

MINUTES
For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, June 23, 2015, 6:30 p.m.

A. CALL TO ORDER

Mayor Amrhein called the meeting to order at 6:30 p.m., on Tuesday June 23, 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

David Amrhein

COUNCIL MEMBERS

Francis Neziانيا – District 1

Brandon Noel – District 2

Laura O'Brien – District 3

Ben Cavin – District 4

Tommy Womack – District 5

ABSENT:

Brandon Noel present at 6:35 p.m.

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

D. READING OF THE MINUTES

The motion was made by Councilwoman O'Brien

The motion was second by Councilman Womack

To waive the reading of the minutes of the regular meeting June 09, 2015, and approve them as presented.

YEAS: O'Brien, Cavin, Womack

NAYS: None

ABSENT: Noel

ABSTAINED: Neziانيا

E. HONORS, RECOGNITIONS AND INTRODUCTIONS

None were presented

F. PRESENTATION OF DELEGATIONS

1. Requests to Speak

Mark Miles, 9230 Highland Oaks Drive, Zachary, HOA President for The Oaks Subdivision, was present to speak against the connection and to speak his concerns about the connectivity of Redwood Lakes Subdivision and The Oaks Subdivision. He is concerned about the value of the homes dropping, the increase of traffic flow. He asked to be put on the agenda for the next council meeting. Mayor Amrhein tells him to call his office and set up a meeting to discuss and go over the connection along with the Public Works Director, Chris Davezac. Council Womack asked to be notified of the meeting.

Rondrell Bentley, 6633 Oaks Edge Drive, Zachary, was present to speak against the connection and stated he lives in the dead end where the two subdivisions would connect. He states that he has children and that he bought that lot because of the dead end. He would also like to attend the meeting.

Timothy Morris, 8726 Reserve Oak Ave., Zachary, was present to speak against the connect. He is also concerned about the traffic flow increasing and states that the reason for building in the back of the subdivision was because the traffic flow is low. He would also like to attend the meeting.

Sharyll Aron, 8933 Highland Oaks Ave., Zachary, was present to speak against the connection. She feels that the property values will decrease. She states that she is concerned about the traffic flow. She was told by DR Horton that there would only be one way in and one way out when she purchased her home.

2. Hardship Waivers

- a. Hardship Waiver Renewal- Theresa Hartley - 4735 Rush Ave. Slaughter, La 70777

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Womack

To approve a one-year renewal of a hardship waiver for Theresa Hartley to continue a mobile home at 4735 Rush Ave. Slaughter, La 70777.

YEAS: Nezianya, O'Brien, Cavin, Womack

NAYS: None

ABSENT: Noel

ABSTAINED: None

- b. Hardship Waiver Renewal– William O. Kirkwood - 3018 Old Baker Rd. Zachary, La 70791

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Womack

To approve a one-year renewal of a hardship waiver for William O. Kirkwood to continue a mobile home at 3018 Old Baker Rd.

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

- c. Hardship Waiver Renewal– William Hasty – 3840 David Street Zachary, La 70791

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Womack

To approve a one-year renewal of a hardship waiver for William Hasty to continue a mobile home at 3840 David Street.

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

3. Other Waivers

- a. Waiver Request – Denise Love – 4494 Westwood Drive Zachary, La 70791

The motion was made by Councilman Noel

The motion was seconded by Councilman Womack

To table a waiver request until the July 14, 2015 council meeting for Denise Love to connect electricity, water and sewer to a 12x12 portable building for the purpose of storage and crafting projects.

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

- b. Waiver Request – Casey Parker, dba Parker Custom Homes, LLC 22624 Carriage Ride Lane, Zachary

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O’ Brien

To approve a waiver for Casey Parker to operate a retail business from his home at 22624 Carriage Ride Lane, Zachary. There will only be administrative work done from his home.

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

CHANGE OF ORDER OF AGENDA:

- O-3 Special Event Permit - Danya Heroman – to hold a softball tournament at Zachary Youth Park beginning July 11 through July 12 to raise money for Jodie Hurst for medical expenses and Request for Resolution to waive section 6.103E of the Zachary Code of Ordinances pertaining to alcohol on City premises.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Nezianya

To approve a special event permit to Danya Heroman to hold a softball tournament at Zachary Youth Park beginning July 11 through July 12 to raise money for Jodie Hurst for medical expenses and Request for Resolution to waive section 6.103E of the Zachary Code of Ordinances pertaining to alcohol on City premises.

Mayor Amrhein requested to have Police Officers on the premises.

