

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, May 10, 2016, 6:30 P.M.**

A. CALL TO ORDER

Mayor Amrhein called the meeting to order at 6:30 p.m., on Tuesday May 10, 2016 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 Councilman Noel

C. OPENING PROCEDURES

1. ROLL CALL

MAYOR

David Amrhein

COUNCIL MEMBERS

Francis Nezianya – District 1

Brandon Noel – District 2

Laura O'Brien – District 3

Ben Cavin – District 4

Tommy Womack – District 5

ABSENT

2. READING OF CITY POLICY RELATIVE TO OPEN MEETINGS

Before proceeding with the meeting, Mayor Amrhein 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**

The motion was made by Councilman Noel

The motion was seconded by Councilwoman O'Brien

To alter the agenda to hear item 2B before 2A and to move N3 and N4 up on the agenda.

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

NAYS: None

ABSENT: None

ABSTAINED: None

ALTER AGENDA

NEW BUSINESS

N3. Request for Renewal of Contract of Zachary Community School District and Zachary Police Department regarding Crossing Guards.

The motion was made by Councilman Nezianya

The motion was seconded by Councilwoman O'Brien

To approve a Request for Renewal of Contract of Zachary Community School District and Zachary Police Department regarding Crossing Guards.

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

NAYS: None

ABSENT: None

ABSTAINED: None

N4. Request for Renewal of Contract of Zachary Community School District and Zachary Youth Park.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve a Request for Renewal of Contract of Zachary Community School District and Zachary Youth Park

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

NAYS: None

ABSENT: None

ABSTAINED: None

RETURN TO REGULAR ORDER

D. READING OF THE MINUTES

1. Minutes of the April 26, 2016 Regular Meeting

The motion was made by Councilman Womack

The motion was second by Councilman Noel

To waive the reading of the minutes of the April 26, 2016 regular meeting and approve them with the corrections noted.

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

E. HONORS, RECOGNITIONS AND INTRODUCTIONS

Mayor Amrhein announced that he and his staff would be cooking at all the schools for the teachers and staff. He thanked PEC for funding this entire event. He also thanked the administration and their staff for helping to make the event possible.

F. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

- a. Pay Estimate #4 2015 Road Rehabilitation Program
The motion was made by Councilman Cavin
The motion was seconded by Councilman Noel

To approve Pay Estimate Pay Estimate #4 2015 Road Rehabilitation Program to RWB Contracting, Inc. in the amount of \$204,952.50.

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

ALTER AGENDA

2. Sewer

- b. Sewer Contract 6 Final Adjustment Change Order #1
The motion was made by Councilman Nezianya
The motion was seconded by Councilman Cavin

To approve Sewer Contract 6 Final Adjustment Change Order #1 for Insituform Technologies in the amount of \$50,939.80

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

- a. Sewer Contract 6 Pay Estimate #5 Sanitary Sewer Collection System Improvements

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O'Brien

To approve Pay Sewer Contract 6 Pay Estimate #5 Sanitary Sewer Collection System Improvements to Insituform Technologies, LLC in the amount of \$428,138.41.

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

NAYS: None

ABSENT: None

ABSTAINED: None

Mayor Amrhein announced that in the legislative session House Bill 2 came out and no action was taken. He said he spoke with Bodie White and expressed to him that he would still like to receive the \$800,000.00 for the water tower. The Mayor said that the state has no money but the state would see what could be done.

RETURN TO REGULAR ORDER

3. Subdivision Inspections

4. Water and Gas Projects

G. PRESENTATION OF DELEGATIONS

1. Requests to Speak

Burness White, 4651 Avenue G, Zachary, was present to speak to the council regarding the back up of drainage on the back of her property. She explained that her house is beginning to sink and that it takes several days for it to dry out. Mayor Amrhein explained to Ms. Morgan that the crushed pipes under the homeowners driveway is the responsibility of the homeowner. He Councilman Womack went to look at the property and that the Public Works Director will be there as well to inspect. Mayor Amrhein explained that a drainage project was done about three years ago on Avenue A, B, C, and D. He said that the City can do a project only if they do it for the entire street. He said that the funds are not available at this time.

Freda Spann, Baker, La was present to speak regarding the same property. She asked Mayor Amrhein if the inspector will come out to tell them what size pipe needed and how much pipe will be needed. He explained to her to go to the public works department and meet with the Public Works Director.

2. Hardship Waivers

3. Other Variances

- a. Occupational Variance Request – Joshly McGhee 2907 Meadow Grove, Zachary, La – Request to operate a home office for Baker Notary & Administration.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Cavin

To approve an Occupational Variance Request – Joshly McGhee 2907 Meadow Grove, Zachary, La – Request to operate a home office for Baker Notary & Administration.

