**MINUTES**

**FOR THE CITY COUNCIL MEETING OF JANUARY 13, 2022**

The regular meeting of the Mandeville City Council was called to order by the Council Chairman at 6:00 p.m. followed by roll call.

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

**Also present:** Cara Bartholomew, Dir. of Planning, Kathleen Sides, Finance Director, Elizabeth Sconzert, City Attorney, David LeBreton, Digital Engineering

**MINUTES:**

1. Adoption of the December 16, 2021, Regular Meeting Minutes. A motion was made by Mrs. Bush and seconded by Dr. Kreller to adopt the minutes. With no further comments or questions a vote was taken and the minutes were adopted 5-0.

**REPORTS AND ANNOUNCEMENTS**: Mr. Zuckerman announced the MLK holiday this Monday and City Hall will be closed. The Mande Milkshakers parade and the OLL pro-life chain will be Saturday Jan 22nd.  Mr. Zuckerman also announced the Mandeville City Council is soliciting resumes for their appointment to the Mandeville Parks and Parkways Committee. Applicant must have a background as an arborist, ornamental horticulturist, landscape architect, master gardener and designer, or have a technical background in a related field. Applications are due by January 27, 2022.

The mayor stated the KMB clean-up was last week, and numerous residents and Mandeville High students picked up over 100 bags of garbage. There will be two more clean ups later this year. Upcoming will be the first annual policeman ball on February 4th at the Fleur de Lis Center, tickets are $50 a piece. The Krewe of Eve will roll on Friday February 18th and the Krewe du Pooch will be Saturday March 5th.

Finally, Mr. Zuckerman announced we should be back in the Council Chambers for the next meeting. The chambers have been undergoing some minor renovations. Residents are asked to pay attention to upcoming agendas and announcements for the location.

**OLD BUSINESS**:

1. Adoption of [Ordinance No. 21-32](https://www.cityofmandeville.com/wp-content/uploads/2021/12/ord-21-32.pdf); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR TO DEDICATE AND RE-NAME THE STREET KNOWN AS “AVENUE D”, TO “OFC. BEVERLY WATSON WAY. A motion was made by Mrs. McGuire and seconded by Mrs. Bush. Mrs. McGuire explained this is for Officer Beverly Watson who was the City of Mandeville’s first female African American police officer and is still the only female African American officer to date. She served the City of Mandeville for 20 years and was named the 1993 Police Officer of the Year, 2003 and 2005 Support Person of the Year, and in 2007 received the Citizen Service Award of Merit. Officer Watson lives on Avenue D, and she is asking for the street to be renamed. We have another street name change on the agenda that we were running into some difficulties and during the research for Officer Watson’s Street name change request we discovered the second street name change would be possible. With no further comments or questions, a vote was taken, and the ordinance passed 5-0

2.Adoption of [Ordinance No. 21-33](https://www.cityofmandeville.com/wp-content/uploads/2022/01/21-33.pdf); AN Ordinance for THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AMEND ORDINANCE NUMBER 21-20, THE OPERATING BUDGET OF THE CITY OF MANDEVILLE AND FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. McGuire and seconded by Mrs. Bush. Mr. Zuckerman explained this is a minor adjustment to add money to the street tree program and rededicate some funds. Ms. Bartholomew explains this includes 5 adjustments:

1. Increase the Street Tree Planting Program by $50,000 to include a winter and spring planting. The original $30,000 budgeted was spent during the Fall 2021 Planting. Due to Hurricane Ida, the program has been expanded to allow each property an additional two trees.

2. Remove $9,000 Sunset Point project. Sunset Point was damaged in Hurricane Ida, project is on hold until repairs can be made.

3. Remove $59,000 New Flagpole Installations for Tree City Flags project. Transfer Money to Marigny Path and Planting

4. Add $5,000 to Marigny Ave Masonry Wall and Signage project. Construction cost came over budget by $5,000.

5. Add $59,000 Marigny Path and Planting new project. Marigny was originally to plant fruit trees but it is not working out so there is going to be a redesign.

Mr. Zuckerman has discussed some ideas presented by Mr. Buck Abbey and he will discuss these changes with the Planning Department and do possible adjustments in the future. Dr. Kreller asked what is the Marigny Path? Ms. Bartholomew stated this originally was for a sidewalk path down the median but that has now been changed into just a landscape plan. With no further comments or questions, a vote was taken, and the ordinance passed 5-0.

