

**MINUTES  
FOR THE CITY COUNCIL MEETING OF MARCH 23, 2023**

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, Skelly Kreller, Rebecca Bush

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

Mr. Danielson wanted to let everyone know about the new AV upgrades in the Council Chambers. There are several new cameras, additional microphones, and larger TV screens. During public comment or any other discussion, please let the speakers finish because the cameras are controlled via the microphones. Also, during public comment or any other discussion, once three minutes is up, the microphone shuts off. However, the Council can add additional minutes if approved. He asked for everyone to be patient with the new changes as we will probably be making a few adjustments as needed.

**MINUTES:**

Adoption of the March 9, 2023, meeting minutes. A motion was made by Mrs. Bush and seconded by Mr. Zuckerman. With no further comments or questions a vote was taken and the minutes were adopted 5-0.

**REPORTS AND ANNOUNCEMENTS:**

Mr. Danielson stated concerts at the Trailhead have begun. This Friday will be Four Unplugged and next Friday 3/31 will be Little Freddie King. April 17-23 is the Louisiana Love the Boot Clean Up program. KMB will have more information about our Spring Clean Up on April 22nd. Mr. Danielson congratulated Sgt. Lord who completed the FBI academy this past week. The mayor stated April 1<sup>st</sup> there will be a Dew Drop concert along with Crawfish Cookin for a Cause, and Easter at the Market.

**PRESENTATIONS:**

The mayor presented a proclamation to the Northshore Robotics Team congratulating them for all accomplishments.

Don McLean & Philip Rebowe, with Postlethwaite & Netterville, presented and discussed the City's 2022 audit. Mr. Zuckerman wanted to make sure he understands the change in the negative \$4.1 million will resolve itself as reimbursements come in. It is just a timing thing. Mr. McLean explained the biggest difference is the \$3 million of not recognized disaster expenses and then almost \$1 million in unrealized losses on investments and other cost increases. Dr. Kreller stated he went back and looked at audits from 2015 – 2022. He asked about the unrestricted net position and general fund. In 2015 – 2021 it increased; this past year it was down \$4.1. Mr. Rebowe explained it was down almost half a million. There was an additional half million in capital expenditures that was not accounted for. Dr. Kreller stated it has since not grown, now we have a deficit of \$5.1 in unrestricted. Mr. Rebowe explained it has grown every year except for 2022. He stated in general the net position balance is solid. Dr. Kreller asked under internal control there were several deficiencies, can you explain. Mr. McLean explained not everything is balanced out when they come to do the audit. That is managements responsibility, not the auditors. There are 2 kinds of deficiencies: material weakness and severe. The local govt budget act noncompliance act

that we were deficient needs to be monitored better, but it is common. The 5% rule is common. Mr. Zuckerman wanted further explanation of that deficiency. He thought that was because a budget adjustment was not made for increased revenue. Mrs. Sides stated she did not do the budgeted revenue for the sales tax fund and the tax collector fund; she will do this in the future. Mr. McLean stated it was for revenues and other sources along with expenditures and other uses as well. Dr. Kreller asked where would be the best place to monitor? Mr. McLean stated he feels the finance department should monitor this. Mrs. Bush asked if this is something we usually, see? Mr. Rebowe stated the budget compliance he feels is common. Mrs. Sides commented the prior auditor gave them a report and they made all those entries. Now, that is not allowed because they cannot audit their own work. They 2021 audit was 8-9 months late, Ida, staffing, etc. We finished 21's audit in October and started 22's audit in November where we should have started the audit in July. Moving forward, knowing what is expected and having staff and training in place, most of the issues have already been addressed. Things like utility bills and payroll that overlapped a fiscal year, she should have accrued the amounts until August 31<sup>st</sup>. Mr. Danielson stated so there were no major show stoppers, everything is correctable. Mr. Rebowe stated they have established a corrective action plan for the administration. Dr. Kreller stated we should not be concerned with the last 2 yrs. audit even though they show deficiencies. Mr. McLean stated it is pointed out to the city items the city should correct. Dr. Kreller is concerned that we have deficiencies and several of last years deficiencies still are not corrected – this looks like a trend. He depends on accurate number so the council knows how to proceed with the budget. The general fund balance is decreasing, and he does not understand how we can do major projects.

