

MINUTES  
FOR THE CITY COUNCIL MEETING OF AUGUST 15, 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, Rick Danielson, Skelly Kreller, Jill McGuire, Rebecca Bush

Also present: Keith LaGrange, PW Director, David Parnell, Asst. City Attorney, Mayor Madden, Cara Bartholomew, Planning Director

Jason Zuckerman:

All right everyone, please hold it down, let's get started. It is Tuesday August 15th 6:00pm, this is a special meeting of the Mandeville City Council to discuss the ordinance number 23-16. All members are present. If you would please join me for a moment of silence and the pledge, we can get started.

Audience:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Jason Zuckerman:

All right, as we have discussed in all the previous Sucette meetings for consistency's sake, I will be turning the chairmanship of this meeting over to Mr. Danielson. With that said, Mr. Danielson

Rick Danielson:

Good evening, everyone and thank you for being with us. Obviously, there is just one item on the agenda this evening. It's been a couple of weeks since we last met, this is a special meeting on Ordinance Number 23-16 and I don't think it has rained since our last meeting, so I want to thank Ms. Todd for that, because she got her vehicle washed today. Everyone that got their cars washed today gets full credit. So, thank y'all very very much. Thank you for being with us, after our meeting a few weeks ago, we have got some items that we've got to be discussed, finalized, possible amendments as well as possible additions, as we move forward so we are able to vote on a final ordinance. So, the thought tonight is to go through some of those open items, I know that Mr. Hoffman and his team at Woodward have got some updates and things they would like to present to us, so we will do that in just a moment. It will be very difficult to vote on a final ordinance this evening, so we have to clean up everything in ordinance number 23-16 with any amendments, any conditions, and any possible changes that we would discuss this evening. So, the plan is, to not vote on the final ordinance tonight, we could vote on certain items, amendments, conditions, and such. But then the thought, if any items that could be approved this evening, will then have to be incorporated into the final ordinance. We do have another meeting scheduled for next Wednesday, the 23rd. Hope, thought, plan, is this will be our final meeting for a final discussion and a final vote on Ordinance number 23-16 that would include all amendments and just anything else. Now, procedurally, it's the right thing to do, to make

sure everybody has a chance to digest the final ordinance with any changes that have been made, that it is advertised. The thought is, incorporate those items tonight, advertise them tomorrow, and then meet for the final time, next Wednesday the 23rd. So that's the plan for this evening. I think it would be important and prudent to turn this over to Mr. Hoffman with some of the information where we left off last time, and some of their thoughts of where we are right now. So, Mr. Hoffman, I will turn it over to you.

Bill Hoffman:

Good evening. At the last Council meeting on July 24th, a few issues were raised that we would like to address and respond to. At the last meeting, Councilman Zuckerman raised some issues of sound coming from the hotel, but more specifically, coming from the ballroom and how it would impact the (inaudible, 04:10). As stated at the meeting we have previously engaged with an acoustical engineer to address the sound impact from the causeway bridge on the Sucette Harbor site. Based upon their data collected during their work, they asked the acoustic engineers to prepare a report on the sound impact of the ballroom from Mariners (inaudible 4:30) each of you received a copy of that report today. The conclusion in that report is that the Mariner's Isle residents that are closest, approximately 200 ft from the ballroom, will receive noise levels when standing outside of less than 40 decibels, which is less than the average traffic levels of noises currently heard of from Mariners Island's apartments which in the evening would be 40-50 decibels. During that daytime the average level of traffic levels would be 50-60 decibels to peaks up to 75. If amplified music is played on the lawn in front of the ballroom, the sound level heard at Mariners Island, would be 55-60 decibel level when standing outside the Mariners Island. Activities held in the ballroom, will not see any additional noise issues for the residents of Mariners Island. Often times, opinions have been stated in these special meetings that those opinions have no verifiable support. Many of your comments about noise in the last meeting fall into that category. At the last meeting comments were also made about the density of the active adult apartments on the site. Councilmember Bush expressed concerns about scale of the active adult building. Having heard all of the comments about scale, we have gone back and redesigned the footprint of the active adult building. In this revised site plan, we have done the following: we have eliminated the northwest building, the one closest to the Tops'l apartments. We moved the main building closer to the lake and squared off its footprint, this will allow us to preserve the five forested live oak trees where they currently are. We previously only had a fourth floor on the west side of the building, we now have built a fourth floor on all four sides of the building. By doing this we can design 170 apartments into this one building. We believe that with the 170 apartments we are able to develop the marina in the project. While not all are shown on this site plan, we have 563 parking spaces on the site. Approximately, 80 of these parking spaces would be located in the forested area. Our approach will be to maintain as many of the existing tree stand as possible. The tree stands that will remain on site, will provide a visual protection for the active adult residence to the neighboring Tops'l and St. Croix. By the same to, most of the residents of Tops'l and St. Croix will not be able to see the four-story building because of the tree stand, it will impact their line of sight. For perspective, the building will be approximately 340 feet from the St. Croix neighborhood and 475 feet from the Tops'l. Both distances longer than a football field. With these latest revisions to the site plan, the only departures from the CLURO will be for the height of the active adult building and for the

gross square footage of the hotel. We no longer have a departure for parking and will not need a variance for removing the live oak trees, nor the related mitigation plan. We request that during the meeting the ordinance, the number of apartments be amended to allow for 178 apartments, and one four story building as opposed to the current 90 apartments. At the 170 apartments, we can still develop the marina with some slight modifications. However, the marina will not be developed as long as the proposed ordinance has a penalty provision that revokes the current conditional use permit for the entire project if you cannot get a sunken boat (inaudible 8:48) No lender will lend a project with that provision. We ask that that ordinance be amended to remove that penalty and treat an incident like this as the city would with any other (inaudible 9:02) event. In conclusion we would like to make the following points: we met with the city before we started this very (inaudible 9:11) we presented plans to the Planning & Zoning committee which held 6 public meetings. Revisions were made to our plans based upon feedback through that process. At the end, the Planning & Zoning committee voted 4-3 to recommend approval of the development, which included 201 apartments, to the City Council. We strongly believe that the Planning & Zoning committee did its job as laid out by the city's regulations. We have had 6 previous meetings with this City Council, we have listened to your comments and concerns, and we have continued to modify our plans. We believe our current revised plan continues to conform with the CLURO. Our project will provide housing to an ageing population that wants to be in Mandeville and enjoy the many amenities of the area. We will bring a boutique hotel on the lake to the city, which will increase tourism and tourism related dollars into the local economy. We will reactivate the marina which will be an asset to the area. We will create 80 equivalent full-time positions for the area, we will generate over \$1.2 million annually in property tax for the region, and a one-time impact of \$6.9 million in sales taxes. In addition to these direct taxes, visitors will generate additional sales taxes which frequent other establishments in Mandeville. As stated in a recent letter from Donald Daniels, President and CEO of Visit NorthShore, sent to the mayor and the city council. "Were it not for the tax dollars collected from visitors to St. Tammany, each household would be paying \$1,228 more in annual taxes to maintain the same quality of life we currently enjoy." These revenues are important to all the citizens of Mandeville and St. Tammany. We believe that this project is currently presented to be a tremendous asset to the City of Mandeville and the surrounding area, and we ask that you vote in favor of the revised plans. Thank you.

Rick Danielson:

Thank you, Mr. Hoffman. I guess we have a couple of recommendations from the developer to consider these changes. To have that discussion we need a motion as to that, and to move forward we need a motion and a second.

Rebecca Bush:

Is this a motion for a specific issue or is that.

Rick Danielson:

Umm. That would be for a specific issue which we can move forward. There are a couple of different issues that they are proposing in there so I would recommend we take them one by one.

Skelly Kreller:

Chair, I would like to make a motion. I would like to amend the number of units from the 90 to the 170, ummm, so that we can incorporate the marina into the project.

Audience:

No.

Jason Zuckerman:

Mr. Chairman,

Rick Danielson:

Hold on with your comments and bear with us.

Rick Danielson:

Dr. Kreller

Skelly Kreller:

That's the motion, it is just changing the unit number from 90 to 170.

Rick Danielson:

Based off of this site plan?

Skelly Kreller:

Yes, based off of this site plan. The updated site plan that you see.

Jason Zuckerman:

Mr. Chairman, I would like to call a point of order. I don't think you can make a motion to amend a previous amendment that was voted on at a previous meeting that had been adjourned. Robert's Rules are very clear on that. Once an amendment is voted on, you cannot make another amendment to an amendment to nullify a previous amendment. So, I am calling a point of order please.

Rick Danielson:

Ok, so our parliamentarian, I don't know if that is something we can look into.

Ernest Burguieres:

I can't hear you.

Rick Danielson:

We have a motion pending, so we are not going to deal with anything else until the parliamentarian has a chance to look that up.

Ernest Burguieres:

I think we can get a glass of wine now Hugh.

Rick Danielson:

Feel free to talk amongst yourselves. We are going to get to questions based upon this, but we've got to finish the motion. So, until we have a second that will allow for the discussion, then we'll get there. We need to see if we can have the discussion.

Ernest Burguières:

How about a motion to suspend the hearing until she makes a decision?

Rick Danielson:

I am fine with that if somebody wants to make that motion for probably about 5 or so minutes. 10 minutes if needed.

Rebecca Bush:

I'll second that

Rick Danielson:

So, we have a motion to suspend the meeting until the parliamentarian is able to research that. We will recess for approximately 10 minutes. So, it is 6:20 now so let's get back at 6:30.

Rick Danielson:

Thank y'all very much. We'll go ahead and reconvene our meeting. Government is always very interesting from a procedural standpoint, and that's why you have that process. Hopefully, we've worked through this process, and we'll try to move things forward. Mr. Parnell, Assistant City Attorney, was diligently going through this. I want to turn it over to him because he will explain the procedural part of this process much easier and better than I will, and then we'll go from there. Mr. Parnell.

Mr. Parnell:

Again, y'all already made amendments to the motion and you can't keep on making amendment after amendment on certain items. At that point you're being a [inaudible]. The procedure is a motion to reconsider by one of the three people who voted to move the issue that Dr. Kreller brought up. One of the positive votes in favor of that amendment would have to vote to reconsider based on the new information presented tonight on this site plan. If that it is a second, then there's a debate on whether we should reconsider this and at that point there could be a motion made to reconsider it, a motion made to leave it alone or however [inaudible] Dr. Kreller's motion because he would say a negative vote on the prior amendment. He cannot make an amendment to the action.

Rick Danielson:

and nor can I.

Mr. Parnell:

Correct.

Rebecca Bush:  
Isn't Dr. Kreller's current motion entering withdrawal?

David Parnell:  
Yes. Procedurally Dr. Kreller needs to withdraw.

Rick Danielson:  
All right, so first step is Dr. Kreller, if you could withdraw your motion.

Skelly Kreller:  
I would like to withdraw the previous motion on me.

Rick Danielson:  
Okay. I don't think I needs a second because we never had a second to do it, so it's just withdrawn. Okay. So now do we have from either Mr. Zuckerman, Ms. McGuire, Ms. Bush, a motion to reconsider?

Rebecca Bush:  
I'll move to reconsider, and I'll give this additional information that I feel we need to make this decision and discuss. This is not about trying to kill the project on a technicality. I feel like we need to let the developer and the public weigh in on the current issue. It doesn't mean that we are... We can still vote on the substance of the proposed ordinance as they would take another vote, take another motion, correct?

Rick Danielson:  
Right. We're only discussing the motion to reconsider. So, we have a motion by Ms. Bush. Do we have a second motion to reconsider?

Skelly Kreller:  
I'll second.

Rick Danielson:  
Okay. Dr Kreller can second that. Okay, so we have... bear with me. As Mr. Parnell was saying, on the motion to reconsider, neither Dr. Kreller nor myself could make the actual motion to reconsider, but anybody up here can second the motion. Okay. So that is what has happened. Ms. Bush made the motion to reconsider. Dr. Kreller seconded the motion. So, we have a motion and a second only to reconsider. We're not even talking about the numbers; we're not even talking about the site plan strictly just to reconsider. As any other motion, we will discuss it, council, and then we'll have an opportunity to go for public comment and questions, but it will only be on the motion to reconsider, not on the numbers, not on the project, not on anything but a motion to reconsider. And once we get the public comment, of course, as always, we'll limit it to no more than three minutes, and we'll try to keep that part of the process moving. And then just a request for council members when we can speak, if we can get a little bit closer to the microphones because our camera might not be picking it up and I think a few people in the back are having a little bit of trouble as

well. So, we have a motion and a second to reconsider the amendment. Discussion from council members on the motion to reconsider,

Rebecca Bush:

Let me reiterate the reason I made the motion and that was to make sure that we have a full hearing and consideration of all the issues that the developer... And I met with the developer twice in the past few weeks, and I do feel like it's my obligation to continue to take in new information from everyone. I have not made a decision and all of the information is helpful to me. With that said, I think I'd like it to be a discussion on this specific issue only. I'm a bit disappointed that this issue has come up at this juncture. I felt like there were some other things that we could have addressed-

Jill McGuire:

But we couldn't.

Rebecca Bush:

-before, but there it is.

Rick Danielson:

Okay, well this is where we are at the moment. Are there any other questions, comments from council members on the motion to reconsider?

Jason Zuckerman:

I'm very disappointed that we're having this discussion again. We've been to six, seven public meetings. We've asked the public to come out many, many times and voice their opinions and it seems like we keep debating the same issue over and over again. I think we had a very thorough discussion on the density and what was appropriate for that half of the site, the residential area of the site. And I think that this is continuing to put the public and the council through unnecessary meetings and I'm just very disappointed that that's where we're at. We're back where we started two meetings ago discussing how many units will be on the site.

Rick Danielson:

We're not actually discussing that. We're not discussing the number of units at all. We're only discussing the motion to reconsider if we want to get to that point which has not been approved.

Jason Zuckerman:

Well, that's what my comments were, all right?

Rick Danielson:

But I want to make it clear of what we are discussing for everybody involved. Any other questions?

Jill McGuire:

I agree with Jason and would also like to state that, although, in my opinion it's not really new information. It might be a different plan. It's still 178 units. It's not new information. They still want to ultimately do what we amended and cut in half. So, I am not open to reconsidering my stand at.

Rick Danielson:

Okay. Any other questions, comments from council members?

Rebecca Bush:

Can I make a response to that? And I respect Councilman McGuire's comments there and one of the reasons why I wanted to listen to their information is two of my big issues are scale and what I see before me did a lot towards scale. I don't know how I'll vote, and we still have to address the number of units, but I think it's worth discussing.

Jason Zuckerman:

I haven't seen any new information that addresses scale. I just see there's a new site plan, but I don't know how tall these buildings are, what they look like, what they're like in relation to the other buildings.

Rick Danielson:

Well, if we approve the motion to reconsider then there's another motion to discuss the revised site plan. I think we can get into all of those different items. But again, I just want to go back on the motion to reconsider. We voted. The site plan we were expecting was going to be a site plan to reflect the amendment that we voted on, which was 90 units, a site plan that we could make a final pass on before it got attached to the ordinances and exhibit to vote on the exhibit. So, coming back and proposing a site plan that has more units than we already voted on, I just think it's disingenuous. And then bringing the whole discussion up again. At this point this is just dragging it out.

Jill McGuire:

We're dragging it out and it's like a shell game every time we come, we never know what's happening. We say one thing we're going to talk about these topics and then we come and it's a whole different topic. We keep delaying the meetings. I'm embarrassed. I'm totally embarrassed. [inaudible] in command of it all.

Rick Danielson:

Ms. McGuire, would you like to run the meeting? How would you do it differently?

Constituents:

Do it.

Rick Danielson:

I'll let you. Feel free. You can run it. If there's a better way to run these meetings, feel free.

Constituents:

Do it.



Rick Danielson:  
Go right ahead.

Jill McGuire:  
Hold on a minute. Are we done with this discussion?

Rick Danielson:  
No.

Jill McGuire:  
We voted. So, we have to do that first.

Jason Zuckerman:  
I've said what I need to say. I think you said what you needed to say. Ms. Bush said what she had to say. No other council members have any other comments on the motion to reconsider. I would suggest going to public comment.

Rick Danielson:  
I'm fine with that.

Rick Danielson:  
Dr. Kreller do you have anything before we go to the floor for that?

Skelly Kreller:  
I think that, and I'm not speaking about units, now I'm concentrating on the new site plan. We have a new site plan.

Constituents:  
That's out of order.

Rick Danielson:  
I agree that it is out of order and we're going to try to stick to the motion to reconsider and if that's approved then we can certainly get to that. Okay. Anything on the motion to reconsider, Dr. Kreller?

Skelly Kreller:  
No.

Rick Danielson:  
Okay. We go to...

Rebecca Bush:  
Just to clarify, so this is just reconsidering the number of units only. A vote for this motion is not voting for the change of the amendment, correct?

Rick Danielson:

No. All this motion really is to do is, if it's approved, then Dr. Kreller, if I understand it correctly, could go back to the motion that he was trying to make at the beginning to discuss the revised site plan. So, we're not even to numbers, we're not even talking about numbers, we're not talking about trees, we're not talking about parking. We're not talking about any of it. Strictly a motion to reconsider what is currently in the ordinance.

Jason Zuckerman:

Could I ask the council clerk just so that we are on the same page, could I ask you to read back the previous amendment that we passed? If we're going to reconsider, I want to make sure we're not putting some different spin on what we passed previously. I just think it's helpful for everyone not to... Are the minutes available?

Rick Danielson:

But I think that's out of order as well because that's getting to that amendment and we're not at the amendment yet.

Jason Zuckerman:

But if we're...

Skelly Kreller:

I agree that is out of order.

Jason Zuckerman:

I don't agree because if we're discussing a motion to reconsider an amendment based on whether the amendment is... There's new information, we're voting on a new site, we're talking about a new site plan, we're not talking about the number of units. I think we should absolutely know what the exact wording was of the amendment that we passed before we make a motion and a ruling on, hey it's not to discuss this, it's not to discuss that we didn't really vote on that. I'm just asking the council clerk to read us...

Kristine Scherer:

So, if David wants to chime in, my thought is...

Rick Danielson:

Well, she doesn't have a microphone, so we'll repeat it when she makes her comment.

Kristine Scherer:

So, I'll have David, correct me if I'm wrong, but this motion is just to entertain nullifying the prior motion. So, reading an amendment, we've had several amendments and conditions, we're not at that part yet. So, we are going into an area that we haven't even opened up yet. So, if you all decide after discussion to vote not to reopen the amendment, then reading amendments doesn't.

Jason Zuckerman:

All I ask is that a part of this discussion of whether or not to reopen the amendment is if we can read the amendment that we're discussing reopening, can we do that? If we need to take a break to find it in the minutes, we can do that. But I think it's very important before we make a motion to reconsider an amendment and we're all on the same page as to what that amendment was. I don't think that's out of order.

David Parnell:

And just to clarify, Ms. Bush's motion here is to reconsider the prior amendment that she voted for. That was of the application that lowered the number of units. It's not a bad idea to find the minutes.

Jason Zuckerman:

I think it's a good idea.

Rick Danielson:

That's fine.

David Parnell:

But again, her motion is to reconsider that based on new information as is all the grounds that you could follow on motions reconsider. You can't just add [inaudible] based on the new information that's been received. That's the motion that's been made, seconded, and has been discussed now. So again, I think it's a good idea to find that original amendment to the application because you're contemplating going back to the [inaudible] versus what the amendment, either the first item or some other movement that they passed. Ms. Scherer, do you need a couple minutes to look for that?

Kristine Scherer:

Mm-mm, it's right here.

Rick Danielson:

No, she has it, so we don't have to take a break. We're going to get the public comment. I see the hands.

Kristine Scherer:

So, you're looking for the amendment that was reduced to 90 units?

Rick Danielson:

Yes.

Kristine Scherer:

Mr. Zuckerman, this was on July 12th. Mr. Zuckerman made a motion to propose.

Constituents:

Can you speak up please?

Kristine Scherer:

Mr. Zuckerman made a motion to propose the number of units to be reduced to 90 seconded by Mrs. Bush. Mrs. Bush started a conversation about what would be the new square footage. Mr. Zuckerman stated that would bring it to 12 units per acre. He explained that this is the same calculation used just on the property it is being placed on not the whole parcel. Mr. Danielson asked Ms. Bartholomew to explain what they're allowed to use when calculating density. Ms. Bartholomew, explained under the R3 multifamily regulations it's calculated by parcel size. This is the language that is stated in the CLURO. Mr. Hoffman.

Jason Zuckerman:

Yeah. So, the motion was, again, read that first sentence. The motion was to reduce the number of allowed units to 90. So, what the motion to reconsider now is based off of this site plan being considered new information to reopen the discussion from the number of units to 90 to open it back up to what was proposed originally.

Rebecca Bush:

So, I'm not making a substantive motion yet. It's just to move to discuss.

Rick Danielson:

It's a motion to reconsider.

Jason Zuckerman:

A motion to discuss based off of this being the new information.

David Parnell:

If the motion reconsider passes, we are then re-discussing the issue about the 90.

Jason Zuckerman:

And the only reason this motion could be made is because of this new piece of information.

David Parnell:

Correct. There's new information.

Jason Zuckerman:

Correct. This piece right here, we can open it. We can re-discuss how many units there are. I think I understand. I don't agree but I understand.

Rick Danielson:

Okay. All right. Anything else from council members on the motion to reconsider before the floor? Mr. Burguieres? Mr. Vogeltanz?

Constituents:

When was the vote?

Rick Danielson:

Well, we haven't voted. We're strictly just discussing the motion to reconsider.

Ernest Burguières:

You all are moving backwards. You've been here for almost a year doing this stuff and we're moving backwards. We're not making progress on this. There's nothing new that's being proposed. What's being offered is to go back to what it was six weeks ago. That's not new. Back up to 180. That's the same old thing that they want another bite at the apple. That's all they want. It's not fair to these people out here who've been coming here for six months, eight months, nine months, terrified and angry trying to get this thing put to bed and it gets resurrected again. This is Groundhog Day over, over, and over again. You wear these people down. That's what you want to do. You wear them down. It's just not fair. This thing is just, it's perceived as being not fair. Something like an amendment like this ought to be on exigent circumstances or very rare done and the reason nobody knows the answer to it because it's hardly ever done. Why is it hardly ever done? Because it's not appropriate. It's not appropriate to do that. You're giving them a second bite of the apple and we've all slugged through here and we're making progress little by little where we end up at the end of the day? We don't know yet, but we're moving backwards on this, and you shouldn't do that.

Kevin Vogeltanz:

In a prior life I did a lot of work with Robert's Rules. I do not believe that this is a proper motion because under the Robert's Rules you can only make a motion to reconsider an amendment at the same meeting that it was passed or at the next meeting. And we are at least two meetings beyond when the 90-amendment passed. I encourage you guys to recess. Take 10 minutes. Look at that. You do not want to screw that up. That tanks everything that you do. If that procedural issue is not correct, no matter if you go forward or against it, you have killed a year's worth of work. Please open up the book, take a look. Motions to reconsider can be made at the same night of the meeting or at the next meeting. The motion should be withdrawn.

Rick Danielson:

Thank you, Mr. Vogeltanz. Come on up, but I want to see if Mr. Parnell has a response to that.

Mr. Parnell:

Right. It's actually when that business is adjourned. And so, these meetings have been adjourned. There's been no decisions on anything. The amendments had not been voted on, finally. So, the issue is still before the city council hasn't been a finding. So, he's correct. He can't carry business to business to business. But this is still the same piece of business. [inaudible]

Rick Danielson:

Okay.

Sarah Wood:

I would argue that this is not material. They haven't made a material change to go from 211, 200, to 178 when they had clear knowledge that the motion said 90 units is not... The standard of review should be there's no material change here. This isn't new information.

