

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, August 25, 2015, 6:30 P.M.**

A. CALL TO ORDER

Mayor Amrhein called the meeting to order at 6:30 p.m., on Tuesday August 25, 2015 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 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

D. READING OF THE MINUTES

The motion was made by Councilman Noel

The motion was second by Councilman Womack

To waive the reading of the minutes of the August 11, 2015 meeting and approve them as presented.

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

E. HONORS, RECOGNITIONS AND INTRODUCTIONS

F. PRESENTATION OF DELEGATIONS

1. Requests to Speak

Michael Clegg, 8714 Jefferson Hwy, Baton Rouge, La 70810 was present to speak to the Council to ask that the matter involving the Neighborhood Walmart be heard at the meeting that Walmart has requested, which is October 13, 2015, so that the members of the outfit and the citizens of Zachary can move on.

State Representative Regina Barrow, 6512 Vinyard Drive, Baton Rouge, La 70812 was present to introduce herself to the Council as the candidate for the Senate seat for District 15

2. Hardship Waivers – None were presented.

3. Other Waivers

- a. Occupational License – Rodney Ballard – 6153 Windwood Drive, Zachary, La - Retail

The motion was made by Councilman Noel

The motion was seconded by Councilman Nezianya

To approve Rodney Ballard 6153 Windwood Drive, Zachary, La an occupational license to operate a home maintenance and lawn care business from his home. Administrative work will only be done at this address.

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

- b. Waiver Request –James Graves 20123 Plank Road, Zachary, La

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve a waiver for James Graves 20123 Plank Road, Zachary, La for a dust free parking lot and landscaping restrictions

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

- c. Waiver Request – Scott Poirrier on behalf of AutoZone, Inc.- 5411 Main Street, Zachary, La

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve a waiver for Auto Zone, 5411 Main Street, Zachary, La on a previous stipulation for a cross access with the adjacent parking lot as part of their expansion project. Scott Poirrier, 4307 Bluebonnet Blvd., Baton Rouge, La was present to speak if any questions needed to be answered.

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

- a. Accept resignation letter from Dr. Scott Buzhardt from the Planning and Zoning Commission.

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Noel

To accept the resignation letter from Dr. Scott Buzhardt from the Planning and Zoning Commission.

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

- b. New appointment to the Planning and Zoning Commission

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Noel

To approve John Dry as the new appointment to the Planning and Zoning Commission.

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

H. PLANNING & ZONING MATTERS

1. Receive the August 3,2015 Minutes of the Zachary Planning Commission and August 3, 2015 Minutes of the Zachary Zoning Commission

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Womack

To approve the minutes of the August 3, 2015 Minutes of the Planning Commission and the August 3, 2015 Minutes 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. Conditional Use Permit – Gate City Food Mart, Inc.(formerly Lynn’s Food Mart) Lot 6-C-A of the Mrs. W.T. Wall Tract – 3840 Hwy 19, Zachary, La – Sale of alcohol

Mayor Amrhein declared a PUBLIC HEARING to be in session at 6:52 pm.

Abulfattah Saleh, 5805 Biscayne Street, Baker, La 70714 was present to speak in favor of the conditional use permit. There were none to speak against.

Mayor Amrhein declared the PUBLIC HEARING to be closed at 6:54 pm.

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To approve a conditional use permit for Gate City Food Mart, Inc.(formerly Lynn’s Food Mart) Lot 6-C-A of the Mrs. W.T. Wall Tract – 3840 Hwy 19, Zachary, La for the Sale of alcohol.

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

NAYS: None

ABSENT: None

ABSTAINED: None

- b. Conditional Use Permit – Diocese of Baton Rouge (St. John the Baptist Catholic Church) Lot 33-A of the Hopkins Heights Tract, 4727 McHugh Drive, Zachary, La-Daycare

Mayor Amrhein declared a PUBLIC HEARING to be in session at 6:55 pm.

Scott Masterson was present to speak for St. John the Baptist Catholic Church.

There were none to speak against. Mayor Amrhein declared the public hearing to be closed at 6:56 pm.

