

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, December 08, 2015, 6:30 P.M.**

A. CALL TO ORDER

Mayor Amrhein called the special meeting to order at 6:30 p.m., on Tuesday December 08, 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

Ben Cavin – District 4

Tommy Womack – District 5

ABSENT

Laura O'Brien – District 3

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

The motion was made by Councilman Noel

The motion was seconded by Councilwoman O'Brien

To alter the agenda and move item N6 up to N1

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

NAYS: None

ABSENT: None

ABSTAINED: None

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 November 24, 2015 regular Meeting and approve them as presented.

YEAS: Nezianya, Noel, Cavin, Womack

NAYS: None

ABSENT: None

ABSTAINED: O'Brien

E. HONORS, RECOGNITIONS AND INTRODUCTIONS.

F. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

2. Sewer

3. Subdivision Inspections

4. Water and Gas Projects

G. PRESENTATION OF DELEGATIONS

1. Requests to Speak

2. Hardship Waivers

3. Other Variances

a. Vineyard Christian Fellowship of Zachary – 3204 Hwy 19, Zachary, La –
Minimum area of parcel proposed for development shown in Table 2.204.

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O'Brien

To approve Vineyard Christian Fellowship of Zachary – 3204 Hwy 19, Zachary, La – Minimum area of parcel proposed for development shown in Table 2.204.

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

- b. Vineyard Christian Fellowship of Zachary – 3204 Hwy 19, Zachary, La – Minimum area of parcel proposed for Resubdivision for minimum side setbacks shown in Table 2.601.

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To approve Vineyard Christian Fellowship of Zachary, 3204 Hwy 19, Zachary, La – Minimum area of parcel proposed for Resubdivision for minimum side setbacks shown in Table 2.601.

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

- 2. **Planning Matters REQUIRING a Public Hearing**

- a. **Resubdivision-** Tract C-1 of the A.C. Mills Estate and an un-numbered Tract of the J.B. Shellmire Tract into Tracts C-1-A, C-1-B, C-1-C.

Mayor Amrhein declared a PUBLIC HEARING to be in session at 6:39 pm. Mr. Wilmer Mills, 22552 Old Scenic Hwy., Zachary, La was present to speak in favor of the Resubdivision. He explained that he was working on his estate planning. There being no one to speak against the resubdivision Mayor Amrhein declared a PUBLIC HEARING to be closed at 6:41 pm.

The motion was made by Councilman Noel

The motion was seconded by Councilman Nezianya

To approve a resubdivision of Tract C-1 of the A.C. Mills Estate and an un-numbered Tract of the J.B. Shellmire Tract into Tracts C-1-A, C-1-B, C-1-C.

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

- b. **Resubdivision** – Final Plat of Campbell Crossing being a tract of the Mollie Loudon Property (8511 Main Street)

Mayor Amrhein declared a PUBLIC HEARING to be in session at 6:42 pm. Mr. Ken Jones, P.O. Box 720, St. Francisville, La was present to speak in favor of the resubdivision. Mr. Jones represents the Campbell family and explained that the tract needed to be resubdivided into tracts to sell for future commercial use .There being no one to speak against the resubdivision Mayor Amrhein declared a PUBLIC HEARING to be closed at 6:43 pm.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve a resubdivision of the Final Plat of Campbell Crossing being a tract of the Mollie Loudon Property (8511 Main Street)

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

- c. **Resubdivision-** Lot C-7 and remaining property of the M.L. Harvey Tract into Tract P and remaining property.

Mayor Amrhein declared a PUBLIC HEARING to be in session at 6:45 pm. Mr. Jerry Spears, President of the HOA for Pt. Hudson Mt. Pleasant Rd., Zachary, La was present to speak against the resubdivision. Mr. Spears explained that there have been drainage issues that need to be taken care of by the developer of Americana and therefore he asked the council to vote against the resubdivision until these issues were corrected. Mr. Charles Landry, 100 North Street, Baton Rouge, La was present to speak in favor for the resubdivision. Mr. Landry explained that this resubdivision was for the senior living facility only and had nothing to do with any drainage issues. He explained that a detention pond and drainage improvements had been added on the East side of Mt. Pleasant Rd. He said that this was a pre-existing problem and that they would try to improve the drainage issues but not eliminate it. There being no one else to speak Mayor Amrhein declared the PUBLIC HEARING to be closed at 6:49 pm.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Cavin

To approve a resubdivision of Lot C-7 and remaining property of the M.L. Harvey Tract into Tract P and remaining property.