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

NAYS: None

ABSENT: None

ABSTAINED: None

Return to Regular Agenda Order

4. Exceptions to Regulations – None were presented

G. ACTION MANDATED BY HOME RULE CHARTER- None were presented.

H PLANNING & ZONING MATTERS

1. Receive Minutes of June 1, 2015 Planning Commission and June 1, 2015, Zoning Commission

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To approve the minutes of the June 1, 2015 Planning Commission and June 1, 2015, Zoning Commission

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

NAYS: None

ABSENT: None

ABSTAINED: None

2. Planning Matters REQUIRING a Public Hearing-None were presented.

- a. Conditional Use Permit – Cabo's Suite 210 Lot B-4 of the Otey M. Hughes Tract – Mount Pleasant Road- Sale of alcohol

Mayor Amrhein declared a PUBLIC HEARING to be in session at 6:55pm. David Gaines, 17498 Old Scenic Hwy, Zachary, was present to speak for the conditional use permit. He stated that the owners must not have understood that they needed to attend the meeting to explain the change of ownership of the business. There being no one to speak against

Mayor Amrhein declared a public hearing to be closed at 6:57 pm.

The motion was made by Councilman Noel

The motion was seconded by Councilwoman O'Brien

To approve a conditional use permit to Cabo’s Suite 210 Lot B-4 of the Otey M. Hughes Tract - Mount Pleasant Road allowing the sale of alcohol.

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

- b. Conditional Use Permit – Independence Blvd. & Old Scenic Hwy. Lot Z-1-A-1 of the Marshall M. Hughes Tract – Sale of alcohol

Mayor Amrhein declared a PUBLIC HEARING to be in session at 6:57 pm. David Gaines, 17498 Old scenic Hwy, Zachary, was present to speak for the conditional use permit. He stated that he would like to have everything in order for when the new restaurant opens. He also stated that Coppermill Elementary is 400 feet from the project. Being there no one to speak against the conditional use permit Mayor Amrhein declared a public hearing to be closed at 6:58 pm.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Nezianya

To approve a conditional use permit allowing the sale of alcohol located at Independence Blvd & Old Scenic Hwy Lot Z-1-A-1 of the Marshall M. Hughes Tract.

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

- 3. Planning Matters NOT requiring a Public Meeting – None were presented.**

- 4. Zoning Matters REQUIRING a Public Hearing**

- a. Rezone – Lot Z-1-A-4 of the Marshall M. Hughes Tract from CS to CG – Copper Mill Blvd.

Mayor Amrhein declared a PUBLIC HEARING to be in session at 6:59 pm. David Gaines, 17498 Old Scenic Hwy, Zachary, was present to speak for the rezoning request. He explains that there will be a 7,800 square foot dentist office there with three dentist. There being no one to speak against Mayor Amrhein declared a public hearing to be closed at 7:00 pm.

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve the rezoning of Lot Z-1-A-4 of the Marshall M. Hughes Tract – Coppermill Blvd. from CS-CG

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

5. **Zoning Matters NOT Requiring Public Hearing**-None were presented.

6. **Other Matters** – None were presented.

I. APPROVE PAYMENT OF BILLS

J. BOOKKEEPING AND BUDGET CHANGES-None were presented.

K. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

a. Mount Pleasant Blvd. Pay Estimate #8 – in the amount of \$295,462.49 (PEC)

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Cavin

To approve pay estimate #8, submitted by R.J. Daigle & Sons Contractors, Inc., in the amount of \$295,462.49 for work done on Mount Pleasant Blvd.

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

NAYS: None

ABSENT: None

ABSTAINED: None

2. **Sewer**- None were presented.

3. **Subdivision** - None were presented.

4. **Water and Gas Projects**- None were presented.

5. **Zachary Youth Park** -None were presented.

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

1. Review/Reports relative to Proposed/Active Condemnations

None were presented.

M. OLD BUSINESS PENDING FOR FINAL ACTION - None were presented.

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 her father Joseph Brown

Remains under Subpoena, remains on the agenda. Status Conference set in May.

