

MINUTES
For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, July 28, 2015, 6:30 p.m.

A. CALL TO ORDER

Mayor Amrhein called the meeting to order at 6:30 p.m., on Tuesday July 28, 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 Councilman Nezianya

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

D. READING OF THE MINUTES

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 July 14, 2015, and approve them as presented.

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

NAYS: None

ABSENT: None

ABSTAINED: None

E. HONORS, RECOGNITIONS AND INTRODUCTIONS

Chief David McDavid was present to introduce two new Zachary Police Officers. Erika Kelly, Police Communications Officer and Leonard Scott, Police Officer.

F. PRESENTATION OF DELEGATIONS

1. Requests to Speak

Jerry Spears, 535 East Mount Pleasant Road, Zachary, La was present to present a petition from the Mount Pleasant Homeowners Association. He spoke against the Introduction of an Ordinance #2014-07 pertaining to Petition of Annexation of East Mt. Pleasant Rd. & the remainder of the Marshall Bond Property – Located on Hwy. 61 & Hwy.64. He explains that the homeowners would like for Mount Pleasant Road to remain a state highway and not become a City of Zachary Highway. The Council agreed to accept the petition for the record and address it when the ordinance was introduced. The Introduction of Ordinance #2014-07 remains tabled.

2. Hardship Waivers

- a. . Hardship Renewal – Myrties Anderson – 22603 Old Scenic Hwy.
Zachary, La

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve a one-year renewal of a hardship waiver for Myrties Anderson, 22603 Old Scenic Hwy. Zachary, La

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

NAYS: None

ABSENT: None

ABSTAINED: None

3. Other Waivers

- a. Waiver Request – Joseph Brown – 20600 MacHost Road, Zachary, La

The motion was made by Councilman Cavin

The motion was seconded by Councilman Noel

Scott Masterson was present to speak regarding this waiver. He confirms that Mr. Brown turned in his plans without a bathroom. Joseph Brown 20600 MacHost Rd., Zachary, La was present to speak for the waiver. Mr. Brown addresses the council and explains that he is not out of character for asking to build this building. Mr. Brown has no design for connectivity between the main residence and the second building. Councilman Womack explains that the real issue at hand is the dirt that has been brought on to the property and has not been mitigated yet. Councilman Womack explains that the mitigation of the dirt needs to be addressed first before the project can be discussed. Mr. Brown asks the council that if the city is only asking for him to mitigate the dirt then how can the city not

allow him to pull his permit to build. Mr. Hopewell explains that the City was contacted by FEMA because of the dirt that had been brought in but not mitigated. The City of Zachary adopted FEMA statues as an ordinance in 2012. Councilman Cavin clarifies that the dirt was brought in after the ordinance was adopted. Councilman Nezianya suggest to Mr. Brown to not proceed with this issue until the first issue is resolved. Councilman Cavin asked Mr. Brown if he wanted to proceed with the vote and Mr. Brown said “Yes.”

To deny a waiver for Joseph Brown to connect electricity, water, and sewer to an additional detached building to be constructed in the back of his primary residence as a mother-in-law suite/garage.

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

- b. Waiver Request – Steve & Dianne Fletcher – 21363 WJ Wicker Road, Zachary, La

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O’Brien

Mayor Amrhein notes that Mr. Fletcher speaks with the Public Works Director, Chris Davezac and the Fire Chief to make sure that a fire truck can get down the road.

To approve Steve and Dianne Fletcher, 21363 WJ Wicker Road, Zachary, La, a “no frontage” waiver for Tract 8-B-1A-2.

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

- c. Occupational License – Johnny Caruso – 5355 Knight Drive Zachary, La Retail

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

Mr. Caruso was not present to speak.

To table the waiver for Johnny Caruso, 5355 Knight Drive, Zachary, La an occupational license to operate an online dating website in his home. Administrative work will only be done at this address.

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

4. Exceptions to Regulations – None were presented

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

H PLANNING & ZONING MATTERS-None were presented.

1. Receive Minutes of Planning Commission and Zoning Commission

2. Planning Matters REQUIRING a Public Hearing

a. Resubdivision – Ingrid Kelley – 4065 Little Farms, Zachary, La
Lot 1 and Lot 7 of the Harrells Place Tract into two new lots.

