

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, November 10, 2015, 6:30 P.M.**

A. CALL TO ORDER

Mayor Amrhein called the meeting to order at 6:30 p.m., on Tuesday November 10, 2015 at the Zachary City Hall located at 4700 Main Street, Zachary, LA.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation by Councilwoman O'Brien
Pledge of Allegiance by Girls Scout Troop 10161

Mayor Amrhein thanked the Girls Scouts for attending the meeting.

C. OPENING PROCEDURES

1. ROLL CALL

MAYOR

David Amrhein

COUNCIL MEMBERS

Francis Neziyana – 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 Noel

To waive the reading of the minutes of the October 27, 2015 Regular and October 29, 2015 Special Meeting, and approve them with corrections made from Councilman Noel on the October 29, 2015 Special Meeting.

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

NAYS: None

ABSENT: None

ABSTAINED: None

2. Amend the minutes of the August 11, 2015 meeting regarding a Resubdivision for Richard Blalock, 4220 Vernon Street, Zachary, La. The minutes should reflect Lot 3 and not Lot 4.

The motion was made by Councilman Womack

The motion was second by Councilman Cavin

To Amend the minutes of the August 11, 2015 meeting regarding a Resubdivision for Richard Blalock, 4220 Vernon Street, Zachary, La. The minutes should reflect Lot 3 and not Lot 4.

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

NAYS: None

ABSENT: None

ABSTAINED: None

E. HONORS, RECOGNITIONS AND INTRODUCTIONS

Mayor Amrhein announced that Pack the Pantry would be held on Friday, November 13, 2015 in the parking lot at the City Hall. He explained that this was the food pantry's biggest fundraiser and asked for everyone who could support the fundraiser to please do so.

F. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. **Street/Road Projects**-None were presented.
2. **Sewer**-None were presented.
3. **Subdivision Inspections**-None were presented.
4. **Water and Gas Projects**-None were presented.

G. PRESENTATION OF DELEGATIONS

1. Requests to Speak

Bertha Stewart, 3429 Karen Elizabeth, Zachary, La was present to speak to ask the Council for a waiver to operate a Bakery from her home. Mayor Amrhein explained to her that his daughter in law just went through this process and that she had to get approval from the Department of Health and Hospitals. He said that a grease trap would possibly need to be installed at her home. He explained that this was a costly process and said that the City and City Inspector would do anything they could to help her. He recommended that no action be taken until she was approved by DHH.

David Gaines, 17498 Old Scenic Hwy. Zachary, La was present to give an update to Mayor Amrhein and the Council on the Z Depot Café. Mr. Gaines told them that he planned to fund the project with \$120,000. He said that he went to Chappaqua Station, NY and saw a project similar to what he would like to do in Zachary. He named an architect, a project manager, and a liaison to work with the City and the Historical Board. He said he plans to finance the project in cash and not have any loans.

Matthew Estopinal, 2073 Cloverdale Ave., Baton Rouge, La of Ferris Engineering was present to speak on behalf of Mr. Gaines to explain that the sewer work that was done in the first Phase of The Quarters in Coppermill was ran based on the assumption that Phase II would be developed and sold but that did not happen. Mr. Gaines explained that the sewer runs through a temporary servitude that he recognizes as a permanent servitude. Councilman Noel clarified that this property is considered as one lot and not eighteen lots and recommended that Mr. Gaines go back to Planning and Zoning. Councilman Noel said he would like to get back together with Mr. Gaines and discuss what was talked about between the six and ten lots and how it could work and why it hasn't worked.

2. Hardship Waivers

a. Hardship Request – Darla Miley Palmer – 3111 Ramey Drive, Zachary, La

The motion was made by Councilman Cavin

The motion was seconded by Councilman Noel

Mr. Gaines, 17498 Old Scenic Hwy., Zachary, La was present to speak in favor of the hardship request. He explained that he employs Mr. Daniel Lungsford and that Mr. Lungsford had gotten into a bad car wreck on McHost Road. Scott Masterson was present to explain that the area of this lot is in the older part of the subdivision and there are other mobile homes in the area. Councilman Noel states that he does not recall ever granting a new hardship waiver. Councilman Neziyanya asked Mr. Masterson if this address is connected to Hunters Point Subdivision. Mr. Masterson said that it is and it is in the older part of the subdivision and is separated by a fence. Councilman Cavin asked Mr. Masterson what standards have to be met to connect the sewer and the electricity. He replied that travel trailers are self- contained and the electricity would be connected to an existing service. The sewer would be tapped into an existing line. Councilman Womack asked Mr. Belt if he owned the property and he replied that he did not own the property but his sister in law, Darla Miley Palmer, owned the property. Ms. Palmer was not present to speak. Councilman Womack said the council could not grant a waiver unless the applicant was

