

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, September 27, 2016, 6:30 P.M.**

A. CALL TO ORDER

Mayor Amrhein called the meeting to order at 6:30 p.m., on Tuesday September 27, 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 Noel

C. OPENING PROCEDURES

1. ROLL CALL

MAYOR

Mayor David Amrhein

COUNCIL MEMBERS

Francis Nezianya – District 1

Brandon Noel – District 2

Laura O'Brien – District 3

Ben Cavin – District 4

ABSENT

Tommy Womack – District 5

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

1. Minutes of the September 13, 2016 Regular Meeting.
The motion was made by Councilman Noel
The motion was second by Councilwoman O'Brien
To waive the reading of the minutes of the September 13, 2016 regular meeting and approve them as presented.
YEAS: Nezianya, Noel, O'Brien, Cavin
NAYS: None
ABSENT: Womack
ABSTAINED: None

E. HONORS, RECOGNITIONS AND INTRODUCTIONS

- a. Recognition and presentation of plaque to Mark Martin for his years of service as a Planning and Zoning Commissioner

Mayor Amrhein recognized Mr. Mark Martin for his years of service to the Zachary Planning and Zoning Commission and presented him a plaque.

- b. Announcement of appointment of the new Planning and Zoning Commissioner

Mayor Amrhein announced the new Planning and Zoning appointment, Hunter Landry. Mr. Landry will replace Mr. Martin until his term expires.

F. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

- a. 2015 Road Rehabilitation Program Pay Estimate #6
The motion was made by Councilwoman O'Brien
The motion was second by Councilman Nezianya

To approve a pay estimate #6 2015 Road Rehabilitation Program in the amount of \$53,520.30 to RWB Contracting, LLC.

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

- b. 2016 Road Rehabilitation & Improvement Program Change Order #1
The motion was made by Councilman Nezianya
The motion was second by Councilman Cavin

To approve Change Order #1 2016 Road Rehabilitation & Improvement Program to RJ Daigle and Sons Contractors, Inc. in the amount of 23,611.01.

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

c. 2016 Road Rehabilitation & Improvement Program Pay Request #2

The motion was made by Councilwoman O'Brien

The motion was second by Councilman Cavin

To approve Pay Request #2 2016 Road Rehabilitation & Improvement Program in the amount of \$214,684.43 to RJ Daigle and Sons Contractors, Inc.

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

2. Sewer

a. Sanitary Sewer Collection System Improvements Pay Estimate Contract 6

The motion was made by Councilman Cavin

The motion was second by Councilwoman O'Brien

To approve Pay Estimate Contract 6 Sanitary Sewer Collection System Improvements in the amount of \$143,470.50 to Insituform Technologies

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

3. Subdivision Inspections

4. Water and Gas Projects

G. PRESENTATION OF DELEGATIONS

1. Requests to Speak

a. Ginger Honeycutt, 3302 Vernon Road, Zachary, La regarding issues with neighbor.

Ginger Honeycutt, 3302 Vernon Road, Zachary, La was present to give an update on the issues regarding her neighbor, Mr.Carmena. She explained that he has continued to violate the City ordinances and that he is still operating his business from his home. She also handed out, to the Mayor and Council, binders with pictures and documents regarding her property.

2. Hardship Waivers

3. Other Variances

- a. **The Little Gym** –to allow for a larger wall sign than allowed per UDC Table 5.301B

The motion was made by Councilman Cavin

The motion was seconded by Councilwoman O'Brien

To approve a Variance Request to **The Little Gym** to allow for a larger wall sign than allowed per UDC Table 5.301B.

YEAS: Nezianya, Noel, O'Brien, Cavin
NAYS: None
ABSENT: Womack
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 September 6, 2016 of the Planning Commission and the Minutes of the Regular meeting of September 6, 2016 of the Zoning Commission.**

The motion was made by Councilman Noel

The motion was seconded by Councilman Nezianya

To Receive Minutes of the Regular meeting of September 6, 2016 of the Planning Commission and the Minutes of the Regular meeting of September 6, 2016 of the Zoning Commission.