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:06 pm. Ingrid Kelly was present to speak if there were any questions. There being no one there to speak against Mayor Amrhein declared the public hearing to be closed at 7:08 pm.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve a resubdivision for – Ingrid Kelley – 4065 Little Farms, Zachary, La
Lot 1 and Lot 7 of the Harrells Place Tract into two new lots.

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

NAYS: None

ABSENT: None

ABSTAINED: None

b. Resubdivision – Rathbone – Tract D of the Barbara Carpenter Property
into two new lots - Tract D-1 and Tract D-2 (Chris Davezac)

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:08 pm. Brett Fitzgerald, the surveyor on record, 2461Rhododendron, Baton Rouge, La 70808 was present to speak if there were any questions. There being no one there to speak against Mayor Amrhein declared the public hearing to be closed at 7:09 pm.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve a resubdivision for Tract D of the Barbara Carpenter Property
into two new lots - Tract D-1 and Tract D-2

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 – Rathbone – Tract D of the Barbara Carpenter Property from AF (Agriculture/Forestry) to I (Industry). (Chris Davezac)

Mayor Amrhein declared a public hearing to be in session at 7:10 pm. Kate McArthur, 4633 Main Street, Zachary, La was present to speak for the rezone. There being no one there to speak against Mayor Amrhein declared the public hearing to be closed at 7:11 pm.

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O’Brien

To approve a Rezone - Rezone – Rathbone – Tract D of the Barbara Carpenter Property from AF (Agriculture/Forestry) to I (Industry).

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-None were presented.

J. BOOKKEEPING AND BUDGET CHANGES

K. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

- a. Mount Pleasant Blvd. Pay Estimate #9 – in the amount of \$236,595.05

The motion was made by Councilman Nezianya

The motion was seconded by Councilwoman O’Brien

To approve a pay estimate #9 in the amount of \$236,595.05 to R.J. Daigle & Sons Contractors, Inc. for the Mt. Pleasant Blvd. road improvements.

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

NAYS: None

ABSENT: None

ABSTAINED: None

- b. Contract Change Order – Mount Pleasant Blvd. /Barnett Road to LA Hwy 964
 - The motion was made by Councilman Womack
 - The motion was seconded by Councilman Cavin
 - To approve a Contract Change Order for the Mt. Pleasant Blvd. – Barnett Road to La Hwy 964 to decrease from \$577,365.00 to \$559,231.25
 - YEAS: Nezianya, Noel, O’Brien, Cavin, Womack
 - NAYS: None
 - ABSENT: None
 - ABSTAINED: None

- c. Request Street Sign – Placement of a street sign located on the West Side of Cypress Clear Court.
 - The motion was made by Councilman Cavin
 - The motion was seconded by Councilman Womack
 - To approve a placement of a street sign located on the west side of Cypress Clear Court.
 - 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.

2. Discussion and/or clarification of final adoption of amended Ordinance #2015-03 establishing a prevailing Ad Valorem Property Tax Millage Rate for the City of Zachary for the year of 2015 at 3.17 Mills at the July 15th Special meeting.

John Hopewell was present to clarify what was voted on. He ask the council if they adopted the Ordinance #2015-03 as amended for the year of 2015 to remain at 3.17 mils. The council agreed as yes.

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. Ratification of acceptance of a perpetual 15’ utility servitude agreement along and adjacent to Barnett Road from Hwy 64 / Mt Pleasant Blvd which runs across a portion of the Americana properties parallel to Barnett Road.
The motion was made by Councilman Womack
The motion was seconded by Councilman Noel
To approve a Ratification of acceptance of a perpetual 15’ utility servitude agreement along and adjacent to Barnett Road from Hwy 64 / Mt Pleasant Blvd which runs across a portion of the Americana properties parallel to Barnett Road.
YEAS: Nezianya, Noel, O’Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED : None
4. Request for and discussion regarding Council approval for the Mayor to negotiate and ultimately enter into a Cooperative Endeavor Agreement with Walmart for the construction of vehicular connection from the new Montegudo Boulevard Bypass (and/or Bob Odom Drive) in and unto the Walmart Supercenter for access – ingress and egress.
The motion was made by Councilman Noel
The motion was seconded by Councilman Nezianya
To approve the Mayor to negotiate and ultimately enter into a Cooperative Endeavor Agreement with Walmart for the construction of vehicular connection from the new Montegudo Boulevard Bypass (and/or Bob Odom Drive) in and unto the Walmart Supercenter for access – ingress and egress.
YEAS: Nezianya, Noel, O’Brien, Cavin, Womack
NAYS: None
ABSENT: None
ABSTAINED : None

CHANGE OF ORDER OF AGENDA:

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To move items O5 and O7 to last on the agenda.