Mrs. Rohrbough has questions about eligible expenditures and unrestricted fund in governmental activities. Mrs. Sides explained when the city gets reimbursements, it goes into one bank account. She then distributes it to the proper fund whether it is restricted or unrestricted funds. Mrs. Rohrbough asked what the current unrestricted fund balance is. Mr. Danielson explained this will be discussed and made available at the quarterly budget meetings. Mr. Runyon asked definition of assigned/unassigned. The assigned category says committed via council resolutions/ordinances. He believes there is an outstanding resolution. Mrs. Sides believes it was for OPEB and it was assigned, not committed. The \$19 million in the fund balance is unassigned, if we have other resolutions passed then it would not be in unassigned. The auditors looked during the audit period and the prior auditors did not have any committed or assigned fund balances on their report. If we want the money earmarked that would more accurately reflect what is really available.

**OLD BUSINESS:** none

**NEW BUSINESS:**

1. Neighborwoods Update and Discussion. Mr. Branch wanted to thank the council and administration for fixing the cameras at the park. He feels areas still needing to be attended to locking the gates, and no dirt bikes, etc. past the parking lot. He suggested an ordinance to better explain to everyone what is and what is not allowed in the area.

2. Mandeville Financial Oversight Committee Discussion. Mr. Danielson explained we have been talking about the MOFC committee for the past several meeting and felt we needed to bring it up for a formal discussion. Does it need to be brought back, what are the tasks, scope etc. Dr. Kreller feels the MFOC should be reactivated and to perform specific tasks and provide general support as directed by the council. The mayor spearheaded the formation when he was on the council. He feels Mr. Zuckerman is correct, things have changed, and we need to revise the scope and tasks for the committee. To do this, we need to get qualified citizens to volunteer and become members. He would like to offer three tasks for the committee to consider upon recreation: 1- to assist the council and administration during budget preparation with the ultimate goal of being awarded the GFOA