And I would also question their good faith in presenting a plan that is not reflective of the 90 units. I think you all should really vote against that.

Larry Grundman:

This is not new information. The decision and the basis of the 90 was R3 and the division. Councilman Zuckerman made a very clear delineation of his rationale for going through it and it had nothing to do with the layout or anything else like that. It was based on density, and it used as a reference R3. That has not changed. When you divide 170 by the acres that it used, you get 90. That math is pretty stringent, and it stays the same. You divide two numbers, one button to the other. You're going to get the same answer. And this is not new information. This is just a rehash and an excuse to look at something that was already decided and was rationally decided. Just to have spurious plans does not change back.

Rick Danielson:

Mr. Ralph and then Ms. Todd.

Theodore Ralph:

I'd like to say that it's not the business of government to bail out developers for poor business decisions. The Copelands, the Pittman's bought their properties a long, long time ago, way before the growth around here mushroomed and accelerated to the point where density is an extremely sensitive topic. I would ask you to bring this rodeo to an end. This has been going on for a year. Whether you debate this any further or not, I would like to see y'all end this. Thank you.

Rick Danielson:

Thank you, sir. Ms. Todd was first. So, Ms. Todd first.

Vicki Todd:

My question is, we have been going through this and we've been in every meeting, if you vote on something and then we're going to change it at another meeting and then another meeting after that. We're not going to be anywhere except sitting here, wasting time. And we all have vested interest in this and there's really no one in this room that wants this. And we keep going through this over and over and over. So, if you make a decision and you go back next meeting and say we're going to amend that, it's a waste of time. Please, we need an end to this, and we don't want it. Thank you.

Rick Danielson:

After Ms. Barrette, one second.

Claudia Barrette:

Claudia Hope Barrette, 171 Live Oak Street. I'm with everyone else and like he said, everyone doesn't want this but a few people on this side. But what my concern is right now is that I'm not sure if you are aware, we've been in the news, Mandeville has been in the news a lot. We had murder suicide yesterday. Our crime rate has increased. Right now, I don't know if you all are aware, but you all are in the news on a weekly basis and with a laughingstock of Mandeville. And it's embarrassing. I mean we're talking about something

continuously. Continuously. This is something kindergarteners can understand. We keep going backwards, backwards, backwards. No one here that lives in Mandeville that pays taxes wants this. Why can't all of you guys sitting up there understand that? And like my husband said at the last meeting, everyone here knows clearly how they're going to vote. You're not going to convince me any other way. You're just playing the game. So why not just save us all from the shit show and vote yes or no. It's simple. Yes, no, yes, no. That's all I have to say.

Barbara Muller:

This is a CLURO, guys. This is from...

Rick Danielson:

If you could give us a name and address.

Barbara Muller:

Barbara Muller, 530 Park Avenue. This is a CLURO from 1993. People in this city, in this town.

Rick Danielson:

Speaking into the microphone.

Barbara Muller:

I came here in 1966. It was a town. There was hardly anybody here. There was only one bridge. And people have been serving in these positions and trying to protect our town, our city from developers coming in with humongous projects with outrageous density with higher than the CLURO permits buildings. It's terrible. And I agree and I support everything the people ahead of me said. It's ridiculous for this to be going on like this.

Ellen O'Connell:

Ellen O'Connell, 330 Lakeshore Drive. I think we're going backwards because the problem of the marina.

Rick Danielson:

If you could speak into the microphone.

Ellen O'Connell:

I think someone, whoever it is, is trying to go backwards in order to fix that marina. Because topsoil has faced erosion since 2006 or 7 or 8 and it's still going on. So, I have a new idea that could stop this going backwards. And that is I want to ask the developer, if he were to forget developing the marina, only fix the bulkhead to prevent erosion of topsoil, could he then have enough money left from not fixing it because it's very expensive to put in docks, floating docks. Maybe he could then afford the 90 units.

Rick Danielson:

I've got to bring you back through to the motion. It's good point. I appreciate it, but you've got to come back to the motion to reconsider. Okay. Thank you. Any? Yes ma'am?

Emery Clark:

Just echoing what everyone said. Emery Clark 302 Mariner's Isle. I'm just curious who the lawyers, the planning, and the council are representing. Some people are obvious, the opinions here are so crystal clear, our city is worth saving. And I think... I can't even believe that I made a choice so long ago and you want to take it from all of us. I just want to know who the city employees are representing. Thank you.

Rick Danielson:

Any other questions, comments on the motion to reconsider.

Jason Zuckerman:

Before we vote on that, I really would... Something the city attorneys settled a little while ago about in Robert's Rules, what Mr. Vogeltanz brought up about not being able to vote on to nullify something several meetings ago. Can somebody read that out of Robert's Rules? Because I have everything that I've read out of Robert's Rules says once you vote on an amendment, you can't go back several meetings and vote to nullify or modify that amendment. So, I just heard an interpretation from you to say, well, the business of the account, this overall issue hasn't been concluded. So that we can have, again, that interpretation would open it to endless debate on an issue. I'd like somebody to just read that out of Robert's Rules, whether that's a parliamentarian or the city attorney.

Jill McGuire:

And we did vote on the amendment.

Jason Zuckerman:

We voted on 90 units. Not on the site plan.

Mr. Parnell:

But the motion to reconsider was brought based on new information which is the only grounds it can be brought up.

Jason Zuckerman:

But I don't think it can be brought... I'm questioning your interpretation of whether it can be brought several meetings later after it's been voted on. I'd just like somebody read that.

Mr. Parnell:

[inaudible] something previously amended. There's different options.

Constituents:

Can somebody read the rules please?

Jason Zuckerman:

I'm just asking for somebody to read the rule.

Rick Danielson:



I would recommend that we take about a five-minute break where Ms. Scherer, our parliamentarian, find that in the right spot. And if she needs to reach out to her contacts in the parliamentarian world, we have a chance to do that. It's 7:02. We will reconvene at 7:15...

David Parnell:

If y'all do modify the site plan that's currently [inaudible] modifications [inaudible], there may be some part discussions that will no longer be irrelevant to that issue. So, we need to clarify on this site plan, choose to modify what is the site plan.

Rick Danielson:

Okay. All right. This clears it up. We'll get to [inaudible]. So let me start with a super easy one. In the current ordinance there's a paragraph, whereas paragraph on the bottom of page two that list out all the dates of when planning and zoning met to discuss this, I would like to make a motion that we amend the ordinance that includes the same, whereas paragraph at the bottom of page two after the planning and zoning dates, that procedurally lists the dates that the city council has met over the last several months to discuss this with those specific dates, both the two regular meetings that it was on the agenda plus the special meetings, and I know Ms. Scherer, it's just a housekeeping thing. It doesn't carry any weight whatsoever, but it would be correct to include that since the planning and zoning dates are in there. So that's my motion. Have a second?

Skelly Kreller:

I'll second that.

Rick Danielson:

Second. By Dr. K Kreller. Any questions or comments on that paragraph that's adding our meeting dates? We're good. Any questions or comments from the floor on that amendment? Okay. All in favor of the amendment adding the, whereas to include all of our meeting dates, please say aye.

Floor:

Aye.

Rick Danielson:

Any opposed? Okay, that's approved. As Mr. Parnell was saying in regard to the site plan, we have an ordinance that states 90 units and then the other details that are in there. But we need the site plan that accompanies that. So, I'd like to make a motion to request a site plan using the revised site plan that was presented this evening with the trees that were left plus the closed end, quote four corridors you're at 90 units has to be included with this ordinance. Once I guess developed, finalized by the developer.

Cara Bartholomew:

What is that?

David Parnell:

Well, this would be exchanging.

Rick Danielson:

It would be removing the current exhibit two and including the revised site plan with 90 units. But we have to have the site plan based off of 90 units. And my recommendation is taking what Mr. Hoffman presented this evening from a layout, but that layout is just 90 units.

Skelly Kreller:

And using that layout.

Rick Danielson:

I would recommend using that.

It is a site plan. That's what they showed on the screen was a site plan.

We'll get there. So, bear with me. I've got to have a second before we discuss that. Have a second to that motion?

Jason Zuckerman:

I think that might, I'm just throwing this out here, but that might be a little bit premature because we haven't finished discussion on the rest of the site yet. So, I mean I think there's a lot of discussions still to be had on the south, seven and a half acres of the site, the south half of the site on the water side. So, we haven't been through those, and we haven't finished amendments on those.

Skelly Kreller:

I'm with you.

Jason Zuckerman:

I'm just thinking.

Rick Danielson:

I'll withdraw my motion for a moment and let's save it for the end of this meeting.

Jason Zuckerman:

Yeah.

Rick Danielson:

Okay.

Cara Bartholomew:

Good.

Rick Danielson:

All right. Any other motions, amendments and or conditions?

Jason Zuckerman:

I possibly have one and there's something I'd like to maybe bring up and discuss a little bit because not the last meeting or maybe it was the last meeting, I can't remember which meeting it was now, but I keep coming back to this question on the commercial uses of why are we applying B2 site development regulations as a baseline from which we are considering departures from. I keep coming back to that as a question and I know that the answer at the last meeting or previous meeting was that because the uses that they've proposed fall into B2. So, we apply that B2 zoning development regulations as a baseline and going to the ordinance the last or the second to last via further ordainment, the city council by the city council that all variances in departures from the quorum are branded for the subject project. So, then we got a clarification from the developer who indicated that the specific departures were listed, there were four of them that he is requesting, including allowing gross square feet of covered space hotel to exceed a hundred thousand square feet by approximately 8,800 square feet. So that's just a little bit of background, but after that last meeting, I'm still struggling with, why are we applying B2 site development regulations to the site? The answer being because the use that they proposed. And so, I think to myself, well if they would've proposed any other B2, use some of those, there's a lot them, a lot of potential B2 uses including-

Cara Bartholomew:

Car washes.

Jason Zuckerman:

Car washes, auto dealerships, mini storages, shopping centers, any of those could be theoretically proposed on that site. So, something, it just didn't make sense to me, that if that's what we're applying to B2 site development, why we're applying B2 site development regulations, that any of those users could be proposed and as long as they fell in within those square footage and those sorts of things then quote unquote check a box. So, something is just telling me to go back, and reread Plan District and I could just use some help understanding why we are applying B2 site development rights in 7 5 15 2 under Plan district. It says the uses permitted in this zoning district Plan district, including signage, shall be in accordance with those uses listed under this district in the table of permitted uses by zoning district found at the end of this article. And when we go to the list, the table of permitted uses in plan district, it talks about commercial uses. It says commercial uses are permitted use in there, but it says also that B2 Highway business District provided however that commercial uses designated on a site plan providing for a mix of commercial uses and residential uses shall comply with the requirements of the B1 neighborhood business district. So, I'm just, I keep thinking about all these issues with height, scale, appropriate uses adjacent to residential, access for 18 wheelers off of getting into the site. Why is it that we are not requiring, or we are not even considering in the ordinance this provision that requires in plan district where a site plan provides for a mix of commercial uses and residential uses that the commercial uses comply with B1. Because to me that ought to be in the ordinance as the specific departures from the quorum if we're granting those.

Floor:

You're looking.

Rick Danielson:

I don't have the clarification. I'll ask the city attorney to bring it.

Cara Bartholomew:

We've discussed this at several meetings on the clarification is that multifamily does not fall under strictly straight up residential zoning. It's considered to be more of a commercial use than single family residential or two pluses are after you get above R1, R2, those are considered strictly residential and R3 and above is considered a commercial use.

Jill McGuire:

By planning directors or? There's a reason why I'm asking that. I'm not trying to be- Who says that?

Cara Bartholomew:

By the quorum.

Jill McGuire:

The quorum says that.

Cara Bartholomew:

Yes, well, anytime you have a multifamily development, it has to follow the commercial development requirements. So, it requires green belts and bunkers and all of that. Whereas single family residential does not require all of those additional requirements that commercial does.

Rick Danielson:

Could you point us to that? I hate to ask that, but this is a big deal. Because I'm about to make a motion that we require based off of this, that we require the site development on the commercial uses to comply with B1 site development regulations.

Cara Bartholomew:

If that's going to be your motion, then make the motion. I mean that's determination that I've made. That's the determination that has been consistent. I think that we put that out in a memo before.

Rick Danielson:

All right, well that's my motion. I'd like to make a motion that the commercial properties, commercial portions of the project comply with B1 neighborhood business district site development regulations as opposed to B2 highway business district site development regulations.

Skelly Kreller:

Right.

Jill McGuire:  
I second.

Floor:  
Second.

Jill McGuire:  
Second.

Rick Danielson:  
Okay. For Ms. McGuire. I have discussion from council members.

Jill McGuire:  
I think it's worth discussing how will that change when this lifts off.

Cara Bartholomew:  
This is the plan district. You can put whatever conditions that you want on it. So, I think with important here is that you all look at what's in front of you or you modify that site plan because even if you say that they had to follow the B1, they're still allowed to apart from that. So, I think that you just need to look at what it is that you want to see on that site plan rather than trying to match it with the zoning district. I think that's the most appropriate.

Rick Danielson:  
Well, the problems, all of the problems that we've been discussing over all these meetings have been on size, scale, parking, all of that stuff, proximity to residential uses. And those uses are not allowed as part of B1 site development regulations, which I believe is why is the whole, they contemplated this in the plan district section in the quorum, that there are no other commercial uses. I get your interpretation is apartments is not residential. R3 apartments is commercial. I'm not sure that I get that, but there are no other commercial in the area and I just feel like we're shoehorning in and we're creating all these problems with 18 wheeler access, with the size and the scale of these properties but the quorum clearly contemplated that in the plan district where you have a mix of residential and commercial that you comply with the neighborhood business district and you can't put a car dealership, you can't put an automotive service center or a gas station or a fast food restaurant next to it. While you're looking that up, the definition of-

Cara Bartholomew:  
The application for plan district allows for the applicant to create a site plan and submit it to you all. I really, really think if you want the building size to be the maximum building size of 50,000 square feet, then just go ahead and make that amendment rather than trying to fit it neatly into a zoning district. Because that's the purpose of the planning district is that it does not in fact fit in neatly into a zoning district.

Rick Danielson:

But it tells you right here, it tells you that they shall comply with the requirements of B1 neighborhood district. It tells you they shall comply. It's not. I'm trying to understand when I read the definition again, I'm going to go back to the ordinance and the now therefore be ordained in the specific departure from the quorum, the B2 site development criteria specifically with regards to access says that it should be located on lots with street frontage on major arterial or collector streets only and shall not require travel through existing or proposed residential districts.

Floor:  
[inaudible].

Rick Danielson:

I may, it came to me after that last meeting, after a week or two of reflecting on it that all of these issues that we're talking about, the compatibility, the access to the site and all that is a result of applying B2 site development criteria to half of site, which is the other half is all apartments and you're traveling through all residential to get to it. So anyways, that's my motion. I've said what I got to say about it. Y'all can discuss.

Jason Zuckerman:

How would that change the usage, uses that are currently in, if you go from B2 criteria to B1?

Cara Bartholomew:

Again, this is a planned district, so the applicant is allowed to submit whatever uses they feel is appropriate.

Floor:  
[inaudible].

Rick Danielson:

Hold on, let her finish please. We'll have our chance because we have a motion in a second. Go ahead Ms. Bartholomew.

Cara Bartholomew:

So, the plan district unit, they're allowed to submit their site plan and the uses that they don't agree for the site. So that's the application in front of you. The application in front of you is not picking a zoning district that you feel appropriate. These uses in the site plan is what's in front of you to look at and to review and to make whatever amendments you would like to make on that.

Jason Zuckerman:

Could the ordinance be amended to say only these uses, hotel, marina-

Cara Bartholomew:

Right. They are. All the uses in B2 are not permitted here. It's only what is specifically requested you're viewing in front of you. The uses that are not listed in this ordinance are not allowed.

Jason Zuckerman:  
You can't put a car wash on there.

Cara Bartholomew:  
Correct?

Jason Zuckerman:  
Right.

Rick Danielson:  
So based off of the ordinance, they can only do what they're proposing?

Cara Bartholomew:  
That's correct.

Rick Danielson:  
Okay.

Skelly Kreller:  
The hotel.

Jason Zuckerman:  
But it does, it doesn't say you can't put a carwash on there.

Jill McGuire:  
You cannot put a carwash.

Cara Bartholomew:  
[inaudible] that are in front. This ordinance is by law, a plan district is creating its own land use district. So therefore, what you all are saying is that only uses that are in front of you that's been proposed by the applicant are allowed. That is exactly why the previous zoning district, which was the Plan residential district, even though that zoning category state the uses which were the residential uses are no longer allowed because that they've lost their use. So, what I'm saying is that because of the nature of a plan district, only the uses in front of you are uses that are allowed on the site.

Rick Danielson:  
Sorry, the amendment to follow that specific criterion.

Cara Bartholomew:  
In every use.

Jason Zuckerman:

I want to be clear on my amendment though. My amendment is not specific to use. My amendment is to [inaudible] apply the B1 site development regulations to the development of that part of the site. Not only allow B1 uses in that site. The site development regulations for B1. Neighborhood, business difference.

Cara Bartholomew:

Again, even if they use the B1 criteria, they're still allowed to depart from that criterion. So, what I'm just asking you to please be specific in what you're asking. Do you want the building size to be a certain size? I mean, I'm just asking to please be clear in what you're asking for.

Jason Zuckerman:

I am proposing that comply, you're required to comply with all of the B1 neighborhood business district criteria. If they'd like to request a deviation from that, that can be proposed. But my request is that they're all outlined right here. B1 is in 7.5.8.3. The B1 site development regulations. That's my motion.

Skelly Kreller:

Okay.

Rick Danielson:

Any other discussions from council members on this amendment?

Jill McGuire:

So okay, go back to the very beginning with references the-  
Sorry, go back to where you referenced the adjoining district. The language from nine.

Rick Danielson:

You want me to read 7 5 15 2 again?

Jill McGuire:

I just wanted to know where-

Jason Zuckerman:

7 5 15 2 says the use is permitted in this district. If we're being asked to rezone to shall be in accordance with those listed under this district in the table of permitted uses by zoning district found at the end of this article and shall be subject to all applicable provisions of this land use regulations. And when we go to the table of permitted uses under plan district, it says commercial uses B2 highway business district provided however that commercial uses designated on a site plan providing for a mix of commercial uses and residential uses shall comply with the requirements of the B1 neighborhood business district. That's what it says. What I heard is the planning director's interpretation is that R3 is not residential, it's commercial also. So, the entire property is commercial.

Rick Danielson:



[inaudible] information up. We want to try to get this as right as we can.

Jill McGuire:

If we were to approve that motion, then we would still be able to go back and approve certain uses.

Rick Danielson:

Okay. All right. Any other questions, comments from council members on this amendment, motion? So, let's go to the floor. Anybody? Yes. Dr. Kreller, we're filing the motion.

Skelly Kreller:

I believe there's another.

Rick Danielson:

Can you turn your microphone on please Mr. Kreller.

Skelly Kreller:

I believe that's another component to what Ms. Bartholomew says in that they can ask for anything they want to move, they have, but they still have got to be able to also pass the 12 criteria and that's where you get to comparing. And is that a reasonable deviation or departure or not? And that's what you have to do. And that's where that comes into play. And of course, it's not a problem for the planning commission because they didn't do it.

Rick Danielson:

Thanks Dr. Kreller.

Skelly Kreller:

And that's why I think what Mr. Zuckerman is proposing is where you have to start from and then they can ask for any departure they want to, but they have to start in accordance with the requirements. And it also says it's not only that it was co-located with residential, but in a residential neighborhood. And it comes to Mrs. Bush's limitation. The last meeting, I believe she said she was lamenting the fact that the traffic studies doesn't capture the big in flux and out flux on the events, and I noticed that the developers now call it a ballroom instead of events center because that event center has meaning in the CLURO. And I noticed that I guess everybody else has now. But what you said is that you lamented that wasn't captured and you were right. And part of the way they captured it is if you don't build big buildings, you don't attract big traffic. And if you do build big buildings, you put them on a highway. And that seems perfectly reasonable. And that's why last time I said your quorum really made sense. People thought about it, don't abandon it for a developer's win.

Emory Clark:

I see a lot of people in this room with white hair and every decision I make is, do I have enough time in my life to deal with this? Do I have enough time left? I do. I have enough time to fight this for the rest of my life. But I want to know a very innocent question. What

would it take to rezone this for a green space, paid for by grants, government grants, there other part-

Rick Danielson:

Ms. Clark, I don't want to cut you off because I think it's a great point and you're very consistent on that. But we're only talking about rezoning in commission.

Emory Clark:

I thought we were talking about amendments.

Rick Danielson:

Well, no, no, no. We're talking about this event.

Emory Clark:

Okay.

Rick Danielson:

Yes. Only that amendment.

Emory Clark:

Well, good luck. First step here, and I want to consider the next amendment for everyone.

Rick Danielson:

Mr. [inaudible].

Ernest Burguieres:

Ernest Burguieres 211 Wilkinson Street. I too have been struggling with this because of this Byzantine language of the planning stuff because it's so different from what any of us are used to. And I started getting into it in the last paper I wrote about wanting to put a round peg of square hole and Mr. Zucker has kind of pulled it all together because who would've thought that the CLURO would've comprehend it trying to do something like this? It would, it's inconsistent because it's all small-town stuff and they want to put the small-town stuff next to the residential, not the browser shopping center over there. And that's inconsistent. It's just logical. It's an obvious thing. And when you get the problem is when you get kind of taken down the wrong path. Sometimes you don't want to back down and you get the bit in your mouth, and you want to run with it and dig your feet in. But this is people's lives. I mean, it is not right. No one intended in the story to put together to make this kind of a fit. A round peg and square hole. And when they tell you you're not supposed to go through residential neighborhoods, that's a hint. That's a hint. We don't need the Cisco tractor trailer trucks while I'm down on tee. We don't want that. It doesn't fit there. Had you struggled to put this project on West as we approach, across street from sanctuary. That property is available. We could do it there. I live across the street from the Sanctuary, that property is available. We could do it there. No, [inaudible].

Rick Danielson:

And even though it's a big highway it's right there on it.

Rick Danielson:

Exactly so all right, any other questions, comments on this amendment? Folks good? Okay. Anything else from council members on the motion?

Rebecca Bush:

Well, I think I'd like to have a discussion. I think Chairman Danielson is kind of getting to that is what does this mean for what we have in front of us. It seems like it brings us back to and I think it goes to compatibility a little bit. It provides us a baseline and then we discuss what goes on top of that. But I mean Councilman Zuckerman had some. Are there specific concerns that this isn't addressing? I guess what we are facing-

Ernest Burguieres:

Do we want to-

Rebecca Bush:

... do we pass this?

Jill McGuire:

Are we asking for specifics? Sorry, didn't mean to interrupt. But to tag onto that, would it be helpful if there were some clarifications like each building cannot exceed 15,000 square feet. Certain-

Cara Bartholomew:

Yeah, so that's what I was trying to explain that even if you apply the B one criteria, they're still asking for the deviation of whatever.

Jill McGuire:

So, they still have a right even if we apply B one.

Rebecca Bush:

Right.

Jill McGuire:

They can still come and say we can still present this to you.

Cara Bartholomew:

I think it's messy. It's not how we would obviously want to do that. So that's why I'm just trying to get, there's a plan in front of you. There's a request in front of you. I'm really asking that you all be specific and what it is that you wanted to see and not just paint the brush because they aren't allowed to ask for deviations because of the nature of the plan district.

Jason Zuckerman:

But to your point, all I'm asking for is that we apply those to that site. They can still request as we're cleaning up this ordinance, those deviations from B one site development

regulations can all be enumerated in the ordinance. So, we can all vote on the ordinance. With all those requests they can leave the site plan exactly how they got it, but-

Cara Bartholomew:

Right, so it's not changing the request so-

Jason Zuckerman:

I'm requesting that that be when we vote on an ordinance that says these are the specific departures from the CLURO now therefore it be ordained. I'm saying that B one site development regulations ought to be the baseline that we are requesting departures from.

