

MINUTES
For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, January 27, 2015 - 6:30 p.m.

A. CALL TO ORDER

Mayor Pro Tempore Brandon Noel, in the absence of Mayor Amrhein, who was ill, called the meeting to order at 6:30 p.m, on January 27, 2015 at the Zachary City Hall located at 4700 Main Street, Zachary, LA.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation by Councilman Ben Cavin
Pledge of Allegiance by

C. OPENING PROCEDURES

1. ROLL CALL:

COUNCIL MEMBERS

Francis Nezianya – District 1
Brandon Noel – District 2
Laura O’Brien – District 3
Ben Cavin – District 4
Tommy Womack – District 5

ABSENT:

Mayor David Amrhein

2. READING OF CITY POLICY RELATIVE TO OPEN MEETINGS

Before proceeding with the meeting, Mayor Pro Tempore Brandon Noel read a statement into the record regarding the Open Meetings Law, and citizens’ right to participate in public meetings. The statement set forth general rules of conduct of the public meeting and outlined the process through which a citizen can have items placed on the Council agenda. A copy of the rules is available at City Hall, Mayor’s Office or by calling the Clerk of the City Council. The rules will also be available at every Council meeting

3. CHANGES/ADDITIONS TO AGENDA

Motion by Councilman Womack
Motion seconded by Councilman Nezianya

To move Item O-4 - Executive Session for discussion of Zachary Housing Partners, LLC vs City of Zachary litigation, to the last item on the agenda, just prior to adjournment.

YEAS: Nezianya, Noel, O’Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED: None

D. READING OF THE MINUTES

Motion by Councilman Nezianya
Motion seconded by Councilman Cavin

To waive the reading of the minutes of the meeting of January 13, 2015, and approve them as presented.

YEAS: Nezianya, Noel, O'Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED: None

E. HONORS, RECOGNITIONS AND INTRODUCTIONS - None presented

F. PRESENTATION OF DELEGATIONS

1. **Requests to Speak** – No requests
2. **Hardship waivers** – None presented
3. **Other Waivers**

- a. Waiver request: Frank Newport, David Street
Two existing homes on one lot – request to tie both houses to utilities. (Hugh Engels)

Motion by Councilwoman OBrien
Motion seconded by Councilman Nezianya

To accept the owner's request to withdraw this matter from the agenda. They now plan to subdivide the property instead.

YEAS: Nezianya, Noel, O'Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED: None

- b. Waiver Request: Occupational License for Jason Mitchell, 1925 W. George. Home Maintenance business. All work will be done offsite. (Hugh Engels)

Motion by Councilman Cavin
Motion seconded by Councilman Womack

To approve an occupational license for Jason Mitchell to operate a Home Maintenance business at his residence.

YEAS: Nezianya, Noel, O'Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED: None

- c. Waiver Request: Pelican State – Hold Harmless and Indemnification Agreement for a driveway to be constructed over a drainage servitude. (Engels)

Motion by Councilman Womack

Motion seconded by Cavin

To authorize the Mayor to enter into an agreement for a drive through lane from Pelican State property to Carpenter Road at the rear of the building. Austin Haggard of 12511 Buddy Ellis Drive, Denham Springs, LA was present to represent the Client (Pelican State)

YEAS: Nezianya, Noel, O’Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

ADDENDUM #2: Kate McArthur – Request for waiver of \$250 fee for Peddlers Permit and \$50 application fee for door-to-door sale of Girl Scout Cookies.

Motion by Councilman Cavin

Motion seconded by Womack

To waive the \$250 peddlers permit fee and the \$50 application fee requested by Kate McArthur for the annual door-to-door sale of Girl Scout cookies.

YEAS: Nezianya, Noel, O’Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

4. Exceptions to Regulations – None presented

G. ACTION MANDATED BY HOME RULE CHARTER

1. Appointments to Boards, Commissions, Committees

- a. Alcohol Beverage Control Board

Motion by Councilman Nezianya

Motion seconded by Councilwoman O’Brien

To confirm the following members to the Alcohol Beverage Control Board

Mayor Amrhien appointed Scott Sonnier and Harold Bezet

Councilman Nezianya appointed Norvell Hamilton

Councilman Noel appointed Laura Freeman

Councilwoman O’Brien appointed Landon Petty

Councilman Cavin appointed Helen Desselle

Councilman Womack appointed Carl Spears

YEAS: Nezianya, Noel, O’Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

b. Municipal Civil Service Board

Motion by Councilman Womack

Motion seconded by Councilman Cavin

To confirm the appointment of Jack Miller and Frank Landry to serve on Municipal Civil Service Board.