distinguished budget award; 2- help council with the review of the quarterly budget reports and make recommendations; 3- in light of the audit report, the MFOC could provide recommendations to reduce expenses. Someone brought to his attention this award was given to Slidell and usually Covington. The award is given because of the oversight and the hard work of the finance director, getting all the records in line. We have not had this award for the past few years, and he would like to see this. He would like to see this move forward in preparation of the budget cycle. Mr. Zuckerman is glad to see the discussion evolve, and the ordinance needs to be re-written, but we need to see what we are trying to fix. He asks what the problem is we are trying to fix. When it was first implemented there were many circumstances that does not exist now, and it was needed. He also asks why now and not in April 2020. He has concerns, he is not opposed to this and would be interested in seeing a written proposal. How is it going to be implemented, what are the goals, how does it apply in a practical sense. How does MFOC work during a budget cycle with budget sessions and quarterly budget meetings. What are we trying to fix. We need to look closely at this before we go to a vote how it would be implemented. Dr. Kreller stated we did discuss this earlier in our term. We have had a lot to learn. There is no particular reason why he is bringing this up now; we should have brought this up earlier. The first two budgets were deficit budgets an the MFOC could have possibly prevented that. Mr. Danielson said it was established in 2012 via ordinance with the correct intent. Now in its current format is probably a little outdated. We have implemented quarterly review meetings for the budget which will assist with our forecasting. At the last meeting we approved a resolution for financial forecasting, so we are taking our fiscal responsibility to find ways to improve our responsibility. If we want to further discuss the MFOC what they will do and who will be on it, we can look at this. We have a lot of strong financial things in the works moving forward. Dr. Kreller asked if we could advertise for volunteers? Mr. Danielson explained he feels the whole scope needs to be worked and a new ordinance approved before advertising. Mr. Zuckerman agrees this needs to revamp before advertising. Mr. Runyon said sales tax has increased 32% (\$4 million) and the fund balance has stayed flat. We are spending this increase, the raise given 1st year he did not agree with. He has a presentation and based upon the current assumptions and based upon raises, over the next 4 years the general fund balance will go down \$5 million. The MFOC could take the time to look at these things and they understand the process and could assist the city. The internet sales tax will slowly start to go flat, and the expenses will still go up. Mr. Zuckerman asked if we could do this on the next agenda as a discussion item because you only have 3 minutes in public comment. He is interested in hearing this presentation. He is also wants to make sure the advice we get is independent. Mrs. McGuire wants to know how we will do the appointments; we will do this at another time. Her concern is making sure we get accurate information and people who will provide factual information and not add more confusion to the discussions. During the last election, members of the MFOC were putting out information that did not match the training she received once elected. That all depends upon who is on the committee. It can be good or not. Mr. Zuckerman asks if a group of volunteers from the city can give a black or white opinion or is the best way is to hire someone who is completely void of the politics in Mandeville. That is a question he still asks. The mayor stated he has 2 proposals for the financial forecasting. Dr. Kreller feels the best people who care about the city the most and who are experts in this field are in the city. He was not in favor of getting an independent firm but sees the benefit. He feels this is insulting to those who have served on the MFOC, they had significant qualifications. Mr. Zuckerman stated there are lot of people who care about the city but pushing their point of view on a certain issue instead of black and white is his concern. There is value involved, but he feels the caring might have an impact on the advice we get. Mr. Burguieres feels there is a possible compromise. Mr. Zuckerman's comments are valid but there are a lot of qualified people in Mandeville. The MFOC is a planning tool looking forward, the auditors look behind. A MFOC compromise is to have an outside chairman, therefore you remove the political persuasion.

3. Appointment of Greg Zipp as commissioner to the Fire District Board #4. A motion was made by Mrs. Bush and seconded by Dr. Kreller. Mr. Danielson explained Mr. Jack Shell is retiring from the board and Mr. Danielson would like to recommend Mr. Zipp as a new commissioner. With no further comments or questions, a vote was taken, and the appointment was approved 5-0

4. Request to amend the approved special event permit for Old Mandeville Business Association – Girod Street Stroll to be held on: Saturday, April 22, 2023 – 5:00 p.m. – 9:00 p.m. with a rain date of Saturday, May 13, 2023. Request is to now add an additional block. (See map attached). A motion was made by Mrs. Bush, seconded by Mrs. McGuire. Mr. Danielson stated at our last meeting we approved the Sip and Stroll. Since the approval the association has requested to add an additional block to the event. With no further comments or questions, a vote was taken, and the amended permit was approved 5-0.

5. Approval of Change Order #1 to Task Order #1, 2022 Asphalt Maintenance Contract, City Project No. 200.21.001 in the amount of \$4,566.59. A motion was made by Mrs. Bush, seconded by Mrs. McGuire. Mr. Danielson explained this is to finalize the last items needed on the project. With no further comments or questions, a vote was taken, and the change order was approved 5-0.

6. Approval of the substantial completion of Task Order #1, 2022 Asphalt Maintenance Contract, City Project No. 200.21.001 A motion was made by Mrs. McGuire and seconded by Mrs. Bush. Mr. Danielson explained there are a few punch list items remaining but will be completed shortly. With no further comments or questions, a vote was taken, and the substantial completion was approved 5-0.

7. Approval of the substantial completion of the Lift Stations 35 & 38 Rehabilitation, City Project No. 212.21.017 and 212.21.018. A motion was made by Mrs. Bush, seconded by Mrs. McGuire. Mr. Danielson explained there are just some minor items left on both lift stations. With no further comments or questions, a vote was taken, and the substantial completion was approved 5-0.

