHAPTER 2 OF THE CITY OF MANDEVILLE CODE OF ORDINANCES AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. Bush and second by Mrs. McGuire. Mr. Zuckerman explained this would be an amendment to Ord 19-33 and would be a clean up to that ordinance. Mrs. McGuire stated this was discussed during the budget process. She has spoken with some former councilman, finance director, and confirmed that the mayor does have to participate in MERS. The former council had compared benefit packages from different municipalities which sparks further discussions about MERS and employee retirement. She feels the mayor is a legal full-time employee and the city should pay for all employee retirement contributions like all full-time employees. She is in support of the mayor getting this same benefit. Dr. Kreller agrees with Mrs. McGuire to an extent. He has spoken with the city attorney who explained that the mayor is a full-time city employee from the perspective of the state statue. Dr. Kreller does not feel we are not singling out the mayor; he is singled out already because he is an elected official therefore, he can be treated differently, and he feels the prior council knew that. He thinks the only thing that needs to be changed in the ordinance is the word “may” but wants to keep “he will pay his employee portion of retirement”. Most businesses do not pay 100% of retirement for employees. There are exceptions, but not many. This has nothing to do with this council trying to change the benefits of the police or anyone in civil service, or anyone’s salary. This is only about the mayor’s position and he has not changed his position; he is a special case- he is elected. Mr. Zuckerman feels the mayor is no different than other full-time employees as stated in the charter. He feels this council needs to be used their best judgement and he has a lot of questions about the original ordinance. He agrees the city needs to look at retirement payments for the future, but that is up for another discussion. He has not changed his. positions. Mrs. Bush stated she likes the city providing this benefit and this helps to attract quality employees. Dr. Kreller asked how many cities pay 100% retirement for the mayor. Mr. Danielson stated this has nothing to do with the current mayor, he feels all employees have done a great job. The current ordinance has set the mayor’s salary for the full term at $94,500 and has the mayor paying for his portion of retirement. That council passed this ordinance. He offered a compromise of 1/3 each year and at the 4th year it would be back to 100%. What this equates to is a 10% pay raise. The rest of the employees that are eligible are getting a 2.5% raise. That is why he offered do it gradually, but that motion has failed but he just wanted to state again his reasoning. Dr. Kreller stated the mayor voted for this and at that time he was the chair of this council. He mentioned it might have been a misunderstanding and did not know all the details, but as a chair he should have went to the attorneys and made sure he understood what was being presented to the council. The vote was 5-0. He cannot make any excuse; he should have done the research. Mr. Zuckerman agrees it was a bad decision and vote. Mr. Danielson agreed we can make changes to prior ordinances, but the benefit is about $30K for our mayor while the mayor of New Orleans retirement benefit is $35K. It is interesting and is there a bigger question? Mr. Zuckerman does not feel you should compare population, there are other metrics such as quality of life, average tax base, number of employees. He does not buy into just comparing into population. Dr. Kreller stated if you compared to other municipalities our mayor ranks the highest in all those cities. Mrs. McGuire feels we need further discussions and to examine the retirement packages and we will have to set the next term salary. Mr. Zuckerman stated we will be getting the salary survey so that will bring further discussions. Dr. Kreller stated this ordinance has nothing to do with salary.

Mr. Burguieres asked when the employee pays the employee portion of retirement it comes out of the employee salary. When the employer pays the contribution, it does not show up on their W2, the salary remains $94,500. The mayor gets the additional $10K a year upon retirement.

Mr. Goodwin stated he feels this council is the best he has ever experienced. He stated the employees want to know about what their take home paycheck is, not benefits. They want what amount will go into their pocket. The big picture is to get rid of the city paying the employee’s portion entirely.

Ms. Rhinehart is a public employee and agreed we are not highly paid, so the benefit means a lot. The employees should be compensated for doing a good job.

 With no further comments or questions, a vote was taken, and the ordinance was approved 3-2 (Danielson and Kreller against)

**NEW BUSINESS**:

1.Establish Council meeting dates for the months of November and December. Mr. Zuckerman stated the proposed dates are November 18th and December 16. Mr. Danielson made a motion to accept these dates; seconded by Dr. Kreller. With no further comments or questions, a vote was taken, and the dates were approved 5-0.

