

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, July 25, 2017, 6:30 P.M.**

A. CALL TO ORDER

Mayor Amrhein called the meeting to order at 6:30 p.m., on Tuesday July 25, 2017 at the Zachary City Hall located at 4700 Main Street, Zachary, LA

B. INVOCATION AND PLEDGE OF ALLEGIANCE

There was a motion made by Councilman Nezianya to accept the Invocation and the Pledge of the Allegiance from the previous meeting. The motion was seconded by Councilwoman O'Brien.

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 Womack

The motion was seconded by Councilman Nezianya

To remove G3A from the agenda.

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

NAYS: None

ABSENT: None

ABSTAINED: None

D. READING OF THE MINUTES

1. Minutes of the July 11, 2017 Regular Meeting.
The motion was made by Councilman Noel
The motion was seconded by Councilman Womack
To approve the Minutes of the July 11, 2017 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

Senator Rick Ward, III was present to speak to the Mayor and Council to give an update on the legislative session for 2017. He explained that the main topic of the session was the death penalty. Mayor Amrhein complimented Senator Ward for all he has done to help the City of Zachary.

F. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

- a. Pay request No. 2 – 2017 Road Rehabilitation (Phase 1)
The motion was made by Councilman Nezianya
The motion was seconded by Councilman Cavin
To approve a Pay request No. 2 – 2017 Road Rehabilitation (Phase 1) in the amount of \$66,764.27.
YEAS: Nezianya, Noel, O'Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED: None

- b. Pay request No. 2 – Pedestrian Pathways
The motion was made by Councilman Womack
The motion was seconded by Councilwoman O'Brien
To approve a Pay request No. 2 – Pedestrian Pathways in the amount of \$35,452.68.
YEAS: Nezianya, Noel, O'Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED: None

2. Sewer

- a. Pay request No. 3 – Sewer Rehabilitation Contract 7A
The motion was made by Councilman Noel

The motion was seconded by Councilman Nezianya
To approve a Pay request No. 3 – Sewer Rehabilitation Contract 7A in the amount of \$126,373.43.

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

3. Subdivision Inspections

4. Water and Gas Projects

G. PRESENTATION OF DELEGATIONS

1. Requests to Speak

- a. Senator Rick Ward, III – Give updates of the Legislative Session (Heard earlier in the meeting)

- b. Present Gas Utility Public Awareness
Meghan Whittington was present to present the City of Zachary's Utility Public Awareness Program to the Mayor and Council members.

The motion was made by Councilman Noel
The motion was seconded by Councilwoman O'Brien

To Accept the City of Zachary's Utility Public Awareness Program.

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

2. Hardship Waivers

3. Other Variances

- a. **Dosha Banguel – 4549 Avenue D-** To allow for a dirt pad under manufactured home instead of concrete pad as stated in the ordinance.
(This item was voted to be removed from the agenda earlier in the meeting)

- b. **Todd Kinchen – 2241 St. Andrews Avenue-** to operate a business office in home. (Build Me Something Mister, LLC- pool construction business)
The motion was made by Councilman Womack
The motion was seconded by Councilman Nezianya

To approve **Todd Kinchen – 2241 St. Andrews Avenue-** to operate a business office in home. (Build Me Something Mister, LLC- pool construction business)

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

c. **David Dayton – 20660 Plank Road** – To operate an office for his business out of home.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Cavin

To approve **David Dayton – 20660 Plank Road** – To operate an office for his business out of home.

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

d. **Sprint – 5875 Main Street, Suite D** – To allow for a larger sign that what is allowed in Section 5.301B.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve **Sprint – 5875 Main Street, Suite D** – To allow for a larger sign that what is allowed in Section 5.301B.

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

e. **Jett’s Food Mart #3 – 9645 Main Street** – to allow for canopy signage as required by Exxon and as shown on attached drawings.

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O’Brien

To approve **Jett’s Food Mart #3 – 9645 Main Street** – to allow for canopy signage as required by Exxon and as shown on attached drawings.

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 July 10, 2017 of the Planning Commission and the Minutes of the Regular meeting of July 10, 2017 of the Zoning Commission.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Cavin

To Receive Minutes of the Regular meeting of July 10, 2017 of the Planning Commission and the Minutes of the Regular meeting of July 10, 2017, of the Zoning Commission.