8. Adoption of Resolution No. 23-10; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE COOPERATIVE ENDEAVOR AGREEMENTS BETWEEN THE CITY OF MANDEVILLE AND STATE OF LOUISIANA, DIVISION OF ADMINISTRATION; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. McGuire and seconded by Mr. Zuckerman. Mr. Danielson stated this related to the ARPA funding for the purpose of sewer and water infrastructure in the amount of \$2.8 million. As a part of this grant, the funds will be transferred from the state to the city. With no further comments or questions, a vote was taken, and the resolution passed 5-0.

9. Adoption of Resolution No. 23-11; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE INFORMING THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OF ACTIONS TAKEN BY THE CITY COUNCIL OF THE CITY OF MANDEVILLE REGARDING THE WASTEWATER TREATMENT PLANT. A motion was made by Mrs. Bush and seconded by Mr. Zuckerman. Mr. Danielson stated this is the follow up to the Curtis Environmental report regarding our wastewater treatment permit. Mr. Curtis stated this is the annual audit report required by the DEQ. The lower number of points, the better. The overall score decreased from last year due to the reduction of the plant age because of the biosolids removal

project. Overall, the treatment plant operated within the effluent permitted discharge limits for the year 2021. With no further comments or questions, a vote was taken, and the resolution passed 5-0.

10. Adoption of Resolution No. 23-12; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING TRAVEL EXPENSES FOR HISTORIC PRESERVATION DISTRICT COMMISSION MEMBER JEFF BERNARD TO ATTEND THE KEEPING HISTORY ABOVE WATER CONFERENCE IN PORTSMOUTH, NEW HAMPSHIRE FROM MAY 7-9, 2023, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. McGuire and seconded by Mr. Zuckerman. Mr. Danielson stated this is to authorize travel for Mr. Bernard. Mr. Bernard explained this conference provides a lot of information about how communities in coastal communities can handle certain issues and best practices with regards to climate change and sea level rising. Mr. Runyon stated when we send people to a conference what do we get back? Do we keep historical data, is there a report? Ms. Bartholomew stated they do a report to the council when they come back. Mr. Bernard stated he always delivers back information back to the commission. Mr. O'Brien asked what the recommendations would be so why do we have to send people to another state when we have experts here. Mr. Danielson stated they get information from other areas of the country that can be shared. Mr. Zuckerman feels it is important for cities to see what we do and vice versa. Dr. Kreller feels continuing education is vital to all commissions because they can come back with valuable information from speakers. Ms. Bartholomew stated many things have been implemented that assist with the CRS program which in turn helps reduce taxes for residents, historic district issues. Mrs. McGuire agrees, continuing education is very important and beneficial to everyone. The commissioners are volunteers and provide valuable information for the city. With no further comments or questions, a vote was taken, and the resolution passed 5-0.

11. Introduction of Ordinance No. 23-11; AN ORDINANCE FOR THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AMEND ORDINANCE NUMBER 22-17, THE CAPITAL BUDGET OF THE CITY OF MANDEVILLE AND FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Dr. Kreller and seconded by Mrs. McGuire. Mr. Danielson stated this will be discussed and voted upon at the next meeting.

**PUBLIC COMMENT:**

Mr. Zuckerman stated the presentation by Mr. Runyon can be at the quarterly budget meeting.

**FINANCE REPORT**

Mrs. Sides reviewed the financials for the month of February. GFOA award is a presentation award that you have meet the requirements. This is also something you apply for, its not for budget management. Mr. Danielson gave the council, Mrs. Sides, and the mayor an example of what Rec District 1 uses on a monthly basis that is easy to read and understand. He would like something similar for the next quarterly meeting. Mrs. Sides will put something together for the council to review. April 12<sup>th</sup> and July 17<sup>th</sup> are the dates of the next quarterly budget meetings.

**HISTORIC DISTRICT APPEAL HEARING:**

Mr. Danielson explained Ms. Bartholomew will give an update on the cases. Then the applicant will have about 10 minutes to state their case, then the city will then respond and Council will have the opportunity to ask questions.