3. Adoption of [Ordinance No. 21-35](https://www.cityofmandeville.com/wp-content/uploads/2021/12/ord-21-35.pdf); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR TO DEDICATE AND RE-NAME THE STREET KNOWN AS “AVENUE A”, TO “CORPORAL SAMUEL SAMS DR.” A motion was made by Dr. Kreller seconded by Mrs. Bush. Mrs. McGuire explained not long after she was elected, the former mayor called her and explained Mrs. Sams wanted to request the street name change in honor of her husband. Jill explained when you change a street name there are numerous things you must do. One requirement was to have approval from 50% plus 1 of the residents on that street. We ran into some challenges with this approval because some of the residents had passed away and it became more of a legal issue. Whitney from Blue Williams office along with Kristine came up with other ideas but it was just not the same. During this time, we also had the request for Beverly Watson’s Street name change. During this process, 911 informed us that they changed their policy, and we no longer needed the 50% plus 1 requirement. So, we were able to proceed with Mr. Sam’s name street name change in December. Mrs. McGuire explained Mr. Sams is a long-time resident of Mandeville. He joined the United States Air Force where he became a Corporal and served in World War II in the 99th Tuskegee Division Fighter squadron; and the 99thSquadron distinguished itself by being awarded two Presidential Unit Citations (June-July 1943 and May 1944) for outstanding tactical air support and aerial combat in the 12th Air Force in Italy, before joining the 332nd Fighter Group. Mr. Sams received a lapel button on May 12, 1945, for being missing in action for 11 days. After serving his country, he completed his education, was married for 40 years to Marian Ducre Sams, and raised their wonderful children here in Mandeville. He served on the Deacon Board for the Goodwill Missionary Baptist Church and was also one of the original Fireside Gospel Singers. The City Council would like to rename “Avenue A”, in memory of Corporal Samuel Sams, who proudly served our country and should be recognized and honored by the City of Mandeville.

Mr. Danielson who is a former air force guy, wanted to express the significance of the Tuskegee Air Force and what they brought to WWII. Corporal Sams and what his family went through over those years is so appreciated. He wanted to thank Mr. Sams’ and the Ducre family for their sacrifice for our country. He stated the city was fortunate that we can rename this street for someone who is a real hero and dedicated citizen of our community – this is a long time coming,

Dr. Kreller agreed with Mr. Danielson’s comments and encouraged young people to research the Tuskegee Airman. This was a substantial moment in history that started a wave across the world. The History channel has numerous documentaries about the Tuskegee Airman and what they sacrificed for our country along with what obstacles and sacrifices their families had to endure during this historic moment in history.

Mrs. McGuire also stated we will have a dedication once the street name occurs. Mrs. Sconzert expressed Whitney’s excitement that this can happen. This was one of her first projects since working with the city.

The mayor expressed his gratitude to Mrs. McGuire for initiating this change. He has been friends with the Sams family and the mayor remembers the street name he offered while on the council for Robert Dusang and how rewarding this is.

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

4. Adoption of [Ordinance No, 21-36](https://www.cityofmandeville.com/wp-content/uploads/2021/12/ord-21-36.pdf); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE CREATING THE POSITION OF CLERK I – RECEPTIONIST WITHIN THE PLANNING DEPARTMENT AND ADOPTING AND AMENDING THE CLASSIFICATION, JOB DESCRIPTION, PAY SCALE, AND FY 2021-2022 BUDGET AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. McGuire and seconded by Mrs. Bush. The mayor explained the planning department needs some additional help. The permit coordinator also as a receptionist which delays the processing of permits and scheduling of inspections. When city hall gets renovated, this person will be at the front of the building next to the finance receptionist. Ms. Bartholomew agreed with the mayor’s explanation. With no further comments or questions, a vote was taken, and the ordinance passed 5-0

5. Adoption of [Ordinance No. 21-37](https://www.cityofmandeville.com/wp-content/uploads/2022/01/21-37.pdf); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE APPROVING A CONDITIONAL USE PERMIT FOR CONDITIONAL USE APPROVAL FOR MULTI-FAMILY UNITS WITHIN A PORTION OF SQ. 44, CITY OF MANDEVILLE A motion was made by Mrs. Bush and seconded by Mr. Danielson. Mrs. McGuire stated she needs to recuse herself due to the fact she is related to the applicant. Ms. Bartholomew explained there is an application for a conditional use approval for multi-family units located on the ground floor. The town center allows for a mix of uses but between Lafitte and Carrol streets, there is a provision that allows residential to be on the bottom level if they are approved via conditional use. The Planning Commission recommended approval along with a variance granted to allow for three parking spaces to be in the front of the building should the bottom 2 units be used for residential purposes. Also, the architect designed the building so that it could be residential or commercial on the bottom floor depending upon the market.