The motion was made by Councilman Noel

The motion was seconded by Councilman Cavin

To approve a Conditional Use Permit – Diocese of Baton Rouge (St. John the Baptist Catholic Church) Lot 33-A of the Hopkins Heights Tract, 4727 McHugh Drive, Zachary, La for a daycare Daycare.

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

- c. Resubdivision – Americana Development Company, LLC –
Phase 1 – Lots C-1, C-2, CA-2 and C-3 into Lots C-1-A, C-2-A, CA-2-A
and C-3-A.

Mayor Amrhein declared a PUBLIC HEARING to be in session at 6:56 pm. Chris Davezac was present to speak for the resubdivision. There were none to speak against. Mayor Amrhein declared the PUBLIC HEARING to be closed at 6:57 pm.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Womack

To approve a resubdivision of lots C-1, C-2, CA-2 and C-3 into C-1-A, C-2-A, CA-2-A and C-3-A.

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

- a. Mount Pleasant Blvd. Pay Estimate #10 – in the amount of \$309,494.68

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve pay estimate #10 in the amount of \$309,494.68 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

2. **Sewer** – None were presented.
3. **Subdivision Inspections**- 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

- a. Condemnation – 6417 Highway 19, Zachary, La 70791

The motion was made by Councilman Noel

The motion was seconded by Councilman Cavin

To add a property located at 6417 Highway 19, Zachary, La. to the condemnation list with conditions to verify that the municipal address matches with the address listed above.

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

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 until removed by Council).
Status Conference set in May.

Mayor Amrhein notified the council that Mr. Hugh Engels was subpoenaed to testify in court on this matter in October 2015

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. Consideration of Resolution to hire Administrative Consultant for the City of Zachary relative to Louisiana Community Development block grants

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To adopt a resolution of support to hire Administrative Consultant for the City of Zachary relative to Louisiana Community Development block grants.

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

NAYS: None

ABSENT: None

ABSTAINING: None

4. Consideration of Resolution to hire engineering services for the City of Zachary relative to Louisiana Community Development block grants.

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To adopt a resolution of support to hire engineering services for the City of Zachary relative to Louisiana Community Development block grants.

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

NAYS: None

ABSENT: None

ABSTAINING: None

5. Consideration of Resolution to authorize the Mayor to Sign Application for Funding under FY2016-FY2017 LCDBG Program.

The motion was made by Councilman Noel

The motion was seconded by Councilman Cavin

To adopt a resolution of support to authorize the Mayor to Sign Application for Funding under FY2016-FY2017 LCDBG Program

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

NAYS: None

ABSENT: None

ABSTAINING: None

6. Special Event Permit – Theresa D. Payment – Lane Regional Medical Center Foundation – Approval to host a craft beer tasting at the Code Red Chili Cook-Off on Saturday, September 26, 2015 at the Pointe of Americana.

The motion was made by Councilman Noel

The motion was seconded by Councilman Nezianya

To approve a waiver for Lane Regional Medical Center Foundation to host a craft beer tasting at the Code Red Chili Cook Off on Saturday, September 26, 2015 at the Pointe of Americana and to waive the fees for a special event permit. Contingent on ABC Board approval.

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

NAYS: None

ABSENT: None

ABSTAINING: None

7. Request for approval by Council for the Mayor to negotiate and if successful to enter into a Cooperative Endeavor Agreement with the Baton Rouge Community College for the use of the Zachary Youth Park softball field to become the home field for BRCC Women's NCAA softball games.

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O'Brien

To approve a request for approval by Council for the Mayor to negotiate and if successful to enter into a Cooperative Endeavor Agreement with the Baton Rouge Community College for the use of the Zachary Youth Park softball field to become the home field for BRCC Women's NCAA softball games.

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

NAYS: None

ABSENT: None

ABSTAINING: 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 Cavin

To approve the 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. A vote of greater than two thirds was met.

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

NAYS: None

ABSENT: None

ABSTAINING: None

At 7:50 pm, the Council returned to the Council Chamber, and

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Cavin

To re-convene the regular meeting.

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

(No Action May Be Taken Unless Declared an Emergency)

S. ADJOURNMENT

The meeting adjourned at 7:51 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, August 25, 2015, a proper quorum being there and then present.

Dana Poole, Clerk of City Council