HC 23-03014 – 406 Carroll Street

As appeal hearing regarding the denial by the Historic Preservation District Commission regarding a request for exterior siding change on a contributing structure located at 406 Carroll St, Mandeville, LA.

Ms. Bartholomew explained the properties were on the historic district survey and they were given the rating of contributing. The definition of contributing is "A structure or landmark that is not Significant in itself, but due to its position in the streetscape or neighborhood contributes to the overall character or ambiance of that area." The applicant is requesting to replace the existing wood siding with Hardi plank. The commission denied the request stating that the OG siding has a defining characteristic and this contributes to the historic look of the building. Design Review also stated the siding would be lost on the structure and recommended the siding be restored or replaced with wood siding. It was unanimous vote.

Mr. Clesi stated the original wood does not exist anymore. What they want to have him replace it with has a life span of 10 yrs. old. He listed the advantages of using Hardi plank. His home is not very visible from the street and the HDC was created after he purchased the home. There are several homes that have used hardi board with no repercussions. Ms. Bartholomew stated both the HDC, and Design review felt the siding currently on the house is character defining feature and could not be duplicated with hardi siding.

Mr. Zuckerman stated we are asked to override the HDC and if so, set the precedent that we don't have the confidence of the HDC's decision. We also would be establishing a ruling that its ok to replace historic siding with non-historic materials. Mr. Bernard appreciated Mr. Clesi's right to appeal, everyone has that right. But the Council's decision is to decide if the HDC's decision was arbitrary, capricious, or consistent with their guidelines; not to rehear the case.

Mr. Clesi stated there is hardi plank all over. He purchased this before the Historic District was created. This looks exactly like wood and the maintenance is only to spray paint. Mrs. Sconzert explained arbitrary and capricious is typically defined as an agency or commission's decision lacking rational basis contrary to law. Mr. Danielson explained we are not discussing whether to use hardi or wood. Mrs. McGuire stated that's where she has a concern-because it is an allowed material. She wants to make sure the commission has the discretion to say hardi is an approved material but we feel it would affect the character defying feature. Mrs. Sconzert stated the board does have that discretion. Dr. Kreller is struggling with if hardi plank is allowed in the CLURO, should it be ok especially when it is at the cost of the homeowner. Mrs. Bush stated we must look at if the decision was reasonable. Mr. Zuckerman explained this is a hard decision and we are being asked to go against a unanimous vote of the HDC. When he was on the commission, he remembers a lot of decision were based upon cost, but this cannot be a driving factor in making a decision. Dr. Kreller stated it is a green product and the future of construction. He does not think we are losing the faith of the HDC decisions, there are other factors to consider. Mrs. Sconzert explained the council must decide if the HDC and whether they had reasonable grounds and adequate circumstances of the situation. Ms. Bartholomew stated the commission and design review went back and forth with the applicant. Hardi can have different reveals and the consensus was this type of siding has a special shape and curvature to it that makes it unique, and they don't want it to be

removed. Mr. Danielson asked if their ruling was consistent with other applicants in the past. Ms. Bartholomew stated "yes".

Nicholas Cressy explained he does not seem ... Mr. Clesi needs written reasons about the thought process regarding the decision. He is not sure he has received this. There seems to be no precedent. The CLURO allows hardi plank. Precent does not carry the same weight, if we rely strictly on precedent, we will never evolve. Situations change and he believes the city's side is esthetics vs the property owners right to preserve its property when a product can be produced to look like the old material. No matter what happens with this house, the siding will be "new". The old product is not available. Mr. Clesi is trying to protect his home, but as a cost. He is trying to keep an old structure with new products. If he is not allowed to repair his home, it will go into disrepair.