Mr. Zuckerman attended both work sessions and is in support of this recommendation. Dr. Kreller asked about parking 7.5.18.4 it reads subject to parking requirements in B3. In B3 it states all parking shall be provided on site not in the street. When the Town Center was being developed, it was prohibited for any residential on the ground floor. This was because it took away from commercial use and it could cause parking problems. He is concerned if we allow this to go forward is this setting a precedent in the Town Center concerning parking requirements. Granted this is a new development and it’s not an existing building so parking can be used for both uses if granted. The other issue is how will it affect the other residents who want to park in front of their unit, and they may not be able to. Therefore, bottom commercial you do not need a CUP. Dr. Kreller is not opposed to any development, but he is just concerned it is not in keeping with what the city wants in the Town Center. The possibility of these two tenants not having parking is valid. Ms. Bartholomew stated this was part of the P&Z discussion. There is another section (17.5.18.4 (5) that states if the applicant provides on street angled parking the additional spaces may be counted towards the minimum parking requirement. This does not state if this is for residential or commercial. This is the section that P&Z used for the variance.

The parking spaces in front of the building are easier to access the units. The compromise was to design the building to be commercial and/or residential. Dr. Kreller stated if the CUP is granted it will probably stimulate more people to build something similar and that could cause more problems. Ms. Bartholomew stated this request is only for west side of Lafitte and east of Carrol, so the area is very limited. Dr. Kreller stated he is concerned with the town center’s viability if this is granted, and he is not sure if its beneficial to the city. Mr. Zuckerman stated these provisions were placed in the CLURO for a reason to potentially allow for this. With no further comments or questions, a vote was taken, and the ordinance passed 3-1 (McGuire abstains., Kreller against)

6. Adoption of [Ordinance No. 21-41](https://www.cityofmandeville.com/wp-content/uploads/2021/12/ord-21-41.pdf); AN Ordinance for THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AMEND ORDINANCE NUMBER 21-20, THE OPERATING BUDGET OF THE CITY OF MANDEVILLE AND FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. Bush and seconded by Mr. Danielson. Mr. Zukerman explained this is just to make some minor repairs to the existing council chambers such as carpet, tables, chairs. With no further comments or questions, a vote was taken, and the ordinance passed 5-0

**NEW BUSINESS**:

1.Adoption of [Resolution No. 22-01](https://www.cityofmandeville.com/wp-content/uploads/2022/01/res-22-01.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR TO ENTER INTO A RIGHT OF WAY USE AND FRANCHISE FEE AGREEMENT WITH NTS COMMUNICATIONS, LLC d/b/a VEXUS FIBER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. Bush and seconded by Dr. Kreller. Mr. LeGrange explained the company provides high speed internet. There is a state statute that allows them to work on the city right-of-way, but they need to have an agreement with the city to establish terms and how they act on the right-of-way. Mr. Zuckerman asked if there any requirement that prohibits excavation and tunneling around live oaks. Mr. LeGrange says they must give a planning profile which shows depth of lines and location of anything that is in the right of way. There is a review of the drawings which then must be approved before work can begin. During this time any issues can be addresses. Most of the reason you do directional drilling is to not impact tree canopy lines. Most of the time when they approach a tree canopy line, they go to a depth of 5-8 ft. and then come back up after the canopy line. Mrs. McGuire asked what type of equipment they will use to prevent impact. Mr. LeGrange stated they do not get into those specifics. Mr. Zuckerman stated we must have similar right of way agreements with other utility companies so the process would be the same. Mr. LeGrange agreed and stated with CLECO, they submit drawings and the discuss the process before approving the work to be performed. Mr. Zuckerman asked if there were any more changes needed in the agreement to protect the city? Ms. Sconzert stated the statue favors the utility provider but that is why you address those additional parts in the agreement. Mr. LeGrange stated the city will establish an ordinance to establish a permit for the right of way. Dr. Kreller wants to make sure the root systems are protected in the right of way. If a tree was damaged, what is the recourse? Also, how long have they been in business and what other municipalities have they worked in, and have we heard of any issues. Mrs. Sconzert explained they have been vetted by the state and there are about 13 parishes they have worked with. We have not heard of any comments positive or negative about the company.