2.Approval of the special event and liquor application for the [Walk a Mile Mandeville 2021](https://www.cityofmandeville.com/wp-content/uploads/2021/10/walk-a-mile.pdf) on Saturday, October 30, 2021 from 4-8pm, no rain date. Event location will be from the Mandeville harbor to the Mandeville Trailhead. A motion was made by Mrs. Bush and seconded by Mr. Danielson. Mrs. Rhinehart stated this is their 3rd event. October is also domestic violence awareness month, and this will benefit Safe Harbor. The purpose is to rally support against this disease and raise awareness. Mrs. McGuire asked for everyone’s support. This will be contingent upon all fees being paid and proof of liability insurance. With no further comments or questions, a vote was taken, and the application was approved 5-0

3.Approval of [Change Order #1](https://www.cityofmandeville.com/wp-content/uploads/2021/10/co1-splash-park.pdf), Trailhead Splash Park Rehabilitation A/E Project No. 2101A06; formerly No. 2001A02 for an increase in contract time by 30 days for a total contract time of 150 days. No Change in dollar amount. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mrs. McGuire stated this is not to change the dollar amount but will give them additional time; parts have not yet arrived. With no further comments or questions, a vote was taken, and the change order was approved 5-0

4.Approval of NTE amount for Hurricane Ida [debris removal](https://www.cityofmandeville.com/wp-content/uploads/2021/10/removal.pdf) project pursuant to the Emergency Debris Removal Contract from $1 million to a NTE $5 million A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. Zuckerman explained the initial $1 million was a placeholder and current estimates are exceeding due to the excess of 150K cubic yards being picked up to date. This is 100% reimbursable within 45 days from FEMA. After this time is goes to 90/10 based upon the size of the disaster. Dr. Kreller stated he knows several people are cutting trees down and leaving it for FEMA to pick up. Mr. LeGrange requested those owners report the issue. Mr. Abbey stated people are just cutting down trees that are not damaged. He wanted to know of the 150K cubic yards was it all trees and is there a way to determine how many trees we have lost. With no further comments or questions, a vote was taken, and the NTE amount was approved 5-0

5.Approval of NTE amount for Hurricane Ida [debris monitoring](https://www.cityofmandeville.com/wp-content/uploads/2021/10/debris-monitoring.pdf) project pursuant to the Emergency Debris Monitoring Contract from $250,000 to $850,000 A motion was made by Mrs. Bush and seconded by Dr. Kreller. Mr. Zuckerman explained this is the accompanying contract and this was also an extension of 30 days. Again, this is reimbursable from FEMA. With no further comments or questions, a vote was taken, and the NTE amount was approved 5-0

6.Adoption of [Resolution No. 21-44](https://www.cityofmandeville.com/wp-content/uploads/2021/09/res-21-44.pdf); A resolution confirming an election date change pursuant to Executive Order of the Governor; establishing a new date to canvass the returns of the election; and providing for other matters in connection therewith. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. Zuckerman explained this is just an administrative issue since the election date changed. With no further comments or questions, a vote was taken, and the resolution was approved 5-0

7. Adoption of [Resolution No. 21-45](https://www.cityofmandeville.com/wp-content/uploads/2021/09/res-21-45.pdf) A RESOLUTION OF THE MANDEVILLE CITY COUNCIL ENDORSING THE APPLICATION OF SUSAN DANIELSON (551 CARROLL STREET, MANDEVILLE, LOUISIANA) FOR PARTICIPATION IN THE RESTORATION TAX ABATEMENT PROGRAM PROJECT NO. 2016-1452-RTA A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Ms. Bartholomew stated this is to reduce your property taxes during renovation. Mrs. Danielson applied last year and was approved, and this is a renewal. You can renew up to 5 years. With no further comments or questions, a vote was taken, and the resolution was approved 5-0

8.Adoption of [Resolution No. 21 – 46](https://www.cityofmandeville.com/wp-content/uploads/2021/10/res-21-46-rev.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR THE MONROE @ EAST CAUSEWAY INTERSECTION & TRAFFIC SIGNAL IMPROVEMENTS PROJECT A/E PROJECT NO. 20-1956 AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LOWEST APPARENT BID KORT’S CONSTRUCTION SERVICES INC. AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. McGuire and seconded by Dr. Kreller. Dr. Kreller stated this is the lowest bid at $268,586. This goes back to when Meyer was the engineer and goes on E Causeway and goes south to the Monroe intersection, they will create two lanes that will allow a left turn onto Monroe. Once completed the current median will be narrowed and 4-5 crepe myrtles will need to be removed. This has nothing to do with the sign or landscaping in Monroe. The signal will also be modified. Mr. Zuckerman stated this is all on E causeway, south bound. Mrs. McGuire asked if the crepe myrtles can be relocated. Mr. Discon stated we should be able to reuse them. The council wants to make sure we want the trees to be removed and replaced. Mrs. Bartholomew will make that notation. Mr. Danielson made a motion to add the trees to be removed as part of this project and will be relocated in coordination with Planning and the Parks and Parkways commission; seconded by Mr. Zuckerman.