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

3. **Planning Matters NOT requiring a Public Meeting**

- a. **Zone of Influence-** Tract A-1-A-1 of the Former Freddie Robinson Property into A-1-A-1-A, A-1-A-1-B, A-1-A-1-C. and A-1-A-1-D.

The motion was made by Councilman Noel

The motion was seconded by Councilman Womack

To approve a Zone of Influence for Tract A-1-A-1 of the Former Freddie Robinson Property into A-1-A-1-A, A-1-A-1-B, A-1-A-1-C. and A-1-A-1-D. The letter should include the concerns regarding the all-weather excess, adequate turnaround for emergency vehicles, extension of water lines.

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

4. Zoning Matters REQUIRING a Public Hearing

5. Zoning Matters NOT Requiring Public Hearing

6. Other Matters

J. APPROVE PAYMENT OF BILLS

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

 The motion was made by Councilman Cavin

 The motion was seconded by Councilman Womack

To approve accounts payable in the amount of \$378,176.19 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

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.

Addendum to the Agenda

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.
(Tabled from the November 24, 2015 meeting)

Scott Masterson was present to speak and reported that as of that day he had not been contacted by the property owner to do an inspection on the property. Mayor Amrhein suggested to the council to give the owner ninety days to clean up the property and to appear at the February 23, 2016 council meeting.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To table the item until the February 23, 2016 council meeting. Mr. Hopewell will send the property owner a letter to inform them of this matter.

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

NAYS: None

ABSENT: None

ABSTAINED: None

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)

ALTER AGENDA

6. Request for a show of support of proposed changes to the Master Plan and the proposed annexation and subsequent rezoning of Americana Crossing and Americana North Property.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Nezianya

To approve a request for a show of support **RESOLVED** that upon consideration of the proposed changes to the Americana Master Plan submitted to the Council by Developer (a) single family detached lots are permitted uses within the UC rezoning designation (including the former multi-family site); (b) residential eldercare facility proposed within the RS zoning area within Americana is a permitted use and the exterior design submitted by Developer is accepted as residential in character; and (c) the proposed community garden and farmer's market is a permitted use with RS zoning designation, all without the need for any further rezoning of the Americana property; and

FURTHER RESOLVED, based on the information provided by ELD to the Council and subject to the adherence of all requirements of the UDC related to the Americana Crossing

Project, the Council supports the future annexation of the Americana Crossing Property and the proposed Americana Crossing Project; and

FURTHER RESOLVED, based on the information provided by EV to the Council and subject to the adherence of all requirements of the UDC regarding the Americana North Project, the Council supports the future annexation of the Americana North Property and the proposed Americana North Project.

BE IT FURTHER RESOLVED that the City is hereby authorized to carry out the directives of this Resolution and the Mayor and/or the City Attorney shall have the authority to execute any other documents reasonably requested by the Developer, ELD and EV in furtherance of this Resolution.

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

4. Introduction of Ordinance #2015-13 – ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTY OWNED BY THE ZACHARY POLICE DEPARTMENT DECLARED TO BE SURPLUS AND ALLOWING FOR THE DONATION AND/OR DISPOSAL OF SAME AND FOR OTHER MATTERS IN FURTHERANCE THEREOF.

 The motion was made by Councilman Womack

 The motion was seconded by Councilman Cavin

To approve the Introduction of Ordinance #2015-13 – ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTY OWNED BY THE ZACHARY POLICE DEPARTMENT DECLARED TO BE SURPLUS AND ALLOWING FOR THE DONATION AND/OR DISPOSAL OF SAME AND FOR OTHER MATTERS IN FURTHERANCE THEREOF.