YEAS: Nezianya, Noel, O'Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINING: None

Others currently serving on this board are Michael Brown, Dana Poole and Janice Bergeron.

c. Fire & Police Civil Service Board

There were no appointments to be made or confirmed by the Council for this Board.

Serving on the Board currently are Charles Duplechain, Donald Hunt, Brian Henderson, Allen Kleinpeter, and Bob Whitaker.

No action was necessary.

d. Zachary Historic Village Board remains tabled. No action was taken.

This dormant board is being reconstructed. No action was taken.

H. PLANNING & ZONING MATTERS

1. Receive Minutes of January 5, 2015 Planning Commission and January 5, 2015 Zoning Commission

Motion by Councilwoman O'Brien

Seconded by Councilman Cavin

To receive the minutes of the January 5, 2015 Planning Commission and the January 5, 2015 Zoning Commission meeting.

YEAS: Nezianya, Noel, O'Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

2. Planning Matters REQUIRING a Public Hearing – None presented.

3. Planning Matters NOT Requiring a Public Meeting - None presented

4. Zoning Matters REQUIRING a Public Hearing - None presented

5. Zoning Matters NOT Requiring Public Hearing - None presented

6. Other Matters – City Attorney Hopewell spoke to the Council concerning the procedure for staggering terms of members of the Planning & Zoning Commission in order that there will be no time when all members are replaced on the Board. This is required procedure established by State Law, and with which the City of Zachary needs to comply. He asked that this matter be placed on the next regular meeting to establish the terms of office for members of the Planning and Zoning Commission. No action was taken.

I. APPROVE PAYMENT OF BILLS - None were presented

J. BOOKKEEPING AND BUDGET CHANGES – None presented

K. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

- a. Bypass Road Project – Industrial Enterprises, Inc.
Accept Certificate of Substantial Completion (PEC)

Motion by Councilman Womack

Seconded by Councilman Cavin

To accept the Certificate of Substantial Completion submitted by Industrial Enterprises, Inc. for the Bypass Road project.

YEAS: Nezianya, Noel, O’Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

2. Sewer – None presented.

3. Subdivision Inspections – None presented

4. Water and Gas Project

- a. Gas Regulation Station – Contract #1
Accept Certificate of Substantial Completion (PEC)

Motion by Councilman Nezianya

Seconded by Councilwoman O’Brien

To accept Certificate of Substantial Completion for Gas Regulation Station # 1, submitted by Feliciano Welders.

YEAS: Nezianya, Noel, O’Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

- b. Gas High Pressure Line, Contract # 2, Pay Request # 5 (PEC)

Motion by Councilman Nezianya

Seconded by Councilman Cavin

To approve Pay Request #5, submitted by Industrial Enterprises, Inc., in the amount of \$111,013.15, for work on the new high pressure gas line (Contract #2)

YEAS: Nezianya, Noel, O’Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

- c. New High Pressure Gas Pipeline – Contract #2 – Industrial Enterprises, Final Change Order # 1, \$90,598.21 (PEC)

Motion by Councilman Womack

Seconded by Councilman Neziانيا

To approve Final Change Order #1, in the amount of \$90,598.21 submitted by Industrial Enterprises, Inc., for the New High Pressure Gas Pipeline project.

YEAS: Neziانيا, Noel, O’Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

- d. New High Pressure Gas Pipeline – Contract #2 – Industrial Enterprises, Accept Certificate of Substantial Completion.

Motion by Councilman Womack

Seconded by Councilman Cavin

To accept Certificate of Substantial Completion presented by Industrial Enterprises for the new High Pressure Gas Pipeline Contract #2.

YEAS: Neziانيا, Noel, O’Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

5. Zachary Youth Park

- a. Youth Park – Hurricane Gustav/Ike Disaster Recovery Pay Request #7, \$88,643.90 to Industrial Enterprises

Motion by Councilman Cavin

Seconded by Councilman Neziانيا

To approve pay request #7 in the amount of \$88,643.90 submitted by Industrial Enterprises for the Hurricane Gustav/Ike Disaster Recovery project.

YEAS: Neziانيا, Noel, O’Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

- b. Youth Park – Hurricane Gustav/Ike Disaster Recovery project

Approval of Final Change Order #4, \$10,244.05, submitted by Industrial Enterprises.

Motion by Councilman Neziانيا

Seconded by Councilman Womack

To approve Final Change Order #4, for \$10,244.05, submitted by Industrial Enterprises.