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

NAYS: None

ABSENT: None

ABSTAINED : None

6. Approval of renewal of Special Counsel Contract for Michael D. Hebert (of Becker and Hebert) as counsel for City initiated annexations.

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve a renewal of Special Counsel Contract for Michael D. Hebert (of Becker and Hebert) as counsel for City initiated annexations.

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

NAYS: None

ABSENT: None

ABSTAINED : None

8. Request to go into executive session pursuant to LSA-R.S. 42: 17(2) to discuss the status of ongoing litigation- *Zachary Housing Partners, LLC advs. City of Zachary, et al-* # 613155 "Sec. 25" – 19th JDC EBR, SoL.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Womack

The motion passes with greater than two thirds majority vote to enter into executive session and to address item O9 immediately following.

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

NAYS: None

ABSENT: None

ABSTAINING: None

9. Request to go into executive session pursuant to LSA-R.S. 42: 17(2) to discuss the status of ongoing litigation- *Timothy Duncan vs. City of Zachary, et al-* # 461-2014-00030 – USDC- Middle Dist. Louisiana.

The motion was made by Councilman Noel

The motion was seconded by Councilman Womack

The motion passes with greater than two thirds majority vote to enter into executive session and to address item O9 immediately following.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Request to adjourn from executive session at 8:01 pm.

The motion was made by Councilwoman O'Brien

The motion was seconded by Council Womack

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

Request to return to regular meeting and agenda order.

The motion was made by Councilman Noel

The motion was made by Councilman Womack

To return to regular meeting and agenda order.

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

5. Discussion and request for approval to allow the Mayor to enter into a Special Council Contract with the DeCuir, Clark and Adams, LLP law firm to hire two of its attorneys - Winston DeCuir, Jr. and Michael Adams on the ongoing litigation- *Zachary Housing Partners, LLC advs. City of Zachary, et al-* # 613155 "Sec. 25" – 19th JDC EBR, SoL.

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve the Mayor to enter into a Special Council Contract with the DeCuir, Clark and Adams, LLP law firm to hire two of its attorneys - Winston DeCuir, Jr. and Michael Adams on the ongoing litigation- *Zachary Housing Partners, LLC advs. City of Zachary, et al-* # 613155 "Sec. 25" – 19th JDC EBR, SoL.

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

7. Discussion and request for approval to allow the Mayor to enter into a potential settlement on ongoing litigation- *Timothy Duncan vs. City of Zachary, et al-* # 461-2014-00030 – USDC- Middle Dist. Louisiana, pending outcome of executive session, if held and as may be required.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve the Mayor to enter into a potential settlement on ongoing litigation- *Timothy Duncan vs. City of Zachary, et al-* # 461-2014-00030 – USDC- Middle Dist. Louisiana, pending outcome of executive session, if held and as may be required.

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

P. REPORTS OF COMMITTEES/COMMISSIONS/BOARDS

None were presented

Q. REPORTS FROM DEPARTMENT HEADS

The motion was made by Councilman Nezianya
The motion was seconded by Councilman Cavin

To accept the Zachary Police Department Report dated January 1, 2015 – July 27, 2015

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

R. DISCUSSION OF BUSINESS NOT ON AGENDA

(No Action May Be Taken Unless Declared an Emergency)

Councilman Nezianya wanted to suggest that an ordinance be presented in regards to the grass that was cut in the city be blown onto the median or the side of the road. Mayor Amrhein expressed that it would be a hard ordinance to enforce but understood and suggested to give a try.

S. ADJOURNMENT

The meeting adjourned at 8:09 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, July 28, 2015, a proper quorum being there and then present.

Dana Poole, Clerk of City Council