Cara Bartholomew:

Yes.

Rebecca Bush:

So, what you're saying is that we eliminate B two uses? Is that-

Rick Danielson:

Not really the uses just the site criteria so the uses really don't change. Nothing necessarily-

David Parnell:

But the PD function is that they propose uses. You consider whether they, the 12 criteria meet this. This really does nothing because there are no governing principles as to what each use has to fit into. Council Zuckerman's offering an amendment. All he's going to do is suggesting that he wants to reduce sizes of the buildings. That's why the plan director is asking for not doing it this way, maybe to-

Jason Zuckerman:

But the development-

David Parnell:

Maybe say [inaudible] I want to set a guideline here. Because again, B one requires is 15,000 maximum building if only a few PDs and the City of Mandeville one I can think of [inaudible]. Those buildings are on one. So, they also came in and exceeded that by request, right? That was what the council and the planning commission did at that time. That's the same function you're doing now. You're saying can they meet the 12 criteria with a departure from a baseline? And what the CLURO says hey, use this baseline. But again, you can exceed it in any way that you find meets the 12 criteria.

Jason Zuckerman:

They have to go back and propose a new site plan anyway. I am proposing that they comply with B one site development regulations. I am not as part of my amendment proposing deviations for them for the B one site development criteria. If they want to come back and request those after looking at it, that's fine.

David Parnell:

But it doesn't change anything. It's still the same application [inaudible]. If that were the case and you said the site plans, you're asking to end this process. You're pushing it back several months because then [inaudible]. You're able at this point to use whatever guidelines you think are important to you. Let me finish, please. In consideration of all the criteria, you're able to use those guidelines, which are the ones that are important to you to make a decision on how the ordinance is going to read before you vote on it. It's very important to add those considerations in. You're proposing to have B one as the guideline, which again still allows every commissioner to... Every council member to vote whether they allow a departure based on the presentation of the applicant, correct?

Jason Zuckerman:

Correct, I totally agree.

David Parnell:

So, this really does not... I just want to make sure [inaudible].

Jason Zuckerman:

It absolutely does something because it will be the difference in the ordinance when we are discussing and outlining in the amount therefore to be ordained, what the departures are from the CLRUO. Right now, there are only going to be two or three because the only departures listed are from B two. I think everybody up here would like to know what the departures are from B one. And those ought to be outlined because I believe that is the appropriate grouping of site development regulations. And I would like to see, which is why I made the motion, the departures from B one outlined in the ordinance. And if they want to make some modifications to it based off this discussion, that's fine but I think my motion's clear. I don't want to argue with you. My motion is clear.

David Parnell:

And I'm just suggesting that if your motion were to pass, the next meeting is not a meeting where you can vote this ordinance. Probably the meeting after that is not a meeting where you can vote the ordinance because you're asking the applicant to go make substantive changes.

Jason Zuckerman:

I'm not.

David Parnell:

Let me finish [inaudible].

Jason Zuckerman:

Go ahead and finish and then I'd like to respond. You've already misstated what I'm saying.

David Parnell:

You're asking the applicant to come back and say are you departing from maximum lot area? Are you departing from maximum building size, maximum lot width, setbacks, green belts, all the things that B one? Those with also deals with building codes and nothing else.

So, you're asking how their application, how they would meet the partners of those regulations, correct?

Jason Zuckerman:

Or they could simply propose what they still have. But outlining the ordinance, the specific departures from B one. I am just asking those to be outlined because I don't think the ordinance appropriately outlines the departures from the CLURO right now.

David Parnell:

But you just you said that they would have to come back to you with a site plan, so we need to correct that.

Jason Zuckerman:

You got to come back to the site plan anyway.

Skelly Kreller:

They just presented the site plan.

Jason Zuckerman:

Well, I'm not arguing with you. My motion's on the table. Mr. Chairman, please move forward.

David Parnell:

All right, well, to be clear, if you don't believe you have a site plan in front of you that could be amended into the ordinance to vote next week, you cannot vote next week.

Rebecca Bush:

I want to discuss how we can [inaudible]. Yeah, I don't think anybody wants to go back to [inaudible]. Is there a way that, and maybe the answer is we discuss what's coming down the road versus that in front of us. I mean I don't know if Council Zuckerman has an idea of how to. I'm in favor of establishing a baseline. I have no problem with that. I just don't want to set us back.

David Parnell:

You all can establish baselines and the CLURO has done for you in some respects. Council Zuckerman is asking for the different ones. But you can just use that in your considerations of your vote as the baseline rather than saying applicant hotels what you need now because we're moving the baseline, correct? The applicant has presented an application that the planning district allows you to place submissions and place any considerations on [inaudible].

Jason Zuckerman:

If we could please hold the comments down so we can understand [inaudible]. So, if I understand what you're saying, my motion to apply, to require compliance with the B one neighborhood business district site regulations, that's one thing. If somebody were to

propose a motion to simply set the baseline for which the deviations in departures from the CLURO is B one neighborhood district, that would work for you. Is that what I'm hearing?

David Parnell:

It's still the same thing. They're requesting departures and you're saying, but it's a departure from one thing versus the other. Whether a motion passes or fails, when you go through the 12 considerations and you figure out how this project meets or doesn't meet those considerations, you yourself can apply any considerations you believe. If B one is your part that that's the appropriate deviate... That's your first baseline, then you can do that. You can say I think this is too big or I think these fits. You don't need to establish a baseline because the plan district allows you to create a hybrid anyway. You're establishing a baseline with this entire discussion. So that's why the plan director was saying maybe talk about building sizes or talk about numbers rather than a theoretical B one that has... Again, B one presents there and unless they have departures. It also lets multi-family have [inaudible] restrictions.

Jason Zuckerman:

All right, well at this point my motion stands. I know I'm ready to move on if there's no further discussion. I mean, I'll call the question if I need to, but I think we need to vote on this and move on.

Rebecca Bush:

So, I mean I'm asking for I guess a little bit of qualification if what I'm interested in is establishing a baseline. You're saying we have to apply it directly to the site plan in front of us in order to not have to reconsider and push us back or is there specific language?

David Parnell:

I can establish a baseline. But again, a baseline is really the personal consideration of the application. But there are some baselines that try to help you get started in the CLURO. But the entire process of the PD allows each council member their personal opinions and views on how these core considerations work out with the application in front of them. So again, we don't need to really establish baselines because the procedure on our plan district allows you to establish whatever baselines you would for your consideration of the project. And the analysis [inaudible] in favor of and whatnot and how that shapes your vote and the ultimate plan. But a clarification on the site discussion is there was a comment about the developer can come back to us with the departments they want. We can't do that to have a [inaudible].

Jill McGuire:

I would just like to say that I don't feel it's necessary to. I feel like it could possibly set us back. Thank you for your clarification, David. But I finally feel like, or maybe I shouldn't use the word finally, because I know you're... But to me, what I gathered from you, we've heard a lot that the applicant can ask for the moon. They can, that's their right. We also have discretion, and we have our article four, our 12 points and that's where... And thank you, David. Because from what I'm getting from that is it is totally okay and legal for me if I feel this is better suited for the B one requirements. If I feel that that's better, then I can

base my vote on that and that is a legal factual. If I feel that the B one uses fit better in that area as opposed to B two, then I can do that. Am I right in that?

David Parnell:  
Correct.

Jill McGuire:  
Okay.

David Parnell:  
That's the entire process.

Jill McGuire:  
Okay, so I feel like this is just going to set us back. I'm ready to vote people. Okay, so I've got my little talk points here. I'm ready to go. So, we may not be doing it tonight, but let's get to the amendments. Let's nail them all out and let's go. Okay, thanks.

Jason Zuckerman:  
I'm ready to vote on my motion.

David Parnell:  
Okay, [inaudible].

Rebecca Bush:  
Pass a motion on it.

David Parnell:  
[inaudible].

Rebecca Bush:  
Unless we apply the specific requirements to each portion, then what you're saying is we could move backwards. I think that's what I want to mention.

David Parnell:  
Only if you are requesting that we reshape the application to show the new departures from the baseline you're trying to apply. Again, it would be replacing Councilman Zuckerman's baseline on all of you all. Where right now the plan district's zoning process allows you to establish your own thoughts on that.

Rick Danielson:  
Let's go ahead and call the question on this.

Jason Zuckerman:  
I'll second it.

Rick Danielson:



Move forward, second. To call the question for Mr. Zuckerman and we're going to call the question to end comment on this amendment. Okay, all in favor of calling the question, please say aye.

Jason Zuckerman:  
Aye.

Jill McGuire:  
Aye.

Rick Danielson:  
Any opposed? Okay. So, we've called the question. We'll move towards a vote. All in favor of approval of Mr. Zuckerman's amendment please say aye.

Group:  
Aye.

Rick Danielson:  
Any opposed?

Jill McGuire:  
Opposed.

Rick Danielson:  
Opposed.

Rick Danielson:  
Okay, so that amendment fails two votes to three.

Rebecca Bush:  
What?

Rick Danielson:  
Next.

Ernest Burguieres:  
Who voted which way?

Rebecca Bush:  
Yeah.

Rick Danielson:  
Well, Ms. Bush and Mr. Zuckerman voted for it [inaudible] McGuire, Mr. Danielson and Dr. Kreller voted against it.

Jason Zuckerman:

Can we do a roll call on it [inaudible]?

David Parnell:  
Just in case, let's call the roll on that.

Rick Danielson:  
Sure, Ms. Scherer can you please call the roll?

Kristine Scherer:  
And I know everybody's getting really excited about the whole conversation, but I can't hear so I completely missed that roll call. If we could just-

David Parnell:  
Let's just call it.

Jill McGuire:  
Call roll, yeah.

Rick Danielson:  
Go ahead [inaudible], call-

Jason Zuckerman:  
Fore.

Jill McGuire:  
Against.

Kristine Scherer:  
Rick Danielson?

Rick Danielson:  
Against.

Kristine Scherer:  
Rebecca Bush?

Rebecca Bush:  
For.

Kristine Scherer:  
Skelly Kreller?

Skelly Kreller:  
Against.

Rick Danielson:

Okay, so that motion fails. My next item motion for amendment or motion. We understand it can be a little bit confusing but-

Ernest Burguieres:

Rick explain us what was passed?

Rick Danielson:

Well, nothing was passed. So, Mr. Zuckerman's motion failed so nothing changes based off of B one, B two.

Ernest Burguieres:

Could that be the B one standard?

Rick Danielson:

Well, you can.

Jill McGuire:

We can. We can use it without that motion. That's why I voted against it because we can use the B one requirements as our basis. So, I felt that if we pass that it might start us back-

Rick Danielson:

Months.

Jill McGuire:

... a few more months. So, we can still apply if we choose to, and we feel that that is what we feel is best for that area. We can do that without passing that motion which would make you all have to go back and do-

Jason Zuckerman:

No, the only one I want to make, and we move on. The only what I want to make is this we're tidying up this ordinance and trying to move forward with it. That second to last now therefore be it ordained; I don't know how you're going to list the specific departures because it's off of B two. It's specific departure, at least what's been proposed so far is specific departures from B two highway business district, which I just think does not under 7.515 could apply to that site. Anyway, I guess we'll discuss that when we get to the ordinance.

Rick Danielson:

Any other motions for amendments or conditions?

Rebecca Bush:

We're going to discuss the conditions placed upon the marina such that I think it was the gist of it is a small thing going on impacting the ongoing operation for that project. And I know there were specific items that were discussed in regard to that issue.

Rick Danielson:

Okay.

Rebecca Bush:

I mean I can make a full motion; I just know you like to recap.

Skelly Kreller:

I understand that staying with the 90 units, there's no agreement.

Rebecca Bush:

Well, that's the question we pose to the developer, but I mean I think-

Skelly Kreller:

No, I think they answered that.

Rick Danielson:

Can I make a suggestion?

Skelly Kreller:

Who will? Bear with me. Hang tight, one second. We'll finish this. So, it might be currently, I believe it's a moot point because that will not be part of their revised site plan regardless.

Rebecca Bush:

Okay.

Skelly Kreller:

Okay.

Rick Danielson:

Any other motions for amendments or conditions at this time? Okay, let's go to public comment. No more than three minutes. Mr. Burguieres?

Ernest Burguieres:

Ernest Burguieres, 241 Wilkinson Street. I got a suggestion for everybody here that I think that the applicant has seen the sentiment. Knows the crowd but knows the council. And at this point it might be wise to maybe adjourn because they also have to come back and bring a 90-apartment unit plan to you, and they may choose not to do that. We don't know yet, but they've already said that the ring might be on the table. That's fine. That's what it takes then let them bring that plan forward. And so, the marina's up, so everyone's brought up to speed as to where we are to what it is. So, you can make an informed choice as to what you're looking at right now. I think at this point we've made a lot of big, big discussions. I think everyone's getting a better idea of which way the sentiment is on this thing and what things bother people, what don't bother people. And maybe now is the time to kind of just recess and let them come back to something else so you can look and see what it is instead of guessing here.

Rick Danielson:

Well, but I understand what you're saying. Don't disagree with you in that but if we're going to have the final vote on this ordinance next week-

Ernest Burguieres:  
It's not going to happen.

Rick Danielson:  
Well, we have to have a revised site plan to update exhibit B.

Ernest Burguieres:  
That's what I was just saying. Yeah, I agree with that. I mean a revised site plan with all the things that are revised and stuff and just see where you go. You might be in a position to vote on it because if you don't like it, you vote no.

Rick Danielson:  
Right, and to take steps forward to possibly go [inaudible].

Ernest Burguieres:  
But I was saying cut it short tonight. I mean I think that-

Jason Zuckerman:  
Yeah, I just along that point, I don't know how long it's going to take to get a site plan together. But I don't want to be getting it on the afternoon of the meeting and then come to the meeting and have to go to the site line either so-

Ernest Burguieres:  
It might need your-

Jason Zuckerman:  
... a revised site plan it might-

Ernest Burguieres:  
Give him a couple of weeks.

Rick Danielson:  
I would like to ask Mr. Hoffman that question. If there are thoughts on how long would it take you to do a revised site plan? If we made a motion tonight based off what you presented, but at the [inaudible].

Skelly Kreller:  
Yeah, I'd like to say one thing for Mr. Hoffman. I was under the impression, and please correct me Mr. Hoffman or the chair that we're sticking with these ninety ordinances and that's the ordinance, okay. And I was under the impression that with sticking with the ninety, the marina would be out. And also, it's not financially feasible to do the project. That's what I understood. If I'm wrong, please correct me.

Bill Hoffman:

So, my comment is I'm not sure that we're willing to do [inaudible]. My comment is I'm not sure we're willing to do any more revisions to the site plan. Because since we got approval from planning and zoning, every meeting we come to it's a new issue. It's a new requirement. I feel like I'm playing whack-a-mole. Every time we address one thing something else comes up. If we could get-

Rick Danielson:

Please hold the comments.

Bill Hoffman:

... all the criteria on the table that is now evidently being discussed. After a year we can make a decision. But right now, I'm not sure that we feel confident that we even know what it is that's on the table.

Jason Zuckerman:

I understand.

Rick Danielson:

Okay, we can have one second [inaudible].

Group:

Can't hear you.

Louder.

Vaughn Mayhall:

Hello?

Group:

Yes. Thank you.

Vaughn Mayhall:

All right. I guess I just don't understand the fairness of what's going on here in a sense. We're not fair to the developer. It's not fair to the people like myself who oppose the development. You're not giving us any points to consider and argue with you on but provide facts to you on. If you adopted a standard B one as Mr. Zuckerman suggested or something else, then at least he'd know what the mark was. We'd know what the anti-mark is to use the phrase and that would be a fair process. What you're doing here, maybe it's a mistake in the CLURO, I just don't know. But what you're doing is the epitome of arbitrary, capricious examination of this issue. Because what you're telling this here gentleman, is that you can make up your own standard in your own mind as you consider whatever ordinance is put before you. I'm sorry, that's not going to pass muster. That's arbitrary and capricious by definition. If you say B, one's a standard, at least everybody knows what the rules are. And if you do that in an appropriate way and that should hold up. It's these arbitrary, hidden almost criteria that's going to upset this thing. And I'm fine with that, but I don't think it's fair. And I think you guys ought to reconsider that motion or set some

standards that everybody knows what the rules are. I'm opposed to it, but what do I even argue? I'd like to see you take every one of the 12 points in 4.3.8 and have a hearing on that. Every one of those are knee-deep and every one of those are designed to determine whether a development is right for that area, that area and that's very important. I go out on my balcony, and I take the little picture of the development across the fairway from me. By the way, there's no possibility of any kind of screen because there's nothing but water between me and the delta and so you don't... The water between me and the delta. And so, you think a band is going to be 65 decibels [inaudible] on my little balcony, I don't think so. Anyway, I know that's a little bit of a departure, but I would urge you to reconsider what you're doing. Adopt a standard that we can all buy into. You might not like it, I might not like it, but some standard that's appropriate and let's have those be the rules of the road.

David Parnell:

Real quick. Again, when you're voting on ordinance is the time for you or go through your decision-making process for that ordinance. It's improper to talk about why you're going to vote on something or how you're going to vote on something on a certain one to 12 criteria at a different meeting other than the voting meeting. So again, as we lay out earlier at the next meeting, each of you will go through those criteria and talk about how the application in front of you fits, doesn't fit, how it could fit with modifications, how that process works out. And 4.34, 3.8 sets out how you do that. These meetings for seven months, seven meetings or whatever it is, has been the process of gathering that information for your review and consideration and evaluation of all those criteria. It [inaudible] means on [inaudible], it means on capacities of buildings, shapes of buildings, heights of buildings, everything else. All that goes into this criteria you're going to review at the voting meeting. So again, I understand the sentiment that may speed things up, but it'd be improper to say I'm never voting on a certain thing here. What y'all have been able to do is make amendments to the ordinance to say collectively we pass this to say nine and now we're working with a project that's 90. But you have to still at the next room meeting go through this criteria on the application in front of you as it's been readily determined, there's a presentation tonight, a different site. So, if there's a vote at the next meeting, we need to leave here with exhibit two being one of the two plans that been presented within the compounds of the amendment as y'all have amended the ordinance amend and their ordinance also point. The ordinance does mention trees, does mention height of buildings and things like that. So those are some of the things that through your decision making you can add that in, but again, you would have your consideration of a baseline two or baseline one. Those kinds of things can go into that. Again, this is all hybrid, it's PD and your considerations of the project involve everything we've talked about at all these meetings.

Rick Danielson:

Thank you. Other public comments?

Larry Grundman:

Larry Grundman, 1 Mariner's Island. I guess a couple of things. One of the things of Mr. Hoffman said when he was introducing that thing was the decibel and Vince touched on it. Since we're talking about that in general and coming back, I can tell you you do not hear the causeway from the pink building, but you sure as hell will hear man. So that's just the

study. It's not homogenous on Mariner's Island. The other thing is I think probably whichever way this goes; this is going to go to court, and you better have the criteria spelled out very clearly. Mr. Hoffman complained that he's been playing Wack-a-Mole. Well, if he had to bold over the planning commission in the beginning, then you wouldn't be having all these discussions. I remember the first meeting we had here, you had an hour discussion on something that should have been cleared up in the planning commission and I remember that was exact remark I made. His hour was wasted because it wasn't done in the planning commission. The same thing has happened here. This B one B two thing should have been vetted at that point, at that point in time. But to realize that, to answer the plural request questions of 4.3.8, you had to be consistent with the CLURO. The CLURO requires that, the CLURO was not something somebody thought of haphazardly and they gave you some criteria and you're supposed to use those, and they made you, "you shall" it says, and they didn't and now you shall and you're going to have to look at those criteria. Wouldn't you rather have one you can point to rather than one that everybody's got different.

David Parnell:

Thank you, sir. [inaudible]

The review criteria, the 4.3.3.8 requires consideration of all those copies. It does not require an explained examination by each council member as to a vote or a thought on each one with more than free to. And I believe the process that we've laid out is going to do that because of the complexity of the issues. Again, it requires consideration and evaluation in review of the criteria does not require a step-by-step vote on each criteria. It is not an exclusionary listing that if they pass 11, fail one, if they fail 11, pass one or it's not like a school board. It's a totality. Number 12 mentions that totality, and again it takes all the factors in. It allows you to make amendments to the ordinance to see how you fit into the criteria with certain amendments, with certain modifications like application of noise, things like that. So, the planning commission did all that through the course of six or seven meetings. They discussed every single topic; their recommendation discusses that and discusses amendments to the ordinance that they voted on. The planning commission did the exact same thing we're doing here. I think it's the same room. So again, it's incorrect to suggest the planning commission didn't consider criteria. There's no document that has to lead this process that says checkbox of each one. It's a review consideration evaluation of each one.

Jason Zuckerman:

Mr. Chairman, we've been going for almost two and a half hours. I'd just like to suggest we try to-

Rick Danielson:

Obviously go two to three more, probably about 10 more minutes and then we'll wrap it up. Yes. And then no, no, no one Ms. Fulton, Mr. Ellis, and then Ms. Clark, we'll get a couple more. So, if we got time we'll get there.

Andrea Fulton:

Andrea Fulton 3315 Officer Beverly Watson Way. So, I would just like anybody to explain why the developer has not been required to submit a site plan consistent with what was



agreed upon last time. So, I was expecting to see something with 90 units. How on earth was it accepted that he would present something other than that? I really would like to know how, why.

Rick Danielson:

Technically there is a site plan that's included, and you could say originally his site plan was 178 units. It's still the same site plan. It might've just gone down to 90. He presented a

Police Officer:

Quiet, please. Let him talk. All right, or we will adjourn the meeting now.

Rick Danielson:

We know that there has to be a revised site plan, whether it's 19 units or 300 units, that has got to be approved as part of the process. We've set the limits for the max capacity at 90 units for the active adult. So his site plan is a layout of the plan and it could be, that's what I was I guess trying to get to earlier was to make, motion to use the site plan that was provided, but it's limited at the 90 units within the active adult, but the layout of that, so there will have to be a final site plan that will be voted on and or approved or denied.

Andrea Fulton:

Well, the concept I'm presenting matters because they are accusing the city of playing games and I forgot the term we used whatever that was when instead, to me, they have chosen on multiple occasions not to follow through with what has been requested and that puts you guys in an impossible position.

That's part of the reason...

Bob Ellis:

Bob Ellis, Mariners Island, 405. Just like to real quickly clarify something that was said earlier that I would dispute from the record. The levels of highway traffic noise typically range from 70 to 80 decibels at a distance of 50 feet. Just so we get an idea of what all that is. The normal conversation is 50 to 65 decibels. Laughter is 60 to 65 decibels, vacuum cleaner, 70, dishwasher, 75. Okay, here's the real meat of it. How many decibels is a wedding band? Typically, professional function bands for weddings are between 95 to 100 decibels. That's pretty strong. Where I live on the island, we don't hear the traffic, we just don't. If I sit on the porch I might hear it, but it's kind of like white noise, but if I close my windows, you don't hear anything. So just please consider that so forth.

Rick Danielson:

Ms. Parker, did you have something? I thought you had your hand up couple seconds ago.

Ms. Parker:

No

Emory Clark:

Another innocent question. Can we look at the CLURO of the next meeting and review every point and see how this could not possibly apply to the standards of Mandeville and move forward to something positive that we all endorse?

Rick Danielson:

Good question. But this is the project that's on the table based off of the current CLURO.

Emory Clark:

It doesn't comply. Can we go on?

Rick Danielson:

And I think that's what we have to go through the process, whether it's through the 12 points and everything else that we've used and on and on, to make that determination.

Emory Clark:

Good.