Mr. Danielson made a motion to call for a vote, seconded by Mrs. McGuire. With no further comments a vote was taken and the appeal was upheld 4-1. (Kreller against)

#### HC 22-12-62 – 2820 Monroe

An appeal hearing regarding the denial by the Historic Preservation District Commission regarding a request for exterior siding change on a contributing structure located at 2820 Monroe St, Mandeville, LA.

Ms. Bartholomew stated it is significant on the HD survey. The structure was built around 1869. The applicant is asking to replace the existing siding and replace with hardi siding. The applicant originally asked to replace the windows and rail but withdrew that appeal. The council is just looking at the siding. Design review stated the structure is significant and the focus is the siding. They feel the applicant did not meet the level of detail needed because of the lack of the submittal information. The commission voted to deny the request for the same reasons as the prior appeal. A significant or landmark having the highest degree of architectural or historical merit and may also have national, statewide, and/or local importance. This structure has a higher ranking than the prior case.

Ms. Kirk feels they were treated unfairly. At the first meeting they had 4 issues. They gave her demands and told them to redo the revisions to their liking and then they would approve it. They agreed to make some changes. A commissioner accused her of being in violation of adding a large window in the front of her home. She was not allowed to defend herself and he never apologized for the error. The railing was approved by the insurance company, but she was denied the change even though it looks like the one at Maison Lafitte. The ironwork was not allowed, even though there are many pieces allowed in the area. Her windows were not approved but other homes were allowed, like Rest a While and others. She is frustrated that many older homes are allowed to have things she is being told she cannot have. She conceded on many items, but the siding. The board told her it would be 5 times as expensive but she would get her money back with the investment. A realtor told her that would not be the case because of maintenance. Hardi will outlast wood board. Ms. Kirk stated the survey is incorrect. There are two houses that list the wrong owners. A councilmember was very vocal about setting a precent if she used hardi board. On the survey there are houses with the incorrect address so the survey she is going off of is wrong. There is hardi board all over

Rest A While and the old theater. Mrs. McGuire disagrees with the statement. Ms. Kirk believes she is being treated unfairly. Mr. Bernard stated the commission tries to be consistent and treats everyone fairly. He is aware the survey has some errors, but it does not have any bearing on the decision. He feels the commission has followed the guidelines.

Mr. Barry suggested the council watch the videos regarding what happened and their decorum. The documents provide guidance, and the process was consistent. This is all about authenticity, appropriateness and character.

Ms. McGuire feels she needs to recuse herself from the vote since there is personal things being brought up that is not true. If she has hardi plank it is new construction. She feels this is in the best interest of both parties.

Ms. Kirk explained she has tried to show there is no precedent and they are not going to recoup the value. Hardi plank exists in numerous old homes. The geometry is the same as the hardi plank. They feels they have been treated differently.

Mr. Danielson stated the biggest challenge is we are ruling on an appeal of were you treated any differently than how you should have been, was the commission consistent. In this type of structure if is says it has to be wood.

Ms. Kirk stated it says street view and this is for the sides of her home. She feels she has not been heard and has been treated differently The reveal would be the same.

Mrs. McGuire requests a written letter from the city documentation to prove her properties do not have hardi plank.

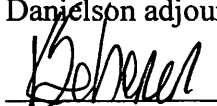
Ms. Bartholomew explained you can see the sides from the street.

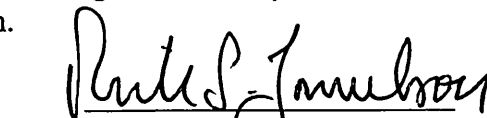
Dr. Kreller wanted clarification they are only using siding on the sides of the home.

Mr. Danielson made a motion to call for a vote, seconded by Mrs. McGuire. With no further comments a vote was taken and the appeal was upheld 5-0.

**ADJOURNMENT:**

Mrs. McGuire made a motion to adjourn the meeting, seconded by Mr. Zuckerman. Mr. Danielson adjourned the meeting at 10:00 p.m.

  
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Kristine Scherer  
Council Clerk

  
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Rick Danielson  
Council Chairman