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

NAYS: None

ABSENT: None

ABSTAINED: None

2. Planning Matters REQUIRING a Public Hearing

- a. **Resubdivision-** Tract C-2-B-1-A-1 of the Marshall M. Hughes & Mrs. M.G. Hughes (Marigny Place) Tract into Tracts C-2-B-1-A-1-A through E (5 Tracts) Owner/Applicant: Zachary Property Development LLC (Carmen Erwin)

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:05 p.m. Randy Herring, 23221 Sunnyside Lane, Zachary, was present to speak in favor of the resubdivision. Brian Kuntz, 1450 Lake Point Ave., Zachary, was also present to speak in favor of the resubdivision. There being no one to speak against the resubdivision Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:19 p.m.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Noel

To approve a **Resubdivision-** Tract C-2-B-1-A-1 of the Marshall M. Hughes & Mrs. M.G. Hughes (Marigny Place) Tract into Tracts C-2-B-1-A-1-A through E (5 Tracts) Owner/Applicant: Zachary Property Development LLC (Carmen Erwin)

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-** Manufactured Home- (replacement) -Lot 43 of the Kennedy Subdivision (4549 Avenue D) Owner: Brenda Williams Applicant: Dosha N. Banguel

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:20 p.m. There being no one to speak in favor or against the conditional use permit Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:26 p.m.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Womack

To approve a **Conditional Use-** Manufactured Home- (replacement) -Lot 43 of the Kennedy Subdivision (4549 Avenue D) Owner: Brenda Williams

Applicant: Dosha N. Banguel

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

NAYS: None

ABSENT: None

ABSTAINED: None

- b. **Rezone-** Tracts C-2-B-1-A-1-B through E of the Marshall M. Hughes & Mrs. M.G. Hughes (Marigny Place) Tract (4 Tracts) – From RS to CS
Owner/Applicant: Zachary Property Development LLC (Carmen Erwin)

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:22 p.m. Randy Herring, 23221 Sunnyside Lane, Zachary, was present to speak in favor of the rezone. There being no one to speak against the rezone Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:23 p.m.

The motion was made by Councilman Cavin

The motion was seconded by Councilwoman O'Brien

To approve a **Rezone-** Tracts C-2-B-1-A-1-B through E of the Marshall M. Hughes & Mrs. M.G. Hughes (Marigny Place) Tract (4 Tracts) – From RS to CS

Owner/Applicant: Zachary Property Development LLC (Carmen Erwin)

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

NAYS: None

ABSENT: None

ABSTAINED: None

ALTER AGENDA

- d. **Rezone-** Tracts A, B & C of the Albert C. Mills Property- From AF to RS
Owner(s): W Resources, LLC- c/o Michael A.Worley Applicant(s):
Zachary Trails Land Company LLC c/o Evans-Graves Engineers, Inc.

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:23 p.m. Mike Clegg, 8714 Jefferson Hwy. Ste. B, Baton Rouge, La 70809, was present to speak in favor of the rezone. There being no one to speak against the rezone Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:26 p.m.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Noel

To approve a **Rezone-** Tracts A, B & C of the Albert C. Mills Property- From AF to RS Owner(s): W Resources, LLC- c/o Michael A.Worley Applicant(s): Zachary Trails

Land Company LLC c/o Evans-Graves Engineers, Inc.

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

NAYS: None

ABSENT: None

ABSTAINED: None

- c. **Rezone**- Tract D-2-B of the E. D. Annison Property- From AF to RS
 Owner(s): Edward and Carol Annison (Amy Schulze)
 Applicant(s): Zachary Trails Land Company LLC c/o Evans-Graves Engineers, Inc.

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:26 p.m. Mike Clegg, 8714 Jefferson Hwy. Ste. B, Baton Rouge, La 70809, was present to speak in favor of the rezone. There being no one to speak against the rezone Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:27 p.m.

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Cavin

To approve a **Rezone**- Tract D-2-B of the E. D. Annison Property- From AF to RS
 Owner(s): Edward and Carol Annison
 Applicant(s): Zachary Trails Land Company LLC c/o Evans-Graves Engineers, Inc.

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

Return to regular order

5. Zoning Matters NOT Requiring Public Hearing

- a. **Zone of Influence** – Subdivision of Lot L of the West Paul Property into 5 lots (1404 & 1428 Flonacher Road)
 The motion was made by Councilman Nezianya
 The motion was seconded by Councilman Cavin

To approve a recommendation of no object of **Zone of Influence** – Subdivision of Lot L of the West Paul Property into 5 lots (1404 & 1428 Flonacher Road)
 The Planning and Zoning Commission did not see this item before it came in front of the Council members.

