

MINUTES
For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, March 10, 2015 - 6:30 p.m.

A. CALL TO ORDER

Mayor Pro Tempore Brandon Noel called the meeting to order at 6:30 p.m., on March 10, 2015 at the Zachary City Hall located at 4700 Main Street, Zachary, LA.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation by Councilman Womack

Pledge of Allegiance by Councilwoman O'Brien

C. OPENING PROCEDURES

1. ROLL CALL:

MAYOR PRO TEMPORE

Councilman Brandon Noel

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 Cavin

To move Item 0-3: Executive Session for discussion of Sassone, LLC vs City of Zachary litigation, to the last item on the agenda.

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 February 24, 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 were presented.

F. PRESENTATION OF DELEGATIONS

1. Requests to Speak – There were none to speak.

2. Hardship waivers – None presented

3. Other Waivers

a. Donald Hunt – 4613 Church Street
Waiver request
Request waiver: Separate electric meter for concrete garage in back
(Hugh Engels)

Motion by Councilman Nezianya
Motion seconded by Councilman Cavin

To grant a waiver to allow separate electric meter for garage in back of main building, for Donald Hunt, 4613 Church Street, Zachary.

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

b. Waiver Request: Approve Permit for commercial building at Americana prior to completion of resubdivision map
(Hugh Engels)

Byron Bernard was present representing Americana.

Motion by Councilman Womack
Second by Councilwoman O'Brien

To approve a permit for commercial building at Americana prior to the completion of the resubdivision map, with the understanding work can proceed up to the point that developers would be pouring concrete. No concrete can be poured until the resubdivision map has been completed.

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

- c. G&D Storage on Old Scenic Highway (Engels)
This item was withdrawn. There was no action.

- d. Ardene Wright – 4320 Rose Garden Circle (Engels)
Motion by Councilman Cavin
Second by Councilman Nezianya

To approve request for occupational license for internet based business,
Mama Lou Soothing Stones

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

Motion by Councilwoman O’Brien
Motion seconded by Councilman Noel

To confirm the nomination of Bob Whitaker by Councilman Womack.
to the Zachary Historic Village Advisory Board. The Board is completed as follows:

Mayor Amrhien appointed Sharon Phillips and Patrick Campbell
Councilman Nezianya appointed Jeanne Partin
Councilman Noel appointed Theresa Payment
Councilwoman O’Brien appointed Renee Beadle
Councilman Cavin appointed Helen Ryan Southall
Councilman Womack appointed Bob Whitaker

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

H. PLANNING & ZONING MATTERS

**1. Receive Minutes of March 2, 2015 Planning Commission and
March 2, 2015 Zoning Commission**

Motion by Councilman Nezianya
Second by Councilman Womack

To receive the minutes of the March 2, 2015 Planning Commission meeting and the
March 2, 2015 Zoning Commission meeting.

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

2. Planning Matters REQUIRING a Public Hearing

- a. Conditional Use – Lot W-1-A of the Fleniken & A.W. Montegudo property at 5755 Main Street. Lagniappe Restaurant.
Mayor Amrhein declared a public hearing to be in session at 6:40 p.m.
Mr. Solomon Solah, the developer was present to speak in favor. There was no one to oppose the granting of a conditional use permit.
The public hearing was closed at approximately 6:45 p.m.

Motion by Councilman Cavin
Second by Councilwoman O'Brien

To approve a conditional use permit for Lot W-1-A of the Fleniken & A. W. Montegudo property located at 5755 Main Street.

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

- 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 - None presented

I. APPROVE PAYMENT OF BILLS

Motion by Councilman Womack
Second by Councilman Cavin

To approve accounts payable in the amount of \$303,902.60, along with the natural gas bill when received.

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

J. BOOKKEEPING AND BUDGET CHANGES – None presented

K. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

a. Mt Pleasant Road, Approve Pay Estimate # 5

Motion by Councilman Womack

Second by Councilwoman O'Brien

To approve pay estimate # 5, in the amount of \$538,720.00, to R.J Diagle and Sons, for work on the Mt. Pleasant 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

Motion by Councilman Womack

Second by Councilman Nezianya

To approve pay request # 6, presented by Industrial Enterprises, Inc., in the amount of \$52,173.27, for work on the Capital Outlay Gas Main Updates.

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

NAYS: None

ABSENT: None

ABSTAINED: None

5. Zachary Youth Park

Motion by Councilman Womack

Second by Councilman Nezianya

To approve pay request #8, submitted by Industrial Enterprise, Inc, in the amount of \$73,827.61 for work on the Youth Park Improvements (Hurricane Gustav/Ike, Disaster recovery).

YEAS: Nezianya, 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

1. Adoption of Ordinance # 2015-01, declaring intention of the City of Zachary to have certain movable property declared to be surplus and allowing for the disposal of same.

A Public hearing was declared in session at 6:55 pm, to consider the adoption of Ordinance # 2015-01, declaring intention of the City of Zachary to have certain movable property declared to be surplus and allowing for the disposal of same. There being none to speak for or against the adoption of Ordinance 2015-01, the public hearing was closed at 6:57 p.m.

Motion by Councilman Nezianya

Second by Councilman Cavin

To adopt Ordinance 2015-01, declaring certain movable property, as listed in the attachment to these minutes, to be surplus and to provide for the disposal of same.

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

NAYS: None

ABSENT: None

ABSTAINED: None

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.

The matter is expected to go to CoZ Court on Wednesday, March 11, 2015.

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. Authorize the advertisement for bids for LED Christmas Light Display for Zachary Historic Village, including total turnkey package, power distribution, controllers, computer(s) transmitter (including storage, installation and take down of display.

Motion by Councilman Cavin

Seconded by Councilwoman O'Brien

To authorize advertising for bids for LED light display for Zachary Historic Village, including total turnkey package, power distribution, controllers, computers, and storage, installation and take down.

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

NAYS: None

ABSENT: None

ABSTAINED: None

4. Request Council to enter into an Executive session to discuss the Sassano, LLC vs. the City of Zachary, et. seq 19th JDC # 588,378, Division “D”, Litigation as provided by LSA R.S. 42:16

Motion by Councilman Cavin

Second by Councilman Womack

To recess the Council meeting at 7:10 p.m., and enter into executive session to discuss the Sassano LLC, vs. the City of Zachary litigation.

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

NAYS: None

ABSENT: None

ABSTAINED: None

Motion by Councilman Nezianya

Second by Councilwoman O'Brien

To reconvene the Council meeting at 7:25 p.m.

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

NAYS: None

ABSENT: None

ABSTAINED: None

P. REPORTS FROM BOARDS, COMMISSIONS AND COMMITTEES

None were presented.

Q. REPORTS FROM DEPARTMENT HEADS

Motion by Councilman Nezianya

Second by Councilman Womack

To accept the reports from Department Heads as presented.

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

NAYS: None

ABSENT: None

ABSTAINED: None

R. NON-AGENDA ITEMS – NO ACTION CAN BE TAKEN

There were none.

S. ADJOURN: 7:30 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, March 10, 2015 a proper quorum being there and then present.

Jean Byers, Clerk of the City Council