YEAS: Neziانيا, Noel, O’Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

L. CONDEMNED BUILDINGS - PUBLIC HEARINGS OR OTHER ACTION REGARDING BUILDINGS BEING CONSIDERED FOR CONDEMNATION

1. **Review/Reports – Proposed and Active Condemnation of Buildings**
None presented

M. OLD BUSINESS PENDING FOR FINAL ACTION

There was no old business pending for final action.

N. OLD BUSINESS PENDING

1. **Brown Property – MacHost Road – Subpoena issued**
To Laurie Brown to attend Jan 28, 2014 meeting pertaining to failure to abide by Ordinance (46-53) and continued violation of same. Laurie Brown represented by father Joseph Brown remains under Subpoena, remains on the agenda
Settlement of this matter is expected within two months. No action was taken.

O. NEW BUSINESS

1. **Introduce Ordinance 2014 – 07:** Annexation of East Mt. Pleasant Road and the remainder of the Marshall Bond Property - Located Hwy 61 and Hwy 64
(Remains tabled) No action was taken.
2. **Introduce Ordinance 2014 – 12:** Annexation of Lots 1 and 2 of the J.A. Carruth Subdivision (Remains tabled) No action was taken.

3. **Request for Removal of an Existing Stop Sign**
On Old Slaughter Road near the intersection of Old Slaughter and Montegudo Blvd. (Bypass Road between Hwy 19 and Hwy 64 (John Hopewell)
Motion by Councilman Womack
Second by Councilwoman O'Brien

To authorize the removal of an existing stop sign on Old Slaughter Road near the intersection of Old Slaughter and Montegudo Blvd.

YEAS: Nezianya, Noel, O'Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED: None

4. **Request for the Council to enter into an executive session to discuss the Zachary Housing Partners, LLC vs City of Zachary, et seq. 19th JDC # 613155 Section 25 – litigation as provided by LSA-R.S. 42:17(A)(2) upon affirmative vote of the Council pursuant to LSA-R.S. 42:16 (John Hopewell)**

The Council voted at the beginning of the meeting to move this item to the end of the agenda.

5. Engagement Letter for Auditing Firm

Motion by Councilman Neziauya
Seconded by Councilman Womack

To accept the recommendation of Chief Financial Officer Steve Nunnery and authorize the Mayor to engage the firm of Baxley & Associates for the next four years to audit accounts for City of Zachary.

YEAS: Nezianya, Noel, O'Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED: None

ADDENDUM # 1: Authorization to Bid Relocation of Field at Zachary Youth Park due to Widening of Mt. Pleasant Road

Motion by Councilman Cavin
Seconded by Councilman Womack

To authorize bidding for the relocation of a field at Zachary Youth Park due to the widening of Mt. Pleasant Road.

YEAS: Nezianya, Noel, O'Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED: None

P. REPORTS OF COMMITTEES/COMMISSIONS/BOARDS

None were presented

Q. REPORTS FROM DEPARTMENT HEADS

None were presented

R. DISCUSSION OF BUSINESS NOT ON AGENDA

(No Action May Be Taken Unless Declared an Emergency)

There were no other matters to be discussed.

ALTERED AGENDA: The agenda was altered to move this item to the end of the agenda.

4. Request for the Council to enter into an executive session to discuss the Zachary Housing Partners, LLC vs City of Zachary, et seq. 19th JDC # 613155 Section 25 – litigation as provided by LSA-R.S. 42:17(A)(2) upon affirmative vote of the Council pursuant to LSA-R.S. 42:16 (John Hopewell)

Motion by Councilman Nezianya
Seconded by Councilman Womack

To recess the regular meeting at 7:25 pm, and go into executive session to discuss the Zachary Housing Partners, LLC vs City of Zachary, et seq. 19th JDC # 613155 Section 25 litigation.

YEAS: Nezianya, Noel, O'Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED: None

At 8:08 pm, the Council returned to the Council Chamber, and the
Motion was made by Councilman Nezianya
Seconded by Councilman Cavin

To re-convene the regular meeting.

YEAS: Nezianya, Noel, O'Brien, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: None

Mayor Pro Tempore Noel directed that there be another executive session meeting placed at the February 24, 2015 Council Meeting for the same purpose.

S. ADJOURNMENT – 8:15 p.m.

CERTIFICATION

Jean Byers, Clerk of City Council
CITY OF ZACHARY
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

David Amrhein, Mayor

I, Jean Byers, do hereby certify that I am the duly appointed and acting Clerk of the City Council for the City of Zachary, Parish of East Baton Rouge, Louisiana.

I further certify that the above and foregoing is a true and correct copy of the minutes of the regular meeting of the Mayor and Council of the City of Zachary, Louisiana, held on Tuesday, January 27, 2015, a proper quorum being there and then present.

Jean Byers, Clerk of the City Council