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

6. Other Matters

J. APPROVE PAYMENT OF BILLS

K. BUDGET AND FINANCIAL MATTERS

- 1. Approval of Louisiana Compliance Questionnaire
 The motion was made by Councilman Womack
 The motion was seconded by Councilwoman O'Brien
 To approve the Louisiana Compliance Questionnaire.

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

L. OLD BUSINESS PENDING FOR FINAL ACTION

1. **Public Hearing and Final Adoption** of Ordinance 2017-10
ORDINANCE AUTHORIZING THE CITY OF ZACHARY TO
AMEND §1.302, §2.201 AND §2.301 OF THE UNIFIED
DEVELOPMENT CODE FOR THE CITY OF ZACHARY TO
PROVIDE FOR AMENDMENTS TO THE APPLICATION OF
PARCEL, RESIDENTIAL LOT, AND YARD STANDARDS
WITHIN THE CITY OF ZACHARY AND FOR OTHER MATTERS
IN FUTHERANCE OF THIS PROVISION

Mayor Amrhein declared a PUBLIC HEARING to be reopened at 7:36 p.m. There being no one to speak in favor or against the conditional use permit Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:40 p.m.

The motion was made by Councilman Noel

The motion was seconded by Councilwoman O'Brien

To approve a **Final Adoption** of Ordinance 2017-10 ORDINANCE AUTHORIZING THE CITY OF ZACHARY TO AMEND §1.302, §2.201 AND §2.301 OF THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF ZACHARY TO PROVIDE FOR AMENDMENTS TO THE APPLICATION OF PARCEL, RESIDENTIAL LOT, AND YARD STANDARDS 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

2. **Public Hearing and Final Adoption** Ordinance 2017-13 ORDINANCE 2017-13 AUTHORIZING THE CITY OF ZACHARY TO AMEND §10-13 OF THE CODE OF ORDINANCES FOR THE CITY OF ZACHARY TO PROVIDE FOR AMENDMENTS TO THE KEEPING OF HORSES WITHIN THE CITY OF ZACHARY AND FOR OTHER MATTERS IN FUTHERANCE OF THIS PROVISION

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:41 p.m. There being no one to speak in favor or against the conditional use permit Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:47 p.m.

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To approve a **Final Adoption** Ordinance 2017-13 ORDINANCE 2017-13 AUTHORIZING THE CITY OF ZACHARY TO AMEND §10- 13 OF THE CODE OF ORDINANCES FOR THE CITY OF ZACHARY TO PROVIDE FOR

AMENDMENTS TO THE KEEPING OF HORSES 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

3. **Public Hearing and Final Adoption of Ordinance 2017-14 ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO ACQUIRE TITLE TO CERTAIN IMMOVABLE PROPERTY**

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:47 p.m. There being no one to speak in favor or against the conditional use permit Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:49 p.m.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Nezianya

To approve a **Final Adoption of Ordinance 2017-14 ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO ACQUIRE TITLE TO CERTAIN IMMOVABLE PROPERTY**

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

M. OLD BUSINESS PENDING

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)

N. NEW BUSINESS

1. Request for authorization to advertise for bids for restrooms at the Youth Park

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Cavin

To approve a Request for authorization to advertise for bids for restrooms at the Youth Park.

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

2. Request for authorization to advertise for bids for 2017 Road Rehabilitation (Phase 2)

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve a Request for authorization to advertise for bids for 2017 Road Rehabilitation.

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

3. Ann Wallace – 21910 W.J. Wicker Road - Request for extension to end of February 2018 to allow the continued placement of FEMA trailer on site.

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To approve Ann Wallace – 21910 W.J. Wicker Road - Request for extension to end of February 2018 to allow the continued placement of FEMA trailer on site.

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

4. Request for amendment to approved Site Plan for Jett Enterprises, LLC to move retention pond within proposed development.

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O'Brien

To approve a Request for amendment to approved Site Plan for Jett Enterprises, LLC to move retention pond within proposed development.

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

1. **Review/Reports relative to Proposed/Active Condemnations**

P. REPORTS FROM DEPARTMENT HEADS

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

R. ADJOURNMENT

The meeting adjourned at 8:01 p.m.

CERTIFICATION

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

Ben Cavin, Mayor Pro Tempore

I, Dana LeJeune, 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 Tempore and Council of the City of Zachary, Louisiana, held on Tuesday, July 25, 2017, a proper quorum being there and then present.

Dana LeJeune, Clerk of the City Council