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

2. Planning Matters REQUIRING a Public Hearing

- a. Resubdivision- Preliminary Plat- Meadowview Subdivision- (Tract F-4 of the E.D. Annison Tract)

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:02 p.m. Amy Schulze was present to speak and explained that CSRS did make some changes to the Plat and that they still meet the UDC. She said this item did come with a favorable recommendation from the Planning and Zoning Commission. Travis Woodard, 6767 Perkins Rd. Ste. 200, Baton Rouge, La was present to speak in favor of the resubdivision. He explained that even though the changes to the plat were not mandatory they still wanted to improve some things. He explained that the pump station was moved, the green space was increased, and over all a better layout was formed. Jerry Spears, 535 E. Mt. Pleasant Rd., Zachary, La was present to speak against the resubdivision. He asked the council if all drainage studies had been turned in for this project and expressed his

concerns about the direction of the drainage. Mr. Woodard said that the drainage study that was provided explains all of the drainage for this project. There being no one else to speak against the item Mayor Amrhein declared a PUBLIC HEARING to be closed at 7:09 p.m.

The motion was made by Councilman Noel

The motion was second by Councilwoman O'Brien

To approve a Resubdivision- Preliminary Plat- Meadowview Subdivision- (Tract F-4 of the E.D. Annison Tract)

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

- b. Resubdivision- Remaining portion of the M.L. Harvey Tract into Tracts A, B, R, and 4-A (Americana)

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:10 p.m. Amy Schulze was present to speak and explained that this is one large tract and it needed to be resubdivided for future development. Andre, a representative from Stantec Consulting Services was present to speak in favor of the resubdivision. He explained that no plans have been made as of yet for the development. Mr. Guerin Wilford, 910 E. Mt. Pleasant Road, Zachary, La was present to speak against the resubdivision. He expressed his concerns about the drainage of the area and submitted pictures to the Mayor and Council. Mr. Andre commented that he would look at it. There being no one else to speak against the item Mayor Amrhein declared a PUBLIC HEARING to be closed at 7:14 p.m.

The motion was made by Councilwoman O'Brien

The motion was second by Councilman Cavin

To approve a Resubdivision- Remaining portion of the M.L. Harvey Tract into Tracts A, B, R, and 4-A (Americana)

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

3. Planning Matters NOT requiring a Public Meeting

4. Zoning Matters REQUIRING a Public Hearing

- a. Rezone- Lot A-4-A-1-A-3-B of the Wayne Bennett Tract- From CG to I
Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:16 p.m. Amy Schulze was present to speak and explained that this tract was previously a fence company and now would like to become a towing service. She explained that the council had previously gave a waiver regarding the buffer. She said that this item received a favorable recommendation from Planning and Zoning. Jeff Manchester, 21769 W.J. Wicker Road, Zachary, La was present to speak in favor of the rezone. He explained that he was standing in for the owner, who could not be present. There being no one to speak against the item Mayor Amrhein declared a PUBLIC HEARING to be closed at 7:121p.m.

The motion was made by Councilman Nezianya

The motion was second by Councilwoman O'Brien

To approve a **Rezone**- Rezone- Lot A-4-A-1-A-3-B of the Wayne Bennett Tract- From CG to I

YEAS: Nezianya, Noel, O'Brien, Cavin

NAYS: None

ABSENT: Womack

ABSTAINED: None

5. Zoning Matters NOT Requiring Public Hearing

6. Other Matters-Requiring a Public Hearing

- a. **Conditional Use Permit** - Hans Othmer, 6924 Lower Zachary Road, Zachary, La 70791 – To allow a home based business.

Mayor Amrhein declared the PUBLIC HEARING to be opened at 7:25 pm. Amy Schulze was present to speak and explain that this was a pressure washing business. She said that office work only was to be performed at this location. There being no one to speak in favor or against the conditional use permit Mayor Amrhein closed the PUBLIC HEARING at 7:26 pm.

The motion was made by Councilman Noel

The motion was second by Councilman Nezianya

To approve a **Conditional Use** to Hans Othmer, 6924 Lower Zachary Road, Zachary, La 70791 – To allow a home based business.