O. NEW BUSINESS

1. 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)
2. Introduce Ordinance # 2014-12 calling for the Annexation of Tracts 1 & 2 of the J.A. Carruth Subdivision (Remains tabled)
3. *This item was taken up earlier in the meeting.*
Special Event Permit - Danya Heroman – to hold a softball tournament at Zachary Youth Park beginning July 11 through July 12 to raise money for Jodie Hurst for medical expenses and Request for Resolution to waive section 6.103E of the Zachary Code of Ordinances pertaining to alcohol on City premisses.
4. Discussion and request for the Mayor to allow for discussion and negotiation with Clairmont Subdivision and/or East Baton Rouge Parish to enter into a Cooperative Endeavor Agreement regarding construction of a sewer lift station and for other waste water treatment solutions.
The motion was made by Councilman Womack
The motion was seconded by Councilman Neziانيا
To authorize Mayor Amrhein to sign a Cooperative Endeavor Agreement between Clairmont Subdivision and/or East Baton Rouge Parish and the City of Zachary regarding construction of a sewer lift station and for other waste water treatment solutions.
YEAS: Neziانيا, Noel, O’Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED : None
5. Introduce Ordinance #2015-09 – Authorizing the City of Zachary to amend portions of Chapter 2 - Administration – for the purpose of updating travel policy and procedures for the various employees and elected officials of the City of Zachary and for other related matters.
The motion was made by Councilman Womack
The motion was seconded by Councilman Neziانيا
To introduce ordinance #2015-09 – Authorizing the City of Zachary to amend portions of Chapter 2 - Administration – for the purpose of updating travel policy and procedures for the various employees and elected officials of the City of Zachary and for other related matters.
YEAS: Neziانيا, Noel, O’Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED : None

6. Introduce Ordinance #2015-10 – Authorizing the City of Zachary to amend §8.215 of the Unified Development Code for the City of Zachary to provide for Dust Free Aprons from points of exit unto public streets within the City of Zachary and for other matters in the furtherance of this provision.
The motion was made by Councilman Nezianya
The motion was seconded by Councilman Cavin
To Introduce Ordinance #2015-10 – Authorizing the City of Zachary to amend §8.215 of the Unified Development Code for the City of Zachary to provide for Dust Free Aprons from points of exit unto public streets within the City of Zachary and for other matters in the furtherance of this provision
YEAS: Nezianya, Noel, O’Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED : None

7. Introduce Ordinance #2015-07 – Pertaining to the enlargement of the boundaries of the City of Zachary by the Annexation of the tracts B-1 and B-2 of the E.D. Annison property located in §61, T4S, R1W GLD within East Baton Rouge Parish Louisiana into the Municipal limits of the City of Zachary.
The motion was made by Councilman Womack
The motion was seconded by Councilman Cavin
To Introduce Ordinance #2015-07 – Pertaining to the enlargement of the boundaries of the City of Zachary by the Annexation of the tracts B-1 and B-2 of the E.D. Annison property located in §61, T4S, R1W GLD within East Baton Rouge Parish Louisiana into the Municipal limits of the City of Zachary.
YEAS: Nezianya, Noel, O’Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED : None

8. Introduce Ordinance #2015-08 – Pertaining to the enlargement of the boundaries of the City of Zachary by the annexation of Tract D of the Barbara Carpenter property located in §37, T5S, R1E GLD within East Baton Rouge Parish Louisiana into the Municipal limits of the City of Zachary. (John Hopewell)
The motion was made by Councilman Womack
The motion was seconded by Councilwoman O’Brien
To Introduce Ordinance #2015-08 – Pertaining to the enlargement of the boundaries of the City of Zachary by the annexation of Tract D of the Barbara Carpenter property located in §37, T5S, R1E GLD within East Baton Rouge Parish Louisiana into the Municipal limits of the City of Zachary.
YEAS: Nezianya, Noel, O’Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED : None

9. Consideration of a Resolution – For the adoption by the City Council for the City of Zachary ordering and calling for an election in the City on Saturday October 24, 2015 to authorize the levy of up to a 5% hotel occupancy tax.

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To adopt a resolution of support for the City of Zachary to order and call for an election in the City on Saturday October 24, 2015 to authorize the levy of up to a 5% hotel occupancy tax.

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

NAYS: None

ABSENT: None

ABSTAINING: None

10. Request to go into executive session in pursuant to LSA-R.S. 42:17(2) to discuss the status of ongoing litigation – Joseph Bowman advs. City of Zachary, et al- #632949 “D” JDC EBR, SoL.

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

The motion passes with greater than two thirds majority vote to enter into executive session at 7:20 pm.

Request to adjourn from executive session at 7:35 pm.

The motion was made by Councilman Nezianya

The motion was seconded by Council Womack

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

NAYS: None

ABSENT: None

ABSTAINING: 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

None presented (No Action May Be Taken Unless Declared an Emergency)

S. ADJOURNMENT

The meeting adjourned at 7:38 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, June 23, 2015, a proper quorum being there and then present.

Dana Poole, Clerk of the City Council