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

- b. Variance Request – Brad Roy 10055 Main Street, Zachary, La – Request Section 11.504 (C) (I) to allow prefabricated metal wall panels.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve a Variance Request – Brad Roy 10055 Main Street, Zachary, La Request Section 11.504 (C) (I) to allow prefabricated metal wall panels and for the front setback contingent upon the rezoning of the tract to industrial.

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

4. Exceptions to Regulations

H. ACTION MANDATED BY HOME RULE CHARTER

I. PLANNING & ZONING MATTERS

- 1. **Receive Minutes of the Regular meeting of _____ of the Planning Commission and the Minutes of the Regular meeting of _____ of the Zoning Commission.** None were presented.
- 2. **Planning Matters REQUIRING a Public Hearing**
- 3. **Planning Matters NOT requiring a Public Meeting**
- 4. **Zoning Matters REQUIRING a Public Hearing**
- 5. **Zoning Matters NOT Requiring Public Hearing**

6. Other Matters-Requiring a Public Hearing

J. APPROVE PAYMENT OF BILLS

1. Approve Accounts Payable and the natural gas bill when it is received.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Noel

To Approve Accounts Payable in the amount of \$454,817.55 and the natural gas bill when it is received.

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

NAYS: None

ABSENT: None

ABSTAINED: None

K. BUDGET AND FINANCIAL MATTERS

L. OLD BUSINESS PENDING FOR FINAL ACTION

1. **Public Hearing and Adoption** of ORDINANCE 2016-08 AUTHORIZING THE CITY OF ZACHARY TO IMPLEMENT THE GENERAL FUND, UTILITY FUND, SPECIAL REVENUE FUND, THE ZACHARY CITY COURT, AND CAPITAL IMPROVEMENT FUND BUDGETS FOR THE FISCAL YEAR COMMENCING JULY 1, 2016 AND ENDING JUNE 30, 2017.

Mayor Amrhein declared a PUBLIC HEARING to be opened at 6:53 pm. There being no one to speak in favor or against the adoption of the ordinance Mayor Amrhein closed the PUBLIC HEARING at 6:54 pm.

The motion was made by Councilman Nezianya

The motion was seconded by Councilwoman O'Brien

To approve the **Adoption** of ORDINANCE 2016-08 AUTHORIZING THE CITY OF ZACHARY TO IMPLEMENT THE GENERAL FUND, UTILITY FUND, SPECIAL REVENUE FUND, THE ZACHARY CITY COURT, AND CAPITAL IMPROVEMENT FUND BUDGETS FOR THE FISCAL YEAR COMMENCING JULY 1, 2016 AND ENDING JUNE 30, 2017.

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

NAYS: None

ABSENT: None

ABSTAINED: None

2. **Public Hearing and Adoption** of ORDINANCE 2016-09 AUTHORIZING THE CITY OF ZACHARY TO AMEND AND CORRECT CERTAIN DEPARTMENTAL BUDGETS IN THE GENERAL FUND UTILITY FUND AND SPECIAL REVENUE FUND FOR THE FISCAL YEAR COMMENCING JULY 1, 2015 AND ENDING JUNE 30, 2016.

Mayor Amrhein declared a PUBLIC HEARING to be opened at 6:55 pm. There being no one to speak in favor or against the adoption of the ordinance Mayor Amrhein closed the PUBLIC HEARING at 6:56 pm.

The motion was made by Councilman Cavin

The motion was seconded by Councilwoman O'Brien

To approve the **Adoption** of ORDINANCE 2016-09 AUTHORIZING THE CITY OF ZACHARY TO AMEND AND CORRECT CERTAIN DEPARTMENTAL BUDGETS IN THE GENERAL FUND UTILITY FUND AND SPECIAL REVENUE FUND FOR THE FISCAL YEAR COMMENCING JULY 1, 2015 AND ENDING JUNE 30, 2016.

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

NAYS: None

ABSENT: None

ABSTAINED: None

3. **Public Hearing and Adoption** of Ordinance 2016-10 ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTY DECLARED TO BE SURPLUS AND ALLOWING FOR THE DISPOSAL OF SAME.

Mayor Amrhein declared a PUBLIC HEARING to be opened at 6:56 pm. There being no one to speak in favor or against the adoption of the ordinance Mayor Amrhein closed the PUBLIC HEARING at 6:57 pm. Mayor Amrhein said this ordinance is for the new lawn Mower that was to be purchased.

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To approve the **Adoption** of Ordinance 2016-10 ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTY DECLARED TO BE SURPLUS AND ALLOWING FOR THE DISPOSAL OF SAME.