YEAS: Nezianya, Noel, O'Brien, Cavin

NAYS: None

ABSENT: Womack

ABSTAINED: None

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. Consideration of Resolution to authorize the Mayor of the City of Zachary to execute documents and agreements required in submission of project LGAP (FY2017-2018-Local Government Assistance Program) (Chris Calbert)

The motion was made by Councilman Cavin

The motion was second by Councilman Noel

To approve a Resolution to authorize the Mayor of the City of Zachary to execute documents and agreements required in submission of project LGAP (FY2017-2018-Local Government Assistance Program)

YEAS: Nezianya, Noel, O'Brien, Cavin

NAYS: None

ABSENT: Womack

ABSTAINED: None

2. Declaration of official times for Trick or Treat within the cooperate limits of the City of Zachary for the 2016 year.

The motion was made by Councilman Nezianya

The motion was second by Councilwoman O'Brien

To approve a Declaration of official times for Trick or Treat within the cooperate limits of the City of Zachary for the 2016 year as October 31, 2016 from 6:00 p.m. until 8:00 p.m.

YEAS: Nezianya, Noel, O'Brien, Cavin

NAYS: None

ABSENT: Womack

ABSTAINED: None

3. **Adoption** of Ordinance 2016-17 to Amend Zachary Code of Ordinances and UDC relating to Notice Requirements and submissions of matters to Planning & Zoning and City Council. (John Hopewell)
(Suspended at the September 13, 2016 meeting)

Mayor Amrhein declared the PUBLIC HEARING to be reopened at 7:33 pm. John Hopewell was present to speak and noted the changes that were made to the final draft regarding the electronic format. There being no one to speak in favor or against Mayor Amrhein closed the PUBLIC HEARING at 7:26 pm.

The motion was made by Councilman Cavin

The motion was seconded by Councilwoman O'Brien

To approve the **Adoption** of Ordinance 2016-17 to Amend Zachary Code of Ordinances and UDC relating to Notice Requirements and submissions of matters to Planning & Zoning and City Council.

YEAS: Nezianya, Noel, O'Brien, Cavin

NAYS: None

ABSENT: Womack

ABSTAINED: None

4. Notice of Intent to **Introduce** and **Adopt** Ordinance 2016-21
ORDINANCE TO FIX THE ANNUAL PROPERTY MILLAGE RATE FOR 2016 AND TO ESTABLISH THE RATE OF TAXATION AND LEVY A TAX IN THE AMOUNT OF 5.48 MILS TO DEFRAY EXPENSES OF OPERATION OF THE CITY GOVERNMENT FOR ALL GENERAL PURPOSES FOR THE YEAR 2016 ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF ZACHARY AND TO PROVIDE THE COLLECTION OF THE SAME AND FOR OTHER MATTERS IN CONNECTION THEREWITH

John Hopewell was present to speak and announce the intent to Introduce and Adopt the new millage rate for the 2016 year. He said the introduction will be held at the October 11, 2016 meeting and Adoption will be held at the November 9, 2016.

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

P. REPORTS FROM DEPARTMENT HEADS

Amy Schulze was present to speak to the Mayor and Council regarding complaints residents bringing in dirt to their properties. She explained that to mitigate your property you must use existing dirt and you cannot bring dirt in from another area. She also explained that while there have been no issues with mobile homes within the City that have been brought in by FEMA there are travel trailers that are a problem. She explained that residents that are using travel trailers must come to the Planning and Zoning Department and apply for a conditional use permit.

John Hopewell was present to speak regarding the Ordinance 2016-18 and said it would be on the agenda for adoption at the October 11, 2016 meeting. He also explained that the thirteen Occupational Licenses that are delinquent will be tried on November 9, 2016 and they will be done all in one day if possible.

Q. DISCUSSION OF BUSINESS NOT ON AGENDA

(No Action May Be Taken Unless Declared an Emergency)

R. SPECIAL EXECUTIVE SESSION, IF ANY

S. ADJOURNMENT

The meeting was adjourned at 7:49 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 27, 2016, a proper quorum being there and then present.

Dana Poole, Clerk of the City Council

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