Jill McGuire:

So, the 12 points are in the [inaudible] copy? Yeah, we're going to do that when we vote. It's my understanding, right?

Rick Danielson:

My summary overview, whether you go into great detail of each point as each council member wants to or-

Emory Clark:

Because it doesn't comply and when can we move forward with something positive? It's just an innocent question.

Rick Danielson:

Great question.

Skelly Kreller:

At every meeting when I hear proposals and the public, I am thinking about those 12 points all the time since when I sat through every planning P and Z meeting and everyone here, we don't have to vote on each one of those. And so, people who have said that or insinuated that, we're not looking at those. Ms. Grumman said it and that's not true. Every time we meet, and we discuss, that's in the back of my mind in those, checking those boxes or canceling those boxes. So that's all. Thank you.

Rick Danielson:

We'll go two more comments or questions, Ms. O'Connell and ma'am in the middle for that. Okay. And then we're going to wrap it up.

David Parnell:

Mr. Chairman, remember that right now the ordinance has the old site attached, correct?

Rick Danielson:

I still want to make a motion to amend that before we go. Yes.

Ms. O'Connell:

I do not think this property fits a B two designation because that means it's accessed by a highway. Completely agree with Jason document about changing it to B one. I think it's important. I don't think it's a minor issue. Also, I believe that without the marina having to be put back up again, it's real expensive to put up floating docks that have pilings, way expensive. I agree you can't support that without a larger residential area and all these other things. But if you get rid of the idea of developing the marina, which is going to be crashed by hurricanes constantly and ripped apart and wrecked, then I think they could afford the 90 residential units. And so, thank you.

Rick Danielson:

Okay, thank you ma'am in the middle.

Susie Bovie:

My name is Susie [Bovie] and I live on the corner of [Joyce Andra].

Speaker 15:

It's it keeps close.

Susie Bovie:

I'm so scared that this project is going to end up like nor du Lac in Covington. They're going to start building it and something's going to happen and it's going to be a bunch of empty buildings that have stuff put around all and that will entice vagrants, drug users, gun people, just not the kind of people we want across the street from us. And that bothers me a lot. I want to know where their fire protection is coming from and their police protection.

Rick Danielson:

St. Tammy Parish fire district four, Manville Police Department. So just like it's your house, that's where it comes from and that would be the same for this.

Susie Bovie:

Okay. I'm curious, speaking of hurricanes, is there anything proposed to, any kind of a seawall to keep eventually, that lake is coming out right there and I'm just curious how they're going to keep, because that place will flood.

Rick Danielson:

That shoreline is not their property, but the marina park was part of the discussion, but it'll just be a matter of if they were to move forward with their plans for the marina or not. So that's a different topic.

Thank you, Ms. Susie. All right. All right, let's end our public comment there. It's 8:31.

Jill McGuire:

I have one thing that's been asked about, asked multiple times and there seems to be some confusion for the emergency exit for St. Croix. I believe I see some people in the audience that have asked about this multiple times. Right now, it is a cul-de-sac and I've been told that the city owns it. I've been told its St. Croix. So, at some point, I'm not saying it has to be done denied, but the St. Croix Homeowners Association keeps asking this question to me to ask and there just seems to be some confusion as to who owns it and if it is St. Croix, how are you guys going to extend it and make it an emergency road? Because right now it's not. And is it the city, whose responsibility is that? How is it going to be an emergency? So, there's lots of questions about that that I believe need to be clarified.

Keith LaGrange:

So, we met with the St. Croix group about a week ago and we pulled a bunch of plats and showed that St. Croix is not a private street, it is a public street. There is a common space where they have a dumpster that we permitted for them to put in where they used to have their pool. All the access, we have a servitude, an access servitude that's already in existing. A lot of that stuff will get worked out like where water and sewer's going. We talked about it in the preliminary stages, but all that gets worked out in permitting if it ever gets there. So, they will not go through private. We will not approve anything that'll ever go through private property. But we did meet with the group last week just to go over, we had to do some digging and the assessor's data and plats and Cara's team was breaking that. So, it is a public street. It's not a private street, but where the dumpster is, there's a common area. It is not a servitude.

Rick Danielson:

All right, before we adjourn this evening, I'd like to make one more motion in the second plan process. Motion to include an exhibit. Is it B or two?

Cara Bartholomew:

Exhibit one. You should go through them. Exhibit one is the survey. Exhibit two is the site plan.

Rick Danielson:

So, the motion is for exhibit two, the site plan, to include what was presented this evening with the four-square active adult living area, obviously based off of a max capacity of 80 units, but leaving the tree buffer and everything else that was presented this evening that if the developer so chooses. But that would be my motion to include that site plan as part of exhibit four, exhibit two.

Jill McGuire:

But that would be the 90 units, or would that be one 70?

Rick Danielson:

No, no, it's 90 units. The ordinance is 90 units. That does not change, but there has to be a drawing that weighs out property. There has to be a site plan included in there. And the current site plan to me doesn't meet mustard.

Skelly Kreller:  
There're no elevations in that site plan?

Rick Danielson:  
That's separate, right? That's right.

Skelly Kreller:  
And so wouldn't the site plan that they presented tonight could be used for the 90 or it could be used for 170 or whatever because it's an overview. What I'm trying to say, it's not, it's.

Rick Danielson:  
Don't let anybody be confused. It's 90.

Jason Zuckerman:  
Does it reflect the parking that we would if we're going to put that in the ordinance, that site plan, I heard the developer say it does not accurately reflect proposed parking. We're going to adopt it and make an exhibit of the ordinance. It ought to be complete show that proposed parking.

Jill McGuire:  
I don't think we should be adopting any site plan that isn't current. Yeah, right now it's a draft. We know what we want, but I don't think we should be putting anything into it until it's official and we've had a chance to look at it and double check it and make sure.

Jason Zuckerman:  
I mean we literally got this afternoon by email. We don't know if it addresses parking. It was presented as a, yeah,

Cara Bartholomew:  
So, I think part of this exercise-

Jason Zuckerman:  
I think there's a motion on the table though. We're discussing it, but nobody seconded it. I don't think. Is there a second? You can't second it, ma'am.

Rebecca Bush:  
I'm state it again.

Rick Danielson:  
The motion is for exhibit B to include the proposed site plan that was presented earlier this evening, but still follows all of the elements of the current ordinance at 90 units max capacity for active adult labor. If there has to be a site plan. If we don't have a motion for the site plan this evening and it comes next week, well then, we're not voting next week because you still have got to have it pulled over.

Rebecca Bush:

So, the site plan cannot change from the 90. Can it change from how...

Rick Danielson:

We've got to have a second to keep discussing. We have a second to discuss the site. Second motion and a second. Go ahead Ms. Bush.

Rebecca Bush:

So, we know it has to stick with the 90. Can the site plan, can the buildings be changed within the site plan as far as, does it have to look substantially similar to what we see today?

Cara Bartholomew:

So right now, you have an ordinance that has their original proposed site plan and then you all amended it to be 90 units. So, is that building footprint is a hundred thousand square feet or it's a hundred thousand square feet, that doesn't affect how many units are in it, right? So, we're looking at the footprint of the building and then you all have stipulated that you want to see 90 units. So, the footprint of the building, I mean, may not change with that number. So, is that what you're asking?

Rebecca Bush:

I think the only stipulation is that with 90, we can potentially see a different footprint or does it have to be...

Cara Bartholomew:

I think that you all have the cleanest and easiest way to do this. I think that you all have two site plans in front of you all and whether or not one of the two are appropriate is what you all should be reviewing and looking at. So, if you all feel that this revised site plan is more appropriate with the 90 units, then I would say we'll amend the ordinance to include that site plan. If you all feel like the previous site plan is more appropriate and you are going to do your review criteria based on that, then I think either we move forward with saying this site plan is acceptable or this site plan is acceptable before we move into getting elevations dropped. I think that we need to move along on either saying this is acceptable or no, we want to vote on the original one and you're just going to vote on it.

Jason Zuckerman:

I just think it's premature to adopt it as an exhibit to the ordinance because we saw this afternoon, does this simple question, does it reflect, I mean it was proposed as something with a lot more units. That's fine. I understand the footprint deal, but does it reflect the ... with a lot more units. That's fine. I understand the footprint view, but does it reflect the required amount of parking and the actual proposed layout for parking? Because I just don't think we ought to be adopting an exhibit to the ordinance if it's not in the whole site plan, including parking, as part of the site plan.

Rebecca Bush:

[inaudible] as possible, but I don't want to... I mean, I would like to vote at the next meeting. I think all of us would.

Jason Zuckerman:  
I just didn't-

Cara Bartholomew:  
And on that-

Rick Danielson:  
Well, if we don't vote on this site-

Police Officer:  
Hey, hey. Everyone, let him speak, all right?

Jason Zuckerman:  
If we do not vote on this site plan based off of the motion that's been presented in the existing site plan, states of the ordinance. That's the site plan. Does this new proposed site plan reflect the required parking and the actual proposed parking? If we adopt this and vote on the ordinance, and the ordinance passes, is that what we're looking at? Does it have the required amount of parking? That's all I'm trying to find out.

Cara Bartholomew:  
No, this is a preliminary or a conceptual site plan, so no, this is not a detailed site plan. It's conceptual site plan.

Skelly Kreller:  
Right, but if we vote on it, it will replace the first site plan.

Cara Bartholomew:  
If you all want to move forward with reviewing this revised site plan, then you can say you're accepting this revised site plan and then we can move forward with getting more details into the other documents that you all want. Or you can say, we reject this site plan, and we want to just review the original application. Does that make sense? I don't think that you have too actually... I think you really need to look at whether you're going to accept a site plan in order to move forward with revised detailed drawings, or if that's not acceptable, then you reject it.

Jill McGuire:  
So, if we accept this as a concept, can we add the word conceptual in there to where we're not... I think the concern you might have, as well as myself, is that how detailed... If the parking calculations are off or we've got... We might be missing some details on the events center, all those different types of things. If we vote to make this the new official site plan, it's still a concept, correct? And we're not saying that everything in it... Or does it have to be detailed accurately to reflect the parking? It needs to reflect everything, right?

Jason Zuckerman:  
I don't know if that's half the parking that is required. I have no idea.

Cara Bartholomew:

I just... And I'll let the developer answer this as well. I think that there was an attempt to address some comments and to move him forward that you all may think is acceptable. If you do not think that this is acceptable, or any revision of the plan is acceptable, then reject that site plan and then just vote on the original. I think that again, this was an exercise in trying to meet somewhere into accommodating those.

Rebecca Bush:

I think it's hard because the original one had 200. I mean, so I understand when you're concerned.

Jason Zuckerman:

The expectation was after the last meeting when we voted on the 90 units, that they were going to go clean up a site plan and propose a site plan that it would use as a proper exhibit to the ordinance that reflected the 90 units. It's not what they came back with. This afternoon, we got a site plan emailed to us. Doesn't reflect the amount of parking. At least nobody's told me it reflects the proper amount of parking, so I don't know.

Floor:

Reject it. Reject it.

Jason Zuckerman:

I got concerns about attaching that to the ordinance just for the sake of it.

Rick Danielson:

Okay. But if we reject this this evening, then the site plan that's currently in there, stays in there. So that huge bank of trees, if they move forward with this project, would go away and then the site plan is what it currently is laid out, right?

Rebecca Bush:

I think the question is, is there an option C to get additional information to show that there's compliance?

Jill McGuire:

How about we get an accurate site plan? That's what we've been asking for for eight months. And it just keeps getting dragged on. It is what it is. We need to know... We need a site plan that reflects everything, and if we accept this, then what are we accepting? And then if we reject it and we go back, then we're looking at a site plan that has 178 units as opposed to 90. We want something to reflect everything that we've discussed in all these meetings. And until that happens, I don't think we can vote. I don't want to drag this on any... Believe me, but I'm not willing to set this as our standard, and I also don't want to go back to the other plan that have less trees and less units.

Cara Bartholomew:



Jill, that's why I was suggesting that what you really want to see at the end of the day is a building footprint of 75,000 square feet to put that out on the table, so we can get the most accurate site plan for you all. If we have a site plan-

Jill McGuire:

What we're asking for is a site plan of what we've already asked for. We still haven't gotten that yet.

Jason Zuckerman:

We had a meeting a month ago, it was almost a month ago, where we voted on the 90 units. It's been a month. I understand they feel like they're playing whack-a-mole. I feel like I'm playing whack-a-mole because they come back not with something that reflects what we voted on, but with an attempt to revive the original number of units four weeks later. So, we're not dragging this out. Can we get that site plan? I just have real concerns about making this new site plan and exhibit to the ordinance that really has not been well-thought-out, doesn't address the parking, and all those that get meeting after meeting after meeting about a number of parking spaces through planning and zoning and where they're at on the site, and all that. And all of a sudden, we're going to rush, rush, rush and go vote on something we got this afternoon. It doesn't even address the parking.

Skelly Kreller:

Well-

Jason Zuckerman:

That's just my concern.

Skelly Kreller:

The footprint, it would be... The site plan, we got this afternoon. It's a footprint and it seems to me that it's for 171 units, but I think that they can use that footprint and just either take off-

Floor:

No. No.

No.

No.

Rick Danielson:

Let him finish, please. We all want to get out of here-

Skelly Kreller:

Take off the floor and get to the 90. I don't know, but I don't know. It seems like they are trying to save the trees and get a bigger buffer between the neighborhoods, and they've done a significant reduction in the footprint.

Rick Danielson:

So, I'm sorry, Dr. Kreller.

Skelly Kreller:

No, no, and that's all. It seems like they're trying to move to an acceptable footprint, and now you're asking for talking and stuff like this. And then I'm hearing you don't want to drag it out. It seems like you are because if we accept it, if we accept this footprint of this one, they presented today and they come back and say, "Well, we can't work with 90." I think these developers already said that.

Police Officer:

Quiet. Everyone, be quiet.

Skelly Kreller:

It seems to me we should vote and let's get this over. And I'm talking about next week, I mean, the next meeting, okay?

Rick Danielson:

Let me ask this question, Ms. Bartholomew. We can request the developer to provide the revised site plan that answers all these criteria, or they could come back and say, "Hey, just stick with the site plan as it is, and we can do 90 units in that as we decide." Right?

Rebecca Bush:

What we're looking at is not 90 units, right?

Rick Danielson:

We're looking at 90 units no matter what the site plan says.

Jill McGuire:

Well, at the end of the day, we're going to end up with a site plan that does not represent what is actually going to be built and that is not okay. And they can sit here and wait. And they can sit here and wait.

Rick Danielson:

Then we shall wait.

Floor:

Yeah, we shall wait.

Jill McGuire:

And I'ma go to the bathroom.

Jason Zuckerman:

Wait, wait, don't go yet. Hold on. Wait. Mr. Chairman-

Jill McGuire:

Are we voting on this?

Jason Zuckerman:

Okay, okay. If I could just say two words. We were going to adjourn this meeting about 20 minutes ago after one comment, another motion was made. We've now discussed that for about 20 minutes. I'd like to call the question on this. Let's vote on this so that we can draw this meeting to a conclusion, and we can move on. We have a motion to call the question.

Jill McGuire:

Second.

Rick Danielson:

All in favor of calling the question, please say aye.

Jill McGuire:

Aye.

Jason Zuckerman:

Aye.

Rick Danielson:

Any opposed? Okay.

Rebecca Bush:

May... I'd like to hear what Mr. Parnell has to say.

Rick Danielson:

It has to be unanimous to call the question. Okay, so that fails. So, Mr. Parks, we'll take a couple of public comments, questions on this motion, and then we'll move towards the vote. Go ahead.

David Parnell:

Yeah. My suggestion would be that the pressure of making these amendments is because the next meeting is eight days from now. The charter requires that an ordinance that's being voted on has to be published in almost the final form seven days prior. That's why they're talking about the language and everything else. The exhibits and everything else have to be conduct. That's when Zuckerman has said he'd like to see an elevation plan, make sure the building designs are the same as previous, all those kinds of things that were in that original plan that has now been proposed as a power plant. If y'all wanted to move that meeting a few weeks and give development a week to present those things, we would still have to have to publish the ordinance in a file form for y'all to vote on it with the proper amendments and proper exhibits.

Jason Zuckerman:

Correct me if I'm wrong, but you could always make a motion at the next meeting. If they present us a revised site plan, you can make the motion of the voting meeting to replace the site plan that's in the ordinance with the amended site plan. It doesn't have to be tonight, huh?

inaudible:  
Maybe not.  
Huh?  
Yes.

Rebecca Bush:  
[inaudible] on Sunday.

Jason Zuckerman:  
But Mr. chair... Hold on. The ordinance has to be, the ordinance has to be advertised, but we can make it a motion to amend the ordinance the night of their voting meeting. We can add an exhibit, remove an exhibit, change the exhibit.

David Parnell:  
Correct, but for tonight, the meeting that requirement and next week, which I'll ask them some questions, if they could come back and offer responses to not. I would recommend that y'all push the meeting back a few weeks, get them next week rather than today to present those documents for y'all and consider. And then that can be published before the seven days.

Skelly Kreller:  
Okay. Yeah. The only thing I'd like to see, is I'd like to hear from Mr. Hoffman if 90 is a feasible number and if it's not-

Rick Danielson:  
Dr. Kreller, please finish.

Skelly Kreller:  
If it's not, then we go back to the original and we vote next week, up or down.

Rebecca Bush:  
No, if it's not feasible, then why would we go back to the original?

Rebecca Bush:  
Back to the original numbers. [Inaudible].

Jason Zuckerman:  
With all due respect, Mr. Chairman, the motion on the table is to adopt that site plan as an exhibit to the ordinance. I don't think we need to go back into a discussion about is 90 doable, not doable? We were getting way off-topic with that discussion. There's a motion on the table to adopt that site plan. We need to make a decision. We're three hours into a meeting. I request respectfully the counsel make a decision, please vote on this and move on.

Ernest Burguieres:

May I make a comment about the procedure?

Rick Danielson:

We'll take three comments and that's it and then we're going to vote. Mr. Burguieres, Mr. Grundman, Mr. Vogeltanz, then we'll move on.

Ernest Burguieres:

You all started this meeting out because you guys were a quick bag with Robert's rules because you approved something at 90 units and saw you couldn't go back at it. You don't need to adopt a site plan for this thing. You just ask them to give you a revised site plan. That's all you need. If you adopt it, you might tie yourself into it. You don't need to tie yourself into, you need the flexibility. You want to see the site plan. You don't want to adopt it because you don't know what the end result's going to be, and we're at 90, we're not at one 170. That's over with, and so he's got to decide... He may not know right now, he may know in the back of his mind, but give him some time to decide whether he wants to fish or cut bait. He didn't want to say, "That's done. I'm done with this thing. I can't do it." If he's going to need a little time to do that, just see what it can make and work. You don't need to adopt any motion for a site plan right now. Just ask them for one. Tell them to produce it. That's it.

Rick Danielson:

Mr. Parnell, do you have to have an approved site plan in the ordinance?

David Parnell:

That was my suggestion. The adoption and everything that's going on is because of the time constraints to publication that are... That Mr. Burguieres comments, [inaudible], my suggestion was give them time to offer which one of those is [inaudible] set up and set that next meeting time to be able to publish that [inaudible] meeting with the proposed criteria in the ordinance [inaudible].

Rick Danielson:

Okay. All right. Makes sense. Mr. Grundman?

Larry Grundman:

Just a question. Don't you need to know the departures, too? Not just the site plan. Not just the plot. You need to know the departures, what the elevations are, what the height is, what the variation on building size is, stuff like that. So, you read all of that together, I think, because that's one of the things that you pass in the ordinance, is the approval of variations, often departures. So, I think you need more than just the site plan and you did. It's not you that's delaying, it's them that didn't follow what you asked them to do. And they need... If they had worked on that and put in the elevations and everything else, you could put the plan in.

Rick Danielson:

Thank you, Sir. Mr. Vogeltanz, this'll be our last comment.

Mr. Vogeltanz:

Thank you for taking public comment. I'd like to make a recommendation to the council procedural recommendation. I'll start by saying I actually don't know the answer between Councilman Zuckerman and the city attorney about if you add a new site plan, does that require additional notice or not? I don't know. I'd have to look at it, but my proposal, it's a moot issue right away. You should take a vote next week. You should plan to take a vote next week. I think that if you adopt this site plan or not tonight, it's probably irrelevant for some of the things we're going to talk about. I personally, the reasons that the Councilman Zuckerman offered, would not accept it because it doesn't reflect the will of the council, which was an amendment a month and a month and a half ago to go to 90 apartments.

If you reject it tonight, then the main motion next week, which you can vote on, is going to have that original site plan. I don't think anybody in this council is going to vote and table that original site plan. And I would question if it would be even procedurally proper given that you've gone from 200 units to 90 units. But even regardless, sending a clear message right now that you're going to vote next week puts the developer in the position of, "Okay, we have to show them a site plan within eight days that complies with the parking and the apartment units that they have amended the motion to reflect." And if they don't and they may not, they may say, "Screw it, you guys have done us 90 units, we're not going to do that." And that's fine. You preserve your ability to vote next week. I think the issue was saying, submit something to us and we don't want to vote until you submit it. I don't know. It's that three months, that four months down the road. I'm in federal court a lot. The first thing that you are taught when you're in federal court is you never disobey a scheduling order or these deadlines. The deadlines of deadlines, they had a month to come back and show the council and the city of Mandeville how they could make it work with 90 apartments. They chose not to do that. And I'm troubled why they would make that decision, and I'm troubled that there was an immediate motion, an improper motion that was not be searched, to reconsider that issue. And I don't know why it happened that way, but I strongly encourage the council, no matter what you decide on the site plan tonight, tell the developer, we're voting next week unless, in the intervening time, you come forward with this great new site plan. And then you have the discretion if you want to adopt it or table or postpone it for another week or two weeks, but let's put them on the hot seat and say, "Next week, if you don't have the goods, we're voting." Thank you.

Rick Danielson:

Thank you, sir.

Rebecca Bush:

Sorry, I think... I wanted to clarify. If we don't adopt this, the old one reverts back, but that doesn't mean we can't substitute a revised one. That would not be relative of the publication rules.

David Parnell:

Okay. We'd be able to offer limits. And again, you can say building sizes, building heights, elevations can't exceed these. Set those limitations throughout your considerations, right?

Jason Zuckerman:

Okay, so to answer your... Let me make sure I understand. To answer your question, specifically what I'm understanding... I just want to make sure that I'm understanding, we don't adopt this exhibit tonight to the ordinance. They can still present a new site plan at a voting meeting. We can discuss it, and we can offer an amendment to make that new site plan.

Cara Bartholomew:  
The site plan.

Jason Zuckerman:  
The exhibit, if we're satisfied that it reflects what's going to be built and these parking requirements are, that would be the exhibit. It doesn't... We don't have to do this tonight, right?

Rick Danielson:  
I think that sounds correct, so I'm going to make a motion to withdraw my motion to update with the site plan, and we'll move forward. I have a second to-

Jill McGuire:  
Second.

Rick Danielson:  
All right. I don't think we need to vote, so it's just to withdraw so that we'll wait. See if you choose to present something next week to change something around, feel free, and if not, it will stay on the exhibit that is current. Okay? All right. That Should wrap it up for tonight. We have a motion to adjourn.

Jill McGuire:  
Motion to adjourn.

Rick Danielson:  
All right. Thank y'all very much. Our next meeting is Wednesday, the 23rd.  
Thank y'all.

**ADJOURNMENT:**

Mrs. McGuire made a motion to adjourn the meeting, seconded by Mrs. Bush. Mr. Danielson adjourned the meeting at 8:45 p.m.

