

**For the Meeting of Mayor and Council  
City of Zachary, LA  
Council Chambers, 4700 Main Street  
Tuesday, June 28, 2016, 6:30 P.M.**

**A. CALL TO ORDER**

Mayor Pro Temp O'Brien called the meeting to order at 6:30 p.m., on Tuesday June 28, 2016 at the Zachary City Hall located at 4700 Main Street, Zachary, LA.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation by Councilman Nezianya  
Pledge of Allegiance by Councilman Cavin

**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 Temp O'Brien 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**

1. Minutes of the June 14, 2016 Regular Meeting

The motion was made by Councilman Womack

The motion was second by Councilman Cavin

To waive the reading of the minutes of the June 14, 2016 regular meeting and approve them as presented.

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

NAYS: None

ABSENT: None

ABSTAINED: None

**E. HONORS, RECOGNITIONS AND INTRODUCTIONS**

**ALTER AGENDA**

**2. Hardship Waivers**

a. Hardship Waiver Renewal – Linda Fleming – 6409 Hwy 19, Zachary, La 70791 (Tabled from the June 14, 2016 Meeting)

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Womack

To table a Hardship Waiver Renewal to Linda Fleming located at 6409 Hwy 19, Zachary, 70791. No one present to speak.

**This renewal will be allowed to be tabled one more additional time.**

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

NAYS: None

ABSENT: None

ABSTAINED: None

b. Hardship Waiver Renewal – Theresa Hartley – 4735 Rush Ave, Zachary, La 70791 (Tabled from the June 14, 2016 Meeting)

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To table a Hardship Waiver Renewal – Theresa Hartley – 4735 Rush Ave, Zachary, La 70791.

**This renewal will be allowed to be tabled one more additional time.**

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

NAYS: None

ABSENT: None

ABSTAINED: None

**F. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS**

- 1. Street/Road Projects**
- 2. Sewer**
- 3. Subdivision Inspections**
- 4. Water and Gas Projects**

**G. PRESENTATION OF DELEGATIONS**

**1. Requests to Speak**

Ginger Honeycutt, 3302 Vernon Road, Zachary, La was present to speak to the Council regarding her neighbor. She explained that Elvin Comena, 3364 Vernon Road, Zachary, La was granted a waiver to park two tractor trailers on his property but has been violating the waiver and is not complying. She also said that Mr. Comena is running a business from his home and has not gone through proper procedure to do so. This item will be added to the next agenda following an investigation done by the Code Compliance Officer, Amy Schulze.

**RETURN TO REGULAR ORDER**

- 3. Other Variances**
- 4. Exceptions to Regulations**

**H. ACTION MANDATED BY HOME RULE CHARTER**

**I. PLANNING & ZONING MATTERS**

- 1. Receive Minutes of the Regular meeting of June 06, 2016 of the Planning Commission and the Minutes of the Regular meeting of June 06, 2016 of the Zoning Commission.**

The motion was made by Councilman Womack

The motion was second by Councilman Noel

To waive the reading of the minutes of the Regular meeting of June 6, 2016 of the Planning Commission and the Minutes of the Regular meeting of June 6, 2016 of the Zoning Commission and receive them as presented.

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

**2. Planning Matters REQUIRING a Public Hearing**

- a. Resubdivision-** Tract CM2-A-1 of the remaining portion of the Marshall M. Hughes and Mrs. M.G. Hughes Property (Marigny Place) into Tracts CM2-A-1-A and CM2-A-1-B

Mayor Pro Temp O'Brien declared a PUBLIC HEARING to be opened at 6:46 pm. Amy Schulze was present to speak. She explained that this resubdivision was recommended for approval by the Planning and Zoning Commission. She said that it meets all requirements of the UDC. She also said the owners will come back through the normal process if the tract is to be developed. Mr. LT Dupre' was present to speak in favor of the resubdivision. He said that the tract needs to be resubdivided in order to receive the tax bill due to the fact that the maps were recorded incorrectly. There being no one to speak against the resubdivision Mayor Pro Temp O'Brien declared the PUBLIC HEARING to be closed at 6:49 pm.

The motion was made by Councilman Cavin

The motion was second by Councilman Nezianya

To approve a **Resubdivision** of Tract CM2-A-1 of the remaining portion of the Marshall M. Hughes and Mrs. M.G. Hughes Property (Marigny Place) into Tracts CM2-A-1-A and CM2-A-1-B

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

- b. Resubdivision - Preliminary Plat-** Tract F-4 of the E.D. Annison Tract

Mayor Pro Temp O'Brien declared a PUBLIC HEARING to be opened at 6:49 pm. Amy Schulze was present to speak. She explained that this item did not come out of Planning and Zoning with a favorable recommendation due to a lack of majority. She explained that the Preliminary Plat does meet all UDC requirements. Travis Woodard, 6767 Perkins Road, Suite 200, Baton Rouge, La 70808, who represents CSRS Engineering was present to speak in favor of the resubdivision. He said that CSRS has done several things to make sure to comply with the UDC and still did not get a favorable recommendation from P & Z and is asking the council to approve the resubdivision. Eddie Annison, 22345 Old Scenic Hwy, Zachary, La was present to speak against the resubdivision. Mr. Annison expressed his concerns to the council that his property is next to this tract of land and he raises cattle there. He said he felt that the home owners would trespass onto his property and become a liability for him, cut the fencing and allow his cattle to get out, and plant plants that would be harmful to the cattle. He expressed that he would like for CSRS to build a fence along his property to keep these things from happening. Carol Annison, 22345 Old Scenic Hwy, Zachary, La was also present to speak against the resubdivision. She expressed her concerns as well regarding the infrastructure of the area, the traffic impact, and the entertainment and amenities that the City has to offer to new residents of Zachary. Judy White Schillings, 4420 Cypress Street, Zachary, was also present to speak to the council regarding this item. She expressed to the council that it is wrong to bring in

citizens to the City of Zachary if we are not ready for them. She addressed several areas of residential building and a sewer project in her neighborhood. Council members expressed to the citizens in the audience that it is unethical and illegal to tell someone that they cannot come to Zachary. There being no one else to speak against the resubdivision Mayor Pro Temp O'Brien declared the PUBLIC HEARING to be closed at 7:30 pm.