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

NAYS: None

ABSENT: None

ABSTAINED: None

4. **Public Hearing and Adoption** of Ordinance 2016-11 AUTHORIZING THE CITY OF ZACHARY TO AMEND §6-35 OF THE CODE OF ORDINANCES FOR THE CITY OF ZACHARY TO PROVIDE FOR AMENDMENTS TO THE APPLICATION OF LOCATION RESTRICTIONS FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF ZACHARY AND FOR OTHER MATTERS IN FUTURE OF THIS PROVISION.

Mayor Amrhein declared a PUBLIC HEARING to be opened at 6:58 pm. John Hopewell was present to explain that changes had been made to the ordinance since the introduction of the ordinance. He said that the distance of three hundred feet was removed and that the ordinance did not apply to a bona fide restaurant that sold 75% of food sales verses alcohol sales. Councilwoman O'Brien asked

Mr. Hopewell how will this be audited and he said that it was the administration's responsibility to audit this and the police department's responsibility to enforce it. Mayor Amrhein said that the city does not have the man power to audit all restaurants but a few would be picked a year to get audited. Councilman Womack expressed his concern about a restaurant closing and still serving alcohol. Landon Petty, 4116 Lake Pointe Ave., Zachary, La and a member of the ABC board, was present and commented that all businesses must follow guidelines that the ABC board requires and also the guidelines of the state. Paul Mier, 4347 High Street, Suite 101 and 104, Zachary, La was present to speak in favor of the ordinance. He explained to the council that his business ratio was mainly food sales and a small percentage of alcohol sales. He also said he would like to be able to sell a glass of wine with a steak or a beer with crawfish. Judy White Schillings, 4420 Cypress Street, Zachary, La was present to speak against the ordinance. She asked the council what would happen if a church moved next to an existing restaurant that sold alcohol. Mayor Amrhein explained that the three hundred foot rule did not apply.

The motion was made by Councilman Noel

The motion was seconded by Councilman Womack

To approve the **Adoption** of Ordinance 2016-11 AUTHORIZING THE CITY OF ZACHARY TO AMEND §6-35 OF THE CODE OF ORDINANCES FOR THE CITY OF ZACHARY TO PROVIDE FOR AMENDMENTS TO THE APPLICATION OF LOCATION RESTRICTIONS FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF ZACHARY AND FOR OTHER MATTERS IN FUTHERANCE OF THIS PROVISION.

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

M. 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 her father Joseph Brown
 Remains under Subpoena, remains on the agenda until removed by Council.
2. Introduce Ordinance #2014-07 – Petition of Annexation East Mt. Pleasant Rd. & the remainder of the Marshall Bond Property – Located on Hwy. 61 & Hwy.64 (Remains Tabled)
3. Introduce Ordinance #2014-12 – Calling for the Annexation of Tracts 1 & 2 of the J. A. Carruth Subdivision (Remains Tabled)

4. Discussion for the 2016 Ad Valorem Millage Rates. (Mayor Amrhein)
Remains on Agenda until removed by Council.

N. NEW BUSINESS

1. A Resolution to Support the Preparation and Submittal of an Application for Funding through the Division of Administration's - Office of Community Development - FY 2015-2016 Community Water Enrichment Fund (CWEF).

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve A Resolution to Support the Preparation and Submittal of an Application for Funding through the Division of Administration's - Office of Community Development - FY 2015-2016 Community Water Enrichment Fund (CWEF).

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

NAYS: None

ABSENT: None

ABSTAINED: None

2. Requested Resolution in Support of proposed Federal Railway Authority promulgation of regulations related to mandated minimum two-man crews on railroads except by a special exemption with resolution request being made by the Louisiana Municipal Association.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To deny Requested Resolution in Support of proposed Federal Railway Authority promulgation of regulations related to mandated minimum two-man crews on railroads except by a special exemption with resolution request being made by the Louisiana Municipal Association.

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

NAYS: None

ABSENT: None

ABSTAINED: None

O. REPORTS FROM DEPARTMENT HEADS

Mayor Amrhein announced that the city received a dividend check from LWCC in the amount of \$104,909.00 which exceeded the previous year.

**P. DISCUSSION OF BUSINESS NOT ON AGENDA
(No Action May Be Taken Unless Declared an Emergency)**

Q. ADJOURNMENT

The meeting was adjourned at 7:34 pm.

CERTIFICATION

Dana Poole, Clerk of City Council
CITY OF ZACHARY
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

David Amrhein, Mayor

I, Dana Poole, 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, May 10, 2016, a proper quorum being there and then present.

Dana Poole, Clerk of the City Council