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Kristine Scherer  
Council Clerk

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Rick Danielson  
Council Chairman





MINUTES  
FOR THE CITY COUNCIL MEETING OF AUGUST 15, 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, Rick Danielson, Skelly Kreller, Jill McGuire, Rebecca Bush

Also present: Keith LaGrange, PW Director, David Parnell, Asst. City Attorney, Mayor Madden, Cara Bartholomew, Planning Director

Jason Zuckerman:

All right everyone, please hold it down, let's get started. It is Tuesday August 15th 6:00pm, this is a special meeting of the Mandeville City Council to discuss the ordinance number 23-16. All members are present. If you would please join me for a moment of silence and the pledge, we can get started.

Audience:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Jason Zuckerman:

All right, as we have discussed in all the previous Sucette meetings for consistency's sake, I will be turning the chairmanship of this meeting over to Mr. Danielson. With that said, Mr. Danielson

Rick Danielson:

Good evening, everyone and thank you for being with us. Obviously, there is just one item on the agenda this evening. It's been a couple of weeks since we last met, this is a special meeting on Ordinance Number 23-16 and I don't think it has rained since our last meeting, so I want to thank Ms. Todd for that, because she got her vehicle washed today. Everyone that got their cars washed today gets full credit. So, thank y'all very very much. Thank you for being with us, after our meeting a few weeks ago, we have got some items that we've got to be discussed, finalized, possible amendments as well as possible additions, as we move forward so we are able to vote on a final ordinance. So, the thought tonight is to go through some of those open items, I know that Mr. Hoffman and his team at Woodward have got some updates and things they would like to present to us, so we will do that in just a moment. It will be very difficult to vote on a final ordinance this evening, so we have to clean up everything in ordinance number 23-16 with any amendments, any conditions, and any possible changes that we would discuss this evening. So, the plan is, to not vote on the final ordinance tonight, we could vote on certain items, amendments, conditions, and such. But then the thought, if any items that could be approved this evening, will then have to be incorporated into the final ordinance. We do have another meeting scheduled for next Wednesday, the 23rd. Hope, thought, plan, is this will be our final meeting for a final discussion and a final vote on Ordinance number 23-16 that would include all amendments and just anything else. Now, procedurally, it's the right thing to do, to make

sure everybody has a chance to digest the final ordinance with any changes that have been made, that it is advertised. The thought is, incorporate those items tonight, advertise them tomorrow, and then meet for the final time, next Wednesday the 23rd. So that's the plan for this evening. I think it would be important and prudent to turn this over to Mr. Hoffman with some of the information where we left off last time, and some of their thoughts of where we are right now. So, Mr. Hoffman, I will turn it over to you.

Bill Hoffman:

Good evening. At the last Council meeting on July 24th, a few issues were raised that we would like to address and respond to. At the last meeting, Councilman Zuckerman raised some issues of sound coming from the hotel, but more specifically, coming from the ballroom and how it would impact the (inaudible, 04:10). As stated at the meeting we have previously engaged with an acoustical engineer to address the sound impact from the causeway bridge on the Sucette Harbor site. Based upon their data collected during their work, they asked the acoustic engineers to prepare a report on the sound impact of the ballroom from Mariners (inaudible 4:30) each of you received a copy of that report today. The conclusion in that report is that the Mariner's Isle residents that are closest, approximately 200 ft from the ballroom, will receive noise levels when standing outside of less than 40 decibels, which is less than the average traffic levels of noises currently heard of from Mariners Island's apartments which in the evening would be 40-50 decibels. During that daytime the average level of traffic levels would be 50-60 decibels to peaks up to 75. If amplified music is played on the lawn in front of the ballroom, the sound level heard at Mariners Island, would be 55-60 decibel level when standing outside the Mariners Island. Activities held in the ballroom, will not see any additional noise issues for the residents of Mariners Island. Often times, opinions have been stated in these special meetings that those opinions have no verifiable support. Many of your comments about noise in the last meeting fall into that category. At the last meeting comments were also made about the density of the active adult apartments on the site. Councilmember Bush expressed concerns about scale of the active adult building. Having heard all of the comments about scale, we have gone back and redesigned the footprint of the active adult building. In this revised site plan, we have done the following: we have eliminated the northwest building, the one closest to the Tops'l apartments. We moved the main building closer to the lake and squared off its footprint, this will allow us to preserve the five forested live oak trees where they currently are. We previously only had a fourth floor on the west side of the building, we now have built a fourth floor on all four sides of the building. By doing this we can design 170 apartments into this one building. We believe that with the 170 apartments we are able to develop the marina in the project. While not all are shown on this site plan, we have 563 parking spaces on the site. Approximately, 80 of these parking spaces would be located in the forested area. Our approach will be to maintain as many of the existing tree stand as possible. The tree stands that will remain on site, will provide a visual protection for the active adult residence to the neighboring Tops'l and St. Croix. By the same to, most of the residents of Tops'l and St. Croix will not be able to see the four-story building because of the tree stand, it will impact their line of sight. For perspective, the building will be approximately 340 feet from the St. Croix neighborhood and 475 feet from the Tops'l. Both distances longer than a football field. With these latest revisions to the site plan, the only departures from the CLURO will be for the height of the active adult building and for the

gross square footage of the hotel. We no longer have a departure for parking and will not need a variance for removing the live oak trees, nor the related mitigation plan. We request that during the meeting the ordinance, the number of apartments be amended to allow for 178 apartments, and one four story building as opposed to the current 90 apartments. At the 170 apartments, we can still develop the marina with some slight modifications. However, the marina will not be developed as long as the proposed ordinance has a penalty provision that revokes the current conditional use permit for the entire project if you cannot get a sunken boat (inaudible 8:48) No lender will lend a project with that provision. We ask that that ordinance be amended to remove that penalty and treat an incident like this as the city would with any other (inaudible 9:02) event. In conclusion we would like to make the following points: we met with the city before we started this very (inaudible 9:11) we presented plans to the Planning & Zoning committee which held 6 public meetings. Revisions were made to our plans based upon feedback through that process. At the end, the Planning & Zoning committee voted 4-3 to recommend approval of the development, which included 201 apartments, to the City Council. We strongly believe that the Planning & Zoning committee did its job as laid out by the city's regulations. We have had 6 previous meetings with this City Council, we have listened to your comments and concerns, and we have continued to modify our plans. We believe our current revised plan continues to conform with the CLURO. Our project will provide housing to an ageing population that wants to be in Mandeville and enjoy the many amenities of the area. We will bring a boutique hotel on the lake to the city, which will increase tourism and tourism related dollars into the local economy. We will reactivate the marina which will be an asset to the area. We will create 80 equivalent full-time positions for the area, we will generate over \$1.2 million annually in property tax for the region, and a one-time impact of \$6.9 million in sales taxes. In addition to these direct taxes, visitors will generate additional sales taxes which frequent other establishments in Mandeville. As stated in a recent letter from Donald Daniels, President and CEO of Visit NorthShore, sent to the mayor and the city council. "Were it not for the tax dollars collected from visitors to St. Tammany, each household would be paying \$1,228 more in annual taxes to maintain the same quality of life we currently enjoy." These revenues are important to all the citizens of Mandeville and St. Tammany. We believe that this project is currently presented to be a tremendous asset to the City of Mandeville and the surrounding area, and we ask that you vote in favor of the revised plans. Thank you.

Rick Danielson:

Thank you, Mr. Hoffman. I guess we have a couple of recommendations from the developer to consider these changes. To have that discussion we need a motion as to that, and to move forward we need a motion and a second.

Rebecca Bush:

Is this a motion for a specific issue or is that.

Rick Danielson:

Umm. That would be for a specific issue which we can move forward. There are a couple of different issues that they are proposing in there so I would recommend we take them one by one.

Skelly Kreller:

Chair, I would like to make a motion. I would like to amend the number of units from the 90 to the 170, ummm, so that we can incorporate the marina into the project.

Audience:

No.

Jason Zuckerman:

Mr. Chairman,

Rick Danielson:

Hold on with your comments and bear with us.

Rick Danielson:

Dr. Kreller

Skelly Kreller:

That's the motion, it is just changing the unit number from 90 to 170.

Rick Danielson:

Based off of this site plan?

Skelly Kreller:

Yes, based off of this site plan. The updated site plan that you see.

Jason Zuckerman:

Mr. Chairman, I would like to call a point of order. I don't think you can make a motion to amend a previous amendment that was voted on at a previous meeting that had been adjourned. Robert's Rules are very clear on that. Once an amendment is voted on, you cannot make another amendment to an amendment to nullify a previous amendment. So, I am calling a point of order please.

Rick Danielson:

Ok, so our parliamentarian, I don't know if that is something we can look into.

Ernest Burguieres:

I can't hear you.

Rick Danielson:

We have a motion pending, so we are not going to deal with anything else until the parliamentarian has a chance to look that up.

Ernest Burguieres:

I think we can get a glass of wine now Hugh.

Rick Danielson:

Feel free to talk amongst yourselves. We are going to get to questions based upon this, but we've got to finish the motion. So, until we have a second that will allow for the discussion, then we'll get there. We need to see if we can have the discussion.

Ernest Burguieres:

How about a motion to suspend the hearing until she makes a decision?

Rick Danielson:

I am fine with that if somebody wants to make that motion for probably about 5 or so minutes. 10 minutes if needed.

Rebecca Bush:

I'll second that

Rick Danielson:

So, we have a motion to suspend the meeting until the parliamentarian is able to research that. We will recess for approximately 10 minutes. So, it is 6:20 now so let's get back at 6:30.

Rick Danielson:

Thank y'all very much. We'll go ahead and reconvene our meeting. Government is always very interesting from a procedural standpoint, and that's why you have that process. Hopefully, we've worked through this process, and we'll try to move things forward. Mr. Parnell, Assistant City Attorney, was diligently going through this. I want to turn it over to him because he will explain the procedural part of this process much easier and better than I will, and then we'll go from there. Mr. Parnell.

Mr. Parnell:

Again, y'all already made amendments to the motion and you can't keep on making amendment after amendment on certain items. At that point you're being a [inaudible]. The procedure is a motion to reconsider by one of the three people who voted to move the issue that Dr. Kreller brought up. One of the positive votes in favor of that amendment would have to vote to reconsider based on the new information presented tonight on this site plan. If that it is a second, then there's a debate on whether we should reconsider this and at that point there could be a motion made to reconsider it, a motion made to leave it alone or however [inaudible] Dr. Kreller's motion because he would say a negative vote on the prior amendment. He cannot make an amendment to the action.

Rick Danielson:

and nor can I.

Mr. Parnell:

Correct.

Rebecca Bush:  
Isn't Dr. Kreller's current motion entering withdrawal?

David Parnell:  
Yes. Procedurally Dr. Kreller needs to withdraw.

Rick Danielson:  
All right, so first step is Dr. Kreller, if you could withdraw your motion.

Skelly Kreller:  
I would like to withdraw the previous motion on me.

Rick Danielson:  
Okay. I don't think I needs a second because we never had a second to do it, so it's just withdrawn. Okay. So now do we have from either Mr. Zuckerman, Ms. McGuire, Ms. Bush, a motion to reconsider?

Rebecca Bush:  
I'll move to reconsider, and I'll give this additional information that I feel we need to make this decision and discuss. This is not about trying to kill the project on a technicality. I feel like we need to let the developer and the public weigh in on the current issue. It doesn't mean that we are... We can still vote on the substance of the proposed ordinance as they would take another vote, take another motion, correct?

Rick Danielson:  
Right. We're only discussing the motion to reconsider. So, we have a motion by Ms. Bush. Do we have a second motion to reconsider?

Skelly Kreller:  
I'll second.

Rick Danielson:  
Okay. Dr Kreller can second that. Okay, so we have... bear with me. As Mr. Parnell was saying, on the motion to reconsider, neither Dr. Kreller nor myself could make the actual motion to reconsider, but anybody up here can second the motion. Okay. So that is what has happened. Ms. Bush made the motion to reconsider. Dr. Kreller seconded the motion. So, we have a motion and a second only to reconsider. We're not even talking about the numbers; we're not even talking about the site plan strictly just to reconsider. As any other motion, we will discuss it, council, and then we'll have an opportunity to go for public comment and questions, but it will only be on the motion to reconsider, not on the numbers, not on the project, not on anything but a motion to reconsider. And once we get the public comment, of course, as always, we'll limit it to no more than three minutes, and we'll try to keep that part of the process moving. And then just a request for council members when we can speak, if we can get a little bit closer to the microphones because our camera might not be picking it up and I think a few people in the back are having a little bit of trouble as

well. So, we have a motion and a second to reconsider the amendment. Discussion from council members on the motion to reconsider,

Rebecca Bush:

Let me reiterate the reason I made the motion and that was to make sure that we have a full hearing and consideration of all the issues that the developer... And I met with the developer twice in the past few weeks, and I do feel like it's my obligation to continue to take in new information from everyone. I have not made a decision and all of the information is helpful to me. With that said, I think I'd like it to be a discussion on this specific issue only. I'm a bit disappointed that this issue has come up at this juncture. I felt like there were some other things that we could have addressed-

Jill McGuire:

But we couldn't.

Rebecca Bush:

-before, but there it is.

Rick Danielson:

Okay, well this is where we are at the moment. Are there any other questions, comments from council members on the motion to reconsider?

Jason Zuckerman:

I'm very disappointed that we're having this discussion again. We've been to six, seven public meetings. We've asked the public to come out many, many times and voice their opinions and it seems like we keep debating the same issue over and over again. I think we had a very thorough discussion on the density and what was appropriate for that half of the site, the residential area of the site. And I think that this is continuing to put the public and the council through unnecessary meetings and I'm just very disappointed that that's where we're at. We're back where we started two meetings ago discussing how many units will be on the site.

Rick Danielson:

We're not actually discussing that. We're not discussing the number of units at all. We're only discussing the motion to reconsider if we want to get to that point which has not been approved.

Jason Zuckerman:

Well, that's what my comments were, all right?

Rick Danielson:

But I want to make it clear of what we are discussing for everybody involved. Any other questions?

Jill McGuire:

I agree with Jason and would also like to state that, although, in my opinion it's not really new information. It might be a different plan. It's still 178 units. It's not new information. They still want to ultimately do what we amended and cut in half. So, I am not open to reconsidering my stand at.

Rick Danielson:

Okay. Any other questions, comments from council members?

Rebecca Bush:

Can I make a response to that? And I respect Councilman McGuire's comments there and one of the reasons why I wanted to listen to their information is two of my big issues are scale and what I see before me did a lot towards scale. I don't know how I'll vote, and we still have to address the number of units, but I think it's worth discussing.

Jason Zuckerman:

I haven't seen any new information that addresses scale. I just see there's a new site plan, but I don't know how tall these buildings are, what they look like, what they're like in relation to the other buildings.

Rick Danielson:

Well, if we approve the motion to reconsider then there's another motion to discuss the revised site plan. I think we can get into all of those different items. But again, I just want to go back on the motion to reconsider. We voted. The site plan we were expecting was going to be a site plan to reflect the amendment that we voted on, which was 90 units, a site plan that we could make a final pass on before it got attached to the ordinances and exhibit to vote on the exhibit. So, coming back and proposing a site plan that has more units than we already voted on, I just think it's disingenuous. And then bringing the whole discussion up again. At this point this is just dragging it out.

Jill McGuire:

We're dragging it out and it's like a shell game every time we come, we never know what's happening. We say one thing we're we're going to talk about these topics and then we come and it's a whole different topic. We keep delaying the meetings. I'm embarrassed. I'm totally embarrassed. [inaudible] in command of it all.

Rick Danielson:

Ms. McGuire, would you like to run the meeting? How would you do it differently?

Constituents:

Do it.

Rick Danielson:

I'll let you. Feel free. You can run it. If there's a better way to run these meetings, feel free.

Constituents:

Do it.



Rick Danielson:  
Go right ahead.

Jill McGuire:  
Hold on a minute. Are we done with this discussion?

Rick Danielson:  
No.

Jill McGuire:  
We voted. So, we have to do that first.

Jason Zuckerman:  
I've said what I need to say. I think you said what you needed to say. Ms. Bush said what she had to say. No other council members have any other comments on the motion to reconsider. I would suggest going to public comment.

Rick Danielson:  
I'm fine with that.

Rick Danielson:  
Dr. Kreller do you have anything before we go to the floor for that?

Skelly Kreller:  
I think that, and I'm not speaking about units, now I'm concentrating on the new site plan. We have a new site plan.

Constituents:  
That's out of order.

Rick Danielson:  
I agree that it is out of order and we're going to try to stick to the motion to reconsider and if that's approved then we can certainly get to that. Okay. Anything on the motion to reconsider, Dr. Kreller?

Skelly Kreller:  
No.

Rick Danielson:  
Okay. We go to...

Rebecca Bush:  
Just to clarify, so this is just reconsidering the number of units only. A vote for this motion is not voting for the change of the amendment, correct?

Rick Danielson:

No. All this motion really is to do is, if it's approved, then Dr. Kreller, if I understand it correctly, could go back to the motion that he was trying to make at the beginning to discuss the revised site plan. So, we're not even to numbers, we're not even talking about numbers, we're not talking about trees, we're not talking about parking. We're not talking about any of it. Strictly a motion to reconsider what is currently in the ordinance.

Jason Zuckerman:

Could I ask the council clerk just so that we are on the same page, could I ask you to read back the previous amendment that we passed? If we're going to reconsider, I want to make sure we're not putting some different spin on what we passed previously. I just think it's helpful for everyone not to... Are the minutes available?

Rick Danielson:

But I think that's out of order as well because that's getting to that amendment and we're not at the amendment yet.

Jason Zuckerman:

But if we're...

Skelly Kreller:

I agree that is out of order.

Jason Zuckerman:

I don't agree because if we're discussing a motion to reconsider an amendment based on whether the amendment is... There's new information, we're voting on a new site, we're talking about a new site plan, we're not talking about the number of units. I think we should absolutely know what the exact wording was of the amendment that we passed before we make a motion and a ruling on, hey it's not to discuss this, it's not to discuss that we didn't really vote on that. I'm just asking the council clerk to read us...

Kristine Scherer:

So, if David wants to chime in, my thought is...

Rick Danielson:

Well, she doesn't have a microphone, so we'll repeat it when she makes her comment.

Kristine Scherer:

So, I'll have David, correct me if I'm wrong, but this motion is just to entertain nullifying the prior motion. So, reading an amendment, we've had several amendments and conditions, we're not at that part yet. So, we are going into an area that we haven't even opened up yet. So, if you all decide after discussion to vote not to reopen the amendment, then reading amendments doesn't.

Jason Zuckerman:

All I ask is that a part of this discussion of whether or not to reopen the amendment is if we can read the amendment that we're discussing reopening, can we do that? If we need to take a break to find it in the minutes, we can do that. But I think it's very important before we make a motion to reconsider an amendment and we're all on the same page as to what that amendment was. I don't think that's out of order.

David Parnell:

And just to clarify, Ms. Bush's motion here is to reconsider the prior amendment that she voted for. That was of the application that lowered the number of units. It's not a bad idea to find the minutes.

Jason Zuckerman:

I think it's a good idea.

Rick Danielson:

That's fine.

David Parnell:

But again, her motion is to reconsider that based on new information as is all the grounds that you could follow on motions reconsider. You can't just add [inaudible] based on the new information that's been received. That's the motion that's been made, seconded, and has been discussed now. So again, I think it's a good idea to find that original amendment to the application because you're contemplating going back to the [inaudible] versus what the amendment, either the first item or some other movement that they passed. Ms. Scherer, do you need a couple minutes to look for that?

Kristine Scherer:

Mm-mm, it's right here.

Rick Danielson:

No, she has it, so we don't have to take a break. We're going to get the public comment. I see the hands.

Kristine Scherer:

So, you're looking for the amendment that was reduced to 90 units?

Rick Danielson:

Yes.

Kristine Scherer:

Mr. Zuckerman, this was on July 12th. Mr. Zuckerman made a motion to propose.

Constituents:

Can you speak up please?

Kristine Scherer:

Mr. Zuckerman made a motion to propose the number of units to be reduced to 90 seconded by Mrs. Bush. Mrs. Bush started a conversation about what would be the new square footage. Mr. Zuckerman stated that would bring it to 12 units per acre. He explained that this is the same calculation used just on the property it is being placed on not the whole parcel. Mr. Danielson asked Ms. Bartholomew to explain what they're allowed to use when calculating density. Ms. Bartholomew, explained under the R3 multifamily regulations it's calculated by parcel size. This is the language that is stated in the CLURO. Mr. Hoffman.

Jason Zuckerman:

Yeah. So, the motion was, again, read that first sentence. The motion was to reduce the number of allowed units to 90. So, what the motion to reconsider now is based off of this site plan being considered new information to reopen the discussion from the number of units to 90 to open it back up to what was proposed originally.

Rebecca Bush:

So, I'm not making a substantive motion yet. It's just to move to discuss.

Rick Danielson:

It's a motion to reconsider.

Jason Zuckerman:

A motion to discuss based off of this being the new information.

David Parnell:

If the motion reconsider passes, we are then re-discussing the issue about the 90.

Jason Zuckerman:

And the only reason this motion could be made is because of this new piece of information.

David Parnell:

Correct. There's new information.

Jason Zuckerman:

Correct. This piece right here, we can open it. We can re-discuss how many units there are. I think I understand. I don't agree but I understand.

Rick Danielson:

Okay. All right. Anything else from council members on the motion to reconsider before the floor? Mr. Burguières? Mr. Vogeltanz?

Constituents:

When was the vote?

Rick Danielson:

Well, we haven't voted. We're strictly just discussing the motion to reconsider.

Ernest Burguières:

You all are moving backwards. You've been here for almost a year doing this stuff and we're moving backwards. We're not making progress on this. There's nothing new that's being proposed. What's being offered is to go back to what it was six weeks ago. That's not new. Back up to 180. That's the same old thing that they want another bite at the apple. That's all they want. It's not fair to these people out here who've been coming here for six months, eight months, nine months, terrified and angry trying to get this thing put to bed and it gets resurrected again. This is Groundhog Day over, over, and over again. You wear these people down. That's what you want to do. You wear them down. It's just not fair. This thing is just, it's perceived as being not fair. Something like an amendment like this ought to be on exigent circumstances or very rare done and the reason nobody knows the answer to it because it's hardly ever done. Why is it hardly ever done? Because it's not appropriate. It's not appropriate to do that. You're giving them a second bite of the apple and we've all slugged through here and we're making progress little by little where we end up at the end of the day? We don't know yet, but we're moving backwards on this, and you shouldn't do that.

Kevin Vogeltanz:

In a prior life I did a lot of work with Robert's Rules. I do not believe that this is a proper motion because under the Robert's Rules you can only make a motion to reconsider an amendment at the same meeting that it was passed or at the next meeting. And we are at least two meetings beyond when the 90-amendment passed. I encourage you guys to recess. Take 10 minutes. Look at that. You do not want to screw that up. That tanks everything that you do. If that procedural issue is not correct, no matter if you go forward or against it, you have killed a year's worth of work. Please open up the book, take a look. Motions to reconsider can be made at the same night of the meeting or at the next meeting. The motion should be withdrawn.

Rick Danielson:

Thank you, Mr. Vogeltanz. Come on up, but I want to see if Mr. Parnell has a response to that.

Mr. Parnell:

Right. It's actually when that business is adjourned. And so, these meetings have been adjourned. There's been no decisions on anything. The amendments had not been voted on, finally. So, the issue is still before the city council hasn't been a finding. So, he's correct. He can't carry business to business to business. But this is still the same piece of business.  
[inaudible]

Rick Danielson:

Okay.

Sarah Wood:

I would argue that this is not material. They haven't made a material change to go from 211, 200, to 178 when they had clear knowledge that the motion said 90 units is not... The standard of review should be there's no material change here. This isn't new information.

And I would also question their good faith in presenting a plan that is not reflective of the 90 units. I think you all should really vote against that.