present. Councilman Noel said that this was not a typical hardship that they see. He said the type they usually see are about children or elderly people that need assistance with caregiving. Councilwoman O' Brien asked where Mr. Lungsford was living at this time and Mr. Gaines answered that he lives in his suite temporarily. Councilwoman O' Brien asked Mr. Gaines what steps were being taken for the future if this was only temporary. Mr. Gaines replied that his plans were for him to live in an apartment on his property. Councilman Cavin asked Mr. Masterson if there was anything in our Codes of Ordinances that explained the difference between a travel trailer and a mobile home. He replied that the difference would be that a mobile home is permanent and explained the difference on elevation. Councilman Nezianya asked Mr. Gaines what was the future plan. Mr. Gaines replied that maybe he would build a house there or that he would live in the apartment at his residence. Councilwoman O'Brien expressed that she appreciates Mr. Lungsford's progress but feels that a FEMA trailer was not good for the surrounding residents. Councilman Cavin also expressed that he appreciates what Mr. Lungsford has gone through and his progress but explained that when the council makes their decisions it sets precedence and what they do for one person they have to do for all and so they have to look outside of what effects just him. Councilman Noel noted again that this council has not granted a new hardship request and it is not a typical hardship that has been presented.

To deny a hardship waiver to Darla Miley Palmer to allow a travel trailer as a second residence at - 3111 Ramey Drive, Zachary, La for a period of two years.

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

3. **Other Waivers**-None were presented

4. **Exceptions to Regulations**-None were presented

H. ACTION MANDATED BY HOME RULE CHARTER

PLANNING & ZONING MATTERS

1. **Receive Minutes of the October 5, 2015 Regular and the October 19, 2015 Special meetings of the Planning Commission and the Minutes of the October 5, 2015 Regular meeting of the Zoning Commission.**

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To Receive Minutes of the October 5, 2015 Regular and the October 19, 2015 Special meetings of the Planning Commission and the Minutes of the October 5, 2015 Regular meeting 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. Zone of Influence- the Proposed Lots 1-A & 1-B of the Mrs. A. R. Mills property.

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

Michele Mortenson was present to speak to the council to explain that this property is outside of the City limits of Zachary. She explained that the mobile home had been at this address for over a year. She told the council that her husband’s aunt lives there and they are the caregivers of her. She asked for the Zone of Influence so that the family would not have to continue to get a hardship waiver from East Baton Rouge Parish every year.

To approve a Zone of Influence- the Proposed Lots 1-A & 1-B of the Mrs. A. R. Mills property.

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**-None were presented.

J. APPROVE PAYMENT OF BILLS

- 1. Approve Accounts Payable and the natural gas bill when it is received.

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

To approve accounts payable in the amount of \$311,063.25 and the natural gas bill when it is received.

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

K. BOOKKEEPING AND BUDGET CHANGES-None were presented.

L. OLD BUSINESS PENDING FOR FINAL ACTION-None were presented.

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.

Mr. Hopewell announced that everyone had received notice of the status hearing which is to be held on November 18, 2015 at 1:00 pm.

N. 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 the Cherry Boudreaux Memorial Garden. (Sharon Phillips)

Sharon Phillips, 1855 Royal Troon Court, Zachary, La was present to speak in regards to the Cherry Boudreaux Memorial Gardens. Mrs. Phillips explained that Mrs. Boudreaux’s family approached her after her death to ask if it would be possible to create a memorial garden behind the Zachary Depot in her honor. She said that Mrs. Boudreaux served on the first Beautification Committee and gardening was one of her passions. She said the City has surveyed the property behind the Depot and found that it does belong to the City of Zachary and the memorial would be located on the City’s property. She explained that there are private and public partners that have funded the project. Councilman Nezianya asked if there was a sign that was going to be placed there saying “Welcome To Zachary”. Mrs. Phillips replied that it would be a sundial. She explained that this garden would be a plus to the City property. Councilman Womack asked if any City money would go to this project and Mrs. Phillips replied that no money will come from the City. Councilman Nezianya asked Mrs. Phillips who will maintain this garden and she replied that the City will maintain the garden.