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

5. Introduction of Ordinance #2015-14 - ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTY OWNED BY THE CITY OF ZACHARY DECLARED TO BE SURPLUS AND ALLOWING FOR THE DISPOSAL OF SAME AND FOR ANY OTHER MATTERS IN FURTHERANCE THEREOF.

 The motion was made by Councilman Womack

 The motion was seconded by Councilman Noel

To approve/deny Introduction of Ordinance #2015-14 - ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTY OWNED BY THE CITY OF ZACHARY DECLARED TO BE SURPLUS AND ALLOWING FOR THE DISPOSAL OF SAME AND FOR ANY OTHER MATTERS IN FURTHERANCE THEREOF.

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

3. Introduction of Resolution of the Multi-Jurisdictional Program of Public Information.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve the Introduction of Resolution of the Multi-Jurisdictional Program of Public Information.

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

RETURN TO REGULAR AGENDA ORDER

7. Notice of intent to introduce an Ordinance Authorizing the City of Zachary to amend Section 13.503 of the Unified Development Code of the City of Zachary to rename the Site Plan Review Committee to the Technical Review Committee, to change the purpose and composition of the committee and for all other matters in the furtherance of this provision.

Amy Schultz was present to speak. She explained that this is one of the items that needed to be changed in the UDC. She explained that the Site Plan Review Committee should be renamed to the Technical Review Committee. Mrs. Schultz explained that meeting is just a technical meeting and the council and planning and zoning will still hear the item. She explained that she would like to eliminate one councilman and one planning and zoning person from the Technical Review meeting and she would attend the meetings on their behalf. Mayor Amrhein said that this process would help to clear a lot of issues up before the item goes to planning and zoning and then to council. Councilman Nezianya agreed and appreciated Mrs. Schultz for informing the planning and zoning committee before the council on this issue. Councilman Cavin said he had no problem with Mrs. Schultz representing the council. Councilman Noel also appreciated Mrs. Schultz for the improvements to the process so far.

8. Notice of intent to introduce an Ordinance Authorizing the City of Zachary to amend Section 14.507 of the Unified Development Code of the City of Zachary to allow for certain changes to components of the decision criteria to be used for variance determination & issuance and for all other matters in the furtherance of this provision.

John Hopewell was present to speak. He explained that Section 14.507 of the UDC was too strict and would like to suggest making certain changes. He explained that at the previous planning and zoning meeting he spoke to the commissioners about this section and asked them to present their ideas as well as the councils' ideas. Councilman Womack

said he would like to see their ideas as well as Councilman Noel. Mrs. Schulze referred to Clairmont Subdivision as an example of why these changes need to be made.

9. Notice of intent to introduce an Ordinance Authorizing the City of Zachary to amend Section 14.801 and Section 14.802 of the Unified Development Code of the City of Zachary to eliminate the necessity for textual amendments to the Unified Development Code be first heard by report from Planning and Zoning prior to any City Council hearing and for all other matters in the furtherance of this provision.

John Hopewell was present to speak. He explained to the council that the planning and zoning commission expressed holding a workshop to discuss the changes to the UDC that are being presented. Mr. Hopewell asked the council to send any concerns to himself or Mrs. Schulze before the first meeting in January 2016. The workshop would be held to discuss reoccurring issues. Councilman Noel said he would like all ordinances' be separate. Councilman Cavin said he does not want to draw a line between council and planning and zoning.

10. Notice of intent to introduce an Ordinance Authorizing the City of Zachary to rename Highway 64 to "Mount Pleasant Boulevard".

John Hopewell was present to speak. He explained that this was not to introduce an ordinance. There was discussion on the name change and also other roads that have alternate names. Mrs. Schultz is working to make corrections with several roads that are in question with all systems.

O. REPORTS FROM DEPARTMENT HEADS

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O'Brien

To accept the report from the Inspections Department for November 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 that Zaxby's will open on December 21, 2015 and Councilman Noel announced that Councilman Cavin would be expecting his second child over the holidays.

Q. ADJOURNMENT at 7:55 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, December 08, 2015, a proper quorum being there and then present.

Dana Poole, Clerk of the City Council