Mr. Burguieres asked if they could add a sentence to consciously avoid trees from the start in the agreement. Mrs. Sconzert is comfortable with the provision in the agreement regarding trees. Public Works has the right to move their location or even shut them down. Mrs. McGuire asked if they happen to hit a water line, will Public Works still do the repairs within a 4-hour period? Mr. LeGrange stated they will work with them to get this repaired as soon as possible. The biggest issue with a water main break is depending upon the location of the valves, more residents may be without service for a period. With no further comments or questions, a vote was taken, and the application was approved 5-0

2. Adoption of [Resolution No. 22-02](https://www.cityofmandeville.com/wp-content/uploads/2022/01/22-02.pdf); A Resolution OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE authorizing THE CITY ATTORNEY AND BUILDING OFFICIAL TO ENTER INTO A CONSENT AGREEMENT AS FINAL RESOLUTION OF ALL CLAIMS AGAINST ACACIA DEVELOPMENT GROUP, LLC AND ANY OF ITS REGISTERED CONTRACTORS WITH THE CITY OF MANDEVILLE, AND OTHER NECESSARY DOCUMENTS AND PROVIDING AN IMMEDIATE EFFECTIVE DATE; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.A motion was made by Dr. Keller and seconded by Mrs. Bush. Mrs. Sconzert explained 5.8.1.6 in the CLURO provides the Council with the authority to suspend the registration of a general contractor when there are offenses arising from a CLURO violation. The contractor, who is cited, has the right to have a hearing before the council. The contractor has entered into a consent agreement in lieu of a public hearing which basically puts this contractor on a probation period for 2 years. If no other violation exists, the case is closed.

Mr. Burguieres asked what was the issue? Mrs. Sconzert stated they had multiple violations with the permitting department. With no further comments or questions, a vote was taken, and the application was approved 5-0

3. Introduction of [Ordinance No. 22-01](https://www.cityofmandeville.com/wp-content/uploads/2022/01/22-01.pdf); AN Ordinance for THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AMEND ORDINANCE NUMBER 21-20, THE OPERATING BUDGET OF THE CITY OF MANDEVILLE AND FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. Zuckerman explained this is regarding additional Hurricane expenses from Ida and will be voted upon at the next meeting.

**PUBLIC COMMENT:**

Mrs. Sams thanked everyone for all their hard work to get the street name changed to honor her husband.

M. Toomey is requesting an update on the Monroe/E Causeway traffic light. The issue has been going on for 5 months and the city keeps saying it is with the causeway. Mr. LeGrange stated the last update is they are still waiting on the material. The mayor reiterated this is from a lightening strike and everyone is trying to get this fixed as soon as possible.

Mr. Pulaski is checking that status of the reimbursement for the fishing pier removal at Mariners Village. They were told they would get reimbursed. Mrs. Sconzert stated it was submitted to the insurance company and they have not heard back, however they are not guaranteed to pay this. since it is an “Act of God”. Mr. Pulaski asked to be told when this was submitted.

The mayor wanted to discuss a code enforcement update and update on capital projects. The Council will place a code enforcement update on the January 27th meeting and capital project update on the February 10th agenda.

**PROJECTS IN PROGRESS (STATUS REPORT):**

Mr. LeGrange presented the Projects and progress report.

Dr. Kreller requested an update on the ditch cleaning project. Mr. LeGrange stated they are currently working on Purple Martin. He has been training some of the Public Works guys to do the easier jobs along the Causeway. Mr. Danielson asked who is doing the work by North Causeway. Mr. LeGrange believes that is DOTD or the GNOEC.

Mr. Zuckerman stated there is a large debris pile on the east side of Albert and it keeps growing. Mr. LeGrange explained the city is currently trying to determine if this is city property or Parish since it is on the border of the city limits.

Mr. Danielson asked for an update about the Gazebo. Mr. LeGrange explained they are looking at replacing the deck with just a concrete slab and he hopes to have this finished by the end of January. Mr. Danielson also asked about Neighborwoods. Mr. LeGrange explained the goal is to at least have the railings repaired shortly.

Dr. Kreller asked if we had an estimate of the remaining root balls in the city and timeframe for removal. Mr. LeGrange will have to get back with this information.

**ADJOURNMENT:**

Mrs. Bush made a motion to adjourn the meeting, seconded by Mrs. McGuire. Mr. Zuckerman adjourned the meeting at 7:25 p.m.

/s/ /s/

Kristine Scherer Jason Zuckerman

Council Clerk Council Chairman