

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, September 8, 2015, 6:30 P.M.**

A. CALL TO ORDER

Mayor Amrhein called the meeting to order at 6:30 p.m., on Tuesday September 8, 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 Councilman Cavin

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 Nezianya

The motion was second by Councilman Womack

To waive the reading of the minutes of the August 25, 2015 meeting and approve them with corrections made.

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

E. HONORS, RECOGNITIONS AND INTRODUCTIONS

Chief David McDavid was present to introduce Rebecca Neff who is the newest Police Communications Officer.

F. PRESENTATION OF DELEGATIONS

1. **Requests to Speak** – None were presented.
2. **Hardship Waivers** – None were presented.
3. **Other Waivers** - None were presented.
4. **Exceptions to Regulations**– None were presented.

G. ACTION MANDATED BY HOME RULE CHARTER

H. PLANNING & ZONING MATTERS

1. **Receive the Minutes of the Zachary Planning Commission and Minutes of the Zachary Zoning Commission** – None were presented.
2. **Planning Matters REQUIRING a Public Hearing** – None were presented.
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

1. Approve Accounts Payable in the amount of \$290,510.07 and the natural gas bill when it is received.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve accounts payable in the amount of \$290,510.07 and the natural gas bill when it is received.

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

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 #11 – in the amount of \$345,300.80

The motion was made by Councilman Womack

The motion was seconded by Councilman O'Brien

To approve pay estimate #11 in the amount of \$345,300.80 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

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.

Mr. Joseph Brown, 21254 MacHost Road, was present to speak regarding his daughter's property located at 20600 MacHost Road. He began by saying that he purchased a permit

in October 2014 for a detached outdoor kitchen. He said that when he purchased this permit he told Mr. Masterson that he was in a place that was wet and he may not get in there with concrete during the winter time because of the rain. He said that Mr. Masterson told him that in a case like this “I know you can’t build a school in eighteen months so I keep the permit open.” He said that Mayor Amrhein also told him that he could keep the permit open for eighteen months. He said that when he last spoke to Mr. Masterson he told him that the permit was expired. He said that he thought it was a valid permit. Mr. Brown said that in June people still could not cut their grass because it had rained so much. He said when it dried up he felt it was time to move and start on the project. Mr. Masterson was present to speak and approached the podium when Mayor Amrhein asked him to respond. Mr. Masterson said that when Mr. Brown purchased the permit he was told that by state law the permit was only good for six months. He said that Mr. Brown did not start the project for eight months therefore the permit was expired. Mr. Masterson said that in the meantime laws and codes have changed. Mr. Brown wanted to know why his neighbor got to bring in dirt and pour a slab and he couldn’t. Mr. Masterson said that you cannot compare a new residential construction permit that has progress with a residential permit that does not have progress. Councilman Neziyana asked Mr. Masterson if Mr. Brown has ever renewed his permit. Mr. Masterson said no. Councilman Neziyana asked Mr. Brown why did he not renew the permit and he replied saying he did not know that he had to because he thought it was good for eighteen months. Mayor Amrhein said that he told Mr. Brown he had to pull three six month permits and that’s where he got the eighteen months. Mayor Amrhein said that the reason the ordinance was created was because there is a house in Zachary that never was finished and a time limit needed to be put on permits. Councilman Cavin asked since Mr. Brown was not the property owner and the subpoena was issued to Mr. Brown’s daughter, Laurie Brown, should the council be speaking to Mr. Brown on this issue. He said that we should stop the discussion and move on. Councilwoman O’ Brien asked that at this point can Mr. Brown renew the permit. Mr. Masterson said that the issue now is that new laws have come into effect. He said to solve the problem right now Mr. Brown needs to mitigate the dirt. Councilman Noel said at this point he feels that because there is so much miscommunication Ms. Brown should be present to speak on this issue because she is the property owner and she is ultimately the one that will be penalized if there is a penalty. Mr. Brown asked what is the reason he cannot renew a permit. Mr. Masterson said because this issue is in court he would hate to see Mr. Brown have to take up the slab or the flood rating for the City go up. Therefore, he recommends that nothing should be done at this time.

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. Special Event Permit – Dr. Thais Perkins, President of the Regional Arts Council of Zachary, request to serve alcohol at the pavilion in the Historic Village at the 2015 Art Crawl on October 23, 2015 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 Noel

The motion was seconded by Councilman O'Brien

To approve a special event permit to Dr. Thais Perkins, President of the Regional Arts Council of Zachary, request to serve alcohol at the pavilion in the Historic Village at the 2015 Art Crawl on October 23, 2015 and request for resolution to waive section 6.103E of the Zachary Code of Ordinances pertaining to alcohol on City premises.

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

4. Council review and approval of a Memorandum of Understanding between The Recreation and Park Commission for the Parish of East Baton Rouge and The City of Zachary Police Department.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Cavin

To approve a Memorandum of Understanding between The Recreation and Park Commission for the Parish of East Baton Rouge and The City of Zachary Police Department.

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

5. Council review and approval of a Special Counsel Contract – Dale Baringer and The Baringer Law Firm, LLC – *Matthew Cannon vs Zachary Police Department, et al- #641343 19th JDC EBR, SoL.* (John Hopewell)

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve a Special Counsel Contract – Dale Baringer and The Baringer Law Firm, LLC – *Matthew Cannon vs Zachary Police Department, et al- #641343 19th JDC EBR, SoL.*

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

1. Approve Inspections Department Report for the month of August 2015.

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To approve the Inspections Department report for the month of August 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)**

S. ADJOURNMENT

The meeting adjourned at 7:00 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, September 8, 2015, a proper quorum being there and then present.

Dana Poole, Clerk of City Council