Mr. Toomey wants to know who is responsible for the traffic light at Monroe and E. Causeway, they are off sync. Mr. LeGrange explained the cameras were hit by lightning and need repair, so they are on a set timer. This is handled by Public Works and Causeway Commission.

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

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

9. Adoption of [Resolution No. 21-47;](https://www.cityofmandeville.com/wp-content/uploads/2021/10/res-21-47-1.pdf) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE RECOMMENDATION OF THE AUDIT COMMITTEE TO CONTRACT WITH POSTLETHWAITE & NETTERVILLE, FOR THE PURPOSE OF CONDUCTING A FINANCIAL AUDIT FOR THE CITY OF MANDEVILLE AS OF AND FOR THE YEAR ENDING EACH AUGUST 31, 2021, 2022, 2023, and 2024 AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. Bush and seconded by Mr. Danielson. Mr. Danielson explained for the last 5 years Laporte has handled the annual financial audit for the city. In 2013 there was a recommendation to the state legislature from the inspector general to rotate audit firms at least every 3-5 years to get a fresh look at the financials. A 5-person committee was established, and they were given packets for the 5 firms. The firms were independently scored, and the committee would like to recommend Postlethwaite & Netterville to serve. As part of the scoring system Laporte had the highest score. Prior to the submittal they were not told they could not submit so they applied, and the committee decided, based upon the recommendation, to move to the second firm. With the 5 firms that submitted all firms were qualified and they thought it was appropriated to appoint Postlethwaite & Netterville. With no further comments or questions, a vote was taken, and the resolution was approved 5-0

10.Introduction 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 seconded by Dr. Kreller. Dr, Kreller stated he was asked to put this on the agenda by Chief so they can resolve this problem. Mr. Zuckerman explained this will be discussed and voted upon at our next meeting.

11.Introduction of [Ordinance No. 21-29](https://www.cityofmandeville.com/wp-content/uploads/2021/10/ord-21-29.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 WAY . A motion was made by Mrs. Bush and seconded by Mr. Danielson. Mr. Zuckerman explained this will be discussed and voted upon at our next meeting.

12.Introduction 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. McGuire and seconded by Dr. Kreller. Mr. Zuckerman explained this will be discussed and voted upon at our next meeting.

**PUBLIC COMMENT:** none

**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 on order. Expected delivery – Pushed to August 17th.

d. Scheduled to mobilize on August 27th and begin work August 30th.

e. Waiting on pipe spool-delivery date September 20th.

f. 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. Starting date delayed until City permit is obtained. (V-zone designation)

d. Moved building out of VE zone.

e. Waiting on approval and final permit and concurrence from contractor on building location.

**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. Material (embeds) from Vortex is in, working on final manifold placement.

h. Contractor formed up splashpad.

**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.

e. Apparent Low Bidder is Kort’s Construction Services - $268,586.00 – received all 10-day documents and approval on 10/14/21 agenda.

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

a. T.O. 5 56% 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 - $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

 Mr. Danielson asked if we could mark the no parking spot on the Lakefront. Mr. LaGrange explained by the end of the year they will have multiple contracts out to bid for striping, asphalt.

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

a. T.O. 1 6% Complete –$501,000.00

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

Mr. LeGrange gave an update on the debris contract/removal. We have picked up 153K cubic yards to date. The first pass should be done by the end of this week. Then they will start with second pass next week. Some areas will not get a third pass due to the reimbursement rates declining. They are asking the public to put debris out as soon as possible so it does not get left. Mr. Zuckerman asked about the large stumps. Mr. LaGrange stated those will be on the last pass and FEMA and the historic district must review so you do not damage any subsurface artifacts. Those will be filled with native material. Public Works has picked up around 25 large stumps because they were not next to the hole that they created. Mr. Zuckerman asked about the mixed debris piles. Mr. LeGrange explained they have resolved many of those issues. They are also working on a revised contract with Coastal to pick up loose bags.

Mrs. Bush asked if there is a schedule, can people request an area to be cleaned, and how many trucks. Mr. LeGrange stated they had 22 trucks at first and now they are at 15 trucks. Currently they are doing the very west side of town. Unfortunately, someone must be the last to be picked up. They are also creating piles along the street to make a clean sweep. The turnaround is about 1 ½ hrs. because they must go to north Covington. They have just got permitted for another drop off location in Covington. There are 12 zones in the city. At first, they wanted to go by zones, but had issues with Heavens Dr. They also had to do different contracts for leaners vs cutters.

**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