Larry Grundman:

This is not new information. The decision and the basis of the 90 was R3 and the division. Councilman Zuckerman made a very clear delineation of his rationale for going through it and it had nothing to do with the layout or anything else like that. It was based on density, and it used as a reference R3. That has not changed. When you divide 170 by the acres that it used, you get 90. That math is pretty stringent, and it stays the same. You divide two numbers, one button to the other. You're going to get the same answer. And this is not new information. This is just a rehash and an excuse to look at something that was already decided and was rationally decided. Just to have spurious plans does not change back.

Rick Danielson:

Mr. Ralph and then Ms. Todd.

Theodore Ralph:

I'd like to say that it's not the business of government to bail out developers for poor business decisions. The Copelands, the Pittman's bought their properties a long, long time ago, way before the growth around here mushroomed and accelerated to the point where density is an extremely sensitive topic. I would ask you to bring this rodeo to an end. This has been going on for a year. Whether you debate this any further or not, I would like to see y'all end this. Thank you.

Rick Danielson:

Thank you, sir. Ms. Todd was first. So, Ms. Todd first.

Vicki Todd:

My question is, we have been going through this and we've been in every meeting, if you vote on something and then we're going to change it at another meeting and then another meeting after that. We're not going to be anywhere except sitting here, wasting time. And we all have vested interest in this and there's really no one in this room that wants this. And we keep going through this over and over and over. So, if you make a decision and you go back next meeting and say we're going to amend that, it's a waste of time. Please, we need an end to this, and we don't want it. Thank you.

Rick Danielson:

After Ms. Barrette, one second.

Claudia Barrette:

Claudia Hope Barrette, 171 Live Oak Street. I'm with everyone else and like he said, everyone doesn't want this but a few people on this side. But what my concern is right now is that I'm not sure if you are aware, we've been in the news, Mandeville has been in the news a lot. We had murder suicide yesterday. Our crime rate has increased. Right now, I don't know if you all are aware, but you all are in the news on a weekly basis and with a laughingstock of Mandeville. And it's embarrassing. I mean we're talking about something

continuously. Continuously. This is something kindergarteners can understand. We keep going backwards, backwards, backwards. No one here that lives in Mandeville that pays taxes wants this. Why can't all of you guys sitting up there understand that? And like my husband said at the last meeting, everyone here knows clearly how they're going to vote. You're not going to convince me any other way. You're just playing the game. So why not just save us all from the shit show and vote yes or no. It's simple. Yes, no, yes, no. That's all I have to say.

Barbara Muller:

This is a CLURO, guys. This is from...

Rick Danielson:

If you could give us a name and address.

Barbara Muller:

Barbara Muller, 530 Park Avenue. This is a CLURO from 1993. People in this city, in this town.

Rick Danielson:

Speaking into the microphone.

Barbara Muller:

I came here in 1966. It was a town. There was hardly anybody here. There was only one bridge. And people have been serving in these positions and trying to protect our town, our city from developers coming in with humongous projects with outrageous density with higher than the CLURO permits buildings. It's terrible. And I agree and I support everything the people ahead of me said. It's ridiculous for this to be going on like this.

Ellen O'Connell:

Ellen O'Connell, 330 Lakeshore Drive. I think we're going backwards because the problem of the marina.

Rick Danielson:

If you could speak into the microphone.

Ellen O'Connell:

I think someone, whoever it is, is trying to go backwards in order to fix that marina. Because topsoil has faced erosion since 2006 or 7 or 8 and it's still going on. So, I have a new idea that could stop this going backwards. And that is I want to ask the developer, if he were to forget developing the marina, only fix the bulkhead to prevent erosion of topsoil, could he then have enough money left from not fixing it because it's very expensive to put in docks, floating docks. Maybe he could then afford the 90 units.

Rick Danielson:

I've got to bring you back through to the motion. It's good point. I appreciate it, but you've got to come back to the motion to reconsider. Okay. Thank you. Any? Yes ma'am?

Emery Clark:

Just echoing what everyone said. Emery Clark 302 Mariner's Isle. I'm just curious who the lawyers, the planning, and the council are representing. Some people are obvious, the opinions here are so crystal clear, our city is worth saving. And I think... I can't even believe that I made a choice so long ago and you want to take it from all of us. I just want to know who the city employees are representing. Thank you.

Rick Danielson:

Any other questions, comments on the motion to reconsider.

Jason Zuckerman:

Before we vote on that, I really would... Something the city attorneys settled a little while ago about in Robert's Rules, what Mr. Vogeltanz brought up about not being able to vote on to nullify something several meetings ago. Can somebody read that out of Robert's Rules? Because I have everything that I've read out of Robert's Rules says once you vote on an amendment, you can't go back several meetings and vote to nullify or modify that amendment. So, I just heard an interpretation from you to say, well, the business of the account, this overall issue hasn't been concluded. So that we can have, again, that interpretation would open it to endless debate on an issue. I'd like somebody to just read that out of Robert's Rules, whether that's a parliamentarian or the city attorney.

Jill McGuire:

And we did vote on the amendment.

Jason Zuckerman:

We voted on 90 units. Not on the site plan.

Mr. Parnell:

But the motion to reconsider was brought based on new information which is the only grounds it can be brought up.

Jason Zuckerman:

But I don't think it can be brought... I'm questioning your interpretation of whether it can be brought several meetings later after it's been voted on. I'd just like somebody read that.

Mr. Parnell:

[inaudible] something previously amended. There's different options.

Constituents:

Can somebody read the rules please?

Jason Zuckerman:

I'm just asking for somebody to read the rule.

Rick Danielson:



I would recommend that we take about a five-minute break where Ms. Scherer, our parliamentarian, find that in the right spot. And if she needs to reach out to her contacts in the parliamentarian world, we have a chance to do that. It's 7:02. We will reconvene at 7:15...

David Parnell:

If y'all do modify the site plan that's currently [inaudible] modifications [inaudible], there may be some part discussions that will no longer be irrelevant to that issue. So, we need to clarify on this site plan, choose to modify what is the site plan.

Rick Danielson:

Okay. All right. This clears it up. We'll get to [inaudible]. So let me start with a super easy one. In the current ordinance there's a paragraph, whereas paragraph on the bottom of page two that list out all the dates of when planning and zoning met to discuss this, I would like to make a motion that we amend the ordinance that includes the same, whereas paragraph at the bottom of page two after the planning and zoning dates, that procedurally lists the dates that the city council has met over the last several months to discuss this with those specific dates, both the two regular meetings that it was on the agenda plus the special meetings, and I know Ms. Scherer, it's just a housekeeping thing. It doesn't carry any weight whatsoever, but it would be correct to include that since the planning and zoning dates are in there. So that's my motion. Have a second?

Skelly Kreller:

I'll second that.

Rick Danielson:

Second. By Dr. K Kreller. Any questions or comments on that paragraph that's adding our meeting dates? We're good. Any questions or comments from the floor on that amendment? Okay. All in favor of the amendment adding the, whereas to include all of our meeting dates, please say aye.

Floor:

Aye.

Rick Danielson:

Any opposed? Okay, that's approved. As Mr. Parnell was saying in regard to the site plan, we have an ordinance that states 90 units and then the other details that are in there. But we need the site plan that accompanies that. So, I'd like to make a motion to request a site plan using the revised site plan that was presented this evening with the trees that were left plus the closed end, quote four corridors you're at 90 units has to be included with this ordinance. Once I guess developed, finalized by the developer.

Cara Bartholomew:

What is that?

David Parnell:

Well, this would be exchanging.

Rick Danielson:

It would be removing the current exhibit two and including the revised site plan with 90 units. But we have to have the site plan based off of 90 units. And my recommendation is taking what Mr. Hoffman presented this evening from a layout, but that layout is just 90 units.

Skelly Kreller:

And using that layout.

Rick Danielson:

I would recommend using that.

It is a site plan. That's what they showed on the screen was a site plan.

We'll get there. So, bear with me. I've got to have a second before we discuss that. Have a second to that motion?

Jason Zuckerman:

I think that might, I'm just throwing this out here, but that might be a little bit premature because we haven't finished discussion on the rest of the site yet. So, I mean I think there's a lot of discussions still to be had on the south, seven and a half acres of the site, the south half of the site on the water side. So, we haven't been through those, and we haven't finished amendments on those.

Skelly Kreller:

I'm with you.

Jason Zuckerman:

I'm just thinking.

Rick Danielson:

I'll withdraw my motion for a moment and let's save it for the end of this meeting.

Jason Zuckerman:

Yeah.

Rick Danielson:

Okay.

Cara Bartholomew:

Good.

Rick Danielson:

All right. Any other motions, amendments and or conditions?

Jason Zuckerman:

I possibly have one and there's something I'd like to maybe bring up and discuss a little bit because not the last meeting or maybe it was the last meeting, I can't remember which meeting it was now, but I keep coming back to this question on the commercial uses of why are we applying B2 site development regulations as a baseline from which we are considering departures from. I keep coming back to that as a question and I know that the answer at the last meeting or previous meeting was that because the uses that they've proposed fall into B2. So, we apply that B2 zoning development regulations as a baseline and going to the ordinance the last or the second to last via further ordainment, the city council by the city council that all variances in departures from the quorum are branded for the subject project. So, then we got a clarification from the developer who indicated that the specific departures were listed, there were four of them that he is requesting, including allowing gross square feet of covered space hotel to exceed a hundred thousand square feet by approximately 8,800 square feet. So that's just a little bit of background, but after that last meeting, I'm still struggling with, why are we applying B2 site development regulations to the site? The answer being because the use that they proposed. And so, I think to myself, well if they would've proposed any other B2, use some of those, there's a lot them, a lot of potential B2 uses including-

Cara Bartholomew:

Car washes.

Jason Zuckerman:

Car washes, auto dealerships, mini storages, shopping centers, any of those could be theoretically proposed on that site. So, something, it just didn't make sense to me, that if that's what we're applying to B2 site development, why we're applying B2 site development regulations, that any of those users could be proposed and as long as they fell in within those square footage and those sorts of things then quote unquote check a box. So, something is just telling me to go back, and reread Plan District and I could just use some help understanding why we are applying B2 site development rights in 7 5 15 2 under Plan district. It says the uses permitted in this zoning district Plan district, including signage, shall be in accordance with those uses listed under this district in the table of permitted uses by zoning district found at the end of this article. And when we go to the list, the table of permitted uses in plan district, it talks about commercial uses. It says commercial uses are permitted use in there, but it says also that B2 Highway business District provided however that commercial uses designated on a site plan providing for a mix of commercial uses and residential uses shall comply with the requirements of the B1 neighborhood business district. So, I'm just, I keep thinking about all these issues with height, scale, appropriate uses adjacent to residential, access for 18 wheelers off of getting into the site. Why is it that we are not requiring, or we are not even considering in the ordinance this provision that requires in plan district where a site plan provides for a mix of commercial uses and residential uses that the commercial uses comply with B1. Because to me that ought to be in the ordinance as the specific departures from the quorum if we're granting those.

Floor:

You're looking.

Rick Danielson:

I don't have the clarification. I'll ask the city attorney to bring it.

Cara Bartholomew:

We've discussed this at several meetings on the clarification is that multifamily does not fall under strictly straight up residential zoning. It's considered to be more of a commercial use than single family residential or two pluses are after you get above R1, R2, those are considered strictly residential and R3 and above is considered a commercial use.

Jill McGuire:

By planning directors or? There's a reason why I'm asking that. I'm not trying to be- Who says that?

Cara Bartholomew:

By the quorum.

Jill McGuire:

The quorum says that.

Cara Bartholomew:

Yes, well, anytime you have a multifamily development, it has to follow the commercial development requirements. So, it requires green belts and bunkers and all of that. Whereas single family residential does not require all of those additional requirements that commercial does.

Rick Danielson:

Could you point us to that? I hate to ask that, but this is a big deal. Because I'm about to make a motion that we require based off of this, that we require the site development on the commercial uses to comply with B1 site development regulations.

Cara Bartholomew:

If that's going to be your motion, then make the motion. I mean that's determination that I've made. That's the determination that has been consistent. I think that we put that out in a memo before.

Rick Danielson:

All right, well that's my motion. I'd like to make a motion that the commercial properties, commercial portions of the project comply with B1 neighborhood business district site development regulations as opposed to B2 highway business district site development regulations.

Skelly Kreller:

Right.

Jill McGuire:  
I second.

Floor:  
Second.

Jill McGuire:  
Second.

Rick Danielson:  
Okay. For Ms. McGuire. I have discussion from council members.

Jill McGuire:  
I think it's worth discussing how will that change when this lifts off.

Cara Bartholomew:  
This is the plan district. You can put whatever conditions that you want on it. So, I think with important here is that you all look at what's in front of you or you modify that site plan because even if you say that they had to follow the B1, they're still allowed to apart from that. So, I think that you just need to look at what it is that you want to see on that site plan rather than trying to match it with the zoning district. I think that's the most appropriate.

Rick Danielson:  
Well, the problems, all of the problems that we've been discussing over all these meetings have been on size, scale, parking, all of that stuff, proximity to residential uses. And those uses are not allowed as part of B1 site development regulations, which I believe is why is the whole, they contemplated this in the plan district section in the quorum, that there are no other commercial uses. I get your interpretation is apartments is not residential. R3 apartments is commercial. I'm not sure that I get that, but there are no other commercial in the area and I just feel like we're shoehorning in and we're creating all these problems with 18 wheeler access, with the size and the scale of these properties but the quorum clearly contemplated that in the plan district where you have a mix of residential and commercial that you comply with the neighborhood business district and you can't put a car dealership, you can't put an automotive service center or a gas station or a fast food restaurant next to it. While you're looking that up, the definition of-

Cara Bartholomew:  
The application for plan district allows for the applicant to create a site plan and submit it to you all. I really, really think if you want the building size to be the maximum building size of 50,000 square feet, then just go ahead and make that amendment rather than trying to fit it neatly into a zoning district. Because that's the purpose of the planning district is that it does not in fact fit in neatly into a zoning district.

Rick Danielson:

But it tells you right here, it tells you that they shall comply with the requirements of B1 neighborhood district. It tells you they shall comply. It's not. I'm trying to understand when I read the definition again, I'm going to go back to the ordinance and the now therefore be ordained in the specific departure from the quorum, the B2 site development criteria specifically with regards to access says that it should be located on lots with street frontage on major arterial or collector streets only and shall not require travel through existing or proposed residential districts.

Floor:  
[inaudible].

Rick Danielson:

I may, it came to me after that last meeting, after a week or two of reflecting on it that all of these issues that we're talking about, the compatibility, the access to the site and all that is a result of applying B2 site development criteria to half of site, which is the other half is all apartments and you're traveling through all residential to get to it. So anyways, that's my motion. I've said what I got to say about it. Y'all can discuss.

Jason Zuckerman:

How would that change the usage, uses that are currently in, if you go from B2 criteria to B1?

Cara Bartholomew:

Again, this is a planned district, so the applicant is allowed to submit whatever uses they feel is appropriate.

Floor:  
[inaudible].

Rick Danielson:

Hold on, let her finish please. We'll have our chance because we have a motion in a second. Go ahead Ms. Bartholomew.

Cara Bartholomew:

So, the plan district unit, they're allowed to submit their site plan and the uses that they don't agree for the site. So that's the application in front of you. The application in front of you is not picking a zoning district that you feel appropriate. These uses in the site plan is what's in front of you to look at and to review and to make whatever amendments you would like to make on that.

Jason Zuckerman:

Could the ordinance be amended to say only these uses, hotel, marina-

Cara Bartholomew:

Right. They are. All the uses in B2 are not permitted here. It's only what is specifically requested you're viewing in front of you. The uses that are not listed in this ordinance are not allowed.

Jason Zuckerman:  
You can't put a car wash on there.

Cara Bartholomew:  
Correct?

Jason Zuckerman:  
Right.

Rick Danielson:  
So based off of the ordinance, they can only do what they're proposing?

---

Cara Bartholomew:  
That's correct.

Rick Danielson:  
Okay.

Skelly Kreller:  
The hotel.

Jason Zuckerman:  
But it does, it doesn't say you can't put a carwash on there.

Jill McGuire:  
You cannot put a carwash.

Cara Bartholomew:  
[inaudible] that are in front. This ordinance is by law, a plan district is creating its own land use district. So therefore, what you all are saying is that only uses that are in front of you that's been proposed by the applicant are allowed. That is exactly why the previous zoning district, which was the Plan residential district, even though that zoning category state the uses which were the residential uses are no longer allowed because that they've lost their use. So, what I'm saying is that because of the nature of a plan district, only the uses in front of you are uses that are allowed on the site.

Rick Danielson:  
Sorry, the amendment to follow that specific criterion.

Cara Bartholomew:  
In every use.

Jason Zuckerman:

I want to be clear on my amendment though. My amendment is not specific to use. My amendment is to [inaudible] apply the B1 site development regulations to the development of that part of the site. Not only allow B1 uses in that site. The site development regulations for B1. Neighborhood, business difference.

Cara Bartholomew:

Again, even if they use the B1 criteria, they're still allowed to depart from that criterion. So, what I'm just asking you to please be specific in what you're asking. Do you want the building size to be a certain size? I mean, I'm just asking to please be clear in what you're asking for.

Jason Zuckerman:

I am proposing that comply, you're required to comply with all of the B1 neighborhood business district criteria. If they'd like to request a deviation from that, that can be proposed. But my request is that they're all outlined right here. B1 is in 7.5.8.3. The B1 site development regulations. That's my motion.

Skelly Kreller:

Okay.

Rick Danielson:

Any other discussions from council members on this amendment?

Jill McGuire:

So okay, go back to the very beginning with references the-  
Sorry, go back to where you referenced the adjoining district. The language from nine.

Rick Danielson:

You want me to read 7 5 15 2 again?

Jill McGuire:

I just wanted to know where-

Jason Zuckerman:

7 5 15 2 says the use is permitted in this district. If we're being asked to rezone to shall be in accordance with those listed under this district in the table of permitted uses by zoning district found at the end of this article and shall be subject to all applicable provisions of this land use regulations. And when we go to the table of permitted uses under plan district, it says commercial uses B2 highway business district provided however that commercial uses designated on a site plan providing for a mix of commercial uses and residential uses shall comply with the requirements of the B1 neighborhood business district. That's what it says. What I heard is the planning director's interpretation is that R3 is not residential, it's commercial also. So, the entire property is commercial.

Rick Danielson:



[inaudible] information up. We want to try to get this as right as we can.

Jill McGuire:

If we were to approve that motion, then we would still be able to go back and approve certain uses.

Rick Danielson:

Okay. All right. Any other questions, comments from council members on this amendment, motion? So, let's go to the floor. Anybody? Yes. Dr. Kreller, we're filing the motion.

Skelly Kreller:

I believe there's another.

Rick Danielson:

Can you turn your microphone on please Mr. Kreller.

Skelly Kreller:

I believe that's another component to what Ms. Bartholomew says in that they can ask for anything they want to move, they have, but they still have got to be able to also pass the 12 criteria and that's where you get to comparing. And is that a reasonable deviation or departure or not? And that's what you have to do. And that's where that comes into play. And of course, it's not a problem for the planning commission because they didn't do it.

Rick Danielson:

Thanks Dr. Kreller.

Skelly Kreller:

And that's why I think what Mr. Zuckerman is proposing is where you have to start from and then they can ask for any departure they want to, but they have to start in accordance with the requirements. And it also says it's not only that it was co-located with residential, but in a residential neighborhood. And it comes to Mrs. Bush's limitation. The last meeting, I believe she said she was lamenting the fact that the traffic studies doesn't capture the big in flux and out flux on the events, and I noticed that the developers now call it a ballroom instead of events center because that event center has meaning in the CLURO. And I noticed that I guess everybody else has now. But what you said is that you lamented that wasn't captured and you were right. And part of the way they captured it is if you don't build big buildings, you don't attract big traffic. And if you do build big buildings, you put them on a highway. And that seems perfectly reasonable. And that's why last time I said your quorum really made sense. People thought about it, don't abandon it for a developer's win.

Emory Clark:

I see a lot of people in this room with white hair and every decision I make is, do I have enough time in my life to deal with this? Do I have enough time left? I do. I have enough time to fight this for the rest of my life. But I want to know a very innocent question. What

would it take to rezone this for a green space, paid for by grants, government grants, there other part-

Rick Danielson:

Ms. Clark, I don't want to cut you off because I think it's a great point and you're very consistent on that. But we're only talking about rezoning in commission.

Emory Clark:

I thought we were talking about amendments.

Rick Danielson:

Well, no, no, no. We're talking about this event.

Emory Clark:

Okay.

Rick Danielson:

Yes. Only that amendment.

Emory Clark:

Well, good luck. First step here, and I want to consider the next amendment for everyone.

Rick Danielson:

Mr. [inaudible].

Ernest Burguieres:

Ernest Burguieres 211 Wilkinson Street. I too have been struggling with this because of this Byzantine language of the planning stuff because it's so different from what any of us are used to. And I started getting into it in the last paper I wrote about wanting to put a round peg of square hole and Mr. Zucker has kind of pulled it all together because who would've thought that the CLURO would've comprehend it trying to do something like this? It would, it's inconsistent because it's all small-town stuff and they want to put the small-town stuff next to the residential, not the browser shopping center over there. And that's inconsistent. It's just logical. It's an obvious thing. And when you get the problem is when you get kind of taken down the wrong path. Sometimes you don't want to back down and you get the bit in your mouth, and you want to run with it and dig your feet in. But this is people's lives. I mean, it is not right. No one intended in the story to put together to make this kind of a fit. A round peg and square hole. And when they tell you you're not supposed to go through residential neighborhoods, that's a hint. That's a hint. We don't need the Cisco tractor trailer trucks while I'm down on tee. We don't want that. It doesn't fit there. Had you struggled to put this project on West as we approach, across street from sanctuary. That property is available. We could do it there. I live across the street from the Sanctuary, that property is available. We could do it there. No, [inaudible].

Rick Danielson:

And even though it's a big highway it's right there on it.

Rick Danielson:

Exactly so all right, any other questions, comments on this amendment? Folks good? Okay. Anything else from council members on the motion?

Rebecca Bush:

Well, I think I'd like to have a discussion. I think Chairman Danielson is kind of getting to that is what does this mean for what we have in front of us. It seems like it brings us back to and I think it goes to compatibility a little bit. It provides us a baseline and then we discuss what goes on top of that. But I mean Councilman Zuckerman had some. Are there specific concerns that this isn't addressing? I guess what we are facing-

Ernest Burguieres:

Do we want to-

Rebecca Bush:

... do we pass this?

Jill McGuire:

Are we asking for specifics? Sorry, didn't mean to interrupt. But to tag onto that, would it be helpful if there were some clarifications like each building cannot exceed 15,000 square feet. Certain-

Cara Bartholomew:

Yeah, so that's what I was trying to explain that even if you apply the B one criteria, they're still asking for the deviation of whatever.

Jill McGuire:

So, they still have a right even if we apply B one.

Rebecca Bush:

Right.

Jill McGuire:

They can still come and say we can still present this to you.

Cara Bartholomew:

I think it's messy. It's not how we would obviously want to do that. So that's why I'm just trying to get, there's a plan in front of you. There's a request in front of you. I'm really asking that you all be specific and what it is that you wanted to see and not just paint the brush because they aren't allowed to ask for deviations because of the nature of the plan district.

Jason Zuckerman:

But to your point, all I'm asking for is that we apply those to that site. They can still request as we're cleaning up this ordinance, those deviations from B one site development

regulations can all be enumerated in the ordinance. So, we can all vote on the ordinance. With all those requests they can leave the site plan exactly how they got it, but-

Cara Bartholomew:

Right, so it's not changing the request so-

Jason Zuckerman:

I'm requesting that that be when we vote on an ordinance that says these are the specific departures from the CLURO now therefore it be ordained. I'm saying that B one site development regulations ought to be the baseline that we are requesting departures from.