The motion was made by Councilman Cavin

The motion was second by Councilman Womack

To approve a **Resubdivision** - Preliminary Plat- Tract F-4 of the E.D. Annison Tract

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

NAYS: None

ABSENT: None

ABSTAINED: None

- c. **Resubdivision**- Tract A-1-A of the George Brian Annison Property into Tracts A-1-A-1 and A-1-A-2

Mayor Pro Temp O'Brien declared a PUBLIC HEARING to be opened at 7:31 pm. John Hopewell was present to speak. He explained that this is part of the settlement agreement. There being no to speak for or against the resubdivision Mayor Pro Temp O'Brien declared the PUBLIC HEARING to be closed at 7:32 pm.

The motion was made by Councilman Nezianya

The motion was second by Councilman Womack

To approve a **Resubdivision** of Tract A-1-A of the George Brian Annison Property into Tracts A-1-A-1 and A-1-A-2

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

NAYS: None

ABSENT: None

ABSTAINED: None

**3. Planning Matters NOT requiring a Public Meeting**

**4. Zoning Matters REQUIRING a Public Hearing**

- a. **Conditional Use-** (Home-based business)- Catering business out of Fennwood Country Club- 6003 Fennwood Drive

Mayor Pro Temp O'Brien declared a PUBLIC HEARING to be opened at 7:33 pm. Amy Schulze was present to speak. She explained that Fennwood Country Club is zoned residential therefore it requires a conditional use permit. Lisa Boudreaux, 4950 Louise St., Zachary, La was present to speak in favor of the conditional use permit. She explained that she wanted to operate a catering business from the Fennwood Country club. There being no one to speak against the Conditional Use permit Mayor Pro Temp O'Brien declared the PUBLIC HEARING to be closed at 7:34 pm.

The motion was made by Councilman Noel

The motion was seconded by Councilman Cavin

To approve a **Conditional Use-** (Home-based business)- Catering business out of Fennwood Country Club- 6003 Fennwood Drive (Amy Schulze)

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

**b. Rezone-** Tract Z-2-A-2 of the T.N. Jeffress Property – From I to RE

Mayor Pro Temp O'Brien declared a PUBLIC HEARING to be opened at 7:35 pm. Amy Schulze was present to speak. She explained to the council that the tract was zoned for industrial use and the own would like to have it rezoned to match the existing tract. Jerry Neyland, 21154 Plank Road, Zachary, La was present to speak in favor of the rezone. He was present to answer any questions if necessary. There being no one to speak against the Rezone Mayor Pro Temp O'Brien declared the PUBLIC HEARING to be closed at 7:36 pm.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Womack

To approve a **Rezone** of Tract Z-2-A-2 of the T.N. Jeffress Property – From I to RE

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

**5. Zoning Matters NOT Requiring Public Hearing**

**6. Other Matters-Requiring a Public Hearing**

**J. APPROVE PAYMENT OF BILLS**

**K. BUDGET AND FINANCIAL MATTERS**

**L. OLD BUSINESS PENDING FOR FINAL ACTION**

**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)

**N. NEW BUSINESS**

- 1. Introduction of Ordinance 2016-15 to Declare certain movable property of the City of Zachary to be surplus and to allow for the disposal of the same.

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O’Brien

To approve the Introduction of Ordinance 2016-15 to declare certain movable property of the City of Zachary to be surplus and to allow for the disposal of the same.

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

- 2. Discussion of MacHost Road Project (Councilman Womack)

John Hopewell was present to speak. He said that he would try to get City Parish Officials along with Zachary Officials to meet regarding the status of the project.

**ADDENDUM TO THE AGENDA**

Approval of Special Counsel Contract for outside counsel to serve as Litigation Counsel in matter entitled Alvin Jackson vs City of Zachary & Americana Development Company, LLC 19<sup>th</sup> JDC, Parish of East Baton Rouge

The motion was made by Councilman Noel

The motion was seconded by Councilman Womack

To approve Special Council Contract for outside counsel and allow administration to make the decision to hire counsel in the matter entitled Alvin Jackson vs City of Zachary & Americana Development Company, LLC 19<sup>th</sup>, JDC, Parish of East Baton Rouge.

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

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

**P. REPORTS FROM DEPARTMENT HEADS**

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

Councilman Womack requested that John Hopewell draft an ordinance that will require submittal of electronic copies of any maps to be brought to Planning and Zoning prior to meetings. He requested that they also be posted on the City website and viewed at council meetings on the projector.

**R. ADJOURNMENT**

The meeting was adjourned at 7:51 pm

**CERTIFICATION**

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

\_\_\_\_\_  
**Laura O'Brien, Mayor Pro Temp**

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 Pro Temp O'Brien and Council of the City of Zachary, Louisiana, held on Tuesday, June 28, 2016, a proper quorum being there and then present.

\_\_\_\_\_  
**Dana Poole, Clerk of the City Council**