The motion was made by Councilwoman O’Brien
The motion was seconded by Councilman Womack

To approve the construction and move forward with the Cherry Boudreaux Memorial Garden.

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

Mayor Amrhein announced that reports have been made that someone was sleeping in the caboose at night. He explained that the City does not have the money to fix the caboose. He said that it has been vandalized and would like to get rid of it. Mr. Hopewell said it could be sent to surplus.

4. Discussion of 2012 Waste Management Contract annual CPI rate adjustments for 2015-2016.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve the 2012 Waste Management Contract annual CPI rate adjustments for 2015-2016 and to raise the rates \$1.00 per customer.

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

5. Notice to Mayor and Council pursuant to §6 (C) of Act 557 of approved & adopted changes to the Municipal Civil Service Rules regarding §§5.1(C) and 9.2(A) paragraphs 5, 6 & 7.

Mr. John Hopewell was present to make the Mayor and Council aware of the adopted changes to the Municipal Civil Service Rules. He explained that the Council did not have to take any action on this item.

6. *Condemnation Hearing on Rule to Show Cause to Ms. Janet Ryals Smith regarding Condemnation of 6417 Hwy 19, Zachary, LA 70791; Lot I-2 LUTSCHG S/D, City of Zachary, State of Louisiana.*

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O'Brien

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:27 pm. Mr. Scott Masterson was present to speak and said that originally the owners wanted to tear the structure down but since has made improvements to the building. He said no permits have been pulled as of to date. Mr. Masterson commented that he needs to go inside to be able to give a complete inspection on the building. Mr. Hopewell recommended tabling this item since no one was present to speak.

There being no one to speak in favor or against Mayor Amrhein declared a PUBLIC HEARING to be closed at 7:32 pm.

To table the *Condemnation Hearing on Rule to Show Cause to Ms. Janet Ryals Smith regarding Condemnation of 6417 Hwy 19, Zachary, LA 70791; Lot I-2 LUTSCHG S/D, City of Zachary, State of Louisiana.*

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

Mr. Hopewell was present to speak in regards to item N7. He explained that the Council needed to act upon the last part of the action stated in the ordinance which was to approve the resolution before adopting the ordinance. Mr. Hopewell read the resolution into the minutes.

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve a resolution providing for canvassing the returns and declaring the results of the special election held in the City of Zachary, State of Louisiana, on Saturday, October 24, 2015, to authorize the levy of a 5% hotel occupancy tax.

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

7. Adoption of Ordinance #2015-11 - Ordinance authorizing the City of Zachary to levy up to a five (5%) percent hotel occupancy tax within the City of Zachary if approved by the voters by election on October 24, 2015 and for other matters in furtherance of these provisions.

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:36 pm. Mayor Amrhein, 2565 Rollins Road, Zachary, La spoke in favor of the ordinance. He explained that the money that will be received will be between \$135,000 to \$145,000. He said the money will be used to continue to improve the ballpark. There being no one else to speak in favor or against the adoption of the ordinance Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:39 pm.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To Adopt Ordinance #2015-11 – An ordinance levying within the City of Zachary, State of Louisiana, effective January 1, 2016, a tax of five percent (5%) upon the rent or fee charged for the assessment, collections, payment and dedication of the proceeds of such a tax and the purposes for which the proceeds of the tax may be expended.

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

O. REPORTS FROM DEPARTMENT HEADS

1. Inspections Department

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve the Inspections Department reports for the month of October 2015.

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

P. DISCUSSION OF BUSINESS NOT ON AGENDA

(No Action May Be Taken Unless Declared an Emergency)

Mayor Amrhein announced to the council that when the information for the sales tax comes in Steve nunnery will inform them.

Councilman Noel asked for clarification on the items that will be on the agenda in December and how items will be affected being that there is only one meeting in December. Mr. Hopewell explained that only the time sensitive items will be on the agenda and the other items will be on the January agenda.

Q. ADJOURNMENT

The meeting adjourned at 7:47 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, November 10, 2015, a proper quorum being there and then present.

Dana Poole, Clerk of the City Council