Cara Bartholomew:

Yes.

Rebecca Bush:

So, what you're saying is that we eliminate B two uses? Is that-

Rick Danielson:

Not really the uses just the site criteria so the uses really don't change. Nothing necessarily-

David Parnell:

But the PD function is that they propose uses. You consider whether they, the 12 criteria meet this. This really does nothing because there are no governing principles as to what each use has to fit into. Council Zuckerman's offering an amendment. All he's going to do is suggesting that he wants to reduce sizes of the buildings. That's why the plan director is asking for not doing it this way, maybe to-

Jason Zuckerman:

But the development-

David Parnell:

Maybe say [inaudible] I want to set a guideline here. Because again, B one requires is 15,000 maximum building if only a few PDs and the City of Mandeville one I can think of [inaudible]. Those buildings are on one. So, they also came in and exceeded that by request, right? That was what the council and the planning commission did at that time. That's the same function you're doing now. You're saying can they meet the 12 criteria with a departure from a baseline? And what the CLURO says hey, use this baseline. But again, you can exceed it in any way that you find meets the 12 criteria.

Jason Zuckerman:

They have to go back and propose a new site plan anyway. I am proposing that they comply with B one site development regulations. I am not as part of my amendment proposing deviations for them for the B one site development criteria. If they want to come back and request those after looking at it, that's fine.

David Parnell:

But it doesn't change anything. It's still the same application [inaudible]. If that were the case and you said the site plans, you're asking to end this process. You're pushing it back several months because then [inaudible]. You're able at this point to use whatever guidelines you think are important to you. Let me finish, please. In consideration of all the criteria, you're able to use those guidelines, which are the ones that are important to you to make a decision on how the ordinance is going to read before you vote on it. It's very important to add those considerations in. You're proposing to have B one as the guideline, which again still allows every commissioner to... Every council member to vote whether they allow a departure based on the presentation of the applicant, correct?

Jason Zuckerman:  
Correct, I totally agree.

David Parnell:  
So, this really does not... I just want to make sure [inaudible].

Jason Zuckerman:  
It absolutely does something because it will be the difference in the ordinance when we are discussing and outlining in the amount therefore to be ordained, what the departures are from the CLRUCO. Right now, there are only going to be two or three because the only departures listed are from B two. I think everybody up here would like to know what the departures are from B one. And those ought to be outlined because I believe that is the appropriate grouping of site development regulations. And I would like to see, which is why I made the motion, the departures from B one outlined in the ordinance. And if they want to make some modifications to it based off this discussion, that's fine but I think my motion's clear. I don't want to argue with you. My motion is clear.

David Parnell:  
And I'm just suggesting that if your motion were to pass, the next meeting is not a meeting where you can vote this ordinance. Probably the meeting after that is not a meeting where you can vote the ordinance because you're asking the applicant to go make substantive changes.

Jason Zuckerman:  
I'm not.

David Parnell:  
Let me finish [inaudible].

Jason Zuckerman:  
Go ahead and finish and then I'd like to respond. You've already misstated what I'm saying.

David Parnell:  
You're asking the applicant to come back and say are you departing from maximum lot area? Are you departing from maximum building size, maximum lot width, setbacks, green belts, all the things that B one? Those with also deals with building codes and nothing else.

So, you're asking how their application, how they would meet the partners of those regulations, correct?

Jason Zuckerman:

Or they could simply propose what they still have. But outlining the ordinance, the specific departures from B one. I am just asking those to be outlined because I don't think the ordinance appropriately outlines the departures from the CLURO right now.

David Parnell:

But you just you said that they would have to come back to you with a site plan, so we need to correct that.

Jason Zuckerman:

You got to come back to the site plan anyway.

Skelly Kreller:

They just presented the site plan.

Jason Zuckerman:

Well, I'm not arguing with you. My motion's on the table. Mr. Chairman, please move forward.

David Parnell:

All right, well, to be clear, if you don't believe you have a site plan in front of you that could be amended into the ordinance to vote next week, you cannot vote next week.

Rebecca Bush:

I want to discuss how we can [inaudible]. Yeah, I don't think anybody wants to go back to [inaudible]. Is there a way that, and maybe the answer is we discuss what's coming down the road versus that in front of us. I mean I don't know if Council Zuckerman has an idea of how to. I'm in favor of establishing a baseline. I have no problem with that. I just don't want to set us back.

David Parnell:

You all can establish baselines and the CLURO has done for you in some respects. Council Zuckerman is asking for the different ones. But you can just use that in your considerations of your vote as the baseline rather than saying applicant hotels what you need now because we're moving the baseline, correct? The applicant has presented an application that the planning district allows you to place submissions and place any considerations on [inaudible].

Jason Zuckerman:

If we could please hold the comments down so we can understand [inaudible]. So, if I understand what you're saying, my motion to apply, to require compliance with the B one neighborhood business district site regulations, that's one thing. If somebody were to

propose a motion to simply set the baseline for which the deviations in departures from the CLURO is B one neighborhood district, that would work for you. Is that what I'm hearing?

David Parnell:

It's still the same thing. They're requesting departures and you're saying, but it's a departure from one thing versus the other. Whether a motion passes or fails, when you go through the 12 considerations and you figure out how this project meets or doesn't meet those considerations, you yourself can apply any considerations you believe. If B one is your part that that's the appropriate deviate... That's your first baseline, then you can do that. You can say I think this is too big or I think these fits. You don't need to establish a baseline because the plan district allows you to create a hybrid anyway. You're establishing a baseline with this entire discussion. So that's why the plan director was saying maybe talk about building sizes or talk about numbers rather than a theoretical B one that has... Again, B one presents there and unless they have departures. It also lets multi-family have [inaudible] restrictions.

Jason Zuckerman:

All right, well at this point my motion stands. I know I'm ready to move on if there's no further discussion. I mean, I'll call the question if I need to, but I think we need to vote on this and move on.

Rebecca Bush:

So, I mean I'm asking for I guess a little bit of qualification if what I'm interested in is establishing a baseline. You're saying we have to apply it directly to the site plan in front of us in order to not have to reconsider and push us back or is there specific language?

David Parnell:

I can establish a baseline. But again, a baseline is really the personal consideration of the application. But there are some baselines that try to help you get started in the CLURO. But the entire process of the PD allows each council member their personal opinions and views on how these core considerations work out with the application in front of them. So again, we don't need to really establish baselines because the procedure on our plan district allows you to establish whatever baselines you would for your consideration of the project. And the analysis [inaudible] in favor of and whatnot and how that shapes your vote and the ultimate plan. But a clarification on the site discussion is there was a comment about the developer can come back to us with the departments they want. We can't do that to have a [inaudible].

Jill McGuire:

I would just like to say that I don't feel it's necessary to. I feel like it could possibly set us back. Thank you for your clarification, David. But I finally feel like, or maybe I shouldn't use the word finally, because I know you're... But to me, what I gathered from you, we've heard a lot that the applicant can ask for the moon. They can, that's their right. We also have discretion, and we have our article four, our 12 points and that's where... And thank you, David. Because from what I'm getting from that is it is totally okay and legal for me if I feel this is better suited for the B one requirements. If I feel that that's better, then I can

base my vote on that and that is a legal factual. If I feel that the B one uses fit better in that area as opposed to B two, then I can do that. Am I right in that?

David Parnell:  
Correct.

Jill McGuire:  
Okay.

David Parnell:  
That's the entire process.

Jill McGuire:  
Okay, so I feel like this is just going to set us back. I'm ready to vote people. Okay, so I've got my little talk points here. I'm ready to go. So, we may not be doing it tonight, but let's get to the amendments. Let's nail them all out and let's go. Okay, thanks.

Jason Zuckerman:  
I'm ready to vote on my motion.

David Parnell:  
Okay, [inaudible].

Rebecca Bush:  
Pass a motion on it.

David Parnell:  
[inaudible].

Rebecca Bush:  
Unless we apply the specific requirements to each portion, then what you're saying is we could move backwards. I think that's what I want to mention.

David Parnell:  
Only if you are requesting that we reshape the application to show the new departures from the baseline you're trying to apply. Again, it would be replacing Councilman Zuckerman's baseline on all of you all. Where right now the plan district's zoning process allows you to establish your own thoughts on that.

Rick Danielson:  
Let's go ahead and call the question on this.

Jason Zuckerman:  
I'll second it.

Rick Danielson:



Move forward, second. To call the question for Mr. Zuckerman and we're going to call the question to end comment on this amendment. Okay, all in favor of calling the question, please say aye.

Jason Zuckerman:  
Aye.

Jill McGuire:  
Aye.

Rick Danielson:  
Any opposed? Okay. So, we've called the question. We'll move towards a vote. All in favor of approval of Mr. Zuckerman's amendment please say aye.

Group:  
Aye.

Rick Danielson:  
Any opposed?

Jill McGuire:  
Opposed.

Rick Danielson:  
Opposed.

Rick Danielson:  
Okay, so that amendment fails two votes to three.

Rebecca Bush:  
What?

Rick Danielson:  
Next.

Ernest Burguieres:  
Who voted which way?

Rebecca Bush:  
Yeah.

Rick Danielson:  
Well, Ms. Bush and Mr. Zuckerman voted for it [inaudible] McGuire, Mr. Danielson and Dr. Kreller voted against it.

Jason Zuckerman:

Can we do a roll call on it [inaudible]?

David Parnell:

Just in case, let's call the roll on that.

Rick Danielson:

Sure, Ms. Scherer can you please call the roll?

Kristine Scherer:

And I know everybody's getting really excited about the whole conversation, but I can't hear so I completely missed that roll call. If we could just-

David Parnell:

Let's just call it.

Jill McGuire:

Call roll, yeah.

Rick Danielson:

Go ahead [inaudible], call-

Jason Zuckerman:

Fore.

Jill McGuire:

Against.

Kristine Scherer:

Rick Danielson?

Rick Danielson:

Against.

Kristine Scherer:

Rebecca Bush?

Rebecca Bush:

For.

Kristine Scherer:

Skelly Kreller?

Skelly Kreller:

Against.

Rick Danielson:

Okay, so that motion fails. My next item motion for amendment or motion. We understand it can be a little bit confusing but-

Ernest Burguieres:  
Rick explain us what was passed?

Rick Danielson:  
Well, nothing was passed. So, Mr. Zuckerman's motion failed so nothing changes based off of B one, B two.

Ernest Burguieres:  
Could that be the B one standard?

Rick Danielson:  
Well, you can.

Jill McGuire:  
We can. We can use it without that motion. That's why I voted against it because we can use the B one requirements as our basis. So, I felt that if we pass that it might start us back-

Rick Danielson:  
Months.

Jill McGuire:  
... a few more months. So, we can still apply if we choose to, and we feel that that is what we feel is best for that area. We can do that without passing that motion which would make you all have to go back and do-

Jason Zuckerman:  
No, the only one I want to make, and we move on. The only what I want to make is this we're tidying up this ordinance and trying to move forward with it. That second to last now therefore be it ordained; I don't know how you're going to list the specific departures because it's off of B two. It's specific departure, at least what's been proposed so far is specific departures from B two highway business district, which I just think does not under 7.515 could apply to that site. Anyway, I guess we'll discuss that when we get to the ordinance.

Rick Danielson:  
Any other motions for amendments or conditions?

Rebecca Bush:  
We're going to discuss the conditions placed upon the marina such that I think it was the gist of it is a small thing going on impacting the ongoing operation for that project. And I know there were specific items that were discussed in regard to that issue.

Rick Danielson:

Okay.

Rebecca Bush:

I mean I can make a full motion; I just know you like to recap.

Skelly Kreller:

I understand that staying with the 90 units, there's no agreement.

Rebecca Bush:

Well, that's the question we pose to the developer, but I mean I think-

Skelly Kreller:

No, I think they answered that.

Rick Danielson:

Can I make a suggestion?

Skelly Kreller:

Who will? Bear with me. Hang tight, one second. We'll finish this. So, it might be currently, I believe it's a moot point because that will not be part of their revised site plan regardless.

Rebecca Bush:

Okay.

Skelly Kreller:

Okay.

Rick Danielson:

Any other motions for amendments or conditions at this time? Okay, let's go to public comment. No more than three minutes. Mr. Burguieres?

Ernest Burguieres:

Ernest Burguieres, 241 Wilkinson Street. I got a suggestion for everybody here that I think that the applicant has seen the sentiment. Knows the crowd but knows the council. And at this point it might be wise to maybe adjourn because they also have to come back and bring a 90-apartment unit plan to you, and they may choose not to do that. We don't know yet, but they've already said that the ring might be on the table. That's fine. That's what it takes then let them bring that plan forward. And so, the marina's up, so everyone's brought up to speed as to where we are to what it is. So, you can make an informed choice as to what you're looking at right now. I think at this point we've made a lot of big, big discussions. I think everyone's getting a better idea of which way the sentiment is on this thing and what things bother people, what don't bother people. And maybe now is the time to kind of just recess and let them come back to something else so you can look and see what it is instead of guessing here.

Rick Danielson:

Well, but I understand what you're saying. Don't disagree with you in that but if we're going to have the final vote on this ordinance next week-

Ernest Burguieres:  
It's not going to happen.

Rick Danielson:  
Well, we have to have a revised site plan to update exhibit B.

Ernest Burguieres:  
That's what I was just saying. Yeah, I agree with that. I mean a revised site plan with all the things that are revised and stuff and just see where you go. You might be in a position to vote on it because if you don't like it, you vote no.

Rick Danielson:  
Right, and to take steps forward to possibly go [inaudible].

Ernest Burguieres:  
But I was saying cut it short tonight. I mean I think that-

Jason Zuckerman:  
Yeah, I just along that point, I don't know how long it's going to take to get a site plan together. But I don't want to be getting it on the afternoon of the meeting and then come to the meeting and have to go to the site line either so-

Ernest Burguieres:  
It might need your-

Jason Zuckerman:  
... a revised site plan it might-

Ernest Burguieres:  
Give him a couple of weeks.

Rick Danielson:  
I would like to ask Mr. Hoffman that question. If there are thoughts on how long would it take you to do a revised site plan? If we made a motion tonight based off what you presented, but at the [inaudible].

Skelly Kreller:  
Yeah, I'd like to say one thing for Mr. Hoffman. I was under the impression, and please correct me Mr. Hoffman or the chair that we're sticking with these ninety ordinances and that's the ordinance, okay. And I was under the impression that with sticking with the ninety, the marina would be out. And also, it's not financially feasible to do the project. That's what I understood. If I'm wrong, please correct me.

Bill Hoffman:

So, my comment is I'm not sure that we're willing to do [inaudible]. My comment is I'm not sure we're willing to do any more revisions to the site plan. Because since we got approval from planning and zoning, every meeting we come to it's a new issue. It's a new requirement. I feel like I'm playing whack-a-mole. Every time we address one thing something else comes up. If we could get-

Rick Danielson:

Please hold the comments.

Bill Hoffman:

... all the criteria on the table that is now evidently being discussed. After a year we can make a decision. But right now, I'm not sure that we feel confident that we even know what it is that's on the table.

Jason Zuckerman:

I understand.

Rick Danielson:

Okay, we can have one second [inaudible].

Group:

Can't hear you.

Louder.

Vaughn Mayhall:

Hello?

Group:

Yes. Thank you.

Vaughn Mayhall:

All right. I guess I just don't understand the fairness of what's going on here in a sense. We're not fair to the developer. It's not fair to the people like myself who oppose the development. You're not giving us any points to consider and argue with you on but provide facts to you on. If you adopted a standard B one as Mr. Zuckerman suggested or something else, then at least he'd know what the mark was. We'd know what the anti-mark is to use the phrase and that would be a fair process. What you're doing here, maybe it's a mistake in the CLURO, I just don't know. But what you're doing is the epitome of arbitrary, capricious examination of this issue. Because what you're telling this here gentleman, is that you can make up your own standard in your own mind as you consider whatever ordinance is put before you. I'm sorry, that's not going to pass muster. That's arbitrary and capricious by definition. If you say B, one's a standard, at least everybody knows what the rules are. And if you do that in an appropriate way and that should hold up. It's these arbitrary, hidden almost criteria that's going to upset this thing. And I'm fine with that, but I don't think it's fair. And I think you guys ought to reconsider that motion or set some

standards that everybody knows what the rules are. I'm opposed to it, but what do I even argue? I'd like to see you take every one of the 12 points in 4.3.8 and have a hearing on that. Every one of those are knee-deep and every one of those are designed to determine whether a development is right for that area, that area and that's very important. I go out on my balcony, and I take the little picture of the development across the fairway from me. By the way, there's no possibility of any kind of screen because there's nothing but water between me and the delta and so you don't... The water between me and the delta. And so, you think a band is going to be 65 decibels [inaudible] on my little balcony, I don't think so. Anyway, I know that's a little bit of a departure, but I would urge you to reconsider what you're doing. Adopt a standard that we can all buy into. You might not like it, I might not like it, but some standard that's appropriate and let's have those be the rules of the road.

David Parnell:

Real quick. Again, when you're voting on ordinance is the time for you or go through your decision-making process for that ordinance. It's improper to talk about why you're going to vote on something or how you're going to vote on something on a certain one to 12 criteria at a different meeting other than the voting meeting. So again, as we lay out earlier at the next meeting, each of you will go through those criteria and talk about how the application in front of you fits, doesn't fit, how it could fit with modifications, how that process works out. And 4.34, 3.8 sets out how you do that. These meetings for seven months, seven meetings or whatever it is, has been the process of gathering that information for your review and consideration and evaluation of all those criteria. It [inaudible] means on [inaudible], it means on capacities of buildings, shapes of buildings, heights of buildings, everything else. All that goes into this criteria you're going to review at the voting meeting. So again, I understand the sentiment that may speed things up, but it'd be improper to say I'm never voting on a certain thing here. What y'all have been able to do is make amendments to the ordinance to say collectively we pass this to say nine and now we're working with a project that's 90. But you have to still at the next room meeting go through this criteria on the application in front of you as it's been readily determined, there's a presentation tonight, a different site. So, if there's a vote at the next meeting, we need to leave here with exhibit two being one of the two plans that been presented within the compounds of the amendment as y'all have amended the ordinance amend and their ordinance also point. The ordinance does mention trees, does mention height of buildings and things like that. So those are some of the things that through your decision making you can add that in, but again, you would have your consideration of a baseline two or baseline one. Those kinds of things can go into that. Again, this is all hybrid, it's PD and your considerations of the project involve everything we've talked about at all these meetings.

Rick Danielson:

Thank you. Other public comments?

Larry Grundman:

Larry Grundman, 1 Mariner's Island. I guess a couple of things. One of the things of Mr. Hoffman said when he was introducing that thing was the decibel and Vince touched on it. Since we're talking about that in general and coming back, I can tell you you do not hear the causeway from the pink building, but you sure as hell will hear man. So that's just the

study. It's not homogenous on Mariner's Island. The other thing is I think probably whichever way this goes; this is going to go to court, and you better have the criteria spelled out very clearly. Mr. Hoffman complained that he's been playing Wack-a-Mole. Well, if he had to bold over the planning commission in the beginning, then you wouldn't be having all these discussions. I remember the first meeting we had here, you had an hour discussion on something that should have been cleared up in the planning commission and I remember that was exact remark I made. His hour was wasted because it wasn't done in the planning commission. The same thing has happened here. This B one B two thing should have been vetted at that point, at that point in time. But to realize that, to answer the plural request questions of 4.3.8, you had to be consistent with the CLURO. The CLURO requires that, the CLURO was not something somebody thought of haphazardly and they gave you some criteria and you're supposed to use those, and they made you, "you shall" it says, and they didn't and now you shall and you're going to have to look at those criteria. Wouldn't you rather have one you can point to rather than one that everybody's got different.

David Parnell:

Thank you, sir. [inaudible]

The review criteria, the 4.3.3.8 requires consideration of all those copies. It does not require an explained examination by each council member as to a vote or a thought on each one with more than free to. And I believe the process that we've laid out is going to do that because of the complexity of the issues. Again, it requires consideration and evaluation in review of the criteria does not require a step-by-step vote on each criteria. It is not an exclusionary listing that if they pass 11, fail one, if they fail 11, pass one or it's not like a school board. It's a totality. Number 12 mentions that totality, and again it takes all the factors in. It allows you to make amendments to the ordinance to see how you fit into the criteria with certain amendments, with certain modifications like application of noise, things like that. So, the planning commission did all that through the course of six or seven meetings. They discussed every single topic; their recommendation discusses that and discusses amendments to the accordance that they voted on. The planning commission did the exact same thing we're doing here. I think it's the same room. So again, it's incorrect to suggest the planning commission didn't consider criteria. There's no document that has to lead this process that says checkbox of each one. It's a review consideration evaluation of each one.

Jason Zuckerman:

Mr. Chairman, we've been going for almost two and a half hours. I'd just like to suggest we try to-

Rick Danielson:

Obviously go two to three more, probably about 10 more minutes and then we'll wrap it up. Yes. And then no, no, no one Ms. Fulton, Mr. Ellis, and then Ms. Clark, we'll get a couple more. So, if we got time we'll get there.

Andrea Fulton:

Andrea Fulton 3315 Officer Beverly Watson Way. So, I would just like anybody to explain why the developer has not been required to submit a site plan consistent with what was



agreed upon last time. So, I was expecting to see something with 90 units. How on earth was it accepted that he would present something other than that? I really would like to know how, why.

Rick Danielson:

Technically there is a site plan that's included, and you could say originally his site plan was 178 units. It's still the same site plan. It might've just gone down to 90. He presented a

Police Officer:

Quiet, please. Let him talk. All right, or we will adjourn the meeting now.

Rick Danielson:

We know that there has to be a revised site plan, whether it's 19 units or 300 units, that has got to be approved as part of the process. We've set the limits for the max capacity at 90 units for the active adult. So his site plan is a layout of the plan and it could be, that's what I was I guess trying to get to earlier was to make, motion to use the site plan that was provided, but it's limited at the 90 units within the active adult, but the layout of that, so there will have to be a final site plan that will be voted on and or approved or denied.

Andrea Fulton:

Well, the concept I'm presenting matters because they are accusing the city of playing games and I forgot the term we used whatever that was when instead, to me, they have chosen on multiple occasions not to follow through with what has been requested and that puts you guys in an impossible position.

That's part of the reason...

Bob Ellis:

Bob Ellis, Mariners Island, 405. Just like to real quickly clarify something that was said earlier that I would dispute from the record. The levels of highway traffic noise typically range from 70 to 80 decibels at a distance of 50 feet. Just so we get an idea of what all that is. The normal conversation is 50 to 65 decibels. Laughter is 60 to 65 decibels, vacuum cleaner, 70, dishwasher, 75. Okay, here's the real meat of it. How many decibels is a wedding band? Typically, professional function bands for weddings are between 95 to 100 decibels. That's pretty strong. Where I live on the island, we don't hear the traffic, we just don't. If I sit on the porch I might hear it, but it's kind of like white noise, but if I close my windows, you don't hear anything. So just please consider that so forth.

Rick Danielson:

Ms. Parker, did you have something? I thought you had your hand up couple seconds ago.

Ms. Parker:

No

Emory Clark:

Another innocent question. Can we look at the CLURO of the next meeting and review every point and see how this could not possibly apply to the standards of Mandeville and move forward to something positive that we all endorse?

Rick Danielson:

Good question. But this is the project that's on the table based off of the current CLURO.

Emory Clark:

It doesn't comply. Can we go on?

Rick Danielson:

And I think that's what we have to go through the process, whether it's through the 12 points and everything else that we've used and on and on, to make that determination.

Emory Clark:

Good.

Jill McGuire:

So, the 12 points are in the [inaudible] copy? Yeah, we're going to do that when we vote. It's my understanding, right?

Rick Danielson:

My summary overview, whether you go into great detail of each point as each council member wants to or-

Emory Clark:

Because it doesn't comply and when can we move forward with something positive? It's just an innocent question.

Rick Danielson:

Great question.

Skelly Kreller:

At every meeting when I hear proposals and the public, I am thinking about those 12 points all the time since when I sat through every planning P and Z meeting and everyone here, we don't have to vote on each one of those. And so, people who have said that or insinuated that, we're not looking at those. Ms. Grumman said it and that's not true. Every time we meet, and we discuss, that's in the back of my mind in those, checking those boxes or canceling those boxes. So that's all. Thank you.

Rick Danielson:

We'll go two more comments or questions, Ms. O'Connell and ma'am in the middle for that. Okay. And then we're going to wrap it up.

David Parnell:

Mr. Chairman, remember that right now the ordinance has the old site attached, correct?

Rick Danielson:

I still want to make a motion to amend that before we go. Yes.

Ms. O'Connell:

I do not think this property fits a B two designation because that means it's accessed by a highway. Completely agree with Jason document about changing it to B one. I think it's important. I don't think it's a minor issue. Also, I believe that without the marina having to be put back up again, it's real expensive to put up floating docks that have pilings, way expensive. I agree you can't support that without a larger residential area and all these other things. But if you get rid of the idea of developing the marina, which is going to be crashed by hurricanes constantly and ripped apart and wrecked, then I think they could afford the 90 residential units. And so, thank you.

Rick Danielson:

Okay, thank you ma'am in the middle.

Susie Bovie:

My name is Susie [Bovie] and I live on the corner of [Joyce Andra].

Speaker 15:

It's it keeps close.

Susie Bovie:

I'm so scared that this project is going to end up like nor du Lac in Covington. They're going to start building it and something's going to happen and it's going to be a bunch of empty buildings that have stuff put around all and that will entice vagrants, drug users, gun people, just not the kind of people we want across the street from us. And that bothers me a lot. I want to know where their fire protection is coming from and their police protection.

Rick Danielson:

St. Tammy Parish fire district four, Manville Police Department. So just like it's your house, that's where it comes from and that would be the same for this.

Susie Bovie:

Okay. I'm curious, speaking of hurricanes, is there anything proposed to, any kind of a seawall to keep eventually, that lake is coming out right there and I'm just curious how they're going to keep, because that place will flood.

Rick Danielson:

That shoreline is not their property, but the marina park was part of the discussion, but it'll just be a matter of if they were to move forward with their plans for the marina or not. So that's a different topic.

Thank you, Ms. Susie. All right. All right, let's end our public comment there. It's 8:31.

Jill McGuire:

I have one thing that's been asked about, asked multiple times and there seems to be some confusion for the emergency exit for St. Croix. I believe I see some people in the audience that have asked about this multiple times. Right now, it is a cul-de-sac and I've been told that the city owns it. I've been told its St. Croix. So, at some point, I'm not saying it has to be done denied, but the St. Croix Homeowners Association keeps asking this question to me to ask and there just seems to be some confusion as to who owns it and if it is St. Croix, how are you guys going to extend it and make it an emergency road? Because right now it's not. And is it the city, whose responsibility is that? How is it going to be an emergency? So, there's lots of questions about that that I believe need to be clarified.

Keith LaGrange:

So, we met with the St. Croix group about a week ago and we pulled a bunch of plats and showed that St. Croix is not a private street, it is a public street. There is a common space where they have a dumpster that we permitted for them to put in where they used to have their pool. All the access, we have a servitude, an access servitude that's already in existing. A lot of that stuff will get worked out like where water and sewer's going. We talked about it in the preliminary stages, but all that gets worked out in permitting if it ever gets there. So, they will not go through private. We will not approve anything that'll ever go through private property. But we did meet with the group last week just to go over, we had to do some digging and the assessor's data and plats and Cara's team was breaking that. So, it is a public street. It's not a private street, but where the dumpster is, there's a common area. It is not a servitude.

Rick Danielson:

All right, before we adjourn this evening, I'd like to make one more motion in the second plan process. Motion to include an exhibit. Is it B or two?

Cara Bartholomew:

Exhibit one. You should go through them. Exhibit one is the survey. Exhibit two is the site plan.

Rick Danielson:

So, the motion is for exhibit two, the site plan, to include what was presented this evening with the four-square active adult living area, obviously based off of a max capacity of 80 units, but leaving the tree buffer and everything else that was presented this evening that if the developer so chooses. But that would be my motion to include that site plan as part of exhibit four, exhibit two.

Jill McGuire:

But that would be the 90 units, or would that be one 70?

Rick Danielson:

No, no, it's 90 units. The ordinance is 90 units. That does not change, but there has to be a drawing that weighs out property. There has to be a site plan included in there. And the current site plan to me doesn't meet mustard.

Skelly Kreller:  
There're no elevations in that site plan?

Rick Danielson:  
That's separate, right? That's right.

Skelly Kreller:  
And so wouldn't the site plan that they presented tonight could be used for the 90 or it could be used for 170 or whatever because it's an overview. What I'm trying to say, it's not, it's.

Rick Danielson:  
Don't let anybody be confused. It's 90.

Jason Zuckerman:  
Does it reflect the parking that we would if we're going to put that in the ordinance, that site plan, I heard the developer say it does not accurately reflect proposed parking. We're going to adopt it and make an exhibit of the ordinance. It ought to be complete show that proposed parking.

Jill McGuire:  
I don't think we should be adopting any site plan that isn't current. Yeah, right now it's a draft. We know what we want, but I don't think we should be putting anything into it until it's official and we've had a chance to look at it and double check it and make sure.

Jason Zuckerman:  
I mean we literally got this afternoon by email. We don't know if it addresses parking. It was presented as a, yeah,

Cara Bartholomew:  
So, I think part of this exercise-

Jason Zuckerman:  
I think there's a motion on the table though. We're discussing it, but nobody seconded it. I don't think. Is there a second? You can't second it, ma'am.

Rebecca Bush:  
I'm state it again.

Rick Danielson:  
The motion is for exhibit B to include the proposed site plan that was presented earlier this evening, but still follows all of the elements of the current ordinance at 90 units max capacity for active adult labor. If there has to be a site plan. If we don't have a motion for the site plan this evening and it comes next week, well then, we're not voting next week because you still have got to have it pulled over.

Rebecca Bush:

So, the site plan cannot change from the 90. Can it change from how...

Rick Danielson:

We've got to have a second to keep discussing. We have a second to discuss the site. Second motion and a second. Go ahead Ms. Bush.

Rebecca Bush:

So, we know it has to stick with the 90. Can the site plan, can the buildings be changed within the site plan as far as, does it have to look substantially similar to what we see today?

Cara Bartholomew:

So right now, you have an ordinance that has their original proposed site plan and then you all amended it to be 90 units. So, is that building footprint is a hundred thousand square feet or it's a hundred thousand square feet, that doesn't affect how many units are in it, right? So, we're looking at the footprint of the building and then you all have stipulated that you want to see 90 units. So, the footprint of the building, I mean, may not change with that number. So, is that what you're asking?

Rebecca Bush:

I think the only stipulation is that with 90, we can potentially see a different footprint or does it have to be...

Cara Bartholomew:

I think that you all have the cleanest and easiest way to do this. I think that you all have two site plans in front of you all and whether or not one of the two are appropriate is what you all should be reviewing and looking at. So, if you all feel that this revised site plan is more appropriate with the 90 units, then I would say we'll amend the ordinance to include that site plan. If you all feel like the previous site plan is more appropriate and you are going to do your review criteria based on that, then I think either we move forward with saying this site plan is acceptable or this site plan is acceptable before we move into getting elevations dropped. I think that we need to move along on either saying this is acceptable or no, we want to vote on the original one and you're just going to vote on it.

Jason Zuckerman:

I just think it's premature to adopt it as an exhibit to the ordinance because we saw this afternoon, does this simple question, does it reflect, I mean it was proposed as something with a lot more units. That's fine. I understand the footprint deal, but does it reflect the ... with a lot more units. That's fine. I understand the footprint view, but does it reflect the required amount of parking and the actual proposed layout for parking? Because I just don't think we ought to be adopting an exhibit to the ordinance if it's not in the whole site plan, including parking, as part of the site plan.

Rebecca Bush:

[inaudible] as possible, but I don't want to... I mean, I would like to vote at the next meeting. I think all of us would.

Jason Zuckerman:  
I just didn't-

Cara Bartholomew:  
And on that-

Rick Danielson:  
Well, if we don't vote on this site-

Police Officer:  
Hey, hey. Everyone, let him speak, all right?

Jason Zuckerman:  
If we do not vote on this site plan based off of the motion that's been presented in the existing site plan, states of the ordinance. That's the site plan. Does this new proposed site plan reflect the required parking and the actual proposed parking? If we adopt this and vote on the ordinance, and the ordinance passes, is that what we're looking at? Does it have the required amount of parking? That's all I'm trying to find out.

Cara Bartholomew:  
No, this is a preliminary or a conceptual site plan, so no, this is not a detailed site plan. It's conceptual site plan.

Skelly Kreller:  
Right, but if we vote on it, it will replace the first site plan.

Cara Bartholomew:  
If you all want to move forward with reviewing this revised site plan, then you can say you're accepting this revised site plan and then we can move forward with getting more details into the other documents that you all want. Or you can say, we reject this site plan, and we want to just review the original application. Does that make sense? I don't think that you have too actually... I think you really need to look at whether you're going to accept a site plan in order to move forward with revised detailed drawings, or if that's not acceptable, then you reject it.

Jill McGuire:  
So, if we accept this as a concept, can we add the word conceptual in there to where we're not... I think the concern you might have, as well as myself, is that how detailed... If the parking calculations are off or we've got... We might be missing some details on the events center, all those different types of things. If we vote to make this the new official site plan, it's still a concept, correct? And we're not saying that everything in it... Or does it have to be detailed accurately to reflect the parking? It needs to reflect everything, right?

Jason Zuckerman:  
I don't know if that's half the parking that is required. I have no idea.

Cara Bartholomew:

I just... And I'll let the developer answer this as well. I think that there was an attempt to address some comments and to move him forward that you all may think is acceptable. If you do not think that this is acceptable, or any revision of the plan is acceptable, then reject that site plan and then just vote on the original. I think that again, this was an exercise in trying to meet somewhere into accommodating those.

Rebecca Bush:

I think it's hard because the original one had 200. I mean, so I understand when you're concerned.

Jason Zuckerman:

The expectation was after the last meeting when we voted on the 90 units, that they were going to go clean up a site plan and propose a site plan that it would use as a proper exhibit to the ordinance that reflected the 90 units. It's not what they came back with. This afternoon, we got a site plan emailed to us. Doesn't reflect the amount of parking. At least nobody's told me it reflects the proper amount of parking, so I don't know.

Floor:

Reject it. Reject it.

Jason Zuckerman:

I got concerns about attaching that to the ordinance just for the sake of it.

Rick Danielson:

Okay. But if we reject this this evening, then the site plan that's currently in there, stays in there. So that huge bank of trees, if they move forward with this project, would go away and then the site plan is what it currently is laid out, right?

Rebecca Bush:

I think the question is, is there an option C to get additional information to show that there's compliance?

Jill McGuire:

How about we get an accurate site plan? That's what we've been asking for for eight months. And it just keeps getting dragged on. It is what it is. We need to know... We need a site plan that reflects everything, and if we accept this, then what are we accepting? And then if we reject it and we go back, then we're looking at a site plan that has 178 units as opposed to 90. We want something to reflect everything that we've discussed in all these meetings. And until that happens, I don't think we can vote. I don't want to drag this on any... Believe me, but I'm not willing to set this as our standard, and I also don't want to go back to the other plan that have less trees and less units.

Cara Bartholomew:



Jill, that's why I was suggesting that what you really want to see at the end of the day is a building footprint of 75,000 square feet to put that out on the table, so we can get the most accurate site plan for you all. If we have a site plan-

Jill McGuire:

What we're asking for is a site plan of what we've already asked for. We still haven't gotten that yet.

Jason Zuckerman:

We had a meeting a month ago, it was almost a month ago, where we voted on the 90 units. It's been a month. I understand they feel like they're playing whack-a-mole. I feel like I'm playing whack-a-mole because they come back not with something that reflects what we voted on, but with an attempt to revive the original number of units four weeks later. So, we're not dragging this out. Can we get that site plan? I just have real concerns about making this new site plan and exhibit to the ordinance that really has not been well-thought-out, doesn't address the parking, and all those that get meeting after meeting after meeting about a number of parking spaces through planning and zoning and where they're at on the site, and all that. And all of a sudden, we're going to rush, rush, rush and go vote on something we got this afternoon. It doesn't even address the parking.

Skelly Kreller:

Well-

Jason Zuckerman:

That's just my concern.

Skelly Kreller:

The footprint, it would be... The site plan, we got this afternoon. It's a footprint and it seems to me that it's for 171 units, but I think that they can use that footprint and just either take off-

Floor:

No. No.

No.

No.

Rick Danielson:

Let him finish, please. We all want to get out of here-

Skelly Kreller:

Take off the floor and get to the 90. I don't know, but I don't know. It seems like they are trying to save the trees and get a bigger buffer between the neighborhoods, and they've done a significant reduction in the footprint.

Rick Danielson:

So, I'm sorry, Dr. Kreller.

Skelly Kreller:

No, no, and that's all. It seems like they're trying to move to an acceptable footprint, and now you're asking for talking and stuff like this. And then I'm hearing you don't want to drag it out. It seems like you are because if we accept it, if we accept this footprint of this one, they presented today and they come back and say, "Well, we can't work with 90." I think these developers already said that.

Police Officer:

Quiet. Everyone, be quiet.

Skelly Kreller:

It seems to me we should vote and let's get this over. And I'm talking about next week, I mean, the next meeting, okay?

Rick Danielson:

Let me ask this question, Ms. Bartholomew. We can request the developer to provide the revised site plan that answers all these criteria, or they could come back and say, "Hey, just stick with the site plan as it is, and we can do 90 units in that as we decide." Right?

Rebecca Bush:

What we're looking at is not 90 units, right?

Rick Danielson:

We're looking at 90 units no matter what the site plan says.

Jill McGuire:

Well, at the end of the day, we're going to end up with a site plan that does not represent what is actually going to be built and that is not okay. And they can sit here and wait. And they can sit here and wait.

Rick Danielson:

Then we shall wait.

Floor:

Yeah, we shall wait.

Jill McGuire:

And I'ma go to the bathroom.

Jason Zuckerman:

Wait, wait, don't go yet. Hold on. Wait. Mr. Chairman-

Jill McGuire:

Are we voting on this?

Jason Zuckerman:

Okay, okay. If I could just say two words. We were going to adjourn this meeting about 20 minutes ago after one comment, another motion was made. We've now discussed that for about 20 minutes. I'd like to call the question on this. Let's vote on this so that we can draw this meeting to a conclusion, and we can move on. We have a motion to call the question.

Jill McGuire:

Second.

Rick Danielson:

All in favor of calling the question, please say aye.

Jill McGuire:

Aye.

Jason Zuckerman:

Aye.

Rick Danielson:

Any opposed? Okay.

Rebecca Bush:

May... I'd like to hear what Mr. Parnell has to say.

Rick Danielson:

It has to be unanimous to call the question. Okay, so that fails. So, Mr. Parks, we'll take a couple of public comments, questions on this motion, and then we'll move towards the vote. Go ahead.

David Parnell:

Yeah. My suggestion would be that the pressure of making these amendments is because the next meeting is eight days from now. The charter requires that an ordinance that's being voted on has to be published in almost the final form seven days prior. That's why they're talking about the language and everything else. The exhibits and everything else have to be conduct. That's when Zuckerman has said he'd like to see an elevation plan, make sure the building designs are the same as previous, all those kinds of things that were in that original plan that has now been proposed as a power plant. If y'all wanted to move that meeting a few weeks and give development a week to present those things, we would still have to have to publish the ordinance in a file form for y'all to vote on it with the proper amendments and proper exhibits.

Jason Zuckerman:

Correct me if I'm wrong, but you could always make a motion at the next meeting. If they present us a revised site plan, you can make the motion of the voting meeting to replace the site plan that's in the ordinance with the amended site plan. It doesn't have to be tonight, huh?

inaudible:  
Maybe not.  
Huh?  
Yes.

Rebecca Bush:  
[inaudible] on Sunday.

Jason Zuckerman:  
But Mr. chair... Hold on. The ordinance has to be, the ordinance has to be advertised, but we can make it a motion to amend the ordinance the night of their voting meeting. We can add an exhibit, remove an exhibit, change the exhibit.

David Parnell:  
Correct, but for tonight, the meeting that requirement and next week, which I'll ask them some questions, if they could come back and offer responses to not. I would recommend that y'all push the meeting back a few weeks, get them next week rather than today to present those documents for y'all and consider. And then that can be published before the seven days.

Skelly Kreller:  
Okay. Yeah. The only thing I'd like to see, is I'd like to hear from Mr. Hoffman if 90 is a feasible number and if it's not-

Rick Danielson:  
Dr. Kreller, please finish.

Skelly Kreller:  
If it's not, then we go back to the original and we vote next week, up or down.

Rebecca Bush:  
No, if it's not feasible, then why would we go back to the original?

Rebecca Bush:  
Back to the original numbers. [Inaudible].

Jason Zuckerman:  
With all due respect, Mr. Chairman, the motion on the table is to adopt that site plan as an exhibit to the ordinance. I don't think we need to go back into a discussion about is 90 doable, not doable? We were getting way off-topic with that discussion. There's a motion on the table to adopt that site plan. We need to make a decision. We're three hours into a meeting. I request respectfully the counsel make a decision, please vote on this and move on.

Ernest Burguieres:

May I make a comment about the procedure?

Rick Danielson:

We'll take three comments and that's it and then we're going to vote. Mr. Burguieres, Mr. Grundman, Mr. Vogeltanz, then we'll move on.

Ernest Burguieres:

You all started this meeting out because you guys were a quick bag with Robert's rules because you approved something at 90 units and saw you couldn't go back at it. You don't need to adopt a site plan for this thing. You just ask them to give you a revised site plan. That's all you need. If you adopt it, you might tie yourself into it. You don't need to tie yourself into, you need the flexibility. You want to see the site plan. You don't want to adopt it because you don't know what the end result's going to be, and we're at 90, we're not at one 170. That's over with, and so he's got to decide... He may not know right now, he may know in the back of his mind, but give him some time to decide whether he wants to fish or cut bait. He didn't want to say, "That's done. I'm done with this thing. I can't do it." If he's going to need a little time to do that, just see what it can make and work. You don't need to adopt any motion for a site plan right now. Just ask them for one. Tell them to produce it. That's it.

Rick Danielson:

Mr. Parnell, do you have to have an approved site plan in the ordinance?

David Parnell:

That was my suggestion. The adoption and everything that's going on is because of the time constraints to publication that are... That Mr. Burguieres comments, [inaudible], my suggestion was give them time to offer which one of those is [inaudible] set up and set that next meeting time to be able to publish that [inaudible] meeting with the proposed criteria in the ordinance [inaudible].

Rick Danielson:

Okay. All right. Makes sense. Mr. Grundman?

Larry Grundman:

Just a question. Don't you need to know the departures, too? Not just the site plan. Not just the plot. You need to know the departures, what the elevations are, what the height is, what the variation on building size is, stuff like that. So, you read all of that together, I think, because that's one of the things that you pass in the ordinance, is the approval of variations, often departures. So, I think you need more than just the site plan and you did. It's not you that's delaying, it's them that didn't follow what you asked them to do. And they need... If they had worked on that and put in the elevations and everything else, you could put the plan in.

Rick Danielson:

Thank you, Sir. Mr. Vogeltanz, this'll be our last comment.

Mr. Vogeltanz:

Thank you for taking public comment. I'd like to make a recommendation to the council procedural recommendation. I'll start by saying I actually don't know the answer between Councilman Zuckerman and the city attorney about if you add a new site plan, does that require additional notice or not? I don't know. I'd have to look at it, but my proposal, it's a moot issue right away. You should take a vote next week. You should plan to take a vote next week. I think that if you adopt this site plan or not tonight, it's probably irrelevant for some of the things we're going to talk about. I personally, the reasons that the Councilman Zuckerman offered, would not accept it because it doesn't reflect the will of the council, which was an amendment a month and a month and a half ago to go to 90 apartments.

If you reject it tonight, then the main motion next week, which you can vote on, is going to have that original site plan. I don't think anybody in this council is going to vote and table that original site plan. And I would question if it would be even procedurally proper given that you've gone from 200 units to 90 units. But even regardless, sending a clear message right now that you're going to vote next week puts the developer in the position of, "Okay, we have to show them a site plan within eight days that complies with the parking and the apartment units that they have amended the motion to reflect." And if they don't and they may not, they may say, "Screw it, you guys have done us 90 units, we're not going to do that." And that's fine. You preserve your ability to vote next week. I think the issue was saying, submit something to us and we don't want to vote until you submit it. I don't know. It's that three months, that four months down the road. I'm in federal court a lot. The first thing that you are taught when you're in federal court is you never disobey a scheduling order or these deadlines. The deadlines of deadlines, they had a month to come back and show the council and the city of Mandeville how they could make it work with 90 apartments. They chose not to do that. And I'm troubled why they would make that decision, and I'm troubled that there was an immediate motion, an improper motion that was not be searched, to reconsider that issue. And I don't know why it happened that way, but I strongly encourage the council, no matter what you decide on the site plan tonight, tell the developer, we're voting next week unless, in the intervening time, you come forward with this great new site plan. And then you have the discretion if you want to adopt it or table or postpone it for another week or two weeks, but let's put them on the hot seat and say, "Next week, if you don't have the goods, we're voting." Thank you.

Rick Danielson:

Thank you, sir.

Rebecca Bush:

Sorry, I think... I wanted to clarify. If we don't adopt this, the old one reverts back, but that doesn't mean we can't substitute a revised one. That would not be relative of the publication rules.

David Parnell:

Okay. We'd be able to offer limits. And again, you can say building sizes, building heights, elevations can't exceed these. Set those limitations throughout your considerations, right?

Jason Zuckerman:

Okay, so to answer your... Let me make sure I understand. To answer your question, specifically what I'm understanding... I just want to make sure that I'm understanding, we don't adopt this exhibit tonight to the ordinance. They can still present a new site plan at a voting meeting. We can discuss it, and we can offer an amendment to make that new site plan.

Cara Bartholomew:  
The site plan.

Jason Zuckerman:  
The exhibit, if we're satisfied that it reflects what's going to be built and these parking requirements are, that would be the exhibit. It doesn't... We don't have to do this tonight, right?

Rick Danielson:  
I think that sounds correct, so I'm going to make a motion to withdraw my motion to update with the site plan, and we'll move forward. I have a second to-

Jill McGuire:  
Second.

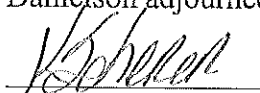
Rick Danielson:  
All right. I don't think we need to vote, so it's just to withdraw so that we'll wait. See if you choose to present something next week to change something around, feel free, and if not, it will stay on the exhibit that is current. Okay? All right. That Should wrap it up for tonight. We have a motion to adjourn.

Jill McGuire:  
Motion to adjourn.

Rick Danielson:  
All right. Thank y'all very much. Our next meeting is Wednesday, the 23rd.  
Thank y'all.

**ADJOURNMENT:**

Mrs. McGuire made a motion to adjourn the meeting, seconded by Mrs. Bush. Mr. Danielson adjourned the meeting at 8:45 p.m.

  
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Kristine Scherer  
Council Clerk

  
\_\_\_\_\_  
Rick Danielson  
Council Chairman

